

WÜRZBURG LEGATINE STATUTES OF 1287 AND THE KINGDOM OF BOHEMIA

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Resumen

El legado del papa Honorio IV (1285-1287), Giovanni Boccamazza, cardenal obispo de Tusculum, convocó a un sínodo legatino en Würzburg y promulgó en él sus estatutos. El sínodo fue ceremonialmente inaugurado en la catedral local el 16 de marzo de 1287 y, en la primera sesión ordinaria, que tuvo lugar el 18 de marzo, se proclamaron tales estatutos. Al sínodo en Würzburg asistieron el obispo de Praga, Tobiáš de Benešov (1279-1296) y el obispo de Olomouc, Dětřich de Hradec (1281-1302). No se han conservado copias de esos estatutos de Würzburg de procedencia checa y tampoco existen originales a nuestra disposición. Sin embargo, en la diócesis de Praga se celebró un sínodo en tiempos del obispo Tobiáš, que probablemente enlazó con ese sínodo de Würzburg, tal como lo indican sus disposiciones acerca de las iglesias fortificadas. Además, en los estatutos de la diócesis de Olomouc, en cuatro casos encontramos artículos tomados literalmente del texto de Würzburg.

PALABRAS CLAVES: Estatutos legatinos – Estatutos diocesanos – Reino checo (Bohemia) – Diócesis de Praga – Diócesis de Olomouc

Summary

Legate of Pope Honorius IV (1285-1287), Giovanni Boccamazza, Cardinal Bishop of Tusculum, convened the legatine synod in Würzburg and promulgated the statutes there. The synod officially began in the cathedral in Würzburg on 16 March 1287, while the statutes were declared at the first ordinary session, which took place on

18 March. Tobiáš of Benešov, Bishop of Prague (1279-1296), and Dětrich of Hradec, Bishop of Olomouc (1281-1302), took part in the legatine synod in Würzburg. There are, however, no extant copies of the Würzburg legatine statutes of Czech provenance, and there are, furthermore, no originals. Within the Diocese of Prague, a synod was convened under Bishop Tobiáš, which probably followed on from the Würzburg synod, as the provisions on fortified churches suggest. We see four cases of the verbatim copying of the wording of articles in Olomouc diocesan statutes.

KEYWORDS: Legatine statutes – Diocesan statutes – Kingdom of Bohemia – Diocese of Prague – Diocese of Olomouc

Introduction

Within particular churches, one tool for enforcing canon law requirements in the second half of the 13th century and early 14th century was the legatine synod, at which papal legates promulgated legatine statutes. The ecclesiastical or legislative activities of the papal legate were combined with activities of a purely political nature. Statutes were declared in Würzburg in 1287, which were valid within the Kingdom of Bohemia too, i.e. in the Prague and Olomouc dioceses.

1. Sources

The Würzburg legatine statutes began attracting editors' attention from the 17th century. They were first printed in 1671 in Philippe Labbé's edition series *Sacrosancta concilia ad reginam editionem exota*¹. This was followed in 1714 by an edition in the seventh volume of Jean Hardouin's work *Acta conciliorum et epistolae, decretales ac constitutiones summorum pontificum*². The legatine statutes were also printed in the edition *Das teutsche Reichs-Archiv*³. The wording of the statutes is also present in the third volume of Johann Friedrich Schannat and Josef Hartzheim's series, *Concilia Germaniae*, published in 1760⁴. Shortly afterwards, it was printed in Mansi's

¹ Philipus LABBEUS & Gabrielus COSSARTIUS, *Sacrosancta concilia ad reginam editionem exota*, XI/2, Paris, 1671, pp. 1318-1333.

² Joannes HARDUINUS, *Acta conciliorum et epistolae, decretales ac constitutiones summorum pontificum*, VII, Paris, 1714, pp. 1131-1142.

³ Johann Christian LÜNIG (ed.), *Dritte und letzte continuation Spicilegii ecclesiastici Des Teutschen Reichs-Archiv oder Fortsetzung des codicis statutorum synodaliū et capitularium ecclesiae Germanicae*, Leipzig, 1721, pp. 494-500.

⁴ Joannes Fridericus SCHANNAT & Josephus HARTZHEIM, *Concilia Germaniae*, III, Cologne, 1760, pp. 725-734 (subsequently CG III).

work *Sacrorum conciliorum nova et amplissima collectio*⁵. The statutes's wording is also found in Johann Martin Lappenbergs's 1842 Hamburg diplomatarium, and in its second issue of 1907. The editor based his work on a Hamburg manuscript which he termed *Liber copialis capituli*. He registers the existence of older editions of the statutes, specifically those of Labbe, Hardouin, Mansi, and Hartzheim. He adds notes indicating differences in Labbe's work⁶. Franz Xaver Himmelstein's work focusing on the Würzburg diocesan statutes and other sources related to local diocesan synods included a reprint of Hardouin's edition of Giovanni Boccamazza's legatine statutes⁷. A later edition of the statutes was found in the 1873 Bremen diplomatarium by Diedrich Ehmck and Wilhelm von Bippen⁸.

Information on the Würzburg legatine statutes in *regestum* is summarised in the Mecklenburg diplomatarium⁹ and in two of Max Perlbach's source editions, specifically in his Prussian regesta¹⁰ and in his Pomeranian diplomatarium¹¹. These give the titles of individual articles (*rubricae*). In his Pomeranian diplomatarium, Rodgero Prümers printed a brief regestum with information on the copy in the Hamburg manuscript *Liber copialis capituli* with a reference to a number of older editions¹². The Mainz archbishops' regesta contains a brief mention of the statutes within a regestum dedicated to the legatine synod¹³. Information on statutes can be found in *Regesta Imperii*¹⁴. Data on the statutes is also printed in Alfred Hessel and Manfred Krebs' regesta of the Strasbourg bishops. A list of the statutes' articles with reference to the Mansi and Hartzheim's editions, and

⁵ Joannes Dominicus MANSI, *Sacrorum conciliorum nova et amplissima collectio*, XXIV, Venice, 1780, pp. 849-866.

⁶ Johann Martin LAPPENBERG, *Hamburgisches Urkundenbuch*, I, Hamburg, Perthes, Besser & Mauke, 1842 (2nd edition Hamburg, Perthes, Besser & Mauke, 1907), pp. 683-698, no. 830. The second issue is further cited.

⁷ Franz Xaver HIMMELSTEIN, *Synodicon Herbipolense. Geschichte und Statuten der im Bisthum Würzburg gehaltenen Concilien und Diocesansynoden*, Würzburg, Verlag der Stahel'schen Buchhandlung, 1855, pp. 42-60, no. 15.

⁸ Diedrich R. EHMCK & Wilhelm von BIPPEN (eds.), *Bremisches Urkundenbuch*, I, Bremen, C. Ed. Müller, 1873, pp. 462-476, no. 435.

⁹ *Meklenburgisches Urkundenbuch*, III, Schwerin, Stiler'schen Hofbuchhandlung, 1865, pp. 252-253, no. 1894.

¹⁰ Max PERLBACH, *Preussische Regesten bis zum Ausgange des dreizehnten Jahrhunderts*, Königsberg i. Pr., Ferd. Beyer vormals Th. Theiles's Buchhandlung, 1876, p. 272, no. 997.

¹¹ Max PERLBACH, *Pommerliches Urkundenbuch*, II, Danzig, 1882, pp. 374-376, no. 419.

¹² Rodgero PRÜMERS (ed.), *Pommersches Urkundenbuch*, III/1 1287-1295, Stettin, Friedr. Nagelsche Buchhandlung (Paul Niekammer), 1888, p. 6, no. 1416.

¹³ Cornelius WILL (ed.), *Regesta archiepiscoporum Maguntiensium. Regesten zur Geschichte der Mainzer Erzbischöfe von Bonifatius bis Uriel von Gemmingen 742?-1514*, Innsbruck, Verlag der Wagner'schen k. k. Universitätsbuchhandlung, 1886, pp. 432-433, no. 63.

¹⁴ Oswald REDLICH (ed.), *Regesta imperii*, VI. *Die Regesten des Kaiserreichs unter Rudolf, Adolf, Albrecht, Heinrich VII 1273-1313*, 1. Abth., Innsbruck, Verlag der Wagner'schen k. k. Universitätsbuchhandlung, 1898, p. 450, no. 2064.

an extensive interpretation of them including a reference to a 15th century manuscript at the town library in Schlettstadt are given¹⁵. The statutes are mentioned in relation to the Würzburg legatine synod in the regesta of the Bishops of Eichstätt, again with reference to the Mansi and Hartzheim editions¹⁶. Werner Maleczek, working in collaboration with other researchers, recorded the Würzburg statutes of 1287 within a regesta catalogue of documents of the papal legate Giovanni Boccamazza¹⁷. Detailed catalogue information on the titles of the statutes' articles, older editions, and scholarly publications is given in the second edition of a book on Olomouc diocesan synods and statutes¹⁸ and in a monograph on Polish provincial synods¹⁹ by Pavel Krafl.

The 1287 legatine statutes are documented in a number of academic titles, in particular by Anton Joseph Binterim in *Pragmatische Geschichte der deutschen Concilien*²⁰, and by Karl Joseph Hefele in the sixth volume of *Konziliengeschichte*²¹, in which he provides a description of their contents. Władysław Abraham included a chapter entitled *Statutes of the legate John, Cardinal Bishop of Tusculum, published in Würzburg on 16th March 1287* in his study looking at Polish ecclesiastical legislation. In it, he endeavoured to ascertain whether the Würzburg legatine statutes were also valid in Poland²². Amongst Czech scholarly publications, apart from those mentioned

¹⁵ Alfred HESSEL & Manfred KREBS (eds.), *Regesten der Bischöfe von Strassburg*, II. *Regesten der Bischöfe von Strassburg vom Jahre 1202-1305*, Innsbruck, Universität-Verlag Wagner, 1928, p. 335, no. 2200.

¹⁶ Franz HEIDINGSFELDER (ed.), *Die Regesten der Bischöfe von Eichstätt*, IV. Lieferung (Bogen 31-40), Innsbruck, Verlag der Wagner'schen k. k. Universitätsbuchhandlung, 1921, pp. 311-312, no. 1008.

¹⁷ Werner MALECZEK, Andrea BOTTANOVÁ, Eva Maria SEDLAK, Maximilian Alexander TROFAIER and Sandra WEISS, "Die Urkunden des päpstlichen Legaten Johannes Boccamazza, Kardinalbischofs von Tusculum, aus den Jahren 1286 und 1287 (Legation ins Reich in der Spätzeit König Rudolfs von Habsburg)", *Archiv für Diplomatik, Schriftgeschichte, Siegel- und Wappenkunde*, 59 (2013), pp. 83-84.

¹⁸ Pavel KRAFL, *Synody a statuta olomoucké diecéze období středověku [Medieval Synods and Statutes of the Diocese of Olomouc]*, Prague, Historický ústav, 2014, pp. 213-214, 99.

¹⁹ Pavel Otmar KRAFL, *Polské provinciální synody 13.-15. století [Polish provincial synods from the 13th to the 15th centuries]*, Prague, Historický ústav, 2016, pp. 101-103, 53.

²⁰ Anton Joseph BINTERIM, *Pragmatische Geschichte der deutschen Concilien vom vierten Jahrhundert bis zum Concilium von Trient*, V, Mainz, Kirchheim und Schott, 1852, pp. 41-46, 311-329.

²¹ Karl Joseph HEFELE, *Konziliengeschichte*, VI, Freiburg im Breisgau, Herder, 1890, pp. 245-253.

²² Władysław ABRAHAM, *Studyia krytyczne do dziejów średniowiecznych synodów prowincjonalnych kościoła Polskiego [Critical studies on the history of the medieval provincial synods of the Polish Church]*, Krakow, Akademia Umiejętności, 1917, pp. 26-29.

above, the statutes are briefly noted only in a synthesis study on canon law in the Czech Lands in the Middle Ages²³.

The only monograph on the Würzburg legatine synod is Georg von Gaisberg- Schöckingen's printed dissertation. The author writes of legate Giovanni Boccamazza's posting, his meeting with King Rudolf of Habsburg, the postponement of his journey to Rome, the composition of the synod, its course, the situation following the council, and the departure of the legate from Germany. He devotes space to the Imperial Assembly in Würzburg and the Imperial Landfried. The final chapter looks at the dissolution of the synod, the issue of a tithe and its use for crusade or the Roman king's coronation journey to Rome, the appellation of the Archbishop of Cologne, and Imperial issues²⁴. Léon Kern wrote on the letters of indulgence issued collectively by bishops during the period the legatine synod was held in Würzburg²⁵. In his study looking at the collection of funds for crusades in accordance with the provisions of the Second Council of Lyon of 1274, Stefan Petersen looks at the circumstances of Giovanni Boccamazza's Würzburg legatine synod and the response of the German bishops, in particular the Archbishop of Cologne and his activities²⁶. In a short article, Ernst-Günter Krenig looks more at the political context of events in the Empire and in the Church in relation to the legatine synod in Würzburg²⁷. The political events preceding the holding of the legatine synod, in particular the planned journey to Rome, are the focus of Franz-Reiner Erkens' interest²⁸.

2. Circumstances of the convening of Giovanni Boccamazza's legatine synod and legation

Legate of Pope Honorius IV (1285-1287), Giovanni Boccamazza, Cardinal Bishop of Tusculum, convened the legatine synod in Würzburg and

²³ Pavel KRAFL, "Církevní právo v Čechách a na Moravě ve 13.-15. století" ["Ecclesiastical Law in Bohemia and Moravia from the 13th to the 15th centuries"], in IDEM (ed.), *Sacri canones servandi sunt. Ius canonicum et status ecclesiae saeculis XIII-XV*, Prague, Historický ústav AV ČR, 2008, p. 104.

²⁴ Georg von GAISBERG-SCHÖCKINGEN, *Das Konzil und der Reichstag zu Würzburg im Jahre 1287, ihr Verlauf und ihre Bedeutung*, Marburg, J. Fink, 1928.

²⁵ Léon KERN, "A propos des lettres d'indulgence collectives concédées au concile de Wurzburg de 1287", *Schweizer Beiträge zur Allgemeinen Geschichte*, 13 (1955), 111-129.

²⁶ Stefan PETERSEN, "Geld für den Kampf gegen Ungläubigen? Norddeutsche Widerstände gegen die Erhebung des Lyoner Kreuzzugszehnten 1274-1304", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 117, *Kanonistische Abteilung* 86 (2000), pp. 306-309.

²⁷ Ernst-Günter KRENIG, "Das „Nationalkonzil“ im Dom zu Würzburg im März des Jahres 1287", *Mainfränkisches Jahrbuch für Geschichte und Kunst*, 59 (2007), 9-14.

²⁸ Franz-Reiner ERKENS, "Ein Drache in Würzburg. Die Reichssynode und der Hoftag von 1287", *Zeitschrift für Kirchengeschichte*, 122 (2011), 153-172.

promulgated the statutes there²⁹. His legatine powers applied to Germany, the Kingdom of Bohemia, the Kingdoms of Denmark and Sweden, the Polish Duchy, Pomerania, Kashubia, Prussia, and Livonia³⁰. The synod officially began in the cathedral in Würzburg on 16 March 1287, while the statutes were declared at the first ordinary session, which took place on 18 March. The second ordinary session was held on 26 March; the legate declared the taxing of the clergy and the representative of the Archbishop of Cologne read the protest letter. Pope Honorius IV's death on 3 April extinguished the legate's power. Bishops from the Mainz, Cologne, Trier, Salzburg, Bremen, Magdeburg, Besançon, and Regensburg ecclesiastical provinces alongside one belonging to the Patriarchate of Aquileia took part in the synod. Polish bishops did not take part in synods³¹. In connection with the synod in Würzburg, a large number of individual and collective letters of indulgence were issued for monasteries, cathedral churches, and hospitals from across the entire Empire³².

Legatine synods were usually held against the backdrop of political events in which papal legates played the important role of promoting the Holy See's policy in their country and in the broader region. A significant issue in 1287 was discussions on the Imperial coronation of Rudolf of Habsburg. In addition to the legatine synod in Würzburg, an Imperial Assembly was also convened in March of the same year. Giovanni Boccamazza endeavoured to secure funds for Rudolf's planned coronation journey to Rome. Archbishop Siegfried of Cologne established himself as an opponent of Rudolf of Habsburg, and so also of legate Giovanni Boccamazza's endeavours, and the very convening of the synod came up against disagreement and resistance. Words of propaganda were sent from Cologne attacking the papal legate and his endeavour to acquire funds for the Holy See. Attempts at recovering various subsidies for the Holy See, the Roman King, and the papal legate came up against resistance from the German and Polish clergy; the clergy

²⁹ For more on G. Boccamazza, see MALECZEK *et alii*, *op. cit.*, pp. 36-37.

³⁰ HIMMELSTEIN, *op. cit.*, p. 46; LAPPENBERG, *op. cit.*, I, p. 683.

³¹ von GAISBERG-SCHÖCKINGEN, *op. cit.*, pp. 9-13, 15-17; ERKENS, *op. cit.*, pp. 153-154, 161; ABRAHAM, *op. cit.*, p. 27.

³² KERN, *op. cit.*, pp. 111-129 (the final list of documents on p. 129 can be extended with further collective letters of indulgence; see Dalibor HAVEL, *Katalog listin a listů k VII. dílu Českého diplomataře, I (Zpracování diplomatického materiálu pro období květen 1283 – květen 1297) [Catalogue of letters and documents with part VII of the Czech diplomatarium, I (Processing of diplomatic material for the period May 1283 – May 1297)]*, Brno, Výzkumné středisko pro dějiny střední Evropy: Prameny, země, kultura, 2011, p. 100, no. 248; p. 101, no. 252; pp. 107-108, no. 275). A list of letters of indulgence issued at the synod, though incomplete, was also produced by von GAISBERG-SCHÖCKINGEN, *op. cit.*, pp. 89-90.

of the Cologne and Gniezno ecclesiastical provinces sent letters of complaint to the Holy See³³.

The events in Würzburg are related to political affairs in the Kingdom of Bohemia. At the instigation of his stepfather, Závíš of Falkenštejn, King Wenceslas II of Bohemia attempted to assert his claim to the Duchy of Carinthia. Bishop Tobiáš of Prague brought Wenceslas II his young wife Guta (Judith), the daughter of Roman King Rudolf of Habsburg, with him on his return from Würzburg to Bohemia. After Guta's arrival in Bohemia, Závíš of Falkenštejn was gradually sidelined. His supporters fought militarily against Tobiáš, Bishop of Prague³⁴.

Besides the Bishop of Prague, Tobiáš of Benešov (1279-1296), the Bishop of Olomouc, Dětrich of Hradec (1281-1302)³⁵, also took part in the legatine synod in Würzburg. Evidence of the presence of these two hierarchs is found in documents, specifically the letters of indulgence from Würzburg, in which they are the issuers. In some letters they appear as the only issuers, while in other cases the letters have a number of joint issuers comprising bishops from various dioceses³⁶. Tobiáš of Benešov is reliably documented as being in Würzburg from 11 to 23 March 1287³⁷, while Dětrich of Hradec was present there from at least 13 to 23 March 1287³⁸. There are extant undated letters

³³ ERKENS, *op. cit.*, pp. 153-172; Josef ŠUSTA, *České dějiny, II/1 Soumrak Přemyslovců a jejich dědictví [Czech History, II/1 Twilight of the Přemyslids and their Legacy]*, Prague, Jan Laichter, 1935, pp. 361-363; Josef ŽEMLIČKA, *Do tří korun. Poslední rozmach Přemyslovců (1278-1301) [To the Three Crowns. The last boom of the Přemyslids (1278-1301)]*, Prague, Lidové noviny, 2017, p. 140; John Norman Davidson KELLY & Michael J. WALSH, *The Oxford Dictionary of Popes*, Manchester, Oxford University Press, 2010, p. 206 (headword dedicated to Honorius IV); Brigitte HAMANNOVÁ, *Habsburkové. Životopisná encyklopedie [The Habsburgs. A Biographical Encyclopaedia]*, Prague, Nakladatelství Brána, 2001, p. 361 (headword dedicated to Rudolf of Habsburg); Alois NIEDERSTÄTTER, *Österreichische Geschichte 1278-1411. Die Herrschaft Österreich. Fürst und Land im Spätmittelalter*, Vienna, Ueberreuter, 2001, p. 94; von GAISBERG-SCHÖCKINGEN, *op. cit.*, pp. 62-65; PETERSEN, *op. cit.*, pp. 306-309; ABRAHAM, *op. cit.*, pp. 26-27.

³⁴ Vratislav VANÍČEK, *Velké dějiny země Koruny české [A Great History of the Lands of the Czech Crown]*, III, Prague-Litomyšl, Paseka, 2002, pp. 398-399.

³⁵ For more on Tobiáš of Benešov and his actions, see Jaroslav KADLEC, "Bischof Tobias und die Prager Diözese während seiner Regierungszeit (1278-1296)", in Georg SCHWAIGER & Josef STABE (eds.), *Regensburg und Böhmen. Festschrift zur Tausendjahrfeier des Regierungsantrittes Bischof Wolfgangs von Regensburg und der Errichtung des Bistums Prag*, Regensburg, Verlag des Vereins für Regensburger Bistumsgeschichte, 1972, pp. 119-172. For more on Dětrich of Olomouc and his actions, see Erwin GATZ & Clemens BRODKORP (eds.), *Bischöfe des Heiligen Römischen Reiches 1198 bis 1448. Ein Biographisches Lexikon*, Berlin, Duncker & Humblot, 2001, p. 509.

³⁶ HAVEL, *op. cit.*, I, pp. 98-103, 105-106, no. 241, 243, 248-258, 266, 268, 269; HIMMELSTEIN, *op. cit.*, pp. 63-64.

³⁷ Josephus EMLER (ed.), *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*, II, Prague, Sumptibus regiae scienciarum societatis Bohemiae, 1882, no. 2722, p. 1189 (subsequently RBM II); HAVEL, *op. cit.*, I, pp. 98-99, no. 241; p. 106, no. 269.

³⁸ HAVEL, *op. cit.*, I, p. 99, no. 243; p. 106, no. 269.

of indulgence issued by both Tobiáš and Dětřich³⁹, and information on letters of indulgence not further dated⁴⁰ which may be evidence of their presence in Würzburg on other days. The Bishop of Prague, Tobiáš of Benešov, was to pay for his and his entourage's journey to the synod in Würzburg using a loan. According to the document in his formulary, he was to borrow 120 marks of silver from an unnamed Jew, who obtained in pledge a chalice from a Prague church allegedly weighing 60 marks of silver⁴¹. Bishop Tobiáš was to ask the Duke of Bavaria for guidance on his journey through the Duchy of Bavaria, and for the issuance of safe conduct⁴².

In order to increase awareness of the issued legatine statutes, the involvement of other participants from Czech dioceses was important. One can encounter cases where foreign bishops present at the legatine synod in Würzburg issued a letter of indulgence for a Czech recipient. These documents could demonstrate the presence of a representative (most likely, a superior or an attorney) of a particular Czech ecclesiastical institution at Würzburg, and thus his presence at the legatine synod, unless the issuance of the letter for a monastery was agreed upon by someone else, such as a bishop. On 14 March, four letters of indulgence were issued in Würzburg for the Benedictine monastery in Kladruby. These letters were issued by Bernhard of Prambach, Bishop of Passau; Heinrich II of Rotteneck, Bishop of Regensburg; Wittigo I, Bishop of Meissen; and Heinrich, Bishop of Trent⁴³. Four letters of indulgence were issued in Würzburg on 17 March in favour of the Augustinian St Thomas Monastery in Prague. The set of issuers was almost the same, again consisting of Bernhard of Prambach, Bishop of Passau; Heinrich II of Rotteneck, Bishop of Regensburg; and Heinrich, Bishop of Trent, but also now Friedrich, Bishop of Chur. The next day, a letter of indulgence was issued for the Prague Augustinians by Reinboto, Bishop of Eichstätt⁴⁴. On 17 March, Heinrich II, Archbishop of Mainz, issued a letter of indulgence to support construction of the Monastery of St Anthony

³⁹ *Ibidem*, I, pp. 106-108, no. 271, 272, 275.

⁴⁰ *Ibidem*, *op. cit.*, I, p. 107, no. 273, 274.

⁴¹ Jan Bedřich NOVÁK, *Formulář biskupa Tobiáše (1279-1296) [Form Book of Bishop Tobiáš]*, Prague, Česká akademie císaře Františka Josefa pro vědy, slovesnost a umění, 1903, pp. 51-52, no. 57; Josef ŽEMLIČKA, *Království v pohybu. Kolonizace, města a stříbro v závěru přemyslovské epochy [Kingdom in Movement. Colonisation, Towns and Silver at the end of the Přemyslid era]*, Prague, Lidové noviny, 2014, p. 309.

⁴² NOVÁK, *op. cit.*, p. 212, no. 272.

⁴³ Josephus EMLER (ed.), *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*, IV, Prague, Sumptibus regiae scienciarum societatis Bohemiae, 1892, no. 1863, pp. 739-740; HAVEL, *op. cit.*, I, pp. 99-100, no. 244-247.

⁴⁴ RBM II, no. 1402, p. 602; no. 1403, p. 603; Jaroslav KADLEC, *Das Augustinerkloster Sanct Thomas Prag vom Gründungsjahr 1285 bis zu den Hussitenkriegen mit Edition seines Urkundenbuches*, Würzburg, Augustinus-Verlag, 1985, p. 400, no. 205; p. 401, no. 207; pp. 401-402, no. 208; p. 402, no. 209; pp. 400-401, no. 206; HAVEL, *op. cit.*, I, pp. 103-105, no. 260-263, 267.

and St Clare in Znojmo⁴⁵. Thus, some of those present at the synod may have included representatives of the Benedictine monastery in Kladruby, the Augustinian Monastery of St Thomas in Prague, and the newly established monastery of Minorites and Poor Clares in Znojmo.

Legate Giovanni Boccamazza's collection of subsidies also applied to Czech dioceses. In the first year of his legation (1286), the Bishop of Olomouc was required to procure 110 marks of silver, while in the second year the Prague and Olomouc dioceses were required to procure 100 marks of silver⁴⁶. The Bishop of Olomouc instructed the Dominican convent in Brno to pay legate Giovanni Boccamazza one mark. However, the convent claimed to be exempt from such collection on the basis of a decision by the Holy See⁴⁷. Within Tobiáš of Benešov's formulary one can find a document in which Bishop Tobiáš names the ostiary of the papal chapel and Prague canon Martin, Bartholomew of Anagni, and Thomas de Ponte Curvo as his procurators at the Holy See. They were to act in regard to absolution for the sanctions of banning entry to church, suspension from pontificalia, and excommunication. These punishments were to be imposed on the Bishop of Prague by papal legate Giovanni Boccamazza for not paying the remainder of the procuration which the legate had demanded. The document is dated 31 May 1287⁴⁸. On his journey to see the papal legate, Tobiáš's chaplain was said to have been robbed of the money he was carrying for him in the Diocese of Regensburg. Bishop Tobiáš assigned his other procurator John to negotiate with Giovanni Boccamazza in regard to cancelling the punishments imposed, and these finally were cancelled⁴⁹. According to the formulary, Bishop Tobiáš of Benešov was to pay papal legate Giovanni Boccamazza a procuration of 160 marks of silver. The collection of funds from individual ecclesiastical institutions was linked to the excommunication of representatives of monasteries and parishes, and also the interdict imposed on their churches⁵⁰.

3. Life of a cleric

The issuer of the statutes, Giovanni Boccamazza, urged archbishops, bishops, clerics, abbots, other lower prelates, and others ordained into the priesthood to endeavour to live pious, righteous, and pure lives of solemn dignity. Boccamazza determined that archbishops, bishops and abbots

⁴⁵ Antonius BOCZEK (ed.), *Codex diplomaticus et epistolaris Moraviae*, IV, Olomouc, 1845, no. 251, pp. 328-329 (=CDM IV); RBM II, no. 1401, p. 602; HAVEL, *op. cit.*, I, p. 103, no. 259.

⁴⁶ MALECZEK *et alii*, *op. cit.*, pp. 63, 77.

⁴⁷ CDM IV, no. 248, pp. 324-326; RBM II, no. 1395, p. 600; MALECZEK *et alii*, *op. cit.*, p. 63, 77, 82-83, no. 15; HAVEL, *op. cit.*, I, pp. 95-96, no. 233, 234.

⁴⁸ NOVÁK, *op. cit.*, pp. 8-9, no. 11.

⁴⁹ *Ibidem*, pp. 20-21, no. 22; pp. 50-51, no. 56; p. 53, no. 59.

⁵⁰ *Ibidem*, pp. 54-67, no. 60-68, 70-76. Cf. KADLEC, *Bischof Tobias*, pp. 150-151.

should dwell in their homes in clean done-up clothing, neither too long nor too short⁵¹. Clerics who held dignitaries and were ordained were permanently excluded from chivalrous games and tournaments. Were they to act in violation of the meaning of these provisions, they were to be excommunicated *ipso facto*. The legate reserved absolution to metropolitan bishop and other bishops⁵². This article was transferred into the Olomouc synodal statutes of 1349⁵³.

Legate Giovanni Boccamazza forbade all clerics, and prelates in particular, from frequenting inns, especially on journeys, and from playing dice⁵⁴. The issuer took measures against concubinary clerics⁵⁵ who publicly kept concubines. If anyone was to publicly hold concubines or receive new concubines in their place of residence, they *ipso facto* lost their prebend⁵⁶. This was another provision that was transferred into the Olomouc diocesan statutes of 1419⁵⁷. There is an example from 1267 when Olomouc provost Herbord deprived priest Jezdoň of his parish benefice in the village of Přímětice for concubinage⁵⁸.

Clerics and lay individuals were not to offer food to apostates (*reprobi et reprobati apostate; leccatores seu reprobati apostoli*), and unbound scholars were not to defend themselves at lay courts using clerical privileges⁵⁹.

A large number of provisions focus on the life of monks. The legate forbade clerics, and holders of dignitaries in particular, from frequently visiting convents, from holding unscrupulous conversation with nuns, and from engaging in inappropriate or damaging entertainment (*ludum noxium*) indoors or in public. Ordinaries were to punish anyone who breached this provision with excommunication⁶⁰. The wording of this provision was transferred to the 1419 Olomouc diocesan statutes. It is interesting that this contains a literal transcription of the provision with the exception of the sanction, which was changed: in the 1419 statutes, excommunication

⁵¹ HIMMELSTEIN, *op. cit.*, pp. 47-48, art. 1; LAPPENBERG, *op. cit.*, I, pp. 684-685, art. 2.

⁵² HIMMELSTEIN, *op. cit.*, p. 48, art. 4; LAPPENBERG, *op. cit.*, I, p. 685, art. 5.

⁵³ KRAFL, *Synody*, p. 174, p. 293, art. A.IV/8.

⁵⁴ HIMMELSTEIN, *op. cit.*, p. 48, art. 2; LAPPENBERG, *op. cit.*, I, p. 685, art. 3.

⁵⁵ For more on concubinage in Olomouc diocesan statutes, see Pavel KRAFL, "Konkubinát kleriků v moravském diecézním zákonodárství 13.-15. století" ["Clerical concubinage in Moravian diocesan legislation from the 13th to the 15th centuries"], in Grażyna RUTKOWSKA & Antoni GAŚIOROWSKI (eds.), *Memoria viva. Studia historyczne poświęcone pamięci Izabeli Skierskiej (1967-2014)*, Warsaw-Poznań, Instytut Historii PAN, 2015, pp. 216-220.

⁵⁶ HIMMELSTEIN, *op. cit.*, p. 48, art. 5; LAPPENBERG, *op. cit.*, I, p. 685, art. 6.

⁵⁷ KRAFL, *Synody*, p. 174, pp. 358-359, art. A.VII/3.

⁵⁸ Jindřich ŠEBÁNEK & Sáša DUŠKOVÁ (eds.), *Codex diplomaticus et epistolaris regni Bohemiae*, V/2, Prague, Academia Scientiarum Bohemoslovaciae, 1981, pp. 86-87, no. 530; pp. 121-122, no. 555 (subsequently CDB V/2). Cf. KRAFL, *Synody*, p. 225.

⁵⁹ HIMMELSTEIN, *op. cit.*, p. 58, art. 34; LAPPENBERG, *op. cit.*, I, p. 695, art. 37.

⁶⁰ HIMMELSTEIN, *op. cit.*, p. 48, art. 3; LAPPENBERG, *op. cit.*, I, p. 685, art. 4.

was replaced by the punishment of a fine of three pounds of wax for the Olomouc church or another church determined by the ordinary⁶¹. We can consider the early 15th century Olomouc statutes to have undergone a certain humanisation of law.

The masters at monasteries (abbots and priors) were to avoid wearing clothes similar to lay clothes. Monks were to avoid secular environments and nuns were not to leave their monastery without reason. Abbesses and prioresses were to ensure the admission of new novices of appropriate age into their religious order, and to ensure the supply of good food for the nuns⁶². In 1282, the case of the female convent of the Order of St Mary Magdalene in Dobřany was dealt with. Its reputation had been harmed due to claims of debauchery and fornication. Furthermore, during the period of war which Bohemia was going through, the nuns could not receive sufficient income. Walter, a provincial visitor for the Order of St Mary Magdalene, sold the monastery to Chotěšov on the basis of a decision of the order's general chapter made that year in Mainz, and so the monastery in Dobřany ceased to exist⁶³.

4. Worship, sacraments

A number of articles in the statutes look at worship and sacraments, in particular communion⁶⁴. If the sacrament of the Most Blessed Body of the Lord was to be performed outside the church for the sick or women prior to or following birth, then due respect was to be expressed. It should be given by a cleric wearing a surplice with a stole around his neck unless the distance to their place of residence and time constraints required another solution. The cleric was to walk there bearing a lamp and ringing a bell. Anyone who encountered the procession was to bend on one knee and recite the Lord's Prayer and Hail Mary at least three times until the priest had passed. Legate Giovanni Boccamazza released priests and clerics taking communion and all those doing penance and confessing and kneeling from the set penance for a period of ten days as long as they knelt and said the Lord's Prayer and Hail Mary⁶⁵. Communion for the sick is discussed in

⁶¹ KRAFL, *Synody*, p. 174, p. 359, art. A.VII/4.

⁶² HIMMELSTEIN, *op. cit.*, pp. 52-53, art. 17, 19; LAPPENBERG, *op. cit.*, I, pp. 689-690, art. 20, 22.

⁶³ Zbyněk SVITÁK, Helena KRMÍČKOVÁ, Jarmila KREJČÍKOVÁ (eds.), Jana NECHUTOVÁ (coop.), *Codex diplomaticus et epistolaris regni Bohemiae*, VI/1, Prague, Academia Scientiarum Rei Publicae Bohemicae, 2006, no. 242, p. 296-300 (subsequently CDB VI/1).

⁶⁴ For more on communion, see Thomas M. IZBICKI, *The Eucharist in Medieval Canon Law*, Cambridge, Cambridge University Press, 2015.

⁶⁵ HIMMELSTEIN, *op. cit.*, pp. 49-50, art. 8; LAPPENBERG, *op. cit.*, I, p. 686, art. 9.

the subsequent Mainz provincial statutes of 1292, in their Article 3, *De portatione Corporis Christi*. However, they are not influenced by the wording of the provision of the Würzburg legatine statutes⁶⁶. Part of the article *De portatione Corporis Christi* in Giovanni Boccamazza's 1287 statutes was transferred into the Olomouc synodal statutes of 1349⁶⁷.

Priests were ordered to celebrate just one sung or read mass per day –or two masses, but only when authorised by law⁶⁸–. Innocent III's decretal determined one mass per day as sufficient, with the exception of the Nativity. This decretal is not directly mentioned in the statutes⁶⁹. The procedure for looking after the dead and processes during a period of interdict are modified⁷⁰. In his statutes, legate Giovanni Boccamazza opposes the receipt money for blessing marriages and funerals. Money should only be accepted as an expression of devotion after the act itself⁷¹. Giovanni Boccamazza states that he has encountered many men and women of around sixty years old who have not been confirmed. He stresses that archbishops and bishops should carry out visitations in their dioceses at least once every two years and give confirmations⁷². Provisions on confirmation are quite rare in synodal statutes; one example is the statutes of Philip of Fermo, declared for Hungary and Poland in 1279, which included a separate article, *De confirmatione*, which set the conditions under which confirmation can take place⁷³.

5. Occupancy of parish churches and chapels

One problem often dealt with was the occupancy of parish churches⁷⁴. Giovanni Boccamazza endeavoured to prevent any cleric from daring to

⁶⁶ Joannes Fridericus SCHANNAT & Josephus HARTZHEIM, *Concilia Germaniae*, IV, Cologne, 1761, p. 8 (subsequently CG IV).

⁶⁷ KRAFL, *Synody*, p. 174, pp. 300-301, art. A.IV/12.

⁶⁸ HIMMELSTEIN, *op. cit.*, p. 49, art. 7; LAPPENBERG, *op. cit.*, I, p. 686, art. 8.

⁶⁹ X 3.41.3. For more on mass, see Izabela SKIERSKA, *Obowiązek mszalny w średniowiecznej Polsce [The Obligation to Attend Mass in medieval Poland]*, Warsaw, Instytut Historii PAN, 2003.

⁷⁰ HIMMELSTEIN, *op. cit.*, p. 51, art. 13; LAPPENBERG, *op. cit.*, I, p. 688, art. 16.

⁷¹ HIMMELSTEIN, *op. cit.*, p. 51, art. 15; LAPPENBERG, *op. cit.*, I, p. 689, art. 18. Cf. X 5.3.29.

⁷² HIMMELSTEIN, *op. cit.*, p. 56, art. 27; LAPPENBERG, *op. cit.*, I, p. 693, art. 30. For more on visitation, see Christopher Robert CHENEY, *Episcopal Visitation of Monasteries in the Thirteenth Century*, Philadelphia PA- Manchester, Porcupine Press-Manchester University Press, 1983, p. 122; Paul B. PIXTON, *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council 1216-1245. Watchmen on the Tower*, Leiden-New York, Brill, 1995, p. 448. For more on visitations in the Czech Lands, see KRAFL, "Církevní právo", pp. 107-108.

⁷³ *Kodeks dyplomatyczny Wielkopolski* I, Poznań, 1877, no. 487, p. 449, art. *De confirmatione*.

⁷⁴ For more on law of patronage, see X 3.38. Peter LANDAU, *Ius patronatus. Studien zur Entwicklung des Patronats im Dekretalenrecht und der Kanonistik des 12. und 13. Jahrhundert*, Cologne-Vienna, Böhlau, 1975.

accept and maintain a church or ecclesiastical prebend and the revenue they provided which the law did not allow them to⁷⁵. Laypersons of any status or rank were entirely prohibited from accepting an ecclesiastical prebend or from continuing to hold one already occupied⁷⁶. According to Article 14 of Giovanni Boccamazza's statutes, no cleric or church person could accept a church or ecclesiastical benefice from a layperson or another person without collation⁷⁷. The occupancy of a benefice made any disputes over patronage law more complicated. An example of this is the dispute between the monasteries in Dolní Kounice and in Oslavany in 1275 over the law of patronage to the church in Troskotovice⁷⁸. In 1278, Jan III, Bishop of Prague, stated that Michael, son of a Prague burgher, Jan, had been an unauthorised priest for about five years in St Mary's church, which the Vyšehrad chapter had the law of patronage to⁷⁹.

One problem legate Giovanni Boccamazza focused on in two provisions was the legitimate age of persons presented to the church. Article 11, *De etate clericorum promovendorum*, looks at ordinaries who confirm, while Article 12, *De presentacione promoti*, looks only at the holders of the law of patronage. According to Article 11 of the statutes, prelates were not to present persons to the parish church who had not reached twenty-five years of age, and bishops were not to confirm them to the church. This refers to a sanction of an unspecified canon⁸⁰. It was a decree declared by Pope Gregory X at the Council of Lyon in 1274, and it was added to the *Liber sextus*⁸¹.

In Article 12, the legate exhorts church patrons to endeavour to present a suitable person of a legitimate age to the diocesan bishop or other authorised person. If the patron were to block a church for more than a month, they would be excommunicated and denied the ability of presenting a priest⁸². Examples of presentation documents of the patron⁸³, confirmation documents of the Bishop of Prague⁸⁴, and establishing a priest in a church

⁷⁵ HIMMELSTEIN, *op. cit.*, pp. 48-49, art. 6; LAPPENBERG, *op. cit.*, I, pp. 685-686, art. 7.

⁷⁶ HIMMELSTEIN, *op. cit.*, p. 53, art. 21; LAPPENBERG, *op. cit.*, I, p. 691, art. 24.

⁷⁷ HIMMELSTEIN, *op. cit.*, p. 51, art. 14; LAPPENBERG, *op. cit.*, I, p. 689, art. 17.

⁷⁸ CDB V/2, no. 784-788, p. 459-466; no. 791, pp. 474-475.

⁷⁹ CDB V/2, no. 874, pp. 610-611.

⁸⁰ HIMMELSTEIN, *op. cit.*, p. 50, art. 11; LAPPENBERG, *op. cit.*, I, p. 687, art. 12.

⁸¹ Arkadiusz BARON & Henryk PIETRAS (eds.), *Dokumenty Soborów Powszechnych. Tekst grecki, łaciński, polski, II (869-1312) [Ecumenical Council Documents. Greek, Latin, Polish texts, II (869-1312)]*, Krakow, Wydawnictwo WAM, 2004, p. 432, art. 13/1-2, VI^o 1.6.14. In the text, edited by J. M. Lappenberg, this Council of Lyon canon is incorporated into Giovanni Boccamazza's Würzburg statutes and given as Art. 13 and Art. 14; LAPPENBERG, *op. cit.*, I, pp. 687-688. This is a later interpolation.

⁸² HIMMELSTEIN, *op. cit.*, pp. 50-51, art. 12; LAPPENBERG, *op. cit.*, I, p. 688, art. 15.

⁸³ NOVÁK, *op. cit.*, p. 157, no. 199.

⁸⁴ *Ibidem*, p. 2, no. 2; p. 22, no. 24; pp. 23-24, no. 26; pp. 161-165, no. 207-212 (the restoration of confirmation); p. 166, no. 214.

on Episcopal estates⁸⁵ can be found in Tobiáš of Benešov's formulary. Even amongst standard documents, one can find confirmation documents of Bishop Tobiáš of Prague and Bishop Dětřich of Olomouc⁸⁶. Also documented are examples where an unordained cleric was confirmed as a priest. Tobiáš's formulary includes a letter in which Bishop Tobiáš of Prague alongside the Abbot of Želiv ask the Bishop of Olomouc to confirm an unnamed acolyte to the church. He was presented by the Provost of Dolní Kounice⁸⁷. Upon the request of the Provost of the Vyšehrad chapter, Bishop Tobiáš confirmed deacon Fridericus de Wratislavia as priest in Budeč⁸⁸.

Priests were forbidden from having two vicariates⁸⁹. Where chapels were dependent on a mother church managed by a pastor and subject to his spiritual care, the priest should ensure it had an appropriate vicar⁹⁰. An example of the confirmation of a vicar for a filial church is given in a form document of Tobiáš of Benešov, Bishop of Prague, where upon the request of the Bezděz parish priest, Albrecht, an unnamed priest was confirmed as vicar of the filial church in Dolní Krupá⁹¹. A similar provision to the above-mentioned article *De habentibus duas vicarias* in Giovanni Boccamazza's statutes is found in the synodal statutes of Dětřich, Bishop of Olomouc, of 1282. According to this, a priest was not to have a vicarage in another church, or he could face losing his parish⁹².

One of the articles looks at churches incorporated into monasteries⁹³. Monastery abbots and priors were to ensure the continual celebration of wor-

⁸⁵ *Ibidem*, p. 169, no. 219.

⁸⁶ RBM II, no. 1260, p. 543; no. 1262, p. 543; no. 1331, p. 575; no. 1558, p. 669; no. 1593, p. 685. Cf. Lukáš FÜHRER, "Originály listin pražského biskupa Tobiáše ve sféře spirituální správy" ["Original documents of Prague Bishop Tobiáš in the field of spiritual administration"], in Mlada HOLÁ *et alii* (eds.), *Historie 2007. Sborník prací z 13. celostátní studentské vědecké konference konané 6. a 7. prosince 2007 v Praze*, Prague, Scriptorium, 2008, pp. 39-47.

⁸⁷ NOVÁK, *op. cit.*, pp. 35-36, no. 38.

⁸⁸ CDB VI/1, no. 57, p. 103.

⁸⁹ HIMMELSTEIN, *op. cit.*, p. 50, art. 10; LAPPENBERG, *op. cit.*, I, p. 687, art. 11.

⁹⁰ HIMMELSTEIN, *op. cit.*, p. 52, art. 16; LAPPENBERG, *op. cit.*, I, p. 689, art. 19.

⁹¹ NOVÁK, *op. cit.*, p. 3, no. 3.

⁹² KRAFL, *Synody*, p. 252, no. A.II/5.

⁹³ For more on incorporated churches, see Wilibald M. PLÖCHL, *Geschichte des Kirchenrecht*, II, Vienna-Munich, Herold, 1961, pp. 419-422; Paul HINSCHIUS, "Zur Geschichte der Inkorporation und des Patronatrechtes", in *Festgaben für A. W. Heffner*, Berlin, 1873, p. 1-28; Anton SCHARNAGL, *Die Inkorporation mit besonderer Berücksichtigung der Baupflicht*, Eichstätt, 1936; Dominikus LINDNER, *Die Lehre von der Inkorporation in ihrer geschichtlichen Entwicklung*, Munich, Hueber, 1951. For more on incorporating churches into individual institutions within the Czech lands, using the example of St Augustine Canons Regular monasteries, see Pavel KRAFL, "Inkorporacja kościołów do czeskich kanoników regularnych św. Augustyna w czasach przedhusyckich. Przykład Rudnicy, Lanckorony i Kłodzka" ["Incorporation of churches of the Canons Regular of St Augustine in the pre-Hussite period. The example of Roudnice, Lanškroun and Kladsko"], in Marek DERWICH, Anna POBÓG-LENARTOWICZ (eds.), *Klasztor w kościele średniowiecznym i nowożytnym*, Warszawa-

ship by suitable vicars and the provision of spiritual care in the incorporated churches. Any abbot or prior who left a parish church without anyone to look after it for a month was ipso facto suspended⁹⁴. In the final quarter of the 13th century, canon law had still not been fully applied to relations between church founders and the Church in the Czech Lands. An example we can give here is that of a transfer to the monastery in Vyšší Brod in 1279 made by nobleman Jindřich of Rožmberk. The subject of the transfer was the church in Rožmberk along with the filial church in Dvořiště with the law of patronage to the monastery in Vyšší Brod (*ecclesiam... omni iure... tradididi perpetuo possidendam*). Jindřich's father, Vok of Rožmberk, had founded and built the parish church in Rožmberk⁹⁵. It would be natural for the church's transfer to the monastery to be undertaken by the Bishop of Prague or the Pope through incorporation. In 1275, Jan III, Bishop of Prague, dealt with the situation in which the monastery in Waldsassen in the Diocese of Regensburg lost control of its own church due to rebellion. Specifically, this was the church in Planá within Diocese of Prague territory. The bishop mandated Theodoric, dean in Kadaň, and Sifrid, priest in Ostrov, to list the church in the possession of the Abbot of the monastery and the convent⁹⁶.

6. Church property and its protection

A set of articles in the legatine statutes look at handling church property. Giovanni Boccamazza notes that the Holy Writings forbid the taking of church property, in particular items, books and vessels meant for worship⁹⁷. The legate had apparently heard that many secular and religious prelates and parish priests had pawned church property to their family members or third parties. Subsequently, the successors to their offices had been unable to buy back the property. He instructed that property could only be taken upon the consent of a superior, and only in cases defined by law⁹⁸. Similarly, feudal estates which belonged to the particular church or a church figure could not be bought or taken without the consent of a competent person⁹⁹. In addition, the legate attempted to prevent anyone from stealing

Wrocław-Opole, LARHCOR, Wydawnictwo DiG, 2010, pp. 311-319; Pavel KRAFL, Petra MUTLOVÁ & Dana STEHLÍKOVÁ, *Řeholní kanovníci sv. Augustina v Lanškrouně. Dějiny a diplomatář kláštera*, Prague, Historický ústav, 2010, pp. 43-47; Pavel Otmar KRAFL, *Quam ecclesiam in honore sancte Marie Virginis intitolari volumus. Study on the Kłodzko Monastery of Canons Regular of St. Augustine in the Pre-Hussite Period*, Brno, Středoevropské centrum slovanských studií, 2018, pp. 43-47.

⁹⁴ HIMMELSTEIN, *op. cit.*, p. 52, art. 17; LAPPENBERG, *op. cit.*, I, p. 690, art. 20.

⁹⁵ CDB VI/1, pp. 63-64, no. 21; pp. 137-138, no. 82.

⁹⁶ CDB V/2, no. 773, pp. 444-446.

⁹⁷ Srov. X 3.13.

⁹⁸ HIMMELSTEIN, *op. cit.*, p. 50, art. 9; LAPPENBERG, *op. cit.*, I, p. 687, art. 10.

⁹⁹ HIMMELSTEIN, *op. cit.*, p. 57, art. 31; LAPPENBERG, *op. cit.*, I, pp. 694-695, art. 34.

ecclesiastical property belonging to the church in order to cover their debts or guarantees made. There is further a call to return any such property¹⁰⁰. Excommunication would apply to those who usurped immovable and movable property or who used it for their own needs¹⁰¹.

There is evidence of disputes over the property of ecclesiastical institutions. The dispute between Zdislav of Šternberk and the monastery in Hradisko near Olomouc over two mills relating to an iron mine was resolved in 1269 in favour of the monastery. The arbitration award was confirmed by Přemysl Ottokar II, King of Bohemia¹⁰². In 1272, Pope Gregory X took the Cistercian monastery in Pohled under his protection, instructing the Bishop of Prague to help him protect it through Church sanctions¹⁰³. In April 1282, the Pope took the monastery in Doubravník under his protection, and addressed a mandate to the Bishop of Olomouc regarding property taken from the monastery¹⁰⁴. A 1282 arbitration award resolved a dispute between the Premonstratensian monastery in Hradisko near Olomouc and Vok of Kravaře and Beneš of Branice. They pledged not to damage the monastery and to return its property. The arbitration award was subsequently confirmed by the Bishop of Olomouc¹⁰⁵.

One of the cases of the unauthorised handling of monastery property by its masters can be found within the Prague diocese. In 1281, Pope Martin IV instructed Tobiáš, Bishop of Prague, to ensure the return of property which the abbot and convent of the Cistercian monastery in Vyšší Brod had given to unnamed clerics and laymen. This involved tithes, land, houses, vineyards, meadows and pastures, forests, mills, fish ponds, rights, and other property given for the period of a lifetime, indefinitely or through lease. The Bishop was also called to assist the abbot and convent in taking action against thieves and usurpers of the monastery's property. Prior to this, in 1278, Pope Nicholas III instructed the Bishop of Prague to take action against thieves causing damage to the Cistercian monastery in Vyšší Brod and secure the return of its property¹⁰⁶.

A church institution getting into severe debt is seen in the case of All Saints parish church in Brno, the debt evidently accrued through the irresponsibility of the parish priest. The priest loaned money from a Jew

¹⁰⁰ HIMMELSTEIN, *op. cit.*, p. 57, art. 32; LAPPENBERG, *op. cit.*, I, p. 695, art. 35.

¹⁰¹ HIMMELSTEIN, *op. cit.*, p. 56, art. 26; LAPPENBERG, *op. cit.*, I, p. 693, art. 29.

¹⁰² CDB V/2, no. 599, pp. 193-195.

¹⁰³ CDB V/2, no. 670, 671, pp. 304-306. Kateřina CHARVÁTOVÁ, *Dějiny cisterského řádu v Čechách 1142-1420*, II, Prague, Karolinum, 2002, p. 306.

¹⁰⁴ CDB VI/1, no. 211, 212, pp. 263-264.

¹⁰⁵ CDB VI/1, no. 232, pp. 284-285. Tomáš BALETKA, *Páni z Kravaře. Z Moravy až na konec světa [The Lords of Kravaře. From Moravia to the End of the World]*, Prague, Lidové noviny, 2004, p. 38.

¹⁰⁶ CDB V/2, no. 866, pp. 587-588; no. 868, pp. 589-590; VI/1, no. 154, 155, pp. 201-203.

called Nathan at a usury interest. Nathan ended up in possession of the church's property, in particular its garden, farm, and baths. A dispute arose between Erklin, the priest, and Nathan, which was resolved through arbitration, where Erklin was represented by a doctor of decrets Johannes of Moechern and Master Jindřich of Osová Bítýška, while Nathan was represented by the bishop's people, Knight Achilles and notary Jan. The decision was made that Erklin should pay Nathan a total of 30 marks of silver for his debt and the usury interest. Since Erklin had nothing to pay the sum with, the provost of the monastery in Oslavany, patron of All Saints Church, promised to pay part of the sum. Should Erklin die, then the Oslavany provost would recover the debt from All Saints Church's income until he had received the full sum. Nathan was given a surety deposit¹⁰⁷.

Another case dates to 1282. In January that year, Pope Martin IV entrusted Dětřich, Bishop of Olomouc, to admonish people holding tithes and income arising from the Vyšehrad chapter and its property. In early April, the Pope issued another mandate addressed to the Bishop of Olomouc on the instigation of the dean and the Vyšehrad chapter. The culprit was Petr, provost of the Vyšehrad chapter, who occupied the village of Koleč and the church in Budeč. In early June 1282, he resigned the property and restituted it to the chapter. In December, the Pope confirmed an agreement to return other villages which the provost had occupied¹⁰⁸.

Legate Giovanni Boccamazza further determined that no secular or ecclesiastical figure, even if of the nobility or of high status (except for the Roman King, his wife and their heirs), could, on their own initiative, forcibly and publicly appropriate churches and Church property, jurisdictional authority, or their vassals, or help interlopers, those intruding into churches and property, or those who deliberately appropriate them. He adds the sanction for those who act in breach of this provision: unless they return the damaged churches or losses to the prelate within a month, they face an ipso facto interdict and their land will be subject to interdict. The same sanction applies to those who hold Church property through a pledge and do not restitute it even though they receive income from it in excess of the pledge amount¹⁰⁹.

Secular figures known as ecclesiastical advocates, or Vogts (*advocatus ecclesiae*), from the nobility were able to protect churches or monasteries. They protected the church militarily, represented it in front of secular courts,

¹⁰⁷ CDB V/2, no. 880, pp. 617-618.

¹⁰⁸ CDB VI/1, no. 195, pp. 246-247; no. 208, pp. 259-260; no. 219, pp. 271-273; no. 220, pp. 273-275; no. 248, pp. 306-307.

¹⁰⁹ HIMMELSTEIN, *op. cit.*, p. 53, art. 20; LAPPENBERG, *op. cit.*, I, pp. 690-691, art. 23.

and were able to exercise secular jurisdiction over the church's property¹¹⁰. Two articles in Giovanni Boccamazza's legatine statutes look at ecclesiastical advocates. According to these, many ecclesiastical advocates did not protect churches from attack, and even themselves forcefully seized their property and sanctioned their people. Legate Giovanni Boccamazza decided that only persons on whom all or the majority could agree should become advocates from then on. Advocates who had not taken care to protect churches' rights and manage their people should be removed from office¹¹¹. Those who battled or resented advocates could not seize the estates of churches protected by advocates¹¹². The Mainz provincial statutes of 1292 subsequently looked at ecclesiastical advocates in its separate Article 23, *De advocatis ecclesiarum*¹¹³. In the 1318 synodal statutes of the Diocese of Olomouc, advocates are briefly mentioned in regard to gathering ecclesiastical tithes¹¹⁴.

Giovanni Boccamazza decided that laymen who collected funds to repair a church without the consent of prelates or the chapter would be removed from their office in the church¹¹⁵.

7. Fortified churches

Medieval brick churches were often used as shelter and for defensive purposes. Defensive features were often limited to a ditch and rampart and sometimes also a wall and palisade. These types of defences were evidently built around churches in Episcopal estates in the Diocese of Prague around the year 1280. Ditches around churches also often had ramparts. A robust entrance door with an internal latch also provided church buildings with some security. Towers gave defenders a strategic advantage. Older Romanesque rotundas were also likely used as shelter, although these were not specially modified for such purposes¹¹⁶.

¹¹⁰ For more on ecclesiastical advocates, see Johann Peter KIRSCH, "Advocatus ecclesiae", in Charles G. HERBERMANN, Edward A. PACE, Condé B. PALLEN, Thomas J. SHAHAN & John J. WYNNE (eds.), *The Catholic Encyclopedia*, I, New York, Encyclopedia Press, 1913, pp. 168-169; Kurt ANDERMANN & Enno BÜNZ (eds.), *Kirchenvogtei und adlige Herrschaftsbildung im europäischen Mittelalter*, Ostfildern, Jan Thorbecke Verlag, 2019.

¹¹¹ HIMMELSTEIN, *op. cit.*, p. 54, art. 22; LAPPENBERG, *op. cit.*, I, pp. 691-692, art. 25.

¹¹² HIMMELSTEIN, *op. cit.*, pp. 57-58, art. 33; LAPPENBERG, *op. cit.*, I, p. 695, art. 36.

¹¹³ CG IV, p. 15.

¹¹⁴ KRAFL, *Synody*, p. 274, art. 21.

¹¹⁵ HIMMELSTEIN, *op. cit.*, p. 58, art. 35; LAPPENBERG, *op. cit.*, I, pp. 695-696, art. 38.

¹¹⁶ Jan SOMMER, "Gotické kostely s obrannými zařízeními na českém venkově" ["Gothic Churches with Defensive Installations in Czech Rural Areas"], *Sborník kruhu přátel Muzea hlavního města Prahy*, 1 (1988), pp. 195-196; Martin ČECHURA, "Příkopy kolem kostelů" ["Ditches around Churches"], *Archaeologia historica*, 31 (2006), p. 283; Jiří VARHANÍK, "Středověký vesnický kostel jako refugium" ["The Medieval Rural Church as Refuge"], *Archaeologia historica*, 24 (1999), pp. 313-314.

Legate Giovanni Boccamazza referred to the use of churches for military purposes in Article 28 of the statutes. He had heard that many were waging war or leading hostilities¹¹⁷ against neighbouring churches and occupying belltowers or church dwellings, leaving militants there and fortifying them without the consent of prelates. The legate determined the punishment of excommunication for offenders and participating heirs. He forbade the rebuilding or extra construction of fortifying elements or fortifications around churches without the consent of prelates¹¹⁸.

The unauthorised fortification of parish churches was also a phenomenon seen in Bohemia, as evidenced in an undated letter from Bishop Tobiáš of Prague's formulary. According to Bishop Tobiáš's document addressed to the Bechyně Archdeacon, the nobleman Hroznata of Úžice had rebuilt numerous churches which he had the law of patronage to as forts, in breach of the provisions of his synodal provision and other canonical sanctions. Interdict was to be placed by rural deans on all churches owned by the named nobleman. Worship and funerals were not to take place for his people or family in such churches, nor in other churches in the archdeaconry¹¹⁹. The provisions of the Würzburg statutes and those of the Prague synod regarding fortifications of churches are unique. It is likely that the Prague synodal provision was issued following the Würzburg synod, which would place it around the years 1287-1289, when the Prague synod would also have been held.

8. Physical attack on the clergy and envoys of Church figures and institutions

A common topic in statutes was the capture of and physical assaults on clerics. Legate Giovanni Boccamazza included sanctions against those who would murder, injure, proscribe, capture, or detain clerics¹²⁰. Offenders were to be excommunicated, and where they were captives they were to be prevented from worship. Anyone who did not follow the rules was to be ipso

¹¹⁷ For more on the normative regulation of resentment in Czech noble law, see Dalibor JANIŠ, "Odpověď (zášti) a normativní zakotvení nepřátelství a svépomoci v českém a moravském zemském právu ve 14. až 17. století" ["Answer (to resentment) and the normative enshrinement of hostility and self-help in Bohemian and Moravian noble law from the 14th to the 17th centuries"], *Časopis Matice moravské*, 136 (2017), 235-268.

¹¹⁸ HIMMELSTEIN, *op. cit.*, p. 56, art. 28; LAPPENBERG, *op. cit.*, I, p. 694, art. 31.

¹¹⁹ NOVÁK, *op. cit.*, p. 75, no. 89. Cf. Jaroslav V. POLC & Zdeňka HLEDÍKOVÁ, *Pražské synody a koncily předhusitské doby [Prague synods and councils of the pre-Hussite era]*, Prague, Univerzita Karlova v Praze-Karolinum, 2002, p. 95, 15, 17.

¹²⁰ See, e.g. X 5.17.3.

facto excommunicated and given other punishments as stated in provincial statutes¹²¹.

Bishop Tobiáš's form document, for example, includes a situation in which a layman severely injured a priest¹²². The Prague synodal statutes of 1308 sanction those who capture, injure, or attack the prelate of a cathedral or collegiate chapter or those who capture, kill, attack, or restrict the freedom of any cleric. They refer to the provincial synods in Aschaffenburg (1292) and in Fritzlar (1244). The 1318 synodal statutes of the Olomouc diocese discuss physical attacks and lethal wounding, and also refer to the provincial statutes of Aschaffenburg. The Würzburg legatine statutes are not mentioned in either case, and none of the Würzburg provisions influence their wording¹²³. There is evidence in 1274 that certain burghers from Kladsko stormed the monastery of the Minorites there, murdering one person and throwing him into a pond. He was not clergy, however¹²⁴.

In his 1287 statutes, legate Giovanni Boccamazza also declares sanctions in cases where someone dares to capture, beat, rob, or oust papal nuncios and envoys of archbishops, bishops, or persons with delegated authority, or to destroy their documents or otherwise obstruct them in exercising their jurisdiction, whether publicly or privately¹²⁵. The Mainz provincial statutes of 1292 reflect this issue in Article 15, *De nuntiis ecclesiasticorum iudicium*¹²⁶.

9. Judicial immunity of the clergy, conservators of rights

As noted by legate Giovanni Boccamazza, people of higher status, communities of towns and other localities and their counsellors sometimes announced statutes which were aimed against the clergy. These were endeavours to prevent clerics from making complaints to an ecclesiastical judge. For culprits, the legate determined the punishment

¹²¹ HIMMELSTEIN, *op. cit.*, p. 55, art. 24; LAPPENBERG, *op. cit.*, I, pp. 692-693, art. 27. In regard to provincial statutes, one can note provision 42, *De raptoribus et clericorum captivatoribus*, of the Mainz statutes of 1261. Of later provincial statutes of the Mainz ecclesiastical province, one can list Article 13, *De captivatoribus clericorum*, and Article 14, *De vulneratione clericorum*, of the 1492 provincial statutes, and the chapter *De raptoribus* of the fourth book of the 1310 Mainz provincial statutes; CG III, pp. 608-609; IV, pp. 12-13; 210-213.

¹²² NOVÁK, *op. cit.*, p. 50, no. 55.

¹²³ Pavel KRAFL, "Spoliatores bonorum ecclesiasticorum et captivatores clericorum in Bohemian and Moravian Synodal Legislation", *Rivista Internazionale di Diritto Comune*, 28 (2017), pp. 240-243.

¹²⁴ CDB V/2, pp. 376-377, no. 720.

¹²⁵ HIMMELSTEIN, *op. cit.*, pp. 55-56, art. 25; LAPPENBERG, *op. cit.*, I, p. 693, art. 28.

¹²⁶ CG IV, p. 13.

of excommunication and an interdict on the community, both ipso facto¹²⁷. The judicial immunity of clerics and ecclesiastical institutions was enforced only gradually in Czech dioceses. We have evidence from 1270 that Peter and Sidelman, reeves from the village of Třebořov, sued Ulrichus, prior at the Augustinian monastery in Koruna, at a secular court, specifically the provincial court in Moravská Třebová, over a debt of five marks¹²⁸. In January 1278, a case was heard before the judge at the provincial court in Brno appointed by the King in regard to a property dispute between the Premonstratensian monastery in Hradisko near Olomouc and Pardus, son of Neplach. The subject of the dispute was half the village of Těšetice, forestland, and three fishponds in the village of Sedlisko¹²⁹.

The Holy See made use of the institution of the delegated judge-conservator of rights¹³⁰ in order to protect the rights of individual ecclesiastical institutions. The Würzburg statutes contain basic information on this judicial authority¹³¹. The statutes briefly discussed interdict. If a bishop with just cause subjects a specific place to interdict, this should be observed¹³². Despite the imposition of an interdict, Jezdoň, the parish priest in Přímětice, investigated for concubinage, still officiated¹³³. Bishop Jan III of Prague announced that clerics who officiated in worship at the church in Planá, upon which an interdict had been imposed, should be excommunicated, and burials should take place in the adjacent cemetery¹³⁴.

10. Miscellaneous: forgery, usury

Legate Giovanni Boccamazza excommunicated forgers of documents and papal bulls, coins, and his own documents and seals, and also the

¹²⁷ HIMMELSTEIN, *op. cit.*, p. 58, art. 36; LAPPENBERG, *op. cit.*, I, p. 696, art. 39. Article 18, *De statutis contra ecclesiarum libertates*, of the Mainz provincial statutes of 1292 also looks at statutes against the Church; CG IV, p. 15.

¹²⁸ CDB V/2, no. 628, pp. 234-235. Jiří ŠMERAL, *Řád augustiniánů eremitů na Moravě v předhusitské době [The Order of the Augustinian Eremites in Moravia in the pre-Hussite period]*, Olomouc, Univerzita Palackého v Olomouci, 2008, pp. 31-32.

¹²⁹ CDB V/2, no. 858, pp. 576-577.

¹³⁰ For more on conservators of rights within the Czech environment, see Jiří STOČES, "Konzervátoři práv předhusitského pražského obecného učení" ["Conservators of Rights in pre-Hussite Prague University"], *Acta Universitatis Carolinae, Historia Universitatis Carolinae Pragensis*, 45 (2005), no. 1-2, 29-66.

¹³¹ HIMMELSTEIN, *op. cit.*, p. 59, art. 39; LAPPENBERG, *op. cit.*, I, pp. 696-697, art. 42.

¹³² HIMMELSTEIN, *op. cit.*, p. 59, art. 38; LAPPENBERG, *op. cit.*, I, p. 696, art. 41. It is claimed that Giovanni Boccamazza later included an article on excommunication and interdict in his statutes, and that this was added to the wording of the statutes. This information cannot be confirmed. HIMMELSTEIN, *op. cit.*, p. 60, art. 42; LAPPENBERG, *op. cit.*, I, p. 697, art. 45.

¹³³ CDB V/2, p. 530, no. 87.

¹³⁴ CDB V/2, no. 773, p. 445.

supporters of such forgers¹³⁵. This provision is a loose rewording of a section of Innocent III's decretal letter¹³⁶. Usury is not neglected in the Würzburg statutes¹³⁷. Giovanni Boccamazza mentions the latest constitution against usurers declared by Gregory X at the Second Council of Lyon (1274)¹³⁸ and the punishments this declared¹³⁹. The papal constitution was to be published on the order of the legate alongside its constitutions at individual cathedral and collegiate churches, and at Quadragesima publicly in front of the people. If a usurer who had practised usury underhandedly, who had made a will with the involvement of two to three reliable witnesses, and who had not received absolution for usurious interests received died, then a church funeral could not be held. The legate further determined that any place or church where the bodies of such people were buried was ipso facto subject to interdict until such bodies were exhumed¹⁴⁰. There was no regulation on exhuming bodies with a sanction of interdict within the decrees of the Second Council of Lyon¹⁴¹.

11. Secular law

The statutes also look at the protection of women, both mothers and wives, against the debts of their deceased male family members¹⁴². Legate Giovanni Boccamazza determined the punishment of excommunication for those who consciously supported robbers who thieved on roads¹⁴³. The form mandate of Tobiáš of Benešov, Bishop of Prague, gives the example of the messenger of an unnamed nobleman who was a deacon, who was robbed of a horse, clothes, money and other items, for which the bishop declared the excommunication of the perpetrator¹⁴⁴. One article of the Würzburg statutes

¹³⁵ HIMMELSTEIN, *op. cit.*, pp. 58-59, art. 37; LAPPENBERG, *op. cit.*, I, p. 696, art. 40.

¹³⁶ Cf. X 5.20.7.

¹³⁷ For more on usury, see Jacques LE GOFF, *Peníze a život. Ekonomika a zbožnost ve středověku* [Money and Life. Economics and Piety in the Middle Ages], Prague, Argo, 2005; Jacques LE GOFF, *Peníze ve středověku. Historicko-antropologická studie* [Money in the Middle Ages. An Historical Anthropological Study], Prague, Mladá fronta, 2002, p. 73-87; Szabolcs Anzelm SZUROMI, "Ecclesiastical concept on interest and usury in the canon law sources up to the 13th century", *Rivista Internazionale di Diritto Comune*, 24 (2013), 327-346.

¹³⁸ *Dokumenty Soborů Powszechnych*, II, pp. 450-452, can. 26-27 *De usuris*, VI° 5.5.1-2. On the decretal, see Rowan W. DORIN, "Canon Law and the problem of expulsion: The origins and interpretation of Usurarum voraginem (VI 5.5.1)", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 99 (2013), 129-161. On usury, see also X 5.19.1-19.

¹³⁹ HIMMELSTEIN, *op. cit.*, p. 54, art. 23; LAPPENBERG, *op. cit.*, I, p. 692, art. 26.

¹⁴⁰ For the wording of the entire article, see HIMMELSTEIN, *op. cit.*, pp. 54-55, art. 23; LAPPENBERG, *op. cit.*, I, p. 692, art. 26.

¹⁴¹ *Dokumenty Soborů Powszechnych*, II, pp. 450-452, can. 26-27 *De usuris*.

¹⁴² HIMMELSTEIN, *op. cit.*, p. 57, art. 29; LAPPENBERG, *op. cit.*, I, p. 694, art. 32.

¹⁴³ HIMMELSTEIN, *op. cit.*, p. 57, art. 30; LAPPENBERG, *op. cit.*, I, p. 694, art. 33.

¹⁴⁴ NOVÁK, *op. cit.*, p. 48, no. 53.

is directed against those who determine and demand new tolls (*passagium*), or who increase old permitted tolls¹⁴⁵.

12. Dissemination of the statutes

In the introduction to the statutes, legate Giovanni Boccamazza stipulates that an original of his legate statutes with its seal should be kept all year round at all cathedral, convent, and collegiate churches. He especially mentions the necessity of reading out the provisions on usury¹⁴⁶. The issuer repeats provisions at the end of the statutes similar to those in the article *De observatione constitutorum*, according to which an original of the constitution with the legate's seal should be stored at individual cathedral churches and should be published throughout the year¹⁴⁷. Additionally, the duty to publish the Würzburg legatine statutes in cathedral and collegiate churches is further stipulated in the article dealing with usury¹⁴⁸. The obligation to hold an original of the legatine statutes in cathedral and convent churches is in line with the tradition of the time. An example here is the 1310 provincial statutes of Peter of Aspelt, Archbishop of Mainz¹⁴⁹.

Giovanni Boccamazza did not include provisions found in other legatine synods in his statutes, specifically that archbishops should subsequently convene provincial synods where the new legatine statutes would be made public. One example is the statutes of legate Guido, promulgated in Wrocław in 1267, according to which the legatine statutes were to be read at annual bishops' synods and provincial synods¹⁵⁰. One would logically anticipate the convening of diocesan synods after a legatine synod. We have no evidence of a diocesan synod within the Diocese of Olomouc immediately following the Würzburg legatine synod. The closest proven synod was held by Bishop Peter II sometime between 1311 and 1316¹⁵¹. Within the Diocese of Prague, a synod was convened under Bishop Tobiáš, which probably followed on from the Würzburg synod, as the provisions on fortified churches suggest¹⁵².

The stipulated obligation of also securing an original of the Würzburg legatine statutes for convent and collegiate churches represents an endeavour to disseminate further the wording of the statutes within the diocese, and

¹⁴⁵ HIMMELSTEIN, *op. cit.*, p. 59, art. 40; LAPPENBERG, *op. cit.*, I, p. 697, art. 43.

¹⁴⁶ HIMMELSTEIN, *op. cit.*, p. 47, introduction; LAPPENBERG, *op. cit.*, I, p. 684, art. 1.

¹⁴⁷ HIMMELSTEIN, *op. cit.*, p. 60, art. 41; LAPPENBERG, *op. cit.*, I, p. 697, art. 41.

¹⁴⁸ HIMMELSTEIN, *op. cit.*, p. 54, art. 23; LAPPENBERG, *op. cit.*, I, p. 692, art. 26.

¹⁴⁹ CG IV, p. 176.

¹⁵⁰ Pavel Otmar KRAFL, "Institut synody podle budínských legátských statut z roku 1279" ["The Institute of the Synod according to the Buda legatine statutes of 1279"], *Revue církevního práva*, 76/3 (2019), p. 76; KRAFL, *Polské provinciální synody*, pp. 79, 89.

¹⁵¹ KRAFL, *Synody*, pp. 133, 227.

¹⁵² See above.

so also the broader application of its legal standards and provisions. On the other hand, it is doubtful that this provision was fully observed, since it would require the production of hundreds of originals of the large statutes for individual monasteries and chapters throughout Germany, the Kingdom of Bohemia, and the other countries in which it was formally to apply (Denmark, Sweden, the entire Baltic region, and Poland). From the mid-14th century, further developments were focused on disseminating uncertified copies in each parish, which was a more effective method of disseminating the wordings of this type of legal document amongst ordinary parish clergy and thus ensuring broader knowledge and awareness of its individual norms, and consequently greater enforcement of the law¹⁵³. This went hand in hand with the development of the bureaucratic agendas of central judicial authorities within dioceses, the officialate, and general vicariate. The expansion of paper as a cheap writing material was a necessary condition. One reflection of the change is the wider preservation of younger statutes in codicological material from the mid-14th century, compared to the previous period of the 13th century and early 14th century¹⁵⁴.

Besides the fact that there are no originals, there are also no extant copies of the Würzburg legatine statutes of Czech provenance. It is not clear whether the statutes were accepted and applied within Prague diocese. In the subsequently issued Mainz provincial statutes of 1292, there are no references to the Würzburg synod and the legatine statutes issued there, and neither are the Mainz statutes influenced by the wording of Giovanni Boccamazza's statutes, even though they deal with the same issues in many provisions¹⁵⁵. Similarly, we do not find any instructions to observe these legatine statutes in the statutes of Prague and Olomouc bishops, which include no references to specific articles of the statutes¹⁵⁶. No influence of the wording of the Würzburg statutes has been demonstrated on the diocesan and provincial legislation of Prague bishops and archbishops.

In contrast, we see four cases of the verbatim copying of the wording of articles in Olomouc diocesan statutes. The citations are not acknowledged, none of them specifying that the wording has been taken from the Würzburg legatine statutes¹⁵⁷. The 1349 synodal statutes of Bishop Jan Volek of Olomouc contain verbatim the entirety of Article 4, *De hastiludio clericorum*,

¹⁵³ However, in the Cologne diocesan statutes, for example, we encounter regulations for rural deans and priests to secure a copy of the statutes from 1300; CG IV, p. 43, no. 22 *Quibus horum statutorum copia necessario habenda*.

¹⁵⁴ See, e.g. KRAFL, *Synody*, pp. 233-238; POLC & HLEDÍKOVÁ, *op. cit.*, pp. 63-84.

¹⁵⁵ Cf. CG IV, pp. 7-16.

¹⁵⁶ Though they are rare, we can find references to the Mainz provincial statutes; see, e.g. the synodal statutes of Bishop of Prague Jan IV of Dražice of 1308; POLC & HLEDÍKOVÁ, *op. cit.*, p. 96, art. 1.

¹⁵⁷ KRAFL, *Synody*, p. 174.

and part of Article 8, *De portatione Corporis Christi*, of the statutes declared in Würzburg¹⁵⁸. Another standard which contains parts of the text is the diocesan statutes of Jacob of Brno, Vicar General and Official at the Bishopric of Olomouc, who transcribed into them the entirety of Article 5, *De clericis concubinariis vel manifestis cohabitatoribus*, and almost the entirety of Article 3, *De colloquiis cum monialibus vel de inordinato ioco*, of Giovanni Boccamazza's statutes¹⁵⁹. The citations in the diocesan statutes are evidence of the presence of some form of Giovanni Boccamazza's legatine statutes within Olomouc churches from the mid-14th to the early 15th century.

If the form documents demonstrating the imposition of sanctions on Tobiáš, Bishop of Prague, for not paying for the procurator of legate Giovanni Boccamazza, and documents relating to discussions of his vindications have a basis in reality¹⁶⁰, then one can speculate that Bishop Tobiáš may not have had a positive relationship towards the papal legate Giovanni Boccamazza and his activities, similarly to the clergy in Poland and Germany. The assumed opposition of the Czech hierarchy and secondarily the Diocese of Prague clergy may have been the reason that the Diocese of Prague seemed to ignore the Würzburg legatine statutes.

Formally, the statutes applied over the entire medieval period, never having expired. There was no act which meant they did not apply in the Prague or Olomouc, and later Litomyšl dioceses. Arnošt's provincial statutes of 1349 were exclusive¹⁶¹; however, they did not infringe on the validity of legatine statutes as standards: Arnošt of Pardubice, in putting together his codification, did not ask the Pope for permission to derogate legatine statutes, as Mikołaj Trąba, Archbishop of Gniezno, had done before beginning work on his new codification of the Gniezno ecclesiastical province, the 1420 Wieluń-Kalisz provincial statutes¹⁶². Even after 1365, the archbishops of Prague did not use their power as permanent papal legates¹⁶³ to derogate them.

¹⁵⁸ *Ibidem*, p. 293, art. A.IV/8; pp. 300-301, art. A.IV/12.

¹⁵⁹ *Ibidem*, p. 358-359, art. A.VII/3, art. A.VII/4. It must be noted that there are only two extant copies of Jakub of Brno's statutes, both from the 18th century; *ibidem*, p. 357.

¹⁶⁰ See above.

¹⁶¹ Pavel KRAFL, "Arnoštova provinciální statuta z roku 1349-významná česká právní památka" ["Arnošt's provincial statutes of 1349-an important Czech legal artefact"], in Lenka BOBKOVÁ, Ryszard GŁADKIEWICZ & Petr VOREL (eds.), *Arnošt z Pardubic (1297-1364). Osobnost-okruh-dědictví. Postać-środowisko-dziedzictwo*, Wrocław-Prague-Pardubice, Uniwersytet Wrocławski-Univerzita Karlova v Praze-Univerzita Pardubice, 2005, p. 60; Pavel KRAFL, "Czech Codifications in the High Middle Ages", in Paola MAFFEI & Gian Maria VARANINI (eds.), *Honos alit artes. Studi per il settantesimo compleanno di Mario Asheri. Il cammino delle idee dal medioevo all'antico regime. Dirrito e cultura nell'esperienza europea*, Florence, Firenze University Press, 2014, p. 240.

¹⁶² KRAFL, *Polské provinciální synody*, p. 87.

¹⁶³ For more on the legatine power of Prague archbishops, see Zdeňka HLEDÍKOVÁ, "Die Prager Erzbischöfe als ständige päpstliche Legaten", *Beiträge zur Geschichte des Bistums Regensburg*, 6 (1972), 221-256.

It can be said that, considering the circumstances which accompanied the convening and holding of the synod in Würzburg, and considering the actions of the legate, who aroused resistance in particular churches, Giovanni Boccamazza's Würzburg legatine statutes did not gain due respect, did not enter use, were not applied in legal practice within the Diocese of Prague, and over the course of subsequent decades and the rest of the Middle Ages effectively fell into obscurity.

Conclusion

In 1287, papal legate Giovanni Boccamazza declared statutes in Würzburg, which also applied in the Czech Lands. Tobiáš of Benešov, Bishop of Prague, and Dětřich of Hradec, Bishop of Olomouc, also took part in the legatine synod in Würzburg. The contents of the statutes's provisions can be divided up into a number of units looking at the life of the clergy, worship and sacraments, the occupancy of parish churches, chapels and incorporated churches, the unauthorised handling of Church property and the jurisdiction of the Church, fortified churches, ecclesiastical advocates, and physical attacks on the clergy and usury, amongst other topics. Formally, the statutes applied during the entire period of the Middle Ages, never having expired. There are, however, no extant copies of the Würzburg legatine statutes of Czech provenance, and there are, furthermore, no originals. Nevertheless, the significance of the Würzburg legatine statutes for Czech history is unappreciated, and not reflected in Czech scholarly literature.

