SPECIMINA NOVA
PARS PRIMA
SECTIO MEDIAEVALIS

XIV.

Dissertationes historicae collectae per
Cathedram Historiae Medii Aevi Modernorumque
Temporum Universitatis Quinqueecclesiensis

A Pécsi Tudományegyetem Középkori és Koraújkori
Történeti Tanszékének Történeti közleményei

2025

Redactio:

Pécsi Tudományegyetem
Bölcsészettudományi Kar
Történetudományi Intézet
Középkori és Koraújkori
Történeti Tanszék
H–7624 Pécs, Rókus u. 2.
Tel./Fax: (+36 72) 501–572

Specimina Nova Pars Prima Sectio
Mediaevalis in commerciali usu inveniri non
possunt sed per commutationem:

Pécsi Tudományegyetem
Bölcsészettudományi Kar
Történettudományi Intézet
Középkori és Koraújkori Történeti Tanszék
H–7624 Pécs, Rókus u. 2.
Tel./Fax: (+36 72) 501–572

SPECIMINA NOVA
PARS PRIMA
SECTIO MEDIAEVALIS

XIV.

Dissertationes historicae collectae per
Cathedram Historiae Medii Aevi Modernorumque
Temporum Universitatis Quinqueecclesiensis

A Pécsi Tudományegyetem Középkori és Koraújkori
Történeti Tanszékének Történeti közleményei

2025

Financed by the National Research, Development and Innovation Office Fund
Mecenatura 2021 program
MEC_SZ_24 149238 project

HU ISSN 1588–8002

DOI: 10.15170/SPMNNV.2025.14

https://journals.lib.pte.hu/index.php/speciminanova/index

Layout:
Gergely Kiss

Printed by:
Monár Nyomda és Kiadó Kft.
Responsible manager: Csaba Molnár

TABLE OF CONTENTS

PREFACE

In 2024, the editorial board of Specimina Nova Pars Prima Sectio Mediaevalis decided to make a change. As a result, the journal is now published once a year. Of course, there is always a risk involved, namely whether there will be enough high-quality studies, whether the tradition can be continued, and whether the standard of quality can be maintained. I believe that both the previous and the current volumes provide adequate answers to these questions.

Specimina can hardly be considered an inner-circle journal; we consider it a significant success that its themes are varied in terms of both space and time, and that it sometimes—deliberately, of course—stretches the boundaries of the Middle Ages and early modern period, offering Hungarian and international researchers the opportunity to present their results to an international audience.

Despite their diverse themes, the volumes nevertheless maintain a kind of internal cohesion, in that we strive to ensure that the Studies section contains papers grouped around a particular theme. The Contribution section, on the other hand, contains articles on different topics.

This issue is no exception. The first major section consists of selected studies from a conference (Power and Consensus in Multidisciplinary Context, Pécs, August 27–28, 2025).

Through this conference we would like to contribute to the contemporary research trends concerning the modalities of power and the decision-making processes through which the power is channelled. This topic has preoccupied scholars of various fields and, following these tendencies, we would like to approach it in a multidisciplinary way.

We would also like to emphasise that this conference is organised by universities and research institutes of three countries (Hungary, Croatia, Bosnia and Herzegovina) and four cities (Pécs, Szeged, Zagreb and Mostar). It comes as a continuation of an initially bilateral cooperation between Pécs and Zagreb that started a decade ago. Now, with new partners we aim at establishing a wider network dealing with the institutional history.

During the previous cooperation various thematic workshops were organised on a regular basis that gave us the opportunity to share the results of the research on the many links between Croatia and Hungary, not only for researchers but also for students. In addition to these minor conferences, another international conference entitled "Negotiating Authority: Models of Governance in Medieval and Early Modern Times" was held in Pécs hosted by the Institute of History (University of Pécs), which was followed by the conference "Authority and Discipline in Religious Communities", held on 16-17 May 2024, in connection with the Faculty of Croatian Studies of the University of Zagreb's scientific programme on religious culture. At this occasion, all the institutions of the organising committee of the conference held last summer were represented. It is also our intention to address a broader

community of scholars in the countries concerned by raising a curricular theme. This year's conference in Pécs represents a continuation of a collaborative efforts, and will be succeeded by the forthcoming conference at the University of Mostar (October 2026).
In the *Contribution* section, readers can enjoy an article by András Ribi on the life of Márk Kálti, the presumed author of the fourteenth-century chronicle composition (*Chronicon Pictum*). The current issue concludes, as usual, with Book Reviews and a table of contents of previous issues, and the Related Publications gives an overview of the research results linked to the publisher.

Pécs, 20 December 2025

Gergely Kiss

STUDIES

SELECTED PAPERS OF THE CONFERENCE "POWER AND CONSENSUS IN MULTIDISCIPLINARY CONTEXT" (PÉCS, 27–28 August 2025)

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 11–44.

DOI: 10.15170/SPMNNV.2025.14.01

Marko Jerković, PhD
mjerkovic@fhs.unizg.hr
University of Zagreb, Faculty of Croatian Studies
Department of Croatian Latinity, Department of History
Campus Borongaj
Borongajska c. 83d
10 000 Zagreb
Croatia

Marko JERKOVIĆ

Punishment in the Order of Preachers

The paper unfolds the forms and functions of punishment in the thirteenth century Order of Preachers. For that purpose, I use the codification of statutes entitled the *Liber constitutionum* (1241). This source indicates the consequences of the Dominican punitive system on the brethren's consciences, body and communal spirit, on their understanding of sin and guilt, and on cohesion, identity and stability. Additionally, the paper is concerned with the Humbert of Romans' commentaries on the Dominican law. Ultimately, the paper aims to comprehend better which kinds of punishment were seen as normatively admissible by the community oriented towards the *vita perfectionis*.

Keywords: Dominicans, *Liber constitutionum*, punishment, discipline, conscience, body, guilt, stability, authority, Humbert of Romans.

Introduction

The paper analyses the forms and functions of punishment in the early Dominican Order.[1] It does not focus on any particular case study; rather, it tends to comprehend better which disciplinary solutions had a potential to be

[1] This paper has evolved as part of the project activities of the Croatian Historical Urban Landscapes project, funded by NextGenerationEU through the National Recovery and Resilience Plan, under the 581 Recovery and Resilience Facility of the Faculty of Croatian Studies. The paper is a result of my broader researches about the disciplinary systems, control, punitive measures, and techniques of regulating the cloistered life in the milieu of urban and other religious orders. These researches have the same objective—to distinguish the variety of disciplinary forms and functions in medieval *vita religiosa*. The idea is to establish first the functionality of discipline in different orders and different type of texts, and then to compare the results in the consequent studies. Parallel to this paper, I have prepared the one dealing with the Carmelite system of bihevioural control in which, among other issues, I also dealt with punitive measures. It will be published in the volume *Authority and Discipline in Religious Communities*. Eds. Jerković, Marko-Krešić Nacevski, Lucija. Zagreb. Being prepared for print in 2026. In the Carmelite punitive system, we can see some of the similar intentions and effects onto community and indvidual as in the Dominican one.

written as norms in the earliest period of the Order's institutionalization.[2] In that way, the paper aims to open a debate on the punitive solutions that were seen as admissible in a nascent spiritual institution. I take into account the Order's *Liber constitutionum* (1241), the legislative codification in which the early considerations about discipline were preserved most clearly.[3] This will be complemented with the analysis of the commentary on the Dominican law (*Expositio in constitutionum*), written by the Order's prolific author Humbert of Romans in the 1250s–1260s.[4]

The social theory has dealt with the purpose of punishment on many occasions. My intention is not to apply any concrete theory in this research; however, I would like to emphasise that the very idea of analysing the function of punishment and its impact onto the relation between the community and individual was inspired by the "classical" study of Michel Foucault *Discipline and punish* (I use the edition of 1977). Hence, this paper builds upon his question of how, indeed, punishment effects social organizations.

The functionality of punitive systems started to play more prominent role in the historiography of religious orders. This refers primarily to the research dealing with the implications of deviance and the mechanisms of accomplishing the institutional control by responding to misbehaviour.[5] In such context, the Dominican disciplinary forms offer the important perspective. It is the Order whose members were the institutional entrepreneurs of medieval *vita religiosa*. They introduced novelties into the governing practises, which provided the Dominicans the highest degree of institutional viability.[6] Therefore, exploring the Dominican penal system means gaining a better understanding of how discipline works in a stable organization.

[2] I leave out the questions of the evolution of punitive system throughout the medieval period, the analysis of regulation and application of particular punishments, the comparison to other orders etc. In historiography of the Dominican order, we find studies regarding the punitive system in the last twenty years, relating to some of these, as well as to some other questions. For example, CALDWELL 2004. p. 109–134, analysed the punitive solutions of Dominican inquisitors (evolving from the internal Order's disciplinary system); HOYER 2018. p. 323–347 deals with the imprisonment (and provides the overview of the transgressions meriting such punishment), and LINDE 2018. p. 349–367 with the forced deportations.

[3] Hereinafter: LC.

[4] Hereinafter: HUMBERTUS. His other works are cited by writing the shortened title in the brackets next to his name.

[5] See e.g.: MELVILLE 1996. p. 153–186; OBERSTE 1996; FÜSER 2000.

[6] As historiography indicated, unlike many other religious orders (e.g. the Franciscans, Cistercians, Cluniacs, Premonstratensians), the Dominicans did not experience the crises of governance in the early phase of its institutionalization. All the more, it was exactly the Dominican constitutional solutions that were taken over by other orders to stabilize their organization and resolve crises. For the Dominican institutional innovation in the context of the Order's stability: MELVILLE 2000. p. 579–604; MELVILLE 2010. p. 377–388; MELVILLE 2016a. p. 29–43. Also: CYGLER 2012. p 72 and the references in the footnote 69. For the taking over of the Dominican solutions by other orders: CYGLER 2014. p. 239-250. For the comparison with the instability of the e.g. the Franciscan Order: DALARUN 2007.

Besides, the Dominicans devised rather innovative understanding of religious life. They insisted on the *vita activa* (the itinerant preaching, pastoral care, and urban ministry), which was combined with the more classical cloistered life.[7] So, their structures of discipline were formulated within the form of a professed life which required the adequate balancing of the *old* and *new* disciplinary forms.

Finally, the analysis of religious penalization concerns the soul of its adherents. The efficient disciplinary system offers the platform for making the continual penance, which is absolutely necessary for both the inner purification and better following of Christ. Hence, the punishment that originated within such group reflects how the religious community deals with sin and impurity and how it handles the deviation from the fundamental task of acquiring the more perfect human condition.

Distinction I

Textualization

The *Liber constitutionum* refers to the Order's codification of statutes made by the distinguished Dominican Canon Law expert Raymund de Peñaforte in 1241. It captures the formative experiences and normative solutions devised in the first two and a half decades of the Order's existence.[8] In 1216, a group of preachers gathered around Dominic de Guzmán in Toulouse, formulated the first set of norms, devised to supplement the *Rule of Augustine*, which was accepted as a fundament of a developing community.[9] The more intense legislation started in 1220, at the Order's first General Chapter in Bologna.[10] The assemblies that followed continued to legislate, and by 1228 a bulk of Dominican laws was formulated.[11] From 1228 to 1236/1237 the General Chapter was working not only on creating laws but also on their systematization, the initiative that resulted with the *Liber consuetudinum*.[12] Already in 1239, the assembly required the better organization of the codified material, the one that could be more practically used by the brethren.[13] The result was the second redaction, entitled the *Liber constitutionum*, made by the aforementioned Raymund de Peñaforte.[14]

[7] For the intersections of these two principles: VICAIRE 1966, 74–103. On the Dominican (and Franciscan) innovation in the broader context of *vita religiosa*: MELVILLE 1999a. p. 1–23.
[8] On the Dominican constitutions: MELVILLE 2020. p. 253–281; on the Raymund's codification p. 262–263.
[9] LIBELLUS p. 46. MELVILLE 2020. p. 256–257.
[10] LIBELLUS p. 67. On this first General Chapter: HINNEBUSCH 1966. p. 80–87.
[11] More in: MELVILLE 2020. p. 260–261. The most detailed analysis of the earliest Dominican legislative work (concerning the statutes about the government and organization) in: TUGWELL 2001. p. 5–182.
[12] The edition in: THOMAS 1965. p. 311–369. On the functional value of first codification: CYGLER 1999. p. 385–428.
[13] MELVILLE 2020. p. 262.
[14] MELVILLE 2020. p. 262.

This codification consists of the Prologue and two *Distinctiones*. The first Distinction contains 20 chapters, regulating the conventual regular observances. The second included 15 chapters, relating to the Order's organization and governance, preaching activities, study, mobility, and duties of the lay-brothers.[15] The punitive measures were textualized in both Distinctions. In the first one, the chapters XVI-XX relate directly to the delinquent behaviour and enlist the appropriate punishments (chs. XVI *De levi culpa*, XVII *De gravi culpa*, XVIII *De graviori culpa*, XIX *De culpa gravissima*, XX *De apostatis*).[16] Apart from writing the penalties in the specialized chapters, the codification interpolates them throughout the entire codification, in a form of sanctions for breaking the particular laws.

The Distinction I shows that the Order used the already existing normative solutions as the template—the Dominicans relied on the *Liber consuetudinum* of the Premonstratensian regular canons.[17] They took over not only the idea of cataloguing the crimes and punishments but also much of the content of the Premonstratensian penalising statutes.[18] Such technique was not uncommon; medieval religious communities were regularly taking over the constitutional models from each other and were adapting them to their own particular needs.[19] In that way, the Dominican *Liber constitutionum* indicates that, just like other orders, the friars preachers understood the norms concerning observance and discipline as a transferable category. Such understanding had the obvious pragmatic connotation—the solutions that were tested in existing practises were helping the nascent community to start functioning more easily.

Apart from the pragmatism, this taking over had two other implications. The first one concerns the validity. The IV Lateran Council in 1215 prohibited the foundation of orders not willing to accept the old customs.[20] Accordingly, in making preparations for the promulgation of such decree, the Papacy rejected the Dominic's request for the approval of his rule just before the Council.[21] It was for that reason why the community in Toulouse turned to the old and widely used *Rule of Augustine*.[22] Accordingly, the implementation of the Premonstratensian statutes was another way of adapting to the official Papal standing. Hence, it can be said that the important function of the disciplinary norms, together with other norms based on the

[15] LC p. 29-30 (Prologue); 30-47 (Distinction I), 47-68 (Distinction II).
[16] LC p. 42-47.
[17] For a comparison see the Premonstratensian customary of c. 1174, edited in MARTENE 1737. sp. 893–926. See also: TUGWELL 1982. p. 455–465.
[18] Compare: MARTENE 1737. sp. 914–920 and LC. p. 42–47. See also: JOHNSON 2006. p. 307–308.
[19] For example, the Cistercian constitution was commonly used as a role-model. See: MELVILLE 2016b. p. 158–179.
[20] CONSTITUTIONES CONCILII QUARTI LATERANENSIS. p. 62.
[21] LIBELLUS p. 45-46. The consequences of this Papal rejection were much debated in historiography. More recent view in: WESJOHANN 2012. p. 334–347 (also see the bibliography in footnotes, pointing to the previous debates).
[22] LIBELLUS. p. 46. See also the text earlier. On the *Rule of Augustine*: VAN GEEST 2020. p. 127–154; on its use in religious communities, esp. in orders of regular canons: MELVILLE – MÜLLER 2002.

Premonstratensian template, was to mobilise the collective sense of canonical validity.

The second relates to identity. The Premonstratensian law fitted also because it evolved in the milieu of regular canons, who were anchored in the Augustinian tradition. This would seem acceptable to Dominic, who himself was a regular canon of Osma before organizing a community in Toulouse, and to his followers, who saw in Augustine the most excellent preacher[23] and the role model for their mission. Humbert of Romans confirms that the first friars chose the Premonstratensian statutes as a template because this order surpassed all others grounded in Augustinian spirituality.[24] The Dominicans then worked to adjust the template to fit their conception of life and promote their own embedment into the tradition of Augustine's monasticism.[25] Hence, the value of norms in the Distinction I was to affirm the Order in the desired, Augustinian identity. The disciplinary norms were, thus, acceptable since they belonged to such, identity-building, legislative corpus.

The penal code rested on the principles of differentiation and gradation. By defining the faults as lesser, grave, more grave and gravest, and by inserting the according punishments in each chapter, ranging from the "simple" reciting of psalms to the expulsion from the community (see the next sub-chapters),[26] the text wanted to assure the brethren that their penal code sanctions the misbehaviour in accordance to its quality. This indicates the desire to promote the idea that "punishment must fit the crime", i.e. the conception which the modern legal theory calls the principle of proportionality.[27] In the *vita religiosa*, the sixth century *Rule of Benedict* inaugurated such principle as the basis of a monastic just discipline.[28] In the central Middle Ages it was integrated into the legal practise not only of orders following the Benedict's precepts but also of regular canons (like the Premonstratensians, who catalogued the crimes and punishments most meticulously).[29] With that in mind, the purpose of gradating crimes, accompanied with the appropriate punishments, was to instil the sense of a just community into the Dominican brethren. By doing so, the text was anchoring the Order not only in the tradition of regular canons but also in the "criminal justice system" based on proportionality.

Besides, the Dominican penal code was textualized as both reactive and preventive. On the one hand, it was providing the platform that could be pragmatically used to react in cases of misbehaviour. On the other hand, the

[23] LIBELLUS p. 31, 46.
[24] HUMBERTUS. p. 2–3. On the Premonstratensian identity in modern historiography: RÖSLER 2020.
[25] HUMBERTUS p. 3.
[26] See shortly: HOYER 2018. p. 324; earlier: JOHNSON 2006. p. 308.
[27] On this principle: DAVIS 1983. p. 726–752; FRASE et al. 2020. p. 213–260.
[28] RB p. 86: *Secundum modum culpae et excommunicationis uel disciplinae mensura debet extendi.*
[29] For the Cistercians and Cluniacs, who accepted the Benedict's differentiation concerning the *levis culpa* and *gravis culpa* see: Füser 2000. pp 75-90. For the Premonstratensian catalogue of faults and punishments in the twelfth century codifications: VAN WAEFELGHEM 1913. p. 50–58. LEFÈVRE – GRAUWEN 1978. p. 35–44; MARTENE 1737. sp. 914–920. For a comparison with the gradation of punishment in the inquisitory processes shortly: CALDWELL 2004. p. 130.

textualization of penalties was considered as being capable to mobilise the brothers' inhibition and prevent them from misdeeds. This is indicated by Humbert of Romans who claims that the fear of punishments (written in the *Liber constitutionum*) possesses just enough capacity to restrain a person from committing a crime.[30] The statutes concerning punishments were, thus, targeting not only the sense of a just community, but also of a community of doble-natured (preventive/reactive) disciplinary efficiency.

Penal code: the catalogue

By enlisting some 40 transgressions concerning liturgy and daily life in convent, chapter XVI shows that the vast majority of offences was considered by the Order as minor offences.[31] For these, the punishment was the reciting of one or two psalms or a combination of saying one psalm and receiving one strike. The prior was to decide which of the two will be enforced.[32] Clearly, the lighter offences always merited the psalms. Humbert of Romans, who confirms that the "greatest part of our penance consists in saying the Office",[33] provides the useful insights into the Dominican understanding of psalmody and, consequently, the meaning of such punishment. He explains that this is the most spiritual scripture, because almost in every verse the psalms speak of or praise God. For this, the saying of psalms is an excellent tool of edification and salvation (since, as Augustine claims, it drives away demons and makes a man saintly). The psalms are also the most fitting way of repentance. They do not only prevent from sin but embed deeply within the person the example of the conversion of David, their author, whose repentance resulted with the aggrandization in prophecy.[34]

It is easy to conclude that the punishment by psalms targeted the conscience.[35] To punish meant to make the offender aware of a deviation from the true conversion. To punish also meant to give a chance to the offender to get back in the spiritual balance, to edify himself and to gain another opportunity for a salvation. The punishment is, finally, a way of reconnecting with God, i.e. of utilizing the psalms' praises for becoming more strengthened in Him.[36] Hence, the significant function of the punitive code was the revocation of a more exalted spiritual state of the individual. In other words, the punishment for the faults committed on a daily level must not deny the

[30] HUMBERTUS p. 47.
[31] These relate to the faults like not executing the office of reading or chanting in a proper way, disturbing others in dormitory or elsewhere in monastery, not coming to the edificatory readings or common meal, not behaving decently while on preaching tour, reading forbidden or non-approved books, sleeping during the classes, failing to put the clothes and books at the proper place, breaking the material goods, spilling drink, not being present at the chapter or collation, proclaiming someone falsely, etc. LC p. 42–43.
[32] LC p. 43.
[33] HUMBERTUS p. 106.
[34] For all these views on psalms: HUMBERTUS p. 99.
[35] On religious concerns with the conscience generally see: BREITENSTEIN 2016. p. 19–55.
[36] HUMBERTUS p. 99.

spiritual benefices and it must not degrade or devastate the offender morally. The acceptable penalty is the one that spiritually reintegrates, reedifies and reassures the moral integrity within the community oriented towards Divine. Hence, the punishment for the lighter fault intended not to exclude the offender, to perpetuate the guilt or distress the conscience (even though these elements were present) but to work as the building and productive force in directing the conscience towards the *status perfectionis*.

This was acceptable since it was in accordance with the Dominican understanding of monastic life. It was, indeed, the salvation of people by preaching that was defined as the Order's earthly purpose.[37] Yet, apart from this societal goal, Humbert indicates a more personalized one—he claims that the main motivation for entering the monastery is to avoid sin.[38] This means that the monastery must function as a place enabling the adequate handling with impurity. The punishment aiming at spiritual re-edification was clearly fitting in the general view on the effects of cloistered life. In other words, the acceptability of the Order's penal code was also resting on the fact that, by reedifying and purifying the individual, it actually contributes to getting the offender back into the authentic state of mind, the one that motivated the religious to enter the monastery.

The acceptable punishment was, however, also the one targeting the body. As indicated, the beating *could* be applied for minor faults; the Order could utilise the pain to expel the guilt more tangibly and to instil the fear into the brethren observing it.[39] Besides, as Caldwell pointed out, the pain "was the means by which the order cultivated right desire among the brothers, and helped them to make reparation for their faulty desires."[40] Yet, the beating could not stand alone; it, as seen, had to be accompanied with psalms.[41] Besides, it also had to restrain from violence—one strike was enough to punish, and set the painful example to others, and, more importantly, direct the offender towards the consequent spiritual rehabilitation by reciting psalms.

The "grave faults" include some 15 transgressions relating to quarrelling, insulting, threating, lying, evil whispering, cursing, sowing discord, breaking silence, speaking maliciously against others, defending a guilty party, accusing someone for the fault for which the penance was done, riding horses or eating meat with no permission, communicating with women when they were not confessing, complaining about the dress or food, not returning to a monastery from a mission in time. The penalties for those admitting a fault were flogging (three strikes on the back), fasting on bread and water for three days, and reciting the number of psalms in accordance with the prior's command. For

[37] LC p. 29.
[38] HUMBERTUS p. 116. On the relation between the sin and punishment see chapters 3) and 4).
[39] As indicated, the fear of punishment was considered as a powerful disciplinary tool. See: HUMBERTUS p. 37.
[40] CALDWELL 2004. p. 116.
[41] For the similar combination of psalmody and corporal punishment in the Dominican inquisition: CALDWELL 2004. p. 127.

those proclaimed (i.e. which did not confess on their own), the additional fasting day and a strike was anticipated.[42]

The grave faults had the same objectives (the conscience and body) and goals (the edificatory purification and the exemplary pain). But here we see two other characteristics. Firstly, the acceptable punishing rested on quantification. The flogging now included three to four strikes, and reciting psalms in the amount that pleases the prior.[43] Secondly, the grave faults demanded the additional quality. This is clear from integrating the new punishment, the corporal deprivation of food, into the penal code. The consummation of only bread and water for some days was in accordance with practises of other religious communities, which were utilising the abstaining from food as punishment.[44] This may seem odd as punishment, since the monastery was perceived as a place of mortification of "the earthly side of our nature", in which the religious triumph over the human needs.[45] It becomes understandable when we have in mind that such fast implied the involuntarily deprivation; it was not the self-renunciation but the imposition. Besides, what mattered was the very *differentiation*; the offender had to realise that he is excluded from the normal fasting and eating cycles.[46] Hence, the deprivation could function as the acceptable punishment when transformed from the ascetic-like training to the non-voluntary separation from the regularized practices.

As indicated, the punishment now placed the additional emphasis on the body: it had to be flogged more, be more deprived, and symbolize the separation from the common practises. The increased value of the penalised body becomes even more interesting when we inspect the content of the enlisted faults. The vast majority of the grave faults relate to the inappropriate speech. In the Dominican order, the speech was an ambiguous element. Humbert claims that speech may be used for preaching, edificatory readings and in the "democratic" discussion about the laws; the first two are adequate because of their salvific effects while the second mirrors the brethren' virtue of greater "discretion" (i.e. of wisdom).[47] In other cases the speech is a dangerous instrument, the one that utilizes the tongue to release the sin from a man and materialize his impurity.[48] Thus, it can be supposed that the appropriateness

[42] LC p. 43-44.
[43] LC p. 43.
[44] See e.g. the Cistercian example: STATUTA p. 132, 158, 203, 212, 222, 246, 283, 298, 302, 314, 347, 354, 360, 377, 406, 430, 599, 665, 690. Or, the Franciscan one: JOHNSON 2006. p. 309–312.
[45] BERNARDUS p. 145. On the symbolical understanding of a monastery: SONNTAG 2008; on the food deprivation p. 289.
[46] As other orders, the Dominicans arranged the consummation of food in accordance to the dietary "seasons". LC p. 33–35. The imposition of fasting regardless of these seasons was a clear marker of the offender's differentiation.
[47] HUMBERTUS p. 31–34, esp. 32; 111–121; also p. 58, where he claims that their decision making in government, which include more discussions than in other orders, is better since such "*modus* [...] *habet majorem discretionem*".
[48] HUMBERTUS p. 116. On the Dominican views on speech see: JERKOVIĆ 2025. p. 111–112.

of corporal sanctions was also grounded in the idea of disciplining the person's material form because of its physical predisposition to verbalize the sin.

The "more grave faults" were disobedience, receiving secretly the forbidden goods, sin of flesh, attack, and similar "capital" crimes.[49] Evidently, this category enlisted the deviations from the fundaments of a religious status, i.e. from the religious *tria substantialia* (obedience, chastity, poverty).[50] Also, as it included the violence against the Order's members, it was a serious deviation from the idea of a community based on spiritual unity, expressed in the *Rule*.[51] And since these crimes were endangering the very core of the religious status, the penalties had to be more complex, all-encompassing and more threatening.

They included the corporal punishment—the offender had to be flogged immediately after the crime was revealed (receiving the number of strikes in accordance with the prior's discretion).[52] Also, the prior could decide to flog him additionally during the time of penance—in this case, the offender would prostrate before each member of a choir and receive strikes.[53] Clearly, the quantity mattered; the offender was receiving more strikes and was feeling more pain. The punishment was targeting the external man by destructing the body even more tangibly and by instilling the greater uneasiness and fear of pain into spectators. The degradation also mattered—when being at feet of brethren, the offender was lower than others. Besides, the degradation was evident from the fact that the offender lost his hierarchical place and became the *novissimus in conventu*.[54] So, the punishment was displacing from the *cursus honorum*. This must have had a tremendous psychological effect, since all the advancements in the monastic career, the position that came naturally with seniority, and the achievements that came as a result of the monastic training, were now annulled. In other words, the punishment had to work as a destabilizing force within the offender's mind.

The punishment was a force that humiliates and disintegrates. The offender had to undergo the ritual of "naked presentation", i.e. to appear with no habit (in non-monastic clothes) in front of everyone.[55] The community was, thus, symbolically stating that the time of penance means the time of sequestration. However, to be efficient, the degradation had to be perpetuated. So, the offender had to prostrate regularly in front of the chapter room at the canonical hours and before church.[56] This had a double effect—firstly, the offender was being assured that he is outcasted. Secondly, by being visibly displayed, the

[49] LC p. 44.
[50] These were defined as *substantialia* by medieval canonists. See e.g.: GOFFREDUS p. 155r. On this Goffredus' text and on the religious *substantialia* in Canon Law: MELVILLE 2001. p. 171–176.
[51] RA p. 417: *Primum, propter quod in unum estis congregatis, ut unanimes habitetis in domo et sit uobis anima una et cor unum in* deum. Also in: HUMBERTUS (Regula). p. 66.
[52] LC p. 44.
[53] LC p. 44.
[54] LC p. 44.
[55] LC p. 44. For a comparison with the Franciscans: JOHNSON 2006. p. 313–314.
[56] LC p. 44.

humiliated body was affecting the community itself by discouraging them to commit the crime.

The disintegrative quality is affirmed by other measures. During the meals, the offender had to sit on the floor in the middle of refectory, and dine only bread and water.[57] Here we see most drastically the punishment's role in making the offender degraded and fully aware of guilt. His body was visible sign of such measure since it was positioned lower than the normal sitting level. Also, since the body was in the middle of the room, the guilt was made the object of greater visibility. Unlike prostrations before the chapter room, when the community spotted the offender while passing by, the guilty offender was now visible to others all the time during the meal. He was always in front of them, the brethren' eyes could not escape seeing him.[58] In that way, the offender was realising more directly and more totally, that his misdeed is known to everyone and that his guilt makes him different. Furthermore, the deprivation from food now lasted more than three days. It was prolonged all the way until the end of the repentant cycle,[59] and it that way, it was functionalized to instil more strongly the sense of the efficient disintegration. And also—the remnants of the offender's food (of a slice of bread that he was eating) were not to be mixed with the remnants of others' food.[60] It was not only the offender that was outcasted but everything that he touched or that was in contact with him.

The disintegration included the prohibition to perform the priestly and Order's duties, most specifically the preaching.[61] The offender was removed not only from the regular rhythm but also from the working obligations that defined the Order's essence. The Dominicans were the clerical order, which saw the salvific preaching as its main service.[62] But the serious offender was denied of such exalted job,[63] and excluded from the priestly society. Besides, he was banned from communicating to brethren,[64] and deprived of the Communion.[65] The acceptable punishment was, thus, targeting the sense of usefulness and was making the offender's role destabilized in the communal, social, professional, and salutary sense.

Two other penalties accompanied the mentioned ones. In the case of sexual misconduct, the offender was prohibited to dwell in the place of committed crime.[66] The sin of flesh was considered as graver than other "more grave

[57] LC p. 44.
[58] For the Franciscans similarly: JOHNSON 2006. p. 309.
[59] LC p. 44.
[60] LC p. 44.
[61] LC p. 44.
[62] LC p. 29.
[63] Humbert claims that preaching excels all other Order's practices. HUMBERTUS p. 31.
[64] LC p. 44.
[65] LC p. 44.
[66] LC p. 45.

faults",[67] not only since it was a deviation from a more perfect status, but also because of its connotations regarding the *Rule*. Augustine devoted much intention to the warnings against the lust.[68] The Dominicans wanted to stay loyal to the *Rule* not only by punishing such deviance with the strikes and days in penance but also by physically fully displacing the offender. Besides, this method was undoubtedly also intended to preserve the Order's *bona fama* among the society which the preachers were servicing and within which the crime was made. The Order was punishing by disintegrating the offender from a society simultaneously with protecting its reputation.

The second was the lifelong degradation in hierarchy and deprivation from "voice". This was applied in the case of conspiracy.[69] While all other penalties implied the "time of penance", the higher degree of disobedience merited the entirety of time. The conspiracy was not the individual disobedience; it was a consensus of disobediences.[70] It was a crime implying not the personal break with the superior, but the entire organization of bad consciences that were breaking the ties. The entire conventual order was in jeopardy. So, the conspirators had to internalize the burden of non-prosperous future by being disintegrated from the decision-making community, from the opportunity-giving community (the prohibition to advance in hierarchy), and by being forever labelled as the degraded transgressors (in the future, the offender could speak, but only when accusing himself).[71]

To summarize, the gradation of faults meant not only the differentiation of punishments in quantity but also in quality. While the lesser faults primarily implied the purification, and the grave faults more purification with greater emphasis on pain and deprivation, the graver fault had to be punished primarily with the feeling of not belonging, of being degraded and ashamed, and of being more strongly aware of guilt. So, the punishment went from targeting primarily the spiritual man to the drastic feeling of being detached from the community, profession, society, social order and sacraments. Yet, it is evident that this detachment did not mean the expulsion; it was the temporary disintegration from the regular practises and the established order of things. The offender, however, had to get back into the normal order after receiving punishment and reconnect either with God or routine of community.[72] Even the offenders punished with the life-long sentences were getting back in a routine, the one that was modified for them.[73] The reason for this reconnecting

[67] LC p. 45. See: HOYER 2018. p. 325, 337 (here he also notes that all the punishments for such sin were replaced by the imprisonment in 1298).
[68] RA p. 424–428.
[69] LC p. 45.
[70] On the problem of conspiracy and violence in medieval monasteries: DIMIER 1972. p. 38–57; MELVILLE 1996. p. 153–186; SAYERS 1990. pp 533–542; FÜSER 2000. p. 91–157.
[71] LC p. 45.
[72] For the comparison with the integrative value of punishment in the inquisitory processes: CALDWELL 2004. p. 122–123.
[73] As indicated, the conspirators had to get back into the routine even though their punishment included the lifelong deprivation from voice. They were obliged to participate in the chapter in a

nature of punishment, avoiding expulsion, is logical; the profession itself was not the temporarily but everlasting category. All the avowed religious were declaring the eternal belonging to God and communitarian norms, and the punishment had to align its quality with the eternalized human status.

The punishment had the tremendous impact on the community, not only the offender. It was not only the preventive or didactic measure (showing the brothers what happens if they misbehave); by reconnecting the offender, the entire community were becoming assured in the capacity of the Order to efficiently deal with impurity, to enable adequate penance and keep the stability of the communitarian spirit. The punishment was, thus, demonstrating the ability of a monastery to fulfil its duty of providing the means of living the *vita perfectionis*.[74] Besides, it was also affecting the communal self-understanding. The chapter concerning the more grave fault obliges the community to instill the awareness into the offender of being excluded not only from regular practices but also from the "company of Christ'a sheep".[75] He had to be reminded of being the lost sheep, which needs the reintegration. In such way, the community understood punishment not only as purifying and reintegrative force but also the one enforcing the divine self-perception in both the offender (receiving such admonitions) and the community (providing them).

Yet, one crime did merit the expulsion. It was the incorrigibility (the *culpa gravissima*, c. XIX), accompanied with not being afraid to admit the fault and with the refusal to make penance.[76] As long as there exists the desire to resocialize, the community was keeping the individual with them. But when there constantly lacked willingness to comply to the norms, the bad sheep had to be removed. Here we must emphasize two things. Firstly, the Order understood the constancy in deviation as the rejection of a profession in the heart.[77] This means that the incorrigibility was seen not as a behavioural misconduct but a human state. All other faults required punishment that will keep the offender in the community, since there was no desire in him to leave the more perfect condition. But the constancy of misdeeds implied the reverse *conversio*, a change of a true self. And just as the reintegration was the right way for those staying on the good path, the expulsion was only logical for those proven in sin. Secondly, the Order was, again, protecting the community. The gravest fault had to be stopped not for the welfare of the offender—he was damned anyway—but for the sake of brethren; the expulsion was the medical procedure that will cure others.[78] Here we see, once more, the use of

reduced and modified way (just to confess their faults there). See the text above and previous footnote.

[74] On the conception of *vita perfections* in medieval monasticism: EDER – MANUWALD – SCHMIDT 2021.

[75] LC p. 44.

[76] LC p. 46.

[77] LC p. 46.

[78] For the punishment's "medical" value: HUMBERTUS (Regula) p. 338–339. In older monasticism: FÜSER 2000. p. 66–67. For the comparison with the medical connotations in the inquisitory processes: CALDWELL 2004. p. 120–121.

punishment not just for sanctioning but also for safeguarding the spirit of the perfecting organism.

In reality, however, the prelates refrained from the ejection. Humbert tells us that this prescription was interpreted differently by the persons in authority—some of them, indeed, were removing the repetitive offenders from the monastery, but some rather inflicted the imprisonment or the punishment of excommunication. Humbert himself advocates the view that it is better and more just to adjudge the punishment in accordance to situation and the gravity of repetitive fault instead of the mere expulsion.[79] These views support the idea that punishment was seen as the measure which must strive to preserve the membership. For that reason, the custom could validly modify the norm; the intention to keep the nature of profession and the communal spirit was overpowering the rigidity of law.

Penal code: outside the catalogue

The penalties outside the "catalogue" we find in three chapters. Chapter XII anticipates the reciting of one psalm and praying one *Pater noster* for a single breaking of silence. For breaking it three to five times in one day, the flogging is added. For the sixth and seventh offence in one day, the fast on bread and water is added. For breaking the silence deliberately in refectory, the punishment is fasting on water at one meal and flogging.[80] The penalty for asking mattress for bed (c. IX) is fasting on bread and water for one day.[81] In Chapter XX, the fugitives not returning to a monastery within forty days were to be excommunicated. Those returning within forty days, were punished by the penalties for the more grave faults. Besides, they had to fast for two days a week during one year, were prohibited from obtaining the prior's office, and were denied of priestly duties.[82]

The Order applied much of the punitive repertoire from the catalogue. Again, the punishment targeted the conscience (breaking the silence) and the body (the repeated breaking of silence or asking for sleeping comfort); it was also instilling the sense of disintegration, humiliation and degradation, or was obstructing the career and depriving from the priestly duties' (apostasy). The quantity, following the quantity, mattered—more of the breaking of silence more of the punitive measures. The quality, followed by quantity, mattered—less serious offence (complaints about the bed) merited one fasting day, while the apostasy demanded the entire set of punitive measures. These same measures imply not the Order's lack of creativity. Rather, they suggest that the punishment was acceptable if more standardized. The brethren had to see the punishment as a more or less defined "pool" of measures, a set of penalties

[79] HUMBERTUS (Regula) 339.
[80] LC p. 37–38.
[81] LC p. 36.
[82] LC p. 46–47. More on apostasy: HOYER 2018. p. 325, on the regulations and penalties after 1241: p. 329–330.

from which the Order excerpts what is appropriate in any given situation. The acceptable punishment, thus, must invoke the feeling of a "system".

This system is not rigidly enclosed; it accepts the modifications. But it would be best if it would creatively combine the existing solutions. This system also accepts the novelties—like the Lord's prayer. Yet this was not the real novelty. It was joined to the psalmody, thus empowering the purifying function of punishment. In other words, when innovating, the system had to remain focused on the fundamental purposes of penal code. The second innovation—the excommunication in cases of long apostasy—confirms this view. It was another way, more drastic one, of disintegrating the offender, similarly to punishments for the graver fault.

Apart from these three chapters, in Distinction I there are no others with the appended penalties. The "special" place of these transgressions is, thus, intriguing. To understand such "privileged" status, it seems that we should take into account the broader meaning of observances to which they refer. The apostasy implied the intentional leaving of the profession and the unauthorised leaving of the monastery.[83] It also implied the leaving of the Christ' sheep, meaning not only the destabilization of a community but also the endangerment of the idealised vision of a monastery. As Thomas Füser showed, in the eyes of the *vita religiosa*, the apostate was leaving the earthly paradise (the monastery) and was willingly immersing himself into the Hell of the outer world.[84] The apostasy, thus, embodied the break with the profession, communal instability, and the disruptive communitarian self-image. All the more, it was showing to the outer world (in which the apostate went away) the frailty of a community, thus endangering its perception as the place of greater perfection. For these reasons, the apostasy required not only the special arrangement of penalties, but also the special place in the codification. It was more than disobedience and, thus, it had to be more visibly displayed. The special chapter was symbolising the gravity of fault, and this type of textualization served as a more functional mechanism of preventing such dangerous deviation.

The apostasy also required the special status because it could lead to the excommunication (in case of longer absence). Yet, even though such offender was separated from the community of faithful and denied the participation in communal activities, he was not released from the communal ties.[85] He was cut

[83] On the implications of apostasy in monasticism: MAYALI 1990. p. 121–142; FÜSER 2000. p. 262–270. See also: HOYER 2018. p. 325.

[84] FÜSER 2000. p. 1–6; 260–261.

[85] For the implications of excommunication: HUMBERTUS (Regula) p. 339. For monasticism in general: see [as in the fn 76] FÜSER 2000. p. 155. Instead of ejection, the LC p. 46-47 anticipates the above-mentioned penalties even for the repetitive apostates. In case of the first apostasy the penance would last for one year, while for each new apostasy (up to four times) one year would be added. Besides, those not returning willingly "were not only to be excommunicated, but actively sought and, if caught, thrown into prison." HOYER 2018. p. 326. This all indicates that the Order wanted to keep them in the Order even if that means a few years long penance time or the drastic measure of imprisonment.

off, but not ejected. By doing so, the penalty was targeting the community in a way that it had to realise that even in the apostasy, the profession stays. The punishment was, thus, disciplining the conscience by perpetuating the durable quality of profession ties.

The silence required the special status for it was the fundament of the monastic life.[86] Its observance within the Dominican monastery was instilling the sense into the brethren that their vocation is most profoundly linked to this monastic fundamentality. Despite the emphasis on *vita activa*, the Dominican monastery had to be also a place of more classical contemplation. By insisting on silence, and by attaching the special punitive regulation to offences against it, the Order was affirming a desire for the monastic authenticity.

The penalties for bedding comforts were affirming the image of a monastery as a place following the example of martyrs.[87] Also, the special status of this observance can be understood within the context of the Order's *vita activa*. The friars were mobile,[88] and on their preaching tours the body was exhausted. It required more comfortable arrangement in the hosting facilities. The prohibition to ask for such comfort was a tool of preventing the deviation from the monastic austerity while on the road. The penalisation became a practical tool of disciplining the itinerant friars and a symbolical way of keeping the vision of an austere community.

Authority

The Distinction I emphasises the prior's authority. To remind ourselves, it was the superior that could choose the type of punishment for the lighter offences, it was him who could add the number of psalms or strikes for the grave faults, it was the prior who was overseeing the correction procedure in cases of graver faults (which apply also for the returning apostates) and decide about the number of beatings for more serious offenders.[89] So, the authority of a superior was resting on his freedom to choose the punitive measure, to decide about its quantity, and on directing the offender's reintegration. Besides, most likely it was him that was in charge for executing at least some of the public punishments (the flogging in front of everyone in the chapter hall).[90]

The prior's role in the punitive system is not surprising. The decisions about the gravity of faults were from the monastic beginnings the part of the superior's governing duties.[91] In religious orders of High Middle Ages such arrangement was also commonly applied.[92] The Dominican penalisation system, thus, only confirms the desire not to deviate from the disciplinary

[86] Detailed analysis in: WATHEN 1973; KUNZ 1996. p. 632–682.
[87] On such image: SONNTAG 2008. p. 2, 77, 106, 390–391, 633.
[88] The regulations concerning mobility: LC p. 64-65.
[89] LC p. 43–44, 47. See the previous sub-chapter.
[90] For the confirmation that the public punishments were executed in the chapter hall: LC p. 43.
[91] See e.g. the RB p. 86. On the superiors' authority and the relations with community: CONSTABLE 1982. p 189–210.
[92] See for the Cistercians: ECCLESIASTICA OFFICIA p. 429, and the Premonstratensians: LEFÈVRE – GRAUWEN 1978. p. 21.

conventionality. In that way, the Order was additionally affirming its tendency to stabilize itself by relying on tested and traditional solutions.[93] Yet, the prior's disciplinary authority was not unlimited, or even sovereign. His right of discretion was delineated by the text of the written law. The superior could choose the punishment and he could decide about its quantity, but only in a relation to the codified punitive measures. The text was above the prior, reflecting the power of the author of law, the General Chapter.[94] It was, furthermore, the text that defined the procedure of reintegration and the prior was there to direct the process in accordance with it. Hence, the prior's authority was based on, and was derived from, the law. His power was envisioned as affirming and servicing such law. It would be, however, wrong to conclude that law diminished the prior's authority. The prior remained the pastoral superior, he cared for souls, and was in charge of all convent's affairs.[95] This arrangement, rather, means that discipline rested on the balanced relational system between the two stances. The law was instilling inhibition and setting the punitive interface, while the prior was deciding how this interface will be applied. Having the law before him, it must be again emphasised, it was exactly him that was allowed to decide about the quantity of punishments and direct the resocialization process.[96] In that way, we can say that the authority system included both the supreme authority of law and judicial/executive authority of a superior.

The prior's disciplinary authority, deriving its validity from law, was also resting on the use of dispensations and licenses. In cases of graver faults, out of mercy, the prior could provide some additional food for the offender.[97] Also, he could save the offender from the additional flogging.[98] In other words, for the reason of deep compassion, the prior could dispense the transgressor from some of the penalties, or, better, from something of quantity of punishments. All the more, it was the superior's mandatory duty not to ruin the offender,[99] but to mercifully conduct his reintegration and to get him back into the regular routine. Here we clearly see that the acceptable punishment embodies the prelate's *misericordia*.

The efficient punishment was also the one that controls the sense of time. For the lighter faults, the time was not so the issue, since the reciting of psalms or flogging was done at once, i.e. not throughout the larger sequence of time. For the grave faults, time counted something more, since the fasting period of three days was demanded. But in cases of graver faults, the offender had to undergo the time of penance, in which he had to fast regularly, be degraded and humiliated regularly, be flogged occasionally, and in which he had to

[93] See the chapter *Distinction I*.
[94] LC p. 29. On the Dominican legislative methods: MELVILLE 2018. p. 19–35.
[95] On his office: HUMBERTUS (Instructiones) p. 201–209.
[96] See earlier in this sub-chapter.
[97] LC p. 44.
[98] LC p. 44.
[99] LC p. 44.

become gradually reintegrated into society of Christ.[100] What mattered here is the sense of continuation, of process, of *getting* back into the routine. And also, what mattered here was the non-defined period of time—the period of penance was lasting until the offender becomes converted or until the prior confirms it.[101] Hence, the prior was instilling its disciplinary power now not only by demonstrating its ability to punish, but by showing the capability to interiorise in the offender the anxiety about the end. In this way, the acceptable punishment was the one that removes the sense of control over the course of time from the offender.

And finally—the community. On the conventual level, the common brothers participated in the punitive system in several ways. Firstly, as indicated, they were the present observers, which implies their non-active role. But the fact that they were present mattered. They were there for watching flogging and they were there to observe the degraded and humiliated offender. Their participation was, clearly, important to embed more strongly the sense of guilt into offender and to work as the force preventing the community from misdeeds by showing what happens to transgressors. In other words, the acceptable punishment was the one that strengthens stability (the communal effect) and enlarges the guilt (the effect on individual). The brethren also participated in resocialization as the prior's helpers. In order not to ruin the offender, the superior was obliged to send some of the brothers to him, to show compassion and encourage him to persevere in resocialization.[102] Their role was also manifested in proclaiming others for the faults; they were not entitled to correct the offenders, but to use their own conscience and inform the superior.[103] In that way, the acceptable punishment was including the sense of communal responsibility in maintaining the social order (proclamations), the sense of emotional connectivity to the transgressor (by showing compassion), and generally the communal involvement in resocialization (by helping the prior).

The common responsibility involved also the inspection of prior's actions. The brothers were obliged to oversee the superior, warn him if he failed to behave properly, and report him to the provincial prior, visitator, Provincial or General Chapter.[104] This, however, leads us to a question concerning the punishment in the context of provincial and general order's structure, the question with which I deal in the next chapter.

[100] LC p. 44–45.
[101] LC p. 45.
[102] LC p. 44.
[103] The proclamations and self-accusations were the essential part of the monastic chapter of faults, at which the faults were being established and penalties defined. The practice of the proclamations is confirmed by the LC p. 42–43. On the chapter of faults: FÜSER 2000. p. 69–70. On the Dominican chapter of faults: CALDWELL 2004. p. 114–115.
[104] LC p. 45–46.

Distinction II

In the Distinction II, the penalties from the chapter of more grave faults and the excommunication were anticipated for building the extravagant monasteries, for accepting the possessions or *cura monialium*, or churches with pastoral care (c. I), and for not respecting the election procedure or the election of Master at the General Chapter (c. IV). The excommunication was also anticipated for changing the status of Order in the time of *sedis vacantia* (c. IV). For appealing against the General Chapter's verdict or for influencing the free decision making of representatives in government the penalty was anathema (c. VIII). For revealing the General Chapter's decisions to the outer world and working on division of Order, the penalty was excommunication together with labelling the offender as the *destructor ordinis* and *schismaticus* (c. VIII). For the rebellion against the election of Master such labelling was joined with the excommunication and all the penalties contained in the chapter of graver faults (c. IV).[105]

Again, the very choice of statutes containing the penalties is indicative. It suggests, firstly, that the Dominicans wanted to preserve their mendicant identity orientation; the specially regulated penalisation for non-modest buildings was protecting the Order's poverty, while the ban of receiving possessions aimed at affirming the Dominicans in the absolute poverty, which was the prime identity marker of mendicants.[106] Secondly, by prohibiting the acceptance of pastoral care for nuns and of churches with parochial privileges they intended to preserve the stable relations to Church, i.e. with bishops and other diocesan clergy. Indeed, the Order was oriented towards preaching and it was the clerical order sharing the ecclesial orientation; but it was the order, whose pastoral orientation was something new in the *vita religiosa*. The rejection of *cura animarum* with regard to parochial churches and women was the solution which had a potential not to disturb the diocesan system and keep the Order as its non-competing part.[107] The special penalization was, thus, showing that the Order was not in opposition to the established pastoral system, but was complementing it by preaching, which, as Humbert puts it, was preparing the souls for salvation.[108]

The selected statutes indicate also the Order's desire for ensuring its inner stability. The subject that was protected by these statutes was the General Chapter—its procedures, decisions, and representatives. The General Chapter

[105] LC p. 48, 52–53, 57–59. On the fault of revealing secrets and dividing the Order: HOYER 2018. p. 339–340.

[106] On the mendicant poverty: KEHNEL – MELVILLE 2001. On the Dominican poverty: HINNEBUSCH 1966. p. 145–168. For the Dominican economy: CYGLER 2004. p. 77–117.

[107] For the general relations between the Dominicans and bishops in the early period: SICKERT 1999. p. 295–320. Despite the efforts, there were constantly tensions, especially in the mid-thirteenth century, between the secular clergy and mendicants concerning the pastoral care. See: SCHMIDT 2010. p. 1–17; MELVILLE 2016b. p. 286–289.

[108] HUMBERTUS. p. 32.

was the legislator and highest authority in the Order,[109] and the specially arranged penalization was securing such supreme standing. The penalties were the technology of self-preservation, since they were created by the legislator to protect this same legislator. Besides, it was a technology of protecting the Order's specificities. The Dominican government rested not only on the idea of corporatism, present in religious orders already in the twelfth century,[110] but also on inclusion and equality, the conceptions which were completely new in the *vita religiosa*. Both the provincial priors and the elected representatives of community were allowed to participate in government, and both groups had the same authority.[111] This was the important innovation, because in the earlier religious governance, only the superiors participated.[112] The special penalisation for contesting the operation of Chapter was protecting the fundaments of innovative government, and the Order's constitutional identity.

Yet, the body had to have its head. Hence the special emphasis on the election of Master. The Master is not above the Chapter, but he takes care of the Order in between the Chapter's sessions (throughout the year).[113] He is, after all, the highest prelate and edifier of all souls in the Order.[114] Hence, the special penalising arrangement concerning the election of Master had the two-fold value. On the one hand, it was affirming the Chapter's authority, since this was the stance which elects the Master.[115] On the other, it was confirming the higher value of the Master's office, since it was exactly the offences concerning the Master that were punished the same as offences against the fundamental identity orientation of the Order.

Furthermore, in cases of the offences against the identity orientation and stability the Order, again, preferred the use of the "standardized" penalties. The acceptable punishment was the one that degrades, humiliates, deprives, inflicts pain, and disintegrates. Yet, here the disintegration from regular practises was organically joined with the excommunication or anathema, i.e. with the cutting off from all rites and the communion of brethren and with the damnation of soul. All the more, such cutting off and damnation in case of contradicting the election procedure of master came in force *ipso facto*.[116] The insistence on this

[109] On the General Chapter see the "classical" works: GALBRAITH 1925. p. 85–109; HINNEBUSCH 1966. p. 176–193, esp. p. 179. In recent historiography, on legislative work: MELVILLE 2000. p. 579–604.
[110] For the functioning and general characteristics of the General Chapter in religious orders: CYGLER 2002.
[111] On the Dominican government: MOULIN 1960. p. 50–66; HINNEBUSCH 1966. p. 177–178 (on the composition of Chapter); SHOWALTER 1973. p. 556–574 (on representation); CYGLER 2012. p. 61–78, on the inclusion of elected friars 71–77; MELVILLE 1999b. 441–460 (on the conflicts between the two groups).
[112] This arrangement was first laid down by the Cistercian *Carta Caritatis*. CC p. 278. On the functioning of such General Chapter: CYGLER 2002. p. 41–118.
[113] On his powers: HINNEBUSCH 1966. p. 195–205, on his authority in between the Chapter's sessions 201–202.
[114] See: HUMBERTUS (Instructiones) p. 179, 181.
[115] LC p. 51–53.
[116] LC p. 52.

obviously tended to overwhelm the consciences of brethren. Any transgressor against this Chapter's constitutional set-up had to realise that his soul is endangered and his human integrity devastated immediately. Clearly, this meant not only that the body had to suffer, or that the conscience had to suffer during the time of penance, but also that the soul had to suffer more profoundly when not respecting the Order's constitution.

The suffering was accomplished more fully by adding the new punishment. The offender now had to be labelled as *alienus*, *destructor ordinis*, and *schismaticus*.[117] These attributions were not only the pejorative enlargements of the disintegrated status; they implied the desire of the Order to ensure the negative perception of the offender. The society of Christ had to become fully aware of the gravity of crime and to collectively interiorise the according view of the transgressor. The brethren had to see him as a stranger, as the one disrupting the ideal of communal harmony, emphasised as the essential religious goal by both the *Rule* and the Prologue of the codification.[118] This suffering was also accomplished more intensely and more totally by obliging the brethren to respect the statutes protecting the constitutional set-up and identity specificities *in virtute obedientie* or *in virtute Spiritus sancti et obedientie*.[119] In that way, the brethren were warned that the transgression means not only the disintegration or labelling as devastator, but also the disconnection from the Grace and virtuosity. The offender had to be seen as defying the Divine mercy, and the appropriate punishment was the one that outcasts him from the spiritual rewards.

Furthermore, we should bear in mind that in accordance to the Dominican understanding of law, most statutes analysed here possessed the quality of mandatory precepts.[120] The significance of such understanding becomes understandable when we turn to the Prologue of *Liber constitutionum*, where it was declared that breaking of the Dominican law does not imply sin, but simply transgression, except when it is made out of contempt or when it violates the command.[121] This revolutionary principle of non-culpability, already emphasised by the historians,[122] did not remove the sin from law; rather, it implied the more nuanced view on the relation between the norm and deviation. Unlike earlier orders which automatically connected the breaking of norms and sinning, the Dominicans wanted to relax the conscience by acknowledging not the automatic existence of sin but its presence in cases of the intentional breaking the law or when the deviation opposed the prescribed

117 LC p. 53, 58.
118 RA p. 417; LC p. 29.
119 LC p. 48, 53, 58–59.
120 This relates to the statutes concerning the pastoral care for women, respecting the election of Master, not changing the status of Order, not appealing to the General Chapter's verdicts, not influencing the decisions of representatives, not revealing secrets of Chapter, not working on the division of Order. On these statutes having the quality of "precepts": HUMBERTUS p. 53.
121 LC p. 29.
122 See: CYGLER 2001. p. 387–401. For the earlier studies on the issue here p. 388, note 3.

mandate.[123] In the *Distinctio* I, the transgressions automatically meriting the sin were the incorrigibility and tonsuring women.[124] In all other cases, the intention of the culprit had to be established (undoubtedly by the prior) if he was to be proclaimed a sinner. But, in cases of statutes regarding the constitutional stability or stability with regard to diocesan authority, the transgression was always automatically implying a sin. Evidently, unlike the regular conventual practices, the identity and constitutional innovativeness as well as the ecclesial status, had to be protected more. Hence, the appropriate punishment relating to innovative outlook and stability of the Order, was the one that heavily burdens the soul.

And, who inflicts the penalties on the level of government? As we already saw, in individual convent the prior had the authority to punish in accordance to law. As also indicated, the prior's power was not unlimited, since he was subjected to the inspection by brothers.[125] This inspection, however, did not include the punishing of a prior, only the right to warn him.[126] The warning was acceptable, since it was a sign of a brotherly care, demanded by the *Rule*, but the punishment by brothers would not be felt as "natural" in the type of community whose prime directive is to live in obedience.[127] Yet, the superiors, just like the common friars, were objects of correction. For that purpose, the Order devised the most complex system, which will be in line with the fundamental marker of the Dominican identity, the equal responsibility for the Order. Indeed, the brothers were expected not only to participate in legislation and administration, but also in penalisation and generally in the regulation of discipline. Such collective involvement we see in three spheres. Firstly, both the provincial priors and the commoners had the obligation to visit, reform, and correct the behaviour in monasteries of province—to the former this was the ordinary obligation, while the latter were designated for such duty (at different time than the provincial priors) by the Provincial Chapter.[128] During the visitation of both the provincial superior and the commoners the state of the entire convent was inspected.[129] Secondly, the disciplinary equality was seen at the Provincial Chapter. At this annual assembly, the delegates elected in convents, would select among themselves four diffinitors that would decide upon all the provincial affairs together with the provincial prior, including the penalties for the deviant brothers. In addition, the provincial prior himself was a subject of rectification, and the diffinitors were entitled to correct him.[130] Thirdly, at the General Chapter, for two consecutive years the delegates that

[123] See: CYGLER 1999. p. 405–406; CYGLER 2001. p. 388. On the idea of relaxing the conscience as the background for the non-culpable law: ibid, p. 392. For the latter also: MELVILLE 2020. p. 267.
[124] HUMBERTUS p. 53.
[125] LC p. 45–46. See the sub-chapter "Authority".
[126] LC p. 45–46.
[127] For the brotherly correction in the *Rule*: RA p. 426–427. For professing the obedience: LC p. 41.
[128] See: HUMBERTUS (Instructiones) p. 199, 350–356: LC p. 62–63.
[129] HUMBERTUS (Instructiones) p. 198; LC p. 62. On their duties also: HINNEBUSCH 1966. p. 207, 209–210.
[130] LC p. 56.

were elected as the representatives of community would decide about the administrative, legislative and punitive measures together with the Master. The same was done by the provincial priors and master the third year. Besides, the Master of the Order was confessing his faults before each of the group, and each group had an equal right to punish him.[131]

In historiography, such system was described as the "descending chain of command" and the "ascending line of control",[132] i.e. as a model in which the authority of superiors (from above) and the control by commoners practised at the chapters—was excellently balanced. Within this model, the punishment by the superiors was nothing unusual since they were the prelates responsible for souls and their authority was deeply embedded into tradition.[133] But in the case of punishment by commoners, such overcoming of the pure obedience was a huge constitutional change. It was a way of perpetuating the Dominican understanding of brotherhood and a demarcating line to other communities. Yet, as evident, the punishment inflicted by the commoners was not a kind of disciplinary measure which could be done individually. It was the disciplinary feature that the commoners could practise only through the constitutional bodies (the Provincial and General Chapter or the commoners' visitation mandated by the provincial assembly). In other words, it was the constitutional bodies that validated the power of commoners, thus making them the executors of the non-personal disciplinary entity. This latter right was based not on the argument of tradition or pastoral care but on law. In that way, we can say that the Dominican constitution recognised not only the conventionally validated punishment by superiors but also the innovatively devised and legislatively validated "transpersonal punishment".[134]

Humbert's explanations

Humbert of Romans was a significant figure of the thirteenth century Dominican Order. He was the Order's master from 1254 to 1263, and a fruitful author who wrote important works about the Dominican life.[135] His *Expositio in constitutiones*, which interests us here, was written in the 1250s and 1260s, during his governance of the Order and after the resignation from the office.[136] Unfortunately, Humbert did not finish this work; in fact, he commented only the Prologue and first two chapters of the Distinction I (the second chapter, however, leaving also unfinished). Despite this, his meticulous analysis of each

131 On the functioning of General Chapter: LC p. 57–58.
132 HINNEBUSCH 1966. p. 170. See also: CYGLER 2012. p. 72–73.
133 For conventionality in authority see the sub-chapter "Authority". For understanding the superiors' posts as being the ordinary curating offices in its nature: HUMBERTUS (Instructiones) p. 179.
134 With the term "transpersonal" MELVILLE 2016b. p. 317 denotes the organizational model of religious orders resting on the collegiate government and not on the leadership of the charismatic person or charismatic abbot. Accordingly, I use it to denote a kind of disciplinary authority coming out of collegiately based governing system.
135 On him: TUGWELL 1982. p. 31–35; BRETT 1984.
136 BRETT 1984. p. 197.

commented sentence, makes it possible to see how he was looking at the Dominican law and some practices.[137]

Apart from the already indicated comments on the value of punishment for the cloistered life, Humbert provides some other useful insights into the Dominican punitive system. He deals with the disciplinary measures for not observing the "unity of hearts and mind", which, so the author, implies three things: the keeping of goods in common, observing the religious practices uniformly, and accepting interiorly only what is of God.[138] Humbert, also, explicitly warns that this unity is a command, which means that it binds under the guilt of sin.[139] Indeed, it was the prime precept of the *Rule of Augustine*.[140] He also notes that the disunity of hearts and mind and the lack of uniformity of observances are in close connection to the lack of fraternal charity.[141] In other words, disunity endangers both the cohesion and emotional links in community.

Even though some statutes dealing with disunity were contained in constitutions,[142] the regulation concerning the breaking of unity defined in the above-mentioned way was lacking. For that reason, Humbert suggests the according punishments: the removal from communal practices and deprivation of communication with the offender. Alternatively, the deprivation of voice or the transfer to another community should be imposed. He also opts for the imprisonment or the expulsion in case of "hopeless infection [by such sin]".[143] Clearly, for Humbert, the appropriate punishment for breaking the unity is disintegration. Indeed, he claims that the offender should receive some other "serious remedies"[144] (maybe beatings or fasts) but this is of lesser importance than preventing the transgressor from influencing others in the future by out casting him. To accomplish that, Humbert not only repeats the legal prescriptions for more grave faults but applies the solutions grounded in practise: the transfer to another community and imprisonment.[145] Hence, Humbert is not so interested in quantity of days in penance as in quantity of possible solutions. For him, the disunity which opposes the *Rule* requires the wider range of penalties, that will stand at disposition to superiors.

By emphasising the solutions for breaking the Augustine's idea of fraternity, Humbert was perpetuating the link with the professed *Rule*. This was of the special importance in the mid-thirteenth century, when there was the initiative

137 For the excellent analysis of the legal value of the text: FIEBACK 1996. p. 125–151.
138 HUMBERTUS p. 4.
139 HUMBERTUS p. 3.
140 RA p. 417.
141 HUMBERTUS p. 7–8.
142 As seen, "sowing discord" is the grave fault, while "conspiracy" (the obvious sign of the lack of disunity) is a graver fault. LC p. 43-45.
143 HUMBERTUS p. 3–4.
144 HUMBERTUS p. 4.
145 The transfer to another community was used by the General Chapter as punishment from the mid-thirteenth century. See: LINDE 2018. p. 349–367. The imprisonment was used from 1236 (ACG I. p. 10), and made the formal law for the cases of the *culpa gravissima* in 1276 (ACG I. p. 183; HOYER 2018. p. 328). For the comparison with the inquisitory process: CALDWELL 2004. p 117–118.

within the Order to modify the *Rule* because, as it seemed to some, it did not emulate fittingly the Dominican *propositum vitae*.[146] Humbert opposed such view, and wrote his commentary on the *Rule* to defend its appropriateness.[147] The part in his commentary on constitutions, in which he anticipates the wider range of penalties for those transgressing the Augustine's mandates, also suggests the Humbert's desire to strengthen the Order's attachment to its original monastic orientation.

It seems, furthermore, that the transfer to another community was acceptable to Humbert since it was in line with the general intention of punitive system to resocialize the offender.[148] The transfer fitted such purpose by providing the new environment for socialization and by cutting the links with the community in which he felt comfortable to sin.[149] And while Humbert does not contradict the legal prescription concerning the full expulsion for the repetitive offenders, he nevertheless suggests the imprisonment as the possible penalty. It seems that this confirms the Humbert's idea that the acceptable punishment is also the one that preserves the integrity of the Order's membership and tries to keep the offender in the Order, even if he was recidivist.[150]

Humbert also deals with the relation between the discipline and the Order's main occupations, the preaching and study necessary for preaching. In this, just as in his other works, Humbert considers preaching as more excellent than any other human work; he claims that it is the most efficient salvific work, since it moves the interior man for subjecting to Christ, and that no office is as apostolic and angelic as preaching.[151] To enable the brothers to prepare themselves for this activity, Humbert considers it necessary to adapt the cloistered life to the preachers' needs. He advocates the statement in constitutions which oblige the superiors to dispense more easily from the regular observances those brothers occupied with study and preaching, and suggests the priors to refrain themselves from tasking the preachers with the administrative duties.[152] Accordingly, Humbert believes that the excessively strict correction of preachers is harmful for Order.[153] Instead of the strictly imposed penance, the prelates should support the "inequality of preacher's life", i.e. enable him to live the more relaxed lifestyle than the one regularly observed in the cloister.[154] In other words, the appropriate punishment is the one supporting the positive discrimination of preachers.

The Humbert's text deals with the punishment in the context of using the books. The author claims that every convent must possess the updated book

146 See: BRETT 1984. p. 119–120; CYGLER – MELVILLE 2002. p. 425–426.
147 See: BRETT 1984. p. 120; MÜLLER 1999. p. 354; CYGLER – MELVILLE 2002. p. 437–451.
148 See the chapter *Distinction I*.
149 Similarly: LINDE 2018. p. 350–351.
150 See also the sub-chapter "Penal code: the catalogue".
151 HUMBERTUS p. 31–32. Also: HUMBERTUS (De eruditione) p. 374–380, esp. 374.
152 HUMBERTUS p. 28–31, 33.
153 HUMBERTUS p. 33.
154 HUMBERTUS p. 33.

of constitutions, ordinations of the General and Provincial Chapter, privileges of the Order, and liturgical books, and that brothers are obliged to know their content.[155] For the brothers, however, who do not know or not care for these scriptures, and who do not study them, Humbert suggests the penalty of reciting the psalms and reading the neglected books.[156] Clearly, Humbert does not want to apply harsh penalties; he, rather, approaches the problem more functionally. Instead of burdening the conscience or afflicting the body, he wants to encourage the awareness that the ignorance is also a fault. He wants to show the brethren that to transgress means not only to observe the religious practices badly but also to ignore them,[157] and includes the psalms as a warning before God about the dangers of such negligence. Yet, the conscience must not be overburdened; instead, it has to be functionally directed towards the apprehension of neglected observances by directing the offender towards learning the content that was ignored. In other words, in case of the fault of ignorance, punishment must work "didactically".

Humbert's commentary then considers the use of discretion. Already from the above analysed Humbert's text, we see that the author supports the more rational approach to the penal code. This is clear from his suggestions to broaden the range of penalties with those grounded in practices. This Humbert's view comes out of his general understanding that it is permitted to "impose things not written" if they derive from the approved custom in Order or if the persons of authority see a good reason for that.[158] In other words, the going beyond the written constitution is possible if grounded in the customary law or the discretion of prelates. He adds that the novelty can be also made by the diffinitors, working with superiors at the chapters.[159] Humbert explains that both are entitled to permit something new, but as long as its content does not deviate from the pertinent law.[160] The novelty must be the "supererogation" of the existing law, something that only widens the meaning of the established prescriptions. And, as long as the permission of authorities emulates the existing sense of law, so Humbert, it is, in fact, not any addition.[161] When such view is applied to the penal code, we can conclude that the novel punishment or novel combination of punishments is allowed, but when it is grounded in the reason or custom, and when it keeps the "spirit of laws".

Finally, Humbert paid the attention to the Dominican ideas of culpability, i.e. of the principle that their law does not bind under the guilt of sin.[162] He is a strong advocate of the non-culpable law, and defends this principle before the friars that were criticising it. Humbert implies that some Dominicans thought

[155] HUMBERTUS p. 9.
[156] HUMBERTUS p. 9.
[157] See: HUMBERTUS p. 9.
[158] HUMBERTUS p. 11.
[159] HUMBERTUS p. 11.
[160] HUMBERTUS p. 11.
[161] HUMBERTUS p. 11.
[162] LC p. 29. See the chapter *Distinction II*. On the general meaning of such principle for the early Order: CYGLER 2001. p. 387–401.

that the absence of sin from the transgression could cause the loosened discipline, and that the non-culpable law is not just, for no religious should be punished if he is not guilty as a sinner.[163] Humbert here offers an intelligent scholastic solution. He claims that those brothers which would use the non-culpable nature of law to observe the discipline less zealously, would automatically fall into the fault of contempt.[164] In other words, it is not the presence of sin in law that is crucial for strictness, but the free will of individual to remain disciplined[165] and the fear of becoming a *contemptor*. Furthermore, Humbert claims that the implementation of culpable law would lead to the enormous increase of sin in the community, i.e. to the non-logical situation in which the brothers that transgressed by the simple negligence would become sinners.[166] In other words, Humbert brilliantly implies that the minor negligence—which would require the punishment for sinning if breaking the law would equal sin—would not be in line with the principle that punishment must fit the crime.

Apart from this, Humbert gives several other reasons for not accepting the culpable nature of law. He emphasises more theological reason: the non-culpable law fits better the human condition and it is often more acceptable to God when someone serves him with no moral burden; he indicates the pragmatic reason: if the culpability would be appropriated it would be impossible to guard oneself before sin and many would not enter the Order; the constitutional reason: the friars would stop writing the laws, even the useful ones, because they would want to reduce the chances to sin; the psychological reason: the conscience of many would be disturbed. From all these reasons, Humbert concludes lapidary that culpability of law does not bring good to the Order; rather, it is evil.[167] And, the acceptable punishment must not be connected to evil, must not result with lesser novices, must not refrain from writing laws, and must not overwhelm the consciences.

Conclusion

The inspection of the Dominican penal code has shown not only the variety of punitive measures that could be used by the holders of authority in cases of deviance, but also the different functions of punishment within the Order's communal life. When creating the penal code, the Dominicans utilized much of the Premonstratensian solutions. This pragmatic move enabled the new Order to start operating more easily. It also helped the Dominicans to prove their

[163] HUMBERTUS p. 47.
[164] HUMBERTUS p. 47.
[165] On the importance of free will for accepting the non-culpable law: CYGLER 1999. p. 407. Also: CYGLER 2001. p. 394.
[166] HUMBERTUS p. 47–48.
[167] HUMBERTUS p. 48–49. In CYGLER 1999. p. 409; CYGLER 2001. p. 398–401 the author emphasises that Humbert's affirmative view on the non-culpable law was connected to his understanding that it contributes to the bigger functionality to the Order.

commitment to a legitimate monastic heritage, required by the Papacy, and to anchor their identity within the desired Augustinian tradition.

The Order based its penal code on the gradation and differentiation of punishment in accordance to the quality of crime. The purpose was to formulate the sense of a just community, built upon the idea that punishment must fit the crime. Besides, they promoted the double-natured penalty, affecting the community as both the preventive and reactive force. The gradation was best seen in the catalogue of the Distinction I. Here, the majority of offences, primarily relating to liturgy and daily life, were regarded as minor faults. The appropriate penalties were those enabling the re-edification and spiritual reconnection with the Divine. This was accomplished by utilizing the recitation of psalms. The main target was, thus, the friar's conscience. And while for the minor faults the corporal punishment could be enforced, for grave faults (primarily caused by the speech) such measure was absolutely necessary. The body now had to suffer, feel deprivation, and become the symbol of differentiation. This, however, did not stand alone, but was, again, adjoined to reciting of psalms, which was affecting the conscience. The quantification was the most important principle; the community had to realise that in case of deviation, the pain and deprivation, and the spiritual reconnection will be applied in greater measure, thus increasing both the pressure on conscience and the fear of pain and deprivation. The graver faults related to offences against the religious fundaments. Again, it was both the inner and external man that were the targets. Now, however, it was most important to instil the sense of differentiation and disintegration from community and to remove him from regular practices. The offender had to realise that, while being in the community, he is excluded from the privileged status of greater perfection. This disintegration was accomplished by making him feel humiliated, degraded, outcasted, deprived of communal and priestly duties, or from voice. The body had to be punished accordingly, and, apart from flogging it more, it had to be displayed as a degraded and humiliated material form of a ruined conscience. The body had to reflect and assure the profound feeling of guilt, the sense of lowliness and the feeling that no sin can escape the corporate knowledge.

Hence, the catalogue was insisting on gradation of punishment, working first as the edifying force in cases of minor transgressions, as the force adjoining more pain to a more burdened conscience in case of grave faults, and as disintegrative force in cases of more grave faults. Yet, the disintegration was not the force of exclusion. It understood the time of penance in which the offender gets back into the regular practices. The appropriate punishment was, again, the one that re-converts the offender and keeps the integrity of its membership. The full expulsion was anticipated only for the incorrigibility, since this was understood as the bad human state, the one that can infect others. However, even in this case, the Dominicans favoured the alternative penalization. The stability and integrity of a community mattered the most, despite the "disease" that cannot be cured. The appropriateness of such view

rested upon the idea that the profession is eternal and the religious community must serve its primary duty of joining the brethren and not breaking the professed unity.

Outside the catalogue, the penalties are contained in statutes concerning the apostasy, bedding and silence. Here, the Order used similar penalties but combined them differently. This shows that the Order favoured the standardization of punitive solutions and the feeling of their systematic application. The greatest novelty was the excommunication in cases of long-term apostasy. The special regulation concerning the apostasy, and the gravity of such penalty (having serious consequences on the salvation), clearly shows a desire to use the penalty for protecting the exalted value of the professed life. In cases of breaking the silence and bedding arrangements, the function of the punishments was to preserve the link with the fundaments of monastic life in general, and to affirm the community's sense of authentic austerity.

The Distinction I of the *Liber constitutionum* anticipated the conventional, vertically based authority system. The prior was in charge of deciding about the application of punitive measures and was conducting the process of re-conversion. This was additionally embedding the Order into the monastic tradition. The prior's authority was strengthened by empowering him with the control of disciplinary time. However, the prior's role was not monarchical; the main authority rested in law. The appropriate punishment was the one inscribed and validated by the law and executed by the prior. The appropriate prior's disciplinary authority was also the one which does not ruin but cares for the offender—the prior's obligation was to punish but also to help the deviant to recovery. For that reason, the law provided him the right to use dispensations and gave him the possibility to apply mercy. Such arrangement was there not only to provoke charity; it was the additional disciplinary technology. If the offender wanted to earn the dispensation from fasting penance or to be dispensed from the additional flogging, he had to show himself tamed and re-converted. The community participated in the system by proclaiming the delinquent, by helping the prior in the process of re-conversion (by admonishing or comforting the offender), or by increasing the notion of guilt by observing the degradation or by being present during ritualistic disciplinary acts.

The function of penalties textualized in the Distinction II was to preserve the internal stability, the stability in the relation to diocesan clergy, and the Order's identity and constitutional specificities (mendicant poverty and proto-democratic constitution). To accomplish that, the Order used not only the punishments prescribed for more grave faults but also those burdening the soul more profoundly. It was not only the body and conscience that was targeted, and it was not only the sense of disintegration, but also the sense of being cursed and detached from the society and from the salvific effects of the religious community, that had to be interiorised. Besides, the punitive technology was working as the force creating the bad image, since the offender was now negatively perceived and declared as the schismatic and destructor.

This technology was instilling the feeling in the offender that he is breaking the ties with Holy Spirit and obedience, thus making himself cut off from the Divine grace and chances to advance in virtuosity. Finally, such technology was making the offender the sinner *ipso facto*. While vast majority of faults were declared as non-culpable category, the crimes against stability and Order's specificities were always a sin.

The Distinction II shows also that, unlike on the conventual level, in government, the common brothers participated in control over the Order together with the superiors. This arrangement was supporting the dual-typed disciplinary system in which there existed both the punishment practised by superiors and "transpersonal punishment" (practised by the commoners).

A highly valuable insights into the punitive system were provided by Humbert of Romans. He deals with the braking of unity, which he considers extremely serious fault because it endangers the appropriate observance of *Rule*. His major concern is the preservation of the Order's link with the *Rule*, and punitive measures should also serve that goal. Humbert is also interested in preventing the offender from repeating the crime. Hence, he advocates not only the application of punishments contained in constitutions, but also opts for the penalties based in customs. For him, the appropriate penal code is flexible, giving enough opportunity to punish. However, even though he suggests the removal, ban of communication with the offender or imprisonment he is strongly attached to the idea that punishment must preserve the integrity of membership and primarily resocialize the offender.

The custom, together with the good reason, is the most important basis for adding some new punishments. Humbert opts for the disciplinary system which is rational, reasonable and practical, and for the use of authority which could indeed "supererogate the law" but only while it keeps the "spirit" of this same law.

Humbert wants to make the brethren aware that negligence is also the fault. But, here, the penalty should be didactic, and make the offender learn the content he neglected. Furthermore, he strongly supports the idea of inequality of preacher's life, suggesting the superiors not to burden the preachers with the excessive duties or cloistered discipline. Hence, the essential element of the penal code is punishment supporting the positive discrimination of preachers. Finally, Humbert defends strongly the principle of non-culpability, and claims that it is the will to be disciplined that must serve as the primary disciplinary force, and not the fear of culpable guilt. In that way, he promotes the punishment's more rational and human-based character.

Indeed, we can conclude that for the Dominicans, the punishment was acceptable when formulated as a multifunctional disciplinary tool. Its viability was not evolving from the orientation towards a single goal but from the variety of aims that it was serving. The acceptable punishment was the one effecting the individual conscience, body and soul, the community's integrity and Order's stability, it was also the one that maintains the fundamental conceptions of the Order's religious life (the pastoral orientation and

attachment to the *Rule*), and, finally, it was the one enabling the regular reconnection with God by insisting on the recitation of psalms, those "most spiritual texts" that move the transgressor most deeply and most emotionally.

BIBLIOGRAPHY

Sources

ACG I	*Acta capitulorum generalium Ordinis Praedicatorum vol. I.* Ed. REICHERT, Benedictus Maria. Romae – Stuttgardiae. 1898. (*Monumenta Ordinis fratrum praedicatorum historica*, III.)
BERNARDUS	Bernard of Clairvaux: On precept and dispensation. In: *The Works of Bernard of Clairvaux*. Vol. I. Shannon. 1970. p. 103–150.
CC	Carta Caritatis Prior. In: *Narrative and legislative texts from early Cîteaux (a Latin text in a dual edition with the English translation and notes)*. Ed. WADDELL, Chrysogonus. Cîteaux. 1999. p. 274–282.
CONSTITUTIONES CONCILII QUARTI LATERANENSIS	*Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*. Ed. GARCÍA Y GARCÍA, Antonius. Città del Vaticano. 1991.
ECCLESIASTICA OFFICIA	*Ecclesiastica officia – Gebräuchebuch der Zisterzienser aus dem 12. Jahrhundert*. Hrsg. HERZOG, Hermann M. – MÜLLER, Johannes. Langwaden. 2003.
GOFFREDUS	Gottofredo da Trani (Goffredus Tranensis): *Summa super titulis decretalium*. Lyon. 1519 (1968).
HUMBERTUS	Expositio in constitutionum. In: *B. Humberti de Romanis opera de vita regulari.* Vol. II. Ed. BERTHIER, Joachim-Joseph. Roma. 1889. p. 1–178.
HUMBERTUS (De eruditione)	De Eruditione Praedicatorum. In: *B. Humberti de Romanis opera de vita regulari.* Vol. II. Ed. BERTHIER, Joachim-Joseph. Roma. 1889. p. 373–484.
HUMBERTUS (Instructiones)	Instructiones de Officiis Ordinis. In: *B. Humberti de Romanis opera de vita regulari.* Vol. II. Ed. BERTHIER, Joachim-Joseph. Roma. 1889. p. 179–371.
HUMBERTUS (Regula)	Expositio Regulae Beati Augustini. In: *B. Humberti de Romanis opera de vita regulari.* Vol. I. Ed. BERTHIER, Joachim-Joseph. Turin. 1956. p. 43–633.
LC	Les constitutions des frères prêcheurs dans la redaction de s. Raymond de Peñafort (1241). Ed. CREYTENS, Raymond. *Archivum Fratrum Praedicatorum* 18 (1948), p. 29–68.
LEFÈVRE – GRAUWEN 1978	*Les statuts de Prémontré au milieu du XII^e siècle*. Eds. LEFÈVRE, Placid – GRAUWEN, Wilfrid. Averbode. 1978.
LIBELLUS	Libellus de principiis Ordinis Praedicatorum. In: *Monumenta Ordinis fratrum praedicatorum historica*. Vol. XVI: Monumenta historica s. P. N. Dominici (fasc. II). Ed. SCHEEBEN, Heribert Christian. Roma. 1935. p. 25–88.
MARTENE 1737	Primaria instituta canonicorum Praemonstratensium. In: *De antiquis ecclesiae ritibus*. T. III. Ed. MARTENE, Edmund. Antwerp. 1737. sp. 893–926.
RA	*La Règle de Saint Augustin*. I. Tradition manuscrite. Ed. VERHEIJEN, Luc. Paris. 1967. p. 417–437.
RB	*Benedicti Regula*. Ed. HANSLIK, Rudolphus. Wien. 1977.

THOMAS 1965 — *De oudste constituties van de dominicanen*. Ed. THOMAS, Antoninus Hendrik. Leuven. 1965. p. 311–369.

STATUTA — *Twelfth-Century Statutes from the Cistercian General Chapter – Latin Text with English Notes and Commentary*. Ed. WADDELL, Chrysogonus. Cîteaux. 2002.

VAN WAEFELGHEM 1913 — *Les Premiers Statuts de l'Ordre de Prémontré*. Ed. VAN WAEFELGHEM, Raphaël (Extrait des *Analectes de l'Ordre de Prémontré*. T. IX). Louvain. 1913.

Secondary literature

BREITENSTEIN 2016 — BREITENSTEIN, Mirko: Das 'Haus des Gewissens'. Zur Konstruktion und Bedeutung innerer Räume im Religiosentum des hohen Mittelalters. In: *Geist und Gestalt. Monastische Raumkonzepte als Ausdrucksformen religiöser Leitideen im Mittelalter*. Hrsg. SONNTAG, Jörg et al. Münster. 2016. p. 19–55.

BRETT 1984 — BRETT, Edward Tracy: *Humbert of Romans. His Life and Views of Thirteenth-Century Society*. Toronto. 1984.

CALDWELL 2004 — CALDWELL, Christine E.: Discipline, inquisition, and the mentality of the inquisitor. In: *Strategies of Medieval Communal Identity. Judaism, Christianity and Islam*. Eds. VAN BEKKUM, Wout J. – COBB, Paul M. Leuven. 2004. p. 109–134.

CONSTABLE 1982 — CONSTABLE, Giles: The Authority of Superiors in Religious Communities. In: *La notion d'autorité au Moyen Âge: Islam, Bycance, Occident*. Eds. MAKDISI, George et al. Paris. 1982. p. 189–210.

CYGLER 1999 — CYGLER, Florent: Une nouvelle conception de la culpabilité chez les réguliers: Humbert de Romans, les Dominicains et le 'principe de la loi purement pénale' au XIII^e siècle. In: *La culpabilité. Actes des XX^e Journées d'Histoire du Droit*. Eds. HOAREAU, Jacqueline – TEXIER, Pascal. Limoges. 2001. p. 387-401.

CYGLER 2002 — CYGLER Florent: *Das Generalkapitel im hohen Mittelalter. Cisterzienser, Prämonstratenser, Kartäuser und Cluniazenser.* Münster – Hamburg – London. 2002.

CYGLER 2004 — CYGLER, Florent: L'économie des frères prêcheurs dans la legislation de l'ordre (XIIIe-début XIVe siècle. In*: L'economia dei conventi dei Frati Minori e Predicatori fino alla metà del Trecento*. Ed. MENESTO, Enrico. Spoleto. 2004. p. 77–117.

CYGLER – MELVILLE 2002 — CYGLER, Florent – MELVILLE, Gert: Augustinusregel und dominikanische Konstitutionen aus der Sicht Humbert de Romanis. In: *Regula Sancti Augustini. Normative Grundlage differenter Verbände im Mittelalter*. Eds. MELVILLE, Gert – MÜLLER, Anne. Paring. 2002.

CYGLER 2012 — CYGLER, Florent: *Nos ergo, qui et sub unius magistri obedientia et sub unius capituli regimine sumus*, [...]. Personnes d'autorité et autorité dans l'ordre des frères prêcheurs au Moyen Âge. In: *Les personnes d'autorité en milieu régulier: des origines de la vie régulière au XVIII^e siècle*. Eds. COTTIER, Jean-François et al. Saint-Étienne. 2012. p. 61–78.

CYGLER 2014 — CYGLER, Florent: Le rayonnement des constitutions dominicaines au XIIIe siècle: quelques brèves observations. In: *Rules and Observance. Devising Forms of Communal Life*. Eds. BREITENSTEIN, Mirko et al. Berlin. 2014. pp 239–250.

DALARUN 2007 — DALARUN, Jacques: *Francis of Assisi and Power*. New York. 2007.

DAVIS 1983 — DAVIS, Michael: How to Make the Punishment Fit the Crime. *Ethics* 93 (1983:4), p. 726–752.

DIMIER 1972 — DIMIER, Anselme: Violences, rixes et homicides chez les cisterciens. *Revue des sciences religieuses* 46 (1972:1), p. 38–57.

EDER – MANUWALD – SCHMIDT 2021	*Vita perfecta? Zum Umgang mit divergierenden Ansprüchen an religiöse Lebensformen der Vormoderne*. Hrsg. EDER, Daniel – MANUWALD, Henrike – SCHMIDT, Christian. Tübingen. 2021.
FIEBACK 1996	FIEBACK, Andreas: Necessitas non est legi subiecta, maxime positivae. Über den Zusammenhang von Rechtswandel und Schriftgebrauch bei Humbert de Romanis O.P. In: *De ordine vitae. Zu Normvorstellungen, Organisationsformen und Schriftgebrauch im mittelalterlichen Ordenswesen*. Ed. MELVILLE, Gert. Münster. 1996. p. 125–151.
FOUCAULT 1977	FOUCAULT, Michel: *Discipline and Punish. The Birth of a Prison*. New York: Pantheon Books, 1977.
FRASE et al. 2020	FRASE, Richard S. – MOMSEN, Carsten – O'MALLEY, Tom – WAHINGTON, Sarah Lisa: Proportionality of Punishment in Common Jurisdictions and in Germany. In*: Core Concepts in Criminal Law and Criminal Justice*. Vol. I. Eds. AMBOS, Kai et al.. Cambridge. 2020. p. 213–260.
FÜSER 2000	FÜSER, Thomas: *Mönche im Konflikt. Zum Spannungsfeld von Norm, Devianz und Sanktion bei der Cisterziensern und Cluniazensern (12. bis frühes 14. Jahrhundert)*. Münster. 2000.
GALBRAITH 1925	GALBRAITH, Georgina R.: *The Constitution of the Dominican Order 1216 to 1360*. Manchester. 1925.
HINNEBUSCH 1966	HINNEBUSCH, William: *The History of the Dominican Order*. Vol. I. New York. 1966.
HOYER 2018	HOYER, Wolfram: *Volumus ut carceres fiant*: Medieval Dominican Legislation on Detention and Imprisonment. In: *Making and Breaking the Rules. Discussion, Implementation, and Consequences of Dominican Legislation*. Ed. LINDE, Cornelia. Oxford. 2018. p. 323–347.
JERKOVIĆ 2025	JERKOVIĆ, Marko: Virtuosity instead of Humanitas. The Dominican Textualization of the Jordan of Saxony's Legendary Acts. In: *Humanitas consolatur*. Eds. KREŠIĆ NACEVSKI, Lucija – SARAKINSKI, Vojislav. Skopje. 2025. p. 103–134.
JOHNSON 2006	JOHNSON, Timothy: "Ground to Dust for the Purity of the Order". Pastoral Power, Punishment, and Minorite Identity in the Narbonne Enclosure. *Franciscan Studies* 64 (2006), p. 293–318.
KEHNEL – MELVILLE 2001	In proposito paupertatis. *Studien zum Armutsverständnis bei den mittelalterlichen Bettelorden*. Hrsg. KEHNEL, Anette – MELVILLE, Gert. Berlin. 2001.
KUNZ 1996	KUNZ, Claudia Edith: *Schweigen und Geist. Biblische und patristische Studien zu einer Spiritualität des Schweigens*. Freiburg – Basel – Wien. 1996.
LINDE 2018	LINDE, Cornelia: Disciplinary Deportations: Forced Resettlement as a Means of Control and Correction. In: *Making and Breaking the Rules. Discussion, Implementation, and Consequences of Dominican Legislation*. Ed. LINDE, Cornelia. Oxford. 2018. p. 349–367.
MAYALI 1990	MAYALI, Laurent: Du vagabondage à l'apostasie. Le moine fugitif dans la société médiévale. In: *Religiöse Devianz. Untersuchungen zu sozialen, rechtlichen und theologischen Reaktionen auf religiöse Abweichung im westlichen und östlichen Mittelalter*. Hrsg. SIMON, Dieter. Frankfurt am Main. 1990. p. 121–142.
MELVILLE 1996	MELVILLE, Gert: Der Mönch als Rebell gegen gesatzte Ordnung und religiöse Tugend. Beobachtungen zu Quellen des 12. und 13. Jahrhunderts. In: *De ordine vitae. Zu Normvorstellungen, Organisationsformen und Schriftgebrauch im mittelalterlichen Ordenswesen*. Hrsg. MELVILLE, Gert. Münster. 1996. p. 153–186.
MELVILLE 1999a	MELVILLE, Gert: Duo novae conversationis ordines. Zur Wahrnehmung der frühen Mendikanten vor dem Problem institutioneller Neuartigkeit im mittelalterlichen Religiosentum. In: *Die Bettelorden im Aufbau. Beiträge zu Institutionalisierungsprozessen im*

mittelalterlichen Religiosentum. Hrsg. MELVILLE, Gert – OBERSTE, Jörg. Münster. 1999. p. 1–23.

MELVILLE 1999b — MELVILLE, Gert: Fiat secretum scrutinium. Zu einem Konflikt zwischen praelati und subditi bei den Dominikanern des 13. Jahrhunderts. In: *Vita religiosa im Mittelalter. Festschrift für Kaspar Elm*. Hrsg. FELTEN, Franz J. – JASPERT, Nikolas. Berlin. 1999. p. 441–460.

MELVILLE 2000 — MELVILLE, Gert: Die Rechtsordnung der Dominikaner in der Spanne von constituciones und admoniciones. Ein Beitrag zum Vergleich mittelalterlicher Ordensverfassungen. In: *Grundlagen des Rechts. Festschrift für Peter Landau zum 65. Geburtstag*. Hrsg. HELMHOLZ, Richard et al.. Paderborn. 2000. p. 579–604.

MELVILLE 2001 — MELVILLE, Gert: Zum Recht der Religiosen im 'Liber Extra'. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 87 (2001), p. 165–190.

MELVILLE 2010 — MELVILLE, Gert: System Rationality and the Dominican Success in the Middle Ages. In: *Franciscan Organisation in the Mendicant Context. Formal and informal structures of the friars' lives and ministry in the Middle Ages*. Eds. ROBSON, Michael – RÖHRKASTEN, Jens. Berlin. 2010. p. 377–388.

MELVILLE 2016a — MELVILLE, Gert: Die Innovationskraft des Dominikanerordens im Mittelalter. In: *Mehr als Schwarz und Weiß 800 Jahre Dominikanerorden*. Hrsg. FÜLLENBACH, Elias H. Regensburg. 2016. p. 29–43.

MELVILLE 2016b — MELVILLE, Gert: *The World of Medieval Monasticism – Its History and Forms of Life*. Collegeville, MI. 2016.

MELVILLE 2018 — MELVILLE, Gert: The Fixed and the Fluid: Observations on the Rational Bases of Dominican Constitution and Organization in the Middle Ages. In: *Making and Breaking the Rules. Discussion, Implementation, and Consequences of Dominican Legislation*. Ed.: LINDE, Cornelia. Oxford. 2018. p. 19-35.

MELVILLE 2020 — MELVILLE, Gert: The Dominican Constitutions. In: *A Companion to Medieval Rules and Customaries*. Ed. PANSTERS, Krijn. Leiden – Boston. 2020. p. 253–281.

MELVILLE – MÜLLER 2002 — *Regula Sancti Augustini. Normative Grundlage differenter Verbände im Mittelalter*. Hrsg. MELVILLE, Gert – MÜLLER, Anne. Paring. 2002.

MOULIN 1960 — MOULIN, Léo: Le pluricameralisme dans l'Ordre des Frères Prêcheurs, *Res publica* 2 (1960:1), p. 50–66.

MÜLLER 1999 — MÜLLER, Anne: Die dominikanische Mission *inter infideles et scismaticos*. Koncepte, Leitbilder und Impulse bei Humbert de Romanis. In: *Die Bettelorden im Aufbau. Beiträge zu Institutionalisierungsprozessen im mittelalterlichen Religiosentum*. Hrsg. MELVILLE, Gert – OBERSTE, Jörg. Münster – Hamburg – London. 1999. p. 321–382.

OBERSTE 1996 — OBERSTE, Jörg: *Visitation und Ordensorganisation. Formen sozialer Normierung, Kontrolle und Kommunikation bei Cisterziensern, Prämonstratensern und Cluniazensern (12.-frühes 14. Jahrhundert)*. Münster. 1996.

RÖSLER 2020 — RÖSLER, Katrin: *Einheit ohne Gleichheit: Aspekte der Konstruktion prämonstratensischer Identität im 12. und 13. Jahrhundert*. Münster. 2020.

SAYERS 1990 — SAYERS, Jane: Violence in the Medieval Cloister. *The Journal of Ecclesiastical History* 41 (1990), 533–542.

SHOWALTER 1973 — SHOWALTER, Dennis E.: The Business of Salvation: Authority and Representation in the Thirteenth Century Dominican Order. *Catholic Historical Review* 58 (1973:4), p. 556–574.

SCHMIDT 2010	SCHMIDT, Hans-Joachim: Establishing an Alternative Territorial Pattern: The Provinces of the Mendicant Orders. In: *Franciscan Organisation in the Mendicant Context. Formal and informal structures of the friars' lives and ministry in the Middle Ages*. Eds. ROBSON, Michael – RÖHRKASTEN, Jens. Berlin 2010. p. 1–17.
SICKERT 1999	SICKERT, Ramona: Dominikaner und Episkopat. Zur Etablierung des Predigerordens in südfranzösischen Bischofsstädten (1215-1235). In: *Die Bettelorden im Aufbau. Beiträge zu Institutionalisierungsprozessen im mittelalterlichen Religiosentum*. Hrsg. MELVILLE, Gert – OBERSTE, Jörg. Münster – Hamburg – London. 1999. p. 295–319.
SONNTAG 2008	SONNTAG, Jörg: *Klosterleben im Spiegel des Zeichenhaften. Symbolisches Denken und Handeln hochmittelalterlicher Mönche zwischen Dauer und Wandel, Regel und Gewonheit*. Münster. 2008.
TUGWELL 1982	TUGWELL, Simon: *Early Dominicans. Selected Writings*. Mahwah, New Jersey. 1982.
TUGWELL 2001	TUGWELL, Simon: The evolution of Dominican structures of goernment. III: The early development of the second distinction of the Constitutions. *Archivum fratrum praedicatorum* 71 (2001), p. 5–182.
VAN GEEST 2020	VAN GEEST, Paul: The Rule of Saint Augustine. In: *A Companion to Medieval Rules and Customaries*. Ed. PANSTERS, Krijn. Leiden – Boston. 2020. p. 127-154.
VICAIRE 1966	VICAIRE, Marie-Humbert: Les deux traditions apostoliques ou l'Evangelisme de saint Dominique. *Cahiers de Fanjeaux* 1 (1966), p 704–103.
WATHEN 1973	WATHEN, Ambrose: *Silence. The Meaning of Silence in the Rule of St Benedict*. Washington. 1973.
WESJOHANN 2012	WESJOHANN, Achim: *Mendikantische Gründungserzählungen im 13. und 14. Jahrhundert. Mythen als Element institutioneller Eigengeschichtsschreibung der mittelalterlichen Franziskaner, Dominikaner und Augustiner-Eremiten*. Berlin. 2012.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 45–62.

DOI: 10.15170/SPMNNV.2025.14.02

Daniel Patafta, PhD
d.patafta@yahoo.com
University of Zagreb
Catholic Faculty of Theology,
Vlaška 38
10000 Zagreb
Croatia

Daniel PATAFTA

The Establishment of Franciscan Observant Custodians and Relations with the Provincial Administrations and the General of the Order until 1517

The history of the Franciscan Observance in the late Middle Ages is a story of renewal, conflict, and eventual institutional recognition. From the late fourteenth century onwards, reform-minded friars began to organize communities that sought a stricter adherence to the Rule of St Francis, especially regarding poverty and communal life. These reform groups, which gradually became known as the Observants, developed distinctive organizational structures within the broader framework of the Franciscan Order. Central to their growth was the establishment of *Custodiae*—juridical units grouping together Observant convents—whose relationship with the provincial ministers and the minister general remained contested until the definitive settlement of 1517.

Keywords: Franciscan Observants, Franciscan Reform, Custodies, Vicars, Minister General Conventuals, Late Medieval Church

The Origins of the Observant Reform

The fourteenth century was an eventful one in the history of the Franciscan Order, as the facts thus far recorded clearly demonstrate. By the year 1400, the Order of Friars Minor had grown to remarkable proportions: it comprised 34 provinces, 7 vicariates, 226 custodies, 1,499 convents,[1] and approximately 40 000 members.[2] It had accomplished great good through its missionary activity both at home and abroad; its superiors were frequently elevated to episcopal and cardinalities;[3] its friars often lived lives that earned the highest praise from the popes; and individual members were continually being added to the canon of saints.

Yet one cannot be blind to the defects and shortcomings that afflicted the Order as a whole. The events of the preceding century clearly reveal that there was much unrest: the Order was passing through a painful and critical stage of

[1] AM IX 1933. p. 160–180, 324–334.
[2] Exact figures concerning the number of friars is lacking. See: HOLZAPFEL 2010. p. 170.
[3] See: Eubel 1913. p. 123–189; BF IV 1949. p. 135–144.

its existence. At times, it groaned beneath its burdens; in fact, at one moment it seemed to have reached a fatal crisis that threatened its very survival. Such a state of affairs had its sufficient causes, which can be easily understood. One of the principal reasons for the decline of discipline within the Order was precisely the same issue that aimed at its idealistic reform. The flagrant violations of the queen of all virtues—charity/poverty—in private and public disputes and writings; the false accusations and scandalous detractions exchanged among brethren of the same community during the conflicts with the recalcitrant *Spirituals*; the baneful influence of the controversies with the *Fraticelli*—which affected the Church, the state, and the Order alike, and which under Pope John XXII almost led to the suppression of the Friars Minor— all these factors cannot be overestimated. It can hardly be expected that, while the General of the Order himself is in open conflict with the pope, his own subjects will retain much respect for authority. Religious obedience and discipline will inevitably suffer under such circumstances.

Then came the disastrous epidemic known as the *Black Plague* or *Black Death* (1347–1350), which decimated cities and depopulated convents. According to the *Chronicle of the Twenty-Four Generals*, the Order lost two–thirds of its members.[4] To this calamity must be added the general decline of discipline and morals in the Church at large, a condition that continued into the fifteenth century and gave rise, at the Councils of Constance and Basel–Ferrara–Florence, to the demand for a *Reformatio in capite et in membris / Reform in head and in members*.[5] During the period of the Great Western Schism (1378–1417), the members of the Order were compelled to adhere to different popes, generals, and provincials. Their allegiance often shifted according to geographical location, political pressures, promises, or material advantages. In order to counteract this confusion, superiors themselves made various concessions—measures which, though well—intentioned, naturally had a most harmful effect on common discipline. No wonder, then, that Pope Gregory XI, a great friend of the Order, complained of the many *dissensiones et scandala* in his letter to the friars assembled in the general chapter at Toulouse in 1373.[6]

Yet despite these problems, it would be wrong to conclude that at the end of the fourteenth century the Order had sunk into such a deep declivity of laxism as to form the sole or even the predominant cause of the reform of Fr. Paulo a Trinci. The main source of discord lay not so much in the lack of religious discipline—which, under papal and internal vigilance, soon revived after harmful effects had ceased—as rather in the old, and yet ever new, question of the interpretation of the vow of poverty and the ideas of St Francis concerning it. The Order had just emerged from the almost tragic theoretical disputations with John XXII (1316–1334) and the political—disciplinary conflicts with the Fraticelli. The excessive stand taken by one general of the

[4] See: Chron. XXIV Gen., p. 181–196.
[5] See: Mon. Ord. Min. 1506. p. 123.
[6] See: PALOMÈS 1901. p. 273; DUNCAN 1978. p. 162.

Order, Michael of Cesena, had its reaction in the broader and laxer interpretation given by one of his successors, Eudes (1329–1342). John of Valle, in 1334, influenced by Angelo of Clareno, tried to oppose the papal interpretations of the vow of poverty through his own poor and austere life at Brugliano. Pope Clement VI (1342–1352), however, fearing a recurrence of the Spiritualist strife, caused this effort to fail. Gentilis of Spoleto, a companion of John of Valle, renewed the latter's idealistic intentions in 1350. However, he imprudently admitted men whom the institutional Church branded as apostates and heretics into his community, which compelled the chapter of Assisi in 1354 and Pope Innocent VI (1352–1362) in 1355 to intervene. Once again, the effort came to nothing.[7] A third attempt to observe *ad litteram* the *Rule of St Francis* concerning poverty was undertaken by Fr. Paolo a Trinci, who sought to realize the ideal of poverty lived by the Seraphic Founder, yet under the legitimate direction of the ministers general and provincial. In doing so, he stood in deliberate contrast to the excessive doctrinal positions of the *Spirituals* and the *Fraticelli*, whose rigorism had only fostered discord and schism. This time, however, the effort proved successful.

That the general discipline of the Order at the time when Fr. Paolo a Trinci began his reform was still in a healthy and commendable state is confirmed by the testimony of the popes themselves, who were fully acquainted with the internal condition of the Friars Minor, as their letters clearly attest. Pope Gregory XI (1370–1378), writing to the friars assembled for the general chapter at Toulouse in 1373, precisely at the time when Fr. Paolo embraced the reformed observance, praised the Order for its regularity and fidelity to its constitutions.[8] Likewise, Pope Urban V (1362–1370), in a letter addressed to the Order in 1367, just a year before Fr. Paolo began his reform, commended the friars for the good spirit and discipline then prevailing among them.[9] In similar terms, Pope Clement VI, writing to the friars gathered at Venice for the general chapter of 1346, had already expressed his satisfaction with their observance of the rule and their unity of purpose.[10] In the fifteenth century, after the reform had begun to take firm root, Pope Martin V (1417–1431), on November 11, 1423, in a letter appointing Anthony of Massa as apostolic vicar of the Order, wrote that the Franciscans had produced and was still producing wonderful fruits in the life of the Church.[11] Taken together, these papal testimonies clearly indicate that, despite the internal tensions inherited from the previous century, the Franciscan Order in the mid-fourteenth century still maintained a generally sound discipline and religious vigour—the very foundation upon which Fr. Paolo a Trinci could build his genuine reform.

From these papal commendations it becomes evident that the true cause of the reform was not a general question of discipline, but rather the

[7] AM VII. 1932. p. 24; AM VIII. 1932. p. 25; BF IV. 1949. p. 245–246; BF V. 1958. 128.
[8] BF VI. 1962. p. 503, 537.
[9] AM VIII. 1932. p. 567.
[10] AM VIII. 1932. p. 330; DUNCAN 1978. p. 164.
[11] AM X. 1933. p. 130.

interpretation of the vow of poverty. It was precisely this issue that, for years, came to distinguish the Observants from the Conventuals. By adopting an even stricter understanding of the vow of poverty, the Observants, compelled by necessity, appealed to the papal interpretations previously granted to the Order by Pope Nicholas IV (1288–1292). Yet they soon came to realize what the Conventuals had already experienced: that an Order, as a living and functioning organism, founded entirely upon the principle of absolute poverty as ideally conceived by St Francis, proved in practice to be unsustainable and humanly unworkable. This inner tension between the ideal and the possible—between the spiritual aspiration of evangelical poverty and the practical demands of institutional life—remained a defining element of the Franciscan identity throughout the centuries.

The Establishment of first Reform / Observant Custodians

Fr. Paolo a Trinci had learned from the failures of earlier reform movements two essential lessons: namely, the need for absolute fidelity to the Church in all theoretical opinions concerning the nature of Franciscan poverty, and humble submission to and loyal cooperation with the superiors of the Order, who—striving to promote the ideals of St Francis as far as the conditions of the time allowed—were ready to welcome every genuine movement within the Order that aimed at the correction of abuses and the elevation of religious discipline. For that reason, in 1374, Minister General Leonardo de Rossi (1373–1378), after visiting Umbria and being deeply edified by the humble and austere life of Fr. Paolo and his followers, permitted them to extend their reform beyond Umbria into the neighbouring provinces.[12] They carried out valuable work in Perugia, where a number of *Fraticelli* were still active. As a reward, the community granted the organizers of the new reform the convent of St Francis outside Perugia (*Perugia al Monte*). The minister general, who held them in high esteem,[13] went even further and granted Fr. Paolo and the guardians of the reform, permission to send their friars wherever they deemed it useful. Thus, the reform movement gradually spread and grew in strength.[14]

The reform, moreover, enjoyed the benevolent support not only of the superiors of the Order[15] but also that of the popes. Pope Gregory XI, for example, is said to have addressed a personal letter to Fr. Paolo on 28 July 1373.[16] In 1380, the provincial of Umbria appointed Fr. Paolo Commissary Provincial over the twelve reformed convents that had by then been established.[17] In 1383, he granted him permission to receive novices and to found new houses without having to seek authorization on each occasion. The tenor of these letters clearly shows the goodwill and confidence which the

[12] AM VIII. 1932. p. 298.
[13] AM VIII. 1932. p. 300.
[14] AM VIII. 1932. p.
[15] See: AM VIII. 1932. p. 326; AM IX. 1933. p. 59–60, 267, 383.
[16] BF VI. 1962. p. 533.
[17] AM IX. 1933. p. 42.

provincial entertained toward Fr. Paolo and his reform.[18] The general of the Order, Henry Alfieri (1378–1405), went a step further by appointing Fr. Paolo as his commissary general. Through him, he directed the brethren of the reform, honouring Fr. Paolo as much as possible and granting him the authority to subdelegate commissaries and to send his brethren to all parts of Italy, Bosnia, and Corsica.[19]

Fr. Paolo died on 17 September 1390,[20] and was succeeded in the administration of the reform houses within the Order by John of Stronconio (d. 1418), a renowned preacher and zealous promoter of religious discipline.[21] The three provincials of the provinces of Assisi, Ancona, and the March of Ancona appointed him as their vicar over the houses of the newly organized congregation. He reformed several convents, founded others, and through his preaching gained many followers.[22] The general and the provincials continued to favour the new reform and did all they could to promote its growth. Up to the year 1405, the administration of the reform remained in the hands of the Conventuals, who at that time represented the main body of the community. The guardians of the reformed hermitages were elected in the provincial chapters of the provinces of Umbria, the March of Ancona, and Tuscany, to which they were subject, while the vicar was appointed by the general.[23] Around that year, however, the general and the provincials of these provinces, of their own accord, granted the reform brethren permission to hold their own chapters, enact their own statutes, establish hermitages, admit new members, and send them wherever they deemed proper. They were even allowed to elect their own vicar, subject, however, to the approval of the general. The general and the provincials, nevertheless, always reserved the right to conduct canonical visitations of the houses belonging to the Reform brethren.[24]

The reform continued to grow from day to day. John of Stronconio wished to establish houses also in the Roman province, but since his jurisdiction as vicar of the general extended only over the provinces of Umbria, the March of Ancona, and Tuscany, he applied directly to Pope Boniface IX (1389–1404), asking permission to found two new hermitages there, with their own churches and cemeteries.[25] There were, indeed, other reform houses in the Roman province before this time, but all of them were under the immediate jurisdiction of the provincial of Rome. From Umbria, John of Stronconio also introduced the reform into the Abruzzi, where he opened a hermitage at L'Aquila.[26] By the time of the Council of Constance (1414), the reform brethren occupied thirty-four such hermitages, including Le Carceri, which had been

[18] AM IX. 1933. p. 61.
[19] AM IX. 1933. p. 78, 91.
[20] AM IX. 1933. p. 91.
[21] AM IX. 1933. p. 90; DUNCAN 1978. p. 166–167.
[22] See: AM IX. 1933. p. 383.
[23] AM IX. 1933. p. 383.
[24] BF VII. 1972. p. 164; HOLZAPFEL 2010. p. 94.
[25] BF VII. 1972. p. 164.
[26] AM IX. 1933. p. 383.

granted in 1350 by Clement VI to Gentilis of Spoleto, and San Damiano, which had been conceded to Fr. Paolo by the conventuals of the Umbrian province in 1380. La Verna was transferred to them in 1419. After 1432, the Porziuncola was also entrusted to them by the conventuals of the same province, on the condition, however, that all offerings made by the faithful should be remitted to the Sacro Convento.[27] In addition to the hermitages and convents just mentioned, the newly emergent family of Paolo of Trinci received from the conventuals twelve further convents in central Italy between 1368 and 1415.[28]

The adherents of the reform numbered about two hundred at the time of the Council of Constance.[29] There were very few priests among them, the majority of the friars being lay brothers. They devoted themselves to pious exercises and lived far from the cities and the distractions of the world. They cared little for learning or study, believing that such pursuits were contrary to the spirit of St Francis.[30] They spent their time in meditation, prayer, and physical labour. Their focus was directed more toward their own personal salvation than toward the spiritual care of others.

The new reform movement, called the observance, spread from Italy to France in 1388. Three friars from the Province of Tours, taking advantage of the irregular disciplinary and canonical conditions caused by the Great Western Schism, obtained from the counter—general Angelo of Spoleto (of the Avignon obedience, 1379–1391) a solitary place at Mirabeau in the Diocese of Poitiers, with the intention of living according to a literal interpretation of the rule.[31] Within a short time, and favoured by the popes of the Avignon obedience, Clement VII and Benedict XIII, as well as by several wealthy supporters in Béziers—where Peter John Olivi had been a novice–and in Narbonne, where he had died, these reform friars and their followers obtained eleven houses, among them Laval and Bressuire,[32] in the provinces of France, Burgundy, and Tours. The former inhabitants of these convents were required to make room for the reform brethren.[33]

After the death of John Philip, the provincial of Tours, who had supported the reform, the observants were expelled from their houses. By order of the general, however—under pressure from the pope of the Avignon obedience, Benedict XIII—they were permitted to return. The general also assigned them a commissary of their own, Thomas of Curte.[34] In 1402, Peter of Villanova requested and received permission from Boniface IX to found a house, or to receive one from General Alfieri, in order to introduce the reform into the Province of Aquitaine.[35] In 1407, through the influence of Benedict XIII and the

[27] AM IX. 1933. p. 383.
[28] AM IX. 1933. p. 42; DUNCAN 1978. p. 166.
[29] AM XII. 1935. p. 411.
[30] AM IX. 1933. p. 382.
[31] See: AM IX. 1933. p. 80; PACAUT 2010. p. 298–299.
[32] BF VII. 1972. p. 311, 329, 343.
[33] AM IX. 1933. p. 81; DUNCAN 1978. p. 171.
[34] AM IX. 1933. p. 81.
[35] BF VII. 1972. p. 142; AM IX. 1933. p. 256.

counter—general Bardolini, the reform brethren of the three aforementioned provinces—France, Burgundy, and Tours—obtained exemption from the legitimate superiors of the Order and from the provincials. The French Observants were even granted permission to choose a superior of their own.[36]

Alexander V (1409–1410), the Pisan pope, at the request of general Anthony of Pireto (Alfieri's successor, 1405–1408), who, although favouring the reform, feared a new schism in the Order,[37] issued the bull *Ordinem Fratrum Minorum* on 23 September 1409, against the reform brethren.[38] In it he accused them of violating their vows; of changing the form of the habit; of receiving novices without the permission of the lawful general and provincials; and even of allowing, contrary to the intention of the Rule, such novices to make profession. He further charged them with obtaining exemptions through the influence of secular princes and with undermining obedience, unity, and charity within the Order. In consequence, he annulled all the privileges and exemptions previously granted by Benedict XIII and the counter–general Bardolini; he required the followers of the reform to return to the obedience of their lawful superiors and ordered them to lay aside the habit they had assumed. He also restricted the reception and clothing of novices to the minister general and the provincials.[39] The publication of the bull caused considerable agitation among the reform brethren. Many of them, unwilling to abandon their way of life, appealed to various ecclesiastical and secular authorities for protection. Others, however, submitted at once, fearing that continued resistance might provoke further divisions within the Order. The severity of Alexander V's measures soon produced unforeseen consequences. In several provinces, the reform communities enjoyed strong support from both the faithful and local rulers, who regarded the movement as a genuine return to the ideals of St Francis. As a result, attempts to enforce the bull met with resistance, and in some places the reform continued to flourish despite the prohibitions. After the death of Alexander V in 1410, the attitude of the Curia gradually softened.[40] His successor, John XXIII of the Pisan obedience, while not immediately reversing the legislation, allowed certain mitigations in practice.[41] The reform brethren, encouraged by sympathetic bishops and noble patrons, continued to preserve their stricter observance wherever circumstances permitted. Meanwhile, the influence of the Council of Constance (1414–1418) created a new ecclesiastical climate. The need for moral and disciplinary renewal in the Church at large brought greater appreciation for movements that embodied evangelical simplicity. Consequently, the position of the Observants steadily improved. By the end of the Council, they had

[36] See: BF VII. 1972. p. 316, 417; AM IX. 1933. p. 371; DUNCAN 1978. p. 171–172.
[37] AM IX. 1933. p. 371.
[38] BF VII. 1972. p. 350.
[39] BF VII. 1972. p. 417; AM IX. 1933. p. 506.
[40] BF VII. 1972. p. 483; AM IX. 1933. p. 371.
[41] AM IX. 1933. p. 371.

regained a degree of stability and recognition, laying the foundation for the remarkable expansion of the observant reform in the fifteenth century.

The Council of Constance proved to be decisive for the development of the Franciscan Observant reform. Although the Council's principal aim was to end the Western Schism and restore unity to the Church, it also highlighted the urgent need for moral and disciplinary renewal within religious life. In this atmosphere, the Observant Franciscans recognised an opportunity to present their form of strict observance to the universal Church and to request clearer institutional recognition within the Order. Delegates of the Observants arrived at Constance from Italy, France, and especially from the Iberian Peninsula under the influence of Blessed Peter Cresci. Their purpose was to secure formal approval for their constitutions and their literal observance of the Rule, and to obtain permission to be governed by their own vicars rather than by Conventual provincials.[42] Some French Observants went further than other reform groups, seeking a complete break from the Conventual branch and even proposing the establishment of an entirely new Order of reformed Franciscans with its own governance and identity. The Council of Constance firmly rejected this proposal, insisting that any reform must remain within the unity of the existing Franciscan Order.[43] The Council, encouraged by the French Observants and by bishops supportive of monastic reform, accepted the principle that Observant communities might have superiors of their own who would answer directly to the minister general.[44] Although this decision did not immediately gain juridical force, it was soon confirmed and implemented by Pope Martin V in the bull *In Apostolicae Sedis Specula* of 14 August 1425.[45] By this document, the pope authorised the reform houses to elect their own vicars, to shape their common life according to stricter observance, to receive and profess novices, and to form within the provinces distinct groupings that anticipated the later structure of Observant custodies. On the Iberian Peninsula, however, some Observants—together with a small number of French sympathisers—initially claimed that the decision of Constance had been obtained under false pretences and therefore hesitated to recognise its binding authority.[46] Despite these objections, the conclusions of the Council, strengthened by the papal bull, marked a genuine turning point in the history of the movement. For the first time, the Observants received universal ecclesiastical recognition of their distinct identity and internal autonomy, which paved the way for the rapid expansion and consolidation of the reform throughout the fifteenth century. Beginning with the Council of Constance, reform-minded Franciscans increasingly came to be officially designated as Observants (*Observantes*) in ecclesiastical documents, a title that highlighted their strict and literal observance of the Rule of St Francis. From

[42] See: AM IX. 1933. p. 371–372; AF II. 1897. p. 258–260; PALOMÈS 1901. p. 437.
[43] AF II. 1897. p. 258–260.
[44] AM IX. 1933. p. 388; BF VII. 1972. p. 507; HOLZAPFEL 2010. p. 156.
[45] AM X. 1933. p. 390; PACAUT 2010. p. 299.
[46] BF VII. 1972. p. 660; AM XIII. 1935. p. 168; PALOMÈS 1901. p. 295.

this point onward, the distinction between Conventual and Observant Franciscans became steadily formalised within the Order.

The Expansion of the Observant Reform and its Ecclesiastical Context: A Broader European Perspective

The Observant reform, which began in the small hermitages of Umbria, grew during the late fourteenth and early fifteenth centuries into a broad European movement. Aspirations toward a stricter and more literal observance of the Franciscan Rule appeared across the Iberian Peninsula, the German lands, and Central Europe—from Bohemia and Hungary to Poland. These were not isolated local initiatives but part of a wider pattern of renewal supported by reformed communities, itinerant preachers, and sympathetic bishops and civic authorities.

The wider ecclesiastical context further encouraged this expansion. The prolonged crisis of the Western Schism exposed deep weaknesses in the Church's moral and administrative life, sharpening calls for authentic reform. Within this climate, the Council of Constance became decisive, not only in restoring unity but also in expressing a broad desire for moral and disciplinary renewal. In the years after the council, especially under Pope Martin V, the Observants gained clearer legal recognition and greater structural autonomy, laying the groundwork for their rapid fifteenth-century growth.

Thus, the spread of the Observant reform beyond Italy marks a new phase in its history—one in which local initiatives evolve into a Europe–wide movement closely connected to the wider reform currents sparked at Constance.

A few years after Fr. Paolo had begun his reform in Italy, an even stricter congregation was formed on the Iberian Peninsula. At the beginning of the fifteenth century, on the Iberian Peninsula had three provinces—Portugal (also called Santiago), Castile, and Aragon. During the time of the Great Western Schism, the northern Province of Santiago (Portugal) became divided: some of the friars adhered to Boniface IX, while others followed Benedict XIII. In 1392, three friars of this Province—Didacus Arias, Gundisalvus Mareni, and Peter Diaz–applied to Boniface IX for permission to live in a hermitage apart from the rest of the brethren.[47] The pope readily granted their request, but only on the condition that they remain in all things subject to the legitimate superiors of the Order.[48] Gundisalvus subsequently founded seven such hermitages in the northern part of the province and gained followers. These followers, however–Gundisalvus excepted–soon withdrew from obedience to Boniface IX and attached themselves to Benedict XIII. In 1407, they petitioned the latter to recognize their houses as canonically established, and Benedict XIII granted their request in a bull dated 14 September 1407.[49]

[47] AM IX. 1933. p. 107.
[48] BF VII. 1972. p. 29.
[49] BF VII. 1972. p. 355.

From a bull of Martin V dated September 10, 1427, we learn that a house of St Anthony was founded near Lisbon by brethren who called themselves *de Observantia*;[50] likewise, a convent in Oviedo[51] and the hermitage of *Sancta Maria de Radicibus*.[52] They did not, however, form a separate congregation with jurisdiction of their own, but remained entirely subject to the obedience of the Conventual provincials and the general of the Order.

The beginnings of the reform in the province of Aragon can be traced to 1389, when three friars received permission from Peter de Luna, legate of the pope of the Avignon obedience, Clement VII, to live a solitary life outside the obedience of the regular superiors of the Order.[53] Martin V, in a bull dated 26 July 1418, refers to the reform houses on the Iberian Peninsula as having been founded "a few years previously,"[54] and another bull of the same pope, *In Apostolicae Sedis Specula* (14 August 1425),[55] records the names of the four such houses then in existence. By 1424 these communities had developed sufficiently to receive from Martin V the right to elect their own custos. This privilege was granted on the condition that the new custody remain part of the regular province of Aragon and that both the custody and the custos remain subject to the obedience and oversight of the provincial.[56] At the same time, the reform houses were exempted from the regular provincial tax, and were authorised to elect their own guardians for a period of three years, as well as to receive novices and admit them to profession. A year later, in 1425, Martin V expanded these concessions. Acting through the aforementioned bull, he permitted the four houses to be governed by their own vicars, in accordance with the decree of the Council of Constance made at the request of the French Observants.[57] This measure marked a significant step toward the institutional consolidation of the reform within the province of Aragon.

In the province of Castile the reform appears to have taken firmer and more stable root. Even before 1413, at a chapter held in the city of Cuenca, a decree was issued requiring that in every custody of the province one house be designated in which the friars might live to the traditions of St Francis, observing the Rule strictly and "according to the letter."[58] For the custody of Palencia, the house chosen for this purpose was Sahagún (St Facundus), staffed by fifteen brethren under the direction of Blessed Peter Cresci. The guardian—and in his absence the vicar—was authorised to receive brethren, while the community itself could elect its own guardian, whom the provincial of Castile was obliged to confirm. Although allowed a certain internal freedom, these friars remained subject both to canonical visitation and to the full jurisdiction

[50] BF VII. 1972. p. 685.
[51] BF VII. 1972. p. 388
[52] BF VII. 1972. p. 379.
[53] AM IX. 1933. p. 81.
[54] BF VII. 1972. p. 616.
[55] AM X. 1933. p. 390.
[56] AM X. 1933. p. 83.
[57] See: AM X. 1933. p. 390; BF VII. 1972. p. 623.
[58] BF VII. 1972. p. 384.

of the provincial and the general.[59] Similar permissions and privileges were granted to reform-minded houses in other parts of the Province of Castile.[60]

One of the figures to whom the success of the reform on the Iberian Peninsula—especially in Castile—is most deeply indebted is Blessed Peter Cresci. A doctor of theology, he was appointed by Benedict XIII as head of the reformed house of Sahagún in the custody of Palencia.[61] In 1417 the convent of St Dominic of Silos, in the diocese of Burgos, sought to incorporate the hermitage of Aguilera, founded around 1404 by Peter Cresci.[62] He seems, however, to have opposed the plan; at any rate, the incorporation was made conditional upon his consent and, should he refuse, was not to take effect until after his death.[63] Peter obtained for Sahagún the same privileges that had been granted to other Observant convents and hermitages by the chapter of Cuenca. His influence extended far beyond this single house: contemporary sources often refer to the *Recollectio Villacreciana*, suggesting that he served as a spiritual and organisational point of reference for various reform communities. He also sent a delegation of friars to the Council of Constance to secure approval of their constitutions and the appointment of a vicar over the reformed houses.[64] At the same time, he petitioned that his friars should be allowed to remain under the immediate jurisdiction of the minister general of the Order. Blessed Peter Cresci was the key figure of the early Castilian reform. As the head of the reformed house at Sahagún, appointed by Benedict XIII, he secured for it the same privileges as other Observant communities and became the spiritual and organisational centre of the movement (*Recollectio Villacreciana*). He protected the reform houses, sent a delegation to the Council of Constance to obtain approval of their constitutions, and requested that the reformed friars remain under the direct jurisdiction of the minister general.

In the Portuguese province of St James, the reform was carried out during the 1440s by López de Salazar and Peter de Sontoyo,[65] following the model established on the Iberian Peninsula. However, under the strong influence of the French Observants, they advocated for a complete separation of the Observants from the Conventuals and the creation of a distinct structure.[66] On the Canary Islands, a separate custody for the Observants had already been established in 1423, and St Didacus of Alcalá was appointed as its vicar general.[67] Unlike the French Observants, this branch of the reform did not seek separation from the Conventuals but aimed to implement the reform within the unity of the Order.

[59] BF VII. 1972. p. 384.
[60] See: BF VII. 1972. p. 332, 378, 404, 711.
[61] BF VII. 1972. p. 305, 384.
[62] AM IX. 1933. p. 265.
[63] See: BF VII. 1972. p. 402.
[64] AM XII. 1935. p. 445.
[65] See: AM XIII. 1935. p. 86; AM X. 1933. p. 122; Palomès 1901. p. 295.
[66] Palomès 1901. p. 306.
[67] See: BF VII. 1972. p. 391–399; AM XIII. 1935. p. 281–283.

From what has been outlined above, it is evident that the reform first arose in Italy, then took root in France, and at roughly the same time spread on the Iberian Peninsula. The French Observants, together with a smaller group of the brethren from the Iberian Peninsual, sought complete separation from the Conventuals and the establishment of a distinct order. By contrast, the majority of the Italian and the Iberian Observants wished to remain under the immediate obedience of the minister general and the provincials. It can hardly be said that they formed a separate congregation. The reformed houses did have the right to elect their own guardians, but in most cases these superiors, before receiving full authority, had to be confirmed by the general or the provincial through formal ordinances. The reform communities also remained under their supervision through canonical visitations, conducted either personally or by a visitator appointed for that purpose. A decisive impulse toward greater internal organisation came in the late fifteenth and early sixteenth centuries through the influence of Cardinal Francisco Ximenes de Cisneros. As both a Franciscan reformer and a powerful churchman, Ximenes played a central role in encouraging the creation of autonomous Observant custodies on the Iberian Peninsula, ensuring that the reform could develop with its own internal structures while remaining formally within the unity of the Order.[68] His support extended beyond the Iberian Peninsula: through his diplomatic and ecclesiastical influence he contributed to the establishment of Observant custodies in Flanders as well, thereby consolidating the position of the Observants as a disciplined and recognisable branch of the Franciscan family.[69]

The Expansion and Consolidation of the Observant Reform in the Fifteenth Century

The Observant Franciscan reform in the fifteenth century assumed its classical form through the activity of St Bernardine of Siena, St James of Marchia, and St John of Capestrano. Together with Blessed Albert of Sarteano, these friars are often described as the "four pillars of the reform," for it was through them that the Observance gained organisational stability and spread from Italy to the rest of Europe. Bernardine, who entered the Order in 1402, became the principal preacher and organiser of the Italian Observance;[70] in 1438, Pope Eugene IV (1431–1447) appointed him the first general vicar of the Italian (Cismontane) Observants,[71] a position later held by John of Capestrano.[72] His powerful preaching, strict personal asceticism, and strong emphasis on poverty and unity made Bernardine the visible symbol of the movement.

St James of Marchia, who entered the Order in 1416, soon became a close collaborator of Bernardine of Siena and John of Capestrano. He worked as a

[68] See: AM XV. 1935. p. 101–107, 126 –128; PALOMÈS 1901. p. 356–359.
[69] See: AM XV. 1935. p. 152–154, 176.
[70] AM IX. 1933. p. 31; AF II. 1897. p. 300
[71] AM XI. 1933. p. 32; AF II. 1897. p. 301.
[72] AM XII. 1935. p. 288–289, 437–438; AF II. 1897. p. 352; PALOMÈS 1901. p. 332.

preacher and reformer throughout central Italy and along the eastern Adriatic, while also helping to shape the legal and spiritual framework of the reform.[73] John of Capestrano, who joined the Order in 1414, continued the same programme but with an exceptionally wide international reach. After Bernardine's death in 1444, Capestrano emerged as the central promoter of Observant reform in Central and Eastern Europe—especially in Germany, Hungary, and Poland—where he founded new houses and strengthened existing Observant communities. His preaching activity, including his role in rallying resistance against the Ottomans, was closely linked with the establishment and consolidation of Observant custodies in these regions.[74]

In the German—speaking land, the reform advanced significantly in the second half of the century, largely thanks to Capestrano's influence and the support of Cardinal Nicholas of Cusa. Numerous Observant monasteries were founded, and *cismontane* Observance became firmly rooted in German provinces. In Hungary and the neighbouring territories (including present-day Croatia), the Observants gradually assumed a leading pastoral role, integrating themselves into existing Franciscan structures. In Poland, the reform spread through contacts with Italian and German Observant houses and eventually took shape in the form of distinct Observant vicarates.[75] In England, the Observants became part of the so-called *ultramontane* Observance: they entered the pre-existing Franciscan province, where communities following the stricter observance emerged under their own superiors, though still formally within the unified Order.[76]

A major turning point came with the general chapter of Assisi in 1430, convoked by Pope Martin V, "in order to fulfil our desire for the general reform of the Order."[77] Both Conventuals and Observants participated, and William of Casale (Guglielmo da Casale) was elected minister general (1430–1442). The true intellectual and reforming force of the chapter, however, was John of Capestrano, who played a central role in drafting a new set of statutes known as the *Constitutiones Martinianae*, named after Pope Martin V.[78] These constitutions sought to reform the entire Order by reinforcing existing norms, abolishing separate Observant vicarates, reducing financial abuses, and limiting the use of money and intermediaries in the name of poverty.[79]

The period of William of Casale proved to be complex. Although he initially attempted to implement the Martinian Constitutions as a unifying reform, he soon requested and obtained papal permission to relax the norms on poverty in favour of the Conventuals. This caused distrust among the Observants and revealed the limits of attempts to reform both branches together. In the following decades the system of general vicars for the Observants, combined

[73] AF II. 1897. p. 330; AM XII. 1935. p. 269
[74] See: Kovács 2003. p. 93–99.
[75] See: Kovács 2003. p. 94.
[76] See: Little 1923. p. 468.
[77] AM X. 1933. p. 160.
[78] AM X. 1933. p. 165.
[79] See: AM X. 1933. p. 167–177.

with the growing division between the *cismontane* and *ultramontane* Observance (especially after the chapter of Padua in 1443),[80] effectively created a dual structure within the Order: the Conventuals retained a more flexible observance, while the Observants, relying on their network of custodies and vicars, continued to follow a more rigorous interpretation of the Franciscan ideal.

Within this context, the activity of Bernardine of Siena, James of Marchia, and John of Capestrano appears as a crucial spiritual and organisational force. They sought to avoid a formal schism or the creation of "a new Order within the Order," yet at the same time they strengthened the identity of the Observants as a coherent and recognisable reform movement which, from the mid-fifteenth century onward, increasingly assumed the leading role in Franciscan life across many parts of Europe.

By the end of the fifteenth century, the Observant movement, which had begun in Italy at the close of the fourteenth century, had grown from a handful of eremitical communities into a well-organised and internationally widespread network of custodies that functioned almost as parallel provinces within the Franciscan Order. According to *Annales Minorum*, the number of Observant houses in Europe rose from fewer than twenty around the year 1400 to more than 250 by 1500, with Italy, Iberian Peninsula, Hungary, and the German lands becoming particularly strong centres of the reform.[81]

In Italy, the cradle of the Observance, an extensive network of houses developed in Umbria, the Marches, Tuscany, and the Veneto. By mid-century, these communities were already governed by their own Observant vicars confirmed by the minister general. The provincial ministers retained only nominal authority, while real governance rested with the Observants, who in many Italian regions were already more numerous than the Conventuals. France, however, presented a different picture: there the Observants, from the end of the fourteenth century onward, demanded complete separation and the establishment of a new Order. Yet the Council of Constance rejected these demands, allowing them only internal autonomy within the single order. Nevertheless, French Observant custodies gradually stabilised, especially later under the influence of Cardinal Ximenes.[82]

The kingdoms on the Iberian Peninsula soon became one of the strongest strongholds of the Observance. In Castile, Aragon, and Portugal, numerous custodies emerged with their own vicars and statutes; more than seventy Observant houses existed in Spain by the end of the century.[83] The reform centres of Sahagún and Aguilera in Castile, the Aragonese Observants with their papal confirmations from the 1420s, and the Portuguese reform modelled on Castile in the 1440s formed the most compact Observant network

[80] AM XI. 1933. p. 175; AF II. 1897. p. 308.
[81] See: AM XV. 1935. p. 253–255, 265–266, 454–458.
[82] See: PALOMÈS 1901. p. 384–385.
[83] AM XV. 1935. p. 152–155.

in Europe.[84] Cardinal Ximenes de Cisneros played a decisive role here: during the final decade of the fifteenth century, he created autonomous Observant custodies in both the Iberian Peninsula and Flanders, strengthening their identity and administrative independence. His reforms were confirmed by papal charters.[85]

In the German lands, the Observance expanded explosively through the influence of John of Capestrano and Cardinal Nicholas of Cusa. Around 1440 there were only a handful of reformed houses, but by 1500 their number had exceeded thirty.[86] German Observant custodies distinguished themselves by strict discipline, especially concerning the admission of novices and the absolute prohibition of property. In the Kingdom of Hungary—including present-day Croatia—the Observants founded more than twenty-five houses by 1500 and became a major pastoral force, combining strict observance of the Rule with preaching and popular devotion, particularly in the face of Ottoman pressure. Poland likewise developed a stable network of Observant houses—more than twenty—connected with Italian and German reformers and organised into distinct vicariates within the province.[87]

In Flanders, thanks to the influence of Ximenes, a highly organised Observant custody was established, while in England, the Observance entered the existing province under an ultramontane model, in which small communities of reformed friars lived alongside the Conventuals under their own vicars. By the end of the century, England had ten to twelve Observant houses firmly integrated with the continental Observance.[88]

In the mid-fifteenth century, both Callixtus III (14551–1458)[89] and Pius II (1458–1464) relied heavily on the Franciscan Observants as instruments of ecclesiastical and social renewal. Callixtus III made extensive use of Observant preachers such as John of Capestrano in the preaching of crusade and moral reform, while Pius II continued to support Observant communities and their leaders, confirming their privileges and employing them as trusted agents of pastoral and disciplinary renewal. Pope Pius II granted the Observants full autonomy by confirming their independent structure, their own superiors, and their freedom to govern without dependence on the Conventuals.[90]

This expansion was accompanied by the steady formation of an Observant identity increasingly distinct from that of the Conventuals. By the end of the century, strong international networks—the Cismontane and Ultramontane Observance—ensured coordinated governance of Observant custodies from Portugal to Poland. By the end of the fifteenth century, Observant custodies in

[84] See: AM XV. 1935. p. 176.
[85] BF XIII. 1906. p. 223.
[86] AF II. 1897. p. 519.
[87] See: AM XV. 1935. p. 313–316.
[88] Little 1923. p. 470.
[89] AM XIII. 1935. p. 65.
[90] See: AM XIII. 1935. p. 191–193, 348–349; AF II. 1897. p. 399–406; Holzapfel 2010, p. 132–134; Pacaut 2010. p. 299.

many regions had surpassed the Conventual structures both numerically and organisationally. On the Iberina Peninsula and Hungary, more than two-thirds of the friars belonged to the Observance; in Italy, the Observants had more houses than the Conventuals; in Germany, Poland, and Flanders, the reformed houses became important regional centres; and in France and Portugal they became almost the default instrument of religious renewal. The custodial system—operating as a "province within a province"—had become fully established: Observant vicars held real governing power, custodies held their own chapters and adopted their own statutes, they received and trained novices, and they maintained regular communication with the Observant general vicars on an international level.

All of this made the Observance, by the end of the fifteenth century, a stable, numerous, and clearly organised body which, although still formally within the single Franciscan Order, operated in practice as a distinct branch thus laying the institutional foundations for the full juridical separation of the Observants from the Conventuals in 1517.

Conclusion

The development of the Franciscan Observant reform from the late fourteenth to the early sixteenth century demonstrates how a small eremitical movement grew into a broad, interconnected, and internationally organised network that gradually secured stable institutional structures within the Order. The fundamental impulses of the reform—a return to literal evangelical simplicity, stricter poverty, and renewed discipline—took shape through the establishment of Observant custodies and vicars, who, although formally subject to provincials and the minister general, in practice exercised a high degree of internal autonomy. Key figures such as Paolo a Trinci, Bernardine of Siena, James of Marchia, and John Capestrano, together with papal support, especially after the Council of Constance, enabled the spread of the reform throughout Italy, France, on the Iberian Peninsula, Germany, Hungary, and Poland. During the fifteenth century, the Observants became the principal agents of Franciscan renewal, forming a distinct spiritual and administrative tradition that often surpassed the Conventual structures. By the end of the century, Observant custodies functioned effectively as "provinces within provinces," and their numerical strength, disciplinary coherence, and international networks made the Observance a de facto separate branch within the Order. This evolution created the institutional foundations that would make possible the formal juridical separation of the Observants and Conventuals in 1517.

BIBLIOGRAPHY

Sources

AF II. 1897 *Analecta Franciscana*. II. Quaracchi. 1897.

AM VII. 1932 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. VII (1323–1346). Ad Claras Aquas [Quaracchi]. 1932.

AM VIII. 1932 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. VIII (1347–1376). Ad Claras Aquas [Quaracchi]. 1932.

AM IX. 1933 — WADDING, Luca Annales Minorum seu trium Ordinum a S. Francisco institutorum. IX (1347–1369). Ad Claras Aquas [Quaracchi]. 1933.

AM X. 1933 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. X (1431–1450). Ad Claras Aquas [Quaracchi]. 1933.

AM XII. 1935 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. XII (1455–1478). Ad Claras Aquas [Quaracchi]. 1935.

AM XIII. 1935 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. XIII (1481–1490). Ad Claras Aquas [Quaracchi]. 1935.

AM XIV. 1935 — WADDING, Luca: Annales Minorum seu trium Ordinum a S. Francisco institutorum. XIV (1472–1491). Ad Claras Aquas [Quaracchi]. 1935.

AM XV. 1935 — WADDING, Luca:Annales Minorum seu trium Ordinum a S. Francisco institutorum. XV (1492–1515). Ad Claras Aquas [Quaracchi]. 1935.

BF IV. 1949 — *Bullarium Franciscanum Romanorum Pontificum. Tomus IV: Constitutiones, epistolas ac diplomata Romani Pontificum ab Eugenio IV ad Paulum IV (1431–1559) spectantia*. Ed. SBARAGLIA, Giovanni Giacinto. Ad Claras Aquas [Quaracchi]. 1949.

BF V. 1958 — *Bullarium Franciscanum Romanorum Pontificum. Tomus V: Constitutiones, epistolas ac diplomata Romani Pontificum a Sixto V ad Clementem IX (1585–1669) spectantia*. Ed. SBARAGLIA, Giovanni Giacinto. Ad Claras Aquas [Quaracchi]. 1958.

BF VII. 1972 — *Bullarium Franciscanum Romanorum Pontificum. Tomus VII: Constitutiones, epistolas ac diplomata Romani Pontificum ab Leone XIII ad Pium X (1878–1914) spectantia*. Ed. SBARAGLIA, Giovanni Giacinto. Ad Claras Aquas [Quaracchi]. 1972.

BF XIII. 1906 — *Bullarium Franciscanum, seu Romanorum Pontificum Constitutiones, Epistolae, Diplomata ad Ordinem Minorum spectantia*. XIII. Ed. SBARAGLIA, Giovanni Giacinto. Ad Claras Aquas [Quaracchi]. 1906.

Chron. XXIV Gen. 1897 — Chronica XXIV Generalium Ordinis Minorum. *Analecta Franciscana* 3 (1879), p. 1–127.

Mon. Ord. Min. 1506 — *Monumenta Ordinis Minorum*. Ed. DE LEDESMA, F. – DE PORRAS, Joannes. Salamanca. 1506.

Secondary literature

DUNCAN 1978 — DUNCAN, Nimmo: Poverty and politics: The Motivation of Fourteenth Century Franciscan Reform in Italy. *Studies in Church History* 15 (1978), p. 161–178.

EUBEL 1913 — EUBEL, Conradus: *Hierarchia catholica medii aevi, sive Summorum pontificum, S. R. E. cardinalium, ecclesiarum*

antistitum series ab anno 1198 usque ad annum perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita. Monasteriae. 1913.

Holzapfel 2010 — HOLZAPFEL, Heribert: *History of the Franciscan Order*. Freiburg. 2010.

LITTLE 1923 — LITTLE, Arthur George: Introduction of the Observant Friars into England. *Proceedings of the British Academy* 11 (1923), p. 455–471.

KOVÁCS 2003 — E. KOVÁCS, Péter: La presenza dell'Osservanza nella società ungherese. In: *Cultura, società e vita religiosa ai tempi di S. Giovanni da Capestrano*. Ed. PASZTOR, Edith. Capestrano. 2003. p. 91–100.

PALOMÉS 1901 — PALOMÉS, Louis: *Des Frères mineurs et de leurs dénominations*. Palerme. 1901.

PACAUT 2010 — PACAUT, Marcel: *Monaci e religiosi nel Medioevo. Il Mulino*. Bologna. 1983.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 63–71.

DOI: 10.15170/SPMNNV.2025.14.03

László Gálffy, PhD
galffy.laszlo@kre.hu
University of The Reformed Church in Hungary
Faculty of Humanities and Social Sciences
Institute of History
Department of Medieval Studies
Reviczky utca 4.
H-1088 Budapest
Hungary

László GÁLFFY

Political Concensuses and Compromises in Relation to Anjou Expansion (Twelfth and Thirteenth Centuries)

This study examines the role of political compromise and consensus in the expansion of Angevin dynastic power during the twelfth and thirteenth centuries. It focuses on three major cases of crown acquisition originating from the County of Anjou: the accession of Fulk V to the throne of Jerusalem, the rise of Henry II to the English crown, and the establishment of Charles of Anjou in Naples and Sicily. Rather than interpreting these successes solely as results of conquest, the article emphasizes the importance of negotiation, adaptation, and power-sharing with local elites. The reign of Fulk of Jerusalem illustrates how compromise functioned as a practical political strategy in managing conflicts with aristocratic factions and external powers such as Byzantium. In the case of Henry II, strong royal authority and administrative reform often reduced the immediate need for compromise, though the cultivation of loyalty among the nobility remained essential. Charles of Anjou similarly combined centralizing reforms with pragmatic respect for existing legal traditions, particularly in Provence and southern Italy. Across these examples, compromise appears both as a tool of conflict resolution and as a means of preventing conflict altogether. The study argues that Angevin political practice reflects a transitional stage between feudal consensus and the later development of more institutionalized political systems.

Keywords: Angevins, political compromise, consensus, Kingdom of Jerusalem, County of Anjou, Fulk V, Henry II of England, Charles of Anjou, medieval political culture

Among the dynastic and political constructions of the High Middle Ages, a particularly noteworthy phenomenon may be observed: the series of crown acquisitions originating from the County of Anjou in France. Within less than a century and a half, these ventures produced three distinct outcomes, each of which may be considered a durable success, even in the medium term. Count Fulk V of Anjou (1109–1129) secured the crown of Jerusalem; two generations later, his grandson Henry II (1154–1189) ascended the throne of England. A little more than a century afterwards, Charles of Anjou (1266–1285), of the Capetian line, established his rule over Naples and Sicily, thereby extending the sphere of influence of Angevine dynasties still further. These achievements, of

course, rested upon the convergence of multiple factors. Yet, it remains essential to ask by what strategic rationale the initial steps were undertaken, and whether any common features can be discerned among them. A sequence of successes unfolding in such divergent directions cannot be explained solely in terms of conquest; dynastic viability, in political terms, necessarily presupposed mechanisms of adaptation, the forging of power-sharing arrangements, and, more broadly, a capacity for compromise. For the historian, such political or other forms of consensus are often difficult to grasp directly; the present inquiry, therefore, seeks instead to identify the signs of compromise as one of the pathways through which such consensus may be approached.

To probe the issue more closely, it is first necessary to clarify what "compromise" might have meant in the circumstances under discussion. One of the enduring features of historical narrative is its tendency to focus on events and conflicts. Medieval accounts of conflict, in particular, were not only highly conventionalized but also suffused with emotion; thus, compromise was framed less as the outcome of rational calculation than as an affective resolution. More important still is the fact that compromise often remained implicit or concealed, with contemporary sources offering only limited detail. Theoretically, compromise is frequently an element of conflict settlement, though it cannot be equated either with retreat or with full consensus. In other respects, compromise could extend beyond conflict resolution itself, forming part of territorial acquisition, appropriation, or the assumption of new political roles; in such cases, it signified avoidance of conflict or the maintenance of a conflict-free state. Political compromise, then, could function both as the resolution of a conflict and as its effective suspension.

According to the uniquely valuable chronicle of William of Tyre, the reign of Fulk of Jerusalem (1131–1143) was marked by a series of cautious, compromise-oriented, and at times consensus-seeking actions.[1] If we take into account the potential points of conflict, at least five or six significant episodes emerge in which the chronicler consistently presents the king as a prudent ruler, prepared to make concessions. It is also important to note that the management of these points of tension forms one of the guiding threads of the archbishop's narrative.

The first such instance concerns the circumstances of Fulk's accession. The count of Anjou, who appeared to have arrived from outside with no prior local ties, nevertheless came to power in a carefully prepared setting, one that had been negotiated with and accepted by all the relevant local power holders. While this in itself speaks primarily to Baldwin's (Balwin II, father-in-law of the count of Anjou) political arrangements, it is evident that Fulk, from the very outset, adhered firmly to the preconditions thus secured. Among the three

[1] William of Tyre, Vol. II. p. 629–711. The textual tradition of the *Chronicle of William of Tyre* and the English and French translations of its variants are highly complex and do not necessarily correspond to one another. Therefore, in the notes I indicate the page numbers of the modern critical Latin edition.

cases under consideration, this accession exhibits the strongest consensus.[2] Yet only a few years after Fulk's rise, that consensus appeared to dissolve, culminating in a pronounced conflict associated with the alleged relationship between Fulk's wife, Melisende, and Hugh of Jaffa. Behind this lay a palpable dissatisfaction, which William of Tyre does not attempt to conceal.[3] The situation represented a breaking point of a kind observable elsewhere as a recurring topos. If one recalls Hungarian analogies (Andrew II, Charles I)[4], it becomes clear how brutally such clashes between newly arrived foreign rulers and entrenched local dynasties could end when framed around marital ties or accusations of infidelity.

Following William's account, however, the precise interpretation of this turning point is not entirely unambiguous. On one hand, it may be read as the emergence, only a few years into Fulk's reign, of resistance formed in reaction to his earlier style of governance—namely, that he had "begun strongly," seeking a firm and personal kingship, which the local elite, and particularly a sidelined queen, would not tolerate, thereby forcing Fulk into retreat. At this juncture, one can clearly perceive a strong imperative to compromise, to which Fulk, displaying sound political instinct, submitted. This reading is persuasive; yet the sources provide no further supporting detail. We do not see an overbearing or domineering Fulk, nor do William or other contemporary voices speak of prior clashes with the local nobility. Given that this was a count raised to the throne through a careful, almost overly cautious series of feudal maneuvers, such an image may indeed be unwarranted. Still, this does not preclude the possibility that Fulk's very presence ran counter to the expectations of the queen and certain segments of the local aristocracy, thus generating the conflict. What William of Tyre makes clear is that, at this point, the new king had no choice but to acknowledge that the influence of his "co-actors" could not be disregarded.

Fulk's reputation, however, was not uniformly positive. Ralph of Diceto, while favorable in his judgment, records that after the death of his wife, Fulk was summoned to Jerusalem "lest he be deprived of glory," and there the

[2] "*Dominus rex Ierosolimorum, de successione sollicitus, videlicet apud quem primogenitam suam nuptui collocaret, post multam deliberationem de communi universorum principum consilio, sed et de populi favore, quosdam de principibus suis, dominum videlicet Willelmum de Buris, dominum Guidonem Brisebarre, ad predictum dirigit comitem, invitans eum ad filie nuptias et regni successionem.*" William of Tyre, Vol II, p. 633. see also the french chronicler John of Marmoutier: „*Cum igitur Fulco Andegavensem, Turonicum Cenomannicumque consulatum in prosperitate regeret, rex Jerusalem Balduinus secundus nuncios in Franciam misit qui, prudentium consilio, virum idoneum qui filiam suam cum Jerosolimitano regno duceret uxorem secum adducerent. Elegerunt itaque, consilio Ludovici regis et episcoporum et multorum peritorum, Fulconem Andegavensem, virum bellicosum, qui uxore carebat. Ipse vero, cum maximis copiis mare transiens, filie regis matrimonio copulatus, rex Jerusalem effectus est.*" John of Marmoutier, p. 181

[3] William of Tyre, Vol II, p. 654–656.

[4] Andrew II (1205–1235) and Charles I (1301–1342): In Hungarian history, in both instances political and personal jealousy led respectively to a brutal murder and to an attempted murder. ENGEL 2001. p. 90–91, 138.

princes unanimously elected him to sit upon the throne of David.[5] Orderic Vitalis, by contrast, left no such complimentary portrait. The Norman chronicler openly laments that Fulk on several occasions acted recklessly and without due caution, failed to value sufficiently those lords who had long remained steadfast, and instead lavished excessive favor upon men who had accompanied him from Anjou.[6]

If the latter judgment may be read, at least in part, as a reflection of the Norman–Angevin conflict,[7] William of Tyre presents a different picture, in which Fulk's reign is consistently characterized by compromise and political prudence. This is exemplified, for instance, in the case of Damascus, when he undertook to support a Muslim leader and persuaded his own subjects of the necessity of such an alliance. Another striking example lies in his relationship with Byzantium, and more specifically, the role of Antioch within his political strategy. It seems clear that a key element of Fulk's policy was to secure a suitable figure for the leadership of Antioch, which he accomplished in 1136 with the arrival of Raymond of Poitiers, a man drawn from his own circles. Yet even while ensuring such influence, Fulk never disputed Byzantium's claims to Antioch. Once again, William offers us the image of a ruler willing to yield ground, one who acknowledged the emperor's rights over the principality and showed no desire to enter into a serious conflict with Byzantium on this account.[8]

At one level, then, we observe in the Latin East a recurrence of the conflict dynamics of the feudal world. Yet it is equally important to recognize that local disputes in the East were not merely similar to the practices of conflict resolution familiar in the West, but that Western rulers actively sought to transplant their own feudal logics into the crusader states. On this basis, however threatening the belligerents may at times appear, it must be understood that their aims were not necessarily—or not exclusively—mutual destruction, but rather the stabilization of a status quo with limited adjustments. Among the challenges confronting Fulk, one of the most perilous was the redefinition of relations with a resurgent Byzantium. The offensive of John II Comnenus began with a campaign—launched to great fanfare—for the "recovery" of Antioch. This goal was achieved, but the outcome was in fact to place the Frankish–crusader powers in a position of renewed, though subordinate, alliance. Fulk demonstrated acute political judgment in recognizing the nature of the Byzantine threat, and by 1137 a Frankish–Byzantine agreement was concluded. This settlement, however, necessarily entailed his acceptance of Byzantium's claim to Antioch.

---

[5] "*ipsi Fulconi deesset ad gloriam, cum nominis sui fama latius per orbem claresceret,* ***a regni Jerosolimitani principibus unanimiter evocatus****, in solio David magni regis collocatus est, Millesendem Baldewini secundi filiam unicam et heredem uxorem accipiens"* Radulfus de Diceto, p. 269. (Bolded by L. G.)

[6] Ordericus Vitalis, IV. p. 106–107.

[7] MAYER 1989.

[8] Nevertheless, Fulk skillfully deflected the idea of Emperor John's pilgrimage to Jerusalem and his visit. William of Tyre, Vol II, p. 126.

In connection with Fulk's son Geoffrey V the Fair (1129–1151), it is worth making a brief digression: Geoffrey also known as Geoffrey Plantagenet, is not a case of acquiring a crown and therefore cannot be regarded as a truly successful generation in that respect. Yet in another sense he is still worth mentioning, if only because he and his wife, Matilda of England, can be considered the founders of Angevin rule in England. It is well known, however, that the crucial marriage arranged by Henry I (1100–1135) and Count Fulk of Anjou—prompted by Matilda's widowhood in 1125—did not initially appear advantageous from Matilda's perspective. It is no coincidence that the young widow, after returning (or being simply recalled by her father) to England, showed little inclination to marry Geoffrey, who was still underage and not yet knighted.[9] This is why the account given a few years later by our Loire-region source, John of Marmoutier, is striking: he repeatedly emphasizes that the marriage enjoyed complete consensus.[10] There is no doubt that this reflects the changing expectations set by the Church—namely, the necessity of mutual consent—yet it is also easy to imagine that John of Marmoutier may have been alluding to the disappearance of earlier personal objections as well. His report, in any case, depicts a romantic, almost fairy-tale wedding, containing a fair amount of idealizing exaggeration.[11] Nevertheless, it can be established that we are dealing with another marriage based on full consensus, similar to the union entered into by Geoffrey's father, Fulk, a year later (1129).[12] To put it differently, the dynasty's later fate was fundamentally grounded in two emphatically consensual marriages, concluded within scarcely a year of each other—first the son's, then the father's. It is also noteworthy, however, how fragile this initial consensus proved to be, as only a few years later both

[9] William of Malmesbury, p. 481

[10] "*Traditur itaque nuptui filia regis Andegavorum comitis filio, fit ab episcopis mutui consensus scrutinium.* ***In consensu siquidem conjugii tota vis et efficacia consistit: consensus etenim conjugium facit****; consentit uterque, alter alteri fidem se servaturum pollicetur*." John of Marmoutier, p. 180. (Bolded by L.G.)

[11] "*Rex vero, genero suo et filie sue pacis relinquens oscula, ad alia agenda se convertit; consul vero Andegavensis cum filio suo et filii uxore Andegavis abiit. Quibus adhuc aliquantis per longe positis, tota civitas ruit, pulsantur signa, parietes ecclesiarum cortinis et palliis adornantur; universus vero clerus in albis et cappis, cum cereis et textis et crucibus, cum hymnis et laudibus obviam devotus procedit. Susceptus est itaque dominus novus et domina nova cum maximo cleri plebisque tripudio. Duxerunt deinceps in bonis dies suos et Britannie Majoris insulam et transmaritimas partes magnifici germinis successione nobilitaverunt*" .John of Marmoutier, p. 181.

[12] For comparison, see the passage from William of Tyre's text concerning count Fulk and his wedding. "*successit in regno dominus Fulco, gener eius, comes Turonensium, Cenomannensium et Andegavensium, cui predictus dominus rex filiam suam primogenitam Milissendem nomine dederat uxorem, ut premisimus. Erat autem idem Fulco vir rufus, sed instar David, quem invenit dominus iuxta cor suum, fidelis, mansuetus et contra leges illius coloris affabilis, benignus et misericors, in operibus pietatis et elemosinarum largitione liberalis admodum; secundum carnem princeps potens et apud suos felicissimus, priusquam etiam ad regni vocaretur gubernacula; rei militaris experientissimus et in bellicis sudoribus patiens et providus plurimum; statura mediocri, sed iam grandevus et plusquam sexagesimum agens annum*." William of Tyre, II. p. 631.

marriages seemed on the verge of collapse,[13] though afterward they remained steady—indeed, fruitful.

The case of Henry II differs somewhat from that of his two predecessors. His administrative practice and his relationship to the elites are well known and extensively studied in the scholarship. His accession owed much to the extinction of the House of Blois and the consensus thereby produced; yet in the first decades of his reign one can observe the implementation of a carefully designed administrative reform and, alongside it, the consolidation of a political model rooted in strong royal authority. The consensus that brought him to power remained, however, only partial. The example of Anjou—part of his paternal inheritance—reveals that Henry, when it served his interests, did not hesitate to overstep both his father's testament and his brother's rights. From this, it may fairly be concluded that Henry was not fundamentally reliant on political compromise. Indeed, in the early years of his reign he often pursued a strategy of outright domination. Yet it would be mistaken to exclude compromise entirely. Research into his relations with the local nobility has shown that he consistently sought—following his father's advice—not only to take account of local conditions, but also to involve both the regional aristocracy and the clergy in governance. This qualification complicates, and to some extent contradicts, the image of Henry as a merely punitive or destructive ruler. Alongside his efforts at control and enforcement, the scholarship now recognizes the concept of fidelization—the winning of loyalty—as an equally essential component of the early Plantagenet model. Such practices were aimed, in no small measure, at neutralizing potential conflicts. The Norman evidence shows that when faced with rebellious lords, Henry's repertoire extended beyond castle demolitions or exile; after a certain time, he might allow their return, restore part of their estates, or, in the case of castles, withhold only the central donjon for royal purposes.[14]

The crisis of 1173–1174 is instructive in many respects, though at first glance it appears to involve little compromise. Henry II was forced to confront a series of coordinated rebellions, which might suggest an inevitable pressure to negotiate. Yet, Henry succeeded in isolating each case and resolving the situation, as it were, "by force." This was possible only because the rebellion, celebrated in historiography, was never entirely universal: many regions and lords remained peaceful and loyal to Henry. The principal danger to the Plantagenet king lay in the territorial dispersal of the revolts, the prestige of the powers supporting them, and their degree of coordination. By virtue of his larger mercenary forces, and not least the loyalty of his remaining allies, Henry was able to suppress the rebellions without major concessions or compromises. The devastation he inflicted in Brittany, moreover, resembled a campaign of vengeance more than the actions of a shrewd tactician.[15]

[13] Henry of Huntingdon, p. 258–259.
[14] BILLORÉ 2014. p. 191–192.
[15] BOUSSARD 1956. p. 471–488.

Yet, the resolution of the crisis marked, in many ways, a turning point, and perhaps the first substantive compromise of Henry's reign. Until then, Plantagenet politics had appeared as a model of strong, personal, indeed autocratic governance, in which neither dynastic ambitions nor ecclesiastical resistance prevailed unless endorsed by the king himself. Beneath this, however, lay a political system sustained by constant mobility, rapid responses, a dense and carefully monitored network of castles, and a well-functioning administration—around which there was already emerging a coherent ideology of kingship.[16] In this sense, it was the creation of a new political structure that temporarily displaced compromise from the feudal repertoire of political instruments.

Our third example is Charles of Anjou, who in the latter half of the thirteenth century built the so-called "Angevin empire." His policies were marked by a consistent avoidance of unnecessary conflicts in matters of legal practice. This is particularly evident in Provence, where he might have overturned deeply rooted traditions of Roman law and a practice of nearly a century and a half's standing had he insisted on applying models imported from northern France. Instead, he refrained from such disruption. At the same time, this restraint was never accompanied by passivity; on the contrary, in almost every respect Charles proved more active than his predecessors.

Charles may well have learned from the earlier Plantagenet experience. The Angevin dynasty of the twelfth century, torn apart by internecine rivalries, had lost a significant portion of its domains—most notably Anjou itself. In sharp contrast stood the Capetian heir who came to rule Anjou: in his person, the French royal family embodied a model of cohesion. The respect shown for paternal intentions, the deference to the decisions of his elder brother Louis IX, the provision of space for younger siblings, and their mutual support—these were positive examples that both contemporaries and modern historiography alike have identified as characteristic of the dynasty.

Charles began his rule with an inquest (inquisitio), a procedure familiar from the earlier Anglo-Norman and Plantagenet models.[17] French historiography generally agrees that the highly deliberate centralization and professionalized administration that followed were largely responsible for the hostile reception of his rule, particularly in Sicily. It is equally important, however, to note that the early period of his reign saw the arrival of numerous French officials, which inevitably marginalized local—above all Italian—interests. A shift became visible only in the 1270s, though even then we do not perceive the kind of internal fracture or conflict observed in our previous two cases.[18] Moreover, Charles's reforms were not without precedent: they sought primarily to perfect the administrative structures of the Hohenstaufen, and, as in the case of his predecessors, many of his men operated in foreign contexts. In fact, among his most effective collaborators were Italians integrated into the

[16] Chauou 2001.
[17] Pollastri 2004. A similar investigation was also conducted in Provence: Enquêtes.
[18] Bresc 2004; Galasso 2004; Pollastri 2020. 425–432.

reform program, such as Giovanni della Marra of Amalfi, Francesco Loffredo, and Matteo Ruffolo.[19] The result was the construction of a widely recognized fiscal and administrative order, one that reflected the obligations of the French feudal world and provided regular revenues in southern Italy. Charles himself quickly reaped its benefits.

Thus, although Charles's first measures did not rest upon broad consensus, they nevertheless displayed prudent tact and a willingness to adopt sound precedents, both earlier and local. His royal curia (magna regia curia) drew above all on Hohenstaufen precedents, while the royal chapel (capella regis utriusque Siciliae)—though an old and widespread institution—took on in Sicily a range of complex functions modeled more closely on the papal chapel than on its French counterpart.[20]

Conclusion

In each of the three cases considered, the Angevin dynasty attained power only after broad negotiation and with substantial support. Most clearly in the case of Fulk, one detects both consensus and numerous compromises in the acquisition of the throne and in the early years of rule. Yet all three rulers were eventually confronted with crisis periods that compelled them to adopt a more moderate and compromise-oriented stance. At the same time, it is equally clear that all three cases belong to the transitional phase between the narrower consensuses, characteristic of the feudal world and consensuses of the later structures of estates and representative institutions. Most notably in the reigns of Henry II and Charles of Anjou, the strengthening of royal ideology and the initiation of administrative reforms temporarily displaced the pursuit of broader political consensuses.

BIBLIOGRAPHY

SOURCES

Enquêtes	*Enquêtes sur les droits et revenues de Charles Ier d'Anjou en Provence (1252 et 1278)*. Ed. BARATIER, Edouard. Paris. 1969.
John of Marmoutier	Historia Gaufredi ducis Normannorum et comes Andegavorum. In: *Chronique des comtes d'Anjou et seigneurs d'Amboise*. Ed. HALPHEN, Louis – POUPARDIN, René. Paris, 1913. p. 172–231.
Henry of Huntingdon	*Chronicle of Henry of Huntigdon Comprising the History of England, from the Invasion of Julius Caesar to the Accession of Henry II*. Ed. FORESTER, Thomas. London. 1853.
Ralph de Diceto	*Radulphi de Diceto decani Lundoniensis opera historica-The Historical Works of Master Ralph de Diceto dean of London*. Vol. II. Ed. STUBBS, William. London. 1876.
William of Malmesbury	*William of Malmesbury: Chronicle of the Kings of England from the Earliest Period to the Reign of King Stephen*, Ed. Giles, B.A. London. 1847.

[19] JEHEL 2014. p. 49.
[20] JEHEL 2014. p. 49–51.

William of Tyre — Willelmus Tyrensis: *Chronicon*. Ed. Huygens, Robert Burchard Constantijn – Mayer, Hans Eberhard – Rösch, Gerhard. A. Turnhout. 1986. (Corpus Christianorum Continuatio Mediaevalis 63.)

Ordericus Vitalis — Ordericus Vitalis: *The Eccesiastical History of England and Normandy*. Ed. FORESTER, Thomas. London. 1856.

Secondary Literature

BILLORÉ 2014 — BILLORE, Maité: *De Gré ou de force. L'aristocratie normande et ses ducs (1150–1259)*. Rennes. 2014.

BOUSSARD 1956 — BOUSSARD, Jacques: *Le gouvernement d'Henri II Plantagenêt*. Paris. 1956.

CHARTROU 1928 — CHARTROU, Josèphe: *L'Anjou de 1109–1151*. Paris. 1928.

CHAUOU 2001 — CHAUOU, Amaury: *L'idéologie Plantagenêt. Royauté arthurienne et monarchie politique dans l'espace Plantagenêt (XII^e–XIII^e siècles)*. Rennes. 2001.

BRESC 2004 — BRESC, Henri: La chute des Hohenstaufen et l'installation de Charles d'Anjou. In: *Les Princes angevins du XIII^e au XV^e siècle. Un destin européen*. Ed. TONNERRE, Noël-Yves – VERRY, Elisabeth. Rennes. 2004. p. 61–83.

ENGEL 2001 — ENGEL Pál: The Realm of Saint Stephen. A History of Medieval Hungary 896–1526.Budapest.2001.

GALASSO 2004 — GALASSO, Guiseppe: Charles I^er et Charles II d'Anjou, princes italiens. In: *Les Princes angevins du XIII^e au XV^e siècle. Un destin européen*. Ed. TONNERRE, Noël-Yves – VERRY, Elisabeth. Rennes. 2004. p. 85–98.

JEHEL 2014 — JEHEL, Georges: *Les angevins de Naples. Une dynastie européenne 1246-1266-1442*. Ellipses. Paris. 2014.

LÉONARD 1954 — LEONARD, Émile G.: *Les Angevins de Naples*. Paris. 1954.

MAYER 1989 — MAYER, Hans Eberhard: Angevins versus Normans: The New Men of King Fulk of Jerusalem. *Proceedings of the American Philophical Society* 133 (1989), p. 1–25.

POLLASTRI 2004 — POLLASTRI, Sylvie: Le Liber donatium et la conquête angevine du royaume de Sicile (1268–1281). *Mélanges de l'École Française de Rome. Moyen Âge* 116 (2004), p. 657–727.

POLLASTRI 2020 — POLLASTRI, Sylvie: Chose publique et contexe féodal. Rôle(s) de l'aristocratie sous les angivins de Naples. In: *Les officiers et la chose publique dans les territoires angevins (XIII^e–XV^e siècle): vers une culture politique? Gli ufficiali e la cosa pubblca nei territiri angioini (XIII–XV secolo): verso una cultura politica?* Ed. PÉCOUT, Thierry. Rome. 2020. p. 425–443.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 73–87.

DOI: 10.15170/SPMNNV.2025.14.04

Gergely Kiss, DSc
kiss.gergely.balint@pte.hu
University of Pécs
Faculty of Humanities and Social Sciences
Institute of History
Department of Medieval and Early Modern History
Rókus utca 2.
H-7624 Pécs
Hungary

Gergely KISS

Plenitudo potestatis or consensus? Boniface VIII and the question of the Hungarian throne*

Since 1290, the Angevins of Naples had constantly emphasised their claim to the throne of Hungary, and the Apostolic See was a strong support in the possible realisation of this ambition. The Papacy made it clear that it had the exclusive right to appoint the person of the Hungarian ruler. In this crisis, however, as early as 1290, and after the extinction of the House of Árpád (1301), a clear claim to the Hungarian throne by election was clearly expressed. The paper shows how Boniface VIII dealt with this issue, how these powerful legal ideas clashed, and to what extent the Pope sought or avoided a consensus-based resolution of the conflict.

Keywords: papacy, Hungary, Boniface VIII, claim of throne, consensus, conflict, papal government, cardinals

On 31 May 1303, Boniface VIII issued a solemn judicial act (*Spectator omnium*) in which he approved the hereditary right of the young Charles of Anjou to the throne of the Kingdom of Hungary. The pope's decision was a matter of ordinary jurisdiction, alluding to the "office of the vicar's power" with strong references to "divine power" and 'fullness of power.'[1]

* The research is supported by the National Office of Innovation and Research (NKIFH NN 124763): "Papal Delegates in Hungary in the XIVth Century (1294-1378) – Online Database" and by the Program of Excellence of Institutions of Higher Education "NKFIH-1150-6/2019".

[1] "Spectator omnium cunctorum prescius rex eternis civitatem Ierusalem ruituram previdens, flevit compassibiliter super illam. Numquid igitur et nos, eius officium vicarie potestatis habentes, fletus arcere possumus mitigare punctionis aculeos, gemitus cohibere, videntes acerbe regni Ungarie collapsi per plurimum dissidia gravia, inculcata frequentius diminutionis incommoda et ruinam taliter imminentem? […] Nos vero habita super iis cum fratribus nostris examinatione solemni, profunda maxime meditatione pensantes statum prefati regni Ungarie miserabilem et depressum, flebili quidem compassione de plenitudine potestatis, […] de fratrum nostrorum consilio decernimus, diffinimus, declaramus, et volumus […]". THEINER I. p. 397–399.

However, "counsellors" were involved in the decision-making process, which took the form of an 'enlarged' consistory normally composed of the pope and his cardinals. Where appropriate, Hungarian prelates also took part by voting in favour of Charles I. The text makes extensive use of a formula according to which a consistorial act arbitrates the cause of candidates for the throne of the Hungarian kingdom. Similarly, a few years later, when Clement V renewed Boniface VIII's act of 1303, he alluded to the participation of 'our brothers,' the few Hungarian prelates, without mentioning the cardinals.[2]

Let us first address the premises of the papal provision. The documents issued by Boniface VIII in 1298[3] and 1301[4] and his predecessor, Nicholas IV (between 1288 and 1292),[5] have one common element: they all, without exception, state that the Kingdom of Hungary belongs to the jurisdiction of the Apostolic See.[6] This idea stems from a letter from Gregory VII to the Hungarian king Solomon (1074) in which the pope notes that the first king of Hungary, Stephen I, had offered his kingdom to the Apostolic See, which therefore constituted the patrimony of St. Peter.[7]

This idea was enriched by a new element at the beginning of the fourteenth century. We are still in the context of the succession of royal power in Hungary, the Árpád dynasty became extinct in the male line with the death of Andrew III (14 January 1301).[8] It was Boniface VIII's charter of 17 October 1301 that declared the pope's exclusive right of decision. King Stephen I had obtained his crown and kingdom from the Apostolic See, as the papal bull emphasised, and the pope claimed the right to decide the succession dispute that was of great concern to the candidates.[9] This series of papal decisions focused on providing solid arguments for the sole judicial competence of the popes in the 'Hungarian cause'. And they found it in the kingdom's belonging to papal jurisdiction. The aforementioned charter of 1303 by Boniface stands out in two respects. *Firstly,* it was issued in the form of a peremptory sentence; *secondly*, it is the only document among others regarding the case that used the phrase "de fratrum nostrorum consilio".

[2] 7 August 1307: THEINER I. p. 417–421.
[3] THEINER I. p. 382–383.
[4] THEINER I. p. 387–388.
[5] FRAKNOI 1901. p. 92, 98, 99; THEINER I. p. 361–366, 372–375; POTTHAST nr. 23339; RN IV nr. 4425, 4426, 7563; JADIN 1934. col. 290; HC I. p. 242, note nr. 4; MORONI 1848. p. 10–13.
[6] See in general: KIESEVETTER 2006.
[7] "[…] Nam sicut a maioribus patrie tue cognoscere potes, regnum Vngarie sancte Romane Ecclesie proprium est a rege Stephano olim Beato Petro cum omni iure et potestate sua oblatum et devote traditum […]". DHA nr. 68.
[8] Even earlier, in 1290, upon the death of Ladislas IV, the succession of Andrew III 'the Venetian' was contested by the Angevins of Naples and the papacy. See: KIESEVETTER 2006.
[9] Beside Charles I, Wenceslas II, the King of Bohemia, Wenceslas II also claimed the crown of Hungary for his son. His mother was Kunigunda, granddaughter of Béla IV. The future Wenceslas III of Bohemia was crowned Hungarian king by the archbishop of Kalocsa and issued his charters in Hungary under the name Ladislas between 1301 and 1304. A third pretender was Otto of Wittelsbach, the Bavarian duke who was the son of Elisabeth, daughter of King Béla IV. One of the oligarchs, the voivode of Transylvania, Ladislas Kán, deprived Otto of the crown, which was regained by Charles I in 1309.

Although according to Nicholas IV, Boniface VIII (and even Clement V) the Vicar of St. Peter's full decision-making authority was never to be questioned, the wording of the 1303 act, which does not appear in the papal decisions of previous years, calls into question the process and its possible connection with the difficulties that characterised Boniface VIII's reign.

The Curia was an instrument of government, yet family ties (which are not necessarily based on consanguinity) impose themselves on its functioning, as Thérèse Boespflug noted in 2005: "This family structure and the alliances that are grafted onto it constitute a backdrop that can never be lost sight of in the analysis of relations between members of the Curia at the time of Boniface VIII. At all times, this web of privileged ties, or irreconcilable hostility, intervenes in the significant events of the Curia. This was particularly true in relations with the Colonna family and the crusade waged against them following the theft of the treasury by Stefani di Giovanni on 3 May 1297."[10]

The cardinals functioned as a natural tool of government, whether in terms of legislation, jurisdiction, or enforcement. Boniface VIII's opponents criticised him for rarely consulting the cardinals, i. e. seeking their consensus, or worse, ignoring them completely. Such a sinister opinion was formulated especially after 1297 and even more so in the years following his death, during the trial against him. The judgements of the injured parties, the two Colonnas, Pietro and Jacopo, or Jean le Moine, often contain excesses,[11] but they highlight the underlying problem: the grain of sand that prevents the cogwheel of papal government from functioning properly.

Historiography has already highlighted the altercations that characterised the consistories during the time of Boniface VIII. The situation worsened considerably with the removal of Cardinals Pietro and Jacopo de Colonna in 1297. Consistories became rare, private meetings took precedence over public ones, and the number of his most loyal supporters dwindled in the last years of his pontificate. In 1302, for example, three influential cardinals, Gerardus Blancus, Matheus de Aquasparta and Petrus Valeriani de Piperno, passed away.[12]

The text of the judicial act of 31 May 1303 paints a very vivid picture of the decision-making process: the prelates, the Pope's "brothers", who hold "the office of vicar of Christ", meet and decide at their own will on the cause of royal power in Hungary. This is a very idyllic image, which raises the question of whether it corresponds to the reality of the daily government of this same pope.

The use of the formula „*de fratrum nostrorum consilio*" reflects the harmonious cooperation between the pope and the cardinals in the process of this judicial act, to which were added the prelates who supported the cause of Charles I of Anjou. This phrase is absent from the papal decisions preceding the

[10] Boespflug 2005. p. 19.
[11] For some examples see: Paravicini Bagliani 2003. p. 185–188.
[12] Paravicini Bagliani 2003. p. 185–188; Boespflug 2005. p. 27–28, nr. 572.

act of 1303. The question arises as to whether its use is related to the criticism being levelled at the government of Boniface VIII.

The substance of the relationship between the pope and the cardinals, as we know, was not precisely defined; different traditions coexisted in canon law, and special privileges also shaped the framework for collaboration. The *Decretum Gratiani* includes an abridged text of the 1059 election decree.[13] In the absence of positive regulations, it was practice that shaped the prerogatives of cardinals in the high government of the Church from the mid-12th to the early 13th century.[14] The popes and cardinals had very complex relationships, which makes it difficult to define the essence of the latter's role. Several points of view are applicable, namely the corporate idea that characterised the position and interconnection of the Vicar of Christ and the cardinals, or the historical evolution of the term *cardinalis* and its interpretation in canon law.[15] First and foremost, it should be noted that there was essentially continuous cooperation between them; the cardinals did not have full power (*plenitudo potestatis*), but they replaced the pope in the event of vacancy, or impediment.[16] They assisted with liturgical duties and gave their opinions and advice to the government.[17]

The evolution of canon law reached a new phase in the mid-13th century. The vacancy preceding the election of Innocent IV in 1243, the debates that emerged in the years 1268–1271, the election decree of 1274, and finally the transition from the resignation of Celestin IV to the election of Boniface VIII gave new impulsion to the development of a new canonical conception. The emphasis shifted from counsel (*consilium*) to the right of agreement (*consensus*) without resulting in the formation of 'conciliarism', or even more so, a 'constitutional' institution.[18]

Canonists from the period between the death of Gregory IX (1241) and the election of Clement V (1307) were very interested in the jurisdiction attributed to cardinals. Shortly after the compilation of the *Liber extra* (1234), the cardinals took collective action in 1243. The vacancy of the Apostolic See (1241–1243) provided a good opportunity for this. A note in Matthew Paris' *Chronica maiora* reports that seven cardinals called themselves 'depositaries of power' during the vacancy of the Apostolic See in a matter of minor

[13] CONETTI 2003. p. 344; D. 1, Dist. XXIII, c. 1. (Decretum Gratiani, Pars prima, Distinctio XXIII, capitulum 1) FRIEDBERG col. 77–79.
[14] CONETTI 2003. p. 345.
[15] The list of references cited below is not exhaustive: SÄGMÜLLER 1896; KUTTNER 1945; ANDRIEU 1946; GANZER 1963; FÜRST 1967; HÜLS 1977; FIGUEIRA 1980; BLET 1982; PARAVICINI BAGLIANI 2004.
[16] CONETTI 2003. p. 345.
[17] PARAVICINI BAGLIANI 2004. p. 183–184.
[18] This possibility was formulated by Brian Tierney and Robert Scholz. TIERNEY 1998. 158–159; SCHOLZ 1903. p. 190–207. However, Conetti rejects the idea of any organisation with the character of a 'party'. For him, the main argument is that even the cardinals being hostile to Boniface VIII (Napoleone Orsini and Guiglelmo Longhi) opposed the two Colonnas, but no 'front' was formed against the pope. CONETTI 2003. p. 347–348.

importance during the turbulent years following the death of Celestine V.[19] The letter was a fine example to the chronicler, illustrating the *power vested in the cardinals during the vacancy*.[20]

It is not surprising that the most illustrious canonists of the time were among the authors of the letter: Sinibaldo Fieschi (Cardinal Priest of S. Laurentius in Lucina /1227–1243/, the future Innocent IV),[21] Rainaldus de Conti di Segni (Cardinal Bishop of Ostia and Velletri /1234–1254/,[22] the latter's successor under the name Alexander IV), Johannes de Colonna (cardinal-priest of S. Praxedis /1212/1217–1244/),[23] as well as 'great' cardinals such as Stephanus Conti (cardinal-priest of S. Maria Transtiberim),[24] Rainerius Capoccius (cardinal deacon of S. Maria in Cosmedin /1216–1244/),[25] Egidius de Torres Hispanus (cardinal deacon of SS. Cosmas and Damian /1216–1246),[26] Otto de Montferrato (cardinal-deacon of S. Nicolaus in carcere Tulliani /1227–1244)[27].

Among them, Sinibaldo Fieschi is particularly distinguished, interpreting the relationship between the pope and the cardinals as analogous to that between the bishop and the chapter. The latter cooperated with the government by giving his advice (*consilium*), but the exercise of the ordinary's power did not require the consensus (*consensus*) of the chapter.[28] Elsewhere, the author compared the role of the council of cardinals to that of senators.[29]

Later, it was Hostiensis who dealt in detail with cardinal power in his *Apparatus or Lectura in decretales Gregorii IX*, a commentary he wrote on the *Liber extra* (1271). He sought to define the nature of the council of cardinals and its relationship with the pope. He stated that the cardinals were part of papal power because they shared with the pope the full of power (*plenitudo potestatis*) at the head of the Church government. However, Hostiensis neglected to discuss the day-to-day exercise of power. He took up Fieschi's 'council theory': the cardinals are the pope's advisors and therefore part of

[19] "Nos autem, penes quos potestas residet, apostolica sede vacante." LUARD 1877. p. 250. See: DYKMANS 1981. p. 132.
[20] "Exemplum ad quod potestas papalis ad fratrum universitatem divolvitur sede vacante papali et super hoc littera universitatis." LUARD 1877. p. 250.
[21] HC I. p. 6, 43.
[22] HC I. p. 6, 35.
[23] HC I. p. 4, 45. Cf. CRISTOFORI 1888. 62, 238; COLONNA 1927. p. 15–18; HAGEMANN 1968. p. 444–445; LEONHARD 1983. p. 133–135; LONGNON 1949. p. 157–159; MALECZEK 1982; MALECZEK 2000; MACGILLIVRAY NICOL 1957 p. 50–52; SÜTTERLIN 1929. p. 122–124; THUMSER 1995. p. 66–75; WENCK 1926; WOLFF 1954. p. 262; EGIDI 1908–1914. I. p. 285; PARAVICINI BAGLIANI 1980. p. 9, nr. 6/1.
[24] HC I. p. 4, 44.
[25] HC I. p. 4, 51.
[26] HC I. p. 5, 49. Innocent IV (4 January 1253) At the request of Egidius, the executor of Johannes de Colonna's will, the pope ordered the Abbey of Sainte-Geneviève in Paris to pay Johannes' nephew, Eudes de Colonna, the 200 marks of silver that Lorenzo de Chevele had deposited there. RI IV. nr. 6179; PARAVICINI BAGLIANI 1980. p. 9, nr. 6/2.
[27] HC I. p. 6, 52.
[28] CONETTI 2003. p. 345.
[29] TIERNEY 1998. p. 160.

papal power.[30] Hostiensis' position was undoubtedly inspired by the turbulent events of 1268–1271 surrounding the election of the new pope. The author's main notion is the 'state of emergency,' and only this necessity allows the cardinals to assume papal power.[31] The same principle appears in another context. According to a letter from Gregory X (1273), the cardinals should give their advice in case of doubt (*dubium*).[32]

In 1274, the Second Council of Lyon enacted the decree *Ubi periculum*, which was included in the *Liber Sextus* (1, 6: *De electione et electi potestate*, 3: *Ubi periculum*). The council's decision modified the decree on papal elections established in 1059 and entrusted the conclave with the responsibility of appointing the new pontiff by suffrage. From then on, the college of cardinals could exercise papal power during the vacancy without having explicit confirmation of the cardinals' participation in full papal power (*plenitudo potestatis*).[33] It should be added, however, that Gregory X's decree implied the consent of the prelates (particularly bishops and abbots) and limited the cardinals' responsibility to the election of the pope and its promulgation.[34] In short, a theory was emerging at that time that cardinals participated in the exercise of papal power because they were the pope's closest advisors. However, there was not a sharing of power between the Roman pontiff and the cardinals.[35]

The resignation of Celestine V in 1294 before the consistory contributed to strengthening the corporate spirit. It reinforced the idea that the cardinals would associate themselves with papal power and replace the pope during the vacancy. On the one hand, the resignation was primarily theoretical in scope, as it revitalised the debate that had been raging since the mid-13th century

[30] Glose *Cardinalium* ad X 1, 24, 2: "Six dicti a cardine, quia sicut cardine regitur ostium, ita per istos regi debet officium ecclesie". Glose *In synodo* X 3, 4, 2: "Sunt enim cardinales pars corporis domini pape … et cum eo urbem iudicant et disponunt". Glose ad X 5, 38, 14: "cardinales includentur etiam in expressione plenitudo potestatis". Glose *Fratres nostri,* X 4 17,13: "inter cardinales quippe et papam tanta est unio, ut sibi ad invicem omnia communicare deceat, sicut enim inter episcopum et capitulum suum maior est communio quam inter eundem episcopum et ceteras ecclesias sue diocesys […] sic multo magis et multo excellentius maior est unio inter papam et collegium Romane ecclesie quam etiam inter aliquem alium patriarcham et capitulum suum […] et tamen patriarcha sine consilio fratrum non debet ardua expedire […]. Multo fortius ergo decet papam consilia fratrum suorum requirere, nam et firmius est iudicium quod a pluribus queritur, XX. dist. *De quibus* [D. 20, c.]." CONETTI 2003. p. 345–347. According to Tierney, Hostiensis formulated a constitutional idea: TIERNEY 1998. p. 136–140.

[31] "Romanus pontifex, qui plenitudem potestatis obtinet […]. Sed pone, papam mortuum, quaero penes quem resideret haec potestas? Utique penes ecclesiam, dormitat tamen exercitium, doned caput creetur […]. Sed numquid collegium cardinalium habet iurisdictionem papae et exercitum ipsius? [… Cardinales] illam potestatem, illam iurisdictionem habere videntur, per totam christianitatem, quem et papa […]." DYKMANS 1981. p. 132–133. Hostiensis is clearer in another place: "nil decet papam facere sine consilio fratrum suorum". SÄGMÜLLER 1896. p. 244; PARAVICINI BAGLIANI 2004. p. 186.

[32] PARAVICINI BAGLIANI 2004. p. 185.

[33] CONETTI 2003. p. 347.

[34] TIERNEY 1998. p. 165–166; PARAVICINI BAGLIANI 2004. p. 187–189.

[35] TIERNEY 1998. p. 144; CONETTI 2003. p. 347.

about the prerogatives of the college of cardinals and its participation in papal power. On the other hand, it provided an opportunity for the development of corporate government practices.

In addition to openly political references – notably the rivalry between the Colonna and Gaetani families – the pamphlets compiled against Boniface VIII refer to the ideal of corporate government. The two Colonna cardinals, Jacopo and Pietro, wrote three pamphlets as soon as their conflict with Boniface VIII erupted in May-June 1297. Two fundamental points were articulated among the many criticisms of the election and government of Benedetto Gaetani, whom the authors simply referred to as 'Benedictus'. On the one hand, the resignation of Celestine V was targeted, with important arguments put forward to demonstrate the invalidity of such act. The Colonna family questioned its legal basis, insisting on the *indelebilis character* of the papal office. On the other hand, they refuted Boniface VIII's mode of government: the exclusive reservation of ecclesiastical benefices, ignoring collective decision-making, and the imposition of his own interests on those of the local churches.[36] The deprivation of the cardinalate of the two Colonnas highlights the relevance of this last element; they reproached the pope for a personal and authoritarian decision.[37] Jacopo and Pietro went further, not content with merely presenting the injuries they had suffered.

In addition, the authors proposed a solution that could put an end to the irregularities. They believed that a general council would be authorised to decide on the validity of Celestine V's resignation, the election and the government of Boniface VIII. Although not mentioned, it is highly probable that Jacopo and Pietro Colonna would have assigned a mediating role to the college of cardinals because, in their view, they shared power with the pope, just as they did during the *sede vacante* period.[38] The two Colonnas thus renewed the theory that emphasised the conciliar nature of the relationship between the pope and the cardinals. They attributed to the latter a constitutional role as a *sine qua non* element of government, concluding that the pope could not take any action without consulting the college of cardinals. Furthermore, the pope is not the sole depositary of full power (*plenitudo potestatis*), as confirmed by the 1274 election decree (*Ubi periculum*), which was repealed by Boniface VIII. Jacopo and Pietro's proposal states that cardinals are the necessary advisers to the pope (*cardinales, consciliari necessarii*), drawing on what Hostiensis had formulated. Here we return to the idea that cardinals are part of the pope's body (*membra corporis pape*). On the other hand, the constitutional role of cardinals is missing in Hostiensis.[39]

The criticisms and solutions proposed by the two Colonnas had a remarkable impact. One of the illustrious canonists of the early 14th century,

[36] Conetti 2003. p. 352.
[37] Conetti 2003. p. 352–353.
[38] Conetti 2003. p. 353.
[39] Conetti 2003. p. 354–355.

Jean Le Moine,[40] gathered arguments concerning the legitimacy and validity of the popes' own decisions. He argued, however, that popes should seek the consensus of the cardinals. He asserted that the legitimacy of papal decisions rested on the fact that the pope acted as vicarius Christi. The author concluded that everyone should submit to the pope's jurisdiction, which extended to both the clergy and the laymen. Le Moine's expressions – *ad reformationem pacis, vicarius Christi* – are of interest to us because they recur among the formulas (*reformatio regni, officium vicarie potestatis habentes*[41]) that Boniface VIII used in the judicial act that was meant to decide the succession to the Hungarian throne. Le Moine uses elements of Roman law when he wants to define the relationship between the pope and the cardinals. He alludes to the link that reconnects the prince and positive law. According to the theory of „*princeps legibus solutus est*", the cardinals could not limit the pope's free right of jurisdiction, but it was desirable for the pope to consult their opinion because even the pontiff had to live according to these laws.[42] Similarly, the author supports this idea, drawing inspiration from the decree *Ubi periculum*, and states that the role is limited solely to the election of the pope.[43] Le Moine himself uses the analogy of the bishop and the cathedral chapter employed by Fieschi when he wants to explain the mutual nature of the relationship between the pope and the cardinals.[44] To quote Rivière's significant statement: „Jean le Moine simply pointed out that the pope needed the consensus of the cardinals, while accepting the full power (*plenitudo potestatis*) of the pope, constrained only by natural and divine law."[45]

Le Moine was also interested in the collegial power of the cardinals. He returned to the "traditional" idea that full power would be attributed to them in the event of a vacancy.[46] The author approved of the fact that Celestine V had reinstated Gregory X's decree *Ubi periculum*, which had been repealed by Adrian V and John XXI.[47] The opinion of this influential canonist sums up the

[40] The influence of the Colonna pamphlets can be seen in Lemoine's work, particularly in his glosses written for Liber Sextus, where he indirectly refers to them as examples of theses questioning the power of the pope. See: *Apparatus ad Librum Sextum Decretalium*, VI, 2,14,2; 5,2,4; X,1,6,3. CONETTI 2003. p. 355–357.

[41] THEINER I. p. 397–399.

[42] "Tamen secundum leges ipsum vivere decet […]". *Apparatus ad Librum Sextum Decretalium*, V. ii, 4. – cited by TIERNEY 1998. p. 169. It should be noted that the author specifies that Boniface VIII's decrees are to be rejected because they were issued *absque fratrum consilio*.

[43] CONETTI 2003. p. 355–357.

[44] SCHOLZ 1903. p. 196. These ideas are highly characteristic and can be found in the glosses formulated in the *Liber Sextus* and in the bull *Unam Sanctam*.

[45] Cited by TIERNEY 1998. p. 170.

[46] "Sede vacante plenitudo potestatis residet penes cetum cardinalium". He expresses the same opinion using another example. It was precisely during the pivotal period between the resignation of Celestine V and the accession of Boniface (1294) that the cardinals proceeded on the basis of full power: "per cetum cardinalium penes quem plenitudo potestatis sede vacante residet" – cited by DYKMANS 1981. p. 135. See also: TIERNEY 1998. p. 171.

[47] "Hec decreta per Adrianum papam fuit quoad omnem eius effectum suspensa et Joannes XXI dictam suspensionem qui non fuit in scriptis redacta ratificavit, et de fratrum consilio eam quoad

evolution of the glossators' views over the previous half-century. However, his opinion changed in 1303. He became increasingly critical and recommended that popes refrain from any despotic acts based on papal plenary power. In the gloss he wrote to comment on Boniface VIII's decree *Rem non novam*, he referred to the Colonna case and emphasised that deposition without an acknowledgement of culpability leads to automatic contestation of the decision (*questio ex facto emergens*).[48] The same change of opinion can be seen in the gloss written on the bull *Unam sanctam*.[49]

In short, Boniface VIII's judicial act deciding the succession to the Hungarian throne can be interpreted in another way. On the one hand, there are traditional elements that were used in the argument for full papal power, notably the formulas *vicarius Christi* and *ad reformationem pacis*, which were used to claim jurisdiction in secular cases. For Boniface VIII, the culmination of this idea was the bull *Unam sanctam* and the theory of the two swords.

Given these circumstances, it is surprising how much attention the judicial act paid to the expression of consent, bypassing the solemn decision. However, this approach is ambiguous. The phrase „*de fratrum nostrorum consilio*" refers to the agreement of the cardinals, even though the act was taken in the form of a consistory attended by clearly identifiable Hungarian prelates. The question arises as to whether the emphasis placed on this phrase in the text was a reflection of pressing current events. The decision-making process by „council of our brothers" was a phrase whose connotation varied according to circumstances, ranging from one extreme to the other. Sometimes it appears as a trivial reference, while in other cases it alludes to the cardinals' partnership in the decision-making process.[50]

The expression had been present in sources since the 12th century with various connotations. Under the pontificate of Paschal II, it included not only cardinals, but its use was limited to them during the time of Innocent II. From the mid-13th century onwards, the advisory role of the cardinals became increasingly important, and the election decree of 1274 gave them effective participation in the exercise of judicial power. This interest grew during the pontificate of Boniface VIII, fuelled in particular by the opposition of the Gaetani and Colonna families. The absence of cardinals from consistories and the pope's personal decisions (to which there are numerous references from 1301 onwards[51]) support the hypothesis that Boniface VIII was in the habit of presenting his own acts in the form of consistorial decisions. *Might it be possible that the formula of the council of brothers, alluding to the agreement of the college of cardinals, had a new function under Boniface VIII, who emphasised the expression of full power (plenitudo potestatis, vicarius Christi) and sought to*

omnem eius effectum suspendit. Et Celestinus hanc decretalem in statum pristinum restauravit" – cited by DYKMANS 1981. p. 135.

48 SCHOLZ 1903. p. 197; CONETTI 2003. p. 355–357.

49 SCHOLZ 1903. p. 197–198. Cf. TIERNEY 1998. p. 163–164.

50 In general, see: PARAVICINI BAGLIANI 2004. p. 181–194.

51 PARAVICINI BAGLIANI 2004. p. 190–194.

express a corporate decision in order to hide the criticism formulated about his own government?

Alongside theoretical critiques, the practical functioning of the papal government can provide an answer to this question. The present analysis considers the role of cardinals in the pope's major acts during the period surrounding the judicial decision on the succession to the Hungarian throne (mid-October 1302 to late May 1303). From 6 June 1302 onwards, cardinals disappeared from the list of signatories of papal bulls. The last date on which any cardinal took part in an act was 16 February 1302. The years 1295 and 1298 were pivotal. The former was directly linked to the resignation of Celestine V and the election of Boniface VIII, as well as the deaths of certain cardinals.[52] The reason for the creations of 2 March 1300 reflects this constraint, as does the timing of the last ones (15 December 1302).[53] Objective circumstances were at play: more than a dozen cardinals died between 1295 and 1302, making it necessary to find replacements. However, it would be inaccurate to say that Boniface VIII's government was always balanced and based on harmonious cooperation between the pope and the cardinals.

The analysis focuses on the participation of cardinals in office who were present at the papal court in the pope's major acts (privileges, decisions relating to secular power).[54] During the period from 21 June 1295 to 16 February 1302, 13 of the 22 cardinals 'inherited' from his predecessors were among the signatories of the papal bulls, 8 of whom were still alive in 1302. However, Gerardus Blancus died on 1 March 1302 and Matthaeus de Aquasparta passed away on 28 October of the same year, so their possible participation in the government of Boniface VIII after 16 February 1302 is irrelevant. This leaves six cardinals: Joannes Buccamatius (Tusculanum), Matthaeus Rubeus Ursinis (S. Maria in Porticu), Neapoleo Ursinis, (S. Adrianus), Joannes dictus Monachus (John the Monk, SS. Marcellinus and Petrus), Robertus Gallus (O. Cist., S. Pudentiana), Guillelmus Longus (de Longis) Bergomensis, S. Nicolaus in carcere Tulliano). Alongside them are the two Colonnas, who were nevertheless deprived of their office by Boniface VIII on 10 May 1297 and were only rehabilitated on 2 February 1306.[55]

The activities of the six cardinals, the distribution of signatures is as follows: Jean le Moine: 152, Robertus Gallus and Guillelmus Longus: 342, Neapoleo Ursinus: 615, Mattheus Rubeus Ursinus: 555. Their activities all ended on 16 February 1302. Apart from them, only Joannes Buccamatius was active among the "ancient" cardinals, but this intense activity (664 signatures) was limited to the 5 years following 1295.

[52] Between January and May 1295, Boniface VIII created only one cardinal (his *nepos* of the same name), while on 17 December 1295 he appointed five new cardinals. Four of the cardinals appointed by his predecessors died before the appointments of December 1295. On 4 December 1298, four new cardinals were created; since the last appointment in 1295, five cardinals had passed away.

[53] Here, two appointments are compared with the same number of deaths (two in both cases).

[54] See: Table I.

[55] CONETTI 2003. p. 357–360; HC I. p. 10, 11.

Five cardinal appointments were made during the pontificate of Boniface VIII (23 January, 13 May and 17 December 1295, 4 December 1298, 2 March 1300, 15 December 1302), with a total of 15 cardinals appointed. Nine of them were still in office in February 1302. However, many were inactive at that time, such as Valerianus Duraguerra de Piperno (S. Maria nova), who disappeared from papal documents in 1297, Franciscus Cajetanus (S. Maria in Cosmedin), Niccolò Bocassini (S. Sabina), Lucas de Flisco e Lavaniae comitibus (S. Maria in via lata), who disappeared from the papal government from 1300 onwards. As for the others (Franciscus Neapoleonis Ursinus Romanus (S. Lucia in silice), Jacobus Cajetanus de Stephanescis (S. Georgius ad velum aureum), Theodericus Rainerii de Urbeveteri (S. Crux in Jerusalem), Leonardus de Gratino Patrassus (Albano), Gentilis de Monteflorum (S. Martinus in Monte), the final date of their activity was also 16 February 1302.

The differences in the entire period of operation and effective participation in government can be explained by various reasons: cardinals were often authorised to hold positions outside the Roman Curia (e.g. legations). The possible absence of cardinals is not surprising. It is rare for all cardinals to have participated together in government.[56] There were only two marginalised individuals during the pontificate of Boniface VIII, who, unsurprisingly, were the two Colonna brothers, Jacopo and Pietro. Nevertheless, the break that occurred on 16 February 1302 is striking: the cardinals disappeared from the decision-making process, with neither the 'old' nor the 'new' participating any longer.[57] Boniface VIII created two new cardinals in December 1302.[58] More than 150 bulls were issued during the last phase of his pontificate, but the two cardinals were not mentioned in them,[59] which highlights the importance of the date 16 February 1302.

The emphasis placed on the phrase „the council of our brothers" and the consistorial nature of the papal act of 31 May 1303 is counterbalanced in the same text by the reference to the pope's full power (*vicarius Christi, plenitudo potestatis*). The reference to a collegial decision no longer involved the active participation of the cardinals in the judicial decision-making process; at that time, this formula included only the Hungarian prelates present at the papal court. Nevertheless, the formula alluding to an act taken in concert with the pope's natural advisers was particularly useful in deceiving the unwary reader. Thus, the wording of the judicial decision on the succession to the Hungarian throne was in fact a response to criticism of the manner of government: it served to conceal not only the pamphlets of the Colonna family, but also the negative remarks of Jean Le Moine. This response was in any case contrary to the practice that developed after 16 February 1302.

[56] See the masterful work dealing with the mid-thirteenth century (1227–1261): PARAVICINI BAGLIANI 1972. 397–441.
[57] POTTHAST II. p. 2024.
[58] HC I. p. 13.
[59] POTTHAST nr. 25129–25283.

Former cardinals (in office in 1302)	**Card. created by Boniface VIII**						**Inactive card. in 1302**	**Active card. in 1302**	**Active card. after 16 February 1302**
promotions	#1 (23 January – 13 May 1295)	#2 (17 December 1295)	#3 (4 December 1298)	#4 (2 March 1300)	#5 (15 December 1302)	1+5 prom. (in fonction in 1302)	(13+9)		
22 (13)	1	5	4	3	2	15/13 (9)	5 + 4	6 (8) + 5	0

Table I. Promotions and active cardinals during Boniface VIII's pontificate

BIBLIOGRAPHY

Sources

DHA	*Diplomata Hungariae antiquissima*. I. 1000–1131. Ed. GYÖRFFY, Georgius. Budapest.
FRIEDBERG	*Corpus Iuris Canonici. Editio Lipsiensis secunda post Aemilii Ludouici Richteri curas ad librorum manu scriptorum et editionis Romanae fidem recognouit et adnotanionae critica instruxit* Aemilius FRIEDBERG. Pars prior: Decretum magistri Gratiani. Lipsiae. 1879. (neudruck: Graz. 1959)
LUARD 1877	*Mathaei Parisiensis monachi Sancti Albani Chronica maiora*. IV. Ed. LUARD, Henry Richards. London. 1877.
POTTHAST	*Regesta pontificum romanorum inde ab anno post Christum natum MCXCVIII ad annum MCCCIV*. I–II. Ed. POTTHAST, August. 1957. (Neudruck)
RI IV	*Les registres d'Innocent IV.* I–IV. Éd. BERGER, Élie. Paris. 1881–1919.
RN IV	*Les registres de Nicolas IV*. I–II. Ed. LANGLOIS, Ernest. Paris. 1886.
THEINER	*Vetera monumenta historica Hungariam sacram illustrantia*. I–II. Ed. THEINER, Augustinus. Romae. 1859–1860.

Secondary literature

ANDRIEU 1946	ANDRIEU Michel: L'origine du titre de Cardinal. In: *Miscellanea Giovanni Mercati. V. Storia ecclesiastica – diritto.* Città del Vaticano. 1946. p. 113–144.
BLET 1982	BLET, Pierre: *Histioire de la Représentation Diplomatique du Saint Siège des origines à l'aube du XIX^e siècle*. Città del Vaticano. 1982.
BOESPFLUG 2005	BOESPFLUG, Thérèse: *La curie au temps de Boniface VIII. Étude prosopographique.* Roma. 2005.
COLONNA 1927	COLONNA, Prospero: *I Colonna dalle origini al sec XIX.* Roma. 1927.
CONETTI 2003	CONETTI, Mario: Les pouvoirs du collège des cardinaux dans les pamphlets de Jacopo et Pietro Colonna contre Boniface VIII**.** *Revue de droit canonique* 53 (2003:2), p. 337–360.
CRISTOFORI 1888	CRISTOFORI, Francesco: *Cronotassi dei cardinali di santa romana Chiesa nelle loro sedi suburbicarie titoli presbiteriali e diaconie dal secolo V all' anno del Signore MDCCCLXXXVIII, compilata sui manoscritti originali et avtentici essistenti nellea biblioteca e negli archivi vaticani e su molteplici altre fonti storiche edite et inedite antiche e moderne*. Roma. 1888.
DYKMANS 1981	DYKMANS, Marc: Les pouvoirs des cardinaux pendant la vacance du Saint Siège d'après un nouveau manuscrit de Jacques Stefaneschi. *Archivio della Società romana di storia patria – Archivio della Deputazione romana di storia patria*. 104 (1981), p. 119–145.
EGIDI 1908–1914	EGIDI, Pietro: *Necrologi e libri affini della provincia Romana. Necrologi della città di Roma*. I–II. Roma. 1908–1914. (Fonti per la storia d'Italia 44–45.)
FIGUEIRA 1980	FIGUEIRA, Robert C.: *The canon law of medieval papal legation*: Penn Arbor. 1980.

FRAKNÓI 1901	FRAKNÓI, Vilmos: *Magyarország egyházi és politikai összeköttetései a római Szent-székkel* [The Ecclesiastical and Political Relations of Hungary and the Apostolic See] I. 1000–1417. Budapest. 1901.
FÜRST 1967	FÜRST, Carl Gerold: *Cardinalis. Prolegomena zu einer Rechtsgeschichte des römischen Kardinalkollegiums.* München. 1967.
GANZER 1963	GANZER, Klaus: *Die Entwicklung des auswärtigen Kardinalats im hohen Mittelalter. Ein Beitrag zur Geschichte des Kardinalkollegiums vom 11. bis 13. Jahrhundert.* Tübingen. 1963.
HAGEMANN 1968	HAGEMANN, Wolfgang: Rainald von Spoleto und die Marken in den Jahren 1228/29. In: *Adel und Kirche. Gerd Tellenbach zum 65. Geburtstag von Freunden und Schülern*. Hrsg. FLECKENSTEIN, Josef – SCHMIDT, Karl. Freiburg in Breisgau. 1968. p. 436–457.
HC I	*Hierarchia catholica medii aevii sive summorum pontificum, S.R.E. cardinalium, ecclesiarium antistitum series*. I. Ed. EUBEL, Conrad. Münster. 1913–1914.
HÜLS 1977	HÜLS, Rudolf: *Kardinäle, Klerus und Kirchen Roms 1049–1130*. Tübingen. 1977.
JADIN 1934	JADIN, L.: "4. Benvenuto d'Orvieto". In: *Dictionnaire d'histoire et de géographie ecclésiastique*. VIII. Ed. BAUDRILLART, Alfred et al. Paris. 1934. col. 289–290.
KIESEVETTER 2006	KIESEVETTER, Andreas: "L'intervento di Niccolò IV, Celestino V e Bonifacio VIII nella lotta per il trono ungherese (1290–1303)". In: *Bonifacio VIII. Ideologia e azione politica. Atti del convegno organizzato nell'ambito delle celebrazioni per il VII centenario della morte: Città del Vaticano, Roma, 26-28 aprile 2004*. Ed. BONINCONTRO, Ilaria. Roma. 2006. p. 139–198.
KUTTNER 1945	KUTTNER, Stephan: Cardinalis: The history of a canonical concept. *Traditio* 3 (1945), p. 129–214.
LEONHARD 1983	LEONHARD, Joachim Felix: *Die Seestadt Ancona im Spätmittelalter*. Tübingen. 1983.
LOGNON 1949	LONGNON, Jean: *L'empire latin de Constaninople*. Paris. 1949.
MACGILLIVRAY NICOL 1957	MACGILLIVRAY NICOL Donald: *The Despotate of Epiros, 1267–1479. A Contribution to the History of Greece in the Middle Ages*. Oxford. 1957.
MALECZEK 1982	MALECZEK, Werner: Colonna, Giovanni. in: *Dizionario Biografico degli Italiani* 27 (1982) (online – accessed 25-08-2025)
MALECZEK 2000	MALECZEK, Werner: 295. Jean de Colonna. In: *Dictionnaire d'histoire et de géographie ecclésiastique*. Ed. BAUDRILLART, Alfred et al. XXVI. Paris. 2000. col. 1426–1427.
MORONI 1848	MORONI, Gaetano: *Dizionario di erudizione storico-ecclesiastica*. XLVIII. Venezia. 1848.
PARAVICINI BAGLIANI 1972	PARAVICINI BAGLIANI, Agostino: *Cardinali di Curia e „familiae" cardinilazie dal 1227 al 1254*. I–II. Padova. 1972. (Italia sacra 18–19.)
PARAVICINI BAGLIANI 1980	PARAVICINI BAGLIANI, Agostino: *I testamenti dei cardinali del duecento*. Roma. 1980. (Miscellanea della Società Romana di Storia Patria 25.)
PARAVICINI BAGLIANI 2003	PARAVICINI BAGLIANI, Agostino: *Boniface VIII. Un pape hérétique?* Paris. 2003.

PARAVICINI BAGLIANI 2004	PARAVICINI BAGLIANI, Agostino: *De fratrum nostrorum consilio*. La *plenitudo potestatis* del papa ha bisogno di consigli? In: *Consilium. Teorie e pratiche del consigliare nella cultura medievale*. Ed. CASAGRANDE, Carla – CRISCIANI, Chiara – VECCHIO, Silvana. Firenze. 2004. p. 181–194.
SÄGMÜLLER 1896	SÄGMÜLLER, Johann Baptist: *Die Thätigkeit und Stellung der Cardinäle bis Bonifaz VIII*. Freiburg in Breisgau. 1896.
SCHOLZ 1903	SCHOLZ, Richard: Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII. Ein Beitrag zur Geschichte der politischen Anschauungen des Mittelalters. Stuttgart. 1903.
SÜTTERLIN 1929	SÜTTERLIN, Berthold: *Die Politik Kaiser Friedrichs II. und die römischen Kardinäle in den Jahren 1239–1250*. Heidelberg. 1929. (Heidelberger Abhandlungen Heft 58.)
THUMSER 1995	THUMSER, Matthias: *Rom und der römische Adel im späten Stauferzeit*. Tübingen. 1995. (Bibliothek des Deutschen Historischen Instituts in Rom, 81.)
TIERNEY 1998	TIERNEY, Brian: *Foundations of the Conciliar Theory. The Contributions of the Medieval Canonists from Gratian to the Great Schism*, Leiden – New York – Köln. 1998. (Enlarged new edition)
WENCK 1926	WENCK, Karl: Das erste Konklave der Papstgeschichte. *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 18 (1926), p. 118–137.
WOLFF 1954	WOLFF, Robert Lee: Politics in the Latin Patriarchate in Constaninople. *Dumbarton Oaks Papers* 8 (1954), p. 225–303.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 89–104.

DOI: 10.15170/SPMNNV.2025.14.05

Tomislav Popić, PhD
tomislav.popic@ffri.uniri.hr
University of Rijeka
Faculty of Humanities and Social Sciences
Department of History
Sveučilišna avenija 4
51000 Rijeka
Croatia

Tomislav POPIĆ

Law, Power, and Consensus: Institutional Change and the Making of Trogir's Medieval Statutes

This study examines the evolution of the Statute of Trogir within the broader political, social, and documentary culture of late medieval Dalmatia. Moving beyond traditional legal readings, it approaches the statute as a dynamic instrument for articulating power, negotiating consensus, and legitimizing authority under shifting regimes. Drawing on the interpretive frameworks developed by Hagen Keller and Didier Lett, the article situates the Statute of Trogir within the broader Mediterranean phenomenon of pragmatic literacy and legal textualization. It argues that the statute's function evolved from a practical instrument of governance to a symbolic monument of civic identity, revealing the intricate interplay between law, power, and memory. In its final Venetian phase, the Statute of Trogir thus became less a code of law than a performative expression of continuity and collective self-representation, illustrating how medieval legal codes could preserve, in written form, the illusion of consensus and the persistence of political identity across changing regimes.

Keywords: power, consensus, statute, Middle Ages, Trogir, Dalmatia

Introduction

This paper examines the notions of *power* and *consensus* as articulated in the medieval Statute of Trogir, a small commune on the eastern Adriatic coast. Rather than viewing the statute simply as a legal text, the study approaches it as a complex document embedded within the broader social and political dynamics of late medieval Dalmatian communes. In this way, the Statute of Trogir offers a privileged perspective on how urban elites sought to define authority, regulate coexistence, and articulate collective identity. The study is grounded in the interpretive frameworks of the so-called Münster School of Hagen Keller and, more recently, in research coordinated by Didier Lett. Keller's work was instrumental in redefining the discourse on medieval

statutory culture through a series of influential studies on the statutes of northern Italian cities in the first half of the thirteenth century.[1] The Münster School's approach is defined by its departure from traditional legal and philological treatments of medieval statutes, highlighting them as dynamic, multilayered normative texts deeply embedded in the political, social, and communicative practices of urban societies. Within this framework, statutes appear as products of negotiation and contestation among urban groups, as well as responses to pressures and expectations emanating from external centres of power. A further aspect of Keller's approach is its attention to the practical dimension of legal norms, emphasizing the circumstances and actors of their enactment, as well as their subsequent interpretation, adaptation, implementation, or neglect in daily administration. This perspective highlights the performative role of legal norms, which not only governed social relations, but also actively contributed to the construction of political order and the legitimization of authority. On the other hand, Didier Lett's interpretive framework, presented in five volumes arising from collaborative research by French and Italian historians, constitutes one of the most important recent contributions to the study of medieval statutes.[2] By adopting a comparative approach that connects the urban societies of northern and central Italy with those of southern France, thereby underlining regional variations in legal culture and the uses of literacy, the authors examine how statutes were conceived, drafted, read, transmitted, and applied. Their work further demonstrates that statutes were not simply legal texts, but also political instruments and cultural artefacts that embody collective identities, social hierarchies, and power relations.

From this perspective, the statutes of Dalmatian communes, much like their Italian and French counterparts, appear as products of an ongoing interaction between written norms and lived experience, between the expectations of ruling elites and the realities of local societies, and between municipal autonomy and external powers such as royal, Venetian, or that of Croatian magnates from the hinterland. Approached in this way, the Statute of Trogir can also be read as a living text—one that evolved through successive revisions, additions, and reinterpretations, serving at once as a legal instrument, a repository of collective memory, and a vehicle of political positioning. Exploring the interplay of power and consensus within this framework enables us to move beyond a narrowly legalistic view of the statute and to achieve a more nuanced understanding of how authority-making and consensus-building intertwined within a late medieval Dalmatian city, situating it within the broader communicative and political practices of the communal world.

The methodological approach adopted here traces the evolution of Trogir's political and social structures from the thirteenth to the fifteenth century, as reflected in selected statutory provisions. Rather than treating the statute

[1] See, for example: KELLER – BUSCH 1991; KELLER 1998.
[2] LETT 2019; LETT 2020a; LETT 2020b; LETT 2021a; LETT 2021b.

merely as a legal code, the study aims to examine, within the limits of the available evidence, how transformations in political hierarchy, governance, and social organization were articulated in the statutory text, and how the functions of the statute itself adapted to these changing realities. Through a close reading of key provisions, the analysis traces continuities and transformations in the regulation of offices, deliberative procedures, and external relations. By linking textual change to political and social developments, the study explores how the statute simultaneously reflected and shaped the structures of communal governance and social order.

But why focus on the Statute of Trogir? Unlike many Italian communes, whose statutes survive in multiple versions revealing centuries of revision and adaptation, Dalmatian statutes are generally preserved in a single textual form. This restricts our ability to trace the evolution of statutory texts or to discern how legal formulations evolved in response to political and social change. The Statute of Trogir is no exception. Preserved in a single textual version, it prevents a full reconstruction of its textual evolution. Yet Trogir enjoys a unique advantage that partly compensates for this limitation: thanks to the seventeenth-century historian Ivan Lučić Lucius, who transcribed and annotated a wealth of medieval documents concerning the city, much that would otherwise have been lost has survived in his copies. Consequently, the evolution of the Statute of Trogir can be traced within a richer documentary context than in any other Dalmatian commune. Although this cannot fully compensate for the survival of only a single statutory version, it does allow for a more subtle insight into the interplay between text, political order, and the changing social fabric of the commune. Given space limitations, the present study offers only a broad overview of these developments, with a more detailed discussion to appear in the forthcoming monograph.

Textualizing Authority: Forging the First Statute of Trogir

One of the most challenging tasks in this regard lies in attaining a deeper understanding of the origins of the first Statute of Trogir, composed in the mid-thirteenth century. Its creation, however, must be situated within the broader framework of institutional and political changes that transformed the Dalmatian communes over the course of the century. Generally speaking, this was a period marked by the consolidation of internal governance and by the ongoing negotiation of each commune's autonomy in relation to external powers—the Hungarian crown, Croatian nobles and, increasingly, Venice. In Trogir, the thirteenth century also witnessed major transformations in political and social life. Patrician families succeeded in consolidating their dominance over local government, thereby diminishing episcopal authority, while civic offices became increasingly formalized and administrative communication was progressively structured through writing.[3]

[3] Jelaska 2001. p. 11–14, 19–20; Popić 2022. p. 59–61; Popić – Bećir 2022. p. 22–26.

Although the sources from this period are few and largely preserved thanks to Ivan Lučić Lucius, they nonetheless provide valuable insight into this process of transformation. As previously mentioned, the Statute of Trogir was certainly in existence by the 1250s.[4] Its text has not survived, but its use is attested even by a brief examination of Trogir's notarial and court records from the second half of the thirteenth century.[5] Based on its approximate dating, the first statute appears to have been composed at the outset of episcopal decline in municipal governance. Throughout Dalmatia, bishops had long occupied leading civic offices, a situation that gradually changed during the thirteenth century. In Trogir, episcopal influence persisted until the death of Bishop Treguan in 1254, an event that effectively transferred secular authority to the urban nobility.[6] In the earliest surviving decision from 1239, the *Curia* still acted jointly with the bishop, reflecting a form of shared governance.[7] By 1267, however, the bishop no longer appears among the decision-makers, indicating a clear shift toward civic authority.[8] Documents from the following decades further highlight the strengthening of the commune as a corporate entity and the growing influence of its governing bodies.[9] By the 1270s and 1280s, these developments found expression not only in written records, but also in material and symbolic forms, inscribed in urban space and articulated through visual markers of communal identity.[10]

In the early 1260s, the growing consolidation of municipal institutions was reinforced by the professionalization of the communal chancery, as clerical scribes were permanently replaced by trained Italian notaries.[11] Taken together, these developments suggest that the first Statute of Trogir, drafted in the mid-thirteenth century, emerged within the same institutional and documentary paradigm as in the Italian communes. The first book of the 1322 statute, the only redaction to have survived, defines the structure and functions of the municipal governing institutions, revealing a close connection between the earliest codification and the political reconfiguration of communal life. The statute thus emerged both as a product and an instrument of oligarchic consolidation. It enabled the ruling class to define hierarchies, exercise control over governance and its resources, and position the commune within regional and external networks of power. In doing so, the statute codified and legitimized the political order established by the city's dominant families.

The codification of customary law and the creation of new provisions regulating the commune's evolving institutions thus became a crucial instrument in defining urban autonomy and legitimizing authority. In Trogir,

[4] The earliest reliable reference to the Statute of Trogir appears in a charter from 1257. See: CDCDS V. p. 65–66.
[5] See, for example: MT I/1. p. 48, 104, 128–129; MT I/2. p. 317; MT II/1. p. 16, 18, 49, 118, 156.
[6] POPIĆ 2022. p. 56, 60–61, 64; POPIĆ – BEĆIR 2022. p. 10, 13.
[7] ARCCT p. 91.
[8] ARCCT p. 91–92.
[9] ARCCT p. 92–102.
[10] BENYOVSKY LATIN 2009. p. 49, 54–57; BENYOVSKY LATIN 2019. p. 116–118; BASIĆ 2020. p. 100–119.
[11] POPIĆ 2022. p. 65–66.

as in other communes, the earliest statute likely arose from the need to stabilize the internal hierarchy of emerging municipal offices and assert the commune's claim to legitimate governance. The move toward a unified written code was not simply intended to record existing practices, but to enshrine them within a lasting normative order. In this light, the creation of the first statute represents an attempt to transform the fluid and often contested customs of communal governance into a stable and authoritative text, functioning as a tool of regulation, a channel of communication, and a means of self-representation. While the original statute has been lost, later sources indicate that the codification process was neither comprehensive nor linear. Rather than a single act, it was a gradual, adaptive process responding to shifts in governance and external influence. Its creation marked a decisive stage in the textualization of communal identity, through which governance was articulated, negotiated, legitimized, and codified. By defining procedures of election, deliberation, and jurisdiction, the statute established an implicit balance between coercion and consensus, between the exercise of power and its social legitimization.

Consolidation and Reform: The First Thirteenth-Century Transformations

The available evidence does not permit a full reconstruction of how the commune consolidated as a corporate entity or which mechanisms proved decisive, but the earliest identifiable modifications to the Statute of Trogir provide some valuable insights. According to a note by Lucius, based on now-lost Trogir council records, the Great Council appointed a committee in 1291 to revise the statute.[12] Fragmentary as it is, this record remains the only evidence linking thirteenth-century statutory changes to institutional reorganization, itself part of broader political and social transformations in the 1280s—a decade that marked a decisive stage in the evolution of municipal governance.

In other words, the decision to revise the statute was almost certainly connected to these developments. In 1284, the membership of the Great Council doubled from twenty to forty, and only a few years later it was expanded again to eighty.[13] Such a rapid and substantial increase strongly suggests that tensions over access to political power had reached a critical point. The successive expansions thus appear to have constituted an institutional response to mounting pressures from groups aspiring to enter the ruling class. These pressures were likely fuelled by demographic growth, a phenomenon well attested across late thirteenth- and early fourteenth-century Europe, before the decline brought about by the Black Death. Within this context, the expanding urban population likely gave rise to a substantial stratum of affluent and socially prominent citizens who regarded participation

[12] Rački 1881. p. 219.
[13] ARCCT p. 96–97; Popić 2022. p. 68; Popić – Bećir 2022. p. 29; Bećir 2022. p. 42–43.

in civic governance as both a right and a marker of status. The quadrupling of the Great Council's membership can thus be interpreted as a negotiated response to these pressures, an attempt to preserve civic cohesion while accommodating an increasingly inclusive political elite. At the same time, the leading urban families sought to preserve their hold on power through decision-making in smaller councils such as the *Curia*, or the Council *pro bono statu civitatis*—a body that, coincidentally or not, appears for the first time in the surviving sources at precisely this juncture.[14]

The late thirteenth-century enlargement of the Great Council not only reshaped the composition of Trogir's political elite but also introduced significant procedural innovations in its internal functioning. Three provisions in the 1322 statute attest to the adoption of new voting procedure that closely mirrored contemporary practices in the Italian communes.[15] This convergence was hardly accidental. During the 1280s, the presence of Italian *podestà* in Trogir served as a conduit for administrative models originating in the communes of northern and central Italy, exposing at the same time underlying tensions among the city's social groups.[16] It is therefore plausible that the subsequent reforms in council proceedings drew on the Italian political and cultural milieu, adapting these models to the needs of a substantially enlarged Great Council. The new norms required individual votes to be formally recorded as either supporting or opposing specific proposals, marking a significant departure from earlier collective decision-making, which conferred legitimacy merely by recording attendance and thus emphasized witness and consent over active participation.[17] This formalization of voting represented a clear step in the bureaucratization of communal governance, reflecting growing concern with accountability and the textual articulation of authority.

These developments indicate profound social transformations that reshaped Trogir's political arena at the turn of the fourteenth century. Comparable patterns are well documented in the northern Italian communes, where the consolidation of the Great Councils typically coincided with periods of political tension and demographic growth. As noted by historians such as Lorenzo Tanzini, increased attention to procedural formalities within councils often arose when membership itself became a contested and politically valuable resource.[18] In this context, the convening of the council and the recording of its proceedings assumed both symbolic and practical importance: they affirmed civic unity while delineating the boundaries of participation and authority. The resulting growth in documentary production mirrored the commune's evolving political landscape and reflected a broader European

[14] For further discussion on the development of these councils and their role within the municipal government, see: POPIĆ – BEĆIR 2022. p. 18–57.
[15] SRCT p. 26–28.
[16] POPIĆ – BEĆIR 2022. p. 13–18; BEĆIR 2022. p. 42–61.
[17] POPIĆ – BEĆIR 2022. p. 39–45, 64–65.
[18] TANZINI 2013. p. 55.

phenomenon—the progressive textualization of urban governance and the codification of political legitimacy in a written, verifiable form.

Codifying Venetian Authority in 1322: Adaptation and Continuity

Leaving aside the fact that the new version of the statute, produced in 1303 as noted by Lucius, arose under circumstances that remain entirely obscure, the next clearly identifiable stage in the evolution of the statutory text is closely linked to the establishment of Venetian authority over Trogir in 1322.[19] This political realignment followed the downfall of Ban Mladen II Šubić and the collapse of his dominion over the Dalmatian cities, Trogir included. From that point onward, the treaty with Venice became the cornerstone of Trogir's political order, confirming also the authority of the newly appointed Venetian count (*comes*).[20] That same year, the commune issued a new statute, replacing the 1303 compilation. The text was reorganized into three books instead of six and incorporated a new set of provisions defining the powers and jurisdiction of the Venetian count.[21] These provisions replaced the earlier regulations governing the office of *podestà*, thereby adapting the communal legal framework to the realities of Venetian rule.

The precise circumstances surrounding the drafting of this new statute remain unclear, though the evidence allows for some contextualization. The citizens of Trogir were not fundamentally opposed to the authority of the Šubić family, which had long shaped the regional balance of power. Increasingly violent and unpredictable actions of Ban Mladen, however, destabilized the existing political order in Dalmatia, and this appears to have been the decisive factor prompting Trogir's submission to Venice in 1322. Contemporary evidence suggests that the commune regarded this new arrangement as provisional, pending the outcome of the conflict between King Charles I and Ban Mladen. Just days after acknowledging Venetian rule, members of the Trogir nobility allied with the city's former count, Paul II Šubić, who was Mladen's brother. The agreement stipulated coordinated action against Mladen, while Paul, in exchange for Trogir's support, promised not to impose additional financial burdens on the city. These developments highlight the fluidity of political alignments in early fourteenth-century Dalmatia and underscore the pragmatic strategies employed by communes such as Trogir to preserve institutional continuity amid shifting centres of power.

The defeat of Ban Mladen II in autumn of 1322, which simultaneously marked the collapse of the Šubić family's broader political ambitions, ultimately reinforced Venetian authority in Trogir. In the aftermath, Venice aimed to institutionalize its newly acquired dominance, while the urban nobility sought to retain exclusive political rights within the commune following recent internal unrest. A few years earlier, the city had witnessed the usurpation of power by Captain and *podestà* Matthew de Cega, along with

[19] Rački 1881. p. 221.
[20] Bećir 2022. p. 95–103.
[21] Strohal 1915. p. XV–XVI.

significant efforts by some commoners to assert influence in the political sphere.[22] The interplay of these competing forces—Venetian administrative oversight, noble oligarchic consolidation, and popular ambitions—shaped the dynamics of Trogir's political life in the 1320s, providing also the context for the statutory revisions of 1322. These revisions were not merely administrative adjustments, but deliberate adaptations to new forms of sovereignty and governance.

Notably, some of the provisions regarding the count were drawn directly from instructions issued by the central Venetian authorities upon his assumption of office in 1322, indicating that Venice itself initiated their inclusion.[23] At the same time, the preamble of the 1322 statute explicitly references both King Charles I and the new Venetian regime, while attributing the drafting of the text exclusively to a committee of Trogir nobles appointed by the Great Council.[24] Following Luigi Provero's observations on the role of local actors in statute-making, it is evident that presenting these changes as the work of the local ruling class was politically and symbolically significant, even though they reflected the extensive powers of the Venetian count.[25] For the urban nobility, this approach served to safeguard both their collective identity and their legislative privileges, which could otherwise have been compromised. Viewed in this light, the apparent paradox of the Great Council adopting a statute that incorporated Venetian regulations, while presenting them as their own, becomes intelligible. Through this local adoption and legitimization, Venetian norms gradually lost their foreign character and were integrated into Trogir's legal and political framework. In the process, they structured municipal governance under Venetian rule and became central to the city's own political identity.

Obsolete Norms and Enduring Authority under Angevin Rule

The war between Venice and King Louis I (1356–1358) marked a decisive moment in the political history of Dalmatian communes. The 1358 peace treaty placed the coastal and island cities under Angevin rule, ending Venetian dominion. In Trogir, as elsewhere in Dalmatia, the transfer of power was accompanied by gestures of loyalty toward the new ruler and a reorganization of local authority under royal oversight.[26] Institutionally, however, the impact of this transition was far less radical than it might seem. According to another note by Lucius, based on the proceedings of the Great Council, a new version of the Statute of Trogir was produced in the 1360s, incorporating only minor changes to the provision on the Great Council and introducing adjustments to its hereditary membership.[27]

[22] BEĆIR 2022. p. 62–94; POPIĆ – BEĆIR 2023.
[23] RIZZI 2015. p. 155–159.
[24] SRCT p. 7.
[25] PROVERO 2021.
[26] POPIĆ 2024a.
[27] RAČKI 1881. p. 236.

The closure of the Great Council in Trogir was the outcome of a gradual process initiated under Venetian authority, with key decisions enacted in 1340 and 1342. The first of these abolished the statutory limit of eighty councillors, while subsequent resolutions established hereditary membership, effectively transforming the Council into a patrician body. Admission became an inherited right, transmitted within noble lineages, rather than determined by election or appointment. The result was the formal *serrata* of the Great Council, the institutional closure of membership and its consolidation within a hereditary patriciate, echoing similar developments in Venice half a century earlier, and later in other eastern Adriatic communes.[28]

These measures brought the closure of the Great Council in Trogir to completion well before the 1360s. Subsequently, only a minor revision was made to the statutory provision on the Great Council by lowering the age for full participation to sixteen, evidently in response to demographic losses following the plague of 1348.[29] At the same time, the entire process formed part of a renewed attempt by the urban popular strata to assert political influence—an episode that remains preserved only in a handful of council decisions. In 1365, the Council resolved to abolish all confraternities in the city, except for that of the Holy Spirit, which was explicitly forbidden from issuing any new *statuta et ordinationes* without the approval of the count and the *Curia*. This measure can only be viewed against the backdrop of popular demands for political participation, as confraternities—corporate associations of the commoners with the capacity to launch independent normative initiatives—posed a potential challenge to noble authority.[30] Their dissolution was thus both an act of political control and an assertion of ideological uniformity, achievable only under Angevin rule. Unlike Venice, which typically allowed a limited degree of commoner participation to maintain a balance of power within its urban communities, Angevin authority relied entirely on the support of urban nobilities. It is therefore hardly coincidental that in 1368, the Great Council of Trogir appears for the first time in the extant sources, and from then on consistently, as the Council of the Nobles (*consilium generale nobilium virorum civitatis Tragurii*). The reform of the Great Council's statutory provision should therefore be seen not simply as a procedural adjustment, but as a decisive act of social definition. By transforming the Great Council into an exclusively patrician body and introducing modifications to meet practical and political exigencies, the ruling class in Trogir codified a vision of the commune as the collective domain of its nobility. Civic participation was thus recast as a hereditary privilege rather than a communal right.

Equally revealing as the new provision on the Great Council are the elements of the statute that remained unchanged under Angevin rule. The editors of the 1360s version made no attempt, for example, to revise the

[28] Jelaska 2001. p. 21–24; Popić – Bećir 2022. p. 32–37; Bećir 2022. p. 44–45.
[29] SRCT p. 26–27. On the number of members of the Great Council who took part in its activities throughout the fourteenth century, see: Popić – Bećir 2022. p. 38–39.
[30] Jelaska 2001. p. 24–25; Popić – Bećir 2022. p. 36, 48.

preamble, which continued to refer explicitly to Venetian rule and to the count as its representative. Even more striking is the persistence of the provision concerning the Council of Twenty (*Consilium de viginti*), an institution introduced under Venetian authority, but already obsolete by the late 1320s. The same applies to clauses concerning the office of the Venetian count, whose authority no longer corresponded to the Angevin political order. The result was a statute layered with obsolete norms, preserved due to a deeply ingrained conservatism in the handling of legal texts. Such selective amendment was characteristic of medieval communal legislation throughout the Mediterranean. By the second half of the fourteenth century, statutes were seldom rewritten in full; instead they were expanded and modified to address immediate needs while leaving older layers intact, as illustrated also by the Statute of Dubrovnik following the establishment of Angevin rule in 1358.[31] The coexistence of current and obsolete provisions was not regarded as contradictory, but rather as a testament to the antiquity and continuity of the communal order, reflecting the interplay between law, collective memory, and political identity.

Viewed more broadly, this conservatism highlights the evolving role of the statute itself. By the mid-fourteenth century, the Statute of Trogir had assumed a function as much symbolic as normative. Accumulated over generations, its layers transformed it from a mere code of laws into the textual embodiment of the commune's identity. Each revision or addition, even when motivated by political expediency, reinforced this role. The statute's authority rested less on practical applicability than on its existence as a visible and enduring expression of local autonomy. Obsolete provisions, stripped of legal force, continued to carry political weight, affirming the city's right to self-government and its continuity across successive regimes.

The New Venetian Authority and the Illusion of Continuity

This characteristic of the statute—its rising political significance amid steady, or declining legal authority—became increasingly evident in the later fourteenth and fifteenth centuries. With the restoration of Venetian rule between 1409 and 1420, which placed Dalmatian cities under the authority of Venetian counts, the statutes' practical function diminished, while their symbolic value intensified even more. They remained tangible relics of a communal order no longer viable, yet whose memory continued to shape the collective identity of the communes. Such dynamics unfolded across most Dalmatian cities, where statutory traditions endured as lasting emblems of civic identity. Gradually transformed from instruments of governance into monuments of memory, the statutes came to enshrine a distinctly aristocratic vision of the commune, preserved more through remembrance than through active legal practice, well into the fifteenth century and beyond.

[31] PROVERO 2021; TANZINI 2021. p. 175–176; LONZA 2012. p. 13.

The re-establishment of Venetian rule in 1420 inaugurated a new political order that profoundly reshaped Trogir's institutional framework. Power became entirely concentrated in the hands of the Venetian count, whose authority extended over all aspects of civic administration. This transformation effectively marginalized the local nobility, stripping them of genuine political influence and reducing their role to a largely ceremonial presence within the commune. The Great Council (of Nobles), formerly the principal forum for civic deliberation, was henceforth convened only occasionally, primarily to elect minor officials or ratify decisions of limited significance. Meanwhile, Venetian authorities introduced subtle mechanisms of accommodation to secure their rule. Although deprived of actual power, the nobility retained symbolic prestige, while the commoners, long excluded from political life, gained modest improvements in social standing. By the mid-fifteenth century, Trogir's commoners organized themselves into a corporate body of six confraternities, endowed with limited, but symbolically significant political rights, including the election of envoys to Venice and a formal veto over Council of Nobles decisions affecting their community. These arrangements exemplified Venetian careful balancing act between the semblance of communal liberty and securing unchallenged dominion. Beneath this carefully maintained surface of continuity, preserved through familiar offices, councils, and civic rituals, power had been silently and irreversibly reshaped, turning Trogir from a self-governing commune into a peripheral administrative outpost of the *Stato da Mar*.[32]

Unlike the Venetian rule of 1322, which prompted the creation of an entirely new statute, the restoration of Venetian authority in 1420 involved no comparable redaction, but the act of ratification—a gesture laden with dual meaning.[33] On one hand, it symbolically acknowledged the political and legal identity of the Trogir commune; on the other, it reaffirmed its subordination to Venetian sovereignty, as no statutory amendment could take effect without the central government's approval.[34] The Statute of Trogir thus became the statute of Venetian Trogir, its authority entirely dependent on the metropolis. Within this very framework of subjugation, however, the statute acquired a new, almost memorial function. The retention of obsolete provisions, those referring to former regimes or defunct institutions, served as a deliberate expression of symbolic continuity, preserving the memory of a bygone era of communal autonomy and noble pre-eminence. The Great Council (of Nobles) continued to meet, laws were still drafted, and decisions recorded, maintaining

[32] On all of this, see: Šunjić 1967; Bećir 2024; Popić 2024b; Castelli 2025.

[33] The same phenomenon can be observed in the statutes of other Dalmatian cities as well. See: Ortalli 2015. A particularly instructive example is provided by Zadar's normative collections, which, following the establishment of Venetian rule in 1409, remained unchanged for several decades, even though the *volumen capitularium Iadre* contained explicitly anti-Venetian provisions introduced under Angevin authority. These provisions were only removed in 1456, and the entire collection was subsequently declared null and void in 1458. For a detailed discussion, see: Popić 2012. p. 51–57; Popić 2024b. p. 113–114.

[34] See: Ortalli 1997; Ortalli 2001; Provero 2021. p. 105.

the appearance of an unbroken political tradition. Through this ritualized imitation of self-government, the urban nobility sustained the fiction of autonomy, transforming the statute into a final emblem of their communal identity.

If the statute had thus become, under Venetian rule, a performative instrument of communal memory, by the mid-fifteenth century it assumed an even more explicitly memorial function. For the nobility, its preservation served as a strategy of self-legitimation, a means of safeguarding their corporate identity and symbolic authority within a political order that had long stripped them of actual power. Venice, for its part, not only tolerated, but actively encouraged this process, recognizing that the preservation of traditional forms could function as a subtle instrument of control and stability. The carefully maintained illusion of continuity masked the profound transformation of Trogir's political order.

Yet despite its enduring symbolic prestige and formal authority, the official copy of the Trogir Statute appears to have undergone significant physical deterioration after the restoration of Venetian rule. The evidence for this is manifold: none of the manuscripts or transcripts known to Ivan Lučić, which he consulted in preparing the printed edition of the statute, contained any provisions enacted by the Trogir Council of Nobles after 1428. The same applies to all manuscripts and copies known today, the earliest of which dates only to the last quarter of the fifteenth century. The absence of these later additions underscores the fragility of even the most venerated legal texts and reveals the practical limits of continuity in a statute increasingly valued for its ceremonial rather than functional role. The extent of the statute's deterioration is most clearly revealed in Lucius's own account: he observed that the official copy, written on parchment and preserved in the communal chancery, was so severely damaged that it could not serve as the basis for the printed edition. According to his description, the surviving material contained only the core of the statute, organized into three books, together with five later ordinances, two of them incomplete.[35]

The reasons for this neglect remain unclear, especially given the statute's enduring symbolic value and continued use in judicial practice. It was likely the very combination of frequent consultation and the absence of new official copies that hastened its physical deterioration. Viewed in this way, Lucius's decision to publish the statute appears even more comprehensible. His aim was more practical than scholarly: to produce a working edition of the statute, incorporating all subsequent ordinances for convenient reference by judges and officials. His editorial method—retaining only the substance of each law while omitting what he regarded as "superfluous for judicial use", such as records of council convocations, proposals, and voting outcomes—makes this purpose evident.[36] This approach also explains the striking differences between Lucius's version of the statute, published posthumously in 1708, and

[35] LUCIO 1673. p. 498, 504.
[36] LUCIO 1673. p. 499, 504.

all other surviving manuscripts: it was not conceived as a faithful textual reconstruction, but as a functional codification, intended to restore the statute's authority and usability within a civic sphere where both its material form and, to some extent, its institutional setting had long since decayed.[37]

Conclusions

The history of Trogir's Statute offers a compelling window into the interplay of law, power, and identity in the late medieval Adriatic. Emerging from the political transformations of the thirteenth century, the statute initially functioned as a tool for civic consolidation and oligarchic governance. Over time, its role evolved in response to shifting sovereignties—from Venetian dominion to Angevin rule and back again—with each iteration reflecting not only practical adaptation, but also the local nobility's efforts to reaffirm its authority and preserve the semblance of continuity. By the fifteenth century, the statute had largely ceased to function as a means of political authority, even as it remained in legal use. However, its symbolic and memorial significance endured. The persistence of obsolete clauses, together with the continued ceremonial invocation of statutory authority, demonstrates how legal texts could transcend their normative function to serve as repositories of civic memory and instruments of ideological survival. Through the statute, the urban nobility maintained a vision of communal autonomy within the new Venetian framework that had long since undermined it.

The evolution of Trogir's Statute thus demonstrates, as do other medieval statutes, that such texts were far more than mere compilations of rules. They were powerful instruments of political negotiation and struggle, arenas in which competing authorities and dominant groups contended over both the formulation of norms and the values they were meant to embody. Their apparent contradictions or inconsistencies stem from the fact that statutes were seldom rewritten from scratch; instead, new norms were layered atop older ones. For modern scholars, these are not defects, but invaluable evidence of the political dynamics that shaped them. Embedded within their textual fabric are traces of negotiation, factional rivalry, and ongoing adaptation to shifting hierarchies of power.

Viewed in this light, each variant of a statute embodies a moment of tension—a moment in which authority, privilege, and legitimacy were actively contested within the community. Studying these texts means looking beyond the words themselves to the processes that produced their successive versions. This is where the true political life of statutes resides. In Trogir, uniquely illuminated by the survival of both statutory and documentary evidence, these processes can be traced in far greater detail than for any other Dalmatian city. Through them, we can see that the statute functioned not only as a legal code, but also as a practical and symbolic instrument of governance. The evolution of Trogir's Statute thus exemplifies a broader Mediterranean

[37] For a detailed discussion, see: Popić 2024b.

phenomenon: the transformation of law from a tool of administration into a monument of municipal identity. It demonstrates how the written word could preserve, even in decay, the illusion of consensus and the semblance of self-government, serving both as witness to and participant in the long, uneven redefinition of communal authority under shifting dominions in the late medieval Adriatic.

BIBLIOGRAPHY

SOURCES

ARCCT	*Acta et reformationes consiliorum civitatis Tragurii (saec. XIII-XV)*. Ed. POPIĆ, Tomislav – BEĆIR, Ante. Zagreb. 2022.
CDCDS	*Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae – Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije*. Vol. V. Ed. SMIČIKLAS, Tadija et alii. Zagreb. 1907.
MT I/1	*Monumenta Traguriensia. Notae seu abbreviaturae cancellariae comunis Tragurii – Trogirski spomenici. Zapisci pisarne općine trogirske. Vol I/1*. Ed. BARADA, Miho. Zagreb. 1948.
MT I/2	*Monumenta Traguriensia. Notae seu abbreviaturae cancellariae comunis Tragurii – Trogirski spomenici. Zapisci pisarne općine trogirske. Vol I/2*. Ed. BARADA, Miho. Zagreb. 1950.
MT II/1	*Monumenta Traguriensia. Acta curiae comunis Tragurii – Trogirski spomenici. Zapisci sudbenog dvora općine trogirske. Vol II/1*. Ed. BARADA, Miho. Zagreb. 1951.
RAČKI 1881	RAČKI, Franjo: Notae Joannis Lucii. *Starine* XIII (1881), p. 211–268.
RIZZI 2015	*Le commissioni ducali ai rettori d'Istria e Dalmazia (1289–1361)*. Ed. RIZZI, Alessandra. Roma. 2015.
SRCT	*Statutum et reformationes civitatis Tragurii*. Ed. STROHAL, Ivan. Zagreb. 1915.

Secondary Literature

BASIĆ 2020	BASIĆ, Ivan: Domišljanje kontinuiteta. Problem najstarijega trogirskoga memorijalnoga teksta [Devising Continuity. The Problem of the Oldest Memorial Text of Trogir]. *Miscellanea Hadriatica et Mediterranea* 7 (2020), p. 69–126.
BENYOVSKY LATIN 2009	BENYOVSKY LATIN, Irena: *Srednjovjekovni Trogir: prostor i društvo [Medieval Trogir: Space and Society]*. Zagreb. 2009.
BENYOVSKY LATIN 2019	BENYOVSKY LATIN, Irena: Governmental Palaces in Eastern Adriatic Cities (13th–15th Centuries). In: *Political Functions of Urban Spaces and Town Types Through the Ages. Making Use of the Historic Towns Atlases in Europe*. Ed. CZAJA, Roman – NOGA, Zdzisław – OPLL, Ferdinand – SCHEUTZ, Martin. Kraków– Toruń – Vienna. 2019. p. 111–159.
BEĆIR 2022	BEĆIR, Ante: *Plemstvo kasnosrednjovjekovnoga Trogira: politička zajednica, frakcije i dinamika konflikta* [The Nobility of Late-Medieval Trogir: Political Community, Factions and the Conflict Dynamics]. PhD dissertation. Zagreb. 2022.
BEĆIR 2024	BEĆIR, Ante: Uspostava mletačke vlasti u Trogiru 1420. godine – između "lokalne" dinamike i "globalnih" procesa [The Establishment of Venetian Rule in Trogir in 1420: Between "Local" Dynamics and "Global" Processes]. In: *Pod sjenom krila:*

Trogirska komuna za vrijeme venecijanske uprave 1420. – 1797. Ed. PARAMAN, Lujana – BENYOVSKY LATIN, Irena – CELIO CEGA, Fani. Trogir – Zagreb. 2024. p. 1–40.

CASTELLI 2025 — CASTELLI, Zeno: *Traù nello Stato veneziano: istituzioni, giustizia e società di una* respublica *dominata (1420–1463)*. PhD dissertation. Padova. 2025.

JELASKA 2001 — JELASKA, Zdravka: Ustrojstvo društva u srednjovjekovnom Trogiru [The Structure of Society in Medieval Trogir]. *Povijesni prilozi* 20 (2001), p. 7–55.

KELLER 1998 — KELLER, Hagen: Gli statuti dell'Italia settentrionale come testimonianza e fonte per il processo di affermazione della scrittura nei secoli XII e XIII. In: *Le scritture del comune. Amministrazione e memoria nelle città dei secoli XII e XIII*. Ed. ALBINI, Giuliana. Torino.1998. p. 61–94.

KELLER – BUSCH 1991 — *Statutencodices des 13. Jahrhunderts als Zeugen pragmatischer Schriftlichkeit. Die Handschriften von Como, Lodi, Novara, Pavia und Voghera*. Ed. KELLER, Hagen – BUSCH, Jörg W. Busch. München. 1991.

LETT 2019 — *La confection des statuts dans les sociétés méditerranéennes de l'Occident (XII^e–XV^e siècle)*. Ed. LETT, Didier. Paris. 2019.

LETT 2020a — *Statuts communaux et circulations documentaires dans les sociétés méditerranéennes de l'Occident (XII^e–XV^e siècle)*. Ed. LETT, Didier. Paris. 2020.

LETT 2020b — *Les statuts communaux vus de l'intérieur dans les sociétés méditerranéennes de l'Occident (XII^e–XV^e siècle)*. Ed. LETT, Didier. Paris. 2020.

LETT 2021a — *Les statuts communaux vus de l'extérieur dans les sociétés méditerranéennes de l'Occident (XII^e–XV^e siècle)*. Ed. LETT, Didier. Paris. 2021.

LETT 2021b — *Statuts, écritures et pratiques sociales dans les sociétés de l'Italie communale et du Midi de la France (XII^e–XV^e siècle)*. Ed. LETT, Didier. Roma. 2021.

LONZA 2002 — LONZA, Nella: The Statute of Dubrovnik of 1272: Between Legal Code and Political Symbol. In: *The Statute of Dubrovnik of 1272*. Ed. LONZA, Nella. Dubrovnik. 2012. p. 7–25.

LUCIO 1673 — LUCIO, Giovanni: *Memorie istoriche di Tragurio ora detto Traù*. Venezia. 1673.

ORTALLI 1997 — ORTALLI, Gherardo: L'outil normatif et sa durée. Le droit statutaire dans l'Italie de tradition communale. *Cahiers de recherches médiévales* 4 (1997), p. 163–173.

ORTALLI 2001 — ORTALLI, Gherardo: *Tra normativa cittadina e diritto internazionale. Persistenze, intrecci e funzioni*. In: *Legislazione e prassi istituzionale nell'Europa medievale. Tradizioni normative, ordinamenti, circolazione mercantile (secoli XI–XV)*. Ed. ROSSETTI, Gabriella. Napoli. 2001. p. 13–27.

ORTALLI 2015 — ORTALLI, Gherardo: Split: Statutes and their long-term Force. Between Legal Weight and Political Value. In: *Splitski statut iz 1312. godine: Povijest i pravo*. Ed. RADIĆ, Željko – TROGRLIĆ, Marko – MECCARELLI, Massimo – STEINDORFF, Ludwig. Split. 2015. p. 113–129.

POPIĆ 2012 — POPIĆ, Tomislav: Srednjovjekovni zadarski kapitulari. *Povijesni prilozi* 42 (2012), p. 43–80.

POPIĆ 2022 — POPIĆ, Tomislav: Political Expressions of Pragmatic Literacy in Thirteenth-Century Trogir: A Sketch for a Portrait. *Povijesni prilozi* 62 (2022), p. 47–82.

POPIĆ 2024a	POPIĆ, Tomislav: Prizivi u istočnojadranskim gradovima anžuvinskoga doba i formiranje kraljevskoga prizivnog suda za Dalmaciju [Appeals in Angevin eastern Adriatic cities and the Formation of the Royal Appellate Court for Dalmatia]. In: *Doba (dez)integracije: Društveno-političke strukture anžuvinskog doba*. Ed. NEKIĆ, Antun – POPIĆ, Tomislav. Zadar. 2024. p. 69–102.
POPIĆ 2024b	POPIĆ, Tomislav: Stari zakoni, novo doba: Trogirski statut iz 1708. godine [Old Laws, New Age: The Trogir Statute from 1708]. In: *Pod sjenom krila: Trogirska komuna za vrijeme venecijanske uprave 1420. – 1797.* Ed. PARAMAN, Lujana – BENYOVSKY LATIN, Irena – CELIO CEGA, Fani. Trogir – Zagreb. 2024. p. 103–124.
POPIĆ – BEĆIR 2022	POPIĆ, Tomislav – BEĆIR, Ante: Politički poredak i zapisnici komunalnih vijeća srednjovjekovnog Trogira [The Political Order and the Records of Communal Councils in Medieval Trogir]. In: *Acta et reformationes consiliorum civitatis Tragurii (saec. XIII–XV)*. Ed. POPIĆ, Tomislav – BEĆIR, Ante. Zagreb. 2022. p. 1–87.
POPIĆ – BEĆIR 2023	POPIĆ, Tomislav – BEĆIR, Ante: Vrijeme i okolnosti nastanka zapisnika papinske istrage u Trogiru 1319. godine [The Origins and the Re-contextualization of the 1319 Account of Papal Investigation in Trogir]. *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 65 (2023), p. 53–104.
PROVERO 2021	PROVERO, Luigi: Creare la norma nelle comunità italiane del basso medioevo. In: *Statuts, écritures et pratiques sociales dans les sociétés de l'Italie communale et du Midi de la France (XII^{e}–XV^{e} siècle)*. Ed. LETT, Didier. Roma. 2021. p. 101–116.
STROHAL 1915	STROHAL, Ivan: Uvod [Introduction]. In: *Statutum et reformationes civitatis Tragurii*. Ed. STROHAL, Ivan. Zagreb. 1915. p. I–XLII.
ŠUNJIĆ 1967	ŠUNJIĆ, Marko: *Dalmacija u XV* stoljeću [Dalmatia in the Fifteenth Century]. Sarajevo. 1967.
TANZINI 2013	TANZINI, Lorenzo: Delibere e verbali. Per una storia documentaria dei consigli nell'Italia comunale. *Reti Medievali Rivista* 14 (2013:1), p. 43–79.
TANZINI 2021	TANZINI, Lorenzo: Dentro e fuori dagli statuti: il paesaggio documentario delle fonti normative dell'Italia bassomedievale. In: *Statuts, écritures et pratiques sociales dans les sociétés de l'Italie communale et du Midi de la France (XII^{e}–XV^{e} siècle)*. Ed. LETT, Didier. Roma. 2021. p. 161–181.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 105–117.

DOI: 10.15170/SPMNNV.2025.14.06

Zsolt Hunyadi, PhD
hunyadiz@hist.u-szeged.hu
University of Szeged
Faculty of Humanities and Social Sciences
Isntitute of History
Egyetem utca 2.
H–6722 Szeged
Hungary

Zsolt HUNYADI

The Hospitaller Grand Master, the Convent and the General Chapter: Power and consensus in the late Middle Ages

The study examines the changing balance in the leadership of a military-religious order: the Hospitallers' general chapter, its role of counterbalancing the power of the Grand Master, and the transformation of this decision-making body in the late Middle Ages. By the fifteenth century two important changes had been introduced. From the middle of the century, convening the general chapter was included in the regulations of the Order, moreover, these meetings became grounds of the constant political conflicts within the Order. The influence of certain tongues (*linguae*) changed significantly over time, and the new power balance was represented at these meetings. In this new "context", the "affiliation" of the Hungarian–Slavonian priory can also be reassessed.

Keywords: Hospitallers, general chapter, Grand Master, Convent

Even today, the public perception of the military-religious orders maintains that they were soldiers of Christ, acting as an extension of the papacy and, at times, as a kind of private army of the pope. It is hardly disputable that medieval popes had considerable influence over the activities of these orders, but this certainly it did not mean daily intervention, rather a sort of control over these bodies. At the same time, however, the role of the head of the catholic Church was quite tangible: in the founding of the order, in the granting of privileges, and in the confirmation (*confirmatio*) and possible deposition (*depositio*) of the elected (*electus*) leader of the order, the (grand) master.

Research on the Hospitallers in Hungary over the past decades has addressed issues related to the organizational structure and functioning of the military-religious order in many respects.[1] Simultaneously, these reviews either briefly assessed the overall characteristics of the order or only undertook to examine specific issues, such as the affiliation of the Hungarian–

[1] Recently summarized in HUNYADI – RIBI 2023.

Slavonian priory.[2] The following short study attempts to bring into the discourse considerations that have already been explored by international historiography but have received less attention in Central Europe, especially with a focus on power and consensus.

Both the Hospitallers (1113) and the Templars (1119/20) belonged to the reform orders that emerged at the turn of the eleventh and twelfth centuries, and most church historians, accepting their monastic characteristics, emphasize that their structure and operation were mostly comparable to that of orders of canons regular. It has been long assumed that the brethren of St. John the Baptist adopted the institution of general chapters from the Cistercians,[3] with some potential Templar mediation. However, a closer examination of the chain of events suggests that the Hospitallers had priority in this field. Beyond the Cistercian model, from the moment of their foundation, the military-religious orders were forced to operate from a distance of several thousand kilometers between the main theater of their activities, the Holy Land, and their European estates, which provided their financial backing and human resources.[4] As we have recently pointed out, the organization of provinces was a novelty of the twelfth-century monastic reform of the military-religious orders. The Hospitaller priories (*prioratus*) and the Templar provinces (*provinciae*) effectively linked the centers of the orders with the administrative units located at huge geographical distances with the preceptories. The first Hospitaller provincial chapter took place in 1123,[5] but it did not bring together the entire newly independent (1114) institution to a common forum, although the first provincial official is known from here.[6] The first general chapter was convened only decades later, in 1176/77, by Josbert, the Hospitaller (grand) master,[7] but the participation of European brethren of the order only became regular in the 1180s.[8] The question arises: how did they maintain contact during the intervening half-century? It was mostly the Master of the Order who visited the European provinces from Jerusalem from time to time to recruit new members, to improve the profitability of the preceptories, and often to carry out diplomatic missions. The Templars took the lead in this, as the order's leader set out on his journey as early as 1128/9,[9] while the first Hospitaller "visitations" did not take place until 1140 and 1157 respectively.[10]

The Hospitaller Master could therefore maintain contact with provincial leaders either personally or through the order's leadership, and from the

[2] See: HUNYADI 2025.
[3] HUNYADI – RIBI 2023. p. 23.
[4] RILEY-SMITH 2010. p. 47.
[5] FOREY 1992. p. 155; RILEY-SMITH 2007. p. 276–277.
[6] RILEY-SMITH 2008a. p. 5.
[7] "*… de comuni et concordi voluntate et assensu fratrum tocius mei presentis capituli generalis.*" Cartulaire nr. 494. See: BURGTORF 2008. p. 52; RILEY-SMITH 2012. p. 76.
[8] RILEY-SMITH 2008b. p. 135.
[9] Also in 1138–1139, and in 1149. RILEY-SMITH 2008a. p. 5.
[10] RILEY-SMITH 2008a. p. 5.

1180s onwards, the general chapter provided an opportunity for meetings, which the latter attended with some regularity. It is important to note, however, that around this time, during the office of Cast de Murols (1171–1172), a new organizational form, the grand priory, also appeared in the structure of the Order.[11] A thorough analysis of the development and functioning of the grand priories is still owed to historiography, as several researchers on the subject have already pointed out.[12] It is unclear why these particular priories were given a common superior, while others in the same region were exempt from the supervision of superiors who, for lack of a better term, could be considered middle-rank managers. Some believe that this served to collect taxes more efficiently,[13] but scholars of the field are yet to provide convincing evidence. However, there is a strong consensus that the 1206 general chapter convened in Margat, Syria, and the statutes compiled there were an important milestone in the formation and stabilization of the Hospitallers' hierarchy.[14] Even if, according to the opinion of the Hospitaller grand master and the Convent in 1299, Afonso of Portugal (1203–1206) lost his mastership by convening the general chapter outside the Kingdom of Jerusalem.[15] The lesson to be learned from these events is even more important: the grand master came into open conflict with the leaders of his own order. The members of the central Convent refused to obey the presumably autocratic leader, whereupon Afonso resigned in September 1206 and returned to Europe.[16] It was not the first time when the serious tension between the (grand) master and the Convent came to light at the beginning of the thirteenth century. The first open conflict between the leadership flared up during the tenure of Gilbert of Assailly (1163–1169/71). The grand master, preparing for a crusade against Egypt, nearly bankrupted his own Order. Gilbert resigned, but the Convent did not accept his resignation, arguing that the grand master's resignation was only valid if approved by the pope.[17] Bearing it in mind, the statutes of Margat can be interpreted in a very specific way. While we are apparently witnessing the consolidation of the Order's constitution, in reality its leadership began to increase its own weight and that of the general chapter, laying the foundations for a long-term process that created a system of checks and balances against the power of the grand master.

For a long time, there was no need to touch these measures, as partly evidenced by the fact that after Margat, no general chapter was convened until the early 1260s.[18] This was despite the fact that the Order faced serious crises:

[11] Riley-Smith 2008b. p. 134.
[12] Luttrell 1995. p. 22.
[13] Sire 1994. p. 104.
[14] Tipton 1968. p. 295; Burgtorf 2008. p. 81, 118; Bonneaud 2013. p. 302; Luttrell 2014. p. 200.
[15] Cartulaire nr. 4462. See. Burgtorf 2008. p. 117.
[16] Luttrell 2014. p. 200–201.
[17] Murray 2015. p. 19.
[18] Burgtorf 2008. p. 184.

the tragic battle of Gaza[19] or the War of St. Sabbas,[20] in which the military-religious orders were also involved. At the same time, between 1262 and 1270, the Hospitaller general chapter was convened almost annually, and by the end of the century a total of 13 general assemblies had been held.[21] Moreover, the statutes of the 1262 general chapter were of comparable significance and had long-term consequences to those of Margat.[22] The winds of change proved to be particularly strong. By the end of the decade, a new, regionally organized institutional order began to take shape: the system of tongues (*linguae, langues, nationes*).

Our first tangible evidence of the existence of the tongues dates from 1268,[23] but it would be an exaggeration to suggest that we know the exact origins and development of the institution, although it was certainly in operation by 1283.[24] For a long time, research placed the formation of the seven tongues to the very end of the thirteenth century (1293–1297) or the beginning of the fourteenth century,[25] and interpreted it in the Hospitaller institutional system mostly as an organic continuation of the grand priories.[26] Despite differing opinions, there was agreement that the representatives of the individual regional units (*pillerii*)—who were also responsible for organizing accommodation (*auberge, hospitia*) and care (*stagia*) for those staying in the central unit—became members of the Convent. This process had already begun during the Cyprus period (1291–1309), but it was only completed in Rhodes,[27] where these auberges still stand. It is striking from the outset that three of the seven tongues represented preceptories located in the Kingdom of France, but this situation can be easily explained by the fact that the representation system was established in proportion to the number of administrative units. The three "French" tongues accounted for 42–51% of the Order's membership, and from the end of the thirteenth century, Provençal masters were elected to lead the order for nearly eight decades.[28]

At the same time, it is quite possible that the reforms of the Order, that began in the 1260s, accelerated, partly due to the gradual loss of the Holy Land. A clear sign of this is that the Convent demanded an increasingly serious say in the decisions of the Order, and even in the election of the grand master. In modern terminology, this could basically be described as lobbying, which presumably reflected the current or changing balance of power. Perhaps this explains such phenomenon, for example, that the German tongue (*Lingua Alemanie*) and its representative appeared to be particularly influential in the

[19] LOTAN 2012.
[20] SARNOWSKY 2012.
[21] BRONSTEIN 2005. p. 62, 79, 142; RILEY-SMITH 2008b. p. 142.
[22] CACHIA 2009. p. 62.
[23] Cartulaire nr. 3308; SIRE 1994. p. 101.
[24] RILEY-SMITH 2012. p. 129.
[25] BORCHARDT 2021. p. 206.
[26] TIPTON 1968. p. 294; FOREY 1992. p. 158; O'MALLEY 2005. p. 12; BORCHARDT 2021. p. 206
[27] BRINCAT 2001. p. 261.
[28] SIRE 1994. p. 36; O'MALLEY 2005. p. 318.

activities of the Convent at the end of the thirteenth century,[29] but by the 1340s it had been almost completely disappeared,[30] and it was not until the 1420s that it regained its importance in the leadership of the Order.[31]

The fact that general chapters were held annually in Cyprus in the early fourteenth century clearly indicates changes in the leadership and perhaps in the Order as a whole. The only meeting convened by the grand master on 1 August 1300 in Avignon was vetoed by the members of the Convent on the basis that the Master could only take such an initiative with their consent.[32] A few years later, in 1309, the Order's headquarters moved from Cyprus to Rhodes, and Grand Master Foulques de Vilaret (1305–1317/19) spent the funds—originally intended for a crusade proclaimed by the pope—on the conquest of the island, which had previously been under Greek rule. The first general chapter was held in the new center in 1310[33] and the brethren of the Order met annually until 1314, but after that, no further meetings were held for a decade (until 1324). The grand master, who was believed to be autocratic, not only clashed with the Convent on several occasions, but the Hospitaller high officers also organized a coup against him and they even elected an anti-master. However, Pope John XXII (1316–1334) did not confirm the "anti-master" in office and considered Foulques to be the legitimate master, but, sensing the tension within the Order, he reinstated him to office only so that he could resign "of his own accord."[34]

Personal conflicts within the Order, the increasingly distant hope of recovering the Holy Land (*recuperatio Terre Sancte*), the Avignon papacy, and the dissolution of the Templars caused serious internal tensions among the Hospitallers. The Order made serious efforts to contribute to the revival of the crusader ideal and regularly sent envoys to the papal court to improve their reputation.[35] The "inheritance" of the Templar preceptories reorganized land ownership and income in several regions, prompting the Hospitallers to establish new priories. Moreover, at one of the reconvened general chapters (1337),[36] it was decided that the consequences of the takeover of Templar property would be assessed through visitations. In the course of this procedure, for example, the English prior spent 121 days on visitation in 1338, roughly three days per house, and prepared a detailed report on the general, and above all the financial situation of the priory.[37] The basic duty of the prior was to visit the preceptories of their own priory, initially on an annual basis,

[29] Sire 1994. p. 105; Luttrell 1995. p. 28.
[30] Tipton 1968. p. 296; Sire 1994. p. 195–196.
[31] Valentini 1936. p. 135; Sarnowsky 1995. p. 54–55; Sarnowsky 2001. p. 147; Sarnowsky 2007. p. 152.
[32] Burgtorf 2008. p. 113, 131.
[33] Burgtorf 2008. p. 147.
[34] Sire 1994. p. 29.
[35] Tommasi 2015. For parallel situation with the Templars, see: Borchardt 2015.
[36] Burgtorf 2008. p. 147.
[37] Forey 1992. p. 167; O'Malley 2005. p. 60.

during which they also regularly presided over the provincial chapter.[38] From the second half of the fourteenth century, the prioral visitations typically took place every 3–4 years, and consequently the provincial chapters were also convened less frequently.[39]

The latter frequency seems to have been followed by the general chapters in the first half of the fourteenth century: between 1324 and 1344, the Order held seven general assemblies. After that, however, the operation of this institution dramatically slowed down: after a hiatus of nearly a quarter of a century, the brethren of the Order gathered in 1367 and then in 1379/80, with the latter chapter already taking place in the spirit of the Schism. During the Great Western Schism, the Order convened only four general chapters, if we include the general assembly convened by the "anti-master" Riccardo Caracciolo near Naples (1384).[40] This does not mean, of course, that the Order's leadership did not discuss important issues between general chapters, as evidenced by the question of the affiliation of the Hungarian–Slavonian priory and the appointment of priors.[41] After the Schism was resolved, a total of 22 general chapters were convened between 1422 and 1522, on an increasingly regular basis, every 3–6 years on average.[42] The system also became uniform, apart from two Roman detours (1446, 1466/7),[43] that all general chapters were held in Rhodes. Nonetheless, both Roman councils proved to be particularly important in the late medieval history of the Order. The decision was established here to hold general chapters at regular intervals, and it was also here that the power struggle between the tongues had been renewed.[44] The most important consequence was a change in the voting ratios within the Convent. Moreover, from this period onwards, the importance of visitations in the European provinces of the Order increased,[45] and the debate over the Hungarian–Slavonian province continued to rage.[46]

At this point of the reconstruction, however, fundamental questions arise: what determined which priory belonged to which tongue, and what was the significance of the grouping? From the point of view of administration and the collection of taxes, it was irrelevant, since the provincial leaders, and in most cases the preceptors, were appointed by the grand master and the general chapter. The majority of the taxes ultimately went to the Order's treasury, regardless of which region paid the given sum. It was also irrelevant which tongue a given priory belonged to, because the taxation meant not a predetermined amount which the provinces might have divided into several

[38] BRONSTEIN 2005. p. 9.
[39] SARNOWSKY 2007. p. 154; HUNYADI – RIBI 2023. p. 67.
[40] 1383, 1384, 1410, 1420. SARNOWKSY 1996. p. 268; HUNYADI – RIBI 2023. p. 90.
[41] HUNYADI – RIBI 2023. p. 88.
[42] SARNOWSKY 1996. p. 268; BURGTORF 2008. p. 147.
[43] VALENTINI 1936; SIRE 1994. p. 36; SARNOWSKY 1995. p. 54.
[44] SIRE 1994. p. 121; LUTTRELL 1995. p. 35; SARNOWSKY 1995. p. 50, 55; SARNOWSKY 1996. p. 63; BONNEAUD 2013. p. 309.
[45] SARNOWSKY 2007. p. 153–154.
[46] HUNYADI – RIBI 2023. p. 178, 198.

larger or smaller parts.[47] When levying taxes on the Order's units, the profitability of each priory was individually taken into account, and the final amount was determined on this basis. In contrast, it is clear that from the first third of the fourteenth century onwards, the proportion of the Order's decision-making power represented by members of the Convent speaking their own tongue became increasingly important. After 1373, when 78 years of Provençal continuity in the office of Grand Master came to an end, a serious power struggle began in order to increase influence of the non-French tongues in the Order's leadership. From this perspective, the debate about the Hungarian–Slavonian priory also appears in a different light. I would not separate the interpretation of the Italian correspondence from 1466 discovered by András Ribi from the struggle over voting ratios in the leadership of the Order.[48] I would also rephrase my own previous wording, namely which tongue the Hungarian–Slavonian province "joined".[49] It would be more accurate to ask, "where the priory was counted". Because no matter how little tax the province paid, it could have had a significant impact on the balance of power in votes and the election of the Grand Master, regardless of whether they were represented in person or by procurators at the general chapters.

The "affiliation" of the Hungarian–Slavonian (Vrana) priory in the Rhodian copybooks:

1330–1365	*Lingua Italie*
1374–1386	*Lingua Italie*
1389–1400	*Lingua Alamanie*
1401–1438	*Lingua Italie*
1437–1445 – 1446	*Lingua Italie*
1447–1459	*Lingua Alamanie*
1460–1466	*Lingua Italie*
1467–1471	*Lingua Alamanie*
1472–1510	*Lingua Italie*

In light of the above, I am convinced that although the Hospitallers of the Hungarian priory distanced themselves from the Rhodes headquarters in many respects,[50] they remained part of the Order as a whole in terms of canon law. I have recently explained my arguments in details.[51]

Contra fratres conventuales

Returning to the examination of the Order's leadership, it may serve as a starting point that over the past eight centuries, some 80 Hospitaller Grand Masters have been in office, and a few "anti-masters" and *locumtenentes* have

[47] Hunyadi – Ribi 2023. p. 28.
[48] Hunyadi – Ribi 2023. p. 153.
[49] Hunyadi – Ribi 2023. p. 29.
[50] Hunyadi – Ribi 2023. p. 150–153.
[51] Hunyadi 2025.

ensured the continuity of the office of *magnus magister*. Papal intervention also occurred several times during the Order's Holy Land period (c. 1099–1291). The first anomaly mentioned above already hampered the Order's activities during the tenure of Master Gilbert d'Assailly (1163–1169/71). As mentioned above, the master prepared the Hospitallers for the Crusade against Egypt with such vehemence that the Order was almost bankrupted.[52] Looking more closely at the events, it seems that the core of the conflict developed between the Master and the Order's leadership, as well as the Order's highest decision-making body, the Hospitaller General Chapter. The latter did not accept Gilbert's first resignation[53] and even insisted that it would only be valid if approved by both the general chapter and the pope. It was Pope Alexander III (1159–1181) who finally accepted the resignation, but the master elect in 1172 had to promise to respect the old customs and statutes of the Hospital and to take the advice of the general chapter into account when making important decisions.[54] Alexander III also urged the Hospitallers to return to their original activity: caring for the poor and needy, clearly referring to the military role of the Order, but this could only take place under the leadership of the next master.[55]

However, even the pope was unable to stop militarization,[56] as clearly indicated by the fact that in 1187, in the tragic Battle of Hattin, which led to the fall of Jerusalem, not only the leader of the Templars but also the Hospitaller grand master, Roger de Moulins (1177–1187) fell.[57] Until 1190, Ermengol de Aspa served as acting Grand Master (*provisor*)[58] until a new leader was elected in Acre, in the new capital of the Christians.

Gilbert d'Assailly's conflict was reminiscent of the clash between Afonso de Portugal (1203–1206), the most prominent master of the early thirteenth century, and the leaders of the Order. During his short term of office, one of the most important Hospitaller general chapters took place, where the aforementioned statutes of Margat (1206) were enacted.[59] The leaders of the Convent refused to obey the presumably autocratic leader, whereupon Afonso resigned in September 1206 and boarded a ship.[60] According to the *Cronica magistrorum defunctorum*, which survives from the late Middle Ages, the 66-year-old retired master, who was on good terms with Sancho, the Portuguese ruler (1185–1211), was poisoned by his fellow Hospitaller brethren—according to the chronicler.[61]

[52] MURRAY 2015. p. 19.
[53] MURRAY 2015. p. 20.
[54] FOREY 1992. p. 163.
[55] RILEY-SMITH 2012. p. 36.
[56] FOREY 1984. p. 87–88; GARCÍA-GUIJARRO 1999. p. 293–302; RILEY-SMITH 2012. p. 27–37.
[57] RILEY-SMITH 2010. p. 23–24.
[58] LUTTRELL 2005. p. 15–19; RILEY-SMITH 2012. p. 43.
[59] KING 1934. p. 41–52.
[60] LUTTRELL 2014. p. 200–201.
[61] DUGDALE 1830. p. 796.

The grand masterships of Guillaume Châteauneuf (1241–1258) and Nicholas Lorgne (1277/78–1285) brought about a new type of conflict. Guillaume was taken prisoner in the Battle of Gaza in 1244, and until his release in 1250, the Order was ruled by a designated lieutenant and, at times, by the Grand Preceptor.[62] The Grand Master's prolonged inability to perform his duties created a new "constitutional" situation, and by 1262 at the latest, the Hospitallers had addressed such situations at the level of the Order's legislation, laying down the rules for substitution.[63] A few decades later, Grand Master Nicholas Lorgne was forced to resign, presumably due to the loss of the last Hospitaller castles, above all Margat, although he continued to serve as acting Grand Master until his elected successor arrived in the Holy Land.[64]

The beginning of the Order's Rhodian period (1308/9–1522/3) also brought a serious test of strength for the brethren of St. John. In the first decade of the century, the Grand Master, the above-mentioned Foulques de Vilaret (1305–1317/19), moved the Order's headquarters from Cyprus to Rhodes,[65] and although Foulques used the funds intended by the pope originally for the planned Crusade, he nevertheless created such a serious financial situation for the Hospitallers that the Order groaned under its weight for decades.[66] The presumably strong-willed Grand Master not only generated conflicts, but his own fellow members organized an armed rebellion against him[67] and even elected Maurice de Pagnac (1317–1319) as anti-master.[68] However, Pope John XXII (1316–1334) did not confirm the elderly "anti-grand master" in office and he still considered Foulques to be the legitimate leader, but—clearly identifying the tension within the Order—he reinstated him to office only so that he himself could return the position. Foulques, incidentally, remained in Italy as a member of the Order, but his conflict with his fellow members characterized the rest of his life.[69]

The relative calm that had prevailed in the Order's leadership for several decades was broken by the Great Western Schism (1378–1417) as mentioned above, and it brought about not only the reign of several Grand Masters, but also the parallel rule of several popes. The Schism divided the Order: some provinces remained loyal to Avignon, while others obeyed Rome.[70] As a clear sign of this, Pope Urban VI confirmed Riccardo Caracciolo (1383–1395) as "anti-master", to whom the English and Italian tongues obeyed, including the

[62] Burgtorf 2008. p. 112, 244, 443, 677; Goridis 2015. p. 289; Lotan 2020. p. 76.
[63] § 10/1262. Cartulaire nr. 3039; King 1934. p. 56. Cf. Burgtorf 2008. p. 244; Riley-Smith 2012. p. 128.
[64] Riley-Smith 2012. p. 210, 212.
[65] Luttrell 1985. p. 273–281; Luttrell 1996. p. 75–91; Luttrell 1998. p. 595–622; Burgtorf 2008. p. 156, 159; Borchardt 2011. 192.
[66] Luttrell 1997. p. 752; Luttrell 1999. p. 18–19; Nicholson 2001. p. 80; Luttrell 2002. p. 279; Bronstein 2005. p. 86, 97–100, 119, 123, 144; Cachia 2009. p. 62–63.
[67] Sire 1994. p. 29.
[68] Delaville le Roulx 1913. p. 12–13; Burgtorf 2008. p. 417, 516.
[69] Burgtorf 2008. p. 512–517.
[70] Daileader 2009. p. 108–111; Rollo-Koster 2022. p. 44.

majority of the Hungarian–Slavonian priory.[71] Obedience was made tangible above all by appearances at general chapters, appointments by the Grand Master, and the payment of taxes levied by the Order. The other "party", led by Grand Master Juan Fernandez de Heredia (1376–1396) supported the pope of Avignon, and the Grand Master even kept his seat there, which caused serious tension among the members of the Convent operating in Rhodes.[72] After the deaths of Caracciolo and Heredia, the duality ceased with the Grand Mastership of Philibert de Naillac (1396–1421), but the unity within the Order was only restored after the Council of Pisa (1409).[73]

However, tensions within the Order's leadership resurfaced in the mid-fifteenth century. During the Grand Mastership of Jean de Lastic (1437–1454), the regulation of the Turcopolier's power caused tension within the leadership.[74] During the Grand Mastership of Ramón Pére Zacosta (1461–1467) a serious power struggle developed between the head of the Order and the senior officials (*pillerii*) who were to be appointed or were awaiting appointment at the general chapter convened in the autumn of 1462. Until the inauguration of Grand Master Pierre d'Aubusson (1476–1503), there were minor and major frictions between the leaders of the Order and the current master, but these did not escalate into a serious crisis.[75] The hero of the (first) Ottoman siege of Rhodes in 1480 was the longest-serving Grand Master of the Order: he died in 1503 at the age of 80.[76] By this time, the previous "interregnum" of several months in the leadership of the Order had been reduced to three days, meaning that the successor to the deceased Grand Master was elected within a very short time.[77]

Hopefully, the above overview showed that the institutional norms of power and consensus have developed over a long period of time and have been refined by the brethren of the Order of St. John. The checks and balances of the Order's leadership served to maintain a fragile balance between the Grand Master, the Convent, the general chapter, and sometimes papal influence. Despite fluctuations, the practice of power sharing properly functioned in the long run.

BIBLIOGRAPHY

Sources

Cartulaire — DELAVILLE LE ROULX, Joseph: *Cartulaire général de l'ordre des Hospitaliers de Saint-Jean de Jérusalem*.4 vols. Paris. 1894–1906.

DUGDALE 1830 — Cronica magistrorum defunctorum. Ed. DUGDALE, William, In: *Monasticon Anglicanum*, vol. VI/2. London. 1830. p. 796–798.

[71] SIRE 1994, p. 167.
[72] SARNOWSKY 1996. p. 268, 272; VANN 2006. p. 38.
[73] LUTTRELL 1975. p. 305.
[74] SARNOWSKY 1995. p. 62.
[75] SARNOWSKY 1996. p. 272; SARNOWSKY 2001. p. 157; BONNEAUD 2017. p. 143.
[76] SARNOWSKY 2001. p. 167.
[77] SARNOWSKY 1996. p. 272.

Secondary Literature

BONNEAUD 2013	BONNEAUD, Pierre: The Hospitallers of Rhodes and their vow of poverty in the 15th century (1420–1480). *Imago Temporis* 7 (2013), p. 538–559.
BONNEAUD 2017	BONNEAUD, Pierre: A Culture of Consensus. The Hospitallers at Rhodes in the Fifteenth Century (1420–1480). In: *The Military Orders: Culture and Conflict in the Mediterranean World*. Ed. SCHENK, Jochen – CARR, Michael. (The Military Orders 6.1.) London – New York. 2017. p. 137–146.
BORCHARDT 2011	BORCHARDT, Karl: Zucker und Mohren: zur Krise der Hospitaller auf Zypern im 15. Jahrhundert. *Ordines Militares – Colloquia Torunensia Historica* 16 (2011), p. 191–212.
BORCHARDT 2015	BORCHARDT, Karl*: Die Templer an der römischen Kurie im 13. Jahrhundert: ein Netzwerk? Ordines Militares. Colloquia Torunensia Historica* 20 (2015), p. 25–38.
BORCHARDT 2021	BORCHARDT, Karl: National Rivalry among Hospitallers? The Case of Bohemia and Austria, 1392–1555. *Medievalista* 30 (2021), p. 204–245.
BRINCAT 2001	BRINCAT, Joseph M.: The Languages of the Knights: Legislation, Administration and Diplomacy in a Multilingual State (14th–16th centuries). In: *Language and Diplomacy*. Ed. KURBALIJA, Jovan – SLAVIK, Hannah. Malta. 2001. p. 261–279.
BRONSTEIN 2005	BRONSTEIN, Judith: *The Hospitallers and the Holy Land: financing the Latin East, 1187–1274*. Woodbridge – Rochester. 2005.
BURGTORF 2008	BURGTORF, Jochen: *The Central Convent of Hospitallers and Templars: History, Organization, and Personnel (1099/1120–1310).* (History of Warfare 50.) Leiden – Boston. 2008.
CACHIA 2009	CACHIA, Stefan: Perceptions of Poverty: A Hospitaller approach. *Proceedings of History Week* (2009), p. 47–76.
DAILEADER 2009	DAILEADER, Philip: Local Experiences of the Great Western Schism. In: *A companion to the great western schism (1378–1417)*. Ed. ROLLO-KOSTER, Joëlle – IZBICKI, Thomas M. Leiden – Boston, 2009. (Brill's companions to the Christian tradition 17.) p. 89–121.
DELAVILLE LE ROULX 1913	DELAVILLE LE ROULX, Joseph: *Les hospitaliers à Rhodes jusqu'à la mort de Philibert de Naillac (1310–1421)*. Paris. 1913.
FOREY 1984	FOREY, Alan: The Militarisation of the Hospital of St. John. *Studia Monastica* 26 (1984), p. 75–89.
FOREY 1992	FOREY, Alan: *The military orders: from the twelfth to the early fourteenth centuries*. Basingstoke. 1992.
GARCÍA-GUIJARRO 1999	GARCIA-GUIJARRO, Ramos Luis: La militarización de la Orden del Hospital, líneas para un debate. In: *Ordens Militares, guerra, religião, poder e cultura – Actas do III Encontro sobre Ordens Militares, II. Lisboa, 1999*. Ed. FERREIRA FERNANDES, Isabel Cristina. Lisboa. 1999. p. 293–302.
GORIDIS 2015	GORIDIS, Philippe: *Gefangen im Heiligen Land: Verarbeitung und Bewältigung christlicher Gefangenschaft zur Zeit der Kreuzzüge*. Ostfildern. 2015. (Vorträge und Forschungen – Konstanzer Arbeitskreis für Mittelalterliche Geschichte Sonderband 57.)
HUNYADI 2025	HUNYADI, Zsolt: Distancing or Breaking? The Relation of the Hungarian Hospitaller Priory to the Central Convent of the Order in the late Middle Ages. *East Central Europe: Between the Baltic and the Adriatic* 1 (2025), p. 39–56.
HUNYADI – RIBI 2023	HUNYADI, Zsolt – RIBI, András. *The Knights Hospitaller in Medieval Hungary*. (Arpadiana 13) Budapest. 2023.
KING 1934	KING, Edmund J.: *The Rule, Statutes and Customs of the Hospitallers, 1099–1310*. London. 1934.

LOTAN 2012	LOTAN, Shlomo: The Battle of La Forbie (1244) and its Aftermath -- Re-Examination of the Military Orders' Involvement in the Latin Kingdom of Jerusalem in the Mid-Thirteenth Century. *Ordines Militares - Colloquia Torunensia Historica: Yearbook for the Study of the Military Orders* 17 (2012), p. 53–67.
LOTAN 2020	LOTAN, Shlomo: Descriptions of Fighting, Captivity, and Ransom in the Writings of Robert of Nantes, Patriarch of Jerusalem, in the Mid-Thirteenth Century. In: *The Templars, The Hospitallers and the Crusades. Essays in Homage to Alan J. Forey*. Ed. NICHOLSON, Helen J. – BURGTORF, Jochen. Abingdon – New York. 2020. (The Military Religious Orders) p. 73–81.
LUTTRELL 1975	LUTTRELL, Anthony: The Hospitallers at Rhodes, 1306–1421. In: *A History of the Crusades: The Fourteenth and the Fifteenth Century*. Ed. HAZARD, Harry W., Vol. 3. Madison. 1975. p. 278–313.
LUTTRELL 1985	LUTTRELL, Anthony: Settlement on Rhodes, 1306–1366. In: *Crusade and Settlement. Papers Read at the First Conference of the Society for the Study of the Crusades and the Latin East and Presented to R. C. Smail*. Ed. EDBURY, Peter W. Cardiff. 1985. p. 273–281.
LUTTRELL 1995	LUTTRELL, Anthony: The Hospitaller Province of Alamania to 1428. In: *Ritterorden und Region: Politische, soziale und wirtschaftliche Verbindungen im Mittelalter*. Ed. NOWAK, Zenon Hubert. Toruń. 1995. (Ordines Militares. Colloquia Torunensia Historica 8) p. 21–41.
LUTTRELL 1996	LUTTRELL, Anthony T.: Gli Ospitalieri di San Giovanni di Gerusalemme dal continente alle isole. In: *Acri 1291: La Fine della Presenza degli Ordini Militari in Terra Santa i Nuovi Orientamenti nel XIV secolo*. Ed. TOMMASI, Francesco. Perugia. 1996. p. 75–91.
LUTTRELL 1997	LUTTRELL, Anthony: The Genoese at Rhodes, 1306–1312. In: *Oriente e Occidente tra Medioevo ed Età Moderna: Studi in Onore di Geo Pistarino*. Ed. BALLETTO, Laura. Acqui Terme. 1997. p. 737–761.
LUTTRELL 1998	LUTTRELL, Anthony: The Hospitallers and the papacy, 1305–1314. In: *Forschungen zur Reichs-, Papst- und Landesgeschichte: Peter Herde zum 65. Geburtstag*. 2 vols. Ed. BORCHARDT, Karl – BÜNZ, Enno. Stuttgart. 1998. II. p. 595–622.
LUTTRELL 1999	LUTTRELL, Anthony: The Hospitallers and their Florentine Bankers: 1306–1346. In: *Karissime Gotifride: Historical Essays Presented to Professor Godfrey Wettinger on his Seventieth Birthday*. Ed. XUEREB, Paul. Malta. 1999. p. 17–24.
LUTTRELL 2002	LUTTRELL, Anthony: The Finances of the Commander in the Hospital after 1306. In: *La Commanderie: institution des ordres militaires dans l'Occident médiéval*. Ed. LUTTRELL, Anthony – PRESSOUYRE, Léon. Paris. 2002. p. 277–283.
LUTTRELL 2005	LUTTRELL, Anthony: Ermengol de Aspa, Provisor of the Hospital: 1188. *Crusades* 4 (2005), p. 15–19.
LUTTRELL 2014	LUTTRELL, Anthony: Afonso of Portugal, Master of the Hospital: 1202/3–1206. In: *Deeds Done Beyond the Sea: Essays on William of Tyre, Cyprus and the Military Orders Presented to Peter Edbury*. Ed. EDGINGTON, Susan B. – NICHOLSON, Helen J. Farnham. 2014. (Crusades – Subsidia 6) p. 197–206.
MURRAY 2015	MURRAY, Alan V.: The Grand Designs of Gilbert of Assailly. The Order of the Hospital in the Projected Conquest of Egypt by King Amalric of Jerusalem (1168–1169). *Ordines Militares. Colloquia Torunensia Historica* 20 (2015), p. 7–24.
NICHOLSON 2001	NICHOLSON, Helen: *The Knights Hospitaller*. Woodbridge. 2001.
O'MALLEY 2005	O'MALLEY, Gregory. *The Knights Hospitaller of the English langue, 1460–1565*. Oxford – New York. 2005.
RILEY-SMITH 2007	RILEY-SMITH, Jonathan: Toward a history of military-religious orders. In: *The Hospitallers, the Mediterranean and Europe: Festschrift for*

Anthony Luttrell. Ed. BORCHARDT, Karl – JASPERT, Nikolas – NICHOLSON, Helen J. Aldershot. 2007. p. 269–284

RILEY-SMITH 2008a — RILEY-SMITH, Jonathan: The Origins of the Commandery in the Temple and the Hospital. In: RILEY-SMITH, Jonathan: *Crusaders and Settlers in the Latin East.* Farnham. 2008. XV: p. 1–11.

RILEY-SMITH 2008b — RILEY-SMITH, Jonathan: The Structure of the Orders of the Temple and the Hospital in c. 1291. In: RILEY-SMITH, Jonathan: *Crusaders and Settlers in the Latin East.* Farnham. 2008. XIX: p. 125–143.

RILEY-SMITH 2010 — RILEY-SMITH, Jonathan: *Templars and Hospitallers as professed religious in the Holy Land*. (The Conway lectures in medieval studies). Notre Dame. 2010.

RILEY-SMITH 2012 — RILEY-SMITH, Jonathan: *The Knights Hospitaller in the Levant, c. 1070–1309*. Houndmills – New York. 2012.

ROLLO-KOSTER 2022 — ROLLO-KOSTER, Joëlle: *The Great Western Schism, 1378–1417*. Cambridge. 2022.

SARNOWSKY 1995 — SARNOWSKY, Jürgen: Der Konvent auf Rhodos und die Zungen (lingue) im Johanniterorden (1421–1476). In: *Ritterorden und Region – politische, soziale und wirtschaftliche Verbindungen im Mittelalter*. Ed. NOWAK, Zenon Hubert. (Ordines militares – Colloquia Torunensia Historica 8) Toruń. 1995. p. 43–65.

SARNOWSKY 1996 — SARNOWSKY, Jürgen: The Oligarchy at Work. The Chapters General of the Hospitallers in the XVth Century (1421–1522). In: *Autour de la première Croisade. Actes du Colloque de la Society for the Study of the Crusades and the Latin East, Clermont-Ferrand, 22–25 Juin 1995*. Ed. BALARD, Michel. Paris. 1996. (Série Byzantina Sorbonensia 14) p. 267–276.

SARNOWSKY 2001 — SARNOWSKY, Jürgen: *Macht und Herrschaft im Johanniterorden des 15. Jahrhunderts: Verfassung und Verwaltung der Hospitallerr auf Rhodos (1421–1522)*. (Vita regularis 14) Münster. 2001.

SARNOWSKY 2007 — SARNOWSKY, Jürgen: The Convent and the West: visitations in the order of the Hospital of St John in the fifteenth century. In: *The Hospitallers, the Mediterranean and Europe: Festschrift for Anthony Luttrell*. Ed. BORCHARDT, Karl – JASPERT, Nikolas – NICHOLSON, Helen J. Aldershot. 2007. p. 151–162.

SIRE 1994 — SIRE, Henry J. A. *The Knights of Malta*. New Haven. 1994.

TIPTON 1968 — TIPTON, Charles: The 1330 Chapter General of the Knights Hospitallers at Montpellier. *Traditio* 24 (1968), p. 293–308.

TOMMASI 2015 — TOMMASI, Francesco: Giovanniti al servizio dei papi (secc. XIII–XIV in.). In: *Élites et ordres militaire au Moyen Age*. Ed. JOSSERAND, Philippe – OLIVEIRA, Luís F. – CARRAZ, Damien. Madrid. 2015. p. 293–319.

VALENTINI 1936 — VALENTINI, Roberto: Un capitolo generale degli Ospitalieri di S. Giovanni tenuto in Vaticano nel 1446. *Archivio Storico di Malta* 7 (1936), p. 133–149.

VANN 2006 — VANN, Theresa M.: The exchange of information and money between the Hospitallers of Rhodes and their European priories in the fourteenth and fifteenth centuries. In: *International Mobility in the Military Orders (Twelfth to Fifteenth Centuries): Travelling on Christ's Business*. Ed. BURGTORF, Jochen – NICHOLSON, Helen. (Religion and Culture in the Middle Ages) Cardiff. 2006. p. 34–47.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 119–136.

DOI: 10.15170/SPMNNV.2025.14.07

Iva Beljan Kovačić, PhD
iva.beljankovacic@ff.sum.ba
University of Mostar
Faculty of Humanities and Social Sciences
Matice hrvatske b. b.
88000 Mostar
Bosnia and Herzegovina

Iva BELJAN KOVAČIĆ

Strength Without Force: Redefining Perceptions of Power in Early Modern Bosnian-Herzegovinian and European Catholic Culture

This article examines the value system of early modern Catholic culture through post-Tridentine pastoral literature produced by the Franciscans of Bosna Srebrena, with particular attention to how it conceptualizes the relationship between strength and weakness. At the centre of this relationship is the redefinition of physical strength and dominance, which are challenged and subordinated to a notion of strength grounded in mental and moral capacities. The analysis shows that, in representations of the ideal individual, aggression and appropriation are displaced by self-control and respect for others' rights, while, in representations of the ideal social order, the concept of delegated authority is promoted in place of power established by force. These values are linked to shifts in the religious imaginary: images of God as a powerful king and a just judge, and images of saints, align with the value shift described, whereas images of Jesus and Mary provide symbolic support for compassion, endurance, and the protection of the weak. The findings are interpreted within the broader framework of worldview changes in early modern Western European culture.

Keywords: Catholic renewal, Bosna Srebrena, early modern period, religious imaginary, post-Tridentine pastoral literature, concepts of power.

Framework, Context, and Sources

Orders of power in the exterior collective (social) sphere—and the mechanisms by which they are established (attribution, transfer, resistance, negotiation, and consensus)—have correlates in the interior collective sphere: in the worldviews, belief systems, and values shared by a community. At this inner level, cultural conceptions of what counts as legitimate authority and acceptable power take shape alongside its social forms. This article examines how such conceptions are formed and what role they play in early modern Bosnian-Herzegovinian and European Catholic culture.

The study's framework is Ken Wilber's integral theory, which treats interior and exterior collective reality as two perspectives on the same whole.[1] Wilber approaches reality through four irreducible dimensions—interior/exterior and individual/collective ("the four corners of the Kosmos"[2]). None of these is primary or derived from the others; none causes or explains the others. Every phenomenon includes all four perspectives and can be examined from each of them.[3] Moreover, none of the four dimensions is static: all evolve, tending toward ever deeper and more complex unities. The basic capacities (developmental lines) within each dimension unfold through a series of developmental sequences, which Wilber calls levels, stages, or waves.[4]

At the centre of this study is the interior collective dimension, where capacities such as representational systems, cognitive style, shared values, cultural practices and norms, ethics, language, beliefs, customs, and conceptions of space and time develop (at an uneven pace) through a series of deep developmental levels that Wilber calls cultural worldviews. He distinguishes these deep developmental structures—ahistorical and cross-cultural—from surface structures, shaped by particular historical contexts. A full account, he argues, must keep both in view: deep waves and their historical realizations—vertical and horizontal perspectives at once.[5]

Accordingly, this study reads social structures and cultural systems and worldviews as two perspectives on one reality. It therefore examines the establishment of authority in the social sphere in relation to a community's conceptions of legitimate and desirable forms of power. These conceptions change over time; here they are analysed within post-Tridentine Bosnian-Herzegovinian and European Catholic culture, with attention to both historically specific surface formations and deeper shifts in cultural worldviews.

The article aims to illuminate a major early modern shift in Western European culture: the much wider diffusion of a mental cultural worldview than in previous centuries.[6] In the ecclesiastical culture examined here, this shift is reflected in a clash between two value systems—one grounded in physical, the other in mental and moral capacities—traced through competing conceptions of power and rule in post-Tridentine literature.

More specifically, the study examines how power is conceived and legitimated in religious texts produced by the Franciscans of the Province of Bosna Srebrena between the seventeenth and nineteenth centuries. The

[1] Although its elements had developed in his earlier phases of research, Wilber first presented his integral theory in *Sex, Ecology, Spirituality: The Spirit of Evolution* (1995), which is also his "magnum opus". BORŠ 2012. p. 31. In numerous subsequent books he elaborated the model's application in various fields.
[2] WILBER 1996. p. 69.
[3] WILBER 1995. p. 121–126.
[4] WILBER 2000. p. 5–32.
[5] WILBER 2002. p. 35–36.
[6] For an explanation of Wilber's model of cultural worldviews and the characteristics of the mental cultural worldview, see: BELJAN KOVAČIĆ 2024a. p. 41–89.

corpus spans key genres of post-Tridentine pastoral writing—catechisms, sermon collections, confession manuals, and other pastoral handbooks—as well as Franciscan historiographical works such as monastic chronicles.

It asks how this post-Tridentine literature—translated and adapted by the Bosnian Franciscans—redefines the relationship between strength and weakness, thereby reshaping notions of legitimate authority and personal strength. The working assumption is that this shift is expressed not only in explicit norms but also in evaluative language: traits such as self-control, endurance, obedience, and mercy are elevated, while aggression, appropriation, arbitrariness, and violence are discredited. Methodologically, the article offers interpretive reading of representative passages across the main pastoral genres, comparing their value logic and recurrent rhetorical patterns.

Yet the phenomenon discussed here exceeds a narrowly Bosnian-Herzegovinian cultural-historical frame. Owing to Ottoman expansion, Bosna Srebrena provided pastoral care across a vast territory from the sixteenth century until eighteenth-century provincial reorganisations: Bosnia and Herzegovina, parts of Dalmatia and Lika, parts of Slavonia and the southern Danubian lands, and areas of Transylvania and Bulgaria.[7] In this paper, "Bosnian Franciscans" denotes members of the Province from all these regions.[8] The literature they produced—intended for clergy and laity across this territory—helped shape a shared symbolic and value system among Catholic communities under Ottoman rule.

A second reason for this broader relevance is that the corpus was largely compiled from Western (Latin and Italian) sources. It arose from pastoral needs faced by local clergy—much like priests elsewhere in post-Tridentine Catholic Europe: regular preaching, confession and sacramental ministry, and systematic catechesis. To facilitate these duties for priests who did not readily use Latin, the most educated members of the Franciscan community devoted considerable effort to producing vernacular translations and adaptations.[9]

The conceptions of power and strength analysed here therefore draw on Western sources, Church documents, and the Tridentine Catechism.

[7] DŽAJA 2008. p. 54–55; KNEZOVIĆ 2016. p. 229–235.

[8] Early modern Franciscan historiography uses distinct labels when indicating a person's origin or describing relations among friars in different parts of the Province. See: BARIŠIĆ 2023. p. 37–38.

[9] In their prefaces, Franciscan authors often lament the low level of clerical education. In the early eighteenth century, Stipan Margitić writes in the preface to *Fala od Sveti* (*Praise of the Saints*): "In the same way one finds priests and monks, and they excuse themselves and say that they have not studied or learned much, do not know many languages, do not understand letters and other things. This, therefore, is teaching that anyone can understand, and by it help himself and others" MARGITIĆ 2015. p. 111. Filip Lastrić makes a similar point, noting that preaching manuals were prepared "for the convenience of pastors who have no time to learn (mostly out of sloth)" LASTRIĆ 1766a. p. III. In the preface to *Od' uza me* (*Vademecum*), the same author notes that he took pains to ease the duties of parish priests, "for the benefit of the souls of the simple folk" LASTRIĆ 1765. p. 3. Such complaints reflect wider European patterns: Jean Delumeau remarks that in the mid-seventeenth-century diocese of Paris many clergy did not know Latin, did not read, and owned very few books. DELUMEAU 1993. p. 308.

Accordingly, the article focuses on the normative and prescriptive layer of post-Tridentine pastoral literature—the ideals and value hierarchies it promotes—without treating these texts as direct evidence of lived practice in any particular community. At this discursive level, the findings may, with due caution, be related to early modern Catholic culture more generally.[10]

Core Themes

The formation of conceptions of strength, power, authority, and legitimate modes of establishing authority in this literature can be analysed on three levels: the individual, the collective, and the sacral. Accordingly, the article examines representations of the ideal person and the ideal community, as well as representations of God and the nature of his power. Across all three domains, an underlying tension emerges between two value systems—one promoted by the Church and another it repeatedly seeks to suppress. At the centre of this tension is a different understanding of the relationship between strength and weakness: what "strength" is, where it comes from, and who possesses it. The following sections outline how pastoral literature redefines that relationship.

Before turning to this question, it should be emphasised that the representations discussed here are not inventions of the Catholic Reformation. They belong to a long Christian tradition: a system of values, virtues, norms, and religious practices formed over centuries in monastic communities through rules and the practical organisation of communal life.[11] Likewise, the Tridentine norms on which the texts analysed in this article rely are, in most cases, not wholly new; they often reaffirm earlier canonical and conciliar traditions.

What is new in the early modern period is the scale of dissemination. In both Catholic and Protestant reform movements, religious instruction and discipline increasingly address ordinary believers of all social ranks, not primarily elites. This expansion is evident at multiple levels. Practices once associated primarily with monastic discipline are reframed as obligations binding on all the faithful: restraining aggressive impulses and "taming" the body, daily prayer, fasting on prescribed days, participation in worship and the reception of the sacraments, as well as reflection on religious texts and the acquisition of basic religious knowledge.[12]

[10] The literature and culture of the Franciscans of Bosna Srebrena provide a useful lens for tracing broader patterns of the Catholic Reformation, as well as the ways in which they were adapted to particular local circumstances.

[11] In this context, I refer to the works of Marko Jerković, who examines the system of virtues and practices developed in medieval monastic communities, articulated in spiritual and normative literature, and serving the stability and cohesion of communal life. See his analysis of Cistercian observance and the programme of radical conversion, JERKOVIĆ 2021. p. 35–60. He also analyses the disciplinary discourse through which these ideals were meant to be translated into practice and common observance preserved. JERKOVIĆ 2019. p. 503–528.

[12] In assessing the reach of Catholic reform in the lives of ordinary people, the historian John Bossy stresses that the practices and obligations in question were not "invented" in the Counter-

While this study examines conceptions articulated in Christian literature and practice long before the early modern period, it focuses on their diffusion through pastoral texts intended for a much wider clerical and lay public. These conceptions now underpin the norms by which all Catholics are expected to live; those norms, in turn, shape concrete disciplinary practices in the external collective sphere.

Individual Sphere

Against this background, I return to the redefinition of the relationship between strength and weakness—a recurring theme throughout the corpus. I begin with a passage from the popular work *Cvijet od kriposti* (*Flower of Virtues*, 1647) by the Dalmatian Franciscan Pavao Posilović, an adaptation of the medieval compilation *Fiore di virtù*.[13]

Chapter 27 of *Cvijet od kriposti* discusses the virtue of fortitude. "Natural strength" is not counted as a virtue, and courage grounded in it is explicitly denied moral worth: "to be so free as to fear nothing—this is not fortitude, but the bestial folly." True fortitude, by contrast, is the courage "to be free of oneself and to fear no adversity," and to possess "patience and the will to endure every pain and sorrow."[14] Strength is thus relocated to self-mastery—resisting temptation—and to the capacity to bear hardship.

This passage is paradigmatic: throughout the corpus two value orders are set against each other—one rooted in the physical, the other in the spiritual, or more precisely (from a developmental perspective) the mental domain.[15] The latter is expressed in the virtues these texts consistently promote: self-control, restraint, patience, endurance, meekness, obedience to authority, mercy, and compassion for the weak. By contrast, the traits ecclesiastical culture seeks to curb include aggression, forcefulness, arbitrariness, violence, appropriation, deceit, and the exploitation of the vulnerable.[16]

Reformation. They had been prescribed earlier, but their enforcement was constrained by the pre-Tridentine Church's structure: "the Church of the last medieval centuries was not in actual fact a parochially-grounded institution. The disciplinary significance of the Council of Trent and of two centuries of activity on the part of the Catholic hierarchy lie in their determination that it should effectually become so grounded: that the code of parochial observance should be made watertight and universally enforced. This did not require much new legislation, but called for a decidedly new attitude to old legislation." Bossy 1999. p. 88.

13 *Fiore di virtù*, a popular medieval moral-didactic compilation, originated in Italy in the thirteenth century. Alongside early modern sources, Bosnian Franciscans also drew on medieval European literature. As noted above, the representations examined here are not new, but they are now directed to a much broader audience. Posilović's book circulated widely in the area under the pastoral care of Bosna Srebrena and went through four editions—two in Cyrillic and two in Latin script. Kovačić 1991. p. 284.

14 Posilović 2001. p. 225.

15 For explanations of the semantic range of the terms spirit and mind in the analysed corpus, as well as for an interpretation of this conflict between spirit and body as an evolutionary conflict between mental and pre-mental stages, see: Beljan Kovačić 2024a. p. 336–340.

16 The dynamics of the development of these value systems are clarified by the study *Spiral Dynamics* by D. E. Beck and C. C. Cowan, where they are labelled as the red and blue value memes. Beck – Cowan 1996. 219–243.

In a similar vein, the eighteenth-century Dalmatian Franciscan Toma Babić, in his catechism *Cvit razlika mirisa duhovnoga* (*Florilegium of Spiritual Fragrances*) defines the virtue of fortitude as the strength to endure and resist sinful temptations, and to bear adversity for the love of God, salvation, and heavenly glory.[17] Unresentful endurance of hardship—illness, misfortune, suffering—is among the central ideals of this literature. It is also a prominent homiletic theme, as Stipan Margitić's early eighteenth-century sermon collection *Fala od sveti* (*Praise of the Saints*) shows: three sermons praise patient endurance of suffering, exile, and illness as an imitation of Christ's Passion.[18]

The same value order shapes attitudes toward the weak. Religious literature encourages compassion for the sorrowful, the poor, those in distress, and even sinners. These virtues are framed explicitly as an imitation of Christ: "to be touched with compassion for other men's needs, both in heart and in mind" is "to bear the Cross of Christ."[19] Hence serving the helpless—serving Christ in them—is presented as more valuable than fasting and other ascetic works. Catechisms likewise foreground the works of mercy, urging charity toward the hungry, the sick, prisoners, and the dying.[20]

Notably, many of the virtues promoted here would register as weakness within an older value system: to endure suffering and to show compassion, in a regime grounded in physical prowess, marks one as a "weakling." A key task of pastoral writing is therefore to redefine strength and weakness: domination by force is no longer read as heroism but as weakness—a lack of self-rule and a tendency toward wilfulness—set against submission to authority and to God's will.

In a value system grounded in physical strength, illness and bodily infirmity register as weakness. In this literature, however, "strength" is relocated to moral and spiritual attainment, so physical frailty is no barrier to virtue. Church culture thus largely overcomes the limitations of perceiving bodily sickness as mere weakness. Yet the same cannot be said of psychic pain: fear, anxiety, melancholy, and other forms of inward suffering are construed as weakness and sin.

The clearest examples again appear in Posilović's *Cvijet*, where psychic pain is systematically classified as a moral defect and a sin. He distinguishes three kinds of "sorrow": excessive sorrow that exceeds what the occasion "requires"; an apathy in which a man "stands as a dead body," counted as a grave sin; and melancholy as a state of doubt and joylessness, joined with unreason. The latter is "a branch of folly," for it leads to this, that "a man knows not what he does."[21] Fear is treated in a similar key: as groundless fear "in thoughts"; as excessive fear without footing in outward reality, dismissed as the fear of men "of a

[17] BABIĆ 1829. p. 158.
[18] MARGITIĆ 2015. p. 418–423.
[19] DIVKOVIĆ 2016. p. 191.
[20] DIVKOVIĆ 2016. p. 567–572, 756.
[21] POSILOVIĆ 2001. p. 202.

woman's heart"; and as fear arising from "weakness of mind."[22] In sum, such inward pains are interpreted as weakness—either the fruit of sin or diabolical temptation.

Collective Sphere

Turning to the social sphere, the same tension appears: ecclesiastical culture explicitly rejects the claim that the strong have a right to rule. It condemns taking (or approving the taking of) power by force and subjugation and instead promotes delegated authority. Power is not seized by the mighty but received through the transfer of office—by appointment from a higher authority—within a pyramidal order whose source is God.

In the analysed corpus, conceptions of the origin of power and rule are articulated chiefly in the ecclesiastical register, through discussions of the Church's authority and the source and scope of priestly powers. These passages shape a model of hierarchy derived from a single source and transmitted by appointment "from above downwards." God is the supreme authority; Christ confers a mandate upon Peter, read as the foundation of ecclesiastical order: "Saint Peter had all authority from Jesus Christ […] and so it shall be until God's judgement." The pope is presented as Peter's successor and thus "the true vicar of Jesus Christ on earth."[23] Authority then descends through bishops to priests, so that even the lowest office-holder is to be respected as bearing delegated power.[24]

If we set aside the (considerable) problems that follow from this concept of hierarchy, it is important to stress that this conception of power marks a major shift away from a model in which rule is won by force. Delegated authority is set against an order in which "might makes right." This claim concerns an ideal—an articulated value system that, over several centuries, guided discourse and sought to shape individual and collective conduct—rather than a description of actual outcomes.

Within the corpus, the rejection of the claim that the strong have a right to rule is most clearly articulated in Bosnian Franciscan texts that are not compiled from Western sources but are largely original—above all, monastery chronicles. These works are particularly well suited to tracing, on the one hand, notions of power and authority inherited from official Catholic discourse and, on the other, the concrete conditions and real power relations of life under Ottoman rule.

The most valuable chronicles—those by Nikola Lašvanin, Bono Benić, and Marijan Bogdanović—were written in the eighteenth century, when Ottoman rule entered a period of crisis. In the frontier Bosnian pashalik this crisis was reflected in the growing power of local magnates at the expense of central

[22] Posilović 2001. p. 226.
[23] Divković 2013. p. 409–410.
[24] For the principles of this understanding of hierarchy, and their implications for the culture and worldview of the Franciscans of Bosna Srebrena, see: Beljan Kovačić 2024b. p. 163–179.

administration, the decadence and corruption of the state apparatus, and rising banditry and violence.[25]

These developments form the chronicles' main focus. They portray the decay of the Ottoman administration and the everyday coercion exercised by institutions and individuals: from unlawful taxation and extortion through official channels to violence by individuals and Janissary units, often left unpunished. Systematic bribery as a means of survival also figures among their central concerns. Yet the chroniclers do more than record events: they cast them as a lament over injustice, violence, and repression, condemning a social order restrained not by law but by force.[26]

By contrast, compiled pastoral literature—unlike chronicle writing and documents—rarely engages concrete historical circumstances. As noted above, it develops notions about power chiefly within the religious domain, especially through discussions of the Church's authority. Even so, it projects the principle of delegated authority and a pyramidal vision of society into the secular sphere as well, drawing on Western models based on the division of society into distinct social groups and detailed catalogues of the sins associated with them.[27]

At the same time, this literature tends to compress social structure into two estates—clerical and lay—subordinating the latter to the former. This hierarchical optic dominates those sections that discuss ecclesiastical authority, explicitly placing it above every form of secular power. In such passages the Church is often presented simply as clergy and people—"rulers and subjects."[28]

[25] DŽAJA 1971. p. 39–47, 226–227.

[26] Since these themes dominate the chronicles, I do not single out isolated cases but refer instead to paradigmatic passages from Benić and Bogdanović that illustrate the main pressures: excessive and unlawful taxation. BENIĆ 2003. p. 156–163, 281. Coercion by state officials and the extortion of money from monasteries through the manipulation of permits for repairing religious buildings. BOGDANOVIĆ 2003. p. 82–95. The costs of obtaining confirmations of privileges. BOGDANOVIĆ 2003. p. 51–101. Suspicions that monasteries were spying for foreign powers. BENIĆ 2003. p. 137–144, 255–268. And the dangers posed by Janissary detachments when departing for war. BENIĆ 2003. p. 255–256; BOGDANOVIĆ 2003. p. 118–134. For historical analyses that contextualise the problems repeatedly recorded in the Franciscan chronicles see: DŽAJA 1999. p. 183–190.

[27] Divković's catechism *Nauk krstjanski* (*Christian Doctrine*) offers a clear example of the elaboration of estate-based duties and estate-specific sins, including instructions for examining one's conscience and guidance for confessors on how to question penitents about such obligations. DIVKOVIĆ 2013. p. 126, 331–334. These texts also not infrequently present estate hierarchy as a spiritual order, as shown by the following passage from Divković's *Besjede* (*Sermons*): "All the Christian people who are in God's grace are one spiritual body in Jesus Christ. And in this spiritual body not all members have the same function—for some are monks and spiritual rulers, and some are lords and temporal rulers, and some are merchants, and some are labourers" DIVKOVIĆ 2016. p. 460.

[28] ANČIĆ 1679b. p. 106. Ančić explicitly stresses that the clergy stands above secular (royal) authority and above secular courts, to which it cannot be subjected. ANČIĆ 1681. p. 28–29, 75.

Sacred sphere

The value system described above is mirrored in representations of God and the saints, and in prevailing conceptions of the holy. Such imagery is a sensitive indicator of cultural ideals: where divine figures are carnal and violent, meekness and restraint can hardly function as a developmental horizon. Here, these representations are approached also in terms of their transformative force: they orient recipients toward an ideal, shape inner dispositions and outward conduct, and activate the capacities they embody—functioning, in Wilber's terms, as "symbols of transformation."[29]

It matters, therefore, which representations of God and the saints prevail in the corpus. One of the most frequent is God as Father. At times the texts encourage an intimate relationship with a paternal deity, as in Divković's catechism: "Our Father—this is a name, a name of love and a name of grace," for God "loved us so greatly that he willed to be called our Father, and likewise wills that we be called his sons."[30] Overall, however, "Father" here tends to resemble the figure of a strict patriarch more than a tender, affectionate parent.

Consistent with this is the single most common divine title in the corpus: Lord. God is portrayed as an omnipotent king enthroned—owner of land and life, strict and just ruler, and lawgiver who demands and rewards obedience, protects the good, and calls the wicked to amend their ways. Surrounded by servants and a courtly retinue, he appears, in short, as Lord and Master: a powerful yet benevolent feudal lord.

Judge is another frequent title and a central function within this imagery of divine rule. As Lord (the feudal master), God is also judge over his domain: just, yet also fearsome and vengeful. He is "merciful to the merciful and unmerciful to the unmerciful," good toward the weak and crushing toward the mighty.[31]

This image of God stands in contrast to representations of powerful yet capricious deities whose favour shifts with circumstance.[32] Post-Tridentine literature instead stresses God's justice and consistency and frames the relationship in covenantal terms: fidelity elicits mercy, breach elicits punishment. "If we present ourselves before God humble and merciful toward the poor, and loving of our neighbour, God will be to us gentle and merciful. If we present ourselves proud, wrathful, and unmerciful, so will God present

[29] WILBER 2002. p. 142–146. It is important to stress that the representations analysed here are not treated as random or arbitrary. Integral theory holds (i) that none of the four perspectives is hierarchically prior to the others and (ii) that deep developmental structures set limits to cultural construction; it therefore rejects extreme cultural constructivism and its claims about the arbitrariness and radical relativity of representations. WILBER 1997. p. 27–28; WILBER 1995: 29–30, 38–40. Since the representational world is central to this study, I foreground its role in transformations of the interior collective dimension of reality.

[30] DIVKOVIĆ 2013. p. 202.

[31] DIVKOVIĆ 2016. p. 130.

[32] In presenting the "red" value meme, Beck and Cowan describe the gods typical of this value system as individualised deities with unpredictable behaviour: the gods "acquire human foibles; they are spiteful, demanding, jealous, and whimsically beneficent." BECK – COWAN 1996. p. 216.

himself to us."[33] As an image of divine law, this representation fosters order, obedience to hierarchy, and a logic of just exchange: reciprocity and measure become central to the figure of God as the world's just judge.

Human exemplars—the saints—are presented as embodiments of the virtues promoted in this culture: restraint, patience, endurance, humility, obedience, and mercy toward the weak.[34] In this connection, historian Jacques Le Goff notes a major shift in Western Christian ideals of sanctity from the thirteenth century onward: mercy and poverty increasingly replace the display of exceptional holiness through extreme ascetic feats, which he associates with early medieval sanctity.[35]

In the analysed corpus—drawing on medieval and early modern sources—both ideals remain fully present: help for the weak and needy appears in saints' lives as frequently as ascetic exploits. Saints are held up as models of service to the poor and abandoned, thereby serving God, "loving him not only in himself, but also in his creature," namely in the poor and needy, "whom the Saviour calls his least brethren."[36] Yet saints are not only supports for virtues such as endurance, obedience, and compassion; they are also portrayed as instruments of God's power, strength, and justice—manifesting both his mercy and his severity.[37] They are further conceived as representatives of the "Militant Church", and accounts of their deeds not infrequently employ military language.[38]

Le Goff detects this shift in the religious imaginary—an emphasis on mercy and compassion rather than force—most clearly in changing representations of Jesus. From the twelfth/thirteenth centuries onward, Western Christian iconography and devotion increasingly foreground Christ as man and sufferer rather than triumphant victor.[39] At the same time, he argues, the cross shifts from a symbol of victory and military triumph to one of contrition and suffering.[40] This representation aligns with the value shift analysed here: patient endurance of hardship is elevated above conquering and forcefulness,

[33] MARGITIĆ 2015. p. 396.

[34] In the analysed corpus, the best sources for examining how these elements relate within representations of saints are the sermon collections *Fala od sveti* (*Praise of the Saints*) by Stipan Margitić (1708) and *Svetnjak* (*Saints' Calendar*) by Filip Lastrić (1766).

[35] In short, the "new" saint becomes less tense—more smiling, open, and affirmative in his virtues. LE GOFF 1998. p. 469.

[36] LASTRIĆ 1766b. p. 138. The shift toward mercy does not, of course, entail the disappearance of asceticism from the saintly ideal: the topos of "taming the body" appears in every saint's portrayal in this literature. Saints are also credited with extreme ascetic practices (paradigmatic examples in MARGITIĆ 2015. p. 249–250, 363–366).

[37] In *Fala od sveti*, each sermon emphasises that the saints' deeds manifest God's power and strength rather than their own. MARGITIĆ 2015. p. 173–174, 177, 225, 271, 281.

[38] Margitić also frequently portrays saints as "soldiers of Jesus Christ, soldiers of the Catholic faith," and "soldiers of God's honour and the holy faith". MARGITIĆ 2015. p. 148. Similar martial imagery of saints and angels appears in Lastrić as well; the Archangel Michael in particular is cast as a "commander, standard-bearer, and captain," leading the angelic host in war against the devil, unbelievers, and heretics. LASTRIC 1766b. p. 152–153.

[39] LE GOFF 2010. p. 99.

[40] LE GOFF 1998. p. 219.

while mercy and care for the weak become pleasing to God insofar as they are framed as imitation of Christ. Having crystallised in the high Middle Ages, this Christological imagery becomes, in the post-Tridentine period, an important vehicle for disseminating an official system of values, norms, and obligations among ordinary Catholics.

In texts produced by the Franciscans of Bosna Srebrena between the seventeenth and nineteenth centuries, Jesus is presented as a sufferer and merciful redeemer. In contrast to his divine omnipotence, the literature repeatedly stresses gentleness, quietness, and an unassuming manner: "Jesus Christ was poor, meek, humble, patient, quiet, kindly, God-loving in all things spiritual." The opening chapter of Divković's influential catechism *Nauk krstjanski* (*Christian Doctrine*) presents Christ's life as the foundation of poverty, humility, and endurance: "Jesus Christ lived in great poverty, in great meekness, in great lowliness, in great patience, in great quietness, in a kindled and burning love which he bears for the sake of our salvation."[41] His death is interpreted as the summit of humility: "So deeply did he humble himself that he would die the most shameful death. In those days the most shameful death was to die upon the cross."[42]

Yet this image of the gentle Christ is consistently balanced by Christ-the-Judge, who at the end of time will call the world to account and demand satisfaction for the suffering he endured. This figure recurs in chapters devoted to the end times, the Last Judgement, and Christ's second coming—his coming as Judge, not as Sufferer. The Judge is righteous yet wrathful toward sinners, resolved to establish final justice, and in judgement "unyielding and without mercy." Then all nations will behold him "clad in a garment of justice, and not in one of mercy; girded […] for vengeance […] with eyes of fire full of anger; with feet trampling sinners into the fire; with a dreadful voice, like the roar that overwhelms sinners with its suddenness."[43] As with God the Father, Jesus is thus presented in both capacities: merciful and compassionate, yet also righteous and terrifying in condemnation and punishment.

The only saintly figure in the corpus without this duality is Mary, Jesus' mother. She is never presented as a strict, punitive power; rather, she shelters sinners from God's wrath.[44] Le Goff therefore places special weight on the emergence, in the high Middle Ages, of the image of Mary as Mother. The spread of Marian devotion in the West, especially from the twelfth/thirteenth century onward, reflects a shift in religious sensibility and a "feminisation of Christianity."[45] These images also enter the corpus analysed here and, in the

[41] Divković 2013. p. 122.
[42] Divković 2013. p. 123.
[43] Margitić 2015. p. 306.
[44] In this role, Mary most often appears in miracle stories and exempla. In Divković's collection of miracles *Sto čudesa* (*Hundred Miracles*, 1611), an adaptation of a work by the Dominican J. Herolt, there are several examples in which Mary prevents Jesus from destroying the sinful world. Divković 2013. p. 516–519.
[45] Le Goff 2010. p. 99–102.

era of Catholic reform, become part of the piety promoted among broad social strata.

In the corpus, Mary is named not only as Mother and Virgin but also as Queen—an exalted heavenly sovereign. This role is linked to her most common title here, Our Lady. Within the image of the spiritual world as a feudal court—with God as Lord—Our Lady (*Gospa/Gospoja*) is among the most frequent designations for Mary alongside Virgin and Mother.

As Mother and Queen, Mary most often appears in this religious literature as a protector. Even a cursory look at the groups placed under her patronage shows that Mary embodies the new sensibility, a shift in the value order and in the very understanding of weakness and strength. Under her protection are the powerless: the physically and mentally ill, the socially vulnerable and marginalised—those branded as "weaklings" in value order grounded in physical strength and dominance.[46] The clearest expression of the value shift promoted by this culture is Mary as motherly guardian of the weak, holding them in her lap or sheltering them beneath her mantle.[47]

Norms, Prohibitions, and Obligations

The representational system outlined above does not remain confined to the inner sphere of belief. It grounds a regime of norms, prohibitions, and obligations that, in the post-Tridentine era, came to encompass Catholics of every social estate. These norms also underpin disciplinary practices, where correlations between inner dispositions and outer collective realities become visible. The prohibitions themselves can be traced across the same three domains used above: the sacral, intersubjective, and subjective.

In the sacral domain, offences are tied directly to images of the heavenly deity and to conceptions of the sacred discussed earlier. Catechisms and manuals insist on a strict ban on attributing supernatural power to objects or ordinary people; hence idolatry and magic figure centrally in expositions of the First Commandment.[48] In line with Tridentine guidance, the veneration of saints is likewise regulated: belief that saints themselves possess supernatural power is explicitly forbidden, and they are framed only as a medium of God's power.[49]

---

[46] In Divković's *Sto čudesa* (*Hundred Miracles*), Mary helps children, widows, poor girls, women in danger, sailors and travellers, the sick (physically and mentally), and also all sinners who flee to her for help.

[47] This image is especially vividly articulated in the Marian songs by Pavao Posilović, which he inserts into *Naslađenje duhovno* (*Spiritual Delight*). POSILOVIĆ 2021. p. 132–154.

[48] DIVKOVIĆ 2013. p. 236–239; POSILOVIĆ 2021. p. 221; MATIJEVIĆ 1630. p. 48–49. Consistent with the ban on attributing power to anyone but God, all manuals condemn wilfulness and prescribe submission to ecclesiastical authority and to God. The Fourth Commandment—formally concerned with relations to parents—is also extended to Church authority: the Church and its ministers are one's "elders," and disobedience to them is treated as sin. POSILOVIĆ 2021. p. 222.

[49] Divković's catechism *Nauk krstjanski* (*Christian Doctrine*) therefore insists that believers do not venerate the saints "as the Lord God but as God's friends and servants, for God's saints give us nothing of themselves" DIVKOVIĆ 2013. p. 237.

The literature also forbids attributing power to fate and rejects belief in the influence of stars and planets on human will and action. Confession manuals therefore ask whether one has "believed that the heavens, the moon, and the other stars can compel our will and make us sin against our own choosing."[50] Such prohibitions rest on free will and thus on personal responsibility: one must not claim that something "was fated" because of the star under which one was born. Divković's sermons put it succinctly: "The evil and the good that we do are not by fate nor by the stars, but by our will and by our own choosing."[51]

A particularly elaborate system of norms is developed in the intersubjective domain. Here the texts single out strict bans on endangering another person's physical well-being—above all murder, incitement to murder, and any form of participation in it, as well as all forms of physical assault. They also prohibit condemning the righteous to death or judging the accused without witnesses.[52]

Alongside these bans, the corpus sets out a detailed catalogue of prohibitions governing violations of property rights. It condemns seizure and theft—not only direct theft, but every form of fraud and deception aimed at appropriating another's goods.[53] In this context, commerce receives especially close attention—both here and in Western Christian literature more broadly—remaining for a long time under sustained ecclesiastical scrutiny.[54]

The literature's insistence on respecting others' rights extends beyond bodily safety and property to emotional and moral integrity. Confession manuals therefore prohibit forms of domination that cause such harm—defamation, gossip, slander, deceit, lying, verbal aggression, and deliberate offence.[55]

A further and extensive set of norms concerns the subjective domain. Here, acceptable "strength" is recast as self-governance: the texts repeatedly seek to curb aggression, impulsiveness, and wilfulness, while recommending practices for cultivating desired traits.[56] Catechisms, confession manuals, and sermon collections promote sustained self-monitoring, the governance of impulses, personal responsibility, and also love and compassion toward the weaker.

---

[50] Posilović 2021. p. 221.
[51] Divković 2016. p. 227.
[52] Lastrić 1766a. p. 140–141; Matijević 1630. p. 63; Divković 2013. p. 243–244; Posilović 2021. p. 223.
[53] Divković 2013. p. 133; Lastrić 1766a. p. 156–160; Babić 1829. p. 98–99.
[54] On Western ecclesiastical attitudes toward commerce, see: Delumeau 1986. p. 330–341. Various forms of cheating in trade are listed among sins in all the confession manuals and catechisms in the corpus. Divković 2013. p. 133; Posilović 2021. p. 223–224; Babić 1829. p. 98–99.
[55] Divković 2013. p. 249.
[56] In this context, wrath is treated as an inner disposition that issues in violence. Anger at another, wishing them ill, and desiring revenge are presented as states that precede outward acts of harm. From wrath (the inner state) arises "war and strife", the outward state. Posilović 2021. p. 205. Pride, at the other hand—given extensive attention in this literature—is often construed as wilful self-assertion: exalting oneself above others and feeling superior. Posilović 2021. p. 225–226; Divković 2013. p. 419–422; Lastrić 1766a. p. 160–164, 326–329.

Within this cluster, temperance—understood as self-control—holds a central place. Posilović's *Cvijet* (*Flower of Virtues*) defines temperance as "the mastery of the natural will": it is self-mastery, "gaining oneself," whereas its opposite—"lack of restraint"—means surrendering to every impulse.[57] Hence the repeated call to guard the inner life: vigilance over thoughts, desires, and needs, and deliberate reflection on one's actions.

As regards the normative system traced across the sacral, intersubjective, and subjective domains, this article concentrates on ideals rather than on the concrete outcomes of ecclesiastical measures. The relation between ideals and social reality is complex; in practice, such programmes met with resistance and uneven implementation—not only in Bosnia and Herzegovina, but across catholic Europe.[58]

In early modern Ottoman Bosnia and Herzegovina, the ideals promoted by post-Tridentine religious literature and practice were not fully internalised even among the catholic elite, the clergy. Disciplinary measures and recurrent concerns recorded by Church authorities point to long-term struggles precisely with the traits discussed above: arbitrariness, greed, pastoral negligence, despotic attitudes toward the faithful, irresponsibility in church affairs, neglect of learning and teaching, and entanglement in secular matters.[59] Efforts to discipline laypeople reveal an even broader range of issues, and suggest that, in some areas, the values promoted by Church clashed with local popular mentalities.[60]

This, however, does not mean that the system of ideals and values was marginal or confined to texts. The correlation with disciplinary practices suggests that such ideals act as a driver of change: over time, individuals and communities gradually align both inner dispositions and outward conduct with them. Historians of Catholic Reformation note that these programmes met sustained resistance among clergy and laity, yet in the long run they produced discernible shifts.[61] The same can be said of the changing perceptions of strength and power analysed here.

---

[57] POSILOVIĆ 2021. p. 231–233.

[58] Studies of reform efforts—especially those aimed at reshaping popular religiosity—show that their results were only partial. See: FORSTER 1999. p. 163–197.

[59] Summarised from DŽAJA 1971. p. 152–153 and BELJAN KOVAČIĆ 2025. p. 267–276. It is important to stress that in the Bosnian-Herzegovinian context this is not merely a matter of individual excesses, but of the coexistence of two priestly ideals: the official Tridentine model and a local heroic mode. BELJAN KOVAČIĆ 2025. p. 272–274.

[60] See: BELJAN KOVAČIĆ 2025. p. 326–367.

[61] Assessing the reach of the Council of Trent, the historian Jean Delumeau notes that it inaugurated a reform that reshaped the Church's entire structure, not merely isolated initiatives as in the pre-reform period. Trent marks the point at which reform was backed and coordinated from the top, enabling a far-reaching renewal of religious life—both institutional and spiritual. The process unfolded over centuries: it was neither rapid nor smooth, met with inertia and other forms of resistance among clergy and laity alike, yet gradually produced change. DELUMEAU 1993. p. 49, 82–85.

Discussion and Conclusion

What change in early modern Western European mentality is reflected in the representations examined here? The analysis suggests that post-Tridentine religious literature produced by the Bosnian Franciscans—largely compiled from Western sources and adapted for a wide clerical and lay public—redefines strength and weakness by rejecting the legitimation of power grounded in physical domination. "Strength" is relocated to inner discipline and moral capacity: fortitude becomes self-control, patience, and freedom from aggressive impulses, while mercy and compassion toward the weak are elevated to central virtues.

At the collective level, the same logic appears in the ideal of delegated authority: power is not seized by force but received through the transfer of office within a hierarchical order whose ultimate source is God. At the sacral level, the value shift is reinforced by images of God as just judge and lawgiver and by portrayals of saints, Jesus, and Mary—representations that anchor mercy and the protection of the weak within the religious imaginary.

This development can be read as part of what Ken Wilber describes as the differentiation of the noosphere from the biosphere: a value order grounded in physical superiority gradually loses its self-evident status, while an order grounded in mental and moral capacities emerges as an ideal. Wilber captures the contrast succinctly: whereas in the biosphere "might makes right," in the noosphere "right makes might."[62] He sees this separation as a demanding, multi-stage process and argues that, within the Western European context, one of its key phases unfolds in the early modern period.[63]

It is crucial to stress that the representations and values analysed here are not an invention of the Catholic Reformation in the sense of wholly new content. What is new in the early modern period is the scale of dissemination. Practices and norms long cultivated above all within monastic settings are now addressed to—and expected of—ordinary believers across all social ranks. In both Catholic and Protestant reform movements, religious instruction and discipline increasingly target the laity, and pastoral literature becomes a key channel through which a value order of "inner strength" is disseminated and reinforced. In this sense, Wilber's shift toward a "mental" value order becomes socially expansive: it is no longer confined to small groups, but is promoted as a broad cultural norm.

Finally, it should be emphasised that this article addresses primarily the normative and symbolic layer of post-Tridentine literature—the ideals these texts articulate and disseminate—rather than their full implementation in practice. The relationship between ideals and social reality is not straightforward: among both clergy and laity, older value matrices persisted, and disciplinary sources point to slow, uneven, and contested enforcement. Yet precisely the correlation between the ideals articulated in pastoral writing and

[62] WILBER 1995. p. 386.
[63] WILBER 1995. p. 160.

disciplinary practices suggests that this representational system did not remain confined to books: over a longer period, it functioned as a driver of change, gradually orienting both inner dispositions and outward practices within Catholic communities under Ottoman rule.

BIBLIOGRAPHY

SOURCES

ANČIĆ 1679 — ANČIĆ, Ivan: *Lvx chriftiana, et dulcedo animæ: In duaſ parteſ diviſa. Enodanſ incruentum ſakrificium Missæ*. U Yakinu [Ancona]. 1679.

ANČIĆ 1681 — ANČIĆ, Ivan: *Speculum sacerdotale*. *Ogledalo misniçko*. U Yakinu [Ancona]. 1681.

BABIĆ 1829 — BABIĆ, Tomas: *Czvit razlika mirisa duhovnoga*. Dubrovnik. 1829.

BENIĆ 2003 — BENIĆ, Bono: *Ljetopis sutješkoga samostana*. Ed. GAVRAN, Ignacije. Sarajevo – Zagreb. 2003.

BOGDANOVIĆ 2003 — BOGDANOVIĆ, Marijan: *Ljetopis kreševskoga samostana*. Ed. GAVRAN, Ignacije. Sarajevo – Zagreb, 2003.

DIVKOVIĆ 2013 — DIVKOVIĆ, Matija: *Nauk krstjanski za narod slovinski. Sto čudesa aliti zlamen'ja blažene i slavne Bogorodice, Divice Marije*. Ed. GABRIĆ-BAGARIĆ, Darija – BANOŽIĆ, Maja – GRMAČA, Dolores – HORVAT, Marijana. Sarajevo. 2013.

DIVKOVIĆ 2016 — DIVKOVIĆ, Matija: *Besjede*. Ed. BARBARIĆ, Vuk-Tadija – HORVAT, Marijana – KRAMARIĆ, Martina – RADOŠEVIĆ, Andrea. Zagreb. 2016.

LASTRIĆ 1765 — LASTRIĆ, Filip: *Od' uza me.* U Mleczí [Venice]. 1765.

LASTRIĆ 1766a — LASTRIĆ, Filip: *Nediglnik dvostruk*. U Mletczij [Venice]. 1766.

LASTRIĆ 1766b — LASTRIĆ, Filip: *Svetgnjak. To jest govoregnja od svetie*. U Mletczij [Venice]. 1766.

MARGITIĆ 2013 — MARGITIĆ, Stjepan: *Izabrana djela*. Ed. KNEZOVIĆ, Pavao. Sarajevo – Zagreb. 2015.

MATIJEVIĆ 1630 — MATIJEVIĆ, Stjepan: *Ispoviedaonik, sabran iz pravoslavnieh naučitelia.* In Roma. 1630.

POSILOVIĆ 2001 — POSILOVIĆ, Pavao: Cviet od kriposti. In: *Zbornik o Pavlu Posiloviću*. Ed. KNEZOVIĆ, Pavao – ŠIŠAK, Marinko – ZENIĆ, Milivoj. Šibenik – Zagreb. 2021. p. 186–254.

POSILOVIĆ 2021 — POSILOVIĆ, Pavao: *Naslađenje duhovno*. Ed. KNEZOVIĆ, Pavao. Skradin – Visovac – Drniš. 2021.

Secondary literature

BARIŠIĆ 2023 — BARIŠIĆ, Rudolf: Ugarska iz kuta ljetopisaca Bosne Srebrene u 18. stoljeću – pogled *izvana* [Hungary Through the Eyes of the Bosna Srebrena Chroniclers in the Eighteenth Century: An External Perspective], *Croatica Christiana periodica* 92 (2023), p. 23–42.

BECK – COWAN 1996 — BECK, Don Edward – COWAN, Christopher C.: *Spiral Dynamics: Mastering Values, Leadership and Change*. Malden – Oxford – Carlton. 1996.

BELJAN KOVAČIĆ 2024a — BELJAN KOVAČIĆ, Iva: *Između mitskog i racionalnog: svjetonazori bosanskohercegovačkih katolika od 17. do 19.*

	stoljeća, knjiga I. [Between Mythic and Rational: Worldviews of Bosnian-Herzegovinian Catholics (17th–19th Centuries), Volume I]. Zagreb. 2024.
BELJAN KOVAČIĆ 2024b	BELJAN KOVAČIĆ, Iva: The Authority of the Church in 17th and 18th Centuries Catholic Literature of Bosnia and Herzegovina, *Specimina Nova Pars Prima Sectio Mediaevalis* 13 (2024), p. 163–179.
BELJAN KOVAČIĆ 2025	BELJAN KOVAČIĆ, Iva: *Između mitskog i racionalnog: svjetonazori bosanskohercegovačkih katolika od 17. do 19. stoljeća, knjiga II.* [Between Mythic and Rational: Worldviews of Bosnian-Herzegovinian Catholics (17th–19th Centuries), Volume II]. Zagreb. 2025.
BORŠ 2012	BORŠ, Vanja: *Integralna teorija Kena Wilbera* [Ken Wilber's Integral Theory]. Zagreb. 2012.
BOSSY 1999	BOSSY, John: The Counter-Reformation and the people of Catholic Europe. In: *The Counter-Reformation: The Essential Readings*. Ed. LUEBKE, David M. Malden – Oxford – Carlton. 1999. p. 85–104.
DELUMEAU 1986	DELUMEAU, Jean: *Greh i strah: stvaranje osećanja krivice na Zapadu od XIV do XVIII veka. I i II*. [Sin and Fear: The Emergence of a Western Guilt Culture, 13th–18th Centuries]. Transl. STOJANOVIĆ, Zoran. Novi Sad. 1986.
DELUMEAU 1993	DELUMEAU, Jean: *Katolicizam između Lutera i Voltera* [Catholicism between Luther and Voltaire]. Transl. ILIJIN, Vera. Sremski Karlovci – Novi Sad – Cetinje. 1993.
DŽAJA 1971	DŽAJA, Srećko M.: *Katolici u Bosni i zapadnoj Hercegovini na prijelazu iz 18. u 19. stoljeće: doba fra Grge Ilijića Varešanina (1783 – 1813)* [Catholics in Bosnia and Western Herzegovina at the Turn of the 18th to 19th Century: The Era of Fr. Grga Ilijić Varešanin (1783 – 1813)]. Zagreb. 1971.
DŽAJA 1999	DŽAJA, Srećko M.: *Konfesionalnost i nacionalnost Bosne i Hercegovine. Predemancipacijsko razdoblje 1463. – 1804.* [Confessionalism and Nationality in Bosnia and Herzegovina: The Pre-Emancipation Phase, 1463–1804]. Transl. FIŠIĆ, Ladislav. Mostar. 1999.
DŽAJA 2008	DŽAJA, Srećko M.: Bosanski franjevci između Mediterana i Podunavlja kroz 18. stoljeće [Bosnian Franciscans Between the Mediterranean and the Danube Region in the Eighteenth Century]. In: *Zbornik o Marku Dobretiću*. Ed. KARAMATIĆ, Marko. Sarajevo – Dobretići. 2008. p. 51–63.
FORSTER 1999	FORSTER, Marc R.: The Thirty Years' War and the Failure of Catholicization. In: *The Counter-Reformation: The Essential Readings*. Ed. LUEBKE, David M. Malden – Oxford – Carlton. 1999. p. 163–197.
JERKOVIĆ 2019	JERKOVIĆ, Marko: (Dis)obedience in the Cistercian Order. Some Reflections on Bernard of Clairvaux's Letter to Brother Adam. *Nova prisutnost: časopis za intelektualna i duhovna pitanja* 3 (2019), p. 503–528.
JERKOVIĆ 2021	JERKOVIĆ, Marko: Humility and Conversion in the Cistercian Observance: Positioning Personal Spirituality within Institutional Functionality. In: *Institutional Aspects of Church and Social History*. Ed. JERKOVIĆ, Marko. Zagreb. 2021. p. 35–60.
KNEZOVIĆ 2016	KNEZOVIĆ, Pavao: Katolička obnova i franjevci Bosne Srebrene [Catholic Renewal and the Franciscans of Bosna

Srebrena]. In: *Tridentska baština: katolička obnova i konfesionalizacija u hrvatskim zemljama*. Ed. BLAŽEVIĆ, Zrinka – PLEJIĆ POJE, Lahorka. Zagreb. 2016. p. 229–248.

KOVAČIĆ 1991 — KOVAČIĆ, Anto Slavko: *Biobibliografija franjevaca Bosne Srebrene. Prilog povijesti hrvatske književnosti i kulture*. [Bio-Bibliography of the Franciscans of Bosna Srebrena: A Contribution to the History of Croatian Literature and Culture]. Sarajevo. 1991.

LE GOFF 1998 — LE GOFF, Jacques: *Civilizacija srednjovjekovnog Zapada* [Medieval Civilization 400–1500]. Transl. POPOVIĆ, Gordana. Zagreb. 1998.

LE GOFF 2010 — LE GOFF, Jacques: *Da li je Evropa stvorena u srednjem veku?* [Was Europe Born in the Middle Ages?] Transl. PAVLOVIĆ, Vera – TRIJIĆ, Vladan. Beograd. 2010.

WILBER 1995 — WILBER, Ken: *Sex, Ecology, Spirituality: The Spirit of Evolution.* Boston – London. 1995.

WILBER 1996 — WILBER, Ken: *A Brief History of Everything*. Boston – London. 1996.

WILBER 1997 — WILBER, Ken: *The Eye of Spirit: An Integral Vision for a World Gone Slightly Mad*. Boston – London. 1997.

WILBER 2000 — WILBER, Ken: *Integral Psychology: Consciousness, Spirit, Psychology, Therapy*. Boston – London. 2000.

WILBER 2002 — WILBER, Ken: *Up from Eden: A Transpersonal View of Human Evolution*. Wheaton. 2002.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 137–147.

DOI: 10.15170/SPMNNV.2025.14.08

Bálint K. BANDI, PhD candidate
bandi. balint@pte.hu
University of Pécs
Faculty of Humanities and Social Sciences
Institute of History
Department of Medieval and Early Modern History
Rókus utca 2.
H-7624 Pécs
Hungary

Bálint K. BANDI

The Role of Power in Shaping the Ethnic Structure of Transylvania during the Early Modern Era*

The demography of Transylvania constitutes a highly complex and, in many aspects, still insufficiently explored field of study. While its medieval dimensions—such as the settlement patterns of the population and general demographic trends—can be reconstructed with reasonable confidence despite the limited availability of sources, the early modern period remains characterized by considerable uncertainties and ongoing interpretative debates. Nonetheless, research over the past decades has made substantial progress in deepening our understanding of these issues, providing both a conceptual framework and a valuable point of reference for further investigation.

This study examines the role of power in shaping population trends in early modern Transylvania. Focusing on the interaction between political authority and local communities, it assesses how governance structures and consensual practices influenced the demographic trends and interethnic relations. By analysing these factors within the broader context of early modern state formation, the paper argues that the demography of Transylvania was not solely determined by social, economic, or environmental factors, but was also significantly influenced by external forces, which ultimately reshaped the principality's ethnic structure.

In order to provide a comprehensive overview, I aim to highlight key points of population trends that illustrate how power and consensus shaped the demographic processes. In this way, the study traces how political authority, negotiation, and local power intersected to shape the ethnic landscape of the principality.

Keywords: history of Transylvania, early modern period, power, authority, demography, population trends, ethnic structure, ethnic relations

The demographic landscape of early modern Transylvania was highly diverse and characterized by continual change, shaped by a complex interplay of social,

* The project 2024-2.1.1-EKÖP funded by the Ministry of Culture and Innovation, National Fund for Research, Development and Innovation, under the University Research Grant Programme EKÖP-24-1.

political, and environmental factors. Settlement patterns, population mobility, and the ethnic picture of communities varied widely across the principality, reflecting both local circumstances and broader regional processes. Waves of migration, war-related depopulation, and resettlement of the population repeatedly transformed the settlements, while differences in local authority, landownership, and economic opportunities both influenced and shaped local demographic outcomes. The ethnic balance of communities shifted over time, as Hungarian, Saxon, and Romanian populations interacted, merged, or were replaced in various localities. These processes created a constantly evolving social structure, in which stability and continuity were often disrupted by political upheaval, military campaigns, and changing power structures. Understanding the demographic complexity of early modern Transylvania therefore requires considering both the fluidity of population movements and the uneven distribution of authority across the principality.

In what follows, I focus on the transformation of the demographic landscape of the early modern Principality of Transylvania, with emphasis on the interplay between political authority and population processes. The analysis seeks to demonstrate how governance structures, local power relations, and institutional frameworks shaped demographic trends, influencing settlement patterns, population mobility, and the ethnic picture of communities. By highlighting these interconnections, the discussion aims to shed light on the mechanisms through which political and social forces interacted to produce the complex demographic landscape of the principality.

Intersections of Power and Consensus: The Demography of the Principality of Transylvania

The Battle of Mohács (1526), which has come to symbolise not only the political and institutional collapse of the medieval Kingdom of Hungary, but also marks a demographic turning point with far-reaching consequences. The resulting shifts in population trends affected not only Hungary but the entire East-Central European region, fundamentally reshaping the demography and ethnic relations of its states.

In Transylvania, demographic trends remained relatively stable during the first decades of this period, with no major events significantly affecting the population. Although Ottoman incursions and the political and constitutional instability caused by the election of two rival kings (John Zápolya, Ferdinand I) shaped the everyday life and may have induced minor migratory processes, they did not result in substantial changes to Transylvanian society. As Zsigmond Jakó emphasises, "[….] the Hungarians, Szeklers, Saxons, and Romanians were situated within their ancestral settlements in the early modern period, with scant intermingling dictated by long-established patterns of intercourse with neighbouring nations."[1]

[1] JAKÓ 1943. p. 508. "[…] a magyar-székelyt, szászt és románt, a felhajnalló újkor eredeti szállásterületén belül találta; jelentéktelen keveredésüket a szomszédos népek természetes érintkezéseinek ősi szabályai határozták meg" (translated by the author).

Although the population of Szeklerland, the Saxon settlements, and the Transylvanian counties suffered minor losses, these were negligible both in scale and impact compared to the demographic catastrophes of later decades. Population losses were primarily caused by incursions and raids originating from the Romanian voivodeships (Principality of Moldavia, Principality of Wallachia), often compounded by subsequent waves of epidemic disease and famine. It is important to emphasise, however, that these devastations primarily affected peripheral areas and did not trigger major demographic crises.[2]

Migration flows towards the west—namely the Ottoman Hungary and the Habsburg ruled Kingdom of Hungary—and into the voivodeships during this period remain largely uncertain due to the scarcity of reliable data. In contrast, population movements into Transylvania are attested, albeit indirectly, in several sources. For instance, a letter from 1570 reports that villages in Doboka County, previously inhabited by Hungarians but later depopulated, were settled mostly by Romanians.[3] László Makkai similarly notes that by the second half of the sixteenth century, migration towards the interior regions of Transylvania gradually became permanent.[4]

The colonisation of the Romanian-speaking population was largely regulated by local authorities, notably the 'kenéz'[5] and voivode, who, prior to the settlement, requested permission from the landowners and agreed on the conditions for habitation.[6] While Romanian settlers in Hungarian or Saxon villages were eventually assimilated due to the numerical and cultural dominance of the original population[7], settlers in regions predominantly inhabited by Romanians, by contrast, preserved their language, religion, and customs.[8]

The turn of the seventeenth century marked a decisive shift in demographic trends, leading to social and demographic crises. Initially, the campaigns of Mihai Viteazul, voivode of Wallachia, decimated the population of Transylvania, followed by the marauding forces of imperial general Giorgio Basta, which devastated numerous villages and towns. The most significant losses were suffered by the inhabitants of the counties, particularly in the central, interior regions of the principality.[9]

---

[2] Barta 1979. p. 45; Jakó 1944. p. 72; Jancsó 1931. p. 98–99; Mikó 1998. p. 66.

[3] Kadar 1901. p. 91–92. "[…] ut ibsi et omnibus possessionibus, quae olima cristianis culte et inhabitate fuissent, et per varia disturbia et incursiones hostium devastate extitissent, nunc autem avalachis et aliis nationibus habitarentur."

[4] Makkai 1942b. p. 26–28.

[5] The 'kenéz' functioned as a community leader responsible for settlement, serving simultaneously as the head and judicial authority of a medieval Romanian village in Transylvania.

[6] Jakó 1943. p. 512; Makkai – Mócsy 1986. p. 494.

[7] Makkai 1943. p. 10.

[8] Jakó 1943. p. 513; Szabó T. 1942. p. 141.

[9] Jakó 1943. p. 515–516; Jakó 1944. p. 99–100; Makkai 1942a. p. 236; Makkai 1943. p. 10; Szabó T. 1942. 134.

Contemporary accounts vividly convey the harrowing events of these turbulent years, reporting numerous depopulated villages whose inhabitants had almost invariably fallen victim to relentless raids and pillaging. The more fortunate had fled their homes in advance, seeking refuge in surrounding forests; yet even this did not guarantee safety, as marauding soldiers often tracked down and killed those attempting to escape.[10] The scale of human loss and the widespread impoverishment of the population is documented in the decrees of the 1604 Diet in Kolozsvár [Cluj-Napoca, RO]. One of them, for instance, was lamented that "[….] our poor serfs have been so devastated that in many villages only one or two people remain […] due to the depopulation we cannot levy taxes according to the number of households; we demand fifty coins from each cattle-owning peasant, twenty from those without livestock."[11]

When examining the impact of the devastations on ethnic relations, it is worth citing Zsigmond Jakó's enduring observation, which aptly characterises the demography of early modern Transylvania: "The Saxons were protected by their towns and fortified churches, the Szeklers and Romanians by impassable forests and mountains; only the counties stood defenceless before the enemy."[12] Vasasszentgotthárd [Sucutard, RO] in Doboka County, which had already been ethnically mixed prior to the wars with both Hungarian and Romanian inhabitants, was completely destroyed during the conflicts. In the following decades, the landowners—faced with a lack of labour—resettled peasants from the Principality of Moldavia.[13] Saxon communities in the counties were also severely affected: in 1553, their numbers in Belső-Szolnok and Doboka Counties were estimated at roughly 2,000, but half a century later the German-speaking population had fallen to no more than 250.[14] Szászencs [Enciu, RO], situated on the border of Belső-Szolnok and Doboka Counties, similarly became depopulated and was later repopulated with new settlers. In 1601, the remaining peasants—likely Saxons—had been pledged as collateral by Farkas and Mihály Apafi, and by 1615, the settlement, still bearing the scars of the wars, stood largely abandoned. A 1640 charter, however, reports that settlers arriving from the voivodeships eventually repopulated the village that had been depopulated during the unrest.[15]

Ethnic relations in Transylvania were mainly influenced by a fundamental shift in settlement patterns. Unlike the earlier, organised and regulated colonisation practices, the period following the turn of the century saw a

[10] JAKÓ 1944. p. 100.
[11] EOE V. p. 264. "[…] szegény jobbágyink ugy elpusztultanak, hogy igen kevés helyen lakik falun egy vagy két ember […] az pusztaság miatt kapuszám szerint adót nem vethetünk, igírünk minden marhás jobbágyinktól ötven-ötven pénzt, marhátlantól husz-husz pénzt." (translated by the author)
[12] JAKÓ 1943. p. 516. "A szászságot városai, templomerődei, a székelyeket, románokat járhatatlan erdők, hegyek védték, csak a megyék állottak védtelenül nyitva az ellenség előtt" (translated by the author).
[13] MAKKAI 1942a. p. 237; MAKKAI 1942b. p. 21.
[14] MAKKAI 1942b. p. 31, 34.
[15] KÁDÁR 1900. p. 390; KELEMEN 1912. p. 244–246.

marked increase in spontaneous settlement. This shift rapidly accelerated the expansion of the Romanian-speaking population. Newcomers moving into villages previously inhabited primarily by Hungarians—or in some cases Saxons—immediately occupied the abandoned house lots. Yet the future of these settlements was closely shaped by the exercise of local authority: where landowners were able to assert their power, newcomers integrated into the local agricultural system; on the other hand, in areas where control was less effective, they often continued their traditional transhumant pastoralism.[16]

The integration of the newly settled population proved to be a complex and contested process, shaped both by their distinct socio-economic practices and by their resistance to the princely authority's consolidation policies. Contemporary Diet decrees repeatedly noted that Romanian peasants who had only recently settled often failed to remain in place, neglected their fiscal obligations, or absconded—frequently fleeing to the neighbouring voivodeships. In response, a decree issued at the Diet convened in Kolozsvár in 1609 instructed the judge of Beszterce [Bistrița, RO] to prevent such movements towards the Principality of Moldavia.[17] The reiteration of this decree at the Diet of 1615,[18] accompanied by explicit threats of punishment against those who facilitated peasant flight for personal gain, suggests that earlier attempts at regulation had proven ineffective.[19] Taken together, these repeated interventions point to the limited capacity of princely authority to regulate population mobility and suggest that, in the early decades of the seventeenth century, migratory processes—most notably widespread peasant mobility—exceeded the reach of effective institutional control.

The influx of newcomers into depopulated or abandoned villages, combined with the migratory pressures they generated and the pervasive uncertainty of livelihood, gradually undermined public order. To address these challenges, the Diets repeatedly issued decrees aimed at controlling mobility and regulating behaviour. For instance, the Diet convened in Gyulafehérvár [Alba Iulia, RO] in April 1620 mandated that "[…] thieves and other malevolent persons entering this country from foreign lands be identified, and no Romanian peasant shall carry arms, firearms, spears, sabres, or bows […]."[20] A similar decree at the 1623 Diet extended restrictions to horse riding for Romanian peasants.[21] These measures also targeted the itinerant and marginal elements of society, such as vagabonds, whose mobility and transhumant livelihoods made them difficult to control. While initial efforts to bind these populations to the land were only partially effective, over time the need for repeated regulations declined, reflecting both the gradual

[16] Jakó 1941. p 124–126; Jakó 1943. p. 511, 527–528.
[17] EOE VI. p. 124.
[18] EOE VII. p. 284.
[19] Szabó T. 1942. p. 135–136.
[20] EOE VII. p. 544. "[…] tolvajok és egyéb gonosz tévő emberek kiüsmertessenek, ennek utánna senki oláh jobbágya fegyverrel, puskával, dárdával, szablyával és tegezzel ne járjon […]" (translated by the author).
[21] EOE VIII. p. 131–132.

consolidation of social order and the increasing capacity of landowners to assert authority over formerly ungoverned groups.[22]

Throughout the sixteenth century and especially in the decades surrounding the turn of the century, the demography of Transylvania unfolded in a context of divided and unevenly exercised authority. Princely power consistently attempted to keep demographic processes within institutional bounds—through legislation and repeated efforts to curb uncontrolled mobility—but these initiatives rarely translated into practice. The devastation caused by warfare and political instability created conditions in which migration often outpaced regulation, exposing the practical limits of central power. In this context, it was primarily the landowners who retained the capacity to influence the ethnic structure locally: by regulating access to land, determining the terms of settlement, and enforcing—or failing to enforce—labour obligations. As a result, while the central power sought to channel and stabilise these processes, it was the landowners who played a decisive role in shaping these population processes.

The decades following the turn-of-the-century upheavals brought a measure of social and economic stability, temporarily restoring demographic processes. By mid-century, however, new crises—most notably George Rákóczi II's ill-fated 1657 Polish campaign and subsequent Ottoman and Tatar punitive expeditions—once again devastated Transylvania and inflicted heavy losses on its population.[23]

The devastation and widespread violence rendered many settlements completely depopulated, as inhabitants either perished or fled from the armies. Unlike the resettlement movements encouraged by princely authority at the turn of the century, a large share of the original population did not return.[24] Among the communities affected was Váralmás [Almaşu, RO] in Szilágy [Sălaj, RO] County, where 99 Hungarian-speaking heads of households were recorded in 1644, yet by the mid-1650s the population had declined so sharply that the community could no longer afford to maintain the Calvinist pastor.[25] Kalotaszeg [Ţara Călatei, RO] and its surroundings were also heavily affected, with substantial human losses in towns and villages such as Bánffyhunyad [Huedin, RO], Gyalu [Gilău, RO], and Körösfő [Izvoru Crişului, RO].[26]

The devastation of war once again stimulated internal migration, in the course of which entire villages were abandoned and later occupied by newcomers. To address labour shortages, landowners resorted to a tried-and-true method: they resettled Romanian-speaking peasants on depopulated settlements. Most newcomers were shepherds from the Transylvanian

[22] JAKÓ 1941. p. 124–125; JAKÓ 1943. p. 524–525.
[23] JAKÓ 1941. p. 127; JAKÓ 1943. p. 534–535; MAKKAI 1942a. p. 238.
[24] MAKKAI – SZÁSZ 1986. p. 806.
[25] MAKKAI 1942a. p. 238.
[26] SZABÓ T. 1942. p. 136.

highlands, but additional settlers arrived from the Romanian voivodeships.[27] Migration into Transylvania was further accelerated by general insecurity in the voivodeships and the predations of Wallachian authorities, contributing to a growing Romanian presence in the principality.[28] Although voivodes often claimed the return of fugitive peasants, princely power—aware of the labour shortage—rarely enforced these demands.[29] Both princely and landlords' interests, therefore, converged on quickly placing peasants on war-ravaged lands. In fiscal estates, Romanian peasants from the highlands replaced the former Hungarian or Saxon tenants, inheriting house lots burdened with more rents and services. Smaller landowners, by contrast, relied on spontaneously arriving settlers from regions such as Kővár-vidék [Ţara Chioarului, RO] and Máramaros [Maramureș, RO], integrating them into agricultural production to revive farming.[30]

Diet decrees aimed at encouraging the return of former inhabitants to abandoned villages and at controlling the increasingly extensive migratory movements by urging the population to settle permanently and to abandon forests and mountainous refuges. Persistent exposure to warfare and the resulting existential insecurity, however, strongly discouraged people from returning to their former homes. The decree issued at the Diet of Beszterce in 1668 sought to address this situation through coercive measures, ordering those who had left their original villages and established dwellings in forests or mountainous areas to be forced back to their former settlements, and authorising officials to destroy such hideouts if compliance was refused.[31]

Yet the princely authority faced difficulties not only in resettling fugitives but also in keeping newly settled communities in place. As Jakó notes with regard to the predominantly Romanian-speaking population settled along the border between the principality and the Ottoman-controlled western territories, as soon as both the Pasha of Várad [Oradea, RO] and the local landowner attempted to collect the taxes, the newly settled inhabitants promptly abandoned the settlement.[32]

Despite attempts by the princely authority to support Hungarian- and German-speaking communities that had lost their former majority position, these initiatives proved insufficient to counteract the structural forces reshaping the ethnic picture. A decree of 1668 Diet, for instance, ordered that in settlements "[…] where formerly Hungarian churches existed, but which, through the many upheavals, have been destroyed and are now inhabited by Romanians who, having come to outnumber the Hungarian community, refuse to contribute to its maintenance; just as in Saxon villages inhabited by Romanians, where they are accustomed to paying the Saxon priests, so too do

[27] JAKÓ 1941. p. 128; MAKKAI 1943. p. 12.
[28] JAKÓ 1941. p. 128; JAKÓ 1944. p. 110.
[29] MAKKAI – SZÁSZ 1986. p. 806.
[30] JAKÓ 1943. p. 537, 539–540.
[31] EOE XIV. p. 320–321.
[32] JAKÓ 1943. p. 536.

we require that in such Hungarian villages the Romanians who have settled there shall render contribution to the Hungarian church […]."[33] Although a decree of similar content was adopted at the Diet of Radnót [Iernut, RO] in 1689,[34] its implementation appears to have met with resistance, and the decree was annulled only two years later.[35]

The "wars of reconquest" (1683–1697), followed by the War of Independence led by Francis II Rákóczi, further uprooted the population of a country whose demographic balance was already fragile. War devastation, together with the resettlement of the peasantry to territories liberated from Ottoman rule, once again generated significant population movements. Temporary exemptions from manorial obligations and the promise of various concessions mobilised the population of Northern Transylvania to such an extent that, according to some contemporary accounts, as much as one half—or at least one third—of the inhabitants abandoned their homes and resettled in the uninhabited regions of Bihar [Bihor, RO] or Szatmár [Satu Mare, RO] Counties. The Diets also sought to curb the migration through legislation, particularly aiming to reduce peasant flight, yet their efforts met with very limited success.[36] In Fogarasföld [Ţara Făgăraşului, RO], keeping the population in place proved equally challenging; here, however, it was not the promise of exemptions but the increased tax burdens that prompted people to abandon their homes.[37]

Another characteristic of the period was that the population of villages sometimes underwent complete replacement, occasionally multiple times over several decades. A governmental survey of 1751, for instance, reports that in Újegyházszék [Stuhl Leschkirch, RO] of the 186 recorded Romanian-speaking inhabitants, only 85 still resided in their birthplace at the time of the census, and the vast majority of these 85 were themselves descendants of migrants.[38] Likewise, the 1713 census of the Beszterce region indicates a recently completed population turnover. In settlements mostly inhabited by Romanian communities, officials in charge of the census categorized the taxable heads of households as follows: earlier residents, later arrivals, newcomers and vagus[39], as well as priests and exempted individuals. Notably, among those classified as earlier residents, very few were present in the same locality during the previous census of 1698. This also highlights that successive waves of migration, mostly arriving from beyond the Carpathians, repeatedly

[33] EOE XIV. p. 293. "[…] kikben annak előtte magyar ecclesiák voltanak, kik az sok változásokban elpusztulva, oláhok űlték meg és számmal az magyar ecclesiát meghaladván, ahoz fizetni nem akarnak; az mint azért az szász falukban is, melyekben oláhok laknak, az szász papoknak fizetni szoktak, megkivánjuk mü is, hogy az ilyen magyar falukban szállott oláhok az magyar ecclesiához valamivel tartoznak, megadják […]" (translated by the author).
[34] EOE XX. p. 261.
[35] JAKÓ 1941. p. 129; JAKÓ 1943. p. 550.
[36] JAKÓ 1943. p. 543–544.
[37] JAKÓ 1941. p. 130–131.
[38] MAKKAI – SZÁSZ 1986. p. 975.
[39] For the social category of vagus, see: BANDI 2024.

compelled communities that had only just been settled on the land to abandon their homes once more.[40]

Conclusion

The demographic transformation of early modern Transylvania cannot be fully understood without considering the decisive role of power in shaping local and regional population processes. As the analysis above demonstrates, princely authority sought to regulate settlement and migration through legislation and repeated interventions, yet the practical implementation of these measures often fell short. Warfare, political instability, and the limited reach of central power created circumstances under which migration frequently outpaced regulatory capacity, compelling landowners to assume primary responsibility for repopulating abandoned villages and maintaining economic productivity. In this context, the exercise of power was highly localized: landowners determined who could settle, under what conditions, and how newcomers were integrated into the local agricultural system. The interplay between formal authority and local practices thus structured the demographic landscape, producing patterns of settlement, mobility, and population turnover that were contingent on both institutional capacity and social negotiation.

These processes, in turn, profoundly shaped the ethnic structure of the principality. Successive waves of migration, together with resettlement policies and spontaneous movements, contributed to the expansion of the Romanian-speaking population, often at the expense of previously dominant Hungarian or Saxon communities. Ethnic balances were repeatedly reshaped as villages were abandoned, repopulated, or reorganised—sometimes under the authority of local elites, yet often through largely autonomous, spontaneous settlement. As observed throughout the seventeenth and early eighteenth centuries, population movements were primarily driven by local initiative, with princely authority having only limited capacity to influence these processes. In this way, the demographic evolution of Transylvania emerges not merely as a product of policy or formal authority, but as the outcome of the continuous interaction between largely self-directed local dynamics and broader structural forces across the principality.

BIBLIOGRAPHY

Sources

EOE V — *Erdélyi Országgyűlési Emlékek V. 1601–1607* [Documents of the Transylvanian Diets Vol. 5. *1601–1607*]. Ed. SZILÁGYI, Sándor. Budapest. 1879.

EOE VI — *Erdélyi Országgyűlési Emlékek VI. 1608–1614* [Documents of the Transylvanian Diets Vol. 6. *1608–1614*]. Ed. SZILÁGYI, Sándor. Budapest. 1879.

[40] JAKÓ 1943. p. 557.

EOE VII — *Erdélyi Országgyűlési Emlékek VII. 1614–1621* [Documents of the Transylvanian Diets Vol. 7. *1614–1621*]. Ed. SZILÁGYI, Sándor. Budapest. 1881.

EOE VIII — *Erdélyi Országgyűlési Emlékek VIII. 1621–1629* [Documents of the Transylvanian Diets Vol. 8. *1621–1629*]. Ed. SZILÁGYI, Sándor. Budapest. 1882.

EOE XIV — *Erdélyi Országgyűlési Emlékek XIV. 1664–1669* [Documents of the Transylvanian Diets Vol. 14. *1664–1669*]. Ed. SZILÁGYI, Sándor. Budapest. 1889.

EOE XX — *Erdélyi Országgyűlési Emlékek XX. 1688–1691* [Documents of the Transylvanian Diets Vol. 20. *1688–1691*]. Ed. SZILÁGYI, Sándor. Budapest. 1897.

KÁDÁR 1900 — KÁDÁR, József: *Szolnok-Dobokavármegye monographiája III. A vármegye községeinek részletes története* [Monograph of Szolnok-Doboka County Vol. III. Detailed History of the County's Settlements]. Dés. 1900.

KÁDÁR 1901 — POKOLY, József – RÉTHY, László – TAGÁNYI, Károly: *Szolnok-Dobokavármegye monographiája I. A vármegye általános jellemzése, története és megalakulásának bemutatása* [Monograph of Szolnok-Doboka County Vol. I. General Description, History, and the Establishment of the County]. Dés. 1901.

Secondary Literature

BANDI 2024 — BANDI, Kristóf Bálint: *The Social Structure of the Transylvanian Rural Society at the Beginning of the Eighteenth Century*. *Specimina Nova Pars Prima Sectio Mediaevalis* 13 (2024), p. 207–215.

BARTA 1979 — BARTA, Gábor: *Az Erdélyi Fejedelemség születése* [The Birth of the Principality of Transylvania]. Budapest. 1979.

JAKÓ 1941 — JAKÓ, Zsigmond: A románság megtelepülése az újkorban [The Settlement of the Romanian Population in the Early Modern Period] In: *Erdély és népei*. Ed. MÁLYUSZ, Elemér. Budapest. 1941. p. 118–141.

JAKÓ 1943 — JAKÓ, Zsigmond: Újkori román települések Erdélyben és a Partiumban [Early Modern Romanian Settlements in Transylvania and in the Partium] In: *Magyarok és románok I.* Ed. DEÉR, József – GÁLDI, László. Budapest. 1943. p. 508–571.

JAKÓ 1944 — JAKÓ, Zsigmond: Belső-Szolnok és Doboka magyarsága az újkorban [The Hungarian Population of Belső-Szolnok and Doboka in the Early Modern Period] In: *Szolnok-Doboka magyarsága*. Ed. SZABÓ T., Attila. Dés –Kolozsvár. 1944. p. 71–130.

JANCSÓ 1931 — JANCSÓ, Benedek: *Erdély története* [The History of Transylvania]. Kolozsvár. 1931.

KELEMEN 1912 — KELEMEN, Lajos: A szászencsi oláhok [The Vlahs of Szászencs]. *Erdélyi Múzeum* 29 (1912:3), p. 244–246.

MAKKAI 1942a — MAKKAI, László: *Északerdély nemzetiségi viszonyainak kialakulása* [The Development of Ethnic Relations in Northern Transylvania]. *Hitel* 7 (1942:4), p. 225–242.

MAKKAI 1942b — MAKKAI, László: *Szolnok-Doboka megye magyarságának pusztulása a XVII. század elején* [The Destruction of the

Hungarian Population of Szolnok-Doboka County in the Early Seventeenth Century]. Kolozsvár. 1942.

MAKKAI 1943 — MAKKAI, László: *Szolnok-Doboka megye magyarsága*. [The Hungarian Population of Szolnok-Doboka County]. Kolozsvár. 1943.

MAKKAI – MÓCSY 1986 — *Erdély története I. A kezdetektől 1606-ig* [History of Transylvania Vol. 1. From the Beginnings to 1606]. Ed. MAKKAI, László – MÓCSY, András. Budapest. 1986.

MAKKAI – Szász 1986 — *Erdély története II. 1606-tól 1830-ig* [History of Transylvania Vol. 2. From 1606 to 1830]. Ed. MAKKAI, László – SZÁSZ, Zoltán. Budapest. 1986.

MIKÓ 1998 — MIKÓ, Imre: *Az erdélyi falu és a nemzetiségi kérdés* [The Transylvanian Village and the Question of Nationality]. Csíkszereda. 1998.

SZABÓ T. 1942 — SZABÓ T., Attila: *A románok újabbkori erdélyi betelepülése* [The Settlement of Romanians in Transylvania in the Early Modern Period]. *Hitel* 7 (1942:3), p. 133–143.

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 149–165.

DOI: 10.15170/SPMNNV.2025.14.09

András FORGÓ, PhD
andras. forgo@pte.hu
University of Pécs
Faculty of Humanities and Social Sciences
Institute of History
Department of Modern History
Rókus utca 2.
H-7624 Pécs
Hungary

András FORGÓ

Debates on Precedence of the Religious Orders at the Hungarian Diet*

The Catholic clergy played an important role in the Hungarian Diet also in the first half of the eighteenth century. The spokesmen for religious disputes were mainly the delegates of the chapters, whereas the religious orders were more involved in the struggle for position among the clergy. The most prominent of these were conflicts over the establishment of a hierarchy. In the decades following the liberation from the Ottoman rule, Catholic religious communities began to repatriate, bringing about the second heyday of monasticism in Hungary. However, the emergence of new monastic groups was often accompanied by conflicts, not only in the dioceses but also in the national political arena. The superiors claimed seats in both forums of parliament, and the designation of their seats led to the outbreak of disputes, which were settled only after years of power struggles. By the middle of the century, a practice had finally emerged that regulated the position of each superior in the assembly, symbolically marking out their place in the society of the Estates.

Keywords: precedence, Catholic clergy, Parliament of Estates, political culture, Kingdom of Hungary, eighteenth century

The order within the Estates, or, in contemporary terminology, disputes over *precedence*, can be observed throughout Europe during the eighteenth century. Behind what today often seems like grotesque squabbles lies the symbolic view of the time when the political, social, etc. hierarchy was tangibly expressed in the seating order during the various ceremonies of the Estates; that is, those who occupy a more prominent place at a political or social event also have a more distinguished position within the Estates. The famous German lawyer, historian, and publicist Johann Christian Lünig (1662–1740) summarized the contemporary view of social hierarchy as follows: "The lion is superior to the wolf, the sun is superior to the moon, and diamonds are more

* The research leading to these results has received funding from the (Hungarian) National Research, Development and Innovation Office, identifier of the project K 143017. This study is a revised English version of FORGÓ 2017. p. 87–116.

valuable than crystals. Among intelligent beings, angels precede humans, parents precede children, the elderly precede the young, and superiors precede subordinates, even according to the Holy Scriptures, that is, according to the divine decree."[1] Jonathan Dewald, as a contemporary historian views this attitude of a man of early modern times as one in which belief in social hierarchy was able to intensify competition to an extraordinary degree, because in that hierarchical world, where every noble family differed somewhat in status from the others, each individual could only gain advantage at the expense of others. The nobility typically expressed this worldview through a constant awareness of their right of precedence, marching at the head of processions, occupying prestigious offices, and securing the best seats in church. These things, which in themselves were often incredibly insignificant but were terribly important in the eyes of those involved, could be the subject of generations of struggles.[2]

After this, it is not surprising that the assemblies of the Estates also served as a scene for similar power struggles. In the Holy Roman Empire, the deliberations began with systematic battles over the seating order,[3] and in Hungary, similar *praecedentia* disputes began to appear in greater numbers from the end of the seventeenth century, reaching their peak in the first decades of the following century. They were evident not only in the Diet but also at all levels of politics and encompassed the entire spectrum of the political elite of the time. In 1687, a law was passed on the seating order because "it had been found that the disorder that had arisen in the house of magnates and nobles with regard to the sessions of the Diet had caused no small trouble among the Estates of the country."[4] However, this provision did not end *praecedentia* disputes. As we shall see, the order of precedence among the clergy remained a contentious issue at subsequent Diets, but there was not always agreement among secular nobles either.[5]

In our era, these debates began after the opening of the Diet in 1708, at a meeting convened by Cardinal Christian August, Archbishop of Esztergom, and initially concerned only the high-ranking clergy. Research has focused almost exclusively on the separate meetings of Protestant county representatives, who were in minority, between 1708 and 1715. However, in addition to this undoubtedly important forum, there was another assembly that took a position contrary to the previous one, in which the Catholic clergy coordinated their position on the issues related to the agenda of the Diet, primarily religious matters. However, managing power struggles among the clergy was equally important during the negotiations. After the Diet was adjourned, the ecclesiastical assembly played also a significant role in distributing aid to

[1] LÜNIG 1719. p. 7. (translated by the author)
[2] DEWALD 1996. p. 114.
[3] SCHINDLING 1991. p. 67.
[4] Article X of 1687. MÁRKUS 1900. p. 340–343.
[5] SZIJÁRTÓ 2005. p. 101–104.

fortification. The latter has already been noted in the historiography.[6] At the 1708 session, the first meeting was held on 3 March, the day the Diet opened. According to the diary of the bishop of Zagreb (Martin Brajković), Archbishop Pál Széchényi of Kalocsa, Imre Csáky, bishop of Nagyvárad [Oradea, RO] at the time, László Ádám Erdődy, bishop of Nyitra [Nitra, SK], and several titular bishops were also present. The topic of discussion was the seating order of the clergy in the two chambers of the Diet. The participants agreed that in the Upper House negotiations, the two archbishops would be followed in the seating order by the diocesan bishops of Eger and Zagreb, as both could prove their ancient privileges to be seated. The other diocesan bishops would be seated in order of ordination, and all non-ordained titular bishops in order of their appointment. The abbots were also seated in the Lower House in order of their date of benediction. However, at the next meeting on 7 March, Franz Wilhelm Nesselrode, bishop of Pécs protested against the seating order, which he considered inappropriate, but was unable to credibly prove his claim. Thus, the decision was confirmed with the addition that the archabbot of Pannonhalma, the prior general of the Paulines, and the provost of Zagreb could also take their places at the Upper House. In the case of the chapters, only the order of Esztergom and Kalocsa, as well as the chapters of Eger and Zagreb, was announced, no decision was made in the other cases, but the representant of the cathedral chapter of Pécs was ranked last because it had not appeared at the Diet for many years due to the Ottoman conquest.

After Brajković's death, the bishops of Nagyvárad [Oradea, RO] and Nyitra [Nitra, SK] also protested against the prominent position of his successor, Imre Esterházy, because he had previously accepted the order of consecration while he was still the bishop of Vác. Esterházy then referred to his predecessor, Alexandar Mikulić, who had also taken his place after the archbishops and the bishop of Győr at the Diet of 1687, even though, according to the order of consecration, he should have been in last place. The issue could not be resolved satisfactorily, so Esterházy's seat was temporarily assigned not among the other bishops at the table, but at the side of the chamber (*ad latus sessionis*).[7] The matter was later discussed by the Chancellery, which also did not support Esterházy's efforts, citing the fact that he had accepted the seating order according to consecration while still being the bishop of Vác. After lengthy debate and deliberation, the issue was finally decided in 1723, when, according to a decree by Charles III (1711–1740), the diocesan bishops were to be seated after the two archbishops, followed by the titular bishops in the order of their appointments.[8] Thus, neither Gábor Erdődy of Eger nor Imre Esterházy of Zagreb succeeded in their efforts to secure a more prominent position. The controversy surrounding Bishop Esterházy coincided in part with the negotiations on the female succession of the House of Habsburg, hence researchers mistakenly assumed that the bishop of Zagreb was discriminated

[6] MÁLNÁSI 1933. p. 229–230.
[7] FARLATI 1775. p. 593–594.
[8] ECKHART 1941. p. 172–180.

because of his role playing in the acceptance of the *Pragmatica Sanctio* in Croatia.[9] The instructions issued by the cathedral chapter of Esztergom attest the fact that even by the time of the 1722–1723 Diet, tempers had not calmed down regarding the seating order: the instructions stipulate that, in addition to protecting the Catholic religion, the delegates of Esztergom must be assigned the first seats in the Diet.[10]

According to the diary of Cistercian monk and delegate P. Engelbert Hermann,[11] the clergy held another meeting during the session of 1712, again led by Cardinal-Archbishop Christian August. P. Engelbert reported on the meetings held on May, and one of the main topics was also the question of *praecedentia*. P. Engelbert's diary reports, that the order of precedence among the bishops was quickly discussed, and it was resolved on the basis of the ordination and the appointment.[12] The main issue at that time was not this, but rather the determination of the order of precedence of the monastic superiors and their representatives, who were reappearing among the clergy. This was of great importance because several monastic orders were also discussed by the Diet, and the monarch also took a position in this matter. By the session of 1708, superiors and representatives of abbeys and provostries under monastic administration had already appeared. Among the Benedictines, the archabbot of Pannonhalma,[13] and the representative of Tihany also requested admission to the Diet,[14] and was able to take his place among the delegates.[15] Cistercian abbot of Heinrichau [Henryków, PL] in Silesia and Zirc in Hungary, had not yet received royal confirmation at the opening of the Diet on 29 February, so he received the invitation later.[16] Abbot of Velehrad in Moravia and Pásztó in Hungary, received it on time,[17] and was represented by P. Engelbert. Delegates of the provosts of Jászó [Jasov, SK] and Lelesz [Leles, SK], two of the Premonstratensian provostries, also appeared in Pozsony [Bratislava, SK] in 1708.[18] Prior general of the Pauline Order, and at least one representative of the Jesuits were also present.[19] The following year, the archabbot of Pannonhalma and the prior general of the Paulines appeared

[9] Klaić 1915. p. 140; Bahlcke 2005. p. 183.
[10] EPL EFL, Lad. 69. Fasc. I. Esztergom, 6 July 1722.
[11] See: Forgó 2018.
[12] Hermann 2013. p. 218.
[13] Egyed Karner, his Royal invitation: PFL, Documents of the Pannonhalma Archabbey, Acta antiquiora, Fasc. 74. No. 23.
[14] Amand Reyser, MNL OL N 50 Lad. R, Diaeta anni 1708–1715, Fasc Z NB, No. 4. His invitation letter from 1712 has been preserved: PFL, Acta abbatiarum, Tihany Abbey, Fasc. 23. No. 1.
[15] Zsilinszky 1888. p. 44–45.
[16] Thobias Ackermann. Joseph I's letter to the palatine dated March 26, 1708 OSZKK Fol. Lat. 565, p. 87–88, and a copy of the palatine's letter dated May 4. OSZKK Fol. Lat 4266, p. 20–21.
[17] Joseph I's invitation to Florian Nezorin, abbot of Pásztó, 23 December, 1707. MNL VeML XII.2.a, Archivum Vetus, E 185.
[18] Zsilinszky 1897. p. 346.
[19] Zsilinszky 1897. p. 346, and MNL OL N 50 Lad R, Diaeta anni 1708–1715, Fasc. Q, No. 4.

again, along with a representative of the Pásztó Abbey,[20] and representatives of the provosts of Jászó and Lelesz were also present.[21]

We do not know much about the meetings that took place between January and March 1710,[22] but in 1712, we find several monks again at the Diet, at least as evidenced by the debates between them and other members of the clergy discussed below. At the last session, between 1714 and 1715, in addition to the archabbot of Pannonhalma, the abbot of Bakonybél also appeared at the Diet.[23] Alongside them, the prior general of the Paulines and, among the Cistercians, the administrator of the Zirc Abbey, represented the head of the double abbey Heinrichau and Zirc.[24] Among the Premonstratensians, provost of Csorna appeared in person, and a clergyman represented the provost of Nagyvárad (Oradea RO). The Jesuits' two representatives were also present.[25]

Following the Ottoman occupation, several monastic institutions applied for admission into the country. Despite a long struggle, the Teutonic Order was ultimately not accepted, even though it owned estates in Hungary. On 2 May 1708, the Augustinian hermits requested in their memorandum to be readmitted to the country, but no decision was made on the matter. Therefore, they repeated their request on 3 June 1712.[26] The Order of Malta applied for admission on 7 May and 6 June 1708.[27] The county representatives were mainly opposed to them, while some members of the Royal Court of Justice and certain city representatives supported their request. Thus, this issue was postponed until a later date. On 31 May, members of the Franciscan Province of St. Elizabeth appealed to the Estates for admission. In their petition, they wisely emphasized that they had already separated from the foreign province the previous year. The Estates took up their cause and submitted their requests for admission to the ruler. The following year, several religious orders approached again the Diet: the Hungarian provincial superior represented the Paulines,[28] in his memorandum he requested the lifting of restrictions on the establishment of colleges. The representative of the Cistercians appealed to the Estates for the return of their former estates. And the Observant and Capuchin branch of the Franciscans requested financial assistance from the Lower House.[29] However, the most heated debate arose among the Jesuits.

[20] MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. U, No. 35.
[21] OGYK 700.477 p. 365.
[22] Cf. Zsilinszky 1897, p. 403–431.
[23] Royal invitation for Ferenc Vidlics from 1712: PFL Acta abbatiarum, Bakonybél Abbey, Fasc. 7. No. 25.
[24] The Abbey of Heinrichau owned Zirc between 1699 and 1802.
[25] Heinrich Schneider OCist, Provost Robert Sancius OPraem, Felix Helcher OPraem, András Madocsányi SJ, János Gyurkovics SJ. Database of the Diaeta Research Group: http://szijarto.web.elte.hu/diaeta-index.html (accessed 30-12-2025) (hereinafter: Diaeta database). Regalia issued to the provost of Csorna: CSPPL Archivum Vetus carton 8, Nr. 30a III. 1. Regales.
[26] MNL OL N 50 Lad. R, Diaeta anni 1708–1715, Fasc. X, No. 53.
[27] Their petition: MNL OL N 50, Lad R, Diaeta anni 1708–1715, Fasc. Nr. 33.
[28] Lajos Barilovics OSPPE.
[29] Zsilinszky 1897. p. 394–397.

On 31 May 1708, the Lower House first discussed the participation of the Jesuits in the Diet and decided that they could only take part in the work of the Diet if the Hungarian members of the order separated from the Austrian Province.[30] The Bohemian-Moravian province had already separated from the Austrian Jesuits in 1622, although it initially had only 250 members, and after the separation, the number of Austrian Jesuits fell to 400 members. However, owing to rapid growth, the membership of both provinces soon began to increase significantly, with the number of members in the Austrian province reaching 1,000 by the middle of the century. However, only 165 were born in Hungary, and only 203 were active in the Hungarian communities. Nevertheless, the question of separating the province was raised at the provincial assembly in 1649, and from then on, it was requested at almost every assembly held every three years. Their main arguments were the large number of institutions in Hungary and the great distance between them, compounded by poor road conditions. Under these circumstances, the provincial superior was unable to fulfil his important duty of visiting the monasteries annually, which was detrimental to the discipline and the efficient operations. Later petitions also emphasized that the Hungarian clergy could rely more effectively on an independent Hungarian province.[31]

However, counterarguments began to accumulate, as some Austrian members of the order had already drafted a petition against an independent Hungarian province in 1678, in which they mainly put forward political arguments. On the one hand, they drew attention to the danger that a province consisting of unruly Hungarians could become involved in another anti-monarchical conspiracy, and on the other hand, Vienna would not agree to the separation of the province because the Austrian members of the colleges operating in strategically important Hungarian cities provided the court with important information about political events. However, the Hungarian Jesuits were also considered to be unreliable in Vienna.[32] Nevertheless, plans to divide the province were made in the last years of the century. Two different approaches were developed: the so-called *simplex divisio* (simple division), which would have created two new provinces along political borders, consisting of purely Austrian and purely Hungarian houses, and the *mixta divisio* (mixed division), in which both provinces would have consisted of Austrian and Hungarian institutions and members, or Hungarian institutions would have remained in the Austrian province. The latter would have marked the river Danube as the border between the two provinces; thus, only the left-bank houses stretching from Pozsony to Pétervárad [Petrovaradin, SRB] would have belonged to the new Hungarian province. According to the information of the superior general of the Jesuits, Leopold I had changed his previous opinion and, in 1700, the king clearly supported this solution. However, the provincial assemblies voted by a large majority in favour of the

[30] ZSILINSZKY 1897. p. 345–346.
[31] LUKÁCS 1989. p. 8–14.
[32] LUKÁCS 1989. p. 21–23.

simplex divisio, so the superior general postponed the matter, citing more suitable times.[33] Nevertheless, the resolution of the issue became increasingly urgent in the following years, as the matter of the Jesuits in Hungary was also on the agenda during the uprising led by Ferenc Rákóczi II (1703–1711). The assembly of 1705 of their Confederation in Szécsény already dealt with the Society of Jesus: although it recognized the educational work of the order, it decided that the estates donated to the Jesuits in previous decades should be returned to their original ecclesiastical owners, it also expelled members of the order who remained loyal to the Austrian province from the territory of the Confederation, and called on the members of the group to either break away from the Austrian province within four months or leave the country.[34] The Jesuit issue was also raised at the meeting of the Confederation Senate held in Miskolc in January-February: on 4 February The request of Archbishop Pál Széchényi of Kalocsa to extend the four-month deadline for secession, due to the death of the superior general, was accepted without debate. On 9 February, however, a debate arose, in connection with the abolition of the *Neoacquistica Commissio*[35] and the demand for the return of confiscated estates, as to whether Jesuit property should also be seized, or whether the order should be allowed to continue to operate within the framework of the independent province. However, point 16 of the May-June peace negotiations in Nagyszombat [Trnava, SK] again clearly demanded the establishment of an independent Hungarian province. As negotiations on the division of the province began, the meeting of the Senate in January 1707 in Rozsnyó [Rožňava, SK] allowed a few Jesuits to continue teaching at the colleges in Kassa [Košice, SK] and Nagyszombat. Ferenc Rákóczi II also instructed Domokos Brenner, the provost of Szepes [Spiš, SK], who had been sent to Rome, to negotiate with the superior general regarding the establishment of the Hungarian province.[36]

Thus, the participants of the Lower House of the Diet held in Pozsony in 1708 essentially adopted the Rákóczi's rebels' demands when they took a stand in favor of establishing an independent Hungarian province. On 12 June, the Upper House also dealt with the Jesuits and complained that they had not received a royal invitation to the Diet; although, as we have seen, one of their representatives was present.[37] The tension clearly arose from the fact that although Article XX of the act adopted in 1687 admitted the Society of Jesus to Hungary, it did not decide on its participation in the Diet. The Jesuits repeated their request on 8 April 1710,[38] and their case was one of the central issues at

[33] Lukács 1989. p. 29–32.
[34] Articuli Inclytorum Regni Hungariae Statuum et Ordinum pro Libertate Confoederatorum in Generali Eorundem Conventu ad Oppidum Szécsény praeterito mense Septemb(ris). Anno 1705. indicto Conclusi. In: R. Várkonyi – Kis 2004. p. 127–133.
[35] A Committee established to settle land ownership issues in territories recaptured by Hungary from Turkish occupation.
[36] R. Várkonyi 2006. p. 163–189.
[37] Erdődy 2004. p. 347.
[38] MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. V, No. 21.

the ecclesiastical council held between 10 and 12 May 1712. It is entirely understandable that it was the archabbot of Pannonhalma who most vehemently opposed to inviting the heads of the colleges as titular abbots, since the Jesuits also controlled the estates of the Benedictine Abbeys.[39] However, representatives of other abbeys under monastic administration also attacked the Jesuits, which led to much shouting and noise. In a later entry in his diary, P. Engelbert quoted Cicero in protesting against this plan: "Oh times, Oh customs! What kind of Jesuit fathers usurp the titles of abbots!"[40] Nevertheless, Cardinal-Archbishop Christian August supported the Jesuits against the monastics: in addition to personally inviting the leaders of Jesuit institutions, he argued, among other things, that this would give Catholics even more votes in the Lower House. Finally, in response to this proposal, the clergy supported the appearance of three Jesuit representatives at the Diet, which was accepted by provincial superior Gábor Hevenesi, who was present.[41]

According to our sources, the Lower House dealt with the Jesuits on three occasions in 1712. On 4 May, before the ecclesiastical assembly, the Jesuits' memoirs of their participation in the Diet were presented. These aimed to ensure that the rectors of the order who held the titles of abbots or provosts in the country would be personally invited to the Diet, in accordance with the practice of the previous century.[42] As usual, this sparked a heated debate, but the Estates finally agreed to admit the Jesuits on the condition that they separate themselves from the Austrian province.[43] On 18 May representatives of the Jesuits appeared before the Lower House,[44] but contrary to the decision of the ecclesiastical assembly, only two of them showed up to the meeting. Their first appearance was immediately met with scandal,[45] but the greatest uproar occurred on 14 July. This was when the Lower House received the monarch's response to the petition of the Estates. The royal decree was generally disappointing, but it was the Jesuit Order, which was undoubtedly hit hardest. In his reply, Charles III harshly criticized the Jesuits for being given seats in the Diet without the monarch's consent. He also reproached them for establishing an independent Hungarian province. This development naturally caused a great stir in the chamber: the two Jesuits and the other members of the clergy were completely confused by the ruler's unexpected anger, while the Jesuits' opponents, led by the Protestant Estates, began to express their loud approval.[46]

[39] E. g. the benefices in Lébény and Szkalka. See : SÖRÖS 1912. p. 217, 423.
[40] "O Tempora, o mores, queis Patres Societatis sibi usurpant nomen Patris Abbatis." The two sessions: HERMANN 2013. p. 214–215; the quoted section: p. 241.
[41] HERMANN 2013. p. 218–220; ÖNB HS Cod. 12109, fol. 39v.
[42] This is confirmed by sources from 1646–1647 and 1687: GUSZAROVA 2005. p. 117; ZSILINSZKY 1897. p. 411. Provincial Governor Gábor Hevenesi's petition in April: MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. X, Nr. 68–69.
[43] HERMANN 2013. p. 214–215.
[44] MNL OL N 50, Lad R, Diaeta anni 1708–1715, Fasc. X, No. 4.
[45] HERMANN 2013. p. 215.
[46] HERMANN 2013. p. 268–269.

The two Jesuits were therefore taken by surprise by the monarch's decree, even though an investigation into the matter had already been launched in Vienna before the royal response was announced. Here, they sought answers to whom had given their consent to the establishment of an independent Hungarian province, whether the consent of the superior general had been solicited, why the monarch's agreement had not been requested, and who had authorized the Jesuits participating in the Diet to declare that the superior general and the members of the province wanted the separation. Both the general and the rector in Vienna stated that the separation of the province could only take place with the prior consent of the monarch, but that the issue was not actually taken into consideration due to the war's circumstances.[47] Later, Provincial Superior Hevenesi also stated that the province would not force the separation against the will of the ruler, and the Hungarian Estates also omitted this demand from the postulates. Therefore, Charles III again agreed to allow the Jesuits to participate in the Diet.[48] This is clearly demonstrated by the fact that the draft decree, drawn up in August 1712, already included the Jesuits' right to attend the assembly, with wording that was practically identical to the later ratified law.[49] The Jesuits recorded the events in such a way that Charles III secured their voting rights that year.[50]

However, despite appearances, the members of the Jesuit Order were not satisfied with this solution. At the Diet of 1728–1729, Ferenc Kiris, rector of the college in Pozsony, his successor Ferenc Csepelényi, and Ferenc Fasching, a local librarian,[51] opposed the claim to precedence made by the prior general of the Paulines and the Cistercian abbot of Pásztó. They argued that they were not entitled to seats at the ecclesiastical table, as they were appearing in place of their superiors and should therefore have been seated among the representatives absent magnates. While the Jesuit envoys arrived in accordance with the law and custom, representing the titular abbeys and provostries owned by the Jesuits, they should have taken their places after the envoys of the chapters and the abbots, not among the envoys of the absent magnates. This was further compounded by the fact that the Jesuit Order had more influence in the country than those who disputed it.[52] The Pauline and Cistercian envoys then turned to the Archbishop of Esztergom and the Diet, asking for protection against what they called the 'Jesuits' unjustified attacks'.[53] It seems that the archbishop—at that time the former superior general of the Paulines, Imre Esterházy—was successful in his efforts, as there is no evidence

[47] Lukács 1989. p. 107–110.
[48] Lukács 1989. p. 36–37.
[49] ÖStA HHStA UA Comitialia 1707–1712. Fasc. 403. Konv A, f. 67v. Art. LXX De Sessione P. Societates Jesu.
[50] ÖNB HS, Cod. 12106, pag. 2.
[51] Lukacs 1993. p. 561, 619.
[52] MNL OL N 52 diaetae anni 1728–1729, Fasc. VV Nr. 60. ff. 38r–42v.
[53] Published by Békefi 1902. no. LXXXIII. p. 159–160, and MNL OL N 52, Lad. S, Diaeta anni 1728–1729, Fasc. AAA, Nr. 90.

that any decision was made on the matter, meaning that the seating order remained unchanged.

However, the fact that contemporaries were also unaware of the difference between the clergy of the Lower House and the clergy representing them is well illustrated by the fact that the abbots' and provosts' envoys were sometimes listed among the clergy and sometimes among the envoys of the absents.[54] One report on the 1764–1765 Diet mentions that the representatives of those absents sat at the end of the ecclesiastical table, which makes the confusion between these two groups even more striking. Disagreements may have arisen during voting, but as time passed, the spread of the *pars sanior* principle meant that this issue became irrelevant. The Lower House was increasingly regarded as the "more sober and superior part (*sanior et potior pars*)" of county nobility. Thus, the votes of the members of the Lower House were not counted equally: they were not counted but weighted (*vota non numerantur, sed ponderantur*).[55]

It is also important to mention that the Jesuits' efforts to obtain the right to attend and vote in the Diet after acquiring abbeys and provostries were only successful for a short time in the seventeenth century. István Rohonczy, the provost of Turóc [Turiec, SK], and Pál Hoffman, the abbot of Pornó, appear among the titular abbots and provosts at the Diet of 1646–1647. However, they were not members of the Jesuit Order but canons of Esztergom, so they represented the Jesuits as delegates of their chapter. The first documented participation of four Jesuits can only be attested at the Diet of 1655.: István Keresztes, superior of Kassa [Košice, SK], as provost of Mislye [Myslina, SK]; Márton Palkovich, rector of Nagyszombat, as provost of Turóc; Ferenc Lippay, rector of Trencsén [Trenčin, SK], as abbot of Szkalka [Skalka, SK], and Ferenc Nedeczki, rector of Sopron, as abbot of Pornó. Prior to this, Article VIII of the law adopted at the Diet of 1608, which forbade Jesuits to own property, may have been enforced. This prohibition also impacted negatively the establishment of an independent Hungarian province. In the 1650s, in addition to the arguments listed above, the leadership of the order did not consider it feasible to operate a province independent of Austria because of the uncertain legal situation of institutions in Hungary.[56]

In addition to the Jesuits, the archabbot of Pannonhalma's dispute with the head of the Pauline Order over precedence also came up at several Diets, partly because of incomplete legislation. More precisely, the balance of power between the two was previously governed by the customary law. However, the provision of 1608 on the composition of the Diet does not mention the archabbot of Pannonhalma by name, and only grants the prior general of the Paulines the right to attend and vote without specifying at which House of the Diet he should sit. At the session held in 1708, the newly appointed superior general of the Paulines, Ivan Kristolovec, first had to fight to have his right to

[54] See: the Diaeta database.
[55] SZIJÁRTÓ 2005. p. 116, 310–313.
[56] KÁDÁR 2022. p. 245.

appear at the Upper House accepted. This privilege had been granted to his predecessor, Imre Esterházy, who shortly thereafter became the bishop of Vác. Therefore, in accordance with the rules of the Paulines, he resigned from his position in favour of his deputy, Kristolovec. However, some members of the Upper House protested this procedure. Finally, with the intervention of Cardinal-Archbishop Christian August, Kristolovec succeeded in taking his rightful position.[57] However, he was not able to enjoy his new privilege for long, because, the archabbot of Pannonhalma, demanded precedence over him among the prelates. Some of the arguments and counterarguments, were of a historical and ecclesiastical nature: the Benedictines tried to justify their primacy with the significance of the Archabbey of Pannonhalma as the first monastic institution in Hungary, and they also referred to the abbot's *nullius* status.[58] Since the Benedictine order preceded the establishment of the Paulines by centuries, the latter could only argue on the basis of the antiquity of the order's namesake, St. Paul the Hermit, who, according to tradition, lived at the turn of the third and fourth centuries, and on the fact that the head of the Pauline Order was the superior of the entire monastic community, while the archabbot of Pannonhalma had jurisdiction only over the convents in Hungary. At the ecclesiastical assembly of 1712, the prior general of the Paulines emerged victorious from the dispute. According to P. Engelbert's diary, Cardinal-Archbishop Christian August defended the interests of the Paulines against the archabbot of Pannonhalma.[59] As he was the cardinal protector of the Pauline Order, his behaviour is not surprising. However, this did not settle the issue: in 1722, Archabbot Benedek Sajghó brought the *praecedentia* before the Diet, but Christian August again decided the dispute in favour of the Paulines. Sajghó raised the issue once more in 1728, but *praecedentia* was not discussed later.[60] The position of the prior general of the Paulines was further strengthened by the fact that from 1725 Imre Esterházy, the former superior of the Paulines, held the office of the archbishop of Esztergom.

Representatives of the Cistercian abbots of Heinrichau in Silesia and Velehrad in Moravia secured their abbots' right to participate in the Hungarian Diet after acquiring the abbeys of Zirc and Pásztó in Hungary. However, the abbot of Heinrichau also attempted to sit at the Upper House, while the abbot of Velehrad did not appear in person at the Diet because he considered the Lower House beneath his rank.[61] Ultimately, two positions clashed regarding the participation of abbots and provosts in the Diet, which led to disagreements. According to P. Engelbert's diary, foreign abbots and provosts, including the abbots of Heinrichau and Velehrad, approached the request from the perspective of canon law. According to this, in addition to the so-called

[57] BEKK Ab 154, Tom. IV. ff. 35r–v.
[58] According to canon law of the time, the *nullius* abbot had limited episcopal jurisdiction within his own abbey and wore episcopal insignia. The equivalent in current canon law is the territorial abbot (can. 370). BÁNK 1958. p. 94.
[59] HERMANN 2013. p. 220.
[60] NÉMETH 1907. p. 151–159.
[61] HERMANN 2013. p. 197.

higher prelates (*prelati maiores*) having ordinary jurisdiction, that is, archbishops and bishops, there were also so-called lower prelates (*prelati minores*) who, although not ordained bishops, governed their abbeys or provostries independently of the jurisdiction of the diocesan bishop and wore prelate insignia.[62] Several foreign abbots and provosts, including the Cistercian abbots of Heinrichau and Velehrad, enjoyed similar privileges in their home countries, and in the case of Heinrichau, this was accompanied by a secular title: the abbot was also captain of Münsterberg [Ziębice, PL]. The abbot of Velehrad gained the right to wear prelate insignia in 1379, and from 1477, he was ranked first among the prelates after the bishop of Olomouc. In canonical terms, therefore, both belonged to minor prelates. However, the provisions of Article I of the Hungarian Diet held in 1608 did not follow this approach: it listed the diocesan bishops and the provosts of the cathedral chapters among the prelates, then the *nullius* abbots and provosts, and finally the infulate abbots and provosts with property rights. However, only diocesan bishops are granted membership in the Upper House, while the others are referred to in the Lower House. In practice, however, titular and "elected" bishops (*episcopi electi*) also had seats at the Upper House, even though the latter, with the exception of those in Knin and Nándorfehérvár [Belgrade, SRB], were not consecrated as bishops and were therefore not prelates in the canonical sense; in most cases, these titles were held by canons.[63] The provost of Zagreb also had a seat at the Upper House, according to the provisions of Article LXI of the law adopted in 1625. The reason for this was that he held also the title of prior of Vrana, which had previously been held by the Order of St. John. The Benedictine abbots and provosts, on the other hand, were relegated to the Lower House, and even though many of them invoked their *nullius* status, diocesan bishops with territorial jurisdiction did not recognise it.[64]

Therefore, it is unsurprising that the church assembly of 1712 did not support the abbot of Heinrichau's efforts to gain a seat at the Upper House. In this context, Gábor Erdődy, later bishop of Eger, also complained that the Cistercians were taking income from their estates abroad. This accusation was later repeated by several counties at subsequent Diets.[65] Engelbert Hermann's diary also notes several times that monastic orders following their traditions, especially foreign ones, were not looked upon favourably by the Hungarian clergy, and therefore could not count on their support. According to his own notes, he quickly realized this, so unlike the envoy from Heinrichau, he did not request the right for his abbot to appear before the Upper House. This allowed him to participate in the ecclesiastical councils. In addition, they discussed the request of the Premonstratensian abbot of Klosterbruck [Louk, CZ] in Moravia and Nagyvárad in Hungary, who also wanted to be admitted to the Upper House. Among his most important arguments were that he was the general

[62] See: BÁNK 1958. p. 94–95. Current canon law no longer uses the term "minor prelate".
[63] BAHLCKE 2006. p. 1–24.
[64] SZIJÁRTÓ 2005. p. 408–418.
[65] ALPÁR 1942. p. 26.

vicar of the Premonstratensian abbeys in Hungary (with this, he obviously wanted to compare himself to the archabbot of Pannonhalma and the superior of the Pauline Order) and that he was a regular canon. His request was supported by the ruler.[66]

Considering the monastic aspirations described above, it is no coincidence that the decree of 1715 deals with the issue of monastic superiors in a separate article,[67] clarifying and even slightly modifying the general provision of 1608. According to this, the Estates guaranteed the right to sit and vote among the prelates and magnates, that is, in the Upper House, for the provost of Nagyvárad, who was also the general vicar of the Premonstratensians in Hungary. However, as we have seen, the Jesuits had to be content with the regulation that was already included in the draft decree of 1712: as long as they held their titular abbeys and provostries, they could send two Hungarian representatives to the Diet. The decree also admitted new monastic orders: the Camaldolese, the Trinitarian, and the Piarist, "but without any vote or seat". It also stated that from then on, new monastic institutions could only be founded with the ruler's permission.[68]

In the neighbouring Lower Austria, home to the mother monasteries of several Hungarian monastic institutions, we also find abbots and provosts among the prelates. In the fifteenth century, a separate prelate's table was developed, which incorporated Benedictine abbots, including Altenburg, the Scottish Abbey (Schottenstift) in Vienna and Göttweig, Cistercian superiors, including Heiligenkreuz and Lilienfeld, and the provosts of Premonstratensian convents, including Perenegg. Here, we also find four collegiate chapters that were much more common in German territories than in Hungary during this period, and even the abbess of the Benedictine convent in Erla was among the prelates. However, there is a significant difference in that only some of the bishops appeared on the prelates' table at these provincial assemblies, while the rest were found among the ranks of the nobility, meaning that the clergy did not form such a closed group as they did in the Hungarian Diet. The bishop of Wiener Neustadt, for example, only received his seat among the prelates after the Josephine diocesan reform, when the centre of the bishopric moved to Sankt Pölten, Austria.[69] The prelates' tables at the Reichstag also consisted mainly of monks, as the composition of the Swabian prelates clearly shows. At the end of our period, the Swabian table comprised 23 members consisted of Benedictine, Cistercian, Premonstratensian, and Augustinian canon superiors, as well as female superiors of the Poor Clare. However, due to the curial vote, which had become common practice by this time, the prelates' tables had

[66] Draft of Charles III's decree of 1 August 1712: MNL OL N 50, Lad. R, Diaeta anni 1708–1715, Fasc. X, Nr. 13.
[67] Article LXXIII of 1715.
[68] Article CII of 1715.
[69] STRADAL 1973. p. 53–115.

significantly less political influence than their Hungarian counterparts at the Diet of Pozsony.[70]

The power struggles among the leaders of the religious orders, in addition to the symbolic political manifestations also testify to the attitude of the Hungarian estates toward participation in the Diet, which they were able to assert against both the monarch and the newly emerged estate actors. Although it was the monarch's prerogative to convene the Diet and invite participants, participation in the *tractatus diaetalis* was only possible with the consent of the Estates and in accordance with customary law, which could not be overridden by either the monarch's will or canon law.

BIBLIOGRAPHY

ARCHIVAL SOURCES

BEKK Ab 154	Budapesti Egyetemi Könyvtár Kézirattára [Manuscript Collection of the Budapest University Library], Ab 154 Acta Paulinorum. Continentia acta in capitulo generali tractata, nomina professorum et mortuorum ordinis S. Pauli.
CSPPL 30a III. 1.	Csornai Premontrei Prépostság Levéltára [Archives of the Premonstratensian Provostry of Csorna]
EPL EFL	Esztergomi Prímási Levéltár, Esztergomi Főkáptalani Levéltár, Esztergomi Főkáptalan Magánlevéltára [Archives of the Primate of Esztergom, Archives of the Chapter of Esztergom, Private Archives of the Chapter of Esztergom]
MNL OL N	Magyar Nemzeti Levéltár Országos Levéltára, Regnicolaris Levéltár, Archivum Regni, Diaetae [Hungarian National Archives, Regnicolar Archives, Archivum Regni, Diaetae]
MNL VeML XII.2.a	Magyar Nemzeti Levéltár Veszprém Vármegyei Levéltára, XII. 2. A Ciszterci Rend Zirc–Pilis–Pásztó és Szentgotthárdi Apátságának Levéltára [Hungarian National Archives, Veszprém County Archives, XII. 2. Archives of the Cistercian Abbies of Zirc–Pilis–Pásztó and Szentgotthárd]
OGYK 700.477	Országgyűlési Könyvtár, Gyurikovits-gyűjtemény [Library of the Hungarian Parliament, Gyurikovits Collection]
OSZKK Fol. Lat. 565	Országos Széchényi Könyvtár Kézirattára [Manuscript Collection of the National Széchényi Library] Volumen I. actorum diaetalium de anno 1708. [usque ad annum 1715.] cum suo indice, per Ferdinandum Dobner ... civitatis Soproniensis senatorem seniorem.
OSZKK Fol. Lat 4266	Országos Széchényi Könyvtár Kézirattára [Manuscript Collection of the National Széchényi Library] Fol. Lat. 4266, Catalogus I. admodum reverendorum religiosorum venerabilium patrum ac fratrum monasterii Henrichoviensis secundum ordinem professionis sibi invicem proxime succedentium ab anno 1656.
ÖNB HS, Cod. 12106–12109	Österreichische Nationalbibliothek, Handschriftensammlung, Cod. 12106–12109 Litterae Annuae Provinciae Austriae Societatis Jesu (1712–1715)

[70] REDEN-DOHNA 1982. p. 8.

ÖStA HHStA UA	Österreichisches Staatsarchiv, Haus-, Hof und Staatsarchiv, Ungarische Akten
PFL	Pannonhalmi Főapátsági Levéltár [Archives of the Archabbey of Pannonhalma]

PRINTED SOURCES

BÉKEFI 1902	BÉKEFI, Remig: *A pásztói apátság oklevéltára, 1342–1812* [Charter Collection of the Abbey of Pásztó, 1342 – 1812]. Budapest. 1902 (A zirci, pilisi, pásztói és szent-gotthárdi apátságok története V.).
ERDŐDY 2004	Erdődy Sándor Vas megyei főispán naplója a pozsonyi országgyűlésről [Diary of Sándor Erdődy, Lord Lieutenant of the County of Vas]. In: *Rákóczi tükör. Naplók, jelentések, emlékiratok a Rákóczi-szabadságharcról*. Ed. R. VÁRKONYI, Ágnes – KÖPECZI, Béla. Budapest. 2004.
HERMANN 2013	HERMANN, Engelbert: Acta et observata penes diaetam Hungaricam Posonii celebratam, item coronationem Domini Caroli VI. ibidem peractam anno 1712. per Patrem Engelbertum Hermann professum Velehradensem, qua plenipotentiatum ablegatum Reverendissimi Domini Domini Floriani Abbatis. In: Az 1712. évi pozsonyi diéta egy ciszterci szerzetes szemével. Ed. FORGÓ, András. Pannonhalma – Veszprém. 2013 (Fontes ex Archivo Sancti Martini editi I. / A Veszprém Megyei Levéltár kiadványai 32).
LUKÁCS 1993	LUKACS, László: *Catalogi personarum et officiorum provinciae Austriae S. I.* Vol. VII. Romae. 1995.
MÁRKUS 1900	*Corpus Juris Hungarici – Magyar Törvénytár 1000–1895. [vol. IV] 1657–1740. évi törvénycikkek* [Corpus Juris Hungarici – Laws, Decrets of the Kingdom of Hungary 1000–1895. [Vol. IV] Laws of Years 1657–1740]. Ed. MÁRKUS, Dezső. Budapest. 1900.
R. VÁRKONYI – KIS 2004	A Rákóczi-szabadságharc [Rákóczi's War of Independence]. Ed. R. VÁRKONYI, Ágnes – KIS, Domokos Dániel. Budapest. 2004 (Nemzet és emlékezet).

SECONDARY LITERATURE

ALPÁR 1942	ALPÁR, Lucián: *A zirci apátság függetlenítésének kérdése* [The Question of the Independence of the Zirc Abbey]. Budapest. 1942.
BAHLCKE 2005	BAHLCKE, Joachim: *Ungarischer Episkopat und österreichische Monarchie. Von einer Partnerschaft zur Konfrontation*. Stuttgart. 2005 (Forschungen Zur Geschichte Und Kultur Des Ostlichen Mitteleuropa)
BAHLCKE 2006	BAHLCKE, Joachim: A „Magyar Korona püspökei". Adalék az egyház 17 és 18. századi társadalom- és alkotmánytörténetéhez [The "Bishops of the Hungarian Crown". An addition to the social and constitutional history of the church in the 17th and 18th centuries], *Történelmi Szemle* 48 (2006), p. 1–24.
BÁNK 1958	BÁNK József: *Egyházi jog. Az egyházi alkotmányjog alapjai* [Esslesiastical Law. The Foundations of Ecclesiastical Constitutional Law]. Budapest. 1958.

DEWALD 1996	DEWALD, Jonathan: *The European Nobility, 1400–1800*. Cambridge. 1996.
ECKHART 1941	ECKHART Ferenc: A praecedentia kérdése a magyar rendi országgyűléseken [The Question of Precedence in the Hungarian Parliament of Estates]. In: *Notter Antal Emlékkönyv. Dolgozatok az egyházi jogból és a vele kapcsolatos jogterületekről*. Ed. ANGYAL, Pál – BARANYAI, Jusztin – MÓRA Mihály. Budapest. 1941. p. 172–180.
FARLATI 1775	FARLATI, Daniel: *Illyrici sacri. Tomus Quintus. Ecclesia Jadertina cum suffraganeis, et Ecclesia Zagrabiensis*. Venetiis. 1775.
FORGÓ 2017	FORGÓ, András: *Egyház – Rendiség – Politikai kultúra. Papok és szerzetesek a 18. század országgyűlésein* [Church – Estates – Political Culture. Priests and Monks at the Hungarian Parliament of the 18th Century]. Budapest. 2017.
FORGÓ 2018	FORGÓ, András: Die Wahrnehmung der ständischen Politik in der ordensinternen Kommunikation: Ein Zisterziensermönch aus Mähren auf dem ungarischen Landtag In: *Kommunikation zwischen Kloster und Welt in Spätmittelalter und Früher Neuzeit*. Hrsg. ČERNUŠÁK, Tomáš – KOLLERMANN, Karl – RABL, Irene. Sankt Pölten. 2018. p. 322–337.
GUSZAROVA 2005	GUSZAROVA, Tatjana: A 17. századi magyar országgyűlések résztvevői [Participants in the 17th-century Hungarian Diet]. *Levéltári Közlemények* 76 (2005:2), p. 93–148.
KÁDÁR 2022	KÁDÁR, Zsófia: Egyháziak a magyar országgyűlések alsótábláján, 1608–1688 [Clergymen in the Lower House of the Hungarian parliament]. *Történelmi Szemle* 64 (2022:2), p. 203–249.
KLAIĆ 1915	KLAIĆ, Vjekoslav: *Die kroatische pragmatische Sanktion. Vorgelegt in der feierlichen Sitzung der südslavischen Akademie der Wissenschaften und Künste in Zagreb am 23. Mai 1914*. (Aus dem „Rad Jugoslavenske Akademije (Band 206) übersetzt von Georg Szabo.) Zagreb. 1915.
LUKÁCS 1989	LUKÁCS, László: *A független magyar jezsuita rendtartomány kérdése és az osztrák abszolutizmus, 1649–1773* [The question of the independent Hungarian Jesuit province and Austrian absolutism. 1649–1773]. Szeged. 1989 (Adattár a 16-18. századi szellemi mozgalmaink történetéhez).
LÜNIG 1719	LÜNIG, Johann Christian: *Theatrum Ceremoniale Historico-Politicum. Oder Historisch- und Politischer Schau-Platz Aller Ceremonien*. Vol. I. Leipzig. 1719.
MÁLNÁSI 1933	MÁLNÁSI, Ödön: *Gróf Csáky Imre bíbornok élete és kora, 1672–1732* [Life and Times of Cardinal Imre Csáky, 1672–1932]. Kalocsa. 1933.
NÉMETH 1907	NÉMETH, Ambrus: *A pannonhalmi főapátság története. Ötödik korszak. A magyar Szent-Benedek-Rend megerősödése és bukása az állami mindenhatósággal szemben, 1709–1802* [History of the Archabbey of Pannonhalma. Fifth period. The Rise and Fall of the Hungarian Order of Saint Benedict in the Face of State Omnipotence]. Budapest. 1907. (A pannonhalmi Szent-Benedek-Rend története V).
REDEN-DOHNA 1982	REDEN-DOHNA, Armgard von: *Reichsstandschaft und Klosterherrschaft. Die schwäbischen Reichsprälaten im Zeitalter des Barock*. Wiesbaden. 1982. (Institut für Europäische Geschichte Mainz, Vorträge Nr. 78).
SCHINDLING 1991	SCHINDLING, Anton: *Die Anfänge des Immerwährenden Reichstags zu Regensburg. Ständevertretung und Staatskunst*

nach dem Westfälischen Frieden. Mainz. 1991. (Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Abteilung Universalgeschichte, 143).

SÖRÖS 1912 — SÖRÖS, Pongrác: *Az elenyészett apátságok* [The Vanished Abbeys]. Budapest. 1912. (A Pannonhalmi Szent-Benedek-Rend története XII/B).

STRADAL 1973 — STRADAL, Helmuth: Die Prälaten – Grundlagen und Ausbildung der geistlichen Landstandschaft. In: *Herrschaftsstruktur und Ständebildung. Beiträge zur Typologie der österreichischen Länder aus ihren mittelalterlichen Grundlagen*. Band 3. München 1973. (Sozial- und Wirtschafthistorische Studien), p. 53–115.

SZIJÁRTÓ 2005 — SZIJÁRTÓ, M. István: *A diéta. A magyar rendek és az országgyűlés* [The Diet. The Hungarian Estates and the Parliament]. Budapest. 2005.

R. VÁRKONYI 2006 — R. VÁRKONYI, Ágnes: II. Rákóczi Ferenc és a jezsuiták [Ferenc Rákóczi II and the Jesuits]. In: *A magyar jezsuiták küldetése a kezdetektől napjainkig*. Ed. SZILÁGYI, Csaba. Piliscsaba. 2006 (Rendtörténeti konferenciák 2). p. 163–189.

ZSILINSZKY 1888 — ZSILINSZKY Mihály: *Az 1708-ki pozsonyi országgyűlés történetéhez* [On the History of the 1708 Diet of Pressburg]. Budapest. 1888. (Értekezések a történelmi tudományok köréből XIII. 11).

ZSILINSZKY 1897 — ZSILINSZKY Mihály: *Az országgyűlés vallásügyi tárgyalásai a reformatiótól kezdve* [The Religious Debates of the Parliament since the Reformation]. Vol 4. Budapest. 1897. (A Magyar Protestáns Irodalmi Társaság kiadványai).

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 167–182.

DOI: 10.15170/SPMNNV.2025.14.10

Rudolf BARIŠIĆ, PhD
rudolf.barisic@gmail.com
Croatian Institute of History
Research Department for Historical Sources and Digital History
Opatička 10
10 000 Zagreb
Croatia

Rudolf BARIŠIĆ

Navigating Dual Identities: The Barišić Affair and the Challenges of Consensus

Within the Ottoman legal system of the late eighteenth and early nineteenth centuries, religion played a central role in shaping individual identity, leaving a profound imprint on everyday life. This process, commonly referred to as confessionalization, can be traced as far back as the seventeenth century. Because Bosnia was inhabited by members of three major confessional groups, the dynamics of confessionalization there often assumed distinctive and complex forms. In the case of the Bosnian Catholic community, the Franciscan Province of Bosna Srebrena had played a significant role since the Middle Ages. Unlike the majority of Bosnian Catholics—especially after the large-scale migrations during the Great Turkish War (1683–1699)—the Bosnian Franciscans preserved certain memories of the medieval Bosnian Kingdom. Their identity was therefore shaped not only by their confessional affiliation but also by a strong sense of Bosnian historical consciousness. As their education had to be pursued abroad, the Franciscans were exposed to cultural and intellectual influences emanating from the West. By the late eighteenth century, their main destinations for study were Italy and the Hungarian part of the Habsburg Monarchy. In the early decades of the nineteenth century, the differing experiences acquired in these two environments left markedly distinct impressions. These differences would later emerge as a significant factor during the Barišić Affair, a conflict that profoundly influenced the subsequent development of Bosnian Catholic identity.

Keywords: Confessionalism; Franciscan Province of Bosna Srebrena; bishop Rafo Barišić; identity issues

At mid-nineteenth century, the village of Márkó, near Veszprém, became a focal point of conflict between its German inhabitants and the Hungarian authorities. The dispute centered on the appointment of a new teacher for the village school. The German community— that called the village Markusdorf — refused to accept the government's candidate, citing his inability to speak German—the language they desired for their children's education. The Hungarian authorities countered that, as the Germans "eat Hungarian bread," they should accept the government's choice and allow their children to learn Hungarian. The Germans retorted: "It is our Swabian wives who bake the bread we eat." Ultimately, the Hungarian authorities conceded, and a German-

speaking teacher was appointed to the village school.[1] German language persisted there until 1945 when the majority of German inhabitants left Hungary and moved westward.

The source reffering to these events does not originate from Hungary, nor is it written in Hungarian or German. Its author was Jakov Baltić, the most notable Bosnian Franciscan chronicler from the nineteenth century. Baltić himself spent three years studying theology in Veszprém and he was obviously familiar with local dynamics. But why was he interested in introducing this to his countrymen?[2] Why did he find this story instructive and worthy of remembering? In order to fully understand the context, one has to examine the earlier period.

The identity of the people within Ottoman Bosnia was primarily expressed through their religious affiliation.[3] However, this does not mean that some did not consider identity in terms more closely aligned with trends in the rest of Europe, such as historical borders or shared ancestry. The reality was that this entire question of identity did not represent a major concern for the majority of people, nor for the literate population, at least not until the 1830s. Another challenge in analyzing this issue stems from the fact that people in the eighteenth or nineteenth centuries did not contemplate or write about it using the categories or addressing the questions employed by modern historians. This can be particularly tricky in the Bosnian case, as the question of the identity of the people living there is inextricably linked to the question of who "owns" Bosnia, a question that still carries significant emotional weight and can still be used as a means of political mobilization.[4]

Focusing mainly on the Bosnian Catholics this paper will propose a framework for understanding the evolution of their national identity, the role of the Franciscans in this process, and how this issue manifested within their community. As members of the Catholic Church, with many having some experience of living in the West, the Bosnian Franciscans were a group particularly receptive to the ideas and influences emanating from Western Europe, which, during the eighteeneth and nineteenth centuries, established itself as a cultural and political centre of the world. Their identity was closely associated with their clerical status, which emphasized Catholicism as their most defining characteristic.[5] During the eigtheenth century wars between the Habsburg Monarchy and the Ottoman Empire, in which much of the fighting

[1] BALTIĆ 2003. p. 266.

[2] Baltić's Hungarian journey began in 1834, with his enrollment in philosophy at Dunaföldvár. The following year, he relocated to Pécs, where he pursued a major in philosophy and commenced his theological studies. In 1837, he was transferred to Veszprém. On Palm Sunday of 1840, he and three other Bosnian Franciscan students secretly departed Veszprém, a subject that will be addressed later. He ultimately completed his studies in Dubrovnik in 1841. BARIŠIĆ 2021a. p. 335.

[3] This is especially evident in works such as DŽAJA 1999; ANČIĆ 2004.

[4] HAJDARPAŠIĆ 2015 offers an analysis of how this struggle was conducted in the second half of the nineteenth century and by the time of the beginning of the First World War.

[5] The emphasis on Catholicism as the backbone of identity is evident in works such as DŽAJA 1971; DŽAJA 1999; KURSAR 2018; BARIŠIĆ 2021b.

took place in Bosnia, Franciscan sympathies were firmly aligned with the former. Many Franciscans actively supported Habsburg war efforts, particularly during the Dubica War (1788–1791).[6] Even in its aftermath and well into the nineteenth century, a significant group of Bosnian Franciscans maintained a strong pro-Austrian orientation, primarily based on their shared Catholic faith.

Despite the mutual confessional affiliation as the general principle of a certain allegiance of the Franciscans to the Habsburgs, at the practical level relations were not always cordial. Following the Treaty of Karlowitz [Sremski Karlovci, SRB] in 1699, the Province of Bosna Srebrena found itself under the political jurisdiction of three different states, and each part experienced a distinct development of its affairs.[7] These differences soon led to disputes, and the solution was found in the division of the province. In 1735, the Dalmatian part seceded. The division of the remaining two parts was also intended to occur at the same time, but the two sides could not agree on the future borders, as the papal representative's proposal sought to keep the Slavonian and Bosnian monasteries together. In the following years, the Bosnian and, as they were called, *Transavan* friars saw their relationship deteriorate. After a series of bitter mutual accusations, the province was divided along international borders: the new Province of St. John of Capistrano gained a vast number of monasteries north of the Sava River.[8]

Regarding the question of identity, the idea that the Slavonian and Bosnian monasteries should have remained together invokes the notion that this was motivated by reasons of shared national identity. This idea could be further emphasized by the fact that, according to some sources, this proposal failed to materialize because the monasteries in Syrmia, originally intended to be part of the province with those in Hungary, expressed their desire to remain with the Bosnian and Slavonian parts.[9] When examining Bosnian sources related to this issue, it is noted that the troubles began with the entry of Hungarians (and later also Germans) into the Franciscan ranks. Indeed, at its chapters held in 1700 and 1705, Bosna Srebrena petitioned the Court in Vienna to ban the youth of "other nations" from joining the Franciscans.[10] However, a decade later, a similar plea specifically identified these foreigners as Italians, rather than Hungarians.[11] Additionally, the chronicle of Bono Benić, the main advocate for the Bosnian side in these conflicts, identified Filip Penić and Josip Janković as the primary antagonists, vehemently accusing them of anti-

[6] Džaja 1971. p. 88.
[7] Džaja 1971. p. 118–121.
[8] A contemporary description from the Bosnian perspective can be found in Benić 2003. p. 59–105 and 200–201. Although Benić himself played a significant role in the division of 1757, which makes his writting heavily biased, he nevertheless offers a thorough and comprehensive description.
[9] Jelenić 1912. p. 140–142.
[10] Jelenić 1927. p. 4–6.
[11] Jelenić 1927. p. 11–12.

Bosnian bias.[12] This perspective sheds a different light on the concept of shared identity between Bosnians and Slavonians—an identity that would not be based solely on their shared Catholic faith.[13]

Based on the preceding discussion, it can be concluded that the Bosnian Franciscans exhibited two layers of identity. One was rooted in their Catholic faith, which shaped their relationships with the non-Catholic Bosnian population and was also crucial for their political orientation.[14] On the other hand, in dealing with neighbouring provinces and other ecclesiastical structures, their Bosnian identity took precedence. This identity was still vague and lacked consistent elements that would be developed later, but it cannot be disregarded in any analysis.

It is important to explore the internal dynamics within Bosna Srebrena itself. Again, this is an issue that can only be fully understood in retrospect. First, it is necessary to remember that there were only three monasteries remaining, with only two additional churches. These monasteries were all located in three small, more or less neighbouring towns, and they divided the parishes among themselves.[15] Having a monastery granted a certain religious and social prestige to each of these towns and their Catholic inhabitants, but there were other places where the Catholic population held a higher social status. For example, within the area of the Fojnica monastery, there were strong Catholic communities in Travnik, Jajce, and Livno, with many merchants and craftsmen. Within the area of the Sutjeska monastery, there was Vareš, with a strong mining community. A significant number of Franciscans originated from these social groups, thus manifesting a strong sense of local pride. This did not affect their Catholic or their Bosnian identity, but it did have a certain impact on internal affairs, perhaps influencing the allocation of resources or the prioritization of local needs. The case of the third area, that of the Kreševo monastery, provides a more pronounced example.

Within this area, Kreševo likely boasted the most prosperous Catholic community. It also encompassed Sarajevo, the most populous town in Bosnia itself, but the local Catholic community there never fully recovered from the population losses caused by migrations following the military operations of

[12] Penić and Janković were also members of Bosna Srebrena prior to the division, and the latter even served as provincial between 1751 and 1754. In his chronicle, Benić praised Janković for his education, but also strongly accused him of arrogance and a strong bias towards Bosnians. Benić wrote that Janković's tenure made the division inevitable, claiming that Janković acted dishonorably by sowing division among the Bosnians themselves, as he convinced members of the Kreševo monastery to support the division. BENIĆ 2003. p. 75–89.

[13] The longevity of these differences is further highlighted in MOLNÁR 2022.

[14] This was evident during the Napoleonic Wars, particularly after Dalmatia came under French rule in 1805. France established a consulate in Travnik, and the French consul attempted to establish connections with the Franciscans. Their response was polite, but lukewarm at best, primarily due to the papal excommunication of Napoleon. DŽAJA 1971. p. 89–93.

[15] The monasteries were located at Fojnica, Kreševo and Kraljeva Sutjeska, while the remaining two churches existed at Podmilačje near Jajce and at Vareš.

Prince Eugene of Savoy.[16] The majority of Catholics associated with the Kreševo monastery resided in Herzegovina, and they exhibited strong regional pride, even to the point of not readily identifying as Bosnians. This sentiment was mirrored by the local Franciscans, whose numbers surpassed those from Kreševo, Sarajevo, and Žepče, the only settlements located within regional Bosnia. These two regional groups were consistently at odds, to varying degrees, a dynamic that would have significant consequences in the nineteenth century.[17] Finally, it is worth noting that during the eighteenth century, Bosnia experienced some Catholic immigration, particularly from Dalmatia. These settlers initially maintained their non-Bosnian identity. This is interestingly reflected in Franciscan sources. On several occasions during elections, some candidates attempted to discredit their opponents by invoking that they were of Dalmatian origin.[18]

As mentioned, the Bosnian Franciscans were a group of Bosnian inhabitants with the most extensive ties to the West. When the concept of a political nation started emerging, it was inevitable that these ideas would also impact the Bosnians. The most important place during the eighteenth century with which they maintained connections was Italy, where they primarily travelled to pursue higher education, as prescribed by the Council of Trent. In the final decades of the same century, the Habsburg Monarchy began hosting Bosnian Franciscans for the same purpose, but on a more organized level.[19] These influences proved pivotal in shaping how the Bosnian Franciscans began to understand their identity.

In the aftermath of the Napoleonic Wars, European states began to emerge as nation-states, giving rise to several important issues, primarily the Italian and German questions. As Italy and the Hungarian part of the Habsburg Monarchy regularly hosted Bosnian Franciscans, they were naturally exposed to these influences. This took place within a framework shaped by several factors. Firstly, the Bosnian students were members of a religious order, residing in monasteries and often attending classes there, thus their worldview was still significantly shaped by their faith. Secondly, and perhaps more importantly, their perspectives were already moulded by their experiences at home, the traditions of their province, and the influence of older friars.[20]

[16] First major offensive of Habsburg Army into the Bosnian territory occurred during the winter of 1688/89 when it operated along the Drina River. Prince Eugene led the offensive in 1697 when his Army reached Sarajevo and burned it to the ground. DŽAJA 1999. p. 164-165.

[17] BARIŠIĆ 2021a. p. 29 and footnote 40.

[18] DŽAJA 1971. p. 208. Notably, these attempts exhibit a pattern of exclusion based not on the person's self-ascribed identity, but on assumptions about their origin.

[19] BARIŠIĆ 2021a examines the historical context and organizational aspects of the entire process concerning the friars who received their education in the Hungarian part of the Habsburg Monarchy.

[20] This can be illustrated by the case of Bono Perišić, who studied at Pécs between 1831 and 1837. His mother's uncle, Mato Kristićević, was also a friar with a significant prestige among the Bosnian Franciscans. When Perišić entered the Franciscan ranks, Kristićević was already of advanced age and resided at the Fojnica monastery. This enabled him to play a crucial role in Perišić's education and formation. Kristićević dedicated considerable effort to teaching Perišić Latin, and encouraged

Finally, it is difficult to ascertain the extent to which each individual was interested in the broader social situation of their host country. Sources indicate that some Bosnian students maintained ties with local colleagues, while others tended to isolate themselves, preferring the company of their compatriots. Some were eager to learn local languages and read local newspapers. Many, however, let such opportunities pass them by, focusing solely on their personal goals and showing little interest in local affairs.

The two different locations also provided distinct circumstances for the Bosnian students' stays, further diversifying the influences they brought back to Bosnia.[21] In Italy, they resided within confessionally and linguistically compact communities. As the proponents of Italian unification largely held anticlerical views, viewing the pope and the Habsburgs as the primary obstacles to achieving their ultimate goal, this only pushed the Bosnian Franciscans to adhere more firmly to their faith and their pro-Habsburg stance. Conversely, students staying in Hungary had broader and more multifaceted experiences. Although they resided in parts of Hungary where Catholics constituted the majority of the population, they nevertheless had the opportunity to experience a multiconfessional society that could have reminded them of their homeland. For example, during the first half of the nineteenth century, Pécs[22] represented a Catholic stronghold, but its surrounding areas included many Protestant settlements.[23] Adding to the confessional plurality, Hungary was a multilingual society. The majority of Bosnian students spent at least some time among the Croatian-speaking population. As it was customary to occasionally move students from one place to another, many studied theology in Hungarian, German, or Slovak-speaking

him to write letters in this language. Owing to this influence, Perišić began, from an early age, to pay attention to preserving letters he received and started making copies of those he personally sent. The majority of them have been preserved and published: BARIŠIĆ, 2023a. The correspondence between the two demonstrates how Kristićević sought to influence Perišić's worldview. He used his influence to ensure that Perišić would be sent to Pécs to study and advised his young pupil to learn Hungarian and German. Perišić later gained a reputation as the most educated Bosnian Franciscan; however, he did not play a significant role in the community, as he never held the position of either the provincial or guardian of the monastery. After his death, he was quickly forgotten, despite leaving a substantial number of manuscripts that are yet to be published.

[21] In the aftermath of the Napoleonic Wars, the number of the Bosnian students studying in Hungary in its limits at that time surpassed those pursuing their studies in Italy. By the 1830s, Franciscan monasteries across Hungary hosted, on average, 32 students at various levels. In contrast, the number of Bosnian students in Italy was generally considered to be lower, although exact figures have not been established. In 1836, which can be regarded as the peak of the process during which Habsburg authorities financed the education of the Bosnian students, their number reached 35, while Italian Franciscan provinces hosted 27 Bosnian students. SchBA 1836. p. 33.

[22] By the number of Franciscan students from Bosnia hosted, the monastery at Pécs was surpassed only by the monasteries in Zágráb [Zagreb, HR] and Pozsega [Požega, HR]. The overall number of Bosnian students that spent some time at Pécs was 48. BARIŠIĆ 2021a. p. 493–495.

[23] For example in the parish of Bogdása the majority of the populace belonged to the Reformed Church, although Catholics represented majority within Bogdása itself. The parish consisted of 11 settlements with Protestants being majority in 8 of them. Furthermore, there were Protestant churches in each of the said 8 settlements, while Catholics possessed only 2, one in Bogdása and the other in Sellye. BARIŠIĆ 2023a. p. 160.

areas. Some of these were dominated by speakers of a single language, but many—with Pécs again serving as a suitable example—had populations speaking various languages, all of which shaped their identities.[24] As emphasized in Baltić's writing in the introduction, it was language that left the deepest impression on the Bosnian students.

The most profound impact on the Bosnian Franciscan students in Hungary had the Illyrian Movement and its leader Ljudevit Gaj. The main principle of this movement was that all South Slavs constitute one large family with a common origin and should therefore use the same language. Gaj himself was born into a family of German descent and grew up speaking both German and Kajkavian dialect of Croatian. While attending high school in Karlovac, he learned Shtokavian, which he later advocated as the basis for the Illyrian language, ultimately making it the foundation of the modern Croatian standard language.[25] It was precisely the idea of a common language and shared ancestry as the basis of a broader identity that proved so attractive to many Bosnian students. This phenomenon likely would not have occurred had they not encountered these questions while in Hungary. Not only does Baltić's writing, as quoted earlier, illustrate this development, but many other entries in his *Yearbook* also reflect it. Bosnians realized that Catholicism was not the only foundation for unity. Although Baltić and many other Bosnians expressed disdain for *Magyarization*, they simultaneously admired and respected the enthusiasm of the Hungarians for their language.[26]

It is essential to emphasize that Catholicism still had a significant impact on the attitudes of the Bosnian students, and this influence was also strong within Hungary itself. Six years after finishing his studies at Pécs and moving back to Bosnia, Bono Perišić exchanged letters with some of his former colleagues and

[24] During Bono Perišić's stay in Pécs, the Catholic parishes within the city provide relevant context. In 1837, among the Catholic population, Hungarian was spoken by 5,342 people, German by 4,779, and Croatian by 3,840. SchQE 1837. p. 58–59. These figures represent the primary language usage, while a significant degree of bi- or trilingualism existed. The overall numbers for both Hungarian and German-speaking populations were likely higher, as a negligible number of Protestants living in the city of Pécs probably belonged to one of these groups, as did the Jewish community. Within the diocese of Pécs, there were 143,332 Catholics who used Hungarian as their primary language, 107,079 who spoke German, and 63,397 who were Croatian-speaking. Among the non-Catholics, there were 18,953 Orthodox, 29,423 Lutherans, 75,172 members of the Reformed Church and 6,709 Jews. Barišić 2023a. p. 158.

[25] This represents a rather simplified overview of the ideology of the Illyrian movement. There is a abundant literature on this subject. The most concise work written in English is: Murray-Despalatovic 1975. There is also a later Croatian edition published in 2013.

[26] At the same time when he was describing the dispute at Márkó, Baltić noted the following: "When I was staying for six years in Hungary pursuing my studies, I was astonished by how much Hungarians cherished their language. They *magyarized* dozens of our villages by placing Hungarians as teachers or priests thus *magyarizing* by force." Baltić 2003. p. 265–266. In Croatian Baltić writes the expression "sela našinaca" which cannot be translated literarly. The closest interpretation would be "villages where our people lives." Baltić spent two years in Pécs where local Croats still refer to themselves as *Bošnjaci* (Hungarian: *Bosnyákok* or *Bosnyák-horvátok*). In Baltić's time, this term was also used for Bosnian Catholics, but it is unclear whether he was referring exclusively to them or to the broader Croatian-speaking communities within Hungary.

professors.[27] They were interested in the conflict between Bosna Srebrena and Rafo Barišić.[28] The news coming to Hungary described Barišić's opponents—Perišić among them—as a group on the verge of reneging from the Catholic Church. Perišić's correspondents pleaded with him not to take that step, stressing the importance of Catholic unity.[29] At the same time, they made bitter remarks about the situation within Hungary. During that period, the Diet was discussing the matrimonial law that the Catholic Church vehemently opposed.

The main Bosnian supporters of the Illyrian Movement were Ivan Franjo Jukić, Grgo Martić, Martin Nedić, Jakov Baltić, and Marijan Šunjić, all of whom were educated in Hungary.[30] After returning to Bosnia, each of them participated in various activities beyond their pastoral duties. Each sought, to varying degrees, to overcome confessional boundaries, particularly towards the Orthodox population within Bosnia. This endeavour caused strife within the Franciscan province.

By the 1830s within the ranks of Bosna Srebrena the share of the Franciscans who pursued their education in Italy became smaller in comparison to the former Hungarian students, nevertheless they still held considerable influence within the province itself. The majority of the provincials were still elected from their ranks, which caused a certain displeasure among the rest. A rift began to occur, with two groups even

[27] Bono Perišić's correspondence offers valuable insights into his network. He wrote to several individuals, including former colleagues Károly Szentmiklósy, Josef Schmidt, and Károly Csajághy (whom he mistakenly believed to be dead), as well as his former lecturer Mihály Virág. He also corresponded with Stjepan Grdenić, parish priest in the Buda Suburbium of Pécs, and István Róka, a parish priest in Bogád. While he mentioned writing to János Ranolder, the bishop of Veszprém and another former lecturer, this letter has not been located. Perišić received responses from Szentmiklósy, Virág, and Csajághy. All these letters, published in BARIŠIĆ 2023a. p. 323–328 and 349–354, were written in Latin, with the exception of the letter to Grdenić, which was composed in Croatian. This exchange occurred between 1843 and 1844, coinciding with the height of the Barišić Affair.

[28] More on this below; see especially footnotes 38 and 39.

[29] This is particularly evident from Csajághy's letter, which stated: *Quomodo vobiscum? Condolendo legimus in novis animorum scissiones et praemetuimus deffectionem quam tamen Deus avertat etiamsi vos Itali perperam pro haereticis autument et obsecramus vos ut cedetis potius, quam causa religionis quidpiam patiatur* (= "How are you? We read with sorrow in the news of divisions of minds and we fear defection, which may God avert, even if Italians wrongly judge you as heretics, and we beseech you to yield rather than the religion suffers anything.") BARIŠIĆ 2023a. p. 354. This passage highlights the concerns regarding internal divisions and the potential for conflict, even suggesting compromise to preserve religious unity.

[30] Baltić's curriculum has already been presented, as well as the places of his staying. Jukić studied from 1835 to 1840, initially in Zagreb and later in Veszprém, where he and Baltić were classmates. Šunjić, representing an older generation, studied in Zagreb, Mohács, Baja and Székesfehérvár. After completing his theological studies in 1821, he spent three more years in Vienna where he studied oriental languages. Martić pursued his studies from 1838 to 1845 in Požega, Zagreb and Székesfehérvár. Nedić, in contrast, studied at various locations, including Szabadka [Subotica, SRB], Szolnok, Eger, Gyöngyös and Vác, where he graduated in 1835. BARIŠIĆ 2021a. p. 348–349, 367–368, 390–391 and 429.

adopting the names of the regions where they had been educated: *Hungars* opposed *Italians*.[31]

Rafo Barišić was never officially declared nor did he strive to be considered the leader of the Italian Party, but sources opposing him epitomized him as such.[32] The conflict that arose between Rafo Barišić and a significant part of the Franciscan Province was, to a certain degree, also a conflict between the *Italians* and *Hungars*. Feeling a lack of sufficient support within Bosnia itself, Barišić sought to gain the favor of authorities in Rome and Vienna. In doing so, he did not confine himself exclusively to church affairs. Always suspicious of the *Hungars*, Barišić began accusing them of disloyalty to the Habsburg Monarchy.[33] One of the best-known examples of this tension occurred when he revealed an attempt to incite an uprising among the Bosnian Catholics. This poorly conceived plan was undertaken by four students who secretly abandoned Veszprém and travelled to Bosnia, where they split up, each heading to a different region. Lacking proper means, they addressed their religious elders, who dissuaded them from their idea and quickly moved them out of Bosnia.[34] It is not known how Barišić discovered these plans, but he attempted to leverage the situation to his advantage.

According to the later memories of some of the insurgents, among them Baltić, they were inspired by a Serbian family from Veszprém with whom they shared a friendship.[35] It is impossible to discern if Barišić was aware of this connection, but it is precisely this point that strongly contrasted with his own stance. Barišić could not fathom Catholics acting on an incentive from the Orthodox. Two years earlier, he penned a memorandum intended for the Habsburg Court, pleading for assistance.[36] On a broader level, the text contains the typical topics expected on such occasions. However, when examined within the framework of the identity question, some particularly interesting points emerge.

---

[31] The Hungarian party significantly emphasized this division, providing the majority of sources describing the reasons and consequences of the clash, often with a notable degree of bias. Barišić 2021a. p. 248–249. In Croatian, the two groups involved were referred to as *Ugri* and *Talijani*. While *Talijani* corresponds to the term for Italians, *Ugri* was used in a historical context because the Croatian words for Hungary and Hungars (*Mađarska*, *Mađari*) are similar to the Hungarian terms. Therefore, the term *Hungars* is employed to better represent the original context. Notably, Baltić utilized both terms (*Ungarija/Ugarska* and *Mađarska*), gradually transitioning towards the latter, and increasingly emphasising its ethnic connotations. Barišić 2023b. p. 39–40.

[32] This has been reflected for example in Jelenić 1915. p. 181.

[33] After finishing his novitiate and taking religious vows, Barišić was initially supposed to continue his studies in Hungary. However, at the last moment, for unknown reasons, this decision was changed, and Barišić was sent to Italy instead. Barišić 2021a. p. 260.

[34] Barišić 2021a. p. 265–267.

[35] Baltić 2003. p. 140. While the precise identities of the insurgents were subjects to various interpretations, it has been definitively established that they included Jakov Baltić, Franjo Jukić, Blaž Josić and Bartol Jurič.

[36] This memorandum was published in its original Latin version in: Batinić, 1885. p. 110–116. It is possible that Barišić eventually sent a shorter version. Additionally, a Croatian translation was first published in 1900, which can be found in Jelenić 1915. p. 150–162.

Barišić presented a stark, black-and-white portrayal of the situation in Bosnia, casting Catholics as heavily oppressed by Muslims and urgently pleading with the emperor for aid. What is particularly fascinating are the nuances within his plea. Barišić emphasized a sharp contrast between Catholics and Muslims by asserting that the former had consistently maintained loyalty to the sultan and the Central Government in Constantinople, even when the latter were in rebellion. In describing the loyalty of the Catholics, Barišić articulated a powerful sentiment: "We do not seek freedom, which some, especially in these times, claim for themselves, for the sake of empty deception, to the detriment of the faith and the state whose name we do not even know".[37] It is highly justifiable to surmise that with these words, Barišić was targeting movements that opposed the *ancien régime*, of which the Habsburg Monarchy was a primary proponent, and that he was fully aware of the Habsburg policy which intended to preserving *status quo*. In this context, Barišić sought to gain Habsburg support for the improvement of the rights of the Bosnian Catholics, although he probably privately held a desire for ending the Ottoman rule. All of this leads to a compelling conclusion: for Barišić, Catholicism represented the sole cornerstone of his identity. As previously stated, this perspective also reflected his Italian upbringing and the context within which his conservative stance aligned his faith with a pro-Habsburg position. Regarding the Barišić Affair, it's crucial to recognize that most available sources display a strong anti-Barišić bias, originating from his adversaries.[38] Because of his pro-Habsburg leanings, Barišić has also faced consistent criticism from many historians and in various lexicons. For instance, the *Encyclopedia of Yugoslavia* from 1955 characterizes him as an "Italian pupil, a good servant of Vatican and an open proponent of the Austrian policies towards Southslav lands."[39] Nevertheless, even his most vocal critics conceded that he garnered support from a considerable segment of both the Franciscans and the general populace. His Franciscan supporters stemmed from the two main groups. On one hand he could rely on the *Italians*, and the other group where he found a significant degree of support were Franciscans from Herzegovina the majority of whom initially sought to distance themselves from

[37] JELENIĆ, 1915. p. 159. The author even claimed that the Gülhane Hatt-ı Şerifi ("Supreme Edict of Gülhane") proclaimed by the Sultan Abdülmecid I in 1839 was a direct consequence of Habsburg pressure incited by Barišić's plea. JELENIĆ, 1915. p. 162.

[38] BARIŠIĆ 2025a. An often quoted monograph on Barišić Affair is KECMANOVIĆ 1954. It represents an overview of the whole affair but with a strong degree of bias, and the author was more interested in emphasizing the ties established by the part of Barišić's opponents and the Serbian government. See also the following footnote.

[39] KECMANOVIĆ 1955. p. 368–369. The Encyclopedia's portrayal of Barišić must be understood within its historical context, where several factors contributed to a negative sentiment. A prevalent literary trope depicted individuals educated abroad as losing their connection to their homeland and people. Furthermore, the absence of diplomatic ties between Yugoslavia and the Vatican, coupled with a critical view of the Church's historical role, added to the complexity. Finally, the perception of Austria, in all its manifestations, as an oppressor of various peoples, further shaped the narrative. Given these circumstances, it is evident why Barišić was ultimately depicted as a historical villain.

the affair, but they eventually sided with Barišić mainly because they believed that he would assist them in the construction of a new monastery within Herzegovina.[40]

While the entirety of the quarrel was not solely instigated by questions of identity, these factors undeniably played a significant role, particularly from Barišić's perspective. It is symptomatic within this context that the two groups most aligned with the apostolic vicar were precisely those for whom the (proto)national Bosnian identity held the least significance. The Herzegovinians, for instance, demonstrated a stronger orientation towards their regional identity, an identity deeply interwoven with historical ties to the medieval entity. This regional focus offered a distinct sense of belonging, separate from broader national aspirations.

Similarly, the *Italians* placed a strong emphasis on Catholicism, viewing their pro-Habsburg orientation as a potent expression of their political aspirations.

To what degree religion, traditional affiliations, and politics became intertwined is perhaps best illustrated by the aforementioned uprising. According to one version, the entire attempt had been conceived on a far broader scale, encompassing several circles. Besides the four students, these plans allegedly included several Franciscans who were situated in Posavina, a region bordering Habsburg Slavonia. Among them was Ilija Starčević, a well-known Habsburg informant who also served as a liaison to Husein-beg Gradaščević, the leader of the local Muslim elite, who openly rebelled against the central government. Another significant figure was Ambrozije Matić. These two allegedly were buying and storing gunpowder and guns intended for the uprising. Both Starčević and Matić were known for their pro-Habsburg orientation, but they were also staunch opponents of Barišić. As a person of impeccable reputation, Starčević was tasked by his province to travel to the Habsburg Monarchy to advocate for better treatment of Bosnian students, and then to Rome to come out against Barišić's ambitions. Nevertheless, according to the mentioned version, it was actually Starčević and Matić who hindered the uprising. The story goes that they believed the whole thing had been organized with Habsburg backing, and when they discovered they had been deceived, they simply withdrew, leaving the uprisers without the means to proceed with their plans.[41]

In reality, the idea of Starčević's and Matić's participation in the uprising, and their subsequent sabotage of it, lacks plausibility. On one hand, it was based on various reports and rumors, some of which originated even 50 years after the events occurred. On the other hand, these reports mirrored the

[40] In the aftermath of the affair, Herzegovina was separated from the Bosnia in an ecclesiastical sense with the establishment of a new apostolic vicariate and Franciscan custody. Notably, several Franciscans from Herzegovina choose to remain within Bosna Srebrena, and all of them were *Hungars*. Barišić 2021a. p. 314–315, 351, 356, 366, 377, 388, 391, 443.

[41] This interpretation, presented in Doklestić 1982. p. 15–41, offers a potential perspective. However, it is important to note that the author did not endorse this view but rather presented it as one of several possibilities.

complexity of various factors influencing the affairs of Bosnian Franciscans. Starčević and Matić also belonged to the *Hungarian* party, but they had resided in Hungary before the emergence of the Illyrian Movement.[42] To a certain extent, they experienced the phenomenon previously discussed regarding the importance of language transcending confessional divisions. However, they remained unprepared or unwilling to apply the same approach within Bosnia.

For his part, Barišić took the opportunity to smear his opponents by every means possible. He wrote to Rome and Vienna, and travelled to the Vizier in order to personally accuse the insurgents, whom he linked with the opposing party. In Rome, he accused them all of heretical tendencies. In Vienna, he tried to broaden the alleged plans of the uprising by linking them with Habsburg opponents. At the Vizier's court, he advocated that he was the guarantor of the loyalty of the Catholic populace.[43] His actions bore fruit, as the decisions made in Rome in the following years went in his favour, and Vienna sought to distance itself from the whole affair. In 1841, Rome forbade Bosnian students from further attending their studies in the monasteries within Croatia and Hungary, and in 1843, Habsburg authorities did the same.[44] On the other hand, Barišić never gained the support of the Ottoman side, both local and central.

Ultimately, he conceded. Regardless of having the upper hand in the eyes of ecclesiastical authorities, he could not break the resistance of the opposing side, who relied on the support of the local Ottoman authorities. Following the events, most of the available accounts came from his opponents, who were critical of his actions, and also of his supporters, who were often portrayed as morally compromised, and depicted as both weak and cruel. Consequently, it remains difficult to determine their precise positions and how they communicated them to the populace, which was itself fractured. In subsequent accounts, Barišić's opponents often depicted his supporters and followers in a similarly negative light, portraying them as ignorant and easily swayed.[45]

While Bosna Srebrena emerged victorious, many within its ranks viewed the outcome as pyrrhic. The most significant impact stemmed from what many perceived as a betrayal by their protectors, and they were also dismayed by the creation of a separate custody in Herzegovina. This prompted Bosnian Franciscans to further underscore their traditions and their unique status

[42] Starčević arrived in Slavonski Brod in 1811. He subsequently resided in Požega, Pécs, Baja and Szombathely. In 1816 he completed his second year of theological studies. However, he was excused from further studies because Bosna Srebrena faced a shortage of priests due to a plague that resulted in several deaths. Consequently, he was sent back home. Matić commenced his studies in 1816 in Požega, but was soon transfered to Pécs. For reasons that remain unclear, he left Pécs without permission in 1818. Along with a fellow Bosnian student, he attempted to reach Zadar, but their attempt failed, and they returned to Bosnia. He was reinstated to his scholarship resumed his studies in various locations, including Máriaradna [Radna, RO], Újlak [Ilok, HR] and again in Pécs where he graduated in 1824. BARIŠIĆ 2021a. p. 427–428, 433–434.

[43] BARIŠIĆ 2021a. p. 267. Franjo Plehaček, a translator at the Vizier's court, informed Barišić's opponents about of his actions. Plehaček, a Czech, had briefly converted to Islam, but later reverted to Catholicism. His testimony can be found in JELENIĆ 1915. p. 181–183.

[44] BARIŠIĆ 2021a. p. 272–276.

[45] BARIŠIĆ 2025.

among all Franciscan provinces. Disillusionment with Habsburg policies spurred them to turn their attention towards South Slavic connections, irrespective of religious differences, which ultimately resulted in a more prominent role for the *Hungars* in the ensuing decades.

The Barišić Affair thus may serve as an important indicator that the absence of consensus could manifest itself on several interconnected levels. The issue of identity was not the principal motive behind the conflict, nor is it the aim of this paper to contend that identity-related considerations constituted the decisive factor in the Bosnian friars' alignment for or against Barišić. Nonetheless, it is indisputable that identity played a certain—potentially even a significant—role. Since neither side refrained from employing virtually any means to discredit its opponent, Barišić and his supporters regarded the invocation of political orientation as a strategic advantage. This ultimately facilitated the apostolic vicar's success in securing support in Rome and Vienna; however, it simultaneously contributed to a state of stalemate, as his adversaries received backing through the Ottoman legal system.

Barišić continued to emphasize Catholicism as the backbone of the identity of the community to which both he and his opponents belonged. Although many of them nurtured profound resentment toward local Ottoman authorities, they nonetheless proved willing to seek Ottoman assistance and even turned toward Serbia. Such a shift would hardly have been possible without the experiences they acquired during their stay in the Hungarian part of the Habsburg Monarchy. Historiography has frequently attributed this reorientation solely to the influence of the Illyrian Movement, yet a closer examination of the Bosnian Franciscan students' stay in Hungary and Croatia demonstrates that many of them initially remained beyond direct Illyrian influence. Even so, their exposure to new intellectual environments led them, in general terms, toward a similar outcome: the conception of common language and shared origin as central pillars of identity.

Baltić's case may be viewed as paradigmatic in this regard. Although he later emerged as one of the foremost advocates of Illyrian ideas, his formative experiences in Veszprém and Pécs had already inclined him toward such notions. He preserved these impressions consciously and sought to transmit them as instructive examples for future generations. He admired the German-speaking population of Márkó because he wanted his compatriots to act similarly. His reminiscence on the events he heard of while studying at Veszprém was inspired by a conflict in which he himself played a leading role. At the time of writing, he was a chaplain in Livno, in southern Bosnia, near the Dalmatian border. The local Catholic community was engaged in a similar dispute over the selection of a new teacher. One group of parents, primarily merchants and craftsmen with close economic ties to neighbouring Dalmatia, favoured a teacher from Dalmatia. They desired their children to learn Italian, which remained the dominant language of commerce in Dalmatia. Baltić, however, aligned himself with the opposing group, who wished to maintain the *status quo* and have their children taught by a Franciscan. On that occasion, the

first group prevailed. Disappointed, Baltić wrote, "Swabians and Italians share a common trait: they disdain other languages and champion their own"—a characteristic he clearly wished the local Catholics to possess.

The main consequence of this trend was an increasing emphasis on the idea of South Slavic unity. Many prominent Bosnian Franciscans tried to overcome confessional barriers and establish ties with members of the other two major religions present within Bosnia.[46] In the end, these attempts failed to materialize, as religious identity proved to be a border too difficult to overcome. In the following decades, the identity of Bosnian Catholics continued to be grounded in both Catholic and regional Bosnian identities, with both eventually becoming increasingly intertwined with Croatian identity.

BIBLIOGRAPHY

SOURCES

BALTIĆ 2003 — BALTIĆ, Jako: *Godišnjak od događaja i promine vrimena u Bosni 1754–1882* [Yearbook of Events and of Time Change in Bosnia 1754-1882]. Ed. ZIRDUM, Andrija. Zagreb – Sarajevo. 2003.

BATINIĆ, 1885 — BATINIĆ, Mijo Vjenceslav: Njekoliko priloga k bosanskoj crkvenoj povijesti [Several Contributions to the Bosnian Church History]. *Starine JAZU* 17 (1885), p. 77–150.

BENIĆ 2003 — BENIĆ, Bono: *Ljetopis sutješkoga samostana* [Chroncile of the Sutjeska Monastery]. Ed. GAVRAN, Ignacije. Zagreb – Sarajevo. 2003.

JELENIĆ 1927 — JELENIĆ, Julijan: *Spomenici kulturnog rada Franjevaca Bosne Srebreničke* [Monuments of the Culutural Work of the Franciscans of Bosna Srebrena]. Mostar. 1927.

SCHBA 1836 — *Schematismus Missionariae Provinciae Bosnae Argentinae Fratrum Minorum Observantium cura Admodum Reverendi Patris Andreae Kujuncxich de Kreshevo Ministri Provincialis Ejusdem Recusus pro anno MDCCCXXXVI*. Budae. 1836.

SCHQE 1837 — *Conspectus Almae Dioecesis Quinque-Ecclesienis pro anno a Christo Nato M. DCCC. XXXVII. concionnatus*. Quinque-Ecclesiis. 1837.

SECONDARY LITERATURE

ANČIĆ 2004 — ANČIĆ, Mladen: Society, Ethnicity, and Politics in Bosnia-Herzegovina. *Časopis za suvremenu povijest* 36 (2004:1), p. 331–359.

BARIŠIĆ 2021a — BARIŠIĆ, Rudolf: *Bosanski* Ugri – *Institucionalna povijest franjevačkog školovanja 1785–1843* [Bosnian *Hungars* – Institutional History of the Franciscan Education 1785–1843]. Zagreb. 2021.

BARIŠIĆ 2021b — BARIŠIĆ, Rudolf: Narrative Experience of the Other – the Case of Bosnian Catholicism. In: *Institutional Aspects of Church and Social History*. Ed. JERKOVIĆ, Marko. Zagreb 2021. p. 61–84.

[46] This development has been presented in BARIŠIĆ 2025b.

BARIŠIĆ 2023a	BARIŠIĆ, Rudolf: *Od Pečuha do Fojnice. Korespondencija fra Bone Perišića* [Between Pécs and Fojnica: Private Correspondence of Fra Bono Perišić]. Zagreb – Fojnica. 2023.
BARIŠIĆ 2023b	BARIŠIĆ, Rudolf: Ugarska iz kuta ljetopisaca Bosne Srebrene u 18. stoljeću – pogled izvana [Hungary from the Perspective of the Chroniclers from Bosnia Argentina in the Eighteenth Century – An Outside View]. *Croatica Christiana Periodica* 47, nr. 92 (2023), p. 23–41.
BARIŠIĆ 2025a	BARIŠIĆ, Rudolf: Između difamiranja i argumentiranja – izvori za Barišićevu aferu [Between Defamation and Argumentation – Sources for the Barišić Affair]. in: *Authority and Discipline in Religious Communities*. Ed. JERKOVIĆ, Marko – KREŠIĆ-NACEVSKI, Lucija. Zagreb 2025. Forthcoming
BARIŠIĆ 2025b	BARIŠIĆ, Rudolf: Izazovi ilirizma – franjevci Bosne Srebrene i identiteti u prvoj polovici 19. stoljeća [Challenges of Illyrism – Franciscans of Bosna Srebrena and Identities in the First Half of the 19th Century]. *Hercegovina: Časopis za kulturno i povijesno nasljeđe* 11 (2025), p. 313–353.
DOKLESTIĆ 1982	DOKLESTIĆ, Ljubiša: O pokušaju ustanka u Bosni 1840. i o tajnoj politici Gajeva kruga prema Bosni 1843/44. [On the Attempted Uprising in Bosnia in 1840 and on the Secret Policy of the Gaj Circle towards Bosnia in 1843/44]. *Historijski zbornik* 35 (1982), p. 15–41.
DŽAJA 1971	DŽAJA, Srećko M.: *Katolici u Bosni i zapadnoj Hercegovini na prijelazu iz 18. u 19. stoljeće: Doba fra Grge Ilijića Varešanina (1783–1813)* [Catholics in Bosnia and Western Herzegovina at the Turn of the Eighteenth and Nineteenth Centuries: The Age of fr. Grgo Ilijić Varešanin (1783–1813)]. Zagreb. 1971.
DŽAJA 1999	DŽAJA, Srećko M.: *Konfesionalnost i nacionalnost Bosne i Hercegovine: predemancipacijsko razdoblje 1463–1804*. [Confesionality and Nationality of Bosnia and Herzegovina: Pre-emancipatory Period 1463–1804]. Mostar. 1999.
HAJDARPAŠIĆ 2015	HAJDARPAŠIĆ, Edin: *Whose Bosnia? Nationalism and Political Imagination in the Balkans, 1840–1914*. Ithaca. 2015.
JELENIĆ 1912	JELENIĆ, Julijan: *Kultura i bosanski franjevci, I. svezak* [Culture and the Bosnian Franciscans, Volume I]. Sarajevo. 1912.
JELENIĆ, 1915	JELENIĆ, Julijan: *Kultura i bosanski franjevci, II. svezak* [Culture and the Bosnian Franciscans, Volume II]. Sarajevo. 1915.
KECMANOVIĆ 1954	КЕЦМАНОВИЋ, Илија: *Баришићева афера – прилог проучавању историје Босне и Херцеговине у првој половини XIX вијека*. [The Barišić's Affair – Contribution to Studying History of Bosnia and Herzegovina During the First Half of the Ninettenth Century]. Sarajevo. 1954.
KECMANOVIĆ 1955	KECMANOVIĆ, Ilija: Barišić, Rafo. In: *Enciklopedija Jugoslavije 1 A–Bosk*. Ed. KRLEŽA, Miroslav. Zagreb 1955. p. 368-369.
KURSAR 2018	KURSAR, Vjeran: Ambiguous Subjects and Uneasy Neighbors: Bosnian Franciscans' Attitudes toward the Ottoman State, 'Turks,' and Vlachs. In: *Disliking Others: Loathing, Hostility, and Distrust in Pre-Modern Ottoman Lands*. Ed. KARATEKE, Hakan T. – ÇIPA, H. Erdem – ANETSHOFER, Helga. Boston. 2018. p. 148–186.
MOLNÁR 2022	MOLNÁR, Antal: *Zagrebačka biskupija i osmanska slavonija u 17. stoljeću. Uloga Katoličke crkve u teritorijalnoj integraciji kontinentalne Hrvatske* [The Diocese of Zagreb and Ottoman Slavonia in the Seventeenth Century. The Role of the Catholic

Church in the Territorial Integration of Continental Croatia]. Zagreb. 2022.

MURRAY-DESPALATOVIC 1975 MURRAY-DESPALATOVIĆ, Elinor: *Ljudevit Gaj and the Illyrian Movement*. New York – London. 1975.

CONTRIBUTIONS

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 185–196.

DOI: 10.15170/SPMNNV.2025.14.11

András Ribi, PhD
ribi.andras@btk.elte.hu
Eötvös Loránd University
Faculty of Humanities,
Department of Auxiliary Sciences
Múzeum krt. 6-8.
H-1088 Budapest
City Archive and Research Institute
Zichy liget 10.
H-8000 Székesfehérvár
Hungary

András Ribi

Mark of Kált (?), the Custos of Székesfehérvár (1357/1358–1368)
Remarks on the Biography of the Presumed Compiler of the Fourteenth-century Chronicle Composition of Hungary

This paper reviews the biography of Mark of Kált, who has been long regarded as the presumed compiler of the fourteenth-century Hungarian chronicle composition commonly known as the *Illuminated Chronicle*. Earlier scholarship, following Emil Jakubovich maintained that Mark, custos of Székesfehérvár disappears from the sources after 1358. Based on new evidence, however, this paper extends his documented career by a further decade, demonstrating that he served as custos of the collegiate chapter of Székesfehérvár until 1368.

The study critically re-examines the traditional career outline, while addressing the methodological challenges of distinguishing between several high-ranking clerics bearing the same name in mid-fourteenth-century Hungary. Though the identification of Mark custos with Mark of Kált, provost of Kő, remains uncertain, his prolonged service at Székesfehérvár makes it possible that he could have undertaken the compilation of the chronicle commenced in 1358.

Keywords: Mark of Kált; Illuminated Chronicle; ecclesiastical archontology and prosopography; medieval historiography; collegiate chapter of Székesfehérvár; fourteenth-century Hungary

Within the scholarly community, it is widely acknowledged that the latest findings of professional historical research—those supported by objective evidence or broadly accepted scholarly consensus—should be disseminated to a wider audience, and eventually incorporated into educational materials, at the earliest opportunity. This is particularly true in the case of well-known events or prominent historical figures. Among these ranks the presumed compiler—or, more precisely, the redactor—of the fourteenth-century chronicle composition, commonly referred to as the *Illuminated Chronicle* (*Képes Krónika*): Mark of Kált, custos (keeper) of Székesfehérvár, who was

even honoured with a statue in the latter city during the twentieth century. His biography is most frequently reconstructed on the basis of Gyula Kristó's study, written for the Hungarian translation of the *Illuminated Chronicle in 1986.* The biographical dictionaries and online sources continue to reproduce the information set out therein, invariably including the oft-quoted remark: *"After 1358, no further records of Mark of Kált survive."*[1]

In 2018, I published the archontology of the collegiate chapter of Székesfehérvár for the period 1301–1457. In that work—albeit without particular emphasis, and at the time lacking the intermediate data now presented below—I nonetheless indicated unambiguously that Mark, custos of Székesfehérvár, can be traced in the charter material not merely until 1366, but, as more recent findings reveal, as late as 1368.[2] This observation prompted the notion that certain careers revealed through archontological research might merit separate, detailed analysis, particularly those of notable clerics. Furthermore, the comprehensive efforts of the Research Group on Medieval Hungarian Ecclesiastical Archontology 1000–1387—which, in addition to the published volumes of the *Anjou-kori oklevéltár*, also undertakes the examination of original diplomatic sources—may yet provide further data. To anticipate the conclusions: this study not only extends by a full decade the known chronology of a supposedly well-documented figure, but also endeavours to impose order—or at the very least raise doubts—among the several high-ranking clerics named Mark who was active in mid-fourteenth-century Hungary.

The compiler of the fourteenth-century chronicle composition was first identified by János Baranyai Decsi in his work published in 1593. According to him this person was a certain chronicler named Mark, who may have served as the principal source for John of Thurocz. It is evident that such a figure could only have been an educated court cleric, active also within the royal chancery—an identification that historyography, following Emil Jakubovich's brief but influential study published a century ago, has come to accept under the name of Mark of Kált.[3] In his 1986 study, Gyula Kristó summarised the supposed trajectory of this career (citing exclusively on Jakubovich) as follows:

"The courtly connections of that Mark have been established—the one who, at the end of the 1330's, acquired the estate of Kált in Veszprém County, and who, until the 1960's, had generally been regarded as the author of the *Illuminated Chronicle* (or, more precisely, of the fourteenth-century chronicle composition). His career can be followed for nearly a quarter of a century. In

* Original publication: Ribi 2023. p. 45–55. For this English version I have updated the paper with recently published literature.

1 Kristó 1986. p. 468. See e. g. Szovák 2004. p. 241–242. Kristó first took a position in favour of Mark in his large-scale 1967 study: Kristó 1967. p. 480–500. The historian later expressed himself somewhat more cautiously regarding the authorship, see Kristó 1994. p. 381–382; Kristó 2002. 86–88.

2 Ribi 2018. p. 137. Cf. Ribi – Thoroczkay 2024. II. p. 1619.

3 "We believe we have managed to establish his identity, origins, and even his brief biography." Jakubovich 1924. p. 15–18.

1336–1337 he served as chaplain to Queen Elizabeth, wife of Charles Robert. From 1342 he was parish priest of Buda-Váralja. By 1352 he was already in the royal court, custodian of the royal archive kept in the chapel, and canon of Székesfehérvár. In 1354 he became provost of Kő, and in 1358 custos of Székesfehérvár […]. After 1358 no further information is available concerning Mark of Kált. Nor do we possess any source explicitly confirming that he wrote a chronicle. Yet the same is true of Master Ákos, the characteristically oligarchic chronicler of the thirteenth century. Nevertheless, the career paths of both Master Ákos and Canon Mark lend plausibility to this assumption. Until new evidence is brought to light that would disprove it, Mark of Kált may be regarded as the compiler—and, in certain parts, the author—of the chronicle which he begun to write on 15 May 1358 (the fourteenth-century chronicle composition)."

As I am not a specialist in chronicle studies, avoiding any definitive statement on the question of authorship, it is nevertheless worthwhile—on the basis of the foregoing—to review the principal elements of the biography. The key issue is obvious: despite the somewhat suspicious sequence of postings—Székesfehérvár, then the Diocese of Szerém/Syrmia (provostry in Kő), then back to Székesfehérvár—do all five data points (1336–1337, 1342, 1352, 1354, 1358) in fact pertain to the same Mark? In an attempt to retrace Jakubovich's often rather obscure references, and by incorporating new sources, the career may be reconstructed as follows.

The data from 1336–1337 immediately present difficulties, for it was in this period—according to Jakubovich—that Mark received a grant from Queen Elizabeth for lands situated at Kált (also known as Bánkfölde) in Veszprém County, the estate from which his family took its name. In the following year, the act of formal *statutio* also took place. At this point, Jakubovich cites István Sidó of Galántha, an eighteenth-century estate administrator of the Szapáry count family, which also held possessions in the north-eastern part of Veszprém County. In 1795 Sidó mentioned these data in an *elenchus;* a brief register of charter abstracts. Jakubovich discovered this *elenchus* at the age of sixteen in his native village, in the attic of a local landowner. Though he never published the copy he made, it survives in his bequest and provides information on numerous charters otherwise lost.[4]

This explains why neither the relevant volumes of the *Anjou-kori oklevéltár* nor the online archival database contain any reference to such a grant in the royal charters issued by Elizabeth during these two years.[5] Yet the *statutio* of 1337 is already mentioned in a judgment letter of the judge royal Nicholas Druget, issued in Buda on 12 May 1354. This document reports that the sons of Michael of Kált—Mark, provost of the cathedral chapter of Kő in the Diocese of Szerém, and his brother Bereck—were personally present in a legal dispute with Peter Vörös over certain portions of the estate of Kált. During the proceedings, the claimants presented a charter of King Louis I from 1354,

[4] Bácsatyai 2025.
[5] AOklt. XX and XXI passim; Piti 2009. p. 55–68; AOklt. Suppl.

which transcribed verbatim a document issued by the chapter of Győr, the territorially competent place of authentication in the north-eastern part of Veszprém County. Although neither of these charters has survived, the judge royal summarised their contents: the estate of Kált had been assigned to Mark and his relatives by a man of Queen Elizabeth, in the presence of a delegate of the chapter of Győr.[6] The text contains no mention of Mark's having been *capelle reginalis clericus* at the time.[7]

Looking retrospectively to 1337, the source already refers to Mark as provost, though this is most likely an anachronistic slip by the drafter of the charter issued seventeen years later, especially in light of the archontology of the cathedral chapter of Kő.[8] In any case, his provostship cannot have lasted long. Beyond this datum, the only additional certainty is that Mark, provost of Kő, paid thirty-two florins to the papal tithe collectors during 1353–1354.[9] His predecessor is documented in office until February 1350, and of his successor it is known that by March 1356 he had already moved on.[10] Thus Mark's tenure was brief, presumably ending by 1355 at the latest; a fact that may nonetheless bear significance for later considerations.

Returning to the biography accepted by Gyula Kristó on the basis of Jakubovich, the next element is the parish priesthood of Buda-Váralja (*Buda-Suburbium*), allegedly held from 1342 onwards. Jakubovich, citing the work of Jakab Rupp, claims that Mark of Kált served in this church between 1342 and 1349, and even mentions a further data from 1347, again referring to the 1795 *elenchus*. Indeed, Rupp does list a parish priest named Mark—cited only by his first name—in connection with the church dedicated to Saint Peter the Martyr. However, he provides no primary references, relying instead on Xystus Schier's posthumous eighteenth-century work *Buda Sacra sub Priscibus Regibus*, which likewise contains no citations.[11] A survey of the relevant volumes of the *Anjou-kori oklevéltár* and associated supplements has yielded no trace of any parish priest of Buda-Váralja from the 1340's.[12]

By contrast, a petition (*supplicatio*) from the summer of 1352 mentions a cleric named Mark who was custos of the royal chapel, parish priest of a church dedicated to Saint Peter the Martyr (located in an unidentified settlement within the Diocese of Veszprém), canon of Székesfehérvár, and, at that very

[6] 12 May 1354 (AOklt. XXXVIII. nr. 280.). Its original is incompletely photographed: MNL OL DF 252 901. A good quality photo is available at: Arhivele Naționale ale României, Serviciul Județean Cluj, Fond Familial Wass, Seria I – Documente Medievale, nr. 57. [The Cluj County Archive of the National Archive of Romania, Wass Family Fond, Series I – Medieval Documents, nr. 57.], arhivamedievala.ro – SIIAN: CJ-F-00457-1-57 – accessed 20-08-2025.

[7] Cf. Jakubovich 1924. p. 16.

[8] See. C. Tóth – Ternovácz 2020. p. 61–62. From the end of the 1330's two provosts of Kő are known, Dominic and John.

[9] Mon. Vat. I/1. p. 445.

[10] C. Tóth – Ternovácz 2020. p. 62, footnote nr. 25.

[11] Rupp 1868. p. 170; Schier 1774. p. 68–69.

[12] AOklt. XXIV–XXXIII. passim; Piti 2013. p. 71–82; Piti 2017. p. 31–59; Piti 2019. p. 67–82.

time, a candidate for a canonical benefice in Veszprém.[13] This information has long been known, and—owing to Jakubovich's reconstruction—this Mark has been identified in the archontologies of both Székesfehérvár and Veszprém chapters with Mark of Kált.[14]

The data enumerated thus far—regardless of whether they are corroborated by extant charters—are linked together by the *elenchus* from the late 1330's to 1354. Yet it is by no means self-evident that the Mark mentioned exclusively in 1352 as canon of Székesfehérvár is identical with the custos of the same chapter, attested from 1358 onwards. Among the medieval custodians of Székesfehérvár, it was far from common—as far as our evidence allows such inquiry—that they had previously held a canonry within the same chapter.[15] Jakubovich's reasoning—decidedly not based on the *elenchus* at this point—thus appears somewhat overstated: "From the fact that he was already in receipt of a Székesfehérvár canonry in 1352, *we may be certain* [emphasis mine—A. R.] that we are dealing with the same person. According to our later source,[16] in 1358 he resided in his own house in Székesfehérvár. His well-endowed position bound him to the locality."[17] Moreover, it had already been noted by Pongrác Sörös, writing nearly a decade earlier that Mark's custodianship did not terminate in 1358; indeed, Sörös cited reference issued in October 1361—following in the footsteps of György Fejér—confirming his continued tenure.[18]

The charter references to Mark, custos of Székesfehérvár—now presented here in full—can be summarised as follows:[19]

[13] 2 July 1352: "Item, quatenus Marco, custodi capelle regie de beneficio ecclesiastico, cum cura vel sine cura, etiamsi dignitas, personatus vel officium existat, spectante communiter vel divisim ad collationem etc. episcopi et capituli Vesprimiensis, vacante vel vacaturo, etiam in ecclesia Vesprimiensi, cum acceptatione, dignemini providere. Non obstantibus, quod parochialem ecclesiam sancti Petri martiris et canonicatum et prebendam ecclesie Albensis, Vesprimiensis diocesis, obtinet, cum aliis clausulis, ut supra.." MREV II. p. 155–156.
[14] Ribi 2018. p. 151; Karlinszky 2022. p. 160.
[15] Kertész 2022. p. 47–50; Ribi 2018. p. 137–138; Köblös 1994. p. 128.
[16] AO VII. 170. = 27 April 1358 (AOklt. XLII. nr. 445.)
[17] Jakubovich 1924. p. 18.
[18] Sörös 1916. p. 573. In addition the certain Martin custos from 1363—cited from the work of Fejér—is also Mark, see in Table 1.
[19] Cf. Ribi 2018. p. 137.

Table 1: References to Mark Custos in the Charters

Date	Source	Name	Way of mention
20 August 1357 – 20 August 1358[20]	DL 106 089.	*Markus custos*	list of dignitaries
27 April 1358	AOklt. XLII. nr. 445.	*Marcus custos*[21]	litigation
7 June 1358	AOklt. XLII. nr. 639.	*Marcus custos*[22]	list of dignitaries
25 August 1358	AOklt. XLII. nr. 938.	*Marcus custos*[23]	list of dignitaries
20 September 1358	AOklt. XLII. nr. 1052.	*Marcus custos*[24]	list of dignitaries
25 May 1359	DL 417.	*Marcus custos*	list of dignitaries
5 June 1360	AOklt. XLIV. nr. 541.	*Marcus custos*[25]	delegate by the place of authentication
20 July 1360	AOklt. XLIV. nr. 696.	*Marcus custos*[26]	advocate
4 April 1361	AOklt. LI. nr. 63.	*Marcus custos*[27]	delegate by the place of authentication
2 October 1361	DL 106 143.	*Marcus custos*	list of dignitaries
18 October 1361	DF 278 026.	*Marcus custos*	advocate
30 May 1363	AOklt. XLVII. nr. 248.	*Marcus custos*[28]	list of dignitaries
15 June 1364	AOklt. XLVIII. nr. 477.	*Marcus custos*[29]	list of dignitaries
20 August 1366	AOklt. L. nr. 771.	*Marcus custos*[30]	list of dignitaries
29 July 1368	AOklt. LII. nr. 608.	*Marcus custos*[31]	list of dignitaries

No further references to his person are available from the 1370's either.[32] It is worth adding that Mark's predecessor as custos, Demetrius, is last mentioned in June 1356, while his successor, John Cudar, only appears in March 1369.[33] It is likewise known that by 1358 Mark already possessed a house in Székesfehérvár.[34] Combined with his repeated mention as a delegate of the

[20] The dating of this deficient charter is possible by the mention of dean Ladislaus, who—taking into account the usual change on St Stephen's day in the chapter of Székesfehérvár—was held this office between 20 August 1357 and 20 August 1358. See. RIBI 2018. p. 140.
[21] MNL OL DL 4730. Although King Louis I mentions only the custos dignity in his mandate (without the name), but this is not conclusive concerning the beginning of Mark's dignity, because the situation is the same with the provost of the St. Nicholas collegiate chapter of Székesfehérvár and the abbot of Zselicszentjakab (OSB); both appear as neighbours in this litigation (AOklt. XLII. nr. 114.).
[22] MNL OL DL 77228.
[23] MNL OL DL 87339.
[24] MNL OL DF 200945.
[25] MNL OL DL 4902.
[26] MNL OL DL 4902.
[27] MNL OL DL 91.
[28] MNL OL DL 5214.
[29] MNL OL DF 236491.
[30] MNL OL DF 200254.
[31] MNL OL DL 41759. The charter was issued by the chapter of Veszprém with a notarial authentication of Augustinus, son of Ambrosius of Kapronca, public notar from the Diocese of Zagreb.
[32] The charter of the Óbuda chapter dated to 13 January 1371 by the archival database—with a certain Mark canon in its dignity list—is in fact 10 years earlier (MNL OL DL 106093.).
[33] RIBI 2018. p. 137–138. It can be read inappropriate in the cited archontology (based on the work of György Fejér) that the custodianship was vacant on 9 June 1367, because the mentioned charter was, in fact, edited by the chapter of Várad: AOklt. LI. nr. 408.
[34] AOklt. XLII. nr. 445.

chapter, this fact strongly suggests that he resided locally. One further point of interest is that during the summer of 1360 he was unable to perform his duties as advocate owing to illness; though clearly he later recovered.

What remains highly uncertain, however—given that the sources consistently refer to him merely as *Marcus*—is the extent to which he may be identified with Mark of Kált, provost of Kő. Some insight into the family of Mark, custos of Székesfehérvár, may be gleaned from a charter of Bishop William of Pécs from 1361, which mentions Mark's nephew (*nepos*) Dominic, custos of Győr.[35] The latter held this benefice between 1361 and 1382, though nothing is known of his ancestry.[36] In the 1354 charter listing the relatives of Mark of Kált, provost of Kő, no individual named Dominic is mentioned; a fact not necessarily decisive, since Dominic's more than two-decade-long tenure suggests he may still have been a minor at that date. Another difficulty lies in the fact that, although the office of custos at the royal collegiate chapter of Székesfehérvár was undoubtedly a valuable benefice,[37] it does not necessarily represent an obvious promotion for a provost of a cathedral chapter.[38] Moreover, the years between 1354/1355 and 1357/1358 remain unaccounted. Kornél Szovák supposes that Mark of Kált received the provostship of Kő merely as a reward for his loyal service to the ruler, while spending most of his time at the royal court.[39] However, it seems unlikely that he would have lost that benefice after only a few months—indeed, at most three and a half years, given the July 1352 charter, which does not mention the provostship—without immediately obtaining a higher office. From the provostship of Kő, he could not have transferred to the custodianship of Székesfehérvár between the second half of 1354 and early 1356 (more precisely, 1355), for that position was still held by Demetrius custos, at least until the summer of 1356. Furthermore, the brevity of the provostship—although the cleric may have occasionally resided on site—raises doubts as to whether he could have incorporated into the chronicle composition (begun only in 1358) the original text of the *Chronicle of Pozsony* (*Pozsonyi Krónika)*, notable for its numerous references to Szerém county.[40]

[35] MNL OL DF 278 026.
[36] C. Tóth – Horváth 2019. p. 37.
[37] Kertész 2022. p. 20–22.
[38] However, it is true that the chapter of Kő was one of the smallest in the country. See C. Tóth – Ternovácz 2020. p. 59–60. We know of a similar example of promotion in the late Árpád era: Andronicus, provost of Veszprém became the custos of Székesfehérvár. See Kertész 2022. p. 50.
[39] Szovák 2004. p. 242.
[40] Jakubovich 1924. p. 18. The Chronicle of Pozsony is an extract of the Fourteenh-century Chronicle Composition of Hungary which was compiled most probably on the request of Ugrin Csák, a follower of King Charles I. The text contains independent additons refering to the southern part of the country. See Kristó 2002. p. 85. Concerning the different versions of the Fourteenth-century Chronicle Composition a short summary is available in German: Thoroczkay 2016. p. 230–231.

The matter is further complicated by the surprising high number of clerics named Mark known from this period. To render the issue more transparent, I have compiled a comparative table of the clerics in question:[41]

Table 2: Clerics Named Mark in Mid-Fourteenth-Century Hungary

Name	Ecclesiastical benefice	Tenure
Mark	cantor of Veszprém	1334–1346
Mark of Hanva	cantor of Esztergom	1335–1356
Mark	canon of Kalocsa	1345–1353
Mark	custos of the royal chapel, canon of Székesfehérvár and parish priest of the church of Saint Peter the Martyr	1352
Mark of Kált	provost of Kő	1353 (?) – 1355 (?)
Mark	parish priest of Patak, royal chaplain	1355
Mark	custos of Székesfehévár	1357/1358–1368

Between 1334 and 1346, the cantor of Veszprém bore the name Mark,[42] while from 1335 to 1356 the cantor of Esztergom was likewise so called.[43] More recent findings reveal that the latter was related to the Hanva family, landholders in Gömör County.[44] However, nothing is known concerning the former's origins, nor do the sources suggest that their disappearance from office coincided with their deaths. Between 1345 and 1353, a Mark is likewise attested as a canon of Kalocsa,[45] while in 1355 the parish priest of Patak also bore this name.[46] Thus—at least on purely chronological grounds—it cannot be ruled out that the cantor of Veszprém or the canon of Kalocsa was identical with Mark of Kált, provost of Kő (though the successor of the cantor of Veszprém is already documented in 1347). Mark of Hanva of Esztergom, whose successor is not known until 1362, could likewise, in principle, be identified with the Mark who became custos of Székesfehérvár by 1358, though no relative named Dominic is known in his case either. Even the parish priest of Patak might have been the same individual as the custos of Székesfehérvár.

In such a scenario, however, the Mark who served as canon of Székesfehérvár and parish priest of the church of Saint Peter the Martyr in 1352, while also fulfilling duties at the royal chapel, would have to be regarded

41 Remark: one can find in Table 2 only such clerics named Mark who may be identical with Mark of Kált and/or Mark, custos of Székesfehérvár. There is one more Mark, a canon of Óbuda mentioned in the sources between 13 January 1361 (MNL OL DL 106093) and 25 January 1364. (AOklt. XLVIII. nr. 52.).

42 Karlinszky 2022. p. 38.

43 C. Tóth 2019a. p. 37. The author dates Mark's tenure from 1336, but it seems that he was the cantor of Esztergom a year earlier. See the next footnote.

44 7 August 1335 (AOklt. XIX. nr. 479.). Based on the original charter, in my opinion, it is not clear whether cantor Mark was the son of Nicholas of Hanva, as the regesta names him (MNL OL DL 56843). According to a charter from 20 years later, it is more likely that he was only related to the family: 21 March 1355 (MNL OL DL 74823).

45 C. Tóth 2019b. p. 114.

46 28 June 1355 (MNL OL DL 4483)

as yet another distinct personage. Nevertheless, it cannot be excluded that no fewer than six or seven educated clerics bearing the name Mark were simultaneously active in mid-fourteenth-century Hungary.

Naturally, an excessively hypercritical approach is no more productive than categorical assertions.[47] In the present case, the arguments of chronicle scholarship must also be taken into account. I fully agree with Emil Jakubovich that the career outline he sketches presents every qualification necessary for the compilation of the chronicle.[48] Nevertheless—since the sources concerning the benefice at Székesfehérvár offer no evidence regarding his origins—the identification of Mark, custos of Székesfehérvár, with Mark of Kált, provost of Kő, must remain open to question until further evidence emerges. The Mark attested in 1352—as parish priest of Buda-Váralja and cleric of the royal court then residing in Buda—would certainly have had the opportunity to study the chronicle of the Franciscans of Buda (in Hungarian: *Budai Minorita Krónika*) recounting the reign of Charles I.[49] It is also likely that earlier historical works—if anywhere—would have been preserved at Székesfehérvár (aside from the royal court), to which he would have enjoyed access as a canon, though his various offices probably kept him mostly at court. Similar observations may be made regarding Mark, custos of Székesfehérvár, who by virtue of his office was responsible for the archives and books of the ancient provostry. Whether the two figures are indeed one and the same cannot be determined from the sources currently available. Recent scholarship, however, has argued that the conservative ideal of kingship conveyed by the prologue of the work, together with its distinctly French theological learning, renders it more plausible that the compiler was a Franciscan or Augustinian friar with close access to the court of Louis I.[50] Whatever the case, the fact remains that—contrary to earlier scholarship—Mark, custos of Székesfehérvár, did not disappear from the charters after 1358. He thus had ample time to compile the chronicle begun on 15 May of that year.[51] This circumstance, incidentally, also precludes the unlikely supposition that the abrupt break in the narrative of the *Illuminated Chronicle*—but not the other versions of the Fourteenth-century Chronicle Composition—was caused by the sudden death of its author.[52]

[47] Cf. Szabados 2022. p. 534, footnote nr. 5.
[48] Jakubovich 1924. p. 18.
[49] In a narrower sense the *Budai Minorita Krónika* summarizes the Hungarian history from 1272 up to 1333/1334 and was compiled most probably in the Franciscan Convent of Buda. See Kristó 2002. p. 84.
[50] Bácsatyai 2025.
[51] Research dates the preparation of the codex itself of the Illuminated Chronicle to the middle decades of the fourteenth century, the years after 1358. See Csapodiné Gárdonyi 1986. p. 527.
[52] See Szovák 2004. p. 242; SRH I. p. 239–505.

BIBLIOGRAPHY

Sources

AO	*Anjou okmánytár. Codex diplomaticus Hungaricus Andegavensis* I–VII. Ed. NAGY, Imre. Budapest. 1878–1920.
AOklt.	*Anjou-kori oklevéltár. Documenta res Hungaricas tempore regum Andegavensium illustrantia*. I–XXXVIII., XL., XLII., XLIV., XLVI–LIII. Ed. ALMÁSI, Tibor – B. HALÁSZ, Éva – BLAZOVICH, László – KŐFALVI, Tamás – KRISTÓ, Gyula – GÉCZI, Lajos – MAKK, Ferenc – PITI, Ferenc – RÁBAI, Krisztina – SEBŐK, Ferenc – TEISZLER, Éva – TÓTH, Ildikó. Budapest – Szeged. 1990–2025.
AOklt. Suppl.	*Anjou-kori oklevéltár. Supplementum I. Keltezetlen és hiányos keltezésű oklevelek 1301–1342*. [Undated and Incompletely Dated Charters.] Ed. SZŐCS, Tibor. Budapest–Szeged. 2023.
MNL OL DF	Magyar Nemzeti Levéltár Országos Levéltára, Diplomatikai Fényképgyűjtemény [State Archive of the Hungarian National Archive, Diplomatic Photo Collection]
MNL OL DL	Magyar Nemzeti Levéltár Országos Levéltára, Diplomatikai Levéltár [State Archive of the Hungarian National Archive, Diplomatic Archive]
Mon. Vat.	*Monumenta Vaticana Historiam Regni Hungariae Illustrantia I/1. Rationes Collectorum Pontificiorum in Hungaria*. Budapest. 2000.
MREV	*Monumenta Romana Episcopatus Vesprimiensis. A veszprémi püspökség római oklevéltára*. I–IV. Ed. FRAKNÓI, Vilmos – LUKCSICS, József. Budapest. 1896–1907.
PITI 2009	PITI, Ferenc: Kiegészítések az Anjou-kori Oklevéltár XX. kötetéhez (1336) [Supplements to Volume 20 of Anjou-kori Oklevéltár]. *Acta Universitatis Szegediensis – Acta Historica* 130 (2009), p. 55–68
PITI 2013	PITI, Ferenc: Kiegészítések az Anjou-kori Oklevéltár XXVI. kötetéhez (1342) [Supplement to Volume 26 of Anjou-kori Oklevéltár]. *Acta Universitatis Szegediensis – Acta Historica* 135 (2013), p. 71–82
PITI 2017	PITI, Ferenc: Kiegészítések az Anjou-kori Oklevéltár XXVII. kötetéhez (1343) [Supplements to Volume 27 of Anjou-kori Oklevéltár]. *Acta Universitatis Szegediensis – Acta Historica* 142 (2017), p. 31–59.
PITI 2019	PITI, Ferenc: Kiegészítések az Anjou-kori Oklevéltár XXVIII. kötetéhez (1344) [Supplements to Volume 28 of Anjou-kori Oklevéltár]. *Acta Universitatis Szegediensis – Acta Historica* 144 (2019) p. 67–82.
SRH	*Scriptores regum Hungaricarum*. I–II. Edendo operi praefuit Emericus Szentpétery. Budapest. [reprint] 1999.

Secondary Literature

BÁCSATYAI 2025	BÁCSATYAI, Dániel: A kompilátor arcéle [The Face of the Compiler]. Manuscript.
CSAPODINÉ GÁRDONYI 1986	CSAPODINÉ GÁRDONYI, Klára: A Képes Krónika miniatúrái [The Miniatures of the Illuminated Chronicle]. In: *Képes Krónika*. Transl. BELLUS, Ibolya. Budapest. 1986. p. 517–558.
JAKUBOVICH 1924	JAKUBOVICH, Emil: *Adalékok legrégibb nyelvemlékes okleveleink és krónikáink íróinak személyéhez. Ki volt Anonymus és Márkus krónikás?* [Additions to the Personalities of the

Authors of our Oldest Language-Memory-Charters and Chronicles. Who were Anonymus and Mark chronicle?] Budapest. 1924. (A Magyar Nyelvtudományi Társaság Kiadványai 20.)

KARLINSZKY 2022 — KARLINSZKY, Balázs: *A veszprémi székeskáptalan archontológiája 1079–1556* [The Archontology of the Cathedral Chapter of Veszprém]. Veszprém. 2022. (A Veszprémi Egyházmegye Múltjából 39.)

KERTÉSZ 2022 — KERTÉSZ, Balázs: *A székesfehérvári káptalan archontológiája és oklevéladó tevékenysége az Árpád-korban*. [The Archontology and Charter Issuing Activity of the Chapter of Székesfehérvár in the Árpád Era.]. Székesfehérvár. 2022. (Közlemények Székesfehérvár történetéből)

KÖBLÖS 1994 — KÖBLÖS, József: *Az egyházi középréteg Mátyás és a Jagellók korában (A budai, fehérvári, győri és pozsonyi káptalan adattárával)* [The Ecclesiastical Middle Class in the Age of Mathias and the Jagiellonians. (With the Database of the Chapters of Óbuda, Székesfehérvár, Győr and Pozsony)]. Budapest. 1994. (Társadalom- és Művelődéstörténeti Tanulmányok 12.)

KRISTÓ 1967 — KRISTÓ, Gyula: Anjou-kori krónikáink [Our Chronicles from the Angevin Period]. *Századok* 101 (1967), p. 480–500.

KRISTÓ 1986 — KRISTÓ, Gyula: A Képes Krónika és szerzője [The Illuminated Chronicle and Its Author]. In: *Képes Krónika*. Transl. BELLUS, Ibolya. Budapest. 1986. p. 459–516.

KRISTÓ 1994 — KRISTÓ, Gyula: krónikakompozíció [Chronica Composition]. In: *Korai magyar történeti lexikon (9–14. század)*. Ed. KRISTÓ, Gyula. – ENGEL, Pál – MAKK, Ferenc. Budapest. 1994, p. 381–382.

KRISTÓ 2002 — KRISTÓ, Gyula: *Magyar historiográfia I. Történetírás a középkori Magyarországon* [Hungarian Historiography I. Historiography in Medieval Hungary]. Budapest. 2002.

RIBI 2018 — RIBI, András: A fehérvári káptalan archontológiája (1301–1457) [The Archontology of the Chapter of Székesfehérvár]. *Turul* 91 (2018), p. 132–154.

RIBI 2023 — RIBI, András: Kálti (?) Márk fehérvári őrkanonok (1357/1358–1368). Megjegyzések a 14. századi krónikakompozíció feltételezett összeállítójának életrajzához [Mark of Kalt (?), the Custos of Székesfehérvár. Remarks on the Biography of the Presumed Compiler of the 14th-century Chronicle Composition of Hungary]. In: *Főesperesek, krónikaírók, monostorok. Tanulmányok*. Ed. FARKAS, Csaba. Pécs. 2023. (Az Árpád- és Anjou-kor magyar egyházi archontológiájának kérdései 5.) p. 45–55.

RIBI – THOROCZKAY 2024 — *A középkori magyar egyház intézménytörténeti és archontológiai kézikönyve (1000–1387). Manuale Historiae Institutionum et Archontologicum Ecclesiae Hungaricae Medii Aevi (1000–1387)*. I–II. Ed. RIBI, András – THOROCZKAY, Gábor. Pécs. 2024.

RUPP 1868 — RUPP, Jakab: *Buda-Pest és környékének helyrajzi története* [Topographical History of Buda-Pest and Its Area]. Pest. 1868.

SCHIER 1774 — P. SCHIER, Xystus: *Buda Sacra sub Priscis Regibus*. Viennae. 1774.

Sörös 1916	Sörös, Pongrác: A székesfehérvári őrkanonokság története 1543-ig [The History of the Custodianship of Székesfehérvár up to 1543]. *Századok* 50 (1916), p. 565–584.
Szabados 2022	Szabados, György: Az Árpádok kora a történetírásban [The Age of the Árpáds in the Historiography]. In: *Árpádok országa. Tanulmányok és katalógus*. Ed. Ritoók, Ágnes – Simonyi, Erika. Budapest. 2022. p. 533–543.
Szovák 2004	Szovák, Kornél: Utószó. [Afterword.] In: *Képes Krónika*. Ed. Szovák, Kornél. Transl. Bollók, János. Budapest. 2004, p. 233–256.
Thoroczkay 2016	Thoroczkay, Gábor: Die Legendenliteratur und Geschichtsschreibung Ungarns bis zur Mitte des 14. Jahrhunderts (Eine Übersicht). *Bulletino dell'Istituto Storico Italiano per il Medio Evo* 118 (2016), p. 217–248.
C. Tóth 2019a	C. Tóth, Norbert: *Az esztergomi székes- és társaskáptalanok archontológiája 1100–1543* [The Archontology of the Cathedral and Collegiate Chapters of Esztergom]. Budapest. 2019. (Subsidia ad historiam medii aevi Hungariae inquirendam 9.)
C. Tóth 2019b	C. Tóth, Norbert: *A kalocsa–bácsi főegyházmegye káptalanjainak középkori archontológiája* [The Medieval Archontology of the Chapters of the Archdiocese of Kalocsa–Bács]. Kalocsa. 2019. (Kalocsai Főegyházmegyei Gyűjtemények kiadványai 15. – Subsidia ad historiam medii aevi Hungariae inquirendam 11.)
C. Tóth – Horváth 2019	C. Tóth, Norbert – Horváth, Terézia: *A győri székeskáptalan archontológiája 1200–1458* [The Archontology of the Cathedral Chapter of Győr]. Győr. 2019. (A Győri Egyházmegyei Levéltár Kiadványai. Források, feldolgozások)
C. Tóth – Ternovácz 2020	C. Tóth, Norbert – Ternovácz, Bálint: *Káptalanok a Drávántúlon. A boszniai, kői és szenternyei székeskáptalanok és a pozsegai társaskáptalan archontológiája* [Chapters Beyond the Drava. The Archontology of the Cathedral Chapters of Bosnia, Kő/Banoštor and Szenternye/Mačvanska Mitrovica, and the Collegiate Chapter of Pozsega/Požega]. Pécs. 2020. (Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 11.)

Specimina Nova Pars Prima Sectio Mediaevalis XIV (2025), p. 197–213.

DOI: 10.15170/SPMNNV.2025.14.12

Dorina Perger, student in history, MA
dorinaperger@gmail.com
University of Pécs
Faculty of Humanities and Social Sciences
Institute of History
Department of Medieval and Early Modern History
Rókus utca 2.
H-7624 Pécs
Hungary

Dorina PERGER

Full transcript of Sir Walter Raleigh's Will of 1597*

There is a growing interest in the works of Sir Walter Ralegh or works that are attributed to him. While these have been getting a lot of attention lately, this is not the case with his will dated from 1597. Until now no full transcription of the will exists, mainly summaries were written about it. Therefore, my aim was to present the transcription of the whole will while maintaining its authenticity with keeping the original spelling as well as letter style, and correcting the use of capital letters and abbreviations. This was all possible because Sherborne Castle kindly sent me the original document I could work from. Besides giving a transcription, I shortly highlighted the historical context of the will, and gave a brief summary about the structure of will making, comparing it with Ralegh's. If someone in the future aims to analyse Ralegh's will, this transcription will ease the undertaking.

Keywords: Walter Raleigh, structure of wills, transcription, 1597, will making

Although the study of Sir Walter Ralegh's works has been enjoying increased attention nowadays, the same cannot be said of his will.[1] In contrast to his political writings (or writings attributed to him), the will has not been widely researched so far. Some scholars have already dealt with certain parts of the document, most notably Agnes Latham and Joyce Youings, the editors of *The Letters of Sir Walter Raleigh*.[2] They have transcribed a substantial portion of the will in an appendix, yet left out important parts.[3] Moreover, they occasionally did not preserve the original form of the words, namely, Ralegh's use of capital letters or abbreviations. Shorter parts of the will can likewise be found in Latham's article "Sir Walter Ralegh's Will" in *The Review of English*

* Hereafter in the text I will use his name without the *i* as Ralegh, after Anna Beer, and also because in his will he wrote his name without it.

1 I would like to thank Sherborne Castle for providing me with Ralegh's will, thus giving me the opportunity to create its full transcription.

2 LATHAM – YOUINGS 1999.

3 I inserted these parts between asterisks in my transcription.

Studies,[4] in the books entitled *Thomas Harriot: A Biography* by John W. Shirley,[5] *Sir Walter Raleigh* by Raleigh Trevelyan[6], and *Patriot or Traitor: The Life and Death of Sir Walter Ralegh* by Anna Beer[7]. Furthermore, there exists a catalogue-like list of subjects contained in the will authored by Ann Smith.[8] Shorter references may exist in other works as well.

We already have summaries of the will's content, thus I do not intend to do that once more. These previously mentioned works were extremely useful and helped me to produce the full transcription. Throughout the entire transcription I aimed to preserve as much of the original as possible, maintaining its authenticity even in digital form as realistically as I could. I kept the original spelling and letter style of that time, but for ease of reading and understanding, I modernised the words in square brackets. According to Latham, the parameters of the document are 79 cm x 60 cm; therefore, I signalled every new line with a number in brackets. Before presenting the transcript, I have included a short note on why it was written and how wills were structured generally, comparing the standard model with the structure of Ralegh's will.

In 1597 Ralegh was to take part in a venture that history calls The Islands Voyage.[9] Queen Elizabeth I wanted to capture and demolish Spain's treasure fleet; thus English ships were sent to the Azores, an expedition in which Ralegh served as rear admiral.[10] Lack of money and her Majesty's late decision led to hurried planning and chaos.[11] The fleet left England on 10 July,[12] the day that Ralegh and his witnesses signed the will.[13] In his will we can read that he had former wills,[14] but the question arises: Why did he write a new and detailed one which he called his last will and testament immediately before departure? Several considerations undoubtedly played a role. By that time he had a wife, a son, and properties, and we cannot neglect the circumstance that he was wounded a year before at Cadiz. His leg was seriously damaged,[15] an injury he described as a "grievous blow in my leg, larded with many splinters which I daily pull out. Yet I scram-bled ashore".[16] He was left with a life-long limp, often needing to use a cane.[17] Perhaps this experience led him to worry about a fatal wound at any moment.

[4] LATHAM 1971.
[5] SHIRLEY 1983.
[6] TREVELYAN 2004.
[7] BEER 2019.
[8] Unpublished catalogue of Ann Smith in Sherborne Castle.
[9] TREVELYAN 2004. p. 296.
[10] BEER 2019. p. 67.
[11] BEER 2019. p. 67–68.
[12] BEER 2019. p. 69.
[13] TREVELYAN 2004. p. 293.
[14] "**And** [and] I doe [do] vtterlye [utterly] Revoke [revoke] […] all my other e [and] form*er* [former] wills" – bolded by. D. P.
[15] WALLACE 1959. p. 135
[16] BEER 2019. p. 66.
[17] WALLACE 1959, on the page between 50 and 51 below the eighth image.

The term *'last will and testament'* (as a phrase) was used in the early modern period when the person (testator) who was constructing his/her[18] will[19] intended to arrange the bequeathal of properties (goods, lands, or both).[20] It could also be used to set up guardianship for minors.[21] It was part of the Christian belief that one had to manage his/her worldly possessions so that the soul could move on effortlessly,[22] and it was especially the case for individuals of high rank.[23] Besides the inheritance of lands, a person created a will to provide for his children and/or wife. Furthermore, it was possible to donate some of his possessions to charity.[24]

Following the laws of 1540 (Statute of Wills) and 1543, people could freely dispose of their lands (thus creating the 'will and testament' as a document)[25] unless they were knights—in that case they could only dispose 2/3 of the said lands[26] (and Ralegh had been a knight since 1585).[27] Subsequent to 1540 anyone wishing to bequeath his lands should have created a written will.[28]

In the majority of cases, adult men composed wills if they preferred or had reason to do so.[29] After the Book of Common Prayer (1549) stressed the importance of being prepared (stating: "But men must be oft admonished that they set an ordre for their temporall goodees and landes whan they be in helth.")[30], people started to draw up their advance directives more frequently.[31] For instance, they could have written wills prior to a long journey, even if the testator was in perfect health.[32] Ralegh also wrote his will before sailing to the Azores, and not on his deathbed.

Testaments were written on parchment or paper. The testator himself might prepare his own will (holograph), although it was more common to employ scribes.[33] In that case, the testator told his wishes to the scribe, who wrote the will later, frequently using formularies, and afterwards read the composed will out loud to the testator and his witnesses. If the testator approved, it was signed and sealed, thus making it legal (vital with wills concerning division of landed property).[34]

---

[18] Women were allowed to make wills if they were single or widowed, while married women needed their husband's consent. JAMES 2015. p. 18–19.
[19] HOULBROOKE 1998. p. 81.
[20] HOULBROOKE 1998. p. 81.
[21] HOULBROOKE 1998. p. 140.
[22] HOULBROOKE 1998. p. 81.
[23] HOULBROOKE 1998. p. 82.
[24] RAYMOND 2012. p. 29.
[25] RAYMOND 2012. p. 16.
[26] HOULBROOKE 1998. p. 83.
[27] BEER 2019. p. 29.
[28] HOULBROOKE 1998. p. 88.
[29] RAYMOND 2012. p. 28.
[30] BOOK OF COMMON PRAYER 1549.
[31] HOULBROOKE 1998. p. 82.
[32] RAYMOND 2012. p. 30.
[33] RAYMOND 2012. p. 30–31.
[34] RAYMOND 2012. p 31–32.

Wills displayed a number of formulaic characteristics: the preamble, identifying the testator and including his statement of faith; the bequests, naming his burial place, donations to charity, individual legacies (mainly to family, friends, and servants), and procedural designations; naming of the executor(s) and possibly overseers.[35] Then, together with the witnesses the testator signed and sealed it. If the will was proved, probate information could also be recorded at the foot or verso.[36]

Preamble: conventionally, a will was personal and included a multitude of details.[37] At the beginning, we generally learn the name, titles and parish of the testator.[38] (Although, in Ralegh's case the parish is missing.) Usually the first or last paragraph contained the date[39] (here in the first line and at the end right before the list of witnesses), which is significant since the last will always invalidated any previous wills.[40] Together with the date in the first paragraph, the testator's physical health and state of mind were likewise noted.[41] In general, there was a line which said, "weak in body but perfect in memory".[42] In the will under analysis these were not stated since Ralegh was not dying. In most instances, wills begin with "In the name of God", followed by the testator's statement of faith and wishes, that his soul should go to God. Ralegh's will starts with the same line. He was labelled an atheist by some of his contemporaries, but whether he was one or not, these lines came less from real beliefs than from the scribes, who knew how to write wills with formularies,[43] so that the testament would have the characteristic features of a legal document.[44]

Commonly, the place of burial and its manner is additionally mentioned.[45] Here there is no place of burial, but he leaves the right to his executor or overseers to have control over his body.

Bequests: Following the preamble, in the longest part of the will, the testator divides all his possessions.[46] In most cases bequests went to family members, but occasionally to friends or servants. In case of servants it was done with a practical purpose rather than out of generosity, that is, to ensure loyal service in the future.[47] (Ralegh's children are mentioned, his son Wat (at that time his only son), and his alleged daughter from Scotland (whose mother was Alice Goold who Ralegh was not married to).[48] By the primogeniture, the

[35] RAYMOND 2012. p. 55.
[36] RAYMOND 2012. p. 55.
[37] RAYMOND 2012. p. 43.
[38] RAYMOND 2012. p. 43.
[39] RAYMOND 2012. p. 44.
[40] RAYMOND 2012. p. 45.
[41] HOULBROOKE 1998. p. 89.
[42] RAYMOND 2012. p. 45.
[43] RAYMOND 2012. p. 45.
[44] RAYMOND 2012. p. 46.
[45] RAYMOND 2012. p. 47.
[46] RAYMOND 2012. p. 47.
[47] RAYMOND 2012. p. 48–49.
[48] BEER 2019. p. 83.

first son inherited his father's properties,[49] which we can likewise read here in the will. Nevertheless, there are additional items that Ralegh leaves to his wife (money for life, land and houses to use, household wealth, legal protection).[50] He also detailed the line of inheritance if his son dies.

After the listing of bequests, the testator named an executor,[51] (a will only evolved into a testament as a result of this),[52] whose purpose was to safeguard what is written in the will,[53] in this will he named his son executor in line 67. Naming overseers was similarly normal; their task was to secure that the executor does what is expected of him.[54] Ralegh also named them in lines 71 and 72: Thomas Harriot (Ralegh's friend[55]), Arthur Throckmorton (Ralegh's brother-in-law[56]), George Carew (Ralegh' kinsman[57]), Alexander Brett (a Throckmortons relative[58]),[59] not only to ensure that his wishes be carried out but to protect the interests of his four-year-old son.

Witnesses were crucial to verify the will and secure that there would be no deceit in the future, therefore "they could not be children, criminals, lunatics, or legatees".[60] "Sometimes the writer of the will recorded his identity by putting a note such as 'scr' or 'writer thereof' after his name."[61] In the present case we have the signatures of the witnesses but no sign of a scribe, although it must have been written by one based on the handwriting. In Ralegh's will we can identify two different handwritings. One used in the majority of the will (Figure 1) and one just above the signings (Figure 3). But if we compare these with an autograph letter from Ralegh (Figure 2) then we can see that they do not match.

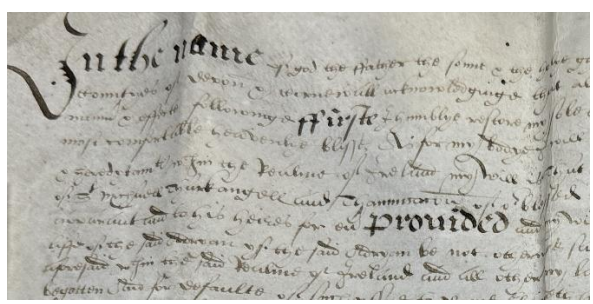


Figure 1: Handwriting of the will, Copyright: Sherborne Castle Estates

[49] Raymond 2012. p. 49.
[50] Raymond 2012. p. 50.
[51] Raymond 2012. p. 54.
[52] Houlbrooke 1998. p. 81.
[53] Raymond 2012. p. 38.
[54] Raymond 2012. p. 55.
[55] Beer 2019. p. 5.
[56] Beer 2019. p. 11.
[57] Beer 2019. p. 30.
[58] Trevelyan 2004. p. 294.
[59] Shirley 1983. p. 324.
[60] Raymond 2012. p. 55.
[61] Houlbrooke 1998. p. 89.

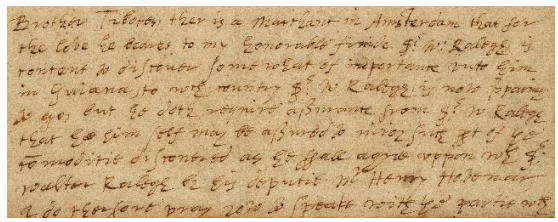


Figure 2: Ralegh's handwriting. Source: https://digitalcollections.folger.edu/img116032, – accessed 01-12-2025.

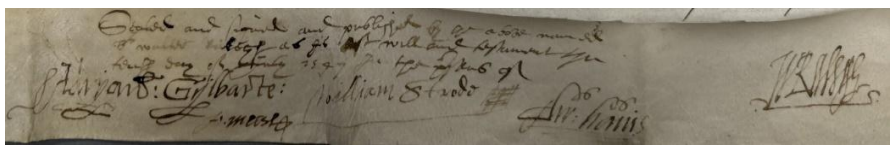


Figure 3: Handwriting at the bottom of the will, Copyright: Sherborne Castle Estates

"The sealing of wills had been common among wealthy and high-born testators long before 1500."[62] In this instance we can note a seal and signature as well.

To execute a probate, a will had to be the person's last will, which made the given will the only legitimate one even if the person had written previous ones.[63] This explains in Ralegh's case why he used the term *last will and testament* 15 times. But we can find no date of probate, probably due to the fact Ralegh did not die during this journey. While the testator was alive and his will was not proved, it was only a private document, enabling the testator to make changes at any time.[64] If after the testator's death there was still no probate then it stayed as a private document.[65] This will was never sent to be proved thus never reached a probate collection as wills after probates usually did,[66] it was found in the early 1970s in Sherborne.[67]

So, this was his only will, but he wanted to make sure that either he or his heir could keep Sherborne, thus he established a trust deed in January 1603 when the Queen's health was declining. His motivation could have been fear from not getting away from treachery or that his enemies will make it look like he committed treachery against the next king James I.[68]

In all his life he chased glory and favour and tried to cling to what he had achieved and make a legacy that he could transmit to his son. But when James I came to the throne he fell out of favour and could not save anything as he was

[62] HOULBROOKE 1998. p. 100.
[63] HOULBROOKE 1998. p. 89.
[64] FAIRBAIRN 2022. p. 6.
[65] FAIRBAIRN 2022. p. 4.
[66] WILL (https://www.nottingham.ac.uk/manuscriptsandspecialcollections/researchguidance/deedsindepth/associated/will.aspx – accessed 04-01-2026).
[67] LATHAM 1971. p. 129.
[68] BEER 2019. p. 167.

locked in the Tower, as Anna Beer put it: "Sir Walter Ralegh, the man, was declared legally dead" and lost everything.[69]

Herein follows the text of Ralegh's will.

(1) **In the name**[70] of god [God] the Father the ſonne [Son][71] e [and] the holye [Holy] ghoſte [Ghost] Three [three] pſon*s* [persons] and one god [God] The [the] eighth Daye [day] of Julye [July] Anno Dnī. [Domini.][72] 1597. I walter [Walter] Raleghe of Colliton Raleghe in the Countye [county] of Devoñ kinghte [knight] Captaine [Captain] of her Ma^{te} [Majesty's][73] garde [guard] and Lord Warden of the Stanneryes [Stannaries][74] in the //[75]
(2) Countye*s* [counties] of Devoñ e[and] Cornewall [Cornwall] acknowledginge [acknowledging] that all fleſhe [flesh] y*s* [is] graſſe [grass] and that the Daye [day] of o^{r} [our] birthe [birth] y*s* [is] the firſte [first] ſteppe [stepp] to Death [death] though the hower be vncertaine [uncertain] when the ſpiritt [spirit] ſhall [shall] retorne [return] to the lord [Lord] that gave it doe [do] ordeyne [ordain] Declare [declare] e [and] make thi*s* my laſte [last] will e [and] Teſtament [testament] in //
(3) manne*r*[76] e [and] effecte [effect] followinge [following] **Firſte** [first] I humblye [humbly] reſtore [restore] my ſole [soul] to that moſte [most] bleſſed [blessed] e [and] indiviſible [indivisible] Trinitye [Trinity] one god [God] moſt [most] gloryou*s* [glorious] almightye [almighty] e [and] eternall [eternal] on Whome [whom] by mercye [mercy] e [and] grace I firmelye [firmly] relye [rely] by faithe [faith] for the remiſſyon [remission] of my ſinne*s* [sins] And [and] Diligentlye [diligently] attende [attend] by grace eu*er*laſtinge [everlasting] vnſpeakable [unspeakable] and //
(4) moſt [most] comfortable heavenlye [heavenly] bliſſe [bliss], A*s* [as] for my bodye [body] I will it be beſtowed [bestowed] wth [with] all Due [due] righte [right] appteyninge [appertaining] to the ſame [same] by the Diſcrecōn [discretion] of my executo^{r} [executor] or my Deere [dear] Friende [friends] my overſeer*s* [overseers] of thi*s* my laſt [last] will **And** [and] a*s* concerninge [concerning] all my Signiorye*s* [seigniories] Hono [honours] & Caſtell*s* [castles] Manno [manors] & Lande [lands] Tenem^{te} [tenements] //
(5) e [and] Heredytam^{te} [hereditaments] wthin [within] the Realme [Realm] of Ireland my Will [will] i*s* That [that] my Brother [brother] Adryan [Adrian] Gilberte [Gilbert] ſhall [shall] haue [have] yſſuinge [issuing] out of the ſame [same] one Yearelye [yearly] Rent [rent] of one hundred pounde [pounds] of Currant [currant] engliſhe [English] moneye [money] duringe [during] the tearme [term] of the naturall [natural] liffe [life] of the ſaid [said] Adryan [Adrian] Gilberte [Gilbert] payable at the Feaſte [feasts] //
(6) of S^{t} [St] michaell [Michael] Tharkangell [the Archangel] and Thannucacoñ [the Annunciation] of o^{r} [our] bleſſed [blessed] ladye [lady] S^{t} [St] marye [Mary] the virgin

[69] BEER 2019. p. 188.
[70] I intentionally kept certain words bolded in the transcript which were also bolded in the will.
[71] The text used 3 different letters for today's *s*. Where the original text used *ſ*, I kept it for starting or inside words.
[72] I used lines above certain letters where the original text also did. Usually signalling an abbreviation with a few exceptions.
[73] Throughout the text I used superscripts where the original text also did.
[74] Another kind of *s* was used at the end of certain words; I signalled them with italics.
[75] // indicates a new line in the manuscript, and I give the number of the new line in parentheses.
[76] Where they used their own letter for the abbreviation of the letters *er*, I used italics for the *er* letters.

[Virgin] yearelye [yearly] by even e [and] equall [equal] porcōn*s* [portions] duringe [during] the ſaid [said] Tearme [term] All [all] Wth [with] ſaid [said] Signiory*es* [seigniories] *Hono [honours] & Caſtell*s* [Castles] manno [manors] & Lande [lands] Tenem^{te} [tenements] e [and] Heredytam^{te} [hereditaments]* I will e [and] bequeath to walter [Walter] Ralegh eſquire [esquire] my ſonne [son] e [and] heire [heir] //
(7) apparent [apparent] and to hi*s* heire*s* [heirs] for eu*er* [ever] **Provided** [provided] *and my Will [will] i*s* that my ſaid [said] ſonne [son] ſhall [shall] pmitt [permit] e [and] ſuffer [suffer] the ſaid [said] Adryan [Adrian] Gilberte [Gilbert] to haue [have] and take ſoe [so] much of the Rente [rents] e [and] pfitte [profits] of the ſaid [said] Lande [lands] and Tenem^{te} [tenements] a*s* ſhall [shall] amounte [amount] to the yearelye [yearly] value of one hundred pounde [pounds] duringe [during] the naturall [natural] //
(8) liffe [life] of the ſaid [said] Adryan [Adrian] yf [if] the ſaid [said] Adryan [Adrian] be not otherwiſe [otherwise] ſatiffyed [satisfied] of the Yearelye [yearly] Rente [rent] of one hundred pounde [pounds] aforeſaid [aforesaid] accordinge [according] to the true meaninge [meaning] of thi*s* my laſt [last] Will [will] e [and] Teſtam^{t} [testament]* **And** [and] my Will [will] y*s* [is] That [that] all my ſaid [said] Signiorie*s* [seigniories] *Hono [honours] & Caſtell*s* [castles] manno [manors] & Lande [lands] Tenem^{te} [tenements] e [and] Heredytam^{te} [hereditaments] //
(9) aforeſaid [aforesaid]* wthin [within] the ſaid [said] Realme [Realm] of Ireland and all other my lande [lands] Tenem^{te} [tenements] e [and] Heredytam^{te} [hereditaments] of inherytance [inheritance] wthin [within] the Realme [Realm] of England of What [what] nature ſoeu*er* [soever] they be of ſhalbe [shall be] to the heire*s* [heirs] Male*s* [males] of my bodye [body] lawfully begotten And [and] for Defaulte [default] of ſuch [such] yſſue [issue] *to the heire*s* [heirs] of my bodye [body] lawfullye [lawfully] //
(10) begotten And [and] for Defaulte [default] of ſuch [such] yſſue [issue]* to Dame Elizabeth my now Wiffe [wife] for tearme [term] of her liffe [life] And [and] after her Deceaſe [decease] to the right heire*s* [heirs] of me the ſaid [said] S^{r} [Sir] walter [Walter] Raleghe **And** [and] a*s* touchinge [touching] my tearme [term] or tearme*s* [terms] for yeare*s* [years] in the Caſtell [castles] Lordſhippe [lordships] Manno [manors] & lande [lands] Tenem^{te} [tenements] libertye*s* [liberties] //
(11) and hunderede [hundreds] of Sherborne newland [Newland] Caſteltowne [Castletown] wotton [Wotton] whitefeilde [Whitefield] yetminſter [Yetminster] e [and] Candell Biſhoppe [Bishop's Caundle] in the Countye [county] of Dorſe^{t} [Dorset] or Sou*er*ſe^{t} [Somerset] and all other Lande [lands] Tenem^{te} [tenements] Rente [rents] pfitte [profits] e [and] hereditam^{te} [hereditaments] wthin [within] the hundrede [hundreds] of Sherborne e [and] yetminſter [Yetminster] or anie [any] of them late pcell [parcel] of the poſſeſſion [possession] of the //
(12) Biſhoprike [Bishopric] of Sa̅re [Salisbury] or of anie [any] other pſon [person] or pſon*s* [persons] whatſoeu*er* [whatsoever] I will and bequeathe [bequeath] the occupacōn [occupation] e [and] profitt [profit] thereof to the ſaid [said] Dame Elizabeth my Wiffe [wife] vntill [until] my ſaid [said] ſonne [son] Walter Raleghe (or yf [if] he Dye [dies] to anie [any] other my heire [heirs] of my bodye [body] male or Female [female] to Whome [whom] the ſame [same] by //
(13) thi*s* my laſt [last] will e [and] Teſtam^{t} [testament] ſhalbe [shall be] bequeathed) ſhalbe [shall be] marryed [married] or accompliſhe [accomplish] the full age of one e [and] Twentye [twenty] yeaere*s* [years] yf [if] the ſaid [said] Elizabethe [Elizabeth] ſhall [shall] ſoe [so] longe [long] lyve [live] **And** [and] my Will [will] i*s* That [that] at the tyme [time] of my ſaid [said] ſonne*s* [sons] or heire*s* [heirs] marryage [marriage] aforeſaid [aforesaid] or at ſuch [such] tyme [time] a*s* my ſaid [said] ſonne [son] //

(14) or anie [any] my heire [heirs] aforeſaid [aforesaid] ſhall [shall] accompliſhe [accomplish] the age of one e [and] Twentye [twenty] yeare*s* [years] aforeſaid [aforesaid] or at the tyme [time] of the Death [death] of the ſaid [said] Elizabethe [Elizabeth] or at either of the ſaid [said] tyme*s* [times] firſt [first] happeninge [happening] That [that] then my ſaid [said] tearme [term] or tearme*s* [terms] of yeare*s* [years] of the ſaid [said] Caſtell [castles] *lordſhipp*s [lordships] //
(15) manno [manors] & Lande [lands] Tenem[te] [tenements] libertye*s* [liberties] e [and] hundrede [hundreds] of Sherborne newland [Newland] Caſtelltowne [Castletown] wotton [Wotton] whitefeild [Whitefield] yetminſter [Yetminster] and Candell Biſhoppe [Bishop's Caundle] aforeſaid [aforesaid] and all other Lande [lands] Tenem[te] [tenements] Rente [rents] pfitte [profits] e [and] hereditam[te] [hereditaments] aforeſaid [aforesaid] w[th]in [within] the ſaid [said] hundrede [hundreds] of Sherborne or Yetminſter [Yetminster]* ſhalbe [shall be] //
(16) e [and] remaine [remain] to my ſaid [said] ſonne [son] walter [Walter] Raleghe for by e [and] Duringe [during] all the ſaid [said] ſeu*er*all [several] tearme*s* [terms] then to come or vnexpired [unexpired] of e [and] in the ſame [same] **Item** [item] a*s* touchinge [touching] my leaſe [lease] tearme [term] e [and] intereſte [interest] for yeare*s* [years] to me granted by o[r] [our] ſou*er*aigne [sovereign] Ladye [lady] the queene*s* [Queen's] ma[tie] [Majesty] that nowe [now] y*s* [is] by her //
(17) highne*s* [Highness] leř*s* [letters] patente [patents] vnder [under] the greate [Great] ſeale [Seal] of England of full power libertye [liberty] intereſt [interest] e [and] aucthoritye [authority] concerninge [concerning] the granntinge [granting] e [and] erectinge [erecting] geevinge [giving] or makinge [making] of licence*s* for the vtteringe [uttering] retaile [retail] or ſayle [sale] of wyne*s* [wines] e [and] keepinge [keeping] of Tau*er*ne*s* [taverns] throughout her Ma[te] [Majesty's] Realme [Realme] of //
(18) England e [and] Domynion*s* [dominions] of Wale*s* w[th] [with] all my Rente [rents] Revenewe*s* [revenues] yearelye [yearly] ſome*s* [sums] pfitte [profits] e [and] comodityе*s* [commodities] for or in reſpecte [respect] or anie [any] wiſe [wise] touchinge [touching] or concerninge [concerning] the ſame [same] licence [licences] e [and] makinge [making] e [and] granntinge [granting] of licence*s* a*s* aforeſaid [aforesaid]. I declare my will e [and] teſtam[t] [testament] to be And [and] I geeve [give] legate e [and] bequeath //
(19) my ſaid [said] tearme [term] of Yeare*s* [years] in e [and] concerninge [concerning] the ſame [same] licence*s* and makinge [making] of licence*s* and all my Rente [rents] Revenewe*s* [revenues] yearely [yearly] ſoome*s* [sums] e [and] paym[te] [payments] and all Counterpte [counterparts] of licences, bonde [bonds] obligacōn*s* [obligations] e [and] other eſcripte [escripts] e [and] aſſurances [assurances] to me or to my vſe [use] made concerninge [concerning] the ſame [same] in anie [any] Degree [degree] to my //
(20) ſaid [said] ſonne [son] Walter Raleghe: But neu*er*theleſſe [nevertheless] thintente [the intents] meaninge [meanings] uſe*s* [uses] purpoſe*s* [purposes] e [and] effecte [effects] followinge [following] That [that] y*s* [is] to ſaye [say] To [to] thende [the end] vſe [use] e [and] intent, And [and] my Will [will] y*s* [is] that my ſaid [said] wiffe [wife] ſhall [shall] yearelye [yearly] e [and] yeare [year] by yeare [year] haue [have] e [and] receaue [receive] in vppon [upon] and by the Rente [rents] or yearelye [yearly] paym[te] [payments] reſerued [reserved] or granted //
(21) for or in reſpecte [respect] of the ſaid [said] licence*s* the yearelye [yearly] ſoome [sum] of Fyve [five] hundred pounde [pounds] at the Feaſte [feasts] of S[t] [St] michaell [Michael] Tharkangell [the Archangel] e [and] of Thannuncacōn [the Annunciation] of o[r] [our] ladye [lady] S[t] [St] marye [Mary] by even porcōn*s* [portions] at the hande [hands] of my overſeer*s* [overseers] vntill [until] my ſaid [said] ſonne [son] ſhalbe [shall

be] marryed [married] or ſhall [shall] or maye [may] by computacōn [computation] of tyme [time] come to thage [the age] of XXI. yeare*s* [years] //
(22) yf [if] he ſhall [shall] ſoe [so] longe [long] lyve [live] And [and] after my ſaid [said] ſonne [son] ſhalbe [shall be] or might be by computacōn [computation] of tyme [time] of full age That [that] then my ſaid [said] wiffe [wife] ſhall [shall] haue [have] e [and] Receave [receive] the ſaid [said] yearelye [yearly] ſoome [sum] or paym^t^ [payment] at the feaſte [feasts] aforeſaid [aforesaid] Duringe [during] my tearme [term] therein yf [if] ſhee [she] ſhall [shall] ſoe [so] longe [long] lyve [live] by the hande [hands] //
(23) e [and] Deliu*er*ye [delivery] of my ſaid [said] ſonne [son] in by e [and] out of the ſaid [said] yearelye [yearly] Rente [rents] ſoome*s* [sums] e [and] annuall [annual] paym^te^ [payments] Reſerved [reserved] grannted [granted] or agreed vppon [upon] for touchinge [touching] or in Reſpette [respect] of the ſaid [said] licence*s*, Allwai*s* [always] willinge [willing] ordeyninge [ordaining] and my full mynde [mind] y*s* [is] That [that] my ſaid [said] ouerſeer*s* [overseers] ſhall [shall] haue [have] the orderinge [ordering] //
(24) vſance [usance] e [and] gou*er*nm^t^ [government] of my ſaid [said] tearme [term] right e [and] intereſt [interest] for the granntinge [granting] of licence*s* a*s* i*s* aforeſaid [aforesaid] for thoſe [those] e [and] benifitt [benefit] of my ſaid [said] ſonne [son] And [and] for the paym^t^ [payment] and Diſcharge [discharge] of the ſaid [said] yearelye [yearly] ſoome [sum] of Fyve [five] hundred pounde [pounds] to my ſaid [said] wiffe [wife] vppon [upon] accompt to my ſaid [said] ſonne [son] //
(25) to be made vntill [until] my ſaid [said] ſonne [son] be marryed [married] or be of full age and noe [no] longer **And** [and] I geeve [give] Diſpoſe [dispose] e [and] bequathe [bequeath] all that cheefe [chief] meſſuage [messuage] or Tenem^t^ [tenement] and all ſuch [such] meſſuage [messuages] Tenem^te^ [tenements] Lande [lands] and hereditam^te^ [hereditaments] a*s* I haue [have] or ought or ſhall [shall] or maye [may] haue [have] in poſſīōn [possession] Reu*er*cōn [reversion] or Remainder [remainder] w^th^ [with] //
(26) there Righte [right] member*s* e [and] appe^r^ten^a^nce [appurtenances] in Haſelberye Plucknet [Haselbury Plucknett] in the Countye [county] of Sou*er*ſe^t^ [Somerset] vnto [unto] the ſaid [said] Elizabeth my Wiffe [wife] Duringe [during] all my tearme [terms] and intreſte [interests] therein yf [if] ſhee [she] ſhall [shall] ſoe [so] longe [long] lyve [live]: Provided allwai*s* [always] that ſhee [she] ſhall [shall] not falle [fall] cutt [cut] dwne [down] waſte [waste] nor deſtroye [destroy] //
(27) the tymber [timber] Woode [woods] nor Coppice*s* [coppices] ſtandinge [standing] or growinge [growing] vppon [upon] the ſame [same] Fearme [farms] or Tenem^te^ [tenements] or anie [any] of them. **All** w^ch^ [which] ſaid [said] woode [woods] e [and] Coppice*s* [coppices] I geeve [give] e [and] Deviſe [devise] to my ſaid [said] ſonne [son] e [and] hi*s* aſſigne*s* [assignees] And [and] yf [if] my Wiffe [wife] ſhall [shall] happen to Dye [die] before thend [the end] e [and] expiracōn [expiration] of the ſaid [said] tearme [term] //
(28) Then [then] I geeve [give] e [and] Diſpoſe [dispose] the ſame [same] leaſe [lease] *tearme [term] eſtate [estate] e [and] yeare*s* [years] and all the ſaid [said] meſſuage*s* [messuages] Cotage [cottages] Lande [lands] Tenem^te^ [tenements] e [and] Hereditam^te^ [hereditaments]* in Haſelberye Plucknett [Haselbury Plucknett] aforeſaid [aforesaid] in the ſame [same] leaſe [lease] eſtate [estate] or tearme [term] mencōned [mentioned] vnto [unto] my ſaid [said] ſonne [son] Walter Raleghe and hi*s* aſſīgne*s* [assignees] **Item** [item] //
(29) I will Deviſe [devise] e [and] bequathe [bequeath] to my ſaid [said] ſonne [son] the leaſe [lease] of Spilmane [Spilman] her Ma^te^ [Majesty's] Iuiller*s* [Jewel] houſe [House] neere [near] Durham houſe [House] London and all the eſtate [estate] tearme [terms] of Yeare*s* [years] e [and] Demaunde [demands] therew^th^ [therewith] to Reedeeme

[redeem] twoe [two] greate [great] flagon*s* of ſilver [silver] gilte [gilt] wayinge [weighing] ſix [six] e [and] Twentye [twenty] //
(30) pounde [pounds] eight ounce*s* or there aboute [abouts] Allſoe [also] twoe [two] greate [great] ſilver [silver] potte [pots] gilte [gilt] of the ſame [same] suite [suit] wayinge [weighing] Twentye [twenty] pounde [pounds] Ten [ten] ounce*s* or there aboute [abouts] And [and] one Silver [silver] Baſon [basin] and one Ewer [ewer] wayinge [weighing] XXVIIen [XXVII] pounde [pounds] or thereaboute [there abouts] The [the] W^{ch} [which] I allſoe [also] geeve [give] //
(31) to my ſaid [said] ſonne [son] Walter Raleghe I geeve [give] allſoe [also] to my ſaid [said] ſonne [son] Walter one bed ſteede [bedstead] of mother pele [pearl] and one Chyna [China] bed of ſilke [silk] ymbrodered [imbordered] wth [with] ſilke [silk] e [and] China [China] gould [gold] wth [with] the bedſted [bedstead] guilte [gilt] e [and] furniture thereto belonginge [belonging] and eight peece*s* [pieces] of my Richeſt [richest] hanginge [hangings] havinge [having] //
(32) my arme*s* [arms] on them. **And** moreou*er* [moreover] I geue [give] e [and] bequeath to my ſaid [said] ſonne [son] walter [Walter] Raleghe one ſuite [suit] of Porcelane [porcelain] ſett [set] in ſilver [silver] e [and] gylt [gilt] That [that] y*s* [is] to ſaye [say] twoe [two] baſon*s* [basins] e [and] Ewere*s* [ewers] wth [with] twoe [two] flaggon*s* [flagons] and twoe [two] bole*s* [bowls] ſutable [suitable] willinge [willing] e [and] appointinge [appointing] hereby That [that] yf [if] my ſaid [said] ſonne [son] //
(33) ſhall [shall] happen to Dye [die] wthout [without] heire [heir] of hi*s* bodye [body] before he be of full age That [that] then my Right [right] Honorable [honourable] good Frinde [friend] S^{r} [Sir] Robbe [Robert] Cecill [Cecil] ſhall [shall] haue [have] the ſaid [said] whole ſuite [suit] of porcelane [porcelain] ſoe [so] bequeathed to my ſonne [son] **And** [and] further I geve [give] to my ſaid [said] ſonne [son] The [the] moyetye [moiety] //
(34) of all my plate [plates] bedinge [beddings] houſeholdſtuffe [household stuff] furniture of houſe [house] Iewel*s* [jewels] my Wyve*s* [wife's] pl*s* [pearls] expected And [and] the other Moyetye [moiety] I doe [do] give and bequeath togeather [together] wth [with] my Wive*s* [wife's] ple*s* [pearls] aforeſaid [aforesaid] vnto [unto] the ſaid [said] Elizabeth my nowe [now] Wiffe [wife] Provided [provided] allwai*s* [always] and my meaninge [meaning] //
(35) y*s* [is] That [that] yf [if] my ſaid [said] ſonne [son] ſhall [shall] happen to Dye [die] before he be marryed [married] or of full age and haue [have] noe [no] heire [heir] of hi*s* bodye [body] That [that] then The [the] ſaid [said] Elizabeth my wiffe [wife] ſhall [shall] haue [have] all the Reſidue [residue] of my ſaid [said] plate [plates] beddinge [beddings] houſehold [household] ſtuffe [stuff] furniture of houſe [house] e [and] //
(36) Iewel*s* [jewels] **Item** [item] the Statute [statutes] of my lord of huntington [Huntington] and of S^{r} [Sir] John Throkemorton [Throckmorton] Deceaſed [deceased] and one obligacō̃n [obligation] of Fyve [five] hundred pounde [pounds] of the nowe [now] Earle [Earl] of Derbye [Deby] I will That [that] the benifitt [benefit] thereof ſhalbe [shall be] ymployed [employed] by my ou*er*ſeers [overseers] of thi*s* my laſte [last] ~ //
(37) will e [and] Teſtam^{t} [testament] to the paym^{t} [payment] of my Debte [debts] and the Remaine [remain] thereof to be Divided [divided] betweene [between] the ſaid [said] Elizabeth my Wiffe [wife] and the ſaid [said] walter [Walter] Ralegh my ſonne [son] prayinge [praying] my ſaid [said] ou*er*ſeers [overseers] That [that] they Will [will] take e [and] haue [have] a ſpecyall [special] care That [that] ſuch [such] ſoome*s* [sums] of moneye [money] //
(38) a*s* ſhall [shall] Yearelye [yearly] e [and] from tyme [time] to tyme [time] be Receaved [received] by them maye [may] be converted to a reaſonable [reasonable]

pfitt [profit] e [and] benifitt [benefit] for the vſe [use] e [and] behouffe [behoof] of the ſaid [said] Walter Raleghe my ſonne [son] vntill [until] he ſhalbe [shall be] marryed [married] or accompliſhe [accomplish] the age of XXI yeare*s* [years] ~ //
(39) **Item** [item] I will ordeyne [ordain] e [and] appointe [appoint] that ſoe [so] ſoone [soon] as my Debte [debts] are paid e [and] dulye [duly] Diſcharged [discharged] wthout [without] fraude [fraud] or Delayed [delayed] practiſe [practice] w^{ch} [which] I ſpecyallye [specially] Will [will] e [and] earneſtlye [earnestly] Require [require] be not attempted nor vſed [used] in anie [any] ſorte [sort] That [that] then Thom^{a}*s* Harryott [Thomas Harriot] of London gen^{t} [gentleman] ſhall [shall] yearelye [yearly] //
(40) at the feaſte [feasts] of S^{t} [St] michaell [Michael] Tharkangell [the Archangel] and Thannucacōn [the Annunciation] of o^{r} [our] ladye [lady] the virgin [Virgin] Duringe [during] my ſaid [said] tearme [term] grannted [granted] for or in Reſpecte [respect] of the makinge [making] of licence*s* for the ſale [sale] or Retayle [retail] of Wyne*s* [wines] e [and] kepinge [keeping] of Tau*er*ne*s* [taverns] aforeſaid [aforesaid] yf [if] the ſaid [said] Thom^{a}*s* Herrryott [Thomas Harriot] //
(41) ſhall [shall] ſoe [so] longe [long] lyve [live] haue [have] e [and] Receave [receive] out of the ſaid [said] Rente [rents] Reveneue*s* [revenues] e [and] paym^{te} [payments] touchinge [touching] the ſaid [said] Licence*s* [licences] one Anuitye [annuity] or yearelye [yearly] ſoome [sum] of one hundred pounde [pounds] by the hande [hands] of ſuch [such] pſone [person] and pſon*s* [persons] a*s* by thi*s* my laſte [last] will ſhall [shall] or ought ~ //
(42) to haue [have] the rule eſtate [estate] e [and] gou*er*nm^{t} [government] of the ſaid [said] tearme [term] concerninge [concerning] the ſaid [said] licence*s* accordinge [according] to the p^{r}porte [purported] and trewe [true] meaninge [meaning] hereof Moreou*er* [moreover] I geeve [give] to the ſaid [said] Thom^{a}*s* Harryott [Thomas Harriot] all my booke*s* [books] e [and] the furniture in hi*s* owne [own] Chamber [chamber] and in my bedchamber in Durham //
(43) houſe [House] Togeather [together] Wth [with] all ſuch [such] blacke [black] ſuite [suit] of appella*s* [apparels] I haue [have] in the ſame [same] houſe [house]. **Item** I will e [and] ordeyne [ordain] That [that] all thoſe [those] my Three [three] pte [parts] in the ſhippe [ship] called the Robucke [Roebuck] wth [with] her Ancore*s* [anchors] Tackle [tackle] e [and] furniture and all my Artylerye [artillery] and great ordinance [ordnance] therein ſhalbe [shall be] ſold [sold] ~ //
(44) by my ſaid [said] ou*er*ſeer*s* [overseers] And [and] of the moneye [money] and pfitte [profits] there vppon [upon] Riſinge [rising] I will that my Reputed [reputed] Daughter [daughter] begotten on the bodye [body] of Alice Goold now in Ireland ſhall [shall] haue [have] the ſoome [sum] of Fyve [five] hundredth [hundred] Marke*s* [marks] That [that] Thom^{a}*s* Harryott [Thomas Harriot] ſhall [shall] haue [have] twoe [two] hundred pounde [pounds] ~ //
(45) Allſoe [also] Lawrence Keymiſhe [Kemys] one hundred pounde [pounds] And [and] I will That [that] the Reſidue [residue] of the moneye [money] e [and] pfitte [profits] of the ſaid [said] ſhippe [ship] wth [with] her furniture e [and] ordynance [ordnance] ſhalbe [shall be] ymployed [employed] converted e [and] beſtowed [bestowed] by my ſaid [said] ou*er*ſeers [overseers] towarde [towards] e [and] for the paym^{t} [payment] of my Debte [debts]. **Item** I geeve [give] //
(46) to S^{r} [Sir] Arthur Throkemorton [Throckmorton] my beſte [best] horſe [horse] and my beſt [best] ſaddle [saddle] wth [with] the furniture: To S^{r} [Sir] George Carewe [Carew] my next beſt [best] horſe [horse] e [and] sadle [saddle] And [and] to Alexander Brett my longe [long] Blacke [black] velvett [velvet] cloake [cloak] now in my Wardrobe

[wardrobe] at Durham houſe [House] And [and] I geeve [give] to my living [living] kinſman [kinsman] Arthur //
(47) Gorges my beſt [best] Rapyer [rapier] e [and] Dagger [dagger] And [and] I cleerelye [clearly] e [and] freelye [freely] acquite [acquit] Releaſe [release] e [and] Diſcharge [discharge] him of e [and] for all debte [debts] and ſoomes [sums] of moneye [money] to me by him Due [due] in anie [any] ſorte [sort]. **Provided** and my further will ys [is] concerninge [concerning] all my leaſes [leases] *e [and] Lande [lands] Tenemte [tenements] e [and] heredytamte [hereditaments] aforeſaid [aforesaid]* wthin [within] the hundrede [hundreds] of //
(48) Sherborne e [and] yetminſter [Yetminster] aforeſaid [aforesaid] *That [that] yf [if] my ſaid [said] ſonne [son] walter [Walter] Raleghe Doe [does] Dye [die] before he ſhalbe [shall be] marryed [married] or accompliſhe [accomplish] the age of XXI yeares [years] That [that] then the ſame [same] Leaſe [leases] Lande [lands] Tenemte [tenements] e [and] Heredytamte [hereditaments] ſhall [shall] Remaine [remain] to the next heire [heir] male of the bodye [body] of me the ſaid [said] Sr [Sir] walter [Walter] //
(49) Raleghe whenthe [when the] ſaid [said] next heire [heir] male ſhalbe [shall be] marryed [married] or be of the age of XXI yeares [years] **Provided** [provided] That [that] yf [if] my ſaid [said] next heire [heir] male of my bodye [body] doe [does] Dye [die] vnmarryed [unmarried] orbefore [or before] he ſhall [shall] accompliſhe [accomplish] the age of XXI yeares [years] or of [if] I ſhall [shall] haue [have] noe [no] heire [heir] male that ſhall [shall] accompliſhe [accomplish] ſuch [such] age //
(50) or be marryed [married] Then [then] my Will [will] ys [is] That [that] the ſame [same] Leaſe [leases] Lande [lands] Tenemte [tenements] e [and] heredytamte [hereditaments] ſhalbe [shall be] e [and] Remaine [remain] to the heires [heirs] femalle [female] of my bodye [body] And [and] for want of such yſſue [issue] to Elizabeth my Wiffe [wife] duringe [during] ſoe [so] much of the tearme [term] or tearmes [terms] in the ſame [same] as ſhalbe [shall be] then to come or //
(51) vnexpired [unexpired] yf [if] the ſaid [said] Elizi [Elizabeth] ſoe [so] longe [long] ſhall [shall] lyve [live]* And [and] after her Deathe [death] to ſuch [such] pſon [person] or pſons [persons] as I the ſaid [said] Sr [Sir] walter [Walter] Ralegh ſhall [shall] nomynate [nominate] or appointe [appoint] in Writinge [writing] ſubſcribed [subscribed] wth [with] my ſigne [sign] or hand Writinge [handwriting] **Provided** [provided] allſoe [also] e [and] my will ys [is] That [that] ſoe [so] longe [long] as I the //
(52) ſaid [said] Sr [Sir] walter [Walter] Ralegh or my ſonne [son] Walter Raleghe haue [have] anie [any] yſſue [issue] ~s [issues] either of or [our] bodyes [bodies] The [the] ſaid [said] Elizabethe [Elizabeth] my Wiffe [wife] ſhall [shall] not make anie [any] grannte [grants] by Copie [copy] of Courte [court] Role [role] by her ſelfe [herself] or anie [any] of her officers of anie [any] of the prmiſſes [premisses] laſte [last] bequeathed nor //
(53) ſhall [shall] diſpke [dispark] my pke [park] of Sherborne or plough vpp [up] anie [any] parte [parts] of the ſame [same] pke [park] or comitt [commit] anie [any] Wilfull [wilful] waſte [waste] ſpoyle [spoil] or diſtruccōn [destruction] in the ſaid [said] Caſtell [castle] or in other the prmiſſes [premisses] or newe [new] erected buildinge [buildings] in the ſaid [said] pke [park] gardens orcharde [orchards] walkes [walks] Fishe pounde [fishponds] Conduit [conduit] pipes of lead //
(54) Tymber [timber] Trees [trees] newe [new] planted Trees [trees] or hedges in the ſame [same] parke [park], nor ſhall [shall] take anie [any] Woode [woods] or VnderWoode [under woods] out of the ſeueral [several] grounde [grounds] incloſed [enclosed] called by the name of Honycombe woode [Honeycombe Woods] Thornye

leaze [Thorny Pasture] Whitefeild Woode [Whitefield Woods] or Candell Woode [Bishop's Caundle Woods] pcell [parcel] of the p^r^miſſ*es* [premisses]. **Provided //**
(55) allſoe [also] and my Will [will] y*s* [is] *That [that]* whereſoeu*er* [wheresoever] I haue [have] bequeathed by thi*s* my Will [will] to my ſaid [said] ſonne [son] walter [Walter] Raleghe anie [any] Legacye [legacy] or legacye*s* [legacies] of anie [any] goode [goods] and Chattell*s* [chattels] Iewel*s* [jewels], plate [plates] bedinge [beddings] e [and] houſhold [household] ſtuffe [stuff] (The [the] leaſe*s* [leases] *Lande [lands] Tenem^te^ [tenements] e [and] heredytam^te^ [hereditaments] aforeſaid [aforesaid]* in the //
(56) Hundrede [hundreds] of Sherborne e [and] yeatminſter [Yetminster] aforeſaid [aforesaid] onlye [only] excepted) *And [and] after my ſaid [said] ſonne [son] Walter to anie [any] other pſone [person] or pſon*s* [persons] or to anie [any] other pſone [person] or pſon*s* [persons] and after to my ſaid [said] Sonne [son] Walter Raleghe or to my ſaid [said] ſonne [son] walter [Walter] Ralegh allone [alone]. ~ //
(57) my will e [and] meaninge [meaning] y*s* [is] That [that] yf [if] my ſaid [said] ſonne [son] Walter Ralegh Doe [does] Dye [die] before he ſhalbe [shall be] marryed [married] or accompliſhe [accomplish] the age of XXI yeare*s* [years] And [and] That [that] yf [if] I the ſaid [said] S^r^ [Sir] walter [Walter] Raleghe haue [have] anie [any] other heire [heir] male or Femalle [female] of my bodye [body] That [that] from the ſaid [said] ~ //
(58) heire [heir] male or heire [heir] Female [female] in Defaulte [default] of heire [heir] male ſhall [shall] haue [have] all e [and] eu*er*ye [every] Legacye [legacy] e [and] legacye*s* [legacies] except before in thi*s* proviſo [proviso] excepted geven [given] or bequeathed vnto [unto] him the ſaid [said] walter [Walter] Raleghe my ſonne [son] in ſuch [such] manno^r^ [manner] e [and] forme [form] and at ſuch [such] tyme [time] of hi*s* or her //
(59) marryage [marriage] or hi*s* or her age of XXI yeare*s* [years] or otherwiſe [otherwise] a*s* the ſaid [said] walter [Walter] Raleghe my ſonne [son] ſhould [should] might or ought to haue [have] the ſame [same].* **Item** I geeve [give] to my ſervant [servant] John meere [Meere] of Caſtelrowne [Castletown] aforeſaid [aforesaid] one Annuall [annual] or yearelye [yearly] Rent [rent] of ~ //
(60) Twentye [twenty] pounde [pounds] of Currant [currant] engliſh [English] moneye [money] to be paid him yearelye [yearly] out of e [and] from my manno^r^ [manors] Lande [lands] e [and] Tenem^te^ [tenements] in Sherborne aforeſaid [aforesaid] at the fower [four] moſt [most] vſuall [usual] feaſte [feasts] and tearme*s* [terms] of the Yeare [year] by even e [and] equall [equal] porcōn*s* [portions] duringe [during] all my tearme [terms] that I haue [have] yet to come amonge [among] //
(61) other thinge [things] of e [and] in my manno^r^ [manors] of Sherborne aforesaid [aforesaid] yf [if] the ſaid [said] John Meere ſoe [so] longe [long] ſhall [shall] lyve [live], Charginge [charging] e [and] Requiringe [requiring] him hereby That [that] he Doe [does] contynue [continue] like faithfull [faithful] e [and] diligent ſervant [servant] to my said Wiffe [wife] e [and] ſonne [son] a*s* he hath [has] byn [been] to me And [and] //
(62) w^th^ [with] all by all diligent care to be aidinge [aiding] vnto [unto] my ſaid [said] wiffe [wife] e [and] ſonne [son] for the better effectinge [effecting] of thi*s* my laſt [last] will e [and] Teſtam^t^ [testament] accordinge [according] to my true meaninge [meaning]. All the reſte [rest] of my goode [goods] Shippinge [shippings], ordynance [ordnances] Debte [debts] e [and] Chattell*s* [chattels] whatſoeu*er* [whatsoever] they be not //
(63) alreadye [already] geven [given] and bequeathed I doe [do] geeve [give] and bequeath to the ſaid [said] walter [Walter] Ralegh my ſonne [son] when he ſhalbe [shall be] marryed [married] or accompliſhe [accomplish] the age of XXI Yeare*s* [years] *And [and] yf [if] the ſaid [said] walter [Walter] Ralegh my ſonne [son] happen to Dye [die] before he be marryed [married] or ſhall [shall] //

(64) accompliſhe [accomplish] the full age of XXI yeare*s* [years] or at anie [any] tyme [time] after hauinge [having] noe [no] heire [heir] male of hi*s* bodye [body] Then [then] I doe [do] geve [give] the ſame [same] goode [goods] Shippinge [shippings] ordynance [ordnances] Debte [debts] e [and] Chattell*s* [chattels] vunto [unto] the next heire [heir] male of my bodye [body] when the ſaid [said] next //
(65) heire [heir] male of my bodye [body] ſhalbe [shall be] marryed [married] or ſhall [shall] accompliſhe [accomplish] the age of XXI yeare*s* [years] And [and] yf [if] the ſaid [said] next heire [heir] male happen to Dye [die] before he be marryed [married] or ſhall [shall] accompliſhe [accomplish] the full age of XXI yeare*s* [years] Then [then] I doe [do] geeve [give] the ſame [same] goode [goods] //
(66) ſhippinge [shippings] ordynance [ordnances] Debte [debts] e [and] Chattell*s* [chattels] to another heire [heir] of my bodye [body] when he or ſhee [she] ſhalbe [shall be] marryed [married] or ſhall [shall] accompliſhe [accomplish] the age of one and Twentye [twenty] Yeare*s* [years], and for Defaulte [default] of ſuch [such] yſſue [issue] That [that] ſhall [shall] not be marryed [married] or accompliſhe [accomplish] //
(67) the age of XXI yeare*s* [years] I doe [do] geeve [give] the ſame [same] goode [goods] ſhippinge [shippings] ordynance [ordnances] Debte [debts] e [and] Chattell*s* [chattels] vnto [unto]* Elizabeth my Wiffe [wife] **And** [and] I doe [do] ordeyne [ordain] e [and] make the ſaid [said] walter [Walter] Ralegh my ſonne [son] the Executo[r] [executor] of thi*s* my laſte [last] will e [and] Teſtamente [testament] *~ //
(68) Provided [provided] allwai*s* [always] That [that] yf [if] my ſaid [said] ſonne [son] Doe [does] Dye [die] before he be marryed [married] or before he ſhall [shall] accompliſhe [accomplish] the full age of XXI yeare*s* [years] Then [then] I doe [do] ordeyne [ordain] e [and] make my next heire [heir] male of my bodye [body] Executo[r] [executor] of thi*s* my laſt [last] Will [will] and //
(69) Teſtam[t] [testament]: Provided [provided], allſoe [also] That [that] yf [if] ſuch [such] next heire [heir] male Doe [does] Dye [die] before he be marryed [married] or ſhall [shall] accompliſhe [accomplish] the age of XXI yeare*s* [years] or for Default [default] of ſuch [such] next heire [heir] male Then [then] I doe [do] ordeyne [ordain] e [and] make my heire*s* [heirs] Femall [female] //
(70) of my bodye [body] Executo[r] [executor] of thi*s* my laſt [last] Will [will] e [and] Teſtam[t] [testament]: Provided [provided] allſoe [also] That [that] yf [if] my ſaid [said] heire [heir] Femalle [female] Doe [does] Dye [die] before ſhe [she] be marryed [married] or accompliſhe [accomplish] the age of XXI yeare*s* [years] Then [then] I doe [do] ordeyne [ordain] e [and] make Elizabeth my wiffe [wife] Executo[r] [executor] //
(71) of thi*s* my laſte [last] Will [will] e [and] Teſtam[t] [testament]* **And** [and] I doe [do] further ordeyne [ordain] e [and] make my trſutye [trusty] e [and] faithfull [faithful] frinde [friends] Arthur Throkemorton [Throckmorton] of Pawlersburye [Paulerspury] in the Countye [county] of Northampton knight George Carewe [Carew] of London knight Alexander //
(72) Brett of Whitechurch in the Countye [county] of Dorſe[t] [Dorset] eſqy [Esq] e [and] Thom[a]*s* Harryott [Thomas Harriot] of London gent [gentleman] aforeſaid [aforesaid] the ou*er*ſeers [overseers] of thi*s* my laſt [last] Will [will] e [and] Teſtam[t] [testament] **And** [and] my Will [will] e [and] Deſire [desire] y*s* [is] That [that] they Will [will] take the adminiſtracōn [administration] of all my goode [goods] //
(73) vppon [upon] them duringe [during] the mynorytye [minority] of my ſaid [said] ſonne [son] walter [Walter] Raleghe and duringe [during] the mynorytye [minority] of anie [any] other That [that] ſhalbe [shall be] myne [my] Executo[r] [executor] w[th]in [within] age vntill [until] ſuch [such] Executo[r] [executor] ſhall [shall] marrye [marry] or accompliſhe [accomplish] the age of one //

(74) e [and] Twentye [twenty] yeare*s* [years] **further** I doe [do] earneſtlye [earnestly] Requeſte [request] e [and] praye [pray] my ſaid ou*er*ſeer*s* [overseers] by the bande [bands] of Amitye [amity] That [that] they Will [will] wth [with] all care e [and] Regard [regard] faithfullye [faithfully] e [and] trulye [truly] admyniſter [administer] my goode [goods] accordinge [according] to the truſt [trust] Repoſed [reposed] in them and //
(75) accordinge [according] to my true meaninge [meaning] expreſſed [expressed] in thi*s* my laſt [last] Will [will] e [and] Teſtam^{t} [testament] **And** [and] I doe [do] vtterlye [utterly] Revoke [revoke], *Recall [recall], Repeale [repeal], controle [control] and herebye [hereby] vtterlye [utterly] Countermande [countermand] Renounce [renounce] e [and] fruſtrate [frustrate] all my other e [and] form*er* [former] will*s* and all bequeſte [bequests] //
(76) guiſte [just] Legacye*s* [legacies] e [and] lymitacōn*s* [limitations] in the ſame [same] publiſhinge [publishing] makinge [making] enactinge [enacting] e [and] Declaringe [declaring] theaſe [these] p^{r}ſente [present] onlye [only] e [and] noe [no] other to be the laſt [last] will e [and] Teſtam^{t} [testament] of me the ſaid [said] S^{r} [Sir] walter [Walter] Raleghe ordeyinge [ordering] pvidinge [providing] e [and] willinge [willing] neu*er*theleſſe [nevertheless] //
(77) That [that] what further or other guiſte [just] will or Deviſe [devise] I ſhall [shall] at anie [any] tyme [time] hereafter ordeyne [ordain] make or Declare [declare] in writinge [writing] vnder [under] my hand or ſeale [seal] either in or for thenlargm^{t} [the enlargement] Dimniſhinge [diminishing] or alteracōn [alteration] of thi*s* my p^{r}ſent [present] will or of anie [any] guiſte [just] //
(78) legacye [legacy] or bequeſte [bequest] in the ſame [same] or for the benifitt [benefit] of anie [any] other pſon [person] or pſon*s* [persons] not named in thi*s* my p^{r}ſent [present] Teſtam^{t} [testament] That [that] the ſame [same] ſhall [shall] ſtande [stand] and be conſtrued [construed] a*s* my will in all thinge [things] like effectuall [effectual] a*s* yf [if] the ſame [same] were in theaſe [these] ~ //
(79) p^{r}ſente [present] lymited [limited] e [and] Declared [declared] And [and] I will e [and] ordeyne [ordain] hereby That [that] my ſaid [said] Executo^{r} [executor] ſhall [shall] haue [have] full power e [and] authoritye [authority] to execute admyniſter [administer] e [and] pforme [perform] the ſame [same] accordinge [according] to my ſaid [said] will e [and] intent ſoe [so] hereafter to be declared or lymited [limited] //
(80) vnder [under] my hand or ſeale [seal] in writinge [writing] thi*s* my p^{r}ſent [present] will e [and] Teſtamt [testament] in anie [any] wiſe [wise] notwthſtandinge [notwithstanding].* **In witnes*s*** [witness] whereof I haue [have] to thi*s* my p^{r}ſent [present] will e [and] Teſtam^{t} [testament] ſubſcribed [subscribed] my name e [and] affixed my ſeale [seal] the Daye [day] e [and] yeare [year] firſte [first] //
(81) above written //
(82) Sealed and ſigned [signed] and publiſhed [published] by the above named //
(83) S^{r} [Sir] walter [Walter] Ralegh a*s* hi*s* last will and testament the //
(84) tenth day of July 1597 In [in] the p^{r}sen*s* [presence] of //
(85) Adryan: [Adrian] Gilbarte: [Gilbert] William Strode //
(86) Jn [John] meere [Meere] Chr: [Christopher] harris [Harris]
[next to all this signature of Ralegh]

BIBLIOGRAPHY

Primary Sources

RALEIGH MS 1597	RALEIGH, Walter. *Last Will and Testament*. Sherborne. 1597.

Edited Sources

BOOK OF COMMON PRAYER 1549	*Book of Common Prayer 1549*. Online edition. http://justus.anglican.org/resources/bcp/1549/BCP_1549.htm – accessed 26-12-2025.
FOLGER DIGITAL COLLECTIONS	FOLGER DIGITAL COLLECTIONS. Ralegh's handwriting. Online image. https://digitalcollections.folger.edu/img116032 – accessed 26-12-2025.

Secondary Literature

BEER 2019	BEER, Anna: *Patriot or Traitor: The Life and Death of Sir Walter Ralegh*. London. 2019.
FAIRBAIRN 2022	FAIRBAIRN, Catherine: Obtaining a Copy of a Will. House of Commons Library, Research Briefing SN03194. 27 Oct. 2022. https://commonslibrary.parliament.uk/research-briefings/sn03194/ accessed 04-01-2026.
HOULBROOKE 1998	HOULBROOKE, Ralph: Death, Religion, and the Family in England, 1480–1750. Oxford. 1998.
JAMES 2015	JAMES, Susan E.: *Women's Voices in Tudor Wills, 1485–1603: Authority, Influence and Material Culture*. New York. 2015.
LATHAM 1971	LATHAM, Agnes: Sir Walter Raleigh's Will. *The Review of English Studies* 22 (1971), p. 129–136.
LATHAM – YOUINGS 1999	*The Letters of Sir Walter Raleigh*. Ed. LATHAM, Agnes – YOUINGS, Joyce. Exeter. 1999.
RAYMOND 2012	RAYMOND, Stuart A.: *The Wills of Our Ancestors: A Guide for Family and Local Historians*. Barnsley. 2012.
SHIRLEY 1983	SHIRLEY, John W.: *Thomas Harriot: A Biography*. Oxford. 1983.
TREVELYAN 2004	TREVELYAN, Raleigh: *Sir Walter Raleigh: Being a True and Vivid Account of the Life and Times of the Explorer, Soldier, Scholar, Poet, and Courtier*. New York. 2004.
WALLACE 1959	WALLACE, Williard M.: *Sir Walter Raleigh*. Princeton. 1959.
WILL	WILL, Manuscripts and Special Collections, University of Nottingham. https://www.nottingham.ac.uk/manuscriptsandspecialcollections/researchguidance/deedsindepth/associated/will.aspx – accessed 04-01-2026.

BOOK REVIEWS

Gábor BARABÁS: **The West, the East, and „the Last Pagans" /Márta Font: Zur Entstehung der Russia Minor und Russia Alba: Ostslaven unter polnisch-litauischer Herkunft im 13.–15. Jahrhundert. Mainz – Stuttgart. Akademie der Wissenschaften und der Literatur in Mainz – Franz Steiner Verlag, 2024. 51 p. (Abhandlungen der Geistes- und Sozialwissenschaftlichen Klasse. Akademie der Wissenschaften und der Literatur in Mainz, Jahrgang 2024, No. 4)/** DOI: 10.15170/SPMNNV.2025.14.13

Márta Font, professor emerita at the Faculty of Humanities and Social Sciences at the University of Pécs, is a prominent figure in Hungarian medieval and Russian studies. Numerous studies and monographs of hers testify to her research on the Árpád era and Kievan Rus, but her research extends beyond this chronological framework to cover the entire Middle Ages. Her latest volume—written in German—was published by Akademie der Wissenschaften und der Literatur of Mainz, Germany, of which Márta Font has been a member since 2002.

The volume under review here deals in great detail with a topic that lies at the intersection of Polish, Lithuanian, and Ruthenian, as well as, in part, Hungarian history. The study focuses on Poland and the Grand Duchy of Lithuania, as well as the Orthodox Eastern Slavs who lived under the rule of the personal union between the two from the fifteenth century onwards, but the monograph also provides a thorough historical context. As indicated in the title, the Slavic territories under Polish-Lithuanian rule were named Russia Minor and Russia Alba, which are areas and populations that are still significant from a contemporary perspective.

In the first chapter, Font summarizes the formation and history of Kievan Rus, as well as the Polish and Lithuanian principalities, up to the thirteenth century, followed by a discussion of the short- and long-term effects of the Mongol expansion, which can be considered, without exaggeration, a turning point in the history of the region. This primarily involved structural changes in the territories of Rus, although some principalities were able to retain their independence to a greater or lesser extent, most of them came under direct Mongol rule. The formation of the Kingdom of Poland and the Lithuanian expansion that began in the second half of the thirteenth century also posed challenges to the Rus'ian territories from the west and north, including Galicia (Halych) and Lodomeria (Volhynia). In connection with the fourteenth-century Polish campaigns, the role of Louis I the Great, King of Hungary and later King of Poland, cannot be forgotten, especially since, as King of Hungary, he renounced his claims to Galicia in favour of his uncle, King Casimir III of Poland, knowing that it would fall to him again as his heritage.

In the third chapter of the book, Márta Font presents the Polish and Lithuanian structures of government, followed by a discussion of the impact of the new power systems on the church organization in the regions of *Russia*. This naturally requires a presentation of the situation prior to the Mongol conquest, followed by a discussion of one of the most interesting issues, namely the situation of Orthodox Christians living under pagan rule. It is a common observation that the Grand Duchy of Lithuania was the last pagan country in Europe, but it is often forgotten that a significant part of the population living under pagan rule was Christian, or more precisely, Orthodox Slavs. The Lithuanian rulers, in their well-understood interest, tolerated the practice of

Christianity, similar to the Mongols. Not only did they support the functioning of the church organization, but they also sought to establish an independent metropolitan see. It is also noteworthy that, from the fourteenth century onwards, Polish expansion led to the establishment of a parallel Western Latin church organization in *Russia*, alongside the Eastern one. Within this framework, the town of Halych, the centre of an Orthodox bishopric, became the seat of a Latin archbishopric, but only temporarily. In addition to all this, Font presents the development of Western efforts for a Church-union, which, after sporadic precedents from the thirteenth century, became particularly intense at the turn of the fourteenth and fifteenth centuries. Naturally, rivalry with the Grand Duchy of Moscow also played a role in this. The book discusses the ecclesiastical and political background of the metropolitan elections, the role and significance of individual church leaders, and the path leading to the union declared at the Council of Ferrara–Florence, as well as the eventual failure of the union in the fifteenth century.

The volume ends with several tables as appendices. The first provides information about Orthodox church leaders, followed by a list to help readers navigate through the geographical names. Finally, there are two maps displaying Polish and Lithuanian expansion and the parallel church organizations on the second one.

Márta Font's work analyses a topic in detail that is not widely known. Given the language of the volume, we can speak of a scientific work of particular significance for German readers. Nevertheless, due to its subject matter, Font's book is of outstanding importance for medieval studies, but the unfortunate current political situation, the emergence of *Russia Minor* and *Russia Alba* in the context of Russian aggression against Ukraine, and the regional background of the period before the thirteenth century may be of interest to a wider readership.

Gábor BARABÁS: **Charles I of Hungary and the Popes (Ágnes Maléth: The Kingdom of Hungary and the Holy See Relations in the time of Charles I (1301–1342). Budapest. HUN-REN Research Centre for the Humanities, 2025. (Arpadiana XIX.) 389 p.)** DOI: 10.15170/SPMNNV.2025.14.14

Ágnes Maléth, currently assistant professor at the Faculty of Humanities and Social Sciences at the University of Szeged and formerly a research fellow at the Department of Medieval and Early Modern History at the University of Pécs, published her first monograph, written in Hungarian based on her PhD dissertation in 2020.[1] Her work, which can confidently be described as filling a gap in the historiography, is now also available in English, as a revised version was published in 2025 in the renowned *Arpadiana* series of the Institute of History in Budapest.

I published a review of the Hungarian volume five years ago, so the question may rightly arise: what else can be added to what was written then? I believe that the purpose of book reviews is not solely scientific criticism, even if that is indeed an important aim of those. At the same time, we must not forget the informative role of reviews, especially when an excellent historical work has finally become available to a wider international readership.

The *Arpadiana* series was launched in 2020, edited by Pál Fodor and Attila Zsoldos of the Institute of History in Budapest, with the undisguised aim of promoting the international dissemination of the results of Hungarian medieval studies. The first six volumes of the series were published in English, but later volumes included a number of new works written in Hungarian. There is no doubt that this is a project of outstanding importance for Hungarian medieval studies, especially for the study of the Árpád-era, including several works by researchers connected to the University of Pécs appearing in the series.[2]

However, before we turn our attention to the monograph in question, we must address an issue connected to the current state of the historical sciences and broader the humanities in Hungary. At the time of the first volume of *Arpadiana*, the publisher, formerly part of the Research Institute of the Hungarian Academy of Sciences, the Research Centre for Humanities, was operating as part of the Eötvös Loránd Research Network (ELKH), and soon afterwards, the network was rebranded and became

[1] Maléth, Ágnes: *A Magyar Királyság és a Szentszék kapcsolata I. Károly korában (1301–1342)*. Pécs, 2020. (DeLegatOnline Könyvek 2.)

[2] Volumes by authors connected to the Department of Medieval and Early Modern History in Pécs are Bagi, Dániel: *Divisio Regni. The territorial divisions, power struggles, and dynastic historiography of the Árpáds of 11th- and early 12th-century Hungary, with comparative studies of the Piasts of Poland and the Přemyslids of Bohemia*. Budapest. 2020 (Arpadiana II); Báling, Péter: *Az Árpád-ház hatalmi kapcsolatrendszerei. Rokonok, barátok és dinasztikus konfliktus Kelet-Közép-Európában a 11. században és a 12. század elején* [The Power Networks of the Árpádian Dynasty. Relatives, Friends, and Dynastic Conflicts in East-Central Europe in the Eleventh and Early Twelfth Century]. Budapest. 2021 (Arpadiana VII); Font, Márta: *The Kings of the House of Árpád and the Rurikid Princes. Cooperation and conflict in medieval Hungary and Kievan Rus*. Budapest. 2021 (Arpadiana VIII); *Ottokar aus der Gaal: Stájer rímes krónika* [Ottokar aus der Gaal: Styrian rhyming chronicle]. Translated, annotated with an introduction by Bagi, Dániel. Budapest. 2023 (Arpadiana XI); Barabás, Gábor: *Delegated Papal Jurisdiction in Arpadian Hungary – Bishops, provosts, papal chaplains*. Budapest. 2023 (Arpadiana XVI). For the full series see: https://tti.abtk.hu/kiadvanyok/konyvsorozatok/arpadiana (downloaded: 11. 10. 2025.) The latest volume of the series has been recently published: Kiss, Gergely: *Magyarországi Klemencia. Egy elfeledett királyné a dinasztiák szolgálatában* [Clemence of Hungary. A forgotten queen in the service of the dynasties]. Budapest. 2025 (Arpadiana XX).

Hungarian Research Network, HUN-REN, up until 2025, when the Research Centre for Humanities no longer exists and the Institute of History now operates as part of the Humanities Research Centre of the Eötvös Loránd University in Budapest. Without delving further into the intricacies of science policy, it should be noted that Ágnes Maléth's book is one of the last that has been published in the *Arpadiana* series under HUN-REN. We can only hope that the editors will be able to continue their important work in the future.

After outlining the essential institutional background, let us turn to the subject of this review, the opus of our former colleague from Pécs. As the title suggests, Maléth's work analyses the relationship between the Kingdom of Hungary and the Apostolic See during the reign of King Charles I of Hungary (1301–1342). The author could have considered including the entire pontificate of Pope Boniface VIII (1294–1303) in her work, however, as Maléth herself points out, her research is based on the perspective of the Kingdom of Hungary, so 1301, the extinction of the Árpád-dynasty and the beginning of the struggle for the throne in the Realm, and the first coronation of Charles I, a member of the Angevin-dynasty of Naples, is a natural starting point. No similar question arose regarding the end of the analysed era, which is 1342, the year of the deaths of Charles I and Pope Benedict XII (1334–1342).

The volume begins with a thorough historiographical overview, dividing the works on the topic into Hungarian and foreign-language parts, as it has been done in the Hungarian version. Maléth then outlines the source condition, in relation to which it cannot be emphasized enough that few people know more than Ágnes Maléth about the fourteenth-century Hungary-related sources of the *Archivio Apostolico Vaticano* (formerly known as the *Archivio Segreto Vaticano*). For this reason alone, the volume is indispensable for any researcher dealing with papal-Hungarian relations or the history of the Holy See in general.

In the third chapter, the author presents the used research methodology, then in the fourth part of the book the system of representation of the Hungarian king at the papal court and its practice is presented, analysing the ecclesiastical and secular royal envoys separately. After the royal representation, Maléth focuses on the other side, the delegates of the Apostolic See. One of the main virtues of the chapter is the thorough typological analysis. In the case of legates of the Apostolic See, Hungarian medieval studies have tended to concentrate solely on political activities of papal delegates, yet in the last years—in connection with international research—other aspects of the activities of papal envoys received attention, partially thanks to the efforts of the DeLegatOnline research group led by Gergely Kiss,[3] such as the judicial activities of the envoys. With regard to diplomatic tasks and other activities of legates, a thorough analysis of the so-called *facultates*, special powers granted to papal envoys, is of paramount importance. Maléth examines this aspect in detail in the case of Cardinals Boccassini and Gentilis de Monteflorum, who as papal envoys acted with the full office of legation in the Kingdom of Hungary.

Similarly noteworthy is the analysis of the legates' entourages and their internal functioning. In connection with this topic, Maléth emphasizes that not only clerics but also lay people were to be found alongside the papal legates, such as merchants. It is also important to note that local clergymen and local merchants also appeared in the service of the legates.

In addition to the highest level of papal representation, the volume also presents the topic of the so-called nuncios and *collectores*, i.e., tax collectors, with similar

[3] https://delegatonline.pte.hu/.

thoroughness. It is worth noting that during the period under review, the two types were linked, as nuncios always arrived in the Kingdom of Hungary with tax collection duties. This latter task of papal delegates, compared to other areas of relations, was a particular source of conflict in the relationship between the pontiffs and King Charles I. Furthermore, we also gain insight into the functioning of the operation of delegated papal jurisdiction, the activity of the so-called *conservatores* (legal guardians), administrators (governors, acting officials), and executors in Hungary at the beginning of the fourteenth century. This is followed by an analysis of a group of clerics that has received little attention in research to date. This includes clerics of the Holy See who received benefices in Hungary, and those Hungarian clergymen who appeared in papal service in several cases.

In the fifth chapter of the book, Maléth analyses the system of relations between Hungary and the papacy. She begins by focusing on dynastic conflicts. After discussing the question of succession to the Hungarian throne, the author turns to the Holy See's involvement in the dynastic politics of Charles I, followed by a perhaps lesser-known issue, the role of the Hungarian king in the case of the German succession struggles, and its impact on the relationship between Charles I and Pope John XXII (1316–1334).

Among other aspects of Hungarian-Papal relations, Maléth analyses the beneficial policy of the pontiffs and, to some extent, that of the Hungarian king, focusing on the issue of papal reservations. The author also discusses so-called matters of faith in a separate subchapter, then turns to the Hungarian Kingdom's involvement in the planned crusades. At the end of the volume, following the summary, there is a repository containing the most important participants in papal–Hungarian relations, followed by an appendix with tables supplementing the analysis.

All in all, Ágnes Maléth's book is one of the outstanding achievements of Hungarian medieval studies, and it is now finally available in English. This is important for works related to the history of the Kingdom of Hungary, because the past of the Realm of Saint Stephen is also part of the history of neighbouring peoples of present-day Hungary. Therefore, thanks to works published in World-languages, among others, Croatian, Slovak, Ukrainian, Romanian, Serbian, or Bosnian researchers can more easily access the new results of Hungarian medieval studies. Furthermore, the wider international scientific community could also be interested in the history of territories on the periphery of Latin Christianity, just as the history of the papacy cannot be fully reconstructed without exploring all elements of its network of relationships. I warmly recommend this impressive book to anyone interested in the subject.

Regina PAPP: **Borders, Otherness, and Mentality in Medieval Folk Mythology – The Legacy of Claude Lecouteux (Claude Lecouteux: At the Borders of the Wondrous and Magical, Nature spirits, shapeshiftres, and the Undead in the Never-Ending Middle Ages. Edited by Florence Bayard and Astrid Guillaume. Translated by Jon E. Graham. Rochester. Inner Traditions International. 2025. 288 p.)**[1] DOI: 10.15170/SPMNNV.2025.14.15

The author of the volume, Claude Lecouteux, passed away in November 2025, and with him, historical studies lost one of its foremost experts on medieval folk mythology. Lecouteux was professor emeritus of the department of medieval German literature and civilization (Littératures et civilisation allemandes du Moyen Âge) at the Sorbonne University in Paris. His research focused primarily on Germanic mythology and cultural anthropology, with particular attention to mythological creatures, beliefs about the dead and death, and magic. He was an extremely prolific author, with more than 160 publications and around 30 books to his name (e.g., The Book of Grimoires, Dictionary of Ancient Magic Words and Spells, The Tradition of Household Spirits), this volume being one of his last published books.

The collection brings together Lecouteux's previously published studies, edited by Florence Bayard and Astrid Guillaume, who also wrote the preface and introduction. Florence Bayard is a lecturer in the German Department at the University of Caen in Normandy, while Astrid Guillaume is an associate professor at the Sorbonne University. The book is divided into four major sections and contains 17 studies. As the title suggests, the issue of borders is the connecting thread. As the editors put it, the volume is „an invitation to cross the various borders that Lecouteux has explored during his long research career" (p. 1). The concept of „otherness" plays a central role in the author's work. He starts from the premise that we can best understand ourselves and our history by examining and exploring our peculiarities and differences. This is aided by the boundaries that separate and connect the „one" from the „other", which are the most obvious points of examination. The volume presents the results of professional research in a methodology and subject area that, while not neglected, represents a side branch of research.

The texts in the first part (*From Document to Idea – Making Texts Speak*, p. 10–37.) were not selected by the editors according to specific theme, but rather in an effort to highlight Lecouteux's methodology. This is based on examining the texts of the sources, comparing the information they contain, and searching for details that „preserve the subconscious collective memory" (p. 2). The author calls this process „mental archaeology" (p. 2, 198, 214). Lecouteux does not distinguish between sources based on the medium they are preserved on or the genre they belong to, examining texts written on parchment, stone, bells, amulets, or other talismans alike.

The first text, based on an illustrated stone, describes a bridge that helps the soul to cross over to the afterlife through a mixture of Christian and pagan traditions. The next text examines pagan elements in the Eyrbyggja Saga, including returning dead, witches, and legal cases involving them. In further texts, he highlights the importance of fairy tales in examining mentality and compares medieval fantasies with elements of today's fantasy genre, unsurprisingly finding that they are linked in many ways.

The section entitled *Between Magic and Black Magic: Ambiguous Objects and Beings* (p. 38–99) begins with a categorization of the returning dead based on their actions and

[1] Originally published: Aux frontières du merveilleux, Appréhender le monde au Moyen Âge. Éds. Florence Bayard et Astrid Guillaume. Paris. Imago. 2023. 272 p.

characteristics after their return (e.g., the knocker, the strangler, the famished). It then deals with known grimoires and magic books, grouping them together. Depending on their type, they could be used to summon demons or practice healing magic. A similarly powerful mythical object is the bell, which in the Middle Ages was generally – according to the author – sworn upon by more people than the Holy Scriptures, and was present in all areas of life, which is why it is associated with folk beliefs in all areas. Finally, returning to narrative sources, it presents a poem by an unknown author, analysing it and examining the circumstances of its dissemination.

The third unit, *Nature and the Elements – Between Awe and Terror* (p. 100–169), focuses on unexplored, unconquered territories where humans are at the mercy of the elements, and especially the supernatural. In the imagination, forests, waters, and mountains occupy a prominent place among natural formations. In the case of the latter, the text also establishes a typology based on mythical aspects and presents the history of the magnetic mountain at length. Similarly, clouds that obscure the sun and landmarks belong to the supernatural world, and humans are then unwittingly removed from the world they know. But it is not only clouds that are under supernatural control; the weather, to which medieval man was most vulnerable, is also intertwined with mythical powers. Demons and witches were capable of stirring up storms, and people defended themselves against them with rituals, which then passed into the hands of the clergy and became pagan processions.

Finally, the fourth part, *Borders at the Margins of the Known World* (p. 170–225), returns to individual imaginary places: the seas and their islands have countless mythical attributes, and their history is intertwined with great explorers and their wonderful journeys. The next study highlights this very aspect, the importance of examining the landscape that forms the background to medieval knightly romances. The environment is stereotypical, based on the opposition between nature and culture, but its function is to determine the hero's path: in certain places, he must face enemies, while in others, he finds refuge. This leads to the next idea, the coexistence of two worlds. Lecouteux starts from the premise that supernatural beings live in supernatural places and/or times, and that the border between the civilized world and the wilderness is a passageway between them. Crossing the border has serious consequences, so humans rightly consider themselves strangers and intruders in these places. In order to live in peace, they conquer these territories with various rituals, fire, and by walking around and marking the border. Or they learn to live in symbiosis with the „other", respecting the spirits of nature on whom they depend.

Due to the structure of the volume, it is not unitary; the four large chapters attempt to bring the articles together, but in terms of mentality and mythology, it is not always clear whether a given study should be classified according to its conclusion, source, or narrowly defined topic. The editors have compiled the texts in this way based on their personal views, and while their line of reasoning is understandable, it is also questionable.

The significance of the volume lies, on the one hand, in its deep and accurate interpretations of individual sources and, on the other hand, in its focus on a topic that defines the mentality of the entire Middle Ages in Western Europe. It shows that it is possible to provide a compact synthesis of a comprehensive topic through case studies without compromising professionalism. I consider one of its greatest virtues to be the categorization that also appears in the author's other works. He classifies the returning dead by their behaviour, grimoires by their content, demons by their names and functions, and the coexistence of the two worlds by its rules. He strives to build a system

out of the chaos of mentality and mythology, which provides an excellent foothold for further research.
The book is excellent for researchers of medieval mentalities, folk religion, and folklore, especially from a methodological point of view, but its excellent style and truly exciting topics make it entertaining for everyone.

Anna KIS-KÁDI: **Fabula Picturata: Epic Elements, Heroes and Power in the Miniatures of the *Chronicon Pictum* (Vinni Lucherini: *La Cronaca angioiana dei re d'Ungheria. Uno specchio eroico e fiabesco della sovranità*. Paris. Classiques Garnier. 2021. 460 p.+ 150 pictures [p. 274–422.])** DOI: 10.15170/SPMNNV.2025.14.16

Vinni Lucherini, a historian at the University of Naples Federico II, examines Hungarian-Neapolitan dynastic relations through art historical analysis. Her book, *La Cronaca angioiana dei re d'Ungheria* (The Angevin Chronicle of the Kings of Hungary), published in Paris in 2021, bears the subtitle 'a heroic and epic mirror of the sovereignty.' This subtitle underscores the epic and folkloric dimensions of the *Chronicon Pictum* and the chronicles' function as a 'mirror' for rulers.

Lucherini's work is organized into three main sections. The first (*Dall'Ungheria e a ritroso: una premessa storica*, p. 19–28) provides an overview of political history, focusing on the Neapolitan-Hungarian double marriage and Charles I's accession to the Hungarian throne. The Árpád and Neapolitan Angevin dynasties strengthened their alliance by marrying Mary, the daughter of the Hungarian rex junior, Stephen to Charles, the Neapolitan heir to the throne, and the Neapolitan Princess Isabelle to Ladislaus, the son of Stephen V. After the death of Ladislas IV this double marriage provided the Angevins of Naples with legal grounds to proclaim their right to the Hungarian throne. After gaining support both from some members of the Hungarian elite and from the pope, the young pretender, Charles I, sailed to the Hungarian Kingdom in 1300, but could only become the rightful king after a long campaign.

The second section (*La storiografia di fronte all'oggetto-codice*, p. 33–43) addresses the manuscript's narrative, principal chronicle families, dating, authorship, and the significance of the *Chronicon Pictum*, its artistic styles, and its potential uses in subsequent periods. The third part (*La fabbricazione del codice e la sua ricezione,* p. X–Y) examines the manuscript's production, the narration of epic events, and the accompanying illustrations. These chapters are supplemented by a dedicated subchapter containing notes.

Following these sections, the majority of the book is devoted to reproductions of the manuscript's illustrated pages. Each miniature and initial is accompanied by a brief description and a summary of the events depicted on the folio. A dedicated section presents these illustrations in high quality (*Illustrazioni*, p. 273–422). The final part of the book provides information on the images' provenance, a thematic bibliography, and an index of names and locations.

The section analysing the miniatures offers new insights for both Hungarian and international scholars. Lucherini highlights the diverse representations of ethnic groups within the codex such as the oriental attire, long beards and hair of the Cumans, contrasted with the long blonde locks of the Western followers of the Hungarian kings. In the examination of the pictural representation of the royal thrones, Lucherini observes that only Louis the Great is depicted on a throne befitting a monarch, while other rulers are shown on simpler thrones lacking a baldachin and elevated by only a single step. Louis the Great's throne is described as a work of microarchitecture: a marble structure shaped like a *cupola*, adorned with geometric patterns, a canopy, and an elevated dais. The placement of the geometric forms at the top of the baldachin and at the king's feet creates an unrealistic effect of multiple viewpoints and gives an almost metaphysical dimension to the scene. The observation that only Louis the Great's throne is depicted in a superior position may reflect the dynasty's prestige, though this interpretation requires further investigation.

Lucherini states that, following Louis the Great's campaign to Naples, Neapolitan manuscripts were brought to Hungary and served as models for court illustrators. Some of these manuscripts subsequently travelled from Hungary to France during the marriage negotiations between Louis the Great's daughter, Catherine, and Louis of Orléans. The Angevin Bible and the *Chronicon Pictum* may have been made as gifts from Louis the Great around 1374 for the French royal family. Both codices included genealogical diagrams that met the requirements of documents produced during Franco-Hungarian negotiations and effectively highlighted the dynastic alliance between the two royal houses. Lucherini suggests that Giotto's influence can be detected in the manuscript's artistic style. Regarding the artist's identity, she proposes two possibilities: either a Hungarian artist who got familiar with Giotto's work in Italy, or an Italian painter who had assimilated into Hungarian artistic traditions. Lucherini emphasizes compositional features, particularly the prevalence of natural landscapes and geometric patterns, and also addresses architectural motifs, such as depictions of churches and cities.

The book's central thesis concerns the royal imagery depicted in the manuscript. Lucherini argues that the miniatures possess a fairy-tale, folkloric, and heroic tone, illustrated by several examples. These include the portrayal of animals as companions or substitutes for human heroes, such as the episode in which Coloman's soldiers castrate a dog instead of the child Béla, and the coronation of Géza I, where a deer appears with burning candles on its antlers. Lucherini also identifies the motif of talking animals, interpreting Prince Álmos's hunt as a fable-like narrative device. Although Duke Álmos was initially expected to inherit the throne, durning the conflict between the two brothers Coloman gained the support of the elite and the prelates, and as a result, he was designated as heir by King Ladislaus.[2] Álmos, however, never accepted this decision and rebelled against King Coloman. The *Chronicon Pictum* tells the story of a hunt in which Álmos's falcon captures a crow. Álmos asks whether the falcon would release the crow if it promised never to caw again. His entourage responds that the crow, being a mindless animal, cannot swear an oath, and even if it could, the falcon would not release it. This motif aligns with fables, in which animal characters embody human characteristics, and behaviours. The episode in which Saint Ladislaus rescues a kidnapped girl from a Cumanian warrior is also interpreted as a fairy-tale, heroic element. This scene became a recurring motif in the iconography of Saint Ladislaus during the Angevin period in Hungary, as demonstrated by Zsombor Jékely's recent research.[3]

The kings, as the manuscript's protagonists, are consistently depicted as graceful, ethereal, and somewhat static figures, standing apart from other characters. This majestic representation is reinforced by scenes illustrating the divine origin of royal authority, such as angels placing the crown on Saint Ladislaus' head. Notably, the most ancient and significant symbol of the Hungarian Kingdom, the Holy Crown, is absent from the manuscript. According to the legend compiled by Hartvicus, the crown was sent by the pope following a dream in which an angel instructed him to send it to Saint Stephen, the first king of Hungary. The Holy Crown is frequently referred to as 'the crown given by an angel.' (However, historical evidence indicates that the Holy Crown was assembled in the twelfth century from two separate pieces.) Lucherini proposes

[2] KRISTÓ Gyula – MAKK Ferenc: Az Árpádok – Fejedelmek és királyok. Szeged. 2000. 142.

[3] JÉKELY, Zsombor: Szent László kunok elleni csatájának képciklusai a középkori falfestészetben [Cycles of images depicting Saint Ladislaus' battle against the Cumans in medieval mural painting]. In: *Szent László emlékkönyv*. Ed. BÓDVAI, András. Budapest. 2021. 144–171

that the absence of the Holy Crown may be due to its sacred status, which could have made its depiction forbidden, or to the artist never having seen it. In the manuscript, the Holy Crown is described as a supernatural or magical object, comparable to a fairy-tale artifact. Lucherini supports this interpretation with the episode in which the crown, held by the Bavarian Duke Otto, is concealed in a small wine cask that itself functions as a magical object. The miraculous nature of this episode is further emphasized by the detail that, after Otto lost the Holy Crown in the wine-cask, it remained in plain sight yet untouched by anyone.

Lucherini assumes that *ioculatores* may have influenced the *Chronicon Pictum* through its numerous fairy-tale, epic, and heroic elements, both on the miniatures and in the narration, despite medieval authors' generally negative views of *ioculatores* expressed in their prologues. The exaggerated, theatrical expressiveness of certain characters—such as the chieftain Bulcsú's bewildered expression as he witnesses Lehel strike the German ruler with his horn, or the child Charles I raising his hands in astonishment—supports this interpretation. However, the claim that these features reflect the influence of contemporary theatre seems somewhat overstated. Such theatrical representation serves not only to legitimize royal authority but also to evoke a sense of wonder in the viewer. Lucherini also addresses the depiction of queens, noting that their portrayal is elevated, as with kings, due to their role in ensuring dynastic continuity. She suggests that Elizabeth Łokietek, as a possible patron, may have significantly influenced the chronicle's elaboration. In a notable scene, Elizabeth is depicted in a dramatic, heroic pose, shielding her husband, Charles I, from the assassin Felicián Zách. This episode is characterized less by a fairy-tale tone and more by a didactic presentation of the queen's virtues.

In conclusion, Lucherini's work highlights remarkable aspects of research on the Hungarian-Neapolitan dynastic representation, for example, the hypothesis that the *Chronicon Pictum* and the Angevin Bible may have been made as a gift to the French royal family. Its value is further enhanced by the fact that a comprehensive, thorough analysis and presentation in Italian has not been available until now. The book is undoubtedly valuable for the international audience as well. It enriches the manuscript's research by highlighting new aspects, such as the fairytale-like, epic, folkloric elements or the role of Queen Elisabeth.

RELATED PUBLICATIONS

László KATUS
The History of the Relations between South-Slavs and Hungarians
I. From the Beginnings to 1849

Hungarian

Pécs. 1998. 80 p.

László KOSZTA
The Activity of at the Chapter of Pécs as Loca Credibilia (1214–1353)

Hungarian

Tanulmányok Pécs történetéből 4.
Pécs Története Alapítvány
Pécs, 1998. 324 p. + illustrations

ISSN 1219-4077

Pécs in the Ottoman Era

Ed. Ferenc SZAKÁLY

Various authors

Hungarian

Tanulmányok Pécs történetéből 7.
Pécs Története Alapítvány
Pécs. 1999. 325 p.

ISSN 1219-4077

Studies in memoriam Ede Petrovich

Ed. Márta FONT – Dezső VARGHA

Various authors

Hungarian

Tanulmányok Pécs történetéből 8.
Pécs Története Alapítvány
Pécs. 1999. 141 p.

ISSN 1219-4077

Mittelalterliche Häuser und Strassen in Mitteleuropa

Hrsg. von Márta FONT and Mária SÁNDOR

Various authors

German, English

Varia Archaeologica Hungarica IX,
Redigit Csanád BÁLINT
Budapest – Pécs. 2000. 224 p

ISBN 963 739 177 0

The First Thousand Years of the Hungarian State

Ed. Márta FONT – István KAJTÁR

Various authors

Hungarian

Pécs. 2000. 264 p.

ISBN 963 641 802 0

Pécs before the Defeat at Mohács

Ed. Márta FONT

Various authors

Hungarian

Tanulmányok Pécs történetéből 9.
Pécs Története Alapítvány
Pécs. 2001. 208 p.

ISSN 1219-4077

Die ungarische Universitätsbildung und Europa

Ed. Márta FONT and László SZÖGI

Various authors

German, English

Pécs. 2001. 235 p.

ISBN 963 641 826 8

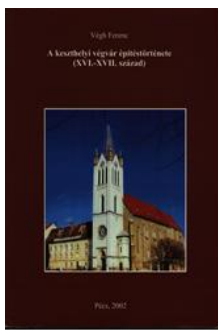
Márta FONT
Koloman the Learned, King of Hungary

Transl. Mónika MIKLÁN

English

Szegedi Középkorász Műhely
Szeged. 2001. 110 p., + 20 illustrations, 2 maps

ISBN 963 482 521 4



Ferenc VÉGH:
History of the Construction of the Border Castle Keszthely (Fifteenth-Sixteenth Centuries)

Hungarian

Pécs. 2002. 102 p.

Studies in memoriam József Koller

Ed. Márta FONT – Dezső VARGHA

Various authors

Hungarian

Tanulmányok Pécs történetéből 13.
Pécs Története Alapítvány
Pécs. 2003. 309 p. + illustrations

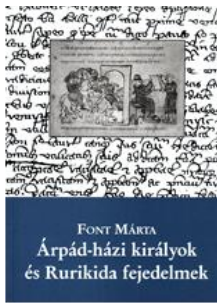
ISSN 1219-4077

Tamás FEDELES
The Personnel of the Chapter of Pécs in the Late Middle Ages (1354–1526)

Hungarian

Tanulmányok Pécs történetéből 17.
Pécs Története Alapítvány
Pécs. 2005. 479 p. + 7 maps

ISSN 1219-4077



Márta FONT
Kings of the Arpads and Princes of Rurikids

Hungarian

Szegedi Középkortörténeti Könyvtár 21.
Szegedi Középkorász Műhely
Szeged. 2005. 330 p. + 8 maps

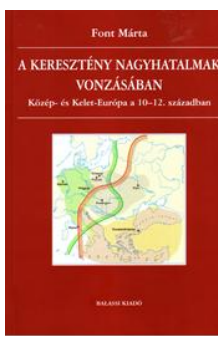
ISBN 963 482 726 8
ISSN 1216-3120

Márta FONT
Geschichtsschreibung des 13. Jahrhunderts an der Grenze zweier Kulturen. Das Königreich Ungarn und das Fürstentum Halitsch-Wolhynien

German

Abhandlungen der Geistes- und sozialwissenschaftlichen Klasse Jahrgang 2005 nr. 3.
Akademie der Wissenschaften und der Literatur, Mainz
Stuttgart. 2005. 48 p. + illustrations

ISBN 3-515-08715-X



Márta FONT
In the Attraction of Great Christian Powers. Central and East-Europe in the 10th–12th Centuries

Hungarian

Balassi Kiadó
Budapest. 2005. 326 p. + 14 maps, illustrations

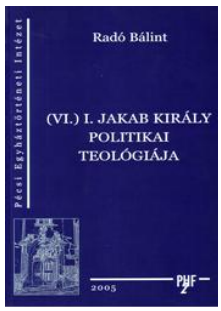
ISBN 963 506 610 4

Dániel BAGI
Gallus Anonymus and Hungary

Hungarian

Irodalomtörténeti füzetek 157.
Argumentum
Budapest. 2005. 276 p.

ISBN 963 446 355 X
ISSN 0075-0840

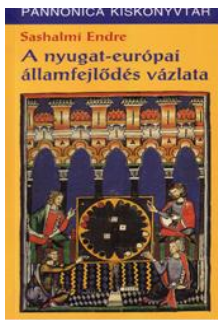


Bálint RADÓ
King James (VI) I's Political Theology

Hungarian

Pécsi Hittudományi Főiskola
Pécs. 2005. 351 p.

ISBN 963 7593 71 3

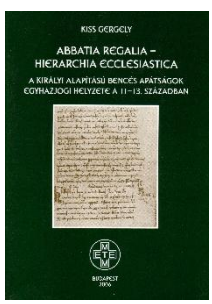


Endre SASHALMI
Essay on the Evolution of the State in Western Europe

Hungarian

Pannonica
Budapest. 2006. 199 p.

ISBN 963 7319 19 0

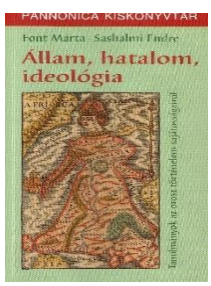


Gergely KISS
Abbatia regalia* [!] – *hierarchia ecclesiastica. The Canonical State of the Royal Benedictine Monasteries in the eleventh–thirteenth Centuries

Hungarian

Magyar Egyháztörténeti Enciklopédia Munkaközösség
Budapest. 2006. 227 p.

ISBN 963 8472 99 5



Márta Font – Endre SASHALMI
State, Power, Ideology
Studies on the Characteristics of the Russian History

Hungarian

Pannonica Kiadó
Budapest. 2007. 256 p. +3 maps

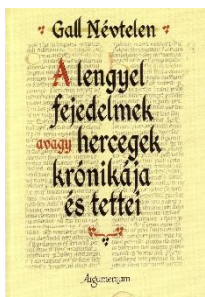
ISBN 978 963 7319 29 7

Márta FONT – Tamás FEDELES –
Gergely KISS –
Kata KÁLSECZ RAFFAYNÉ
The System of Government in Hungary
(1000 – 1526)

Hungarian

Pécsi Tudományegyetem
Pécs. 2007. 151 p. + 5 figures

ISBN 978 963 642 183 0



Gallus Anonymus,
Chronicle and Deeds of Polish Princes or Dukes

Transl. and ed. Dániel BAGI

Hungarian

Argumentum
Budapest. 2007. 306 p.

ISBN 978-963-446-465-5

Sashalmi Endre (ed.):
"Eastern Europe" and the "Balkans" 1000–1800
Intellectual-historical Constructions or Real Historical Regions?

Ed. Endre Sashalmi

Various authors

Hungarian

Kelet-Európa és Balkán Tanulmányok 4.
Pécsi Tudományegyetem Kelet-Európa és a Balkán Története és Kultúrája Kutatási Központ
Pécs. 2007. 446 p.

ISBN 978-963-642-207-3
ISSN 1587-9887

Ferenc VÉGH:
On the Border of Empires – On the Coast of Lake Balaton
Border Castle Keszthely in the Fifteenth-Sixteenth Centuries

Hungarian

Budapest. 2007. 349 p.

ISBN 978 963 87259 1 2

Studies in Honour of György Szatmári

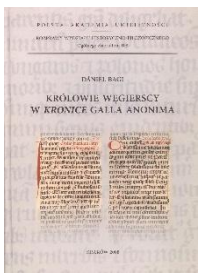
Ed. Tamás FEDELES

Various Authors

Hungarian

Egyháztörténeti Tanulmányok a Pécsi Egyházmegye Történetéből III.
Pécsi Egyházmegye Egyháztörténeti Bizottság

Budapest – Pécs. 2007. 130 p., illustrations, maps
ISBN 978 963 9662 13 1
ISSN 1788 9499

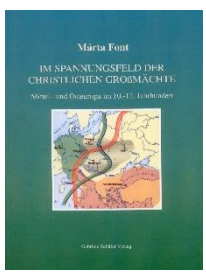


Dániel BAGI
Hungarian Kings in Gallus Anonymus's Chronicle

Polish

Kraków. 2008. 238 p.

ISBN 978-83-60183-90-8

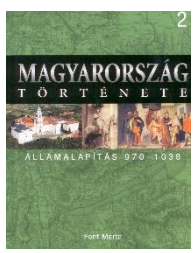


Márta FONT:
Im Spannungfeld der christlichen Großmächte Mittel- und Osteuropa im 10.–12. Jahrhundert

German

Gabriele Schäfer Verlag
Herne. 2009. 371 S. + 15 Illustrationen

ISBN 978-3-933337-47-4



Márta FONT:
Foundation of the State 970 – 1038
History of Hungary 2.

Hungarian

Budapest. 2009. 104 p.

ISBN 978-963-09-5680-2

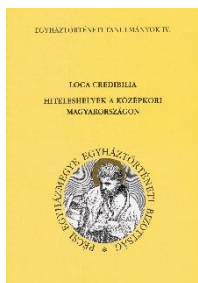
The Medieval Centuries (1009 – 1543)
(History of the Diocese of Pécs Vol I.)

Ed. Tamás FEDELES – Gábor SARBAK – József SÜMEGI

Hungarian

Pécs. 2009. 715+CCLXXIX p., 217 illustrations, 17 maps

ISBN 978-963-88572-1-7 Ö
978-963-88572-0-0



Loca Credibilia. Places of Authentication in the medieval Hungary

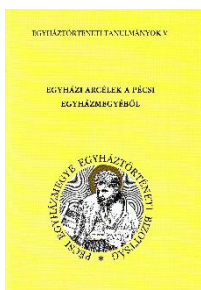
Ed. Tamás FEDELES – Irén BILKEI

Various Authors

Hungarian

Egyháztörténeti Tanulmányok a Pécsi Egyházmegye Történetéből IV.
Pécsi Egyházmegye Egyháztörténeti Bizottság

Pécs. 2009. 143 p.
ISBN 978-963-06-7922-0
HU ISSN 1788-9499



Churchmen Portraits
from the Diocese of Pécs

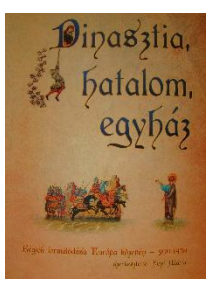
Ed. Tamás FEDELES – Zoltán KOVÁCS – József SÜMEGI

Various Authors

Hungarian

Egyháztörténeti tanulmányok a Pécsi Egyházmegyéből V.
Pécsi Egyházmegye Egyháztörténeti Bizottság
Pécs. 2009. 293 p.

ISBN 978-963-06-7923-7
HU ISSN 1788-9499



Dinasty, Power, Church
Formation of Regions in the Middle of Europe (c. 900 – 1453)

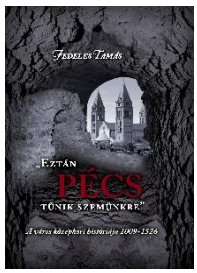
Ed. Márta Font

Various authors

Hungarian

PTE
Pécs. 2011. 650 p.

ISBN 978-963-642-310-0

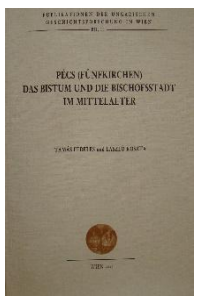


TAMÁS FEDELES: *"And then we catch sight of Pécs." The Medieval History of Pécs (1009–1526)*

Hungarian

Pro Pannonia Kiadó Alapítvány
Pécs. 2011. 198 p.

ISBN 978 963 9893 473 6
ISSN 0237 4277



TAMÁS FEDELES – LÁSZLÓ KOSZTA: *Pécs (Fünfkirchen). Das Bistum und die Bischofsstadt im Mittelalter*

German

Publikationen der Ungarischen Geschichtsforschung in Wien Bd. II., Institut für Ungarische Geschichtsforschung in Wien, Collegium Hungaricum
Wien. 2011. 287 p.

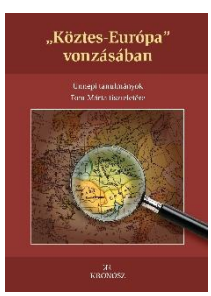
ISBN 978 963 8844 538

TÍMEA BÓTOR: *From the Mongol Dependence to the Independent Sovereigns. A History of Muscovy in the Light of the Grand Princes' Testaments (1336–1462)*

Hungarian

Russica Pannonica
Ruszisztikai Könyvek XXVIII
Budapest. 2012. 342 p.

ISBN 978 963 7730 66 5



"Affinity to Middle-Europe"
Honorary Studies Dedicated to Márta Font

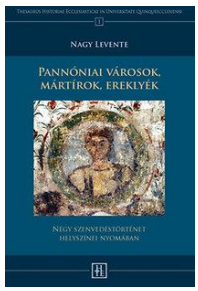
Ed. Dániel BAGI – Tamás FEDELES – Gergely KISS

Various authors

Hungarian

Kronosz
Pécs. 2012. 605 p.

ISBN 978-963-642-455-8

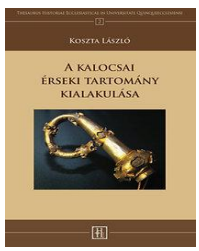


Levente NAGY:
Cities, Martyrs and Relics of Pannonia

Hungarian

Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 1.
Kronosz
Pécs. 2012. 228 p.

ISBN 978-963-89482-1-2

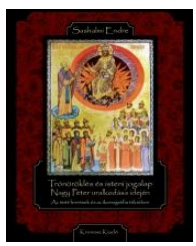


LÁSZLÓ KOSZTA:
The Formation of the Archdiocese of Kalocsa

Hungarian

Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 2.
Kronosz
Pécs. 2013. 150 p.

ISBN 978-963-89482-2-9

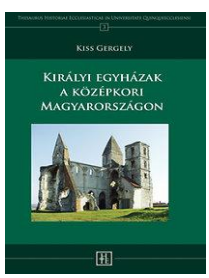


Endre SASHALMI
Succession and Divine Right Under the Reign of Peter the Great. Written Sources and Iconography

Hungarian

Kronosz
Pécs. 2013. 185 p.

ISBN 978-615-5339-02-8



Gergely KISS
Royal Churches in Medieval Hungary

Hungarian

Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 3.
Kronosz
Pécs. 2013. 208 p.

ISBN 978-963-64244-2-8

About the Crowns. A Manuscript form the 18th Century as the Document of the Russian-Hungarian Cultural Relations

Various authors

Russian-Hungarian

IRI RAN – PTE
Moscow – Pécs. 2013. 254 p.

ISBN 978-580-5502-584

Márta FONT
Völker – Kultur – Beziehungen Zur Entstehung der Regionen in der Mitte des mittelalterlichen Europa

German

Verlag Dr. Kovač.
Hamburg. 2013. 370 p.

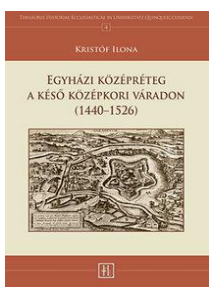
ISBN 978-3-8300-7073-3

Gábor BARABÁS
Das Papsttum und Ungarn in der ersten Hälfte des 13. Jahrhunderts (ca. 1198- ca. 1241) Päpstliche Einflussnahme – Zusammenwirken – Interessengegensätze

German

Publikationen der ungarischen Geschichtsforschung in Wien Bd. VI.
Institut für Ungarische Geschichtsforschung in Wien, Collegium Hungaricum.
Wien. 2014. 448 p.

ISBN 978-615-5389-31-3



Ilona Kristóf:
Middle Clergy in Várad (Oradea) in the Late Middle Ages (1440–1526)

Hungarian

Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 4.
Kronosz
Pécs. 2013. 320 p.

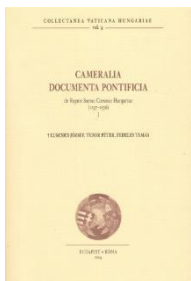
ISBN 978-963-8948-24-3

Dániel BAGI
The Angevins in Cracow

Hungarian

Kronosz
Pécs. 2014. 147 p.

ISBN 978-615-5339-71-4



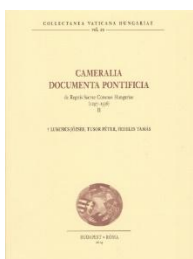
Cameralia Documenta Pontificia de Regnis Sacrae Coronae Hungariae (1297–1536). I: Obligationes, Solutiones

Ed. József Lukcsics † – Péter Tusor – Tamás Fedeles – Gábor Nemes – András Koltai – Noémi Kalotai – Gergely Kiss – Zsanett Matus.

Hungarian, Latin

Institutum Fraknói
Budapest – Róma. 2014. lxiv + 384 p, 1 image
Collectanea Vaticana Hungariae I/9.

ISSN 1786-2116
ISBN 978 963 308 203 4



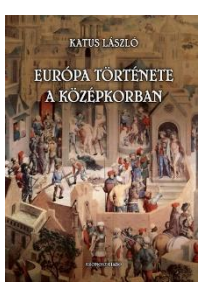
Cameralia Documenta Pontificia de Regnis Sacrae Coronae Hungariae (1297–1536). II: Divisiones, Provisiones, Visitationes, Quindennia, Rationes, Annatae, Obligationes particulares, Legationes, Varia, Taxae

Ed. József Lukcsics † – Péter Tusor – Tamás Fedeles – Gábor Nemes – András Koltai – Noémi Kalotai – Gergely Kiss – Zsanett Matus.

Hungarian, Latin

Institutum Fraknói
Budapest – Róma. 2014. 488 p, 1 map
Collectanea Vaticana Hungariae I/10.

ISSN 1786-2116
ISBN 978 963 308 204 1

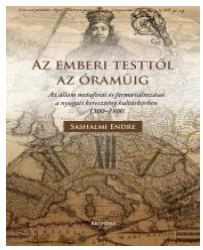


László KATUS
History of Europe in the Middle Ages

Hungarian

Kronosz
Pécs. 2014. 572 p.

ISBN 978 615 533 95 92

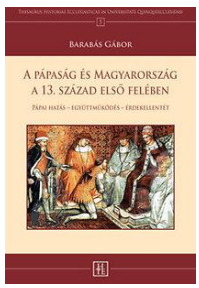


Endre SASHALMI
From the Human Body to the Clockwork
Metaphors of State and its Changes in Western Christendom 1300-1800

Hungarian

Kronosz
Pécs. 2015. 293 p.

ISBN 978-615-5339-02-8



Gábor BARABÁS
The Papacy and Hungary in the First Half of the 13th Century
Papal influence – Cooperation – Clash of Interests

Hungarian

Thesaurus Historiae Ecclesiasticae in Universitate Quinqueecclesiensi 5.
Kronosz
Pécs. 2015. 353 p.

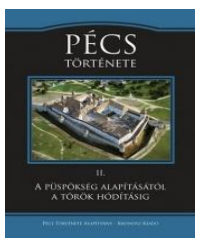
ISBN 978-963-89482-5-0

Tamás Fedeles
"We Travel in the Name of God".
Pilgrims, Pilgrimages and their Destinations in the Middle Ages

Hungarian

Kronosz
Pécs. 2015. 356 p.

ISBN 978-615-5497-61-2



The History of Pécs II.
From the Foundation of the Bishopric until the Ottoman Conquer

Ed. Márta Font

Various authors

Hungarian

Kronosz
Pécs. 2015. 400 p.

ISBN 978-615-54975-06

The First Chronicle of the Kievan Rus

Ed. László Balogh – Szilvia Kovács

Various authors

Hungarian

Balassi
Budapest. 2015. 398 p.

ISBN 978-963-506-970-5

Gergely Kiss
From Southern Hungary to Italy
The Course of Life of Stephen Báncsa (ca. 1205 – 1270), Bishop of Vác, Archbishop of Esztergom, the First Cardinal of Hungarian Origin

Hungarian, Latin

Kronosz
Pécs. 2015. 222 p.

ISBN 978-615-5497-63-6

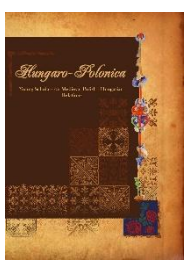
Hungary and the Holy See of Rome II. Hungarian Historical Researches of the 21th Century in the Vatican

Ed. Péter Tusor – Kornél Szovák – Tamás Fedeles.

Hungarian, Latin

Institutum Fraknói
Budapest – Róma. 2017. 436 p, 7 images, 4 maps
Collectanea Vaticana Hungariae I/15.

ISSN 1786-2116
ISBN 978 963 508 855 3



Hungaro-Polonica
Young Scholars on Medieval Polish-Hungarian Relations

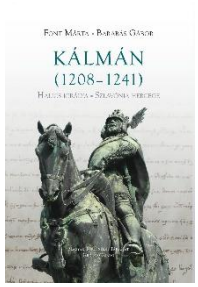
Ed. Dániel Bagi – Gábor Barabás – Zsolt Máté

Various authors

Hungarian

Történészcéh Egyesület
Pécs. 2016. 380 p.

ISBN 978 963 12 7382 3

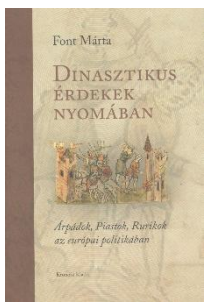


Márta Font – Gábor Barabás
Coloman (1208 – 1241)
King of Galicia – Duke of Slavonia

Hungarian

Magyar Történelmi Társulat – Kronosz
Budapest – Pécs. 2017. 201 p.

ISBN 978 963 467 000 1

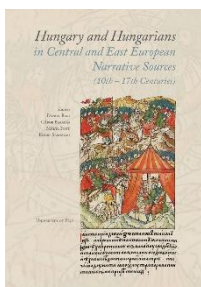


Márta Font
On the Trail of Dynastic Interests
Arpadians, Piasts and Rurikids int the European Politics

Hungarian (with German and Russian summary)

Kronosz
Pécs. 2018. 223 p.

ISBN 978 963 467 025 4



Hungary and Hungarians in Central and East European Narrative Sources (10th – 17th Centuries)

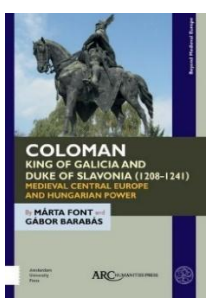
Ed. Bagi, Dániel – Barabás, Gábor – Font, Márta – Sashalmi, Endre

Various authors

English, German

University of Pécs
Pécs. 2019. 226 p.

ISBN 978 963 429 367 5

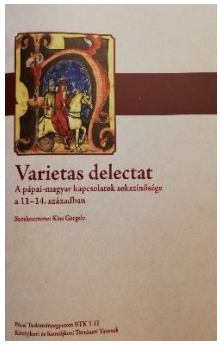


Márta Font - Gábor Barabás:
Coloman, King of Galicia and Duke of Slavonia (1208-1241)
Medieval Central Europe and Hungarian Power
(Beyond Medieval Europe Series)

English

ARC Humanities Press – Amsterdam University Press
Leeds. 2019. 172 p.

ISBN 978 164 189 024 3



Varietas Delectat. Diversity of the Papal-Hungarian Relations in the Eleventh-Fourteenth Centuries
(DeLegatOnline Könyvek 1)

Ed. Gergely Kiss

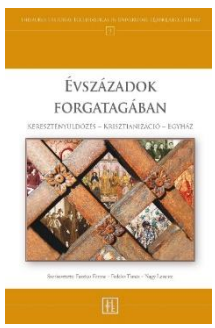
Authors: Gergely Kiss, Gábor Barabás, Ágnes Maléth

Hungarian

PTE BTK TTI KKTT
Pécs. 2019. 252 p.

ISBN 978-963-429-394-1

ISSN: 2676-9050



In the Vortex of Centuries: Christian Persecution – Christianization – Church
(Thesaurus historiae ecclesiasticae in Universitate Quinqueecclesiensi 9)

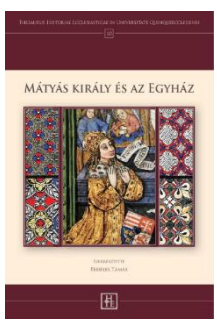
Ed. Ferenc Fazekas – Tamás Fedeles – Levente Nagy

Various authors

Hungarian

Pécsi Tudományegyetem
Pécs. 2019. 203 p.

ISBN 978 963 429 361 3



King Matthias I and the Church
(Thesaurus historiae ecclesiasticae in Universitate Quinqueecclesiensi 10)

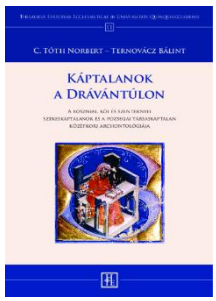
Ed. Tamás Fedeles

Various authors

Hungarian

PTE Egyháztörténeti Kutatóközpont
Pécs. 2019. 284 p.

ISBN 978 963 429 340 8

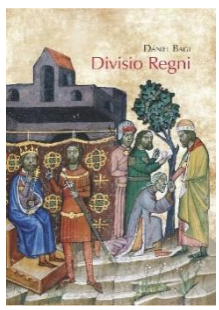


Norbert C. Tóth – Bálint Ternovácz
Chapters Beyond the Drava: The Medieval Archontology of the Cathedral Chapters of Bosnia, Kő, and Szenternye, and the Collegiate Chapter of Pozsega
(Thesaurus historiae ecclesiasticae in Universitate Quinqueecclesiensi 11)

Hungarian

PTE Egyháztörténeti Kutatóközpont
Pécs. 2020. 180 p.

ISBN 978 963 429 521 1

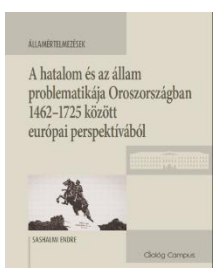


Dániel Bagi
Divisio Regni: The territorial divisions, power struggles, and dynastic historiography of the Árpáds of 11th- and early 12th-century Hungary, with comparative studies of the Piasts of Poland and the Přemyslids of Bohemia
(Arpadiana 2)

English

Hungarian Academy of Sciences, Research Centre for the Humanities
Budapest. 2020. 407 p.

ISBN 978 963 416 206 3

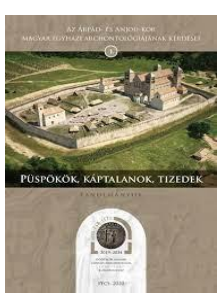


Endre Sashalmi
The Problems of Power and the State in Russia between 1462 and 1725 from a European Perspective

Hungarian

Ludovika Egyetemi Kiadó
Budapest. 2020. 143 p.

ISBN 978 963 531 181 1



Bishops, Chapters, Tithes. Studies
(Az Árpád- és Anjou-kor magyar egyházi archontológiájának kérdései 1)

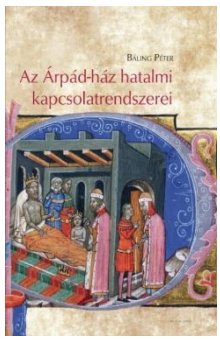
Ed. Gábor Thoroczkay

Various authors

Hungarian

Kronosz
Pécs. 2020. 220. p.

ISBN 978 615 604 857 8

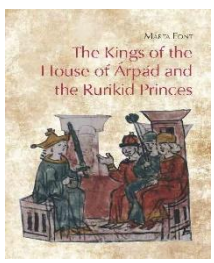


Péter Báling
The Power Relations of the Árpád Dynasty
(Arpadiana 7)

Hungarian

Bölcsészettudományi Kutatóközpont Történettudományi Intézet
Budapest. 2021. 567 p.

ISBN 978 963 416 246 9

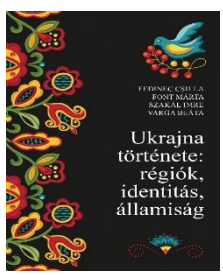


Márta Font
The Kings of the House of Árpád and the Rurikid Princes: Cooperation and Conflict in Medieval Hungary and Kievan Rus'
(Arpadiana 8)

English

ELKH Bölcsészettudományi Kutatóközpont
Budapest. 2021. 354 p.

ISBN 978 963 416 278 0



Csilla Fedinec – Márta Font – Imre Szakál – Beáta Varga
History of Ukraine: regions, identities, statehood

Hungarian

Társadalomtudományi Kutatóközpont – Gondolat
Budapest. 2021. 444 p.

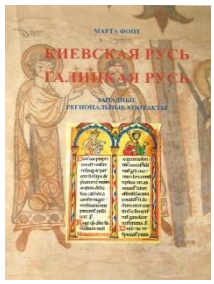
ISBN 978 963 556 195 7

Márta Font
Galicia in the System of Russian-Hungarian Relations in the XIth-XIIIth centuries

Ukranian

Lileja NV
Ivano-Frankivszk. 2021. 256 p.

ISBN 978 966 668 548 2

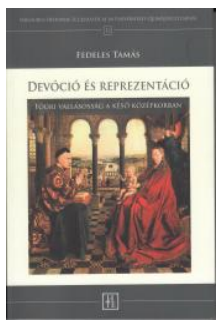


Márta Font
Kievan Rus' – Galician Rus': Western Regional Contacts
Russian

Akvilon

Moszkva. 2021. 378 p.

ISBN 978 590 657 879 2



Tamás Fedeles
Devotion and Representation. Baronial Piety in the Late Middle Ages
(Thesaurus historiae ecclesiasticae in Universitate Quinqueecclesiensi 12)
Hungarian

PTE Egyháztörténeti Kutatóközpont – Pécsi Történettudományért Kulturális Egyesület
Pécs. 2021. 258 p.

ISBN 978 963 429 358 3

Plague Guide: The History of Epidemics and Their Cure from Antiquity to the Present Day

Ed. Dóra Czeferner – Tamás Fedeles

Various authors

Hungarian

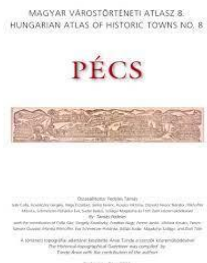
Pécsi Történettudományért Kulturális Egyesület – Kronosz
Budapest. 2021. 254 p.

ISBN 978 615 633 923 2

Endre Sashalmi
From the Human Body to the Clockwork: Metaphors of State and Changes in the Nature of the State in Western Christendom 1300-1800
Hungarian

Kronosz
Pécs. 2021. 286 p.

ISBN 978 615 604 891 2



Pécs: Hungarian Atlas of Historic Town No. 8.

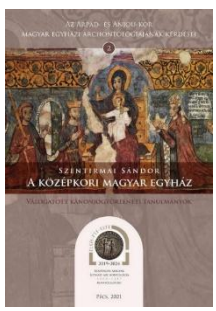
Ed. Tamás Fedeles – Viktória Kovács – Magdolna Szilágyi

Various authors

Hungarian

Pécsi Tudományegyetem – Bölcsészettudományi Kutatóközpont Történettudományi Intézet
Budapest – Pécs. 2021. 128 p.

ISBN 978 963 416 243 8



Sándor Szentirmai: The Medieval Hungarian Church. Selected Studies in the History of Canon Law
(Az Árpád- és Anjou-kor magyar egyházi archontológiájának kérdései 2)

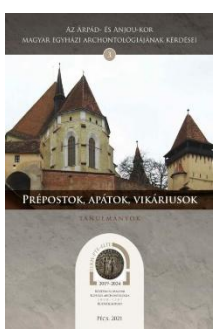
Ed. Gábor Thoroczkay

Authors: Sándor Szentirmai, Gábor Buják, Gábor Thoroczkay

Hungarian

Kronosz
Pécs. 2021. 216. p.

ISBN 978 615 633 909 6



Provosts, abbots, vicars. Studies
(Az Árpád- és Anjou-kor magyar egyházi archontológiájának kérdései 3)

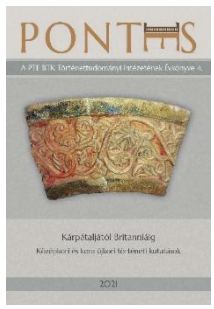
Ed. András Ribi

Various authors

Hungarian

Kronosz
Pécs. 2021. 314. p.

ISBN 978 615 633 930 0



From Transcarpathia to Britain: Medieval and Early Modern Historical Researches
(Pontes 4.)
Ed. Gábor Barabás – Norbert Csibi

Hungarian

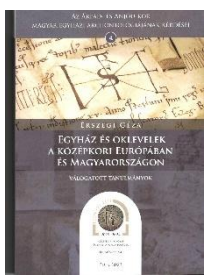
PTE BTK Történettudományi Intézet
Pécs. 2021. 395 p.

DOI 10.15170/PONTES.2021.04.01

Márta Font: ***Kings of the House of Árpád and the Rurikid princes. Meeting and clash of interests***

Hungarian
Balassi Kiadó
Budapest. 2022. 316 p.

ISBN: 9789634561149
ISSN 1215-4024



Géza Érszegi†: ***Church and Charters in the Medieval Europe and Hungary. Selected Studies***

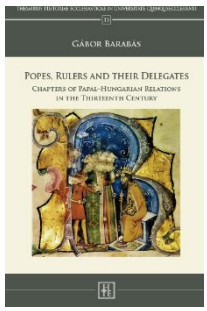
Ed. Gábor Thoroczkay
Hungarian

Kronosz
Pécs. 2023. 379 p.
ISBN 978-615-6604-12-5
ISSN 2732-0227

Gábor Barabás: ***Papal delegate jurisdiction in Hungary in The Árpád Era. Bishops – Provosts – Papal Chaplains (DeLegatOnline könyvek 3.)***

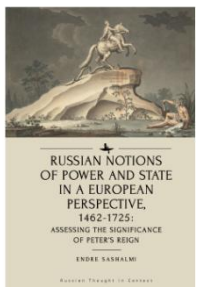
Hungarian
PTE BTK TTI Középkori és Koraújkori Történeti Tanszék
Pécs. 2022. 371 p.

ISBN: 978-963-429-985-1 (book)
ISBN: 978-963-429-986-8 (online)
ISSN: 2676-9050



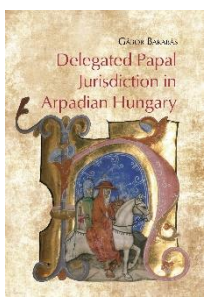
Gábor Barabás: ***Popes, Rulers and their Delegates. Chapters of Papal–Hungarian Relations in the Thirteenth Century***

English
University of Pécs, Center for Ecclesiastical Studies
Pécs. 2023. 311 p. (Thesaurus historiae ecclesiasticae in Universitate Quinqueecclesiensi 13)
ISBN: 978-963-626-167-2 (book)
ISBN: 978-963-626-168-9 (online)



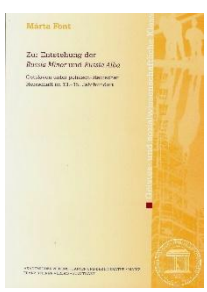
Endre Sashalmi: ***Russian Notions of Power in European Perspective 1462—1725. Assessing The Significance of Peter's Reign***

English
Academic Studies Press
Brookline (MA). 2022. 520 p, 6 ill.
ISBN: 978-164-469-417-6 (Hardback)
ISBN: 978-164-469-481-3 (pdf)
ISBN: 978-164-469-419-0 (e-pub)



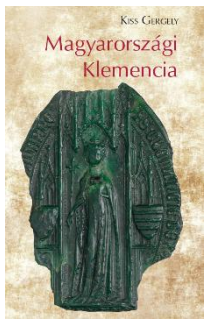
Gábor Barabás: Delegated Papal Jurisdiction in Arpadian Hungary – Bishops, provosts, papal chaplains

English
HUN-REN BTK
Budapest. 2023. 400 p.
ISBN: 978 963 416 405 0



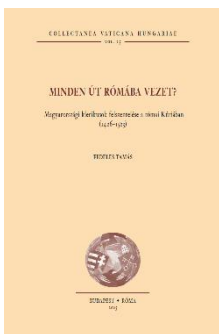
Márta Font: **Zur Entstehung der *Russia Minor* und *Russia Alba*: Ostslaven unter polnisch-litauischer Herrschaft im 13.-15. Jahrhundert**

German
Akademie der Wissenschaften und der Literatur / Franz Steiner Verlag
Mainz - Stuttgart. 2024. 51 p, 2 maps
ISBN 978-3-515-13823-9 (print)
ISBN 978-3-515-13827-7 (e-book)



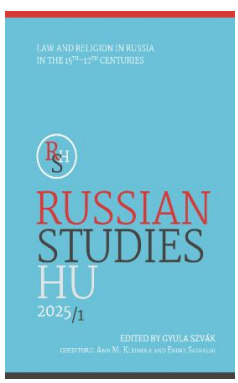
Gergely Kiss: **Clemence of Hungary. A Forgotten Queen in the Service of Dynasties**

Hungarian
ELTE Humán Tudományok Kutatóközpontja
Budapest. 2025. 624 p, 4 maps
ISBN 978-963-416-508-8
ISSN 2677-0881



Tamás Fedeles: Do all Roads lead to Rome? Ordination of Hungarian clerics in the Roman Curia (1426–1523)

Hungarian
Published by the Vilmos Fraknói Vatican Historical Research Institute the BTK Gyula Moravcsik Institute and the Collegium Professorum Hungarorum
Budapest – Rome 2025, 363 p, 20 maps
ISBN978 963 556 639 6
ISBN ebook 978 963 556 642 2
ISSN 1786



Russian Studies HU 2025/1: Law and Religion inRussia in the 15th–17th Centuries
Ed. Gyula Szvák –Ann M. Kleimola – Endre Sashalmi

English
Published by Alapítvány az orosz Nyelvért és Kultúráért
Budapest 2025, 226 p
ISSN 2677-1640 (print)
ISSN 2677-0660 (online)

CONTENTS OF PREVIOUS ISSUES

VOLUMES I–XIII

Specimina Nova Pars Prima Sectio Mediaevalis I.

Ed.: M. FONT. Pécs. 2001. 189 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS II.
Ed.: M. Font – G. Kiss. Pécs. 2003. 139 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS III.
Ed.: M. FONT – G. KISS. Pécs. 2005. 212 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS IV.
Ed.: M. FONT – G. KISS. Pécs. 2007. 163 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS V.
Ed. M. FONT – G. KISS. Pécs. 2009. 183 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS VI.
Ed. M. FONT – G. KISS – T. FEDELES. Pécs. 2011. 183 p.

Päpstlich geprägte Integrationsprozesse in Ost- und Westeuropa (11.-13. Jh.).
Universale Einheit oder vereinheitliche Vielfalt? Internationale Tagung 6. Dezember 2010

Renaissance – Relations International Conference, Pecs, 1 – 3 October 2008

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS VII.
Ed. M. FONT – G. KISS. Pécs. 2013. 151 p.

* * *

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS VIII.
Ed. G. BARABÁS – G. KISS. Pécs. 2015. 236 p.

***

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS IX.

Ed. G. Kiss – G. Barabás. Pécs. 2017. 205 p.

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS X.

Ed. G. Kiss – G. Barabás. Pécs. 2019. 290 p.

TABLE OF CONTENTS

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS XI.

Ed. G. Kiss – G. Barabás – P. Báling. Pécs. 2021. 263 p.

TABLE OF CONTENTS

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS XII.

Ed. G. Kiss – G. Barabás – P. Báling – Á. Maléth. Pécs. 2023. 232 p.

TABLE OF CONTENTS

SPECIMINA NOVA PARS PRIMA SECTIO MEDIAEVALIS XIII.

Ed. G. Kiss – G. Barabás – P. Báling – Á. Maléth. Pécs. 2024. 253 p.

TABLE OF CONTENTS