

Doctoral Dissertation

**The Changing Face of Reform: Roman Ideals and Central European Reflections
following the Fourth Lateran Council**

By: Igor Razum

Supervisor(s):

Daniel Ziemann
Gábor Klaniczay

Submitted to the Medieval Studies Department of the
Central European University Private University, Vienna

in partial fulfillment of the requirements
for the degree of Doctor of Philosophy in Medieval Studies

Vienna, Austria
2023

TABLE OF CONTENTS

Acknowledgments.....	iii
List of figures	v
List of abbreviations.....	vi
INTRODUCTION	1
Which Central Europe?.....	1
Lateran IV? Or Lateran III? Lyon?	3
Scholarship on the Fourth Lateran Council	5
Transferring the canons to Central Europe	10
Chapter I: Lateran IV – A Council for a new Christendom.....	15
I.1. Convocation bull	15
I.2. The Council	22
I.2.1. Reform of the clergy.....	22
I.2.2. Reform of the laity	29
I.2.3. Appointments and finances of the clergy	34
I.2.4. Ecclesiastical organization	41
I.2.5. “Heretics” and non-Christians.....	50
I.2.6. Reform to judicial practice	55
I.3. Conclusions	60
Chapter II: Central Europe in the High Middle Ages	63
II.1. A royal affair - developing literacy, administration, nobility	64
II.1.1. Conflicts and alliances	66
II.1.2. Developing institutions – nobility and administration.....	67
II.1.3. Creating literate elites	72
II.1.4. Mongol invasion	77
II.2. Bishops’ gambit – the state of the Church	81
II.2.1. Church in Bohemia	88
II.2.2. Church in Poland.....	95
II.2.3. Church in Hungary.....	101
II.3. Conclusions	121
Chapter III: The Lateran Agenda in Central Europe.....	124
III.1. Agentes in rebus – papal legates.....	125
III.1.1. Hungary-Croatia	128
III.1.2. Poland	149

III.1.3. Bohemia.....	156
III.1.4. Canonization commissions after the Fourth Lateran Council in Central Europe.....	161
III.2. Monks, Friars, and Missionaries.....	168
III.2.1. Preaching the Mission.....	168
III.2.2. Preaching the Crusade	178
III.2.3. Against “heretics” in Bosnia?	182
III.3. Local clergy in synod.....	189
III. 3. 1. Hungary-Croatia	190
III. 3. 2. Poland	196
III. 3. 3. Bohemia.....	201
III.4. Conclusions.....	203
Chapter IV: A Reformed Clergy	207
IV.1. Clerical morals and discipline	208
IV.1.2. Ecclesiastical hierarchy and discipline	215
IV.2. Learning and teaching – everyday lessons and interactions for priests and clerics	220
IV.2.1. A handbook for clergy	221
IV.2.2. Taxation and economy	229
IV.3. The priest, the lord, and the villager	236
IV.3.1. Lay influence	236
IV.3.2. Marriage cases	241
IV.3.3. Non-Christians.....	243
IV.4. Conclusions	244
CONCLUSION.....	247
APPENDIX.....	251
BIBLIOGRAPHY	252

ACKNOWLEDGMENTS

No man will ever cross the ocean if he is always waiting for the sea to cease its turmoil.

(Innocent III, *Vineam Domini Sabaoth*, April 19, 1213
translation by C. R. Cheney and W. H. Semple)

*Midway upon the journey of our life
I found myself within a forest dark,
For the straightforward pathway had been lost.*

(Dante, *The Divine Comedy*, vol. 1, c. 1, translation by Henry Wadsworth Longfellow)

I first have to thank my supervisors, Daniel Ziemann and Gábor Klaniczay, for their sage and inspiring advice, insightful critique, and abundant patience in trying to help me finish this project. I am grateful for all the conversations we had during this long period regarding my topic and beyond, which helped form me as a medievalist as well as motivate me as a person to be better. They carried this dissertation over the line in the end.

I am also grateful for the comments and advice by all the members of my committee, Professors Emilia Jamroziak, Stefan Schima, and Katalin Szende, which I tried to include in this final version of my work, but also took note and will endeavor to consider them more thoughtfully in my future research.

I am thankful to all the various institutions and libraries I visited throughout the work on this project. My stays at the Research Center for the Comparative History of Religious Orders/FOVOG at the TU Dresden with Gert Melville and the Historisches Seminar at the University of Heidelberg with Nikolas Jaspert, opened new avenues of approach for my work and meeting the research communities there gave me an opportunity to think beyond previous conceptions of this study, hopefully evolving into something more compelling. The rich libraries at the Dresden and Heidelberg Universities were invaluable in my work and I appreciate the helpful staff that were key to moving everything along. The CEU Main library was my “home” while I was staying in Budapest and I am thankful to all the staff there. I have to mention the CEU-ELTE Medieval Library as well, which was instrumental for finishing my work in the last couple of years, especially during the interesting times of the pandemic. I am grateful to all the librarians there, but especially Ágnes Havasi as well as János Incze, who were both extremely accommodating during my visits to the library in the past two years.

I have to thank all my friends and colleagues as well as all the professors at the Department of Medieval Studies at the Central European University. My stay at the Department has been quite the inspiring experience, challenging at times, but also extremely rewarding. I have to thank Csilla Dobos for being a good friend I could talk to and for pushing me to finish my work. I am grateful to Balázs Nagy for helping me out with any books I needed, but also for the interesting conversations. Mišo Petrović was a true friend in exploring ecclesiastical history. Vedran Sulovsky, Leslie Carr-Riegel, Giacomo Mariani, and Josip Banić were all helpful at some point during this process, if only with a book suggestion or a thought-provoking conversation, which meant a lot.

Finally, I am immensely thankful to my friends back home, historians and non-historians alike, who had to suffer through this dissertation with me. Vedran Dunačić, Matea Laginja, Antun Nekić, who were generous with their wisdom, Dejan Zadro who always supported my quest for more books, Ivan Botica who was the most interested listener of my papal stories, and Kristian Bertović who had to endure my daily self-deprecating diatribes. I have to mention Daria Dragčević, Kristina Pavlović, Matija Pavlović, Tomislav Ciglencečki, Danijel Mrvelj, and Tomica Forko, for being great listeners and friends and always supporting my work. A special thanks goes to Matija Hanžić for all those 1% walks almost every day that helped me do better in work and life, as well as Adrijan Marković and Marko Žganec who never lost faith in me. Last but not least, I have to thank Anita Jambrek for being there, as a historian, theologian, and a friend, providing me with books and articles that enriched my

knowledge but before anything else, for being present and understanding, showing me true kindness, generosity, and undeserved friendship. I owe her most of my dissertation for all the words of support, critique, and reality checks. It has been a humbling experience going through this dissertation project, but thanks to all my friends it somehow worked out.

I would like to dedicate this work to my late supervisor, Marianne Sággy, who was supporting my research even before my studies at the Central European University and was always enthusiastic about life, a true inspiration.

LIST OF FIGURES

Figure 1 Map of the dioceses in thirteenth-century Central Europe	251
---	-----

LIST OF ABBREVIATIONS

ACPG	Hube, Romuald, ed. <i>Antiquissimae constitutiones synodales provinciae Gneznensis</i> . St. Petersburg: Typis II Sectionis Cancellariae Imperatoris, 1856.
ACA	Ptaśnik, Joannes, ed. <i>Monumenta Poloniae vaticana</i> , vol. 1: <i>Acta Camarae Apostolicae</i> , vol. 1. Cracow: Academia Litterarum Cracoviensis, 1913.
ÁÚO	Wenzel, Gusztáv, ed. <i>Codex diplomaticus Arpadianus continuatus - Árpád-kori új okmánytár</i> , vol. 1-12. Pest: Ferdinánd Eggenberger Akademiai 1860-1873.
BP	Sułkowska-Kuraś, Irena and Stanisław Kuraś, ed. <i>Bullarium Poloniae</i> , vol. 1. Rome: École Française de Rome, 1982.
CDB	Friedrich, Gustav, ed. <i>Codex Diplomaticus et epistolarius Regni Bohemiae</i> . vols. 2-3. Prague: Wiesner, 1912-1942.
CDCR	Smičiklas, Tadija, ed. <i>Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae</i> , vol. 2-8. Zagreb: Tisak dioničke tiskare, 1904-1910.
CDH	Fejér, György. <i>Codex diplomaticus Hungariae ecclesiasticus ac civilis</i> , vol. 4. Buda: Typogr. Regiae Universitatis Ungaricae, 1829.
CDP	Rzyszczewski, Leon and Anton Muczkowski, ed. <i>Codex diplomaticus Poloniae</i> , vol. 2, part 1. Warsaw: Stanislas Strąbski, 1848.
CDS	Grünhagen, C., ed. <i>Codex diplomaticus Silesiae</i> , vol. 7, part 3. Breslau: Josef Max & Comp. 1886.
FRB	Emler, Josef, ed. <i>Fontes rerum Bohemicarum</i> , vol. 2: <i>Cosmae chronicon Boemorum cum continuatoribus</i> . Prague: Museum Království českého, 1874.
KDKK	Piekosiński, Franciszek ed. <i>Kodeks Dyplomatyczny katedry krakowskiej Ś. Wacława</i> , vol. I. Cracow: Akademia Umiejętności w Krakowie, 1874.
KDM	Piekosiński, Franciszek. <i>Kodeks dyplomatyczny Małopolski</i> , vol. 1-2. Cracow: Akademia Umiejętności, 1876-1886.
KDW	Societas Literariae Poznaniensis, ed. <i>Kodeks Dyplomatyczny Wielkopolski</i> . Poznań, 1877.
LMKH	Bak, János M., Gyorgy Bonis and James Ross Sweeney, ed., <i>The laws of the medieval kingdom of Hungary 1000-1301</i> , vol. 1. Idyllwild, CA: Charles Schlacks Jr., 1999.

MES	Knauz, Ferdinand, ed. <i>Monumenta Ecclesiae Strigoniensis</i> . Esztergom, 1874.
MGH	<i>Monumenta Germaniae Historica</i>
MPV	Ptaśnik, Joannes, ed. <i>Monumenta Poloniae vaticana</i> , vol. 3. Cracow: Academia Litterarum Cracoviensis, 1914.
RBM	Erben, Karel Jaromír – Josef Emler, ed. <i>Regesta diplomatica nec non epistolaria Bohemiae et Moraviae</i> , vol. 1-2. Prague: Haase-Typis Gregerianis, 1855-1882.
Reg. Greg. IX.	Auvray, L., ed. <i>Les Registres de Grégoire IX.</i> , 4 vols. Paris, Bibliothèque de Ecoles Françaises d'Athènes et de Rome, 1890-1955.
Reg. Hon. III.	Pressuti, Pietro, ed. <i>Regesta Honorii papae III.</i> , 2 vols. Rome: 1888-1905. Repr. Hildesheim: Georg Olms, 1978.
Reg. Inn. III.	Hageneder, Othmar and Anton Haidacher, et al., ed. <i>Die Register Innocenz' III.</i> 15 vols. Graz-Cologne-Vienna: Böhlau, 1964-2022.
RPR	Potthast, Augustus, ed. <i>Regesta Pontificum Romanorum</i> , vol. 1-2. Berlin, 1874-1875.
SPPP	Helcel, Antoni Zygmunt, ed. <i>Starodawne Prawa Polskiego Pomniki</i> , vol. I Warsaw: Gustaw Sennewald, 1856.
PUB	Philippi, Rudolf and August Seraphim ed. <i>Preußisches Urkundenbuch. Politische Abtheilung</i> , vol. 1, part 1-2. Königsberg: Hartungsche Verlagsdruckerei, 1882-1909.
RHMA	Endlicher, Stephan Ladislaus, ed. <i>Rerum hungaricarum monumenta Arpadiana</i> . St. Gallen: Scheitlin & Zollikofer, 1849.
UHS	Zahn, J. v., ed. <i>Urkundenbuch des Herzogthums Steiermark</i> , vol. III. Graz: Verlag des historischen Vereines für Steiermark, 1903.
VMH	Theiner, Augustin, ed. <i>Vetera monumenta historica Hungariam sacram illustrantia</i> , vol. 1. Rome: Typis Vaticanis, 1859.
VMPL	Theiner, Augustin, ed. <i>Vetera monumenta Poloniae et Lithuaniae gentiumque finitimarum historiam illustrantia</i> , vol. 1. Rome: Typis Vaticanis, 1860.
VMSM	Theiner, Augustin, ed. <i>Vetera monumenta Slavorum meridionalium historiam illustrantia</i> , vol. 1. Rome: Typis Vaticanis, 1863.

INTRODUCTION

The notion of transferring canonical legislation into a specific region might seem very normatively determined and restricted. On the face of it, this manner of knowledge transfer is not far from the original idea of Pope Innocent III. Provincial delegations would copy the constitutions of the Fourth Lateran Council while they did their business in Rome, and then they would return to their homes and cathedrals and proclaim this new agenda for Latin Christendom, enshrined in the seventy-one canons of the council. That is the 1215 notion of Lateran reform. However, this very Roman idea of knowledge transfer and a change of religious habits was not entirely doable. Several practical issues cropped up throughout Europe, on the one hand the objection of the secular lords and rulers accustomed to a degree of control over ecclesiastical institutions, whether through patronage of monasteries or churches or by advancing members of elites in clerical circles. However, and more relevant for this analysis was the interaction between various ecclesiastical agents engaged in reform. In the analysis, I show how the original idea and its appropriation and modification were dependent on the quality and character of local ecclesiastical officials, such as bishops and abbots, who were receiving part of the pontifical power and authority necessary to enact reforms or changes. This effort did not always go smoothly as prelates often found it necessary to implement only the most applicable and practical aspects of the Lateran agenda. They were also often pressured and swayed by their secular rulers to curtail their ecclesiastical claims to conform to previous customs. Before explaining the possible issues in this transfer of ideas, it is necessary to define the territorial scope, the time frame, and the method by which I approach this question.

Which Central Europe?

The term Central Europe or East-Central Europe has been used in historiography during the last century with a mixed notion of geographical scope, ranging from Scandinavia to the Balkans, from Bohemia to Kievan Rus' (to use medieval examples).¹ It has also been a term heavily influenced by identity politics, used by historians to try to set themselves apart from "others", that they saw in the very least as different or in a negative way, either fighting against ancient prejudice or modern

¹ For a recent overview of the historiographical construct of East Central Europe see Nora Berend, Przemysław Urbańczyk and Przemysław Wiszewski, *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland c. 900–c. 1300*, (Cambridge: Cambridge University Press, 2013), 1-39; Nora Berend, "The Mirage of East Central Europe: Historical regions in a comparative perspective," in *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende (London: Routledge, 2016), 9-23; Nada Zečević, "Introduction: "Central Europe": Perceptions, Definitions, and Comparisons in a Historiographical Context," in *The Oxford Handbook of Medieval Central Europe*, ed. Nada Zečević and Daniel Ziemann (Oxford: Oxford University Press, 2022), 1-19.

ones alike.² There have also been alternative terms suggested such as Middle Europe or *Zwischeneuropa*.³ While I will not go into detail regarding this matter, my choice of defining Central Europe as the area occupied by the interests of the polities of Hungary-Croatia, Poland, and Bohemia, does merit an answer.

These three polities had active political, economic, and religious connections during the Middle Ages, but especially during the thirteenth century. They were engaged in conflicts between each other, border disputes, as well as joint expansion towards others, or defense against the Mongols. The economic connections had also been steadily growing throughout the High Middle Ages. However, the more important aspect of this dissertation is the religious regional perspective. While it can be said that the ecclesiastical provinces were fairly well aligned with political or interest borders, the universal idea of Latin Christendom, as developed primarily by the papacy in the preceding century, armed with an ever-stronger legal arm, gave way to a refined view of the Church in Central Europe. This became apparent in the numerous papal legations visiting the region during the twelfth and thirteenth centuries. These embassies could confine their activities – whether administration, organization, reform, investigation, or judicial proceeding – to a single polity or ecclesiastical province. However, more often than not, they would journey through numerous lands, even beyond these three, going far north into Scandinavia, west into the German lands, or southeast into Bosnia and Bulgaria. These travels also showed the centrality of the region for different ecclesiastical purposes. Clearly, the area of “new Christianity” was differentiated from the other parts of Europe, whether Western or Mediterranean, that had a longer tradition and persistent presence of Christianity, as opposed to the continuous efforts to establish the hierarchy of the new religion in the region as well as the so-called “pagan” reactions in Hungary and Poland which showed the fragility of ecclesiastical institutions during the eleventh century as well as the precarious position of the Church within society. Notwithstanding this sidestep, the polities and political actors of the region of Central Europe were gradually becoming active subjects within the paradigm of Latin Christendom after the acceptance of Christianity by most of the political elites of the region around the end of the tenth century, though not conclusively. For example, Bohemia would even wait until the fourteenth century

² Oskar Halecki, *Borderland of Western Civilization: A History of East Central Europe* (Safety Harbor FL: Simon Publications, 1980); Jenő Szűcs, “The Three Historical Regions of Europe: an Outline,” *Acta Historica Academiae Scientiarum Hungariae* 29 (1983): 131-184.

³ Frank Hadler, “Mitteleuropa – ‘Zwischeneuropa’ – Ostmitteleuropa. Reflexionen über eine europäische Geschichtsregion im 19. und 20. Jahrhundert,” *Geisteswissenschaftliches Zentrum Geschichte und Kultur Ostmitteleuropa e.V., Berichte und Beiträge* I (1996): 34-42; Márta Font, “The emergence of East Central Europe and approaches to internal differentiation,” in *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende (London: Routledge, 2016), 24-36, esp. 24-25.

to get its own ecclesiastical province, being subject to the neighboring German center at Mainz from the very beginning.

The specific narratives that began to develop in these polities in the thirteenth century, particularly in Hungary and Poland, were connected to their outreach, as well as the papacy's, towards the next frontier of Christendom. First were the somewhat peaceful missionary activities directed at the non-Christians in Prussia and Livonia to the north of Poland, or in Cumania neighboring Hungary. However, these peaceful activities also turned to violence at times, entering a long period of crusading in the north. On the other hand, the Cumans were straddling the border of Christendom throughout the century, as were the Hungarian kings trying to take advantage of a useful military ally. This had become most apparent during the reign of King Béla IV (1235-1270) who used this concept in something Nora Berend defined as the "frontier of Christendom."⁴ The ambiguity or better yet ambivalence of frontier areas is best ascribed to Hungary (or perhaps the region) as faced with rising incursions by nomadic, or non-Christian, peoples from the east and north, the rulers had to create an ideological narrative to garner support for their defensive actions, which could then easily transform into aggressive expansion. The position of the Cumans as the most exposed "other" near or within Hungary created quite a bit of friction with the ecclesiastical hierarchy in Hungary, but also with the papacy throughout the century. Nevertheless, Hungary was in that sense truly a "gate of Christendom" (not a "wall" as it would be against the Ottomans), allowing for movement in and out, depending on the immediate political expediency.

The central and intermediary position of these polities between the Empire in the west, the various Balkan polities in the south, and non-Christian ethnic groups in the northeast or east gives further definition to the concept of Central Europe during this time. Their political, economic, cultural, religious, and geographic distinction sets them apart from the rest of medieval Europe, not to a degree of isolation, but rather to allow for specific research inquiries within a separate paradigm that accommodates the particular historical context of the region as opposed to finding lacunae in comparison with Western European histories. Rather than searching out "unmarked categories" as a sign of a comparative lack of development or failure, a Central European paradigm grants a significant shift in perspective for the evaluation of particular aspects – in this case, religious and political – that demonstrate how Central Europe compares, in its own right, to the dominant narratives of Christianity in the West.

Lateran IV? Or Lateran III? Lyon?

⁴ Nora Berend, *At the Gate of Christendom* (Cambridge: Cambridge University Press, 2001), 23-41, 163-171; Nora Berend, "Hungary, 'the Gate of Christendom'," in *Medieval Frontiers: Concepts and Practices*, ed. David Abulafia and Nora Berend (Aldershot: Ashgate, 2002), 195-215.

The religious aspect of this thesis is marked by the Fourth Lateran Council. Its impressive seventy-one canons presented a new outlook on Latin Christendom, firstly dealing with the state of the Church, and then using this newfound strength and unity to project power outward – *via* crusades. That was Pope Innocent III's plan, who took a pointed look towards the inner weaknesses of the Church and the papacy after both the failure of the Third Crusade (which he was not involved in) and the Fourth Crusade. The general chaos of the last expedition to the Holy Land which ostensibly ended on the shores of the Bosphorus in 1204, even though the papacy tried to make the best out of the obviously horrible situation, showed how the original idea of the crusade had failed.⁵ This unfortunate turn of events had led the pope to decide to take more direct control over the crusade effort, which was conceptualized between 1213 and 1215 as was the Fourth Lateran Council.

This ecclesiastical gathering was the largest up to that point in medieval history, easily eclipsing the preceding three Lateran Councils (1123, 1139, 1179). The host of thousands of clerics descended on the ancient capital in November 1215 after having had two and a half years to prepare, both in terms of practical issues of how to get to Rome, as well as communicating with the papacy, either personally or through intermediaries (procurators, legates), on the problems they faced, the essential grit of the upcoming reform. In the sense of scope and numbers, the Lateran (IV) reform agenda is unmistakable from its predecessors. Not in view of content, since the fourth council in less than eighty years could hardly be a revolution in going against the previous constitutions. It can be seen as an evolution, an expansion based on the work of twelfth-century popes, experts in canon law, which was enriched by the latest theological and legal knowledge, that both the pope and his trusted circle, had envisioned as a remedy to face long-standing as well as recent issues. Furthermore, in historiography, the Lateran Council can be perceived as a new characterization of Christendom within the context of the conciliar history of the preceding period. It could hardly be a coincidence that the very first canon (*Firmiter credimus*) was a statement of papal purpose – the definition of faith. The entirety of the canonical body of the council provided for the most acute problems the papacy and prelates saw in contemporary ecclesiastical and lay society, while the solutions imparted were not always detailed, the intent was to show a teaching model for the bishops and other clerics to transmit back to their provinces.

The period up to the Council of Vienne (1311-1312) included two more councils in Lyon (1245, 1274), however, none of them would amount to the extent of the Lateran Council's reform

⁵ John C. Moore, *Pope Innocent III (1160/61-1216): To Root Up and to Plant* (Leiden: Brill, 2003), 131-134; James M. Powell, *Anatomy of a Crusade, 1213-1221* (Philadelphia: University of Philadelphia Press, 1986), 107-118; Alfred J. Andrea, John C. Moore, "A Question of Character: Two Views on Innocent III and the Fourth Crusade," in *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 525-585; Jonathan Philips, *The Fourth Crusade and the Sack of Constantinople* (New York: Viking, 2004).

agenda, as they became much more concerned with contemporary politics (crusades, excommunications, a union with the Greeks, or resolving the Templar issue). The attending clerics would also not see the numbers of the 1215 council. While the Fourth Lateran Council was more concerned with the state of the church, becoming in the eyes of the pope, the universal culmination of the so-called “Gregorian reform”,⁶ the follow-up councils were again overwhelmed with a political reality in Christendom that was beyond their reach.⁷

Scholarship on the Fourth Lateran Council

The topic of the Fourth Lateran Council has recently seen a fresh light with the advent of the 800th anniversary of this ecclesiastical event. In 2015 several conferences were held in Rome, with the two most expansive being organized in October and November of that year. The first conference was organized by the Pontificio Comitato de Scienze Storiche and produced a volume *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal*.⁸ The eighteen articles included, presented analyses of the Lateran Council from a historical, theological, and canonistic perspective. The second conference, *Concilium Lateranense IV: Commemorating the Octocentenary of the Fourth Lateran Council of 1215*, was held in Rome from November 23-29 and had a much more ambitious agenda, providing a more detailed perspective on the Council and its impact through 64 sessions. While no single volume was produced as a result of the efforts then, several have been published in recent years by the participants of the conference.⁹

The fundamental source edition for any research into the Fourth Lateran Council is the one by Antonio García y García.¹⁰ This comprehensive canon law analysis of the council’s decrees provides a necessary basis for any further exploration of the topic. It entails a review of surviving manuscripts of the decrees as well as several contemporary commentaries, such as Johannes

⁶ I. S. Robinson, “Pope Gregory VII (1073-1085),” *The Journal of Ecclesiastical History* 36, no. 3 (1985): 439-483; Colin Morris, *The Papal Monarchy. The Western Church from 1050 to 1250* (Oxford: Oxford University Press, 1989), 79-133; Uta-Renate Blumenthal, “The Papacy and Canon Law in the Eleventh-Century Reform,” *The Catholic Historical Review* 84, no. 2 (1998): 201-218; I. S. Robinson, “Reform and the Church, 1073 – 1122,” in *The New Cambridge Medieval History*, vol. 4, part I, ed. David Luscombe and Jonathan Riley-Smith (Cambridge: Cambridge University Press, 2004), 268-334.

⁷ Klaus Schatz, *Allgemeine Konzilien – Brennpunkte der Kirchengeschichte* (Paderborn: Ferdinand Schöningh, 2008), 113-122.

⁸ Gert Melville and Johannes Helmrath, ed., *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal: Proceedings of the Conference Marking the Eight Hundredth Anniversary of the Council Organized by the Pontificio Comitato di Scienze Storiche (Rome, 15-17 October 2015)* (Affalterbach: Didymos-Verlag, 2017).

⁹ Atria A. Larson and Andrea Massironi, ed., *The Fourth Lateran Council and the Development of Canon Law and the ius commune* (Turnhout: Brepols, 2018); Jessalynn L. Bird and Damian J. Smith, ed., *The Fourth Lateran Council and the Crusade Movement: The Impact of the Council of 1215 on Latin Christendom and the East* (Turnhout: Brepols, 2018); Marie-Thérèse Champagne and Irvn M. Resnick, *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)* (Turnhout: Brepols, 2018).

¹⁰ Antonio García y García, ed., *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum* (Vatican: Biblioteca Apostolica Vaticana, 1981).

Teutonicus, Vincentius Hispanus, Damasus, and others. This edition is supported by the comparative analysis of the first four Lateran Councils by Raymonde Foreville.¹¹ The author manages to contextualize the four councils in a wider historical perspective, including political considerations, various contemporary schisms, and the reception of council decisions.

The reception of the council decrees is a topic of three volumes dealing with the developments in England, Spain, and Germany. An early study was written by Marion Gibbs and Jane Lang.¹² It focused on the period following immediately after the Fourth Lateran Council and the impact the council had on episcopal elections and the bishops who were tasked with enacting the agenda of the council. The study deals with the reform from a canon law perspective with a view toward legal communication between canon law and English legal custom. The spiritual aspects of the reform are not as prominent in the analysis, though the authors touch upon the idea of improving morals and educating the clergy, arguably key aspects of the Lateran agenda. In 1971 Peter Linehan published a study exploring the impact of the council on the Church in Spain, more precisely in the kingdoms of Castile and Aragon.¹³ The study deals with the reform effort by bishops and legates on the one hand and the other with the question of control by the royal elites over the church officials. Another aspect explored is the economic development of papal engagement in the Spanish kingdoms and how at some point in the second half of the thirteenth century, papal taxation became a more dominant preoccupation as opposed to church reform in a general sense.

The most recent research of this type was done by Paul Pixton who was interested in the implementation of the council decrees in the German lands from the Fourth Lateran Council until the First Council of Lyon.¹⁴ Pixton's work centers on provincial synods as the means of spreading conciliar ideas by the bishops. His worthwhile effort is based upon a reliance on strong legal documents, and by that excludes "soft" aspects of pastoral reform. He also finds, similar to Gibbs and Lang, a lack of effect by the decrees since the decisions were often repeated throughout the years, seemingly signifying noncompliance.

The overarching idea presented by these four historians is of a lackluster reform effort. This underwhelming performance by the local ecclesiastical elites was due to a variety of reasons, from dependency on lay elites, financial pressure by the papacy, and a general lack of knowledge and normative behavior by the lower clergy. This image is drawn due to the nature of sources that were

¹¹ Raymonde Foreville, *Latran I, II, III et Latran IV* (Paris: Éditions de l'Orante, 1965).

¹² Marion Gibbs and Jane Lang, *Bishops and Reform, 1215-1272, with Special Reference to the Lateran Council of 1215* (London: Oxford University Press, 1934).

¹³ Peter Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge: Cambridge University Press, 1971).

¹⁴ Paul B. Pixton, *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council 1216-1245* (Leiden: Brill, 1995).

consulted as well as a methodological focus on transfers of legal or political ideas, one that did not account for dynamic interaction.

A more varied view of the Fourth Lateran Council and its impact can be seen in numerous articles dealing with particular canons of the council. In the first half of the twentieth century, several articles dealt with the topic of clerical reform related to the Lateran Council's decisions (if not referencing them directly). One of the early articles dealing with, among other things, the impact of provincial synods was written by Ross William Collins.¹⁵ He analyzed how one can read out the life of a medieval parish priest from the normative pronouncements of these church synods. Collins saw the continuously repeating decrees as denoting the fact that the life of the clergy was not up to the official ideals. Another author, Gray Cowan Boyce, wrote about the development of education in Erfurt, from the initial cathedral school up to the university.¹⁶ Interestingly enough, though he mentions a key aspect of the Lateran reform he fails to mention the council itself, tracing the development of the school through sources such as school regulations. He also puts a great emphasis on the two mendicant orders present in the town, giving the community a greater intellectual diversity. The next author, D. W. Robertson, explored the probably most important theme emerging in the thirteenth century – preaching.¹⁷ He claimed that preaching became paramount after the Lateran Council when local bishops started producing treatises and guides to help their priest fulfill their pastoral duties. Another important topic was clerical violence, presented by Charles Edward Smith.¹⁸ His article reviews numerous cases where clerics were violent towards other clergy or laymen. He contextualizes these acts of violence as being part of clerical life prior to Innocent III's pontificate and how these and other iniquitous acts persisted in the face of clerical reform. These four articles from the first half of the century show an interest in clerical reform and these efforts touched the Fourth Lateran Council if only tangentially.

In the second half of the twentieth century, there was a greater interest in the Lateran Council's decrees, impact, and the event itself. In 1964 Stephan Kuttner and Antonio García y García published an article entailing an until then unpublished eyewitness account of the Fourth Lateran Council.¹⁹ This account gives an idea of the importance the pope had during the council and the manner in which the assembly was held. Around this time attention grew towards the specific decrees of the council

¹⁵ Ross William Collins, "The Parish Priest and his Flock as Depicted by the Councils of the Twelfth and Thirteenth Centuries," *The Journal of Religion* 10, no. 3 (1930): 313-332.

¹⁶ Gray Cowan Boyce, "Erfurt Schools and Scholars in the Thirteenth Century," *Speculum* 24, no. 1 (1949): 1-18.

¹⁷ D. W. Robertson, Jr., "Frequency of Preaching in Thirteenth-Century England," *Speculum* 24, no. 3 (1949): 376-388.

¹⁸ Charles Edward Smith, "Clerical Violence in the Pontificate of Innocent III," *The Journal of Religion* 24, no. 1 (1944): 37-41.

¹⁹ Stephan Kuttner and Antonio García y García, "A New Eyewitness Account of the Fourth Lateran Council," *Traditio* 20 (1964): 115-178.

or connected themes. John W. Baldwin analyzed the Fourth Lateran Council's decree against ordeals (canon 18).²⁰

The upsurge of research into the council is connected to anniversaries. First, in 1998 when the beginning of Innocent III's pontificate was commemorated through conferences and the related collections of essays. The first volume *Pope Innocent III and his World* focused on the Fourth Lateran Council in only one article by Alberto Melloni, dealing specifically with the bull summoning the bishops to Rome.²¹ The other 22 essays concentrated on other aspects of the pontiff's life and work. The second great volume, *Innocenzo III Urbs et Orbis*, was published in 2003 with 57 essays dealing with Innocent III.²² Out of those, three were concerned with the council and its decrees. Antonio García y García reviewed the textual tradition of the council decrees and analyzed and grouped the decrees into logical clusters.²³ The next article, by Silvana di Mattia Spirito, analyzes the council decrees which are related to voluntary poverty, this includes a wide spectrum of decrees related to clerical economy and reform against simony and similar issues.²⁴ Finally, an article by Paul Pixton expands on his previous research into the impact of the Fourth Lateran Council in German lands and tries to analyze the development of schools related to canon 11 of the council.²⁵

In the early 21st century there was more research published on the council, dealing with narrow topics, such as crusading and missionary work, the impact of canon law in society, the material used by clerics for penance and confession, and the development of episcopal power in a regional context.²⁶ The canon law tradition developed at the time of the council and immediately following was also studied.²⁷ This effort and interest culminated in the previously mentioned conferences and

²⁰ John W. Baldwin, "The Intellectual Preparation for the Canon of 1215 against Ordeals," *Speculum* 36, no. 4 (1961): 613-636.

²¹ Alberto Melloni, "Vineam Domini – 10 April 1213: New Efforts and Traditional Topoi – Summoning Lateran IV," in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 63-73.

²² Andrea Sommerlechner, ed., *Innocenzo III Urbs et Orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, 2 vols. (Rome: Istituto Storico Italiano per il Medio evo, 2003).

²³ Antonio García y García, "Las constituciones del Concilio IV Lateranense de 1215," in *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 200-224.

²⁴ Silvana di Mattia Spirito, "Innocenzo III e le *constitutiones* del Concilio Lateranense IV relative alle problematiche della povertà volontaria," in *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 417-434.

²⁵ Paul B. Pixton, "Pope Innocent III and the German Schools: the Impact of Canon 11 of the Fourth Lateranum upon Cathedral and Other Schools 1216-1272," in *Innocenzo III Urbs et Orbis*, vol. 2, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 1101-1132.

²⁶ Jessalynn Lea Bird, "Crusade and Conversion after the Fourth Lateran Council (1215): Oliver of Paderborn's and James of Vitry's Missions to Muslims Reconsidered," *Essays in Medieval Studies* 21 (2004): 23-47; Alain Boureau, "How Law Came to the Monks: The Use of Law in English Society at the Beginning of the Thirteenth Century," *Past & Present* 167 (2000): 29-74; Joseph Goering, "The Internal Forum and the Literature of Penance and Confession," *Traditio* 59 (2004): 175-227; Anthony Perron, "Metropolitan Might and Papal Power on the Latin-Christian Frontier: Transforming the Danish Church around the Time of the Fourth Lateran Council," *The Catholic Historical Review* 89, no. 2 (2003): 182-212.

²⁷ for a contextualization of the Fourth Lateran Council as a development of the previous three Lateran legislative efforts see Anne J. Duggan, "Conciliar Law 1123-1215: The Legislation of the Four Lateran Councils," in *The History of*

volumes published after 2015. There is an apparent change as of late, in that the Lateran council is viewed by authors as a key checkpoint and formational event for a variety of ecclesiastical topics, whereas before it was seldom referenced, almost as an incidental occasion. The subject is also difficult to separate from Innocent III. In the last 50 years, the topic of the council as an event has slowly left the overwhelming shadow of Innocent III, in no small part due to the mentioned research by Antonio García y García, Kenneth Pennington, and other experts in medieval canon law and church councils.²⁸

The mentioned studies, especially by Gibbs and Lang on England, as well as Pixton's research on the German lands present a focus on several decrees of the Lateran Council these historians examined through a select period during the thirteenth century. The studies show how the most prominent methods of reform, such as provincial synods, as well as the authority of the bishops, were used and promoted by popes, their legates, and local prelates. As such the research provides a narrow examination of Western European ecclesiastical society in the immediate aftermath of the Fourth Lateran Council. My analysis aims to expand such inquiries in the area of Central Europe. While it would be misleading to say that little work has been done on ecclesiastical reform in Central Europe related to the thirteenth century, this dissertation contextualizes those events into the broader movement of the Lateran Council and papal policies in the thirteenth century as opposed to viewing them as isolated instances of ecclesiastical change. Except for the very recent publication of a study on the impact of the Lateran Council on the Czech lands during the thirteenth and fourteenth centuries, there has been little research done on a comparative outlook within a Central European perspective on ecclesiastical reform after the council.²⁹ This study connects various national traditions and sources and bridges them together in a novel way to ascertain commonalities and distinctions in the papal approach to this region and the subsequent responses and reactions coming forth from the local ecclesiastical and secular actors. While I initially set up the histories of the Fourth Lateran Council

Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX, ed. Wilfried Hartmann and Kenneth Pennington (Washington D.C.: The Catholic University of America Press, 2008), 318-366; Cristoph H. F. Meyer, "Das Vierte Laterankonzil als Einschnitt der kirchlichen Rechtsgeschichte," in *Europa 1215: Politik, Kultur und Literatur zur Zeit des IV. Laterankonzils*, ed. Michele C. Ferrari, Klaus Herbers, and Christiane Withöft (Vienna: Böhlau Verlag, 2018), 29-92; for an overview of the reception of the Fourth Lateran Council's decrees by commentators and canonists see A. García y García, "The Fourth Lateran Council and the Canonists," in *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX*, ed. Wilfried Hartmann and Kenneth Pennington (Washington D.C.: The Catholic University of America Press, 2008), 367-378.

²⁸ for a recent overview of the relationship between the medieval popes and canon law see Atria A. Larson, "Popes and Canon Law," in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson (Leiden: Brill, 2016), 135-157; and for an overview of church councils summoned by popes in the 12th and 13th centuries (including the Fourth Lateran Council) see Klaus Schatz, *Allgemeine Konzilien – Brennpunkte der Kirchengeschichte* (Paderborn: Ferdinand Schöningh, 2008), 104-112; Danica Summerlin, "Papal Councils in the High Middle Ages," in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson (Leiden: Brill, 2016), 174-196.

²⁹ Robert Antonín et al., *Čtvrtý lateránský koncil a české země ve 13. a 14. století* [Fourth Lateran Council and the Czech lands in the 13th and 14th centuries] (Prague: NLN, 2020).

and contemporary Central Europe, as two distinct and clear frameworks in the first two chapters, the following two chapters provide an analysis of the interplay and entangled history of this reform process. Rather than providing an exhaustive account of Central European ecclesiastical history, I examine the specific persons and tools used to communicate, modify, and implement the reform agenda of 1215 in Central Europe.

Transferring the canons to Central Europe

Copying the canons immediately during and after the end of the council, carrying them into their provinces, publicizing them in provincial synods, and in every way promoting the Lateran agenda, was the original concept of the pope and Curia. However, reality struck in less than a year, as Innocent III died in July 1216, leaving Honorius III (1216-1227) in charge of the Fifth Crusade and the reform efforts. Already then, the need for control mechanisms, oversight, and alternative, diversified methods of promoting reform were shown to be necessary. Ideally, the bishops would deal with everything by themselves, they had the Lateran blueprint, the canons, however, they could do only so much. The papacy also sent out legates, either for narrow, specific missions, or long-term general reform objectives (which could last for years and extend over multiple provinces and polities). These papal envoys promoted reform ideas (already present since the eleventh century) and presented one discrete difference, hierarchical control. As the pope's alter ego, legates presented a judicial presence that had until then rarely been seen in local ecclesiastical situations. And they also encouraged the idea of loyalty to Rome, decreasing the metaphorical and real distances between the center and the periphery. As Jochen Johrendt and Harald Müller showed, the centralizing process was in fact in development during the twelfth century in Rome, however, it did not necessarily spill over outside the immediate papal zone of influence, namely Italy. What did happen was an assorted exchange between the traditionally named "center" and "periphery", however, the authors deconstruct these terms as it becomes questionable to what extent was there an appreciation of the centrality of Rome and how this practical concept developed during the period through various instruments, such as legates and judges-delegate. The authors, along with Claudia Zey, also emphasize that there is a formation of a strong papal policy regarding legations during the twelfth century, which implies a formation of an institutional continuity that had until then been lacking.³⁰

³⁰ For the concept of centralization within the Latin Church in the High Middle Ages see Jochen Johrendt and Harald Müller, "Zentrum und Peripherie, Prozesse des Austausches, der Durchdringung und der Zentralisierung der lateinischen Kirche im Hochmittelalter," in *Römisches Zentrum und kirchliche Peripherie: Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III.*, ed. Jochen Johrendt and Harald Müller (Berlin: Walter de Gruyter, 2008), 1-16; Claudia Zey, "Handlungsspielräume – Handlungsinitiativen. Aspekte der päpstlichen Legatenpolitik im 12. Jahrhundert," in *Zentrum und Netzwerk: Kirchliche Kommunikationen und Raumstrukturen im Mittelalter*, ed. Gisela Drossbach und Hans-Joachim Schmidt (Berlin: Walter de Gruyter, 2008), 63-92.

As I mentioned, copying a universal agenda was the idealized version of events, emanating from the center in Rome. There was a different world beyond the Alps, which legates would often realize when arriving in their province. They could act with papal authority and power, armed with knowledge and law, and they counted on being received personally, as well as a proper reception and implementation of their legislation. But this could not be achieved without a measure of accommodation, a give-and-take relationship, namely, the entanglement of two images: the idealized normative of reform and the in-the-field situation. Michael Werner and Bénédicte Zimmermann have shown the possible trappings of studies of knowledge transfer as well as comparative histories and accordingly developed the concept of “pragmatic and reflexive induction” as a methodological solution. This means opening the imagined and real borders and limits, not only between the papacy and Central Europe but also between the various polities. This concept allows for a consideration of objects of historical research both within a synchronic and diachronic analysis. It also emphasizes the constant communication between historical actors, not a simple linear process (introduction, transmission, and reception), but rather taking into account the movement of information in numerous directions. These dynamic relationships show the complexity of what the authors term “entangled history.”³¹ While some canons were truly general and could hardly be modified or limited without crippling the idea of a universal papacy, and in the end restricting the power and authority of the vicar of Christ, there were also some peculiarities that had to be addressed in a manner appropriate for a particular province, using a measured response and not an extreme, rigid attempt at implementation that would immediately fail. The clergy had to be invited to participate in the reform and they had to accept if faced with a reasonable suggestion or law. This was a process that started already in the twelfth century, when as David d’Avray explains, using Weberian models, the groundwork was placed for the establishment of “formal legal rationality” as opposed to mere “value rationality”. This included lower courts with trained professional staff; university-type schools to train those specialists and others in various levels of legal knowledge and skill, as well as the availability of papal justice (through judges-delegate, papal legates, and personal adjudication) as an instrument for settling disputes. D’Avray also brings up an important question, which he ultimately leaves open, namely who was the impetus behind this twelfth and thirteenth-century shift? Did the papacy create this systematic approach of its own volition, or was it responding to “popular” demand or secular

³¹ Michael Werner and Bénédicte Zimmermann, “Vergleich, Transfer, Verflechtung. Der Ansatz der Histoire croisée und die Herausforderung des Transnationalen,” *Geschichte und Gesellschaft* 28, no. 4 (2002): 607-636; Michael Werner and Bénédicte Zimmermann, “Beyond comparison: *histoire croisée* and the challenge of reflexivity,” *History and Theory* 45 (2006): 30-50.

challenges to its perceived sphere of action?³² While I can hardly provide any conclusive answer myself, the relevant outcome of this process was precisely the acceptance of “papal justice” by Latin Christendom, even in cases where spiritual and secular overlapped, such as marriage law.

The papal legates acted on judicial matters, diplomatic disputes, they excommunicated whom they had seen fit, and they convened synods to promote reform ideas throughout the region. They depended in that respect on the local ecclesiastical hierarchy, the archbishops and bishops, teaching them so the prelates themselves could instruct their clergy on the correction to the state of the Church, spiritual and material. Those were exceptional instances, it was the bishop’s business to review the situation in his province and provide solutions or forward appeals to Rome and inquire about the Curia’s opinion or verdict on the matter. Clearly, this two-way communication and interaction was becoming increasingly important and more frequent. While the first phase of the “Gregorian reform” can be associated with clerical morals, behavior, and ritual purity, the second one built upon those foundations with an increase in interfaces of command and control over clergy but also laity, which could only function within societies and groups that responded to the same ideological and legal constraints – in this case, canon law. This new society (ecclesiastical and lay) needed to respond to the limits created by canon law, either through mild coercion, or ecclesiastical punishments (excommunication, interdict), which had to be accepted as a spiritual and social reality, otherwise they were empty threats.

There were also agents of reform that were independent to a degree, or perhaps oriented on singular missions such as conversion or crusades. Both tasks could be very close to each other in this “vanguard” area. In that respect, the preaching role of bishops, delegated to monks and friars, became a visible and contentious sign of a new preaching and crusading campaign. Supporting the holy war that was almost ubiquitous throughout the frontier regions of Latin Christendom (Baltic, Balkans, southern France, Iberia) was a way for the laity to expand on their religious devotion and, through indulgences and penance, release themselves from years of being encumbered by sin and ultimately paving the way to salvation.

All of those were fairly exceptional situations, the very day-to-day issue that was dealt with *ad nauseam* concerned the violations of canonical decrees. The most popular of these was perhaps clerical incontinence, or clerical marriage, which lead to a great many complications for the offending priests but also for their household and the Church. Other problems regarding the space of the church, meaning the material protection of the altar and of sacral elements necessary for sustaining the purity of the cultic rituals of the Church, primarily the sacraments: the Eucharist, the confession, and

³² For a suggestion on a reasonable approach see D. L. d’Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: Cambridge University Press, 2010), 122-149.

baptism. These kinds of problems were the purview of the bishop or archbishop, but also the archdeacon, who could and was supposed to visit and correct as he saw fit – according to the constitutions of Lateran IV. Therefore, the role of the provincial (to a lesser degree the diocesan) synod, was to be a forum where the clergy could effectively police itself. At least in theory. The normative image of local hierarchy, crime, and punishment, is presented through these local synodal acts and constitutions. These, at the very least, yearly assemblies, were the instruments bishops could use to teach and reform their clergy. Although sources concerning these are not as extensive or as regular, they do provide sufficient data to suppose an image of a reformed clergy in Central Europe. Though bound by the new laws of the Fourth Lateran Council, these canons were stipulated to accommodate the particular problems of the Central European churches.

The majority of the sources dealing with these issues that inform my analysis are of ecclesiastical origin. Charters, letters, and synodal constitutions, all paint a normative image of society based on an exceedingly ecclesiastical perspective on the reach of reform in Central Europe, at least in the thirteenth century. Therefore, it is necessary to be critical when approaching these mostly prescriptive sources which either retell stories from other sources (rescript government) or present norms that were agreed upon by the papacy and local agents. Yet, this is the fabric used to weave the reform in the region, whatever that meant at the time and in whatever manner it was used as an ideological construct to promote changes in ecclesiastical institutions and society at large. Whether or not these reforms had an effect on parish priests, vicars, and monks, cannot be readily verified, yet the circumstantial evidence provided by the local clergy can provide hints towards a reform. The provincial synods, if they were held, are by themselves evidence to support this reform activity, and if the content of the reform agenda differs from the original, this would indicate the flexibility in the legislative communication between the center and province. Another pitfall of reading normative texts is imagining the positive legislation to be indicative of widespread maleficence. While the quantitative information is difficult if not impossible to examine from such sources, the synodal acts, as well as conciliar legislation, bore a certain degree of agency by the convening authority. Whether that was a bishop or the pope, the select constitutions were enacted because of a certain actual need and a willingness to effect a change – the reform that was provided. This meant any kind of reform put into effect was a matter of choice by both popes and local bishops, as well as the lower clergy, archdeacons, and parish priests, who were the fundamental agents behind the execution of institutional change.

And what was this reform in Central Europe? Merely a copy of the Lateran agenda or a rework based on the issues found in the local clergy and their needs? Was it a program for the betterment of ecclesiastical life and lay devotion or a plan to control and extract more resources from the provinces,

or both? And who were the agents of this reform, clerics, priests, legates, bishops, or popes? The idea of the Lateran reform in Central Europe during the thirteenth century is marked by these questions and the answers provide for an imagined reality of an ecclesiastical society in motion, both changing within its own structures and reaching beyond, into the secular sphere. By analyzing the sources pertaining to ecclesiastical reform – namely, papal or episcopal letters, synodal constitutions, and chronicles of ecclesiastical institutions, I demonstrate the key aspects of the Lateran agenda and the instruments of its transmission into Central Europe. Namely, through papal legations, judicial proceedings, crusade preaching, collection of funds, and diplomatic action. While each of these elements provides for a specific perspective and narrow account of reform, together, much like the corpus of the seventy-one constitutions of the Lateran Council, they form a mosaic image of the underlying claim by the papacy towards universal power and authority within Latin Christendom. Power and authority over all ecclesiastical institutions through the primacy of St. Peter and the legal foundation of canon law. The importance of the instruments of reform as well as the various ecclesiastical agents – bishops, abbots, archdeacons – assigned to execute the reform program, is apparent in the agency each of these individuals had in the process. Both in terms of personal qualities and skills, as well as making choices as to which parts of the reform could and should be implemented. They were in fact weaving the reform fabric in Central Europe, while the papacy mostly accepted such wanderings from the original reform agenda as long as they did not interfere with the presumption of papal universality. Supervision and control over Latin Christendom had to be accepted and not extracted from clerics who were enticed to participate in the formation of a regulated ecclesiastical and lay society.

CHAPTER I: LATERAN IV – A COUNCIL FOR A NEW CHRISTENDOM

The seventy-one canons of the Fourth Lateran Council represented an expanded idea of ecclesiastical hierarchies – popes, cardinals, and bishops – as reformers, this time not merely of clerical life, but of the entirety of Latin Christendom. Some of the council's core themes were provided by the preceding Lateran councils in 1123, 1139, and 1179. But most of the decrees were completely new to ecumenical councils. However, it would be mistaken to view this assembly as an isolated and completely novel entry in the conciliar history of the medieval Church. Rather, what seems apparent is that the main instigator of the council, Pope Innocent III, attempted to combine the previous conciliar tradition and include as many contemporary issues plaguing communities throughout Latin Christendom. To achieve this aim Innocent set about gathering information from his bishops and clergy at least two and a half years prior to the council convening.

I.1. Convocation bull

The issue of convoking such a large gathering was essential in the mind of Innocent III. Comparing his convocation bull, *Vineam domini*, with previous instances, presents part of the distinction between the Fourth Lateran Council and its predecessors. When Pope Callixtus II (1119-1124) convened the First Lateran Council he spoke in general terms of “great and various matters of the Church” that needed to be discussed.³³ The wider context was the investiture contest that was an issue in papal politics especially concerning the imperial throne. In 1122 the Concordat of Worms was made and its conformation was also a matter for the council to deal with. However, the main topic, as with many councils since the onset of the “Gregorian reform” was in fact the internal reconstitution of the Church, namely through the fight against simony and other ecclesiastical faults. None of this information was given to the bishops in the convocation bull, which was a rather concise invitation to a general council in the Lent of 1123.³⁴

The Second Lateran Council was convoked at some point during 1138. Although a convocation bull is not extant, there is a reference in Richard of Hexham's chronicle on the Deeds of King Stephen of how Albricus, the bishop of Hostiensis and legate of Pope Innocent II (1130-1143)

³³ “...Pro magnis et diversis Ecclesiae negotiis...”, the convocation bull was sent to among others, Baudry, the archbishop of Dol and his suffragans (abbots and prelates of his province) on June 25, 1122, Robert Ulysse, ed., *Bullaire du pape Calixte II, 1119-1124*, vol. 2 (Paris: Alphonse Picard & Paul Jacquin, 1891), 49, no. 304.

³⁴ “...generale per Dei gratiam concilium celebremus...”, Ulysse, *Calixte II*, 49; there is a certain debate about whether the First Lateran Council was an ecumenical council since the more than 300 ecclesiastical officials present were from the Western Church, the fact that it was a general council, as opposed to the lesser Lateran Councils in the 11th and 12th centuries is more agreed upon. Schatz found all three Lateran Councils in the 12th century to be ordinary papal councils, which were later termed ecumenical considering their historical significance and context, Schatz, *Allgemeine Konzilien*, 103-104.

encouraged the bishops and abbots of England to attend the general council in Rome during Lent of 1139.³⁵ Sources written after the council diverge on the number of participants, ranging from (a believable) 500 bishops and abbots to a number as high as 1000.³⁶ The participants had to deal with the continuing issue of ecclesiastical reform and discipline, considering the schism in the church in the previous eight years when there were two popes – Innocent and Anacletus II (1130-1138).³⁷

The history of the Third Lateran Council is even more complex. Pope Alexander III had long been beleaguered by three anti-popes: Victor IV (1159-1164), Paschal III (1164-1168), and Callixtus III (1168-1178). Throughout this period, papal politics in Italy was under the keen eye of Emperor Frederick I (1155-1190). His interest and impact varied through the years, but finally, a peaceful settlement was made at Venice in 1177.³⁸ One of the stipulations in the agreement was the convocation of a general council.³⁹ In 1178 Alexander convened the council, with the first extant letter dated May 30 and sent to Archbishop Conrad of Salzburg.⁴⁰ This message was repeated by legates and again in a letter dated September 21 of the same year sent to Archbishop Ubald of Pisa.⁴¹ Compared to the convocation letter of Callixtus II, this one was much more elaborate, evoking images such as “thorns and caltrops growing daily and sprouting buds of sin” in the “field of the Lord”. While this can be seen as a general statement on problems surfacing in Latin Christendom, it could be referring more specifically to mounting disciplinary problems in the twelfth century and the rise of voluntary poverty movements, something that will be addressed by his successors, most prominently by Lucius III and Innocent III. The main themes of the council revolved around the schism within the church and the relationship with the emperor, therefore unity and the fight against heretics were paramount in the sessions themselves. Klaus Schatz claims the most important decree of the council was “Licet de vitanda”, which defined papal elections, seemingly a necessity after the many post-election controversies and schism of the twelfth century.⁴² Another important aspect Alexander addressed was the size of the council adding to the strength of its authority, writing: “that good, according to the custom of the ancient fathers, should be provided for and confirmed by many; but if

³⁵ Richard Howlett, ed., *Chronicles of the reigns of Stephen, Henry II., and Richard I.*, vol. III (London: Longman & Co., 1886), 172-177.

³⁶ Georgine Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters* (Weimar: Hermann Böhlau Nachfolger, 1922), 199.

³⁷ Schatz, *Allgemeine Konzilien*, 105-106.

³⁸ Johannes Laudage, *Alexander III. und Friedrich Barbarossa* (Cologne: Böhlau, 1997); Knut Görich, “Venedig 1177. Kaiser Friedrich Barbarossa und Papst Alexander III. schließen Frieden,” in *Und keine Schlacht bei Marathon: große Ereignisse und Mythen der europäischen Geschichte*, ed. Wolfgang Krieger (Stuttgart: Klett-Cotta, 2005), 337-343.

³⁹ Tangl, *Teilnehmer*, 210-211.

⁴⁰ S. Loewenfeld, ed., *Epistolae Pontificum Romanorum* (Leipzig: Veit et comp., 1885), 154-156.

⁴¹ PL, 200, 1184.

⁴² Schatz, *Allgemeine Konzilien*, 107-108.

done particularly, cannot easily have the effectiveness [of that done] by all.”⁴³ In March 1179, some 300 bishops and abbots assembled at the Lateran Council, although some sources wrote about 600-700 ecclesiastics attending.⁴⁴

Finally, the Fourth Lateran Council can be seen as the culmination of all the twelfth-century Lateran Councils and the convocation bull, *Vineam Domini*, was a declaration of intent by Pope Innocent III. Alberto Melloni even went as far as describing it as a “manifesto”.⁴⁵ He analyzed the context and content of the letter, presenting the traditions, changes, and novelties that it brings to conciliar history. The letter was sent out on April 19, 1213, to all provinces of Latin Christendom as well as to the Greek Churches. It is a much-expanded invitation compared to Alexander III’s letter and provides more concrete details as to what the bishops and abbots were supposed to do in the period up until the council, as well as how they should approach their duties while they stay in Rome and after. Several main ideas and images are prominent in the text, namely, the titular vineyard of the Lord, the idea of unity, and the preparation time of two and a half years.

Innocent begins his letter similar to Alexander III. Rather than the image of the Lord’s field, here the pope presents the “vineyard of the Lord”, which is, again, beset by thorns and wild fruit (grapes) – deviations.⁴⁶ Innocent focuses on vices and sins that present a danger to Christendom. This can be seen as referring to heresy, which continued to be a problem after the Third Lateran Council and throughout Innocent III’s pontificate. Reforming the Church would bring about unity and therefore eliminate such deviations from norms. The ultimate result would be the successful crusading efforts, as Innocent wrote about “successfully recovering the Holy Land and reforming the Universal Church” as two almost equally important parts of the agenda.⁴⁷ The plan worked to resolve problems within Christendom which would affect matters outside Christendom. Melloni, however, convincingly writes how Innocent uses the familiar imagery of the vineyard to present the main problem as being the state of the Church and not a particular heretical belief.⁴⁸ He was concerned with a more comprehensive set of reforms. It was to Innocent’s favor that he did not have to concern

⁴³ “...quod bonum, secundum consuetudinem antiquorum patrum provideatur et confirmetur a multis; quod si particulariter fieret, non facile posset plenum robur habere...”, Loewenfeld, *Epp. Pont. Rom.*, 155; Summerlin, “Papal Councils”, 174.

⁴⁴ Tangl, *Teilnehmer*, 212-213.

⁴⁵ Melloni, “*Vineam Domini*”, 71.

⁴⁶ “...ex parte non modica pro vitibus spine succreverint, et, quod gementes referimus, ipse iam vites proferant pro uva labruscam, infecte multipliciter et corrupte...” C. R. Cheney and W. H. Semple, ed., *Selected Letters of Pope Innocent III concerning England (1198-1216)* (London: Thomas Nelson and Sons Ltd, 1953), 144.

⁴⁷ “...ut ad recuperationem videlicet terre sancte ac reformationem universalis ecclesiae...”, Cheney and Semple, ed., *Selected Letters*, 144.

⁴⁸ Melloni mentions how Brenda Bolton connected Innocent’s use of the image of the vineyard in the summoning of Lateran IV and in the decretal on heresy – *Vergentis*; Melloni, “*Vineam Domini*”, 66-67.

himself with schisms in Latin Christendom as opposed to the previous three Lateran Councils, but he also had an ambitious agenda which became apparent through his legations and letters prior to the council.⁴⁹

Another important issue that is dealt with in the letter is the relationship between the pope and his brothers, cardinals and bishops alike. Innocent first mentions this when describing how he came about the decision to convene a council, after “much careful discussion on these matters with our brethren and other prudent men” and that it was summoned according to the “ancient custom of the Holy Fathers”.⁵⁰ Presumably the brothers and prudent men were members of Innocent’s consistory and other members of the Roman Curia, or even his trusted legates throughout Latin Christendom. The pope is clear though; that after this discussion it was his decision to assemble the council. The reference to the ancient fathers connects the *Vineam Domini* to Alexander III’s letter which mentions the “custom of the ancient fathers”. In that letter, Innocent’s predecessor ties this to the issue of having strength in numbers at the council. Rather than repeating the *plenum robur* argument, Innocent is directly saying he needs a general council so that it can “affect the condition of the whole body of the faithful.”⁵¹ For him, the value of the general council as having a sufficient number of bishops and abbots was not a thing unto itself but served the purpose of reception and transmission. Whatever would be established at the council as law needed to come into effect in the field. Therefore, Innocent first relates his openness to communication, debate, and advice, then assures the invitees that their voices will be heard, either before or during the council.

“...whatever, with the council’s approval, shall have seemed expedient for the honour and glory of the Divine Name, for the healing and salvation of our souls, and for the good and benefit of Christian people, may be wisely established as decrees of inviolable force affecting prelates and clergy regular and secular.”⁵²

This quote mentions two important elements of this idea of a unity between the pope and his brothers. Firstly, the decrees aimed to affect prelates and clergy, they were the ones who needed to be reformed and spread the effort throughout Christendom so that the effects were felt by all Christians. Secondly, Innocent referred to the decision-making process, decrees would be established by him as the main authority but with the approval of the council. Therefore, attending the council, or even participating in activities prior to the assembly, should not be a perfunctory matter, but one

⁴⁹ Raymonde Foreville, *Le pape Innocent III et la France* (Stuttgart: Anton Hiersemann, 1992), 313-332; John W. Baldwin, *Masters, Princes, and Merchants: the social views of Peter the Chanter and his Circle*, vol. 1 (Princeton: Princeton University Press, 1970), 20-23.

⁵⁰ “...cum fratribus nostris et aliis viris prudentibus...sanctorum patrum consuetudinem...”, Cheney and Semple, ed., *Selected Letters*, 145.

⁵¹ “...ut quia hec universorum fidelium communem statum respiciunt...”, Cheney and Semple, ed., *Selected Letters*, 145

⁵² “...providere statuatur inviolabiliter observanda circa prelatos et subditos regulares et seculares quecumque de ipsius approbatione consilii visa fuerint expedire ad laudem et gloriam nominis divini, remedium et salute animarum nostrarum, ac profectum et utilitatem populi christiani.”, Cheney and Semple, *Selected Letters*, 145.

where the voices of the bishops and other clergy would be listened to. However, according to Jochen Johrendt, actual debate at the Council was limited, as it was wholly dominated by the pope, who presented himself as Christ to his disciples – the bishops, abbots, and clergy. The corpus of decrees was prepared beforehand allowing for minimal adjustments.⁵³

As for the content of the proposed council, the “spiritual good of souls”, Innocent wanted something new and expansive in terms of scope – both the number of clergymen attending and the reforms promoted. To achieve this, he gave a period of two and a half years for the bishops, abbots, and other clergymen to prepare for the council. They were to assemble in Rome by November 1, 1215. The date was already a meaningful step apart from the previous three Lateran Councils which were all held during Lent (March or April). Melloni sees this as a logistical consideration, as the pope’s main goal was to assemble as many ecclesiastical representatives in Rome at the council, to reach a “plenary audience”.⁵⁴ Another problem often faced by clergymen coming to Rome was money, as both the trip to Italy and the stay in Rome were quite expensive. To curtail the spending, he instructed “moderation in retinue and equipage as has been appointed by the [Third] Lateran Council.”⁵⁵ Canon 4 of the Third Lateran Council tried to limit the amount of spending by ecclesiastical officials during visitations and other business dependent on the size of their office and of the general wealth of their church province. The aim of Alexander III was to try to alleviate some of the unnecessary taxes placed by such travels on the subjects of the ecclesiastical principals, only allowing “to ask for assistance moderated by charity”, “if the cause be clear and reasonable.”⁵⁶ The retinue was then limited to 40-50 horses or other mounts for archbishops, 20-25 horses for cardinals, 20-30 for bishops, archdeacons could use up to five or seven horses and deans only two. Additionally, there was to be no hunting dogs or birds, and no rich banquets, they should, rather, “proceed in such a way that they are seen to be seeking not their own but the things of Jesus Christ.”⁵⁷ Innocent was in agreement with his predecessor, trying to limit displays of behavior that reflected badly on the Church, including self-centered ecclesiastical princes focused on their showy presentations of power and wealth, as opposed to apostolic service and duty. To make the matter quite clear he used language such as: “present yourselves before us in modesty and prudence”, “no one is to bring more than is

⁵³ Jochen Johrendt, “Innozenz III. und das IV. Laterankonzil. Predigt, verweigte Aussprache und fiktiver Dialog,” in *Europa 1215: Politik, Kultur und Literatur zur Zeit des IV. Laterankonzils*, ed. Michele C. Ferrari, Klaus Herbers, and Christiane Witthöft (Vienna: Böhlau Verlag, 2018), 93-106.

⁵⁴ the November assembly would eliminate the objection of some not being able to come to Italy over the snowcapped Alps; Melloni, “Vineam Domini”, 69.

⁵⁵ “...personarum et evocationum mediocritate servata quam Lateranense concilium diffinivit...”, Cheney and Semple, ed., *Selected Letters*, 146.

⁵⁶ “...ut si manifesta et rationabilis causa exstiterit, cum caritate moderatum ab eis valeant auxilium postulare.”, Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* vol. 1 (Washington D.C.: Georgetown University Press, 1990), 213.

⁵⁷ “...sed ita procedant, ut non quae sunt sua sed quae Iesu Christi quaerere videantur...”, Tanner, *Decrees*, 213.

permitted, anyone may bring less: no one is to incur excessive and ostentatious expenditure, but only such as is essential and moderated.”⁵⁸ He finished this part by contrasting these negative elements to the actual task at hand at the council, writing how “it is not worldly applause but spiritual advancement that is to be sought in this matter.”⁵⁹ Therefore, Innocent clearly set the stage in practical terms and limited the expenditure by the participants of the council, on the one hand, because of the focus on spiritual matters and on the other to silence any who would claim a lack of resources as an obstacle in coming to the council. His use and expansion of the Third Lateran Council shows a great hands-on knowledge of his predecessor’s decisions and goes to show the way that he combines established or traditional aspects of canon law into an expanded use.

When dealing with practical issues Innocent also mentions who should come to Rome as well as who should remain at home. One or two bishops were to stay behind for the normal functioning of a particular province. Yet, even they or any others that were detained for a valid cause needed to send someone in their stead. The council needed to reach everyone, even those who could not come in person. This stipulation gave an opening for those ecclesiastical princes who might have chosen not to attend the council personally, at the same time it mandated they participate by proxy.

Besides the logistical consideration of arranging travel to Rome the other aspect of the period leading up to the council was the content of the reform itself. Although by this point in his pontificate, Innocent probably had a good idea of how his agenda in the council would look like, given the high level of activity by him and his Curia in dealing with ecclesiastical officials throughout Christendom.⁶⁰ He indicated that this time would be used for more intense communication on issues both he and his bishops found troubling. He wrote about the process: “...we have arranged in the meantime for discreet men in the several provinces to investigate fully matters which require the corrective of apostolic ordinance, and for the sending of suitable agents to organize preparations for a Crusade...”⁶¹ This investigation or exploration was to be conducted by prudent men, referring most

⁵⁸ “...nostro vos conspectui presentetis cum modestia et cautela...”, “...ut nullus omnino plures, quivis autem pauciores secum adducer possit nec quisquam superfluas faciat et pomposas sed necessarias tantum et moderatas expensas, ostendendo...”, Cheney and Semple, ed., *Selected Letters*, 146.

⁵⁹ “...cum non secularis applausus, sed spiritualis profectus in hoc sit negotio requirendus.”, Cheney and Semple, ed., *Selected Letters*, 146.

⁶⁰ in fact, Melloni writes how Innocent was referencing such a council already in 1199 to deal with disobedient bishops and also as a “means to improve legislation, discipline, and politics.”; when trying to define the period of Innocent’s preparation for the council or the formation of his Lateran agenda, rather than limiting an analysis to the period between 1213 and 1215, a comprehensive survey of the entirety of Innocent III’s pontificate and his many decrees would provide a more complete image of the development of his ideas on specific matters in need of reform which undoubtedly culminated in the Fourth Lateran Council; Melloni, “Vineam Domini”, 64.

⁶¹ “...disposuimus interim per viros prudentes in singulis provinciis plenius explorare que apostolice provisionis limam exposcunt, et permittere viros idoneos ad terre sancta negotium procurandum...”, Cheney and Semple, ed., *Selected Letters*, 145.

likely to papal legates, either sent out from Rome (more often) or local clerics authorized to act on behalf of the pope. They were supposed to find out what were the concrete problems in the field, from the fundamental level of the ecclesiastical hierarchy, i.e. the parish priest, up to the archbishop. This was necessary to achieve the comprehensive purpose and reach of the council as well as the subsequent reform process. The effectiveness in numbers was crucial for the pope and the potential success of the reform. Melloni mentions how the literary reference to the “apostolic ordinance” or “apostolic file” or “rasp file” was Innocent’s novelty that gained traction in the subsequent conciliar tradition. According to Melloni, this relates to the “merging of the council’s and pope’s powers.”⁶² The council’s strength would correct what was wrong but only through the apostolic authority and in that sense the pope had the fullness of power.⁶³ The letter clearly indicates to the bishops and abbots that the next two and half years would be key for them to air their grievances and communicate with the Roman Curia, either through letters or through legates. After this, the pope would address the issues in council and provide the fullness of his authority to the final decrees.

The focus of the letter was on the call to reform, which was seen as essential at the time, the Crusades where subordinate, yet inextricably connected to the ideology of the contemporary Church which was engaged with internal and external adversaries throughout. The Crusades were addressed in the letter *Quia maior* written at the same time as the letter *Vineam Domini*, yet as part of Innocent III’s concept of the Church they were nonetheless referenced in the convocation of the Lateran Council. Apart from the already quoted phrasing of the “recovery of the Holy Land” and the reform of the Church as the mainstays of his agenda, Innocent goes on to reference persuading “Christian princes and peoples to grant succor and support for the Holy Land from both clergy and laymen” and the “sending of suitable agents to organize preparations for a Crusade so that, if in response to necessity the sacred council approves, we personally may take over control and prosecute the business the more effectively.”⁶⁴ It is obvious that the crusades were of secondary importance in this letter, however, two important issues come up. Firstly, the need for ubiquitous support from all levels of society and not only from within the Church. This again played into the image of unity molded through reform and then projected outwards as a new strength. Secondly, and perhaps more

⁶² Melloni, “Vineam Domini”, 68.

⁶³ For more on the concept of papal “fullness of power” see Kenneth Pennington, *Pope and Bishops. The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania, 1984), 43-74; Hans-Joachim Schmidt, “The Papal and Imperial Concept of *plenitudo potestatis*: The Influence of Pope Innocent III on Emperor Frederick II,” in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 305-314.

⁶⁴ “inducendos principes et populos christianos ad succursum et subsidium terre sancta tam a clericis quam a laicis impendendum...permittere viros idoneos ad terre sancte negotium procurandum, ut, si exigente necessitate sacrum consilium approbaverit, nos personaliter ipsum negotium assumamus efficacius promovendum.”, Cheney and Semple, ed., *Selected Letters*, 145-146.

importantly, the pope wrote about personally taking over control of the Crusades for the sake of effectiveness, again with the approval of the council. Therefore, according to the letter, the crusades would be a feature of debate at the Lateran and with the support of the bishops the pope would take on the leadership of the Crusades, most likely to avoid the unfortunate events of the Fourth Crusade and subsequent efforts such as the Children's Crusade.⁶⁵ The Crusades, similar to the reform, would gain effectiveness from the full support of the council (i.e. the bishops and clergy) that could then spread throughout Latin Christendom, including to laypeople. Though the pope's position was foremost within the ecclesiastical hierarchy, the council would give him the necessary added effectiveness to execute his design.

I.2. The Council

After all the preparations, in November 1215, 404 bishops came to the assembly in the Lateran, along with numerous abbots, canons, and agents representing secular lords.⁶⁶ Sessions held on November 11, 20, and 30 saw a debate on the numerous issues, always guided by the firm hand of the pope.⁶⁷ After these sessions the assembly agreed on 70 canons that dealt with various issues and these canons were then supposed to be copied, transferred, and promoted in the home provinces of the assembled throng of bishops and clergymen. Most of the material was novel in the context of the twelfth-century Lateran Councils, however, some decrees were taken up from the preceding assemblies and were further strengthened in this council. It is challenging to group these decrees in a thematic way since different topics many times intersect and there is also the original sequence of the canons to consider. However, since the reform and status of the Church were the preeminent headlines of the event the focus can therefore be on overarching themes such as the reform of the clergy, reform of the laity, marriage, appointments and finances of clergy, ecclesiastical organization, "heretics" and Jews, as well as reforms to judicial practice.

I.2.1. Reform of the clergy

The reform of the clergy included issues such as clerical incontinence (canon 14), drunkenness, gluttony, hunting, fowling (15), clerical dress, playing games of chance, watching actors (16), feasting, and negligence in performing services in the church (17). Clerical incontinence referred to the lack of chaste living by priests as well as to those priests who were in a marriage. This was

⁶⁵ Melloni refers to Innocent's understanding of the Crusades as an "ideology of an operational Christendom", Melloni, "Vineam Domini", 63-64.

⁶⁶ for a list of participating bishops see Foreville, *Latran*, 391-395.

⁶⁷ for more on the Fourth Lateran Council as an event see Brenda Bolton, "A show with a meaning. Innocent III's approach to the Fourth Lateran Council, 1215," in *Innocent III: Studies on Papal Authority and Pastoral Care* (Aldershot: Ashgate, 1995), XI, 53-67; Moore, *Innocent III*, 228-251.

related to the belief that the priest must remain clean and unsullied to perform the divine services so as not to offend God. The bond between a religious and the Church was foremost and the marriage to a wife had to be abandoned.⁶⁸ The previous councils had also dealt with this issue. Canon 7 of the First Lateran Council had forbidden “priests, deacons or subdeacons to live with concubines and wives, and to cohabit with other women.”⁶⁹ Only women who were above suspicion such as the priest’s family were allowed to live with him if necessary. This decree was further strengthened by canon 21 of the same council, which essentially repeats the prohibition of marriage for clergymen.⁷⁰ The Second Lateran Council (6) decreed that those clergymen, of the rank of subdeacon and above, who had concubines or wives were to lose their position and the accompanying benefice. The canon also elaborated on the reasons: “they ought to be in fact and in name temples of God, vessels of the Lord and sanctuaries of the Holy Spirit, it is unbecoming that they give themselves up to marriage and impurity.”⁷¹ The reasoning behind these decisions was related to the idea of purity, that clergymen should avow spiritual virtues above all else and refrain from anything that could hinder them in the prosecution of their service. The following canon went into more detail forbidding people from hearing masses from clergymen who have wives or concubines, which meant that the people should also bear a certain responsibility to see and report if their priest is behaving in an illicit way. Their action or inaction was directly related to their own spiritual well-being. The text defines how since these marriages were against ecclesiastical law, the couple should separate and do penance. The key wording again revolved around “continence and purity pleasing to God.”⁷² Canon 8 dealt with the same problem with regard to women religious who were married. The Third Lateran Council (c. 11) described this as an “unnatural vice” and used the images of how “the wrath of God came down upon the sons of disobedience”⁷³ and “destroyed the five cities with fire.”⁷⁴ This imagery of “the sons of disobedience” was subsequently reused in canon 14 of the Fourth Lateran Council.⁷⁵ The Third

⁶⁸ García y García, *Constitutiones*, 62-63; Tanner, *Decrees*, 242; on the matter of clerical incontinence see Ross William Collins, “The Parish Priest and His Flock as Depicted by the Councils of the Twelfth and Thirteenth Centuries,” *The Journal of Religion* 10, no. 3 (1930): 313-332, esp. 320-323; C. N. L. Brooke, “Gregorian Reform in Action: Clerical Marriage in England, 1050-1200,” *The Cambridge Historical Journal* 12, no. 1 (1956): 1-21; John E. Lynch “Marriage and Celibacy of the Clergy the Discipline of the Western Church: An Historico-Canonical Synopsis,” *Jurist* 32, no. 1 (1972): 14-38; Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford: Oxford University Press, 1991), 100-101, 103-105; Michelle Armstrong-Partida, “Priestly Wives: The Role and Acceptance of Clerics’ Concubines in the Parishes of Late Medieval Catalunya,” *Speculum* 88, no. 1 (2013): 166-214; Julia Barrow, *The Clergy in the Medieval World: Secular Clerics, Their Families and Careers in North-Western Europe, c. 800–c. 1200* (Cambridge: Cambridge University Press, 2015), 135-147.

⁶⁹ Tanner, *Decrees*, 191.

⁷⁰ Tanner, *Decrees*, 194.

⁷¹ Tanner, *Decrees*, 198.

⁷² Tanner, *Decrees*, 198.

⁷³ The Apostle Paul’s letter refers to immoral or impure behavior, Eph 5,6.

⁷⁴ Tanner, *Decrees*, 217; Gn 19, 24-25.

⁷⁵ García y García, *Constitutiones*, 63; Tanner, *Decrees*, 242.

Lateran warns the bishops about priests “frequenting convents of nuns” for some untoward purposes.⁷⁶ It also gives clergymen an option to cast out their wives or concubines and keep their office, showing how their relationship to Christ is above that of any earthly bond, however, the text also refers to laymen who had been judged guilty of having a concubine incurring the sentence of excommunication. Whereas the Third Lateran Council expanded its jurisdiction into the secular sphere, the Fourth Lateran Council stayed within the confines of regulating clerical behavior in this aspect. The 1215 Council was not novel in this respect but more focused and descriptive, showing more negative examples of clerical incontinence and how they effected the community.

Immoderate enjoyment of wine or food was also a problem because it presented the priest in a bad light, unworthy of his position in society, also drunkenness affected the mind and could lead to lust. Therefore, any way in which the priest would lose control and his stature or even his perception in the community would diminish, was negative since he was God’s minister.⁷⁷ Related to this, canon 17 dealt with clerics and prelates feasting, long into the night and who were then hungover or tired in the morning. Others either did not celebrate mass often enough or did not even attend mass.⁷⁸ Another part of the outward visibility of clerics was their dress which is something that canon 16 predominantly deals with. However, apart from regulating garments, including the color of the cloth, length of sleeves, style of shoes, belt buckles, and rings, the decree defines other worldly practices that clerics should avoid, including steering clear of taverns, games of chance or dice, as well as performances by mimes, entertainers, and actors.⁷⁹ None of these activities or more broadly put, lifestyles, were considered suitable for clerics, rather their main goal should have been “applying themselves to the divine services and other good pursuits.”⁸⁰ The negative actions referred to in the canon had been drawn out throughout the preceding century during various reforms as those that lessen the position of the cleric within society because they draw him at the same level as the rest, while he should at all times be better, an example, at least in deeds. These canons deal with clerics who were engaged in secular, or material, business to the detriment of their duties to the Church. They did not present previously unknown problems and solutions, the legislation was not different, however, the call to universal application was the hitherto unseen quality in reform councils.

⁷⁶ Tanner, *Decrees*, 217-218.

⁷⁷ García y García, *Constitutiones*, 63-64; Tanner, *Decrees*, 242; Collins, “The Parish Priest”, 313-315; Hugh M. Thomas, *The Secular Clergy in England, 1066-1216* (Oxford: Oxford University Press, 2014), 28-30.

⁷⁸ García y García, *Constitutiones*, 65; Tanner, *Decrees*, 243.

⁷⁹ García y García, *Constitutiones*, 64-65; Tanner, *Decrees*, 243; Collins, “Parish Priest”, 313-315, 318-319, 323, 328-329; for more on the issue of excessive vestment by the clergy in the context of twelfth-century canonical legislation see Maureen C. Miller, *Clothing the Clergy: Virtue and Power in Medieval Europe, c. 800–1200* (Ithaca: Cornell University Press, 2014), 35-50.

⁸⁰ García y García, *Constitutiones*, 64; Tanner, *Decrees*, 243.

As Gibbs and Lang demonstrated, the decrees on clerical morals and marriage were the most “popular” among the English reforming bishops, who tried to resolve this issue by depriving the unruly clerics of their benefices.⁸¹ On the other hand, Pixton explained how Innocent III’s reform of the clergy had little impact in Germany as by the Mainz synod of 1225 the clerical standards were (still) low, many had concubines and were leaving their prebends to their children, excommunicates were serving in office, lay occupants were established in clerical offices, not to mention that lust and carnal depravity were rampant. The Mainz constitutions reflected canons 14 of the Fourth Lateran Council and canon 17 of the Third Lateran Council. The synod, which showed the pastoral element of its activity as opposed to simple administration or judicial practice, also mandated the yearly publication of these decision according to canon 6 of the most recent council. Pope Gregory IX also pushed for reform of clerical morals, granting permission in 1233 to the Dominican friar Bernard to suspend all clerics who were accused of having sex with nuns and secular canonesses in the provinces of Trier and Cologne, while Bishop Henry III of Eichstätt had to deal with moral lapses and marriages of his clergy. The Trier reform decrees of 1238 legislated against visiting taverns, playing dice or games of chance, or indulging in carnal sin, defining them as obstacles for ordination or election. On a positive note, Bishop Engelhard of Naumburg decreed that clerics should discharge obligations such as choir service and the celebration of mass.⁸²

An aspect that was made important in the “Gregorian reform” was the ritual purity related to space, namely the church and altar. Canon 20 defines the necessity of separating the chrism and the Eucharist from an “audacious hand” who could do something “horrible or impious.”⁸³ While in the previous canons, the problem lay with the improper behavior of the cleric who was, because of that lack of personal quality, unfit to handle his duties as a priest, here the emphasis is on outsiders, i.e. laypersons. Pixton found reference to this in the work of Archbishop Dietrich II of Trier in the first half of the thirteenth century as well as at a diocesan synod at Cologne in 1221.⁸⁴ The preceding canon, 19, also deals with keeping the church space clean from secular intrusion, specifically with regard to secular furniture. Apparently, some clerics used churches to deposit their own personal furniture and that of others, making the church space lose its original meaning, again putting attention to the need for spatial order within the church. Furthermore, the canon continues with the topic of clerical neglect when it comes to the church, objects such as “vessels, corporals and vestments” were

⁸¹ Gibbs and Lang, *Bishops and Reform*, 158.

⁸² Pixton, *German Episcopacy*, 347, 373, 387-388, 402, 416, 421.

⁸³ García y García, *Constitutiones*, 67; Tanner, *Decrees*, 244; Carol Davidson Cragoe, “The custom of the English Church: parish church maintenance in England before 1300,” *Journal of Medieval History* 30 (2010): 1-19, esp. 11-13; Ian Forrest, “The Transformation of visitation in Thirteenth-Century England,” *Past and Present* 221 (2013): 3-37, esp. 26-27.

⁸⁴ Pixton, *German Episcopacy*, 240, 300-301.

dirty and unkept to the horror of the people. These canons present the two perspectives of this reform. Firstly, the intrinsic need to increase the quality of the cleric to secure the ritual purity of the divine services and secondly, the need for the clergy to be perceived as being apart from the secular sphere.

The problem of simony had been an issue at the previous three Lateran Councils, after being definitively brought to the forefront of reform during the eleventh-century “Gregorian period”.⁸⁵ Already the first canon of the First Lateran Council had succinctly forbidden “anyone to be ordained or promoted in the church of God for money.”⁸⁶ This continued in the Second Lateran Council where the first two canons dealt with simony, canon 1, again quite simply, declared offices attained via simony to be forfeit, and canon 2 expanded this to acquiring prebends, priories, deaneries, other ecclesiastical honors, but also holy objects such as chrism or holy oil.⁸⁷ The decree explains how sometimes such payments are demanded “for sustenance or under the pretext of any custom.” As an addition to this, canon 24 clearly states how “chrism, holy oil and burials” have no “sale-price.”⁸⁸ It also relates to canon 20 of the Fourth Lateran Council when referring to the preservation of the holy objects within the church space, in this instance from the trade of such items. The Third Lateran Council in its canon 7, presented more everyday examples of simony, such as payments for the enthroning of bishops, abbots, priests, and other clergymen, as well as for services including burials, funerals, weddings, and other sacraments. This decree again refers to a “belief that long-standing custom has given it [the practice of paying for service] the force of law.”⁸⁹ Finally, the Fourth Lateran Council addressed simony in as many as four canons: on a general level (63), regarding monks and nuns (64), bishops extorting money (65), and clerics extorting money (66). Canon 63 implies that there are “wicked exactions and extortions” fixed for the positions of bishops, abbots, and clerics based on a “long-established custom”. This explanation repeated from the previous two Lateran Councils is again rejected by the decree. Reflecting on simony amongst the ranks of the monastics, the problem grew to the level that nuns and monks were not admitted into monasteries without payment, justified by the simoniacs as necessary payments due to the poverty of the community. Interestingly enough, nuns or monks who had been admitted in such an illicit fashion would, according to the canon, be removed from their houses but not expelled from the orders and could even remain in the same monastery with a dispensation. The provincial bishop’s duty was to publish

⁸⁵ For more on simony in the “Gregorian” context see Morris, “Papal Monarchy”, 100-103; I. S. Robinson, “Reform and the Church, 1073-1122,” in *The new Cambridge medieval history* vol. 4, part 1, ed. David Luscombe and Jonathan Riley-Smith (Cambridge: Cambridge University Press, 2004), 268-334, esp. 270-326.

⁸⁶ Tanner, *Decrees*, 190.

⁸⁷ Tanner, *Decrees*, 197.

⁸⁸ Tanner, *Decrees*, 202.

⁸⁹ Tanner, *Decrees*, 215.

this decree on a yearly basis to ensure the proper promotion of such legislation, clearly, the struggle against simony was a continuous endeavor. Already at the Third Lateran Council, canon 10 criticized this practice as well as that of monastics retaining their own money after entering a monastery.⁹⁰ The following two canons deal with outright extortion by bishops and clerics. The former kept churches vacant after the death of a rector and required money for instituting a new cleric, they also asked for money from knights or clerics who wished to be buried amongst the religious in a monastery. The latter demanded payments for funeral rites and marital blessings, otherwise blocking the proceedings. Canon 66 also implies that there was a reaction by the laity to such unjust exactions – they would refrain from giving gifts to the church. This canon does suggest that the Church needed active economic support from the laity but tried to separate this from the services the Church provided, to remove the implication of a transactional relationship between the two. All of the Lateran Councils had the same strong prohibitions on these “money issues”, yet the Fourth Lateran Council was the first to consider a possible negative practical effect to the economy of the Church, i.e. fewer donations from secular persons.

Canon 7 is the overarching decree on the reform of the clergy, stating “that prelates of churches should prudently and diligently attend to the correction of the subject’s offences, especially of clerics, and to the reform of morals.”⁹¹ While the other canons went into detail as to what should be corrected, this canon set up the authority of the bishop in the process, going as far as correcting chapters that proved incapable or unwilling to resolve their issues themselves. The responsibility is placed with the bishops as the provincial heads of the Church. The canon also warns against possible extortion by the bishops under the guise of reform. Pixton’s analysis of the German Church showed that several archbishops and bishops attempted to reform their cathedral chapters following the Lateran Council. Archbishop Dietrich II of Trier tried to reestablish the *mensa communis* in the Trier cathedral chapter already in February 1215, instituting residence obligations for the canons. This became an exemplar for other collegiate churches in the city, such as St. Florin’s and St. Paulin’s. The residence obligation was also part of local synodal legislation in 1238, however, the canons soon rejected this. The *vita communis* had also been active at the Mainz cathedral during the twelfth century, including a common refectory and dormitory for the canons. However, awarding multiple prebends to canons was corrosive to the communal character of the institutions. Pixton also cited the growing complexity of archdeaconates as a hinderance to the *vita communis* until it became optional in 1236. Though, the quality required of vicars remained high. In 1235 the bishop of Bamberg tried

⁹⁰ Tanner, *Decrees*, 217.

⁹¹ García y García, *Constitutiones*, 53-54; Tanner, *Decrees*, 237.

to enforce residence by withholding incomes from benefices of unruly or disobedient canons. Legate Otto also tried his hand at regulating chapters. The statutes he published at Bremen in 1230 regulated the election of *capitulares* in the chapter, they demanded residence and mandated two confessors or episcopal penitentiaries, reflecting canon 10 of the Lateran Council. The canons were not without the ability to keep their bishop in check, and in 1216 Robert of Grandpré, bishop of Verdun, was charged with incompetence by his cathedral chapter and excommunicated by Legate Peter. A similar situation befell Archbishop Henry of Cologne in 1231 when he was charged by his chapter regarding his ill-fated financial dealings with merchants or moneylenders. The pope reprimanded the prelate and ordered an investigation of his neglectful administration of the archdiocese.⁹²

The council also saw fit to regulate the matter of saints' relics, an issue of importance for both clergy and laity. In canon 62, regulations were established for the veneration and verification of relics, the problem of fraudulent alms-collectors, and excessive indulgences. Relics were becoming a growing concern, especially after the Latin conquest of Constantinople in the Fourth Crusade which enabled the influx of many real and forged relics to Western Europe.⁹³ The decree limited relics to be displayed in reliquaries and they could not be sold. New relics had to be approved by the pope otherwise people might be deceived by "lying stories or false documents." Greater attention was given to false alms-collectors who even presented false documents for their deception and in some cases took to false preaching. The canon then gives the correct formula for an alms-collectors letter of sanction so that prelates could distinguish real alms-collectors from imposters. The collectors themselves also had to keep to a standard: modesty, frugality, and discretion. In practice, this meant that they should stay away from taverns or excessive clothing. Finally, the text also addressed some prelates giving excessive indulgences in their provinces. Indulgences for the dedication of basilicas were limited by the canon to no more than one year and for an anniversary up to 40 days. Moderation was demanded, as otherwise indulgences would lose their meaning and strength.⁹⁴ Avarice, greed, and deception were just some of the issues pointed out in the canons related to the reform of the clergy, reflecting the state of the Church at the time. The influence of money, either in trading offices,

⁹² Pixton, *German Episcopacy*, 235-236, 242, 360, 376, 390-391, 397-399, 410

⁹³ Moore, *Innocent III*, 247; for more on relics and saints in the Lateran IV context see Robert Bartlett, *Why Can the Dead Do Such Great Things? Saints and Worshippers from the Martyrs to the Reformation* (Princeton: Princeton University Press, 2013), 304-324, 602-608; Michael Goodich, "Vision, Dream and Canonization Policy under Pope Innocent III," in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 151-163; Gábor Klaniczay, "The Power of the Saints and the Authority of the Popes. The History of Sainthood and Late Medieval Canonization Processes," in *Church and Belief in the Middle Ages. Popes, Saints, and Crusaders*, ed. Kirsi Salonen and Sari Katajala-Peltomaa (Amsterdam: Amsterdam University Press, 2016), 117-140, esp. 126; Christine Oakland, "The Legacy of Canon 62 in the Diocese of Sens in Northern France (1215-1469)," in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 187-204.

⁹⁴ García y García, *Constitutiones*, 101-103; Tanner, *Decrees*, 263-264.

or here in trading and exacting “spiritual goods”, such as relics or alms, was to be eliminated as much as possible.

Reforming the clergy was an essential part of the continuing reforms of the eleventh and twelfth centuries. While a great many things could be placed under this umbrella term, the focus throughout the period was on two key issues, simony and moral purity. The former revolved around a series of possible transactions, exactions, and extortions related to offices and admittance into orders. The latter was reflected primarily in prohibitions of clerical marriage and clerical concubines. These issues were persistent during all the Lateran Councils in the twelfth century. The Fourth Lateran Council expanded on this with legislation governing the image of the cleric within society, either regarding his dress, immoderate feasting, and drinking or his participation in questionable secular entertainment. The cleric was supposed to act in a mindful way, as a minister of God and he was also to present himself accordingly among lay people, not diminish the dignity of his office or service.

1.2.2. Reform of the laity

It is difficult to say if any of the canons are related exclusively to the laity, as most of them presume some kind of interaction between ecclesiastic and secular persons. There are, however, a few that speak directly to the lay encroachment of ecclesiastical rights, again a continuing part of the “Gregorian reform” agenda. Canon 44 has very direct wording on the position of laymen in relation to the Church: “Lay people, however devout, have no power to dispose of church property. Their lot is to obey, not to be in command.”⁹⁵ The decree further elaborates on infringements made on “the immunity of ecclesiastical freedom”, practically this meant taking the land and other physical possessions of the church, including mortuaries. While the text presented a clear distinction and separation between clergy who command, and laymen who obey, the focus is more on a material than on a spiritual issue – i.e. land administration. The First Lateran Council (c. 8) and the Second Lateran Council (c. 10), had already provided similar decrees.⁹⁶ While these two councils referred to the necessity of keeping “tithes” and “church business” free from secular intrusion, the Fourth Lateran Council goes further into detail, showing the last century of real experiences of clergy contending with such cases. It also puts forth the idea of legal jurisdiction, while the previous councils were reproaching “sacrilege” as the crime. Pixton found this partly implemented at the Synod of Mainz in 1227, prohibiting lay advocates inheriting church lands and possibly at Eichstätt in 1235. In the latter

⁹⁵ García y García, *Constitutiones*, 83-84; Tanner, *Decrees*, 254.

⁹⁶ Tanner, *Decrees*, 191, 199.

case, Pope Gregory IX gave Bishop Henry of Eichstätt the right to reclaim houses and property that canons and clergy of his church had sold to laypersons (their housekeepers).⁹⁷ The following canon addressed the manipulation of possessions and goods of the church by its patrons or their agents. Though it went even further than that addressing the crime of prelates being either mutilated or even killed. The killing of a prelate or any cleric was deemed to be such a heinous act that some degree of punishment would go on to the fourth generation of the criminal.⁹⁸ The Second Lateran Council (c. 15) decided that those who “lay violent hands on a cleric or a monk” would be punished by anathema.⁹⁹ In 1215, the Council clearly had a more elaborate idea on exactly what kind of violence was to be expected and from whom, as well as a more exhaustive punishment.

Canon 22 had to do with the care of sick people, pronouncing that the foremost priority should be the spiritual health of a person from which physical health would proceed. Physicians were commanded by the decree to advise their patients on the need to address their spiritual ailments with a “physician of the soul” before engaging in physical treatment, as well as refraining from prescribing anything “that may endanger” the patient’s soul.¹⁰⁰ This was one of the contemporary medical novelties the council saw fit to deal with and the decree showed the main perspective of the Lateran agenda – spiritual reform.

The arguably most influential canon related to the laity was canon 21, on confession. Although, confession and penance were not original ideas, both were raised to the level of an obligatory practice (at least once a year) for all Christian women and men old enough to understand the practice. This level of legislation surpassed the decisions by the previous assemblies, as it placed confession and communion into a universal council’s agenda for the first time. Besides confession and penance, the faithful were commanded to receive the Eucharist, at least once a year at Easter. Those who did not follow this command were not to be allowed entry into a church or a Christian burial. The decree describes the relationship of the priest and the person confessing in detail. First, one should confess their sins to their priest or ask their priest for permission to speak to another confessor. Without this permission, the subsequent confession did not have any power. Second, the procedure of the confessions was made quite clear with the two keywords being discernment and discretion. The text instructs the priest to “be discerning and prudent, so that like a skilled doctor he may pour wine and oil over the wounds of the injured one.”¹⁰¹ Discernment implies the priest should

⁹⁷ Pixton, *German Episcopacy*, 357, 402.

⁹⁸ García y García, *Constitutiones*, 84-85; Tanner, *Decrees*, 254.

⁹⁹ Tanner, *Decrees*, 200.

¹⁰⁰ García y García, *Constitutiones*, 68-69; Tanner, *Decrees*, 245-246.

¹⁰¹ García y García, *Constitutiones*, 67-68; Tanner, *Decrees*, 245.

talk to the penitent and discuss the context of his actions so that he may give a more “healing solution” to the problem, both in terms of a penance but also advice for how to deal with such issues in the future. This required education, knowledge, and skill by the confessor, both within the confessional relationship as well as in other fields which might warrant advice. Discretion was the aspect of the relationship needed to build trust and thus have the penitent give a more accurate and detailed account of his possible transgressions. The priest could consult, probably a fellow priest or a superior, if he needed advice. However, he had to keep the matter discreet and not allow the identity of the penitent to be revealed. The importance of keeping the confessional secret was so great that the priest could be deposed from his office if he broke this trust. This decree aimed at connecting the layperson more to his priest and to the entire Christian community through the sacramental practice of confession and the Eucharist. The separation between those who participated and those who declined was obvious in life and in death.¹⁰² Pixton explained how in the synod of Trier in 1238 it had been determined that public penance should be restored as an attempt to curtail the selling of the “remission from penance time”, and how this was an indication of the Lateran canons’ implementation in the province.¹⁰³

The canons dealing more or less specifically with the laity show on the one hand the need to respect ecclesiastical freedom, both with a view to material goods, land, and space, as well as the physical freedom of a priest related to crimes of violence against clergymen. In essence, the canons aim to protect the clergy from an aggressive laity. On the other hand, the canon on confession moves the two spheres closer together, asking them to engage in a personal relationship of trust on a parish level, thereby giving the laypersons an obligation to actively participate in self-learning about their faults and misdeeds and on how to rectify them as well as to do the appropriate penance. The priest is the vessel of knowledge that gives the laity the information needed to better themselves. This information and practice, that is imparted during the confession and Eucharist was conceived as the link that binds the layperson within the whole of Latin Christendom, as part of a much greater community acting under the same rules and guidelines.

¹⁰² Roberto Rusconi, “De la predication à la confession : transmission et contrôle de modèles de comportement au XIII^e siècle,” in *Faire croire: Modalités de la diffusion et de la réception des messages religieux du XII^e au XV^e siècle*, ed. André Vauchez (Rome: École française de Rome, 1981), 67-85; Lester K. Little, “Les techniques de la confession et la confession comme technique,” in *Faire croire: Modalités de la diffusion et de la réception des messages religieux du XII^e au XV^e siècle*, ed. André Vauchez (Rome: École française de Rome, 1981), 87-99; Goering, “The Internal Forum”, 177-184; John Baldwin, “From the Ordeal to Confession: In Search of Lay Religion in Early Thirteenth Century France,” in *Handling Sin: Confession in the Middle Ages*, ed. Peter Biller and A. J. Minnis (York: York Medieval Press, 1998), 191-209; Norman Tanner, “Pastoral Care The Fourth Lateran Council of 1215,” in *A History of Pastoral Care*, ed. G. R. Evans (London: Cassell, 2000), 112-125, esp. 117-118.

¹⁰³ Pixton, *German Episcopacy*, 416.

The council also settled issues on the canonical limits of marriage. Three of the four Lateran Councils gave their input into the problem of who is allowed, by law, to enter into marriage. Canon 9 of the First Lateran Council decreed that unions between blood relatives were forbidden under both “divine and secular laws” and that those who marry should be judged to be infamous and their offspring deprived of inheritance.¹⁰⁴ The Second Lateran Council confirmed this by prohibiting “unions within the bounds of consanguinity”, decrying the “incestuous behavior” which was becoming a worrying practice. The decree again confirmed the infamous status for those who would go against the law as well as the denial of inheritance for the children of such a union.¹⁰⁵ Two aspects come out of these decrees. First, marriage between blood relatives was forbidden. However, what exactly was considered to be a blood relative, and especially to which degree was not clearly specified. Second, any children coming from such a relationship would have no inheritance. It is not specified if this hereditary element refers only to material goods, or social ranks and stations. Therefore, while the canons were direct in forbidding such marriages, they were vague to the point of being less than effective. Both canons also referred to secular laws banning these illicit marriages.

Innocent III and the Lateran Council thought that these decrees were lacking and decided to expand marriage law with three precise canons (50-52). They revoked the previous constitutions on the issue and decided that prohibitions against marriage would not go beyond the fourth degree of consanguinity and affinity. This meant that anybody who wanted to get married and had a common ancestor up to a great-great-grandparent would be legally denied marriage.¹⁰⁶ The text immediately justifies this as “it should not be judged reprehensible if human decrees are sometimes changed according to changing circumstances, especially when urgent necessity or evident advantage demands it.”¹⁰⁷ Towards the end of the decree this idea is expanded on, saying how the “prohibition of marriage is now restricted to the fourth degree, we wish the prohibition to be perpetual, notwithstanding earlier decrees on this subject issued either by others or by us.”¹⁰⁸ The change was made because petitioners were using the excuse of forbidden degrees to get out of unwanted marriages, something that Innocent had first-hand knowledge of. Therefore, when referencing “changing circumstances”, “urgent

¹⁰⁴ Tanner, *Decrees*, 191.

¹⁰⁵ Tanner, *Decrees*, 201; Karl Ubl, *Inzestverbot und Gesetzgebung. Die Konstruktion eines Verbrechens* (300 – 1100) (Berlin: Walter de Gruyter, 2008), 461-473.

¹⁰⁶ for more on the papacy’s marriage policies see David d’Avray, *Papacy, Monarchy and Marriage, 860-1600* (Cambridge: Cambridge University Press, 2015), 75-79; David d’Avray, “Lateran IV and Marriage. What Lateran IV did not do about Marriage?,” in *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmrath (Affalterbach: Didymos-Verlag, 2017), 137-142; Alejandro Morin, “The Fourth Lateran Council’s *Non Debet* (c. 50) and the Abandonment of the System of Derived Affinity,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 169-185.

¹⁰⁷ García y García, *Constitutiones*, 90; Tanner, *Decrees*, 257.

¹⁰⁸ García y García, *Constitutiones*, 91; Tanner, *Decrees*, 258.

necessity”, or “evident advantage”, those phrases point to a dynamic social landscape and a developing legal field where loopholes were used, obviously too frequently, according to the pope. Although the forbidden degrees were reduced the expansion from merely blood relations to those bound only by affinity should have been a greater and more consistent impediment than was the case before. It is also interesting how the decree deals with previous legislation, voiding the older canons and setting up new law that should become a more stable and lasting policy.

The council also addressed, in great detail, the problem of clandestine marriages (51). Such marriages were contrary to the idea that any proposed union should be publicly announced by the priest in the church where the two would eventually marry. The reason behind this was that by doing so (at least three times), the priest and the community could voice their opinions regarding any possible impediment to the marriage, most notably if the persons were too closely related for a valid marriage. This practice arguably did not have a significant effect after the Fourth Lateran Council but likely only after being more detailed at the Council of Trent in the sixteenth century.¹⁰⁹ Priests were forbidden from being present at such clandestine marriages. However, on a general level, a marriage being clandestine was not reason enough for dissolving the union after the fact. The fundamental issues were incestuous marriages or marriages within the forbidden degrees.¹¹⁰ This canon also expands on the issue of the legitimacy of children in marriages within the forbidden degrees, saying that the children of such a marriage are illegitimate whether or not their parents knew they were acting against the law. These two canons gave the priests a new responsibility to care for the following of this new marital law, if they did not, the punishment was at least a three-year suspension from their office.

It is clear from the language of the decrees that the intent was a universal approach to marriage across Latin Christendom, and the pope and council were well aware of the manipulations that had previously been used to get out of certain marriages, especially in the higher ranks of society – among the royalty and nobility. Canon 52 closes off the section on marriage with a detailed analysis of hearsay testimony in matrimonial suits, and outright rejects it in the matter of reckoning the degrees of consanguinity and affinity. The text of the decree implies that previously such testimony was used against lawful marriages. It also provides an exception, testimony “from those who are trustworthy and above every objection”, at least two witnesses affirming a certain fact.¹¹¹ The final sentence of

¹⁰⁹ D. L. d’Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005); John W. O’Malley, *Trent: What Happened at the Council* (Cambridge, MA: The Belknap Press, 2013), 224-228.

¹¹⁰ For more on the development of papal doctrine towards the concept of incest during the “Gregorian reform” see Karl Ubl, *Inzestverbot und Gesetzgebung. Die Konstruktion eines Verbrechens (300 – 1100)* (Berlin: Walter de Gruyter, 2008), 440-473.

¹¹¹ García y García, *Constitutiones*, 93-94; Tanner, *Decrees*, 259.

the decree is an interesting approach to human legislation as opposed to divine law: “it is preferable to leave alone some people who have been united contrary to human decrees than to separate, contrary to the Lord’s decrees, persons who have been joined together legitimately.”¹¹² The responsibility of the priests and, in the cases of the nobility and royalty, of the bishops and pope was great. This burden was made even heavier by external pressure in high-profile cases, false testimonies, or documents, all factors making a just decision extremely difficult. Though this and other decrees were creations of contemporary canonical expertise and practical knowledge, the idea of human law going against divine law, dissolving marriages, was a problematic hurdle.

The three canons on marriage published at the Fourth Lateran Council were the expansion on marriage law that was already established by the First and Second Lateran Councils. In 1215, Innocent III and his bishops saw fit to turn a new page in this field and revoked the previous decrees, throwing the full weight of the council’s authority behind the new limit to the degrees of kinship between those who wanted to get married. The council tried to enforce this through the priest and his public announcements of marriages that would include the entire parish community in the process of discerning the legitimacy of a union. The decrees did even more by creating clear guidelines and procedures for dealing with clandestine marriages, children of illegitimate marriages, and devised a procedure on the appropriate way of taking testimony from witnesses in matrimonial suits. The aim of these decrees was to contemporize marital proceedings in a systematic and universal way so that there would be fewer cases of vague and contradictory decisions by clergy on all levels throughout Latin Christendom.

1.2.3. Appointments and finances of the clergy

One of the most expansive fields addressed at the council was the appointment and financial support of the clergy. There were numerous issues, such as episcopal election procedures, the control and awarding of benefices, the administration of church property, financial exactions by visiting clergymen, and the position of lay patrons within this system. The council’s decrees went into detail trying to streamline the hierarchical and procedural issues as well as the limits between ecclesiastical and lay administration. This kind of legislation was becoming more developed since the eleventh century, both through papal councils, including the previous Lateran assemblies, as well as through canon law collections. Innocent III decided to resolve some of the issues and conflicts that had cropped up during the preceding century. Therefore, it can hardly be seen as completely new;

¹¹² García y García, *Constitutiones*, 93-94; Tanner, *Decrees*, 259.

however, the practice of elections was changed, as unwieldy models were practically marginalized and the Lateran decrees were key to this process.¹¹³

Episcopal elections were an important issue from the beginning of the “Gregorian reform”. Canon 24 of the Fourth Lateran Council admitted that previously there was a variety of election procedures that created problems and the decree defined three ways of canonical election. First, an election committee made up of three chapter members would run a “confidential” ballot election, and the “person shall be elected upon whom all or the greater or sounder part of the chapter agree.”¹¹⁴ Second, the election right could be transferred to “some suitable persons” who could then make the election on behalf of the chapter. Finally, there was the option of a “divinely inspired” unanimous vote. Clandestine elections were condemned and all elections were to be solemnly published immediately after the fact.¹¹⁵ After a successful election, canon 26 provided the regulations for a proper confirmation. The person who was superior to the elected office and assigned to confirming the elected prelate should “examine both the process of the election and the character of the person elected.”¹¹⁶ This was a secondary check so that no “unworthy prelates” could ascend offices and do harm to the community that would be entrusted to their leadership. Unworthy behavior was referring to a “dishonest life”, however, “insufficient learning” and “unlawful age” were also valid reasons to deny confirmation to a candidate. The decree sought to punish both the candidate and the person improperly confirming him if so proven, clearly trying to put greater responsibility in the act of confirmation other than it being a simple blessing.¹¹⁷ The text of the canon also acknowledged candidates outside of Italy and their trouble getting to the pontifical court, allowing them to administer their office by dispensation. One of those improper ways of electing was “through abuse of the secular power, against canonical freedom”, as explained in canon 25.¹¹⁸ Secular intrusion into ecclesiastical elections was one of the key battlegrounds of the reform, at least in the normative aspect. Though the practical impact would remain unclear, the language of the decree gave no doubt that the candidate in such an election would become ineligible for further elections, which plainly showed the level of transgression in question.¹¹⁹ Care for the community (their souls before anything else) was perhaps

¹¹³ Jörg Peltzer, *Canon Law, Careers and Conquest: Episcopal Elections in Normandy and Greater Anjou, c. 1140–c. 1230* (Cambridge: Cambridge University Press, 2008), 20-72; Katherine Harvey, *Episcopal Appointments in England, c. 1214-1344: From Episcopal Election to Papal Provision* (Farnham: Ashgate, 2014), 11-13, 28-48.

¹¹⁴ García y García, *Constitutiones*, 70; Tanner, *Decrees*, 246.

¹¹⁵ Fabrice Delivré, “Théories et pratiques au miroir de *Quia propter*,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 111-146.

¹¹⁶ García y García, *Constitutiones*, 71-72; Tanner, *Decrees*, 247.

¹¹⁷ Robert L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton: Princeton University Press, 1968), 35-38, 90-115; Peltzer, *Episcopal elections*, 48-53; Harvey, *Episcopal Appointments*, 40-45.

¹¹⁸ García y García, *Constitutiones*, 71; Tanner, *Decrees*, 247.

¹¹⁹ Peltzer, *Episcopal Elections*, 31-36; Harvey, *Episcopal Appointments*, 38, 40, 42-43.

the primary explanation behind these decrees and canon 23 also reflected this. It gave cathedral chapters and churches of regular clergy three months to elect a suitable person otherwise their election right would devolve to their superior who would again have three months to come to a decision. These decisions should have given an impetus and guidelines to the electors not to delay their work so that a proper pastor of the people and administrator of the church might go about his business, spiritually and materially.¹²⁰ Gibbs and Lang determined that the election decrees were rigidly implemented in England, with compromise as the most popular form of election. The proceedings were mostly derailed on technicalities, while the examination of candidates was essential in the process, citing lack of knowledge, simony, and pluralism as some of the frequent disqualifying remarks. The threat of losing election rights due to delays was also effective as there were only two such cases documented.¹²¹ According to Pixton, after the Lateran Council there were several contested elections, such as at Cologne in 1216 which had been resolved and Engelbert of Berg was confirmed as archbishop by Legate Peter of Sasso. He went about restoring archiepiscopal authority and Peter even acted against the local chapter of St. Maria for not accepting a son of a local burgher. In 1219 Eudes II of Sorcy had been elected bishop of the problematic diocese of Toul and was supported by his superior, the archbishop of Trier, to take charge of correcting lapses among his clergy. These examples showed how vacancies could be detrimental to the stability and order within ecclesiastical provinces and the subsequent elections were supported by superiors (legate, archbishop) aiming to rectify the situation, thus showing the importance of functioning church hierarchies. As for the implementation of the Lateran decrees, a clear case of their use in freeing up election was in Brandenburg, where Bishop Siegfried II instituted constitutions giving election rights to the cathedral chapter as well as reinforcing the pastoral and corrective role of the bishop among the canons. The knowledge of Lateran decrees was also a useful tool in legal cases such as the conflict regarding the election at Eichstätt in 1223. One of the candidates, Henry, claimed his opponent's election had been carried out with the participation of the laity, which was forbidden and since his so elected opponent consumed his office after election, Henry also requested that it be nullified and his opponent be deprived of the right to elect. He argued that his opponent, Frederick, went against the forms of the Lateran Council.¹²²

The quality of the person appointed to an ecclesiastical office was very important to the pope and the council. Canon 30 defined this worthiness as connected to “learning and honesty of behavior”

¹²⁰ García y García, *Constitutiones*, 69-70; Tanner, *Decrees*, 246.

¹²¹ Gibbs and Lang, *Bishops and Reform*, 138-139, 142.

¹²² Pixton, *German Episcopacy*, 221, 244, 287, 313.

and following “the judgment of reason” as opposed to “the urgings of the flesh.”¹²³ Clerics who wanted to offer “pleasing service to God and to the churches” were considered suitable candidates. The following decree also forbade sons of canons to become canons in their fathers’ churches because it was a clear sign of impropriety and also a way of making a lack of celibacy more known and public. These matters were to be discussed at a provincial synod every year. Those who continued to make the wrong choices, whether bishops or chapters, would lose their right to appoint clerics to benefices.¹²⁴ In England, sons of clerics succeeding their fathers became such a ubiquitous practice that it invited papal mandates in 1221, 1222, and 1223 to remove these clerics.¹²⁵ On a more procedural level, in canon 28, the council ordained that when someone requested to resign, that person was to follow through with that decision and not be swayed by other self-interested people or their own “fickleness.”¹²⁶ Apparently, it was not uncommon for people to change their minds about a resignation even after they had obtained permission from a superior, which could have caused organizational issues. The decrees intended that bishops, chapters, and provincial synods should take a better look at the individuals they were electing or confirming, and examine how much those candidates were aligned with the Lateran agenda as presented in this council. Pixton found that Bishop Bruno of Meissen was forced to resign based on this Lateran decree in 1228. Presumably, the initiative came from the cathedral chapter citing the ruin brought upon the dioceses by the prelate’s inaction. This process was supported by Bishop Bruno’s superior, the archbishop of Magdeburg.¹²⁷

The council decided on how laymen should behave, especially towards clergymen, as previously shown, but it also demanded certain limits from the clerics. It was forbidden in canon 43 for clerics to take an oath of fealty to a layman to whom they were not bound by any possession. Canon 61 prohibited monks from receiving “churches or tithes from lay hands without the bishop’s consent.” A similar decree was published at the Third Lateran Council, but it focused more on the money transaction aimed at getting entry into a religious house.¹²⁸ The administration of patronage and the encroachment by patrons was an important issue at the Fourth Lateran Council as parish priests were often left to manage their church with meagre resources after being taxed by their patrons. The text of canon 32 gives examples of priests living on one-sixteenth of the tithe, the other part taken by the patrons for their own purposes.¹²⁹ This sort of behavior needed to be abolished as it produced

¹²³ García y García, *Constitutiones*, 74-75; Tanner, *Decrees*, 249.

¹²⁴ Peltzer, *Episcopal Elections*, 49-50.

¹²⁵ Gibbs and Lang, *Bishops and Reform*, 160.

¹²⁶ García y García, *Constitutiones*, 73; Tanner, *Decrees*, 248.

¹²⁷ Pixton, *German Episcopacy*, 360-361.

¹²⁸ Canon 10; Tanner, *Decrees*, 217.

¹²⁹ García y García, *Constitutiones*, 75-77; Tanner, *Decrees*, 249-250.

dire consequences, reducing the quality of the priest or vicar in terms of learning and general suitability. Vicars were supposed to be an exception, rather than the common solution. Essentially, revenue or money was to stay with the church and the priest to be used for the benefit of both. These decrees proposed to give more control over church administration to local priests as a way to allow them to keep themselves and their churches in a reputable state and from there to be able to perform their duties and services to the community in a more learned and solemn way. Pixton observed that employing vicars led to the weakening of episcopal control of diocesan administration, both in terms of supervising clerics and ecclesiastical estates. There were frequent abuses regarding the appointment of vicars for parish churches in the diocese of Regensburg which were addressed with a provincial statute requiring a bishop's or archdeacon's approval for these appointments. Similarly, the archbishop of Trier resolved the abuses in his province by taking heed from canon 32 of the Lateran council in relation to adequate resources for vicars.¹³⁰

The administration of church land and tithes was an important part of setting up the basic levels of the church hierarchy and essential in the grander scheme of the church estates within the contemporary economy. Four canons deal with the tithes and issues related to their payment. Canon 53 explains how sometimes lords give land to Christians of different rites and they did not have to pay tithes to the Church and the lords did this so they could have more revenue from their lands. The decree demands that the lord pay the tithe, notwithstanding the status of his vassal.¹³¹ The following canon related how secular people would try to reduce the tithe for the church by applying first the rents and dues, which is contrary to the idea of the tithe being reserved unto the Lord "as a sign of his universal lordship."¹³² Although the language is quite symbolic, the lack of revenue that led the council to react in such a way was entirely real and obviously a worrying matter. In canon 55 the pope indicated that a problem could come up when Church land was bought by monastic communities. In the mentioned case they were Cistercians, however, the decree was extended to all monks. The text indicates that the main concern was to leave the local church with a healthy revenue, rather than diminishing it in favor of the new monastic landowner.¹³³ Pixton relates how already in 1216, a dispute between the monasteries of Heiligenkreuz and Melk was resolved based on this decree.¹³⁴ Besides external financial pressure on a parish, there were also internal malpractices, such

¹³⁰ Pixton, *German Episcopacy*, 228, 240, 302.

¹³¹ García y García, *Constitutiones*, 94; Tanner, *Decrees*, 259.

¹³² García y García, *Constitutiones*, 94-95; Tanner, *Decrees*, 260.

¹³³ García y García, *Constitutiones*, 95-96; Tanner, *Decrees*, 260.

¹³⁴ Pixton, *German Episcopacy*, 225-226.

as parish priests taking money for themselves from agreements on letting houses or granting fiefs.¹³⁵ This was another way of draining funds from a local parish treasury and would be detrimental for the state of the church and the position of the priest in the community as these exactions were born out of greed. The matter of personal responsibility by monks was detailed in canon 59, where the main issue was giving financial guarantees and taking loans beyond a sum fixed by the convent or abbot.¹³⁶ The monastery had to have some kind of immunity from this kind of irresponsible behavior by its monks. When trying to summarize these canons dealing with land administration it is apparent that the main idea was keeping money with the local church and not allowing the incompetence or avarice of the individual priest or monk to harm the church or monastery, respectively. The Lateran Council also found it unwelcome that secular lords would take away lands or (portions of) tithes from churches, thereby endangering the pastoral capabilities in the parish.

One aspect that was becoming an issue was the allocation of multiple benefices to one clergyman. Canon 29 explains how sometimes several benefices would be given to one person, “on account of the presumption and covetousness.”¹³⁷ The problem was when these benefices were connected to pastoral care and led to the person being given the benefice choosing a vicar, or perhaps not even that, to take on the pastoral duties associated with the benefice. Pixton claimed that his was part of the reform in Trier in 1238, namely the common table was used, ultimately unsuccessfully, as a means of enforcing the residence of clergy associated with pastoral care. The importance of residence had been related again in 1229 when Legate Otto threatened the loss of income from prebends to those clerics who were disobedient and non-resident. This was partly brought about by absentee students and Pixton claims that the repetition of such statutes proves they were ineffective in the German Church.¹³⁸ The Third Lateran Council, in its canon 13, had taken on this issue of pluralism. That council detected the cause of this problem in the avarice of certain clergymen. Because of having so many benefices they were found to be unable to attend to one office well enough. The canon decreed that the person should “reside in the place and exercise his care for it himself.”¹³⁹ Obviously, Innocent III and the bishops assembled in 1215 found it necessary to repeat, clarify, and strengthen such a decree. One could only transfer to a second benefice, without retaining the first and if a clergyman tried to keep the first benefice he could even lose the second one. The

¹³⁵ Canon 56, García y García, *Constitutiones*, 97; Tanner, *Decrees*, 260-261; Piotr Alexandrowicz, “Canon Plerique (c.56) of the Fourth Lateran Council Within the Development of the Principle *Pacta Sunt Servanda*,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 221-233.

¹³⁶ García y García, *Constitutiones*, 99-100; Tanner, *Decrees*, 262.

¹³⁷ García y García, *Constitutiones*, 73-74; Tanner, *Decrees*, 248.

¹³⁸ Pixton, *German Episcopacy*, 373, 416.

¹³⁹ Tanner, *Decrees*, 218.

person who gave the second benefice would also be punished by losing the power to confer benefices. After the benefice was made vacant it had to be filled in three months, much like any election. The text illustrates that the foremost thought behind the canon was that benefices were to be used by priests and clergy active in the community, fulfilling their duties according to their office. Here the text again referred to the Third Lateran Council, this time its canon 8, which says that “no ecclesiastical ministries or even benefices or churches” could be assigned or promised before they were vacant. The vacancy should be conferred within six months by either the bishop, chapter, or, finally, the metropolitan, and the assignment given to a worthy cleric.¹⁴⁰ The Fourth Lateran Council combined these two preceding canons to strengthen them, as well as expand them for parsonages. It excluded “exalted and lettered persons” if they had a papal dispensation for more than one benefice.¹⁴¹ Gibbs and Lang found this quite contradictory as the papacy became the largest contributor to the problem of pluralism in England because the popes issued many dispensations granting multiple benefices during this period. Single benefices were also deemed inadequate to sustain clerics which meant they, namely rectors, had to combine many benefices.¹⁴² Pixton referred to a similar example in the archdiocese of Bremen in 1218, when a cathedral dean obtained a prebend at Münster and of the cathedral provost keeping two additional parish churches, or when Honorius III granted a dispensation in the same year allowing for multiple benefices to Dietrich, provost at Cologne.¹⁴³

Financial burdens placed on the priest and his community were a concern for the council and were resolved in canons 33 and 34. Some of these extraordinary burdens were procurations given to bishops, archdeacons, or other officials upon their visitations. Canon 33 describes several problems related to this procedure. First, prior to the council it happened that visitations were not carried out in person, but the procurations were demanded. Second, the size of the retinue of the visiting prelate or cleric was often too much of a financial burden for the community hosting the traveling clergymen. Here the decree referenced the Third Lateran Council’s canon 4, which dealt with the issue of procurations and retinue sizes being a burden to the host community.¹⁴⁴ Also, the text specifically addressed papal legates and nuncios, demanding from them moderation in their procurations and them not demanding more than the actual time they spent in visitation. Apparently, visitation could at times stray from business strictly related to the administration and spiritual review of a certain area and could turn into an expensive field trip. If one church or priest could not pay for the procurations they were allowed to join with other priests and churches to do so. The decree, however, made it the

¹⁴⁰ Tanner, *Decrees*, 215.

¹⁴¹ García y García, *Constitutiones*, 74; Tanner, *Decrees*, 249.

¹⁴² Gibbs and Lang, *Bishops and Reform*, 168-173.

¹⁴³ Pixton, *German Episcopacy*, 292, 302.

¹⁴⁴ García y García, *Constitutiones*, 77; Tanner, *Decrees*, 213, 250.

visitor's responsibility to be efficient and moderate in expenses, as well as working to reform and correct, rather than to extort money. The following decree warns against such prelates who deliberately demand funds from their subjects to pay for their procuration to a legate.¹⁴⁵ There was obviously an open field for financial manipulation prior to the council and these two canons were aimed at curbing that kind of behavior from visiting clergy either coming from the local diocese or from Rome. This showed the attention that was placed on the stability and financial security of the lowest level, as well as the fundamental pillar of the ecclesiastical hierarchy – the parish priest. The effects of the canon in England were negligible until the 1250s when a crisis erupted which, according to Gibbs and Lang, led to the limit of 4 marks on archiepiscopal procurations, while parish churches were completely exempt during these visitations. In 1254 Innocent IV decided to make this limitation valid throughout Christendom.¹⁴⁶

The Fourth Lateran Council clarified many issues regarding episcopal election procedures and the need to follow canonical reforms in election and confirmation. These decrees defined limits between the ecclesiastical and secular sphere, and made sure that ecclesiastical freedoms were protected, primarily during elections and appointments of clergy as well as regarding the administration of church estates and the payment of tithes. Many of the decrees revolved around the concept of the local parish church having sufficient funds to sustain itself and the priest, trying to reproach priests or monks who abused ecclesiastical material resources on foolhardy ideas. The Lateran Council tried to provide fundamental guidelines for every parish in Latin Christendom, allowing them to be protected from material abuses that could endanger the state of the local church building and estate, as well as the priest who administered the parish.

1.2.4. Ecclesiastical organization

The Council decided on how the ecclesiastical provinces in Latin Christendom would be organized and how hierarchies would function. From the essential level of clerical education and instruction to provincial synods or monastic chapters that would be fora were topics of reform and correction could be received and promoted, as well as other problems popping up in everyday situations. Other decrees addressed the prohibition of new monastic orders and the relationship between abbots and bishops in a diocese. Several canons also tried to define the way Latin Christianity interacted with other rites in mixed cities as well as how Rome fit in the general scheme of the great

¹⁴⁵ Canon 34; García y García, *Constitutiones*, 34; Tanner, *Decrees*, 251.

¹⁴⁶ Gibbs and Lang, *Bishops and Reform*, 157.

Patriarchates. Some of these decrees were supposed to centralize church procedures and improve “the discipline and the quality of the clergy.”¹⁴⁷

One of the fundamental reform elements was related to education. First and foremost, the education and instruction of clergy, but also laymen. The quality of education was written in as a requirement in the election of bishops as stated for example in canon 26. Canon 11 defined the cathedral school structure and standard as the council saw fit. This was one of the key decrees that was in fact a continuation and expansion of the Third Lateran Council’s decisions. In 1179 the council laid down the basics for the cathedral school system that would let the students, in theory, study without charge. The diocese would assign a benefice to the schoolmaster so that he is provided for. This was done so that “the opportunity of learning to read and progress in study” was not denied to “poor children” who could not count on the financial support of their families. The masters were supposed to teach “clerics of that church and the poor scholars.”¹⁴⁸ Two important factors come to the surface of this decision. First, the care for the economic status of the students and not allowing them to suffer because of their station. If someone wanted to progress in his studies on this basic level of church organization he was to be allowed to do so without financial exactions. Second, the inclusiveness of the decree. Namely, that it did not close the doors to cathedral schools for laymen. When considered together with the advances in schools in the twelfth century and the rise of the universities in the following centuries, this created a much-needed student base in Latin Christendom. Additionally, there was to be no exchange of money for teaching licenses, which again connects to the ever-present issue of simony. The Fourth Lateran Council had to reinforce this canon due to it being “very little observed in many churches.” Clearly, a lack of impact on an important matter merited an update of sorts. Innocent III and his bishops took it a step further and expanded the program to other churches in a diocese, not only the cathedral church. The basic level was having a master to instruct students in “grammar and other branches of study.” The metropolitan church had to provide more advanced studies with a theologian for the instruction of scripture to “priests and others”. The churches were to provide a benefice for the grammarian and, if needed and possible, more than one for the theologian. If the metropolitan church could not handle the financial strain of the two masters then there was a possibility to share the burden with another church within the diocese.¹⁴⁹ This canon essentially gave a clear and structured blueprint on how schools throughout dioceses were supposed to be set up, both in terms of teaching staff as well as the financial aspect. It was repeated that students should not have to be burdened by the material needs of the master. The

¹⁴⁷ Moore, *Innocent III*, 241.

¹⁴⁸ Tanner, *Decrees*, 220.

¹⁴⁹ García y García, *Constitutiones*, 59-60; Tanner, *Decrees*, 240.

long-term potential of this decree was great in the sense that it could lead to restructuring schools across Europe and giving more students the chance to learn, not only in the central urban areas, but also in other parts of a diocese. However, according to Gibbs and Lang, there is no evidence that the canon had any effect on English schools in the thirteenth century, citing only one case where in 1240 a canon of Salisbury, Master Roger, serving as *theologus* was endowed with a benefice. They claimed that the bishops had found the system of education in England sufficient already prior to the council in 1215.¹⁵⁰

Prospective priests would continue their education under the auspices of the bishop.¹⁵¹ Canon 27 described how after finishing school, priests were required to receive further instruction, more practical in nature, from either the bishop personally or someone appointed by the bishop. This practicum before becoming a priest included acquainting oneself with “divine services and the sacraments of the church.”¹⁵² The great problem in the time preceding the council was the lack of knowledge by priests in both their use of Latin and the basic formulae used during divine services. All three canons expressed that their primary focus was on the care of souls, using phrases such as “progress of the soul”, “cure of souls”, or “to guide souls is a supreme art.”¹⁵³ A priest who knew Latin, who knew the theological aspects of the divine services, who could adequately provide advice and guide his parishioners through confession, was opening the way for his lay parish to true participation within the universal Church – a unity of practice leading to the salvation of the soul. In England, after examination by archdeacons, candidates for Church institutions could be rejected on account of illiteracy or granted conditional admittance with an obligation to attend further schooling (for which bishops would have to give a license for non-residence) or lose their benefice. Sometimes though even an oath or a promise to that effect was sufficient.¹⁵⁴ This was in line with “Gregorian” messaging trying to reform the clergy. A good education was the best start and a necessity for the expansion of preaching required by the new Lateran agenda. Canon 10 described how important the position of preachers in a diocese was, these were to be specialists primarily engaged in teaching the laity and preparing them for participation in spiritual life (most vividly through confession and

¹⁵⁰ cf. Gibbs and Lang, *Bishops and Reform*, 155-157.

¹⁵¹ for more on clerical education in the period before the Fourth Lateran Council see Barrow, *Clergy in the Medieval World*, 170-235; for the specific impact of canon 11 see Pixton, “German Schools”, 1101-1102, 1115-1130.

¹⁵² García y García, *Constitutiones*, 72-73; Tanner, *Decrees*, 248.

¹⁵³ García y García, *Constitutiones*, 59-60, 72-73; Tanner, *Decrees*, 220, 240, 248.

¹⁵⁴ Gibbs and Lang, *Bishops and Reform*, 163-164.

communion). They would also be hearing confessions and partaking in the teaching role of the bishop through sermonizing to the laity.¹⁵⁵

When it came to organizing, Innocent III took some ideas from the Cistercian Order and their general chapters. Realizing the value of ecclesiastical assemblies as fora for the promotion of reform ideas and correction of irregularities, the council instituted general chapters as a rule. In canon 12, the council ordained the need to reform monastic orders and described the Cistercian way of doing this as the ideal to be followed. The decree even goes as far as advising the monks to ask a local Cistercian house for help in organizing a general chapter if they did not know how to proceed. These general chapters were to be held every three years on the level of a province or kingdom. The chapters were to appoint certain “religious and circumspect persons” who would investigate the state of the monastic communities in the province or kingdom and go about correcting and reforming what was needed. Major issues could be reported to the bishop who had the authority and the obligation to resolve such matters of “correction and reform” in monastic houses in his province. The bishops also had to tread carefully not to burden the monasteries unjustly, giving a more balanced approach to diocesan administration as a whole and they had to protect the monasteries from secular compulsions or pressures, regarding monks and monastic goods.¹⁵⁶ Monastic reform was an integral part of the general ecclesiastic reform proposed at the council and the pope’s familiarity with the Cistercian Order gave him an opportune model to present as a viable option for the other religious orders. Other key elements also came into focus, namely the bishop’s authority and the need to protect ecclesiastical freedoms from secular intrusion.¹⁵⁷

Gibbs and Lang observed that general chapters were well received in England, with regularity in the northern province of the English Church after 1250, while in the southern province they were more frequent though irregular and often postponed. They were also combined with papal actions and legations, such as Legate Otto’s synod for the reform of the Benedictine Order held in London in 1238.¹⁵⁸ In his analysis of the implementation of the Lateran decrees in German lands, Pixton observed various instances of episcopal and papal assertion of oversight and control over monastic institutions. Already in 1216, the papal legate Peter de Sasso was tasked with limiting the size of the women’s cloister at Villich making it more sustainable. Legate Otto would endeavor a reform of the

¹⁵⁵ Tanner, *Decrees*, 239-240; for more on canon 10 in the context of Innocent III’s preaching practice see Nicole Bériou, “Lateran IV and Preaching,” in *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmuth (Affalterbach: Didymos-Verlag, 2017), 163-173, esp. 170-173.

¹⁵⁶ García y García, *Constitutiones*, 60-62; Tanner, *Decrees*, 240-241.

¹⁵⁷ Giles Constable, “The Fourth Lateran Council’s Constitutions on Monasticism,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 147-157, esp. 147-149.

¹⁵⁸ Gibbs and Lang, *Bishops and Reform*, 151-153.

monastery at Reichenau in 1229. In 1221 at Cologne, it was decreed that monasteries should not allow more nuns than could be kept based on available resources. During the same year, the efforts of the archbishop of Trier and the bishop of Verdun to instigate monastic reform were supported by papal mandate. These attempts at reform were frequently met with resistance by the monks and nuns. Bishop Henry of Worms was even assaulted by nuns. According to Pixton, these were presumably from the Augustinian cloister Nonnenmünster. The reform of the cloister was finally executed by papal mandate in 1233 and 1236, eventually moving in Cistercian nuns. A similar outcome happened at the Benedictine cloister at Billigheim around 1238, when Bishop Hermann of Würzburg introduced Cistercian nuns at the cloister after he was asked for reforms by the Benedictine nuns during his visitation. Other bishops, such as Engelhard of Naumburg and Gebhard of Passau visited the non-exempt monasteries of their dioceses in 1228, “to save souls and fight decay”. While Engelhard was likely inspired by the archbishop of Magdeburg, Gebhard received a mandate from the pope, referencing canon 30 of the Lateran Council, focusing on the quality of the prelates examined during the visitation. The Abbey of Lorsch in the archdiocese of Mainz was another example of continuous papal and archiepiscopal interest in an unruly monastery, starting from the time of Archbishop Siegfried II and Pope Gregory IX. Finally, the situation came to a head in 1231, when Archbishop Siegfried III received the administration of the abbey from the pope due to the intransigence of the monks. The abbot had been alienating the abbey’s property as well as allowing discipline to devolve. Ultimately, the monks agreed to becoming secularized and integrated into the cathedral chapter at Mainz.¹⁵⁹

The pope and council also envisaged ecclesiastical assemblies to meet on a provincial level, every year. These provincial synods were defined in canon 6 as gatherings of bishops and their suffragans where “they consider diligently and in the fear of God the correction of excesses and the reform of morals, especially among the clergy.”¹⁶⁰ The primary mission of these annual provincial synods was “correction or reform” of matters certain “prudent and honest persons” would investigate throughout the province during the year. In general and immediate terms though, the provincial council was envisaged to be the vessel of transmission for the decisions of the Fourth Lateran Council and the agenda set up there. The text relates this clearly: “Let them recite the canonical rules, especially those which have been laid down by this general council, so as to secure their observance, inflicting on transgressors the punishment due.”¹⁶¹ This sentence defined how the Lateran agenda would be disseminated, promoted, and kept alive in Latin Christendom. Actual canons, primarily

¹⁵⁹ Pixton, *German Episcopacy*, 221, 284, 289, 310, 361-362, 370, 388, 412.

¹⁶⁰ García y García, *Constitutiones*, 53; Tanner, *Decrees*, 236-237.

¹⁶¹ García y García, *Constitutiones*, 53; Tanner, *Decrees*, 236.

those defining the new canon law here established, would be read out at the provincial councils, annually, to give everyone in the province a chance to get to know these pronouncements that should define their lives and actions. The idea was that this was the main way in which the reform would be transferred and would eventually impact the provinces of Latin Christendom, following the example of the general council. The ecclesiastical provinces could correct themselves according to the 70 canons of the Lateran agenda with only exceptional appeals to papal justice.

The study by Gibbs and Lang showed that there was some activity that can be defined as an ecclesiastical assembly (national synods, legatine councils). They claim, however, that provincial synods, as defined by the Lateran Council, only became a regular feature of English Church life in the fourteenth century. During the thirteenth-century provincial synods were rare, certainly not on a yearly basis.¹⁶² This is contrary to the rather detailed analysis they present regarding the proliferation of synodal constitutions in England during this period. According to this thesis, they attempted to show the earliest possible or proven publication, partly or in full, of the Lateran decrees. Which meant that these initial assemblies, such as the Council of Oxford in 1222, were only media to transfer the Lateran sets without any kind of pushback by the local episcopate.¹⁶³ While their skepticism is valid it still does not exclude the possibility that such regular synods did occur during the thirteenth century, but were not documented in detail since the bishops focused more on publishing programmatic sets of constitutions as a method of reform.

Pixton's study of the German Church presented several active prelates, such as Archbishop Eberhard of Salzburg who published synodal constitutions on a variety of issues from clerical morals to protection against lay intrusion into ecclesiastical affairs. He also used papal support to enforce attendance by his suffragans at provincial synods as well as his decrees on visitations. Absence from the synod was punished by excommunication by the archbishop and this was confirmed by the pope. Honorius III reiterated this in 1222 when he commanded the suffragans of Salzburg to attend synods and receive visitations. Interestingly, in 1224 in Passau, the bishop was also soliciting papal support to enforce attendance at diocesan synods. The practice of provincial synods in Trier was also reformed during this period under the auspices of Archbishop Dietrich II and they were apparently connected to the feast day of the Chair of St. Peter (February 22). The Salzburg synod of 1216 also dealt with abuses of the right of advocacy and clerics lapsing back into lay life. On the other hand, diocesan synods, such as those in Münster, could deal with juridical matters only, and were sometimes not even attended to by the respective bishops. The archbishop's attempts at centralization also put him

¹⁶² Gibbs and Lang, *Bishops and Reform*, 143-148.

¹⁶³ Gibbs and Lang, *Bishops and Reform*, 105-113.

in conflict with monastic foundations as he wanted to consolidate appointing parish priest in incorporated churches where monasteries customarily held the right to assign a priest. Archbishop Eberhard's effort to assert his authority were further helped by the pope by granting him a privilege in 1232 that a crucifix be carried in front of him wherever he went (aside from Rome) and in the following year the saintly bishop of Salzburg, Vigilius, was canonized. Pixton found that Cologne, Magdeburg, and Bremen were mostly silent when it came to synods in the aftermath of the Lateran Council, although he presumes a synod was held in Cologne in 1220. There were also negative effects to papal policies and actions, as bishops felt pushed aside by legatine visitors exercising the fullness of papal authority and reorganizing German Church institutions. One such example is the mission of Legate Otto which resulted in the rejection of the legate's reforms at the synod of Würzburg in 1231 and complaints about "Roman absolutism." A shift in the German lands occurred in 1238 following Pope Gregory IX's attempts to assert papal influence over the election to high ecclesiastical office, which according to Pixton, led to a decrease in the number of synods.¹⁶⁴

Throughout these decrees dealing with ecclesiastical structures and organization, the role and authority of the bishop were presented as the keys to executing reform programs and dealing with possible problems therein. Canon 60 explained how episcopal authority had been threatened by some abbots who had taken it upon themselves to hear matrimonial suits, enjoined public penances, granted indulgences, and practiced other encroachment into the episcopal field of work.¹⁶⁵ It is interesting that the text mentions the cheapening of the bishop's authority "in the eyes of many." Though a bit unclear, this probably refers to the lay public, who, not knowing canon law and oblivious to the hierarchical relationship between bishops and abbots, might confuse the two in dignity and authority. In the well-ordered society the council had in mind, there was little room for such deviations from one's station. The bishop was first in his province, among all clergy and religious, and there was to be no doubt about that.

Canons 57 and 58 dealt with certain privileges granted to religious in provinces that were under interdict.¹⁶⁶ The first canon elaborately explained issues with monastic communities granting ecclesiastical burials to members of confraternities that were still seculars until their death. This was not in line with the desired practice and effects of the ecclesiastical punishment. The other privilege was the opening of churches for members of confraternities going to a new town or castle to establish a confraternity there. This "joyous entry" could happen once a year in one church only. The main

¹⁶⁴ Pixton, *German Episcopacy*, 226-230, 265, 280, 283, 320, 337-338, 352, 379, 394-395, 422.

¹⁶⁵ García y García, *Constitutiones*, 100; Tanner, *Decrees*, 262.

¹⁶⁶ Peter D. Clarke, *The Interdict in the Thirteenth Century: A Question of Collective Guilt* (Oxford: Oxford University Press, 2007), 14-58.

elements of this decree were the need for the continuous exclusion of persons who were individually punished by excommunication and interdict, as well as, in general terms, the upholding of the punishment on a public level so that these exceptional events would truly be an exception to the rule.¹⁶⁷ The following canon expanded this privilege to bishops who could “celebrate the divine services, behind closed doors and in a lowered voice, without the ringing of bells.” This decree was made so that innocent members of the episcopal circle were not punished by the interdict, yet the text stipulates, again, the exclusion of individuals named under the ecclesiastical punishments, as well as bishops who might have given cause for the interdict.¹⁶⁸ These services could happen at times and were seen as excluding the public to a greater degree, if not completely. The council was aware in both cases that manipulation or an attempt at fraud in these matters was to be expected and hoped to thwart such cases, so that ecclesiastical punishments, especially those aimed at correction and coercion were administered properly, yet not to the detriment of at least some of the innocent.¹⁶⁹ This decree about the observance of privileges during interdicts called back to canon 9 of the Third Lateran Council. The main culprits identified there were Templars and Hospitallers who went about their business irrespective of the bishop’s authority, firstly regarding the giving of churches and benefices from laypersons, and secondly by subverting interdicts. They would come to a place under interdict and try to recruit new brothers, which would entail that the recruiters would receive some kind of material compensation, and they would carry on holding services and expanding their operation, all the while the bishop was trying to uphold the interdict in his province. The council was careful to mention that the orders themselves were not to blame but rather those members who went about recruiting in such a way.¹⁷⁰ Obviously, these matters continued to be an issue well into 1215, especially considering the frequency of ecclesiastical punishments used by popes and the growing field of religious orders, chivalric and mendicant, as well as others. This legislation also showed how members of religious orders often used their position as being in contact and two-way interaction with laypersons to their institutional benefit. They also had a way of profiting from the vague rules. The Lateran Councils tried to limit this resourcefulness, yet they mostly showed how difficult it was to administer different authorities and hierarchies in a single ecclesiastical province (bishops vs. religious orders). Although the Fourth Lateran Council decidedly moved towards giving the bishop the greatest possible authority over his diocese, these problems continued to confound episcopal control.

¹⁶⁷ García y García, *Constitutiones*, 97-99; Tanner, *Decrees*, 261.

¹⁶⁸ Peter D. Clarke, “Innocent III, Canon Law and the Punishment of the Guiltless,” in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 271-285.

¹⁶⁹ García y García, *Constitutiones*, 99; Tanner, *Decrees*, 262.

¹⁷⁰ Tanner, *Decrees*, 215-217.

The council also tackled the issue of new religious orders, prohibiting them to stave off “grave confusion.”¹⁷¹ In canon 13, the new orders are forbidden although a loophole is left open in saying that a new religious house could be founded by taking “the rule and institutes from already approved religious orders.” In the context of various apostolic movements forming in the twelfth century and the very strict approach by the Roman Curia to these groups of religious, this decree can be seen as closing down of prospective religious orders. However, it is more likely that the already established monastic *regulae* were widely accepted and beyond reproach, as opposed to new ideas that could often change and conflict with current ecclesiastical policies. The old *regulae* provided stability and a medium of control for the papacy, allowing it to follow the practices and discipline of new monastic ideas, houses, and orders. The decree also forbade monks and abbots to be in more than one monastery, as the council did when dealing with pluralism regarding other clerics in canon 29.¹⁷²

Due in no small part to the Crusades and the establishment of Latin rule over some parts of the Eastern Mediterranean and then, finally, with the Fourth Crusade’s conquest of Byzantium, the question of the relationship and hierarchy between Latin and Orthodox bishops and clergy, especially in a close urban society, became more important than ever. Canons 4 and 9 addressed this matter most directly. The first decree dealt with practical issues regarding Orthodox or Greek Christians, “returning to the obedience of the apostolic see.” Namely, they were not only retaining their “customs and rites”, but going one step further and showing ritual contempt for Latin priests. This was shown clearly in the washing of altars after a Latin priest had celebrated mass and in rebaptizing those who had already been baptized by a Latin priest. These practices had drawn away from the idea of unity within the universal Christendom the council tried to promote – unity under the Roman Church.¹⁷³ Canon 9 cleared any doubts as to who was in charge of ecclesiastical affairs in a mixed city or province. It was the Latin bishop. There could not be two bishops in one city, as a body could have only one head. The bishop could appoint a vicar for those people of “different rites and customs”, and only exceptionally could a “catholic bishop” be appointed out of “urgent necessity” and “after careful deliberation.”¹⁷⁴ But even this vicar-bishop had to be “obedient and subject” to the actual bishop of a

¹⁷¹ García y García, *Constitutiones*, 62; Tanner, *Decrees*, 242.

¹⁷² the debate in historiography has been centered on the interpretation that c. 13 was pushback by the bishops against the new orders and by extension, the pope. Gert Melville, “...*regulam et institutionem accipiat de religionibus approbatis*. Kritische Bemerkungen zur Begrifflichkeit im Kanon 13 des 4. Laterankonzils,” in *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmrath (Affalterbach: Didymos-Verlag, 2017), 275-288; Constable, “Monasticism”, 149-152.

¹⁷³ García y García, *Constitutiones*, 51-52; Tanner, *Decrees*, 236; for more on the origins of the canons dealing with the Greek and wider Orthodox population (mostly in the Eastern Mediterranean), especially canon 4 and the explanations provided by the decretalists see Thomas M. Izbicki, “The Lateran Council and the Greeks: c. 4 *Licet Graecos*,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 79-88.

¹⁷⁴ García y García, *Constitutiones*, 57-58; Tanner, *Decrees*, 239.

city or province in all things, merely being assigned to care for a particular group of people, with particular religious needs within the province. These situations could come up in Byzantium, the Eastern Mediterranean, especially in the Crusader States, but also in southern Italy. The decrees promoted respect among different rites and customs, but foremost was the idea of ecclesiastical hierarchy and structures subject to Roman apostolic rule. The primacy of the Roman Church among the five patriarchies was another aspect the pope wanted to point out.¹⁷⁵ This was to be shown by the patriarchs receiving their *pallia* from the bishop of Rome, and by taking “an oath of fidelity and obedience to him.”¹⁷⁶ The Roman pope would also be the supreme appellate authority. The debates on the primacy of churches were a common feature in the early Christian councils, such as Chalcedon (451) and since the Fourth Lateran Council claimed an ecumenical character, addressing papal primacy, as well as relations and interactions between different rites, Latin and Greek, was to be expected as part of the reform program.¹⁷⁷

1.2.5. “Heretics” and non-Christians

The Council also tried to place Latin Christendom in opposition to the “other”, namely various “heretics” and non-Christians, such as Jews and Muslims.¹⁷⁸ Canon 1 defined the key tenets of Christianity as viewed by the Roman Church. This was a summary of the key doctrinal issues, an expanded version of the Creed defined at the councils of Nicaea (325), Constantinople (381) and Chalcedon (451). It also described the daily sacrifice by Christ at the altar, the idea of transubstantiation, as well as the proper way of performing this sacrament and the sacrament of baptism. This decree can be seen as one focused on presenting an anti-heretical framework, especially in the last part of the text that is focused on priestly duties and sacramental mysteries. However, considering the entirety of the canon, it is possible to view it on several other levels. On the one hand as a missionary guide, helpful in proselytizing new peoples on the frontiers of Christendom, and on the other hand as an educational tool to help priests teach their parishes the basics of the Christian faith.¹⁷⁹ The following decree dealt with the intellectual conflict between abbot Joachim of Fiore and

¹⁷⁵ in order: Rome, Constantinople, Alexandria, Antioch, and Jerusalem; García y García, *Constitutiones*, 57-58; Tanner, *Decrees*, 239.

¹⁷⁶ García y García, *Constitutiones*, 52; Tanner, *Decrees*, 236.

¹⁷⁷ for more on the papal buttressing of the central position of Rome within the Pentarchy at the Fourth Lateran Council see Steven A. Schoenig, “The Pope and the Patriarchs: The Fifth Constitution of Lateran IV,” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 89-109.

¹⁷⁸ use of terms according to contemporary sources.

¹⁷⁹ García y García, *Constitutiones*, 41-43; Tanner, *Decrees*, 230-231; Werner Maleczek, “*Firmiter credimus* – Die erste dogmatische Konstitution des IV. Lateranum. Bemerkungen zu Genese und Inhalt,” in *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmrath (Affalterbach: Didymos-Verlag, 2017), 57-78; for more on transubstantiation see James F. McCue, “The Doctrine of Transubstantiation from Berengar through Trent: The Point at Issue,” *The Harvard Theological Review* 61, no. 3 (1968): 385-430; Joseph Goering, “The

Peter Lombard, ruled in favor of Peter, and found Joachim's opinion to be in error. It discarded the beliefs of Amalric of Bene, going as far as calling them "mad more than as heretical."¹⁸⁰ This debate was very specific and was of interest to a narrow group of scholars and clergy. Canon 3 was the roadmap to fighting "heretics" in the thirteenth century as the product of Innocent III's experience with anti-heretical action and legislation in the Papal States as well as in the Albigensian Crusade. It defined as heresy anything that was against the "catholic faith" as described by the council. Secular authorities were commanded to aid the clergy in combating heresy by punishing the guilty, confiscating goods, and generally supporting the purging of their lands from heretical beliefs and practices (by expelling the "heretics"). Suspected heretics would be under anathema for a year and would have to prove their innocence or be condemned as heretics. The secular lord could even find himself under punishment by the pope due to heresy lingering in his lands. Those Christians who fought against "heretics" would receive crusading privileges, and those who supported "heretics" would be subject to excommunication and eventually the judgment of infamy. Preachers who went about their business without the bishop's or pope's approval would be excommunicated. Parishes that were troubled by "heretics" needed more care from their bishops, either in person or through archdeacons or other "suitable honest persons", through visitations at least once a year. During these visits the bishop or his proxy was supposed to discern who was a heretic using an oath-swearing process to get people to denounce their neighbors if they were suspected of heresy. The decree put the fight against heresy in the hands of the bishop as a duty and responsibility. Failing to do so would bring about deposition.¹⁸¹ Heresy was identified as the main internal enemy of Latin Christendom. Punishments were severe, help in combating it was demanded from secular authorities, and a lack of action against heresy was considered a crime, all that in the third of the seventy-one canons of this council. The preeminence of this issue and the need to provide swift and universal response was unmistakable.¹⁸² Pixton showed several instances when German bishops engaged with heretics, both

Invention of Transubstantiation," *Traditio* 46 (1991): 147-170; Timothy M. Thibodeau, "The Doctrine of Transubstantiation in Durand's 'Rationale'," *Traditio* 51 (1996): 308-317.

¹⁸⁰ García y García, *Constitutiones*, 43-47; Tanner, *Decrees*, 231-233; Sabina Flanagan, "Heresy, Madness and Possession in the High Middle Ages," in *Heresy in Transition: Transforming Ideas of Heresy in Medieval and Early Modern Europe*, ed. Ian Hunter, John Christian Laursen, and Cary J. Nederman (Aldershot: Ashgate, 2005), 29-41.

¹⁸¹ García y García, *Constitutiones*, 47-51; Tanner, *Decrees*, 233-235.

¹⁸² For more on heresy in the twelfth and the beginning of the thirteenth century see Malcolm Lambert, *Medieval heresy: Popular Movements from the Gregorian Reform to the Reformation* (Malden: Blackwell Publishing, 2002), 43-114; Constant J. Mews, "Accusations of Heresy and Error in the Twelfth-Century Schools: The Witness of Gerhoh of Reichersberg and Otto of Freising," in *Heresy in Transition: Transforming Ideas of Heresy in Medieval and Early Modern Europe*, ed. Ian Hunter, John Christian Laursen, and Cary J. Nederman (Aldershot: Ashgate, 2005), 43-57; R. I. Moore, *The Formation of a Persecuting Society. Authority and Deviance in Western Europe 950-1250* (Malden: Blackwell Publishing, 2007), 6-25; Michael Frassetto, *Heretic Lives: Medieval Heresy from Bogomil and the Cathars to Wycliff and Hus* (London: Profile Books, 2007), 56-101; Jennifer Kolpacoff Deane, *A History of Medieval Heresy and Inquisition* (Lanham: Rowman & Littlefield Publishers, Inc., 2011), 25-122; Christine Caldwell Ames, *Medieval Heresies: Christianity, Judaism, and Islam* (Cambridge: Cambridge University Press, 2015), 137-163, 196-232; Herbert

by their own initiative and based on external (papal) pressure. Bishop Conrad of Hildesheim charged Prior Henry Minnecke of the Cistercian convent of Mariengarten at Neuwerk with heresy. Henry was condemned and deposed at a synod in 1222, which was further enforced by the pope in 1223. Finally, the Legate Conrad also condemned Henry who was then burned in 1225. Heresy became an issue at Trier towards the end of 1231 with three groups, probably Waldensian, in the city itself. The investigation was prompted by Gregory IX. Three of the heretics were tried at a synod in November and a woman, Luckardis, was burned. Archbishop Dietrich II of Trier was praised by the pope for his efforts against the heretics. Similar accusations of heresy were levied at Strasbourg and Erfurt and in 1232 the bishop of Strasbourg was granted authority to degrade priests found guilty of heretical actions. In the same year, Pope Gregory IX wrote to Archbishop Eberhard of Salzburg regarding the prosecution of heretics and by that time there were Dominican inquisitors set up at Friesach and Pettau (today's Ptuj). The political utility of claims of heresy was also quickly learned by the local clergy, as in the case of the Stedinger who were dubbed heretical at the Bremen synod of 1230, which began a successful campaign until 1234. Even the papal legate supported this act. Probably the most infamous case was that of the Count of Sayn who was accused by Conrad of Marburg and the case was debated at the Mainz synod of 1233. Conrad was displeased with the postponement granted by the synod to the count, and probably seeing that he was on the losing side of the argument, left Mainz and was quickly murdered. The case against the Count of Sayn was dropped in February of 1234.¹⁸³

Something outside of Christendom was the “otherness” of Jews and Muslims. The council also tried to define their place in a world dominated by Christian princes and clergy. The key issues were the financial power of Jews, the separation of Jews and Christians, the holding of public offices, and finally conversion. The council's decisions were supposed to provide solutions for an ordered society where even Jews and Muslims would have a place, though always secondary to Christians.¹⁸⁴

Grundmann, “The Profile (*Typus*) of the Heretic in Medieval Perception,” in *Herbert Grundmann (1902-1970)*, ed. Jennifer Kolpacoff Deane, trans. Steven Rowan (York: York Medieval Press, 2019), 16-29; Michael Frassetto, “Precursors to Religious Inquisitions: Anti-heretical Efforts to 1184,” in *A Companion to Heresy Inquisitions*, ed. Donald S. Prudlo (Leiden: Brill, 2019), 41-72.

¹⁸³ Pixton, *German Episcopacy*, 330, 375, 381-387, 394-395, 400-401.

¹⁸⁴ for more on the inclusion of Jewish matters and the concept of “Jewish service” in the canons of the Fourth Lateran Council see Anna Sapir Abulafia, “The Fourth Lateran Council through the Lens of Jewish Service,” in *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irvén M. Resnick (Turnhout: Brepols, 2018), 81-96; for an overview of the anti-Jewish constitutions see Rebecca Rist, “From a Jewish Text: Anti-Jewish Papal ‘Policy’ of the Lateran IV Decrees,” in *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irvén M. Resnick (Turnhout: Brepols, 2018), 97-112, esp. 98-101; for more on the conciliar origins and context of anti-Muslim rhetoric in the Lateran decrees see Ryan Szpiech, “Saracens and Church Councils, from Nablus (1120) to Vienne (1313-14),” in *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irvén M. Resnick (Turnhout: Brepols, 2018), 115-137, esp. 125-130.

Canon 67 addressed the material question of usury. Ostensibly caused by the “savage oppression by Jews” the decree tried to make sure that Jews could not profit “excessively” in their usurious dealings with Christians who already had to curtail their own usurious practices. Thus, dealing with Jews in this matter was the only solution and according to the council, Christians were being “extorted oppressive and excessive interest.” Christians were supposed to abstain from contact and Christian princes had to restrain the Jews. None of these transactions could in any way endanger the “tithes and offerings due to the churches.”¹⁸⁵ The material security of Christians was inexorably connected to the churches and their estates. As much as it protected ecclesiastical estates from Christian secular intrusion, the council had to do the same against the possible exactions of Jewish moneylenders, including this as part of the “great oppression”, “growing perfidy”, “savage oppression” by the Jews. A pretext to deal with the “immoderate burden” placed on Christians.¹⁸⁶ The usury of Jews, or specifically Christian princes protecting Jews in these practices was criticized by Robert Grosseteste in 1231. According to Gibbs and Lang, these kinds of initiatives by bishops or legates – such as Pandulph’s mandate to enforce the decrees on the Jews in 1219 – which were aimed at curtailing the interaction between Jews and Christians, were not supported by the ruler as princes saw the Jewish community as a source of wealth.¹⁸⁷

The following canon ordained that sartorial laws should be enacted to combat the practice of mixing between Jews, Saracens, and Christians. The decree specifies that the main problem lies in the mixing between sexes of various religions, calling it a “damnable mixing.”¹⁸⁸ Clearly, there had to be a visual public separation between different religions by the dressing habits of the people. There was also a need to keep the public space clear of any non-Christians, or probably Jews to be more precise, at certain holy times such as “the days of lamentation and on Passion Sunday.” There was apparently a practice of mocking Christians and parading in “very ornate dress” in those days. On occasions, there could even be some insults thrown at Christ or some other “blasphemies.” Innocent had received word of such occurrences in France which he related to King Philip II in January 1205. Recently, Alex Novikoff suggested that those references could in fact point to the constructed “Jewish character” in public theater, dramatic plays acted out in the increasingly vibrant squares and streets of towns.¹⁸⁹ These situations of non-Christians intruding on Christian ceremonies were to be

¹⁸⁵ García y García, *Constitutiones*, 106-107; Tanner, *Decrees*, 265-266.

¹⁸⁶ for more on this specific canon as well as Pope Innocent III’s general views on Jews observed through his letters see Robert Chazan, “Pope Innocent III and the Jews,” in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 187-204, esp. 193-194.

¹⁸⁷ Gibbs and Lang, *Bishops and Reform*, 134-137.

¹⁸⁸ García y García, *Constitutiones*, 107-108; Tanner, *Decrees*, 266.

¹⁸⁹ January 16, 1205, Reg. Inn. III., VII, 336-339, no. 186; Alex Novikoff, “‘Plateas publice discurrentes’: Performance and The audio-visual Jew in the Age of Pope Innocent III,” in *Jews and Muslims under the Fourth Lateran Council*:

forbidden, as well as any situation where non-Christians could pollute public space with anti-Christian actions or words. This went hand in hand with the idea of polluting bloodlines in the mixing of people of different religions.¹⁹⁰ The impact of this canon could be seen in the constitutions of the Oxford synod of 1222, when it was mandated that Jews had to have a badge of two strips of white linen or parchment on a prominent part of their clothing.¹⁹¹

Another level of “oppression” was the holding of public offices by non-Christians. In canon 69 the focus was on the power-dynamic shift between Christians on one side, and Jews as well as pagans on the other. The decree first decried the absurdity of non-Christians “exercising power over Christians”, recalling the example of the Council of Toledo (589) which forbade Jews in public offices on account of them being “very hostile to Christians.”¹⁹² The Fourth Lateran Council denied such individuals the ability to do business with Christians and any financial advantage or whatever material gain was made through the holding of such offices from Christians had to be reallocated for “the use of poor Christians.” The office had to be surrendered. Provincial councils had the authority to additionally punish the person appointing non-Christians to public office. The council first expressed its displeasure at the power relation, or rather what it perceived as the absurdity of Jews or pagans holding public office in a Christian world. However, it quickly moved to the financial aspect, Christians, again, being financially burdened by non-Christians due to the fact of their office and the possible extortion as a result. Both were pointing to a disordered relation and had to be rectified.¹⁹³

The final canon of the council dealt with Jews voluntarily converting to Christianity. The problematic part was that they sometimes kept to their old ways and retained parts of their former rite. Since such a religious “mixing” was not in keeping with the orderly separation of the Christian and Jewish rites, the local bishop was supposed to make the “necessary coercion” to keep the converts on the right path of Christianity. Any kind of apostasy from Christianity and a return to, in this case,

Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215), ed. Marie-Thérèse Champagne and Irven M. Resnick (Turnhout: Brepols, 2018), 45-63; Robert Chazan contextualizes Innocent’s letters and the Lateran decrees within the rise of the “stereotypical Jew” construct and the Church’s fear in the twelfth century, Chazan, “Innocent III and the Jews”, 191-192; other historians such as Robert Stacy, Elliot Horowitz, and Nina Rowe show that it was possible that some sort of condemnation of Christian ceremony did happen (possibly caused by Christian social pressure and exclusion), Robert C. Stacey, “The Conversion of Jews to Christianity in Thirteenth-Century England,” *Speculum* 67, no. 2 (1992): 263-283, esp. 265-266; Elliot Horowitz, *Reckless Rites: Purim and the Legacy of Jewish Violence* (Princeton: Princeton University Press, 2006), 160-172; Nina Rowe, *The Jew, the Cathedral, and the Medieval City: Synagoga and Ecclesia in the Thirteenth Century* (Cambridge: Cambridge University Press, 2011), 72-73.

¹⁹⁰ for more on canon 68 of the Fourth Lateran Council and the context of marking non-Christians with clothes or badges, both in theory and practice see Irven Resnick, “The Jews’ Badge,” in *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irven M. Resnick (Turnhout: Brepols, 2018), 65-79; Sapir Abulafia, “Jewish Service”, 92-93.

¹⁹¹ Gibbs and Lang, *Bishops and Reform*, 135.

¹⁹² García y García, *Constitutiones*, 108-109; Tanner, *Decrees*, 266.

¹⁹³ Sapir Abulafia, “Jewish Service”, 91-92.

the Jewish rite, was seen as troubling. Similar to the previous decrees, the idea of mixing Jewish and Christian rites or customs was seen as a way to pollute the sacramental blessing of baptism, a reversion of sorts.¹⁹⁴ According to Robert Chazan, Innocent III was, in tradition with contemporary papal policy, balancing between protecting and limiting the Jewish community in Christendom. The pope reissued the bull originally composed by Innocent II, the *Sicut Iudaeis*, in what is defined by Chazan as the *Constitutio pro Iudaeis*, which dealt with protecting Jews from various forms of violence, such as forced baptisms, disturbing their cultic practice, theft, violations of their legal customs, collection of unfair dues, and robbing their cemeteries. However, Chazan stresses that the dominant late twelfth-century view on “Jewish malevolence and harmfulness” is apparent in Innocent III’s writing (around 30 letters regarding Jews) as is the pope’s reproduction and codification of contemporary Jewish stereotypes. This was the paradox of the higher ecclesiastics at this time, on the one hand their anti-Jewish preaching and on the other concrete efforts to protect the Jewish communities.¹⁹⁵

The “others” living in Christendom, such as “heretics”, were becoming a much more difficult problem to handle in the twelfth century and canon 3 was presented as a rule on how to motivate people to fight them in military campaigns as well as how the legal procedure against them was to transpire. Canons 1 and 2 provided the necessary basic and advanced knowledge on the Christian faith and some of the possible errors committed by heretics or misguided intellectuals in interpreting and preaching the tenets of Christianity. As opposed to heretics who were misguided Christians, Jews and Muslims were outside of the Christian community, yet they were constantly in contact with Christians and their interactions had to be regulated somehow. These last four decrees of the Fourth Lateran Council were focused mainly on keeping Christians free from material oppression by non-Christians, whether by usury or holding public offices, and keeping them from mixing in sexual terms. The aim of these decrees was to create order and clarify any misunderstandings or possibly to eliminate unsanctioned violence towards non-Christians. The council also made clear that they were creating a Christian society for Christians, where “others” were only secondary.

1.2.6. Reform to judicial practice

Pope Innocent III had been described by historians as one in a long line of lawyer popes, such as Alexander III and Innocent IV. Though the level of his legal learning is a matter of dispute among

¹⁹⁴ García y García, *Constitutiones*, 109; Tanner, *Decrees*, 267; Sapir Abulafia, “Jewish Service”, 94-95.

¹⁹⁵ September 15, 1199, Reg. Inn. III., II, 535-536, no. 276 (302); Chazan, “Innocent III and the Jews”, 194, 200, 203.

historians, he was undoubtedly an almost inexhaustible practitioner of the law.¹⁹⁶ Sitting atop the pyramid of ecclesiastical justice, he, along with his bishops, could well understand and evaluate the faults and failings of the system. Ecclesiastical courts had grown in procedure and extent during the twelfth century in conjunction with the development of canon law and the council responded to these changes.¹⁹⁷ This meant addressing some core issues of how investigations should work and what the roles of clergy in the judicial process could and should be. Additionally, there was a need to clarify and systematically approach issues of judicial practice, to alleviate pressure on central courts and allow the local judicial authorities more freedom to pursue justice without obstruction. This was reflected in numerous detailed canons that were aimed at reforming everyday ecclesiastical courts.

One of the most influential decrees was surely related to investigations (*de inquisitionibus*). Canon 8 went into detail on the biblical foundations of inquests and the need to rectify excessive behavior by clergy, even by prelates. The procedure was defined as starting with a critical rumor aimed at the betterment of the offender and society, not out of slander or malevolence. The motivation of the accuser was therefore an important part of the initial proceedings. The superior of the accused was to “seek out the truth” and after that, punishment would be administered according to canon law. The rumor was to be considered as the “accuser”, as opposed to the superior cleric being both “accuser” and “judge”. Special mention was given to accused prelates. Due to their office being so open to malicious and false accusations, investigations were to proceed more cautiously in such cases. Going over the investigation in more detail, the decree defined that the accused should be present or may choose to be absent. The accusation should be presented to the accused as well as the names of the witnesses and the content of their testimony so that a proper response could be put forth, and any legal exceptions could be resolved. The three procedures were defined as: accusation, denunciation, and inquest. Those who were in monastic orders could even be more easily removed from their offices, due to monastic regulations and ordered structures.¹⁹⁸

The involvement of clerics in sentences that decreed the shedding of blood for punishment was forbidden in canon 18. This limited the participation of clergy in trials by ordeal or by combat and similar proceedings, also they could not provide a blessing for the act. The cleric could not even be present when the sentence was carried out, the shedding of blood was to be a laymen’s prerogative. Clerics could also not command mercenaries or crossbowmen and subdeacons, deacons, or priests

¹⁹⁶ an overview of the historiography is provided by Kenneth Pennington, “The Legal Education of Pope Innocent III,” *Bulletin of Medieval Canon Law* 70 (1974): 70-77.

¹⁹⁷ Moore, *Innocent III*, 242-244.

¹⁹⁸ García y García, *Constitutiones*, 54-57; Tanner, *Decrees*, 237-239; on the impact of canon 8 for use against heretics see Henry Ansgar Kelly, “The Fourth Lateran *Ordo* of Inquisition Adapted to the Prosecution of Heresy,” in *A Companion to Heresy Inquisitions*, ed. Donald S. Prudlo (Leiden: Brill, 2019), 75-107.

could not practice surgery because of the shedding of blood.¹⁹⁹ The decree presented another separation between clergy and laypeople. This allowed clerics to avoid acting in a way that could be construed as counter to church law. Gibbs and Lang found that in England this affected abbots more than bishops, although both ranks were often practicing secular administration, e.g. as sheriff or “justice itinerant”, which entailed hanging criminals.²⁰⁰

Excommunication was another formula that needed clarification.²⁰¹ Canon 47 detailed the proper procedure for excommunication and canon 49 prohibited unjust excommunications. An excommunication had to have “manifest and reasonable cause”, and it also had to be preceded by a warning. The canon describes how improper or unjust excommunications could be overthrown, how the appeal process worked, and how the judge could be punished.²⁰² Punishments for unjust excommunications are further developed in canon 49, where the focus is on money being the motivation behind decisions to excommunicate someone as there was sometimes an associated financial penalty mandated by the sentence. The money so unjustly received had to be returned to the person falsely excommunicated.²⁰³ The extensive legislation in the canons shows that excommunications became an often used ecclesiastical and political instrument in the long century up to the Fourth Lateran Council. These laws were more focused on procedure and especially on the financial or material ramifications (or motivations) of an excommunication, whether just or unjust. The First and Second Lateran Councils had decreed, succinctly, that excommunications were universal, meaning that the excommunicates were not to be “received into communion by other bishops, abbots and clergy.” The Second Lateran Council added that those breaking excommunication would also suffer the same punishment.²⁰⁴ Neither of these two councils deemed any further expansion on the issue necessary, but by 1215 there was a need, at least perceived by the Roman Curia, to expand on the procedural legislation, allowing for excommunications to be more easily administered and upheld and to protect the innocent from unjust expulsion.

The council also decreed a wide-ranging series of canons regarding judicial procedure and practice. Canon 35 defined the proper way of keeping court hierarchies from indefinitely stalling cases. It went against situations where litigants would appeal to a superior judge even before their

¹⁹⁹ García y García, *Constitutiones*, 66; Tanner, *Decrees*, 244.

²⁰⁰ Gibbs and Lang, *Bishops and Reform*, 167.

²⁰¹ R. H. Helmholz, “Excommunication as a Legal Sanction: the Attitudes of the Medieval Canonists,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 68 (1982): 202-218; Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley: University of California Press, 1986), 20-27; Felicity Hill, *Excommunication in Thirteenth-Century England: Communities, Politics, and Publicity* (Oxford: Oxford University Press, 2022), 1-26.

²⁰² García y García, *Constitutiones*, 86-88; Tanner, *Decrees*, 255-256.

²⁰³ García y García, *Constitutiones*, 90; Tanner, *Decrees*, 257.

²⁰⁴ Tanner, *Decrees*, 190, 197.

original suit was finished, often to obstruct the process. Appeals, however, could be put forth if a proper, legitimate cause existed.²⁰⁵ Another obstruction in cases was using distance as a way to eliminate litigants. Canon 37 described how some litigants obtained apostolic letters summoning defendants to a distant court, which meant a tremendous financial burden. The defendants in such cases would find themselves sooner choosing to give up or buying off the plaintiff not to continue the action. The decree curtailed this practice by limiting the distance the defendant could travel to a court to two days' journey outside the defendant's diocese. The council tried to limit litigation and ordained against a new category of "lawsuit traders", who revived old cases and offered them for money to defendants or plaintiffs, generating more strife.²⁰⁶

Another reform measure was the keeping of judicial acts, as the council described it in canon 38 – "faithfully." This meant that in order for proceedings such as appeals to have an evidentiary basis, "ordinary and extraordinary" trials should have judicial acts written down either by a "public official" or "two suitable men". The acts contained everything from citations, objections, exceptions, petitions and replies, legal confessions, depositions of witnesses, appeals, etc. The text detailed the correct order and the necessary information to be written down and stated how the original should remain with the court while both parties got a copy. Canon 36 described a need to get rid of frivolous obstructions in cases by having the judge, if he found it so necessary, revoke "a comminatory or an interlocutory sentence which would prejudice one of the litigants if its execution was ordered."²⁰⁷ Judges could also be challenged and canon 48 defined in great detail the way this should be done. If the appeal was frivolous and merely to procrastinate the case, the appellant would be punished, if the appeal was valid the judge had to be removed, giving the case over to "a suitable person" or to a "superior judge". If the appeal was not proved the judge would "exercise his jurisdiction."²⁰⁸ These reforms were centered around streamlining judicial practice, keeping good accounts of the judicial proceedings, and allowing the judges to swiftly deal with possible obstructions and speed up the litigation.

Canons 39 through 41 dealt with the possession of objects. First, in canon 39, the problem of the restitution of robbery victims came up. Often times it was found that when objects were sold to a third party the original owner had trouble getting his possessions back. The canon tried to bring the primacy of possessing a stolen object back to the original owner, harshly equating both the robber

²⁰⁵ García y García, *Constitutiones*, 78; Tanner, *Decrees*, 251.

²⁰⁶ García y García, *Constitutiones*, 79-80; Tanner, *Decrees*, 251-252.

²⁰⁷ García y García, *Constitutiones*, 79; Tanner, *Decrees*, 251.

²⁰⁸ García y García, *Constitutiones*, 88-89; Tanner, *Decrees*, 256-257.

and the one who bought the stolen object.²⁰⁹ Canon 40 continued to elaborate on the question of possession, this time about court suits related to objects, which after being awarded to a plaintiff was obstructed by a defendant. Up to that point, the defendant could hope to thwart the plaintiff from coming into possession of the object for some time, however, the council decided that any contumacy by the defendant notwithstanding, after a year the plaintiff would be qualified as the “true possessor”.²¹⁰ The idea of doing things correctly in judgments and prescriptions of objects is reiterated in canon 41, which absolved the parties from following constitutions or customs that invited mortal sin. “Good faith” was the essential requirement and if the person prescribing was aware that an object belonged to someone else, he or she was at fault.²¹¹ Robberies were obviously something that happened often enough to warrant such a detailed legal limitation and these canons presented the dynamic triangle between the victim, the robber, and the subsequent buyer of an object, who were all interested in the ultimate ownership of the stolen object.²¹² The text of the canons also described how this could be a predicament for the judge, not only in deciding who the rightful owner was, but actually having that decision enforced.

Also, canon 40, almost as an afterthought, decreed that promising to abide by laymen’s decisions in spiritual matters was forbidden, since it was outside the laymen’s purview “to arbitrate in such matters.”²¹³ The council, however, did decide in canon 42 that clerics should not overreach into secular jurisdiction, especially “under pretext of ecclesiastical freedom.”²¹⁴ This canon pursued the same concept of separation and cooperation between the secular and ecclesiastical sphere that was often promoted by the council, claiming “a right distribution” between the two by paraphrasing the classic biblical sentence: “the things of Caesar may be rendered unto Caesar, and the things of God may be rendered unto God.”²¹⁵

The major conceptual contribution by the council was reforming the inquests and forbidding the clergy from participating in processes involving ordeals as well as any activity involving the

²⁰⁹ García y García, *Constitutiones*, 81; Tanner, *Decrees*, 252-253.

²¹⁰ García y García, *Constitutiones*, 81-82; Tanner, *Decrees*, 253.

²¹¹ García y García, *Constitutiones*, 82; Tanner, *Decrees*, 253; for more on the legal background of canons 39-41 see Łukasz Jan Korporowicz, “Roman Law Behind the Decrees 39-41 of the Fourth Lateran Council (1215),” in *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi (Turnhout: Brepols, 2018), 235-250.

²¹² for example, in Bologna in the fourteenth and fifteenth centuries through three periods of 20 years each, Trevor Dean determined some 733 court cases (12 per year) pertaining to 1929 acts of robbery or theft (32 per year); Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge: Cambridge University Press, 2007), 182-199; Dean also referenced the crime spurt in mid-fourteenth century Venice quoting Jean de Venette account of “countless robbers”, Trevor Dean, *Crime in Medieval Europe 1200-1550* (London: Routledge, 2001), 40.

²¹³ García y García, *Constitutiones*, 82; Tanner, *Decrees*, 253.

²¹⁴ García y García, *Constitutiones*, 82; Tanner, *Decrees*, 253.

²¹⁵ García y García, *Constitutiones*, 82; Tanner, *Decrees*, 253.

shedding of blood, such as battle or surgery. The council also developed and clarified many practical issues, varying from defining proper excommunications, everyday legal matters such as the quality and veracity of judicial acts, appeals, and various ways of obstructing legal proceedings and the opposition in a suit, or even the problem of possessing objects prior to and after a court judgment. It was the starting point for a new practice by ecclesiastical courts. This practice had to be quick, with times allocated for suits defined, as well as any possible delay tactics or other obstructions eliminated, in theory. The result had to be a fair judgment that was arrived at by a proper investigative and judicial procedure that produced a decision that was quickly and decisively executed. Courts on all levels were supposed to be kept busy as opposed to central courts being overcrowded by cases and people making money out of litigation were singled out as troublemakers who needed to be punished accordingly. This framework, based on the previous century of experience, was, in theory, a sound foundation for the future of ecclesiastical courts.

1.3. Conclusions

The Fourth Lateran Council was a culmination of more than a century of intellectual change in Latin Christendom and more specifically in the Roman Church. Viewing this progress through the lens of the four Lateran Councils it is insightful to see how certain ideas were developed and fleshed out throughout this period. These councils represented the “state of the Church” at that time, or in the case of the Fourth Lateran Council, a programmatic event that was supposed to shape Latin Christendom in the foreseeable future.

Beginning with the convocation letter that was sent out an entire two and a half years prior to the council, several key differences to the previous ecclesiastical assemblies became apparent. The date was no longer during Lent, but rather in November, when churchmen across the continent could more easily traverse the long and expensive journey to Rome. Entourages were supposed to be modest so that as many bishops and abbots could attend the council and give weight to the decisions by the assembly. And most importantly this long “invitational period” gave a chance to bishops, abbots, and other clergy to voice their problems and concerns either directly to the Roman Curia or, more probably, through papal legates visiting their lands. This fact-finding mission would, combined with Pope Innocent III’s long pontifical experience, provide the basis for deliberation and the formation of the 71 canons of the council. Statistically speaking, the number of canons already showed a progression from 22 at Lateran I, 30 at Lateran II, and 27 at Lateran III.

The canons were also becoming more complex and defined throughout this time. While at first there was only a short sentence referring to excommunication in 1123, by 1215 several canons described how excommunications and other ecclesiastical punishments should be properly performed

and appealed. The council also directly called back to the preceding ecclesiastical assemblies in twelve of its 71 canons. These decrees mostly expanded or slightly modified the previous legislation, except for the marriage law decrees which were comprehensively redone and the canons of the previous councils revoked. The first three councils have often been seen by historians as renewals after crises. It was either the conclusion of the investiture contest, another instance of conflict between the pope and emperor, some of the many schisms, or any other contemporary issue. Indeed, they were defined by a reacting stance by the Roman Curia as presented in the conciliar decrees as well as considering the attendance. Clergymen were summoned to the council shortly before it began and they attended the council in varying numbers, each surpassing the previous. Yet the Fourth Lateran Council was the clear summit of this long reform endeavor. The decision to make it a long council in November 1215 gave the bishops and clergy time to actively participate in the decision-making process, as well as an opportunity to do ecclesiastical business in Rome, proceed with court cases, and other matters. From the Roman Curia's perspective, this time gave all the visitors a chance to copy the council canons and return with them and a spirit of reform to their home provinces.

The decrees themselves were aimed at defining the great questions of the day. The issue of clerical reform persisted in all the Lateran Councils, this time the council also tried to reform the laity, concerning economic issues, but also marriage law. Practical elements of clerical life, such as education, appointments, benefices, taxes, tithes, and businesses were all defined to a degree. As was the need for continuous reform on regularly held provincial synods, both for secular clergy and monastic orders. The council developed almost technical issues of judicial practice, such as the need to keep faithful records of judicial acts. It also addressed many prominent matters, including defining the Christian faith and identifying various heresies and problematic intellectual beliefs. Non-Christian groups, Jews, and Muslims were also addressed and limited to a place in society where they could not oppress, endanger, or insult Christians, which were either frequent complaints in some parts of Latin Christendom or useful *topoi* to affect such exclusion. The seeming novelty of the Fourth Lateran Council was the projection of strength and freedom, primarily by the Roman Curia, followed closely by the bishops and clergy. The pontificate of Innocent III was an auspicious moment for the Church and allowed for the development and exposition of a dynamic reform program. Not one isolated and concocted in the Lateran, but made out of cooperation between all the participants, either in person or through advocates and letters in the two and a half years before the council and at the council itself. This was by design so that the participants would have an incentive to reproduce the reform agenda within their own provinces. This, along with the idea of "effectiveness in numbers" necessitated the council amassing the largest numbers of clergy.

Rome was abuzz with activity in November 1215 and the pope hoped this energetic display would translate well in provincial synods that were supposed to be one of the main theatres of the reform. Innocent III had a sound plan and a systematic approach to reforming the church. He saw the reform as a prerequisite of a successful crusade, so the two concepts were inextricably connected in his great idea. The reform was supposed to make the Church better, foremost by the actions of bishops – as the princes and shepherds of the Church – and then all the clergy working and acting in a universal way under canon law. The laity would also have to accept this program and in some respects follow the leadership of the Church. This was surely an ambitious agenda for the thirteenth century, but a fairly logical conclusion to more than a century of reform councils meandering around strict political realities. The reality in 1215 saw Innocent in the strongest position a pope had been in a long time and he was more than ready to put his vision into action.

CHAPTER II: CENTRAL EUROPE IN THE HIGH MIDDLE AGES

The period from the late eleventh to the end of the thirteenth century was a time of diverse developments in Central Europe. One of the most important aspects was ecclesiastical expansion as the region had been barely converted around the turn of the millennium. However, the marked growth of the region in demography, culture, literacy, economy, and trade was not lagging and can be viewed in correlation with the position and role of the Church in society. The thirteenth century was also marked by the Mongol invasion of 1241 and the subsequent ramifications, in this case on the ideological and political construction of “frontier” identity. This chapter presents a brief and general overview of some of these events and tendencies in Central Europe, not going into great detail but rather introducing possible points of past and future research, such as legal and institutional aspects, social stratification (mainly centered on the nobility), and literacy. On the other hand, while dealing with the church history of the region, specific events are considered that point to the relationship between secular and ecclesiastical power (and authority) in the three polities.

While I do not aim to provide a comprehensive overview of ecclesiastical history from the eleventh to the thirteenth century, some specific events are analyzed that show how the interaction between the papacy and bishops as well as royals in this region progressed. This is important within the particular narrative of the so-called “Gregorian reform” which ostensibly saw the two spheres, secular and spiritual, become embattled entities. Although this ideological conflict can be viewed in such a way on an intellectual level, both Roman and Central European realities moved away from this very strict notion and entered practical solutions to actual problems. Therefore, these instances which form more of a mosaic or collage of actions can then be related to the eventual advent of Lateran reform after the council in 1215. These included prelates fighting for ecclesiastical liberty in appointments and elections, such as Bishop Andrew of Prague, or for their primacy in ecclesiastical affairs such as Archbishop Lucas of Esztergom. Papal legates were sent in to address the aberrant behavior and actions of clergy and to curtail the overreach of the laity. They were also sent as mediators in conflicts within the Árpád family on multiple occasions, as well as between the Bohemian and Hungarian rulers. The papacy was more strenuously branching out its responsibilities and authority into secular matters.

The actions of the popes, legates, and local prelates during the twelfth and thirteenth centuries show how there was a push by the ecclesiastical agents even before the Lateran council, to promote the fullness of papal power and authority, not only in Rome or Italy, but now also within the provinces of “new Christendom”. The reformers of 1215, namely the papacy and the bishops, did not exist within an insulated ecclesiastical reality, they had to deal with pragmatic choices by rulers and they

themselves had to enact such comprise decisions that could be executed. The goal here is to provide, in a narrow sense, more insight into the papacy's position and perspective, and in a general view to analyze the ecclesiastical aspect of these events and decisions made by archbishops, bishops, and popes.

II.1. A royal affair - developing literacy, administration, nobility

The region of Central Europe – namely the polities Hungary-Croatia, Poland, and Bohemia – was an active playground of external politics and internal development during the thirteenth century. At times working as allies against a common enemy such as the Mongols or against each other in some dispute over a neighboring province, the three polities were constantly engaging with their neighbors, both in armed conflict and in trade. At the same time, all three polities went through a period of developing their internal administration and resolving growing issues between the nobility and royalty. While I will not delve more into the general history of the region, these few select issues speak to the history of the Church in these polities and how the political arm of government acted towards the spiritual arm. The following subchapter provides a short overview of these changes and the context of the events that marked the period in Central Europe, primarily based on examining historiographical analyses of the developments. The thirteenth century was a period of expanding political and military influence of the realms in the region. Hungary was expanding towards the Balkans (against Bosnia, Serbia, and Bulgaria), the Cuman lands, and Halych, as well as against its Western neighbors, Austria and Bohemia. Bohemia in turn tried to advance towards Bavaria and Prussia while fighting off Hungarian incursions. Polish rulers tried to develop their influence in Prussia and the frontier towards the Pagans in the Baltic but also joined Hungary in its attempts to control Halych. All of the realms showed an affinity towards fighting each other for specific interests and then proceeding with marriage alliances and peaceful diplomacy to further their agendas.

The administrative systems were intertwined with the role of the nobility within Bohemia, constantly engaged in a balancing act that allowed the king to rule effectively. The nobility was influenced primarily by German or in general by Western European knightly culture, often drawing on the royal dynasty as a model to emulate in behavior, ceremony, and architecture. The king also began to employ a group of knights – the *ministeriali* – in direct service. The division in Poland precluded a strong royal government and led to certain groups embodying more power – such as the knights' assemblies. Further privileges were given to church officials or castellans. The number of administrative units doubled during the century, disintegrating the realm and diminishing centralized royal power even more. The Hungarian nobility became more diversified during this period. Besides

the older nobility, new groups such as the royal servants were included in this legal category. Unlike Poland, the Hungarian kings tried to retain control by taking the initiative and restricting the influence of diffusive groups that could challenge their rule. This worked well until the end of the century when the weakened dynasty left the door open for the rule of the magnates.

The spread of literacy in the twelfth and thirteenth centuries was key for the successful development of institutions and centralized systems of power within Central Europe. This entailed the travels and studies of Hungarian students at Western European schools and later universities. This process was further aided by the spread of local parish schools, as well as cathedral and monastic schools. In Hungary, the legal procedures became more elaborate and were further centered around the authority of the royal court or the *loca credibilia* producing more and more documentation. Poland experienced a somewhat similar growth of documented evidence in this period, centered more so around the ducal chanceries. The competition between parish schools and cathedral schools also gave greater chances for the proliferation of literacy and the influx of literate specialists. The importance of writing was exemplified by history writing in various chronicles or annals of this time, but more predominantly through hagiographical writing or other religious works. Bohemia shared this period of growth in the thirteenth century, focusing more on legal document production already in the second half of the twelfth century and having an increased production of narrative texts (histories, chronicles) in the thirteenth century within monastic environments.

All of these changes were sidelined at one point in 1241 after the Mongol invasion of Central Europe. With both Hungary and Poland under attack, this conflict gave a chance for a reimagining of Central European identities on the bulwark of Christendom, fighting and defending Western Europe from invasion. This was something especially used in Hungary as the imagery of the invasion and its apocalyptic context, permeated chronicles, papal letters, and contemporary art. Even the ostensibly non-affected Bohemia and the German lands, participated in this effort, including in an ill-fated crusade against the Mongols.

The importance of these developments and events is that they show the context within which the Central European ecclesiastical agents functioned during the twelfth and thirteenth centuries. They were often times part of both ecclesiastical and secular hierarchies within their realms and had to contend with the rapidly changing power landscape in both environments. On the other hand, royal dynasties and nobles had their individual and collective agendas of amassing power and used new specialists, mostly with legal knowledge, or just any *literati*, to deal with the competition from ecclesiastical agents.²¹⁶

²¹⁶ Cosmin Popa-Gorjanu, "Changing Elites in Medieval Central Europe," in *The Oxford Handbook of Medieval Central Europe*, ed. Nada Zečević and Daniel Ziemann (Oxford: Oxford University Press, 2022), 175-189.

II.1.1. Conflicts and alliances

The external politics of these realms showed at times diplomatic ambitions and at others a lack of resources to follow through with military campaigns. Alliances were made between Bohemia and Hungary during the reign of Wenceslaus and his expansion into Austrian lands. Bohemia and Austria were allied by marriage in 1246, but soon conflict emerged between Bohemia and Hungary over Styria which was resolved only in 1261. King Přemysl Ottokar II also tried to expand his interest in Bavaria and Prussia, as well as having to contend with Hungarian raids in 1270. His response to this was an invasion of Western Hungary which was curtailed by the challenge to the king made by Rudolf of Habsburg. It was the Habsburgs who ended the reign of Přemysl Ottokar II in 1278 and thereafter dominated his successor's reign and curtailed his independent expansion to Silesia and Kraków. Wenceslaus II would eventually be crowned king of Poland in 1300.²¹⁷

The Hungarian king Béla IV tried to implement a system of alliances following the Mongol invasion of 1241. His focus was on the neighboring realms: Halych, Poland, and Bohemia. As was common at the time, marriage alliances were established with Aragon, various German lands, Bulgaria, Serbia, Sicily, Bohemia, and Poland. Pragmatically, the kingdom could have expanded either to the east or southeast, namely the Balkans and the area occupied by the Cumans. The expansion into Bosnia was mostly justified through crusading narratives (against Bosnian “heretics”).²¹⁸

Polish rulers involved themselves in the papal-imperial conflict trying to gain dominance among the various Polish dukes, for instance in the case of the short reign of Henry II the Pious (1238-1241). Much like Hungary, Poland saw its interest in expanding to the east, whether it be areas occupied by Rus’ or “pagan” lands in the northeast. In the former case, an agreement was achieved with Andrew (András) II of Hungary to divide the area, and in the latter, the Polish forces took on various military campaigns, ending Danish influence in Eastern Pomerania. The Polish dukes also saw the benefits of crusading narratives for the expansion and protection of their realm toward pagan

²¹⁷ Marie Bláhová, “Böhmen in der Politik Rudolfs von Habsburg,” in *Rudolf von Habsburg 1273-1291: eine Königsherrschaft zwischen Tradition und Wandel*, ed. Egon Boshof and Franz-Reiner Erkens (Cologne: Böhlau, 1993), 59-78; Robert Antonín, *České země za posledních Přemyslovců I. díl (1192-1253)* [Czech lands under the last Přemyslyds I. part (1192-1252)] (Prague: Nakladatelství Libri, 2012), 358-398; Berend, *Central Europe*, 433-435.

²¹⁸ Kristó, *Arpadendynastie*, 197-205, 214-220; Engel, *Realm of St Stephen*, 95-97, 103-111; Berend, *Gate of Christendom*, 23-41, 163-171; Attila Bányai. “The Expansions of the Kingdom of Hungary in the Middle Ages (1000-1490),” in *The Expansion of Central Europe in the Middle Ages*, ed. Nora Berend (Farnham: Ashgate Variorum, 2012), 333-380, esp. 350-357; Berend, *Central Europe*, 440-443; Gábor Barabás, “Heretics, Pirates, and Legates. The Bosnian Heresy, the Hungarian Kingdom, and the Popes in the Early 13th Century,” *Specimina Nova Pars Prima Sectio Medievalis* 9 (2017): 35-58.

lands in the northeast.²¹⁹ In that context, the Dobrzyn Brotherhood was established in 1224 to stand against the Prussians. The military option was not the only one available and strong missionary activities in the area were pursued by Christian who became bishop in Prussia. In 1225 after their expulsion from Burzenland, the Teutonic Knights were invited into this region and soon became a strong military and political force, which also rivaled the local ecclesiastical hierarchy.²²⁰

The regional outward political perspective was mostly focused on eastern expansion, whether by Hungary or Poland into Rus', or non-Christian lands in the northeast, or the Balkans, areas where they could act without hindrance from major Western European polities. Bohemia also had an eye towards the east in its focus on Silesia which at times could cause trouble with Polish dukes. However, Bohemia's history at the time was more closely related to imperial lands and politics, especially in the time of Přemysl Ottokar II who was one of the most powerful rulers in the empire, an elector, and was only crushed by the Habsburgs in 1278. Bohemia was the most westward-looking polity among the three, deeply involved in the state of affairs in the empire. But even Hungary could challenge certain parts of Austria (Styria), disputed by Bohemian kings.

II.1.2. Developing institutions – nobility and administration

These polities were occupied by the internal growth of their administrative institutions and organizational hierarchies, all of which were related to the important dynamic relationship between the royal power and the nobility. Rather than being a period of revolution, the thirteenth century saw the continuation of development, which in some cases would last until the fourteenth century, of social and political tendencies leading to a more complex system of government. No longer based on royal centralization, but on shared governance (to a degree).

In Bohemia, Přemysl Ottokar I ruled over a stable realm, gaining a hereditary crown in 1212. He had favorable cooperation with his brother Vladislaus Henry, who was the margrave of Moravia, and in 1228 he made his heir Wenceslaus co-ruler to ensure a smooth transition and continuity. Outside his realm the king became a leading figure in imperial politics (during the conflict for the

²¹⁹ Norman Davies, *God's Playground: A History of Poland vol. I the origins to 1795* (Oxford: Clarendon Press, 1981), 85-87; Eduard Mühle, *Die Piasten, Polen in Mittelalter* (Munich: C.H. Beck, 2011), 63-73; Berend, *Central Europe*, 435-440.

²²⁰ Davies, *God's Playground*, 87-91; Maria Starnawska, "Military Orders and the Beginning of Crusades in Prussia," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Department of Medieval Studies Central European University, 2001), 417-429, esp. 420-423; László Pócsán, "Prussian Missions and the Invitation of the Teutonic Order into Kulmerland," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Department of Medieval Studies Central European University, 2001), 429-448, esp. 434 ff.; Iben Fonnesberg-Schmidt, *The Popes and the Baltic Crusades 1147-1254* (Leiden: Brill, 2007), 188-190; Roman Czaja and Zenon Hubert Novak, "An attempt to characterise the state of the Teutonic Knights in Prussia," in *The Teutonic Order in Prussia and Livonia: The Political and Ecclesiastical Structures 13th-16th c.* (Toruń: Towarzystwo Naukowe w Toruniu, 2015), 13-30, esp. 13-16.

imperial crown between Philip of Swabia and Otto of Brunswick), even at the rank of elector in 1211. He also caught the eye of the pope due to his divorce from Adelaide in favor of Constance, a matter of lengthy dispute. The next generation of rulers, the brothers Wenceslaus I and Přemysl (ruling over Moravia), were prone to conflict with the latter finally being expelled in 1237. Wenceslaus's son Vladislaus then ruled Moravia until his death in 1247. Vladislaus was replaced by Přemysl Ottokar who rose against his father in revolt as the “young king”. He was defeated by Wenceslaus in 1248 but remained as heir and became king in 1253. Přemysl Ottokar II ruled in balance (between ruler, royal administration, and the royal army) in his kingdom with his heir Wenceslaus and his illegitimate son Nicholas. As Robert Antonín showed, this central royal administration was countered by the political power of the nobility.²²¹

The nobility of the kingdom was affected by Western European knightly culture, transferred either through imperial connections or the Crusades. They established a new “cultural landscape” under the auspices of the royal family, which included new forms of social interaction, especially towards royalty. Dana Dvořáčková-Malá demonstrated how this included heraldry, ceremonies, tournaments, and other forms of ostentatious behavior.²²² The physical landscape changed as well, with many nobles opting to upgrade their wooden keeps into stone forts, serving as power symbols, since originally the king was the only one who had the power and prerogative to construct such fortifications. According to Marcin R. Pauk, the competition between the two eventually led to an emulation of royal practices on a smaller scale. Within the ranks of nobility, two groups could be discerned at the time, the dignitaries and warriors on one side, and the landowners on the other. The “system” of noble privileges changed in a long process, from one where land was given as a temporary benefice that was effectively payment for services rendered, to a model where privileges were extended creating for the nobility a hereditary fortune, thus depriving the royal court of a valued resource. A new group also developed – the *ministeriali* – which were less affluent knights in service of the king. Institutions such as the land court were established to take care of legal cases related to inheritance, landholding, and other land issues important to the everyday needs of the nobility.²²³ Although it catered to the highest nobility's interest, it was part of the royal administration. Wenceslaus II decreed written law by royal order paving the way for an even greater significance of legal procedures and literacy in Bohemian society. Written oaths of fidelity also became common

²²¹ Antonín, *České země*, 232-266.

²²² Dana Dvořáčková-Malá, “Der Herrscherhof im Mittelalter Struktur, Raum und Repräsentation,” *Historica* 14 (2010): 59-90; eadem, “Locals and outlanders – an outline of the ethnic composition of Wenceslaus II's Prague court,” *Przegląd historyczny* 112, no. 2 (2021): 235-246.

²²³ For more see Marcin R. Pauk, “Der böhmische Adel im 13. Jahrhundert: Zwischen Herrschaftsbildung und Gemeinschaftsgefühl,” in *Böhmen und seine Nachbarn in der Přemyslidenzeit*, ed. Ivan Hlaváček and Alexander Patschovsky (Ostfildern: Jan Thorbecke Verlag, 2011) 247-287, esp. 276.

(according to a Western European pattern). The sources, therefore, were more abundant from this time onwards and showed how the ruler was curtailed by laws and customs. Ecclesiastical dignitaries were also given privileges in the thirteenth century, giving them the option to establish a strong regional power base, partly encroaching on previously held royal dominance. Josef Žemlička explained that Bohemian society in the thirteenth century was ordered around the relationship between ruler and nobility, where the latter were growing progressively stronger with time. However, the Přemyslid dynasty still showed its internal strength, none more clearly than Přemysl Ottokar II when he entered into conflict with the Vitkovce clan over dominance in Southern Bohemia. Though the ruler was bound by law, he was still the king and acted in his interest against powerful noble families.²²⁴

The state of affairs in Poland was more divisive. The nobility held sway over the realm, with various strong dukes fighting amongst themselves for dominion over the Polish principalities. The number of political-territorial units also increased with the rise of political divisiveness, from nine in 1250 to nineteen in 1280. Several dukes emerged as preeminent among their peers, such as Leszek the White (d. 1227)²²⁵ or Henry I the Bearded (d. 1238).²²⁶ Seeing as their rule was followed by a period of instability it shows that there was a lack of a strong royal system or hierarchy. Poland was rather dominated by the strength of arms. After 1241 Silesia was the main bone of contention among the dukes, who continued their quarrelsome relationships until the end of the thirteenth century when unity became the main narrative goal for both lay and ecclesiastical princes in Poland. In 1295 Přemysl II of Greater Poland was crowned king, but died the year after.²²⁷ In the ensuing struggle between Wenceslaus II and Władysław Łokietek, the latter emerged victorious and reigned as king from 1320 giving the realm much needed stability.

By this point, the problem for the Piast dynasty was that they had given away privileges to gain the support of knights and townspeople, which diminished their ability to have and project power within the realm. Antoni Barciak showed that one such example of delegating parts of local administrative power was the late twelfth-century development of the *wiece* – knights' assemblies.²²⁸

²²⁴ Josef Žemlička, "Transformation of the dukedom of 'the Bohemians' into the Kingdom of Bohemia," in *Political Culture in Central Europe, Tenth-Twentieth Century*, vol. 1, ed. Halina Manikowska and Jaroslav Pánek (Prague: Institute of History, Academy of Sciences of the Czech Republic, 2005), 47-64; Jaroslav Pánek, Oldřich Tůma et al., *A history of the Czech lands* (Prague: Karolinum Press, 2011), 98-114; Berend, *Central Europe*, 409-418.

²²⁵ Józef Umiński, "Śmierć Leszka Białego" [Death of Leszek the White], *Nasza Przyszłość* 2 (1947): 3-36.

²²⁶ Benedict Zientara, *Henryk Brodaty i jego czasy* [Henry the Bearded and his times] (Warsaw: Wydawnictwo TRIO, 2006).

²²⁷ Jerzy Strzelczyk, "Przemysław II - odnowiciel Królestwa Polskiego" [Przemysław II – restorer of the Kingdom of Poland], *Rocznik Wieluński* 10 (2010): 43-50, esp. 46.

²²⁸ Antoni Barciak, "Tage und Debatten im Beisein des Herzogs in Polen. Zur Funktionsweise von Tagen (wiece) des 13. Jahrhunderts," in *Ritualisierung politischer Willensbildung. Polen und Deutschland im hohen und späten Mittelalter*, ed. Wojciech Fałkowski, Bernd Schneidmüller and Stefan Weinfurter (Wiesbaden: Harrassowitz Verlag, 2010), 67-77.

The royal power was further limited by privileges given to the Church. Liberties were granted to clergy and soon to the nobility, effectively lessening the scope of jurisdiction that was originally royal or ducal. Dukes were supported by landowning knights who in turn received liberties and participated in government. Several new developments are visible in the thirteenth century including Western European patterns of rule, migration from German lands, and new practices in legislation and economy.²²⁹ According to Karol Buczek, the previous “provincial system” of territorial government was gradually replaced by castellan districts which gave a stronger appearance of hierarchical organization. The districts were part of an administrative structure used for surveillance and income.²³⁰

The development of the nobility in thirteenth-century Hungary was conceptually focused on the so-called “golden bulls”. As Martyn Rady has shown, the concept of nobility was based on landownership, warrior status, and liberties. The latter were expanded and confirmed through the golden bulls, sets of liberties granted to the nobility due to the temporary pressure on royal authority.²³¹ This pressure and instability were brought about by conflict within the Árpád dynasty, especially between the brothers Emeric (Imre) and Andrew in the late twelfth and early thirteenth century.²³² Both camps tried to entice nobles to their side and Andrew even permanently gave out royal land (castle lands and counties) as well as privileges. As king, Andrew II continued in this vein, thus diminishing the core royal areas, both in revenue and jurisdiction. During this time there emerged a group of men from leading noble families (stemming both from the original time of the conquest as well as immigrant knights in the following century), known as the barons.²³³ The basis of their status was territorial lordship, although their rank emanated from nobility and the holding of an office, both at court and as part of the county administration of the kingdom.²³⁴ The king engaged in giving away land and privileges to ensure military service (mostly by mounted knights). This led to an unfavorable position for the king, which Andrew II and his successor, Béla IV, tried to rectify by reviewing donations but the latter was eventually forced to back down. An attempt to remedy the revenue aspect of the king’s economy was aimed at taxes and royal monopolies (minting, salt mining, customs

²²⁹ Davies, *God’s Playground*, 71-80; Berend, *Central Europe*, 418-425.

²³⁰ Karol Buczek, “Z badan nad organizacją grodową w Polsce wczesnofeudalnej” [From the research on the organization of strongholds in early feudal Poland], *Kwartalnik Historyczny* 77 (1970): 3-30; Karol Buczek, “Gospodarcze funkcje organizacji grodowej w Polsce wczesnofeudalnej (wiek X–XIII)” [Economic functions of stronghold organization in early feudal Poland (10th to 13th centuries)] *Kwartalnik Historyczny* 86, no. 2 (1979): 363-384.

²³¹ Engel, *Realm of St Stephen*, 83-95; Martin Rady, *Nobility, Land and Service in Medieval Hungary* (Basingstoke: Palgrave, 2000), 28-44.

²³² Kristó, *Die Arpadendynastie*, 171-174; Engel, *Realm of St Stephen*, 88-89.

²³³ For more on barons and the nobility within the context of the entire medieval period see Erik Fügedi, *Ispánok, bárók, kiskirályok. A középkori magyar arisztokrácia fejlődése* [Ispans, barons, minor kings. The development of the medieval Hungarian aristocracy] (Budapest: Magvető, 1986); Erik Fügedi, “The aristocracy in medieval Hungary,” in *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. J. M. Bak (London: Variorum reprints, 1986), IV, 1-14.

²³⁴ Zsoldos, *Árpáds*, 131-135.

duties). The overarching term “the nobility” can further be divided into lesser and greater nobility. The former was a group made out of servicemen, freemen, castle warriors, and the *servientes regis*. The greater nobility traced their lineage to ancient familial patriarchs and used the term *de genere* to set themselves apart from lesser nobles. Traditional historiography identified the lesser nobility as instigators of change. They became dissatisfied with the barons and pressured the king to publish the Golden Bull of 1222 which was primarily aimed at protecting the rights and privileges of *servientes*. Recently, Attila Zsoldos suggested that the Golden Bull of 1222 was in fact a way for the king to protect his administrative reforms, or “new institutions” while being pressured by nobles who felt left out of the government of the realm. This meant that the bulls were not a show of strength by the nobility, but rather a royal initiative to satiate the appetites of some uncooperative nobles. The bull was updated and expanded in 1231 and 1267.²³⁵ Some of the nobles also became disgruntled with the seeming influence Andrew’s queen had within the royal court. Queen Gertrude of the influential Andechs-Meran family tried to push her own, “foreign”, agents into positions of power, which was presumably the main cause of a conspiracy against her which ended in her murder. To show just how much the nobles had grown confident in the face of the king, most of the malefactors in this plot were not punished.²³⁶ King Béla IV had the ambition to roll back these apparent deficits of royal power, especially land donations, and privileges, but his efforts were thwarted by the Mongol invasion of 1241. Thereafter, the king used privileges to build an army to defend the kingdom. The dynastic instability continued to be a common theme in the Árpád family. Béla even had to flee to Austria to escape his father’s wrath, only to decades later engage his own son Stephen (István) in civil war.²³⁷ All the while the power of the nobility, compared to that of the king, steadily grew. Noble institutions such as the diet were formed (1277) and their identity was constructed through contemporary chronicles.²³⁸ According to Zsoldos, after 1290, disobedience and resistance to the king became par

²³⁵ For more on the context of the issuing of the Golden Bull see Attila Zsoldos, “The Golden Bull of Andrew II,” in *Des chartes aux constitutions: Autour de l’idée constitutionnelle en Europe (XIIe-XVIIe siècle)*, ed. François Foronda and Jean-Philippe Genet (Paris: Éditions de la Sorbonne, 2019), 57-80; László Blazovich, “The origins of the Golden Bull, and its most important provisions as reflected in Hungarian constitutional and legal history,” in *De Bulla Aurea Andreae II Regis Hungariae MCCXXII*, ed. Lajos Besenyei et al. (Verona: Edizioni Valdonega, 1999), 181-190; Géza Érszegi, “A history of the genesis of the Golden Bull and how it was handed down through the ages, with comments on its text,” in *De Bulla Aurea Andreae II Regis Hungariae MCCXXII*, ed. Lajos Besenyei et al. (Verona: Edizioni Valdonega, 1999), 191-201.

²³⁶ János Bak, “Queens as Scapegoats in Medieval Hungary,” in *Queens and Queenship in Medieval Europe. Proceedings of a conference held at King’s College, London, April 1995*, ed. Anne J. Duggan (Woodbridge: The Boydell Press, 1997), 223-233, esp. 226-228.

²³⁷ Zsoldos, *Árpáds*, 51-52, 89-90.

²³⁸ Berend, *Central Europe*, 432.

for the course for the kingdom's nobility.²³⁹ In the following century, kings would find allies among the lesser nobility to fight off the power of the barons.

During the thirteenth century the nobility in these three polities gained strength against royal power, but also developed in terms of accepting new patterns of behavior, either due to Western European influence (mostly German), or due to royal decisions, or more often a combination of both. This was perhaps most apparent in Bohemia, in a direct way as the realm was part of imperial political circles. Hungary and Poland were included slightly less in these developments, but migrations allowed either specialized peasants, knights, missionaries, or military orders to enter and affect the state of affairs in the region. The thirteenth century was also a period of dynastic and civil strife in these realms, which at times allowed for the nobility to gain more power, originally through the strength of arms, but the ultimate goal was a legal confirmation of status – the institutionalization of nobility (for example through assemblies such as the *wiece* in Poland and diets in Hungary). This was the lasting effect of these novel ways of communication between royalty and nobility, a legal paradigm that enabled the nobility to control and even disobey their kings if certain aspects that had previously been agreed upon were ultimately not fulfilled. A version of checks and balances in thirteenth-century Central Europe.

II.1.3. Creating literate elites

The prerequisite for such an expansion of institutions, was the ingress of literacy, both general and specifically legal, into elite society.²⁴⁰ Outside of ecclesiastical circles, literacy was rare. Latin was the dominant language for administration and legislation and Greek was used at times as well. Vernacular texts related to ecclesiastical issues produced in the twelfth century were either related to pastoral care, or everyday production such as burial speeches.²⁴¹ This was mostly connected to the spread of parish and cathedral schools as well as the migration of students and masters to universities and back again. According to Nora Berend, in the twelfth and thirteenth centuries, 200 to 300 students from Hungary went on to European universities, from the second half of the thirteenth century mostly studying in Bologna.²⁴² They were supported by the king who expected their service upon their return

²³⁹ Attila Zsoldos, "Kings and Oligarchs in Hungary at the Turn of the Thirteenth and Fourteenth Centuries," *Hungarian Historical Review* 2, no. 2 (2013): 211-242.

²⁴⁰ For an overview of the expansion of literacy in Central Europe see Anna Adamska, "The Introduction of Writing in Central Europe (Poland, Hungary and Bohemia)," in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), 165-190.

²⁴¹ Loránd Benkő, *Az Árpád-kor magyar nyelvű szövegei* [Textual monuments in Hungarian of the Árpád period] (Budapest: Akadémiai Kiadó, 1980); Berend, *Central Europe*, 402.

²⁴² Berend, *Central Europe*, 486-487; for more on the experiences of Hungarian students see József Laszlovszky, "Hungarian university peregrination to Western Europe in the second half of the twelfth century," in *Universitas Budensis 1395–1995. International Conference for the History of Universities on the Occasion of the 600th Anniversary of the Foundation of the University of Buda*, ed. László Szőgi and Júlia Varga (Budapest: Eötvös Loránd Tudományegyetem Levéltára, 1997), 51-61; Péter Sárközy, "Links to Europe: Hungarian students at Italian universities in the thirteenth-

to the kingdom. However, it was the proliferation of local centers for study that provided a more stable base of literate specialists in the realm. Churches, schools, and libraries were supplied with books primarily by bishops (as well as supported by donations from the Árpád rulers).²⁴³ The spread of literacy can, in theory, be connected to the thousands of charters emerging from either the royal court or from the *loca credibilia* (places where charters with seals were issued, carrying legal weight; notaries), the production of which was analyzed by Iván Borsa and György Györffy.²⁴⁴ This also signified a change in legal procedure, moving more towards documentary evidence. The royal chapel developed into a place of legal production, with a chancery being established during the reign of Béla III.²⁴⁵ This move towards a written administration was not without opposition, and in fact, Béla IV was confronted by his nobles after instituting written petitions as an administrative medium. Evidence for the development of literacy can also be found in the historical writing of the times, especially in the *Gesta Hungarorum* which was a continuing narrative of historical thinking and writing during a many-generational period from the late twelfth century up to the end of the thirteenth century.²⁴⁶ Historical writing had already started with the *Hungarian chronicle* (composed in the second half of the eleventh or early twelfth century), a later rewritten narrative that survived in two fourteenth-century versions. However, the earliest literary production was connected to saints' lives, such as the *Life of Zoerard and Benedict* (by bishop Maurus of Pécs)²⁴⁷, the *Life of Imre*, and the *Pray codex*.²⁴⁸ Archbishop Lucas of Esztergom wrote the earliest surviving letter by a prelate in 1161. Ecclesiastical production of documents became common in the eleventh century, at first issuing royal charters and then in the twelfth century ecclesiastical centers began issuing documents-charters in their own name,

eighteenth centuries," in *Universitas Budensis 1395–1995. International Conference for the History of Universities on the Occasion of the 600th Anniversary of the Foundation of the University of Buda*, ed. László Szögi and Júlia Varga (Budapest: Eötvös Loránd Tudományegyetem Levéltára, 1997), 135–141.

²⁴³ an inventory of the Abbey of Pannonhalma from 1093 showed 80 books in the abbey library; Gábor Sarbak, "Über das mittelalterliche Bibliothekswesen der Benediktiner in Ungarn," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 199–213, esp. 203–204.

²⁴⁴ Iván Borsa and György Györffy, "Actes privés, «locus credibilis» et notariat dans la Hongrie médiévale," in *Notariado público y documento privado. De los orígenes al siglo XIV*. vol 2., ed. José Trenchs (Valencia: Generalitat Valenciana, 1989), 941–949.

²⁴⁵ royal charters had been an instrument of government since the reign of Stephen I; nobles were having their donations written down in charters since the eleventh century (the earliest extant private charter is from 1061); György Györffy, *Die Anfänge der ungarischen Kanzlei im 11. Jahrhundert* (Cologne: Böhlau, 1984), 88–89.

²⁴⁶ the two distinct *gesta* by the Anonymus notary of King Béla IV and Simon of Kéza; Anonymus, notary of King Béla, *The Deeds of the Hungarians*, ed. & trans. Martyn Rady and László Veszprémy (Budapest: Central European University, 2010); Simon of Kéza, *The Deeds of the Hungarians*, ed. & trans. László Veszprémy and Frank Schaer (Budapest: Central European University Press, 1999); László Veszprémy, "Historical Past and Political Present in the Latin Chronicles of Hungary (12th–13th Centuries)," in *The Medieval Chronicle*, ed. Erik Kooper (Amsterdam: Rodopi, 1999), 260–268.

²⁴⁷ Gábor Klaniczay, ed., *Saints of the Christianization Age of Central Europe (Tenth–Eleventh Centuries)*, trans. Cristian Gașpar and Marina Miladinov (Budapest: Central European University Press, 2013), 315–337.

²⁴⁸ Peter Ratkoš, "A Pray-kódex keletkezése és funkciója" [The origins and function of the Pray-codex] *Századok* 102, no. 5–6(1968): 941–964; László Mezey, "A Pray-kódex keletkezése" [Origins of the Pray-codex], *Magyar Könyvszemle* 87, no. 2–3 (1971): 109–123.

and during the thirteenth century started to affix episcopal seals on these documents.²⁴⁹ As Veszprémy demonstrated, written production remained dominated by ecclesiastical centers, the royal court also contributed with orders and the production of saints' lives, mirror for princes texts, and histories. The two spheres, secular and ecclesiastical, were more intertwined and complementary in their efforts during this period, rather than being opposed and separated.²⁵⁰

The spread of literacy in Poland was connected to the developing parish network after the Fourth Lateran Council.²⁵¹ The parishes also had schools that were a base or even at times competition with cathedral schools. Historians have shown how similar to Hungary, more charters were published, documenting new legal procedures (the most in Silesia).²⁵² Other aspects of literate elite production were hagiography (e.g. the lives of St. Hedwig, St. Stanislaus of Kraków) and historiography (e.g. chronicles connected to Cistercian monasteries).²⁵³ The flourishing of annalistic writing came during the reign of Casimir the Restorer in Kraków. The first surviving manuscripts (containing books and letters) are from the time of Władysław Herman (the oldest document is a letter from 1086).²⁵⁴ Writing was seen as a way to bolster and project the majesty of the ruler.²⁵⁵ The ducal chancery was set up during Boleslaus III's reign, and the pragmatic side of writing, mainly for administrative purposes, expanded soon after, during the second half of the twelfth century, often to prove land ownership. This production of official charters was at first divided amongst secular and ecclesiastical centers, such as monastic (Benedictine and Cistercian) and episcopal scriptoria, as well as the ducal chancery. The latter grew to exclusively control this process in the thirteenth century. A more extensive contemporary volume written in a Polish production center was the *Plock notes of miracles*

²⁴⁹ earliest surviving ecclesiastical charter from 1183; László Solymosi, "Chartes archiépiscopales et épiscopales en Hongrie avant 1250," in *Die Diplomatie der Bischofsurkunde vor 1250*, ed. Christoph Haidacher and Werner Köfler (Innsbruck: Tiroler Landesarchiv, 1995), 159-177.

²⁵⁰ László Veszprémy, "The Birth of a Structured Literacy in Hungary," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 161-181; Berend, *Central Europe*, 402-407, 486-491.

²⁵¹ For the development of parishes in the aftermath of Lateran IV see Piotr Górecki, *Parishes, Tithes and Society in Earlier Medieval Poland c. 1100-c. 1250* (Philadelphia: The American Philosophical Society, 1993), 17-18; for the earliest period of Polish literacy see Brygida Kürbis, "Pisarze i czytelnicy w Polsce XII i XIII wieku" [Scribes and readers in Poland of the 12th and 13th centuries] in *Polska dzielnicowa i zjednoczona*, ed. Aleksander Gieysztor (Warsaw: Wiedza Powszechna, 1972), 159-201.

²⁵² Maria Bielińska, "W kwestii początków kancelarii polskiej" [Regarding the beginnings of the Polish chancellery] *Studia Źródłoznawcze: Commentationes* 13 (1968): 63-71; Aleksander Gieysztor, "Les chartes de franchises urbaines et rurales en Pologne au XIIIe siècle," in *Les Libertés urbaines et rurales du XIe au XIVe siècle*, ed. Walter Prevenier (Bruxelles: Pro Civitate, 1968), 103-125, esp. 105.

²⁵³ the earliest hagiographical writings such as the *Vita of Vojtech Adalbert* and the *Vita Quinque Fratrum*, had limited impact on Bohemian culture; the existence of historiographical writing prior to 1038/9 is unclear.

²⁵⁴ Aleksander Gieysztor, "Symboles de la royauté en Pologne: un groupe de manuscrits du XIe et du début du XIIe siècle," *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 134, no. 1 (1990): 128-137.

²⁵⁵ manuscripts such as the *Book of Gospels from Plock*, the *Codex Aureus Gnesensis*, or the *Codex Aureus Pultaviensis*, were produced at this time.

and on the historiographical side, the *Chronicle of the Anonymous*,²⁵⁶ the *Cronica Polonorum* (by Master Vincent), written in the twelfth and early thirteenth century.²⁵⁷ The creation of the first libraries can be observed in an inventory of the Kraków diocese from 1101 (this was followed by chapter libraries). According to Wojciech Iwańczak, the Piast dynasty used culture as a means of communication with its western neighbors, the focal point being courtly culture as a mechanism of royal control.²⁵⁸ Boleslaus the Brave used written letters for official communication, and Mieszko II could supposedly read and write in the vernacular, Latin, and Greek (or at least recite prayers in different languages). New cultural features were promoted for the nobility, such as heraldry, Western European rituals and customs (mostly of German origin), the use of Latin, and, more frequently than before, the use of the vernacular in documents and literature. Another important novelty was the transmission of a new manner of religiosity through new mendicant orders and other ecclesiastical channels. The process of acculturation was propelled by contemporary legal and economic changes.²⁵⁹

Finally, in Bohemia as in the other parts of the region, literacy was spread through burgeoning schools (e.g. Prague, Stará Boleslav). Before that, the local elites were in contact with Latin and vernacular writing, possibly stemming from the influence of the Great Moravian culture. One of the cultural centers for literary production in Slavonic was Sázava where vernacular texts could be found in Latin liturgical volumes.²⁶⁰ The ruler was also said to be able to read Latin and Latin liturgical books were brought in from Bavaria and Saxony.²⁶¹ The earliest hagiographical texts were from the

²⁵⁶ *Gesta principum Polonorum*, trans. Paul W. Knoll and Frank Schaer (Budapest: Central European University Press, 2003).

²⁵⁷ *Chronica Polonorum*, ed. Marian Plezia (Cracow: Polska Akademia Umiejętności, 1994); Piotr Dymmel, "Traces of Oral Tradition in the Oldest Polish Historiography: Gallus Anonymus and Wincenty Kadłubek," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 343-363; Darius von Güttner-Sporzyński, "Bishop Vincentius of Cracow and his *Chronica Polonorum*," in *Writing History in Medieval Poland*, ed. Darius von Güttner-Sporzyński (Turnhout: Brepols, 2017), 1-17.

²⁵⁸ Wojciech Iwańczak, "Höfische Kultur und ritterliche Lebensformen in Polen vor dem Hintergrund der europäischen Entwicklung," in *Das Reich und Polen. Parallelen, Interaktionen und Formen der Akkulturation im hohen und späten Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky (Ostfildern: Jan Thorbecke Verlag, 2003), 277-300; Thomas Wünsch, "Kulturbeziehungen zwischen Polen und Reich im Mittelalter," in *Das Reich und Polen. Parallelen, Interaktionen und Formen der Akkulturation im hohen und späten Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky (Ostfildern: Jan Thorbecke Verlag, 2003), 357-400.

²⁵⁹ For an overview of research into medieval Polish literacy see Anna Adamska, "The Study of Medieval Literacy: Old Sources, New Ideas," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 13-47, esp. 38-47; for the reception of legal writing in medieval Poland see Tomasz Jurek, "Die Rechtskraft von Urkunden im mittelalterlichen Polen," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 59-91, esp. 61-73; Berend, *Central Europe*, 397-400, 481-486.

²⁶⁰ Květa Reichertová, "Bývalý slovanský klášter na Sázavě, jeho sídlištní a kulturní význam" [The former Slavic monastery on the Sázava, its settlement and cultural significance] *Archaeologia historica* 3 (1977): 255-262; Petr Kubín, "Saint Procopius of Sázava between reality and fiction," *Revue Mabillon: Revue internationale d'histoire et de littérature religieuses* 27 (2016): 49-81.

²⁶¹ The most significant manuscripts acquired during this initial period of literacy were the *Codex Vyssegradensis*, the *Evangelium Zabrdovicense*, and the *Apocalypse of St. Vitius*; Adamska, "Writing", 173.

late tenth century (*Legenda Christiani*)²⁶² and during the twelfth century work on the *Chronicle of the Czechs* started under Cosmas of Prague (1119-25).²⁶³ In the thirteenth century, literacy was introduced to different social groups and the nobility started to attend the local schools. Advanced students would go on to study at European universities in Paris, Bologna, Padua, and Vicenza, also during the time of Přemysl Ottokar II there was a vibrant exchange of foreign masters coming to Bohemian schools. After the king's death, there was a period of decline as the masters decided to leave. The spread of literacy was helped by the establishment of parish schools throughout the kingdom during the thirteenth century. The increase in the literate elite opened the way to more administrative literacy which in turn led to the publication of more lay charters. The royal administration also developed into a centralized chancery. Already from the second half of the twelfth century lawmaking was based on the written word.²⁶⁴ Administration was only part of the literate production as monasteries were engaged in creating chronicles (monastic histories). The influence of German material culture was also important in this period as kings tried to make the court an attractive place for Western European knights and nobles. Monastic orders such as the Cistercians were likewise conduits for the translation of architectural styles (e.g. Gothic).²⁶⁵

One of the key aspects of administrative and legal evolutions in the thirteenth century was the growing base of literate elites. This base had grown through the spread of schools. The cathedral schools were raised to a new level, providing more educational opportunities to a wider social and economic range of students, and since the parish network was developed during the period, local parish schools followed suit as well. Education levels were also helped by the advent of mendicant orders which promoted their *studia* as part of their monastic life. Literacy was on the one hand focused on administration (charters, privileges), but started to be used by non-royal subjects, i.e. for private purposes. On the other hand, ecclesiastical centers worked on producing texts revolving around the lives of local holy persons (hagiography) and the chronicles of monastic houses or cathedral centers

²⁶² Jaroslav Ludvíkovský, ed., *Legenda Christiani, Vita et passio sancti Wenceslai et sancte Ludmille ave eius* (Prague: Vyšehrad, 1978); David Kalhous, *Legenda Christiani and Modern Historiography* (Leiden: Brill, 2015).

²⁶³ Cosmas of Prague, *The Chronicle of the Czechs*, ed. János M. Bak and Pavlína Rychterová, trans. Petra Mutlová and Martyn Rady (Budapest: Central European University Press, 2020); Cosmas of Prague, *The Chronicle of the Czechs*, trans. Lisa Wolverton (Washington D.C.: The Catholic University of America Press, 2009).

²⁶⁴ early milestones of administrative literacy were ducal charters (the earliest from 1057) and a written set of laws (1189).

²⁶⁵ On the development of documentary evidence in legal medieval Bohemian legal procedure see Jiří Kejř, "Die Urkunde als Beweismittel im Gerichtsverfahren im mittelalterlichen Böhmen," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 51-58; Marie Bláhová, "Das Bild Přemysl Ottokars II. in der böhmischen Geschichtsschreibung des Mittelalters," in *Böhmisch-österreichische Beziehungen im 13. Jahrhundert* (Prague: Österreichisches Kulturinstitut, 1998), 163-183; Libor Jan, "Böhmische und mährische Adelige als Förderer und Mitglieder der geistlichen Ritterorden," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Department of Medieval Studies Central European University, 2001), 303-317; Berend, *Central Europe*, 393-397, 473-480.

(historiography). Monastic communities were also an avenue for the influx of architectural changes (Cistercians). Courtly life also underwent changes in this period influenced at times by Western European trends (Bohemia, Poland, and to a lesser extent Hungary). This process was done to make the region more appealing to Western European (foremost German) nobles and knights. This led to a higher level of migration of noble elites but also other social groups, such as schoolmasters, ecclesiastics, peasants, craftsmen, and other specialized workers from the West.

II.1.4. Mongol invasion

The event that tested the military might of all the regional princes in the thirteenth century was the Mongol invasion of 1241. It affected Hungary foremost, not only in short-term destruction but also as a long-term threat on the eastern borders of the kingdom. The incursion by the Mongols lasted barely a year, from their initial push in 1241 which culminated with the battle at Muhi in April, where they defeated the Hungarians and forced King Béla IV to retreat to Dalmatia. The Mongols withdrew in the Spring of 1242, having devastated the eastern part of the kingdom to a certain degree. The contemporary imagery of devastation hyperbolized the extent of the destruction, and historians vary in their assessment of the loss of life from 15 to 50 percent, which gives a large margin for any projection on the demographic impact first of the loss of population and the subsequent resettlement. The area west of the Danube seemed to be less afflicted by the destruction and depopulation. However, after the military campaign had died down, the problem of famine and disease remained for some time. Béla IV had to engage in the reconstruction and repopulation of parts of his kingdom as well as a general bolstering of defensive structures. Fortifications were built from stone and the Hospitallers were invited in the south of the kingdom to help with the defense.²⁶⁶ The king began a more widespread urbanization program and invited new settlers (from the kingdom as well as Western European lands) to the depopulated areas. Another important novelty in King Béla's court was the creation of an image of fear, of a "frontier of Christendom", where the king seemingly had to resort to different and somewhat unorthodox choices, such as a possible alliance with the Mongols. The reality of such claims and threats was mostly contained to communication with the papacy which found the threat of Hungary allying itself with the Mongols a relatively plausible option, especially considering the position Andrew II and Béla IV took regarding the position of non-Christians within their kingdom. Béla was especially reliant and connected to the Cumans in the kingdom. The king

²⁶⁶ Zsolt Hunyadi "The Hospitallers in the Kingdom of Hungary: Commanderies, Personnel, and a Particular Activity up to c. 1400," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Department of Medieval Studies Central European University, 2001), 253-268, esp. 255-256; Anthony Luttrell, "The Hospitallers in Hungary before 1418: Problems and Sources," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Department of Medieval Studies Central European University, 2001), 269-281, esp. 271-272.

put this image of a besieged kingdom to good use when trying to entice concessions from the popes. The Mongol threat was real and led to at least temporary alliances with the neighboring polities during this period.²⁶⁷

Contemporary chronicles by Master Roger of Apulia and Thomas of Split, relate the Mongol incursion in an apocalyptic way. Roger writes how they “began to burn down villages...did not pardon sex or age...”²⁶⁸ They occupied Vác and proceeded to seize the treasury and burn the church and those who took refuge in it: “all the canons and other persons, ladies, and girls.”²⁶⁹ He further expands in detail on the calamity of the loss at the river Sajo, citing: “the slaughter among both those fleeing on the broad road towards Pest and those who stayed with the army was so enormous, so many thousand men perished, that one cannot estimate it nor can one very well trust reports as the loss was so huge.” Among those lost in the battle were the archbishops of Esztergom and Kalocsa, as well as the bishops of Győr, Transylvania, and Nitra.²⁷⁰

Thomas of Split also presented the Mongols’ victory in this battle, in quite a poetic way:

“But the Tatars, with their unparalleled savagery, paid little heed to all the rich plunder, intent only on human carnage. When they saw that their enemies were exhausted from running and unable to stretch out their arms to fight or their legs in flight, they began to rain spears upon them on all sides and to cut them down with swords, sparing no one, and butchering them like animals. Left and right they fell like leaves in winter, the whole way was covered with their wretched bodies; blood flowed like the stream of a river. The hapless country far and wide was red, stained with the blood of her sons.”²⁷¹

He described the whole Mongol incursion much like Roger, captioning the story as the “Tatar plague” and referring to the Mongols as a “noxious race”.²⁷² However, he did include a criticism of the Hungarian people, who had become affluent and complacent in peacetime, fussing about their appearance, preferring “womanish clothing to manly attire”, spending days in feasts and frivolous behavior. Thomas does not hold back on the clergy, disapproving of their immodest households and

²⁶⁷ for more on the Mongol invasion of 1241 see Dénes Sinor, “A mongolok Nyugaton” [Mongols in the West], in Balázs Nagy, ed., *Tatárjárás* (Budapest: Osiris Kiadó, 2003), 311-338, esp. 318-322; Peter Jackson, *The Mongols and the West, 1221-1410* (London: Routledge, 2014), 63-74; Berend, *Central Europe*, 443-448; József Laszlovszky et al., “Contextualizing the Mongol Invasion of Hungary in 1241-42: Short- and Long-Term Perspectives,” *Hungarian Historical Review* 7, no. 3 (2018): 419-450; for a recent reevaluation of the Mongol incursions see Stephen Pow, “Conquest and withdrawal: the Mongol invasions of Europe in the thirteenth century” (Doctoral Dissertation, Central European University Budapest, Budapest, 2020).

²⁶⁸ Anonymus and Master Roger, *The Deeds of the Hungarians. Epistle to the Sorrowful Lament upon the Destruction of the Kingdom of Hungary by the Tatars*, ed. Martyn Rady and László Veszprémy (Budapest: Central European University Press, 2010), 168-169.

²⁶⁹ Roger, *Sorrowful Lament*, 170-171.

²⁷⁰ Roger, *Sorrowful Lament*, 186-187.

²⁷¹ Thomas of Split, *History of the Bishops of Salona and Split*, ed. Damir Karbić, Mirjana Matijević Sokol, and James Ross Sweeney (Budapest: CEU Press, 2006), 268-269.

²⁷² Thomas, *Bishops of Split*, 253-254.

immoderate wealth, and censuring them for keeping companies of knights.²⁷³ This last comment about the clergy shows how the chronicler inserted aspects of the thirteenth-century reform agenda into a seemingly unrelated narrative. This was, perhaps, a way for him to explain and contextualize the defeat of a Christian army by non-Christian invaders. He contrasts this Hungarian weakness with the Mongol military strength and above all strategic cunning.

Poland was also attacked by the Mongols in early 1241, coming from the northeast and moving towards the south to link up with the main force. The invaders pillaged Kuyavia, Lesser Poland, Sandomierz, Kraków, and Silesia. Strongholds and cities were burned (e.g. Kraków, Wrocław), villages were emptied of people and the land was left uncultivated. That was at least the image left by contemporary or near-contemporary textual sources. After the Mongols left, the economy was quickly rebuilt, and villages and towns were reformed as chartered settlements, inviting foreign settlers and reforming traditional social and economic structures. A large battle was fought near Legnica in April 1241, where Duke Henry II the Pious was killed. The Mongol incursion thus effectively ended the domination of the Silesian duke. Bohemia was less affected since the Bohemian king Wenceslaus blocked the avenues of approach from Silesia. When Olomouc was besieged by the Mongols the Austrian Babenbergs helped expel the invaders from Bohemia and this allowed King Wenceslaus to present himself as a great warrior and the only one who managed to defeat the Mongol army.²⁷⁴

The Mongol invasion was certainly impactful in the region. It devastated (in terms of both population and economy) the eastern parts of the Hungarian Kingdom and the king's military forces. Poland was militarily defeated as well and the devastation that ensued was not as extensive as in Hungary. Both polities managed to recover relatively quickly after the retreat of the Mongol forces. What followed was a concerted effort to strengthen structures – social, economic, and military. As Erik Fügedi has demonstrated, defensive structures were now built out of stone rather than wood and nobles were again given more privileges in return for military service (mounted knights).²⁷⁵ Bohemia was not as impacted by the Mongol invasion although its king used his successful experience in the battle against the Mongols to bolster his own image as a warrior king. The vivid imagery of the invasion remained a strong element in the thirteenth-century literature and culture of the region. And as Nora Berend explained, it was also used to good diplomatic effect by King Béla IV to promote his concept of Hungary as the “frontier of Christendom”, balancing between apparent obedience to the pope and the possibility (however improbable) of an alliance with the Mongols.²⁷⁶ The Mongols

²⁷³ Thomas, *Bishops of Split*, 254-257.

²⁷⁴ Jackson, *The Mongols*, 63.

²⁷⁵ Erik Fügedi, *Castle and Society in Medieval Hungary (1000-1437)* (Budapest: Akadémiai kiadó, 1986), 50-64.

²⁷⁶ Berend, *Gate of Christendom*, 166-171.

provoked a reaction from the papacy as Gregory IX called for a crusade that, although gaining some traction in the German lands (focusing on defending the Empire, Bohemia, or Poland), did not provide any sustained aid to Hungary's efforts and eventually fizzled out due to civil strife within Germany. According to Peter Jackson, the Mongol threat was taken seriously by the local bishops even before the papal crusade call in June 1241. However, taken in context of the ongoing conflict between the pope and Emperor Frederick II and the abundance of crusading activity on Christendom's frontiers, the lack of manpower the pope could direct to help the impacted kingdoms was palpable.²⁷⁷ Although the Cistercians of Heiligenkreuz were asked to preach the crusade, the German mendicants were the main propagators of this crusade effort, as Gregory IX mandated in his June 1241 letter to the provincials of the Dominicans and Franciscans in Germany, as well as the Dominican prior in Vienna.²⁷⁸ The threat of a second invasion remained until it was fulfilled in 1285, this time more successfully repelled by the defending Hungarian army.

The thirteenth century was a tumultuous period in the region, not only because of the Mongol invasion and its ripple effect on the politics between the various realms, but also due to the dynamic interaction between royal and noble power, as well as the spread of literacy, knowledge, and general development of institutions. Although the Mongol invasion of 1241 had the most significant impact on Hungary and to a lesser degree on Poland as well as Bohemia, the lasting effects were visible in the intense imagery of destruction and the formation of a concept of a "frontier of Christendom" in the case of Hungary or in the case of King Wenceslaus of Bohemia who imagined himself a great warrior and vanquisher of the Mongols. Depopulation was also a problem, specifically in the eastern parts of Hungary, yet the entire region soon recovered demographically and economically due to positive policies of immigration. The second Mongol incursion was unsuccessful yet it presented the political actors in the region (royalty and nobility) another tool for interaction and competition. This period saw the continued rise of the power of the nobility, both in a material and territorial perspective and more importantly in legal and institutional terms, with royally issued charters confirming the group's privileges and the (re)formation of assemblies (*wiece* in Poland, diet in Hungary). The nobility was aided by frequent dynastic conflicts in all three polities, which allowed them to give their support to the most generous prince. This effectively meant the continued lessening of royal power, both in the size of royal domains and in the ever-expanding jurisdictional exceptions to royal authority (both secular and ecclesiastic). Literacy, education, and culture were the facilitators of many of these developments. Literacy and education went hand in hand and were mostly under the purview of the

²⁷⁷ Peter Jackson, "The Crusade Against the Mongols," *Journal of Ecclesiastical History* 42, no. 1 (1991): 1-18, esp. 5-6, 9-10, 14.

²⁷⁸ June 19, 1241; Karl Rodenberg, ed., MGH, *Epistolae saeculi XIII*, vol. II (Berlin: Weidmann, 1887), 722-723, no. 822; Jackson, "Mongol Crusade", 5-6.

church, with basic knowledge acquired at local parish churches, then at cathedral churches as well as in mendicant schools from the thirteenth century, and finally some students even ventured to the fledgling European universities. The university students were mostly supported by royal patrons and would often continue their careers as part of royal administration. Educated elites were part of migratory groups throughout the region and were connected to centers in German lands or even further away in France, England, or Italy. The rulers in the region tried to attract foreign nobles, knights, and other specialists to bolster the prestige, demography, and economy of their realms. Royal courts were following Western European trends to allow for a common cultural base of exchange. The flourishing literate elites made the administration of territory much more complex and effective, creating for themselves an unparalleled necessity.

II.2. Bishops' gambit – the state of the Church

The position of bishops and other clergymen in the region was everchanging. From the very onset of Christianization in these parts and the creation of ecclesiastical institutions, (arch)dioceses, and parishes, the role of the secular rulers was essential in the successful expansion of Latin Christendom.²⁷⁹ However, the Church was not an isolated body, but one connected to Rome and the papacy, as well as to at times more powerful neighboring dioceses (more often than not, in German lands – Salzburg, Mainz, Magdeburg). The papacy then embarked on a process of reform from the middle of the eleventh century. The “Gregorian reform”, or whatever iteration of papal reform, was also closely followed by monastic reforms that led to the creation of the Cistercian order, as well as other orders such as the Carthusians and Premonstratensians, and finally in the thirteenth century the appearance of the mendicant orders – the Franciscans and Dominicans.²⁸⁰

²⁷⁹ The archdioceses in Poland and Hungary were established around the year 1000, while the parish network developed later, e.g. in the twelfth century in the Prague diocese where some 2000 parishes were noted. In general terms, the development of parishes can be traced to the period from the end of the twelfth century up to the middle of the thirteenth century; Petr Sommer, “Bohemia and Moravia,” in *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend (Cambridge: Cambridge University Press, 2007), 214–262, esp. 225–235; Nora Berend et al., “The kingdom of Hungary,” in *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend (Cambridge: Cambridge University Press, 2007), 319–368, esp. 331–341; Przemysław Urbańczyk and Stanisław Rosik, “Poland,” in *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend (Cambridge: Cambridge University Press, 2007), 263–318, esp. 274–287; Nora Berend et al., *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland c. 900–c. 1300* (Cambridge: Cambridge University Press, 2013), 340.

²⁸⁰ C. H. Lawrence, *The Friars: The Impact of the Early Mendicant Movement on Western Society* (London: Longman, 1994), 26–42, 65–88; Michael Robson, *The Franciscans in the Middle Ages* (Woodbridge: The Boydell Press, 2006), 10–81; Giles Constable, *The Reformation of the twelfth century* (Cambridge: Cambridge University Press, 2000), 44–124, 296–328; for more on the mendicant orders in Central Europe see Balázs Zágórhidi Czigány, “A domonkos rend konventjei a XIII. századi Magyarországon (Bernardus Guidonis convent jegyzékének értelmezése)” [The convents of the Dominican Order in 13th century Hungary (Reading of the convent catalogue of Bernardo Gui)], *Tanítvány. A Magyar domonkosok lapja* 7, no. 1 (2001): 81–89; Ireneusz Wysokiński, “A középkori Magyar domonkos rendtartomány felbomlása” [Dissolution of the medieval Hungarian Dominican Order], in *A domonkos rend Magyarországon*, ed. Pál Attila Illés and Balázs Zágórhidi Czigány (Piliscsaba: PPKE BTK – METEM – DRGY, 2007), 77–88; Attila Györkös, “Magyar vonatkozású domonkos rendi történetek a XIII. században” [Dominican Histories of Hungarian Relevance from

The arrival of the new mendicant friars in the region was parallel to such expansion throughout the rest of thirteenth-century Europe. The first house in Hungary was settled in 1221 at the invitation of Archbishop Robert of Esztergom and the Dominicans were invited to Poland already in the early 1220s, establishing themselves in Kraków by 1222 – likely due to the decision by Bishop Iwo Odrowąż, a staunch reformer – and expanding to Prague, Wrocław, Kamień, Gdańsk, Płock, Sandomierz. Kłoczowski pointed to the influence of the episcopate in the popularity and expansion of the order among the religious of the province, as well as several students and professors originating from Central Europe who joined the Dominicans abroad and then returned home and strengthened the Order's presence there. The Dominicans in Poland were supplementing or substituting the bishop in pastoral duties and as preachers (or teachers by, as often quoted, “word and example”), which was part of the Lateran mandate of 1215. This also included, very importantly, the mandate to hear confession and the ability to receive alms. The fairly minimal base requirements in terms of monastic

the 13th century], in *A domonkos rend Magyarországon*, ed. Pál Attila Illés and Balázs Zágórhidi Czigány (Piliscsaba: PPKE BTK – METEM – DRGY, 2007), 49-60; Gergely Kiss, “Les chartes de foundation des couvents mendiants en Hongrie médiévale avec clauses de dotation et les chartes de donation,” *Hereditas Monasteriorum* 3 (2013): 67-76; András Vadas, “Mendicant Friaries as Hosts of Diets in Medieval Hungary A Short Overview,” *Studia Universitatis Babeş-Bolyai, Historia* 60, no. 1 (2015): 39-62; Beatrix F. Romhányi, “Mendicant Networks and Population in a European Perspective,” in *Medieval East Central Europe in a Comparative Perspective: From Frontier Zones to Lands in Focus*, ed. Gerhard Jaritz and Katalin Szende (London: Routledge, 2016), 99-122; Gergely Kiss, “Les couvents mendiants hongrois et les indulgences à la fin du Moyen Âge,” in *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet (Rennes: Presses Universitaires de Rennes, 2018), 351-362; Jerzy Kłoczowski, “Dominicans of the Polish Province in the Middle Ages,” in *La Pologne dans l'Eglise médiévale* (Aldershot: Ashgate Variorum, 1993), VIII, 73-118; Jerzy Kłoczowski, “The Brothers Minor in Medieval Poland,” in *La Pologne dans l'Eglise médiévale* (Aldershot: Ashgate Variorum, 1993), IX, 94-108; Symeon Barcik, “Zakon franciszkański w Polsce do 1517 roku” [Franciscan Order in Poland until 1517], in *750 lat franciszkanów w Polsce. Materiały z sympozjum odbytego w dniach 22-23.11. 1986 r. w Łodzi-Łagiewnikach*, ed. C. Napiórkowski. (Niepokalanów: Wydawnictwo Ojców Franciszkanów, 1995), 77-118; Dariusz A. Dekanski, *Początki zakonu dominikanów prowincji polsko-czeskiej. Pokolenie św. Jacka w zakonie* [The beginnings of the Dominican Order of the Polish-Czech province. Generation of St. Hyacinth in the Order] (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego historia, 1999); Zdzisław Gogola, “Dzieje Franciszkanów w Polsce prowincji św. Antoniego i bł. Jakuba Strzemię” [The History of the Franciscans in Poland of the Province of St. Anthony and Blessed James Strzemię], *Folia historica Cracoviensia* 10 (2004): 141-166, esp. 141-145; Jerzy Kłoczowski, “The Dominican Order and the beginnings of higher education in the Polish Lands,” in *Central and Eastern Europe in the Middle Ages*, ed. Piotr Górecki and Nancy van Deusen (London: I.B. Tauris Publishers, 2009), 64-81; Dariusz Karczewski, *Franciszkanie w monarchii Piastów i Jagiellonów w średniowieczu* [Franciscans in the monarchy of the Piasts and Jagiellonians in the Middle Ages] (Kraków: Avalon, 2012); Vladimir Koudelka, “Zur Geschichte der böhmischen Dominikanerprovinz im Mittelalter. II – Die Männer- und Frauenklöster,” *Archivum fratrum praedicatorum* 26 (1956): 127-160 Tomáš Černušák, Augustin Prokop, and Damián Němec, *Historie dominikánů v českých zemích* [History of the Dominicans in the Czech lands] (Prague: Dominicana, 2001), 11-101; Petr Hlaváček, *Die böhmischen Franziskaner im ausgehenden Mittelalter. Studien zur Kirchen- und Kulturgeschichte Ostmitteleuropas* (Stuttgart: Franz Steiner, 2011); Martin Ollé and Rudolf Procházka, “The Cloister in Early Franciscan Architecture in Bohemia, Moravia, and Silesia during the Thirteenth and Fourteenth Centuries,” in *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet (Rennes: Presses Universitaires de Rennes, 2018), 53-74; Petr Hlaváček, “Extra muros. The Bohemian Franciscans in their Mental and Economic Relations with the Countryside,” in *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet (Rennes: Presses Universitaires de Rennes, 2018), 175-182; Robert Antonín, “Mendikanti a české země za vlády posledních Přemyslovců” [Mendicants and Czech lands during the reign of the last Premyslids], *Časopis Matice moravské* 138 (2019): 3-50; Gábor Klaniczay, “The Mendicant Orders in East-Central Europe and the Integration of Cultures,” in *Hybride Kulturen im mittelalterlichen Europa*, ed. Michael Borgolte and Bernd Schneidmüller (Berlin: Akademie Verlag, 2010), 245-260.

buildings compared to older religious communities, allowed the Polish Dominicans to expand to 21 convents for men and 1 for women by the mid-thirteenth century, reaching as many as 54 convents for men and 8 for women by the end of the century.²⁸¹

According to Kłoczowski, the mendicants owed their success to urban development in Central Europe, with the two orders setting themselves up “in the key centers of social life”, and the support of the ruling elites. Conventual schools were set up. Polish Dominicans were also active in missionary work, in Prussia, the Baltic area, Lithuania, and even in Ruthenia, with Sandomierz, Płock, and Gdańsk forming the base of missionary action towards the non-Christian peoples. During the Prussian branch of the mission, houses were founded in Chełmno, Elbing (Elbląg), and later in Toruń. Dominicans even became bishops in three new dioceses established in the missionary area.²⁸² The influence on literary culture by the Dominicans is best seen through works such as the writings of Vincent of Kielce who authored the *vita* of St. Stanislaus. The connection between the saint and the order was further reinforced by the dedication of new Dominican churches in Lublin, Sieradz, and Warka.²⁸³ The Polish Province was divided into two parts, the Polish and Bohemian provinces, a decision reached at the Dominican general chapter in 1301-03. After this split, the Polish Dominican province was left with 32 convents for men and 3 convents for women.²⁸⁴

The Franciscan Province was established around 1239 (Poland and Bohemia). The first convent was founded in Prague and expanded to Poland at Wrocław and Kraków by and the order grew to 40 convents by the year 1300. Support from the ruling dynasty and elites was fundamental for the expansion and success of the order. This included female members of the three ruling families in their respective polities, i.e. the Árpáds, Piasts, and the Přemyslids.²⁸⁵ Mendicants were part of the urban development in the Polish kingdom and Silesia was the most popular area for mendicant foundations. Kłoczowski described the mendicant role in the societies of (comparatively) new Christendom, such as Hungary, Poland, and Bohemia as a force for “Westernization” and he linked this to the program provided at the Fourth Lateran Council in 1215.²⁸⁶ While it seems clear that a new devotion or religiosity, and even new cultural elements were promoted by the mendicants, and their networks as well as individuals were useful for the papacy’s centralization, the claim for “westernization” seems overly optimistic. If nothing else, the provincial synods and the contemporary legatine embassies show that local church provinces were not keen on wholesale accepting of external

²⁸¹ Kłoczowski, “Dominicans”, 73-80

²⁸² Kłoczowski, “Dominicans”, 86-88.

²⁸³ Kłoczowski, “Dominicans”, 88-91.

²⁸⁴ Kłoczowski, “Dominicans”. 91-92.

²⁸⁵ Jerzy Kłoczowski, *A History of Polish Christianity* (Cambridge: Cambridge University Press, 2000), 43-44.

²⁸⁶ Kłoczowski, “Brothers Minor”, 97-99.

programs, rather ones targeting key issues and considering provincial particularities. The influence of both mendicant orders was such that Bishop Bruno of Olomouc wrote in 1273 of the negative effect their presence had, “competing for attendance at mass” with diocesan churches and parish priests. They could have shorter mass, they could draw on various indulgences. Finally, their practice of confession was interpreted by Bruno as taking away from the bishops’ prerogatives.²⁸⁷ Dominicans and Franciscans were instrumental in a new kind of Christianization in this part of Europe, that involved intellectual and cultural transfers such as scholastic thought or gothic art.²⁸⁸

The Hungarian Dominican province was formally established at the order’s general chapter in 1221, followed up the next year by the mission of Paul the Hungarian and his four brothers.²⁸⁹ The first houses were established in Győr, Esztergom, Veszprém, Buda, and Pest.²⁹⁰ The Buda convent gained importance during the reign of King Béla IV. However, it is difficult to be conclusive about the number of convents or houses the order had in Hungary before the Mongol invasion of 1241. According to Balázs Zágórhidi Czigány there were at least 12 houses founded until that year.²⁹¹ By the end of the century there were 37 convents for friars and 2 for nuns.²⁹²

Similar to Poland, the Franciscans arrived later in Hungary as well, ordered there by the German provincial John Plano Carpini in 1229.²⁹³ They quickly established several houses including one at Esztergom²⁹⁴ and were a regular part of courtly life in the 1230s, also from 1238 they became a province separate from Germany.²⁹⁵ These initial forays into Hungary purportedly produced a humorous episode where several friars were deprived of their undergarments while travelling through Hungary. Jordan of Giano relates how the Franciscans were brought there by sea by a Hungarian bishop and how “they were walking in groups through the fields, the shepherds set their dogs at them, and, without saying anything, kept striking them with their pikes, turning aside the point.” The friars tried to stop the “torment” by giving away their tunics and their undertunics, to no avail. Until finally,

²⁸⁷ Jakob Schwalm, ed., MGH, *Constitutiones et acta publica imperatorum et regum*, vol. III (Hannover: Hahn, 1904-1906), 591-593.

²⁸⁸ Kłoczowski, “The Brothers Minor”, 99-101.

²⁸⁹ Erik Fügedi, “La formation des villes et les orders mendicants en Hongrie,” in *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. J. M. Bak (London: Variorum Reprints, 1986), XII, 966-987, esp. 970-971.

²⁹⁰ Nikolaus Pfeiffer, *Die Ungarische Dominikanerordensprovinz von ihrer Gründung 1221 bis zur Tatarenverwüstung 1241-1242* (Zürich: Gebr. Leeman & Co., 1913), 15-26; Eszter Konrád, “The Representation of the Saints of the Mendicant Orders in late Medieval Hungary” (Doctoral Dissertation, Central European University Budapest, Budapest, 2017), 21-23.

²⁹¹ Balázs Zágórhidi Czigány, “A domonkos rend megtelepedése Magyarországon” [Establishment of the Dominican Order in Hungary], in *A szent Domonkos rend és a Kunok*, ed. Gábor Barna (Szeged: MTA-SZTE, 2016), 105-114, esp. 105-106.

²⁹² Konrád, “Mendicant Orders”, 23.

²⁹³ Fügedi, “La formation des villes”, 972.

²⁹⁴ VMH, I, 119, no. 198.

²⁹⁵ János Karácsonyi, *Szt. Ferencz rendjének története Magyarországon 1711-ig* [History of the Order of St. Francis in Hungary until 1711], vol. 1 (Budapest: A Magyar Tud. Akadémia, 1922), 13-30; Konrád, “Mendicant Orders”, 25-26.

one friar suggested: “‘Perchance they want our breeches as well.’ And when they gave these up the shepherds ceased beating them, and let them depart naked. One of those same Brethren told me that he had lost his breeches fifteen times in this way.” According to the chronicle, the group returned to Italy after experiencing such harshness from the Hungarians.²⁹⁶ From the 1260s they took over a dominant position within the court from the Dominicans, as well as missionaries to the Cumans and in Bosnia. In 1246, the king even sent Jacob, the Hungarian Franciscan provincial and the king’s confessor Roman, as emissaries to the pope in Lyon.²⁹⁷

The Franciscan arrival in Dalmatia had been legendarily connected to St. Francis and his journey to Syria. According to this tradition the first friary in Trogir hailed back to 1214.²⁹⁸ However, a more appropriate dating would put that foundation in 1226, followed by Dubrovnik (1227/28), Zadar (1228), and Split (1229).²⁹⁹ The number of friaries increased to 22 by 1272. Around the turn of the century there were also four convents for Franciscan nuns (Zadar, Dubrovnik, Skradin, Split).³⁰⁰ The Dominican presence in Dalmatia was connected to the mission of Paulus Hungarus to the east (Hungary and beyond). The first Dominican foundation was said to be Dubrovnik in 1228.³⁰¹ This foundation was also connected to a near legendary mission sent by the order’s founder to the Holy Land. The friars took in at the city port and were invited by the archbishop and town count to stay and preach.³⁰² The same year the Dominicans were in Zadar and Nin.³⁰³ However, their church in Zadar was consecrated only in 1280. Further friaries were established in Split, Trogir, Pag, and Kotor.³⁰⁴ The Dominicans had a vicar in Dalmatia since 1266, yet remained part of the Hungarian province until 1380.³⁰⁵ Although there is a reference to a Dominican convent for nuns in Zadar as early as 1228, other similar foundations in Dalmatia can be traced to the late fourteenth century.³⁰⁶

²⁹⁶ “...cum derisi per campos incederent, pastores Ipsos canibus impetierunt et aversa cuspide sub silentio incessanter eos lanceis percusserunt... ‘Forte et braccas nostras habere volunt.’ Quas cum dedissent, a verberibus destiterunt et nudos abire permisserunt. Et mihi retulit unus ex eisdem fratribus, quod XV vicibus ipse sic bracas amiserat.”; *Analecta Franciscana sive chronica aliaque varia documenta* vol. 1 (Quaracchi: Typographia Collegii S. Bonaventurae, 1885), 3; E. Gurney Salter, ed., *The Coming of the Friars Minor to England & Germany* (London: J. M. Dent and Sons Ltd., 1926), 134-135.

²⁹⁷ November 15, 1254, VMH, I, 232, no. 441; ÁÚO, VII, 226-227.

²⁹⁸ Irena Benyovsky, “Mendicants and Dalmatian Towns in the Middle Ages,” *Povijesni prilozi* 15 (1996): 241-260, esp. 241; Željko Tolić, “Franjevci u našim krajevima u 13. stoljeću” [Franciscans in our lands in the 13th century], *Služba Božja* 55, no. 3-4 (2015): 233-261, esp. 234-243.

²⁹⁹ Franjo Šanjek, *Kršćanstvo na hrvatskom prostoru* [Christianity in Croatian lands] (Zagreb: Kršćanska sadašnjost, 1996), 221; Benyovsky, “Mendicants”, 241-243; cf. Tolić, “Franjevci”, 243-244.

³⁰⁰ Benyovsky, “Mendicants”, 245.

³⁰¹ Franjo Šanjek, *Dominikanci i Hrvati: osam stoljeća zajedništva (13. – 21. stoljeće)* [Dominicans and Croats: eight centuries together (13th – 21st century)] (Zagreb: Kršćanska sadašnjost, 2008), 24; Benyovsky, “Mendicants”, 246.

³⁰² 1228, CDCR, III, 298-299, no. 265.

³⁰³ December 21, 1244, CDCR, IV, 260.

³⁰⁴ Šanjek, *Kršćanstvo*, 218-219; Šanjek, *Dominikanci*, 12, 24-32; Benyovsky, “Mendicants”, 248.

³⁰⁵ Benyovsky, “Mendicants”, 247.

³⁰⁶ Benyovsky, “Mendicants”, 249.

In the Czech lands, the first Dominicans were established in 1226 in Prague at the church of St. Clement na Poříčí. This was followed by a convent in Olomouc in the 1230s and Brno around the same time. The foundations were supported by the Přemyslids (especially Václav I and Přemysl) and got up to 23 Dominican convents for men and 2 convents for women by the end of their reign.³⁰⁷ The Franciscans were likely introduced through the efforts of John Plano Carpini in 1228 with multiple convents founded in the 1230s, up to eight in this initial phase, including two in Prague, as well as in Litoměřice (1233), Most, Hradec Králové, and Kadan. Until the end of the thirteenth century, there were 21 Franciscan convents for men and 5 for women.³⁰⁸ Royal support was imperative for the construction of the convent and hospital of St. Francis, which was an important project for the Přemyslids already in 1233.³⁰⁹

Another important comparative aspect was the integration of mendicants within the local church hierarchy, namely their elections or postulations as bishops. The episcopacy (as well as the secular elites) in Croatia and Dalmatia was perhaps more inviting for these new mendicants in positions of power and authority. Eleven towns elected a mendicant as their bishop during this period (Zadar, Dubrovnik, Skradin, Krk, Osor, Šibenik, Split, Knin, Trogir, Ston, Risano).³¹⁰ The popularity of the Dominicans and Franciscans was fairly evenly spread across Croatia, however, there were twice as many Franciscan bishops compared to their Dominican counterparts. The neighboring province of Bosnia was also a specific case, with three Dominican bishops as this was their designated missionary area. Chronologically, the earliest mendicant bishops were the Dominicans in Bosnia in the 1230s, followed by Skradin as early as the 1240s with both Franciscan and Dominican bishops. In Slavonia, the first mendicant bishop was Augustin of Zagreb in 1303.³¹¹ As for Hungary, towards the end of the period mendicants became bishops of Csanád, Belgrade, and Transylvania.³¹² Dominicans were made archbishop of Gniezno in 1278 and bishop of Kamien in 1296.³¹³ In total a mendicant was made bishop 33 times in this region during the examined period. In his recent study of episcopal appointments in Dalmatia during this period, Mišo Petrović found that the papacy's choice of mendicant candidates in the late thirteenth century was due to popes Nicholas IV and Boniface VIII favoring the Franciscan Order and interjecting their selection into disputed elections.

³⁰⁷ Koudelka, "Dominikanerprovinz", 133-143; Antonín, "Mendikanti a české země", 12.

³⁰⁸ Antonín, "Mendikanti a české země", 11-12.

³⁰⁹ a series of papal bulls regarding the new foundation was sent by Gregory IX in August 1234, to the king's sister, Agnes, the Franciscan provincial in Germany, John, the custodian of the Franciscans in Bohemia, Thomas, and the bishop of Prague, as well as an indulgence to promote the foundation; CDB, III/1, 85-89, no. 79-82; Antonín, "Mendikanti a české země", 17.

³¹⁰ Eubel, *Hierarchia*, 66, 281, 411, 419, 438, 449, 459, 462 485, 490, 518; Willliell R. Thomson, *Friars in the cathedral: the first Franciscan bishops 1226-1261* (Toronto: Pontifical Institute of Mediaeval Studies, 1975), 126-136, 236.

³¹¹ Eubel, *Hierarchia*, 537.

³¹² Eubel, *Hierarchia*, 179, 355, 492.

³¹³ Eubel, *Hierarchia*, 161, 265.

The Franciscans were also valued because of their ability to mediate disputes, anti-heretical activities, and as staunch supporters of papal privileges.³¹⁴ These mendicant appointments were likely connected on the one hand with papal initiative in the late thirteenth century, as well as the weakening of centralized rule in Dalmatia. On the other hand, it is possible that local chapters or local nobility were able to promote mendicant bishops as part of their appreciation of novel contemporary piety.

The long arm of the papacy was present in the region from the initial establishment of Christianity, although not dominating in this respect. The neighboring ecclesiastical centers provided missionaries to convert the elites and population. The situation soon developed in a different direction as the papacy became much more attentive and outspoken during the “Gregorian reform” and its subsequent echoes in the region. The causality and connections between these aspects go beyond the scope of this work, however, this period showed a flourishing of reform ideas, whether related to the institutional character and position of the Church, the pope, and bishops, or to monastic life and rules, or even the role of the individual believer in this concept of Christendom. The main question, and perhaps all-encompassing, is how these developments translated into this region. Not only how did local bishops and rulers engage with the most famous variation of institutional transformation, the so-called “Gregorian reform”, but how they reacted to a long period of continuous change and transformation emanating from Western Europe. The “Gregorian reform” had an effect on how bishops and rulers dealt with each other, as well as how they related to the papacy, thus setting up the stage for a new frame of action by ecclesiastical actors throughout the region.

The reality of ecclesiastical institutions during this period in Central Europe was cooperation with the secular arm, and bishops, abbots, or lower clergy would serve as counsellors, chancellors, or diplomats in service of secular rulers. The ecclesiastical elite was well educated and connected with clergy in Western Europe and thus provided a useful tool for royal power at this time. Rulers expected service for their patronage of young scholars who went to European universities and schools.³¹⁵ The election of bishops or even ecclesiastical legislation, was under royal influence, and something that rulers were reluctant to give up, even though they, at times, might have supported the popes in some of their endeavors.³¹⁶ It was easier to provide support for a distant papacy, whether in material or

³¹⁴ Mišo Petrović, “Papal Power, Local Communities and Pretenders: the Church of Croatia, Dalmatia and Slavonia and the Struggle for the Throne of the Kingdom of Hungary-Croatia (1290-1301),” *Banatica* 26 (2016): 11-32, esp. 17-18; Mišo Petrović, “The Development of the Episcopal Office in Medieval Croatia-Dalmatia: The Cases of Split, Trogir and Zadar (1270-142)” (Doctoral Dissertation, Central European University Budapest, Budapest, 2021), 95.

³¹⁵ J. Laszlovszky, “Nicholaus clericus: a Hungarian student at Oxford University in the twelfth century,” *Journal of Medieval History* 14 (1988): 217-231; Paul B. Pixton, “Pope Innocent III and the German Schools: the Impact of Canon 11 of the Fourth Lateranum upon Cathedral and Other Schools 1216-1272,” in *Innocenzo III Urbs et Orbis*, vol. 2, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio Evo, 2003), 1101-1132.

³¹⁶ For an example see the time of archbishop Lucas of Esztergom and his relationship to the kings of Hungary; Zoltan J. Kosztoľnyik, “The Church and Béla III of Hungary (1172-1196); The Role of Archbishop Lukács of Esztergom,” *Church*

spiritual terms. However, when it came to control over their realms, rulers often found it useful to place men of confidence and loyalty in ecclesiastical positions of note. This subchapter analyses several select instances that speak to the relationship between the spiritual and secular powers in Central Europe during the twelfth and thirteenth centuries. These cases present exceptional moments when papal actions and decrees tried to assert a meaningful policy of reform leading to greater ecclesiastical privileges in the region, but also a deeper understanding of the preeminent position of the papacy in Latin Christendom.

II.2.1. Church in Bohemia

Describing the state of the Church in Bohemia in simple terms of following the trends of the “Gregorian reform” would be misleading. While there was assuredly progression aimed at observing canonical procedure regarding ecclesiastical election and appointments in line with canonical decrees, in reality, the examples of the reforming Bishop Henry of Olomouc and later Bishop Henry Břetislav of Prague, showed that this process was not without obstacles and backtracking. In fact, the Church in the Czech lands was very much influenced both by the German ecclesiastical hierarchy as well as by imperial politics and traditions. The Bohemian rulers attempted to secure their dominant position over the Church throughout this period, even though they allied themselves with the reform papacy to extract certain privileges and prestige. Both the two dioceses and the Bohemian rulers had to balance between various sources of influence and often served their own interests best, irrespective of the wishes of the popes or emperors. The earlier papal legations in the twelfth century, led by cardinals Guido and Peter of Capua promoted new developments in canon law as well as reforms of cathedral institutions. Although it is possible to claim that this went against the traditional state of affairs in the Churches of Bohemia and Moravia, this move by the papacy undoubtedly had some effect on the balance of power between the ruler and nobility in the realm, as well as interjecting a strong new external authority in the thirteenth century. This process began to earnestly gain traction during the pontificate of Innocent III who engaged with the Bohemian ruler, Přemysl Ottokar I, regarding his divorce of Adelaide and the election and position of the bishops of Prague (Daniel and Andrew). Both issues became keystones of the new Lateran agenda acclaimed at the Fourth Lateran Council. The election, investiture, and status of the bishop of Prague were imperative for the success of the reform in the realm, on the one hand, it meant that the diocese was politically strong enough to endure secular pressure, as well as being able to produce its own candidates for bishop, who would be inclined to make the Lateran program a reality. On the other hand, whether or not the bishop could

History 49, no. 4 (1980): 375-386; Tamás Körmendi, “Lukács,” in *Esztergomi érsekek 1001-2003*, ed. Margit Beke (Budapest: Szent István Társulat, 2003), 59-72.

in fact “win” in this local investiture contest is secondary to the fact that there was an attempt to do so following 1215 and this process would continue well into the fourteenth century.

In Bohemia, the clergy were more dependent on secular lords than bishops as they were subject to juridical, administrative, and even financial control by the rulers. The Přemyslids expected loyalty and support in exchange for investing their candidates with position, office, and status. At first, the dukes took to bringing in German candidates for episcopal office, to avoid possible conflicts of interest. During the twelfth century and beyond, a gradual move towards canonical election can be viewed, to the dismay of the lords who were thus forfeiting part of their power. Another question that had to be dealt with as early as the eleventh century was the double liturgy, a question that was almost a non-starter for the concept of reform coming in from Rome. According to Jan Bistřický, one of the earliest local advocates of reform was bishop Henry Zdík in Moravia, whose insistence on a new balance between the ruler and bishops led to conflict with the Moravian dukes.³¹⁷ An interesting situation came about towards the end of the twelfth century when Henry Břetislav, a member of the Přemyslid dynasty, became bishop of Prague (1182), and eventually managed to become duke (1193), combining spiritual and secular rule through these two offices at least until his death in 1197.³¹⁸ After him, Přemysl Ottokar I became king and – much to the chagrin of the clergy – retained the right of investiture and control over both Bohemian and Moravian bishops which was later confirmed by Emperor Frederick II. The connections between Bohemia and German lands were reflected in the first Christian missionaries coming from Bavaria and Regensburg, establishing the network of dioceses during the reign of Boleslav II (d. 999). Initially, the role of the papacy was not crucial, although it did object to the elevation of Prague to the rank of an archdiocese. The reform papacy in the eleventh century tried to make allies of the Bohemian dukes, first Duke Spytihněv received the mitre from Pope Nicholas. The duke’s successor Vratislaus II (1061-1092) continued a strong relationship with the papacy.³¹⁹

The stronger noble elites in the twelfth century allowed for a new dynamic of papal action in the realm. An example of this was the legation of Cardinal Guido. The mission revolved around the strict observance of canonical rules on priestly marriage and a general reform of cathedral chapters.³²⁰ However, the impact of reforms originating from the papacy and the limits of papal authority, e.g. during the legation of Peter of Capua, were inevitably tested against the local tradition which at times

³¹⁷ Jan Bistřický “Muž reformy na olomouckém stolci Jindřich Zdík” [Jindřich Zdík, the man of reform on the Olomouc see], in *Osobnosti moravských dějin* vol. I, ed. Libor Jan and Zdeněk Drahoš (Brno: Matice moravská, 2006), 27-43.

³¹⁸ Peter Hilsch, *Die Bischöfe von Prag in der frühen Stauferzeit. Ihre Stellung zwischen Reichs- und Landesgewalt von Daniel I. (1148-1167) bis Heinrich (1182-1197)* (Munich: Robert Lerche Verlag, 1969), 24-57, 168-216.

³¹⁹ Berend, *Central Europe*, 374-376.

³²⁰ CDB, I, 136-138, no. 135; Hilsch, *Bischöfe von Prag*, 234-237; Berend, *Central Europe*, 384-385.

could prove prevalent. On the one hand, reforms were normatively accepted as was the paradigm of papal teaching, on the other hand, traditions were ingrained in a society that did not want to relinquish these specificities. Some historians claim that from a political perspective papal authority weakened ducal authority throughout this period.³²¹ In the ever-developing balance between ducal and knightly actors, such as in Přemysl Ottokar I's divorce case in 1198, the papacy was either an active participant or used by one side of the conflict. Iwańczak claims that the perspective of the papacy revolved around the position of Bohemia in relation to the Empire, especially during the pontificate of Innocent III.³²² The pope tried to gather support for his imperial candidate, Otto of Brunswick. However, Přemysl Ottokar had already gained favor with Philip of Swabia, who had given the Bohemian ruler a royal title. Yet, the pope continued to address him as duke. It appears that in 1202 the papal legate Guido of Palestrina guided the Přemyslid ruler to the other side and served as celebrant during his coronation the next year at Merseburg. Soon Přemysl switched sides again and supported Philip of Swabia until the Hohenstaufen's murder in 1208. After 1210 he threw his political weight behind Frederick II, aligning himself with papal interests once more. This led to the Golden Bull of 1212 through which Frederick confirmed Philip's privileges to Přemysl and his successors, including the right of episcopal investiture.³²³

The state of the Bohemian church at the turn of the century, especially concerning secular power, is perhaps best described through the example of Daniel Milik. Bishop Milik had been elevated to this position thanks to Vladislaus Henry, who did so in opposition to Emperor Frederick I's policy of making the bishop of Prague an imperial duke and therefore subject directly to the emperor, not the Bohemian ruler.³²⁴ Milik's investiture had went ahead without agreement by the local ecclesiastical hierarchy sparking a legal conflict that went to the Roman Curia itself. Originally, canon Arnold, dissatisfied by the election made an appeal to the archbishop of Magdeburg, and after that failed, he appealed to Rome. In an April 1198 letter to the archbishop, Innocent described the situation as one wanting of canonical procedure. He received a report from the Prague diocese that "Daniel cleric in that church forced himself in [office] by means of lay power before the election of the chapter, they [i.e. the lay power] may have expressed public support to him intending to obtain so great an office, [which is]not permitted in customs, neither in life."³²⁵ The archbishop was supposed

³²¹ Berend, *Central Europe*, 385.

³²² For more on this period of papal-bohemian relations see Wojciech Iwańczak, "Innocent III and Bohemia," in *Innocenzo III Urbs et orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, vol. II, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio Evo, 2003), 1200-1212.

³²³ Iwańczak, "Innocent III and Bohemia", 1207-1211.

³²⁴ Iwańczak, "Innocent III and Bohemia", 1201-1202.

³²⁵ April 8, 1198, "...D. clericus in eorum ecclesia preter electionem capitula per laicalem potentiam se intrusit, licet nec mores, nec vita ei ad obtinendum tantum officium suffragentur." CDB, II, 1, no. 1.

to investigate the claim and if he found the election to be uncanonical, to “remove from office and after being suspended from benefice to not delay in sending [Daniel] to our presence.”³²⁶ The election of a new shepherd was to proceed according to “canonical form” and using their free capacity.³²⁷ The investigation was to be supported by the Duke of Bohemia. In a no longer extant letter from early 1200, Innocent sent Archbishop Conrad of Mainz, along with the bishops Conrad of Regensburg and Wolfgero of Passau regarding this task. Another letter was sent to the archbishop of Magdeburg and finally the bishop and chapter of Prague. The core issue for the pope was the doubt in canonical procedure during the election, which Daniel had to account for in person, meaning he had to come before the pope, probably by November 11, 1200.³²⁸ Lasting from 1198 to 1200 the case ended poorly for Arnold, but Bishop Daniel also had to appear in Rome for papal confirmation of his election, which he did in 1202, after some delaying. Iwańczak sees this decision by the pope to confirm an essentially secular election as sanctioning the influence of secular power, which is a strong statement.³²⁹ In 1201 the pope sent the archbishop of Salzburg to Bishop Daniel, on a mission of “canonical purification” from the crimes Arnold blamed him for. This letter lists some of the accusations placed before the bishop, stating: “that he was the son of a priest”, “that he, clearly, had a wife, of whom he fathered sons (or a daughter); that he may have fashioned a forged seal, that he may be a drunk, a fornicator and a common actor.”³³⁰ Although Arnold lost this case, Daniel still needed to go through the procedure and purge himself of the *infamia*. He should have done so before Easter that year (i.e. March 25). This was the second time he was to appear before the pope, and again he delayed. Although Innocent gave the archbishop authority to proceed with suspension if necessary, the situation was resolved by 1202. In May of that year, the pope sent a detailed letter to the Prague chapter, describing the entire case as well as his decision to clear the bishop of any blame. The purification was done by the bishops of Regensburg and Naumburg, as well as the abbots of Břevnov, Sázava, and Kladruby. The pope could then finally confirm Daniel as bishop of Prague.³³¹ However, this case showed how much political aspects and general pragmatism were dominating Bohemian ecclesiastical matters, as opposed to primarily actual reforms. But more so, it showed the importance of proper canonical procedure in ecclesiastical elections or appointments and how the papacy attempted to reserve and assert its rights in this context. Although Iwańczak would see this as sanctioning secular power in ecclesiastical elections, the choice by the pope to accept a “secular”

³²⁶ “...amoveas et ab officio beneficioque suspensum ad nostrum non differas presentiam destinare.”, *ibid*.

³²⁷ “formam canonicam”, CDB, II, 1, no. 1.

³²⁸ 1200, CDB, II, 9-10, no. 12.

³²⁹ Iwańczak, “Innocent III and Bohemia”, 1204-1205.

³³⁰ 1201, “...quod cum esset filius sacerdotis...”, “...quod uxorem evidenter haberet, de qua filios generavit; quod sigillum adulterinum confinxerit; quod sit ebriosus, fornicator et publicus istrio...”, CDB II, 20-22, no. 23.

³³¹ May 5, 1202; Reg. Inn. III., V, 52-55, no. 28 (29); CDB, II, 28-30, no. 31.

election was based on the idea of giving a lengthy proceeding a closing argument based on a canonical decision. Essentially the papacy co-opted the election and made it their own.

Another case that was riddled with pragmatic behavior on the side of the papacy was the divorce of Přemysl Ottokar I and Adelaide. The case lasted for almost a decade which started with an annulment of the marriage by Bishop Daniel of Prague. The cause chosen by Přemysl was a too-close degree of consanguinity. Adelaide appealed her case to Rome, and Přemysl married Constance of Hungary. In 1199 Innocent sent a letter to the archbishop of Magdeburg where he explained how Adelaide appealed to him to investigate the divorce. The pope related her story in a letter:

“twenty years and more having been dragged through just as a legitimate wife, having received sons and daughters from her: the very same, with persuading of the enemy of the human race [i.e. the devil], separated from his partner and,...the bishop of Prague, having assembled a certain council of prelates in a certain monastery, at the petition and order of the same duke, the same [A.] wishing to approach them, in order that she might have put forward her accounts in their presence, with the very same soldiers of the duke preventing her entry on two or three occasions, as a result of that appeal having been introduced to the Apostolic See, the sentence of separation between them is not considered to be published; and also eventually the same duke brought home as a successor to his former wife another, namely the sister of our dearest son in Christ, the illustrious king of Hungary.”³³²

The pope was unwilling to go ahead with much urgency in the proceedings, delegating the process from one commission to another, although he did make his feelings towards Constance somewhat apparent by calling her out as a negative example in a letter sent to the French Church to support his legate Peter to curtail another wandering royal husband, Philip II of France. Pope Innocent is quite definitive and harsh in his phrasing: “Behold, for instance the duke of Bohemia, as we have heard, having followed of the same example, was not afraid to place, in a similar manner, an adulteress over an abandoned lawful wife.”³³³ By 1201 there was slight progress in the case, however, the pope wanted the archbishops of Magdeburg and Salzburg to further review the case and the witness statements, writing how “we command”, “neither intending to approve nor likewise disapprove, but the same we decree to have reserved time of pleading the case...”³³⁴ On the face of it the pope simply wanted to cover his position and get more evidence and testimony, but in the explanation of the case he already has a different picture than two years ago. Rather than being the more dramatic “soldiers” preventing the queen from appealing to the assembled prelates proclaiming

³³² October 1999, “...viginti annis et amplius velut uxorem legitimam pertractasset, filiis et filiabus ex ea susceptis: eandem, suadente humani generis inimico, a suo consortio eparavit, et, ... Pragensis episcopus, convocato quorundam prelatoꝝ consilio in quodam monasterio, ad petitionem et mandatum ipsius ducis, ipsa volente ad eos accedere, ut suas coram eis proponeret rationes, militibus eiusdem ducis prohibentibus ei bis vel ter ingressum, ex parte illius appellatione ad sedem apostolicam interposita, sententiam inter eos divortii non est veritus promulgare; ac demum ipse dux quondam aliam, videlicet sororem karissimi in Christo filii nostril...illustris regis Ungarie, superduxit.”, CDB, II, 8-9, no. 9; Reg. Inn. III., II, 343-345, no. 179 (188).

³³³ 1199, “Ecce enim dux Boemie, sicut accepimus, ipsius secutus exemplum uxore relicta legitima simili modo adulteram superinducere non expavit!” Reg. Inn. III., II, 360, no. 188 (197).

³³⁴ 1201, “...nec approbandas duximus, nec etiam improbandas, sed eas tempori discussionis decrevimus reservari...”, CDB, II, 14-16, no. 20.

the divorce, there are mere “attendees”. The next change in the ‘case file’ or just in the language of the text pertains to the publishing of the separation decision – “after having the appeal introduced to us the sentence of separation may have had been published.” And finally, the king’s new wife is no longer an adulteress, but rather “dearest daughter in Christ Constance.”³³⁵ This was the state of affairs after the investigatory work done by the pope’s commissioners – the bishops of Halberstadt and Naumburg, and the abbot of Porta in the previous year. Another commission was given to the archbishop of Salzburg in 1206 and this time the new marriage between Přemysl Otokar and Constance seems to be a resolved matter, *de facto* if not *de iure* (yet) – as the pope writes about “not doing injustice to the king of Bohemia and the sister of the king of Hungary”.³³⁶ The commission was supposed to make a decision and submit it to the pope for review to finally come to a conclusion. The next report on the case was made in 1210, with an expanded case file, and no clear decision by the pope, rather another deadline, on the feast of St. Martin, to finally resolve this issue.³³⁷ Adelaide died in 1211, the case had still not been resolved, though according to Iwańczak, Adelaide’s children with Přemysl had *been de facto* pronounced illegitimate already in 1204.³³⁸ The case of Adelaide of Bohemia and her papal appeal shows several aspects of contemporary actions the papacy employed. Firstly, the numerous delegations or investigative commissions that were sent by the pope from surrounding provinces show how Bohemia was enmeshed in German church networks and how the papacy was confident in the execution of these commissions without any sort of bias towards or against the Bishop of Prague. It also showed how elaborate such proceedings were becoming, even before the Lateran regulations on marriage in 1215, which was part of the reason behind the pope initiating such legislation – to limit the marriage dispensations and annulments due to the consanguinity of the couple. This meant that exceptions to the rule were to be eliminated. The proceedings also showed how the case developed and expanded, until finally becoming a thing unto itself due to political expediency. Did the pope sacrifice Adelaide’s cause for the sake of keeping Přemysl Ottokar I on his side in the grand scheme of alliances in Europe? It seems relatively clear that beside the queen there was almost no support for her case either in the Bohemian Church or by the surrounding commissions sent in to investigate. Her statements and claims were written down in the initial plea, but they soon became updated and the harshness of the language was made more

³³⁵ “...satellitibus...”, “...post appellationem ad nos interpositam divortii sententiam promulgasset...”, “...carissimam in Christo filiam C...”, CDB, II, 14-16, no. 20.

³³⁶ April 26, 1206, “...ut prefatorum regis Boemie ac sororis regis Ungarie iustitiam non ledamus...”, CDB, II, 48-50, no. 55.

³³⁷ April 13, 1210, CDB, II, 81-85, no. 88.

³³⁸ January 7, 1204, Reg. Inn. III., VI, 336, no. 199 (201); Herta Hageneder, “Die Beziehungen der Babenberger zur Kurie in der ersten Hälfte des 13. Jahrhunderts,” *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 75, no. 1-2 (1967): 1-29, esp. 11-13; Iwanczak, “Innocent III and Bohemia”, 1207.

neutral which allowed the pope to avoid deciding until it became almost a non-issue. A cynical interpretation would have the pope do a *quid pro quo* trade with Přemysl, in reality, he probably realized the situation had gone on too far and by this point it resulted in a marriage alliance between Bohemia and Hungary but also how there would be little to no backing from the local ecclesiastical agents to Adelaide's return.

The main advocate of the Lateran reform agenda after 1215 in Bohemia was Bishop Andrew of Prague. He was present at the Fourth Lateran Council and was a proponent of reform along with Robert of Olomouc.³³⁹ This agenda encompassed church liberty in general, and more specifically: strict payment of ecclesiastical tithes, abolishing secular appointments of the clergy, as well as extracting clergy from under the jurisdiction of secular courts. According to Iwańczak, Bishop Andrew gained "ecclesiastical, economic, and judicial liberty" from the king. The bishop was originally the king's choice. Being first the provost of Prague and royal chancellor, he was perhaps considered a continuation of the ecclesiastical policy of Daniel Milik. This conflict, which involved penalties such as interdict and excommunication, resulted in the bishop's exile, where he died in 1223. Iwańczak claims that this was not without any effect, as the king accepted papal decrees in this respect in 1221, allowing for relative liberty of ecclesiastical jurisdiction.³⁴⁰ Robert Antonín saw Bishop Andrew's efforts being thwarted by Přemysl's initiative which resulted in the "Great privilege" of 1222, a document which subjected ecclesiastical institutions, primarily monasteries, and chapters, to the jurisdiction of the king or his magistrates. This was due to the apparent continued weakness of the dioceses of Prague and Olomouc which were under secular control in the preceding period. Therefore, this move by the king merely aimed at eliminating the nobility from this triangle of influence and authority.³⁴¹ Between these two views is the possibility that although Bishop Andrew was not immediately successful he did in fact promote the novel reform ideas of the Lateran Council, but was perhaps somewhat unrealistically intransigent in his reform zeal compared to the reality of Bohemia where the king dominated both secular and ecclesiastical issues.

Innocent III's pontificate and his involvement in the affairs of the Church in the Czech lands showed not only the main facets of his agenda but also the status of the Church in Bohemian society. The two analyzed cases encompassed on an individual level the pope's idea on marriage in the Church, specifically regarding the degrees of consanguinity which would disqualify a couple from

³³⁹ Tangl, *Teilnehmer*, 227.

³⁴⁰ Peter Hilsch, "Der Kampf um die Libertas ecclesiae im Bistum Prag," in *Bohemia sacra. Das Christentum in Böhmen 973-1973*, ed. Ferdinand Seibt (Düsseldorf: Schwann, 1974), 295-306; Iwańczak, "Innocent III and Bohemia", 1211-1212; Berend, *Central Europe*, 386-387.

³⁴¹ Robert Antonín, "Bishop Andrew of Prague and Church in Medieval Czech Lands after the Fourth Lateran Council," *Zeitschrift für Ostmitteleuropa-Forschung* 4 (2020): 453-469, esp. 464-467.

engaging in matrimony, which was then legislated on during the Lateran Council in 1215. However, rather than being a strict adherent of his own ideas on marriage, Innocent showed himself not only being pragmatic towards the Bohemia ruler, Přemysl Ottokar I, but also cognizant of the situation of the prelates and clergy in Bohemia and how far he could in fact push his universal papal agenda in this realm. The case of Bishop Daniel of Prague was more to the core of the centuries-long “Gregorian reform” effort, which tried to liberate ecclesiastical institutions from secular intrusion. The pope was again judicious in his approach to the matter, but showed little favor towards a strict penalty, rather concluding that everyone involved was partly at fault and in need of the pope’s teaching as well as a modicum of humility and purgation. It is possible if not probable that Innocent had in mind the support that Přemysl could bring to his own political agenda within imperial politics. But it is a bit overzealous to simplify his decisions to that level. However, the importance imperial politics or even the policies of the Bohemia rulers (dukes, kings) had on the Church should not be neglected. The bishops in the twelfth century had to contend with the unwillingness of the nobility and the ruling dynasty to relinquish their traditional controlling patronage of Church institutions. This change did not occur even long into the thirteenth century, despite the numerous papal legations. In the twelfth century, the papal legations were more concerned with actual reform programs, centered on clerical marriage, cathedral chapters, and ecclesiastical elections, while the political impact of such occurrences was not long-standing. By the end of this period, the papacy started to assert its universal claims in an even stronger manner, and the many papal envoys and various letters speak to the continuous efforts by the many popes to further limit the secular dependence of Bohemian and Moravian ecclesiastical institutions.

II.2.2. Church in Poland

Between the repercussions of the papal reforms of the eleventh century and the subsequent legations in the twelfth and thirteenth centuries, the Polish church was in the midst of contemporary efforts by the papacy to enact its agenda in Central Europe. This was mostly apparent in the example of controlling clerical celibacy or marriage, an often-times repeated invective against the local clergy in the region. But these examples were further contextualized by the various attempts by the local clergy and papacy to reach a better position, more independent, for the local Church institutions within the Polish political realities of the times. This meant constant renegotiation with the various dukes to achieve this goal. Przemysław Nowak showed how papal legations in Poland during the twelfth century dealt with numerous issues, specifically, ecclesiastical reform (clerical morals) and church organization, establishing dioceses, deposing bishops, as well as mediation in the conflict

between Vladislaus II and his younger brothers.³⁴² In this respect, the examples of Alexander III's and Innocent III's actions regarding the succession crisis in Poland of the late twelfth and early thirteenth century are telling. They present the papacy in two moments where different approaches by the respective popes were colored by their positions of power within Latin Christendom. All of these developments speak to the way the Polish Church found itself at the advent of the Lateran reform.

Ecclesiastical and ducal administration had a similarly complementary relationship in Poland as in Bohemia. The ducal government relied on ecclesiastical administrations before the castellan system was set up during the twelfth century.³⁴³ This reliance necessitated a measure of ducal control over the Church, something that Polish dukes were unwilling to relinquish, despite their nominal support for the "Gregorian reform". This was most apparent when Duke Boleslaus II executed the reforming bishop Stanislaus of Kraków in 1079, all the while supporting Pope Gregory VII against Emperor Henry IV.³⁴⁴ External political expediency did not overrule the need for internal royal control. The local nobility, however, objected to the execution and expelled the king. Towards the end of the twelfth century, church reform became a key issue again. The next great reform impulse would come towards the end of the twelfth century, during the legation of Peter of Capua (d. 1214), whose attention was on marriages and clerical celibacy, both in Poland and Bohemia. Legate Peter's mission was recorded in the *Annals of the Kraków Chapter* in 1197. The canons specifically noted his reform of the institution of marriage, namely that it had to be convened in front of the Church.³⁴⁵ These topics were mainstays of the reform effort. Another important matter was the baptizing of children.³⁴⁶

Besides this external direction by the papal legate, the Polish Church went about its reform under the leadership of the archbishop of Gniezno, Henry Kietlicz (1199-1219). He promoted issues such as, in general terms, rejecting lay investiture, the free election of ecclesiastical officials (bishops

³⁴² Przemysław Nowak, "Die polnische Kirchenprovinz Gnesen und die Kurie im 12. Jahrhundert," in *ömisches Zentrum und kirchliche Peripherie. Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III*, ed. Jochen Johrendt and Harald Müller (Berlin: Walter de Gruyter, 2008), 191-206, esp. 205.

³⁴³ Piotr Górecki, "Words, Concepts, and Phenomena: Knighthood, Lordship, and the Early Polish Nobility, c. 1100–c. 1350," in *Nobles and Nobility in Medieval Europe: Concepts, Origins, Transformations*, ed. Anne J. Duggan (Woodbridge: The Boydell Press, 2000), 115-155.

³⁴⁴ Tadeusz Grudziński, *Boleslaus the Bold, called also the Bountiful, and Bishop Stanislaus: The Story of a Conflict*, trans. Lech Petrowicz (Warsaw: Interpress Publishers, 1985), 167-207; Krzysztof Skwierczyński, "Centrum i prowincja – rewolucja gregoriańska w Kościele polskim" [Center and province – the Gregorian Revolution in the Polish Church], in *Kościół w monarchiach Przemyślidów i Piastów*, ed. Józef Dobosz (Poznań: Wydawnictwo Poznańskie, 2009), 181-191.

³⁴⁵ Recorded in the *Annals of the Kraków Chapter* (Rocznik kapituły krakowskiej), MPH, II, 800; Józef Zieliński, "Legacja Piotra z Kapii do Czech i Polski w r. 1197" [Legation of Peter of Capua to Bohemia and Poland in 1197], *Collectanea Theologica* 28, no. 3-4 (1957): 576-597; Werner Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III. und Innocenz III.* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1984), 119; Nowak, "Kirchenprovinz Gnesen", 204-205; Berend, *Central Europe*, 385.

³⁴⁶ Berend, *Central Europe*, 379.

and abbots) by chapters, church exemption from secular jurisdiction (both rejecting the duke's *ius spolii* and the judicial dependence on lay authority – the *privilegium fori*), a move away from “private churches”, and the abolition of clerical marriages.³⁴⁷ These ideas were put down at the summit in Wolbórz in 1215 and repeated at synods such as in Kamień in 1217, as well as later in Gniezno in 1234 and Kraków in 1254.³⁴⁸ The archbishop's main opponent in his reform efforts was duke Vladislaus Spindleshanks who was a staunch defender of the ducal position of custodian of the Church (*ius ducale*). This entailed appropriating the “legacy of deceased bishops”, distributing ecclesiastical offices, and collecting ecclesiastical tithes. The duke appropriated funds from the Gniezno cathedral treasury and after he was excommunicated in 1206, he did as much to the archbishop and his supporters. Although Henry was aided by Leszek the White and eventually even Konrad of Mazovia, two powerful dukes in their own right, he went into exile, first to Silesia and then to Rome. There he garnered much support from Pope Innocent III and returned with broad authority to undertake reform efforts which mostly resulted in local synodal activity.³⁴⁹ This can be perhaps seen as the beginning of the road to the Fourth Lateran Council for Archbishop Kietlicz during which he amassed support for the reform agenda from the bishops of Wrocław, Lebus, Włocławek, and Kraków, but not of Płock nor Poznań.³⁵⁰ The provincial synods that followed the great council were focused on practical issues such as marriages in front of priests, the Easter duty (partaking in communion at least once a year), the necessity of ecclesiastical residence that should be overseen through visitations, and setting up a parish educational system.³⁵¹ The success of his reform effort can be seen through the approach taken by the Polish Church towards celibacy, where priests who did not accept to be continent were barred from advancing in the ecclesiastical hierarchy. The privilege of 1215 gave material safety to church estates, dukes were deprived of their *ius spolii*, and clerics were protected from lay jurisdiction. Though Duke Vladislaus was politically victorious in the end, according to Ursula Borkowska, Henry's reform legacy did persist and his standing in the papal curia granted Poland a specific, well-informed position within the Lateran perspective, where in line

³⁴⁷ Ursula Borkowska, “Innocent III and the Countries of the ‘New Christianity’ – Poland and Hungary”, in *Innocenzo III Urbs et orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, vol. II, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio Evo, 2003), 1169-1191, esp. 1181.

³⁴⁸ Marian Fąka, “Synody arcybiskupa Henryka Kietlicza (1199-1219)” [Synods of Archbishop Henry Kietlicz], *Prawo Kanoniczne: kwartalnik prawnohistoryczny* 12, no. 3-4 (1969): 95-127, esp. 110-112, 119-121; Berend, *Central Europe*, 379-380.

³⁴⁹ Borkowska, “Poland and Hungary”, 1181-1186.

³⁵⁰ The archbishop and the four mentioned bishops were present at the Lateran in November 1215; Georgine Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters* (Weimar: Hermann Böhlau Nachfolger, 1922), 223; Raymonde Foreville, *Latran I, II, III et Latran IV* (Paris: Éditions de l'Orante, 1965), 393.

³⁵¹ Fąka, “Synody”, 110-121; Ignacy Subera, *Synody prowincjonalne arcybiskupów Gnieźnieńskich* [Provincial synods of the archbishops of Gniezno] (Warsaw: Akademia teologii katolickiej, 1981), 36-40.

with many local political agendas, the idea of unity and centralization of Poland was restored and promoted throughout the following century.³⁵²

During this time, the Church in Poland became more centralized and institutionalized, and its networks of knowledgeable elites and administrators were instrumental for the restoration of the monarchy at the turn of the century. After the 1138 disruption to the ducal administration, the church system expanded and bishops supported dukes and their policies – spiritual lords became the backbone of secular rulers. The late twelfth century saw this subordination of ecclesiastical officials decrease as conflict between the two spheres became more common.³⁵³ The situation though was not clear cut and throughout this period until the end of the thirteenth century, phases of conflict were contrasted with cooperation. The weakening political position and strength of the Piast dynasty led to less ducal supervision over ecclesiastical affairs. However, one can hardly claim that the church was becoming impervious to secular connections, quite the contrary with respect to local knightly families. The dukes also saw the benefits of giving privileges to the church, or its bishops and abbots, as a means of political support. In turn, during the thirteenth century, the territorial power of the bishops was on the rise (e.g. Wrocław), to the detriment of royal jurisdiction and power.³⁵⁴

The papacy's good relations with Poland stemmed from the time of Mieszko I (960-992) when formal tribute was established. Poland was placed under the patronage of Saint Peter and this strong connection continued until 1038/9 when Christianity was ousted, if temporarily.³⁵⁵ During the investiture struggle, Boleslaus II (1058-79) supported Pope Gregory VII against Henry IV and was given a crown by the pope in return. Boleslaus III (1107-1138) wanted to use the papacy to strengthen his ducal position and to neutralize Archbishop Martin of Gniezno as a political adversary. One sign of this stronger relationship was Pope Paschal II's privilege of *pallium* given to the see of Gniezno.

The Polish Church also had to contend with the archbishop of Magdeburg's claim to metropolitan rights, initially over Szczecin, Lebus, and Poznań, as well as eventually the entire Polish province. This plan by Archbishop Norbert of Magdeburg at first succeeded, and Pope Innocent II accepted his claims. However, after the archbishop's death the pope recognized the metropolitan

³⁵² Borkowska, "Poland and Hungary", 1188-1189; Wojciech Baran-Kozłowski, "Reforma gregoriańska w Europie Środkowej za pontyfikatu Innocentego III" [Gregorian reform in Central Europe during the pontificate of Innocent III], in *Kościół w monarchiach Przemysławów i Piastów*, ed. Józef Dobosz (Poznań: Wydawnictwo Poznańskie, 2009), 151-166, 154-159.

³⁵³ Józef Dobosz, *Monarcha i możni wobec kościoła w Polsce do początku XIII wieku* [The monarch and the nobles towards the Church in Poland until the beginning of the 13th century] (Poznań: Wydawnictwo Poznańskie, 2002), 293-438.

³⁵⁴ Berend, *Central Europe*, 376-380.

³⁵⁵ Zygmunt Sulowski, "L'Église polonaise a ses origins," in *Histoire religieuse de la Pologne*, ed. Jerzy Kłoczowski, trans. Karolina T. Michel (Paris: Éditions du Centurion, 1987), 17-51, esp. 28-50; Urszula Borkowska, "La reconstruction et le développement. Fin du XIe et XIIe siècle," in *Histoire religieuse de la Pologne*, ed. Jerzy Kłoczowski, trans. Karolina T. Michel (Paris: Éditions du Centurion, 1987), 52-83; Jerzy Kłoczowski, "Christianisation de la Pologne," in *La Pologne dans l'Eglise médiévale* (Aldershot: Ashgate Variorum, 1993), I, 75-86.

rights of Gniezno within the Polish Church hierarchy.³⁵⁶ According to Nowak, the ties between Poland and the papacy were substantial during the twelfth century, from a reference to a Polish embassy at the First Lateran Council to numerous legations of which few details are still extant. Legate Gilo (Aegidio) of Tusculum was sent between 1123 and 1125 on a mission to Poland and Hungary to resolve matters of church organization in Pomerania and establishing the dioceses of Lebus and Włocławek (Kruschwitz-Leslau). This was followed by an unknown legate present at the Kraków cathedral in 1142.³⁵⁷ This process also helped the Polish dukes to expand their political dominion and Christianity into Pomerania, which in turn led to further conflict with the imperial Church in Magdeburg. Boleslaus III's son, Vladislaus II, appealed to Rome for help after he was expelled and deposed in 1146. Legates were involved in internal political strife, as Cardinal Hubald of SS. Giovanni e Paolo was sent in 1146 to support the church institutions during the exile of Vladislaus II.³⁵⁸ Pope Eugene III tried to help and sent his legate Guido of Crema in 1148-1149, yet this mission proved fruitless.³⁵⁹ Guido excommunicated Vladislaus II's opponents in 1148, which caused friction with the Polish episcopacy who ignored this decision. Pope Eugene III had to reaffirm this decision and showed the problems that popes and legates faced with asserting authority and power in Poland.³⁶⁰ The problem of obedience was further complicated by the schism after the 1159 papal election, when certain Polish prelates were present at synods (an unlikely reference to Pavia in 1160 and a possible presence at Lodi in 1161) associated with Frederick Barbarossa and his pontiff, Victor IV.³⁶¹ The relationship between the papacy and Poland soured after 1160 when the dukes sided with the anti-pope. This breach persisted until 1177 and the peaceful end to hostilities between Pope Alexander III and Emperor Frederick I.

The next phase of the papacy's involvement in Polish affairs was marked by the growing role of the popes in internal Polish politics – i.e., the various ducal conflicts. One such example was when Casimir II the Just won over the nobility and the Church at an assembly at Łęczyca in 1180, by giving them various privileges and relinquishing taxation. His decisions were confirmed by Pope Alexander III. This confirmation of Casimir's privileges was due to the support of the archbishop and bishops of Poland, at least according to Alexander's letter.³⁶² The connections between Rome and the Polish

³⁵⁶ BP, I, 6, no. 9-10; Nowak, "Kirchenprovinz Gnesen", 199-200.

³⁵⁷ *Calendar of the Kraków Cathedral*, MPH NS, V, 141; Dobosz, *Monarcha*, 202-220; Nowak, "Kirchenprovinz Gnesen", 199; Krzysztof Ratajczak, "Apostolic Legates in Poland in the Middle Ages and their Role in Adopting Particular Ecclesiastical Legislation by the Polish Church," *Biuletyn Historii Wychowania* 38 (2018): 53-65, esp. 55-56.

³⁵⁸ March 2, 1146, KDW, I, no. 12.

³⁵⁹ BP, I, 7-8, no. 14, 16; Dobosz, *Monarcha*, 433-435; Nowak, "Kirchenprovinz Gnesen", 201-202.

³⁶⁰ January 23, 1150, BP, I, 8, no. 18

³⁶¹ Nowak, "Kirchenprovinz Gnesen", 202-203.

³⁶² MPH, II, 401; Aleksander Gieysztor, "Nad statutem łęczyckim 1180 r.: odnaleziony oryginał bulli Aleksandra III z 1181 r." [On the Łęczyca statute of 1180: The recovered bull of Alexander III from 1181], in *Księga pamiątkowa 150-lecia Archiwum Głównego Akt Dawnych w Warszawie*, ed. Adam Stebelski (Warsaw: PWN, 1958), 181-207, esp. 206–

ecclesiastical province, specifically with the Kraków diocese, were exemplified by the supposed consecration of Bishop Gethco of Kraków in Rome in 1166. His episcopate is also related to Legate R(einald) and a synod at Jeżów. Then in 1184 Pope Lucius III sent Egidio of Modena to accompany the relics of St Florian on the journey to Kraków, further supporting and reinforcing the Polish Church. Five years later, Legate John Malabranca is mentioned in the *Annals of the Kraków Chapter*, although without much detail regarding his activities.³⁶³ Finally, a major move into Polish politics was done by Pope Innocent III in 1210 when he restored the seniority principle in succession.³⁶⁴ This quickly became detrimental for ecclesiastical reform since it removed Leszek I the White from the throne of High Duke of Poland. Innocent's bull did identify the Duke of Silesia as the main informer (Henry the Bearded), finding the hereditary system set up by a former duke of Poland (probably Boleslaus the Wrymouth). The pope ordered that this succession order be restored by the archbishop of Gniezno. Anyone who would violate it would fall under ecclesiastical punishments, including excommunication and anathema.³⁶⁵ However, Archbishop Henry Kietlicz quickly moved to overthrow this papal decree and was successful in restoring Leszek to his throne. Sebastian Bartos claims that it was Mieszko Tanglefoot who stood to gain, however, Henry the Bearded and Vladislaus Spindleshanks would then be next in line.³⁶⁶

What did the actions of Alexander III and Innocent III mean for the state of the Church in Poland, or Poland in general? Alexander's confirmation of Casimir's privilege can be taken as part of a general move towards legal confirmation of political acts, wherein the papal confirmation would for some reason be necessary or desired by the duke. More likely though, the Polish episcopate wanted papal confirmation of their political gains as they saw the papacy as a traditional added value to official documents. They could also have been apprehensive as to whether the duke's rule would endure as he was still early in his reign. Therefore, Alexander's bull is more in support of the Polish episcopate's efforts, and Casimir was merely the exponent of the faction that was in favor of some sort of ecclesiastical liberty. Innocent's move is more complex in that it was set during a period when the pope was seemingly interested in supporting reform within the Polish Church, a project important to Archbishop Kietlicz. Although the pope gave protection to Leszek when he returned to rule Kraków in 1207, this bull presumably referred to him as the Duke of Kraków (not Poland), as the

7; Wojciech Baran-Kozłowski, "Kto wydał statut łączycki z 1180 roku" [Who promulgated the Łęczyca statute in 1180?], *Roczniki Historyczne* 68 (2002): 77–83; Sebastian P. Bartos, "Post-Gregorian Episcopal Authority and the Struggle for Ducal Kraków, 1177-1210," *The Polish Review* 58, no. 3 (2013): 3-33, esp. 15-16.

³⁶³ MPH, II, 800; Nowak, "Kirchenprovinz Gnesen", 203-204.

³⁶⁴ June 9, 1210, KDM, I, 12, no. 6.

³⁶⁵ KDM, I, 12, no. 6.

³⁶⁶ Sebastian Piotr Bartos, "Negotiations of Power in a Medieval Society: Ecclesiastical Authority and Secular Rulership in Little Poland, 1177-1320" (Doctoral Dissertation, The City University of New York, New York, 2008), 67-68.

letter offers protection only to his person and the duchy of Kraków.³⁶⁷ This means that in 1207 the pope was surely interested in giving the Polish Church an upper hand in dealing with the various dukes of the realm and attaining a better position with privileges and liberties. But in 1210 Duke Henry of Silesia gave the pope something perhaps more interesting, the chance to assert papal dominance and teaching into the matter of succession, not just in that moment but for a longer period, which would give the Church more leverage and influence. What better way to effect change in Poland than through the real expansion of papal authority and power – making the legal framework for succession. Archbishop Kietlicz retracting this move only showed the difference in perspective from a local prelate compared to the pope. The archbishop was consistently backing Leszek's claim to Kraków and needed his support for his church reform program.

What became apparent from this point onwards was that papal authority could be easily integrated into political narratives for immediate gains. The pope or even an image of the papacy modified for Polish circumstances was, as some historians would describe it, the “highest authority” in the political life of the realm and the idea of “direct subordination” to Saint Peter's chair was interwoven to the concept of Polish unity.³⁶⁸ Even the relatively small number of examples provided in this chapter shows the aspects of how the papacy interacted with the Polish Church during the “Gregorian reform” period and immediately after, up to the Fourth Lateran Council. During the twelfth and thirteenth centuries, there was a gradual development of contacts and actions by the papacy aimed at reforming the Church in Poland. While this was most visibly focused on the issues of clerical marriage, or celibacy, the legations in the late twelfth and early thirteenth century showed how the reform agenda was becoming more elaborate and complex (including key elements such as judicial immunity and reducing the duke's traditional rights – *ius spolii*, *ius ducale*). The powers delegated to the papal legates were becoming more extensive, supporting the expansion of not only papal but also local ecclesiastical institutions. Considering the realignment of the status of the Church in Latin Christendom at the time, the local episcopate was becoming a stronger political factor within Poland as a consequence of this reform agenda, as well as the personal initiative and standing of the bishops and clergy.

II.2.3. Church in Hungary

At first, the clergy in Hungary also had to contend with royal encroachment on episcopal appointments. According to historians, from the very beginnings of Christianity in Hungary, the role of the rulers in establishing, supporting, and controlling episcopal centers was essential for the

³⁶⁷ January 4, 1207; KDM, I, 11-12, no. 5.

³⁶⁸ Berend, *Central Europe*, 387-391.

Church. Rulers would select men of confidence who in turn would be elected for ecclesiastical office. They would also serve as royal councilors, diplomats, and chancellors, adding to the administrative capabilities of the kingdom and the prestige of the Árpád dynasty. The first churchmen were naturally foreigners, but towards the end of the eleventh century and during the twelfth century a distrust of foreigners was apparent and preference was given to Hungarian clerics close to the court.³⁶⁹ László Mezey's study showed that students were supported to go to European universities. At first, Paris was the most popular destination and then in the thirteenth century Bologna took primacy among scholars from Hungary.³⁷⁰ The waves of "Gregorian reform" impacted Hungary as most other kingdoms and King Coloman ostensibly renounced ecclesiastical investiture. However, in reality, as Kornél Szovák explained, Hungarian kings in the thirteenth century still nominated candidates to be elected for ecclesiastical office and gave their agreement before papal confirmation. Therefore, while the norms of ecclesiastical liberties were perhaps upheld on paper, ecclesiastical appointments were done at least in cooperation with royal wishes.³⁷¹ The friction between Church and ruler could be something practical related to the appropriation of ecclesiastical estates by Andrew II or Béla IV, or open conflict during the time of Archbishop Lucas of Esztergom (1158-1181), as well as his successors, Archbishop Robert (1226-1239) and Archbishop Lodomer (1279-1298). The papacy was not the most important player in Hungary at the introduction of Christianity, yet the myth of a papal-royal "special relationship", had been already present in the earliest chronicles dealing with Hungarian history.³⁷² This concept became important for Pope Gregory VII due to his need for political allies in the investiture contest and so in the early twelfth century papal legates were noticeably anti-imperial (1112-15) in their missions.³⁷³ Several issues during this time drew the attention of the popes, such

³⁶⁹ for more on the initial period of Christianity in Hungary see Nora Berend, József Laszlovszky, and Béla Zsolt Szakács, "The Kingdom of Hungary," in *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend (Cambridge: Cambridge University Press, 2007), 319-368, esp. 324-341; Szilveszter Sólymos, "Az első bencés szerzetesek hazánkban [The first Benedictine monks in Hungary]," in *Paradisum plantavit. Bencés monostorok a középkori Magyarországon* [Benedictine Monasteries of Medieval Hungary], ed. Imre Takács (Pannonhalma: Benedictine Archabbey of Pannonhalma, 2001), 48-60; Gyula Kristó, *Szent István király* [St Stephen the king] (Budapest: Vince Kiadó, 2001), 19-28, 33-34, 52-58.

³⁷⁰ for more on the choice between Paris and Bologna for students from Hungary in the twelfth and thirteenth century see László Mezey, *Deáksg és Európa* [Clerical Intelligence and Europe] (Budapest: Akadémiai Kiadó, 1979), 144-159.

³⁷¹ Kornél Szovák, "The Relations between Hungary and the Popes in the 12th Century," in *A thousand years of Christianity in Hungary: Hungariae Christianae millennium*, ed. István Zombori (Budapest: Hungarian Catholic Episcopal Conference, 2001), 41-46.

³⁷² This narrative was created by Hartvic's Life of King St. Stephen, which connected Pope Sylvester II sending a crown to King István. Hartvic was writing in an early twelfth-century context attempting to establish a non-imperial context of the Christian monarchy in Hungary; for more see Hartvic, "Life of King Stephen of Hungary," in *Medieval Hagiography: An Anthology*, ed. Thomas Head, trans. Nora Berend (New York: Routledge, 2001), 375-398, 383-384; Berend, Laszlovszky, and Szakács, "The Kingdom of Hungary", 343-350.

³⁷³ For more on the canonization of Hungarian saints during the early period of the Gregorian reform in light of a papal-Hungarian interaction see Gábor Klaniczay, *Holy Rulers and Blessed Princesses: Dynastic Cults in Medieval Central Europe*, trans. Éva Pálmai (Cambridge: Cambridge University Press, 2000), 123-134.

as the elections of the bishops of Kalocsa (1168/9), the conflict between the Abbey of Pannonhalma and the bishop of Győr (1184-6), and the rights of the diocese of Pécs (1190).³⁷⁴

Gyula Kristó claims that papal-Hungarian relations in the 1160s were not “close” since the papacy perceived the Hungarian kings as intruding on ecclesiastical privileges, namely the right of investiture and the (mis)appropriation of ecclesiastical property. The papacy was also disappointed by the apparent lack of celibacy, even in the high clergy. However, during the time of Archbishop Lucas of Esztergom and Pope Alexander III, there was a concerted effort to bridge this gap, likely helped by the fact that the archbishop supported and legitimized King Stephen III’s rule against his dynastic challengers and Szovák showed how legations from both Alexander III and Victor IV were in fact quite frequent in this period.³⁷⁵ In 1169, motivated by the papal legate Manfred and the archbishops of Esztergom and Kalocsa, the king decidedly moved towards confirming ecclesiastical liberties in line with the reform papacy of Pope Alexander. The king explained how his decree was made: “Because of these things having been induced by [our] own reasoning, and having been eagerly and carefully warned by the beneficial exhortations of the venerable M[anfred].., cardinal of the Holy Roman Church.”³⁷⁶ It is quite specific that the king mentions the papal legate, whose role in finalizing the treaty between Hungary and Rome, was essential. However, the entire church in Hungary was ostensibly behind this agreement, as the two archbishops, of Esztergom and Kalocsa, are mentioned as the main agents of this agenda.³⁷⁷ The decree is immediate concerning the primary issues between the secular and ecclesiastical jurisdiction in Hungary, “...namely: that without authority and advice of him [i.e. the pope] and his successors, the deposition or translation of bishops might not be done or might not be allowed to happen, we confirm and decree forever imperishable intending to endure, so in regard to you, as in regard to our descendants.”³⁷⁸ The question of lay investiture was chief among the issues the Apostolic See observed as wanting in the Church in Hungary, namely the royal will in deposing, transferring and investing bishops in the kingdom. According to the treaty, this ancient custom would be abolished, as would the lay oversight over ecclesiastical goods, unless the kingdom would find itself under threat of invasion or some other urgent need. However, even then,

³⁷⁴ Szovák, “Hungary and the Popes”, 46.

³⁷⁵ cf. Gyula Kristó, *Die Arpadendynastie. Die Geschichte Ungarns von 895 bis 1301* (Budapest: Corvina, 1993), 149; Kosztolnyik, “The Church and Béla III”, 377-8; Szovák, “Hungary and the Popes”, 45.

³⁷⁶ “Ea propter propria ratione inducti, et saluberrimis exhortationibus M. Venerabilis sanctae romanae Ecclesiae Cardinalis propensius, attentiusque commoniti...” CDH, II, 180.

³⁷⁷ For more on the two archdioceses at this time see László Koszta, “Adalékok az esztergomi és a kalocsai érsekség viszonyához a XIII. század elejéig” [Contributions to the relationship between the Archdiocese of Esztergom and the Archdiocese of Kalocsa until the beginning of the 13th century], *Magyar egyháztörténeti vázlatok* 3 (1991): 73-88, esp. 78-80.

³⁷⁸ “...videlicet: quod absque auctoritate, et consilio eius et successorum suorum, depositionem, seu translationem episcoporum non faceret, vel fieri permetteret, confirmamus, et tam in vobis, quam in posteris nostris perpetuo inuiolabiliter duraturam censemus.” CDH, II, 181.

such an overreach would be done only in counsel with the bishop in question. Finally, the king also dealt with royal provosts who were abbots and did not relinquish their offices or provostships in a manner that was expected. The king again chose to break with the traditional practice: “in this part, by us and our descendants, rejecting our custom of old, unless it might by unfortunate chance happen, to them concerning a certain crime, to be convicted by canonical order; or to publicly confess their crime.”³⁷⁹ Royal clergymen could therefore expect to appeal to ecclesiastical jurisdiction up until the point their crimes became public, either through legal confession or conviction, after which the king could resolve to relieve them of their offices and provostships. While this treaty quite directly spelled out papal wishes in the Hungarian realm, the realities of the following decades saw the contest between the papacy and the Árpáds continue.³⁸⁰ Laszlo Koszta demonstrated how the 1160s also brought up the conflict between the two archdioceses in Hungary. Esztergom and Kalocsa would contend for the primacy in the Hungarian Church hierarchy for the next sixty years until Esztergom would eventually emerge as the definitive winner, though perhaps not *de iure*. The conflict started when Archbishop Mikó of Kalocsa crowned Ladislas II as king, just a few months after Lucas of Esztergom had crowned Stephen III. Mikó did this again the next year when he crowned Stephen IV. When a few years later Lucas refused to crown Béla III, the archbishop of Kalocsa was again called on to do the ceremony, this time by the pope. The contest between the two sees would continue until the end of Béla’s reign, with his favor switching to both sees at one point.³⁸¹ The papacy of Alexander III could draw some support from the Hungarian kings during the struggle against Frederick I. However, it would be difficult to describe any moves that the Árpád rulers made at this time as anything other than pragmatic politics. In fact, Béla III engaged in a contest against Pope Alexander over the deposition of the archbishop of Kalocsa and the election of the archbishop of Split in 1180.³⁸² The interests of the papacy and the Hungarian rulers coincided at times, especially when dealing with expanding the borders of Christendom and Hungary. Therefore, the Árpáds had ecclesiastical support for their forays into Bosnia purportedly against the Bogomils, and into Halych and Cumania. Sometimes these interests were also in conflict, as in the case of Bulgaria, where the papacy tried to entice and cajole Emperor Kalojan, while King Emeric of Hungary had a more direct approach

³⁷⁹ “...in hac parte consuetudini nostrae antiquae per nos, et posteros nostros renunciantes, nisi infausto casu contingeret, eos super certo crimine, canonico ordine, conuinci; vel crimen suum publice confiteri.” CDH, II, 182.

³⁸⁰ Zsoldos, *Árpáds*, 55, 106-107.

³⁸¹ Koszta, “Esztergomi és a kalocsai érsekség viszonyához”, 78-82.

³⁸² July 6, 1181, CDCR, II, 175, no. 173; Ludwig Steindorf, *Die dalmatinischen Städte im 12. Jahrhundert* (Köln: Böhlau Verlag, 1984), 115; Slavko Kovačić, “Splitska metropolija u dvanaestom stoljeću” [Split metropolis in the twelfth century], in *Krbavska biskupija u srednjem vijeku*, ed. Mile Bogović (Rijeka: Kršćanska sadašnjost, 1988), 11-39, esp. 14; Szovák, “Hungary and the Popes”, 46.

towards Bulgaria, conquest.³⁸³ Both of these expansions into Bulgaria eventually failed, although this minor papal-Hungarian conflict did lead to a papal legate being imprisoned by the Hungarians. The intensity of communication increased towards the end of the twelfth century when local ecclesiastical institutions, dioceses, chapters, and abbeys, asked for papal confirmation of their privileges. This was in part due to a papal reform of the Curia and the way that curial documents were produced and confirmed.³⁸⁴

However, the most exceptional cases of communication were related to papal legates, e.g. brokering peace between King Emeric and Prince Andrew (1200), or between King Béla IV and his son István. The conflict between the Árpád brothers, Emeric and Andrew, came about after the death of their father, King Béla III.³⁸⁵ After his death in 1196, Emeric succeeded him as king, while Andrew was faced with the prospect of stagnation. The previous custom of the Árpád dynasty had given the younger prince rule over the *ducatus* (usually the area of Croatia, Dalmatia, and possibly parts of Slavonia). It can hardly be said that this was an institutionalized setup, but it does perhaps speak to Andrew's expectations.³⁸⁶ However, Béla III decreed that Emeric would rule over Croatia and Dalmatia, thus leaving Andrew without a substantial political and economic base. What the young prince did receive was the crusading vow made by his father, and he was also given funds and lands to accomplish this expedition.³⁸⁷ Andrew rebelled against his brother soon after and by 1198 seemingly achieved his goal of being duke in Croatia and Dalmatia. This conflict warranted the attention of Rome, on the one hand, because of Andrew's crusading vow, but more importantly because of the role of local bishops in Hungary, Croatia, Dalmatia, and Slavonia during this conflict, as well as the generally negative consequences of (civil) war on the kingdom and its stability. Already Pope Celestine III tried to intervene with threats of excommunication against Andrew and isolating him from the support of the nobility within the kingdom.³⁸⁸ This was continued more actively by Pope Innocent III, who within a month of his election as pope, started to intervene and exhort the

³⁸³ James Ross Sweeney, "Innocent III, Hungary and the Bulgarian Coronation: A Study in Medieval Papal Diplomacy," *Church History* 42, no. 3 (1973): 320-334; Alexandru Madgearu, *The Asanids: The Political and Military History of the Second Bulgarian Empire (1185-1280)* (Leiden: Brill, 2017), 123-138.

³⁸⁴ for more on the reform of the papal chancery see Patrick Zutshi, "Innocent III and the reform of the papal chancery," in *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio Evo, 2003), 84-101, esp. 85-86.

³⁸⁵ For more on the relationship and conflict between the royal brothers see György Szabados, "Imre és András" [Emeric and Andrew] *Századok* 133/ no. 1 (1999): 85-111; Zsoldos, *Árpáds*, 46-47.

³⁸⁶ For more on territorial divisions in the kingdom, especially regarding the *ducatus* in the preceding period see Daniel Bagi, *Divisio Regni. The territorial divisions, power struggles, and dynastic historiography of the Árpáds of the 11th- and early 12th-century Hungary, with comparative studies of the Piasts of Poland and the Přemyslids of Bohemia* (Budapest: Research Centre for the Humanities, 2020); Zsoldos, *Árpáds*, 86-90.

³⁸⁷ January 29, 1198, CDCR, II, 288-289, no. 272.

³⁸⁸ James Ross Sweeney, "Summa Potestas Post Deum-Papal Dilectio and Hungarian Devotio in the reign of Innocent III," in *...The Man of Many Devices, Who Wandered Full Many Ways...*, ed. Balázs Nagy and Marcell Sebők (Budapest: Central European University Press, 1999), 492-498, esp. 492-493.

prince to leave on an expedition to Jerusalem. The pope wrote how Andrew “pretends to undertake the journey to Jerusalem, begin the still forgotten pilgrimage, which [you] should have directed against the enemies of the cross, [you] directed a war-like sight into your brother and the kingdom of Hungary and engaged many against the royal serenity through counsel made out of spitefulness.”³⁸⁹ A few months later, in June 1198, the pope reiterated his wish for peace among the brothers and within the kingdom, disabusing the young prince of the idea of rebellion,

“We restrain you to busy yourself, lest you dare stir arms against the king or the kingdom or encourage some rebellion, lest perhaps friends should forsake you if you should hold your brother as an enemy, and should be compelled to despair of your faith, if they should think you to violate the brotherly and innate bond of peace, intending to investigate, we have commissioned our venerable brothers the archbishops N. of Esztergom, N. of Kalocsa and their suffragans strictly ordering by apostolic mandate, to strike you and your [followers], the obstacle of an appeal being taken away, with a sentence of excommunication and to place your and their whole land under interdict if you should dare to stir arms or incite rebellion against the mentioned king.”³⁹⁰

At the end of the year, the pope sent a letter to the archbishops of Kalocsa, and the bishops of Győr and Zagreb, forbidding them from contacting the now excommunicated prince Andrew but more importantly recounting how the archbishops of Zadar and Split were in breach of the sentence of excommunication. The pope relates how the archbishops,

“...according to the order of Pope Celestine, our predecessor of good memory, were tied with the bonds of excommunication, N. and A. knowingly communicated with the same (Andrew) after excommunication and apostolic restraining, they imparted counsel and assistance and furthermore dared to celebrate the divine, whence because of this to the archbishops of Zadar and Split, and although those would fall under excommunication, from the same place examples of recompense against the legal order of royal dignity are moved forward.”³⁹¹

This action of support for the rebellious Prince Andrew by the two archbishops was too much for the pope and he instructed the archbishop of Kalocsa and his two bishops to act. Innocent mandated that they ascertain:

“...to what extent are the previous scrupulous inquiries reality, thus if you will learn this fact yourself, you may thoroughly annoy the said N. and A., their elections more correctly their intrusions, you may publicly announce the excommunications and in keeping with the appropriate penalty may cause them to be tightly

³⁸⁹ “...quum Hierosolimitanum iter te accipere simulasses, assumte tamen peregrinationis oblitus, quam contra inimicos crucis dirigere debueras, in fratrem tuum et regnum Ungarie conuertisti aciem bellatorum et multa contra serenitatem regiam malignorum usus consilio commisisti...”, CDCR, II, 289.

³⁹⁰ June 15, 1198, “Ad hec tibi districtius inhiemus, ne in regem aut regnum arma mouere presumes vel seditionem aliquam suscitare, ne forsitan amici te deserant, si fratrem habueris inimicum, et de fide tua desperare cogantur, si fraterne ac naturalis pacis federa te senserint violare, sciturus, nos venerabilibus fratribus nostris N. Strigoniensi, N. Colocensi archiepiscopis et eorum suffraganeis per apostolica scripta districte precipiendo mandasse, ut si contra memoratum regem arma mouere vel seditionem excitare presumpseris, te ac tuos sublato appellationis obstaculo excommunicationis sententia feriant et totam terram tuam et eorum subiiciant interdicto.” CDCR, II, 301-2, no. 282.

³⁹¹ December 30, 1198, “...de mandato bone memorie C(oelestini) pape predecessoris nostril excommunicationis fuerint vinculo innodati, N(icolaus) et A(?) post excommunicationem et inhibitionem apostolicam eidem communicare scienter, consilium et auxilium impertiri et divina presumpserant etiam celebrare, unde propter hoc in Jadertinum et Spalatinum archiepiscopos, quamvis et illi excommunication subiaceant, ab eodem loco remunerationis contra iuris ordinem in regie dignitatis preiudicium sunt promote.” CDCR, II, 307, no. 287.

shunned by all, more strictly restrained, lest those with respect to them obtaining elections intend to exhibit faithfulness, obedience, or even deference...”³⁹²

This first conflict showed that the papacy had been involved from the very onset of hostilities between the two royal brothers, and had progressively increased pressure on Andrew to show deference to his brother. One means through which this was to be achieved was the crusading vow passed down from Béla III, however, this would prove to be an ineffectual tactic. The second one was the threat and act of excommunication, both for Andrew and any who would support him. According to György Szabados, the duke was strategically placing his trusted clerics and officials in the Dalmatian dioceses: Split, Zadar, and Hvar.³⁹³ The position of two high-ranking clerics from Croatia-Dalmatia as supporters of Andrew’s rebellion was contrary to the pope’s policy of peace and stability within the kingdom, the mentioned “legal order”, a state that should have been supported by all the ecclesiastical hierarchy within the kingdom. Szabados also points out how the pope began to question the status and the election of the two Dalmatian prelates.³⁹⁴ The situation started to complicate early in 1199 when in March the king had a confrontation with Bishop Boleslaus of Vác.³⁹⁵ The bishop accused the king of being a thief and appealed to the pope recalling his version of events (including physical assault on the bishop by the king himself and theft from the cathedral treasury, as well as confiscation of the tithe). The pope referred to this report in his June 21 letter to King Emeric. The pope commanded in his letter that the king “correct his errors, restore to the church at Vác what he had seized, and make satisfaction to the bishop.”³⁹⁶ However, King Emeric’s letter from 1199 shows that the image of the church supporting stability and order within the realm was, clearly, not the case, mentioning the bishops of Vác, Nagyvárad, and Veszprém as some of the main instigators of rebellion, in fact inciting his brother to action. Sweeney explained this episode of papal-Hungarian relations within the framework of a reciprocal bond, i.e. “papal *dilectio* and Hungarian *devotio*”. This meant that these diplomatic relations were “historically conditioned”, implying a continuity of action from previous persons occupying the chair of St. Peter and the Hungarian throne.³⁹⁷ Whether this was a shared idea between the two is debatable, but it was used by the pope to elicit a positive response by the king, all of which was aimed towards achieving the pope’s main goal, the successful crusade to the Holy Land.

³⁹² “...quatenus super premissis inquirentes diligentius veritatem, si rem ita noveritis se habere, prefatos N(icoalum) et A(?), eorum electionibus imo verius intrusionibus penitus irritates, excommunicatos publice nuntietis et usque ad condignam satisfactionem faciatis ab omnibus artius evitari, districtius inhibentes, ne quis eis obtentu electionum fidelitatem, obedientiam vel reverentiam audeat exhibere...” CDCR, II, 307.

³⁹³ Szabados, “Imre és András”, 98.

³⁹⁴ Idem, 100.

³⁹⁵ Zsoldos, *Árpáds*, 109.

³⁹⁶ June 21, 1199, “...corrigas per te ipsum, taliter episcopo satisfacias memorato...taliter Watiensis ecclesie dampna restaures...” Reg. Inn. III., II, 186-189, no. 89 (96, 97); RPR, I, 71, no. 748; Sweeney, “*Summa Potestas*”, 495.

³⁹⁷ Sweeney, “*Summa Potestas*”, 495-496.

Another problem for the king, but also the pope, was that the rebellious clerics were using ecclesiastical sanctions, such as excommunication, against the king's allies, namely the palatine Mika. This was going against the pope's decree from January 8 of the same year when "the king, his familiars, and his counselors" were protected by Innocent from any "sentences of excommunication or interdict which are not for a clear and reasonable cause".³⁹⁸ The next phase of the conflict was by this time already in full swing, and the pope had decided to send his legate, Gregory cardinal-deacon of S. Maria in Aquiro, to show the serious nature of the situation and present his will in the field. In the legatine commission of March 2, 1200, sent to the province of Split announcing the arrival of Gregory, the pope explained how "realizing in what manner the many and great necessities of the kingdom of Hungary and had seemed to need hurried help and with the foresight of the Apostolic See...and by reason of delay of that kingdom, the usefulness to the public is hindered..."³⁹⁹ Innocent is referring to the troubles in the kingdom causing delays for the crusading effort, namely of Prince Andrew, but also other important nobles in the kingdom. The extent of the legate's mission is also defined in wide terms "from our side with the fullness of power", signifying that the legate had the highest authority and power in representing the pope.⁴⁰⁰ During this legation Gregory was successful in mediating the dispute between the royal brothers, assisted by Archbishop Konrad of Mainz.⁴⁰¹ The final conflict between the brothers erupted in 1203, this time over inheriting the crown since Andrew came into a precarious position when Emeric's son Ladislav was born. The conflict ended with the king's victory over his brother, Andrew was imprisoned, and Ladislav was crowned the next year to strengthen his position. Innocent III confirmed the peace between the brothers in a letter written on November 5, 1203.⁴⁰² The pope related how his legate Gregory, now cardinal-priest of S. Vitale, arranged a treaty between the brothers that was accepted and upheld by both, and he confirms this agreement. The same day he sent a letter to the king and his brother. The letter to the king related how both he and his brother received the crusading vow from their father, and since they were now

³⁹⁸ January 8, 1199, "consiliarios et familiares ipsius [H. Ungariae regis]...nullus vestrum nisi pro manifesta et rationabili causa... excommunicationis vel interdicti sententiam audeat promulgare." Reg. Inn. III., I, 746-747, no. 511; RPR, I, 54, no. 565; Sweeney, "*Summa Potestas*", 493

³⁹⁹ March 2, 1200, "...qualiter multis et magnis necessitatibus regni Ungarie intellectis, que festinatum subsidium requirere videbantur et provisione sedis apostolice indigere...ex dilatione illius regni communis impediretur utilitatis." CDCR, II, 347-348, no. 322; Gábor Barabás, "The Life and Hungarian Legations of Cardinal Gregorius de Crescentio," *Specimina Nova Pars Prima Sectio Mediaevalis* X (2019): 53-80, esp. 59.

⁴⁰⁰ "...a nostro latere cum potestatis plenitudine..." CDCR, II, 347.

⁴⁰¹ *The Deeds of Pope Innocent III*, this contemporary papal source, recalls how the civil war between the brothers caused devastation in the kingdom, James M. Powell, ed., *The Deeds of Pope Innocent III by an Anonymous Author* (Washington D.C.: The Catholic University Press, 2004), 236, c. cxxviii; the story of the conflict of the two brothers is also recounted in the Royal Chronicle of Cologne: "Eiusmodi ergo discordia inter eos diutina fuit et pertinax, variusque bellorum, donec Moguntinus archiepiscopus de transmarinis rediens, partes suas interposuit eosque ad concordiam reduxit." Georg Waitz, ed., MGH, *Scriptores Rerum Germanicarum*, vol. XVIII, *Chronica regia Coloniensis* (Hannover: Hahn, 1880), 168; Barabás, "Gregorius de Crescentio", 59-60.

⁴⁰² CDCR, III, 32, no 27.

at peace, the king had no obstacle to launching this crusade.⁴⁰³ The letter to Duke Andrew dealt mostly with the protection of Saint Peter for his lands and possessions while the duke underwent his promised crusade to the Holy Land.⁴⁰⁴ As far as the papacy was concerned, the civil war was over and both brothers should embark immediately on crusade which was at the time still stationed in Constantinople.

These letters that describe the civil war between the king and his brother, show that the papacy was heavily involved, using the crusading vow to instigate or coerce a peaceful solution to the conflict. They also portray the position of the ecclesiastical agents, both domestic and papal, as at times taking opposite sides, with the papal side clearly favoring the king and through him, order and stability in the realm, while parts of the Hungarian and Dalmatian bishops supported the rebellious prince. The papacy is also quite gradual in its approach, first through threats, then actual ecclesiastical punishments, and at first ordering through letters to local clergy before finally sending in trusted legates from Rome and neighboring ecclesiastical provinces. The sources show the rather ineffectual punishments of Celestine III and the more successful efforts of Innocent III. The flurry of activity and interest expressed by the pope in this matter proved to be necessary to achieve at least some of the desired results. Andrew did not go on a crusade (at least not for another 15 years), nor did Emeric. There was peace among the brothers, and a resolution to their conflict, whether this was done through diplomatic pressure or military attrition is perhaps a question for a different study. What is important is that both Celestine and Innocent tried to assert papal dominance in the legal order of the Hungarian kingdom, which was not wholeheartedly accepted nor denied by the Árpád brothers. Another disturbing aspect of the situation was the character and behavior of the Dalmatian prelates, presumably Andrew's men of confidence. The pope used this moment to take control of the two provinces to effect political changes within the kingdom. Importantly, he did so by using legal arguments related to the canonistic procedure. This can be seen as the epitome of papal action during this period, a modicum of interjecting into political affairs, succession crises, and similar secular actions, on the other hand, the full power and authority of St. Peter's successor in dealing with matters of ecclesiastical structure and obedience. If there was no control, nor order, these elements had to be instilled in the clergy, through legal means.

The conflict between King Béla IV and his son Stephen was a common occurrence during the 1260s, with several peace treaties and recurring instability that ended only with Béla's death in

⁴⁰³ CDCR, III, 32-3, no. 28.

⁴⁰⁴ CDCR, III, 33, no. 29.

1270.⁴⁰⁵ The papacy's role was somewhat tangential, although the two main prelates of the kingdom, the archbishops of Esztergom and Kalocsa were involved in bringing the quarreling Árpáds together, if temporarily. In a letter sent to Pope Urban IV in August 1263, Béla described how peace was concluded between the king and his son at the end of the previous year. He also related how the papal legate Velasco was involved in this affair, writing:

“After the rumor of this sort of discord was conveyed, it pleased your blessedness to send across to us and our said son, a pious man, the provident and discerning brother Velasco, your penitentiary and chaplain towards making peace and harmony between us, and equally towards restoring: who just as a man provident and discerning and cautious advised of peace and making very many exhortations with us he demanded with much urgency and was struggling to influence us, in order that whatever disagreements of error and rankness having been chased away, if anything was between us, entirely put aside for a good and proper peace, having received by the shares of the commonwealth and the Apostolic See we and the same, our son might be bound to meet: adding the same penitentiary, who unless we might do this, ignoring all dangers and whatever other adverse affecting, which might be able to happen upon him here concerning the case, he may restrict us to these through sentences of excommunication in our persons and interdict in our lands.”⁴⁰⁶

Although the letter implies that the legate was some part of the negotiating this was not the case, and Béla relates in fact how the key roles were played by the two archbishops, of Esztergom and Kalocsa. As Zsoldos showed, though the king nominally respected the authority and personal quality of the legate Velasco, the papal penitentiary and chaplain, the Treaty of Pozsony (Bratislava) in 1262 was done mostly without him. This might have been a reason why the pope did not confirm this agreement. Velasco's actions in 1263 were an attempt by the papacy for a new, lasting agreement. In fact, Zsoldos sees the papal embassy as benefiting Stephen, while the reason why Béla refused the new agreement was that he had in his mind a renegotiation of the document, otherwise, he would have given the 1262 original to the legate for confirmation.⁴⁰⁷ However, Urban continued to monitor the situation and supported the peace between the king and his son. In a letter from the pope to the prior of the Dominican Order in Hungary from July 16, 1264, the pope stressed the need for the episcopacy of the Hungarian Kingdom to promote peace and harmony within the kingdom. He also stressed how it was necessary to keep the peace between the king and his son, to avoid calamity

⁴⁰⁵ Berend, *Gate of Christendom*, 144-145, 167-168, 220-221; Attila Zsoldos, *Családi ügy: IV. Béla és István ifjabb király viszálya az 1260-as években* [Family affair: the feud between Béla IV and Stephen the younger king in the 1260s] (Budapest: História, 2007); Kristo, *Arpadendynastie*, 210-214; Zsoldos, *Árpáds*, 89-90.

⁴⁰⁶ August 3, 1263, “Delato postmodum ad aures vestre sanctitatis huiusmodi discordie rumore, placuit beatudine vestre ad nos et dictum nostrum filium religiosum virum, providum et discretum fratrem Velascum penitenciarium et Capellanum vestrum, transmitter ad pacem inter nos et concordiam faciendam, et partier reformandam: qui tanquam vir providus et discretus et circumspectus Monita pacis et exhortations quamplures nobis faciens, cum multa instancia postulavit, et nos inducer nitebatur, ut cuiuslibet dissensionis errore fugato et rancore, si quis esset inter nos, omnino deposito, in pacem bonam et rectam, partibus commune et sedi apostolice acceptam deberemus nos et idem noster filius convenire: adiciens idem penitenciarus, quod nisi hoc faceremus, neglectis omnibus periculis et quibuscumque aliis contingentibus sinistris, que possent ei accidere hac de causa, nos ad hec per excommunicationis in personas nostras et interdicti in terras nostras sentencias cohartaret.” VMH, I, 244, no. 459.

⁴⁰⁷ Zsoldos, *Családi ügy*, 32-33; Gábor Barabás, “Papal Legates in Thirteenth-Century Hungary: Authority, Power, Reality,” in *Authority and Power in the Medieval Church, c. 1000–c. 1500*, ed. Thomas W. Smith (Turnhout: Brepols, 2020), 145-158, esp. 153.

falling upon the kingdom, and upon the Church in the kingdom.⁴⁰⁸ The same day the pope sent out four other letters intended for Stephen, the *rex iunior*, the archbishop of Esztergom, and the bishop of Veszprém. Urban instructed the young king to return the villages and lands that he took away from his mother, the queen. These were in fact possessions that were in Stephen's eastern half of the kingdom. The lands and villages were to be restored to "appease the soul of the king and queen."⁴⁰⁹ The archbishop of Esztergom and the bishop of Győr were mandated to compel Stephen to this outcome with ecclesiastical punishment if required. A letter to that effect was sent to the archbishop of Esztergom to "properly move [Stephen] with words, you may always compel, having removed the appeal."⁴¹⁰ As mentioned in the letter to Istvan, the archbishop had the power to excommunicate the young king, and the term *appellatione remota* delegated the matter entirely to the authority of the archbishop.⁴¹¹ The second letter sent to Stephen dealt with the lands he had deprived of his sister Anna. Pope Urban repeated many of the same pleas as in the letter pertaining to Stephen's mother, also lamenting the fate of Michael and Béla, Anna's sons. Stephen was again threatened by ecclesiastical punishment if he did not comply with the papal letter.⁴¹² The bishop of Veszprém was entrusted with this case, and similar to the previous mandate to the archbishop of Esztergom, the use of ecclesiastical punishment and the entire case were delegated to the bishop as he saw fit for the successful resolution of the situation.⁴¹³

This case showed the variety of tools taken up by the papacy to ensure stability and order within the Hungarian Kingdom, from appeals and commands to the royals to personal legations and delegations of appellative authority to local prelates. The papacy, through its legate, carried an image of moral authority which was beneficial as a legitimizing factor for the peace process, if it was not practically essential. However, the conflict also exposed how both the king and his son knew how to use papal legitimation for their purposes, as the idea of papal confirmation of a peace agreement could be seen as solidifying a compromise that was not beneficial to the king's party. The position of high clergy within the land, like the two archbishops was quite important, in no small part due to their strong economic activity as well as their spiritual leadership and political role in the functioning of the kingdom, which led to their stronger position within the mediating process. In fact, after the papal legate left, the local clergy, specifically the archbishop of Esztergom, were given full authority to

⁴⁰⁸ VMH, I, 274-5, no. 503.

⁴⁰⁹ "...Regis et Regine placare animum...", VMH, I, 275-6, no. 504.

⁴¹⁰ "...verbis competenter mutatis, usque appellatione remota cogas.", VMH, I, 276, no. 504.

⁴¹¹ John C. Moore, "Papal Justice in France around the Time of Pope Innocent III," *Church History* 41, no. 3 (1972): 295-306, esp. 296, fn. 5; Ivan Majnarić, "Papinski kapelan Ivan od Casamarija i bilinopoljska abjuracija 1203. Papinski legat koji to u Bosni nije bio?" [Papal chaplain John of Casamaris and the 1203 abjuration of Bilino polje. Papal legate who was not a legate in Bosnia?], *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 50 (2008): 1-13, esp. 5-6.

⁴¹² VMH, I, 276, no. 506.

⁴¹³ VMH, I, 276-7, no. 507.

continue the mediating process, delegating this part of the papacy's authority. This displayed not only the confidence the pope had in the local clergy but also their standing within the kingdom. The pope was likely reliant on this clergy, both bishops and mendicants, as agents for information and executing certain mandates. Berend suggests that in 1264 the pope became disheartened by the use of non-Christians as military support by both Árpáds, namely Stephen used the Cumans and Béla the neighboring Livonians.⁴¹⁴ Was this the original reason for the pope's interjection into the matter? Although Béla IV used the frontier imagery for his political benefit, the main focus of papal interest was probably peace within the kingdom, the non-Christian auxiliaries were just another negative aspect to contend with.

Papal legates were also involved in brokering international negotiations with Přemysl Ottokar II in 1254. The conflict began with the Hungarian invasion of Austria and Moravia in 1252. The next year Přemysl Ottokar returned the favor moving in on Austria and Styria. King Béla IV responded with a campaign against Moravia.⁴¹⁵ Finally, in 1253 and 1254 the papacy got involved and Pope Innocent IV sent his legates Velasco, the Franciscan friar and Bernard, the papal chaplain and bishop-elect of Naples.⁴¹⁶ The papal legate Velasco was active in the region since the outset of hostilities between Přemysl Ottokar II and Béla IV in 1253, and the legate was given authority to work towards peace using ecclesiastical penalties if needed.⁴¹⁷ Velasco was also authorized by the pope to marry Přemysl Ottokar and the duchess of Austria, Margaret, in July 1253.⁴¹⁸ The first letter where the pope allowed this marriage was followed by another the very next day, where the pope added an important requirement for the union, Přemysl Ottokar was to ally himself with William of Holand, King of the Romans.⁴¹⁹

In his letter to the Churches of Hungary and Bohemia announcing the arrival of his legate, the pope likens the conflict between Béla and Přemysl Ottokar, to the strife between Cain and Abel, since both kings were in fact related. He expounds on the grave consequences of this royal discord, "...because churches are emptied of people, orphans are oppressed, poor men and widows are open

⁴¹⁴ Berend, *Gate of Christendom*, 167-168.

⁴¹⁵ Friedrich Prinz, *Böhmen im mittelalterlichen Europa: Frühzeit, Hochmittelalter, Kolonisationsepoche* (Munich: Beck, 1984), 124-126; Kristo, *Arpaden*, 215; Gerhard Pferschy, "Funktion und Gefüge der Herrschaft König Ottokars über die Steiermark," in *Böhmisch-österreichische Beziehungen im 13. Jahrhundert*, ed. Marie Bláhová and Ivan Hlaváček (Prague: Das Österreichische Kulturinstitut Prag, 1998), 53-62, esp. 55-57; Zsoldos, *Árpáds*, 50-51.

⁴¹⁶ Gábor Barabás, "Papal Clerics in Thirteenth-Century Hungary: Papal Delegations and Local Careers," *Krakowskie Studia z Historii Państwa i Prawa* 12, no. 3 (2019):293-318, esp. 303; Barabás, "Papal Legates", 152-153.

⁴¹⁷ July 1, 1253, RPR, II, 1237-1238, no. 15033.

⁴¹⁸ July 5, 1253, RPR, II, 1239, no. 15047.

⁴¹⁹ July 6, 1253, RPR, II, 1239, no. 15048.

to the bondsman...”, and how this conflict between the two kings causes pain to his soul.⁴²⁰ The pope continues writing on the mission of Bernard,

“a man gifted with the gift of knowledge, notable soundness, having deserved by us and our brothers to receive his uprightness, having entrusted to him the duty of legation, to build and to plant, root out, utterly destroy and dissipate, just as has been bestowed to him by God he may consider to loose discretion, according to the advice of the same brothers we suitably provided for determining, proposed to us with hope, which that author, who as if made our peace, out of both one and he built in accordance with himself a house, he will, in turn, unite in amity the same kings with pleasing renewal, who the enemy of the human race wickedly separated from one another by means of his fabricated deceits.”⁴²¹

It was expected that the Church in Hungary, mainly meaning the bishops and other high-ranking clergy, would support Bernard’s mission of leading the two royals to a peace or truce. Two days earlier Innocent sent a letter to Bernard describing the office of his legation and mentioned how it was up to the legate’s means and within his authority and discernment to decide on the relaxation of ecclesiastical penalties such as excommunication and interdict in the realms of Hungary and Bohemia, as well as in neighboring regions. These penalties had previously been promulgated and Bernard was to decide, according to the present situation, if their lifting was merited. A second letter was sent to the bishops and abbots of Hungary and Bohemia a few days after the first.⁴²² This was sent to command support for the legate from both ecclesiastical hierarchies, in Bohemia and Hungary. Innocent IV repeated some of the content from previous letters and related the main idea of the mission, namely, “settling discord” between the two kings, even with the use of ecclesiastical sentences that were supposed to be upheld by the local Churches.⁴²³ In another two letters sent out on April 8, Bernard was also instructed to absolve the archbishop of Mainz from the sentence of excommunication that was decreed by cardinal Hugo. After the absolution, the archbishop would be free to crown Přemysl Ottokar as king.⁴²⁴ The second letter allowed for the coronation to proceed with one of the suffragans of the excommunicated archbishop.⁴²⁵ Bernard’s mission ended that July when he was essentially recalled since the Franciscan friar Velasco was already present in Hungary, also active and eventually successful in making peace between the two monarchs.⁴²⁶ It is, however,

⁴²⁰ The pope sent out this letter on April 2, 1254; “...quia desolantur ecclesie, opprimuntur orphani, pauperos et vidue prede patent...” VMH, I, 226-227, no. 431.

⁴²¹ “...virum dono scientie peditum, vite integritatis conspicuum, a nobis et fratribus nostris meriot sue probitatis accpetum, commisso ei legationis officio, ut edifice et plantet, evellat, disperdat et dissipet, prout secundum datam ei a Deo prudentiam expedire viderit, de consilio eorumdem fratrum digne providimus destinandum, spe nobis proposita, quod auctore illo, qui velut pax nostra fecit utraque, unum et duos in se ipso parietes copulavit, eosdem Reges grato reconciliationis federe adinvicem uniet, quos inimicus humani generis per sue fraudis commenta nequiter ab invicem segregavit.”, VMH, I, 227.

⁴²² April 6, 1254, VMH, 227-8, no. 433.

⁴²³ VMH, I, 228.

⁴²⁴ April 8, 1254, RPR, II, 1261, no. 15327.

⁴²⁵ April 8, 1254, RPR, II, 1261, no. 15328.

⁴²⁶ July 13, 1254, VMH, 228-9, no. 435; RPR, II, 1271, no. 15460.

unclear how much of an impact either of the legates had on the eventual peace treaty that was signed in April in Buda, and at the beginning of May 1254.⁴²⁷

The mission of the papal legates showed how the papacy aimed to insert its interest into the grand scheme of European diplomatic relations as well as keeping the concept of the supreme rank of the pope as teacher and shepherd dominant in the textual narratives. The marriage of the Bohemian king became part of the effort by the papal legate to exact a peaceful resolution between Bohemia and Hungary in 1253. The peace was couched in the biblical language of sibling rivalry with terrible consequences and there was a sense of the pope's care for the well-being of the local Churches and the people who were suffering because of the conflict. But the extent of this seems to have been limited as the focus is predominantly on the two embattled rulers. Interestingly enough, at one point the two legates' missions became overlapping and Bernard was recalled in July of 1254 after spending only a few months in his province. Velasco had already been present since the previous year. Why did the pope use two legates for this mission? Was it so complex as to go beyond Velasco's many skills? Did Bernard possess any special skills required for the conclusion of the peace agreement? The papal commission would advise otherwise, as Bernard is described in terms of a legate with a general mandate as well as the specific peace treaty in mind. It is possible that the pope was either dissatisfied with Bernard's work or what is more likely that since the conflict had ended the greater part of the legate's mission had ended and Velasco was more acquainted with the local ecclesiastical situation. Another important aspect was the expected support of the local churches for the legates' assignments, including the episcopacy and the abbots of the religious houses. While this was fast becoming a standard for legations in the thirteenth century, the expectation of support, material or otherwise of the legations, spoke to the continued attempts by the papacy to solidify its ubiquitous presence in Central Europe as well as the systemic assertion of papal (moral) authority within seemingly non-ecclesiastical conflicts.

The papacy also involved itself in the relationship between King Andrew and his subjects. The king explained the state of his kingdom and his diminishing treasury after his return from the Crusades, writing in 1219:

"...we learned without doubt by numerous reports that indescribable quarrels between seminaries have sprouted in our kingdom: therefore, we having been struck with so many and so great persistent gossip of disgrace, thus far the news in our kingdom of the planting of Christianity not suffering to be pulled out, having been forced, restricted and we advanced reluctant to the Holy Land, and it is permitted crossing the expenses through many roads when we reached Hungary, many great crimes of treachery that we had heard

⁴²⁷ The preliminaries of the peace agreement, regarding Styria, were hammered out by diplomatic delegations in Buda on April 3, and peace between Béla IV and Přemysl Otakar was concluded on May 1, 1254, with some mediation by the papal legate(s); Georg Heinrich Pertz, ed., MGH, *Scriptorum*, vol. IX (Hannover: Hahn, 1851), 174-5; CFH, no. 428; UHS, III, 209-210, no. 138; Josef Žemlička, "The Realm of Přemysl Otakar II and Wenceslas II," in *A History of the Czech Lands*, ed. Jaroslav Pánek et al. (Prague: Karolinum Press, 2011), 106-116, esp. 108.

earlier, we have discovered as much having been carried through by ecclesiastical so also by lay persons, which or what kind we did not wish by any means to become known by our messages to your holiness: on the other hand, having accomplished with the size of deed on the other hand that we believe to have been hidden from you careful consideration to regard...⁴²⁸

He continues with the bleak image of Hungary as a “miserable and destroyed state, deprived of all of its revenues.”⁴²⁹ Pál Engel set this upon the backdrop of the debts the king incurred while preparing the crusade in 1217, as well other economic strategies such as debasing the value of coins or imposing an until then unlevied tax.⁴³⁰ Andrew complained heavily on the financial stress put on him by the crusades and the disorder that was brewing in his kingdom during his absence, a state that was promoted by “...ecclesiastical so likewise lay persons...”⁴³¹ The king asked the pope to help against this great unrest with ecclesiastical punishments if need be.

Three years later Andrew faced a revolt by some of his subjects who demanded certain privileges and positions which led to the creation of a document that became known as the Golden Bull of 1222.⁴³² The pope was aware of the unrest within the Hungarian kingdom and in a letter to the bishop of Eger in December 1222 he wrote about the need to support the king and the princes of the realm, so that order within the kingdom might be preserved. Honorius III had received word about the state of affairs:

“When therefore, as if we received, however, we certainly do not accept, it may be recently established in the Kingdom of Hungary, that twice a year all the people will assemble, where even our most dear son in Christ...the King of Hungarians is held personally to be present, and so great uproar of a rabble, having been agitated by modesty of reasoning, may become accustomed to demand troublesome and unjust things from the same king: namely in order that magnates and nobles of the kingdom, whom they hate, having been deprived of their ranks and honors they may be removed from the kingdom, and their possessions may be divided among the peoples...”⁴³³

⁴²⁸ “...ineffabile dissensionis seminarium in regno nostro per frequentes nuntios proculdubio cognovimus pullulasse: nos itaque tot et tantis pernititiis infamie perculsi rumoribus, novella adhuc in regno nostro christianitatis plantationem non patients evelli, compulsi, coacti et invite a terra sancta secessimus, et licet per multa viarum dispendia transeuntes, cum in Hungariam pervenimus, multa ampliora perfidie scelera, quam prius audiveramus, tam per ecclesiasticas quam laicales personas compertimus esse perpetrare, que vel qualia nullatenus per nostra scripta vestre sanctitati vellemus innotescere: nam pro patrati magnitudine facinoris a vestre circumspectionis intuitu nullatenus fuisse credimus occultata...”, VMH, I, 20-21, no. 32.

⁴²⁹ “...non Hungariam, sed tantum angariatam atque dissipatam et cunctis fisci proventibus spoliata reperimus...”, VMH, I, 20-21.

⁴³⁰ Engel, *Realm of St Stephen*, 93.

⁴³¹ “...tam personas ecclesiasticas, quam etiam laicales...”, VMH, I, 20.

⁴³² For the text of the bull see LMKH, I, 32-35; regarding the papal letter in reaction to the Golden bull and a recent interpretation of the situation surrounding the creation of the Golden Bull of 1222 see Attila Zsoldos, “The Golden Bull of Andrew II,” in *Des chartes aux constitutions: Autour de l'idée constitutionnelle en Europe (XIIIe-XVIIe siècle)*, ed. François Foronda and Jean-Philippe Genet (Paris: Éditions de la Sorbonne, 2019), 57-80, esp. 77-80; Attila Zsoldos, *The Golden Bull of Hungary* (Budapest: Research Centre for the Humanities, 2022), 147-150.

⁴³³ December 15, 1222, “Cum igitur, sicut accepimus, sed non utique acceptamus, in Regno Ungarie noviter sit statutum, ut omnes populi conveniant bis in anno, ubi etiam Karissimus in Christo filius noster...Rex Ungarorum illustris personaliter interesse tenetur, et tanta multitudinis turba, turbata modestia rationis, ab eodem Rege difficilia et iniusta soleant postulare: videlicet ut magnates et nobiles Regni, quos habent exosos, suis dignitatibus et honoribus spoliati excludantur a regno, et eorum bona in populis dividantur...”, VMH, I, 36, no. 73.

The papacy was also called upon to help reclaim royal donations (Andrew II), as well as enforce the decrees of subsequent versions of the Golden Bull. According to Zsoldos, however, this interpretation of the Golden Bull of 1222 and the chronology of the events is based on an over-reliant reading of the quoted unreliable letter of Honorius III, which was a “summary” based on “fragmentary and contradictory reports from Hungary.” This interpretation presumes there were two major shifts within the kingdom during the year. Zsoldos proposes that in April when a group of nobles objected to the king’s “new institutions” the king published the Golden Bull to protect his reforms and took on the rebelling nobles into his court to appease their wishes for political power and then in August he expelled this new group from power at an assembly at Székesfehérvár.⁴³⁴

The importance of this series of events for the papacy lies in several factors. First, it is apparent that the papacy received a multitude of reports on the events of the year, considering none of them required explicit papal confirmation it is plausible that either the king or more likely some ecclesiastical agents contacted the pope regarding the situation. The pope’s December epistle presents a confusing image extrapolated from these presumed reports, presenting the magnates as being detrimental to the king’s majesty. Conceivable the author(s) of these reports was either sympathetic to the king or aligned its own interests with the king. Second, the papacy had long put the maintaining of social order as a necessity, with any rebellion against the divinely ordained order being extremely problematic and detrimental to the people and the Church. Finally, according to the concept of the “special relationship” between the papacy and the Árpád dynasty, it was expected for the pope to act against any decline of the king’s power. The papacy continued to show interest in the internal matters of the Hungarian kingdom and protected the interests of the secular protectors of the Church, i.e. the rulers.

After Honorius III, Pope Gregory IX took an interest in Hungarian politics more intently in the 1230s. He was troubled by reports by the archbishop of Esztergom who explained how Christians were oppressed by non-Christians (Jews, Muslims) in the Hungarian kingdom. To investigate and resolve this situation he sent his legate, Jacob of Pecorara to Hungary. In his letter sent to King Andrew in August 1233, the pope presented how he saw the situation in Hungary:

“...many Christians having been oppressed with brought about burdens of exactions, seeing the Saracens might be being glad of the prerogative of better terms and greater freedom, voluntarily themselves they were transferred to them and receiving their rites, in order that they may rejoice in freedom as equals with them: not only by error were Christians and Saracen women and Saracens and Christian women mixing [i.e. sexually], truly as well were condemnably marrying...they were being forced to sell sons and daughters to Saracens, and thus children were becoming slaves and Christian in a certain manner [were becoming] Saracens...furthermore, ecclesiastical freedom in the Kingdom itself has truly been subverted and has been swept out, because laymen were imposing collections and taxes not only on ecclesiastics but also on the

⁴³⁴ Zsoldos, *Golden bull*, 148-149.

churches themselves and on ecclesiastics, nonetheless having compelled clergymen to answer under examination of secular judges...”⁴³⁵

These were some of the issues that the pope found problematic and sent his legate to help the archbishop of Esztergom rectify them, seemingly against the king who could face ecclesiastical punishment if he did not comply. The same day the pope instructed his legate to “not postpone to reduce the sentences of excommunication on the mentioned familiars and interdict on the kingdom...”. However, if he saw something “to exceed the character and nature of distress”, which meant the problem was ongoing, he could, in theory, continue to support the ecclesiastical punishments and the archbishop.⁴³⁶ Yet the pope sent a third letter on the same day, a second one to his legate, indicating to him “not proceed with the sentence of excommunication against our most dear son in Christ, Andrew, illustrious king of Hungary, and his sons.”⁴³⁷ The legate, or rather his representatives Bishop Bartholomew of Veszprém and Canon Congnoscens of Esztergom, managed to mediate an agreement with the king a few days later at Bereg.⁴³⁸ On parchment the oath did resolve issues that the pope, the legate, and the archbishop had with the king’s administration. Namely, the position and rank of certain Jews and Muslims in Hungary, who were not to be employed as officials of royal chambers, concerning the minting of coins, collecting taxes, and especially salt mining which was a lucrative economic field in Hungary. The oath also prescribed non-Christians being physically separated from Christians, by marking themselves with badges and also being separated from Christian parts of settlements. Intermixing of Christians and non-Christians in marriage or work was likewise prohibited. Those who were found to be breaking this decree could lose their property and their freedom. The oath also resolved the issue of ecclesiastical freedom by removing them from secular authority in most cases – “...clerics and ecclesiastical persons may answer and resort to above all before an ecclesiastical judge, except in judgments of lands.” Legal processes about land estates had been under the jurisdiction of the king and Andrew would not relinquish this authority.⁴³⁹

⁴³⁵ August 12, 1233, “...multi christianorum oneribus importabilium exactionum gravati, videntes Sarracenos melioris conditionis et maioris libertatis prerogativa gaudere, sponte se transferebant ad eos et ritus suscipientes eorum, ut pari cum eis libertate gauderent: non solum per errorem christiani Sarracenorum et Sarraceni christianorum mulieribus miscebantur, verum etiam ducebant eas dampnabiliter in uxores...filios et filias cogebantur vendere Saracenis, et sic liberi fiebant servi et christiani quodammodo Sarraceni...Libertas etiam ecclesiastica in Regno ipso subversa erat adeo et eversa, quod laici non solum ecclesiarum hominibus, sed etiam ipsis ecclesiis et personis ecclesiasticis collectas ac tallias imponebant, compulsis clericis nichilominus respondere sub examine iudicis secularis.”, VMH, I, 114-115, no. 195.

⁴³⁶ August 12, 1233, “...predictos familiares in excommunicationis et Regum interdicti sententias reducere non postponas...excessuum qualitas et natura negotii exegerint...”, VMH, I, 115-6, no. 196.

⁴³⁷ August 12, 1233, “...contra Carissimum in Christo filium nostrum A. Ungarie Regem illustrem, et filios suos ad excommunicationis sententiam non procedas.”, VMH, I, 116, no. 197.

⁴³⁸ For more on the oath of Bereg and its diplomatic context see Tibor Almási, “A beregi egyezmény egkötésének diplomáciai mozzanatai” [The diplomatic aspects of the Treaty of Bereg], *Acta Universitatis Szegediensis: acta historica* 83 (1986): 31-40; Barabás, “Papal Legates”, 150.

⁴³⁹ “...clerici et persone ecclesiastice respondeant et convenient coram ecclesiastico iudice super omnibus, exceptis iudiciis terrarium...”, VMH, I, 116-9, no. 198.

Next year in February the pope referred to the agreement between the king and the archbishop regarding the tithe that was previously taken by the king and acknowledged it as debt that needed to be repaid. According to this the king would make complete satisfaction for the offense of taking away ecclesiastical income, “promising so himself as his successors the same tithes, that of your church recognized to be owed before the same legate, intending to wholly pay back to you and your successors times everlasting.”⁴⁴⁰ King Béla would take an oath in February 1234 to uphold the agreement made between his father and the papal legate.⁴⁴¹ In August 1235, the pope sent a letter to Andrew saying that the king and his wife and son could only be excommunicated or placed under interdict by special mandate of the Apostolic See.⁴⁴² What happened in the previous year might shed some light on this papal decree. After Jacob of Pecorara left Hungary the king apparently failed to uphold the Oath of Bereg, and the pope asked the archbishop of Esztergom and the bishop of Bosnia to promulgate and observe the ecclesiastical penalties set by the Oath of Bereg.⁴⁴³ But the archbishop chose to take the king’s side, and after communicating with King Andrew, the pope also chose to relax the ecclesiastical punishments, namely excommunication and interdict.⁴⁴⁴ Zsoldos argues that the reason for the punishment was not for failing to fulfill the treaty terms but possibly because of some other long-standing issues, such as the restoration of the Teutonic Order in Burzenland.⁴⁴⁵ A few weeks later, the pope also sent a letter to the bishop of Bosnia, John of Wildeshausen, relaying the decision on the loosening of punishments against the king.⁴⁴⁶ However, the bishop was not responsive to the pope’s mandate and Gregory IX had to resort to directly protecting the king.

The papacy showed a continued and concerted interest in the situation in Hungary at the beginning of the thirteenth century. From the vigorous attempts by Innocent III to stop the civil war between the two Árpád brothers, the various internal political issues coming up with Andrew II, and finally the conflicts between Béla IV and his son Stephen IV. The papacy’s interest went beyond that as well, however, these examples show how the local ecclesiastical institutions acted during this reforming period (responding to papal and royal pressure), as well as how the royal agenda affected the standing of clerics within the kingdom. Innocent’s pontificate also started a shift towards a papacy willing and able to assert its agenda on local churches, which obviously required a cooperative local clergy, especially the prelates. The example of Robert of Esztergom is interesting in that respect,

⁴⁴⁰ February 1, 1234, “...promittens tam se quam successores suos easdem decimas, quas ecclesiae tue coram eodem legato esse debitas recognovit, tibi et successoribus tuis perpetuis temporibus integre soluturos.”, VMH, I, 122, no. 206.

⁴⁴¹ February 19, 1234, VMH, 122-3, no. 208.

⁴⁴² August 31, 1235, VMH, 135, no. 235.

⁴⁴³ VMH, I, 126, no. 213.

⁴⁴⁴ July 28, 1234; VMH, 126-7, no. 214.

⁴⁴⁵ Zsoldos, *Golden bull*, 202-204.

⁴⁴⁶ August 16, 1234; VMH, 127-8, no. 215.

since, as an educated cleric, he came to Hungary, first as bishop and then archbishop, all the while promoting Lateran reforms, becoming not only an invaluable papal agent but also elevated to the rank and authority of papal legate. This showed how the papacy could include and motivate local clergy to take part in the reform efforts. On the other hand, clerics had to contend with contemporary political situations, civil strife within the Árpád dynasty, rebellions by the nobility which necessitated royal resolutions such as the “golden bulls”, or general political appointments or administrative reforms that went against papal wishes and canon law. The reality for those clerics was surviving or succeeding within the Hungarian Kingdom, which meant accommodating both the immediate “sword” of the king and the far-away one of the pope. The role of the visiting papal legates was also instrumental in promoting concepts of ecclesiastical structures and hierarchies both on the local, i.e. provincial level, as well as on the level of Latin Christendom. These legates were becoming specialized in new legal aspects as well as being well versed in modern theological issues, which was necessary to attempt to reform the clergy in Central Europe. They also had to be men of papal trust. They could also at times be intransigent, as the bishop of Bosnia, who went beyond papal control and promulgated the excommunication of King Andrew. If nothing else, this exemplifies how all the actors in this theater had their individual agendas, ideas, and skills on top of their official commissions.

Therefore, the papacy was seen as a legitimizing institution rendering authority and approval in favor of the king, and more generally in favor of peace and stability within the kingdom as well as towards its neighbors. This was done mostly through the presence of papal legates in the region, who, delegated with papal authority, could dispense with ecclesiastical punishments to coerce peaceful settlements and mediate between warring parties. The force of these efforts was in relation to the strength and will of local prelates who were necessary to support and enact papal wishes. However, at times they could and would choose local pragmatic solutions in their decision-making process and side with their secular ruler as opposed to the pope. Historians have framed the papal-Hungarian relationship during this time within several paradigms, be it the “Gregorian reform”, the reciprocal *dilectio-devotio*, or the “frontier of Christendom”. All of these are invaluable tools for approaching and reading the relationship between the Church and the ruler in Hungary. True to form, this ecclesiastical hierarchy was at first heavily dependent, even controlled by the rulers, however, during the twelfth century it went through its specific version of an investiture contest, that was perhaps more based on dynastic politics within the kingdom than a true break with previously traditional ways of electing and appointing ecclesiastical officials. The papacy was willing to insert itself in this matter, especially during Alexander III’s pontificate, however, these instances were due to the space given to the Church by factions engaged in dynastic struggles. Still, the legal and programmatic groundwork

was set during that time, and then led by Innocent III as well as his successors the papacy was no longer interested in sitting on the sidelines, but frequently engaged in the internal matters of the kingdom, either by letters, or more often than previously – by papal legates. These “interventions”, e.g. during the civil war between King Emeric and Prince Andrew, the controversy of the Golden Bull of 1222, or the issue of non-Christians in public office, were generally couched in the idea of keeping social order, resolving disputes or wars peacefully, based on the moral and teaching authority of the pope.

Another aspect of papal legations were the diplomatic embassies, seen during the frequent conflicts between Hungary and Bohemia during the mid-thirteenth century. The papacy was trying to step into these conflicts to ostensibly promote peace and stability within the kingdoms, as war was always detrimental to the social and economic interests of the Church, but there was also an aspect of furthering political alliances on the European level, often times related to the conflict of the day with the emperor. Was there any significant change compared to the previous instance of papal action? The frequency of action increased and the complexity of papal arguments was becoming more elaborate. After a series of schisms that plagued the papacy during the twelfth century, causing instability and confusion, both in Rome and abroad, by the turn of the century the situation had changed. Pope Innocent III used a small window of opportunity to assert papal dominance in certain issues over secular rulers and his successors were keen to retain this control. There was also a growing community of legal specialists, administrators, and clergy who were carefully listening to the papacy’s decrees and these were the people necessary for the king to govern his kingdom. Another way the papacy was becoming more active was “presence”. Either the physical presence of legates or the delegated presence through local prelates acting on the pope’s behalf. This led to not only the local clergy becoming more aware and involved in papal actions (sometimes on the very basic level of collecting money for a crusade or some other project), but the Hungarian rulers were more cognizant of the fact that their prelates could have conflicting situations where their loyalty to the king or the pope might be tested. On the other hand, the case of Robert of Esztergom showed how a prelate could also carve out his own way of achieving political goals by using tools and methods made available to him by the papacy (legations, ecclesiastical punishments). The conflict regarding ecclesiastical liberty continued from the twelfth and well into the thirteenth century and the Hungarian rulers struggled to retain control over the Church in their realm. This was most apparent during the tumultuous periods of conflict between kings and archbishops. While there was no clear trajectory in this development, the weakening of royal control towards the end of the thirteenth century granted the ecclesiastical officials more space to maneuver. However, the papacy was interested in the gradual

removal of royal control of ecclesiastical proceedings, at first on the nominal level, later evading royal input altogether.

II.3. Conclusions

Central Europe had undergone a thorough institutional development during the High Middle Ages. This included cultural and political aspects, such as the expansion of literacy through the introduction of literate elites and cultural exchanges with Western European, Latin-writing areas, as well as the growing importance of schools and universities. During this time the value of the written document bearing legal force was increased as was the need to have specialists educated in law and administrative skills. The nobility in Central Europe gained new expertise to provide value in the new Christian monarchies established in the Early Middle Ages, they were either warriors, administrators, or clerics, but usually had some element of personal loyalty and quality to their respective monarchs. Central European polities were therefore not isolated from these kinds of transmissions of knowledge, as the entire region was influenced by the German lands, through law and Church policies, as well as the inescapable political battlefield that was the Empire, especially in the times of the two Fredericks. Knowledge networks also extended to Italy, France, and England. The region also suffered to a degree from the Mongol incursions of the thirteenth century, however, it also fairly quickly rebounded and rulers such as Béla IV found a use for the Mongols as a tool to instill fear and manipulate would-be allies to support Hungary. The imagery of fighting the Mongols was also useful in the example of the Bohemian king Wenceslaus who styled himself as a great warrior and victor against these new invaders. The kings had to resort to a multitude of methods to retain overall control of their kingdoms and they were constantly engaged in a balancing act with the nobility in their realms, on the one hand relying on them for governance and military support, on the other hand trying to restrict their participation in actual decision-making and curtail their occasional advances against the throne. Among all of these trials and tribulations, the contest between the rulers and their ecclesiastical subjects was one of the more enduring issues, and the input of the papacy into this relationship would become substantial, as well as being the backdrop to the topic of this thesis.

From the end of the eleventh century, the rulers had to contend with the issue of the “Gregorian reform”. Other than the elusive and somewhat grand duel between the emperor and the pope, which had real consequences for both of them, the investiture contest spilling over into Central Europe meant an encroachment on the traditionally held models of monarchical rule and noble patronage in these three polities. The Church was generally under the auspices of the rulers and more often than not, the high clergy, bishops, and abbots, were selected from amongst the ranks of the nobility. In fact, appointments were quite utilitarian and based on loyalty and competence. However,

generalizations are misleading as some elections could go towards a more liberated Church, while others pointed to the ruler showing his strength on all fronts of governance. This was the manner of things since the establishment of Christianity in Central Europe. The “Gregorian reform” did not bring about systemic change on this front as the papacy was limited by the various schisms and imperial attacks on its autonomy. Occasionally though, certain prelates would take the reform agenda quite seriously and literally, such as Stanislaus of Kraków or Lucas of Esztergom. Their intransigence would also bring about real consequences, a martyr’s death in the manner of Thomas Becket for Stanislaus and imprisonment for Lucas. Although their legacy would be substantial in the tradition of their churches, especially Stanislaus who would become a saint, eventually, their actions produced little immediate results. In fact, besides the momentary outrage, the situation within the polities returned to a status quo up until the end of the twelfth century and the election of a new pope.

Innocent III’s ascendance to the chair of St. Peter brought about a change in the way these issues were resolved, the pope demanded adherence to the law, which stated ecclesiastical liberty was a priority and a precondition for reform, it was a canonical obligation. Unlike the previous examples which ended badly, Innocent and his successors were finding rulers and nobles more cooperative to their reform agenda. The pope also engaged in new policies regarding marriage law which was instantly useful in diplomatic actions, e.g. in the case of the separation of Adelaide and Premysl Ottokar I of Bohemia. This new cooperative model did not mean an end to secular intrusion into ecclesiastical matters, but the awareness of these elections and appointments being uncanonical was becoming common and accepted among the literate and clerical elites. The inroads made by the papacy and its agents – legates, local prelates – were more apparent in the thirteenth century because they presented a concerted effort by the two axes of reform. What was also apparent is that the local prelates, for the most part, understood the reality of their position, and incrementally worked to further reforms in their provinces. Some continued to act as if divorced from their environment and were forced into exile (Henry Kietlicz of Gniezno, Andrew of Prague). Did Innocent III or his immediate successors achieve ecclesiastical liberty? No, however, they did manage to make the concept a basis for any reform attempt and a staple of many invectives against secular overreach in ecclesiastical matters, estates, and persons. This then allowed for a perceptible advance in the institutional setup of both papal universal power and monarchical rule. The latter responded to the papal challenge, but the rulers became entrenched with their own secular contests, either within their dynasties or against strong nobles, which led to the disintegration of their power, most visible in Poland and Hungary in the late thirteenth century. This in turn gave a momentary respite and freedom for the provincial Churches to enact their political and reform agenda.

Did the Church then achieve a legal victory? Its arguments were definitive and strongly presented both by the popes and the papal legates, especially in the thirteenth century. On the theoretical level, they were surely at the forefront, but the local agents still could not effect changes without a modicum of accommodating reforms to the state of the local Church and its position within society or its political dependence on secular power. The legal “victories” became the incremental institutional growth that was a consequence of the papacy’s universal concept and the legal acumen of the curial officials, legates, and prelates. By going out and binding the provincial clergy more tightly to the idea of the “papacy”, through decrees, decretal collections, and the most substantial option, i.e. papal legations, the local clerics and bishops were invited and participated in the ongoing reform narratives. This next level of being an informed member of the Church gave strength to its individual components, priests, monks, abbots, and bishops. It was in that sense a “victory” because the perception of practicing legal action shifted from being exceptional into a routine.

Ecclesiastical liberty was a programmatic statement by Gregory VII that launched many conflicts between religious and seculars in the following centuries. The few, select examples from Central Europe show that the concept challenged monarchical rule. The rulers responded with force of arms, then moved on to legal arguments. The use of physical force was seen as the exclusive option. While later, King Emeric showed how force could be followed by a lettered explanation and argumentative jabs at his recalcitrant bishop. The pope demonstrated an understanding not only of the legal arguments but also of the political realities shaping the region. Sometimes he knew how to take a step back and not push unattainable goals. However, the papacy was here to stay and this intent was portrayed by the frequent visits of legates, the expanding quality of their work, and the extent of their retinue. Local bishops were dependent on both the pope and the ruler, they could not exist without those two “swords”. They had to navigate dynastic struggles, sometimes choosing sides in the conflicts, they had to curtail secular policies that were going against the Lateran agenda, they also had to know when the ruler had reached a breaking point and not go beyond that, as Robert of Esztergom judiciously determined. The Church in the provinces was becoming more engaged in all manners of reforms or programs. The clergy were not limited by these reforms, but “ecclesiastical liberty” would continue to be a stumbling block and a source of tension in discussions with local nobility or rulers. In the end, it came down to resorting to practical decisions that would do the least harm to all involved, nobles, clergy, rulers, and popes.

CHAPTER III: THE LATERAN AGENDA IN CENTRAL EUROPE

The crux of the matter is who and how set about the translation of the Lateran canonical agenda into Central Europe and how this agenda was received and implemented by the local ecclesiastical agents. This process of long-durée was not a simple affair that can be framed within a period of several decades, involving a two-way (at least) interaction between Rome and the region, and the development of ecclesiastical (and to some degree secular) institutions. However, the aim here is to provide a workable paradigm for the examination of extant sources that give a perspective on these transformative legal norms and their appreciation and appropriation by local subjects. This can be done with a view towards several actors engaged in the process of reform, both external to Central Europe and originating within its geographical and cultural scope. These agents, ranging from the most obvious, papal legates, to local bishops and abbots (sometimes with legatine authority), and even religious orders or their proponents, provided avenues for the reform that was declared and accepted at the Fourth Lateran Council. The key instrument of this transfer was the provincial synod, an ecclesiastical assembly of local character, presided by either papal legates or local archbishops, dealing with current issues important for the state of the Church. These were issues leveled both at a universal level, but also pertaining to “national” or diocesan specificities.

This chapter provides an analysis of the actions of particular legates during the thirteenth century and how they interacted with the local bishop and clergy. They acted as intermediaries between rulers and bishops or negotiated peace between warring neighbors such as Bohemia and Hungary. They oversaw reform efforts and convened synods trying to encourage local reformers and apply pressure to ecclesiastical and secular structures in the region. Legates were involved in disputes between bishops, monasteries, chapters, and various other ecclesiastical institutions. They confirmed privileges, collected various taxes, and they were tasked with canonization inquiries as well as providing judgments in ecclesiastical courts. How and why did these efforts matter and did they connect into a grander scheme by the papacy? Was it in fact a transfer of ideas or were papal legates semi-independent agents who could also, according to their delegated powers, reform the local Churches based on their needs? The various sources, mainly papal letters, provide insight into how this situation developed in this period.

The provincial synods also developed at this time due to the efforts of the local episcopate, reproducing the invective of canon 6 of the Fourth Lateran Council. These clerical assemblies focused on reforming clerical mistakes, abuses, and a general lack of knowledge. According to contemporary synodal acts, as well as episcopal documents, the prelates were constantly engaged in a reform and review process that necessitated a system of checks and balances on every level of the ecclesiastical

hierarchy only to culminate with this singular event during the year. The reform topics and the practical resolutions (agreements and court cases) show the content of these debates and meetings. They are obviously more of a normative image of reality, yet they still present an ecclesiastical perspective on contemporary developments, both ecclesiastical and secular. The question of how these local constitutions impacted the lay and religious communities in the region is difficult to answer. However, the reform effort by itself shows a shift in how church institutions functioned and went about changing internal mechanisms. The synod also showed how these institutions moved towards a corporate understanding of administration within dioceses, based on increased responsibility and accountability.

Finally, these ideas, novelties, messages, and concrete changes had to be presented to the Christian people through many agents. Already at the Lateran Council, bishops were seen as insufficient to deal with the added workload thrown at them by the reform agenda. Specialists in preaching were required to help them reach their congregations. This injunction was fortuitously filled by the new mendicant orders, Franciscans and Dominicans. Their missions in the region revolved around promoting crusades through preaching as well as supplying financial support for such campaigns. They were also ambassadors to the Mongols and missionaries towards the eastern and northern frontiers of Christendom, working among the various non-Christian peoples that were often in open armed conflict with the Christian polities of Europe. These mendicant friars were also combating “heresy” in Bosnia and parts of Hungary-Croatia, proving they were the tip of the papacy’s sword, presenting both the peaceful incorporation of accepting neophytes and combating recalcitrant “heretics” or hostile non-Christians such as pagans and Muslims.

The Lateran agenda of the thirteenth century encompassed many facets of engaging failing clergy and laity, both amicably as a teacher instructing a student and as the magistrate providing judgment and punishment meant to rehabilitate and recall the wandering Christians back to the Church. What became apparent during this period was the organized structure put in place that was meant to effect these changes, continuously, namely the local institutions that were modifying models for practical reform. This became the lasting legacy of the Lateran reforms of the 1200s.

III.1. Agentes in rebus – papal legates

The role of papal legates in the functioning of the medieval church has been a topic thoroughly researched in historiography.⁴⁴⁷ The importance of the papal alter egos in relating, successfully and

⁴⁴⁷ For more on medieval papal legations see Richard A. Schmutz “Medieval Papal Representatives: Legates, Nuncios, and Judges-Delegate,” *Studia Gratiana* 15 (1972): 441-465; Robert C. Figueira, “The Classification of Medieval Papal Legates in the Liber Extra,” *Archivum Historiae Pontificiae* 21 (1983): 211-228; Robert C. Figueira, “Papal Reserved Powers and the Limitations on Legatine Authority,” in *Popes, Teachers, and Canon Law in the Middle Ages*, ed. James Ross Sweeney and Stanley Chodorow (Ithaca: Cornell University Press, 1989), 191-211; Robert C. Figueira, “The

not as much, papal messages and policies throughout Latin Christendom became exceedingly important since the advent of the “Gregorian reform”. While the onset of papal reform was marked with a focus on clerical morals, the abolition of simony, and clerical marriage, or in general terms ritual purity, the late twelfth and early thirteenth century saw the lens turn towards centralization and institutional hierarchy. The relationships between individuals in the corporate body of the Church were becoming legally defined in correlation with advances in canonistic traditions throughout the twelfth and thirteenth centuries. Papal legates were an important part of this process. Not least for being the eyes of the pope, but more so armed with mandates by the pontiff to enact commands and prosecute cases. This meant that the pope shared parts of his power and authority with the office of the legate based on specific written decrees, that limited the scope of the legate’s action, both geographically and in terms of the kind of issues that deserved attention. The papal legate became the prime conduit of information, both emanating from Rome in terms of original norms and demands placed upon the provinces, as well as the agent gathering news and problems from the periphery. He could either relate them to the center for further judgment or resolve them in place if the jurisdictional scope of his legation allowed for such action.

Legates had varying ranks. The highest were those agents sent out from the pope’s side, the legates *de latere*, these were cardinals, part of the closest circle of actors in the Roman Curia. During this period other categories can also be perceived, such as the “sent-legates” who were not cardinals, but merely other clerics of confidence who could perform certain tasks, and the legates who were of that rank due to their church (*legati nati*). Although categorizations such as these are useful modern historiographical models, they are based on real differences between ecclesiastical officials, especially in the developing canon law tradition of the twelfth and thirteenth centuries.⁴⁴⁸ Thirteenth-century canonists delved into what exactly the papal legates could do, as well as when and where they could execute their office. According to them, the legate could exercise many papal powers, such as the excommunication and absolution of guilty persons under their jurisdiction. The actions the legate had at his disposal were expansive, from the mentioned penalties, reforming ecclesiastical norms within a province (in whatever manner of reform), engaging in diplomatic activity between secular

Medieval Papal Legate and His Province: Geographical Limits of Jurisdiction,” in *Plenitude of Power: The Doctrines and Exercise of Authority in the Middle Ages: Essays in Memory of Robert Louis Benson*, ed. Robert C. Figueira (Aldershot: Ashgate, 2006), 73-105; Claudia Zey, “Die Augen des Papstes. Zu Eigenschaften und Vollmachten päpstlicher Legaten,” in *Römisches Zentrum und kirchliche Peripherie. Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III*, ed. Jochen Johrendt and Harald Müller (Berlin: Walter de Gruyter, 2008), 77-108; Claudia Zey and Maria Pia Alberzoni, “Legati e delegate papali (secoli XII-XIII): stato della ricerca e questioni aperte,” in *Legati e delegate papali: profili, ambiti d’azione e tipologie di intervento nei secoli XII-XIII*, ed. Maria Pia Alberzoni and Claudia Zey (Milan: Vita e Pensiero, 2012), 3-30; Kriston R. Rennie, *The Foundations of Medieval Papal Legation* (Basingstoke: Palgrave Macmillan, 2013).

⁴⁴⁸ For a contemporary classification attempt by decretalists see Figueira, “Classification”, 214-224.

princes, convening provincial or diocesan synods to enact certain policies or resolve conflicts, investigating ecclesiastical cases or ones involving laypersons, providing judgment in ecclesiastical proceedings, etc. The issue was in fact what was the jurisdiction of the papal legate. The legatine province could be more extensive than a single ecclesiastical province or diocese and could encompass ecclesiastical provinces from different political realms (which was often the case in Central European legations of this period). The legate's office started when he entered his province and ended when he left. This very general statement broadly defines the "when" part of the matter. To be sure, the legate could no longer be a legate when he was in a city where the pope was present since there was no legal basis for the existence of his office in such a situation. As Robert Figueira showed, papal action could be inconsistent or even vague on these issues, and likewise, the canonists' analyses and commentaries on papal action and decretals could also be varying. Legates received their mandates from the pope and could be general or specific, with the specific mandate superseding the general one. This created a canonical hierarchy between the different legations and their provinces, both in terms of geographical scope as well as in terms of mission objectives. The legation was contained in the office of the legate and once the legation ended, the legate had no legal power or authority that had previously emanated from that office.⁴⁴⁹ These situations and the sometimes ambiguous nature of the limits to legatine authority, gave way to further legal deliberation, both in theory and in ecclesiastical courts.

Papal legates were primarily men of the pope's confidence, especially those of the *de latere* rank. This personal relationship played into their mission parameters and allowed the pope to proceed with more extensive work. An interesting example to that effect was the legation of Robert Courson to France in preparation for the Fourth Lateran Council. This legation which focused on reform was led by Pope Innocent III's Paris school colleague, Cardinal Robert, and the trust placed in him was based on this long personal relationship between the two.⁴⁵⁰ Although legates could and would proceed with exceptional impunity on their missions, the pope had the final say, if need be. An example of this was the legation of Cardinal Octavian to France in 1200. The two main points of the legation were the marital problems between King Philip II and Ingeborg, as well as promoting the upcoming crusade. Although the pope had given his cardinal clear instructions, the results were less than what was originally wanted. This led the pope to a very colorful conclusion: "Indeed it might be shameful, if, perhaps, the strong principle may have been made to follow the weak, and that we could

⁴⁴⁹ Figueira, "Reserved Powers", 197-198, 204-205; Figueira, "Legate and his province", 78-79.

⁴⁵⁰ Maleczek, *Papst und Kardinalskolleg*, 175-179; Moore, *Innocent III*, 219-227.

be reproached with a poetic: ‘the mountains will labor and give birth to a silly mouse.’”⁴⁵¹ Obviously, there could be friction between the pope and his legate, the mission defined in the official legatine document, the *commonitorium* was not necessarily executed to the last detail. Precisely this interaction and difference between the original mission from the center in the Lateran and its translation or execution in the regions beyond the Alps is the key aspect of papal legation in this period. The many legates sent out into the Central European polities had to contend with these very same issues.

III.1.1. Hungary-Croatia

While I will not attempt to provide a comprehensive list detailed with every action that a papal legate had according to the extant sources, it is necessary to observe how some exemplary legates connected to and attempted to translate the papal reform agenda into this region. Issues such as the areas that individual legates had as their legatine provinces, what were their mission objectives, and to what extent were they successful in translating papal messaging and norms in Central Europe, are important for any analysis of the knowledge transfer within this framework. In the century following the Fourth Lateran Council, there was a substantial number of legates sent out from Rome, though not in a regular timeframe, rather prompted by necessity. To begin with Hungary, the legates sent out were either of the *de latere* rank, such as Cardinal Ugolino of Ostia and Velletri (1217-1219),⁴⁵² Archbishop Robert of Esztergom (1227-1232), Cardinal Jacob of Pecorara (1232-1234), Bishop Salvi of Perugia (1237-1238), Bishop Ponsa of Bosnia (1238-1239), Bishop Philip of Fermo (1278-1281),⁴⁵³ Nicholas Bocassini (1301-1303),⁴⁵⁴ and Gentilis of Montefiore (1307-1311).⁴⁵⁵ In addition there were other legates, sent out for specific, narrow missions such as Acontio (1219, 1221-1225),⁴⁵⁶ Aegidio (1228-1232),⁴⁵⁷ Richard Anibaldeschi (1263),⁴⁵⁸ or Angelo (1263).⁴⁵⁹

Cardinal Ugolino’s legation was one of the earliest after the Lateran Council. His main area of operation was in the north of Italy concerning the conflict with the emperor.⁴⁶⁰ The future Pope

⁴⁵¹ ca. October 31, 1200, “Turpe quidem existeret, si, forsan, forte principium debilis sequeretur effectus, possetque nobis illud improperari poeticum: Parturient montes, nascetur ridiculus mus.”, Reg. Inn. III., III, 29-33, no. 185 (16); PL, 214, no. 895; Moore, *Innocent III*, 62.

⁴⁵² Barabás, *Papsttum und Ungarn*, 44-45.

⁴⁵³ Konrad Eubel, ed., *Hierarchia catholica medii aevi* (Münster: Libraria Regensbergiana, 1913), 249.

⁴⁵⁴ Eubel, *Hierarchia*, 13, 36.

⁴⁵⁵ Eubel, *Hierarchia*, 13.

⁴⁵⁶ Ivan Majnarić, “Papinski poslanik Akoncije u Dalmaciji i Hrvatskoj 1219.-1223. godine” [Papal emissary Acontio in Dalmatia and Croatia 1219-1223], in *Humanitas et litterae Zbornik u čast Franje Šanjeka*, ed. Lovorka Čoralić and Slavko Slišković (Zagreb: Kršćanska sadašnjost, 2009), 79-98.

⁴⁵⁷ Gábor Barabás, “Papal chaplain and subdeacon Egidius. Judge-delegate and legate in Hungary at the same time?,” *Istraživanja. Journal of Historical Researches* 28 (2017): 69-85.

⁴⁵⁸ Eubel, *Hierarchia*, 49.

⁴⁵⁹ CDH, Tom. 4, vol. 3, 172-174.

⁴⁶⁰ Barabás, *Papsttum und Ungarn*, 44.

Gregory IX is also mentioned as being present in Hungary in a letter by Pope Honorius III to King Andrew II. This letter from 1217 is part of the continuing effort by the papacy since Celestine III and Innocent III to inspire, motivate, or compel the Hungarian ruler to set off for a campaign to the Holy Land. The mention of Ugolino is almost anecdotal and refers to his legation in general terms to examine the “complete circumstances” in the kingdom.⁴⁶¹ The following legation of Robert of Esztergom is important as he was the first Hungarian cleric to be elevated to the *de latere* level of legate. Robert was first a provost at the Székesfehérvár chapter and was made bishop of Veszprém in 1209. Originally of French nobility from Liege, Robert replaced Bernard of Perugia as tutor at the royal court and was, clearly, a preferred choice for important offices in the kingdom, including chancellor. He was also trusted by the pope in several cases as provost in 1207.⁴⁶² As bishop he attended the Lateran Council.⁴⁶³ His legatine mission was primarily the conversion of the pagan Cumans wherever they might be, and also in the Burzenland region (Barcaság) in southern Transylvania.⁴⁶⁴ Pope Gregory IX instructed him to “preach, baptize, build churches, ordain clerics.” Robert had previously reported to the pope that he had managed to baptize the nobles of the Cumans and slowly provided salvation through Jesus for the Cumans. The archbishop enlisted the aid of the Dominicans in this enterprise, and he could create bishops as well. The legate’s mission was focused on matters of “worship and the enlargement of faith.”⁴⁶⁵ Robert’s crusading vow was also suspended. The next year the pope again called upon his legate to congratulate him on his success with the conversion of the Cumans. The pope mentions the efforts of the Dominican Theodoric who was also “learned in canon law and [had] an illustrious life”. He was made bishop to the Cuman lands by the legate.⁴⁶⁶ In 1231, the pope reiterated most of the content of his first letter from 1227 to Archbishop Robert, writing to him again about the success of the mission to convert the Cumans, and finally “thoroughly absolving from the said [crusading] vow.”⁴⁶⁷

The next year the pope curtailed the archbishop’s activities, importantly, those related to the excommunication and interdict imposed on the councilors of King Andrew and the Kingdom. However, Robert’s legation was still not terminated by this, as his original legatine province was

⁴⁶¹ January 30, 1217, “...consideratis circumstantiis universis...”, VMH, I, 4-5, no. 5.

⁴⁶² RPR, I, 256, no. 3008, 3009; CDH, VII/5, 170-172, no. 88, 89; Eubel, *Hierarchia*, 523; Margit Beke, “Robert,” in *Esztergomi érsekek 1001–2003*, ed. Margit Beke (Budapest: Szent István társulat, 2003), 98-103, esp. 98-99; Barabás, *Papsttum und Ungarn*, 45.

⁴⁶³ Foreville, *Latran*, 393.

⁴⁶⁴ Heinrich Zimmerman, *Die päpstliche Legation in der ersten Hälfte des 13. Jahrhunderts* (Paderborn: Ferdinand Schöningh, 1913), 135; Barabás, “Papal Legates”, 148-149.

⁴⁶⁵ July 31, 1227, “...predicandi, baptizandi, edificandi ecclesias, ordinandi clericos...”, “...cultum et ampliationem fidei...”; VMH, I, 86-87, no. 154; RPR, I, 690, no. 7984.

⁴⁶⁶ March 21, 1228, “...eruditum in lege domini et vita preclarum...”, VMH, I, 87-88, no. 157; RPR, I, 703, no. 8154.

⁴⁶⁷ February 27, 1231, “...a predicto voto te penitus absolventes...” VMH, I, 93, no. 167; RPR, I, 744, no. 8669.

outside of Hungary.⁴⁶⁸ The reason behind this curtailment was Robert's proclivity to use ecclesiastical penalties to put pressure on the king. Andrew II complained to the pope about this, and although the pope did not censure Robert, he was restricted and a legate was sent from Rome to investigate the situation in Hungary – Jacob of Pecorara.⁴⁶⁹ Archbishop Robert was then ordered by the pope in 1234 to relax the sentence of excommunication previously placed on Bishop Bartholomew of Pécs by Legate Jacob. By this time, Robert was no longer acting as legate, however, he had to resolve issues that came up during the legation of Cardinal Jacob of Pecorara.⁴⁷⁰ Though both of these legations, Ugolino's and Robert's, were in the immediate aftermath of the Lateran Council, neither was focused on ecclesiastical reform. The extant sources mention the state of the Church in Hungary in general terms as part of the activities of the two legates. Robert's legatine province was also officially outside of the Kingdom. It is difficult to ascertain the exact reasoning behind the lack of clear reform efforts, as there were problems, especially with non-Christians in Hungary, that were beginning to emerge as real contentious issues between the papacy and King Andrew II.⁴⁷¹ However, the two clear priorities at this time were the Crusades and the mission to convert the pagan Cumans.

The legatine province of Jacob of Pecorara started in 1232 with the first extant letter by the pope from August, dealing with the restoration of the Teutonic order in Burzenland.⁴⁷² In November of the same year Pope Gregory mandated that Jacob resolve the matter of debts owed by the abbot and monastery of Cluj to the Bishop of Transylvania. The matter escalated to such a degree that procurators would have to be sent both to the neighboring bishop of Csanád as well as to Rome.⁴⁷³ The next extant source is the document explaining why Hungary was placed under interdict by the archbishop of Esztergom. Legate Jacob led an ecclesiastical assembly of the Hungarian Church, however, without the said archbishop. There he reiterated the complaints against the king by the archbishop that led to the ecclesiastical penalty, primarily regarding the place of non-Christians within the administrative roles within the realm, as well as the king's response to this and sent both

⁴⁶⁸ July 22, 1232, VMH, I, 105; RPR, I, 770, no. 8975.

⁴⁶⁹ Barabás, *Papsttum und Ungarn*, 46-50; Barabás, "Papal Legates", 149-150.

⁴⁷⁰ December 14 1234, VMH 131-132, no. 181; RPR, I, 834, no. 9799; Zsoldos, *The Árpáds and their people: An Introduction to the History of Hungary from cca. 900 to 1301* (Budapest: Research Centre for the Humanities, 2020), 109-110.

⁴⁷¹ April 29, 1221, Pope Honorius III refers to the many Saracens of Hungary in his letter to the Queen of Hungary, and relates how both free and slave Christians were in service of Saracens or enslaved by them; VMH, I, 30, no. 58, 59; Berend, *Gate of Christendom*, 152-153.

⁴⁷² August 31, 1232, VMH, I, 106-107, no. 185; The Order had been expelled by King Andrew II in 1225 after more than a decade of establishing defensive organization in the Burzenland region, for more see Zsolt Hunyadi, "The Teutonic Order in Burzenland (1211-1225): Recent Reconsiderations," in *L'Ordine Teutonico tra Mediterraneo e Baltico: incontri e scontri tra religioni, popoli e culture*, ed. Hubert Houben and Kristjan Toomaspoeg (Galatina: Mariog Congedo, 2008), 151-163.

⁴⁷³ October 22, 1232, VMH, I, 107, no. 186.

texts to the pope for review.⁴⁷⁴ Archbishop Robert's explanation from the previous year is taken word for word out of canon 69 of the Fourth Lateran Council: "...neither Jews nor Saracens should be appointed to the Chamber, or other public offices."⁴⁷⁵ Robert's letter also mentions that these individuals were freed from paying ecclesiastical tithes, which was a major issue for church estates and their monopoly on certain valuable economic benefits, such as salt mining.⁴⁷⁶ Another issue were lenient economic and political conditions for non-Christians compared to "poor Christians"⁴⁷⁷, which could lead to conversions. Thousands of souls had already been lost to apostasy by this point, at least according to Robert. He also colorfully mentions the "malice of the Saracens", which is as close as he gets to the concept of hostility. Robert draws attention to the provost of Pozsony (Bratislava), Master John, protecting Saracens and false Christians in his "malice".⁴⁷⁸ It is interesting that although Jews are mentioned in the reference to the prohibition of holding public offices almost as a necessary trope, since the Lateran legal precedent refers to the Jews alone in the text of the canon, only mentioning the ambiguous designation of "pagans" in the last sentence.

How large was this non-Christian population in Hungary at this time? The sources exclude any substantial quantitative or demographic analysis of the period. However, some specific inferences can be made. Boglárka Weisz explored the Jews employed in the royal chamber and came upon six individuals during the entire thirteenth century.⁴⁷⁹ Yet, Nora Berend finds them as only a "tiny fraction of the population", much as the heterogeneous Muslim population in the kingdom.⁴⁸⁰ Zsoldos regards the Muslim population of Hungary as "sizeable", and that it included both military servicemen and merchants living in "coexistence with Christian Hungarians for many centuries".⁴⁸¹ In fact, both Berend and Zsoldos agree that the preeminent problem for the archbishop of Esztergom was the economic safety of the Church in Hungary, which related to King Andrew's land reform and other specific incomes, such as the salt trade. The issue of Jews and Muslims was merely a way to apply more pressure, both internal and external (the papacy), towards the king.⁴⁸² Although Zsoldos sees the actions of this time as an interplay between the king, the archbishop, and the pope or his legate,

⁴⁷⁴ December 1232, VMH, I, 107-111, no. 187.

⁴⁷⁵ "...ne Iudei vel Sarraceni Camere, vel aliis publicis officiis preferantur." VMH, 108; Canon 69 of the Fourth Lateran Council focuses on Jews in the main body of the text: "...we forbid Jews to be appointed to public offices, since under cover of them they are very hostile to Christians." (...prohibentes ne Iudaei officiis publicis praeferantur, quoniam sub tali praetextu christianis plurimum sunt infesti.), Tanner, *Decrees*, 266-267.

⁴⁷⁶ Berend, *Gate of Christendom*, 158.

⁴⁷⁷ Another reference to the language of canon 69.

⁴⁷⁸ "...maliciam Sarracenorum...", "...perterea Sarracenos et falsos christianos in sua malicia protegit et tuetur...", VMH, I, 108.

⁴⁷⁹ Boglárka Weisz, "Zsidó kamaraispánok az Árpád-korban" [Jewish chamberlains in the Árpád period], in *Tanulmányok a középkori magyar történelemről*, ed. Sarolta Homonnai et al. (Szeged: Szegedi Középkorász Műhely, 1999), 151-161.

⁴⁸⁰ Berend, *Gate of Christendom*, 62-64, 67.

⁴⁸¹ Zsoldos, *Golden Bull*, 164-166, 171.

⁴⁸² Berend, *Gate of Christendom*, 156-158; Zsoldos, *Golden Bull*, 171-172.

the driving force of all activity is the king, while the ecclesiastical officials are merely interjecting their own issues as obstacles that need to be resolved. Unlike Zsoldos, Berend indeed mentions the impact of the Lateran Council's decrees on non-Christians towards the developing situation in Hungary. However, both views exclude the actual direct influence of the text and language of the decrees of the council on the reports coming from Hungary and the subsequent legislation or treaties enacted by the king. The Lateran agenda was the primary driving force of this new stance towards non-Christians. Even though the size of the actual respective populations was perhaps negligible, the idea of non-Christians gaining, retaining, or using positions of power to oppress and convert Christians was fundamentally contrary to papal policy.

In February 1233, the legate was instructed to inquire about the miracles associated with Archbishop Lucas of Esztergom, or rather finish the investigation already started by the bishop of Csanád and his chapter.⁴⁸³ The pope wanted some more clarity, which could only be achieved by a thorough examination into “the virtue of character and the true nature of signs, namely the works and the certainty of the miracles”, which meant collecting and going through depositions, witnesses, reviewing the reputation, and authentic writing of the prelate.⁴⁸⁴ Whatever the background of this mission, and the long investigation that was likely not finished until the time of the Mongol invasion, it appears that this was a useful item of leverage between secular and ecclesiastical governments in Hungary in the time of Archbishop Robert. The fact that it was not finished speaks to the disposition, or lack thereof, of the papacy to fully execute the project. In April 1233, Jacob and Robert managed to obtain a privilege from King Andrew giving clergy exemption from secular courts (*privilegium fori*).⁴⁸⁵ A similar privilege was given to the archbishop of Kalocsa and confirmed by the pope.⁴⁸⁶

Jacob also had to deal with the developing situation regarding heresy in Bosnia.⁴⁸⁷ The pope instructed him to remove the bishop and rearrange the diocese into two, three, or four dioceses which would not be so immoderately expansive as the current diocese. The new churches were to be led by those trained in “the law of the Lord”. This project was to be done “without prejudice to the metropolitan Archbishop” of Dubrovnik. Jacob did not complete this reorganization. However, not only was the negligence of the bishop a problem, but also the proliferation of heresy. Jacob was supposed to return these wayward Christians from their error through “the example of good deeds

⁴⁸³ Körmendi, “Lukács”, 72.

⁴⁸⁴ February 17, 1233, “...de morum virtute ac veritate signorum, operibus videlicet et miraculis certitudinem...”, VMH, 111, no. 189.

⁴⁸⁵ April 1, 1233, VMH, I, 111-112, no. 190.

⁴⁸⁶ VMH, I, 113, no. 191.

⁴⁸⁷ Rebecca Rist, *The Papacy and Crusading in Europe, 1198-1245* (London: Continuum, 2009), 130-132.

and the instruction of sermon.”⁴⁸⁸ There is no further information on his efforts or any success in this matter, besides the removal of the bishop of Bosnia.⁴⁸⁹ Jacob then had to take on organizational issues, such as the appointment of clergy to chapels by archdeacons in their deaneries⁴⁹⁰, or compelling the Templars, Hospitallers and other religious to pay charges owed to the legate.⁴⁹¹

Pope Gregory then sent a fairly strong letter to his, still, “dear son in Christ”, King Andrew.⁴⁹² In it he expressed a general desire for the king to humbly assent to the advice of the pope’s legate, Jacob. The pope describes “the legate sent to Hungary from our side, our dear son Jacob, the elect of Palestrina, a friend of God, a man by all means after our heart, of visibly honest manners, gifted with the knowledge of literature and inspecting foresight, having been granted the full office of legation in the region of Hungary.”⁴⁹³ This part of the text shows, not merely a perfunctory description of the legate’s office but rather his personal qualities, skills, as well as the close relationship with the pope, thus giving him even more credence in the kingdom. The letter relates complaints levied against the king and his councilors by the archbishop of Esztergom, because of “the immense improprieties”. Claims which were later supported by the legate. These were firstly centered on the question of non-Christians oppressing Christians and holding public offices, and secondly on the ecclesiastical liberties threatened by the king.⁴⁹⁴ While some of the issues retold had been influenced by the language of canons 68 and 69 of the Fourth Lateran Council, other parts were likely connected with actual information from Hungary. The reports on the state of affairs included references to the “oppression of poor Christians”, Jews and Saracens dominating Christians, and Christians converting when seeing the better status and privileges of the Saracens. As mentioned in the previous chapter, an actual problem were sexual encounters between Christians and Saracens, going even so far as marriage between the different groups.⁴⁹⁵ It was claimed that Christians in service to Saracens could not baptize their children, the poor Christians sometimes had to sell their children to Saracens to pay off their debts, and so “the free become slaves and in the same way Christians become Saracens.”⁴⁹⁶ The report further refers to how “Jews in addition to Saracens were placed in public offices contrary to the Council of Tours”, however, it quotes from canon 69 of Lateran IV how “under cover of them

⁴⁸⁸ May 30, 1233, “...metropolitani Archiepiscopi iure salvo...”, “...per exemplum boni operi set documentum sermonis...”, VMH, I, 113, no. 192; RPR, I, 788, no. 9211.

⁴⁸⁹ Dženan Dautović, “*Nulla spes sit...Bosnia and the Papacy in the Thirteenth Century*,” *Specimina Nova Pars Prima Sectio Mediaevalis* XI (2021): 97-125, esp. 103-108; Barabás, “Heretics, Pirates, and Legates”, 54.

⁴⁹⁰ May 31, 1233, VMH, I, 113-114, no. 193; RPR, I, 788, no. 9213.

⁴⁹¹ May 31, 1233, VMH, I, 114, no. 194; RPR, I, 788, no. 9214.

⁴⁹² August 12, 1233, VMH, I, 114-115, no. 195; RPR, I, 793 no. 9272.

⁴⁹³ “...legatum in Ungariam de nostro latere destinari, dilectum filium nostrum I. penestrinum Electum, amicum dei, virum utique secundum cor nostrum, morum honestate conspicuum, preditum Scientia litterarum, et providential circumspectum, ad partes Ungarie, commisso sibi plene legationis officio...”, VMH, I, 114-115, no. 195.

⁴⁹⁴ Berend, *Gate of Christendom*, 153-156.

⁴⁹⁵ “...oppressionem pauperum christianorum...”, VMH, I, 114.

⁴⁹⁶ “...liberi fiebant servi et christiani quodammodo Sarraceni.”, VMH, I, 114.

[i.e. their offices] they inflicted heavy [financial] injury to churches and were very hostile towards Christians”.⁴⁹⁷ The second problem was the ecclesiastical freedom which apparently “itself had been overturned to such a degree and ruined, that laymen were imposing, not only on church persons, but also the churches themselves and ecclesiastics, collections and *tallias* [king’s tax]), notwithstanding clergy having been compelled to lay judge’s examination.”⁴⁹⁸ Property that was in church possession for a long time, out of royal donations, was taken away from the churches by laymen. Secular judges were appointed to resolve marital cases and could dissolve marriages. All of these problems led to the archbishop’s establishment of the interdict in the kingdom and the excommunication of the king’s councilors. The king was given until August to remedy these errors, but he did nothing. Then, the pope explains, Legate Jacob was sent to Hungary. He also found the situation in Hungary as previously described by the archbishop and the pope suggested that the king heed the legate’s advice rather than incur the unenviable penalties which must surely follow. As Zsoldos points out, Jacob’s mission revolved around three main aspects: the restoration of the Teutonic Order in Hungary, the matter of non-Christians, and the revocation of the king’s land grants.⁴⁹⁹ Berend also puts the onus of this conflict between the king and the archbishop on other “ecclesiastical interests”, including clerics being despoiled of benefices and goods, the general position of the Church in the kingdom and the restoration of landed properties.⁵⁰⁰ What becomes apparent is that although the other, more practical reasons were perhaps more influential and important both to the archbishop and the king, the issue of non-Christians was the most elaborate since it was part of a fairly novel initiative by the papacy to assert control over Latin Christendom. The aberration of royal policy, such as appointing non-Christians in public offices, was a useful tool for the archbishop to garner more interest from the pope, eventually bringing about the legation of Jacob of Pecorara, thus adding pressure against the king.

The same day the pope sent out two letters to his legate. In the first, he mentioned the letter sent to King Andrew and the hope that the king would be effectively admonished to correct the errors. In that case, the legate should not postpone reducing the penalties. If things were to go ahead differently the legate was to approach the excesses based on their severity.⁵⁰¹ In the second letter

⁴⁹⁷ “...Iudei insuper ac Sarraceni publicis preponebantur officiis contra Concilium Turonense, qui sub tali pretextu et dampna gravia inferebant ecclesiis et christianos plurimum infestabant...”, VMH, I, 115; cf. LAT IV, canon 69: “...prohibentes ne Iudei officiis publicis praeferantur, quoniam sub tali praetextu christianis plurimum sunt infesti.” (we forbid Jews to be appointed to public offices, since under cover of them they are very hostile to Christians), Tanner, *Decrees*, 266.

⁴⁹⁸ “...ipso subversa erat adeo et eversa, quod laici non solum ecclesiarum hominibus, sed etiam ipsis ecclesiis et personis ecclesiasticis collectas ac tallias imponebant, compulsis clericis nichilominus respondere sub examine iudicis secularis.” VMH, I, 115.

⁴⁹⁹ Zsoldos, *Golden Bull*, 198-199.

⁵⁰⁰ Berend, *Gate of Christendom*, 157.

⁵⁰¹ August 12, 1233, VMH, I, 115-116, no. 196.

Legate Jacob was succinctly and specifically instructed not to proceed with excommunication against the king and his children.⁵⁰²

Almost a week later the Oath of Bereg was made, as mentioned in the previous chapter. While this was essentially a treaty between the king and the Church, the focus here will be more on the elements of Lateran reform that become apparent from the text of the document. The first article immediately deals with the issue of non-Christians:

“From now on, we will not put Jews, Saracens or Ishmaelites in charge of our Chamber, mint, salts, collections or some other public offices, nor will we associate them with prefects, nor will we somewhat deceive, because of which [they] themselves might be able to oppress Christians. Likewise, we will not permit in the whole of our kingdom for Jews, Saracens, or Ishmaelites to be put in charge of any public office. Likewise, we will act, that from now on, Jews, Saracens, or Ishmaelites may be distinguished and separated with a specific sign from Christians. Likewise, we will not allow Jews, Saracens, or Ishmaelites to buy or hold Christian slaves in whatever way.”⁵⁰³

The king also promised to establish an institutional option through his successors, as well as the palatine and other *iobagiones*, “at the petition of bishops in whose diocese there are or there were Jews, pagans or Ishmaelites, to remove Christians from being ruled by or cohabiting with Saracens.”⁵⁰⁴ If these decrees were not followed, as well as the prohibition of marriage of any kind between different religious groups, the offenders could be punished by being put into servitude by Christians through the king. Similar to the previous letters, the Oath of Bereg takes much of its core text from canon 69 regarding public offices, and canon 68 related to the separation of religions, through “the character of their dress” (or a sign on the dress), to avoid sexual encounters between non-Christians and Christians. The oath did go more specific, declaring exactly which offices the non-Christians were holding (chamber, mint, salt chamber). They were not just generally oppressing poor Christians, but further than that, they were enslaving Christians. Finally, non-Christians and Christians were not only engaging in sexual encounters but also marriage. The canonical decrees were the base framework, to which the local clergy (mostly Archbishop Robert of Esztergom), attached an applicable reality. Although the canons were mainly oriented against Jews, they mention Saracens (canon 68) and pagans (canon 69). The oath encompasses all these terms in addition to the Ishmaelites which had been a local term of reference prior to this initiative from the Lateran.⁵⁰⁵ From the letters related to Robert’s reports to the papacy and Jacob’s legation, the Saracens or Ishmaelites were the

⁵⁰² August 12, 1233, VMH, I, 116, no. 197.

⁵⁰³ “Iudeos, Sarracenos sive Ismahelitas de cetero non preficiemus nostre Camere, monete, salibus, collectis vel aliquibus publicis officiis, nec associabimus eos prefectis, nec in fraudem aliquid faciemus, propter quod ab ipsis possint opprimi christiani. Item nec permittemus in toto regno nostro Iudeos, Sarracenos vel Ismahelitas prefici alicui publico officio. Item faciemus quod Iudei, Sarraceni sive Ismahelite de cetero certis signis distingantur et discernantur a christianis. Item non permittemus, Iudeos, Sarracenos sive Ismahelitas mancipia christiana emere vel habere quocumque modo.”, VMH, I, 117, no. 198.

⁵⁰⁴ “...ad petitionem episcopi in cuius diocesi sunt vel erunt Iudei, pagani vel Ismahelite, ut christianos extrahat a dominio et cohabitatione Saracenorum.”, VMH, I, 117.

⁵⁰⁵ Berend, *Gate of Christendom*, 155.

more problematic group, yet the document took a clear and broad stroke towards discriminating against non-Christians. The treaty also dealt with marital issues and delimiting secular and ecclesiastical jurisdictions:

“Likewise, we wish, nor will we allow, that from now on they [i.e. secular judges] may discuss cases of dowry or matrimony before us, or before other secular judges because about these things we refuse to admit nor ought we [admit]; but they may be discussed and concluded by ecclesiastical judges. Likewise, we wish and agree, that clergy and ecclesiastical persons should answer and prosecute in the presence of an ecclesiastical judge about all things, except trials of land...”⁵⁰⁶

Although secular judges resolving marital cases is not even considered in the Lateran decrees, that by itself implied or rather imposed that this was an ecclesiastical jurisdiction. Taking the issue of dowry within this subgroup is more advanced than the Lateran Council envisaged and can be considered a concession on the part of the king. The ecclesiastical idea of marriage was just beginning to take a stronger place in the position of the Church within society.⁵⁰⁷ The separation of secular and ecclesiastical justice is in line with the sentiments of canon 42 and the general precepts of the “Gregorian reform”. The king’s retention of trials related to land issues, as a long-standing tradition, was likely linked to the previous period when much of the landed property in the kingdom was in fact the king’s property. Ecclesiastics were also exempt from additional financial burdens: “We will not impose any contributions or any gain or even accept [them] from clergy or ecclesiastic persons, and if they have them we will not knowingly come against their privileges.”⁵⁰⁸ This is a paraphrasing of canon 46, which concerned itself with church immunity against those “who seek to oppress churches and churchmen with tallages and taxes and other exactions.”⁵⁰⁹ Such payments could be given by the local clergy, i.e. the bishop, if they determined a “great need or advantage” presented themselves.⁵¹⁰ This meant that only voluntary taxes could be legal, but the oath eliminates this option of even a non-compulsory taxation. The greatest part of the treaty had to do with economic matters, more precisely the salt mining and trade in the kingdom associated with various ecclesiastical actors as well as paying back damages for the salt revenue already appropriated by the king.⁵¹¹ Any, presumably new,

⁵⁰⁶ “Item volumus, nec permittemus, quod de cetero tractentur cause docium vel matrimoniales per nos, vel per alios iudices seculares, quia de hiis nolumus nos intromittere, nec debemus; sed per iudices ecclesiasticos tractentur et terminentur. Item volumus et consentimus, quod clerici et persone ecclesiastice respondeant et convenient coram ecclesiastico iudice super omnibus, exceptis iudiciis terrarum...”, VMH, I, 118.

⁵⁰⁷ Christopher N. L. Brooke, *The Medieval Idea of Marriage* (Oxford: Oxford University Press, 1989), 56-60, 119-143; John Witte, Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville, KY: Westminster John Know Press, 1997), 22-36; Jean Werckmeister, “L’apparition de la doctrine du mariage contrat dans le droit canonique du 12^e siècle,” *Revue de droit canonique* 53, no. 1 (2003): 5-25; Philip L. Reynolds, *How Marriage Became One of the Sacraments* (Cambridge: Cambridge University Press, 2016), 471-477.

⁵⁰⁸ “Nullas collectas et nullum lucrum imponemus, vel recipiemus a clericis et ecclesiasticis personis, et contra eorum privilegia, si que habentur, scienter non veniemus.”, VMH, I, 118.

⁵⁰⁹ “...qui ecclesias et viros ecclesiasticos talliis seu collectis et exactionibus aliis aggravare nituntur...”, Tanner, *Decrees*, 255.

⁵¹⁰ “...tantam necessitatem vel utilitatem...”, Tanner, *Decrees*, 255.

⁵¹¹ On the Oath of Bereg in the context of the Hungarian salt-mining economy see Beatrix F. Romhányi, “A beregi egyezmény és a magyarországi sókereskedelem az Árpád-korban” [The Agreement of Bereg and the Hungarian salt trade

collections or exactions would first be consulted with the pope through his legate. The oath was confirmed by Prince Coloman and the leading officials of the kingdom, with Prince Béla confirming the oath only next year in February.⁵¹² Legate Jacob also mediated between King Andrew and his son Prince Béla, which is probably the reason why the prince's oath was given at such a later date compared to his father and brother.⁵¹³ The prince also swore another oath on the obedience of his subjects to the Roman Church, as well as

“that those placed under the jurisdiction of our lands, and those placed under [it] in the future, the Lord giving, all the heretics and other Christians, who have forsaken the Christian faith for the superstition of the Ishmaelites or the Jews are corrupted, wherever they may be judged nominally, and we will strive to root out false Christians from our lands with good faith instead of with force.”⁵¹⁴

In 1234 the archbishops of Esztergom and Kalocsa, as well as the bishops of Eger, Veszprém, Vác, Transylvania, Zagreb, Várad, and Nitra swore in the presence of the legate to uphold the treaty of Bereg.⁵¹⁵ A few weeks later Pope Gregory confirmed the agreement between the king and the archbishop of Esztergom, mediated by the legate, referring in his letter to the economic aspects of the treaty, namely the debt incurred by the king's appropriation of the tithe.⁵¹⁶ After the legate left, the king failed to abide by all the stipulations of the oath and was excommunicated by the bishop of Bosnia in 1234. The pope asked the archbishop to carry out the sentence, but he supported the king's appeal to the pope.⁵¹⁷ An agreement between the king and the curia would only be reached a year later, with more promises by the king and the ecclesiastical punishments being lifted.⁵¹⁸ Berend rightly claims that the treaty of Bereg was composed according to the wishes of the legate, and indeed, he certainly took control of the way the resolution was written. Yet his influence on the execution and enforcement was meagre, leaving John of Wildeshausen and Archbishop Robert to deal with the ramifications.⁵¹⁹ Zsoldos further shows how the issue of land and jurisdiction in legal matters regarding ecclesiastical lands or estates was important for the king to keep for himself. Meaning that he seemingly compromised on the issue of non-Christians, but not on royal jurisdiction, which goes in hand with the idea that both the Golden Bulls of 1222 and 1231, as well as the Oath of Bereg were not documents issued under duress, but rather concerted efforts by the king to ameliorate political

in the Arpadian Ages], in *Magyar Gazdaságtörténeti Évkönyv – Válság – Kereskedelem*, ed. György Kövér, Ágnes Pogány, and Boglárka Weisz (Budapest: MTA Bölcsészettudományi Kutatóközpont, 2016), 265-301.

⁵¹² Prince Béla's oath is dated February 19, 1234, VMH, I, 119-120, 123-124, nos. 199, 208.

⁵¹³ November 27, 1233, VMH, I, 121, no. 203.

⁵¹⁴ February 23, 1234, “...quod de terris nostre iurisdictioni subiectis, et que in futurum, dante domino, subicientur, Universos hereticos et alios christianos, qui relicta fide christianitatis ad superstitionem Ysmahelytarum vel Iudeorum pervertuntur, quocumque nomine censeantur, et falsos christianos de terris nostris bona fide studebimus pro viribus extirpare.”, VMH, I, 124, no. 209.

⁵¹⁵ January 17, 1234, VMH, I, 122, no. 205.

⁵¹⁶ February 1, 1234, VMH, I, 122, no. 206.

⁵¹⁷ July 28, 1234; VMH, I, 126-127, nos. 213, 214; the pope sent letters both to the archbishop and the king on this issue.

⁵¹⁸ August 31, 1235, VMH, I, 136, nos. 237, 238, 239.

⁵¹⁹ Berend, *Gate of Christendom*, 158-160.

pressure from various secular or ecclesiastical agents in his kingdom. According to this thesis, the chaotic aftermath of the Oath of Bereg, where John of Wildeshausen censured the king and put the kingdom under interdict in early 1234 eventually resulted in the papacy backtracking on many issues in the agreement, including extending the oversight period for non-Christians in public office from one year to two. A veritable royal triumph.⁵²⁰ Zsoldos also points out that Wildeshausen censured the king on the matter of the *collecta* tax, which went against the treaty of Bereg and canon 46 of Lateran IV, as the pope had to be consulted.⁵²¹ While it is apparent that the original terms of the king's oath regarding non-Christians had not been implemented and would be changed by the pope soon enough, this can surely be seen as a true compromise between the two (or three) parties. The king did get most of the practical considerations he wanted, and considering that non-Christians, specifically Jews, were installed in public office on four occasions after this oath (which was confirmed by the king's sons, Coloman and Béla), it can be said that it was not even worth the parchment it was written on. However, this was an oath or a treaty by the king of Hungary acquiescing to the papacy changing the legal order in his kingdom according to the papacy's policies, i.e. the canons of the Fourth Lateran Council, barring non-Christians from public offices, as well as, in theory at least, being given the chance to be consulted on taxation. Even the king mentions that going too far (namely on the issue of ecclesiastical land jurisdiction, i.e. the royal land grants revocation) would be tantamount to relinquishing part of his sovereignty. Meaning that he was in fact allowing the papacy and his archbishop to be partly successful in their goals, to the extent that he was comfortable, while retaining control of the major economic sources of his kingdom. The land was more important than public office, at least then. Therefore, both the papacy and the king had to go back and forth to establish this agreement and the eventual peaceful settlement between the king and the archbishop. The latter's siding with the king against the legate in 1234 is also explained as this original matter (non-Christians, tithes) would have been seen by the archbishop as resolved. He likely saw the legate's intransigence (probably on the issue of the Teutonic Order), as unreasonable and that position as untenable within the political reality of the kingdom.

The mission of the bishop of Perugia, Salvi, starting sometime in 1238, first involved an order by Pope Gregory IX to inspire King Béla IV on a crusade against Bulgaria and specifically opposing John Asen II. In the previous year Salvi was supposed to go on a legation to the Latin Empire, but also to bring the Bulgarians back to obedience to Rome.⁵²² Pope Gregory sent letters about this

⁵²⁰ Zsoldos, *Golden Bull*, 201-206.

⁵²¹ Zsoldos, *Golden Bull*, 205.

⁵²² Madgearu, *Asanids*, 219-223; Ani Dancheva-Vasileva, "Цар Иван II Асен (1218–1241) и латинските константинополски императори" [Tsar Ivan II Asen (1218–1241) and the Latin Emperors of Constantinople], in *Цар Иван Асен II (1218–1241): Сборник по случай 800-годишнината от неговото възшествие на българския престол*,

mission in May 1237, both to John Asen II and Béla IV.⁵²³ By 1238 the situation had changed and the Bulgarians were enemies again, showing the dynamic of this diplomatic problem. The pope wrote:

“Namely that we are distributing an indulgence – to him [the king of Hungary] and to all truly repentant and confessed, who will undergo an undertaking of this sort in person and with expenses – that is granted to those going over for the relief of the Holy Land and also we put forth the land of Asen himself to be occupied by the said king and other Catholics, as established in the general council.”⁵²⁴

The general council that is referred to is most likely the Fourth Lateran Council which determined rules for indulgences for crusaders in the decree *Ad liberandam* (canon 71).⁵²⁵ However, Michael Lower claims that Gregory was giving the Hungarian king an invitation to conquer Bulgaria under the terms of canon 3 of the Fourth Lateran Council, which dealt with heretics.⁵²⁶ The pope also sent letters to the same effect to the king⁵²⁷ and the Hungarian prelates.⁵²⁸ The Dominican and Franciscan provincials in Hungary were ordered to preach the crusade against the “heretics and schismatics” in Bulgaria.⁵²⁹ Rebecca Rist stresses how Gregory IX granted the same indulgences to this crusade against Asen as were given to crusaders to the Holy Land.⁵³⁰ In August, the legate was again engaged by the pope, along with the archbishop of Esztergom, to introduce the Carthusian order to the old Benedictine monastery at Ercsi. The monastery had by that time “collapsed in ruin both in spiritual and temporal things” and it was King Béla IV’s wish to reform the monastery.⁵³¹ The day after, the pope informed the legate how the king of Hungary, perhaps influenced by the council of others, had asked of the pope to entrust him with the office of legation in Bulgaria.⁵³² It was improbable that Gregory would allow the king to be given legatine authority (especially one based on the vague or legendary idea of King Stephen I’s status as apostolic legate). The pope then gave authority to Legate Salvi to support the selection of an archbishop or bishop to act as legate, but also

ed. Vasil T. Gjuzev (Plovdiv: Фондация Българско историческо наследство, 2019), 19-39, esp. 33-37; Daniel Ziemann, “Das Zweite Bulgarische Reich: vom Reich der Asenide bis zur Osmanischen Expansion,” in *Handbuch zur Geschichte Südosteuropas* Bd. 1: *Herrschaft und Politik in Südosteuropa von der römischen Antike bis 1300*, ed. Fritz Mitthof, Peter Schreiner, and Oliver Jens Schmitt (Berlin: De Gruyter Oldenbourg, 2019), 785-823.

⁵²³ May 22, 1237, ÁÚO, II, 61-62, nos. 30, 31.

⁵²⁴ January 27, 1238, “Nos enim illam ei et universis vere penitentibus et confessis, qui laborem huiusmodi in propriis personis subierint et expensis, indulgentiam elargimur, que conceditur transeuntibus in subsidium terre sancte, ac terram ipsius Assani exponimus predicto Regi et aliis catholicis occupandam, prout statutum est in concilio generali.” VMH, I, 161, no. 285; ÁÚO, II, 78-79, no. 42; RPR, I, 890, no. 10505.

⁵²⁵ García y García, 110-118; Tanner, *Decrees*, 267-271.

⁵²⁶ Michael Lower, “Negotiating Interfaith Relations in Eastern Christendom: Pope Gregory IX, Bela IV of Hungary, and the Latin Empire,” *Essays in Medieval Studies* 21 (2004): 49-62, esp. 55-56.

⁵²⁷ January 27, 1238, VMH, I, 159-160, no. 283.

⁵²⁸ January 27, 1238, VMH, I, 161, no. 286.

⁵²⁹ August 9, 1238, VMH, I, 167, no. 299; Christoph T. Maier, *Preaching the Crusades: Mendicant friars and the cross in the thirteenth century* (Cambridge: Cambridge University Press, 1994), 38.

⁵³⁰ This intended crusade never materialized. Apparently, the mere threat was enough to compel Asen to ally himself with King Béla; Rist, “Gregory IX”, 98-99.

⁵³¹ August 8, 1238, “...in spiritualibus et temporalibus est collapsum...”, VMH, I, 164, no. 292; RPR, I, 900, no. 10633; Beáta Vida, “‘Monasterium de Erche situm in insula loci secreti’ Ercsi monostorának története [History of the monastery of Ercsi],” in *Műhelyszemináriumok dolgozatok* I., ed. Szilvia Kovács and Éva Révész (Szeged: SZTE BTK Történelemtudományi Doktori Iskola, 2013), 181-197, 184.

⁵³² August 9, 1238, VMH, I, 165-166, no. 295; RPR, I, 901, no. 10637.

to influence the king to show the pope who these prelates were as he was unfamiliar with them so that he could then send the king letters on this matter.⁵³³ The pope allowed for the king's choice in prelates, yet he wanted the canonical procedures to be observed rather than a dilution of the legatine office which was now becoming more effective and important for papal communication and the centralization of the ecclesiastical hierarchy in Latin Christendom. The next legate of this high rank was Bishop Ponsa of Bosnia. A member of the Dominican order, Ponsa started his legation in 1238, which was supposed to last for three years, and was to be engaged in setting up the diocese in Bosnia and fighting against the "heretics" there.⁵³⁴

Legations were sometimes accompanied by legatine synods, such as the mission by the papal chaplain Angelo who convened a council in Buda in 1263. In the testimony by Bishop Omodaeus of Győr which is the only extant record of the council, there is only a mention that on April 27, 1263, at a synod convened by "master Angelo cleric of the chapel of the lord pope, and *nuntio* of the same in Hungary" there was a quarrel between the archbishop of Esztergom and the representatives of the bishop of Pécs. Apparently, the representatives of the bishop did not take kindly to being sidelined during a discussion on an unknown question between the papal chaplain and the prelates who were present. The delegation from Pécs claimed their bishop had the honor of the *pallium*, which, according to them, gave them the right to be in this discussion. The archbishop of Esztergom took this as an affront to his metropolitan status and recalled some previous excessive behavior by the bishop which had warranted his excommunication long ago.⁵³⁵ Lothar Waldmüller claims the synod's focus was on the pope's ongoing efforts to support the, by that point, non-existent Latin Empire of Constantinople and the crusade against the Greeks called in 1262.⁵³⁶ In fact, the only ecclesiastical province exempt from this extraordinary contribution was Kalocsa, due to the impact of the Mongol invasion.⁵³⁷

The legations of Salvi and Angelo were mainly centered around crusading efforts, whether garnering support for the crusades in the Holy Land, against the Bulgarians of John Asen II, or even aiding the Latin Empire of Constantinople. These missions were precise and can be categorized within this specific post-Lateran crusading initiative. However, they are also examples of the papacy's

⁵³³ August 9, 1238, VMH, I, 166, no. 296; ÁÚO, II, 87, no. 49; RPR, I, 901, no. 10638; Dall'Aglia, "Crusading", 181-183; Márta Font and Gábor Barabás, *Coloman, King of Galicia and Duke of Slavonia (1208-1241)* (Leeds: Arc Humanities Press, 2019), 120; Gábor Barabás, "Papal Legates in Thirteenth-Century Hungary: Authority, Power, Reality," in *Authority and Power in the Medieval Church, c. 1000–c. 1500*, ed. Thomas W. Smith (Turnhout: Brepols, 2020), 145-158, esp. 145-146.

⁵³⁴ More on Ponsa's mission in Bosnia in section III.2.3. of this chapter, VMH, I 169-170, no. 306.

⁵³⁵ CDH, IV/3, 172-174.

⁵³⁶ Lothar Waldmüller, *Die Synoden in Dalmatien, Kroatien und Ungarn: Von der Völkerwanderung bis zum Ende der Arpaden (1311)* (Paderborn: Ferdinand Schöningh, 1987), 181-183.

⁵³⁷ October 14, 1263, VMH, I, 250, no. 464; RPR, II, 1514, no. 18677.

diplomatic activities in southeastern Europe, related to the Bulgarians, who were still theoretically viable for a union with Rome, and likewise, the Greeks, who would remain an option for the papacy until the fifteenth century. These legations in the thirteenth century show that the financial aid or any other practical assistance by the clergy and laity (especially royal) of the Hungarian kingdom was seen as beneficial for the crusades. And these diplomatic overtures were at one point welcomed by the expansionary power of the Árpáds, as a means to realize their political agenda in the region.⁵³⁸

The most extensive legation in this region in the thirteenth century was that of Bishop Philip of Fermo.⁵³⁹ The build-up to this mission was during the early years of King Ladislas IV's reign.⁵⁴⁰ Pope Gregory X confirmed the peace between the young ruler and his Bohemian counterpart in 1272.⁵⁴¹ Then in September 1278 Pope Nicholas III announced the arrival of a bishop, his legate, to Hungary, Serbia, Poland, Slavonia, also Dalmatia, Croatia, Rama, Lodomeria, Halych, and Cumania, who was to put into effect certain changes as well as an envoy of peace between the rulers and their subjects.⁵⁴² Berend makes a point of how the pope's mandate had allowed that Philip used the insignia of *de latere* legates (presumably cardinals) in Hungary, precisely to maximize his efficacy in that realm.⁵⁴³ Why does the pope put so much detail into this seemingly ceremonial aspect? Firstly, the issue of Philip's rank could have been in question. He was not a cardinal, but "merely" a bishop sent on a legation with a full commission (*legationis officio plene*), perhaps the pope wished the insignia to bolster the legate's authority. Secondly, it is possible that the pope was so apprehensive about the situation in Hungary, namely the instability and lack of security, that he tried to clothe his legate in as much ceremonial armor as possible. Whatever the reasons behind this stipulation, it clearly puts Hungary in the focus of his legatine province. Bishop Philip of Fermo was permitted to give out benefices to clerics who would accompany his legation and those who would work for his mission in the legatine province.⁵⁴⁴ Pope Nicholas defined this mission in terms of restoring peace within the kingdom, but more importantly the reform of the church. While the pope did not go into detail in the *commonitorium*, he did often write on the full authority and strength of the office given to the legate

⁵³⁸ Madgearu, *Asanids*, 219-220, 248-249.

⁵³⁹ For more on the Bishop Philip's legation and the synod of Buda in 1279 see Kazimierz Gołąb, "Biskup Filip z Fermo i jego statuty legackie z 1279 r." [Bishop Philip of Fermo and his legatine statutes of 1279], *Rocznik Historyczny* 26 (1960): 255-264; Z. J. Kosztolnyik, "Rome and the Church in Hungary in 1279: The Synod of Buda," *Annuario Historiae Conciliorum* 22, no. 1 (1990): 68-85; Berend, *Gate of Christendom*, 171-175; Gyula Kristó, *Die Arpadendynastie*, 243-244; Viktória Kovács, "Alter ego domini papae Nicolai III. Fülöp fermói püspök, szentszéki legátus magyarországi tevékenysége (1279-1281)" [Philip, Bishop of Fermo, Legate of the Holy See in Hungary (1279-1281)], in *Varietas delectat. A pápai-magyar kapcsolatok sokszínűsége a 11-14. században* ed. Gergely Kiss (Pécs: Pécsi Tudományegyetem BTK TTI, 2019), 117-166; Zsoldos, *The Árpáds*, 181; Barabás, "Papal Legates", 147-148.

⁵⁴⁰ Berend, *Gate of Christendom*, 171-172.

⁵⁴¹ VMH, I, 295-304, 304-305, 306, nos. 529, 532, 534.

⁵⁴² September 22, 1278, VMH, I, 329, no. 546.

⁵⁴³ September 22, 1278, VMH, I, 327-328, no. 544; Berend, *Gate of Christendom*, 172.

⁵⁴⁴ September 22, 1278, VMH, I, 330, no. 548.

to enact his will. He also focused on practical support from monastic orders, especially the Dominicans and Franciscans, chivalric orders, procurations owed by all ecclesiastical persons and entities to the legate, as well as shelter for any member of the legation. The more interesting parts are the many references to bestowing benefices in the legatine province. Although mentioned in a previous letter, now the pope went into detail writing about awarding benefices to 15 clerics as a reward and motivation, and later on he mentions benefices that include the care of souls for another 100 worthy clerics. Berend mentions how awarding benefices became a stumbling block between the king and the legate as in some cases the king saw this as an encroachment on his patronage rights.⁵⁴⁵

The legation also needed to establish a small “legal office” made up of three or four clerics, similar to the one by the Roman Church, to handle the production of documents during the mission. This reveals that the legate’s mission was so extensive that it required substantial personnel to adequately function. The legate was also given the freedom to loosen obstacles for the promotion of clerics that had some kind of “weakness of birth”, likely referring to illegitimate children or clerical children. The letter counts 200 clergy with the care of souls, 100 near the bishops, 20 associated with presbyters, 10 out of adultery, 10 for regular clerics, and 7 from incest. These clerics were now allowed to be promoted if they were worthy enough, and were not following the habit of their fathers’ incontinence.⁵⁴⁶ This shows how clerical morals continued to be an issue long into the thirteenth century (and beyond), but in this case, a rigid approach was replaced by a more lenient framework. However, considering the whole of Philip’s legation, problems such as these were perhaps lower on the scale of importance, and conceivably a lack of suitable clerics necessitated a more inclusive policy, at least in this respect. The pope was also worried about simony or other irregularities that might crop up during the legation, considering the extensive number of benefices and promotions involved. The reconciliation of excommunicated Christians was also an important matter, and two groups were specifically named. First, those who were excommunicated by judges delegated by the Apostolic See, and second those who were involved in exporting weapons to Saracens. Since both groups were individually and separately mentioned, it seems that this was a substantial problem requiring papal input.

The main mission though was the restoration of the church in the province, and one of the first tasks was the appointment of the new archbishop of Esztergom, as the archdiocese was until then “devoid of a shepherd’s comfort.” The legate would also guard the income and estates of the archbishop until the election. Bishop Philip was supposed to consecrate altars and churches, as well as expand on a campaign of preaching, especially in great congregations, on feast days, translations

⁵⁴⁵ Berend, *Gate of Christendom*, 181.

⁵⁴⁶ September 22, 1278, VMH, I, 335, no. 549.

of relics, and those penitents reverently attending such events could be released from a certain time of their penance. Another way to be relieved from at least part of one's penance was supporting the church *fabrica*. This three- or five-year indulgence was granted to those who supported the church by manual labor, which would allow for a relaxation of penance of ten to forty days.⁵⁴⁷

The legate's wide range of activities shows that the pope was quite worried about the general situation in Hungary, and especially the position of the Church. The great number of benefices that were left to the purview of the papal legate to assign to clergy coming with him, but also those he would find in the legatine province, dramatically portrays the scope of the work that was waiting and required a top-down approach, first resolving the two archbishops' positions and then providing for a general reform agenda. At the same time, Bishop Philip had to contend with either an unfriendly political environment or clear obstruction.

One of the first major appointments in the legation came in June 1279, when Bishop Lodomer of Várad was put in charge of the archdiocese of Esztergom. The pope described Lodomer as a man provident in mental ability, vigorous in actions, and exerting power with virtue and reputation. The urgency of renewing the archdiocese of Esztergom, which was financially damaged by a long vacancy, disfigured, and corrupt, was apparent in the papal letter. This was followed by letters mandating obedience from the suffragans of Esztergom, the provost and chapter of the cathedral church, the provincial clergy, the people, and finally the subjects of the archbishop.⁵⁴⁸ King Ladislas was also informed of the decision to appoint the bishop of Várad over the provost of Transylvania, Nicholas.⁵⁴⁹ Berend describes Lodomer as "an ardent enemy" of King Ladislas, therefore the election of the prelate would certainly put strain on the position of the legate in Hungary.⁵⁵⁰ At the same time, the legate was involved in the election affairs of the other Hungarian archdiocese, Kalocsa. Bishop Philip was ordered to review the election of Master John, the provost of Buda as the archbishop. While the pope would have wished to see the newly elected prelate in person, the present state of affairs gave the legate the chance to decide if John was suitable for the office of archbishop, and if so to confirm him. Otherwise, he was supposed to allow for an election of another canonically adequate person.⁵⁵¹

King Ladislas was instructed by the legate to take an oath regarding the conversion of the Cumans and their position within the kingdom, whether it be new laws on Christians and Cumans, or the conversion of the Cuman princes, Uzur and Tolon, and their people. The legate was promised that

⁵⁴⁷ VMH, I, 330-336, no. 549.

⁵⁴⁸ June 13, 1279, VMH, I, 337-338, no. 553.

⁵⁴⁹ June 22, 1279, VMH, I, 339, no. 555.

⁵⁵⁰ Berend, *Gate of Christendom*, 173-174.

⁵⁵¹ June 13, 1279, VMH, I, 338-339, no. 554.

investigators could be sent to see if the Cumans were truly renouncing their pagan ways and following their new Christian precepts of faith. On a practical note, they also had to renounce their hold over ecclesiastical possessions, such as monasteries and churches.⁵⁵² This oath was made into a royal decree six weeks later.⁵⁵³ According to historians the Cuman issue became prevalent and the most disturbing factor in the relationship between the king and the legate.⁵⁵⁴ Berend elaborates how although Ladislas relied on ecclesiastical institutions he did not conform to ecclesiastical norms. The importance of Cumans for his rule was paramount and relinquishing that lever of power would have been detrimental to his government. As for the king's opposition, ecclesiastical or secular, brandishing accusations of being a "pagan by choice", or pointing to his treatment of his wife Elizabeth, or even marrying off his sister (also) Elizabeth to a Bohemian noble, they were merely using the king's lack of experience to apply external pressure on his rule. Finally, the "propaganda" image formed by contemporary elites (from either Lodomer's or the king's camp) showed a ruler who wanted to dominate his kingdom, including the Church.⁵⁵⁵ At a moment when there was a latent threat of a second Mongol invasion, the precarious position of Christianity in Hungary was enough to merit a strong repudiation of behavior perceived to support non-Christians. As Weisz mentions, even from 1280 until 1282 there is mention of a Jew, Fredmann, as a chamber *ispan*.⁵⁵⁶ Zoltan Kosztolnyik paints the conflict between Ladislas and Philip in the context of the king's advisors and companions who were used to controlling ecclesiastical affairs and appointments and therefore unwilling to relinquish this to the legate. According to this interpretation, the Cuman issue, while significant, was of secondary importance, in the legate's enterprise to keep Hungary in the "European mainstream."⁵⁵⁷

Bishop Philip of Fermo had in several months set up the chess board to his liking. He appointed someone he valued as the archbishop of Esztergom, arguably the most important ecclesiastical office in the kingdom. Master John, the archbishop-elect of Kalocsa, was waiting for the legate's review and confirmation, which essentially made him subject to the will and expediency of the papal emissary. And then in June, the king and his Cuman allies were also forced to submit and in the case of the Cumans, convert. Both the Church and the royal power were attentively listening to the bishop's wishes. Seemingly an ideal conjuncture of fortuitous events that gave the legate the chance to convene a truly extraordinary and extensive reform synod. The 129 constitutions of the

⁵⁵² June 22, 1279, VMH, I, 339-341, no. 556.

⁵⁵³ Stephan Ladislaus Endlicher, ed., *Rerum hungaricarum monumenta Arpadiana* (St. Gallen: Scheitlin & Zollikofer, 1849), 559-565; LMKH, I, 67-70.

⁵⁵⁴ Barabás, "Papal Legates", 147.

⁵⁵⁵ Berend, *Gate of Christendom*, 173-77.

⁵⁵⁶ Weisz, "Zsidó kamaraispánok", 160.

⁵⁵⁷ Kosztolnyik, "The Synod of Buda", 72-76, 81-85.

Synod of Buda, which was held in September 1279, spoke not only of the current state of affairs in the church in Hungary but also of the messaging coming from the Apostolic See. Reforms were required in many areas of church life, the most obvious were church hierarchy and ecclesiastical discipline, separation of clerical and secular jurisdictions (both in terms of judicial proceedings and taxation), as well as the physical, visual separation and distinction between clergy and laity. Not only in the external signs, such as clothes or ornaments but also, more importantly, in behavior and morals. What was also quite significant is that a great number of these constitutions were very practical, trying to present a handbook-styled series of explanations as to what priests, or clergy in general, should do during mass, how they should administer all the sacraments, especially confession. They were also instructed on how to administrate marital affairs and assert control over the proceedings, something already mentioned and addressed by previous legates in Hungary, as was the ever-present issue of non-Christians.⁵⁵⁸

Within a few months, the pope was again urging the king to obey the legate. Pope Nicholas wrote an extensive letter narrating the situation as he had heard it, either from someone in the legation or some other local ecclesiastical source.⁵⁵⁹ Several aspects of the legation, which at that point had lasted around one year, came up in the letter. First, King Ladislas tried to block the entry of the legate into Hungary. Bishop Philip had been in Vienna in December 1278, and apparently, the pope was dissatisfied with his initial progress, having learned about the king's move to block the legate with which he was naturally displeased and reiterated how "it is not proper for a father to doubt his son" and continued to explain on the maternal embrace of the Roman Church, considering the errors found in the kingdom. In fact, the pope wrote how he had joyfully heard of the change in the king and the kingdom that had happened after the arrival of the legate. Specifically, on the preservation of ecclesiastical liberty and the expulsion of heretics from the kingdom. The pope also singled out the oath the king made at the altar, while touching the Gospel, about the liberation of the Christians who were in servitude of Cumans and Pagans, how Cumans were compelled to live in fixed homes, and were to be baptized and their idols destroyed. The Cumans were also supposed to restore monasteries and churches that they had previously occupied. However, the Cumans did not follow through and the king went back on his oath. The legate excommunicated the king and placed Hungary under interdict.⁵⁶⁰ The Pope naturally wanted the king to return to being faithful and obedient, but he was also remarkably realistic and gave "permission" to "prelates, barons, and the people of the Kingdom, inflamed by a sincere devotion to god and the holy mother church", to rebel for the glory of Christ.⁵⁶¹

⁵⁵⁸ Waldmüller, *Synoden*, 188-197; Kosztolnyik, "The Synod of Buda", 76-80.

⁵⁵⁹ December 9, 1279, VMH, I, 341-344, no. 557.

⁵⁶⁰ Kosztolnyik, "The Synod of Buda", 81-82; Berend, *Gate of Christendom*, 174.

⁵⁶¹ VMH, I, 341-344, no. 557.

The pope urged the Church in Hungary to help the legate in his mission to return the king, and perhaps any others who might waver, back to devotion and faithfulness to the Holy See. The same was written to the dukes, counts, barons, and people of the realm.⁵⁶² And the mission was to restore the kingdom from the turbulent disturbances and the mutinous uproar of its inhabitants, but the most important was the preservation of ecclesiastical liberty and then the healthy condition of the king and kingdom.⁵⁶³ To show the serious nature of the pope's discontent and his will to apply not only internal but also external pressure on the king and his supporters, Pope Nicholas called upon King Charles of Sicily and Rudolph, king of the Germans. The appeal to Charles referred to a need to support the papal legate and to urge King Ladislas to correct his errors – especially respecting ecclesiastical liberty – and if this failed, to resist the disobedient king. The pope framed this plea in the context of King Ladislas being married to Elizabeth of Sicily, the daughter of King Charles.⁵⁶⁴ The last papal letter on this day was sent to Queen Elizabeth praising her royal lineage, but foremost her devotion and virtue, as well as her support for ecclesiastical liberty. The pope urged Elizabeth to remain strong in this mindset and to “sprout forth good fruits in the house of the Lord”, as opposed to an “infectious cloud rising up” that “might corrupt the blameless manner” of the queen.⁵⁶⁵

What ensued was an extraordinary series of events. Apparently, because of a misunderstanding, the legate was arrested by the king or the king's followers in early 1280 and kept in Cuman custody. The Hungarian nobles, who were perhaps swayed by the legate's work during the previous year, then decided to imprison the king. A diplomatic resolution saw both go free by February or March 1280⁵⁶⁶ and some manner of peace between the king and the legate was made later in the year.⁵⁶⁷ The legate continued his stay in Hungary until the Fall of 1281, when he would leave for Austria in October and Silesia afterward.

There he tried to mediate between Bishop Thomas II of Wrocław and Duke Henry IV.⁵⁶⁸ In Milicz he confirmed the agreement between Duke Mestwin of Pomerania and the Teutonic Order.⁵⁶⁹ He confirmed the tithes to the Cistercian monastery at Łekno previously granted by the archbishop of Gniezno.⁵⁷⁰ At Wieluń he confirmed privileges to the Cistercian monastery of Ołobok by Pope

⁵⁶² December 9, 1279, VMH, I, 344, no. 558.

⁵⁶³ December 9, 1279, VMH, I, 344-345, no. 559.

⁵⁶⁴ December 9, 1279, VMH, I, 345, no. 560.

⁵⁶⁵ December 9, 1279, “...germines sicut propago fructifera in domo domini fructus bonus...”, “...nubili contagiosum insurgeret...”, “...modo puritatem inficeret...”, VMH, I, 345-346, no. 561.

⁵⁶⁶ Attila Zsoldos, “Téténytől a Hód-tóig (Az 1279 és 1282 közötti évek politikatörténetének vázlata) [From Tétény to Hód Lake (Outline of the Political History of the Years Between 1279 and 1282)], *Történelmi Szemle* 39, no. 1 (1997): 69-98, esp. 84.

⁵⁶⁷ August 18, 1280, ÁÚO, IV, 214-215, no. 128; Barabás, “Papal Legates”, 148.

⁵⁶⁸ February 8, 1282, CDS, VII/3, 14; August 10, 1282, CDS, VII/3, 21.

⁵⁶⁹ May 18, 1282, CDS, VII/3, 18.

⁵⁷⁰ April 12, 1282, KDW, I, no. 505.

Urban IV,⁵⁷¹ and also ones given by Dukes Přemysl and Boleslaus.⁵⁷² In July 1282 he was at the monastery of Henryków, confirming a settlement from the previous month in Wrocław,⁵⁷³ dealing with a dispute between the priests Zadlo and Stolz, and likewise the relationship between the church at Henryków as daughter of the church at Zadel, which entailed an obligation of payment.⁵⁷⁴ The legate confirmed a privilege from 1267 that the duke of Pomerania promised the bishop of Wrocław a tithe on land he was going to inherit.⁵⁷⁵ He also confirmed an agreement between the Premonstratensian monastery at Witów and the Cistercian monastery at Sulejów.⁵⁷⁶ All seemingly quite mundane actions but meant to foster the idea of papal universal authority in judicial matters as well as granting various financial or spiritual privileges. The legate also issued an interesting privilege allowing the provincial of the Polish Dominicans to discretely sanction one brother from every convent to deal with and issue absolution for grave sins, such as incest, adultery, sins against nature, administering abortion, witchcraft, or sacrilege.⁵⁷⁷ The importance of this letter may well be connected to canon 10 of the Fourth Lateran Council, which not only delegated preaching activity but also hearing confessions. The purpose of such a decree was to authorize individual specialists assigned for confessional matters who could hone their skills and provide better service within their community. The individual mandate also allowed for more structured control over these confessional activities, meaning that not everyone should or could hear confessions. By September 1282 the papal legate was in Vienna, and his office would soon come to an end.⁵⁷⁸

This legation was a flurry of activity by the legate, combining political pressure on the king and his allies, as well as institutional reform of the Church. The reform effort produced an unparalleled legislative agenda at the Synod of Buda in 1279. Rather than the question of the Cuman conversion which is often presented as being politically most important and indeed a prelude to another conflict between the king and the Cumans, the legate's activity as a whole can be seen as a continuity of papal policy since at least the 1230s and the legation of Jacob of Pecorara. The promotion of a preeminent position by Christians within society and a discriminatory stance towards "others" was more likely to succeed in 1279 due to the weaker position of the king. He was after all captured by his opponents in 1280. The reforms that the legate published were within the continuity

⁵⁷¹ April 27, 1282, KDW, I, no. 508.

⁵⁷² June 11, 1282, KDW, I, no. 510.

⁵⁷³ July 6, CDS, VII/3, 20.

⁵⁷⁴ July 8, 1282, CDS VII/3, 294.

⁵⁷⁵ July 9, 1282, CDP, II, 1, 76-77, no. 92.

⁵⁷⁶ July 15, 1282, CDS, VII, 3, 20.

⁵⁷⁷ August 9, 1282, "...incestibus, adulteriis, peccato contra naturam, procuratis abortionibus, maleficiis et in ... itacionibus atque sacrilegiis...", KDMP, I, 120, no. 101; KDW, I, no. 515; CDS, VII/3, 21.

⁵⁷⁸ There is a historiographical tradition that claims that Philip held a legatine synod in the Wrocław cathedral. This claim appears to be a historical interpolation, likely in reference to his synodal activity in Buda, and references to Poland in the synodal acts of that assembly.

of Lateran reform, still present in the *habitus* of papal envoys. The legate was also not naïve, since he first ensured obedience and control over the Hungarian church. Although the narrative can seem overdramatized by the capturing of both legate and king by warring factions, the synodal constitutions dealt with the majority of problematic behavior by the clergy, as well as gaps and errors in liturgical or theological knowledge, and that legacy was perhaps the strongest in terms of the developing ecclesiastical society.

In the beginning of the fourteenth century, the papacy was perhaps more concerned with the political aspirations of the Angevin dynasty in Hungary, however, the two papal legates, Nicholas Bocassini and Gentilis of Montefiore both convened synods that were dealing with reform issues. Nicholas held two synods, in Buda in 1301 and Pozsony (Bratislava) in 1302.⁵⁷⁹ There were five synods in Gentilis' legation, three in Buda (1308-1309), and two in Pozsony (1309, 1311). The most extensive information on the synodal constitutions is available for his second synod of Buda in 1309. This assembly was mostly concerned with the position and status of King Charles, referring to his immunity, crown, and regalia. It also clearly addressed the issues facing prelates who were enticed by the various political factions. However, of the sixteen constitutions published by this synod, eight dealt with reform issues, twice referring to the Synod of Buda in 1279, and after almost a century after the Lateran council, tackling the issue of school masters (c. 11 of Lateran IV). Other, continuing, legislation included clerical concubines, divine services, laymen assigning benefices to churchmen, or occupying ecclesiastical tithes, possessions, goods, or even churches.⁵⁸⁰ Some reform and disciplinary issues continued to be a priority for legates, which they would bring up during their legatine synods. Yet, this last period of papal interjection into Hungarian affairs was primarily marked by securing peace within the kingdom and strongly supporting the Angevin claim to the throne, with almost half of the published synodal agenda dealing with these issues. Considering the mandate to publicize these decisions at local synods (at the level of diocese), it was a way to use ecclesiastical hierarchy and discipline to instill clerical backing for the new government.

The papal legations following the Fourth Lateran Council were extraordinary instances of the papacy's involvement in the ecclesiastical and at times secular affairs of the Kingdom of Hungary-Croatia. Of the many missions sent by the popes during the period, only the ones by Jacob of Pecorara

⁵⁷⁹ November 8, 1301, VMH, I, 390-392, no. 626; for more on Nicholas's legation see Miloš Marek, "Missions of Papal Legates in the Medieval Kingdom of Hungary I. Niccolò Boccassini (1301-1302)," *Slovak studies* 2, no. 1-2 (2016): 7-23.

⁵⁸⁰ *Monumenta Vaticana historiam regni Hungariae illustrantia*, I, vol. 2, *Acta legationis cardinalis Gentilis* (Budapest: 1885), 268-297; for more on Gentilis's legation see Viktória Kovács, "*Causae coram nobis ventilatae*. Adalékok Gentilis de Monteflorum pápai legátus magyarországi egyházi bíraskodási tevékenységéhez (1308-1311)" [Contributions to the activities of the papal legate Gentilis de Monteflorum in the ecclesiastical jurisdiction of Hungary (1308-1311)], in *Kor – szak határ. A Kárpát-medence és a szomszédos birodalmak (900-1800)*, ed. Tamás Fedeles, Márta Font, and Gergely Kiss (Pécs: PTE BTK, 2013), 75-99.

and Philip of Fermo can be said to have been focused on reform in the wider sense of the word. However, both of these legations were also heavily involved in political matters within the kingdom, especially the latter example. Legates were engaged in a variety of tasks, often times quite ordinary confirmations of privileges, carrying out investigations, gathering information, or executing judicial authority. While these actions were seemingly mundane, their very implementation was at the core of the Lateran agenda during the thirteenth century, promoting the universal papacy and a hierarchy centralized both in the ecclesiastical provinces and in the whole of Latin Christendom. The papal legates would often times act as the local mediator, receiving cases or appeals and forwarding them to Rome. Another way these links to Rome were promoted was the strong focus on economic issues in privileges, whether it was something to do with the payment of tithes, an allocation of ecclesiastical resources, or obligations of payment to Rome or the papal legates in their provinces. Legates were also used for bolstering support for the Crusades, either in the Baltic, Bosnia, or towards Bulgaria. These kinds of military campaigns were often supported by extraordinary financial exactions from ecclesiastical provinces, which were collected by either legates or other papal collectors.

When it came to more visible reforms, the main issue coming forth was that of non-Christians in public office, or generally their position within the Christian society of Hungary-Croatia. The legates Jacob and Philip successfully dealt with these issues, leaving behind either a treaty with the king or synodal legislation to the fact. However, the actual impact of these decisions can be debated. Nevertheless, they testify to the manner with which the papacy sought to assert its authority and power within the Central European realms on an entire battery of issues that had been thought out by the Fourth Lateran Council in the 71 canons. This was perhaps most apparent in the extensive legislation of Philip of Fermo during the Buda synod of 1279. The interjection of papal legates in the ecclesiastical affairs of the region also prompted a reaction from kings and nobles, who were at odds with this encroachment into their traditional prerogatives regarding patronage or judicial jurisdiction. The local prelates also had to carefully navigate between obedience to the Holy See and the respect due to papal legates and the political realities of the kingdom, something that became very clear in the example of Archbishop Robert of Esztergom who judiciously chose sides in the conflict between the papacy and King Andrew, taking care of his own interest within the context of the kingdom.

III.1.2. Poland

Papal legations in Poland were fairly regular in the thirteenth century.⁵⁸¹ After the Lateran Council one of the first legates arriving in Poland was Gregory de Crescentio.⁵⁸² Pope Honorius III described him as “by all means a man of notable discretion and integrity, and to us in particular beloved, weighing his values among all the rest of our brothers.”⁵⁸³ In this papal letter sent in December 1220 to the archbishop of Gniezno, announcing the arrival of his legate, with the “full authority of his legatine office” there are no exact details of why the journey is being undertaken, and the legatine province itself was quite large.⁵⁸⁴ Besides Poland, it included the archdioceses of Uppsala (Sweden), Lund (Denmark), as well as the dioceses of Prague and Olomouc (Bohemia). The particulars of his legation were spelled out in several letters dated a few days later. Gregory was given authority to absolve those who might have incurred excommunication due to laying hands on canons.⁵⁸⁵ Another letter expanded this to those who had laid hands on clergy and drawn blood. Also, some were either ignorantly or doubtingly, or skillfully excommunicated, or they received holy orders on non-canonical days.⁵⁸⁶ The pope mandated many absolutions of excommunications as this had previously clearly become a problem as referenced in these letters. Others were excommunicated because they committed fraud regarding the *vicesima*. After making satisfaction for the crime, the offenders could be absolved if they contributed to the preservation of the Holy Land.⁵⁸⁷ The legate also needed to deal with the many children of incontinent priests serving as clergy. The pope informed Gregory how priests taking wives was an ancient custom, as some churches had lacked appropriate direction. These children who became clerics were to be granted dispensation if the legate found them knowledgeable and of a worthy manner of living.⁵⁸⁸ Agata Zielinska found this papal practice to be indicative of short disciplinary jurisdictions applied by papal legates, dealing mostly with penitential issues.⁵⁸⁹ Honorius addressed the issue of the poor, old, young, feeble and sick who took on a crusading vow, and though of sound mind, they were now of deficient strength. Cardinal Gregory could absolve the poor of their vow and commute the vow for those who had funds, according to the decree of the Fourth Lateran Council.⁵⁹⁰ The legate was also mandated to send those who killed priests, but were so hardened by this point that they could not ask for absolution in Rome, to take on

⁵⁸¹ For more on papal legates and envoys in thirteenth-century Poland see Agata Zielinska, “Territorialization, the Papacy, and the Institutions of the Polish Church 1198-1357” (Doctoral Dissertation, University College London, London, 2021), 95-136.

⁵⁸² Gregory was cardinal-deacon of St Theodore from 1205/1206 until his death in 1226; Eubel, *Hierarchia*, 15, 52.

⁵⁸³ December 31, 1220, VMPL, I, 11-12, no. 24.

⁵⁸⁴ “...plene legationis officio...”, “...plenaria potestate...”, *ibid*.

⁵⁸⁵ January 4, 1221, MPV, III, 8, no. 15.

⁵⁸⁶ MPV, III, 10, no. 19.

⁵⁸⁷ MPV, III, 9, no. 17.

⁵⁸⁸ MPV, III, 9, no. 16.

⁵⁸⁹ Zielinska, “Institutions of the Polish Church”, 127.

⁵⁹⁰ “...iuxta formam concilii generalis...”, MPV, III, 9, no. 18.

the sign of the cross against the pagans in the region.⁵⁹¹ It appears that the legation was mainly focused on ecclesiastical punishments, crusade recruitment, and partly clerical reform. Going back to the initial letter for the mission, though the pope does not go into detail, his choice of words is quite telling. There he recalls to mind the images of the weeds in the field/vineyard of the Lord used in Innocent III's *Vineam domini Sabaoth* bull: "strive to extirpate the weeds from the field of the Lord as they grow because of our negligence and in the text 'the slothful man passed through the field, and behold, nettles filled it and overtook his face and spine' be applied to us."⁵⁹² To fully present the authority of the papacy and the legatine office, Honorius used part of Innocent's perhaps favorite biblical quote on papal authority: "to root out and to destroy, to build as well as to plant."⁵⁹³ According to the other letters, the legate was more concerned with planting new ideas in the provinces he visited, and probably dealt with the general state of the Church there. Both Honorius III and Gregory IX were concerned with continuing Innocent III's reform agenda, and their constant use of biblical images and language promoted by Innocent, especially those images of the "vineyard of the lord" tied to the Lateran Council were telling examples of how the fight against heresy, the reform of the Church, and the crusades (on all frontiers of Christendom), were the mainstays of this Lateran agenda.

The bishop of Kamień (Cammin) wrote to the pope about the violent encroachment of his neighbors, the archbishop of Gniezno and the bishop of Schwerin, on his diocese which caused huge expenses to his church. William of Modena, the papal legate and penitentiary and up until 1233 the bishop of Modena, was sent to investigate the bishop's claims and his appeal based on the purported apostolic privilege that contained clear and fixed limits for the diocese, which were under threat.⁵⁹⁴ In 1236 Pope Gregory stated that there had been a corrupt custom observed for a long time, that people who worked the lands of cathedral or church estates were unjustly taxed and forced to work by the Polish dukes. Not only that, they were also forced to go on military expeditions, received payment, and built fortifications. They could not do all of this (as well as their own work) and keep serving the church, which meant the economic base for church estates was threatened.⁵⁹⁵ The pope censured Duke Konrad of Mazovia in 1238 regarding this very issue, and said that he had written to his legate (William of Modena) about correcting this corrupt custom and to restrain the duke.⁵⁹⁶ At the same time the legate also had to resolve the issue of damages made to the church of Gniezno by the incursions of the Duke of Silesia into the territory of the Duke of Poland. The chapter of Gniezno

⁵⁹¹ MPV, III, 10, no. 21.

⁵⁹² VMPL, I, 11, no. 24; Proverbs 24: 30-31; Meloni, "*Vineam Domini*", 65-67.

⁵⁹³ Jr 1: 10.

⁵⁹⁴ March 20, 1235, VMPL, I, 27, no. 60; Eubel, *Hierarchia*, 353.

⁵⁹⁵ June 17, 1236, VMPL, I, 29-30, no. 64.

⁵⁹⁶ March 25, 1238, VMPL, I, 32-33, no. 70.

appealed to the pope after the archbishop's outreach to the duke failed to yield anything other than mockery and silly appeals to the Holy See.⁵⁹⁷ A few years after this, Pope Innocent IV sent William to Prussia to divide the territories conquered by the Teutonic Order and other Christians into new dioceses, in counsel with the brothers of the Order and other bishops that had been in the area.⁵⁹⁸

The next papal emissary was also sent by Pope Innocent IV, this time it was Opizon of Mezzano, abbot and papal nuncio. His mission in 1246 was to further the conversion efforts in pagan Prussia, using the privileges for converts granted by popes Innocent III, Honorius III, and Gregory IX.⁵⁹⁹ The other aspect of his journey was establishing peace between the bishop of Kujawy, the Teutonic Order in Prussia, and the dukes of Poland on one side and the duke of Pomerania and the Christian neophytes on the other.⁶⁰⁰ Opizon was again sent to the region after seven years, this time with a full legatine office. The pope instructed the Polish Church to prepare for the inevitable fight against the Mongols and to invite Christians to a crusade against them. The legate would not only deal with this recruitment but also any internal ecclesiastical matters needing correction. The same letter was also sent to Bohemia.⁶⁰¹ He was likewise tasked with protecting Poland and the Polish dukes from others who would want to aggravate them or occupy the land, most likely King Wilhelm of Germany.⁶⁰² A few days later the pope wrote to the legate about expanding the existing dioceses into their neighboring pagan lands, with the agreement of the duke of Łęczyca and Kujawy, as well as the duke of Kraków.⁶⁰³ In 1254 the legate had to remind the bishop of Kraków of his duty to care for the people in his region, namely in the area of Łuków. Opizon had to urge the bishop "to exert himself concerning teaching the people of that region, in faith and the customs of the Christian religion, what the sacraments of faith designated, and to effectually invite others to the truth of Christ's news." If the bishop continued to neglect this duty of pastoral care, the legate was to examine the possible obstacles for his negligence (long-distance journey, difficult road, wooded area) and in council with the archbishop of Gniezno and his bishops, including the bishop of Kraków, to set up a diocese in that place and to choose "a Franciscan, strong in deed and in word, as bishop and shepherd to the people."⁶⁰⁴ This example is quite telling of the pastoral initiative associated with the Fourth Lateran Council as well as the very practical approach to reorganizing ecclesiastical provinces that

⁵⁹⁷ June 17, 1236, VMPL, I, 30, no. 65.

⁵⁹⁸ July 29, 1243, VMPL, I, 36, no. 75.

⁵⁹⁹ October 11, 1245, VMPL, I, 42, no. 85.

⁶⁰⁰ October 11, 1245, VMPL, I, 42-43, no. 86.

⁶⁰¹ May 14, 1253, VMPL, I, 51-52, no. 107; KDW, I, no. 312.

⁶⁰² May 17, 1253, VMPL, I, 52, no. 108; KDW, I, no. 314.

⁶⁰³ May 19, 1253, VMPL, I, 52, no. 109.

⁶⁰⁴ July 13, 1254, "...ut circa erudiendos populos regionis illius, quos fidei sacramenta signarunt, in fide ac christiane religionis moribus, et alios ad veritatis Christi notitiam invitandos efficaciter elaboret.", "...aliquem virum ordinis fratrum Minorum, opere et sermone potentem, illi plebi preficias in episcopum et pastorem...", VMPL, I, 57-58, no. 119.

were too expansive to be administered by one prelate. This could also speak to the general lack of ecclesiastical foundations in this part of Poland as some areas obviously felt isolated and neglected from the pastoral care of the bishop. The legate was also present in May at the celebration of the canonization and the elevation of the relics of St. Stanislaus.⁶⁰⁵ Opizon was last mentioned in a 1257 letter by Alexander IV to the Franciscan guardian and Dominican prior in Poland to enact the excommunication of the Teutonic Order, due to their violence against pagans who had been subject to peaceful missionary work under the auspices of Duke Casimir of Łęczyca and Kujawy and the abbot of Mezzano. It was the abbot who first promoted the excommunication to try to alleviate the damage done to the missionary work by the violence of the Teutonic knights.⁶⁰⁶

Pope Innocent IV sent his chaplain, Jacques of Liege, on a mission to Poland, Prussia, and Pomerania in November 1247. The pope described him as “by all means a learned man, with honesty and virtue of customs and prudent in advice”, sending him to the province of Gniezno “to root out and to destroy, to build and to plant”, which would imply an inquiry into the state of the church in the province and possible corrections if needed.⁶⁰⁷ Jacques’s mission produced a (legatine) synod at Wrocław in October 1248 which addressed some of the reform issues plaguing the Polish Church in 26 constitutions. These varied from proper ecclesiastical and judicial procedures such as excommunications by prelates or false testimony in court. The synod decreed against those who burned churches or hired pagans against Christians. It was also not proper for clergy to receive non-vacant benefices from laymen and it was forbidden for them to receive two benefices with the care of souls attached. Foreign clerics could not be ordained as it was often an issue of them fleeing some kind of punishment elsewhere. The residence of bishops and abbots was mandated, as was the archbishop’s duty to visit his suffragans. The archdeacons’ visitations were also important, especially when they took procurations without actually visiting. Economic issues were also quite important with a number of the constitutions dealing with the paying of the tithe and soldiers (mostly German) infringing upon this obligation towards the church. The collection of St. Peter’s pence was also an important issue for the papal nuncio. Regarding pastoral matters, the synod dealt with processions with the Corpus Christi displayed and the indulgence for those who participated.⁶⁰⁸ The importance of the Sunday sermon and reciting the Creed was shown, as the synod allowed priests to preach in the vernacular. The synod also explained the specific grace of the bishop’s meal, a manner of popular

⁶⁰⁵ MPH, VIII, *Chronica Poloniae Maioris*, 101, no. 105; Bartos, “Negotiations of Power”, 158.

⁶⁰⁶ January 5, 1257, VMPL, I, 71-72, no. 141; RPR, II, 1364, no. 16653.

⁶⁰⁷ November 19, 1247, “...virum utique litteratum, morum honestate decorum et in consiliis circumspectum...”, “...ut evellat et dissipet, edificet et plantet...”, VMPL, I, 45-46, no. 94; SPPP, 347.

⁶⁰⁸ For a closer examination of the devotion to the Corpus Christi, eventually becoming a feast and its personal connection to Legate Jacques of Liege (Pope Urban IV) see Miri Rubin, *Corpus Christi: The Eucharist in Late Medieval Culture* (Cambridge: Cambridge University Press, 1991), 164-181;

outreach, and then decided on the matter of the longer fast (abstaining from meat) imposed on some of the German newcomers into Poland. Priests were required to keep the church in a fitting manner, especially the baptismal font, the sacrament, chrism, and holy oil under lock and key. The cemetery needed to be closed off as a sacred space as well. Several decrees revolved around marriage, either on the three banns or other issues of marital procedure, not allowing foreigners to get married, and the abduction of virgins. Consanguinity and affinity were also raised as issues (related to incest and adultery). The legation of Jacques of Liege presented a more universal reform program, tackling issues beyond the highly mundane issues of tithes.⁶⁰⁹ One of the legate's missions into German lands was so important that it was noted in the report of Bishop Bruno of Olomouc in 1273, writing on the eve of the Second Council of Lyon.⁶¹⁰ This shows not only the regional impact of papal legations but also specifically Jacques of Liege's role in reforming the local church structures in the middle of the thirteenth century.

The next great legatine synod happened in 1267, again in Wrocław, under the auspices of the Cistercian Guido of Burgundy, cardinal-priest of St. Lawrence in Lucina.⁶¹¹ Guido had been sent in 1265 by Pope Clement IV on a legation that encompassed Denmark, Sweden, Bremen, Magdeburg, Gniezno, and Salzburg.⁶¹² He convened a legatine synod in February 1267 at Wrocław for the entire province of Gniezno. According to Helcel's edition of the statutes, the legate promulgated thirteen constitutions, dealing primarily with ecclesiastical liberty, which at the time, along with the tithe, seemed to be the most under threat by secular lords in Poland. The tithe was very important for the functioning of the ecclesiastical economy, and there were to be no delays in payment or willful commutation. Ecclesiastical estates were under threat of plundering and seizure and ecclesiastical persons were extorted. Priests were captured, beaten, or killed. The synod legislated against these maladies and instituted a suspension of divine services against dioceses or parishes where clerics were seized. The separation between lay and ecclesiastical persons was also important, especially in judicial jurisdiction. It was decreed that clerics could not pursue cases against other clerics in lay courts. Laymen could neither condemn clerics nor take them to secular courts over ecclesiastical matters. Another aspect of lay intrusion was taking advantage of the right of hospitality to consume and devastate church goods. The only constitution that dealt with internal church discipline was concerned with archdeacons neglecting their duties regarding visitations.⁶¹³ Guido was also present

⁶⁰⁹ SPPP, 347-357.

⁶¹⁰ VMH, I, 310, no. 535.

⁶¹¹ Coincidentally, Guido was made a cardinal by Urban IV (formerly Jacques of Liege) in 1262, Eubel, *Hierarchia*, 8, 43.

⁶¹² June 8, 1265, E. Jordan, ed., *Les registres de Clément IV (1265-1268)* (Paris: E. de Boccard, 1945), 23, no. 91.

⁶¹³ SPPP, 360-363.

in Kraków in July of the same year granting an indulgence for the feasts of the Virgin Mary and the saints Wenceslaus, Stanislaus, and Florian.⁶¹⁴

Zielinska found the legatine missions to Poland from this period to be very focused, both in terms of territory, time, and objectives. Legates would also return to the region on additional missions, showing an appreciation by the papacy for their experience and knowledge of the local situation and traditions.⁶¹⁵ Rather than going on prolonged reform legations, legates were sent on specific tasks related to ecclesiastical reform, policy, economy, or judicial matters. According to Zielinska, the usual thirteenth-century division of tasks among papal legates (either *de latere* or *nati*) did not completely apply in Poland as they would engage in the various business at hand. One of the reasons behind this was the limited personnel, i.e. cardinals or other legates, men of confidence, the Roman Curia could afford to send on far-away missions. Hence comparatively few legates were sent (eight in the thirteenth century, and two more in the early fourteenth century) and their provinces could be quite expansive. The formation of legatine provinces was also due to the actual connections and similarities between the various territories, e.g. Poland, Hungary, Denmark, Bohemia, etc. Zielinska also stresses the need for local ecclesiastical infrastructure, as legates could not perform their missions without the support of local bishops, abbots, and other clergy.⁶¹⁶ The best example of this is the convening of legatine synods which would be impossible without strong local institutions who could arrange these assemblies over already established hierarchical networks.

The papal legations in Poland show similarities to the previously mentioned examples in Hungary as the majority of sources produced by the legates were concerned with everyday issues (tithes, financial exactions), confirmations of privileges, and court cases. The legates were trying to assert and establish papal authority in ecclesiastical matters in the realm, for instance regarding the expansion or division of provinces. They pursued this task through synods which were meant to include the local episcopacy and clergy in the universal image of the papacy and the Lateran reforms. The numerous legations in Poland showed a remarkable knowledge of the state of the Church within the polity and approached the reform in a cooperative way, retaining the kernels of the Lateran agenda while trying to accommodate for the local specificities. This was most apparent in allowing the use of the vernacular in the liturgy. Poland was also at the forefront of missionary and crusade activities (in the Baltic area) and legates were often engaged in garnering support, either in personnel or money, for these campaigns. The accompanying preaching campaigns were mostly the purview of religious orders – Cistercians, Franciscans, and Dominicans. The legates, both individually and in synod,

⁶¹⁴ KDKK, I, 91, no. 61.

⁶¹⁵ Zielinska, "Institutions of the Polish Church", 106.

⁶¹⁶ Zielinska, "Institutions of the Polish Church", 104-108.

promoted the idea of clerical oversight and corporate elements of church institutions on all levels of the ecclesiastical hierarchy as well as the concept of a universal papacy and a centralized administration of the Church (local and universal).

III.1.3. Bohemia

The papal legations and envoys in Bohemia were of a different capacity compared to Hungary and Poland. The key difference was that there was no metropolitan center in Bohemia, and the bishop of Prague was in fact part of the episcopate of the province of Mainz and regularly attended the synodal activities of that province. However, though legatine synods were not held in Bohemia during the thirteenth century, there were visits by papal agents, and quite frequent at times.⁶¹⁷ In the 1220s it was Gregory de Crescentio (1221) and Conrad of Urach (1225), then after a short intermezzo, Peter of Capua (1247-1250), Octavian (1248), Hugo of S. Sabina (1250, 1252), Velasco (1253, 1263), Bernard (1254), Anselm of Warmia (1260), and finally Guido of Burgundy (1267). They had different tasks, frequently centered around political issues, either brokering peace between the Bohemian rulers and their neighbors (e.g. Béla IV of Hungary) or stabilizing the uneasy situation between the bishop of Prague and the ruler after the Fourth Lateran Council. Mainly though, they used their legatine authority to adjudicate on local issues and work on centralization and establishing a hierarchical connection to Rome, the calling card of thirteenth-century legatine duties.

Pope Honorius III sent a legate to Bohemia at the request of Přemysl Ottokar I who wanted a mediator for his conflict with Bishop Andrew of Prague. In 1218 the king asked the pope if he could send a legate to set up a meeting between himself and the bishop in Passau. The bishop could select his retinue of bishops or abbots.⁶¹⁸ In a letter from December 1220 to King Ottokar, Pope Honorius III announced the arrival of his legate Gregory de Crescentio, “to root out the noxious and plant the healthy.”⁶¹⁹ Two days later he did the same, sending letters to the bishops and clergy of Prague and Olomouc. The pope used the imagery of the field of the Lord requiring the rooting out of weeds as mentioned in a previous paragraph.⁶²⁰ In the beginning of 1221, the pope informed the clergy of Bohemia of the proposal laid out by the royal procurator, Master John of Scacario, to resolve the dispute between the bishop of Prague and the king. This agreement, made with the mediation of Legate Gregory, involved jurisdictional issues, the payment of the tithe, and the restoration of damages to church property. Bishop Andrew seemingly achieved his goals, as all the privileges of the church were confirmed by the king, as well as the need to pay the tithe. All of this was

⁶¹⁷ For more on papal legates to Bohemia in the thirteenth century see Antonín, *Čtvrtý lateránský koncil*, 102-108.

⁶¹⁸ CDB, II, 150-151, no. 160.

⁶¹⁹ December 29, 1220, “...ut extirpet nociva et plantet salubria ...”, CDB, II, 188, no. 203.

⁶²⁰ December 31, 1220, CDB, II, 188-189, no. 204; VMPL, I, 11, no. 24.

accomplished with the threat of ecclesiastical penalties such as excommunication and the interdict if restitution was not made.⁶²¹ The pope later advised the legate on the form of guarantee, or oath, the king and his barons should take as surety for the agreement with the bishop of Prague.⁶²² The safe location for a meeting between the king, barons, and the bishop was also required, signaling that after months of effort, the pope and legate still saw this as a dangerous position for Andrew of Prague.⁶²³ Gregory was also to inquire on the state of the church and church liberties in the diocese of Prague and to see, responding to a plea by the bishop, if it was worthy of being elevated to the rank of metropolitan.⁶²⁴ The meeting took place in Schatzberg (Austria) and after some debate the legate's authority seems to have been key in coming to a resolution, where the privileges of the church of Prague were confirmed and restored, including an immunity in case of murderers escaping on church estates. The castle of Podivín was given by the king to the Prague diocese.⁶²⁵ The king issued a charter to that effect on the same day.⁶²⁶ The bishop's safety was still an issue in February 1222, when the pope wrote to the legate not to compel the bishop to enter Bohemia if he was not guaranteed safety.⁶²⁷ Robert Antonín found that the king was in fact the winner in this conflict as the agreement was not implemented during Ottokar I's reign or even until the very end of the thirteenth century. The resolution which was achieved in 1221 was only relevant for the bishop's domain and not the entire diocese of Prague. The king would not back down on the issue of patronage rights. Andrew would soon leave for Italy where he lived until 1223/1224. Antonín stresses that the system set up in Bohemia before the Lateran Council relied on the connections between the nobility and ecclesiastical institutions, through patronage. Furthermore, following these developments in the early thirteenth century, even monasteries wanted to patronize churches independent from episcopal domination.⁶²⁸ This entire situation went contrary to the express idea of the Lateran Council, which envisaged the positive dominating role of the bishop within his ecclesiastical province, as teacher and judge. Any exclusion from this authority, least of all by the secular nobility, would be seen as a lessening of the bishop's institutional prerogatives. As Antonín shows, this struggle would not be resolved in this period.

⁶²¹ January 11, 1221, CDB, II, 193-195, no. 209.

⁶²² January 23, 1221, CDB, II, 195-196, no. 210.

⁶²³ June 19, 1221, CDB, II, 199-200, no. 215.

⁶²⁴ June 19, 1221, CDB, II, 199, no. 214.

⁶²⁵ July 2, 1221, CDB, II, 200-203, no. 216.

⁶²⁶ CDB, II, 203-205, no. 217.

⁶²⁷ February 11, 1222, CDB II, 209, no. 225.

⁶²⁸ Antonín, "Bishop Andrew", 458-460.

Gregory's successor as legate in Bohemia was Conrad of Urach, cardinal-bishop of Porto-Santa Rufina.⁶²⁹ Conrad was concerned with somewhat more mundane activities. In 1225, he was involved in the agreement between Helwiga of Znojmo and Luke, the abbot of Třebíč, who wanted to exchange land. He also confirmed privileges and goods of the monastery of Oslavany.⁶³⁰ King Přemysl Ottokar issued a charter with the same content on the same day (Conrad was listed as a witness in that document).⁶³¹ The legate also intervened on behalf of John the cleric, a Roman citizen, to grant him a benefice in the diocese of Olomouc.⁶³² Conrad's legation showed several important features, including mediation in property agreements and confirmation of ecclesiastical privileges. These were delegated powers owed to the legatine office, thus promoting and confirming the growing ties between the papacy and the local ecclesiastical hierarchy. The legate was also a guest in the king's presence, alluding to the importance of keeping close diplomatic and political relationships between the rulers and the papacy.

After twenty years of relative quiet, in 1247 Pope Innocent IV sent his legate Peter (Cappocius), cardinal-deacon of S. Georgii ad velum aureum, to Bohemia.⁶³³ His mission was to confirm the property of Bishop Conrad of Olomouc. The bishop had been made to resign his see by King Wenceslaus I and given an estate to enjoy.⁶³⁴ The legate was also part of an effort to grant a dispensation for the marriage of Přemysl Ottokar II and the daughter of the Duke of Saxony.⁶³⁵ Dispensations were fast becoming necessary considering the Lateran Council's legislation regarding the forbidden degrees of marriage. According to David d'Avray, the Lateran Council's legislation aimed to eliminate the need for dispensations, *ipso facto* confirming the indissoluble nature of marriage, however, this proved ineffectual.⁶³⁶ Around the same time, in 1248, another legate, Octavian, cardinal-deacon of S. Maria in via lata was in Bohemia, dealing with the dispensation for the marriage between Ulrich of Spanheim and Agnes of Merania.⁶³⁷ The next papal envoy was Hugo, cardinal-priest of S. Sabina and a Dominican, who was sent to the German lands in 1252. His nuncio Gerhard of Pforzheim, also a Dominican, was sent to Bohemia, Moravia, and Poland to confirm indulgences to the Dominicans of Jablonné v Podještědí, Brno, and Olomouc.⁶³⁸ A year later while in Liege, Hugo personally dealt with the dispute between the bishop of Prague and the Vyšehrad

⁶²⁹ Conrad was a Cistercian, elevated to the rank of cardinal in 1219, Eubel, *Hierarchia*, 36; for more on his legation see Antonín, *Čtvrtý lateránský koncil*, 105.

⁶³⁰ June 26, 1225, CDB, II, 268-269, no. 273.

⁶³¹ CDB, II, 266-267, no. 272.

⁶³² CDB, II, 270, no. 275.

⁶³³ Antonín, *Čtvrtý lateránský koncil*, 105.

⁶³⁴ CDB, IV/1, 203, no. 109, Eubel, *Hierarchia*, 7.

⁶³⁵ CDB, IV/1, 544-545, no. 393, 394.

⁶³⁶ D'Avray, *Papacy and Marriage*, 189-207.

⁶³⁷ CDB, IV/1, 539, 540-541, no. 383, 385; Eubel, *Hierarchia*, 52.

⁶³⁸ CDB, IV/1, 428-430, 437-438, no. 251, 252, 257; Antonín, *Čtvrtý lateránský koncil*, 105-106.

chapter, and again confirmed the indulgences for the Brno and Olomouc Dominicans.⁶³⁹ The example of the legate confirming indulgences within his province is interesting because the Lateran Council established strict rules on granting indulgences to institutions in canons 62 and 60. The focus of the council was against the proliferation and cheapening of not only the concept of indulgences but also the position of the bishop as the main authority within an ecclesiastical province who could authorize such privileges. Of course, the pope retained the fullness of power in this respect as well. Therefore, these privileges confirmed first the need for control over the granting of indulgences to churches or convents, by either the bishop or pope, or both, and second the position of the pope and his legate as the authorizing entity. This was yet another way of demonstrating the hierarchical structures being put in place.

As mentioned previously, in 1253 the pope sent the papal penitentiary Velasco as a diplomatic envoy to resolve the conflict between Přemysl Ottokar II and King Béla IV of Hungary. Bernard of Naples was then sent, as papal legate, to deal with the same issue in 1254.⁶⁴⁰ The Neapolitan bishop was given the power to relax sentences of excommunication in Hungary and Bohemia promulgated during the conflict between the two polities, including against those who physically assaulted clerics.⁶⁴¹ Velasco also dealt with the dispensation for the marriage between Přemysl Ottokar and Margaret of Babenberg, as well as garnering support for the papal candidate for German king, William of Holland.⁶⁴² Bishop Bernard, on the other hand, had to contend with the problem of crowning the king of Bohemia. Since the ecclesiastic who traditionally crowned the king – the archbishop of Mainz – was excommunicated by Legate Hugo, the situation had to be resolved prior to the proper coronation.⁶⁴³ Another example of a very narrow scope of work was the legation of Filip, the archbishop of Salzburg, which produced indulgences for Moravian convents, including the Dominicans in Brno.⁶⁴⁴ In 1262, Bishop Anselm of Warmia was engaged with similar issues, namely, issuing indulgences to the Olomouc church,⁶⁴⁵ to the church of the Holy Sepulcher in Zderaz⁶⁴⁶, and to the parson of the parish of the Valley of Saint Mary (Pohled) in the diocese of Prague⁶⁴⁷, as well as confirming a document for the Teutonic Order published in 1256 by Bishop Bruno, then acting as judge-delegate of the Apostolic See.⁶⁴⁸

⁶³⁹ CDB, IV/1, 465-467, no. 273-275.

⁶⁴⁰ CDB, V/1, 57-58, 63, 71-72, no. 20, 24, 32; Eubel, *Hierarchia*, 359; Antonín, *Čtvrtý lateránský koncil*, 106.

⁶⁴¹ CDB, V/1, 61-63, no. 22-23.

⁶⁴² November 8, 1253, CDB, V/1, 29-30, no. 1.

⁶⁴³ April 8, 1254, CDB, V/1, 64-65, no. 26.

⁶⁴⁴ CDB, IV/1, 230, 255, no. 134, 154; Antonín, *Čtvrtý lateránský koncil*, 107.

⁶⁴⁵ April 9, 1262, CDB, V/1, 477-478, no. 319.

⁶⁴⁶ August 28, 1262, CDB, V/1, 518-519, no. 348.

⁶⁴⁷ June 14, 1263, CDB, V/1, 567-568, no. 382.

⁶⁴⁸ June 26, 1262, CDB, V/1, 505-506, no. 338.

The last major legation to Bohemia in the thirteenth century was that of Cardinal Guido of Burgundy. As previously mentioned, his legation began in 1265 in Northern Europe, and included a wide variety of activities. In Bohemia, he was mostly engaged in confirming indulgences to various monasteries and ecclesiastical institutions, as well as encouraging support for the crusading effort of the Teutonic Order in the north-east.⁶⁴⁹ According to recent historiography, Guido's legation defined the main tasks undertaken by papal legates at this time. This was either dealing with political troubles on the regional level (such as the conflict with Béla IV in the 1250s) or considering the role of the Premyslids in papal political actions (in the imperial context). Legates also oversaw the way local ecclesiastical institutions functioned and adhered to novel reform ideas, more often than not connected to an ecclesiastical legal framework. Furthermore, the development was such that by the 1260s the secular and ecclesiastical elites were becoming integrated into the papacies policies, including centralization and hierarchization, a remarkable change compared to the situation in the twelfth century. Beyond mere oversight, the role of the legate was to accelerate the process, especially related to forming structural and organizational aspects of ecclesiastical government in Bohemia. Following this interpretation, the change in local ecclesiastical organization was the most apparent and practical thrust of Lateran reforms in this area, integrating Bohemia into the mainstream of thirteenth-century Latin Christendom.⁶⁵⁰

Cardinal Guido was in concert with the political initiatives of King Ottokar of Bohemia and according to Waldmüller, the legate supported the king's plan to reorganize the church in the Austrian lands based on the political wishes of the Bohemian ruler. The basis for this hypothesis is the Vienna Synod of 1267 convened by the legate while staying in Prague in March of that year. The location of Vienna was also telling as this was not an episcopal center within the Archdiocese of Salzburg. An edition of the synodal acts from the seventeenth century, by Peter Lambeck, even gave rise to a theory that Cardinal Guido also held a synod for Hungarian clergy, as there were some synodal resolutions found that did not correspond to the legate's preceding synods in the provinces of Bremen, Magdeburg, and Gniezno. Waldmüller decidedly showed that the Viennese synod had nothing to do with Hungary, as there were no Hungarian clerics involved and he also contextualizes the 19 resolutions associated with Hungary as being part of some synodal collection from the twelfth century, however, not being definitive due to the lack of conclusive evidence and numerous inconsistencies in the available material.⁶⁵¹ The "Hungarian decrees" dealt with numerous clerical

⁶⁴⁹ Antonín, *Čtvrtý lateránský koncil*, 107.

⁶⁵⁰ Antonín, *Čtvrtý lateránský koncil*, 107-108.

⁶⁵¹ Waldmüller, *Synoden*, 185-187; Peter Johanek is also critical of the "Hungarian decrees" but delays on any definitive judgment until further research is done on the issue; Peter Johanek, "Das Wiener Konzil von 1267, der Kardinallegat

issues such as the obstacles and requirements for the admission to holy orders and offices, clerical incontinence, the election and consecration of bishops, simony, as well as the deposition and translation of bishops, and other similar challenges.⁶⁵² Although Waldmüller disregards them considering their focus on celibacy which was apparently “resolved” already at the Second synod of Esztergom (prior to 1116), he immediately allows for a different conclusion as by the end of the thirteenth century, even within ten years of Guido’s legation, at the Buda synod, the state of the Hungarian Church was described in dramatic language. More recently, Gábor Mikó reiterated these critiques and conclusively argued against any link between the “Hungarian decrees” and the Vienna synod convened under Cardinal Guido. He also placed the language and substance of the canons in the late eleventh to early twelfth-century context of the Esztergom synods during the time of King Coloman.⁶⁵³ Therefore, although of questionable textual tradition, in substance the “Hungarian decrees” likely belong to the twelfth century even though the issue of clerical incontinence continued to be a struggle for ecclesiastical provinces in Central Europe long into the thirteenth century.

The Bohemian dioceses showed a similar integrative development that was observed in Hungary-Croatia and Poland. Although it is difficult to ascertain the extent to which this process was helped by the popes, their legates, or actions by either, what is perceptible is the notion that was encouraged and disseminated by papal agents and then accepted by the local episcopacy – the universal nature of the papacy and its fullness of power and authority over Latin Christendom. The effects of the reform agenda or reactions to it could also be followed in the examples of the regulation and confirmation of indulgences, interjection into marital customs via papal dispensations, and the jostling for control over patronage between the nobility and the reforming ecclesiastics. Legates were also quite important as diplomats, be it dealing with conflicts between the Přemyslids and their neighbors or the bishop of Prague. Both cases required papal intervention to restore peace. This showed deference by the king towards the pope, which in itself was not a novel concept. However, with the expansion in legatine missions, it became perceptible that the position of the papal representative was growing in importance not only in terms of ecclesiastical policies and reforms but also in the general politics of the kingdom.

III.1.4. Canonization commissions after the Fourth Lateran Council in Central Europe

Guido und die Politik Ottokars II. Přemysl,” *Jahrbuch für Landeskunde von Niederösterreich* 44-45 (1979): 312-340, esp. 325.

⁶⁵² Karolus Péterffy, *Sacra concilia ecclesiae romano-catholicae in regno Hungariae*, vol. I (Vienna: Typis Kaliwodianis, 1742), 87-89.

⁶⁵³ Gábor Mikó, “Az 1267. évi bécsi zsinat úgynevezett ‘magyar határozatai’” [So-called ‘Hungarian decrees’ of the Council of Vienna of 1267], *Magyar Könyvszemle* 127, no. 1 (2011): 1-29.

Papal agents were also sent on missions to Central Europe on exceptional tasks, such as canonization investigations. These instances were infrequent but present several outstanding reference points that show how the papacy's approach to this instrument of reform and control was put into action in this regional context. Arguably the most expansive steps in the process of codification of the canonization procedure up to 1215 were done by Pope Alexander III. In his letter *Audivimus* to the king of Sweden, sent in 1171 or 1172 the pope referred to papal rights to authorize the veneration of saints. At least that was the reception of this decretal by thirteenth-century canonists. Whether Alexander was instituting a new law or confirming an old custom does not take away from the papal authority taken up during the twelfth century.⁶⁵⁴ The constitutions of 1215 do not delve further into this apart from tangentially in canon 62 which reflected upon abuses of the veneration of saints through relics. The one element that was stressed, in line with other decrees of the council, was the need for centralization and proper authorization (either papal or episcopal).⁶⁵⁵ In his analysis of canonization, André Vauchez remarked, taking on Nicole Herrmann- Mascard's assertion, that if the pope had reserved the right to authorize cults of newly discovered relics, the issue of canonization would be even closer within the pope's reserved rights.⁶⁵⁶ Bartlett also focuses on the impact of the Fourth Lateran on the veneration of relics.⁶⁵⁷ However, the explanation of the pope's action or inaction could be taken to suggest something else. The guiding theme of the Lateran IV constitutions was empowering and teaching the episcopate so they could take on most of the reform efforts without the need to continuously burden the papacy with their daily procedures. On the other hand, canonization was seen, at least in the previous century, as a papal prerogative, and as such it was defined through papal action, i.e. canonization bulls. These documents provide insight into the conceptual framework of Innocent III's view of canonization proceedings and how they incorporate into the larger framework of papal policy at the turn of the century. Innocent confirmed four canonizations: Homobonus of Cremona, Cunigunde of Luxembourg, Gilbert of Sempringham, and Wulfstan of Worcester.⁶⁵⁸ The practice of Pope Innocent and his immediate successors, Honorius III,

⁶⁵⁴ André Vauchez, *Sainthood in the Later Middle Ages*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1997), 25-27; Thomas Wetzstein, *Heilige vor Gericht: Das Kanonisationsverfahren im europäischen Spätmittelalter* (Cologne: Böhlau Verlag, 2004), 219-221; Robert Bartlett, *Why Can the Dead Do Such Great Things? Saints and Worshippers from the Martyrs to the Reformation* (Princeton: Princeton University Press, 2013), 58-59.

⁶⁵⁵ Tanner, *Decrees*, 263-264; Vauchez, *Sainthood*, 29.

⁶⁵⁶ Nicole Herrmann-Mascard, *Les reliques des saints: Formation coutumière d'un droit* (Paris: Éditions Klincksieck, 1975), 101-102; Vauchez, *Sainthood*, 29.

⁶⁵⁷ Bartlett, *Why can the dead*, 603.

⁶⁵⁸ Vauchez, *Sainthood*, 36-40; André Vauchez, "Innocent III, Sicard de Crémone et la canonization de saint Homebon (†1197)," in *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 435-455, esp. 444-449, 451-453; Michael Goodich, "Innocent III and the Miracle as a Weapon against Disbelief," in *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner (Rome: Istituto Storico Italiano per il Medio evo, 2003), 456-470, esp. 457-461; Otfried Krafft, *Papsttutkunde und Heiligsprechung: Die päpstlichen Kanonisationen vom Mittelalter bis zur Reformation* (Cologne: Böhlau Verlag, 2005), 254-263; Wetzstein, *Heilige vor Gericht*, 221-225.

and Gregory IX built up the canonization procedure into the juridical examination of sanctity it became by the second half of the thirteenth century. It was arguably Gregory IX who provided the final legal argument for canonization by the inclusion of Pope Alexander's view of papal authority in the composition of the 1234 decretal collection, the *Liber extra*.⁶⁵⁹

While the development of canonization procedures has been convincingly explained by authors relating to Western Europe, or rather looking at general papal policies and practices, several Central European contemporary processes merit attention. Namely, the canonization investigations of Archbishop Lucas of Esztergom, Bishop Stanislaus of Kraków, and Princess Margaret of Hungary. These examples provide insight into the development of the papal canonization procedure, papal policies on sanctity, as well as the political use of canonization, both by the papacy and by local ecclesiastical agents. The investigation of Lucas' sanctity had already been underway when the papal legate, Jacob of Pecorara, was sent in to provide further information and probably conform the structure of the proceedings according to the new papal agenda. The letter by Pope Gregory IX from February 1233 falls in line with the newly formed pattern of investigation, both with regards to the highly juridical nature of the proceeding, as well as the mention of the twofold quality of the sanctity, both in a virtuous life, as well as deeds and miracles.⁶⁶⁰ After completing the inquiry, the results were to be sent by trusted messengers to Rome. This showed the centralized nature of canonization procedures already at this point in the thirteenth century. The bull's *arenga* also showed this by exclusively connecting this procedure to the Apostolic See, notwithstanding the laudable (popular) sanctity of the deceased archbishop. The pope also mentions this process was initiated at the supplication of the king of Hungary, not mentioning Archbishop Robert at this time. The reference to the initial investigation by the bishop of Csanád, also points to the need for a certain realignment by the papal legate.⁶⁶¹ The bishop had led the enquiry under a "precise form", the results of which were sent to the pope. The second investigation (presumably being the first authorized papal commission on this matter), needed to provide clarity if this was indeed a model saint for what the papacy promoted in the thirteenth century. György Györffy shows the similarities and differences between the model bishop saint of the twelfth century, Thomas Becket, and archbishop Lucas of Esztergom.⁶⁶² Presumably the basis for the canonization initiative could have been working on this model. However, considering the lack of sources on the end result or the proceedings themselves it remains conjecture. Conceivably the contentious relationship between the papal legate, the archbishop, and the king, left the cause of Lucas's canonization without proper support.

⁶⁵⁹ Vauchez, *Sainthood*, 30; Wetzstein, *Heilige vor Gericht*, 227-229.

⁶⁶⁰ February 17, 1233, VMH, I, 111, no. 189.

⁶⁶¹ August 28, 1231, VMH, I, 99, no. 173.

⁶⁶² György Györffy, "Thomas à Becket and Hungary," *Angol Filológiai Tanulmányok* 4 (1969): 45-52, esp. 47-49.

The next claim to sanctity followed within a few decades, thanks to the efforts of the bishops of Kraków, namely Bishop Prandota.⁶⁶³ Through his efforts, the pope instituted a commission in 1250 made up of the archbishop of Gniezno, the bishop of Wrocław, and the Cistercian abbot of Lubiąż to ascertain if the request for an inquiry into the sanctity of Stanislaus made by the bishop of Kraków had been warranted. According to the papal letter from May 1252 this commission succeeded in finding out about the virtue of his character and the truthfulness of signs, i.e. miracles.⁶⁶⁴ This shows the two-fold focus by the papacy and much like the example of Lucas of Esztergom, Stanislaus's process also warranted a second commission, this one led by the Franciscan Jacob of Velletri sent in 1252 to review this proceeding and report back to Rome. The very detailed guidelines sent by the pope to Jacob included references to examining two hundred-year-old witnesses who were mentioned in the original acts as having known someone with personal knowledge of Bishop Stanislaus. In fact, the letter explicitly mentions taking oaths according to the form of accepting witnesses, wisely taking in and managing to attentively consider the testimony. The commission also had to examine the *fama* of the saint in the community as well as the missionary potential towards the "pagans and Ruthenian schismatics" within the diocese. However, the majority of the work was done on material such as a chronicle (presumably Master Vincent's *Chronica*), and the *Annals* (of the Kraków chapter).⁶⁶⁵

Finally, the commission was supposed to return to Rome for the final examination by the Curia. The examination of the material in Rome was favorable, though not without objections, at least according to the letter by John, cardinal-priest of S. Lawrence in Lucina sent to Bishop Prandota at some point before the official canonization.⁶⁶⁶ The thirteenth-century *vita* of the saint includes this one final miracle act experienced by Cardinal Reginald of Ostia.⁶⁶⁷ However, important to the matter of procedure is the mention of the long period of work involved in the process (four years), meaning the entirety of the proceeding, both commissions, were clearly part of this official canonization, under the auspices of the papacy. The efforts of the local agents working around the Kraków diocese, especially the *procurator*, were lauded by the cardinal.⁶⁶⁸ The letter also refers to Legate Jacob of Velletri and his report. Jacob of Velletri was presumably sent under this individual mandate of

⁶⁶³ For more on the canonization procedure of Stanislaus of Kraków see Aleksandra Witkowska, "The thirteenth-century *miracula* of St. Stanislaus, bishop of Krakow," in *Procès de canonization au Moyen Âge: Aspects juridiques et religieux*, ed. Gábor Klaniczay (Rome: École française de Rome, 2004), 149-163; Stanislava Kuzmová, "Preaching Saint Stanislaus: Medieval Sermons on Saint Stanislaus of Cracow and Their Role in the Construction of His Image and Cult" (Doctoral Dissertation, Central European University Budapest, Budapest, 2010), 81-83.

⁶⁶⁴ KDKK, 41-42.

⁶⁶⁵ Stanislava Kuzmová, "Preaching Saint Stanislaus", 20-21.

⁶⁶⁶ Although the letter itself is without a date, Witkowska places it in 1253; KDKK, 46-48; Kuzmová, "Preaching Saint Stanislaus", 21-22.

⁶⁶⁷ *Vita maior*, MPH, IV, 434-435.

⁶⁶⁸ According to Witkowska and Kuzmova the procurator can be identified as Jacob of Skarzyszew, "...magistrum Iacobum ecclesie Cracoviensis nuncium...", MPH, IV, 434-435; Kuzmová, "Preaching Saint Stanislaus", 22.

investigating the sanctity of Bishop Stanislaus, compared to the example of Jacob of Pecorara who had been sent on a general mandate which came to include the issue of Archbishop Lucas's canonization. Although the *vita maior* mentions the pope was not satisfied by the original commission and therefore warranted Jacob of Velletri's second commission, Cardinal John's letter implies all the work since 1250 (at least) was considered to have been done in good faith, which supports the new pattern of canonization established in the thirteenth century, i.e. the examination done by two commissions which was not only for the purpose of review and investigation but also as a means to accommodate the canonization material for the newly formalized juridical practice of the Roman Curia. The form had to be up to par.⁶⁶⁹ Pope Innocent IV completed the process by publishing the canonization bull in September 1253. He also promoted the veneration of the new saint to the Duke of Poland.⁶⁷⁰ Witkowska rightly points out that the two key elements of the successful canonization were the efforts of Bishop Prandota and his agents and the positive disposition of the papacy. She also contextualizes the procedural elements within thirteenth-century canonizations in general.⁶⁷¹

The successful canonization of Stanislaus of Kraków shows how the newly structured procedures in this process became accepted and commonplace in Central Europe during the thirteenth century. It also shows that this was done in two parts or commissions to align the local veneration and intent of the bishops with the current papal policy on who should be a saint and what qualities and models should be promoted through this person. In that sense, papal legates, with the specific mission of the canonization investigation were sent to Kraków, namely Jacob of Velletri. The combination of these two elements led to the success of Stanislaus' canonization.

Almost twenty years later, the case of Margaret of Hungary showed the full progression of this process.⁶⁷² Soon after the death of this Dominican nun in 1270, a public following began to emerge around her and in 1272 King Stephen V of Hungary requested a papal investigation into the matter of her sanctity. Pope Gregory X mandated that Archbishop Philip of Esztergom, Bishop Philip of Vác, and the Cistercian abbot of Bakony proceed with the inquest including giving them instructions on how to proceed with the examination, what questions to ask and how to record the information in writing.⁶⁷³ After Archbishop Philip died in 1272, his seat was taken by Lodomer the

⁶⁶⁹ Krafft, *Papsturkunde und Heiligsprechung*, 501.

⁶⁷⁰ The canonization was proclaimed in Assisi on September 8, the letters were sent out on September 17; KDKK, 48-51; Krafft, *Papsturkunde und Heiligsprechung*, 500.

⁶⁷¹ Witkowska, "St. Stanislaus", 149-153.

⁶⁷² For more on the canonization process of Margaret of Hungary see Klaniczay, *Holy Rulers*, 205-206, 224-226, 241-242; Gábor Klaniczay, "Proving sanctity in the canonization processes (Saint Elizabeth and Saint Margaret of Hungary)," in *Procès de canonization au Moyen Âge: Aspects juridiques et religieux*, ed. Gábor Klaniczay (Rome: École française de Rome, 2004), 117-148, esp. 135-147.

⁶⁷³ Ildikó Csepregi, Gábor Klaniczay, and Bence Péterfi, ed., *The Oldest Legend, Acts of the Canonization Process, and Miracles of Saint Margaret of Hungary* (Budapest: Central European University Press, 2018), 724-727.

bishop of Várad. The commission recorded witness accounts and the legend of Margaret and sent this first report along with another request by King Ladislas IV, personally testifying on the healing powers of the potential saint. The response by the new pope, Innocent V, showed a certain dissatisfaction with the work of the first commission. In his letter written in May 1276 to the canons Umberto Bianchi and De la Corra, the pope complained that their commission was required to gain full information about Margaret's miracles, which the first commission apparently failed to provide. Innocent stressed the importance of clarity of understanding and there not being any doubt as to the veracity of the testimonies and miracles.⁶⁷⁴ He detailed his instructions on the examination of witnesses in a second letter written eleven days later.⁶⁷⁵ The two canons worked quickly and produced a report by the autumn of the same year and sent it to the new pope, John XXI. The choice of Bianchi and De la Corra is interesting, as the former was a papal chaplain, implying a certain status within the Curia and the latter was a doctor of law. They provided not only specific legal acumen and skill for the specific task at hand but could be counted on to follow current papal agendas regarding the canonization procedure. However, the reasons behind the continued failure of this process and a lack of a positive decision by the papacy up until the twentieth century fall out of the scope of my analysis. Gábor Klaniczay showed how Margaret was part of a group of Central European princesses who achieved sanctity through the renunciation of power thus using up the available opening for "sacral legitimation".⁶⁷⁶ The blessed princess was presented as a mediator in the imagery of sanctity of royal lines – a model for the "just functioning of royal power".⁶⁷⁷ This avenue was chosen by local dynasties in effect creating a rivalry through their own saints such as Hedwig of Silesia, Elizabeth of Hungary, and Margaret of Hungary. The political aspect of these projects is quite clear in Margaret's canonization which was initiated by King Stephen V and then continued and renewed by Ladislas IV.⁶⁷⁸

Several important aspects become apparent in this period, primarily the growing complexity of the procedure. The bureaucratic intricacies were steadily increasing on all levels, as Bishop Philip of Fermo's near-contemporary legation showed. The specific qualities and skills that papal envoys had, such as legal education, were also quite important in selecting them for their assignments, as was their position within the Curia or their relationship to the pope. At the same time the Central European dynasties, in this case the Árpáds, were using the idea of members of their family, at this time princesses, as models of holiness and sources of legitimation of dynastic rule. The importance for the

⁶⁷⁴ Csepergi et al., *The Oldest Legend*, 727-731.

⁶⁷⁵ Csepergi et al., *The Oldest Legend*, 732-733.

⁶⁷⁶ Klaniczay, *Holy Rulers*, 195-196.

⁶⁷⁷ Klaniczay, *Holy Rulers*, 399.

⁶⁷⁸ Klaniczay, *Holy Rulers*, 220, 224-226.

local agents, both secular and spiritual was clear, but the papacy was less than enthusiastic in this case, and the delays beached the canonization of Margaret of Hungary for centuries. However, the complexity of the procedure also shows that the popes were developing a policy related to a right reserved only to them – canonization – that was becoming exceedingly difficult to complete or even begin. This allowed any pope to proceed with canonizations related to his agenda at the time, whether on strictly theological bases or within a wider political context, or more likely both.

According to Vauchez, the Fourth Lateran Council decreed and defined the canonization procedure. However, I find this to be an overextension as canon 62 clearly defines only the issue of relics, which at most can be tied to the *translatio*, which was already part of the bishops' practical rights. Since the program of the council was focused on the authority and reform of and through the episcopate, it made sense to take into account such issues. Canonization on the other hand, had throughout the previous century, and certainly by the time of Alexander III, been seen and practically defined as a papal prerogative, which was apparent through papal decretals and did not require further expansion in the wider ecclesiastical forum. The three examples of Lucas of Esztergom, Stanislaus of Kraków, and Margaret of Hungary show how this papal authority was exercised in Central Europe. From the detailed local investigation, followed by a second external commission conceivably sent to bind the local cult within a contemporary papal agenda, and the final decision by the pope. Another key aspect that emerges is the importance of the papal commission, where the personnel choices showed both considerations of competence on the part of the papal envoys and their position within the Roman curial hierarchy. The proposed saints were in these cases two prelates and a princess, which shows that the local ecclesiastical agents were sensitive to the current trends in papal canonization policy. They knew not only how the procedure worked, but were also cognizant of the saintly persons that were being promoted by the papacy and various agents of reform, such as the mendicants. By the end of this period of change, it was clear to everybody involved that the papacy held the keys to canonization and that it was difficult to open the door for any "saint."

Throughout the thirteenth century, there were numerous papal legations in Central Europe, dealing with a variety of issues, mostly mundane confirmations of privileges, acting as judges in disputes, or mediating diplomatic quarrels. However, they were also influential instruments of promoting new and current messages emanating from the Lateran, the two main topics were of course the reform agenda and the crusades promoted by the Fourth Lateran Council. While the papal sources sent to the local prelates or secular lords do not go into much detail about what needed to be reformed, rather placing these actions under the umbrella phrase of "correcting errors", which was useful both for ecclesiastical discipline and clerical behavior. The legates could also resolve major issues, as was the case with Jacob of Pecorara in dealing with non-Christians in Hungary in the 1230s. This was

done with a treaty or oath by King Andrew, as was the case in 1279 with Bishop Philip of Fermo and King Ladislas IV. In purely ecclesiastical terms, the legate could try to appoint suitable clergy to important benefices or positions, thus creating a loyal and workable network of agents to enact changes and further correction, especially once the legate left his province. The most constructive way the legates used their authority was the convening of legatine synods, which gave a chance to the local clergy to engage the papal emissary with their specific problems. Dependent on the quality of the legate, both in terms of experience, as well as his standing in the Roman Curia, or with the pope himself, he could proceed with more or less extensive actions. The legatine synods at Wrocław and Buda show that issues related to clerical discipline, morals, and ecclesiastical liberty continued to be a source of complaint by local clerics long into the thirteenth century. However, these instances also show a continuous connection with Rome in addressing these issues, for which the papal legates were the best and most valuable conduit of transmission, both towards Central Europe and back to Rome.

III.2. Monks, Friars, and Missionaries

The importance of religious orders in relating the messages of the Lateran constitutions was also apparent in the overall concept laid out by the council. Though the council fathers never specified who was to do the preaching and indeed tried to limit the establishment of new orders, several religious communities were influential in missionary and crusade preaching of the period, working towards the frontiers of Christendom, either towards the northeast and the Baltic area, or in the southeast towards the pagan Cumans or orthodox Bulgarians or Byzantines. Promoting the crusade, or preaching it, was part of the legislative agenda set up by the council in the constitution *Ad liberandam* (canon 71), as well as the papal bull *Quia maior* published in 1213. The missionary work was a continuation of the papacy's efforts in the Baltic area, which was likely made somewhat easier by the definition of the specific beliefs of Christianity that were expected from the faithful (canon 1). This section presents several examples where religious orders (Dominicans, Franciscans, and Cistercians) were either called upon by the papacy or eventually supported by the popes to engage in these tasks.

III.2.1. Preaching the Mission

One of the exemplary missionary activities was started by the Cistercians of the Łekno abbey. In 1206 this mission received papal approval and Abbot Gottfried and his brothers were given authority for missionary work among the pagans and care of souls in the area bordering Poland.⁶⁷⁹

⁶⁷⁹ Emilia Jamroziak, *The Cistercian Order in Medieval Europe 1090-1500* (London: Routledge, 2013), 80-81

This included baptizing pagans, and celebrating masses in these newly Christianized areas, as well as the abbot hearing confessions.⁶⁸⁰ The Cistercian monk Christian was placed in charge of the mission in 1210 and even elevated to the rank of bishop in 1215.⁶⁸¹ The Cistercian missionary activity in Livonia culminated in the establishment of the Dunamunde abbey between 1205 and 1208, which continued to be important throughout the thirteenth century. Selart explains how the Cistercian leadership first opposed this missionary activity only to be swayed by the papal backing for the project.⁶⁸² The peaceful missionary concept that was envisaged by Pope Innocent III was continued in practice during the pontificate of Honorius III. The Dominicans became connected to this mission in the north early in their expansion and their founder, Dominic, was ostensibly personally enthusiastic about leaving for Livonia and beyond. Convents were established in 1223 in Lund in Denmark, and by 1227 in Gdańsk, 1233 in Chełmno (Kulm), 1234 in Riga, 1238 in Elbląg (Elbing), as well as two attempts to establish a house in Tallinn (Reval) in 1239 and 1248. Franciscans were also present in the area, in 1238 in Riga, and 1239 in Toruń. Papal legates such as William of Modena (active at times between 1224 and 1248 in a wide area around the Baltic and Scandinavia), Balduin of Alna (legate from 1229 to 1233) were, according to Christian Krötzel, key in setting up the initial ecclesiastical networks in the newly Christianized areas to the north.⁶⁸³ Selart showed how the mendicants soon became flustered in their activities by the Teutonic Order, and in the second half of the thirteenth century criticized the military order's manner of "conquering" the non-Christians.⁶⁸⁴

The Dominican mission to convert the Cumans started in 1221 with a group of five friars setting out for Hungary. Later traditions would connect this idea to the wishes of St. Dominic himself.⁶⁸⁵ This mission was later part of the legation of Archbishop Robert of Esztergom, and in

⁶⁸⁰ October 26, 1206, Reg. Inn. III., IX, 315-317, no. 174; Fönnesberg-Schmidt, *Popes and the Baltic Crusades*, 81, 113-117.

⁶⁸¹ Fritz Blanke, "Die Missionmethode des Bischofs Christian von Preussen," *Altpreußische Forschungen* 4, no. 2 (1927): 20-42; Fönnesberg-Schmidt, *Popes and the Baltic Crusades*, 81.

⁶⁸² Anti Selart, "Die Eroberung Livlands (12. und 13. Jahrhundert)," in *Das Baltikum: Geschichte einer europäischen Region*, ed. Karsten Brüggemann et al. (Stuttgart: Hiersemann Verlag, 2018), 159-209, esp. 168, 172; Tiina Kala, "Die Kirche," in *Das Baltikum: Geschichte einer europäischen Region*, ed. Karsten Brüggemann et al. (Stuttgart: Hiersemann Verlag, 2018), 224-258, esp. 240-241.

⁶⁸³ Christian Krötzel, "Papsttum, Mission und der Norden: Das Zusammenspiel von Zentrum und Peripherie," in *Livland – eine Region am Ende der Welt?*, ed. Anti Selart and Matthias Thumser (Cologne: Böhlau Verlag, 2017), 185-207, esp. 201-202; Kala, "Die Kirche", 245-246.

⁶⁸⁴ Selart, "Die Eroberung Livlands", 168.

⁶⁸⁵ Fönnesberg-Schmidt, *Popes and the Baltic Crusades*, 159, n. 109; Berend, *Gate of Christendom*, 216; Berthold Altaner, *Die Dominikanermissionen des 13. Jahrhunderts* (Habelschwerdt: Frankes, 1924), 141-144; Jean Richard, *La papauté et les missions d'Orient au Moyen-Age (XIII^e-XIV^e siècles)* (Rome: École Française de Rome, 1977), 23-33; after the Mongol invasion of 1241 the Dominicans were replaced by the Franciscans, Johnny Grandjean Gøgsig Jakobsen, "Friars preachers in frontier provinces of medieval Europe," in *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende (London: Routledge, 2016), 123-136, esp. 126-127; Kornél Szovák, "A kun misszió helye és szerepe a magyarországi domonkosok korai történeti hagyományában" [The place and role of the Cuman mission in the early historical tradition of the Hungarian Dominicans], in *A Szent Domonkos Rend és a kunok*, ed. Gábor Barna (Szeged: MTA-SZTE, 2016), 115-126.

1228, Theoderic, a Dominican, was appointed bishop of the Cumans.⁶⁸⁶ Pope Gregory IX was also pleased with the success of the legation and the Dominican missionary work.⁶⁸⁷ This mission had been important to the pope who even released Archbishop Robert of his crusading vow to take on the task of converting and baptizing the Cumans.⁶⁸⁸ He reiterated these sentiments in another letter to Archbishop Robert in 1231.⁶⁸⁹ Robert's relationship with the new diocese was not without hiccups. In 1229 the new bishop was made jurisdictionally subordinate directly to the Apostolic See, and not the archbishop.⁶⁹⁰ Gregory was also actively engaging with the secular arm of Hungary, specifically with Prince Béla. First in 1228 imploring the prince to continue with his efforts to convert the Cumans, which were already ongoing,⁶⁹¹ and then again in 1231 to support the Cuman bishop with the construction of churches and donations.⁶⁹²

Another missionary frontier was the Mongol Empire. After the first direct encounter between Central Europe and the Mongols in 1241 and the local rulers suffering military defeats, the papacy sought to engage in diplomatic activity to bring about peace. These initial four embassies sent out in 1245 were led by Lawrence of Portugal and John of Plano Carpini (accompanied by Benedict the Pole), members of the Franciscan Order, and the Dominicans Andrew of Longjumeau and Ascelin.⁶⁹³ These missions were primarily focused on establishing diplomatic relations and peaceful coexistence. If possible, the friars were also instructed to convert the Mongols (or at least their leaders). Contemporary papal letters speak to this effect. Namely, Innocent IV's epistle sent in March 1245 to the "king and Tartar people" lauding the qualities of Friar Lawrence of Portugal and his Franciscan associates, including their knowledge of scripture, which invited the Mongol leader to accept the path to Christ.⁶⁹⁴ Within a few days a similar letter was sent to accompany John of Plano Carpini. It became apparent that the friars were mandated to support and care for the Christians that were subject to the

⁶⁸⁶ March 21, 1228, Reg. Greg. IX., I, no. 185; Berend, *Gate of Christendom*, 214-215.

⁶⁸⁷ March 21, 1228, Reg. Greg. IX., I, no. 187; Berend, *Gate of Christendom*, 214-215.

⁶⁸⁸ July 31, 1227, "...in gratiam Cumanorum convertendorum et baptizandorum a voto peregrinationis in subsidium Terrae sanctae absolvit eique in Cumania et Brodinia legationis officium committit...", VMH, I, 86, no. 154, Albinus Franciscus Gombos, ed. *Catalogus fontium historiae Hungaricae* (Budapest: Szent István Akadémia, 2011), 1086; RPR, I, 690, no. 7984; Berend, *Gate of Christendom*, 214.

⁶⁸⁹ MES, I, 274.

⁶⁹⁰ September 13, 1229, Reg. Greg. IX., I, no. 345, Berend, *Gate of Christendom*, 215.

⁶⁹¹ March 21, 1228, VMH, I, 87, no. 156; Gombos, *Catalogus*, 1087; RPR, I, 703, no. 8153; Berend, *Gate of Christendom*, 214.

⁶⁹² October 25, 1231, Reg. Greg. IX, I, no. 2156.

⁶⁹³ Gregory S. Guzman, "Simon of Saint-Quentin and the Dominican Mission to the Mongol Baiju: A Reappraisal," *Speculum* 46, no. 2 (1971): 232-249, esp. 234; Antti Ruotsala, "The Mongols in the eyes of the papal and royal missions to Mongolia and China (c. 1245-1370)," in *The Mongol World*, ed. Timothy May and Michael Hope (London: Routledge, 2022), 842-852, esp. 843-845; Peter Jackson, *The Mongols and the West, 1221-1410* (London: Routledge, 2005), 87-92, 256-257; Peter Jackson, "Franciscans as papal and royal envoys to the Tartars (1245-1255)," in *The Cambridge Companion to Francis of Assisi*, ed. Michael J. P. Robson (Cambridge: Cambridge University Press, 2011), 224-239, esp. 224-227.

⁶⁹⁴ March 5, 1245, Karl Rodenberg, ed., MGH, *Epistolae saeculi XIII*, vol. II (Berlin: Weidmann, 1887), 72-73, no. 102.

Mongols. The pope had, in fact, asked the khan to stop “the persecutions of Christians”.⁶⁹⁵ Carpini related the pope’s wish that “Christians should be friends of the Tartars and be at peace with them” and that the Mongols convert to Christianity. The friar also reiterated stories of the great slaughter of Christians (Hungarians, Moravians, and Poles) committed by the Mongols which needed to stop.⁶⁹⁶ Carpini’s narrative repeated the notion that the khan was about to be converted to Christianity, citing firsthand claims by the Christians in the khan’s household as well as the khan’s material support for Christian clerics and the location of a Christian chapel near the khan’s tent.⁶⁹⁷ Modern scholars doubt that Lawrence went on his mission to the Mongols, leaving John and his companion Benedict the only Franciscans who managed to reach the Mongols, as well as provide testimonies describing the peoples they encountered and areas they sojourned.⁶⁹⁸ What is clear is that the papacy sought to engage in diplomatic conversation with the Mongols to stop their onslaught in Central Europe. The mendicants were chosen as the main papal agents for this task. Conversion was more of an added bonus in this situation but not something that was being considered as the driving motivation for the embassies to the Mongols.

Around this time the pope granted the Franciscans expansive missionary authority throughout the regions bordering Latin Christendom and beyond. This list included the Cumans and not the Tartars, rather ending the framework with a general view towards “other faithless nations of the East.” The pope stressed the importance of sermons and actions as part of the mission. The friars were allowed to absolve individuals from excommunication and to baptize and establish an ecclesiastical network in these places that had been without a proper church hierarchy. They were allowed to hear confessions and assign penance. Clerics found to be suffering from a “weakness of birth”, other than being the offspring of adultery, incest, or from a parent in holy orders, were also allowed to be absolved if they repented. New churches could be established and old churches could be restored and properly organized. To entice converts, rectors of churches were allowed to remain in marriages contracted before converting, however, the friars were allowed to adjudicate in marriage cases in those lands. The Franciscans were tasked with celebrating mass and divine offices, as well as giving indulgences and commuting vows.⁶⁹⁹ This papal privilege shows the pope granting a wide range of tools to his missionaries as well as the extensive territory they were sent to. The missionaries had to build up ecclesiastical networks, building churches and chapels. However, the text also portrays the often-mentioned problem with the number of missionaries. To remedy this the friars could absolve

⁶⁹⁵ March 13, 1245, MGH, *Epp. S. XIII*, II, 74-75, no. 105.

⁶⁹⁶ Christopher Dawson, ed., *The Mongol Mission* (New York: Sheed and Ward, 1955), 53.

⁶⁹⁷ Dawson, *The Mongol Mission*, 68.

⁶⁹⁸ Guzman, “Dominican Mission”, 234; Routsala, “The Mongols”, 844; Jackson, *The Mongols*, 88.

⁶⁹⁹ “aliamque infidelium nationum orientis...”, VMH, I, 193, no. 362.

individuals from ecclesiastical punishments and also be lax regarding some otherwise disqualifying features such as a “weakness of birth.” This did not mean a suspension of canon law but rather allowed for the missionaries to use their better judgment in the field and to retain the kernel of ecclesiastical order while accepting the native specificities. Missionary work was not supposed to be rigid, but rather welcoming of new converts.

The Dominicans were also quite active, with Andrew engaging in diplomatic activity with various eastern Christians and Muslim princes. The Dominican Ascelin’s journey was documented by his companion Simon of Saint-Quentin whose account was taken over by Vincent of Beauvais.⁷⁰⁰ Ascelin was sent by the pope carrying apostolic letters to the Mongols. These epistles related the pope’s wishes for the Mongols to stop slaughtering people (Christians) and to convert. Vincent also mentions the embassy of John Plano Carpini and Benedict the Pole and that while writing his narrative he used the account by Plano Carpini to supplement Simon’s narrative.⁷⁰¹ Friar Ascelin’s company arrived in 1247 in Persia at the camp of Prince Baiju and the friar addressed the prince’s representatives. He attempted to convert the khan and his Tartar subjects, but was unsuccessful, yet still alive despite the apparent prideful presentation before the khan.⁷⁰² Simon of Saint-Quentin’s account tells of Ascelin’s encounter with the envoys of Baiju. The friar identified himself as an envoy of the lord pope, “who among Christians is considered superior in dignity to all men”, which annoyed the Mongols. Ascelin stated that his mission was to end the slaughter done by the Mongols and that the Mongols should repent. The embassy also needed to give the papal letters to the khan.⁷⁰³ Baiju responded to the pope’s messages by telling him to submit to the khan and to come east in person.⁷⁰⁴ Ascelin’s mission shows clear similarities to Plano Carpini’s and how both were engaged on diplomatic embassies that were also trying to convert the ruling elite of the Mongol Empire. The narrative of Ascelin’s companion also shows how Carpini’s diplomatic display left something to be desired and how this initial contact between the papacy and the Mongols had been derailed by cultural misunderstanding revolving around the universal concept of the papacy set against the universal character of the khan’s rule.

According to Peter Jackson, the Franciscans William of Rubruck and Bartholomew of Cremona were the first real missionaries to the Mongols. Unlike the embassies of 1245 which were closely monitored by the pope, William and Bartholomew started their enterprise in 1253 from

⁷⁰⁰ Guzman, “Dominican Mission”, 234, fn. 13; Jackson, *The Mongols*, 88-89, 137.

⁷⁰¹ Vincent of Beauvais, *Speculum Historiale*, XXXII, 2 <http://www.simonofstquentin.org/website/framework.htm> accessed March 1, 2023.

⁷⁰² Vincent of Beauvais, *Speculum Historiale*, XXXII, 43.

⁷⁰³ Vincent of Beauvais, *Speculum Historiale*, XXXII, 40.

⁷⁰⁴ Vincent of Beauvais, *Speculum Historiale*, XXXII, 51.

Palestine. According to William's account, their intention seems to have been to provide for Christians who were subjugated by the Mongols, namely German slaves.⁷⁰⁵ The two Franciscans also encountered a group of Dominicans similarly intending to care for Christians within Mongol territory. William of Rubruck's chief stated goal was the care for the German captives around Bolat.⁷⁰⁶ His account further explained how he was there to speak the "words of God", i.e. to "preach the Gospel to all men." This was motivated by William hearing that Sartach, a Mongol prince, was a Christian and he had a letter from the French king for him as well.⁷⁰⁷ The friar also wrote briefly about the theological differences he found with Nestorians in the Mongol realm.⁷⁰⁸ William participated in a theological debate with other religious representatives at the khan's court.⁷⁰⁹ He also lamented how through all these efforts there were no converts.⁷¹⁰ When addressing the khan the friar spoke about the missionary goals of his journey and specifically referenced the "poor slaves...at Bolat" who spoke his language and needed a priest to instruct them and their children.⁷¹¹ The account also describes how the missionaries had to make an icon for producing hosts, how they had a sculpture of the Blessed Virgin made, as well as a silver casket for the Body of Christ and an oratory with images from sacred stories placed on a carriage.⁷¹² They took to writing the credo and the *Pater noster* on pieces of paper to be used as amulets.⁷¹³ The account also relates the failure of the interpreter in clarifying the missionaries' messages.⁷¹⁴

William's narrative bears several important facets of the first missions to the Mongols. On a practical level, this was the linguistic barrier many missionaries faced at first and the missionaries themselves explained their failure to convert the Mongols as due to either a lack of missionaries or not being able to explain the Christian faith to them. The missionaries were also focused on trying to baptize the Mongol elite, the khan, and his princes, if possible, though not as a primary goal. The mentioned theological debate points to the competition between the various religions allowed in the Mongol empire and how the khans used this to their advantage. It is also apparent that the Franciscan missionaries were not engaged with proselytizing on a mass scale. The tools at their disposal were also quite meagre and they had to make an icon for the host as well as use a sculpture of the Virgin Mary for veneration. It is also very telling they used an oratory with images from sacred stories and

⁷⁰⁵ Peter Jackson and David Morgan, ed., *The Mission of Friar William of Rubruck*, trans. Peter Jackson (London: The Hakluyt Society, 1990), 144-145; Jackson, "Franciscans", 227-229, 231-232.

⁷⁰⁶ Jackson and Morgan, *William of Rubruck*, 226.

⁷⁰⁷ Jackson and Morgan, *William of Rubruck*, 67-68, 131-133, 228-229.

⁷⁰⁸ Jackson and Morgan, *William of Rubruck*, 230-231.

⁷⁰⁹ Jackson and Morgan, *William of Rubruck*, 232.

⁷¹⁰ Jackson and Morgan, *William of Rubruck*, 234-235.

⁷¹¹ Jackson and Morgan, *William of Rubruck*, 238.

⁷¹² Jackson and Morgan, *William of Rubruck*, 215-216.

⁷¹³ Jackson and Morgan, *William of Rubruck*, 166-167.

⁷¹⁴ Jackson and Morgan, *William of Rubruck*, 108, 155-156.

prayers written as amulets to spread Christianity, showing the very beginning of the missionary process among the Mongols. Visual tools were instrumental in this period, which could imply either that missionaries were active with illiterate people or that they simply found images a way to bridge the language barrier with ease. However, William was quite clear that his actual mission was to care for the Christians, namely the German slaves, in Mongol territory who were left without pastoral care. This shows the importance of continued pastoral contact with Christians and the need to have a priest or friar leading a religious community.

By 1278, reports of substantial conversions were sent to the pope. Both the Franciscans and Dominicans were establishing convents by the end of the thirteenth century.⁷¹⁵ A shift in the missionary program was initiated by Nicholas IV and his legate, the Franciscan John of Montecorvino. Although there were perhaps rumors already by 1277 that Khan Qubilai was a Christian, the pope sent his legate to Qubilai and Ilkhan Arghun. Apparently, Friar John had considerable success converting the Nestorian Korguz. However, this success was short-lived as after Korguz's death the Nestorians returned to their religion. The reality was that John of Montecorvino was mostly alone in his efforts in a faraway land, and was only established by the pope as archbishop of the new see of Khanbaligh (Beijing) in 1307. This mission was continually hampered by lacking numbers (e.g. missionaries would sometimes die on the journey to East Asia) and by the lack of linguistic knowledge. In 1318 the Dominicans were put in charge of another province based in Sultaniyya (Soltaniyeh, Iran). Jackson claims that Montecorvino's success could be seen more with non-Mongol groups such as Alans or Eastern Christians. The papacy seems to have been content with overseeing mendicant missions, rather than controlling them, or providing support rather than a specific direction.⁷¹⁶

Montecorvino wrote about how he had spent thirteen months in India and baptized around a hundred people. He was accompanied by the Dominican Nicholas of Pistoia. Upon reaching the Mongol Empire, he tried to convert the great khan, but was unable to as the khan was "too far gone in idolatry." Despite this apparent failure, the khan did support Montecorvino to some degree, for twelve years up to the point of this letter. The friar added that he was mostly hampered and even persecuted by Nestorians who were politically quite strong within the Empire. They had accused him of murdering the pope's emissary and that he was, in fact, a spy or a magician. Relating the status of the mission, the friar describes how he had worked alone until a German friar, Arnold arrived from the Cologne province. Montecorvino built a church in Khanbaligh (and was building another at the

⁷¹⁵ Franciscans in Kaffa, Soldaia, Sarai, Qirq-yer, Sivas, Salmas, Tabriz; Dominicans in Kaffa, Sivas, Baghdad; Jackson, *The Mongols*, 256-257.

⁷¹⁶ Jackson, *The Mongols*, 258-260.

time of writing the letter), the imperial capital, and baptized some 6 000 people, as he was apparently “constantly baptizing”. Furthermore, he purchased forty boys of “pagan” origin to teach them Latin and the rite, and also compiled “about thirty psalters and hymnaries and two breviaries.” This material was used to teach the boys the office, giving the missionary much-needed help for his work. He also pointed out that the boys kept a choir and their singing was pleasing to the great khan (as was the ringing of the church bells). A major boon for the missionary was his successful conversion of a Nestorian king, George (Korguz), who even took minor orders and served mass with him. Although the king’s people followed him towards Latin Christianity, they reverted to Nestorianism after his death. Montecorvino constantly pointed out the need for more missionaries and the great (numerical) potential of the work in the Mongol Empire, as well as the proverbial golden apple – converting the great khan himself. The friar’s letter indicated he was not in contact with either the Curia or his order and he pleaded for material help, such as an antiphonary, legends of the saints, a gradual, and a noted psalter. By his own admission, John had grown old from the work and trials of the mission, he managed to learn the language and script of the “Tartars”, he translated the New Testament and Psalter, and was able to preach and read in public.⁷¹⁷

In a later epistle, Friar John again repeated how the Nestorians persecuted him and he lists the church and houses that he had established in his mission. He relates how he had six images made of the Old and New Testaments for the instruction of the ignorant with trilingual inscriptions (Latin, Turkish, and Persian), how some of his “boys” had died, and how he had managed to baptize “several thousand people in Tartary”. A new house, close to the khan’s court was built on land bought by a European merchant, Peter of Lucalongo. John explained how the khan could hear the singing of offices and chants from the church, which was welcomed “as a wonder far and wide among the nations.” John of Montecorvino relates how he had access to the khan’s court due to his office as legate of the pope. He also recommended missions embark for India. He concluded that there were many in Asia who were Christians only nominally but were not instructed in the Scriptures or the saints.⁷¹⁸

John of Montecorvino presented the dire state of the mission by the early fourteenth century. The missionaries were few in number and faced opposition from rivals in the khan’s court. Their numbers were partly supplemented by buying local boys as clerical novices. Thanks to the khan’s interest in the various religions the friar’s mission had a favorable location within the khan’s city, although the missionary pointed out how the khan favored the ringing of the church’s bells. Montecorvino also shows that by this point the mission had switched to mass proselytizing as opposed

⁷¹⁷ Dawson, *The Mongol Mission*, 224-227.

⁷¹⁸ Dawson, *The Mongol Mission*, 228-229.

to only trying to convert the khan. Adding to this the provisional conversion of the Nestorian followers of “King George” which ultimately failed, the missionary’s actions appear somewhat ineffective. Rather it seems that the mission and church became a part, if only momentary, of the diverse pageantry and landscape of the khan’s city. On a practical note, Montecorvino pointed out that he managed to learn the language of the Mongols and translated books needed for preaching and public reading, thus showing the main avenue of this new conversion method. No longer focused on grand theological debates aimed at impressing the elites, the missionary was working with the lower societal strata and trying to convert them through preaching. It appears from his “book request” that he would presumably have liked to add singing hymns and retelling saints’ legends to his repertoire. Another important way of communicating religious messaging were images combined with text (in different languages). Preaching and teaching scripture with the help of images seem to be the main missionary methods used by the mendicant. The various obstacles and a practical lack of books and other resources, but most of all an apparent absence of contact with Rome, left the mission in the Mongol Empire a difficult endeavor for the few mendicants who remained dependent on their own inventiveness to survive.

Montecorvino’s letters pointed out the importance of baptism in the process of conversion, followed by abandoning idolatry and a stronger “commitment”. Although the Mongol prince Sartaq was apparently baptized by 1254, still the problem remained of a lack of missionaries to act beyond the first step of baptism. John of Montecorvino claimed he converted around six thousand in Khanbaligh. Franciscan missionaries were usually successful with Orthodox Alans, Armenians, and Nestorians. Addressing the many issues faced on the mission, the Dominican Ricoldo of Montecroce wrote a guide for missionaries in Asia, titled the *Libellus ad nationes orientales* (c. 1291). However, by the end of the thirteenth century, the mendicants were losing ground to Muslim converts, often citing the lack of missionaries and the language barriers to the various ethnic groups as the key issues. This latter problem was formally addressed in the fourteenth century, and only partly as missionaries were not able to study Turkish or Mongolian prior to going on their joruneys.⁷¹⁹ The Franciscan Andrew of Perugia, writing in the fourteenth century mentioned four friars martyred by Saracens in India and how friars Nicholas of Banthra and Andrutius of Assisi died along with other brothers, ostensibly due to the inclement conditions, namely the extreme heat.⁷²⁰ As mentioned by Montecorvino, to expand their numbers Franciscans would purchase native children and instruct them

⁷¹⁹ Jackson, *The Mongols*, 261-262, 264-267.

⁷²⁰ Dawson, *The Mongol Mission*, 237.

both in writing and the tenets of the faith. From this pool of *literati* some could develop into clerics, however, Jackson is doubtful as to any long-term success of these efforts.⁷²¹

To summarize, the Christian missions sent to the Mongols were firstly directed towards establishing diplomatic relations between the West, or more precisely the papacy, and the Mongol khan. Through this, they would also put an end to the Mongol conquest of Europe. Secondly, the embassies were to attempt to convert the khan and his ruling elites. This task was entrusted to various mendicant friars (including some from Central Europe). Although their mission was unsuccessful, soon other friars were sent (this time by King Louis IX of France) both on diplomatic embassies as well as proper missionaries focused on caring for Christians in Mongol territories. Finally, during the second half of the thirteenth century, the mendicant missionaries expanded their work throughout the Mongol empire, in China and India. They shifted their conversion attempts from a “conversion from above” to mass proselytizing, for which they employed various methods, including preaching and sacred images. In that respect the mendicant missions in Mongol territories were shaped by the Lateran agenda, calling for preaching of the main tenets of the Christian faith, as well as focusing on pastoral care and daily activities engaging the community of the faithful. However, their numbers were insufficient to produce substantial or long-lasting outcomes. Another problem was the language barrier, as many missionaries who arrived did not know the language(s) of the local population making it difficult for them to elaborate on religious matters. Finally, as Montecorvino mentioned, they were out of contact with the papacy and their orders, without resources, or tools, and had to rely on the khan’s good graces, the donations of a Christian merchant, and recruiting or “buying” local children as novices. The missions shifted from diplomatic assignments strictly under the auspices of the papacy to traditional missionary work, conversion, and pastoral care, which was based more on the individual initiative of the friars and their orders only ambivalently instructed or supported by the papacy.

It is difficult to integrate the missionary effort into Lateran IV’s agenda. Clearly, Pope Innocent III supported missionary work, and the definition of Christianity in the first canon of the council was beneficial for the basic premise of missionary work, knowing the message. However, this is only tangentially likely. The key connecting tissue between the council and missionary work was an orientation towards preaching. Although the council defined the need for preaching within established ecclesiastical provinces (c. 10), it was indeed essential for any missionary work as well. Therefore, considering the tools provided by the Lateran council and the subsequent influx of

⁷²¹ Jackson, *The Mongols*, 267.

preachers in missionary areas (or adjacent), they show at the very least a correlation between the Lateran agenda and peaceful missionary work, if not a causal one presented in legislation.

III.2.2. Preaching the Crusade

Crusade preaching had already become an established religious practice by the time Innocent III became pope and used it for the benefit of his many crusading endeavors. While originally using the Cistercians for the Albigensian Crusade propaganda campaign in 1209, the pope likely saw value in the (proto)Dominican preaching efforts in the province of Toulouse. The main preaching effort related to Poland and Bohemia was focused on supporting the Teutonic Order in Prussia and Livonia, whether through preaching crusade indulgences or peaceful conversion.

While the Christianizing efforts were ongoing throughout the twelfth and beginning of the thirteenth century, a structured preaching campaign supported by papal indulgences was promoted from the 1230s and had initially been oriented towards Dominican support for the Teutonic crusaders. Pope Gregory IX announced a crusade against the pagan Prussians under the auspices of the Teutonic Order in a 1230 letter to Poland, Moravia, and other neighboring lands.⁷²² He instructed the Dominicans of these provinces to preach to support this campaign.⁷²³ Already in the next year, the pope ordered the Dominicans in Pomerania and Gotland to preach for the crusade effort in Prussia.⁷²⁴ In 1232, Gregory ordered the Dominicans in Bohemia to preach the crusade against the Prussians, with the same indulgences as were given to the crusaders going to Jerusalem.⁷²⁵ The Dominicans based around the crusading area were given the primary task of supporting this effort by the Teutonic Order. Both Poland and Bohemia were included in this campaign. After a few years, the pope ordered the Polish Dominicans to preach against the Prussians with the same indulgences as given in 1232, however, Gregory made it a point to describe the urgency of the matter and the dire situation the Teutonic Order was facing.⁷²⁶

The 1240s saw the expansion of the preaching campaign. In 1243 the pope mandated the Dominicans of Poland, Bohemia, Denmark, and Germany to preach the crusade against the pagans in Prussia and Livonia. The goal was to garner support for the embattled Teutonic Order in the region. The methods the preachers were given to work with included indulgences equal to those for crusaders to the Holy Land, 20 days relaxation from penance, and possible absolution from excommunication

⁷²² September 13, 1230, VMPL, I, 20-21, no. 41; for more on this and the subsequent preaching missions in the Baltic and surrounding area see Maier, *Preaching the Crusades*, 87-93; Jakobsen, "Friars", 123-125.

⁷²³ September 13, 1230, VMPL, I, 21, no. 42.

⁷²⁴ July 18, 1231, PUB, I, I, 65-66, no. 85.

⁷²⁵ January 23, 1232, PUB I, I, 66-67, no. 87.

⁷²⁶ February 22, 1236, PUB I, I, 93-94, no. 123.

for persons who committed arson or violence against clergy.⁷²⁷ The preaching campaign was not exclusive for the Dominicans, and in 1247 Pope Innocent IV ordered the bishop of Kraków to encourage the faithful of his diocese to support the Duke of Kraków and Sandomierz in his struggle against the pagans.⁷²⁸

During Alexander IV's pontificate, the Franciscans also became part of the preaching effort and dealt with important issues related to the crusade. In 1255 the pope ordered Friar Bartholomew of Bohemia and his Franciscan brothers to preach a crusade against the Lithuanians and other pagans, gathering support amongst the Christians in Poland, Bohemia, Moravia, and Austria.⁷²⁹ A year later he repeated the crusade preaching bull for the, among others, bishops of Chełmno and Courland.⁷³⁰ In July 1256 he sent a letter to his crusade preachers, the bishop of Wrocław, the Dominican priors in Chełmno and Friar Bartholomew of Bohemia. The pope explained how Duke Casimir of Kujawy informed him of the obstacles facing the conversion of the pagans. The preachers were instructed to support the conversion efforts, as conversion should be willing. Any who would go against this should be excommunicated. The efforts of the Teutonic Order are described as being based on subjugation through war and sword. Apparently, the papacy was ready to take on a different route at this time.⁷³¹ Moving forward with this censoring of the warring knights, both mendicant orders were called upon by the pope to excommunicate the Teutonic brothers in 1257. Pope Alexander IV addressed both the Dominican priors of Chełmno and the Franciscan guardian of Toruń in the Chełmno diocese.⁷³²

The pope continued to widen the crusading and missionary efforts in the region in 1257 when he informed the archbishop of Gniezno and the bishop of Kraków that the duke of Kraków and his sister, as well as the local Templar master of Germany and Slavonia, pleaded with him to elevate the castle of Łuków to a diocesan center to help with efforts against the pagan Lithuanians, and to appoint the Franciscan Bartholomew of Bohemia, who was already engaged in "the business of faith against the faithless of this region", as the bishop.⁷³³

Pope Alexander was also worried about the release from crusading vows for money. Apparently, some who had been inspired by the Franciscan crusade preaching and had taken

⁷²⁷ September 23, 1243, VMPL, 37-38, no. 77.

⁷²⁸ February 7, 1247, VMPL, 43, no. 88.

⁷²⁹ August 6, 1255, PUB, I, I, 235, no. 322; for more on the relationship between the orders and the welcome the mendicants received in the region see Anti Selart, "Die Bettelmönche im Ostseeraum zur Zeit des Erzbischofs Albert Suerbeer von Riga (Mitte des 13. Jahrhunderts)," *Zeitschrift für Ostmitteleuropa-Forschung* 56, no. 4 (2007): 475-499.

⁷³⁰ March 11, 1256, PUB, I, I, 237, no. 326.

⁷³¹ July 15, 1256, PUB, I, I, 239, no. 329.

⁷³² January 5, 1257, VMPL, 71, no. 141.

⁷³³ February 1, 1257, PUB I, II, 3-4, no. 4; these efforts, though unsuccessful, showed a cooperative streak between the invested parties in the region, Darius Baronas et al., *Christianity in Lithuania* (Vilnius: Aidai, 2002), 29-30; Selart, "Die Bettelmönche", 492-493; Darius Baronas and S. C. Rowell, *The Conversion of Lithuania: From Pagan Barbarians to Late Medieval Christians* (Vilnius: The Institute of Lithuanian literature and folklore, 2015), 94-95.

crusading vows against the pagan Lithuanians changed their minds and paid some – who were motivated by the fire of greed and not of piety – to be released of their vows. In this response to the Franciscans of Bohemia, Poland, and Austria, the pope reiterated he had the sole authority to take such action.⁷³⁴

Soon though, the pope wrote to the Teutonic Order in Prussia, giving them authority and preference over crusade preaching enterprises aimed at Livonia and Prussia. The preaching done in Bohemia, Poland, Pomerania, Moravia, or elsewhere, could not interfere with the Teutonic mission and had to have papal authorization.⁷³⁵ This notion was further explained by the pope a day later in a letter to the Dominicans in Bohemia, Poland, Moravia, and Pomerania. Although the pope confirmed their preaching commission previously given by Gregory IX and Innocent IV, he warned about how the Teutonic Order's efforts (and resources) were threatened because of the jealousy of certain individuals who diminish the order's strength by their preaching.⁷³⁶ Another letter to Bartholomew of Bohemia was more direct, and ordered the friar to desist his preaching campaign as it was injuring the efforts of the Teutonic Order.⁷³⁷ The bishop of Olomouc was informed of the new situation, and how the Dominicans were the only ones besides the Teutonic brothers, with authorization to preach the crusade in these lands. The bishop could also nullify any ecclesiastical punishment against the Teutonic brothers in his diocese.⁷³⁸ Just three days later, Pope Alexander IV reissued the crusade preaching bull for the Dominicans in Germany, Denmark, and Poland, which ordered them to join their brothers in Bohemia, Sweden, Norway, and in other neighboring lands.⁷³⁹ Bishop Wolimir of Włocławek confirmed the pope's bull to Bartholomew of Bohemia in November 1257.⁷⁴⁰ The Teutonic Order's preaching mandate was strengthened even more in 1260 when Pope Alexander had permitted to the preceptors of the Teutonic Order to instruct their priest-brothers to preach the crusade, besides the already active mendicants and certain other bishops. The order was also placed in charge of crusaders coming into the region.⁷⁴¹ The same letter was sent to the priest-brothers of the order to diligently apply themselves to the office of preaching.⁷⁴²

The mendicants were still important for the preaching of the crusading efforts. The Franciscans in Bohemia, Moravia, Poland, and Pomerania were urged to motivate the people – through indulgences – to actively support the Teutonic Order's actions in Livonia and Prussia, likely

⁷³⁴ June 16, 1257, PUB I, II, 7-8, no. 12.

⁷³⁵ August 6, 1257, PUB I, II, 15-16, no. 21.

⁷³⁶ August 7, 1257, PUB I, II, 17-18, no. 23.

⁷³⁷ August 8, 1257, PUB, I, II, 21-23, no. 28.

⁷³⁸ August 8, 1257, PUB, I, II, 23-24, no. 29.

⁷³⁹ August 11, 1257, PUB, I, II, 25-27, no. 30.

⁷⁴⁰ November 28, 1257, PUB I, II, 31, no. 36.

⁷⁴¹ February 20, 1260, PUB, I, II, 82-83, no. 94.

⁷⁴² February 20, 1260, PUB, I, II, 83, no. 95.

by means of money or some other resources, as well as martial service.⁷⁴³ Urban IV continued to support the Teutonic Order, calling on the Franciscans in Germany, Denmark, and Poland to preach to support the crusading in Prussia, Livonia, and Courland. The preachers were allowed to relax 40 days of penance for those who heard their sermons, and even a possible absolution from excommunication for those who took the cross.⁷⁴⁴ The pope gave the same privilege to the Dominicans and Franciscans in Germany, Denmark, Bohemia, and Poland in April 1262.⁷⁴⁵ In 1265 Pope Clement IV added the Cistercians and Premonstratensians to this group of preachers of the Baltic Crusades, ordering them to preach in Bohemia, Poland, Pomerania, again with the same indulgences and benefits as the previous preaching campaigns.⁷⁴⁶

On the southern flank of Latin Christendom, in 1238 Pope Gregory IX engaged the Hungarian Dominicans and Franciscans in the crusade campaign against Bulgaria, ordering the commutation of the vows of the Hungarian crusaders. They were instructed to “preach the word of god, hear confessions, and enjoin penance, and also ecclesiastical sacraments.”⁷⁴⁷ Two years later the pope sent a similar letter to the Hungarian Dominicans, writing how the crusading effort in support of the Latin Empire was going well, and reiterating the need for Dominican brothers, “strong in word and deed”, to preach this crusade for up to three years.⁷⁴⁸

The predominant papal agenda after 1230 was focused on supporting the military campaign of the Teutonic Order, both in Prussia and Livonia. This was pursued with the support of a growing preaching campaign in the neighboring region, including Poland and Bohemia, which saw firstly the Dominicans and later the Franciscans engaged in promoting the cause of the Teutonic Order and the crusade against the pagans in the Baltic region by promising indulgences in line with those given to the crusaders going to the Holy Land. The crusading narrative and practice were constructed within the framework of Lateran IV’s decree *Ad liberandam* (canon 71) and applied to this area including an extensive preaching base from Denmark, Sweden, Germany, Bohemia, and Poland. This was a pragmatic approach considering the vested interest these polities and local lords had in expanding their area of influence. This was especially useful for the papacy to try and enact control over the area

⁷⁴³ January 11, 1261, PUB, I, II, 108, no. 127.

⁷⁴⁴ December 11, 1261, PUB I, II, 117-119, no. 141.

⁷⁴⁵ April 24, 1262, PUB I, II, 131-134, no. 158, 160; on a very practical note it would seem important to reference the scope of this campaign, while the precise impact is difficult to ascertain, during the thirteenth century, Poland, Bohemia, and Hungary had around 145 mendicant foundations; at this time perhaps, the number was around 53 Franciscan houses in Bohemia and Poland and 45 Dominican convents; Kłoczowski, “Dominicans of the Polish Province”, 79; Romhányi, “Mendicant networks”, 101-102.

⁷⁴⁶ April 17, 1265, PUB I, II, 171-173, no. 234; for more on Ponsa’s episcopate in Bosnia see Barabás, “Heretics, Pirates, and Legates”, 53-55; Dautović, “Bosnia and the Papacy”, 110-117.

⁷⁴⁷ August 9, 1238, VMH, I, 167, no. 299; For more on the crusade ‘that never was’ against Bulgaria see Francesco Dall’Aglio, “‘Contra perfidum Assanum’: Gregorio IX e il progetto di crociata contro Bosnia e Bulgaria, 1235-1241,” *Rivista storica italiana* 121, no. 3 (2009): 991-1027, esp. 1017-1027.

⁷⁴⁸ March 23, 1240, VMH, I, 175, no. 320; Madgearu, *Asanids*, 221-223.

using the contest between the local Polish dukes and the Teutonic Order in 1257, which reintroduced the peaceful concept of mission as a viable option for converting the pagans, which was contrasted by the violent conquest of the crusading knights. This shows that the papacy and its agents could at times choose between the two ways to expand Latin Christendom, however, this depended on the local political and military situation. Crusade preaching was also a part of mendicant duties in Hungary, concerning the conflict against Bulgaria around 1238. The Dominicans were especially useful when dealing with the crusade and mission into Bosnia, namely dealing with the Bosnian Church.

III.2.3. Against “heretics” in Bosnia?

At the beginning of the thirteenth century the issue of heresy (as named in the sources), or various heterodox beliefs, came to the forefront of papal activity across the Adriatic – in Dalmatia and Bosnia. These kinds of practical and disciplinary divergences had been apparent throughout the twelfth century in northern Italy, southern France, and beyond. Often times they would be included under the umbrella term of evangelical movements, however, the papal response was a resounding rejection of such movements and the immediacy of stamping out such beliefs and practices, most notably shown by Lucius III in the 1184 bull *Ad abolendam*. It can be said that Innocent III deepened this harsh approach to perceived heresies within the ecumene of Latin Christendom in his decretal *Vergentis in senium*. However, while this legal act did make Innocent a priest and prince within the Papal States, and as such logically connected heresy and treason, the pope’s approach to perceived heretical beliefs or movements beyond his immediate territorial dominion was much more nuanced, accepting various “stray” Christian believers back into the disciplinary and hierarchical fold of the Church.⁷⁴⁹

The situation with heresy in thirteenth-century Dalmatia and Bosnia is a complex issue, as the sources exclusively skew towards a papal perspective and as such reduce the matter to suppositions and prejudices about the beliefs and practices of “heretics” in the area. However, several important questions relating to papal policies rise up during this time, specifically between 1200 and 1203 when the initial references to “heretics” surfaced and then again during the 1230s when Bosnia begins to diverge substantially from the ecclesiastical if not doctrinal leadership of Rome. Within this framework it is necessary to see who these “heretics” were, where they came from, and if they were “heretics” at all.

⁷⁴⁹ cf. Herbert Grundmann, *Religious Movements in the Middle Ages*, trans. Steven Rowan (Notre Dame: University of Notre Dame Press, 1995), 29-32; Peter D. Clarke, “Innocent III, Canon Law and the Punishment of the Guiltless,” in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 271-285, esp. 272-278; Moore, *Persecuting society*, 8-9.

The first set of sources are two letters by Pope Innocent III from 1200 and 1202, followed by the abjuration of Bilino polje in 1203.⁷⁵⁰ The pope addressed King Emeric of Hungary in 1200 regarding the protection granted by the Bosnian ban Kulin to Patarens from Split and Trogir who were exiled by Archbishop Bernard of Split. On a practical note, the letter gives authority to the king to confiscate the property of heretics not only in Hungary but in Bosnia if Ban Kulin were to falter in his duty.⁷⁵¹ Two years later the pope instructed the archbishop of Split and the pope's chaplain John of Casamaris to investigate the suspicion of Cathar heresy in Bosnia, having been given a response by Ban Kulin testifying that he is, in fact, Catholic and not a "heretic". Archbishop Bernard had previously investigated this issue along with Archdeacon Marin of Dubrovnik and both were sent by the ban along with other emissaries asking the pope to send a legate to investigate the issue.⁷⁵² The result of this investigation by John of Casamaris aided by Archdeacon Marin was the act of abjuration in April 1203. This testimony or oath by the "priors" of a "society of brotherhood" under the oversight and instruction of the papal chaplain was ostensibly facilitating an alignment of this Bosnian religious community with Rome.⁷⁵³ The explanation of this event by historians has varied. Franjo Šanjek saw this as the censure of the Bosnian Church, an already established heterodox church (dualist), whose beliefs had been imported during the twelfth century from Bulgaria or Constantinople (mostly according to the report of the Dominican friar, Anselm of Alexandria from around 1270).⁷⁵⁴ The problem with this view is that it presumes a heterodox church was at this time so powerful as to elicit secular protection and support by the Bosnian ban, however, at the same time so easily swayed as to acquiesce to the mission of a papal chaplain (even without legatine authority in this matter). If the Bosnian church had been independent or aiming for independence from Rome up to 1203, then the act of abjuration would surely be counterintuitive for that effort, especially since it was witnessed by Ban Kulin. The interpretation by John V. A. Fine sees the "heretics" coming to Bosnia from Dalmatia, thus provoking papal interest and an investigation into Bosnia and Ban Kulin. However, Fine clearly separates the two groups, on the one hand, some sort of heretics from Dalmatia and on the other the Bosnian monastic community represented by the priors at Bilino polje. According to Fine, this

⁷⁵⁰ For more on the event see Franjo Šanjek, "Le Pape Innocent III et les "chrétiens" de Bosnie et de Hum," in *Innocenzo III: Urbs et orbis*, vol. II, ed. Andrea Sommerlechner (Rome: Istituto storico italiano per il medio evo, 2003), 1213-1225, esp. 1219-1222; Franjo Šanjek, "Papa Inocent III. (1198.-1216.) i bosansko-humski krstjani" [Pope Innocent III (1198-1216) and the *krstjani* of Bosnia-Hum], in *Fenomen "krstjani" u srednjovjekovnoj Bosni i Humu*, ed. Franjo Šanjek (Sarajevo: Institut za istoriju, 2005), 425-439, esp. 433-436; Ivan Majnarić, "Papinski kapelan Ivan od Casamarija i bilinopoljska abjuracija 1203. Papinski legat koji to u Bosni nije bio?" [Papal chaplain John of Casamaris and the 1203 abjuration of Bilino polje. Papal legate who was not a legate in Bosnia?], *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 50 (2008): 1-13, esp. 10-12.

⁷⁵¹ October 11, 1200, CDCR, II, 351, no. 324.

⁷⁵² November 21, 1202, CDCR, III, 14-15, no. 11.

⁷⁵³ April 8, 1203, Reg. Inn. III., VI, 231-233, no. 141.

⁷⁵⁴ Šanjek, "Le Pape Innocent III", 1214-1215; Šanjek, "Papa Inocent III.", 430-433.

monastic community was through lack of education and discipline in need of correction, both by their prelate and the papal chaplain, but aside from lacking discipline it was an orthodox community.⁷⁵⁵

The three sources from this period provide the following information from an ecclesiastical perspective. First, there were some kind of “heretics” in Dalmatia up to 1200 when they were driven out thanks to the efforts of Archbishop Bernard of Split. They moved to Bosnia and were taken in by Ban Kulin either out of ignorance of their heretical beliefs or knowingly. Whatever his initial rationale, Kulin quickly backtracked on this issue when challenged by the papal commission of Archbishop Bernard. The papacy is at this point in the dark as to the quality of the “heretics.” They could be either Patarens or Cathars. All the while King Emeric of Hungary is keeping up pressure on Bosnia through ecclesiastical institutions, both the papacy and the Archdiocese of Split, trying to discredit Kulin and his reign. Second, the group that was censured in 1203 in Bosnia were not heretics, but rather some religious community, perhaps monastic, that had lost its discipline and connection to the local and universal ecclesiastical hierarchy. These religious leaders, priors, promised not to shelter anyone whom they would know as a fact to be a Manichean or some other heretic.⁷⁵⁶ Therefore, this religious network in Bosnia required reform and education so that it could be truly Catholic and did not require penalties associated with heretical groups. To summarize, by 1203 there is a heretical presence in Dalmatia and then Bosnia, which is being dealt with by the local episcopacy while the local secular rulers are using this issue as a bone of contention for their political ambitions. The immediate results are the reform of Bosnian religious communities and the strengthening of anti-heretical action in the region.

Fast-forward to 1232 and the second intense bout of anti-heretical invectives against Bosnia. Pope Gregory IX started with a flurry of letters addressed to various agents in the region. First, to the archbishop of Kalocsa and the bishop of Zagreb to investigate the Bosnian bishop for his “digressions and stains”, including his lack of literacy and for openly defending heretics. One of these was the bishop’s own brother, who was being sheltered by the bishop as opposed to being corrected in his error.⁷⁵⁷ Then in May 1233 the pope ordered Jacob of Pecorara to resolve this issue and remove the Bosnian bishop, citing the poor education of the prelate allowing for errors to abound in the diocese. Furthermore, the territory was to be subdivided into two, three, or four parts, due to the size and

⁷⁵⁵ John V. A. Fine, *The Bosnian Church: A new interpretation* (New York: Columbia University Press, 1975), 46-58, 117-134.

⁷⁵⁶ “...nullum deinceps ex certa scientia Manicheum vel alium hereticum ad habitandum nobiscum recipiemus.”, Reg. Inn. III., VI, 232.

⁷⁵⁷ June 5, 1232, “...episcopi de Bozna excessus et maculas...”, “...uptote litteralis expers scientie, ac hereticorum publicus defensor...”, “fratrem eius carnalem manifestum heresiarcam, quem deberet ab inicio ad viam rectitudinis reuocare...in suo errore foueat dampnabiliter, et defendat.”, CDCR, III, 361-362.

practical issues of a single bishop controlling such an expansive area.⁷⁵⁸ However, within a few months the political situation seemingly stabilized with the ban, Matej Ninoslav being placed under papal protection. Matej had previously claimed to the pope that his ancestors, though infected by heresy, were in fact peaceful.⁷⁵⁹ In another letter sent on the same day, Duke Coloman of Hungary was tasked with observing this situation and supporting the again-orthodox Ban Matej.⁷⁶⁰ The situation was soon turned around. The Dominican John of Wildeshausen was placed in charge of the Bosnian diocese in late 1233 or early 1234. In February 1234, the pope was decrying the abundant depravity in Bosnia (and its neighboring provinces) in his letter to the bishops in the region sent to commend his legate, the Carthusian prior of S. Bartholomew of Trisulto. Gregory describes that Bosnia is “as if forsaken and impassable, [it] laments and wilts covered with thorns and nettles, a lair of dragons and a pasture for ostriches.”⁷⁶¹ By October the pope was demanding military action against heretics, but this time in Coloman’s own province, Slavonia. In October 1234, Pope Gregory sent six letters to Duke Coloman, the Bishop of Bosnia, and potential crusaders, regarding possible action, either preaching or a crusade against heretics in the duke’s realm.⁷⁶² The inclusion of Bishop John in this flurry of letters probably led to the idea that this crusade was supposed to be against Bosnia, however, the only letter that mentions the Bosnian land, or more precisely the diocese, is a letter sent to the bishop. The pope stressed the need for the prelate to “root out the heretical depravity” in his diocese as well as those neighboring (likely Slavonia). The same later references Jacob of Pecorara’s efforts “to cleanse the land of Bosnia.”⁷⁶³ According to Dženan Dautović, these “heretics” in Slavonia can be interpreted as “King Andrew and his followers” in the aftermath of the unfulfilled Treaty of Bereg from 1233.⁷⁶⁴ Previously, authors such as Fine or Šanjek, saw this as referring to the continuous effort to act against the “heretics” in Bosnia.⁷⁶⁵ Rebecca Rist interpreted this series of letters as the beginning of a coordinated effort for a crusade on Bosnia, with Coloman’s Slavonia as a staging ground and the surrounding dioceses as supporting agents.⁷⁶⁶ However, it seems improbable that the pope would be unsure of where exactly he supposed the presumed heretics to be, in a series of letters

⁷⁵⁸ May 30, 1233, CDCR, III, 379-380, no. 327.

⁷⁵⁹ October 10, 1233, CDCR, III, 388, no 335.

⁷⁶⁰ October 10, 1233, CDCR, III, 388-389, no. 336; Font and Barabás, *Coloman*, 117-118; Gábor Barabás, “A King in Slavonia. Prince Coloman in the Realm of St. Stephen in the 1230s,” in *Stefan the First-Crowned and his Time*, ed. Ivana Komatina (Belgrade: Istorijski institut, 2020), 291-308, esp. 296.

⁷⁶¹ February 13, 1234, CDCR, III, 396-399, no. 343; Francesco Dall’Aglio, “Crusading in a Nearer East: The Balkan Politics of Honorius III and Gregory IX (1221-1241),” in *The Papacy and the Crusades*, ed. Michel Balard (London: Routledge, 2011), 173-183, esp. 180.

⁷⁶² October 14-17, 1234, CDCR, III, 415-419, no. 359-364.

⁷⁶³ October 17, 1234, “...heretica pravitas extirpetur...”, “...ad purgandam terram Bosne...”, CDCR, III, 418, no. 363.

⁷⁶⁴ Dautović, “Nulla spes”, 107.

⁷⁶⁵ Šanjek, “Papa Inocent III.”, 430-431, 435, 438; Fine, *Bosnian Church*, 139-140.

⁷⁶⁶ cf. Rebeca Rist, “Pope Gregory IX and the Grant of Indulgences for Military Campaigns in Europe in the 1230s: A Study in Papal Rhetoric,” *Crusades* 10 (2011): 79-102, esp. 93-94.

sent out within four days of each other. On the other hand, Attila Zsoldos proposed that the situation between the papacy or its legates and the king deteriorated after Legate Jacob left John of Wildeshausen in charge of matters.⁷⁶⁷ Following this Bishop John supposedly pronounced the interdict in the spring of 1234 against Hungary because of the previous expulsion of the Teutonic Order and not the Treaty of Bereg as that would only come into effect in September 1234. By August of 1234 the pope was mandating his bishop to relax the excommunication and interdict.⁷⁶⁸ It does seem odd that the pope would try to de-escalate the situation in August and order up a full-blown crusade in October. Therefore, I found that this heretical presence in Slavonia was likely some substantial number of “heretics” originally from Bosnia, or connected to Bosnians accused of heresy. The idea of political opponents being dubbed as “heretics” and organizing military action against them was a step too far for Gregory IX at this moment, especially in a complicated and dynamic situation such as that in Hungary in the 1230s. What is also noticeable is that at this time “heresy” was certainly a substantial issue for the papacy, although it was not dominating Bosnia, rather it was nicely used for political attacks on some Bosnian nobles. Another important aspect is that it crossed into Slavonia to such a degree that it warranted Coloman’s forceful action, again signaling the serious nature of the spread of “heresy” in the area subjected to him or within his sphere of interest.

Taken in context though, several aspects become apparent. First, Bosnia under John of Wildeshausen was still seen as a hotbed of heretical beliefs (of unknown origin or quality), despite Matej Ninoslav claiming orthodoxy just half a year prior and the apparent good work done by Jacob of Pecorara. Second, the heretics in Slavonia were indeed a substantial force in that realm, enough to merit crusading privileges to combat them. Therefore, it does seem unlikely that this exclusively refers to heretical exiles from Bosnia, yet due to the vagueness of using the term “heretic”, the presence of Bosnian “heretics” in Slavonia cannot be ruled out. In any case, this was such a problem that it merited the attention of both the bishop of Zagreb (whose diocese was in the province of Slavonia) and the adjacent bishop of Bosnia. Whether Bishop John was included in this collection of six letters because the heretics originated in his diocese or because he was seen, as a Dominican, to be better equipped to combat heresy remains hard to determine, both explanations are plausible.

The previously mentioned Bishop Ponsa of Bosnia was sent to reform the local diocese and to combat the heretics in the province. He is first mentioned in a letter by the pope to the bishop of Cumania, designated to subject the land of Bosnia both spiritually and temporally to the authority of the Holy See.⁷⁶⁹ More specifically, it relates how the land of Bosnia “suffered the disgrace of heretical

⁷⁶⁷ Zsoldos, *Golden Bull*, 202-206.

⁷⁶⁸ August 16, 1234, VMH, I, 127-8, no. 215.

⁷⁶⁹ April 26, 1238, VMH, I, 162-163, no. 289.

depravity to these times, in injury of the redeemer and danger of the souls”. Originally a Dominican, Ponsa is described as “by all means a man wise and provident, and also eager in observing the commands of the Lord”, and sent to the Bosnian diocese “with a full legatine office.” The pope wanted the archbishop of Esztergom and his entire province to support Ponsa’s mission against heresy in Bosnia, not only in words, but in action, or more directly through funds.⁷⁷⁰ This letter went together with one sent to Duke Coloman regarding the same problem of heresy in Bosnia.⁷⁷¹ In fact the pope sent a barrage of letters the same day, including one to the abbot of the Benedictine monastery in Várád, ordering that funds for the crusades should be diverted for the benefit of the bishop of Bosnia to annihilate the “stain of heretical depravity” in the land.⁷⁷² Not only those resources, but the funds deposited in the Dominican house in Pécs by Ban Gyula.⁷⁷³ The supreme pontiff then ordered the Dominicans in Pécs to take the funds deposited in their convent by the “Duke of Bosnia” (Matej Ninoslav) for the construction of a cathedral, before he fell back into heresy, and reallocate them for the purposes of Legate Ponsa’s mission. They were also instructed to send Dominican brothers to Bosnia to aid the bishop.⁷⁷⁴ This mandate was expanded to the whole Hungarian Dominican province in 1239, to include friars “strong in deed and in word” to preach in Bosnia.⁷⁷⁵ The pope sent one more letter in December 1238 to Ponsa relating the situation and his mission – the rooting out of heresy in Bosnia. Ponsa was given legatine powers for at least three years for his mission, such as were given to his predecessor John Wildeshausen.⁷⁷⁶ The key role of Duke Coloman was reiterated, and Ponsa was ordered to work with him on this effort, and also to rely on the faithful of the Hungarian kingdom for the “thorough obliteration of the lingering heretical pestilence in the said diocese.” The pope also placed all the soldiers fighting for this cause under his protection, as well as giving them a pardon of sins. This was essentially a crusade against the heretics in Bosnia, jointly led by Duke Coloman of Hungary and the papacy.⁷⁷⁷

Several issues come up regarding this 1238 pontifical letter surge. First, Bosnia was an apparently continuing bed of heretical belief, and the papacy had been unable, up to this point, to stamp out these beliefs during at least half a century of papal missions into the area. Second, the cooperation between the Hungarian prince Coloman and the ecclesiastical officials, bishops, or papal

⁷⁷⁰ December 22, 1238, “...que usque hec tempora pertulit heretice pravitatis opprobrium in redemptoris iniuriam et periculum animarum...”, “...viro utique discreto et provido, ac in observantia mandatorum domini studioso...”, “...plene legationis officium...”, VMH, I, 168, no. 302.

⁷⁷¹ December 22, 1238, VMH, I, 168, no. 301.

⁷⁷² December 22, 1238, VMH, I, 169, no. 303.

⁷⁷³ December 22, 1238, VMH, I, 169, no. 304.

⁷⁷⁴ December 22, 1238, VMH, I, 169, no. 305.

⁷⁷⁵ August 6, 1239, “...potentes in opere et sermone...”, VMH, I, 170, no. 307.

⁷⁷⁶ For more on John of Wildeshausen see Dautović, “Bosnia and the Papacy”, 106-110.

⁷⁷⁷ December 23, 1238, “...a heretice pestis residuum de predicta diocesi penitus abolendum...” VMH, I, 169-170, no. 306.

legates, in promoting the anti-heretical efforts and crusade was paramount in achieving both Hungarian territorial expansion and the reconstituting of a Bosnian diocese that was not disturbed by heretical activity, within its hierarchy as well as the laity. Resources were diverted from Hungary, both material goods as well as personnel. It is quite telling that the Dominican order was at this point key in the papacy's effort, not only with the choice of Ponsa already serving as a missionary preacher in Cumania but also by supporting him with more of his Dominican brothers from the Pécs convent. This shows how the missionary expansion could be substituted by an anti-heretical internal missionary objective and the Dominicans were seen as the most suitable religious order for the task. As they already functioned as depositories of funds, both for individuals within the Hungarian Kingdom, and from adjacent realms, they were clearly well-established and reliable within their diocesan communities.

The issue of heresy relates to the first canons of the Fourth Lateran Council. For instance, canon 3 plainly indicates that those joining the battle against heretics would enjoy the same indulgence as those embarking on the crusades to the Holy Land.⁷⁷⁸ Taking the funds that Ban Matej Ninoslav deposited in the convent in Pécs can also be related to the same canon, which details that “the goods of the condemned [of heresy] are to be confiscated, if they are lay persons.”⁷⁷⁹ The role of the Dominicans is not defined in the council's decrees, however, the preaching mission can be related to canon 10 which focuses on the importance of preaching within a diocese, and it specifically references “suitable men to carry out with profit this duty of sacred preaching, men who are powerful in word and deed.”⁷⁸⁰ This last phrase is distinctly referenced in the 1239 order to the Hungarian Dominicans to engage in a preaching effort in Bosnia in support of Ponsa's legation. These several examples show how the language of the Fourth Lateran Council became useful for practical matters: reallocating funds previously designated for crusades and confiscating resources donated by condemned heretics. Spiritual matters were key for the anti-heretical enterprise, and preaching, specifically by the Dominicans, was seen as the way to go as Ponsa's predecessor, John, had also been a Dominican.

The use of religious orders to transmit ecclesiastical reform, or specific instances of reform would seem to be focused if not limited to the very frontiers of Latin Christendom. Cistercians, Dominicans, and Franciscans were all used at some point to increase or support the expansion of

⁷⁷⁸ “Catholics who take the cross and gird themselves up for the expulsion of heretics shall enjoy the same indulgence, and be strengthened by the same holy privilege, as is granted to those who go to the aid of the Holy Land. (Catholici vero qui, crucis assumpto charactere, ad haereticorum exterminium se accinxerint, illa gaudent indulgentia, illoque sancto privilegio sint muniti, quod accedentibus in Terrae sanctae subsidium conceditur.)”, Tanner, *Decrees*, 234.

⁷⁷⁹ “...ita quod bona huiusmodi damnatorum, si laici fuerint, confiscantur...”, Tanner, *Decrees*, 233.

⁷⁸⁰ “...viros idoneos ad sanctae praedicationis officium salubriter exequendum assumat, potentes in opere et sermone...”, Tanner, *Decrees*, 239.

Christianity into pagan lands, whether this was in Prussia or Livonia in the north, or Cumania in the southeast, the papacy found these preachers to be the most viable option, both for preaching conversion or crusade. Though missionary work was not perhaps an original idea by the Fourth Lateran Council, the insistence on preaching was, as well as the specific role a preacher has within a diocesan organization. This preaching mandate was reiterated by papal decrees of this period, often calling for religious who were “strong in word and deed” to promote Christianity. The mission was not only concerned with expanding Christendom but also with combating the heresy within. The role of the Dominican Order in trying to expel “heresy” out of Bosnia is quite telling in that respect, as very quickly in the 1230s Dominicans started combating these problems arising on Hungary’s southern border. This example is also significant because it presents cooperation between the secular lords (Coloman of Hungary) and ecclesiastical agents (Dominicans) to enact both a political and ecclesiastical shift in a neighboring land, essentially a conquest under the guise of a crusade.

III.3. Local clergy in synod

The main avenue that was used to instruct the clergy of a province with particular details of the reform was the synod (provincial or diocesan). This was the concept laid out by canon 6 of the Lateran Council. The system was envisaged with synods being held annually and addressing current issues particular to the ecclesiastical provinces. There were supposed to be yearly investigations going on into the excesses of the clergy and general needs for moral reform. The decrees of provincial synods were to be published in diocesan synods, confirming the hierarchical structure and obedience within a province. Synods were also meant as places where the canonical rules established by general councils (such as Lateran IV), as well as other conciliar and canonical constitutions, were being published and promoted.

Writing in his report to the pope in 1273 on the state of “German Churches”, Bishop Bruno of Olomouc stated it was customary to celebrate synods several times a year with laymen as established by Jacques of Liege. Witnesses were sworn in and gave testimony as to things publicly said by laypersons against God and the Christian religion. However, in other dioceses, this did not take hold, and the digressions of laypersons went unpunished, even if they were evident. If a priest would have liked to perhaps charge such a person in his parish, he would often feel that his life was in danger. The bishop also wrote how the synod’s role was the safeguarding of Christianity and the conservation of the integrity of the Christian people. He cited the biblical authority by which the synod could invite such accusations and investigations and resolve them – quoting Matthew’s Gospel:

“tell it to the Church.”⁷⁸¹ This meant that Bishop Bruno saw the synod as a place of correction where (lay)people who might have done something against canon law could be freely accused, without fear of retribution. This practice was necessary to keep the ecclesiastical order in place and raise awareness among the congregation that actions against Church law had specific consequences. And all were invited to present their testimonies in this forum under a prescribed legal procedure.

As previously mentioned, legatine missions in Central Europe often led to some kind of synodal activity. Unfortunately, the records of these assemblies are rather occasional or come from later traditions, and the image presented is assuredly not one of an annual practice. The provincial synods in Hungary-Croatia and Poland also have an advantage, as both had independent provincial structures within their political realms, as opposed to Bohemia, where the metropolitan was the archbishop of Mainz. The synodal activity, whether related to legates’ visits or local ecclesiastical initiative, was varied from diplomatic activity, resolving practical issues (most often dealing with the secular arm), economic problems around the tithe, the umbrella term of “ecclesiastical liberty”, and finally the reform of the clergy. Noticeably, the more extensive records of particular synods usually show more information on this last problem.

III. 3. 1. Hungary-Croatia

The synodal records for the first half of the thirteenth century in the Árpád realms are anecdotal at best. They consist mostly of references to some kind of conciliar assembly in either letters or chronicles and usually refer to one predominant issue that was debated. Of these, the first two synods were held in Kalocsa in 1222 and 1225. The prelates assembled in 1222 included the archbishop of Kalocsa, the bishops of Csanád, Veszprém, Zagreb, Eger, Pécs, Várad, Vác, and Nitra, which was a mix between suffragans of the two Hungarian provinces, pointedly omitting the archbishop of Esztergom.⁷⁸² The papal legate Acontio was also present at the synod, however, it appears that his mission did not pertain to the specific nature of this assembly, at least according to the surviving source which is a letter sent by the prelates to the pope. There they explained the main issue, the dissolution of the marriage between Prince Béla and Maria Laskarina. From this letter, it becomes obvious that they are against this dissolution, because they relate the timeline of the betrothal of the prince and princess and the church’s solemn blessing of the marriage and its consummation, as well as two years living together as husband and wife. After which, “however, now the devil planting weeds out of spiteful suggestions of certain perverse things”, the young prince “sent his wife away,

⁷⁸¹ Matt 18, 17; VMH, I, 310, no. 535.

⁷⁸² Waldmüller, *Synoden*, 173-174.

causing scandal and ruin of the Christian religion in the entire Kingdom.”⁷⁸³ Apparently, the marriage between Béla and Maria became useless for King Andrew and he wanted to free his firstborn for some other politically expedient union. The pope’s response to this situation was a mandate to the bishops of Eger, Vác, and Várad to investigate whether the actions of the young prince were as advertised. However, it appears the pope was at this time responding to the initial appeal by the Árpáds and not necessarily the writ by the Hungarian prelates. It is conceivable the synod at Kalocsa met after this papal letter was sent out, as the bishops present were also addressed by the letter. The initial point the pope had made is that he believed there was no marriage, but rather an underage union, that could be rejected upon coming of age. The pope gave permission to withdraw from such a betrothal (not a marriage), and to take another wife who would be of greater advantage to the Kingdom of Hungary.⁷⁸⁴ The situation changed by 1224 and the pope mandated that Andrew take his wife back, possibly due to the protests of the Hungarian clergy.⁷⁸⁵

The second Synod of Kalocsa in 1225 is known from a general remark by Pope Honorius III in a letter from that year about the archbishop publicly having excommunicated in synods, those who allow “infidels” to be selected for public offices, although the king of Hungary had long ago sent the archbishop enduring laws against this. But privately the archbishop turned a blind eye to this. The pope then retold all of the main issues as defined in the Council of Toledo and the Fourth Lateran Council related to non-Christians oppressing Christians, going back to their original religion after baptism or other such blasphemies.⁷⁸⁶

The next reference to a synod was in 1252 to a gathering in Esztergom where a dispute was heard between the Abbot Blasius of the Benedictine monastery of Zalavár and Bishop Zlando of Veszprém over the tithe, both in crops and wine, owed annually in eleven villages. Though the abbot was eventually the winner, the information about the synodal activity is revealing. First, the provincial synod was convened on the feast day of St. Luke the Evangelist (October 18) and lasted at least three days, because the judgment on the case was either given or published on the third day of the assembly. Secondly, the reference shows that all the abbots, provosts, and clergy of the (arch)diocese were present at the synod. Whether this was also the “congregation” that heard judicial cases is unclear from the judgment. Finally, the judgment was supposed to be proclaimed in the churches (of the diocese).⁷⁸⁷

⁷⁸³ “Nunc autem diabolo seminante zizania e quorundam malevolis suggestionibus perversorum...”, “...in totius Regni scandalum et subversionem religionis Christianae dimisti uxorem.”, Ignatius Batthyány, *Leges ecclesiasticae regni Hungariae* vol. II (Kolozsvár: Typis quondam episcopalis, 1827), 324-325.

⁷⁸⁴ May 28, 1222, VMH, 33, no. 67; RPR, I, 593, no. 6845; Zsoldos, *Golden bull*, 152-153.

⁷⁸⁵ February 22, 1224, VMH, I, 44, no. 90.

⁷⁸⁶ August 23, 1225, VMH, 60-61, no. 127; Waldmüller, *Synoden*, 175-176.

⁷⁸⁷ Batthyány, *Leges*, II, 391-392; MES, I, 394, no. 511; Waldmüller, *Synoden*, 177-180.

The legatine synods convened in 1263 by Angelo and in 1279 by Philip of Fermo have already been discussed. What followed was a series of synods summoned by Archbishop Lodomer of Esztergom, in 1286, 1292, 1294, and 1296.⁷⁸⁸ The 1286 synod is attested in a judgment by the archbishop confirming the tithe in Németh as it neighbored a church estate. The document mentions how the synod assembled on the feast day of St. Adalbert the Martyr (April 23) in the cathedral, gathering all the abbots, provosts, archdeacons, and any parish priests in the (arch)diocese “to be informed and taught on the condition of the clergy.”⁷⁸⁹ This provides an alternative date for the provincial synod and also expands on the quality of the congregation that was assembled. There is another judicial proceeding, again published on the third day of the synod, this time perhaps merely a confirmation, rather than a dispute. However, the details of the decision-making process, at least in terms of judicial proceedings, are more giving. The document refers to the Esztergom cathedral chapter and other “discerning men” as the smaller group that decides on these issues.⁷⁹⁰ The 1292 synod, held in May, produced a document asking the town of Buda to respect the privileges of the chapter of Buda, given to it by St. Ladislav and King Géza II (including the *tributum fori Geizae*). The synod found the town to have inflicted financial damages and unceasingly caused offense to the chapter.⁷⁹¹ The 1294 synod is known from circumstantial evidence – an excerpt from the annals of the Pauline Order, which details the construction of their monastery in Kékes.⁷⁹² The last piece of evidence of Archbishop Lodomer’s synodal action is a reference to a 1296 provincial synod in a copy of a privilege for the abbess and convent of Veszprém Valley. The decision was published on the fifth day of the synod (May 12) which means that it was convened on May 8. The document notes the archbishop along with the venerable fathers, colleagues, and co-bishops, as well as provosts, parsons, as well as secular and regular clergy, presenting ecclesiastical management.⁷⁹³ Even less detail is provided in the reference from the following year when the archbishop excommunicated the priest of *magna Insula* in the Veszprém diocese. This was enacted during the synod.⁷⁹⁴ Another unrelated document describes the synod as having happened around the feast day of St George (April 24).⁷⁹⁵

While analyzing the thirteenth-century Hungarian synods, Waldmüller found them to hold several features, of which three seem to be most relevant. Firstly, the regularity of these events

⁷⁸⁸ Waldmüller, *Synoden*, 201-208.

⁷⁸⁹ “...ad informandam et erudiendam status clericorum...”, MES, II, 213-214, no. 189.

⁷⁹⁰ “...cum fratribus nostris de capitulo ecclesiae nostrae et aliorum discretorum virorum...”, *ibid*.

⁷⁹¹ Péterffy, *Sacra concilia*, I, 126-129; though nothing is known about this synod other than the Buda chapter judgment, Waldmüller claims that it is plausible that it was influenced by Pope Nicholas IV’s call to reclaim the Holy Land, Waldmüller, *Synoden*, 202-203.

⁷⁹² Péterffy, *Sacra concilia* I, 129-130; Waldmüller, *Synoden*, 203.

⁷⁹³ MES, II, 794, no. 924, Waldmüller, *Synoden*, 203-4.

⁷⁹⁴ MES, II, 417, no. 428, Waldmüller, *Synoden*, 204.

⁷⁹⁵ MES, II, 425, no. 441, Waldmüller, *Synoden*, 204.

becomes apparent, although not in the number of sources. However, apart from the legatine synods which remained extraordinary, the provincial or diocesan assemblies that are recorded speak to the synod being part of the usual ecclesiastical operation. Secondly, he identifies the (legatine) synod as an instrument of political power by the papal agents. Finally, he focuses on the personal quality of the synodal decisions in this early period, compared to a more corporate decision by appointed adjudicators in the later thirteenth and fourteenth centuries. Gergely Kiss saw the efforts by the church to introduce economic reforms related to its incomes through various acts and treaties (most prominently at Bereg in 1233), but also the “new” legal practices, such as canonical elections and the papacy’s claim to universal power. Gergely Kiss compares the provincial and diocesan synods to the systematic character of the 1279 Buda synod and shows how they dealt with specific issues, such as jurisdictional complaints. In fact, he describes the 1279 synod as a “pre-disposed collection of decisions”, meaning a premeditated act based on prior knowledge, factual or otherwise, of the situation in Hungary. Furthermore, unlike Zoltan Kostolnyik’s rather bleak outlook on the impact of the Buda synod, Kiss found the reform agenda to have been taken on by the new archbishop of Esztergom, Lodomer, and implemented in the several diocesan and national synods up to the end of the century.⁷⁹⁶

Besides the very mundane aspects of the reform, such as the practical issues of the tithe, clerical vestments, or clerical marriage, the underlying message driven into the text of the various synodal acts, decrees, or papal invectives, was the need for constant affirmation and accountability to the Apostolic See. Namely, this was the centralization and hierarchization aspect of the reform. The lines of communication between the Lateran and Hungary were aimed at projecting an image of papal authority and reach, making a universal papacy not only an idea but a practical reality. Synods were places where such ideas were promoted, those were the fora where clerical action (mostly legal) could be taken, under the auspices of the (arch)bishop or legate. Waldmüller’s claim about the political power gained by legates through synods is also quite instructive, however, it excludes the variety of internal ecclesiastical changes that were caused by the proliferation of synodal activities. The jurisdictional and judicial actions by prelates were dominant at least according to the few sources available. But more telling is the shift through the century from the personal to the cooperative nature of the Hungarian synod’s decisions. This points to the developing ecclesiastical institutions expanding not only their jurisdiction, but the internal hierarchy within a (arch)diocese, including more members, and prelates, into the corporate proceedings. The institution of the diocese was conceptually moving away from the image of the bishop as the sole actor to a cooperative model of action while

⁷⁹⁶ Barabás, *Papsttum und Ungarn*, 63-72, 291-321; Kiss, “Protection of the Church”, 321-323.

keeping the prelate's power and authority within his province on the same level. With the elaboration of the system of ecclesiastical institutions, it became necessary to include more agents in control or oversight, to ensure the governance of such a growing community. The fact that by 1279 the legate had 100 benefices to give out to clerics, shows the need for personnel to support the system. Whether by a papal legate, archbishop, bishop, or some other prelate, control and submission to the law (i.e. institutional order) were demanded.

The provincial synods in thirteenth-century Croatia are known from circumstantial or anecdotal evidence only, none of their constitutions survived. There are references to four synods during this time. The first is recorded in the early modern chronicle of the Dubrovnik archdiocese by Serafin Cerva. He relates a synod was convened in 1222 in Dubrovnik, inviting bishops from "Dalmatia, Pannonia, Thrace, and the entire Illyricum", aimed at matters of faith and clerical morals.⁷⁹⁷ This synod could ostensibly be related to the legation of Acontio in Dalmatia, however, there is no contemporary evidence to support this claim. In fact, there is only one reference to the legate in October 1222 as a witness in a local donation and as a judge in a territorial dispute.⁷⁹⁸ Cerva's eighteenth-century claim could also be a part of a long-standing tradition trying to defend or expand the ancient prestige of the Dubrovnik archdiocese. Then in 1280 Pope Nicholas III ordered Archbishop John of Split to convene a synod to ascertain the stance of his suffragans on the intended union between the Templars and Hospitallers, after which to report back to the pope. It is unclear whether the synod was convened or what was the response by the archbishop to the pope.⁷⁹⁹

The two synods in Split in 1292 and 1293 are attested in a letter from the archbishop of Split to the bishop of Skradin that was composed during the 1293 assembly. This letter referred to a "sacred council celebrated in the previous year in Split", where it had been ordained that no bishop in the province could infringe upon clerics from another diocese, namely, elevate them to sacred orders, or dare administer other ecclesiastic or episcopal sacraments. In the meantime, the bishop of Trogir, present in synod (in 1293) with the provincial clergy on the feast day of St. Domnius (May 7), accused the bishop of Skradin of precisely these violations. The bishop of Skradin had elevated clerics, bestowed the chrism to the clergy of Šibenik (part of the jurisdiction of Trogir), as well as several

⁷⁹⁷ Serafin Marija Cerva, *Prolegomena in sacram metropolim Ragusinam*, ed. Relja Seferović (Dubrovnik: HAZU, 2008) 392-393; Blažević links this synod with the legation of Accontius (1221) who was sent to return the Bosnian heretics to orthodoxy, and to strengthen church discipline and correct behavior. Daniele Farlati, *Illyricum sacrum* vol. III (Venice: Sebastian Coleti, 1765), 248; RPR, I, no. 6612; Velimir Blažević, *Crkveni partikularni sabori i dijecezanske sinode na području Hrvatske i drugih južnoslavenskih zemalja* [Church particular councils and diocesan synods in Croatian and other south-Slavic lands] (Zagreb: Kršćanska sadašnjost, 2012), 96.

⁷⁹⁸ October, 1222, Farlati, *Illyricum sacrum*, VI, 93, CDCR, III, 217-218, no. 191; Majnarić, *Akoncije*, 92.

⁷⁹⁹ Farlati, *Illyricum sacrum*, III, 290; Blažević, *Crkveni sabori*, 97-98.

baptisms.⁸⁰⁰ Much like the examples in Hungary, this showed how provincial or diocesan synods often addressed jurisdictional matters regarding various ecclesiastical institutions, in this case between two dioceses. It also mentions local secular elites as an active aspect in ecclesiastical policies with the mention of the bishop of Skradin's actions being the talk of not only the people of Trogir but also Split, reaching as far up as the *podesta* of Split and the patriciate as well as Ban Paul. This points to the political nature and entangled quality of the (arch)bishop in the urban and regional state of affairs in Dalmatia. But more importantly, it points to the need for the archbishop to strengthen his authority within his province, both in ecclesiastical matters as well as secular ones. Archbishop John wanted to show his power over his bishop, his suffragan, and he used the corporative strength of the synod to affect this result. He also showed how such infringements made the entire province open to possible manipulations by local political actors, from the urban level up to the ban. There is a marked difference compared to the contemporary Hungarian examples, namely the decision-making process. While in Hungary there was a move towards a more cooperative deliberation by the end of the thirteenth century, the example from Split shows that the decision was made by the archbishop and confirmed and supported by the assembled synod. Therefore, the synod, as a place or a gathering of clerics, became a tool for the archbishop to enhance his position.

There is also an actual reference to the Fourth Lateran Council and possibly a provincial synod held immediately after the return of the Dalmatian delegation from Rome in the *History of the Bishops of Split* by Thomas the Archdeacon of Split, a thirteenth-century narrative source. Thomas explained how Archbishop Bernard of Split went to Rome to attend the council held at the Lateran. However, since he was already old and in a weakened state (a paralytic sickness), by the time he returned to Split he became unable to speak but a few words before the clergy and people. Bishop Tregvan of Trogir had to take over and he "read out and explained some of the articles of the council over two days."⁸⁰¹ Two meaningful aspects come out of the archdeacon's narrative. Firstly, the need to publicize conciliar or eventually synodal decrees. In this case, it was reading out the decrees, while in the Buda Synod, it was publicizing them presumably in a written form that would be freely available within a diocesan church. Though in both cases, it was necessary to have a written text that would be made known within an ecclesiastical province. The second aspect is the audience itself, while the Buda synod does not remark on this, Thomas wrote about "the clergy and people" as the archbishop's audience upon his return from the Lateran council. This implies that clergy and laity had to be acquainted with the decrees of the council. It remains unclear if "the people" were usually

⁸⁰⁰ May 12, 1293, "...sacro concilio anno preterito in Spaletto celebrato...", CDCR, VII, 139-140, no. 118; Karl Joseph Hefele, *Conciliengeschichte* vol. 6 (Freiburg im Breisgau: Herder'sche Verlagshandlung, 1890), 278-279; Blažević, *Crkveni sabori*, 98-99.

⁸⁰¹ "...uno et altero die aliquot capitula ipsius concilii perlegit et exposuit...", Thomas, *Bishops of Split*, 156-157.

part of provincial or diocesan synods or if reports by laymen were transcribed by investigators or archdeacons as envisaged by canon 6 of the Fourth Lateran Council. Considering the few sources on synods during this period it would appear the Split assembly of 1216 was an exception, and that in general synods were occupied and executed by ecclesiastical agents.

III. 3. 2. Poland

The synodal activity in Poland is more documented, with references to the assemblies, or actual synodal constitutions being extant for Wolbórz (1215), Kamień (1217), Sieradz (1233, 1262, 1270), Łęczyca (1244, 1257, 1285, 1287), Danków (1267), Pajęczno (1269), and Gniezno (1290, 1298, 1309).

The synod of Wolbórz was a preparatory gathering to determine the Polish delegation at the Fourth Lateran Council. The synod is referred to in a 1215 judicial document by Provost Mengos of Trzemeszno and Dean Gunter of Płock regarding a dispute over the tithe between Barton, the bishop of Kujawia and the monastery in Strzelno. The pair were judges delegated by the “provincial synod held in Wolbórz”.⁸⁰² According to Fąka, it was also part of the efforts of Archbishop Henry Kietlicz to fight for ecclesiastical liberty and engage in clerical reform even before the great council.⁸⁰³ He managed to enlist several dukes to confirm ecclesiastical privileges (Leszek, Konrad, Vladislaus, Casimir). This liberty entailed the judicial immunity of ecclesiastics and the people who settled on church lands. From now on they would answer to ecclesiastical judges. The privilege was confirmed by Innocent III in December 1215.⁸⁰⁴ Whether all of this happened at the synod is conjecture at this point, but it is plausible that the archbishop set this plan in motion before his sojourn in Rome. It puts the reform agenda, primarily political liberty within Poland at the forefront of the deliberation.

Returning from the Lateran Council, the archbishop set about the reform at the synod of Kamień in 1217. From the constitutions of Kamień, it is clear the church was still fighting against secular overreach or control. Most of the decrees addressed the separation between secular and clerical persons, and they vehemently spoke out about clerics who betrayed or plotted against other clerics or submitted to secular courts. Therefore, the synod presented an image of an embattled if not besieged Church in Poland. Fąka emphasized that the statutes had shown tithes as a part of the patron’s property which meant that up to this point, the concept of a proprietary church was still very

⁸⁰² 1215, KDW, I, no. 84

⁸⁰³ Historians such as Fąka claim that there are as many as fifteen synods convened by archbishop Kietlicz, documented through various sources, of greater and lesser quality, ranging from complete constitutions to single references in charters or letters, Fąka, “Synody”, 110-112; Ignacy Subera, *Synody prowincjonalne arcybiskupów Gnieźnieńskich* [Provincial synods of the archbishops of Gniezno] (Warsaw: Akademia teologii katolickiej, 1981), 37-38.

⁸⁰⁴ December 29, 1215, KDW, I, no. 68.

active.⁸⁰⁵ The continuation of the struggle for ecclesiastical liberty and the turn towards practical solutions regarding ecclesiastical incomes, namely tithes, shows a continuing influence of Lateran policies during the episcopate of Archbishop Henry.

In 1226 Archbishop Vincent of Niałk held a synod, although there is no information on the content of its decrees. However, the synods of archbishop Fulko (Pełka) are more detailed, especially the first at Sieradz in 1233. Subera explains how leading up to the assembly, the church and people in Poland had been under pressure by the nobility (laws regarding hunting), most clearly by Duke Henry the Bearded. The other problem was Henry's conquest of Greater Poland which opened the door for the Prussians and Rus' to plunder and destroy churches.⁸⁰⁶ The constitutions of the synod reflected this and forbade mixing into lay affairs, or conspiring with laymen, as well as any kind of violence against or misuse of the church and cemetery. On a practical note, the synod also dealt with problems regarding the various methods of paying the tithe. However, the foremost issue seems to have been clerical reform, both the "exterior dignity" of the cleric (morals, clothes) and the "interior dignity", which was related to the quality of the liturgical aspects and upholding celibacy. The position of the archdeacon was also presented as very important for reviewing clerical excesses through visitations and correcting issues that might have come up.⁸⁰⁷ The Synod of Sieradz showed the dual nature of reform in Poland, as in other polities. On the one hand, a necessity to ensure the liberty of the church and separation from secular control and pressure, and on the other a complete reevaluation of ecclesiastical persons and their behavior, not only as individuals but as examples in society. The focus on clerical morals and discipline (clothes, celibacy) was an ongoing process that became almost a necessity or a trope in any contemporary discussion or deliberation on reform.

The constitutions of the first Synod of Łęczyca in 1244 are not known, however, the political context is. Duke Konrad of Mazovia was involved in the murder of Jan Czapla, a priest who was also the teacher of the duke's sons. The penance involved privileges to the church, which the duke gave, but a few years later he again acted against a cleric.⁸⁰⁸ Subera shows that this time the object of his force was the bishop of Kraków. For instance, in the plundering of the church estates of Kraków in 1243, done as retribution against Bishop Prandota whom he saw as supporting Duke Boleslaus in his return to Kraków. The bishop punished Konrad and Archbishop Pełka confirmed this sentence at the synod.⁸⁰⁹ The precarious position of clerics was not uncommon in contemporary Europe, most

⁸⁰⁵ Fąka, "Synody", 119-121; Subera, *Synody prowincjonalne*, 38-40.

⁸⁰⁶ Subera, *Synody prowincjonalne*, 41-44.

⁸⁰⁷ ACPG, 1-8; SPPP, 343; KDW, I, no. 150.

⁸⁰⁸ Mikołaj Gładysz, *The Forgotten Crusaders: Poland and the Crusader Movement in the Twelfth and Thirteenth Centuries* (Leiden: Brill, 2012), 317.

⁸⁰⁹ Subera, *Synody prowincjonalne*, 44.

famously the example of Thomas Beckett comes to mind, as does the closer one of Stanislaus of Kraków. While the presence of violence was ubiquitous, the change involved the ecclesiastical legislation against such individuals which entailed socially excluding punishments such as excommunication or interdict. These were conceived as deterrents to the violent pretensions of secular (or even ecclesiastical) actors, mostly over economic issues (tithes), as well as over political influence.

Another synod was convened at Łęczyca in 1257 which was oriented more on ecclesiastical liberty than anything else, at least according to the available sources. The build-up to this assembly revolved around the conflict between the bishop of Wrocław and Duke Boleslaus the Chaste, which was ongoing since the late 1240s and heated up again in 1256 when the duke abducted and imprisoned the bishop. The pope intervened at the behest of the Wrocław chapter, but it was only after the ransom was paid that Boleslaus released the bishop. The synod in 1257 was in response to this and even decided on a crusade against the duke (which did not materialize).⁸¹⁰ The legislation was focused on the acts of oppression and violence by secular (lords) against bishops and clergy, and the appropriate punishments of excommunication and interdict. It also reflected the precarious life of bishops, mandating how the administration of the diocese and the bishop's estate was to be managed after his death, as well as his personal belongings which were often the object of rapacious interest by laymen.⁸¹¹ The synod can therefore be seen within the development of ecclesiastical liberty which included legally establishing the specific position of the clergy to counter the violence they were often subject to, mostly by the laity.

Archbishop John (Jan) convened several synods. The first in Sieradz in 1262 was the most extensive in terms of the legislative agenda. Several constitutions were focused on economic issues, primarily the tithe, but also on the forced service asked of people who live on Church lands. It appears that the Church was left out of the ongoing expansion of settlements in Poland and sidelined in their own estates, which became unacceptable for their economic stability. Interestingly enough, one decree forbade collecting exactions from virgins, widows, and shepherds, which could point to the perilous position faced by women without the protection of a patriarchal figure, lost due to wars, disease, or some other factor. This synod was another in a series that touched upon the judicial immunity of ecclesiastics, going against judges and plaintiffs who disregarded it. Finally, the bishops explained how supporting or contacting excommunicated individuals would incur further ecclesiastical punishments.⁸¹² The repeating of legislation regarding ecclesiastical liberty or

⁸¹⁰ Subera, *Synody prowincjonalne*, 44-46.

⁸¹¹ ACPG, 8-10.

⁸¹² SPPP, 385-359; Subera, *Synody prowincjonalne*, 46-48.

immunity shows that it stayed a contentious issue throughout the thirteenth century. The various synods deliberating on this present the local clergy constantly engaged in legal proceedings related to secular persons, all the while singling out the central concept of the *privilegium fori*.

After the legation of Cardinal Guido of Burgundy in 1267 and the synod held in February,⁸¹³ the archbishop held a provincial synod at Danków in October of the same year. The synod repeated the constitutions of the legatine synod and sent the content in a letter to Duke Mestwin of Pomerania. The prelates' message was focused on the problem of oppression and violence against clergy, primarily by lords or laymen in general. The key outtake was that such actions would incur swift and grave punishments, such as excommunication.⁸¹⁴ Two aspects are telling from these two synods. One is how it is uncommon that acts from legatine synods had to be repeated by provincial assemblies. The only possible explanation would be if not all prelates from the province could attend the original legatine synod and a further provincial one was held when all the prelates could give greater authority to the constitutions and their implementation. This would be especially useful and necessary in a situation where the church in Poland had to project unity towards secular lords. The second aspect is one already observed in contemporary Hungary, namely the use of synods as political instruments by legates as well as archbishops. Synods were especially conducive to such exploits as they brought together the provincial clergy and promoted cooperation or collective action, and mandated uniform (defensive-coercive) approaches towards the laity.

The last two synods during Archbishop John's episcopate were probably held in Pajęczno in 1269 and Sieradz a year later. Both are only referenced anecdotally and with no surviving data on the legislative activity.⁸¹⁵ The synod of Sieradz in 1270 is known from a document confirming the privileges, "in provincial synod", previously granted to the diocese of Kujawy by the local duke and his son.⁸¹⁶

After the death of archbishop John there had been more than a decade of vacancy at the metropolitan see of Gniezno until the election of archbishop Jacob Świnka in 1283. The new archbishop's legislative agenda was very active with as many as six provincial synods being associated with his episcopate, even though the constitutions themselves are from a later source tradition. The synod of Sieradz in 1285 was the most elaborate of Archbishop Jacob's assemblies, numbering 34 constitutions dealing with contemporary politics and ecclesiastical reform. According to Subera it was greatly influenced by the legatine synod of Buda in 1279, or rather the legation of

⁸¹³ SPPP, 360-363.

⁸¹⁴ October 16, 1267, KDW, no. 429; Subera, *Synody prowincjonalne*, 48.

⁸¹⁵ Subera, *Synody prowincjonalne*, 48.

⁸¹⁶ September 22, 1270, CDP, II, 1, 82-83, no. 97.

Philip of Fermo and the decretals of Gregory IX.⁸¹⁷ Many of these decrees centered around parish life, maintaining the church and sacred space, the proper prayers and formulae used during the mass, as well as teaching those to both the clergy and laity. The synod also aimed to promote a connection between the (parish) church (and cemetery) and the parishioners. One matter of continuing importance was clerical marriage, which was singled out more strenuously than before, as was the role of the archdeacon in controlling and correcting errors within parishes during his visitations. Another problem was wandering priests or clergy, especially those with benefices. Bishops were supposed to exercise control over such migrations or any appointments in their dioceses, as well as the foundation of new settlements. The synod decreed against some irregularities in the practice of marriage law in Poland, such as the abduction of brides, and put the bishop and archdeacon in charge of resolving all marriage cases. The interaction with Jews was also singled out as an issue, related to them selling stolen goods to Christians, as well as keeping or depositing Christian liturgical objects, such as holy books.⁸¹⁸

Subera claims this synod also addressed the conflict between Bishop Thomas of Wrocław and Duke Henry IV the Righteous. He also paints the reaction of the prelates to the decision by the Silesian Franciscans to separate from the Polish province and cross over to the Saxon one in a national context. This is especially apparent in the requirement for cathedral and monastic schoolmasters to be able to teach in both Latin and Polish. References to clergy conspiring against other clergy or aligning with the enemies of the Church, point to an uneasy position held by the Polish prelates and clerics.⁸¹⁹ The archbishop and bishops reiterated their displeasure at this Western influence in a letter sent to Rome a week after the assembly, relating the problems they faced with German threats to ecclesiastical liberty, as well as this issue of the Franciscan switch to the Saxon province.⁸²⁰ On face value the extensive regulations were in correlation with the swathing reform proposed by Philip of Fermo several years prior and this points to the salient aspects of the contemporary reform agenda. The base level of the Christian community, i.e. the parish, was put more prominently in the focus of the synodal acts and the prelates' attention. Clerical marriage, protecting church property, reinforcing the investigative and supervisory role of the archdeacon, and the residency of the clergy were all issues that transcended provincial boundaries and were relevant both in Hungary and six years later in Poland. Additionally, the synod was a place of conflict between the church and various secular lords with claims to church privileges, incomes, or estates. Therefore, it developed throughout the thirteenth century into an instrument of political pressure on the dukes and nobles in Poland.

⁸¹⁷ Subera, *Synody prowincjonalne*, 49-50.

⁸¹⁸ ACPG, 165-178; SPPP, 382-387; KDW, I, no. 551; Subera, *Synody prowincjonalne*, 49-53.

⁸¹⁹ Subera, *Synody prowincjonalne*, 49-53.

⁸²⁰ January 17, 1285, KDW, I, no. 616 (552a).

The synodal activity in Poland during this long thirteenth century can be underlined by several points. Local synods resolved legal cases which made sense considering that most of the clerics from a province or diocese would be present at the assembly. This allowed for an easier setup of the proceeding. These synods were also used to confirm and present ecclesiastical unity against secular overreach, regarding tithes or some other church privileges, thus creating a tool of political action or change within the kingdom. Throughout the period these assemblies were discussing and legislating on various elements of separation or distinction between spiritual and secular persons, as well as cooperation. The aim behind this was the creation or reform of an orderly and structured Christian society. Finally, the legislation on generally acknowledged Lateran reform issues, such as clerical morals, prelates' residence, visitations, investigations, documentation, marriage law, the position of non-Christians in society was becoming elaborate during the period culminating in the much-expanded constitutions by the 1280s, taking heed from the example of the 1279 Buda synod. The entire process, including the influence of papal legates and the synods convened and presided by them, shows the increasing want and need for oversight within ecclesiastical provinces and further elaboration of the hierarchy on a local level. This was also connected to the various papal legations in the period which were envisaged to allow for a variety of reforms to develop. From the synodal acts, the most apparent reform is the institutional development of the Church in Poland and its ties to contemporary canon law, both from the Lateran Council and then from regional papal legations. However, similar to the examples in Hungary, these synods and their respective legislation were not a direct copying of Lateran decrees but a reaction and accommodation to issues specific to the region or the realm. Therefore, the resolutions suggested in the normative acts of the synods should be taken as reflecting practical solutions for real issues, rather than merely taking over from previous conciliar or synodal decrees.

III. 3. 3. Bohemia

The importance of provincial synods for ecclesiastical reform was also apparent in Bohemia, though not in the same way as the previous two polities. Since there was no provincial center in Bohemia, the two bishops had to contend with the primacy of the archbishops of Mainz. Of the many provincial synods of the Mainz archdiocese only five are still known, and they were held at Mainz (1233, 1261, and 1310), Fritzlar (1244), and Aschaffenburg (1292). According to Hledíková, the last four synods influenced the Bohemian church the most.⁸²¹ A cursory view of these synods provides some insight into the topics of local interest, though not necessarily how the Bohemian bishops

⁸²¹ Zdenka Hledíková, "Synoden in der Diözese Prag 1280-1417," in *Partikularsynoden im späten Mittelalter*, ed. Nathalie Kruppa and Leszek Zygmier (Göttingen: Vandenhoeck & Ruprecht, 2006), 307-330, esp. 307-310; for more on Bohemian synodal activity in the thirteenth century see Antonín, *Čtvrtý lateránský koncil*, 216-226.

responded in their territories to the reform statutes or other decrees. They paint a wider picture of the German church during this trying time of papal-imperial conflicts.

The 1233 synod held during the episcopate of Archbishop Siegfried III had many reform issues discussed (new marital legislation), as well as matters of heresy and orthodoxy. The 51 published constitutions present the various reform agendas. The next synod in 1244 was mostly focused on clerical discipline, daily actions such as baptisms, keeping the Eucharist in a safe place, consecrating churches, penance, conferring benefices, clerical marriage, excommunications, or giving correct testimonies in court.⁸²² Both of the gatherings were influenced in part by the Lateran IV reform agenda, perhaps the 1244 synod more so. In 1261 another great synod was convened that published 54 constitutions dealing with clerical discipline and morals, pastoral care, the sick, the sanctity of the altars, marriage, patronage rights, procedural issues, the division of secular and ecclesiastical jurisdiction, monastic issues, and usury. It also called for prayers to avert another Mongol invasion.⁸²³ The next synod addressed all these issues, such as clerical morals, reverence to the *Corpus Christi*, as well as new specific problems – violence towards clerics and the discord between clerics that was related to secular influence.⁸²⁴ The last synod of this period, convened by Archbishop Peter in 1310, was even published in four books as it was the most extensive provincial gathering up to that point. The archbishop repeated constitutions from previous synods which meant his work was a summary or compilation of the most important and continuing issues (e.g. clerical marriage, benefices, patronage rights, or monastic issues).⁸²⁵

As for diocesan synods and their records, they are irregular and fragmentary at best and circumstantial at worst. The Prague statutes from the 1280s, or what remains of them, dealt with protecting the clergy as well as church property. The earliest reference to an actual synod of Prague is from 1289. There are better records for the 1308 synod of Prague which was influenced by the Mainz statutes.⁸²⁶ The Olomouc synodal references date further back, to 1243 in Pustiměř, in a charter by Bishop Konrad allowing for the transfer of Rudiger, the founder of the St. Spirit monastery in Staré Brno. Krafl considers this to be a “protosynod” and that the “real” synodal activity starts in 1252 with Bishop Bruno’s synod at Kroměříž. According to Bruno’s own report in 1273, synods were supposed to be held yearly, at least in the “better” ecclesiastical provinces.⁸²⁷ There are further

⁸²² Joannes Fridericus Schannat and Josephus Hartzheim, ed., *Concilia Germaniae* vol. III (Cologne: Krakamp & Simonis, 1760), 571-575.

⁸²³ Schannat and Hartzheim, ed., *Concilia Germaniae*, III, 596-615.

⁸²⁴ Joannes Fridericus Schannat and Josephus Hartzheim, ed., *Concilia Germaniae* vol. IV (Cologne: Krakamp & Simonis, 1761), 7-16.

⁸²⁵ Schannat and Hartzheim, ed., *Concilia Germaniae*, IV, 174-224.

⁸²⁶ Pavel Krafl, “Middle Age synods and statutes of the Diocese of Olomouc,” in *Partikularsynoden im späten Mittelalter*, ed. Nathalie Kruppa and Leszek Zygmier (Göttingen: Vandenhoeck & Ruprecht, 2006), 351-361, esp. 352-358.

⁸²⁷ VMH, I, 310, no. 535.

references in 1253, 1266, 1270, 1278, the last of which is thought to be held in Pustiměř. Krafl supposes synods happened every year, mostly at Kroměříž around the feast day of St. Maurice in September. The synod of Bishop Dietrich in 1282 also had a wider array of reform statutes listed, many of them reflecting issues from the Mainz provincial synods and the Lateran Council. The topics varied from clerical discipline and morals to judicial and punitive procedures. Among them were also the continuing problem of clerical marriage or incontinence, issues of resident parish priests and their vicars, liturgical matters, and feast days, all of which was reviewable by visitation.⁸²⁸

Although it is difficult to provide a complete overview of provincial or diocesan synods in thirteenth-century Central Europe, the fragmentary and circumstantial sources point to an active ecclesiastical forum where different matters were addressed. The majority of sources would indicate that these synods dealt with practical issues, either related to church tithes, immunity from secular power, or some dispute between ecclesiastical persons or entities. Regarding the frequency of these events, although the original Lateran canon would presume an annual cycle, the sources only hint at such a time frame, without providing enough of a source base to allow for certainty. The legatine synod of Buda even proposed quarterly “synods” to better promote the reform agenda, though likening them more to teaching conferences aimed at transmitting the collected knowledge of that synod rather than as active forums by themselves. The comparatively few instances that have preserved constitutions, contemporary or near contemporary to the synods, show how the issues regarding clerical morals, ecclesiastical discipline, church economy, secular-ecclesiastical relations, liturgy, marriage, etc., were being continuously brought up by the ecclesiastical hierarchy, both local and visiting. The question that is most difficult to answer is to what extent did the local override the universal, and vice versa, as well as what was the specific Central European quality of these statutes? While the Synod of Buda with its extensive legislation brings questions regarding how relevant could it be for Hungary (or Poland), the synod itself reflected a reform paradigm that was actualized in 1215 and became a basis of communication within Latin Christendom. Expansions and modifications of the base could follow in the century, but they could hardly go contrary to the core agenda of Lateran reform and therefore these questions necessarily resurface continuously, though it is hardly a clear sign of how commonplace the violations (e.g. regarding clerical marriage) were within that local society.

III.4. Conclusions

Legates, provincial synods, and religious orders were three distinct yet constantly interconnected avenues of approach for papal legislation, or policies, in Central Europe. Papal legates

⁸²⁸ Krafl, “Synods”, 357-358.

were the quintessential papal representatives, clothed with the immense power and authority of their office, the *alter ego* of the pope himself. Their tasks were usually focused on the preservation of ecclesiastical liberty and reform, though they also engaged in seemingly mundane actions such as confirming privileges, handling judicial matters, disputes, and diplomacy. The underlying current of these comparatively small and perhaps inconsequential actions on the scale of the whole of Latin Christendom was in fact the subtle feature of the Lateran agenda after the Council of 1215, namely the promotion of the concept of the universal papacy and its inherent authority and power. All of these singular acts were becoming part of a wider tapestry of inviting and including the clergy throughout Europe into the new legislative program presented by the Lateran Council and its subsequent additions and complements such as Gregory IX's *Liber Extra* or the two councils of Lyon. However, the paradigm set in 1215 was the benchmark of reform due to its extensive and all-encompassing character and structure. The legates by their very presence were extending the papacy's interjection into local affairs, providing needed and sometimes requested oversight and support for the local ecclesiastical agents. The local clergy accepted this subtle shift and chose to act within the framework as opposed to being excluded from the *ecumene*. The papacy, either through original letters or through their legates, received strength through numbers and support for its general policies and reform programs, while the clergy was part of a vast corporate body that took care to police its members within a transparent structure and hierarchy that promised security and immunity from secular overreach. This eventually led to local institutions developing into stronger and more independent entities, though, by the end of the thirteenth century, this was still an ongoing process. The content of these legations was also focused on promoting the crusades and the conversion of non-Christians, and in the case of Hungary, heavily oriented towards regulating the quite active position (political and economic) of non-Christians in the kingdom. Another problem that legates engaged with was "heresy". The example of Hungary's reach towards Bosnia is a valuable example of anti-heretical action and how the legate's office could become enmeshed with a local bishop's duty to reform or better correct his own diocese. The role of the Dominican Order in general, as well as the Hungarian Dominicans specifically, was paramount in this "internal" project.

Often times papal legates managed to convene local synods to gather the higher-ranking church officials of a realm and administer the correction of problems they had found with the state of the Church in the area. These synods were organized according to the current papal agenda (general reform, clerical morals, clerical marriage, education, judicial procedure, sacraments, preaching, marriage law, non-Christians in society, garnering support for crusades or missionary work) as well as the local ecclesiastical needs (tithes, protection from violence, political support). The mixing of these two directions created the specific synodal acts, which were perhaps inspired by Lateran ideas

but were only as authentic as to the extent they were applicable in the respective Churches of Central Europe. The synod (legatine or provincial) was quickly becoming on the one hand a key reform tool and on the other an active instrument of political pressure within the kingdoms. Taking on the mandate of correction given by the Fourth Lateran Council, synods were culminations of year-long processes of gathering information about the ecclesiastical provinces, as well as carrying out investigations into clerical abuses. The decisions or resolutions made by the synods were firstly strengthened by the participation of a greater part of the clergy of any given province and secondly, they were reinforced by the publishing of the decrees of the synods, either through public orations or in written form.

Legates, as well as religious orders, were also influential in expanding the borders of Christendom. Whether this was done through peaceful missionary work by Cistercians in Prussia, Dominicans in Cumania, or mendicants preaching crusades against Prussia, Livonia, and Bulgaria. The mendicants were also tasked with the first diplomatic embassies to the Mongols, which soon became missionary efforts aimed at pastoral care towards Latin Christians in the Mongol territories only to turn to a mission of converting the indigenous population towards the end of the thirteenth century. This showed the importance of both of these new orders who quickly established networks in Central Europe and became not only useful but indispensable in securing continuous support for the military efforts against the pagans in Prussia, Livonia, and the Baltic region. The orders could and would attempt some of their missionary action autonomously, only to discover the papacy supporting those efforts, eventually, and trying to involve the neighboring ecclesiastical and secular structures to provide support. The crusade preaching on the other hand required stronger control, first by the papacy which was trying to coordinate many religious and military forces in the region, and by the orders on their internal level, lest some of their members act out of sorts and contrary to the grand scheme of things.

The transmission of a papal agenda, that can be traced (at the very least) to the Fourth Lateran Council is evident, the appropriation or implementation of that agenda less so. Papal administration at the time functioned partly as a “rescript government”, which meant responding to local appeals. The point of transfer of the Lateran policies could only be the Lateran Council, both as a social and legislative event. It was up to the bishops or abbots to inform the papacy of the need to reform their local churches. Only then does the legate receive his mission and convenes the synod in his legatine province. The cooperation between the bishop and the pope (or his legate), is the basis of any reform idea taking hold in the area. In that situation and hierarchical relation, the legate could instruct changes to actual problems, considering his own general knowledge of the papal agenda, and canon law, and applying it to Central European realities, as he saw them or as they were presented to him. In the

overlap of the local state of the Church and the Lateran agenda was the field of reform applied by legates and local prelates in their provinces. It was not a clear-cut copying of Lateran ideals, but a legislative act with agency, meaning and intent. And the fact that some of these issues, such as clerical morals, celibacy, and tithes were ever-present in the synods, shows that they continued to be problems that were seen as needing correction. The ongoing reform of Central Europe was likewise a continuing issue, on the one hand treating the region with the direct themes of reform as presented in the Fourth Lateran Council and accepted by the clergy assembled there in 1215. On the other hand, the outward-looking eyes of the papacy were transfixed on crusades, anti-heretical campaigns, and missionary work. This was the remedy to all the ills of the twelfth century, a reformed Christendom that could unite against its enemies and reconquer the Holy Land. However, the long subtext of papal action of this time was the conceptualization and actualization of the universal power and authority of the papacy, which was theologically and legally sound, and was becoming accepted by the local clergy. Not only was the papacy developing its own institutional system but it was giving strength to the members of Latin Christendom, the Church institutions, who were evolving their own hierarchies and local structures.

CHAPTER IV: A REFORMED CLERGY

What was a reformed cleric from Central Europe after the Fourth Lateran Council like? This is perhaps the question or the answer behind the entire reform agenda. The first step was to educate and reform the bishops, so that they could then carry on with teaching and reforming their clergy and people through local synods. The fundamentals of the reform were presented in the chapter dealing with the council itself. And of the several avenues presented on how these messages were introduced into Central Europe, the papal legate and provincial synod were perhaps the most influential (at least according to the surviving sources). The legate was the representative of the papacy, the originator of the reform, but he was also present in his legatine province as a knowledgeable cleric, with a host of aides, who were at the very least familiar if not expert in canon law (at the bare minimum with the recent Lateran constitutions). These legates were met by archbishops and bishops who were also well-trained, or in the process of becoming a well-trained group that could easily accommodate the legates' wishes. However, this simple transfer is not what happened.

As opposed to a mindless copying of the original from Rome, the legates and bishops, much in line with the precepts of papal monarchy, which was partly a rescript government, took to selecting and modifying the canonical constitutions with their respective particular needs. Therefore, the provincial synod (a possibly yearly occurrence), and the legatine synod (an extraordinary and irregular occurrence) became places of a two-way interaction between "the Lateran" and Central Europe. This chapter explores how a normative image of a cleric was created in these assemblies, comparing the similar decrees from the thirteenth-century synods, to the extent that is possible, using the extensive material of the 1279 Synod of Buda as the baseline for comparison with the Polish synods at Sieradz (1233, 1262), Wrocław (1248, 1267), and Łęczyca (1285).⁸²⁹ Though other synods presented different questions, with particular issues in mind for their respective ecclesiastical provinces, the 1279 synod provides the most information. The constitutions, or the normative image created, can be divided into three groups: 1) clerical morals and discipline, 2) learning and teaching, and 3) the priest, the lord, and the villager. The first section deals with the personal aspects of the clerical reform, how to be a morally better (if not completely incorrupt) priest, and thus a role model for the community. It also tackles the important hierarchical issues within the church and tries to fortify the position of the bishop as the preeminent teacher and judge within a diocese. The following section shows the everyday duties of a priest or cleric, from the very mundane upkeep of his estate to the all-important care of sacred space within the church and cemetery, and the proper way of conducting mass or the sacraments, as well as anything related to presenting sermons, or sacred texts

⁸²⁹ References to other synods are specified in brackets with the location, year, and the particular article.

and hymns to the faithful. Finally, the last section deals with mostly material interaction with the laity, whether those were problems with achieving and keeping ecclesiastical liberty, which usually meant acquiring legal privileges from secular rulers, granting the church judicial immunity, tithes, and canonical elections. These issues included appointments to various ecclesiastical positions and in the courts, tithe payments, violence towards clergy and churches, plundering ecclesiastical goods, as well as marriage cases, and the state and rank of non-Christians within society. All of this presents an almost pragmatic ideal of a thirteenth-century Central European cleric, not quite the one described in 1215 at the Lateran Council, but one based on the actual faults and needs found in the local ecclesiastical persons and structures. The interplay between the Lateran and the region, through papal or legatine intervention and the response by local prelates created a specific reform set that was not an imported ancient collection of norms, but rather a sign of an active, robust, and engaged clergy.

The key reform tool of this period was the synod – provincial, diocesan, and legatine. Whatever its scope, the methods used by the convening authorities were quite similar. Some manner of investigation or review was done during the preceding year to ascertain issues within the church province, either by the archdeacon or some other diocesan agent. That set the agenda for the synod, which needed to be attended by bishops, abbots, clerics, and priests. The attendance mandate which was often repeated had a two-fold meaning. On the one hand, it was required to acquaint the clergy with the latest general matters of legislation and give strength to the decision published by the synod. On the other hand, the strength in numbers gave the presiding archbishop, bishop, or legate, greater political clout when either trying to pressure some recalcitrant cleric or more often when trying to make secular ruler bend to the Church's will. The legatine presence merely added an external impression to the local ecclesiastical situation, providing universal, legal, and theological perspectives to contemporary problems. The preeminent position of the synod in this reform agenda was also marked by the publication mandate, which demanded that there was an appreciation and knowledge of the modern and recent conciliar and synodal acts for the sake of implementing changes to ecclesiastical administration and conflict resolution.

IV.1. Clerical morals and discipline

The group of decrees under the umbrella term “clerical morals” encompassed a distinct way for clergy to distinguish themselves from laypersons. This included clothing, footwear, hairstyles, rings, or other ornaments. Clerics were intended to stand out by their simplicity, following as it were in the footsteps of Christ. On the other hand, their lifestyles needed to be without any moral obstruction or stain. Obviously, the most apparent problem were clerical marriages, or concubines,

and children, yet there were other issues such as violence by clerics towards other clergy,⁸³⁰ participating in warfare,⁸³¹ or being involved with the shedding of blood (surgery, trials, duels).

The first article of the Buda synod dealt with the appearance of prelates, their obligation to have tonsure, and the appropriate clerical way of life. This was defined in canon 16 of the Lateran Council as clerics “should have a suitable crown and tonsure”.⁸³² The synod relates how it was necessary above all for the prelates to behave this way as they surpass in dignity and authority all other clergy and lead by example in “customs, life, dress, reputable life.”⁸³³ Article 5 of the synod also defined how the clergy should wear clothes and shoes according to the fashion of their order or pontifical dignity, both in private and in public.⁸³⁴ It was decreed that each ecclesiastical rank should wear clothing according to the dignity of their respective rank, including lower ranks of clergy or religious, when attending synods.⁸³⁵ Clothing regiments were repeated in articles 61 and 62. They described the shameful problem of regular canons or monks wearing diverse garments, and how out of this diversity, there emerged envy, murmur, and some cause of offense between the different religious. Therefore, all monks living in the same monastery or under the same canonical rule, staying under the same profession, should be clothed in the same way, have the same wardrobe, forbidding any cloth that could be considered remarkable or luxurious, and their clothes should be of appropriate length.⁸³⁶ The latter article addressed how certain monks and regular canons had become accustomed to walk as if they were laymen or secular clerics, thereby placing their souls in danger and temptation from acting as if they were indeed laymen. The solution was for them to wear a surplice or linen tunic or closed cape when proceeding outside of their houses, but also when staying within. Monks could not proceed without a cape, cowl, or scapulary.⁸³⁷ Article 2 of the Buda synod was also related to canon 16, this time dealing with excesses in clerical dress. The synod forbade clothes made of the “hides of lambs, foxes, or lynxes”, or even otters. Sleeves sewn together from different cloths were also forbidden, as were buttons and clasps made of gold or silver. These prohibitions applied to prelates, cathedral and collegiate canons, those in charge of the cure of souls as well as priests.⁸³⁸

⁸³⁰ For more on this in a near-contemporary context see Jacek Maciejewski, “Making War and Enormities: Violence within the Church in the Diocese of Cracow at the Beginning of the 14th Century,” in *Ecclesia et Violentia: Violence against the Church and Violence within the Church in the Middle Ages*, ed. Radosław Kotecki and Jacek Maciejewski (Newcastle: Cambridge Scholars Publishing, 2014), 141-165.

⁸³¹ For more on this phenomenon in canonical decrees see Lawrence G. Duggan, “The Evolution of Latin Canon Law on the Clergy and Armsbearing to the Thirteenth Century,” in *Between Sword and Prayer. Warfare and Medieval Clergy in Cultural Perspective*, ed. Radosław Kotecki, Jacek Maciejewski, and John S. Ott (Leiden: Brill, 2018), 497-516.

⁸³² “Coronam et tonsuram habeant congruentem...”, Tanner, *Decrees*, 243.

⁸³³ “...moribus, vita, habitu, et conversacione honestis...”, a. 1, RHMA, 566.

⁸³⁴ A. 5, RHMA, 568.

⁸³⁵ A. 20, RHMA, 574.

⁸³⁶ A. 61, RHMA, 596.

⁸³⁷ A. 62, RHMA, 596-597.

⁸³⁸ A. 2, RHMA, 566-567.

Strong visual and behavioral distinctions between lay and ecclesiastical groups had to be maintained in public. The 1233 Synod of Sieradz addressed some of these matters in its first article, including abstaining from “unseemly businesses”, being tonsured, having the vestments be of clerical quality and quantity, which meant no red or green or lined patterns, not too short or too long, nor having some unseemly sleeves or shoes sewed together or pointed.⁸³⁹ Related to ostentatious clothing, the Buda synod forbade the carrying of rings unless “out of dignity of office or out of the special privilege of the apostolic see.”⁸⁴⁰ Those who still carried rings would have to pay the value of the ring to the poor, or if they sold a diocesan ring they would have to pay a fine and were barred from entering the church until they made the payment.

Maureen Miller finds that constitutions such as these were aimed at maintaining the “dignity of the clerical estate”, but since the eleventh century onward they had originated from a lay critique of wealthy clerics and their luxurious appearance. They were showing off their affluence which drew the ire and criticism of their lay neighbors and finally, this rebuff was taken over by papal and episcopal reformers. After the Lateran councils, more detailed legislation was made on the provincial level regarding clerical clothing, specifying styles, fabrics, or colors which were inappropriate. Miller also points out that these restrictions were aimed at clerical “street-wear”, which was distinguished from the glittering, golden, elaborate, and colorful liturgical vestments. The Synod of Buda is, therefore, a continuation not only of the Lateran’s canon 16, but also in line with Western European synods in the 1230s which focused on “closed overgarments”, “properly long garments”, “closed overtunics without undue pomp”, “properly well-proportioned garments”, and “closed cloaks”.⁸⁴¹

Clerical overextending was not just in terms of clothing but included various commercial endeavors or consorting with socially disreputable individuals. It was prohibited by the Buda synod to establish taverns in the homes or *curiae* of the priest or any ecclesiastical person, nor could they have as guests people who were worthless or suspect.⁸⁴² The influence and importance of canon 16 of the Lateran Council is key in this section of the synodal constitutions. Both the Lateran and Buda decisions were aimed at avoiding ostentatious behavior by clergy, that could lead to envy, or be likened to secular behavior, and also go contrary to the customary pastoral life of a prelate, common cleric, or parish priest. Article 7 of the synod is an almost word-for-word transcription of the first several lines of Lateran IV’s canon 16. It dealt with prohibitions of various secular businesses or callings, as well as watching mimes, entertainers, and actors.⁸⁴³ Secular businesses that could invite

⁸³⁹ A. 1, SPPP, 344.

⁸⁴⁰ “...ex officio dignitatis, vel ex privilegio sedis apostolice speciali...”, a. 3, RHMA, 567.

⁸⁴¹ Miller, *Clothing the Clergy*, 41-43.

⁸⁴² A. 4, RHMA, 568.

⁸⁴³ A. 7, RHMA, 569.

people traditionally thought of negatively were seen as problematic because they took away from the idealized image of the priest or cleric, who through these entertainers or tavern guests were lowering their social status.

Another aching problem was the relative closeness to laymen and secular life, already partly addressed in the previous section. Article 6 of the synod prohibited clerics from participating in what was considered typically lay activities, such as “rebellions, battles, spoils, plunders, arsons.” They were to abstain from any involvement in warlike actions, “unless bravely for the defense of their churches or of the homeland, not to attack or ward off, but for the defense so far as need may compel them, and then not fighting in person.”⁸⁴⁴ This constitution mostly takes its meaning from canon 18 of the Lateran Council which prohibits clerics from shedding blood or ordering blood to be shed (in court cases) and also to “command mercenaries or crossbowmen or suchlike men of blood.”⁸⁴⁵ The Buda synod goes further into detail and allows for exemptions in a defensive situation, but only as probably some manner of spiritual support to the soldiers who would do the actual fighting. The prohibition of the shedding of blood was enduring. The part that prohibited clergy from acting violently speaks to the local clergy having been involved in various forms of strife within the kingdoms in the region. Related to canon 18, article 8 of the Buda synod copied parts of the Lateran constitution, in the aspects related to clerics pronouncing sentences or dictating letters involving the shedding of blood, that they may not practice surgery, or be involved in blessing a purgation involving boiling or cold water, as well as red-hot iron.⁸⁴⁶ Clergy were prohibited from carrying swords or knives unless they had a clear fear of an impending threat of force, and even then not without bearing the permission of their prelate.⁸⁴⁷ The limits for how clergy should behave and what their role in society was, contrasted with the very signature activities the laity engaged in.

Jacek Maciejewski and Radosław Kotecki have demonstrated in their numerous studies how contemporary clerics, especially bishops, were still engaged in military activities, despite this legislation.⁸⁴⁸ However, as Maciejewski explains, this was canonically allowed if the bishops were

⁸⁴⁴ “...sedicionibus, preliis, spoliis, rapinis, incendiis...”, “nisi forte pro ecclesiarum suarum et patrie defensione, non ad impugnandum vel propulsandum, sed ad defensionem tantum si necessitas eos compellat, et tunc in propriis personis non pugnent.”, a. 6, RHMA, 568.

⁸⁴⁵ “Nullus quoque clericus rottariis aut balistariis aut huiusmodi viris sanguinum praeponatur...”, Tanner, *Decrees*, 244.

⁸⁴⁶ A. 8, RHMA, 569; cf. Tanner, *Decrees*, 244; the Várad register recorded 348 ordeals from 1208 to 1235 and statistically shows a rate drop off in the 1220s and Robert Bartlett connects this with legislative pressure after Lateran IV; János Karácsonyi and Samu Borovszky, ed., *Regestrum Varadinense* (Budapest: Victor Hornyánszky, 1903); Robert Bartlett, *Trial by fire and water. The Medieval Judicial Ordeal* (Oxford: Clarendon Press, 1986), 63, 128-130; R. C. van Caenegem, *Legal history: a European perspective* (London: The Hambledon Press, 1991), 75-76.

⁸⁴⁷ A. 11, RHMA, 570.

⁸⁴⁸ for more on contemporary clergy engaged in warfare see Maciejewski, “Making War”, 149-154, 158-162; Maciejewski, “A Bishop Defends His City, or Master Vincentius’s Troubles with the Military Activity of His Superior,” in *Between Sword and Prayer. Warfare and Medieval Clergy in Cultural Perspective*, ed. Radosław Kotecki, Jacek Maciejewski, and John S. Ott (Leiden: Brill, 2018), 341-368; Radosław Kotecki, “Public military service of bishops in

exercising their secular jurisdiction or if they were acting defensively and as long as this action did not disturb the social order.⁸⁴⁹ Kotecki further explores how prelates in Central Europe were habitually part of royal expeditions but were expected to act passively – focusing on inspiring the troops and prayer. However, in the second half of the thirteenth century there was a perceptible shift towards prelates seeking exemption from such “public service” and preferring to supply funds instead.⁸⁵⁰ Gábor Barabás analyzed the warrior prelates in Hungary, who were presented in the contemporary sources as either inspirational leaders or indeed as fighting as knights. He cites the Mongol invasion as the key moment when prelates were engaged in combat by necessity. However, they were also active before that, in the Crusades as well as in the dynastic conflicts of the Árpáds. In the second half of the thirteenth century prelates were active in the civil unrest in the kingdom, on the one hand trying to promote a peaceful end to the conflict between King Béla IV and his son Stephen but also acting as warriors and lords as in the case of Bishop Job of Pécs who was not only in open conflict with his cathedral chapter but was accused before the Apostolic See and enjoyed a “warlord lifestyle”. He defended one of his castles and expelled the bishop of Győr to take possession of his keep.⁸⁵¹

Maciejewski rightly shows how the involvement of bishops and clergy in violent acts was forbidden at the Fourth Lateran Council and then regionally at the Buda synod of 1279 and he analyzes the early fourteenth-century trial of the bishop of Kraków, John Muskata where many of these newly instituted norms were said to have been broken by the prelate. These ranged from bribery, physical violence, plundering church property, arson, and failing to exercise the office of bishop correctly, especially in judicial matters. On the other hand, a major problem was the prelate doing “spiritual damage” to the church (violated as many as 40 churches) and the community.⁸⁵² The example of Bishop John of Kraków implies that a shift was occurring during the thirteenth century regarding the perception of clerics, namely bishops, being involved in violent action, such as military expeditions or raids. While it remained canonically sound for a prelate to involve himself in wars in self-defense or while exercising his secular jurisdiction it was becoming considerably more difficult to portray such a bishop in terms of the idealized model of a contemporary cleric. Violence implied a sacrilegious violation, especially if it was directed towards other Christian brothers, let alone

the Piast monarchy (twelfth to early thirteenth centuries),” in *Continuation or Change? Borders and Frontiers in Late Antiquity and Medieval Europe*, ed. Gregory Leighton, Łukasz Różycki and Piotr Pranke (London: Routledge, 2023), 206-237.

⁸⁴⁹ Maciejewski, “Bishop Defends His City”, 346-350.

⁸⁵⁰ Kotecki, “Military service of bishops”, 212.

⁸⁵¹ Gábor Barabás, “Thirteenth-Century Hungarian Prelates at War,” in *Christianity and War in Medieval East Central Europe and Scandinavia*, ed. Radosław Kotecki, Carsten Selch Jensen and Stephen Bennett, 39-56 (Leeds: Arc Humanities Press, 2021), esp. 40, 48-49.

⁸⁵² Maciejewski, “Making War”, 152, 158-159.

churches, and was thus contrary to the spiritual and ritual purity demanded from reformed clerics. The only way clerics could participate in warfare, as defined by the Lateran Council was through inspiration and prayer, i.e. using spiritual weapons, presumably against non-Christians. Whether this shift was due to both Lateran and local ecclesiastical legislation is hard to determine. It is also possible that bishops tried to commute this “public service” due to the imposition of keeping an armed contingent on their domains. The synods as well as the detailed trial of John Muskata create an image of a ecclesiastical society acquainted with the contemporary legal stance on clerical violence and using the canonical tools made available by these assemblies.

The Synod of Buda involved itself in the fasting habits of monks. It established that members of whatever order shall abstain from blood and meat from November 8 until Christmas, or Septuagesima Sunday (ninth Sunday before Easter) until Easter, and fasting all days of the week except Sunday, excluding those “weak, crippled, and delicate”, with whom the abbots would be able to manage at their own discretion. The abbots could also decide that some persons could eat twice, for some reasonable cause, and boys, the sick, or those who read in the refectory could even eat three times. The monks could not eat outside their houses, for instance in their parishes, unless under charge and with permission.⁸⁵³ Regarding fasting habits, there were some problems in the dioceses of Wrocław and Kraków on the differences between the German newcomers and the Poles. The former complained to the legate how they were forced to fast longer than in their own homes. The Polish province had instituted a fast from Septuagesima Sunday until Easter, while the Germans were accustomed to fasting from Ash Wednesday (Wrocław 1248: a. 12).⁸⁵⁴ Zielinska explains this citing a “*laissez faire* attitude of the papacy towards local variation”. The “German variant” eventually won over and became the “modern” and only fasting practice in Poland.⁸⁵⁵ While the end result is interesting, it is important to see how both synods acted not as a vessel for Lateran policies, but rather as a forum for two-way communication, allowing for the mixing of cultural practices, in the case of the Wrocław synod, not only the “Lateran center”, but also the Polish and German variations. The decision by the legate in conjunction with the synod was to allow for issues that were not central to the core of religious belief a modicum of latitude within the limits of responsible freedom of practice.

An important issue of ecclesiastical reform was clerical incontinence. Article 9 of the Buda synod severely prohibited clerics from having offspring they had begotten in holy orders, on account of temptation. Parish priests were also forbidden from playing dice, or small dice in their homes.

⁸⁵³ A. 63, RHMA, 597.

⁸⁵⁴ A. 12, SPPP, 352-353; for more on the reception of this specific constitution see Agata Zielinska, “Remembering how to fast in medieval Poland: the papal legate Jacques Pantaléon on regional and ethnic particularity,” *Reading Medieval Studies* 45 (2019): 47-73.

⁸⁵⁵ Zielinska, “How to fast”, 64-65.

However, the children could stay within the household with their position reduced.⁸⁵⁶ This is partly related to canon 14 of the Fourth Lateran Council, which is more focused on punishing the incontinent clerics than on what happens to the offspring of such unions.⁸⁵⁷ Article 10 of the Buda synod forbade archdeacons and other church rectors from entrusting laymen or married priests with vicarages.⁸⁵⁸ The matter of clerical incontinence and priestly wives was further elaborated in article 12 which prohibited clerics with benefices or in sacred orders to live with women. Those who had lived with women in the three months before the synod had to cast them out or face excommunication, which could be resolved by the bishop upon the expulsion of the cohabiting woman.⁸⁵⁹ Although this article compliments canon 14 of the Lateran Council, it diverges from the core matter. Katerina Štulrajterová determined that the 1267 decrees of the Vienna synod barred progress in holy orders for married individuals. However, those decrees are likely relevant for the early twelfth century context, as shown already. She also found it probable that after 1279 the issue of priestly wives was eliminated, though not concubines, although this is difficult to ascertain from the available sources.⁸⁶⁰ The constitution of the 1233 Synod of Sieradz dealt with clerical incontinence, forbidding “all manner of fornication” to preserve the purity of the clerical ministry. Clerical marriage was also forbidden, as were concubines, or keeping any family either in the priest’s house or some other place. The same constitution gave archdeacons the primary role in reviewing these errors and correcting them during visitations in person, with the similar restriction of having to consult with the bishop in order to relax sentences against priests.⁸⁶¹

While the Lateran Council wanted to abolish the issue of clerical incontinence or priestly marriage, in a legislative way, the synodal articles show that this continued to be a struggle well into the thirteenth century in this region. The constitutions share the focus on holy orders, as exemplars to both other clergy and laity on how to live better “in a chaste and continent way.” The Buda synod also included clergy with benefices on this high level of scrutiny as the holy orders. This article was perhaps a way for the legate to introduce pressure on clerics with benefices in Hungary, especially considering the fact that he was given authority by the pope to distribute some 100 privileges on his legation. It is apparent that there was a need to affect a modicum of order among the clergy that would be used by the legate during the legation, and perhaps even after Philip of Fermo left his province. The point was to institute a new cadre of clerics or embolden the old so that they could carry the

⁸⁵⁶ A. 9, RHMA, 569.

⁸⁵⁷ Tanner, *Decrees*, 242.

⁸⁵⁸ A. 10, RHMA, 569-570.

⁸⁵⁹ A. 12, RHMA, 570.

⁸⁶⁰ Katarína Štulrajterová, “Sacerdotal Celibacy in Medieval Hungary,” *Bulletin of Medieval Canon Law* 30 (2013): 45-70, esp. 67-69.

⁸⁶¹ A. 2, SPPP, 344.

reform effort in the long term. The article further develops the way the penitent cleric could be absolved, citing procedure. The Fourth Lateran Council was more abstract in the text, allowing for “canonical sanctions” to be left as an open warning to any transgressors.⁸⁶²

Addressing general incontinence, article 48 of the Buda synod decreed on the punishment for those who associated with courtesans, either availing themselves of their services or inviting them into their homes. No ecclesiastic, or secular connected to a university, collegiate institution, or convent could invite such people of ill repute, to dwell in their homes or even to give or sell to such persons. Those who acted against this constitution would be prevented from entering the church and accepting sacraments. Ecclesiastics would be punished even more severely by their superiors. This constitution extended to public adulterers and those who practiced incest who would come under excommunication.⁸⁶³ Incontinent priests, those with wives or concubines were obviously a known feature in the region. To what extent were they common is a matter of debate and heavily depending on available sources. The normative quality of the synodal acts shows that married or sexually active priests were a continued and relevant problem throughout the reform period. Sexually uninhibited behavior was considered a general problem, but the reference to “public” adultery could point to the idea that such aberrant behavior by laymen as well as clerics provided bad examples for the community. Enjoying tavern life, theater, mimes, or some similar profane entertainment were more of these bad examples, something out of the question for clerics. The clothing of clergymen also fit this image of an orderly society. Clerics were forbidden to wear luxurious fabrics, ostentatious colors or styles, or anything that would detract from their holy service and put them in competition with each other or with laymen.

IV.1.2. Ecclesiastical hierarchy and discipline

Matters of ecclesiastical hierarchy and order were promoted generally throughout the synods, however, some constitutions were more focused on such issues. This meant that through the bishop’s authority and responsibility, all ecclesiastical appointments and promotions were validated within a diocese. A major series of issues emerged around benefices and the residence of clerics, sometimes even connecting these two aspects. The growing number of clerics required benefices and there was interference from laypersons trying to install their own candidates based on traditional ideas of patronage or some other established custom. Some clerics were quite liberal with the duties attached to the benefice (serving an ecclesiastical institution) and some even left the area to pursue an academic career or some other self-serving project, leaving impoverished vicars of lesser quality in charge of

⁸⁶² Tanner, *Decrees*, 242.

⁸⁶³ A. 48, RHMA, 585-586.

their benefice. However, the main goal of these articles was to establish the teaching and judicial qualifications of the bishop, as many of these constitutions revolved either around ecclesiastical punishments or the protection of the bishop from any external threat.

The need for all regular and secular clergy to attend provincial synods was reiterated at the Buda synod, bar any legitimate excuse and special permission by their superior. In such cases, though, appropriate and honest clerics should have been sent to the synod instead.⁸⁶⁴ This constitution complimented the Lateran's decree on provincial synods. Another constitution stated the proper way of advancing through ecclesiastical ranks and the need to be an ordained priest for such promotion.⁸⁶⁵ Clerical movement within the legation (legatine province) was restricted, so that any member of any order could not go on pilgrimage outside of his kingdom or province without the permission of his bishop or other ordinary on pain of being suspended from their benefice for a year.⁸⁶⁶ The next article decreed that no unknown persons could be allowed to serve in the sacred orders unless they had a letter from the ordinary having gone through all suspicions regarding the candidate.⁸⁶⁷ Appointments to ecclesiastical institutions or benefices could lead to conflicts between superiors and their subordinates in the ecclesiastical hierarchy.⁸⁶⁸

Later on in the Buda synod it was clearly described how this hierarchy is set up. The Church concedes virtue through priests and bestows orders through bishops,⁸⁶⁹ and finally, encompassing both clergy and laity into one Christendom, how the duty of all Christians and especially of priests is to pray to God and to say a special prayer for the pope at every mass.⁸⁷⁰ These two very short or seemingly inconsequential and unrelated constitutions provide a very direct view of the thirteenth century centralized and hierarchical church. It is also quite telling that the latter of the two constitutions came towards the end of the synodal decrees, practically and visually closing off the synodal acts, further emphasizing the given points. Such a decree was further complemented by the last article which ordered that the constitutions of the synod be published in the cathedrals of the province, written on boards as a book, legible, and chained to the shrine so that it cannot be easily stolen. Bishops of the province were supposed to assemble their general chapters four times a year and read and carefully explain the constitutions of the synod.⁸⁷¹ The publication of synodal decisions was seen as key for their implementation, and considering the frequency mentioned in the final

⁸⁶⁴ A. 19, RHMA, 573-574; c. 6, Tanner, *Decrees*, 236.

⁸⁶⁵ A. 21, RHMA, 574-575.

⁸⁶⁶ A. 31, RHMA, 578.

⁸⁶⁷ A. 32, RHMA, 578-579.

⁸⁶⁸ A. 40, RHMA, 582-583.

⁸⁶⁹ A. 124, ACPG, 159.

⁸⁷⁰ A. 127, ACPG, 162-163.

⁸⁷¹ A. 128, ACPG, 161.

constitution of the 1279 synod of Buda, it appears that the province needed intense reform. However, on a more general level, these last three cited articles represent how the Church went about reforming Central Europe during this period. While the applications of reform, the concrete resolutions needed to be known, written down, and talked about, so that both laity and clergy could act accordingly, the subtle notion carried by the constitutions was that there is no Church without obedience to superiors, prelates, legates, popes. The universal character of the papacy and the Roman Church was the underlying motivator of the reform agenda.

There were also a number of constitutions directed against various irregularities in discipline, the administration of benefices, judicial jurisdiction, and procedure. For instance, article 45 of the Buda synod aimed at expanding divine services, which required that all the holders of benefices or stipends, as well as provosts, canons, parish priests, rectors, be resident and take part in these duties.⁸⁷² A previous Polish constitution had decided, following the example of canon 13 of Third Lateran Council, that the obligation of residence attached to the parish church could only be transferred to a vicar with special permission by the archbishop or archdeacon (Sieradz 1233: a. 10).⁸⁷³ Bishops were also required to be resident in their churches, especially during Lent and Advent, “to preach and hear confessions”, and also “to teach the clergy and people of the city on faith and morals (Wrocław 1248: a. 11).⁸⁷⁴ Abbots were ordered to reside at their monasteries and participate in divine services, eat in the refectory, sleep in the dormitory, and abstain from meat according to the rules of their order (Wrocław 1248: a. 15).⁸⁷⁵ Clerical mobility was a contentious issue and some clergy would flee from their original province without permission, escaping some judicial problem or other burdens. Because of this, foreign clerics could not be ordained, or elevated to holy orders (Wrocław 1248: a. 10).⁸⁷⁶ An earlier synodal constitution also forbade religious persons from closed convents from serving in secular churches (Sieradz 1233: a. 7).⁸⁷⁷ The holding of benefices was connected to sustaining a respectable life and reverently serving God and their individual resident church or community. According to the Buda synod, the archdeacons, provosts, and the bishop would supervise if these holders were negligent and unwilling to mend their ways, and could work to correct and improve them.⁸⁷⁸ Several constitutions were more descriptive and presented the ecclesiastical situation in Hungary (and also other parts of the legatine province), relating first how ecclesiastical sentences

⁸⁷² A. 45, RHMA, 584-585.

⁸⁷³ A. 10, SPPP, 346.

⁸⁷⁴ A. 11, SPPP, 352.

⁸⁷⁵ A. 15, SPPP, 354.

⁸⁷⁶ A. 10, SPPP, 351.

⁸⁷⁷ A. 7, SPPP, 345.

⁸⁷⁸ A. 45, RHMA, 584-585.

were not observed;⁸⁷⁹ while describing how those who had destroyed, plundered, or scattered vineyards and fields, would be excommunicated.⁸⁸⁰ Thus depicting a bleak picture of instability affecting ecclesiastical discipline and estate management. Discipline, social hierarchy, and political instability were at the forefront of article 69 of the Buda synod which stated it was necessary to respect and revere ecclesiastics as those who follow Christ's example, and in the many problems, rebellions, and conspiracies they may face.⁸⁸¹ A major part of the Lateran agenda was the promotion of accountability on all levels of ecclesiastical hierarchy. There are frequent examples in the synodal acts of clerics being either non-resident or negligent of their duties. This became unacceptable and untenable with the growing number of parishes and benefices which mandated the fulfillment of duties and obligations connected to specific ecclesiastical incomes. Clerical mobility, wandering, and even unauthorized pilgrimage, were discouraged as they left the people without pastoral care. Discipline was also adversely affected by raiding and wars, however, these seem to have been extraordinary causes.

To provide a more just and unbiased judicial proceeding, article 54 of the Buda synod decided against ordinary judges or delegates, or even yet to be appointed ones from promising some kind of judgments in return for receiving money or promises, or through others' vile pretending, of some hate, temporal benefit, favor, or gain.⁸⁸² The next article regulated that ordinary judges and delegates should not admit known excommunicated persons to act, defend, or testify in court.⁸⁸³ The Wrocław synod of 1248 also dealt with the problem of false testimony and suggested writing down testimony while examining people during investigations (Wrocław 1248: a. 2).⁸⁸⁴ This reflected the Fourth Lateran Council's drive towards more documentation in investigations and legal procedure (c. 38).⁸⁸⁵ Another problem was someone not admitting to crimes that were known to have been done by that person, in public or in front of many people, and in fact professing innocence (Wrocław 1248: a. 3).⁸⁸⁶ The first of these constitutions mentions excommunication as the ultimate punishment for persisting in false testimony, while the latter vaguely mentions condemnation, presumably with the same punishment. These developments show the growing importance of judicial actions and court procedure in the period and the importance of truthful testimony under pain of excommunication.

⁸⁷⁹ A. 67, RHMA, 598-601.

⁸⁸⁰ A. 68, RHMA, 601.

⁸⁸¹ A. 69, ACPG, 129-132.

⁸⁸² A. 54, RHMA, 592.

⁸⁸³ A. 55, RHMA, 592.

⁸⁸⁴ A. 2, SPPP, 348.

⁸⁸⁵ Tanner, *Decrees*, 252.

⁸⁸⁶ A. 3, SPPP, 349.

The insistence on control elements and permission by the bishop is derived from Lateran IV's mandate that the bishop's authority and responsibility within his diocese extends beyond secular clergy, both to monks and regular clergy. The restriction of free movement was necessary for the enactment of many forms of communal devotion and ecclesiastical duties, as well as religious services. A set of constitutions at the Buda synod was written to limit the movement of monks and regular canons. It was described how monks and regular canons of some monasteries had become accustomed to wandering off often through the land outside the confines of their monastery, both openly and in secret, shamelessly as well as culpably. No one except the chaplain, or under some administrative necessity, could exit the monastery without the permission of the abbot.⁸⁸⁷ The following article prohibited monks, or regular canons from accepting or joining churches or from becoming chaplains, but rather ordered them to return to the monastery.⁸⁸⁸ Religious persons were impacted by another article, forbidding them from using dogs and hunter's birds (for hunting purposes). The same ordered that no regulars of whatever order could dare to continuously serve in parish churches beyond eight days, without permission by the ordinary of the said church. The level of control is also presented in the prohibition of leaving the cloister to study at schools (university) without the prelate's permission. Such misconduct would bring about excommunication.⁸⁸⁹ The synodal decrees reflected on the one hand the hierarchical and organizational tendency to control and oversee all aspects of ecclesiastical life within a ecclesiastical province and on the other the ensuing resistance and tension from the objects of this control, especially some monks who were accustomed to exemptions from episcopal visitation and review.

Misconduct was often followed by the penalty of excommunication. Various crimes were listed that could be punished in such a way: doing violence, falsifying the pope's letters, doing some kind of misdeeds with the sacraments, doing abortions, joining or dissolving marriages under false testimony, arson and vandalizing churches (and cemeteries), as well as willing violators, murderers, simoniacs, forgers who secretly and through skipping received orders.⁸⁹⁰ The following article described the proper ways of absolution from excommunication.⁸⁹¹ Arson against churches, plundering or violations of cemeteries were continuously singled out as problems in synodal legislation, such as at the Synod of Wrocław (Wrocław 1248: a. 19).⁸⁹²

⁸⁸⁷ A. 64, RHMA, 597-598.

⁸⁸⁸ A. 65, RHMA, 598.

⁸⁸⁹ A. 66, RHMA, 598.

⁸⁹⁰ A. 77, ACPG, 133; a. 79, ACPG, 135.

⁸⁹¹ A. 78, ACPG, 134-135.

⁸⁹² A. 19, SPPP, 355.

There was always a risk with various ecclesiastical penalties that the punishment would spill over and presumably bring innocent souls into peril (Sieradz 1233: a. 9).⁸⁹³ Such violations were frequently associated with periods of war or skirmishing (Sieradz 1233: a. 4) and it was decreed at the Synod of Sieradz that the leader of the army was responsible for the actions of his men.⁸⁹⁴ If someone who was excommunicated was found at a prince's court or in his household and had communicated with the prince, the court was placed under interdict until this excommunicate was thrown out (Sieradz 1262: a. 7).⁸⁹⁵ Conspiracies and plots between ecclesiastics that involved deceit and trickery were also forbidden by the Buda synod.⁸⁹⁶

The provincial synod had become a key tool of ecclesiastical reform in the thirteenth century. The synodal acts themselves show a keen interest in procedural matters within these assemblies and above all mandatory attendance and participation, investigation of issues, and the subsequent publication of decrees, thus promoting hierarchical structures within diocesan administration. Another way of promoting these structures was the attachment of ecclesiastical promotions to ranks and benefices, to documented and personal encounters with superiors (prelates, archdeacons), who would conduct "personnel reviews." One of the major issues was clerical mobility which was deemed problematic as it often left churches attached to benefices without a suitable priest or cleric, therefore a residence mandate was necessary to promote connections within ecclesiastical institutions and between clerics and their communities. The synods also addressed the frequency of ecclesiastical punishments, mainly excommunications, which were often a consequence of lay intrusions on ecclesiastical estates (war, raids, plundering). Judicial procedures were becoming more documented following the mandate of the Fourth Lateran Council, allowing for a clear appellate structure within diocesan, provincial, or even papal courts.

IV.2. Learning and teaching – everyday lessons and interactions for priests and clerics

There are no surviving handbooks from this period that would have explained to priests how to go about their everyday duties at church, how to take care of the building and the altar, what prayers to say and when, or how to write sermons for mass, what theological focal points needed to be explored or how to carry on with hearing confessions.⁸⁹⁷ However, the Synod of Buda had a significant number of constitutions dealing with precisely those questions, and although it is written in the legislative form it provides insight into what was expected from clerics, especially parish priests

⁸⁹³ A. 9, SPPP, 345-346.

⁸⁹⁴ A. 4, SPPP, 344-345.

⁸⁹⁵ A. 7, SPPP, 359.

⁸⁹⁶ A. 17, RHMA, 572-573.

⁸⁹⁷ For an analysis of such material in a contemporary English context see Andrew Reeves, *Religious Education in Thirteenth-Century England: The Creed and Articles of Faith* (Leiden: Brill, 2015), 27-88.

in the region. The basis for these decrees was the Fourth Lateran Council, but it only provided a universal, regionally non-specific model, while these synodal acts were more detailed and showed a progression of the quality and quantity of knowledge required from the priests. The attention given to the general care of souls was undeniable and mainly revolved around explaining the sacraments. Not only the newly important confession, but the Eucharist, baptism, and confirmation. How the synods presented sacraments and their importance draws a picture of the reform of everyday piety by the priest who was engaging the faithful in a new way. The positive legislation of the legatine and provincial synods provides the most complete view of these developments.

IV.2.1. A handbook for clergy

The synodal articles explained how clerics should behave during the mass or divine services in general, as well as how they should instruct the faithful on the precepts of the faith, liturgy, and contemporary ways of devotion. What one could describe as the core of Catholic practice and beliefs or a handbook on prayer, these constitutions formed the largest single group of the synodal decrees of the Buda assembly, and could by themselves have been an invaluable tool for bishops and priests in educating clergy and laity. Article 13 urged clergy, in detail, how to be more active in the church during the divine service, walking in front of the altar, in front of the crucifix or the Virgin Mary. They could enter the choir specifically during this time, bowing their head and reverently taking off their clerical hat (*pileus*). Furthermore, the clergy were supposed to diligently instruct and lead the laity into the church. All the clerics at the services were supposed to hear the “Ave Maria”, and reverently incline bending the knees. Those in holy orders could presume to either enter the choir barefoot or stand while celebrating the divine services. Likewise, priests without round capes or surplices could not dare to enter the churches or stand in them at canonical hours, especially the vespers, matins, or the mass, unless they were foreigners, travelers, or likewise pilgrims.⁸⁹⁸ Similar to many of the contemporary synodal acts, the focus was on clergy becoming more active with the congregation, promoting active participation by all the clergy and laity.

Protecting sacred space and items necessary for divine services was explained in a synodal constitution which was almost entirely transcribed from canon 20 of the Fourth Lateran Council. It commanded the keeping of the chrism, holy oil, and eucharist safely locked away, so that “no wicked hand can reach them.”⁸⁹⁹ The punishment of suspension for three months for the careless keeping of these objects is the same in both texts, however, the original canon does not mention holy oil, so this indicates a certain expansion of what needed more severe protection within churches.⁹⁰⁰ The

⁸⁹⁸ A. 13, RHMA, 570-571.

⁸⁹⁹ A. 22, RHMA, 575.

⁹⁰⁰ Tanner, *Decrees*, 244.

baptismal font was also included into this protected and locked space at the Synod of Wrocław because it was feared that sorcerers and witches would reveal themselves and draw strength, from the font, to act wickedly (Wrocław 1248, a. 21).⁹⁰¹ Church space needed to be isolated from possibly intentional spiritual or physical pollution which would violate the sacred nature of the space. The clerics were fast becoming cognizant of a variety of actions that could taint the ritual purity of the church and disrupt the religious process for the parish, i.e. bring disorder into an ordered structure.

Dealing with the importance of the care of souls, it was decreed at the Buda assembly that before coming to synods, rectors of parish churches or their vicars should “carefully examine if there may be any sick or feeble in their parishes, and that they may visit them and also not having been asked for, and they may do concerning them whatever might have been necessary for the health of souls.”⁹⁰² Canon 22 of the Fourth Lateran Council dealt with the sick, however, in a more general way, decreeing how the health of the soul was more of a priority than the health of the body.⁹⁰³ The Buda synod was trying to allow for a practical solution to when clergy would have to go on longer journeys outside their parish that their parishioners, especially those who are sick or might be at risk of dying, be taken care of, spiritually, beforehand.

An important question was about the care for and presentation of relics, which was defined in article 27 of the Buda synod. It stated that relics should not be exhibited out of their boxes unless in specific feasts, or out of devotion of concurring pilgrims just as the praiseworthy custom of some churches asks for, and not so they may somehow put it forth for sale. However, as for recently discovered relics, nobody could dare venerate them publicly unless having attained the authority of the pope.⁹⁰⁴ This text took from the beginning of canon 62 of the Lateran Council when referring to the display of relics and papal authority for new relics, however, it did give more nuance referring to feasts and pilgrimages as times when these items could be displayed.⁹⁰⁵ The following article also connected to canon 62 of the Fourth Lateran Council. It defined how preaching was the purview of authentic persons or those with apostolic or episcopal privilege to do so. It also tackled the issue of alms collecting as related in canon 62, a process that was only possible through apostolic mandate by the pope, his legate, or the bishop.⁹⁰⁶ Alms collection, another topic of canon 62, was addressed in article 82 of the Buda synod which dealt with the collection of donations by religious of all levels, especially those closest to the faithful (parish priests, confessors), through alms and last wills for the

⁹⁰¹ A. 21, SPPP, 355.

⁹⁰² A. 18, RHMA, 573.

⁹⁰³ Tanner, *Decrees*, 245.

⁹⁰⁴ A. 27, RHMA, 577.

⁹⁰⁵ Tanner, *Decrees*, 263.

⁹⁰⁶ A. 28, RHMA, 577; Tanner, *Decrees*, 263.

Holy Land.⁹⁰⁷ These several articles stress the importance of hierarchical confirmations of privileges for clerical or religious activities such as preaching, alms collection, and relic authentication. While it was apparent that the papacy was the superior authority in all matters, the practical authority presented in these articles was that of the bishop, who needed to install controlled structures regarding the mediation and authentication of sacredness within his province.

Weekly or everyday duties of the congregation were also addressed, as parishioners were instructed that they should go to church once a week, on Sunday and feast days, for divine services, especially mass, and should carefully listen during the sermons and liturgy. The article also encouraged the parishioners to visit their parish church for services and sacraments, and only exceptionally could they visit another church (for a pilgrimage of great devotion, or special indulgences).⁹⁰⁸ Canon 21 of the Lateran Council obligated Christians to attend the Eucharist once a year, at least. However, the synodal constitution shows a practical realization or instruction of everyday devotion in the local parish.⁹⁰⁹ The possession of a handbook that every parish priest should have had was also mandated. The volume needed to contain the order of baptism, the catechism, extreme unction, and similar everyday priestly functions, as well as other books by which they could be able to celebrate the daily and nightly services.⁹¹⁰

A long series of articles of the Buda synod explained and listed the various prayers that required knowledge by the priest and his flock. The constitutions elaborated on what the instruction was and how to proceed. First, it was defined that major and minor priests should carefully teach the people about the faith in the Trinity (it also explains the three persons as not being different), the Incarnation, the seven sacraments, seven virtues, and seven deadly sins.⁹¹¹ This was followed by constitutions on the doctrine of Incarnation,⁹¹² instructions on the Passion of Christ,⁹¹³ explanations of the Ascension and the coming of the Holy Spirit.⁹¹⁴ The faithful were also to be taught not to look for “reason” in the articles of faith, having in mind the exalted nature of faith, which cannot be understood with the intellect.⁹¹⁵ The Synod of Wrocław in 1248 also reflected upon the use of vernacular language during the mass. Once a day, on Sunday and feast days, after the Gospel, the sermon and the Creed could be said in the vernacular, or at least the sermon in Latin but the Creed had to be in the vernacular. The legate found that some people in the province did not know how to

⁹⁰⁷ A. 82, ACPG 136-138.

⁹⁰⁸ A. 33, RHMA, 579-580.

⁹⁰⁹ Tanner, *Decrees*, 245.

⁹¹⁰ A. 42, RHMA, 583.

⁹¹¹ A. 83, ACPG, 138-139.

⁹¹² A. 84, ACPG, 139.

⁹¹³ A. 85, ACPG, 139-140.

⁹¹⁴ A. 86, ACPG, 140.

⁹¹⁵ A. 87, ACPG, 140.

say everything that they believed in and using vernacular would bridge this gap (Wrocław 1248: a. 26).⁹¹⁶ There is also an example, that in the same year, Pope Innocent IV replied to the bishop of Senj (Croatia), allowing him to celebrate liturgy in his diocese from books written in Glagolitic script (presumably in the Church Slavonic language). Bishop Philip had written how “there is a special script which the clerics of the land use in divine services, claiming to have received it from blessed Jerome” and how he wished to be similar to them and to “introduce himself to the custom of the land where he is bishop.” The pope explained his authorization on account of “speech being subject to the fact, and not the fact to speech”, warning only to take care not to injure the meaning through the difference in script.⁹¹⁷ The use of the vernacular in the liturgy, specifically during the pontificate of Innocent IV and in distinct instances goes to show that the papacy had a sustained policy, even the phrasing of both decisions from 1248 is similar in that it presupposes a common belief, but accepts either the inability to completely express that belief or the option to express it in a language other than Latin. As with several other instances where one can claim a measure of accommodation by the pope or his legate, or rather a cultural mixing of two traditions, the kernel of belief was sustained while the outer layers could be modified and interchanged, almost at will, by the local agents. The point of the policy was to get the local episcopate on board with the overarching theme of Lateran reform, not get bogged down with stubborn adherence to the original Lateran text. In a similar vein, a decree was published at the Łęczyca synod in 1285 on the use of Polish language in the liturgy, once a day on Sunday, when reciting the Creed, sermon, and orations (Łęczyca 1285: a. 3).⁹¹⁸

The next few articles of the Buda synod dealt with listing the sacraments, how they should be taught to the laity, how important was baptism for the salvation of infants,⁹¹⁹ and what was the proper way of performing baptism – the correct formula, clarity of execution, as well as the immersion in water.⁹²⁰ The sacrament of confirmation was also described, specifically how a cloth was wrapped around the forehead of the confirmed, and on the third day it was burned and the ashes buried.⁹²¹ These constitutions show not only an interest in the correct way of performing sacraments but also

⁹¹⁶ A. 26, SPPP, 356-357.

⁹¹⁷ April 29, 1248, “...quod in Sclavonia est littera specialis, quam illius terre clerici se habere a beato Ieronimo asserentes, eam observant in divinis officiis celebrandis.”, “...et in terre consuetudinem, in qua consistis Episcopus, imiteris...”, “...sermo rei et non res est sermoni subiecta...” VMSM, 78, no. 98; for more on the glagolitic context and Bishop Philip’s privilege see Mile Bogović, “Put glagoljice od redovnika preko seoskih svećenika do biskupskog dvora: U povodu 750. obljetnice pisma Inocenta IV. senjskom biskupu Filipu” [The route of the glagolitic script from monks through village priests to the bishop’s court: on the occasion of the 750th anniversary of the letter of Innocent IV to Bishop Philip of Senj], *Croatica Christiana periodica* 41 (1998): 53-70, esp. 62-69; Miroslav Glavičić, “Pismo pape Inocenta IV. senjskom biskupu Filipu u tiskanim izdanjima i historiografiji” [Letter of Pope Innocent IV to Bishop Philip of Senj in printed editions and historiography], *Senjski zbornik* 41(2014): 159-184.

⁹¹⁸ A. 3, SPPP, 383.

⁹¹⁹ A. 88, ACPG, 140-141.

⁹²⁰ A. 89, ACPG, 141-142.

⁹²¹ A. 90, ACPG, 142.

the information necessary in missionary activities. The clarity of the text also shows the need to have unambiguous procedures and formulas for the sacraments to dissuade confusion regarding the practical matters of the Christian religion.

The most extensive input was provided on confession, first detailing how penance consisted of confession, grief, and the penalty, while preventing sin and reconciling the faithful with God.⁹²² Urban or diocesan clergy could confess to a superior presbyter or his penitentiary once a year.⁹²³ Clerics were obliged to confess before receiving holy orders.⁹²⁴ In article 94 of the Buda synod, the “Easter duty” reference from canon 21 of the Lateran Council was repeated, namely, that laypersons (of both genders) should confess once a year, especially before Lent, and it decreed that they had to confess to their priest, and not some other, unless they had permission.⁹²⁵ The following article described how to correctly and discretely conduct confession.⁹²⁶ The synod also addressed the confession of major sins such as murder, blasphemy, physical violence against parents or clerics, or whatever religious, as well as arson, simony, forgery, incest, abominable sins against nature, and offenses against the sacraments.⁹²⁷ Confessions made at the moment of death were to be done as an open conversation since there could be no imposition of penance on the person confessing.⁹²⁸ In a similar fashion the issue of prioritizing spiritual health over physical healing is promoted in article 97, clearly showing the influence of canon 22 of the Lateran Council. The text of the synodal constitution was in fact copied from the Lateran canon.⁹²⁹

Another important sacrament was the Eucharist, and the Buda synod tried to explain both the proper way clergy should behave, what to say, or sing, during the mass and especially around the sacrament, as well as how to deal with all the practical minutiae that could come up. The constitutions described the correct formula for the sacrament of the Eucharist, concentrating on the transubstantiation of bread and wine into the body and blood of Christ.⁹³⁰ They detailed the way how to attend to the host during mass, the wholeness of its shape, how to use wine and not vinegar, and how to interact with the faithful receiving the host.⁹³¹ The priest was supposed to hold up the host during the Eucharist so that it could be seen, and not to vomit after ingesting the sacrament, and if he could not hold it in, to throw up where the host could not be trampled upon.⁹³² If the blood of Christ

⁹²² A. 91, ACPG, 142-143.

⁹²³ A. 92, ACPG, 143.

⁹²⁴ A. 93, ACPG, 143.

⁹²⁵ A. 94, ACPG, 143-144.

⁹²⁶ A. 95, ACPG, 144-145.

⁹²⁷ A. 96, ACPG, 145-147.

⁹²⁸ A. 98, ACPG, 147-148.

⁹²⁹ A. 97, ACPG, 147; Tanner, *Decrees*, 245.

⁹³⁰ A. 99, ACPG, 148.

⁹³¹ A. 100, ACPG, 148-149.

⁹³² A. 101, ACPG, 149.

was to fall on liturgical vestments, the priest was instructed on how to preserve them as relics or burn them and deposit the ashes, similar to the bread thrown up, or if e.g. a fly would fall in the chalice.⁹³³ The priest was prohibited from giving consecrated host to boys during Paschal days, but they were allowed to partake in blessed bread.⁹³⁴ The eucharistic sacrament, the host, needed to be renewed every eighth day.⁹³⁵ After the mass, the chalice had to be cleaned,⁹³⁶ and to show just how much cleanliness was important in the holy space, one of the constitutions described how the priest should wash his hands before clothing himself for the mass. And again, during the mass, first after the Gospel reading, and second after the reception of Christ in the sacrament, for which there were two towels hanging on the altar.⁹³⁷ Related to hygiene around the altar, it was ordained that the *piscina* should be placed appropriately and cleanly next to the altar, thus allowing for free movement for washing, and it should not be left without a cover.⁹³⁸ Liturgical vestments, as well as altar cloths and priestly robes, also had to be washed often, in the *piscina* if possible, or in the baptistery.⁹³⁹ The Fourth Lateran Council had promoted the idea of yearly confession and participating in the Eucharist in canon 21. The many synodal articles revolving around these sacraments show how much effort was needed to install this new habit into the expressions of Christian identity and practice throughout Latin Christendom, not only for the laypersons but perhaps more importantly for the priests who would be doing the rituals with an understanding of the implications of both confession and Eucharist. They also show the great importance placed on ritual purity, all the liturgical tools had to be washed and the priest had to be clean as well as the liturgical space. This was an ongoing criticism against priests since the beginning of the “Gregorian reform”.

Priests were instructed to celebrate divine services so that their local communities might become stronger in faith. They were forbidden under pain of excommunication from organizing dances in cemeteries or churches. Threats were forbidden under anathema, as was pursuing civil cases in churches or cemeteries. It was also decreed at the Buda synod that no one could build new edifices in the cemetery, or make one heap from dung and filth.⁹⁴⁰ Priests were required to keep the area around the church in a relatively pristine state, especially compared to temporal space, such as the street or market. Those who enticed and seduced others to choose to be buried elsewhere, other than their parish church or where their ancestors were buried, were to be punished.⁹⁴¹ According to the

⁹³³ A. 102, ACPG, 149-150.

⁹³⁴ A. 103, ACPG, 150.

⁹³⁵ A. 104, ACPG, 151.

⁹³⁶ A. 105, ACPG, 151.

⁹³⁷ A. 106, ACPG, 151.

⁹³⁸ A. 110, ACPG, 153.

⁹³⁹ A. 111, ACPG, 153.

⁹⁴⁰ A. 43, RHMA, 583-584.

⁹⁴¹ A. 76, ACPG, 132-133.

Wrocław synod, the cemetery, as the final resting place of the bodies of the faithful before their eventual resurrection, needed to be closed off to protect the deceased from any unrest (e.g. beasts) and to clarify the separation (or immunity) of the area (Wrocław 1248: a. 25).⁹⁴² As Anthony Perron demonstrated, the cemetery was developing into a protected area already in the twelfth century, as “unworthy, impious, and disobedient souls” were expunged from the sacred space. The cemetery was becoming more strictly framed in a juridical manner, practically emphasizing its communal unity with its nearby church. The dead and the living supported each other.⁹⁴³

The piety of laypersons during the mass, or in the presence of the holy sacrament, as well as clergy, was also addressed in two constitutions. Bishops and lesser prelates were strictly ordered to inform the clergy and people subject to them on the reverence to the body and blood of Christ, and how hats had to be taken off and knees bent during the elevation or when presenting the body and blood of Christ.⁹⁴⁴ Laypersons and boys were to be frequently reminded to bend the knee, wherever upon seeing the holy body of Christ to be carried – as they would do the same with the Lord and Creator – and having clasped hands they were to pray until it had passed them.⁹⁴⁵ The Synod of Wrocław also addressed the availability of the sacrament to sick and infirm people, and a relaxation of a total of ten days was given to those who participated in the procession and the Eucharist (Wrocław 1248: a. 8).⁹⁴⁶ Laypeople, specifically the poor and infirm, were also given the grace of being admitted to the bishop’s table, receiving blessings. This charity was also detailed with the exact formulae and blessings (Wrocław 1248: a. 9).⁹⁴⁷

There was also interest in the wear and tear that could happen in the church, whether it be altars, vessels for water or wine, or clothes. Priests were instructed not to celebrate mass on altars where the board had been broken until it was repaired and consecrated again. Nor could they say mass above a stone without a repository. The flasks for wine and water during the sacrament were supposed to be clean and whole, and a larger vase or vessel was to be assigned for the washing of hands.⁹⁴⁸ If sacred cloths were worn out from old age and became unusable for sacred purposes, they were supposed to be burned in a clean and remote place and the ashes put away next to the parent church.⁹⁴⁹ Synodal acts were again focusing on the state of the liturgical tools, likely to uphold the idea of the

⁹⁴² A. 25, SPPP, 356.

⁹⁴³ Anthony Perron, “The Medieval Cemetery as Ecclesiastical Community: Regulation, Conflict, and Expulsion 1000-1215,” in *Dealing With The Dead: Mortality and Community in Medieval and Early Modern Europe*, ed. Thea Tomaini (Leiden: Brill, 2018), 253-273, esp. 255.

⁹⁴⁴ A. 113, ACPG, 154.

⁹⁴⁵ A. 114, ACPG, 154.

⁹⁴⁶ A. 8, SPPP, 350-351.

⁹⁴⁷ A. 9, SPPP, 351-352.

⁹⁴⁸ A. 111, ACPG, 152.

⁹⁴⁹ A. 112, ACPG, 153.

sacred space and the oft quoted integrity of the ritual but also because of the outward appearance of the sacramental offerings. It was hardly desirable for the laity to perceive the Church as being destitute, both materially and spiritually.

The approach to the sick was also important. First, concerning their absolution, which was difficult to accomplish with the extremely feeble and ill, but an effort had to be made if possible.⁹⁵⁰ Some sick who were willing, but were not physically able to partake in the Eucharist also received a helping hand. The proper reverence to the sacrament of the body of Christ was described, and how every priest should have a chalice to share with the sick. The chalice should be out of silver, copper, or tin.⁹⁵¹ If the sick could not receive the body of Christ in the usual way, due to some kind of infirmity of the mouth, it was explained to the priest how to mix the host and prepare it so it can be ingested easier.⁹⁵² Two aspects come forth from these decrees: firstly, the utmost care for the consecrated host during the Eucharist and secondly, the appreciation and inclusion of various parts of society, including the sick. This again showed the ubiquitous intent of the reform agenda, reaching the weakest individuals in contemporary society.

The priest that had been envisioned during this period was required to go out to his parish and actively engage with his parishioners (often times with special reverence to the sick and infirm) and invite them into a sacred and protected space that included both the church and the cemetery. The priest needed to have the most up-to-date education in sacraments and at least the basic theological premises of liturgy. Not only for himself, but so that he could be able to teach his parish all these basic elements of liturgy and faith, especially the sacraments, the Creed, and other prayers. Interestingly, from synodal pronouncements, it becomes clear that many of the faithful did not understand Latin so the synods allowed at some point for the use of vernacular in parts of the liturgy to better engage the people during the mass. The aim was clearly to have active participants rather than mindless drones repeating (or mumbling) words they did not actually understand. The other part of the priest's duties had to do with keeping the sacred space separate from any possible pollution or evil. Which originally meant keeping cultic purity in the personal sense (related as well to the priest's own morals), but now this was detailed in how parts of the church had to be kept in a pristine state, specifically the altar and the instruments required to perform the liturgy and sacraments. The several repeated constitutions referring to locking certain parts of the church to keep them away from evil doers are telling. The cemetery also became included in this protected space, it needed to be walled off so that it could no longer be a scene for some popular dances or parties. There is a certain duality

⁹⁵⁰ A. 115, ACPG, 155.

⁹⁵¹ A. 116, ACPG, 155.

⁹⁵² A. 117, ACPG, 155-156.

in wanting to invite “the people”, the parishioners to be more active in participating in liturgy and everyday piety, but keeping them under strict control so that they could not stray into some kind of mistaken practice or belief. Control was one of the key elements of these reforms, which meant that although the councils and synods provided the law, someone still had to maintain this “new order”. Whether it was the pope controlling the bishops, the bishops and archdeacons controlling the priests, or the priests controlling the people (and vice versa).

IV.2.2. Taxation and economy

Clerical finances were a source of internal and external pressure for everyone involved in the process. The awarding of benefices had been a long-standing contentious issue with laypersons, however, even some clerics were by themselves avaricious to some extent, and wanted to hold more than one benefice, which was forbidden by the Lateran Council, especially in the case of benefices with the care of souls attached. The idea was that if a cleric was awarded a benefice he had to commit to the church and do his duty. Another problem was the payment of tithes or some other exactions demanded from clerics. The effective collection of the former was a constant problem, while the exactions demanded differed widely and were often included in general ideas about ecclesiastical liberty and immunity. There was also a new perspective on church finances, as records were becoming a requirement and funds could be channeled only for ecclesiastical uses, such as the upkeep of the church buildings, church furniture, or some other important inventory.

A number of synodal constitutions revolved around the economic basics of clerical life, from taxes, exactions, procurations for visitations, collections of various sorts, and benefices. Some prelates or ecclesiastics demanded heavy, oppressive, and burdensome exactions when visiting parishes, especially with their great households. The Buda synod ordered that such visits should be done in moderation while having the image and model of Christ as an objective.⁹⁵³ This language of the text is similar to canon 33 of Lateran IV on how visitors should “not seek their own interests but rather those of Jesus Christ.”⁹⁵⁴ The Wrocław synod required of archbishops to visit their suffragans, at least once a year to “correct and reform the clergy and people” (Wrocław 1248: a. 13).⁹⁵⁵ It was decreed that archdeacons would only get payments if and when they personally went on visitations (Wrocław 1248: a. 22).⁹⁵⁶ This constitution was repeated two decades later, although it did allow for a “suitable vicar” to execute the archdeacon’s visitation (Wrocław 1267: a. 12).⁹⁵⁷ The Lateran Council had more to say about immoderate exactions and sharing the burden when it came to poorer

⁹⁵³ A. 14, RHMA, 571.

⁹⁵⁴ “...non quaerant quae sua sunt sed quae Iesu Christi...”, Tanner, *Decrees*, 250; Phil 2, 21.

⁹⁵⁵ A. 13, SPPP, 353.

⁹⁵⁶ A. 22, SPPP, 355-356.

⁹⁵⁷ A. 12, SPPP, 362.

parishes. The solution is similar, the burdened church should receive the amount immoderately demanded. The topic of article 16 of the Buda synod was the service of vicars, in cases where those who receive benefices with the care of souls attached have to personally reside where the benefice is. It also described how the parish priests, rectors, and chaplains of parish churches should personally support the legation and not assign vicars, who are their subjects, and burden them with the associated payments.⁹⁵⁸ The synod decreed that parish churches, or monasteries, could not be unjustly taxed with new, severe, and undue exactions, or have a new census imposed, or have old rents increased.⁹⁵⁹ The 1248 legatine synod at Wrocław mentioned problems with the collection of St. Peter's pence and tasked the prelates with more effort in that respect (Wrocław 1248: a. 23).⁹⁶⁰ Having two benefices with the care of souls attached was prohibited by Lateran IV (c. 29), a decree which was repeated by the legatine synod (Wrocław 1248: a. 14).⁹⁶¹ What several of these constitutions tried to instill was an economic link between ecclesiastical subordinates and superiors, throughout the whole hierarchical structure of the Church. This meant that archdeacons or their procurators had to be paid for visiting parishes or churches and papal collectors had to be paid as well. Regular economic links and obligations between all levels of the Church promoted solidarity and accountability. There was no "free money" out there, every fee necessitated an execution of a task, thus working both ways to create an ordered ecclesiastical society.

The systematic approach by the papacy to the collection of various kinds of exactions, especially of the crusading taxes, can be determined with some order from the pontificate of Innocent III. Such taxation campaigns were levied after the Fourth Lateran Council, however, the records of these and other collections are more abundant and detailed in the second half of the thirteenth century.⁹⁶² As Roman Zaoral shows, regular payments in the Czech lands and Poland started in 1229/30 with the appointment of Master Simon as papal collector for those provinces as well as Pomerania.⁹⁶³ The 1230 document written by Gregory IX curtailed Master Simon's mission and restrained him from demanding tithes from Hospitallers within the said provinces. The Hospitallers had complained that the collector even brought sentences of excommunication against them to enforce the payment. This was something the pope opposed and ordered Simon to relax the punishment. Master Simon would have to find other sources for the collection.⁹⁶⁴ Numerous

⁹⁵⁸ A. 16, RHMA, 572.

⁹⁵⁹ A. 37, RHMA, 581.

⁹⁶⁰ A. 23, SPPP, 356.

⁹⁶¹ A. 14, SPPP, 353-354.

⁹⁶² I am grateful to Leslie Carr-Riegel for kindly and generously sharing her data and references on papal collectors in thirteenth-century Central Europe.

⁹⁶³ Roman Zaoral, "The management of papal collections and long-distance trade in the thirteenth-century Czech lands," *Mélanges de l'École française de Rome - Moyen Âge*, 127-2 (2015), esp. § 5.

⁹⁶⁴ May 29, 1230, RBM, I, 356, no. 759.

collectors followed Simon's efforts, however, only from 1260 with some regularity. Peter of Pontecurvo was appointed to the Czech lands and Poland in 1255 and again in 1259/60.⁹⁶⁵ In fact, in 1260 he referred to the debt accrued by the Vyšehrad chapter during the past seven years when the chapter failed to pay the full amount (five marks).⁹⁶⁶ Peter was followed by another papal scribe, Albert of Parma (1261, 1266), Chaplain Felix, prior of St. Egidius (1261), Chaplain Leonard, chanter of Messina (1262), Sinitio, a papal curial (1264, 1266), and Rainald of Chieti (1265).⁹⁶⁷ This short list shows that papal collection assignments started to follow certain patterns, and much like legates, collectors were sent back to their designated collection provinces after successfully completing their missions. Zaoral states that due to a general lack of security, collections under 1000 florins were sent back to Rome.⁹⁶⁸ During this period, collections in the Czech lands, as well as the entire region of Central Europe, were centered in Olomouc under the auspices of Bishop Bruno of Olomouc who was also tasked by King Ottokar with reforming coinage in Moravia. Olomouc lost its position in the papal collection hierarchy in 1263 when it was supplanted by Vienna and the task was taken over by Teutonic Knights.⁹⁶⁹

Collections in Hungary and Poland followed a similar pattern as the already mentioned collectors were assigned to a wider region. Although collection records can be observed in detail only in the second half of the century, papal collection mandates were instituted already in 1216 when Honorius III ordered the collection of the *vicesima* (twentieth) for three years for the upcoming crusade. Unlike the later examples, this original collection was to be instituted by local clergy belonging to the archdioceses of Esztergom and Kalocsa – specifically the deans and archdeacons as well as their agents. These efforts were to be aided by the Templars and Hospitallers from Esztergom. All of them were given plenary power to choose and appoint two worthy clerics or more, as well as one Templar and Hospitaller to execute the collection. Premonstratensians and Cistercians were not envisioned to be taxed in this campaign.⁹⁷⁰ The same mandate was given to the archbishop of Gniezno in 1217, however, this time the Premonstratensians and Cistercians were not exempt from the tax.⁹⁷¹ The same day, the pope sent an identical letter to the archbishop of Esztergom, describing the transportation by experienced individuals of the collected funds along with letters of confirmation and authentication from the original collectors.⁹⁷² Although not much is known on the details of the

⁹⁶⁵ October 11, 1255, ACA, I, 3-4, no. 6.

⁹⁶⁶ June 19, 1260, RBM II, 97, no. 257.

⁹⁶⁷ Zaoral, "Papal collections", § 20.

⁹⁶⁸ Zaoral, "Papal collections", § 18.

⁹⁶⁹ August 28, 1263, ACA, I, 7-9, no. 14.

⁹⁷⁰ November 21, 1216, VMH, I, 3-4, no. 2.

⁹⁷¹ February 28, 1217, ACA, I, 1-2, no. 2.

⁹⁷² February 28, 1217, VMH, I, 6, no. 8.

collection, in the case of the Polish province, a letter by Honorius III in 1218 shows that the bishop of Płock did not pay the “crusade tax” even though he had recently been advanced in rank. The pope ordered the prelate to pay the sum to the archbishop of Gniezno.⁹⁷³ Another collection campaign was supposed to follow the Council of Lyon in 1245 which obliged another three-year levy of the *vicesima*. However, not until the mission of Peter of Pontecurvo in the 1260s is there a record of any organized collection. Peter was sent by Urban IV in 1261 to collect funds in Hungary, Bohemia, and Poland and transfer them to Venice.⁹⁷⁴ The route of this collection was supposed to go through Bishop Bruno of Olomouc.⁹⁷⁵ In 1263, Bishop Thomas of Wrocław was tasked with a five-year mission by the pope to collect the *centesima* (hundredth) in Poland for the crusades.⁹⁷⁶

The first detailed account, still extant, is the mission of Gerard of Modena, subdeacon and papal scribe. The collector was sent by Pope Gregory X in 1274 following the Second Council of Lyon.⁹⁷⁷ The pope refers to the Council approving a tithe levied on all churchmen for six years for the crusades. Gerard was ordered to rely on experienced local clerics for the collection and to use ecclesiastical punishment if necessary to enforce the tax.⁹⁷⁸ Gerard’s mission was confirmed by Nicholas III in 1278, although this time the papal mandate referred only to Hungary, Poland, and adjacent provinces.⁹⁷⁹ Later in the same year, the pope instructed Gerard that due to various security concerns in the region, collections should be sent and kept in Zagreb or Senj.⁹⁸⁰ In six years, Gerard managed to collect some 3000 silver marks in Hungary, 6262 marks in Poland, and the equivalent of 474 marks in Slavonia. These funds were redirected to the efforts of the King of Sicily and Naples, Charles of Anjou. Presumably as a reward for his service, Gerard was given the diocese of Caiazzo, north of Naples.⁹⁸¹ The collection in Hungary, Poland, and parts of Dalmatia (Zadar), continued in 1287 under Adam of Poland, canon of Kraków and papal chaplain.⁹⁸² In the beginning of the fourteenth century, Bonaiuto of Casentino, another papal scribe, was employed to collect the tithe in Bohemia, Hungary, as well as St. Peter’s pence in Poland.⁹⁸³ Pope Boniface VIII even included the

⁹⁷³ June 13, 1218, ACA, I, 2-3, no. 3.

⁹⁷⁴ September 26, 1261, CDH, VII/5, 337, no. 200; ACA, I, 5-6, no. 9.

⁹⁷⁵ May 3, 1262, ACA, I, 6, no. 10.

⁹⁷⁶ October 3, 1263, ACA, I, 9-13, no. 15.

⁹⁷⁷ September 20, 1274, ACA, I, 13, no. 19; VMH, I, 319, no. 358; Barabás, “Papal Clerics”, 304-305.

⁹⁷⁸ VMH, 319-320, no. 538.

⁹⁷⁹ VMH, 323-324, no. 541.

⁹⁸⁰ VMH, 327, no. 543.

⁹⁸¹ László Fejérpataky, “Pápai adószedők Magyarországon a XIII. és XIV. században.” [Papal collectors in Hungary in the 13th and 14th century], *Századok* 21 (1887): 493-517, 589-609, esp. 501.

⁹⁸² VMPL, I, 99-100, no. 182.

⁹⁸³ September 16, 1301, ACA, I, 25, no. 32.

names of the financiers or merchants that the collector could deposit his funds with. These were men from Florence and Pisa.⁹⁸⁴

The Annals of the Prague chapter refer also to the collection of procurations by Cardinal Hugo of St. Sabina, both in 1252 and 1253. The funds were collected from secular and regular clergy alike. The sources also relate how the Dominican friar Gerhard was the legate's proxy in collecting the money (50 marks)⁹⁸⁵ in the later year. More than a decade ahead, Cardinal Guido of Burgundy would collect procurations of 150 marks of silver from the Bohemian clergy.⁹⁸⁶

The example of these papal agents engaged in collecting various exactions in Central Europe demonstrates some key aspects of the growing ecclesiastical hierarchy in the region as well as the papacy's attempt to assert domination in economic affairs. First, although the records from the early thirteenth century are not extant, the papal mandates that have survived as well as the few anecdotal sources related to ecclesiastical collections, show that the papacy relied on local clergymen, primarily on the archbishops and other high-ranking officials within the archdioceses, such as the archdeacon or dean. These efforts were aided by the Templars and Hospitallers. Whether due to their expertise in financial issues, because the extraordinary collections were primarily aimed at supporting the Crusades, or because of the orders' subjection to the papacy, they were called upon to augment the roster of local collectors. By the middle of the century, the papacy observed the weaknesses of such systems and from then on started to appoint mostly external clerics or local clerics with strong connections to the papal curia. These were agents who could not have "divided loyalties", they were men of confidence who were relied upon. However, the second point also shows how the papacy left nothing to chance. The papal mandates, based on the canonical legislation of the Fourth Lateran Council, exhaustively detailed how to execute collections, who could be exempt, how to transfer the funds, and later in the century the papacy even prescribed which places were good for safekeeping the funds (Olomouc, Zagreb, Senj, Vienna) and which merchants were trusted to move the collections. The process became highly proscribed as all pieces in the transfer of money had to authenticate the amounts collected, exemplifying the growing bureaucratic character of ecclesiastical life. The "paper trail" also allowed for easier reviews of irregularities and was parallel to the obligation of writing down legal procedures in ecclesiastical courts. Finally, the few sources also show that there was certain pushback on due payments, for whatever reason. The papacy's insistence on these collections and exactions through various instruments at their disposal, from persuasion up

⁹⁸⁴ Roger and Lapo Spine of Spinis, Simon Gerard from Florence, Jacob Gaetani, John Falcon and Guido Balsano from Pisa; September 17, 1301, VMH, I, 386-387, no. 620.

⁹⁸⁵ FRB, II, 289-290.

⁹⁸⁶ FRB, II, 300.

to ecclesiastical punishments, draws papal collections and papal collectors parallel to other efforts to effect papal authority and power in the region.

Polish provincial synods often times reflected on the problem of tithes, either the manner of payment or flat-out refusal by certain laymen to adhere to agreed-upon rules. The Synod of Sieradz in 1233 for instance decreed that soldiers (*milites*) no longer had the privilege of electing which church they would pay tithes to since there had been some who defrauded the respective churches of parts of the tithe.⁹⁸⁷ This legislation was expanded at the Wrocław synod, where it was said that soldiers, as well as other laymen and even clerics, would sometimes claim the tithe for themselves, and block ecclesiastical officials from collecting (Wrocław 1248: a. 6).⁹⁸⁸ If it was German soldiers settled on land owing to the church, they would often try to evade paying the full tithe (Wrocław 1248: a. 7).⁹⁸⁹ The payment of the tithe was supposed to happen within eight days after the harvest before any other subtraction through taxes or exactions (Wrocław 1248: a. 5).⁹⁹⁰ The immediacy of paying the tithe continued to be an issue, and the deadline was brought to two or three days after the harvest, as delays or excuses varied (Wrocław 1267: a. 8).⁹⁹¹ Another synod at Sieradz in 1262 also addressed these issues in detail, in as many as five of the synod's eight constitutions. First, regarding those who retained tithes, either secretly or publicly (Sieradz 1262: a. 1), then regarding villages whose owner forbade the payment of tithes (Sieradz 1262: a. 2), they would be placed under interdict.⁹⁹² It was also forbidden to extort service with a horse from persons living on ecclesiastical estates, unless fearing the surrender of the duke or the immediate fall of a castle, or the advance of an army into the land (Sieradz 1262: a. 3).⁹⁹³ There were also cases of fraud related to new villages where the tithes would be made inferior to a contract between the villagers and the village owner, limiting the influence of the church. The text of the constitution gave two months after its publication for a new agreement to be composed between the bishop and the owner (Sieradz 1262: a. 5).⁹⁹⁴ It was also decided that specific tithes (*in gonythwam*) associated with a certain land could not be changed, i.e. loosened, even if a privileged nobleman would acquire it (Sieradz 1262: a. 6).⁹⁹⁵ In 1267 a synod at Wrocław decreed against the lay infringement and violations on the payment of the tithe (Wrocław 1267: a. 6), as well as against commutations of the tithe (Wrocław 1267: a. 7).⁹⁹⁶ Tithes and their

⁹⁸⁷ A. 3, SPPP, 344.

⁹⁸⁸ A. 6, SPPP, 350.

⁹⁸⁹ A. 7, SPPP, 350.

⁹⁹⁰ A. 5, SPPP, 349; cf. Lateran IV, c. 54.

⁹⁹¹ A. 8, SPPP, 362.

⁹⁹² Aa. 1-2, SPPP, 358-359.

⁹⁹³ A. 3, SPPP, 359.

⁹⁹⁴ A. 5, SPPP, 359.

⁹⁹⁵ A. 6, SPPP, 359; this tithe was "rushed", which meant that it first had to be paid to the church and only then could the villager take the other part of his crop to his own storage, Subera, *Synody prowincjonalne*, 43.

⁹⁹⁶ Aa. 6, 7, SPPP, 361-362.

regular collection were becoming necessary to sustain the developing ecclesiastical structures. As one of the main incomes of church estates, they were often the bone of contention between laymen and clerics; and were sometimes withheld due to war or some other political reason. Tithes were also becoming heavily regulated in a legal sense. This regulation was designed so that the obligation could be sustained no matter what extraordinary circumstance happened.

Church finances were discussed in several constitutions of the Buda synod, such as article 34 which stated how abbots, provosts, priors, and other prelates should make an accounting of expenses and revenues to their entire chapters twice a year, on the feast of St. Thomas and the feast of St. George, according to the custom of certain churches.⁹⁹⁷ The amount of money that abbots, provosts, priors, parish priests, and rectors could borrow, give, or accept without the consent of the chapter was restricted.⁹⁹⁸ It was also prohibited that an inferior rank of prelate could alienate the immovable goods or rights from a monastery or church without special permission from a superior.⁹⁹⁹ The synodal constitutions show an important aspect of the reform agenda, namely moving from the sole authority and responsibility of the prelate, whether bishop, abbot or any lower ranked principal, in charge of a great estate or domain, towards collective accountability. In a normative sense, this was supposed to function as a system of checks and balances, a two-way interaction between superiors and subordinates.

Several articles dealt with the physical state of the churches, including the equipment and furniture. For instance, it was forbidden to use the equipment of churches to pay off debts or as a guarantee, unless it was for the needs of the church and with permission of the bishop and counsel of the parishioners. Likewise, other church possessions, movables, and immovables could not be used for the sake of a single ecclesiastic, such as a prelate or a rector, but again, only for the needs of the church and with a wider consensus of ecclesiastical officials.¹⁰⁰⁰ The next article decreed similar for church equipment and books, limiting rectors from donating them or selling them during their lives and also as part of their wills. The text also stressed the role of the archdeacon in taking care of matters for the benefit of their churches.¹⁰⁰¹ The issue of furniture also came up in another constitution, which, repeating canon 19 of the Fourth Lateran Council, forbade priests from storing or holding their furniture or other things in churches, unless forced by an enemy raid or a sudden fire, requiring refuge

⁹⁹⁷ A. 34, RHMA, 580.

⁹⁹⁸ A. 35, RHMA, 580.

⁹⁹⁹ A. 36, RHMA, 580-581.

¹⁰⁰⁰ A. 29, RHMA, 577-578.

¹⁰⁰¹ A. 30, RHMA, 578.

in the church. However, once the immediate need would subside, the objects would have to be carried outside of the church.¹⁰⁰²

Synodal constitutions were written to curb violations by superior and inferior clerics in their financial interactions with each other, whether this was related to benefices, procurations demanded during visitations, or some other ecclesiastical or secular exactions, the legislation hoped to eliminate material or financial oppression of parish clergy, the lowest level of the ecclesiastical hierarchy. In that respect, local synods tried to define the role of vicars as a necessary aspect of parish life, however, they realized the threat of having vicars become truncated versions of priests, thus depriving the parish of quality pastoral care. Tithes were also a recurring issue, whether their commutation or cases of laypersons trying to defraud the church. They were also becoming an issue related to colonization and the settlement of Germans in Poland. Control mechanisms over tithes were becoming more strict throughout this period. The trend was moving for complex administration of ecclesiastical institutions and finances, as well as superior oversight in that as in other respects. Instituting bookkeeping obligations of various levels, including for abbots, provosts, and priors, as well as restricting financial decisions to the consent of chapters or other relevant actors entrusted the ecclesiastical hierarchy with more accountability. It was also clearly specified that the financial power of the parish was supposed to focus on the church and its physical state.

IV.3. The priest, the lord, and the villager

IV.3.1. Lay influence

The Buda synod presented the legate's (negative) view of the state of the church in his province. It described how the legate had heard statements from many people on how the pestilence against God and the liberty of the Church had long since grown in strength in the kingdom of Hungary (as well as Poland) and other lands of his legation. Namely, that laymen had been indifferently seizing churches, monasteries and their possessions, as well as rights, under the pretext of the right of patronage. They had also used them as stables for mules and other animals, as well as destroyed and spoiled altars and other things placed there for divine worship.¹⁰⁰³ The legate went on how churches and monasteries, according to evangelic, apostolic, and canonical traditions, could and should be houses of prayer, not bandits' caves or thieves' forts, again referring to a not small number of such negative cases in the Kingdom of Hungary and other lands of the legation. Drawing a more complete and visceral image it was observed that many monasteries and churches, and their possessions and rights, had been seized and fortified, that robbers and thieves were living there, and the places were

¹⁰⁰² A. 41, RHMA, 583; Tanner, *Decrees*, 244.

¹⁰⁰³ A. 52, RHMA, 589-590.

polluted by human blood and seed.¹⁰⁰⁴ It was found to be the characteristic of kings, princes, barons and other Catholic faithful, to build churches, monasteries, or places sacred to God, or in the case of destroyed or ruined buildings, to rebuild, defend, and also to restore, either by themselves or their servants.¹⁰⁰⁵ However, the legate did conclude this section of the synod with a dim view of his legatine province, especially Hungary, stating that churches and ecclesiastical persons were, unduly and against justice, oppressed by many and in many and various ways. Those who conducted themselves in such a way had put their souls in jeopardy and inflicted no small damage to churches, as well as ecclesiastical people, and a derogation of ecclesiastical liberty. The synod decreed against such practices and against any possible future impositions, extortions, or any kind of payments that would disturb the ecclesiastical hierarchy in the province.¹⁰⁰⁶ The extortion of churches, or ecclesiastical persons was a continuing problem, sometimes hidden behind “aiding the community”. In these instances, according to the Synod of Wrocław, the pope retained the prerogative to authorize such helping transactions emanating from the Church (Wrocław 1267: a. 2).¹⁰⁰⁷

The influence of the laity was felt on various fronts regarding ecclesiastical affairs, e.g. from lay appointments of ecclesiastical positions or benefices to various issues with patronage, leading some to identify churches or monasteries as their own property – a concept that was becoming highly problematic for the ecclesiastical reformers. This was the aspect based on previous legal and customary behavior. However, there was the other manner in which laymen influenced the church, namely, violence, either towards ecclesiastical persons or property.¹⁰⁰⁸ This extensive problem was almost always present in synodal conversations and decisions. Finally, considering the advances in legal training, ecclesiastical insistence on judicial immunity or *privilegium fori* was growing during the twelfth and thirteenth centuries. All of these issues – increasing tensions between secular and spiritual spheres – were likewise mirrored on the highest level (royal/ducal vs episcopal).

Many constitutions were concerned with the active influence the laity had in clerical appointments, always in an untoward or negative way. For instance, article 15 of the Buda synod dealt with lay intrusion into the elections of abbots, provosts, priors, chaplains, or other ecclesiastical benefices and orders, and decreed that such decisions can only be confirmed if a canonical election was followed and if the elected clearly had the distinguishing quality.¹⁰⁰⁹ This appears to be a much

¹⁰⁰⁴ A. 53, RHMA, 590-591.

¹⁰⁰⁵ A. 59, RHMA, 594-595.

¹⁰⁰⁶ A. 60, RHMA, 595-596.

¹⁰⁰⁷ A. 2, SPPP, 360.

¹⁰⁰⁸ For more on this issue see Gergely Kiss, “The Protection of the Church by Hungarian Royal Decrees and Synodal Statutes in the 11th to early 14th centuries,” in *Ecclesia et Violentia: Violence against the Church and Violence within the Church in the Middle Ages*, ed. Radosław Kotecki and Jacek Maciejewski (Newcastle: Cambridge Scholars Publishing, 2014), 313-332, esp. 320-328.

¹⁰⁰⁹ A. 15, RHMA, 571-572.

more detailed and updated version of canon 25 of the Lateran Council which stated that (any ecclesiastical) elections made by a secular power were invalid. Another constitution stated the importance of holding daily services while being dressed accordingly (with a surplice and closed cape) and it also reiterated the problem of secular power intruding into ecclesiastical elections and appointments against canonical decrees and ecclesiastical liberties, thus endangering souls.¹⁰¹⁰ Which again showed how much the question of appropriate clerical dress was related to creating distinction and separation between clergy and laity. The next article also addressed this, referring to the problematic intrusion of laymen into ecclesiastical appointments of benefices, through threats, menaces, fear, or pressure.¹⁰¹¹ The Synod of Wrocław dealt with a frequent problem of those clerics receiving their benefices from laymen before they had become vacant (Wrocław 1248: a. 4).¹⁰¹² These issues had been previously legislated against by Lateran III (cc. 8, 10) and Lateran IV (c. 61). Secular intrusion into ecclesiastical elections and appointments had been a major issue in canon law ever since the onset of the “Gregorian reform”. However, during the thirteenth century, legislation further tried to “liberate” ecclesiastical benefices and institutions from secular control, essentially trying to switch patronage from a proprietary model to an economically supportive concept.

The Buda synod also tried to limit the exposure of ecclesiastical persons in secular courts. First, by restricting ecclesiastics from conducting themselves before or answering to a secular court. This insistence on the *privilegium fori* was also apparent in other synods, such as at Sieradz in 1262, putting pressure on the secular judge to limit himself from involving clerics in trials (Sieradz 1262: a. 4).¹⁰¹³ It was also envisaged that those ecclesiastics who acted against this constitution, as well as those secular judges who dared to prosecute such cases would suffer ecclesiastical punishments.¹⁰¹⁴ Second, it was defined that cases in front of a secular judge involving personal injury or crimes committed against church alms could only be allowed with the permission of a bishop.¹⁰¹⁵ In a similar fashion, at the Synod of Wrocław, laymen who took clerics to secular courts over ecclesiastical matters were condemned (Wrocław 1267: a. 11).¹⁰¹⁶ Another problem was clerics taking up cases against other clerics in front of secular judges, in either criminal or civil cases (Wrocław 1267: a. 9).¹⁰¹⁷ It was also established at the Buda synod that secular judges could not encroach on judgments established in ecclesiastical courts under an ecclesiastical judge. The opposite also applied to

¹⁰¹⁰ A. 23, RHMA, 575.

¹⁰¹¹ A. 24, RHMA, 575-576.

¹⁰¹² A. 4, SPPP, 349.

¹⁰¹³ A. 4, SPPP, 359.

¹⁰¹⁴ A. 25, RHMA, 576.

¹⁰¹⁵ A. 26, RHMA, 576-577.

¹⁰¹⁶ A. 11, SPPP, 362.

¹⁰¹⁷ A. 9, SPPP, 362.

ecclesiastical judges trying to ignore secular jurisdictions and judgments.¹⁰¹⁸ Furthermore, laymen were forbidden from condemning clerics over certain cases, especially murder or other crimes (Wrocław 1267: a. 10).¹⁰¹⁹ The Synod of Sieradz had decreed that members of a religious order could not take part in cases between laymen unless they were given permission by their abbot or another prelate, or a superior for the benefit of the religious house or the church (Sieradz 1233: a. 6).¹⁰²⁰ This distinction and separation between two jurisdictions was quite important, however, there needed to be respect and cooperation as well. The Synod of Buda remarked on the practice of certain holders of temporal jurisdiction of thinking less of judgments by ecclesiastical judges against rebels and those disobedient, as well as the opposite situation.¹⁰²¹ It also established that all cases pertaining to the ecclesiastical court should be pursued before ordinary or ecclesiastical judges without hindrance or any impediment, retaining the right of appeal to the apostolic see. The synod also decreed that neither the king nor queen or any other could prevent this appeal.¹⁰²² Judicial immunity was at the heart of ecclesiastical liberty, but it was clearly not at all times the preferred choice for clerics, who took their cases in front of secular judges as well. The intent of the legislation was to separate the judicial activities, respecting the value of both legal traditions. However, if certain liberties were achieved by reforms during the twelfth and thirteenth centuries, not using the privileges could be perceived as not having use of them, hence allowing the laymen to exercise their jurisdiction to the detriment of the Church.

Many constitutions of contemporary Polish synods dealt with some manner of conflict with laymen, and they included constitutions against princes, magnates, or dukes perjuring themselves and breaking their oaths (Sieradz 1233: a. 5).¹⁰²³ The lay appropriation and seizure of ecclesiastical property was a clear violation of ecclesiastical liberty and demanded punishments ranging from the interdict to excommunication (Wrocław 1248: a. 1).¹⁰²⁴ All of the constitutions of the Synod of Łęczyca in 1257 had to do with secular overreach into ecclesiastical affairs, and their violation of ecclesiastical liberty, both during the life and after the death of a bishop.¹⁰²⁵ This continued to be a topic even at the Synod of Wrocław in 1267 convened by Cardinal Guido of Burgundy (Wrocław 1267: a. 1).¹⁰²⁶ The cardinal pointed out how churches were exposed to theft, plunder, violence, and how ecclesiastical goods were being occupied. Legate Guido ordered that these iniquities were to be

¹⁰¹⁸ A. 56, RHMA, 592-593.

¹⁰¹⁹ A. 10, SPPP, 362.

¹⁰²⁰ A. 6, SPPP, 345.

¹⁰²¹ A. 57, RHMA, 593.

¹⁰²² A. 58, RHMA, 593-594.

¹⁰²³ A. 5, SPPP, 345.

¹⁰²⁴ A. 1, SPPP, 347-348.

¹⁰²⁵ ACPG, 8-10.

¹⁰²⁶ A. 1, SPPP, 360.

abolished by Easter (Wrocław 1267: a. 3).¹⁰²⁷ And not only this, but there were reports that clerics were captured, beaten, and even killed. In 1267 in Wrocław it was decreed that the people responsible were to be denounced once a year at the (provincial) synod (Wrocław 1267: a. 4).¹⁰²⁸ In provinces where canons were captured or detained, divine services were to be suspended (Wrocław 1267: a. 5).¹⁰²⁹ These few synodal acts present the constant struggle against lay disturbances of ecclesiastical liberty, ranging from general remarks to actual physical violence and destruction. Ecclesiastical legislation could only present spiritual punishments as deterrents. But more importantly, the synods were constantly educating the ecclesiastical community as well as any laypersons in attendance on how the ongoing reform was developing, giving more authority to ecclesiastical institutions to act in their own interest.

Other aspects of the lay-ecclesiastical dichotomy or conflict were also explored at the Buda synod. For instance, rectors were instructed not to allow vigils of laymen in their churches since these could lead to temptation and sin, except in those churches, where they had become accustomed to such vigils out of the devotion of the faithful.¹⁰³⁰ Many constitutions handled the issue of the seizure of ecclesiastical property such as when laypersons attempted to encroach on the legacy goods of bishops or other lesser prelates and religious, or church vacancies. Those who went against this prohibition would be prevented from entering the church and participating in the sacraments until they returned what was taken.¹⁰³¹ No ecclesiastical or secular person could seize, sell, grant, exchange, farm out, or in any other way alienate churches or monasteries, or their goods and profit within the legatine province, whether or not they had had rights and they should have in fact relinquished them during the legation.¹⁰³² According to the Synod of Wrocław in 1267, there was a habit by some nobles and magnates, whether clerics or laymen to frequently consume and devastate the goods of churches and monasteries under the guise of hospitality (Wrocław 1267: a. 13).¹⁰³³ The rights of patronage were an important issue for the “Gregorian reform”, which was trying to direct this aspect of lay piety away from the concept of owning a church, pertaining both to the physical building as well as the associated benefice, specifically the right to assign a person of their choice. Permission by the bishop or prelate was required if a secular person wanted to bequeath a right of patronage over a monastery or church. The Buda synod decreed that they were also not allowed to go beyond those rights, for instance, intruding into monasteries and churches and their movables and

¹⁰²⁷ A. 3, SPPP, 360-361.

¹⁰²⁸ A. 4, SPPP, 361.

¹⁰²⁹ A. 5, SPPP, 361.

¹⁰³⁰ A. 44, RHMA, 584.

¹⁰³¹ A. 49, RHMA, 586-587.

¹⁰³² A. 50, RHMA, 587-588.

¹⁰³³ A. 13, SPPP, 362-363.

immovables, or their (chartered) rights.¹⁰³⁴ Sometimes, if clerics with benefices would counsel or (materially) help some laymen, they would be deprived of their benefices by the bishop on account of infamy (Sieradz 1233: a. 8).¹⁰³⁵

The synodal legislation addressed lay appointments, i.e. the elections of abbots, provosts, and priors, as well as defined that such decisions could only be made within canonical restrictions. The elected persons had to be worthy of their duties (and active in completing them) which meant that these decisions had to stay within the church, free from external influence. Laymen were sometimes prone to choose to appoint clerics to a benefice before it had become vacant, or similar intrusive behavior. The material welfare of churches and monasteries was also endangered by laymen trying to persist in keeping the concept of private churches or monasteries going. The reformers were trying to push out these, for them, outdated ways of ecclesiastical patronage. Although the reform was not against patronage, it required more regulation and a clear separation between prerogatives and responsibilities. Secular intrusion also developed into open violence, against clerics, who were captured, beaten, mutilated, and killed, or against church property, which was plundered, devastated, and destroyed. Interestingly enough, the Synod of Buda mentions how churches were seized and fortified and used as bandits' hideouts. The reform also tried to restrict secular judges from hearing cases with ecclesiastical persons or dealing with ecclesiastical matters. This was one of the main reform ideas, often repeated in most of the synods of this period. Through these constitutions, ecclesiastical judicial immunity had become apparent, but even more a certain wish towards separation, where either camp, secular or ecclesiastical, would take care of their own individual legal questions and problems.

IV.3.2. Marriage cases

Ecclesiastical reform and control of marriage had been ushered in by the decrees of the Fourth Lateran Council, and by the second half of the thirteenth century, it was necessary to expand on these basic precepts and include practical solutions to real problems. The basis for these decisions was for the Church to place itself, or rather the priest, as the necessary agent of oversight and control to allow for a legitimate and lawful marriage. This involved developing the procedure prior to the marital blessing, inviting the people (the parish) to give their say on the relationship between the couple, as well as the blessings themselves. Church provinces also had to create structures above the level of the parish to provide legal avenues for dispensations, exceptions, or some other cases that required qualified decisions that would give for a lawful union.

¹⁰³⁴ A. 51, RHMA, 588-589.

¹⁰³⁵ A. 8, SPPP, 345.

Synodal constitutions of the Buda assembly stated how archdeacons were mainly in charge of matrimonial cases and therefore from then on, no one in the kingdoms of Hungary and Poland could become an archdeacon without such knowledge of canon law that he could hear, examine, and decide these cases according to the law and the reasonable customs of the places where he had held such a jurisdiction. He should have also been trained in other skills (presumably investigative and interrogative) to be able to ascertain the truth, and have at least three years of canon law studies.¹⁰³⁶ Matrimonial cases could not be entrusted to people who were not wise, serious, or reputable or did not have expertise in canon law, or suitable experience in such cases. It was likewise established that the judge could examine the witnesses by himself or with other wise and reputable men, who had expertise in law and good experience in cases.¹⁰³⁷

Related to the issue of marriage was the position of concubines. The priests were mandated to prevent laymen from publicly keeping concubines, and those who persisted after being warned could be prevented from entering the church (as was the publicly known concubine). If they persisted they could even have warranted a stronger penalty from the bishop, namely excommunication.¹⁰³⁸ More on infidelity or lacking sexual morality was elaborated in a constitution that described how the discharging of seed willingly, unless for legitimate matrimonial needs, was a mortal sin. And marriage was made lawful by intercourse if prior to that, the agreement and blessing had been made in a legitimate manner.¹⁰³⁹ The procedure when getting married was also becoming more important, and the Buda synod decreed that a lawful marriage was contracted by present words and when the blessing of the marital bond was celebrated in front of the church doors.¹⁰⁴⁰ In that sense, clandestine marriages were prohibited as defined in canon 51 of the Fourth Lateran Council.¹⁰⁴¹ The Synod of Wrocław stipulated that before the marriage, the couple had to be called (banns) three times in church, so that any could voice their objection concerning consanguinity or affinity of the intended couple. (Wrocław 1248: a. 17).¹⁰⁴² Those who were married were prohibited from taking religious vows or being admitted to a religious order unless approved by the bishop.¹⁰⁴³ Restrictions were also placed to control who could get married (if the intendeds fulfilled the canonical definitions of consanguinity or any other obstacles). This was such a problem that it was repeated in a legatine synod at Wrocław and associated with issues of incest and adultery. The legate specifically held the synod and its

¹⁰³⁶ A. 38, RHMA, 581-582.

¹⁰³⁷ A. 39, RHMA, 582.

¹⁰³⁸ A. 47, RHMA, 585.

¹⁰³⁹ A. 118, ACPG, 156.

¹⁰⁴⁰ A. 119, ACPG, 156-157.

¹⁰⁴¹ A. 120, ACPG, 157.

¹⁰⁴² A. 17, SPPP, 354-355.

¹⁰⁴³ A. 121, ACPG, 158.

participants responsible for the implementation of this decision (Wrocław 1248: a. 24).¹⁰⁴⁴ The priest was forbidden from bestowing the nuptial blessing unless he had been the chaplain of one of the intended, or unless it was both of their chaplains who were binding them into marriage.¹⁰⁴⁵ A similar constitution had previously been published establishing that a parish priest could not marry people from outside his parish, because of a lack of information. If it was a marriage between people from different parishes, the blessing was done in the parish of the virgin or wife (Wrocław 1248: a. 16).¹⁰⁴⁶ On the practical, financial side of marriage, the synod prohibited, as in canon 66 of Lateran IV, clerics extorting money for blessings of marriage, funeral rites, and other sacraments, expelling guarantors (in financial dealings), or imposing some other false impediments.¹⁰⁴⁷

The Fourth Lateran Council's ideas and concepts of marriage under the auspices of the Church were slowly being accepted as the constitutions of the synods show. The first of two main reference points was the verification process before the blessing. This involved the priest having personal knowledge of at least one of two persons getting married, or having reliable information about them. The parishioners who personally knew the two would also get their say, being invited three times to essentially inform on their possible consanguinity, affinity, or some other impediment. Secondly, the blessing itself and the consummation of marriage also had a prescribed note, eventually granting the aura of formalism and legality to the whole proceeding. The entire process showed how much the reforms' general legal and controlling aspects were permeating all manners of ecclesiastical and social events, perhaps more so those where the two spheres necessarily mixed.

IV.3.3. Non-Christians

Regarding non-Christian groups, mainly Jews and Saracens, the Synod of Buda closely followed the tradition of canon 68 of Lateran IV, mandating that Jews and Saracens be distinguished from Christians. It was ordered that all Jews in the legatine province had to wear a circle out of red cloth, or yellow for Saracens, sown on the left part of the breast of the uppermost clothing which they generally wore and regularly on top of their other clothing outside of their homes. Disobedience would have excluded them from trade with Christians.¹⁰⁴⁸ In a similar vein they were restricted from public offices, collecting taxes, customs, and tolls.¹⁰⁴⁹ At the Synod of Wrocław, Christians were restricted from trade with pagans, specifically of weapons that were used against other Christians, or

¹⁰⁴⁴ A. 24, SPPP, 356.

¹⁰⁴⁵ A. 122, ACPG, 158.

¹⁰⁴⁶ A. 16, SPPP, 354.

¹⁰⁴⁷ A. 123, ACPG, 158-159.

¹⁰⁴⁸ A. 124, ACPG, 159-160; Tanner, *Decrees*, 266.

¹⁰⁴⁹ A. 125, ACPG, 161; Tanner, *Decrees*, 266-267.

employing the help of pagans against Christians (Wrocław 1248: a. 20)¹⁰⁵⁰ Jews were singled out for handling and selling stolen goods at better terms than Christians, and how they would have to pay back for the stolen items if discovered (Łęczyca 1285: a. 34).¹⁰⁵¹ Clerics were also prohibited from depositing or pledging sacred items or books with Jews, unless driven by some great need and with permission of their prelate (Łęczyca 1285: a. 35).¹⁰⁵² These constitutions followed the trend set by the Lateran Council and the papacy in the thirteenth century where non-Christians were set apart within the contemporary worldview. Analyzing the papacy's view of Jews at the time, Rebecca Rist finds popes wanting to exact dominance and authority over the Jewish population with various legislative acts in council, which was then likewise reproduced on provincial levels as well. The main visual cue of this agenda were the various signs that Jews had to wear in public to distinguish themselves from Christians.¹⁰⁵³ Central European legislation also shows that Muslims were being excluded in a similar fashion by the ecclesiastical authorities.

The thirteenth-century synods showed that the social tension towards non-Christians, Jews, and Saracens was not waning and that the Fourth Lateran Council had in fact brought these issues to the forefront of social dynamics in mixed societies. The negative association of non-Christians with forbidden arms trade and stealing is significant in that it diverges from the previous leitmotif of excessive usury, which is now engrossed with these additional accusations and restrictions. Ecclesiastical oversight was not slacking off in this respect, but evolving throughout the synodal events, both instigated by legates or local bishops.

IV.4. Conclusions

The constitutions of the Synod of Buda in 1279 showed off the normative design jointly created by a papal legate and the local episcopacy, by interacting between the Lateran prescriptive agenda and local realities. Considering the extensive number (129) of synodal constitutions, and a tradition that often projected these decrees to both the Hungarian and Polish Church, it is at times difficult to discern which decrees were universal to both provinces, or which were particular to the individual ones, or in fact if these decrees were isolated instances of the Lateran pushing an unreal idea of ecclesiastical reform. Thankfully, the comparative material provided by contemporary Polish provincial synods shows, to a certain degree, how the situation developed in terms of translating the original Lateran ideas into Central Europe up to the last quarter of the century.

¹⁰⁵⁰ A. 20, SPPP, 355.

¹⁰⁵¹ A. 34, SPPP, 387.

¹⁰⁵² A. 35, SPPP, 387.

¹⁰⁵³ Rebecca Rist, *Popes and Jews, 1095-1291* (Oxford: Oxford University Press, 2016), 165-174.

The synodal legislation portrayed an image of a thirteenth-century cleric that was always engaged in some kind of reform or correction. Some problematic behavior, such as clerical incontinence, was frequently addressed as a concern, both as a practice and considering the consequences (priestly wives, concubines, children). The need to make clear-cut boundaries between laypersons and clergy was paramount in this process and this was enacted through restrictions on clerical behavior, morals, and clothing. Typical secular activities such as wars, tournaments, hunting, drinking in taverns, or shedding blood in surgery or in court, were all seen as unworthy or unbefitting a cleric, especially one of higher rank.

The cleric's "battlefield" was the church, and the synods hoped to inform, not on the theological details, but the headings of what was required of the clergy. They were instructed on how to care for their churches, cemeteries, libraries, and furniture. Ecclesiastical funds were supposed to be purposefully managed to take care of the church, not personal matters, particularly not those that promoted ostentatious behavior. The main field of cultic purity was identified around the altar, defining how everything surrounding or involved in the sacraments had to be clean and pristine, with no cracks in the altar and a proper way of managing "sacred" waste. The church and cemetery needed to be a safe space protected from "evil-doers", or from the willful and mistaken actions of laypersons. These could be as trivial as dancing parties at cemeteries, or as violent as burning churches, damaging altars, plundering, and stealing. Church property also required constant protection, methods of fraud related to tithes, commutations, side-agreements, and all kinds of methods to evade paying the Church were mentioned in the synodal decrees, at times more than anything else, since tithes were the bread and butter of yearly economic life.

However, the synodal fathers were not excluding the laity, quite the contrary. The reformed clergy were supposed to engage the laity in conversation, or rather teach them about contemporary devotion, prayers, and sacraments, also to understand what was being said during mass, going as far as using the vernacular for sermons and the Creed. Confession, for instance, was the sacrament seen as the most influential legacy of the Fourth Lateran Council and its outreach towards laypersons, and such a development could not function without knowledge, both by the priests as well as the laypersons as to what to bring to the confessional forum – sins, faults, misgivings. Including the parish in ecclesiastical life, through prayers, sermons, and personal devotion (towards the sacraments, the symbolic *Corpus Christi* in procession, and saints' relics) was a major part of the synodal reforms. There was also an element of communal control within the parish, though primarily seen in the newly instated marriage procedure involving banns prior to the actual blessing to ascertain if the couple were perhaps related or had some other impediment. There was also a growing element of two-way "information gathering", based on the daily and other regular interactions between the clergy and the

local laity. Namely, the parish community talked to the priest, but also about the priest to his superiors, and there was oversight conducted by the archdeacon or his proctors who had to correct any errors done by the local cleric. Nobody was completely “safe” in this hierarchical network, as everybody had a vested interest in the success of the reform and the Church, but also something to fear and be careful about, because the idea of sin was becoming more apparent and vivid, as were the consequences. These could be penalties as mild as a pot of wax as payment, but also as extreme as being barred from entering the church, enjoying the sacraments, or even perhaps the worst in medieval society, excommunication. Everybody had their part to play – both in terms of empowerment and responsibility – in this new society proposed by the Lateran Council and translated into Central Europe by these synods.

CONCLUSION

The Lateran reform was developed by Pope Innocent III throughout his pontificate, and finalized in a definitive form at the Fourth Lateran Council in 1215. The seventy (or seventy-one) canons tried to deal with the majority of issues prevalent in ecclesiastical and lay society at the beginning of the thirteenth century. The two main pillars of this effort were the Crusades and the state of the Church, and both were intertwined in the desired success of the reform. And this was not a novel reform, merely a culmination of at least a century and a half of continued and varied thought on what is best and better for the Church as well as the papacy. This entailed clerical morals, incontinence, ostentatious dress, and unseemly behavior such as drinking at taverns or watching actors, mimes, or playing dice. But such limits had already been established early in the “Gregorian reform.” The institutional and organizational decrees were also not novel, synods had been a part of church life from early Christianity, but a discernable change occurred then in 1215, where the particular was becoming universal, and the Church, led by the papacy, demanded action in all parts of Christendom under the same (canon) law. The Lateran agenda was the essential part of this transformative puzzle, not so much because of doctrinal content, but due to its demand for regulation and action.

It can be said that from the pontificate of Gregory VII up to the time of Alexander III and his peace with Emperor Frederick Barbarossa there was an ongoing struggle between the papacy and empire for primacy, control, and domination. But this is a misleading image based on the extreme events that would occasionally happen. Spiritual and secular powers were creating and developing their institutional mechanisms at this time, taking into consideration the increased demand for governance and law by the growing and more complex population of Latin Christendom. At times this caused friction, but by and large, there was cooperation between the two powers, based on long-standing customs, familial and personal networks, as well as pragmatic decision-making. The Lateran agenda was an idealized aim for Latin Christendom, combining the practical knowledge of the Roman Curia and the pope, as well as the recent developments in theology, law, and pastoral care. The ambitious plan was laid before bishops assembled in Rome and accepted by all. Ideally, those same bishops would have left Rome with copies of the canons and taken them as a basis for teaching their own ecclesiastical provinces how to correct errors, further reform, and support the various crusade efforts. However, for most of them, a different reality set in once they left the council, one of constant engagement and contest with the laity for the liberty of the Church (most importantly judicial immunity for clergy).

The local bishops sometimes required help from the Roman center and they often asked for it. The papacy would respond either through letters supporting friends of the reform agenda, or those coercing and threatening with ecclesiastical punishment those individuals who would suppress the liberty of the church. Sometimes letters were buttressed by papal legates, armed with papal authority and power, judicial and otherwise, to proceed with reform in a province. This manner of reform was apparent in Central Europe during the thirteenth century. Legates would at times visit Hungary-Croatia, Poland, or Bohemia, on missions dealing with political strife, diplomacy, fighting against heretics in Bosnia, promoting the conversion of the Cumans or Livonians, limiting the position and rank of non-Christians in Hungary, but primarily and habitually, they would reflect on the state of the Church and establish corrective measures. The connections between the polities in Central Europe were apparent to the papacy and the choice and mission scope of papal legations reflected this. However, this was not an exclusive border, as these legates would often have extensive legatine provinces including the adjacent German lands and Scandinavia. In the approach to the question of reform, especially considering the center-periphery paradigm, it is useful to consider the directions in this interaction. Both Central Europe and the papacy, namely the Churches of these polities and the various popes and legates had a vested interest in the success of the Lateran reform. Neither could the papacy promote its agenda without the support of the local ecclesiastical agents nor could they hope to develop their own institutional, economic, and political strength without the theoretical and practical support of the papacy. And this was perhaps the lasting legacy of the Lateran reform and this papal policy, the development of ecclesiastical institutions throughout Latin Christendom under the umbrella of the teaching and control by the universal papacy, armed with the power and authority based on the primacy of St. Peter and growing into the image of the vicar of Christ. While the underlying idea of the papacy's reform was a centralized hierarchy, besides being a universal model, it became applicable and modifiable for the local ecclesiastical provinces as well.

The most institutional method to reform was to convene a (legatine) synod where most of the clergy of a province could assemble and in a two-way interaction agree upon a certain body of legislation or constitutions, that would be useful in addressing problems and weaknesses in practice, as well as the organization of ecclesiastical hierarchies. Whether this were priests who kept their wives or concubines, or bishops and abbots misappropriating funds intended for their churches, these had to be resolved, and the provincial synod, an instrument promoted by the Fourth Lateran Council, became the primary forum for this reform. Synodal assemblies of whatever level gave strength to the decisions that were being decreed, it was no longer the wishes and wants of the prelate, but the community as a whole could be invested with a modicum of power within the synodal framework. According to these constitutions, the ecclesiastical society in Central Europe was becoming more

controlled by a legal framework, originating from Rome but also being updated by the local clergy to better fit the requirements found in these polities. Many decrees were in fact focused on the material base of life, the economy, as pointed to by numerous references to tithes, as well as other exactions, almsgiving, or meals for the poor. The frequency of such assemblies, whether provincial, diocesan, or legatine synods, cannot be determined according to the available sources. However, it is apparent that prelates were becoming aware of the importance of the synod as a reform instrument and as a general forum for diocesan affairs. For the (arch)bishop, this was not only a judicial event, resolving disputes and cases, but also a teaching moment, where recent reform issues could be published and elaborated. Being active in crusading life was also quite important, as extensive preaching campaigns to support such actions were mounted throughout the century, especially focused on the Baltic region. Preaching was a mainstay of Lateran reform and in practice, it required a great number of experts, that were found in various religious orders, mainly the newly founded Dominicans and Franciscans. The former were crucial in both the conversion of the Cumans, preaching the crusade against the heretics in Bosnia, as well as both methods in the Baltic region. Although references to these campaigns were fairly frequent it is difficult to ascertain the scope or impact of such preachers.

All of these avenues were crucial in first creating an idealized version of a cleric, who was the model servant and shepherd of his flock, similar to Jesus Christ, going out and seeking the faithful and not waiting for them. They needed to be morally upright, armed with purity so that they would not stain the sacred rituals – the sacraments – but also the sacred space, which need to be protected from “evil laymen” as well. They also had to be knowledgeable enough about the main tenets of Christian theology so that they could do the divine service correctly (saying the right formulae in Latin was quite important to reformers), but also teach the laity some of these elements, even in the vernacular, so that sacraments could be more understood and less a matter of observing the priest – the aim was participation and inclusion. This was necessary to implement the Lateran Council’s ideas about yearly confessions and partaking in the Eucharist. Both the bishops and priests needed to step up as teachers of this new image of Christendom that was being created and modified in these reforms. And the local synodal acts, however few, show that there was substantial volition and choice in the convening and legislating on local levels, only relevant and worthwhile decrees were promoted. Either the convening force, be it legate or (arch)bishop, or the synod as a place of decision-making, came to a conclusion as to what was practical for Church reform in the province, based on real and contemporary information. The synodal acts also show that these assemblies were used by the Church to establish and enforce unity not only to proceed with ecclesiastical reform, but also to present a stronger case opposing secular intrusion into Church affairs, mostly regarding the payment of tithes, exactions demanded from the clergy, and judicial boundaries between the two spheres. The Synod of

Buda in 1279 is outstanding in this context, as it presents a massive regulatory framework. It addressed all of the issues the Fourth Lateran Council did and more, but this was not uncommon in the other thirteenth-century synods, they took note from the 1215 council, added to it if necessary, and chose the canons that they perceived as crucial for their local circumstances. The point behind the local legislation was not a blind inculturation of Lateran rules and laws, but rather a factually based, rational use of available tools to correct and advance ecclesiastical affairs and institutions.

The great campaign of Lateran IV had two faces, one was the inclusive participation of the Christian society and the other was discriminating towards non-Christians. This was apparent in both Hungary and Poland in synodal legislation, which prohibited mixing between different religions (sexual and marital) and participation in public offices, especially certain lucrative ones such as the salt trade. However, the clarity of the purpose by the pope and council was directed towards constant engagement on all levels. From the lowliest parishioner to the archbishop, every Christian was invited to this company, communicating this new knowledge about the faith in both directions. Another part of this interaction was the idea of review, which meant oversight by the archbishop or archdeacon over what the priest was doing, the priest over what parishioners were doing, and vice versa.

After nearly a century of reform through synods and legates, the ecclesiastical landscape of Central Europe was changed. However, this was probably not the Lateran reform envisaged by Innocent III. The body of legislation in the seventy-one Lateran constitutions became a useful and necessary instrument for the reformers to go about teaching new modes of piety and Christian life to the faithful, as well as how churchmen could manage their judicial, economic, and administrative affairs. Though the great general council of the Lateran, as it was sometimes referred to during this period, left an immediate mark on particular ecclesiastical and general social realities, as a whole, it eventually became one in a series of reforms. The pope and his council set out “to eradicate vices and to plant virtues, to correct faults and to reform morals, to remove heresies and to strengthen faith, to settle discords and to establish peace, to get rid of oppression and to foster liberty.” This reform maintained and spread until the situation would shift in the fourteenth century, and the papacy would again need to change with the times and reform itself.

APPENDIX

Map of the dioceses in thirteenth-century Central Europe

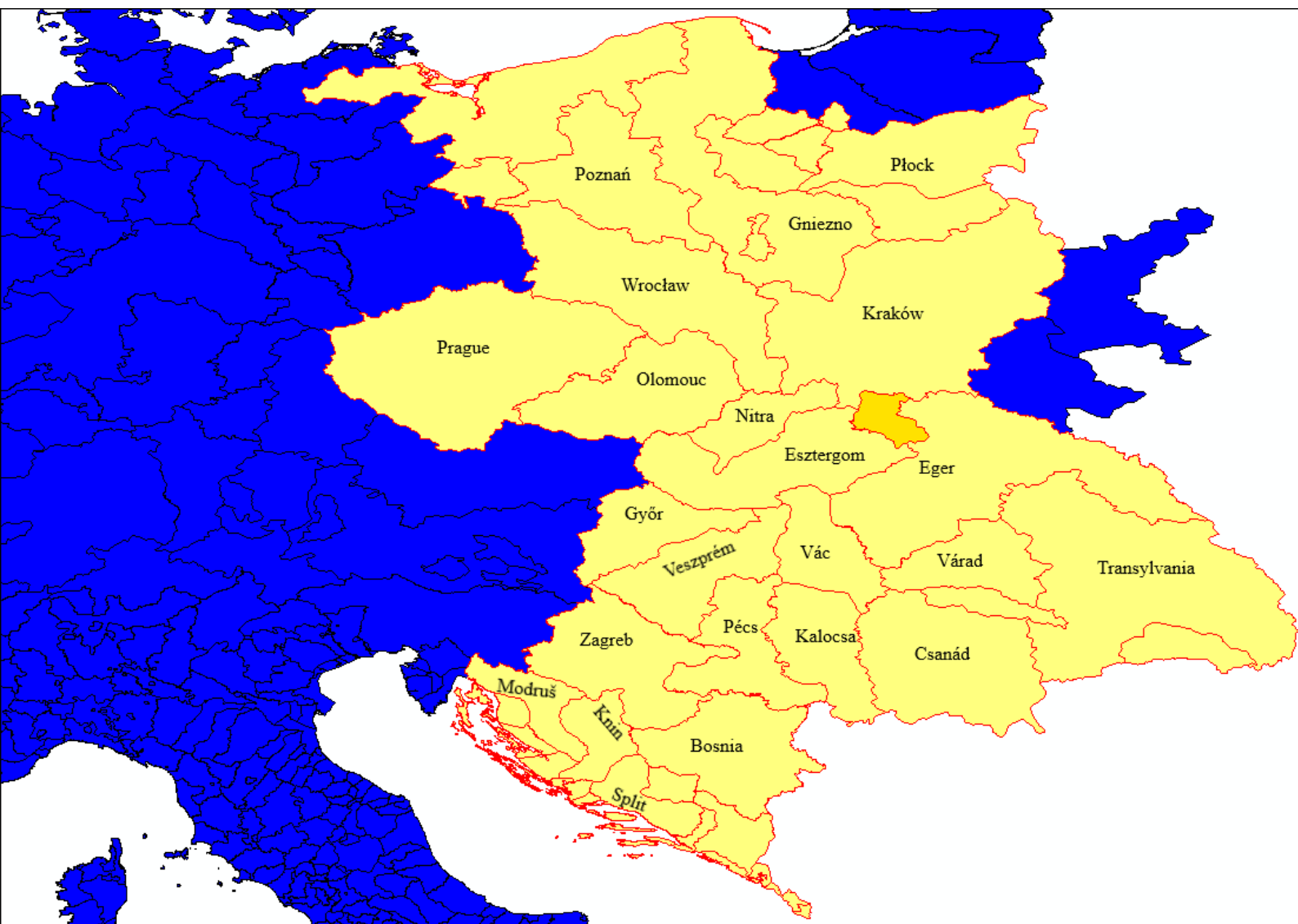


Figure 1 Map of the dioceses in thirteenth-century Central Europe (Rowan Dorin, Clara Romani, and Claire Womack, *Dioceses, Medieval Europe, ca. 1250*, [Shapefile]. Stanford Digital Repository Retrieved from <https://maps.princeton.edu/catalog/stanford-rk640tn7768>, last accessed July 20, 2023)

BIBLIOGRAPHY

Primary sources

- Analecta Franciscana sive chronica aliaque varia documenta* vol. 1. Quaracchi: Typographia Collegii S. Bonaventurae, 1885.
- Anonymus, notary of King Béla. *The Deeds of the Hungarians*, ed. & trans. Martyn Rady and László Veszprémy. Budapest: Central European University, 2010.
- Auvray, L., ed. *Les Registres de Grégoire IX.*, 4 vols. Paris, Bibliothèque de Ecoles Françaises d'Athènes et de Rome, 1890-1955.
- Bak, János M., György Bonis and James Ross Sweeney, ed. *The laws of the medieval kingdom of Hungary 1000-1301*, vol. 1. Idyllwild, CA: Charles Schlacks Jr., 1999.
- Batthyány, Ignatius, ed. *Leges ecclesiasticae regni Hungariae*, vol. II. Kolozsvár: Typis quondam episcopalibus, 1827.
- Cerva, Serafin Marija. *Prolegomena in sacram metropolim Ragusinam*, ed. Relja Seferović. Dubrovnik: HAZU, 2008.
- Cheney, C. R. and W. H. Semple, ed. *Selected Letters of Pope Innocent III concerning England (1198-1216)*. London: Thomas Nelson and Sons Ltd, 1953.
- Cosmas of Prague. *The Chronicle of the Czechs*, trans. Lisa Wolverton. Washington D.C.: The Catholic University of America Press, 2009.
- Cosmas of Prague. *The Chronicle of the Czechs*, ed. János M. Bak and Pavlína Rychterová, trans. Petra Mutlová and Martyn Rady. Budapest: Central European University Press, 2020.
- Csepregi, Ildikó, Gábor Klaniczay, and Bence Péterfi, ed., *The Oldest Legend, Acts of the Canonization Process, and Miracles of Saint Margaret of Hungary*. Budapest: Central European University Press, 2018.
- Dawson, Christopher, ed. *The Mongol Mission*. New York: Sheed and Ward, 1955.
- Emler, Josef, ed. *Fontes rerum Bohemicarum*, vol. 2: *Cosmae chronicon Boemorum cum continuatoribus*. Prague: Museum Království českého, 1874.
- Endlicher, Stephan Ladislaus, ed. *Rerum hungaricarum monumenta Arpadiana*. St. Gallen: Scheitlin & Zollikofer, 1849.
- Erben, Karel Jaromír – Josef Emler, ed. *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*, vol. 1-2. Prague: Haase-Typis Gregerianis, 1855-1882.
- Eubel, Konrad, ed. *Hierarchia catholica medii aevi*. Münster: Libraria Regensbergiana, 1913.
- Farlati, Daniele. *Illyricum sacrum*, vol. III. Venice: Sebastian Coleti, 1765.

- Fejér, György. *Codex diplomaticus Hungariae ecclesiasticus ac civilis*, vol. 4. Buda: Typogr. Regiae Universitatis Ungaricae, 1829.
- Friedrich, Gustav, ed. *Codex Diplomaticus et epistolarius Regni Bohemiae*, vols. 2-5. Prague: Wiesner, 1912-1942.
- Gallus Anonymus. *Gesta principum Polonorum*, trans. Paul W. Knoll and Frank Schaer. Budapest: Central European University Press, 2003.
- García y García, Antonio ed. *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*. Vatican: Biblioteca Apostolica Vaticana, 1981.
- Gombos, Albinus Franciscus, ed. *Catalogus fontium historiae Hungaricae*. Budapest: Szent István Akadémia, 2011.
- Grünhagen, C., ed. *Codex diplomaticus Silesiae*, vol. 7, part 3. Breslau: Josef Max & Comp. 1886.
- Hageneder, Othmar and Anton Haidacher, et al., ed. *Die Register Innocenz' III.* 15 vols. Graz-Cologne-Vienna: Böhlau, 1964-2022.
- Hartvic, "Life of King Stephen of Hungary." in *Medieval Hagiography: An Anthology*, ed. Thomas Head, trans. Nora Berend, 375-398. New York: Routledge, 2001.
- Hefele, Karl Joseph. *Conciliengeschichte*, vol. 6. Freiburg im Breisgau: Herder'sche Verlagshandlung, 1890.
- Helcel, Antoni Zygmunt, ed. *Starodawne Prawa Polskiego Pomniki*, vol. I Warsaw: Gustaw Sennewald, 1856.
- Howlett, Richard, ed. *Chronicles of the reigns of Stephen, Henry II., and Richard I.*, vol. III. London: Longman & Co., 1886.
- Hube, Romuald, ed. *Antiquissimae constitutiones synodales provinciae Gneznensis*. St. Petersburg: Typis II Sectionis Cancellariae Imperatoris, 1856.
- Jackson, Peter and David Morgan, ed. *The Mission of Friar William of Rubruck*, trans. Peter Jackson. London: The Hakluyt Society, 1990.
- Jordan, E., ed. *Les registres de Clément IV (1265-1268)*. Paris: E. de Boccard, 1945.
- Karácsonyi, János and Samu Borovszky, ed. *Regestrum Varadinense*. Budapest: Victor Hornyánszky, 1903.
- Klaniczay, Gábor. ed. *Saints of the Christianization Age of Central Europe (Tenth-Eleventh Centuries)*, trans. Cristian Gașpar and Marina Miladinov. Budapest: Central European University Press, 2013.
- Knauz, Ferdinand, ed. *Monumenta Ecclesiae Strigoniensis*, vols. 1-2. Esztergom, 1874.
- Loewenfeld, S., ed. *Epistolae Pontificium Romanorum*. Leipzig: Veit et comp., 1885.

- Monumenta Poloniae historica*, vol. II. Lviv: 1872.
- Monumenta Poloniae historica*, vol. III. Lviv: Gubrynowicz i Schmidt, 1878.
- Monumenta Poloniae historica*, vol. IV. Lviv: Akademia Umiejętności w Krakowie, 1884.
- Monumenta Vaticana historiam regni Hungariae illustrantia*, I, vol. 2, *Acta legationis cardinalis Gentilis*. Budapest: 1885.
- Pertz, Georg Heinrich, ed. *Monumenta Germaniae Historica. Scriptorum*, vol. IX. Hannover: Hahn, 1851.
- Péterffy, Karolus, ed. *Sacra concilia ecclesiae romano-catholicae in regno Hungariae*, vol. I. Vienna: Typis Kaliwodianis, 1742.
- Philippi, Rudolf and August Seraphim ed. *Preußisches Urkundenbuch. Politische Abtheilung*, vol. 1, part 1-2. Königsberg: Hartungsche Verlagsdruckerei, 1882-1909.
- Piekosiński, Franciszek. *Kodeks dyplomatyczny Małopolski*, vol. 1-2. Cracow: Akademia Umiejętności, 1876-1886.
- Piekosiński, Franciszek ed. *Kodeks Dyplomatyczny katedry krakowskiej Ś. Wacława I*. Cracow: Akademia Umiejętności w Krakowie, 1874.
- Plezia, Marian, ed. *Chronica Polonorum*. Cracow: Polska Akademia Umiejętności, 1994.
- Potthast, Augustus, ed. *Regesta Pontificum Romanorum*, vol. 1-2. Berlin, 1874-1875.
- Powell, James M., ed. *The Deeds of Pope Innocent III by an Anonymous Author*. Washington D.C.: The Catholic University Press, 2004.
- Pressuti, Pietro, ed. *Regesta Honorii papae III.*, 2 vols. Rome: 1888-1905. Repr. Hildesheim: Georg Olms, 1978.
- Ptaśnik, Joannes, ed. *Monumenta Poloniae vaticana*, vol. 1: *Acta Camarae Apostolicae*, vol 1. Cracow: Academia Litterarum Cracoviensis, 1913.
- Ptaśnik, Joannes, ed. *Monumenta Poloniae vaticana*, vol. 3. Cracow: Academia Litterarum Cracoviensis, 1914.
- Rodenberg, Karl, ed. *Monumenta Germaniae Historica. Epistolae saeculi XIII e regestis pontificum Romanorum*, vol. I-II. Berlin. Weidmann, 1883-1887.
- Rzyszczeński, Leon and Anton Muczkowski, ed. *Codex diplomaticus Poloniae*, vol. 2, part 1. Warsaw: Stanislas Strąbski, 1848.
- Salter, E. Gurney ed. *The Coming of the Friars Minor to England & Germany*. London: J. M. Dent and Sons Ltd., 1926.

- Schannat, Joannes Fridericus and Josephus Hartzheim, ed. *Concilia Germaniae*, vol. III. Cologne: Krakamp & Simonis, 1760.
- Schannat, Joannes Fridericus and Josephus Hartzheim, ed. *Concilia Germaniae*, vol. IV. Cologne: Krakamp & Simonis, 1761.
- Schwalm, Jakob, ed. *Monumenta Germaniae Historica. Constitutiones et act publica imperatorum et regum*, vol. III. Hannover: Hahn, 1904-1906.
- Simon of Kéza. *The Deeds of the Hungarians*, ed. & trans. László Veszprémy and Frank Schaer. Budapest: Central European University Press, 1999.
- Smičiklas, Tadija, ed. *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae*, vol. 2-8. Zagreb: Tisak dioničke tiskare, 1904-1910.
- Societas Literariae Poznaniensis, ed. *Kodeks Dyplomatyczny Wielkopolski*, vol. 1-2. Poznań: J. I. Kraszewski, 1877-1878.
- Sułkowska-Kuraś, Irena and Stanisław Kuraś, ed. *Bullarium Poloniae*, vol. 1. Rome: École Française de Rome, 1982.
- Tanner, Norman P., ed. *Decrees of the Ecumenical Councils*, vol. 1. Washington D.C.: Georgetown University Press, 1990.
- Theiner, Augustin, ed. *Vetera monumenta historica Hungariam sacram illustrantia*, vol. 1. Rome: Typis Vaticanis, 1859.
- Theiner, Augustin, ed. *Vetera monumenta Poloniae et Lithuaniae gentiumque finitimarum historiam illustrantia*, vol. 1. Rome: Typis Vaticanis, 1860.
- Theiner, Augustin, ed. *Vetera monumenta Slavorum meridionalium historiam illustrantia*, vol. 1. Rome: Typis Vaticanis, 1863.
- Thomas of Split. *History of the Bishops of Salona and Split*, ed. Damir Karbić, Mirjana Matijević Sokol and James Ross Sweeney. Budapest: CEU Press, 2006.
- Ulysse, Robert, ed. *Bullaire du pape Calixte II, 1119-1124*, vol. 2. Paris: Alphonse Picard & Paul Jacquin, 1891.
- Vincent of Beauvais. *Speculum Historiale*. <http://www.simonofstquentin.org/website/framework.htm> accessed March 1, 2023.
- Waitz, Georg, ed. *Monumenta Germaniae Historica. Scriptores Rerum Germanicarum*, vol. XVIII *Chronica regia Coloniensis (Annales Maximi Coloniensis)*. Hannover: Hahn, 1880.
- Wenzel, Gusztáv, ed. *Codex diplomaticus Arpadianus continuatus - Árpád-kori új okmánytár*, vol. 1-12. Pest: Ferdinánd Eggenberger Akadémiai 1860-1873.
- Zahn, J. v., ed. *Urkundenbuch des Herzogthums Steiermark*, vol. III. Graz: Verlag des historischen Vereines für Steiermark, 1903.

Secondary sources

- Abulafia, Anna Sapir. "The Fourth Lateran Council through the Lens of Jewish Service." In *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irvén M. Resnick, 81-96. Turnhout: Brepols, 2018.
- Adamska, Anna. "The Introduction of Writing in Central Europe (Poland, Hungary and Bohemia)." In *New Approaches to Medieval Communication*, ed. Marco Mostert, 165-190. Turnhout: Brepols, 1999.
- Adamska, Anna. "The Study of Medieval Literacy: Old Sources, New Ideas." In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 13-47. Turnhout: Brepols, 2004.
- Alexandrowicz, Piotr. "Canon *Plerique* (c.56) of the Fourth Lateran Council Within the Development of the Principle *Pacta Sunt Servanda*." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 221-233. Turnhout: Brepols, 2018.
- Almási, Tibor. "A beregi egyezmény egkötésének diplomáciai mozzanatai" [The diplomatic aspects of the Treaty of Bereg]. *Acta Universitatis Szegediensis: acta historica* 83 (1986): 31-40.
- Altaner, Berthold. *Die Dominikanermissionen des 13. Jahrhunderts*. Habelschwerdt: Franks, 1924.
- Ames, Christine Caldwell. *Medieval Heresies: Christianity, Judaism, and Islam*. Cambridge: Cambridge University Press, 2015.
- Andrea, Alfred J., John C. Moore. "A Question of Character: Two Views on Innocent III and the Fourth Crusade." In *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner, 525-585. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Antonín, Robert. *České země za posledních Přemyslovců I. díl (1192-1253)*. [Czech lands under the last Přemyslids I. part (1192-1252)]. Prague: Nakladatelství Libri, 2012.
- Antonín, Robert. "Mendikanti a české země za vlády posledních Přemyslovců." [Mendicants and Czech lands during the reign of the last Přemyslids]. *Časopis Matice moravské* 138 (2019): 3-50.
- Antonín, Robert et al., *Čtvrtý lateránský koncil a české země ve 13. a 14. století* [Fourth Lateran Council and the Czech lands in the 13th and 14th centuries]. Prague: NLN, 2020.
- Antonín, Robert. "Bishop Andrew of Prague and Church in Medieval Czech Lands after the Fourth Lateran Council." *Zeitschrift für Ostmitteleuropa-Forschung* 4 (2020): 453-469.
- Armstrong-Partida, Michelle. "Priestly Wives: The Role and Acceptance of Clerics' Concubines in the Parishes of Late Medieval Catalunya." *Speculum* 88, no. 1 (2013): 166-214.
- d'Avray, D. L. *Medieval Marriage: Symbolism and Society*. Oxford: Oxford University Press, 2005.

- d'Avray, D. L. *Medieval Religious Rationalities: A Weberian Analysis*. Cambridge: Cambridge University Press, 2010.
- d'Avray, David. *Papacy, Monarchy and Marriage, 860-1600*. Cambridge: Cambridge University Press, 2015.
- d'Avray, David. "Lateran IV and Marriage. What Lateran IV did not do about Marriage?." In *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmrath, 137-142. Affalterbach: Didymos-Verlag, 2017.
- Bagi, Daniel. *Divisio Regni. The territorial divisions, power struggles, and dynastic historiography of the Árpáds of the 11th- and early 12th-century Hungary, with comparative studies of the Piasts of Poland and the Přemyslids of Bohemia*. Budapest: Research Centre for the Humanities, 2020.
- Baldwin, John W. "The Intellectual Preparation for the Canon of 1215 against Ordeals." *Speculum* 36, no. 4 (1961): 613-636.
- Baldwin, John W. *Masters, Princes, and Merchants: the social views of Peter the Chanter and his Circle*, vol. 1. Princeton: Princeton University Press, 1970.
- Baldwin, John. "From the Ordeal to Confession: In Search of Lay Religion in Early Thirteenth Century France." In *Handling Sin: Confession in the Middle Ages*, ed. Peter Biller and A. J. Minnis, 191-209. York: York Medieval Press, 1998.
- Bak, János. "Queens as Scapegoats in Medieval Hungary." In *Queens and Queenship in Medieval Europe. Proceedings of a conference held at King's College, London, April 1995*, ed. Anne J. Duggan, 223-233. Woodbridge: The Boydell Press, 1997.
- Barabás, Gábor. *Das Papsttum und Ungarn in der ersten Hälfte des 13. Jahrhunderts (ca. 1198 – ca. 1241)*. Vienna: Institut für Ungarische Geschichtsforschung, 2014.
- Barabás, Gábor. "Heretics, Pirates, and Legates. The Bosnian Heresy, the Hungarian Kingdom, and the Popes in the Early 13th Century." *Specimina Nova Pars Prima Sectio Mediaevalis* 9 (2017): 35-58.
- Barabás, Gábor. "Papal chaplain and subdeacon Egidius. Judge-delegate and legate in Hungary at the same time?." *Istraživanja. Journal of Historical Researches* 28 (2017): 69-85.
- Barabás, Gábor. "Papal Clerics in Thirteenth-Century Hungary: Papal Delegations and Local Careers." *Krakowskie Studia z Historii Państwa i Prawa* 12, no. 3 (2019): 293-318.
- Barabás, Gábor. "The Life and Hungarian Legations of Cardinal Gregorius de Crescentio." *Specimina Nova Pars Prima Sectio Mediaevalis* X (2019): 53-80.
- Barabás, Gábor. "A King in Slavonia. Prince Coloman in the Realm of St. Stephen in the 1230s." In *Stefan the First-Crowned and his Time*, ed. Ivana Komatina, 291-308. Belgrade: Istorijski institut, 2020.

- Barabás, Gábor. "Papal Legates in Thirteenth-Century Hungary: Authority, Power, Reality." In *Authority and Power in the Medieval Church, c. 1000–c. 1500*, ed. Thomas W. Smith, 145–158. Turnhout: Brepols, 2020.
- Barabás, Gábor. "Thirteenth-Century Hungarian Prelates at War." In *Christianity and War in Medieval East Central Europe and Scandinavia*, ed. Radosław Kotecki, Carsten Selch Jensen, and Stephen Bennett, 39–56. Leeds: Arc Humanities Press, 2021.
- Baran-Kozłowski, Wojciech. "Kto wydał statut łączycy z 1180 roku" [Who promulgated the Łęczycza statute in 1180?]. *Studia Historyczne* 68 (2002): 77–83.
- Baran-Kozłowski, Wojciech. "Reforma gregoriańska w Europie Środkowej za pontyfikatu Innocentego III" [Gregorian reform in Central Europe during the pontificate of Innocent III]. In *Kościół w monarchiach Przemyślidów i Piastów*, ed. Józef Dobosz, 151–166. Poznań: Wydawnictwo Poznańskie, 2009.
- Bárány, Attila. "The Expansions of the Kingdom of Hungary in the Middle Ages (1000–1490)." In *The Expansion of Central Europe in the Middle Ages*, ed. Nora Berend, 333–380. Farnham: Ashgate Variorum, 2012.
- Barciak, Antoni. "Tage und Debatten im Beisein des Herzogs in Polen. Zur Funktionsweise von Tagen (wiece) des 13. Jahrhunderts." In *Ritualisierung politischer Willensbildung. Polen und Deutschland im hohen und späten Mittelalter*, ed. Wojciech Fałkowski, Bernd Schneidmüller, and Stefan Weinfurter, 67–77. Wiesbaden: Harrassowitz Verlag, 2010.
- Barcik, Symeon. "Zakon franciszkański w Polsce do 1517 roku" [Franciscan Order in Poland until 1517]. In *750 lat franciszkanów w Polsce. Materiały z sympozjum odbytego w dniach 22–23.11. 1986 r. w Łodzi-Łagiewnikach*, ed. C. Napiórkowski, 77–118. Niepokalanów: Wydawnictwo Ojców Franciszkanów, 1995.
- Baronas, Darius et al. *Christianity in Lithuania*. Vilnius: Aidai, 2002.
- Baronas, Darius and S. C. Rowell. *The Conversion of Lithuania: From Pagan Barbarians to Late Medieval Christians*. Vilnius: The Institute of Lithuanian literature and folklore, 2015.
- Barrow, Julia. *The Clergy in the Medieval World: Secular Clerics, Their Families and Careers in North-Western Europe, c. 800–c. 1200*. Cambridge: Cambridge University Press, 2015.
- Bartlett, Robert. *Trial by fire and water. The Medieval Judicial Ordeal*. Oxford: Clarendon Press, 1986.
- Bartlett, Robert. *Why Can the Dead Do Such Great Things? Saints and Worshippers from the Martyrs to the Reformation*. Princeton: Princeton University Press, 2013.
- Bartos, Sebastian Piotr. "Negotiations of Power in a Medieval Society: Ecclesiastical Authority and Secular Rulership in Little Poland, 1177–1320." Doctoral Dissertation, The City University of New York, New York, 2008.
- Bartos, Sebastian P. "Post-Gregorian Episcopal Authority and the Struggle for Ducal Kraków, 1177–1210." *The Polish Review* 58, no. 3 (2013): 3–33.

- Beke, Margit, ed. *Esztergomi érsekek 1001-2003*. Budapest: Szent István Társulat, 2003.
- Beke, Margit. "Robert." In *Esztergomi érsekek 1001–2003*, ed. Margit Beke, 98-103. Budapest: Szent István társulat, 2003.
- Benson, Robert L. *The Bishop-Elect: A Study in Medieval Ecclesiastical Office*. Princeton: Princeton University Press, 1968.
- Benkő, Loránd. *Az Árpád-kor magyar nyelvű szövegemlékei* [Textual monuments in Hungarian of the Árpád period]. Budapest: Akadémiai Kiadó, 1980.
- Benyovsky, Irena. "Mendicants and Dalmatian Towns in the Middle Ages." *Povijesni prilozi* 15 (1996): 241-260.
- Berend, Nora. *At the Gate of Christendom. Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000–c. 1300*. Cambridge: Cambridge University Press, 2001.
- Berend, Nora, József Laszlovszky and Béla Zsolt Szakács. "The kingdom of Hungary," In *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend, 319-368. Cambridge: Cambridge University Press, 2007.
- Berend, Nora, Przemysław Urbańczyk, and Przemysław Wiszewski. *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland c. 900–c. 1300*. Cambridge: Cambridge University Press, 2013.
- Berend, Nora. "The Mirage of East Central Europe: Historical regions in a comparative perspective." In *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende, 9-23. London: Routledge, 2016.
- Bériou, Nicole. "Lateran IV and Preaching." In *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmuth, 163-173. Affalterbach: Didymos-Verlag, 2017.
- Bielińska, Maria. "W kwestii początków kancelarii polskiej" [Regarding the beginnings of the Polish chancellery]. *Studia Źródłoznawcze: Commentationes* 13 (1968): 63-71.
- Bird, Jessalynn Lea. "Crusade and Conversion after the Fourth Lateran Council (1215): Oliver of Paderborn's and James of Vitry's Missions to Muslims Reconsidered." *Essays in Medieval Studies* 21 (2004): 23-47.
- Bird, Jessalynn L. and Damian J. Smith, ed. *The Fourth Lateran Council and the Crusade Movement: The Impact of the Council of 1215 on Latin Christendom and the East*. Turnhout: Brepols, 2018.
- Bistrický, Jan. "Muž reformy na olomouckém stolci Jindřich Zdík." In *Osobnosti moravských dějin*, vol. I, ed. Libor Jan and Zdeněk Drahoš, 27-43. Brno: Matice moravská, 2006.

- Bláhová, Marie. "Böhmen in der Politik Rudolfs von Habsburg." In *Rudolf von Habsburg 1273-1291: eine Königsherrschaft zwischen Tradition und Wandel*, ed. Egon Boshof and Franz-Reiner Erkens, 59-78. Cologne: Böhlau, 1993.
- Bláhová, Marie. "Das Bild Přemysl Ottokars II. in der böhmischen Geschichtsschreibung des Mittelalters." In *Böhmisch-österreichische Beziehungen im 13. Jahrhundert*, ed. Marie Bláhová and Ivan Hlaváček, 163-183. Prague: Österreichisches Kulturinstitut, 1998.
- Blanke, Fritz. "Die Missionmethode des Bischofs Christian von Preussen." *Altpreußische Forschungen* 4, no. 2 (1927): 20-42.
- Blazovich, László. "The origins of the Golden Bull, and its most important provisions as reflected in Hungarian constitutional and legal history." In *De Bulla Aurea Andreae II Regis Hungariae MCCXXII*, ed. Lajos Besenyei et al., 181-190. Verona: Edizioni Valdonega, 1999.
- Blažević, Velimir. *Crkveni partikularni sabori i dijecezanske sinode na području Hrvatske i drugih južnoslavenskih zemalja* [Church particular councils and diocesan synods in Croatian and other south-Slavic lands]. Zagreb: Kršćanska sadašnjost, 2012.
- Blumenthal, Uta-Renate. "The Papacy and Canon Law in the Eleventh-Century Reform." *The Catholic Historical Review* 84, no. 2 (1998): 201-218.
- Bogović, Mile. "Put glagoljice od redovnika preko seoskih svećenika do biskupskog dvora: U povodu 750. obljetnice pisma Inocenta IV. senjskom biskupu Filipu" [The route of the glagolitic script from monks through village priests to the bishop's court: on the occasion of the 750th anniversary of the letter of Innocent IV to Bishop Philip of Senj]. *Croatica Christiana periodica* 41 (1998): 53-70.
- Bolton, Brenda. "A show with a meaning. Innocent III's approach to the Fourth Lateran Council, 1215." In *Innocent III: Studies on Papal Authority and Pastoral Care*, XI, 53-67. Aldershot: Ashgate, 1995.
- Borkowska, Urszula. "La reconstruction et le développement. Fin du XIe et XIIe siècle." In *Histoire religieuse de la Pologne*, ed. Jerzy Kłoczowski, trans. Karolina T. Michel, 52-83. Paris: Éditions du Centurion, 1987.
- Borkowska, Urszula. "Innocent III and the Countries of the 'New Christianity' – Poland and Hungary." In *Innocenzo III Urbs et orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, vol. 2, ed. Andrea Sommerlechner, 1169-1191. Rome: Istituto Storico Italiano per il Medio Evo, 2003.
- Borsa, Iván and György Györffy. "Actes privés, 'locus credibilis' et notariat dans la Hongrie médiévale." In *Notariado público y documento privado. De los orígenes al siglo XIV.*, vol 2., ed. José Trenchs, 941-949. Valencia: Generalitat Valenciana, 1989.
- Boureau, Alain. "How Law Came to the Monks: The Use of Law in English Society at the Beginning of the Thirteenth Century." *Past & Present* 167 (2000): 29-74.
- Boyce, Gray Cowan. "Erfurt Schools and Scholars in the Thirteenth Century." *Speculum* 24, no. 1 (1949): 1-18.

- Brooke, C. N. L. "Gregorian Reform in Action: Clerical Marriage in England, 1050-1200." *The Cambridge Historical Journal* 12, no. 1 (1956): 1-21.
- Brooke, Christopher N. L. *The Medieval Idea of Marriage*. Oxford: Oxford University Press, 1989.
- Buczek, Karol. "Z badan nad organizacją grodową w Polsce wczesnofeudalnej" [From the research on the organization of strongholds in early feudal Poland]. *Kwartalnik Historyczny* 77 (1970): 3-30.
- Buczek, Karol. "Gospodarcze funkcje organizacji grodowej w Polsce wczesnofeudalnej (wiek X–XIII)" [Economic functions of stronghold organization in early feudal Poland (10th to 13th centuries)]. *Kwartalnik Historyczny* 86, no. 2 (1979): 363-384.
- van Caenegem, R. C. *Legal history: a European perspective*. London: The Hambledon Press, 1991.
- Champagne, Marie-Thérèse and Irven M. Resnick, ed. *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*. Turnhout: Brepols, 2018.
- Chazan, Robert. "Pope Innocent III and the Jews." In *Pope Innocent III and his World*, ed. John C. Moore, 187-204. Aldershot: Ashgate, 1999.
- Clarke, Peter D. "Innocent III, Canon Law and the Punishment of the Guiltless." In *Pope Innocent III and his World*, ed. John C. Moore, 271-285. Aldershot: Ashgate, 1999.
- Clarke, Peter D. *The Interdict in the Thirteenth Century: A Question of Collective Guilt*. Oxford: Oxford University Press, 2007.
- Collins, Ross William. "The Parish Priest and his Flock as Depicted by the Councils of the Twelfth and Thirteenth Centuries." *The Journal of Religion* 10, no. 3 (1930): 313-332.
- Constable, Giles. *The Reformation of the twelfth century*. Cambridge: Cambridge University Press, 2000.
- Constable, Giles. "The Fourth Lateran Council's Constitutions on Monasticism." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 147-157. Turnhout: Brepols, 2018.
- Cragoe, Carol Davidson. "The custom of the English Church: parish church maintenance in England before 1300." *Journal of Medieval History* 30 (2010): 1-19.
- Czaja, Roman and Zenon Hubert Novak. "An attempt to characterise the state of the Teutonic Knights in Prussia." In *The Teutonic Order in Prussia and Livonia: The Political and Ecclesiastical Structures 13th-16th c.*, ed. Roman Czaja and Andrzej Radziński, 13-30. Toruń: Towarzystwo Naukowe w Toruniu, 2015.
- Černušák, Tomáš, Augustin Prokop, and Damián Němec. *Historie dominikánů v českých zemích*. [History of the Dominicans in the Czech lands]. Prague: Dominicana, 2001.

- Dall'Aglio, Francesco. "‘Contra perfidum Assanum’: Gregorio IX e il progetto di crociata contro Bosnia e Bulgaria, 1235-1241." *Rivista storica italiana* 121, no. 3 (2009): 991-1027.
- Dall'Aglio, Francesco. "Crusading in a Nearer East: The Balkan Politics of Honorius III and Gregory IX (1221-1241)." In *The Papacy and the Crusades*, ed. Michel Balard, 173-183. London: Routledge, 2011.
- Dancheva-Vasileva, Ani. "Цар Иван II Асен (1218–1241) и латинските константинополски императори" [Tsar Ivan II Asen (1218–1241) and the Latin Emperors of Constantinople]. In *Цар Иван Асен II (1218–1241): Сборник по случай 800-годишнината от неговото възшествие на българския престол*, ed. Vasil T. Gjuzev, 19-39. Plovdiv: Фондация Българско историческо наследство, 2019.
- Dautović, Dženan. "Nulla spes sit...Bosnia and the Papacy in the Thirteenth Century." *Specimina Nova Pars Prima Sectio Mediaevalis* XI (2021): 97-125.
- Davies, Norman. *God's Playground: A History of Poland vol. I the origins to 1795*. Oxford: Clarendon Press, 1981.
- Dean, Trevor. *Crime in Medieval Europe 1200-1550*. London: Routledge, 2001.
- Dean, Trevor. *Crime and Justice in Late Medieval Italy*. Cambridge: Cambridge University Press, 2007.
- Dekański, Dariusz A. *Początki zakonu dominikanów prowincji polsko-czeskiej. Pokolenie św. Jacka w zakonie* [The beginnings of the Dominican Order of the Polish-Czech province. Generation of St. Hyacinth in the Order]. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego historia, 1999.
- Delivré, Fabrice. "Théories et pratiques au miroir de *Quia propter*." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 111-146. Turnhout: Brepols, 2018.
- Dobosz, Józef. *Monarcha i możni wobec kościoła w Polsce do początku XIII wieku* [The monarch and the nobles towards the Church in Poland until the beginning of the 13th century]. Poznań: Wydawnictwo Poznańskie, 2002.
- Dorin, Rowan, Clara Romani, and Claire Womack. *Dioceses, Medieval Europe, ca. 1250*. [Shapefile]. Stanford Digital Repository. Retrieved from <https://maps.princeton.edu/catalog/stanford-rk640tn7768>. Last accessed July 20, 2023.
- Duggan, Anne J. "Conciliar Law 1123-1215: The Legislation of the Four Lateran Councils." In *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX*, ed. Wilfried Hartmann and Kenneth Pennington, 318-366. Washington D.C.: The Catholic University of America Press, 2008.
- Duggan, Lawrence G. "The Evolution of Latin Canon Law on the Clergy and Armsbearing to the Thirteenth Century." In *Between Sword and Prayer. Warfare and Medieval Clergy in Cultural Perspective*, ed. Radosław Kotecki, Jacek Maciejewski, and John S. Ott, 497-516. Leiden: Brill, 2018.

- Dvořáková-Malá, Dana. "Der Herrscherhof im Mittelalter Struktur, Raum und Repräsentation." *Historica* 14 (2010): 59-90.
- Dvořáková-Malá, Dana. "Locals and outsiders – an outline of the ethnic composition of Wenceslaus II's Prague court." *Przegląd historyczny* 112, no. 2 (2021): 235-246.
- Dymmel, Piotr. "Traces of Oral Tradition in the Oldest polish Historiography: Gallus Anonymus and Wincenty Kadłubek." In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 343-363. Turnhout: Brepols, 2004.
- Engel, Pál. *The Realm of St Stephen. A History of Medieval Hungary, 895-1526*, trans. Tamás Pálosfalvi, ed. Andrew Ayton. London: I.B. Tauris, 2001.
- Érszegi, Géza. "A history of the genesis of the Golden Bull and how it was handed down through the ages, with comments on its text." In *De Bulla Aurea Andreae II Regis Hungariae MCCXXII*, ed. Lajos Besenyei et al., 191-201. Verona: Edizioni Valdonega, 1999.
- Fąka, Marian. "Synody arcybiskupa Henryka Kietlicza (1199-1219)" [Synods of Archbishop Henry Kietlicz] *Prawo Kanoniczne: kwartalnik prawno-historyczny* 12, no. 3-4 (1969): 95-127.
- Fejérpataky, László. "Pápai adószedők Magyarországon a XIII. és XIV. században." [Papal collectors in Hungary in the 13th and 14th century]. *Századok* 21 (1887): 493-517, 589-609.
- Figueira, Robert C. "The Classification of Medieval Papal Legates in the Liber Extra." *Archivum Historiae Pontificiae* 21 (1983): 211-228.
- Figueira, Robert C. "Papal Reserved Powers and the Limitations on Legatine Authority." In *Popes, Teachers, and Canon Law in the Middle Ages*, ed. James Ross Sweeney and Stanley Chodorow, 191-211. Ithaca: Cornell University Press, 1989.
- Figueira, Robert C. "The Medieval Papal Legate and His Province: Geographical Limits of Jurisdiction." In *Plenitude of Power: The Doctrines and Exercise of Authority in the Middle Ages: Essays in Memory of Robert Louis Benson*, ed. Robert C. Figueira, 73-105. Aldershot: Ashgate, 2006.
- Fine, John V. A. *The Bosnian Church: A new interpretation*. New York: Columbia University Press, 1975.
- Flanagan, Sabina. "Heresy, Madness and Possession in the High Middle Ages." In *Heresy in Transition: Transforming Ideas of Heresy in Medieval and Early Modern Europe*, ed. Ian Hunter, John Christian Laursen, and Cary J. Nederman, 29-41. Aldershot: Ashgate, 2005.
- Fonnesberg-Schmidt, Iben. *The Popes and the Baltic Crusades 1147-1254*. Leiden: Brill, 2007.
- Font, Márta. "The emergence of East Central Europe and approaches to internal differentiation" In *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende, 24-36. London: Routledge, 2016.

- Font, Márta and Gábor Barabás. *Coloman, King of Galicia and Duke of Slavonia (1208-1241)*. Leeds: Arc Humanities Press, 2019.
- Foreville, Raymonde. *Latran I, II, III et Latran IV*. Paris: Éditions de l'Orante, 1965.
- Foreville, Raymonde, *Le pape Innocent III et la France*. Stuttgart: Anton Hiersemann, 1992.
- Forrest, Ian. "The Transformation of visitation in Thirteenth-Century England." *Past and Present* 221 (2013): 3-37.
- Frassetto, Michael. *Heretic Lives: Medieval Heresy from Bogomil and the Cathars to Wycliff and Hus*. London: Profile Books, 2007.
- Frassetto, Michael. "Precursors to Religious Inquisitions: Anti-heretical Efforts to 1184." In *A Companion to Heresy Inquisitions*, ed. Donald S. Prudlo, 41-72. Leiden: Brill, 2019.
- Fügedi, Erik. *Castle and Society in Medieval Hungary (1000-1437)*. Budapest: Akadémiai kiadó, 1986.
- Fügedi, Erik. *Ispánok, bárók, kiskirályok. A középkori magyar arisztokrácia fejlődése* [Ispans, barons, minor kings. The development of the medieval Hungarian aristocracy]. Budapest: Magvető, 1986.
- Fügedi, Erik. "The aristocracy in medieval Hungary." In *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. J. M. Bak, IV, 1-14. London: Variorum reprints, 1986.
- Fügedi, Erik. "La formation des villes et les orders mendicants en Hongrie." In *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. J. M. Bak, XII, 966-987. London: Variorum Reprints, 1986.
- García y García, Antonio. "Las constituciones del Concilio IV Lateranense de 1215." In *Innocenzo III: Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner, 200-224. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- García y García, Antonio. "The Fourth Lateran Council and the Canonists." In *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX*, ed. Wilfried Hartmann and Kenneth Pennington, 367-378. Washington D.C.: The Catholic University of America Press, 2008.
- Gibbs, Marion and Jane Lang. *Bishops and Reform, 1215-1272, with Special Reference to the Lateran Council of 1215*. London: Oxford University Press, 1934.
- Gieysztor, Aleksander. "Nad statutem łeczyckim 1180 r.: odnaleziony oryginał bulli Aleksandra III z 1181 r." [On the Łeczyca statute of 1180: The recovered bull of Alexander III from 1181]. In *Księga pamiątkowa 150-lecia Archiwum Głównego Akt Dawnych w Warszawie*, ed. Adam Stebelski, 181-207. Warsaw: PWN, 1958.
- Gieysztor, Aleksander. "Les chartes de franchises urbaines et rurales en Pologne au XIIIe siècle." In *Les Libertés urbaines et rurales du XIe au XIVe siècle*, ed. Walter Prevenier, 103-125. Bruxelles: Pro Civitate, 1968.

- Gieysztor, Aleksander. "Symboles de la royauté en Pologne: un groupe de manuscrits du XIe et du début du XIIe siècle." *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 134, no. 1 (1990): 128–137.
- Gładysz, Mikołaj. *The Forgotten Crusaders: Poland and the Crusader Movement in the Twelfth and Thirteenth Centuries*. Leiden: Brill, 2012.
- Glavičić, Miroslav. "Pismo pape Inocenta IV. senjskom biskupu Filipu u tiskanim izdanjima i historiografiji" [Letter of Pope Innocent IV to Bishop Philip of Senj in printed editions and historiography]. *Senjski zbornik* 41(2014): 159-184.
- Goering, Joseph. "The Invention of Transubstantiation." *Traditio* 46 (1991): 147-170.
- Goering, Joseph. "The Internal Forum and the Literature of Penance and Confession." *Traditio* 59 (2004): 175-227.
- Gogola, Zdzisław. "Dzieje Franciszkanów w Polsce prowincji św. Antoniego i bł. Jakuba Strzemię" [The History of the Franciscans in Poland of the Province of St. Anthony and Blessed James Strzemię]. *Folia historica Cracoviensia* 10 (2004): 141-166.
- Gołąb, Kazimierz. "Biskup Filip z Fermo i jego statuty legackie z 1279 r." [Bishop Philip of Fermo and his legatine statutes of 1279]. *Rocznik Historyczne* 26 (1960): 255-264.
- Goodich, Michael. "Vision, Dream and Canonization Policy under Pope Innocent III." In *Pope Innocent III and his World*, ed. John C. Moore, 151-163. Aldershot: Ashgate, 1999.
- Goodich, Michael. "Innocent III and the Miracle as a Weapon against Disbelief," In *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner, 456-470. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Górecki, Piotr. *Parishes, Tithes and Society in Earlier Medieval Poland c. 1100–c. 1250*. Philadelphia: The American Philosophical Society, 1993.
- Górecki, Piotr. "Words, Concepts, and Phenomena: Knighthood, Lordship, and the Early Polish Nobility, c. 1100–c. 1350." In *Nobles and Nobility in Medieval Europe: Concepts, Origins, Transformations*, ed. Anne J. Duggan, 115-155. Woodbridge: The Boydell Press, 2000.
- Görich, Knut. "Venedig 1177. Kaiser Friedrich Barbarossa und Papst Alexander III. schließen Frieden." In *Und keine Schlacht bei Marathon: große Ereignisse und Mythen der europäischen Geschichte*, ed. Wolfgang Krieger, 337-343. Stuttgart: Klett-Cotta, 2005.
- Grudziński, Tadeusz. *Boleslaus the Bold, called also the Bountiful, and Bishop Stanislaus: The Story of a Conflict*, trans. Lech Petrowicz. Warsaw: Interpress Publishers, 1985.
- Grundmann, Herbert. *Religious Movements in the Middle Ages*, trans. Steven Rowan. Notre Dame: University of Notre Dame Press, 1995.

- Grundmann, Herbert. "The Profile (Typus) of the Heretic in Medieval Perception." In *Herbert Grundmann (1902-1970)*, ed. Jennifer Kolpacoff Deane, trans. Steven Rowan, 16-29. York: York Medieval Press, 2019.
- von Güttner-Sporzyński, Darius. "Bishop Vincentius of Cracow and his *Chronica Polonorum*." In *Writing History in Medieval Poland*, ed. Darius von Güttner-Sporzyński, 1-17. Turnhout: Brepols, 2017.
- Guzman, Gregory S. "Simon of Saint-Quentin and the Dominican Mission to the Mongol Baiju: A Reappraisal." *Speculum* 46, no. 2 (1971): 232-249.
- Györffy, György. "Thomas à Becket and Hungary." *Angol Filológiai Tanulmányok* 4 (1969): 45-52.
- Györffy, György. *Die Anfänge der ungarischen Kanzlei im 11. Jahrhundert*. Cologne: Böhlau, 1984.
- Györkös, Attila. "Magyar vonatkozású domonkos rendi történetek a XIII. században" [[Dominican Histories of Hungarian Relevance from the 13th century]. In *A domonkos rend Magyarországon*, ed. Pál Attila Illés and Balázs Zágorhidi Czigány, 49-60. Piliscsaba: PPKE BTK – METEM – DRGY, 2007.
- Hadler, Frank. "Mitteleuropa – 'Zwischeneuropa' – Ostmitteleuropa. Reflexionen über eine europäische Geschichtsregion im 19. und 20. Jahrhundert." *Geisteswissenschaftliches Zentrum Geschichte und Kultur Ostmitteleuropa e.V., Berichte und Beiträge* I (1996): 34-42.
- Hageneder, Herta. "Die Beziehungen der Babenberger zur Kurie in der ersten Hälfte des 13. Jahrhunderts." *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 75, no. 1-2 (1967): 1-29.
- Halecki, Oskar. *Borderland of Western Civilization: A History of East Central Europe*. Safety Harbor FL: Simon Publications, 1980.
- Harvey, Katherine. *Episcopal Appointments in England, c. 1214-1344: From Episcopal Election to Papal Provision*. Farnham: Ashgate, 2014.
- Helmholz, R. H. "Excommunication as a Legal Sanction: the Attitudes of the Medieval Canonists." *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 68 (1982): 202-218.
- Herrmann-Mascard, Nicole. *Les reliques des saints: Formation coutumière d'un droit*. Paris: Éditions Klincksieck, 1975.
- Hill, Felicity. *Excommunication in Thirteenth-Century England: Communities, Politics, and Publicity*. Oxford: Oxford University Press, 2022.
- Hilsch, Peter. *Die Bischöfe von Prag in der frühen Stauferzeit. Ihre Stellung zwischen Reichs- und Landesgewalt von Daniel I. (1148-1167) bis Heinrich (1182-1197)*. Munich: Robert Lerche Verlag, 1969.
- Hilsch, Peter. "Der Kampf um die Libertas ecclesiae im Bistum Prag." In *Bohemia sacra. Das Christentum in Böhmen 973-1973*, ed. Ferdinand Seibt, 295-306. Düsseldorf: Schwann, 1974.

- Hlaváček, Petr. *Die böhmischen Franziskaner im ausgehenden Mittelalter. Studien zur Kirchen- und Kulturgeschichte Ostmitteleuropas*. Stuttgart: Franz Steiner, 2011.
- Hlaváček, Petr. "Extra muros. The Bohemian Franciscans in their Mental and Economic Relations with the Countryside." In *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet, 175-182. Rennes: Presses Universitaires de Rennes, 2018.
- Hledíková, Zdenka. "Synoden in der Diözese Prag 1280-1417." In *Partikularsynoden im späten Mittelalter*, ed. Nathalie Kruppa and Leszek Zygmier, 307-330. Göttingen: Vandenhoeck & Ruprecht, 2006.
- Horowitz, Elliot. *Reckless Rites: Purim and the Legacy of Jewish Violence*. Princeton: Princeton University Press, 2006.
- Hunyadi, Zsolt. "The Hospitallers in the Kingdom of Hungary: Commanderies, Personnel, and a Particular Activity up to c. 1400." In *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky, 253-268. Budapest: Department of Medieval Studies Central European University, 2001.
- Hunyadi, Zsolt. "The Teutonic Order in Burzenland (1211-1225): Recent Reconsiderations." In *L'Ordine Teutonico tra Mediterraneo e Baltico: incontri e scontri tra religioni, popoli e culture*, ed. Hubert Houben and Kristjan Toomaspoeg, 151-163. Galatina: Mariog Congedo, 2008.
- Iwańczak, Wojciech. "Innocent III and Bohemia." In *Innocenzo III Urbs et orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, vol. II, ed. Andrea Sommerlechner, 1200-1212. Rome: Istituto Storico Italiano per il Medio Evo, 2003.
- Iwańczak, Wojciech. "Höfische Kultur und ritterliche Lebensformen in Polen vor dem Hintergrund der europäischen Entwicklung." In *Das Reich und Polen. Parallelen, Interaktionen und Formen der Akkulturation im hohen und späten Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky, 277-300. Ostfildern: Jan Thorbecke Verlag, 2003.
- Izbicki, Thomas M. "The Lateran Council and the Greeks: c. 4 *Licet Graecos*." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 79-88. Turnhout: Brepols, 2018.
- Jackson, Peter. "The Crusade Against the Mongols," *Journal of Ecclesiastical History* 42, no. 1 (1991): 1-18.
- Jackson, Peter. "Franciscans as papal and royal envoys to the Tartars (1245-1255)," in *The Cambridge Companion to Francis of Assisi*, ed. Michael J. P. Robson, 224-239. Cambridge: Cambridge University Press, 2011.
- Jackson, Peter. *The Mongols and the West, 1221-1410*. London: Routledge, 2014.

- Jakobsen, Johnny Grandjean Gøgsig. "Friars preachers in frontier provinces of medieval Europe." In *Medieval East Central Europe in a comparative perspective*, ed. Gerhard Jaritz and Katalin Szende, 123-136. London: Routledge, 2016.
- Jamroziak, Emilia. *The Cistercian Order in Medieval Europe 1090-1500*. London: Routledge, 2013.
- Jan, Libor. "Böhmische und mährische Adelige als Förderer und Mitglieder der geistlichen Ritterorden." In *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky, 303-317. Budapest: Department of Medieval Studies Central European University, 2001.
- Johanek, Peter. "Das Wiener Konzil von 1267, der Kardinallegat Guido und die Politik Ottokars II. Přemysl." *Jahrbuch für Landeskunde von Niederösterreich* 44-45 (1979): 312-340.
- Johrendt, Jochen and Harald Müller. "Zentrum und Peripherie, Prozesse des Austausches, der Durchdringung und der Zentralisierung der lateinischen Kirche im Hochmittelalter." In *Römisches Zentrum und kirchliche Peripherie: Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III.*, ed. Jochen Johrendt and Harald Müller, 1-16. Berlin: Walter de Gruyter, 2008.
- Johrendt, Jochen. "Innozenz III. und das IV. Laterankonzil. Predigt, verweigerte Aussprache und fiktiver Dialog." In *Europa 1215: Politik, Kultur und Literatur zur Zeit des IV. Laterankonzils*, ed. Michele C. Ferrari, Klaus Herbers, and Christiane Witthöft, 93-106. Vienna: Böhlau Verlag, 2018.
- Jurek, Tomasz. "Die Rechtskraft von Urkunden im mittelalterlichen Polen." In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 59-91. Turnhout: Brepols, 2004.
- Kala, Tiina. "Die Kirche." In *Das Baltikum: Geschichte einer europäischen Region*, ed. Karsten Brüggemann et al., 224-258. Stuttgart: Hiersemann Verlag, 2018.
- Kalhous, David. *Legenda Christiani and Modern Historiography*. Leiden: Brill, 2015.
- Karácsonyi, János. *Szt. Ferencz rendjének története Magyarországon 1711-ig* [History of the Order of St. Francis in Hungary until 1711], vol. 1. Budapest: A Magyar Tud. Akadémia, 1922.
- Karczewski, Dariusz. *Franciszkanie w monarchii Piastów i Jagiellonów w średniowieczu* [Franciscans in the monarchy of the Piasts and Jagiellonians in the Middle Ages]. Cracow: Avalon, 2012.
- Kejř, Jiří. "Die Urkunde als Beweismittel im Gerichtsverfahren im mittelalterlichen Böhmen." In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 51-58. Turnhout: Brepols, 2004.
- Kelly, Henry Ansgar. "The Fourth Lateran Ordo of Inquisition Adapted to the Prosecution of Heresy." In *A Companion to Heresy Inquisitions*, ed. Donald S. Prudlo, 75-107. Leiden: Brill, 2019.
- Kiss, Gergely. "Les chartes de foundation des couvents mendiants en Hongrie médiévale avec clauses de dotation et les chartes de donation." *Hereditas Monasteriorum* 3 (2013): 67-76.

- Kiss, Gergely. "The Protection of the Church by Hungarian Royal Decrees and Synodal Statutes in the 11th to early 14th centuries." In *Ecclesia et Violentia: Violence against the Church and Violence within the Church in the Middle Ages*, ed. Radosław Kotecki and Jacek Maciejewski, 313-332. Newcastle: Cambridge Scholars Publishing, 2014.
- Kiss, Gergely. "Les couvents mendiants hongrois et les indulgences à la fin du Moyen Âge." In *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet, 351-362. Rennes: Presses Universitaires de Rennes, 2018.
- Klaniczay, Gábor. *Holy Rulers and Blessed Princesses: Dynastic Cults in Medieval Central Europe*, trans. Éva Pálmai. Cambridge: Cambridge University Press, 2000.
- Klaniczay, Gábor. "Proving sanctity in the canonization processes (Saint Elizabeth and Saint Margaret of Hungary)." In *Procès de canonization au Moyen Âge: Aspects juridiques et religieux*, ed. Gábor Klaniczay, 117-148. Rome: École française de Rome, 2004.
- Klaniczay, Gábor. "The Mendicant Orders in East-Central Europe and the Integration of Cultures." In *Hybride Kulturen im mittelalterlichen Europa*, ed. Michael Borgolte and Bernd Schneidmüller, 245-260. Berlin: Akademie Verlag, 2010.
- Klaniczay, Gábor. "The Power of the Saints and the Authority of the Popes. The History of Sainthood and Late Medieval Canonization Processes." In *Church and Belief in the Middle Ages. Popes, Saints, and Crusaders*, ed. Kirsi Salonen and Sari Katajala-Peltomaa, 117-140. Amsterdam: Amsterdam University Press, 2016.
- Kłoczowski, Jerzy. "Christianisation de la Pologne." In *La Pologne dans l'Eglise médiévale*, I, 75-86. Aldershot: Ashgate Variorum, 1993.
- Kłoczowski, Jerzy. "Dominicans of the Polish Province in the Middle Ages." In *La Pologne dans l'Eglise médiévale*, VIII, 73-118. Aldershot: Ashgate Variorum, 1993.
- Kłoczowski, Jerzy. "The Brothers Minor in Medieval Poland." In *La Pologne dans l'Eglise médiévale*, IX, 94-108. Aldershot: Ashgate Variorum, 1993.
- Kłoczowski, Jerzy. *A History of Polish Christianity*. Cambridge: Cambridge University Press, 2000.
- Kłoczowski, Jerzy. "The Dominican Order and the beginnings of higher education in the Polish Lands." In *Central and Eastern Europe in the Middle Ages*, ed. Piotr Górecki and Nancy van Deusen, 64-81. London: I.B. Tauris Publishers, 2009.
- Kolpacoff Deane, Jennifer. *A History of Medieval Heresy and Inquisition*. Lanham: Rowman & Littlefield Publishers, Inc., 2011.
- Konrád, Eszter. "The Representation of the Saints of the Mendicant Orders in late Medieval Hungary." Doctoral Dissertation, Central European University Budapest, Budapest, 2017.
- Körmendi, Tamás. "Lukács." In *Esztergomi érsekek 1001–2003*, ed. Margit Beke, 59-72. Budapest: Szent István társulat, 2003.

- Korporowicz, Łukasz Jan. "Roman Law Behind the Decrees 39-41 of the Fourth Lateran Council (1215)," In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 235-250. Turnhout: Brepols, 2018.
- Kosztá, László. "Adalékok az esztergomi és a kalocsai érsekség viszonyához a XIII. század elejéig" [Contributions to the relationship between the Archdiocese of Esztergom and the Archdiocese of Kalocsa until the beginning of the 13th century]. *Magyar egyháztörténeti vázlatok* 3 (1991): 73-88.
- Kosztolnyik, Zoltan J. "The Church and Béla III of Hungary (1172-1196): The Role of Archbishop Lukács of Esztergom." *Church History* 49, no. 4 (1980): 375-386.
- Kosztolnyik, Z. J. "Rome and the Church in Hungary in 1279: The Synod of Buda." *Annuario Historiae Conciliorum* 22, no. 1 (1990): 68-85.
- Kotecki, Radosław. "Public military service of bishops in the Piast monarchy (twelfth to early thirteenth centuries)." In *Continuation or Change? Borders and Frontiers in Late Antiquity and Medieval Europe*, ed. Gregory Leighton, Łukasz Różycki, and Piotr Pranke, 206-237. London: Routledge, 2023.
- Koudelka, Vladimír. "Zur Geschichte der böhmischen Dominikanerprovinz im Mittelalter. II – Die Männer- und Frauenklöster." *Archivum fratrum praedicatorum* 26 (1956): 127-160.
- Kovács, Viktória. "Causae coram nobis ventilatae. Adalékok Gentilis de Monteflorum pápai legátus magyarországi egyházi bíraskodási tevékenységéhez (1308-1311)" [Contributions to the activities of the papal legate Gentilis de Monteflorum in the ecclesiastical jurisdiction of Hungary (1308-1311)] In *Kor – szak határ. A Kárpát-medence és a szomszédos birodalmak (900-1800)*, ed. Tamás Fedeles, Márta Font, and Gergely Kiss, 75-99. Pécs: PTE BTK, 2013.
- Kovács, Viktória. "Alter ego domini papae Nicolai III. Fülöp fermói püspök, szentszéki legátus magyarországi tevékenysége (1279-1281)" [Philip, Bishop of Fermo, Legate of the Holy See in Hungary (1279-1281)]. In *Varietas delectat. A pápai-magyar kapcsolatok sokszínűsége a 11-14. században* ed. Gergely Kiss, 117-166. Pécs: Pécsi Tudományegyetem BTK TTI, 2019.
- Kovačić, Slavko. "Splitska metropolija u dvanaestom stoljeću" [Split metropolis in the twelfth century]. In *Krbavska biskupija u srednjem vijeku*, ed. Mile Bogović, 11-39. Rijeka: Kršćanska sadašnjost, 1988.
- Krafl, Pavel. "Middle Age synods and statutes of the Diocese of Olomouc." In *Partikularsynoden im späten Mittelalter*, ed. Nathalie Kruppa and Leszek Zygmier, 351-361. Göttingen: Vandenhoeck & Ruprecht, 2006.
- Krafft, Otfried. *Papsturkunde und Heiligsprechung: Die päpstlichen Kanonisationen vom Mittelalter bis zur Reformation*. Cologne: Böhlau Verlag, 2005.
- Kristó, Gyula. *Die Arpadendynastie. Die Geschichte Ungarns von 895 bis 1301*. Budapest: Corvina, 1993.
- Kristó, Gyula. *Szent István király* [St Stephen the king]. Budapest: Vince Kiadó, 2001.

- Krötzel, Christian. "Papsttum, Mission und der Norden: Das Zusammenspiel von Zentrum und Peripherie." In *Livland – eine Region am Ende der Welt? Forschungen zum Verhältnis zwischen Zentrum und Peripherie im späten Mittelalter*, ed. Anti Selart and Matthias Thumser, 185-207. Cologne: Böhlau Verlag, 2017.
- Kubín, Petr. "Saint Procopius of Sázava between reality and fiction." *Revue Mabillon: Revue internationale d'histoire et de littérature religieuses* 27 (2016): 49-81.
- Kürbis, Brygida. "Pisarze i czytelnicy w Polsce XII i XIII wieku" [Scribes and readers in Poland of the 12th and 13th centuries]. In *Polska dzielnicowa i zjednoczona*, ed. Aleksander Gieysztor, 159-201. Warsaw: Wiedza Powszechna, 1972.
- Kuttner, Stephan and Antonio García y García. "A New Eyewitness Account of the Fourth Lateran Council." *Traditio* 20 (1964): 115-178.
- Kuzmová, Stanislava. "Preaching Saint Stanislaus: Medieval Sermons on Saint Stanislaus of Cracow and Their Role in the Construction of His Image and Cult." Doctoral Dissertation, Central European University Budapest, Budapest, 2010.
- Lambert, Malcolm. *Medieval heresy: Popular Movements from the Gregorian Reform to the Reformation*. Malden: Blackwell Publishing, 2002.
- Larson, Atria A. "Popes and Canon Law." In *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson, 135-157. Leiden: Brill, 2016.
- Larson, Atria A. and Andrea Massironi, ed. *The Fourth Lateran Council and the Development of Canon Law and the ius commune*. Turnhout: Brepols, 2018.
- Laszlovszky, J. "Nicholaus clericus: a Hungarian student at Oxford University in the twelfth century." *Journal of Medieval History* 14 (1988): 217-231.
- Laszlovszky, József. "Hungarian university peregrinatio to Western Europe in the second half of the twelfth century." In *Universitas Budensis 1395–1995. International Conference for the History of Universities on the Occasion of the 600th Anniversary of the Foundation of the University of Buda*, ed. László Szögi and Júlia Varga, 51-61. Budapest: Eötvös Loránd Tudományegyetem Levéltára, 1997.
- Laszlovszky, József et al. "Contextualizing the Mongol Invasion of Hungary in 1241-42: Short- and Long-Term Perspectives." *Hungarian Historical Review* 7, no. 3 (2018): 419-450.
- Laudage, Johannes. *Alexander III. und Friedrich Barbarossa*. Cologne: Böhlau, 1997.
- Lawrence, C. H. *The Friars: The Impact of the Early Mendicant Movement on Western Society*. London: Longman, 1994.
- Little, Lester K. "Les techniques de la confession et la confession comme technique." In *Faire croire: Modalités de la diffusion et de la réception des messages religieux du XII^e au XV^e siècle*, ed. André Vauchez, 87-99. Rome: École française de Rome, 1981.

- Linehan, Peter. *The Spanish Church and the Papacy in the Thirteenth Century*. Cambridge: Cambridge University Press, 1971.
- Lower, Michael. "Negotiating Interfaith Relations in Eastern Christendom: Pope Gregory IX, Bela IV of Hungary, and the Latin Empire." *Essays in Medieval Studies* 21 (2004): 49-62.
- Ludvíkovský, Jaroslav, ed. *Legenda Christiani, Vita et passio sancti Wenceslai et sancte Ludmille ave eius*. Prague: Vyšehrad, 1978.
- Lutrell, Anthony. "The Hospitallers in Hungary before 1418: Problems and Sources," In *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky, 269-281. Budapest: Department of Medieval Studies Central European University, 2001.
- Lynch, John E. "Marriage and Celibacy of the Clergy the Discipline of the Western Church: An Historico-Canonical Synopsis." *Jurist* 32, no. 1 (1972): 14-38.
- Maciejewski, Jacek. "Making War and Enormities: Violence within the Church in the Diocese of Cracow at the Beginning of the 14th Century." In *Ecclesia et Violentia: Violence against the Church and Violence within the Church in the Middle Ages*, ed. Radosław Kotecki and Jacek Maciejewski, 141-165. Newcastle: Cambridge Scholars Publishing, 2014.
- Maciejewski, Jacek. "A Bishop Defends His City, or Master Vincentius's Troubles with the Military Activity of His Superior." In *Between Sword and Prayer. Warfare and Medieval Clergy in Cultural Perspective*, ed. Radosław Kotecki, Jacek Maciejewski, and John S. Ott, 341-368. Leiden: Brill, 2018.
- Madgearu, Alexandru. *The Asanids: The Political and Military History of the Second Bulgarian Empire (1185-1280)*. Leiden: Brill, 2017.
- Maier, Christoph T. *Preaching the Crusades: Mendicant friars and the cross in the thirteenth century*. Cambridge: Cambridge University Press, 1994.
- Majnarić, Ivan. "Papinski kapelan Ivan od Casamarija i bilinopoljska abjuracija 1203. Papinski legat koji to u Bosni nije bio?" [Papal chaplain John of Casamaris and the 1203 abjuration of Bilino polje. Papal legate who was not a legate in Bosnia?]. *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 50 (2008): 1-13.
- Majnarić, Ivan. "Papinski poslanik Akoncije u Dalmaciji i Hrvatskoj 1219.-1223. godine" [Papal emissary Acontio in Dalmatia and Croatia 1219-1223]. In *Humanitas et litterae Zbornik u čast Franje Šanjeka*, ed. Lovorka Čoralić and Slavko Slišković, 79-98. Zagreb: Kršćanska sadašnjost, 2009.
- Maleczek, Werner. *Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III. und Innocenz III.* Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1984.
- Maleczek, Werner. "Firmiter credimus – Die erste dogmatische Konstitution des IV. Lateranum. Bemerkungen zu Genese und Inhalt." In *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmuth, 57-78. Affalterbach: Didymos-Verlag, 2017.

- Marek, Miloš. "Missions of Papal Legates in the Medieval Kingdom of Hungary I. Niccolò Boccassini (1301-1302)." *Slovak studies* 2, no. 1-2 (2016): 7-23.
- McCue, James F. "The Doctrine of Transubstantiation from Berengar through Trent: The Point at Issue." *The Harvard Theological Review* 61, no. 3 (1968): 385-430.
- Melloni, Alberto. "Vineam Domini – 10 April 1213: New Efforts and Traditional Topoi – Summoning Lateran IV." In *Pope Innocent III and his World*, ed. John C. Moore, 63-73. Aldershot: Ashgate, 1999.
- Melville, Gert and Johannes Helmrath ed. *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal: Proceedings of the Conference Marking the Eight Hundredth Anniversary of the Council Organized by the Pontificio Comitato di Scienze Storiche (Rome, 15-17 October 2015)*. Affalterbach: Didymos-Verlag, 2017.
- Melville, Gert. "...regulam et institutionem accipiat de religionibus approbatis. Kritische Bemerkungen zur Begrifflichkeit im Kanon 13 des 4. Laterankonzils." In *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal*, ed. Gert Melville and Johannes Helmrath, 275-288. Affalterbach: Didymos-Verlag, 2017.
- Mews, Constant J. "Accusations of Heresy and Error in the Twelfth-Century Schools: The Witness of Gerhoh of Reichersberg and Otto of Freising." In *Heresy in Transition: Transforming Ideas of Heresy in Medieval and Early Modern Europe*, ed. Ian Hunter, John Christian Laursen, and Cary J. Nederman, 43-57. Aldershot: Ashgate, 2005.
- Meyer, Cristoph H. F. "Das Vierte Laterankonzil als Einschnitt der kirchlichen Rechtsgeschichte." In *Europa 1215: Politik, Kultur und Literatur zur Zeit des IV. Laterankonzils*, ed. Michele C. Ferrari, Klaus Herbers, and Christiane Witthöft, 29-92. Vienna: Böhlau Verlag, 2018.
- Mezey, László. "A Pray-kódex keletkezése" [Origins of the Pray-codex]. *Magyar Könyvszemle* 87, no. 2-3 (1971): 109-123.
- Mezey, László. *Deákság és Európa* [Clerical Intelligencia and Europe]. Budapest: Akadémiai Kiadó, 1979.
- Mikó, Gábor. "Az 1267. évi bécsi zsinat úgynevezett 'magyar határozatai'" [So-called 'Hungarian decrees' of the Council of Vienna of 1267]. *Magyar Könyvszemle* 127, no. 1 (2011): 1-29.
- Miller, Maureen C. *Clothing the Clergy: Virtue and Power in Medieval Europe, c. 800–1200*. Ithaca: Cornell University Press, 2014.
- Moore, John C. "Papal Justice in France around the Time of Pope Innocent III." *Church History* 41, no. 3 (1972): 295-306.
- Moore, John C. *Pope Innocent III (1160/61-1216): To Root Up and to Plant*. Leiden: Brill, 2003.
- Moore, R. I. *The Formation of a Persecuting Society. Authority and Deviance in Western Europe 950-1250*. Malden: Blackwell Publishing, 2007.

- Morin, Alejandro. "The Fourth Lateran Council's *Non Debet* (c. 50) and the Abandonment of the System of Derived Affinity." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 169-185. Turnhout: Brepols, 2018.
- Morris, Colin. *The Papal Monarchy: The Western Church from 1050 to 1250*. Oxford: Oxford University Press, 1991.
- Mühle, Eduard. *Die Piasten, Polen in Mittelalter*. Munich: C.H. Beck, 2011.
- Nagy, Balázs, ed. *Tatárjárás* [Mongol invasion]. Budapest: Osiris Kiadó, 2003.
- Novikoff, Alex. "'Plateas publice discurrentes': Performance and The audio-visual Jew in the Age of Pope Innocent III." In *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irven M. Resnick, 45-63. Turnhout: Brepols, 2018.
- Oakland, Christine. "The Legacy of Canon 62 in the Diocese of Sens in Northern France (1215-1469)." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 187-204. Turnhout: Brepols, 2018.
- Ollé, Martin and Rudolf Procházka. "The Cloister in Early Franciscan Architecture in Bohemia, Moravia, and Silesia during the Thirteenth and Fourteenth Centuries." In *L'économie des couvents mendiants en Europe centrale. Bohême, Hongrie, Pologne, v. 1220-v. 1550*, ed. Marie-Madeleine de Cevins and Ludovic Viallet, 53-74. Rennes: Presses Universitaires de Rennes, 2018.
- O'Malley, John W. *Trent: What Happened at the Council*. Cambridge, MA: The Belknap Press, 2013.
- Pánek, Jaroslav, Oldřich Tůma et al. *A history of the Czech lands*. Prague: Karolinum Press, 2011.
- Pauk, Marcin R. "Der böhmische Adel im 13. Jahrhundert: Zwischen Herrschaftsbildung und Gemeinschaftsgefühl." In *Böhmen und seine Nachbarn in der Přemyslidenzeit*, ed. Ivan Hlaváček and Alexander Patschovsky, 247-287. Ostfildern: Jan Thorbecke Verlag, 2011.
- Peltzer, Jörg. *Canon Law, Careers and Conquest: Episcopal Elections in Normandy and Greater Anjou, c. 1140–c. 1230*. Cambridge: Cambridge University Press, 2008.
- Pennington, Kenneth. "The Legal Education of Pope Innocent III." *Bulletin of Medieval Canon Law* 70 (1974): 70-77.
- Pennington, Kenneth. *Pope and Bishops. The Papal Monarchy in the Twelfth and Thirteenth Centuries*. Philadelphia: University of Pennsylvania, 1984.
- Perron, Anthony. "Metropolitan Might and Papal Power on the Latin-Christian Frontier: Transforming the Danish Church around the Time of the Fourth Lateran Council." *The Catholic Historical Review* 89, no. 2 (2003): 182-212.

- Perron, Anthony. "The Medieval Cemetery as Ecclesiastical Community: Regulation, Conflict, and Expulsion 1000-1215," in *Dealing With The Dead: Mortality and Community in Medieval and Early Modern Europe*, ed. Thea Tomaini, 253-273. Leiden: Brill, 2018.
- Petrović, Mišo. "Papal Power, Local Communities and Pretenders: the Church of Croatia, Dalmatia and Slavonia and the Struggle for the Throne of the Kingdom of Hungary-Croatia (1290-1301)." *Banatica* 26 (2016): 11-32.
- Petrović, Mišo. "The Development of the Episcopal Office in Medieval Croatia-Dalmatia: The Cases of Split, Trogir and Zadar (1270-142)." Doctoral Dissertation, Central European University Budapest, Budapest, 2021.
- Pferschy, Gerhard. "Funktion und Gefüge der Herrschaft König Ottokars über die Steiermark," In *Böhmisch-österreichische Beziehungen im 13. Jahrhundert*, ed. Marie Bláhová and Ivan Hlaváček, 53-62. Prague: Das Österreichische Kulturinstitut Prag, 1998.
- Pfeiffer, Nikolaus. *Die Ungarische Dominikanerordensprovinz von ihrer Gründung 1221 bis zur Tatarenverwüstung 1241-1242*. Zürich: Gebr. Leeman & Co., 1913.
- Philips, Jonathan. *The Fourth Crusade and the Sack of Constantinople*. New York: Viking, 2004.
- Pixton, Paul B. *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council 1216-1245*. Leiden: Brill, 1995.
- Pixton, Paul B. "Pope Innocent III and the German Schools: the Impact of Canon 11 of the Fourth Lateranum upon Cathedral and Other Schools 1216-1272." In *Innocenzo III Urbs et Orbis*, vol. 2, ed. Andrea Sommerlechner, 1101-1132. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Popa-Gorjanu, Cosmin. "Changing Elites in Medieval Central Europe." In *The Oxford Handbook of Medieval Central Europe*, ed. Nada Zečević and Daniel Ziemann, 175-189. Oxford: Oxford University Press, 2022.
- Pósán, László. "Prussian Missions and the Invitation of the Teutonic Order into Kulmerland." In *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky, 429-448. Budapest: Department of Medieval Studies Central European University, 2001.
- Pow, Stephen. "Conquest and withdrawal: the Mongol invasions of Europe in the thirteenth century." Doctoral Dissertation, Central European University Budapest, Budapest, 2020.
- Powell, James M. *Anatomy of a Crusade, 1213-1221*. Philadelphia: University of Philadelphia Press, 1986.
- Prinz, Friedrich. *Böhmen im mittelalterlichen Europa: Frühzeit, Hochmittelalter, Kolonisationsepoche*. Munich: Beck, 1984.
- Rady, Martin. *Nobility, Land and Service in Medieval Hungary*. Basingstoke: Palgrave, 2000.

- Ratajczak, Krzysztof. "Apostolic Legates in Poland in the Middle Ages and their Role in Adopting Particular Ecclesiastical Legislation by the Polish Church." *Biuletyn Historii Wychowania* 38 (2018): 53-65.
- Ratkoš, Peter. "A Pray-kódex keletkezése és funkciója" [The origins and function of the Pray-codex] *Századok* 102, no. 5-6 (1968): 941-964.
- Reeves, Andrew. *Religious Education in Thirteenth-Century England: The Creed and Articles of Faith*. Leiden: Brill, 2015.
- Rennie, Kriston R. *The Foundations of Medieval Papal Legation*. Basingstoke: Palgrave Macmillan, 2013.
- Resnick, Irven. "The Jews' Badge." In *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irven M. Resnick, 65-79. Turnhout: Brepols, 2018.
- Reichertová, Květa. "Bývalý slovanský klášter na Sázavě, jeho sídlištní a kulturní význam" [The former Slavic monastery on the Sázava, its settlement and cultural significance]. *Archaeologia historica* 3 (1977): 255-262.
- Reynolds, Philip L. *How Marriage Became One of the Sacraments*. Cambridge: Cambridge University Press, 2016.
- Richard, Jean. *La papauté et les missions d'Orient au Moyen-Age (XIIIe-XIVe siècles)*. Rome: École Française de Rome, 1977.
- Rist, Rebecca. *The Papacy and Crusading in Europe, 1198-1245*. London: Continuum, 2009.
- Rist, Rebecca. "Pope Gregory IX and the Grant of Indulgences for Military Campaigns in Europe in the 1230s: A Study in Papal Rhetoric." *Crusades* 10 (2011): 79-102.
- Rist, Rebecca. *Popes and Jews, 1095-1291*. Oxford: Oxford University Press, 2016.
- Rist, Rebecca. "From a Jewish Text: Anti-Jewish Papal 'Policy' of the Lateran IV Decrees." In *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irven M. Resnick, 97-112. Turnhout: Brepols, 2018.
- Robertson, Jr., D. W. "Frequency of Preaching in Thirteenth-Century England." *Speculum* 24, no. 3 (1949): 376-388.
- Robinson, I. S. "Pope Gregory VII (1073-1085)." *The Journal of Ecclesiastical History* 36, no. 3 (1985): 439-483.
- Robinson, I. S. "Reform and the Church, 1073-1122." In *The new Cambridge medieval history*, vol. 4, part 1, ed. David Luscombe and Jonathan Riley-Smith, 268-334. Cambridge: Cambridge University Press, 2004.

- Romhányi, Beatrix F. “A beregi egyezmény és a magyarországi sókereskedelem az Árpád-korban” [The Agreement of Bereg and the Hungarian salt trade in the Arpadian Ages]. In *Magyar Gazdaságtörténeti Évkönyv – Válság – Kereskedelem*, ed. György Kövér, Ágnes Pogány, and Boglárka Weisz, 265-301. Budapest: MTA Bölcsészettudományi Kutatóközpont, 2016.
- Romhányi, Beatrix F. “Mendicant Networks and Population in a European Perspective.” In *Medieval East Central Europe in a Comparative Perspective: From Frontier Zones to Lands in Focus*, ed. Gerhard Jaritz and Katalin Szende, 99-122. London: Routledge, 2016.
- Rowe, Nina. *The Jew, the Cathedral, and the Medieval City: Synagoga and Ecclesia in the Thirteenth Century*. Cambridge: Cambridge University Press, 2011.
- Rubin, Miri. *Corpus Christi: The Eucharist in Late Medieval Culture*. Cambridge: Cambridge University Press, 1991.
- Rusconi, Roberto. “De la predication à la confession : transmission et contrôle de modèles de comportement au XIII^e siècle.” In *Faire croire: Modalités de la diffusion et de la réception des messages religieux du XII^e au XV^e siècle*, ed. André Vauchez, 67-85. Rome: École française de Rome, 1981.
- Ruotsala, Antti. “The Mongols in the eyes of the papal and royal missions to Mongolia and China (c. 1245-1370).” In *The Mongol World*, ed. Timothy May and Michael Hope, 842-852. London: Routledge, 2022.
- Sarbak, Gábor. “Über das mittelalterliche Bibliothekswesen der Benediktiner in Ungarn.” In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 199-213. Turnhout: Brepols, 2004.
- Sárközy, Péter. “Links to Europe: Hungarian students at Italian universities in the thirteenth-eighteenth centuries.” In *Universitas Budensis 1395–1995. International Conference for the History of Universities on the Occasion of the 600th Anniversary of the Foundation of the University of Buda*, ed. László Szögi and Júlia Varga, 135-141. Budapest: Eötvös Loránd Tudományegyetem Levéltára, 1997.
- Schatz, Klaus. *Allgemeine Konzilien – Brennpunkte der Kirchengeschichte*. Paderborn: Ferdinand Schöningh, 2008.
- Selart, Anti. “Die Bettelmönche im Ostseeraum zur Zeit des Erzbischofs Albert Suerbeer von Riga (Mitte des 13. Jahrhunderts).” *Zeitschrift für Ostmitteleuropa-Forschung* 56, no. 4 (2007): 475-499.
- Selart, Anti. “Die Eroberung Livlands (12. und 13. Jahrhundert).” In *Das Baltikum: Geschichte einer europäischen Region*, ed. Karsten Brüggemann et al., 159-209. Stuttgart: Hiersemann Verlag, 2018.
- Schmidt, Hans-Joachim. “The Papal and Imperial Concept of *plenitudo potestatis*: The Influence of Pope Innocent III on Emperor Frederick II.” In *Pope Innocent III and his World*, ed. John C. Moore, 305-314. Aldershot: Ashgate, 1999.

- Schmutz, Richard A. "Medieval Papal Representatives: Legates, Nuncios, and Judges-Delegate." *Studia Gratiana* 15 (1972): 441-465.
- Schoenig, Steven A. "The Pope and the Patriarchs: The Fifth Constitution of Lateran IV." In *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Atria. A. Larson and Andrea Massironi, 89-109. Turnhout: Brepols, 2018.
- Sinor, Dénes. "A mongolok Nyugaton" [Mongols in the West]. In *Tatárjárás*, ed. Balázs Nagy, 311-338. Budapest: Osiris Kiadó, 2003.
- Skwierczyński, Krzysztof. "Centrum i prowincja – rewolucja gregoriańska w Kościele polskim" [Center and province – the Gregorian Revolution in the Polish Church]. In *Kościół w monarchiach Przemyślidów i Piastów*, ed. Józef Dobosz, 181-191. Poznań: Wydawnictwo Poznańskie, 2009.
- Smith, Charles Edward. "Clerical Violence in the Pontificate of Innocent III." *The Journal of Religion* 24, no. 1 (1944): 37-41.
- Sólymos, Szilveszter. "Az első bencés szerzetesek hazánkban" [The first Benedictine monks in Hungary]. In *Paradisum plantavit. Bencés monostorok a középkori Magyarországon* [Benedictine Monasteries of Medieval Hungary]. ed. Imre Takács, 48-60. Pannonhalma: Benedictine Archabbey of Pannonhalma, 2001.
- Solymosi, László. "Chartes archiépiscopales et épiscopales en Hongrie avant 1250." In *Die Diplomatie der Bischofsurkunde vor 1250*, ed. Christoph Haidacher and Werner Köfler, 159-177. Innsbruck: Tiroler Landesarchiv, 1995.
- Sommer, Petr, Dušan Třeštík and Josef Žemlička. "Bohemia and Moravia." In *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend, 214-262. Cambridge: Cambridge University Press, 2007.
- Sommerlechner, Andrea ed. *Innocenzo III Urbs et Orbis: Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, 2 vols. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Spirito, Silvana di Mattia. "Innocenzo III e le *constitutions* del Concilio Lateranense IV relative alle problematiche della povertà volontaria." In *Innocenzo III: Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner, 417-434. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Stacey, Robert C. "The Conversion of Jews to Christianity in Thirteenth-Century England." *Speculum* 67, no. 2 (1992): 263-283.
- Starnawska, Maria. "Military Orders and the Beginning of Crusades in Prussia." In *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zolt Hunyadi and József Laszlovszky, 417-428. Budapest: Department of Medieval Studies Central European University, 2001.
- Steindorff, Ludwig. *Die dalmatinischen Städte im 12. Jahrhundert*. Cologne: Böhlau Verlag, 1984.
- Strzelczyk, Jerzy. "Przemysł II - odnowiciel Królestwa Polskiego" [Przemysł II – restorer of the Kingdom of Poland]. *Rocznik Wieluński* 10 (2010): 43-50.

- Subera, Ignacy. *Synody prowincjonalne arcybiskupów Gnieźnieńskich* [Provincial synods of the archbishops of Gniezno]. Warsaw: Akademia teologii katolickiej, 1981.
- Sulowski, Zygmunt. "L'Église polonaise a ses origins." in *Histoire religieuse de la Pologne*, ed. Jerzy Kłoczowski, trans. Karolina T. Michel, 17-51. Paris: Éditions du Centurion, 1987.
- Summerlin, Danica. "Papal Councils in the High Middle Ages." in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson, 174-196. Leiden: Brill, 2016.
- Sweeney, James Ross. "Innocent III, Hungary and the Bulgarian Coronation: A Study in Medieval Papal Diplomacy." *Church History* 42, no. 3 (1973): 320-334.
- Sweeney, James Ross. "Summa Potestas Post Deum-Papal Dilectio and Hungarian Devotio in the reign of Innocent III." In ...*The Man of Many Devices, Who Wandered Full Many Ways...*, ed. Balázs Nagy and Marcell Sebők, 492-498. Budapest: Central European University Press, 1999.
- Szabados, György. "Imre és András" [Emeric and Andrew]. *Századok* 133/ no. 1 (1999): 85–111.
- Szovák, Kornél. "The Relations between Hungary and the Popes in the 12th Century." In *A thousand years of Christianity in Hungary: Hungariae Christianae millennium*, ed. István Zombori, 41-46. Budapest: Hungarian Catholic Episcopal Conference, 2001.
- Szovák, Kornél. "A kun misszió helye és szerepe a magyarországi domonkosok korai történeti hagyományában" [The place and role of the Cuman mission in the early historical tradition of the Hungarian Dominicans]. In *A Szent Domonkos Rend és a kunok*, ed. Gábor Barna, 115-126. Szeged: MTA-SZTE, 2016.
- Szpiech, Ryan. "Saracens and Church Councils, from Nablus (1120) to Vienne (1313-14)." In *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, ed. Marie-Thérèse Champagne and Irven M. Resnick, 115-137. Turnhout: Brepols, 2018.
- Szücs, Jenő. "The Three Historical Regions of Europe: an Outline." *Acta Historica Academiae Scientiarum Hungariae* 29 (1983): 131-184.
- Šanjek, Franjo. *Kršćanstvo na hrvatskom prostoru* [Christianity in Croatian lands]. Zagreb: Kršćanska sadašnjost, 1996.
- Šanjek, Franjo. "Le Pape Innocent III et les "chrétiens" de Bosnie et de Hum." In *Innocenzo III: Urbs et orbis*, vol. II, ed. Andrea Sommerlechner, 1213-1225. Rome: Istituto storico italiano per il medio evo, 2003.
- Šanjek, Franjo. "Papa Inocent III. (1198.-1216.) i bosansko-humski krstjani" [Pope Innocent III (1198-1216) and the krstjani of Bosnia-Hum]. In *Fenomen "krstjani" u srednjovjekovnoj Bosni i Humu*, ed. Franjo Šanjek, 425-439. Sarajevo: Institut za istoriju, 2005.

- Šanjek, Franjo. *Dominikanci i Hrvati: osam stoljeća zajedništva (13. – 21. stoljeće).* [Dominicans and Croats: eight centuries together (13th – 21st century)]. Zagreb: Kršćanska sadašnjost, 2008.
- Štulrajterová, Katarína. "Sacerdotal Celibacy in Medieval Hungary." *Bulletin of Medieval Canon Law* 30 (2013): 45-70.
- Tangl, Georgine. *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters.* Weimar: Hermann Böhlaus Nachfolger, 1922.
- Tanner, Norman. "Pastoral Care The Fourth Lateran Council of 1215." In *A History of Pastoral Care*, ed. G. R. Evans, 112-125. London: Cassell, 2000.
- Thibodeau, Timothy M. "The Doctrine of Transubstantiation in Durand's 'Rationale'." *Traditio* 51 (1996): 308-317.
- Thomas, Hugh M. *The Secular Clergy in England, 1066-1216.* Oxford: Oxford University Press, 2014.
- Thomson, Willliell R. *Friars in the cathedral: the first Franciscan bishops 1226-1261.* Toronto: Pontifical Institute of Mediaeval Studies, 1975.
- Tolić, Željko. "Franjevci u našim krajevima u 13. stoljeću" [Franciscans in our lands in the 13th century] *Služba Božja* 55, no. 3-4 (2015): 233-261.
- Ubl, Karl. *Inzestverbot und Gesetzgebung. Die Konstruktion eines Verbrechens (300 – 1100).* Berlin: Walter de Gruyter, 2008.
- Umiński, Józef. "Śmierć Leszka Białego" [Death of Leszek the White]. *Nasza Przyszłość* 2 (1947): 3-36.
- Urbańczyk, Przemysław and Stanisław Rosik. "Poland." in *Christianization and the Rise of the Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend, 263-318. Cambridge: Cambridge University Press, 2007.
- Vadas, András. "Mendicant Friaries as Hosts of Diets in Medieval Hungary A Short Overview." *Studia Universitatis Babeş-Bolyai, Historia* 60, no. 1 (2015): 39-62.
- Vauchez, André. *Sainthood in the Later Middle Ages*, trans. Jean Birrell. Cambridge: Cambridge University Press, 1997.
- Vauchez, André. "Innocent III, Sicard de Crémone et la canonization de saint Homebon (†1197)." In *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner, 435-455. Rome: Istituto Storico Italiano per il Medio evo, 2003.
- Veszprémy, László. "Historical Past and Political Present in the Latin Chronicles of Hungary (12th-13th Centuries)." In *The Medieval Chronicle*, ed. Erik Kooper, 260-268. Amsterdam: Rodopi, 1999.

- Veszprémy, László. “The Birth of a Structured Literacy in Hungary.” In *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert, 161-181. Turnhout: Brepols, 2004.
- Vida, Beáta. “‘Monasterium de Erche situm in insula loci secreti’ Ercsi monostorának története” [History of the monastery of Ercsi]. In *Műhelyszemináriumok dolgozatok I.*, ed. Szilvia Kovács and Éva Révész, 181-197. Szeged: SZTE BTK Történelemtudományi Doktori Iskola, 2013.
- Vodola, Elisabeth. *Excommunication in the Middle Ages*. Berkeley: University of California Press, 1986.
- Waldmüller, Lothar. *Die Synoden in Dalmatien, Kroatien und Ungarn: Von der Völkerwanderung bis zum Ende der Arpaden (1311)*. Paderborn: Ferdinand Schöningh, 1987.
- Weisz, Boglárka. “Zsidó kamaraispánok az Árpád-korban” [Jewish chamberlains in the Árpád period]. In *Tanulmányok a középkori magyar történelemlről*, ed. Sarolta Homonnai et al., 151-161. Szeged: Szegedi Középkorász Műhely, 1999.
- Werckmeister, Jean. “L'apparition de la doctrine du mariage contrat dans le droit canonique du 12^e siècle.” *Revue de droit canonique* 53, no. 1 (2003): 5-25.
- Werner, Michael and Bénédicte Zimmermann. “Vergleich, Transfer, Verflechtung. Der Ansatz der Histoire croisée und die Herausforderung des Transnationalen.” *Geschichte und Gesellschaft* 28, no. 4 (2002): 607-636.
- Werner, Michael and Bénédicte Zimmermann. “Beyond comparison: *histoire croisée* and the challenge of reflexivity.” *History and Theory* 45 (2006): 30-50.
- Wetzstein, Thomas. *Heilige vor Gericht: Das Kanonisationsverfahren im europäischen Spätmittelalter*. Cologne: Böhlau Verlag, 2004.
- Witte, Jr., John. *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*. Louisville, KY: Westminster John Know Press, 1997.
- Witkowska, Aleksandra. “The thirteenth-century miracula of St. Stanislaus, bishop of Krakow.” In *Procès de canonization au Moyen Âge: Aspects juridiques et religieux*, ed. Gábor Klaniczay, 149-163. Rome: École française de Rome, 2004.
- Wünsch, Thomas. “Kulturbeziehungen zwischen Polen und Reich im Mittelalter,” In *Das Reich und Polen. Parallelen, Interaktionen und Formen der Akkulturation im hohen und späten Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky, 357-400. Ostfildern: Jan Thorbecke Verlag, 2003.
- Wysokiński, Ireneusz. “A középkori Magyar domonkos rendtartomány felbomlása” [Dissolution of the medieval Hungarian Dominican Order]. In *A domonkos rend Magyarországon*, ed. Pál Attila Illés and Balázs Zágórhidi Czigány, 77-88. Piliscsaba: PPKE BTK – METEM – DRGY, 2007.

- Zágorhidi Czigány, Balázs. “A domonkos rend konventjei a XIII. századi Magyarországon (Bernardus Guidonis convent jegyzékének értelmezése)” [The convents of the Dominican Order in 13th century Hungary (Reading of the convent catalogue of Bernardo Gui)]. *Tanítvány. A Magyar domonkosok lapja* 7, no. 1 (2001): 81-89.
- Zágorhidi Czigány, Balázs. “A domonkos rend megtelepedése Magyarországon” [Establishment of the Dominican Order in Hungary]. In *A szent Domonkos rend és a Kunok*, ed. Gábor Barna, 105-114. Szeged: MTA-SZTE, 2016.
- Zaoral, Roman. “The management of papal collections and long-distance trade in the thirteenth-century Czech lands,” *Mélanges de l’École française de Rome - Moyen Âge*, 127-2 (2015).
- Zečević, Nada. “Introduction: “Central Europe”: Perceptions, Definitions, and Comparisons in a Historiographical Context.” In *The Oxford Handbook of Medieval Central Europe*, ed. Nada Zečević and Daniel Ziemann, 1-19. Oxford: Oxford University Press, 2022.
- Zey, Claudia. “Handlungsspielräume – Handlungsinitiativen. Aspekte der päpstlichen Legatenpolitik im 12. Jahrhundert.” In *Zentrum und Netzwerk: Kirchliche Kommunikationen und Raumstrukturen im Mittelalter*, ed. Gisela Drossbach and Hans-Joachim Schmidt, 63-92. Berlin: Walter de Gruyter, 2008.
- Zey, Claudia. “Die Augen des Papstes. Zu Eigenschaften und Vollmachten päpstlicher Legaten.” In *Römisches Zentrum und kirchliche Peripherie. Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III*, ed. Jochen Johrendt and Harald Müller, 77-108. Berlin: Walter de Gruyter, 2008.
- Zey, Claudia and Maria Pia Alberzoni. “Legati e delegate papali (secoli XII-XIII): stato della ricerca e questioni aperte.” In *Legati e delegate papali: profili, ambiti d’azione e tipologie di intervento nei secoli XII-XIII*, ed. Maria Pia Alberzoni and Claudia Zey, 3-30. Milan: Vita e Pensiero, 2012.
- Zielinska, Agata. “Remembering how to fast in medieval Poland: the papal legate Jacques Pantaléon on regional and ethnic particularity.” *Reading Medieval Studies* 45 (2019): 47-73.
- Zielinska, Agata. “Territorialization, the Papacy, and the Institutions of the Polish Church 1198-1357.” Doctoral Dissertation, University College London, London, 2021.
- Zieliński, Józef. “Legacja Piotra z Kapui do Czech i Polski w r. 1197” [Legation of Peter of Capua to Czechia and Poland in 1197]. *Collectanea Theologica* 28, no. 3-4 (1957): 576-597.
- Ziemann, Daniel. “Das Zweite Bulgarische Reich: vom Reich der Asenide bis zur Osmanischen Expansion.” In *Handbuch zur Geschichte Südosteuropas Bd. 1: Herrschaft und Politik in Südosteuropa von der römischen Antike bis 1300*, ed. Fritz Mitthof, Peter Schreiner, and Oliver Jens Schmitt, 785-823. Berlin: De Gruyter Oldenbourg, 2019.
- Zientara, Benedict. *Henryk Brodaty i jego czasy* [Henry the Bearded and his times]. Warsaw: Wydawnictwo TRIO, 2006.
- Zimmerman, Heinrich. *Die päpstliche Legation in der ersten Hälfte des 13. Jahrhunderts*. Paderborn: Ferdinand Schöningh, 1913.

- Zsoldos, Attila. “Téténytől a Hód-tóig (Az 1279 és 1282 közötti évek politikatörténetének vázlata)” [From Tétény to Hód Lake (Outline of the Political History of the Years Between 1279 and 1282)]. *Történelmi Szemle* 39, no. 1 (1997): 69-98.
- Zsoldos, Attila. *Családi ügy: IV. Béla és István ifjabb király viszálya az 1260-as években* [Family affair: the feud between Béla IV and Stephen the younger king in the 1260s]. Budapest: História, 2007.
- Zsoldos, Attila. “Kings and Oligarchs in Hungary at the Turn of the Thirteenth and Fourteenth Centuries.” *Hungarian Historical Review* 2, no. 2 (2013): 211-242.
- Zsoldos, Attila. “The Golden Bull of Andrew II.” In *Des chartes aux constitutions: Autour de l'idée constitutionnelle en Europe (XIIe-XVIIe siècle)*, ed. François Foronda and Jean-Philippe Genet, 57-80. Paris: Éditions de la Sorbonne, 2019.
- Zsoldos, Attila. *The Árpáds and their people: An Introduction to the History of Hungary from cca. 900 to 1301*. Budapest: Research Centre for the Humanities, 2020.
- Zsoldos, Attila. *The Golden Bull of Hungary*. Budapest: Research Centre for the Humanities, 2022.
- Zutshi, Patrick. “Innocent III and the reform of the papal chancery.” In *Innocenzo III Urbs et Orbis*, vol. 1, ed. Andrea Sommerlechner, 84-101. Rome: Istituto Storico Italiano per il Medio Evo, 2003.
- Žemlička, Josef. “Transformation of the dukedom of ‘the Bohemians’ into the Kingdom of Bohemia.” In *Political Culture in Central Europe, Tenth-Twentieth Century*, vol. 1, ed. Halina Manikowska and Jaroslav Pánek, 47-64. Prague: Institute of History, Academy of Sciences of the Czech Republic, 2005.
- Žemlička, Josef. “The Realm of Přemysl Otakar II and Wenceslas II.” In *A History of the Czech Lands*, ed. Jaroslav Pánek et al., 106-116. Prague: Karolinum Press, 2011.