Territorialization, the Papacy, and the Institutions of the Polish Church,
1198-1357

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I, Agata Zielinska, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

This thesis traces the development of the Polish church's institutions as a result of their territorial behaviours and activities. While much historiography presents the Latin Church as a 'state-maker,' this thesis demonstrates how secular and religious practices and behaviours developed in tandem with one another. The initial fragmented nature of the Polish duchies allowed the episcopate to strengthen itself by providing a united front, supported by the papacy, in the face of ducal incursions. A consequence of this unity was that the duchies never lost the idea of a unified *regnum* to reflect the *provincia*, affecting the polity's developments. This co-determination is concretised by analysing how the ecclesiastical and secular elites created distinctive but overlapping territories in a shared space, articulating and exercising their authority and power within them.

The ability of the papacy, the episcopate, and the regular clergy to coexist within a space shared with one another and lay powers was possible because each made use of their territoriality at different levels: jurisdictional, administrative, agricultural, pastoral, disciplinary, and financial. They operated in distinctive ways which were recognised, repeated, and accepted. This process of institutionalisation was the result of pragmatic behaviours caused by competing and complementing interests and ideologies present in a shared space.

The thesis is divided into two parts. Part One focuses on how the papacy contributed to the creation and consolidation of ecclesiastical territories in Poland. Chapter One traces how Innocent III and the Polish Archbishop Henryk Kietlicz set out the parameters for ecclesiastical territories in Poland at the beginning of the thirteenth century, and how these were used by the papacy to exercise its authority through crusading and inquisitorial tribunals. Chapter Two focuses on how papal envoys continued this process of creation and assertion of papal authority, progressing from one-off missions of legates in the thirteenth century to consistent, routine operations carried out by papal nuncios in the fourteenth, which allowed papal authority to permeate the Polish landscape.

Part Two studies local negotiations of space, particularly in relation to secular powers. Chapter Three demonstrates that territorial practices, focused especially on agriculture, were the common foundation for the development of

both lay and ecclesiastical lordship. Chapter Four analyses how the episcopate functioned within these co-determined spaces, projecting distinctive clerical status onto its territories. The Fifth and final chapter shows how the patronage of different religious orders expanded the ability of the papacy, episcopate, and lay lords to exercise their authority.

Impact Statement

In 2019, the Ministry of Foreign Affairs of the Republic of Poland published an edited volume on the diplomatic relations between Poland and the Vatican, which begins with an article by Hubert Wajs, 'Polonia et Sedes Apostolica. Relacje polityczne, religijne i dyplomatyczne od X do XV wieku' ['Polonia et Sedes Apostolica. Political, religious, and diplomatic relations from the X to the XV Centuries'], presenting the conversion of the Polish Duke Mieszko I in 966 as the key to subsequent Polish state-formation fostered by the Holy See.[1] This illustrates the common and unquestioned assumption that without the Latin Church, the current nation-state that is Poland would not exist. This thesis speaks to this tradition, engaging with both the history of relations between the papacy and Poland, and also past historiography, making the first step in challenging commonly held and unquestioned tropes.

The next step is disseminating and discussing relevant themes with specialist and general audiences. I have presented elements of this thesis at a variety of events. Discussing medieval Poland at UK-based events, such as the Institute of Historical Research European History, 1150-1550 Seminar or the Thirteenth Century Conference served as a way to communicate and discuss the history of a region that UK audiences were less familiar with. Travelling to Poland to present my research allowed me to seek feedback from specialists and build professional networks. International conferences such as the Leeds International Medieval Congress allowed me to present my work to truly diverse and wide-ranging audiences, helping establish myself and my research in the scholarly field.

What follows, in terms of impact, is my commitment to research-based teaching. Teaching medieval undergraduate modules at University College London and King's College London has allowed me to incorporate material from my own research and discuss my methodologies during my lessons, introducing students to a region of the world not usually covered by their western European

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[1] In W. Biliński (ed.), *Polska-Stolica Apostolska. Z dziejów wzajemnych relacji w 100. rocznicę odnowienia stosunków dyplomatycznych / Poland and the Holy See. A History of Bilateral Ties on the 100th Anniversary of Renewed Diplomatic Relations* (Warsaw: Ministerstwo Spraw Zagranicznych, 2019), pp. 12-55.

reading lists. Incorporating a variety of examples into teaching makes history modules more appealing, accessible, and engaging to an increasingly international and diverse student body. Discussing big themes such as 'church' and 'state' using concrete examples from the middle ages, which are often assumed by students to be akin to a theocracy, provides the foundation for thinking about today's societies.

My particular focus on how the papacy interacted with and governed the large space of Christendom while itself a small organisation with limited funds has implications for broader discussions of the dynamics of exercising power at a distance and in a multiplicity of places. The tensions between 'hard,' assertive rule versus flexible cooperation exist across history and space, and are relevant to today's international and supranational organisations as much as they were to the medieval church. Looking at the ways in which the medieval papacy and Polish bishops, dukes, and kings simultaneously exercised their powers over their overlapping territories helps us think about the dynamics of decision-making that lead to constructive rather than destructive behaviours and relationships.

Acknowledgements

Near the end of September 2012, amidst all the excitement of starting my history degree at UCL, I received an email inviting me to meet my personal tutor. I had no idea who a personal tutor was, but went along. At the end-of-year tutorial focused on choosing modules for the following year I remember asking my tutor if, choosing all medieval modules, I would 'run out' or be prevented from taking more in the final year. Laughing, he said 'no.' (This was not the case, but I have since come to terms with it.)

John Sabapathy has guided my studies ever since that first meeting, and any gratitude expressed here will be inadequate. I can only hope that this thesis does justice to his generous, sharp, challenging, and thoughtful supervision. He read countless drafts, helped me define my concepts, and pushed me to make my contributions meaningful and engaging. Thank you.

The UCL community of medievalists has been part of my studies since 2012, as well. For the teaching, supervision, discussions, feedback, advice, and lots of pizza, a heartfelt thank you to David d'Avray, Sophie Page, Antonio Sennis, Marigold Norbye, Patrick Lantschner, Emily Corran, Benedict Wiedemann, Arendse Lund, Alexandra Lee, Lauren Rozenberg, Jack Ford, Emma Zürcher, and Vanessa Da Silva Baptista. I'm grateful more broadly to the UCL History Department for all the support throughout the years. Thanks also goes to Martyn Rady for his guidance and feedback. I was lucky to have Anaïs Waag for a kind and encouraging Doktorschwester.

I am thankful for the support and friendship of fellow UCL PhD students and TAs. While my first forays into the TA Office were nerve-wracking (the politics of the coffee machine being my biggest preoccupation), the atmosphere of community we created was invaluable. The longstanding institution of our mass exodus from the TA Office on Friday afternoons to Birkbeck Bar deserves mention here. Thank you in particular to Melissa Benson, Johannes Hartmann, David Tiedemann, Matt Griffin, Jack Sargeant, Andrew Short, Alessandro de Arcangelis, Shane Horwell, Gareth Davis, and Conor Bollins.

Table of Contents

Abbreviations

Annales	Długosz, Jan, *Annales seu cronicae incliti regni poloniae* vols 1-12*,* ed. Dąbrowski, Jan; Semkowicz-Zaremba, Wanda; Pieradzka, Krystyna; Modelska-Strzelecka, Bożena; Rudziński, Andrzej, et al. (Warsaw, Cracow: Państwowe Wydawnictwo Naukowe, Polska Akademia Umiejętności, 1964-2005).
CDM	*Codex Diplomaticus Minoris Poloniae*, ed. Piekosiński, Franciszek, (Cracow: Akademia Umiejętności, 1876-1886).
CDMP	*Codex Diplomaticus Majoris Poloniae,* ed. Piekosiński, Franciszek; Zakrzewski, Ignacy (Poznań: Poznańskie Towarzystwo Przyjaciół Nauk, 1877-1879).
Długosz, *Opera Omnia*	Długosz, Jan, *Opera Omnia*, ed. Przezdziecki, Aleksander; Polkowski, Ignacy; Pauli, Żegota (Cracow: Typographia „Czas" 1863-1887).
Ecumenical Councils	*Decrees of the Ecumenical Councils*, vol. I, *Nicaea I to Lateran V*, ed. Tanner, Norman P.; orig. Alberigo, G., (London, Sheed & Ward, 1990).
Henryków Book	*The Henryków Book* ed. trans. Górecki, Piotr in Górecki, Piotr, *A Local Society in Transition: The Henryków Book and Related Documents* (Toronto: Pontifical Institute of Mediaeval Studies, 2007), pp. 91-202.
KDKK	*Kodeks Dyplomatyczny Katedry Św. Wacława w Krakowie,* ed. Piekosiński, Franciszek (Cracow: Akademia Umiejętności, 1874-1883).
MecklUB	*Mecklenburgisches Urkundenbuch* (Schwerin: Verein für mecklenburgische Geschichte und Altertumskunde, 1863-1913).
MPH	*Monumenta Poloniae Historica* (Lviv, Cracow: Akademia Umiejętności, 1864-1893, repr. Warsaw: Państwowe Wydawnictwo Naukowe, 1960-1961).
MPV	*Monumenta Poloniae Vaticana* vols 1-3, ed. Ptaśnik, Jan (Cracow: Akademia Umiejętności, 1913-1914).
NCMH	*The New Cambridge Medieval History* (Cambridge: Cambridge University Press, 1995-2005).
PommUB	*Pommerellisches Urkundenbuch*, ed. Perlbach, Max (Gdańsk: Westpreussischer Geschichtsverein, 1882).
Potthast	*Regesta Pontificum Romanorum* vols 1-2, ed. Potthast, Augustus (Graz: Akademische Druck- U. Verlagsanstalt, 1957).
Pressutti	*Regesta Honorii Papae III* vols 1-2, ed. Pressutti, Petrus (Hildesheim Georg Olms Verlag, 1978).
PrUB	*Preussisches Urkundenbuch*, ed. Philippi, Rudolph (Königsberg: Hartungsche Verlagsdruckerei, 1882-2000).
SlUB	*Slesisches Urkundenbuch,* ed. Appelt, Heinrich; Irgang, Winfried; Schadewaldt, Daphne (Vienna, Cologne, Graz: Hermann Böhlau, 1968-1998).
SPPP	*Starodawne Prawa Polskiego Pomniki v*ols 1-5*,* ed. Helcel, Antoni Zygmunt; Bobrzyński, Michał (Warsaw, Cracow: 1856-1878).
VMPL	*Vetera Monumenta Poloniae et Lithuaniae*, ed. Theiner, Augustin (Rome: Typis Vaticanis, 1860-1864).
ZDKK	*Zbiór dokumentów katedry i diecezji krakowskiej,* ed. Kuraś, Stanisław (Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1965).

Linguistic Orientation

A note on the nomenclature used in this thesis is necessary. The lands in question saw successive linguistic regimes from the middle ages up until the twentieth century, which is particularly problematic when it comes to place-names (think Wrocław/Breslau, Poznań/Posen, Cieszyn/Těšín/Teschen, etc.). In this thesis, the following conventions apply. If there is a standardised English variant, it is used: Cracow, Warsaw, Prague. In all other cases, the name currently used by the country the place is in is used: Wrocław and Poznań instead of Breslau and Posen but Lebus instead of Lubusz. The translation of medieval (or widely-accepted) cognomina, nicknames, or translatable surnames is interesting if not outright useful in giving some characteristics of the individuals discussed. Therefore, Polish names are given with a translation of the cognomen or surname in brackets. If the cognomen grants status such as 'the Great,' English is used after the initial Polish. Again, if standardised versions of individuals' names are common in English literature, these are used: Henry the Bearded or Saint Hedwig of Silesia. It is difficult to discern the ethnicity/ethnicities of some of the papal legates and nuncios discussed. In these cases, the Latin names are used. Dates of office are given for clerics versus lifespans for the laity.

Maps

I.
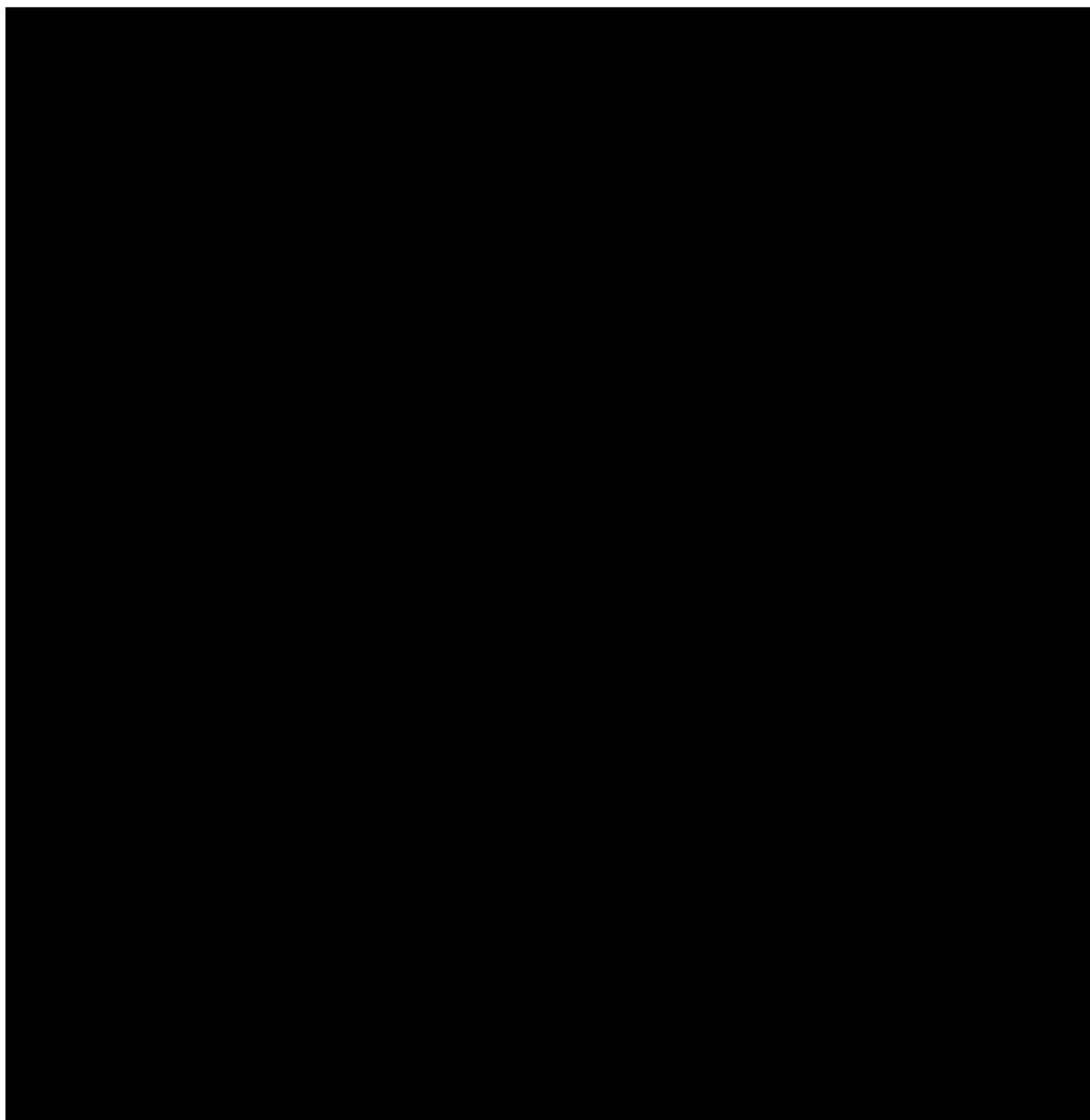
The Gniezno province from the twelfth century onwards, from S. Szczur, *Historia Polski: Średniowiecze* (Cracow: Wydawnictwo Literackie, 2002), p. 174.

II.
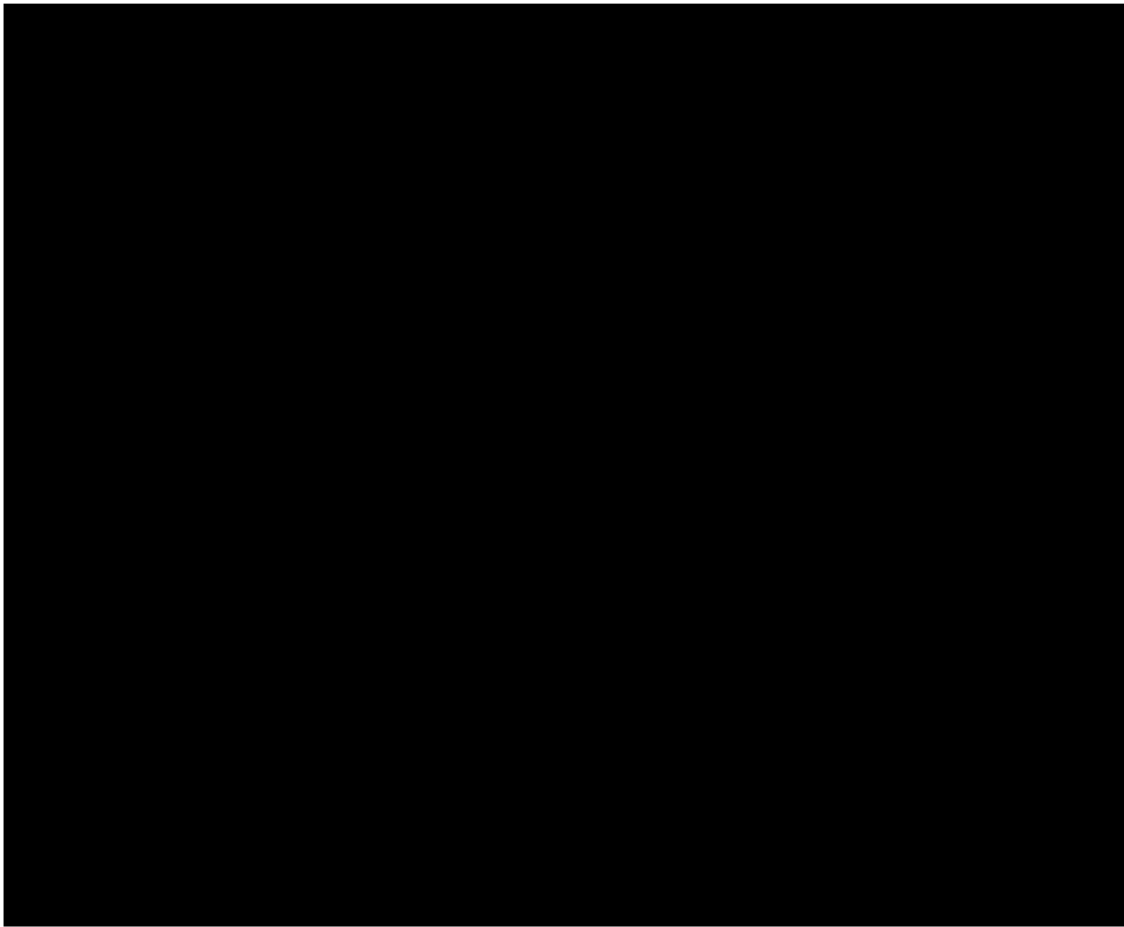
The Polish Polity, c. 1198-1300, from S.C. Rowell, 'The Central European Kingdoms' in D. Abulafia (ed.), NCMH vol. 5, pp. 756.

III.
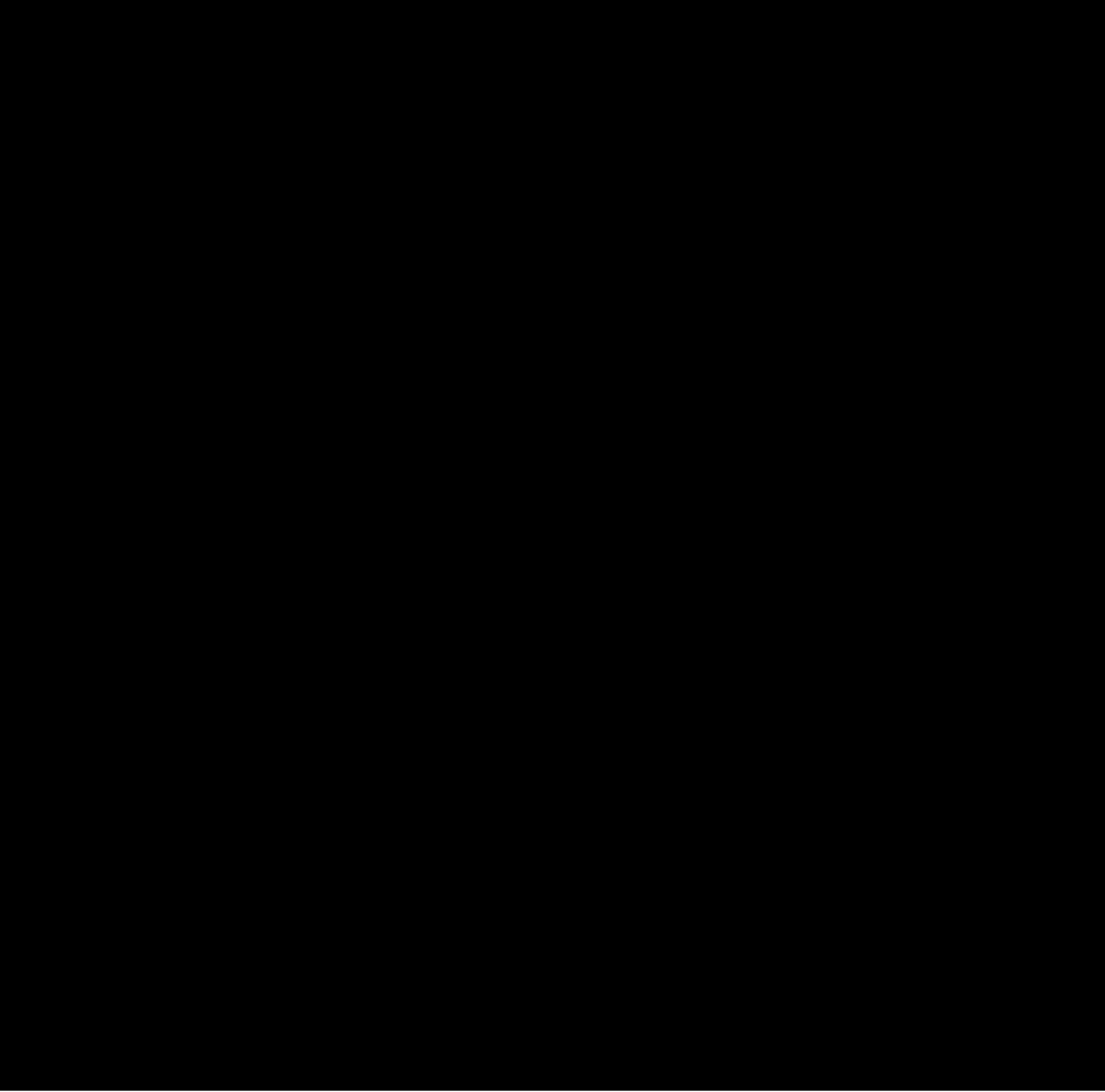
The Baltic Coast, from B. Bombi, *Novella plantatio fidei: missione e crociata nel nord Europa tra la fine del XII e i primi decenni del XIII secolo* (Rome: Instituto storico italiano per il Medio Evo, 2007), p. 275.

IV.
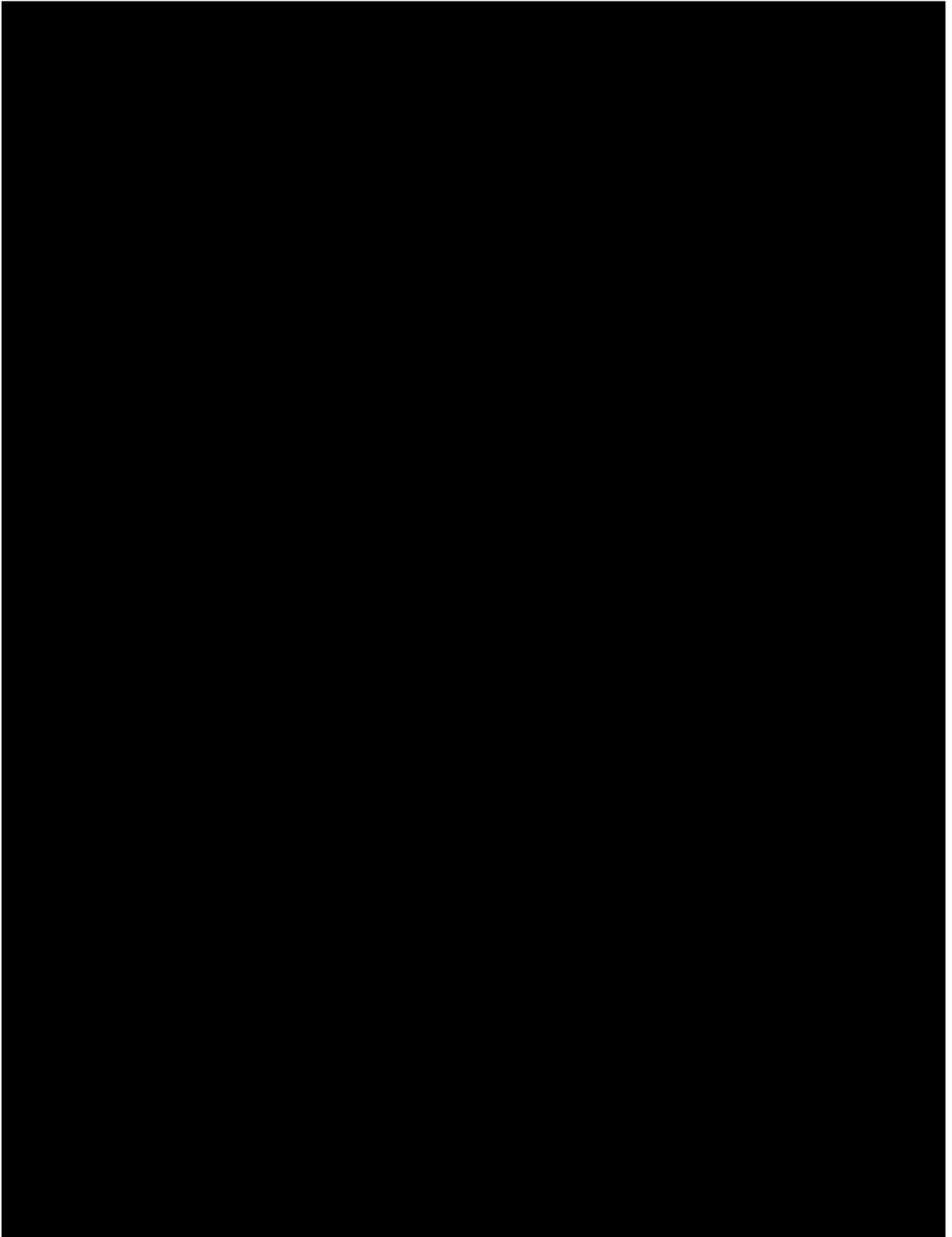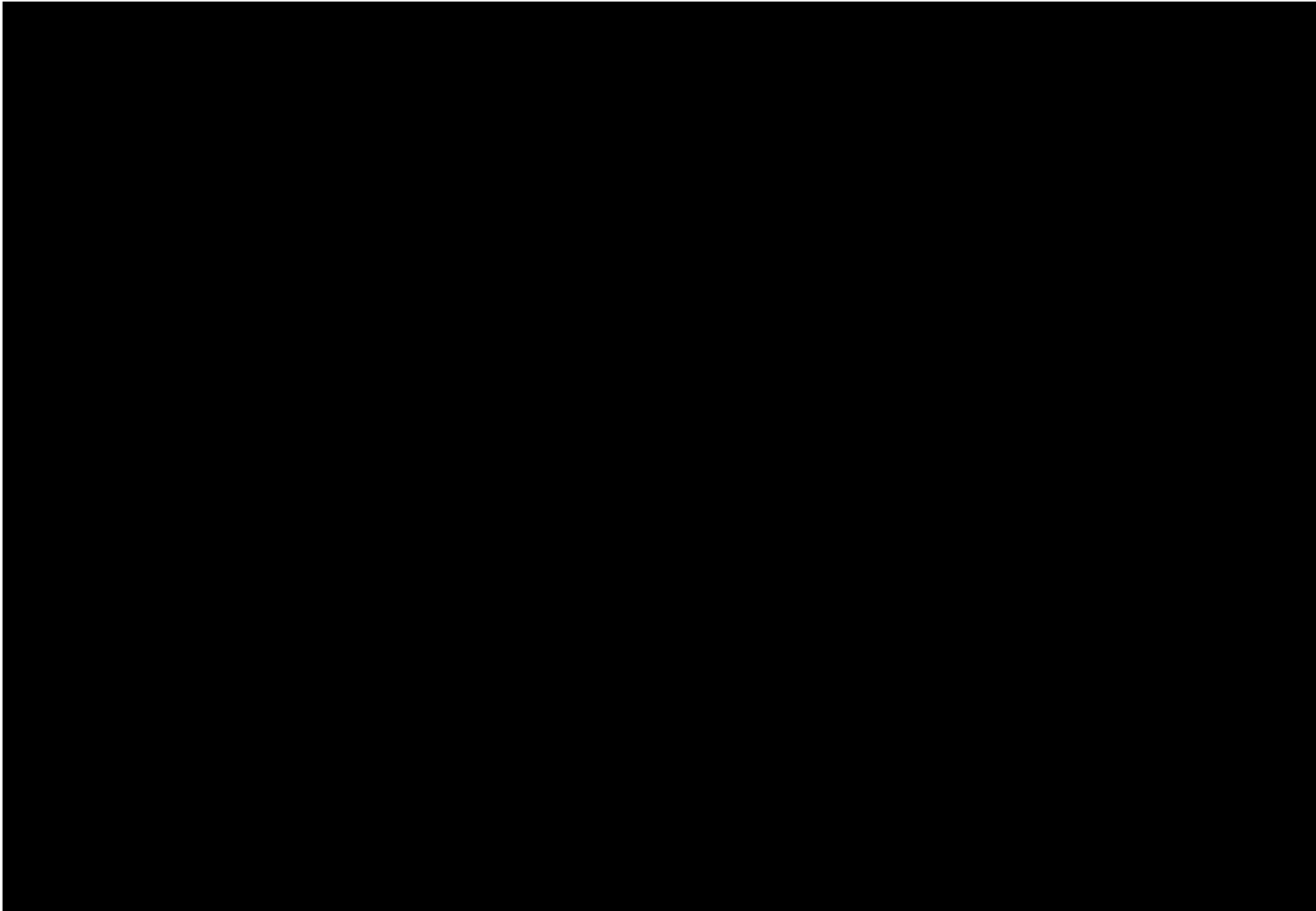
The Kingdom of Poland in 1320, from P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972), p. 52.

V.
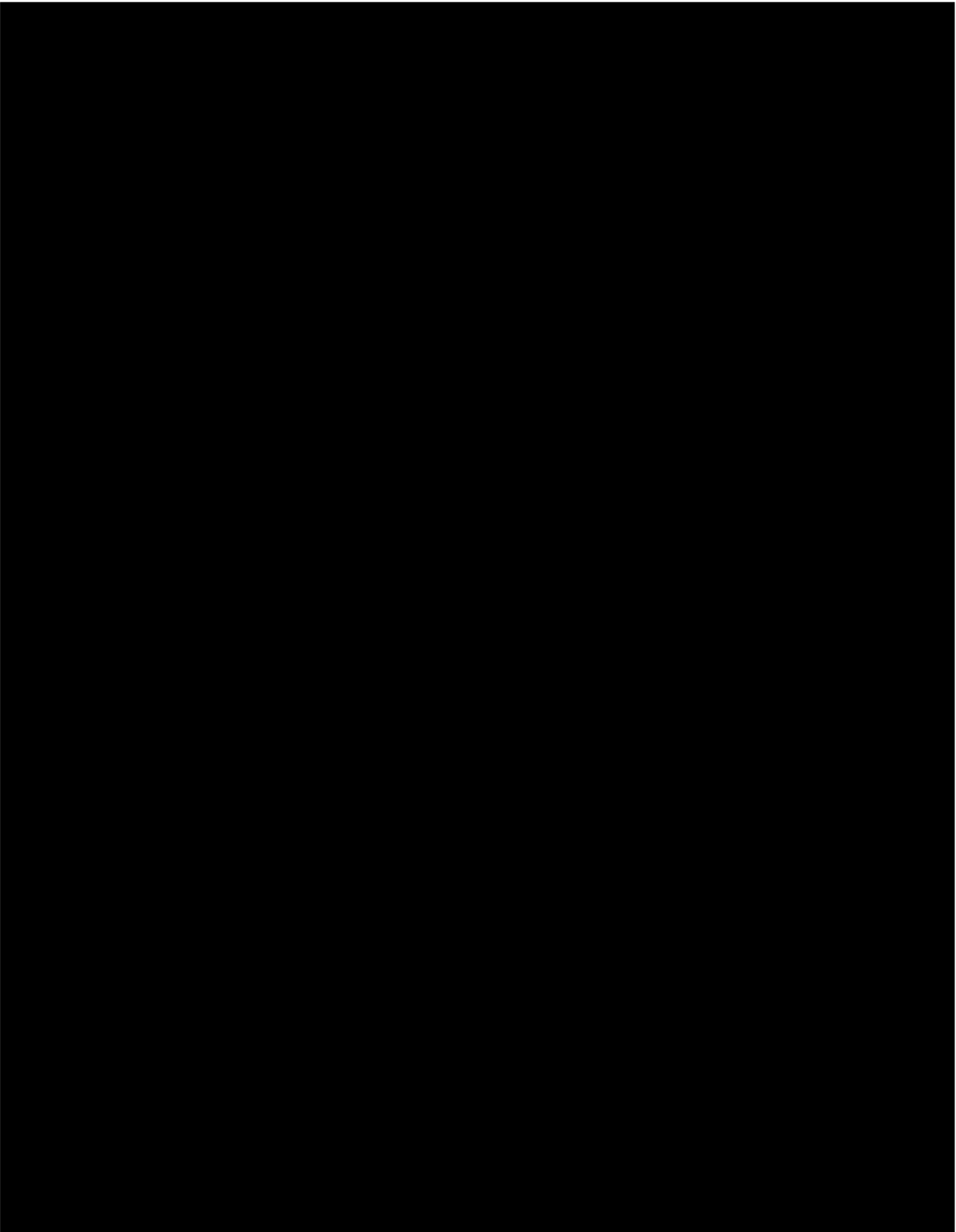
The Kingdom of Poland in 1320, from P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972), p. 53.

VI.

Cistercian houses in Poland, from A. Wyrwa, 'Rozprzestrzenianie się Cystersów w Europie Zachodniej i na Ziemiach Polskich' in J. Strzelczyk (ed.), *Cystersi w kulturze średniowiecznej Europy* (Poznań: Uniwersytet Adama Mickiewicza, 1992), pp. 49.

Introduction

1198 marks the beginning of Pope Innocent III's ambitious and energetic pontificate, which intensified reforms of the institutions comprising the Latin Church.[1] In Poland, these were carried out in cooperation with the metropolitan of the Polish province, Archbishop Henryk Kietlicz. The aims were to secure the church's position vis-à-vis lay powers and to ensure 'proper' clerical conduct and administration internally. At the 1357 provincial synod, the first following the reunification of the Polish kingdom in 1320, the Polish episcopate presented itself as just that: a strong, unified group that asserted its position in society in the face of political changes taking place around it.[2] This thesis traces the transformation between these two points from the perspective of ecclesiastical and political territorialization.

The years 1198-1357 form a dynamic period in Poland and have been the subject of much historiographical work. From the mid-twelfth century, the Polish realm existed only as multiple independent duchies (see further below). In the thirteenth century, processes of further ducal fragmentation advanced simultaneously with increased efforts by key dukes to consolidate power over multiple territories and (eventually) recreate the *Regnum Poloniae*. Much of the scholarship on the period has been carried out from the perspective of this reunification, accomplished in 1320.[3] Clerics were members of the political elite,

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[1] B.E. Whalen, *The Two Powers: The Papacy, the Empire, and the Struggle for Sovereignty in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 2019); J.C. Moore, *Pope Innocent III (1160/61-1216): To Root Up and to Plant* (Leiden: Brill, 2003); B. Bolton, *Innocent III: Studies on Papal Authority and Pastoral Care* (Farnham: Variorum, 1995); J.E. Sayers, *Innocent III: Leader of Europe 1198-1216* (London: Longman, 1994).

[2] CDMP.1349; K. Ożóg, 'Prawo kościelne w Polsce w XIII-XV stuleciu' in P. Krafl (ed.), *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), pp. 73-76.

[3] P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: University of Chicago Press, 1972); S. Gawlas, *O kształt zjednoczonego Królestwa: Niemieckie władztwo terytorialne a geneza społecznoustrojowej odrębności Polski* [*On the Shape of a United Kingdom: German Territorial Lordship and the Genesis of the Socio-Political Difference of Poland*] (Warsaw: DiG, 1996); T. Pietras, *„Krwawy Wilk z Pastorałem" Biskup Krakowski Jan zwany Muskatą* [*'The Bloody Wolf with a Crozier' Bishop of Cracow Jan called Muskata*] (Warsaw: Semper, 2001); J. Wyrozumski, *Kazimierz Wielki* [*Kazimierz the Great*] (Wrocław: Ossolineum, 1982); A. Gieysztor (ed.), *Polska Dzielnicowa i Zjednoczona: Państwo, Społeczeństwo, Kultura* [*Poland Fragmented and United: State, Society, Culture*] (Warsaw: Wiedza Powszechna, 1972); N. Berend; P. Urbańczyk; P. Wiszewski, *Central Europe in the High Middle Ages: Bohemia, Hungary, and Poland, c.1000-1350* (Cambridge: Cambridge University Press, 2013). See Maps IV-V, pp. 17-19.

so ecclesiastical historiography likewise places heavy emphasis on the state-making role that the church played in Poland.

Dedicated attention to institutional developments within the church however has been lacking. The aim of this thesis is to situate ecclesiastical developments within their contemporary settings, rather than within any path towards the reunification of the kingdom. Treating papal envoys, bishops, or abbots and priors solely through the prism of the roles they played on a 'regnal' stage unhelpfully reduces the church to a 'stately' apparatus. However, as the church was transforming, it was plainly surrounded by lively political and social flux. An artificial picture would be created if the church were treated as wholly separate from that context. The same prelates who were involved in secular politics were very much involved in the internal ecclesiastical developments. It was this duality of roles that allowed for the church to develop in ways that worked within their territorial and political contexts.

The thesis applies a joint conceptual framework of territorialization and institutionalisation to locate the church within a geographical and political context as a set of projects and practices. Taking into consideration the imagination and understanding of the territories of the parties involved – the papacy, the episcopate, regular clergy, and political rulers – helps us trace how territorialization and territoriality affected the development of these institutions both individually and in tandem with one another. Addressing spatial overlap in practice – looking at how organisations carved out their areas of competence in relation to one another – allows us to keep them distinct. Institutional practices created specific territories, and thinking about different forms of territoriality allows us to look at these processes. At the highest level, we can think of broad institutional territorialities: papal, episcopal, ducal, or royal. But we can also think about the typologies of behaviour and the roles and tasks they entailed: agricultural, administrative, jurisdictional, pastoral, or dynastic, all performed simultaneously in the same territories. In this way, by identifying the specific 'territorialities' that individual bodies operated within, my aim is to show how their coexistence in the same space was possible, as multiple territorial layers and groups constructively co-determined one another through both conflict and compromise.

21

Institutions here are understood in two ways. Organisations and groups, such as the papacy, a monastery, the episcopate (conceivably), a cathedral chapter, are all institutions which act as one, following shared norms and rules. However, social relations – practices and behaviours – between individuals as well as such bodies are institutions as well. Like the behaviours of organisations, they follow shared norms, and invite recognition from those participating in them and observers. The status of institutions – whether as organisations or as practices – depends on the accepted norms and rules they follow, rather than remaining unchanging and monolithic.[4] For example, successive popes and curial figures created the institution of the papacy, even if they differed in their actions. Equally, how others understood the papacy further defined it. The selection of bishops was an accepted institution, even if there was some flexibility in how it was carried out. Synods can be understood as means for the clergy to self-regulate, but also as institutions in and of themselves, operating in accepted and predictable ways, whatever the content of the decrees they produced.

A brief introduction to these protagonists shows these institutions at work concretely and provides a short chronology. The Polish polity's formal entrance into the sphere of Latin Christianity began with the baptism of Duke Mieszko I in 966 following his marriage to the Přemyslid Princess Dobrawa (Doubravka) of Bohemia in 965. Since this was an elite affair, the early church in Poland was very much an elite product – both building up the elites through new customs as well as reliant on their support and patronage. The first missionary bishopric to be created was in Poznań in 968.[5] In 1000, possibly as a result of the visit of Emperor Otto III (980-1002) to the court of Mieszko's son, Bolesław Chrobry (967-1025, *the Brave*), the archdiocese of Gniezno was established, with suffragan dioceses of Cracow, Poznań, and Wrocław.[6] Płock became a diocesan see at the

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[4] For a discussion of the 'institutional spectrum' see A. Fitzpatrick; J. Sabapathy, 'Introduction: Individuals and Institutions in Medieval Scholasticism' in A. Fitzpatrick; J. Sabapathy (eds), *Individuals and Institutions in Medieval Scholasticism* (London: University of London Press, 2020), pp. 1-5, 39-48, as drawing from e.g. J. Revel, 'L'Institution et le social' in J. Revel, *Un Parcours critique. Douze exercices d'histoire totale* (Paris: Galaade, 2006), pp. 85-110.
[5] G. Kiss, 'Magdeburg/Poznań and Gniezno – The Emergence of the Polish Ecclesiastical Hierarchy and its Dichotomy' in G. Barabás; G. Kiss (eds), *Dissertationes historicae collectae per Cathedram Historiae Medii Aevi Modernorumque Temporum Universitatis Quinqueecclesiensis Specimina Nova Pars Prima Sectio Mediaevalis* VIII (Pécs: University of Pécs, 2015), pp. 23-34.
[6] G. Kiss, 'Magdeburg/Poznań and Gniezno', pp. 23-34. Kołobrzeg was a short-lived episcopal see that disappeared by the early eleventh century.

end of the eleventh century. By the mid-twelfth century, the dioceses of Włocławek and Lebus (Lubusz, never politically part of Piast Poland) were established. These seven dioceses make up the Polish province of my study.

Bolesław Chrobry continued his father Mieszko I's expansion and centralisation, which culminated in his coronation in 1025. But by 1138, the Piast kingdom was fragmented. That year, Bolesław III Krzywousty (1086-1138, *the Wrymouth*) decreed that after his death, the kingdom was to be divided among his four sons, with the eldest taking power over the 'senioral' lands of Lesser Poland (Cracow), Sandomierz, Kalisz, Sieradz, Pomerania (Gdańsk).[7] This system was to continue – the Piast heirs were to inherit their ancestral lands, and the eldest would be the *princeps/senior*. The thirteenth century saw an increase in inter-ducal conflicts over primacy. They were combined with intermittent armed struggles across Poland's northern border – from Brandenburg through Pomerania to Prussia.[8] In the south, ties with the Bohemian Přemyslids complicated succession matters, especially in Silesia.

Through this period, the ecclesiastical hierarchy and territory remained more or less constant and united under the leadership of the archbishops of Gniezno.[9] As we can discern from pre-thirteenth-century sources, Polish bishops were chosen by either the kings (if there was one) or local dukes. We know very little about the administration and internal workings of the church in this period. Glimpses suggest a wealthy, politically engaged clergy. The focus on securing privileges and immunities for the church present in the sources from the late twelfth and thirteenth centuries discussed at length in this thesis illustrates the closeness of 'church' and 'state' in the preceding centuries.

Attempts to reinstate the Kingdom of Poland increased at the end of the thirteenth century.[10] Przemysł II of Greater Poland (1257-1296) was crowned by Archbishop Jakub Świnka of Gniezno (1283-1314, *Little Pig*) in 1295. However,

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[7] For an overview, see N. Berend et al., *Central Europe in the High Middle Ages,* pp. 172-176, 187-189, 198-201, 205-208, 224-226, 240-244; J. Wyrozumski, 'Poland in the Eleventh and Twelfth Centuries' in D. Luscombe; J. Riley-Smith (eds), NCMH vol. 4 pt. 2 (Cambridge: Cambridge University Press, 2004), pp. 277-289.
[8] A good overview of these can be found in P. Milliman, *The Slippery Memory of Men: The Place of Pomerania in the Medieval Kingdom of Poland* (Leiden: Brill, 2013), pp. 1-22.
[9] N. Berend et al., *Central Europe in the High Middle Ages*, pp. 323-326, 330-332.
[10] P.W. Knoll, *The Rise of the Polish Monarchy*, pp. 14-24.

not all of the Piast duchies accepted him as king. Following his death in 1296, political turmoil ensued, and in addition to Piast contenders for the crown, the Přemyslid Wenceslaus II of Bohemia (1271-1305) joined the fray with a serious claim. Having overpowered duchies in Lesser and Greater Poland, in 1300 Świnka crowned him in Gniezno Cathedral. His son, Wenceslaus III (b. 1289) nominally became king in 1305 but was uncrowned, and died in 1306. A fourteen-year interregnum followed, which ended with the coronation of Władysław Łokietek (c.1260-1333, *the Elbow-High*) as king by Archbishop Janisław (1317-1341). Władysław accumulated all the historical lands of the Polish kingdom under his rule except for Pomerania (ruled by the Samboride dynasty) and Silesia (ruled by a branch of the Piast dynasty, which was growing steadily closer to the Bohemian Crown and allied with the Brandenburg Ascanians). By the end of the period studied here then we have a centralised kingdom, inherited by Władysław's son, Kazimierz, soon known as the Great (1310-1370).

This summary explains the long-established historiographical trend presenting the path towards the creation of the Polish nation-state as being intimately connected with, if not explicitly caused by, the introduction of the Latin Church.[11] This historiography is not without problems however and this thesis is a reassessment of this nation-centred trend. As it is also the first study to look at the discrete layers that made up the institutional church together since 2000, it aims to draw out the key aspects of previous works of ecclesiastical history that require attention, but have seldom been addressed in more recent literature.[12] This thesis does not pretend to offer a history of the 'Polish Church.' Rather, it demonstrates how different religious bodies' practices allowed them to exercise

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[11] E.g. J. Kłoczowski, *Młodsza Europa. Europa Środkowo-Wschodnia w kręgu cywilizacji chrześcijańskiej średniowiecza* [*Younger Europe. East Central Europe in the Sphere of Medieval Christian Civilisation*] (Warsaw: PWN, 1998), pp. 13-14, 58-77; A.P. Vlasto, *The Entry of the Slavs into Christendom: An Introduction to the Medieval History of the Slavs* (Cambridge: Cambridge University Press, 1970), pp. 113-142; 308-317; P. Urbańczyk, S. Rosik, 'The Kingdom of Poland, with an Appendix on Polabia and Pomerania between Paganism and Christianity' in N. Berend (ed.), *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c.900-1200* (Cambridge: Cambridge University Press, 2007), pp. 263-318, esp. pp. 288-298.

[12] J. Kłoczowski, *A History of Polish Christianity* (Cambridge: Cambridge University Press, 2000). A call for a good comprehensive, synthetic work on the history of the Polish church was put forth in 2005, but as far as I am aware at the time of writing this thesis, it has yet to be answered: W. Baran-Kozłowski, *Arcybiskup gnieźnieński Henryk Kietlicz (1199-1219): Działalność kościelna i polityczna* [*Archbishop of Gniezno Henryk Kietlicz (1199-1219): Ecclesiastical and Political Activity*] (Poznań: Wydawnictwo Poznańskie, 2005), p. 17.

and articulate their authority in Poland and how their territorial developments were mutually shaped by other groups' claims. Indeed, whether an identifiably 'Polish' church existed in the middle ages is an important question to consider.

Through this approach, the thesis also contributes to recent work on the Latin Church's institutional and administrative developments which have significantly enriched our knowledge and understanding of medieval Christendom.[13] While a comparative study is not the aim here, occasional side-lights on similarities and differences between aspects of the church in Poland and other areas of Christendom are included. The assumption is not that the practices of the church found in France or Germany were normative and directly emulated by Polish clergy. Rather, the practices found in Poland need to be understood in terms of varied and diverse developments and practices which contributed to the shared experience of Latin *Christianitas*.[14]

Thesis

Although the Polish ecclesiastical and secular elites were very much intertwined, their institutions developed in distinct ways. This was a result of the need to create areas of competence in a shared territory, influenced by the presence of the

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[13] E.g. I. Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Oxford: Oxford University Press, 2018); F. Mazel (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008); C. Morris, *The Papal Monarchy: The Western Church from 1050-1250* (Oxford: Clarendon Press, 1989); B.E. Whalen, *The Medieval Papacy* (Basingstoke: Palgrave Macmillan, 2014); D. d'Avray, 'Stages of papal law' *Journal of the British Academy* 5 (2017), pp. 37-59; R. Rist, *The Papacy and Crusading in Europe, 1198-1245* (London: Continuum, 2009); J.E. Sayers, *Innocent III*; S. Wood, *The Proprietary Church in the Medieval West* (Oxford: Oxford University Press, 2006); R.I. Moore, *The War on Heresy* (Cambridge MA: Harvard University Press, 2012). These works engage only sporadically with Polish sources.

[14] On *Christianitas* see R. Bartlett, *The Making of Europe: Conquest, Colonisation, and Cultural Change 950-1350* (London: Penguin, 1994), throughout, esp. pp. 252-253, R. Southern, *Western Society and the Church in the Middle Ages* (London: Penguin, 1982), pp. 126-150; J. Watts, *The Making of Polities: Europe 1300-1500* (Cambridge: Cambridge University Press, 2009), pp. 43-48; P. Nagy, 'La notion de *Christianitas* et la spatialisation du sacré au Xe siècle: Un sermon d'Abbon de Saint-Germain' *Médiévales* 49 (2005), pp. 121-140; G. Ladner, 'The Concepts of 'Ecclesia' and 'Christianitas' and their Relation in the Idea of Papal 'Plenitudo Potestatis' from Gregory VII to Boniface VIII' *Sacerdozio e regno da Gregorio VII a Bonifacio VIII* (Rome: Pont. Univ. Gregoriana, 1954), pp. 49-77; T. Geelhaar, 'Talking about *Christianitas* at the Time of Innocent III (1198-1216): What Does Word Use Contribute to the History of Concepts?' *Contributions to the History of Concepts* 10:2 (2015), pp. 7-28.

papacy. These institutional roles can be thought of in broad terms – papal, episcopal, regular, and lay institutional territorialities.

This thesis argues that the ability of the papacy, the episcopate, and the regular clergy to coexist within a space shared with one another and lay powers was possible because within these broad layers, each made use of their territoriality in varying ways: through jurisdiction, administration, agriculture, pastoral care, disciplinary actions, and finances. Focusing on filling their role within these distinct territorialities, the different parts of the church developed their practices, behaviours, laws, and ideologies (their institutions).[15] They built distinctive ways of operating and being present within society, which were recognised, repeated, and accepted by other institutions as well as individuals. This institutionalisation did not develop as a result of conscious, self-reflecting changes, but as a pragmatic result of competing and complementing ideologies being projected onto the same space. The different layers of the church affected one another, co-determining the distinct but not discrete development of all. The profound changes in the articulation and practice of lay rule in Polish territories, themselves in flux in the period of study, make the institutional co-determination all the more interesting and important.

At the beginning of the thirteenth century, the process of institutional and territorial articulation was characterised by an initial push for the creation of space by the papacy and the episcopate in cooperation with lay rulers and regular orders through the separation of territorial and institutional jurisdictions. From the mid-thirteenth century, a process of consolidation ensued, where legates and the episcopate primarily, though working with lay rulers and regular orders, focused on strengthening and defining the spaces that had been created – through law, administration, and agricultural settlement. The last decades of the thirteenth century saw a continuation of this process, through attempts at further routinisation and rationalisation of ecclesiastical lands – through land exchanges and reaffirmations of privileges. These processes took root as behaviours changed. Legates were replaced with nuncios who carried out steady papal

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[15] This is a case of *intensive* rather than *extensive* expansion, where society transforms within already-established geographic boundaries, as described by R.I. Moore, *The First European Revolution, c.970-1215* (Oxford: Blackwell, 2000), pp. 188-198; and by R. Bartlett, *The Making of Europe*, pp. 2-3

business at lower, more consistent levels. Bishops held more provincial synods, and the process of their appointments became more complex, suggesting that securing the episcopal position against lay rulers was a less pressing matter and that it was possible to focus on internal issues. While regular and mendicant clergy were peripherally involved in these processes, the roles they took were pastoral, disciplinary, and tied to the creation of lay dynastic presence and memory. The papacy thus made use of the space it created by taking an active role in crusade preaching and widening the reach of its inquisitorial tribunals, which was possible thanks to the existing and well-established diocesan and mendicant networks in Poland – especially the Dominicans. The processes of the restoration of the monarchy 1295-1320 did not upset these relations, indeed they solidified them. (I address this point in my conclusion.)

This argument is pursued thus. Part One is dedicated to the relations between Poland and the papacy in the years 1198-1357. Chapter One focuses on direct relations between popes and the Polish clergy. In this chapter, the changes to Polish ecclesiastical institutions that were put in motion by the popes with the cooperation of the local clergy are traced. This begins with an intense period of collaboration between Innocent III (1198-1216) and the Archbishop of Gniezno Henryk Kietlicz (1199-1219), which set out concrete dimensions for the ecclesiastical space of the Polish church, guaranteed by the papacy. Two key areas of papal interest – crusade preaching and the establishment of inquisitorial tribunals – allow us to test how the papacy subsequently operated in the space it had created in Poland. Jurisdictional, crusading, and disciplinary territorial layers contributed to the Polish church's assertion of an overarching papal territoriality. Articulating institutional practices also created Polish ecclesiastical territoriality.

Chapter Two shows how the seeming loss of intense cooperation between popes and archbishops was in fact replaced by the employment of eight papal legates who visited the Polish province in the thirteenth century, dealing with issues similar to those that had been taken up by Innocent III. The efforts of the legates were of an administrative, jurisdictional nature. They sought to bolster internally the Polish church so that it would not be threatened by lay elites in matters of governance and incomes. Legates actively changed the nature of Polish ecclesiastical territories, and their neighbours. However, in the fourteenth

century, papal legates were almost completely replaced by papal nuncios, whose principal tasks were of a markedly different nature. While they often took up tasks broadly comparable to those of legates, their main purpose was to collect the various monetary dues owed by the Polish church and general community to the papacy – most importantly Peter's Pence. Theirs was a constant presence of regularised, routinised papal government in the space that had been created previously. As such, nuncios could only be effective if underlying Polish ecclesiastical institutions were functioning successfully.

This is the focus of Part Two of the thesis. Chapter Three expands the theme of the relations between clergy and laity, as religious and lay spaces were created and consolidated following the efforts of Innocent III and Kietlicz described in Part One. Here, most explicitly, the question of how the secular and ecclesiastical arms influenced one another, and whether indeed the church fostered nation-building, is questioned. The chapter shows that there was a push-and-pull relationship between the church and the 'state' in terms of their co-determination, created by their shared landscape. This is analysed in the settlement and administration of lands, where the overlap between the practices of the laity and the clergy was particularly strong. Approaching this from the perspective of agricultural territoriality is very useful. However, legal and administrative aspects of the institutions played key roles as well. The initial fragmented nature of the Polish duchies allowed the episcopate to strengthen itself by providing a united front, supported by the papacy, in the face of ducal incursions. A consequence of this united attitude was that the duchies never lost the idea of a unified *regnum* to reflect the *provincia*. The codification of Polish customary law under Kazimierz the Great in c.1347 pushed the church, in turn, to reassess its own legal standing with the reissue of its provincial law in 1357, the thesis's chronological terminus.

In Chapter Four, I demonstrate how the role that papal legates had played from the beginning of the thirteenth century was gradually filled by local secular clergy. The episcopate became more active in self-governing in the space that had been created by its cooperation with the papacy as well as its cooperation with lay rulers – through synodal activities and individual episcopal decrees. Much effort was dedicated to asserting its unity as a group, with Gniezno as the focal

point, even if diocesan clergy remained rooted in local politics. This allowed the episcopate to assert itself within its own territories, as well as in relation to the political context. The means through which the episcopate was formed – mostly through negotiated elections – shaped the episcopate's nature, and ensured its distinctiveness as an ecclesiastical body. There were no monastic cathedral chapters, and the secular nature of the group was maintained through these elections. The initial push from Innocent III and the long-lasting presence of the legates had built the foundation upon which the Polish episcopate grew in power. This, in turn, allowed the papal nuncios to function effectively in the tasks assigned to them by the Papal Curia, since the institution in which they were operating no longer needed figures like the legates. The episcopate was able to focus on administrative, jurisdictional and pastoral practices that defined its authority.

Chapter Five changes focus, exploring the role that regular orders – primarily Cistercians, Dominicans, and Franciscans – played in the institutional and territorial development of ecclesiastical space in Poland. While an indispensable and essential part of religious life, the regular clergy had always been in a position removed from the priestly hierarchy that governed the Latin Church. As mentioned, there was very little overlap between regular and secular hierarchies in Poland, with no monks or friars in senior episcopal positions. The regular clergy were reliant on lay patronage to finance their existence. Moreover, different orders had different organising principles which further complicated power dynamics. This chapter analyses how the regular orders' relationship with the laity affected the secular ecclesiastical hierarchy. They provided crucial agricultural, pastoral, and dynastic layers which connected ecclesiastical and lay space.

The conclusion follows, drawing out the most crucial findings of each chapter and presenting them one alongside another to allow for their final discussion. Here I restate my central argument that the institutionalisation of the Polish church was jump-started by Innocent III and Henryk Kietlicz consolidating Polish ecclesiastical space, taken over by papal legates in the thirteenth century and continued by the local episcopate into the fourteenth century. The role that the overlapping territories of the various layers that made up the Polish church

and polity played throughout this process was key. In this light, the different territorial layers and roles played by the papacy, the episcopal hierarchy, and the regular orders are foregrounded. Assessing whether they were consistently and continuously occupying the same roles, and whether a discernibly 'Polish' church was thus created brings this thesis to a close, reflecting on these findings within current historiography.

Methodology: Sources, Territorialization, and Institutionalisation
Sources

This thesis is based first and foremost on a corpus of letters, *acta,* charters, and privileges issued by clerical and, to a lesser extent, lay elites. Legislative material in the form of decrees promulgated at legatine and provincial synods provides another source of information about the changes taking place in Poland. These documents have been edited and published in various collections starting from the mid-nineteenth century onwards.[16] These collections form the foundation of Polish medieval and early modern studies, and their contents are well-known.[17]

Narrative sources which are scarce but rich in detail have likewise been edited and are well-known. I use them to add context to the events reflected in the *acta* and letters mentioned above. The most important are the *Annales seu cronica incliti regni Poloniae* of Jan Długosz (1415-1480), written in the second half of the fifteenth century.[18] Długosz was a canon of the Cracow cathedral, successively notary, secretary, and finally chancellor to Bishop Zbigniew

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[16] *Codex Diplomaticus Majoris Poloniae*, ed. F. Piekosiński; I. Zakrzewski (Poznań: Poznańskie Towarzystwo Przyjaciół Nauk, 1877-1908); *Codex Diplomaticus Minoris Poloniae*, ed. F. Piekosiński, (Cracow: Akademia Umiejętności, 1876-1886); *Kodeks Dyplomatyczny Katedry Św. Wacława w Krakowie,* ed. F. Piekosiński, (Cracow: Akademia Umiejętności, 1874-1883); *Mecklenburgisches Urkundenbuch* (Schwerin: Verein für mecklenburgische Geschichte und Altertumskunde, 1863-1913); *Monumenta Poloniae Vaticana* ed. J. Ptaśnik, (Cracow: Akademia Umiejętności, 1913-1956); *Pommerellisches Urkundenbuch*, ed. M. Perlbach, (Gdańsk: Westpreussischer Geschichtsverein, 1882); *Preussisches Urkundenbuch*, ed. R. Philippi, (Königsberg: Hartungsche Verlagsdruckerei, 1882-2000); *Slesisches Urkundenbuch,* ed. H. Appelt; W. Irgang; D. Schadewaldt, (Vienna, Cologne, Graz: Hermann Böhlau, 1968-1998); *Vetera Monumenta Poloniae et Lithuaniae*, ed. A. Theiner, (Rome: Typis Vaticanis, 1860-1864); *Zbiór dokumentów katedry i diecezji krakowskiej,* ed. S. Kuraś, (Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1965).
[17] Visits to the Archdiocesan Archives of Gniezno, Cracow, Poznań, and Wrocław confirmed that the bulk of the sources relevant to this thesis have been edited and printed in the above collections.
[18] E. Jamroziak, 'Jan Długosz' in R.E. Bjork (ed.), *The Oxford Dictionary of the Middle Ages* (Oxford: Oxford University Press, 2010).

Oleśnicki (1423-1455). He was an important member of the royal court as well, often sent on diplomatic missions. His eminent position at the episcopal and royal courts, and the travels involved, allowed him to access many chronicles – surviving and now-lost – as well as *acta,* charters, and letters of Polish prelates. He incorporated this material into the *Annales,* but also used it to compile catalogues of bishops and *libri privilegiorum* of episcopal sees, likewise edited and published.[19] While Długosz's works are late and may partly reflect the realities of fifteenth-century Poland rather than the periods they describe, they are nevertheless useful in providing some detail about the political situation in Poland because of his access to materials now lost.

The mostly impersonal and disjointed nature of the sources often makes it difficult to focus on individual personalities and alliances, or indeed carry out a detailed study of, for example, the creation of parishes. Reading these sources with a specific teleological goal – such as the reunification of the Polish kingdom – leads to very specific narratives. Looking for the seeds of nationhood in the behaviour of the clergy easily obscures the clergy's opposition to specific forms of lay rule. Likewise, taking absence of evidence as evidence of absence distorts the conclusions that can be made. For example, the fact that we do not have sources that document the establishment of parishes, but we do have sources that talk about already-established parishes does not mean that there was not an ongoing process of the creation of these units. Piotr Górecki's study of tithing practices in the Polish province pointed out that the three common approaches to the study of parishes (attempting to recreate their origins; taking normative sources as proof of their existence; or assuming the delay in their introduction as compared to 'the West') yield little for Poland.[20] Instead, he uses documents explicitly mentioning parishes and tithes and attempts 'to identify those features of local churches and tithing that were routine, innovative, and controversial at the time the documents were produced.'[21] This approach will be followed here.

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[19] J. Długosz, *Opera Omnia*, ed. A. Przezdziecki; I. Polkowski; Ż. Pauli, (Cracow: Typographia „Czas" 1863-1887).

[20] P. Górecki, *Parishes, Tithes and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993), pp. 9-11.

[21] P. Górecki, *Parishes, Tithes and Society*, p. 11.

Pulling together sources from different compilations and using them as a single corpus reflecting ecclesiastical developments allows us to think about the role that territories played in the creation of these documents, and how different types of territoriality were thus created. This sheds light onto how territorial thinking shaped how popes, legates, bishops, abbots, and friars chose to behave and what practices they adopted, developing different institutions of the church within the context of interactions with lay powers. Instead of focusing on the recreation of the kingdom, or hypothesising how and when parishes were created, I look at pragmatic solutions reached by individuals and organisations that operated in tandem with one another.

Territorialization and Institutionalisation

This thesis traces institutionalisation as made concrete by territorialization. Institutions are organisations and formal bodies, but they are also their behaviours and modes of acting, as well as the relationships of the people involved. In this thesis I see institutionalisation as stemming from individuals and bodies focusing on filling specific roles in the areas under their rule. Different parts of the church – the papacy, the episcopate, the regular clergy – created ideologies, laws, practices, and behaviours which allowed them to operate next to one another in ways that were recognised, repeated, and accepted. These are facets and signs of institutionalisation.[22] They are modes and practices of social relations that allow us to think about the 'institutional church' without presupposing a monolithic and schematic nature.[23] The interaction between formal structures of organisation, such as synodal decrees, and practices which would affect them, such as the division of dioceses into archdeaconries, constitute the two facets of institutions: formal bodies and their regulations, and practices that reflect them. They are, to use Ian Forrest's phrasing, 'the enactment of institutional continuity and change' since through their performance,

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[22] See Ian Forrest's elaboration in 'Continuity and Change in the Institutional Church' in J.H. Arnold (ed.), *The Oxford Handbook of Medieval Christianity* (Oxford: Oxford University Press, 2014), pp. 185-197; *Trustworthy Men*, pp. 185-192.

[23] I. Forrest, 'Continuity and Change', p. 185-188.

they both maintain the institution as a recognisable body, and change how it operates.[24]

The concepts of territories and territoriality help us understand the contingencies of these institutional developments as they develop within a specific environment. My approach has been shaped by several theorists.

Stuart Elden's work engaging with the idea of territory and its usefulness for historical explanation is particularly helpful:

> Territory is not simply an object: the outcome of actions conducted toward it or some previously supposedly neutral area. Territory [rather] is itself a process, made and remade, shaped and shaping, active and reactive.[25]

Elden's work focuses on the modern nature of territory and its relevance to the creation of nation-states, analysing how polities seek absolute control and ownership of territories.[26] He argues, against Michel Foucault, that territories are modern phenomena, not found in the middle ages or early modern period, as Foucault suggested.[27] Notwithstanding the correctness or otherwise of his claim, Elden's more inclusive and flexible definition of territory as the outcome of actions and processes is still helpful in thinking about how medieval and non-state actors projected their authority onto what they perceived to be their territories.

Doreen Massey argues that the study of space is the study of social relations.[28] The interactions that happen within spaces change their nature in a continuous process. Unlike Elden, Massey foregrounds the fact that space is foremost created, occupied, and used by multiple actors simultaneously.[29] These actors can follow a multiplicity of trajectories even if they share the same space. Therefore, if both institutions and territories are created by social relations – and

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[24] I. Forrest, 'Continuity and Change', p. 188.
[25] S. Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013), p. 17. See also S. Elden, 'How Should We Do the History of Territory?' *Territory, Politics, Governance* 1:1 (2013), pp. 5-20. Cf. M. Foucault, *Security, Territory, Population: Lectures at the College de France 1977-78* ed. M. Sevellart; trans. G. Burchell; English ed. A.I. Davidson (Basingstoke: Palgrave Macmillan, 2007), pp. 93-130.
[26] S. Elden, 'How Should We Do the History of Territory?', pp. 6-7.
[27] S. Elden, 'How Should We Do the History of Territory?', pp. 6-7.
[28] D. Massey, *For Space* (London: SAGE, 2008), pp. 1-16.
[29] D. Massey, *For Space*, pp. 61-98.

it is these social relations that allow us to study their continuity and change – then tracing how territories determined institutional development follows almost naturally.

Elden starts *The Birth of Territory* discussing Jean-Jacques Rousseau. 'Conflict over land, at a variety of spatial scales, is a major factor in human affairs, and, as Rousseau suggests, its effects have been almost entirely negative.'[30] This is expanded to allude to Rousseau's acknowledgement that territorial conflicts nevertheless led to the formation of a civilised society, and therefore had some positive consequences. This thesis will expand on this idea. Conflicts over and within lands and territories can be viewed as constructive, since they can lead to reciprocated understanding of the boundaries between the lands and institutional practices. Since territorialization is always a process, to trace it we have to look at the actions of entities related to the space they claimed as their own. How these actions were described and carried out leads to the formation of institutional practices. Tim Ingold approached such behaviours using the term 'taskscapes,' showing how institutions view certain spaces as areas where they can carry out their tasks.[31] In this thesis, agricultural, pastoral, dynastic, or financial tasks are viewed as creating territorialities.

I study these tasks and practices by looking at different stages of territorialization as leading to institutionalisation. These stages are: the creation of space, the consolidation of space, and the coexistence of institutions in this space. Throughout this process, various types of territoriality allowing coexistence are employed. The territorialities can be characterised broadly at jurisdictional levels – papal, episcopal, ducal, monarchic – but also with regards to how they were used – agricultural practices and taxation, pastoral care, administrative solutions, legal regulation, or dynastic patronage. The interactions of these interconnected layers show the development of institutions within their territories, and by doing so, change over time. This change can be seen as the intensification of routine forms of behaviour and governance, and a gradual

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[30] S. Elden, *The Birth of Territory*, p. 1.
[31] T. Ingold, 'The Temporality of the Landscape' *World Archaeology* 25:2 (1993), pp. 152-174. This concept was effectively used discussing Prussia in G. Leighton, 'Did the Teutonic Order Create a Sacred Landscape in Thirteenth-Century Prussia?' *Journal of Medieval History* 44:4 (2018), pp. 457-483.

saturation of the landscape with different ecclesiastical institutions. But the key is that looking at different types of territoriality brings out the factors that allowed the different layers and institutions to coexist within the same space.

The Cistercian monastery of Paradyż in the diocese of Poznań can exemplify this plurality and begin my analysis proper. It was founded at the beginning of the thirteenth century through the endowment of lands by the nobleman Bronisz, but secured its position through privileges from the bishop of Poznań and the bishops of neighbouring dioceses, the most important dukes of the region, and the papacy. Throughout the thirteenth and fourteenth centuries, Paradyż accumulated lands and established itself as an important agricultural actor. This was possible due to continued support from local landowners, and the fact that the bishop did not impose his tithing and jurisdiction onto the monastery's lands and their inhabitants. The papacy, though distant, was present in these dynamics as it was sought out and presented itself as a guarantor of the monastery's status. We get a glimpse of the institutions as bodies – the papacy, dukes, bishops, the religious house in question – alongside institutions as behaviours – patronage, agriculture, exemption, protection – involved in the creation, consolidation, and (co)existence of the monastery within the multi-layered Polish landscape.

First, space is created as defined by one or more groups or organisations, based on existing knowledge and conceptions. The creation of such a space does not presuppose that no previous conceptions were held. Rather, it signifies a new definition and delineation of this space. Indeed, the very name Paradyż (a Polonised version of *Paradisio Sanctae Mariae*) in this case exemplifies a new religious conception of space which was imposed onto pre-existing territories. This new definition is usually based on the ideologies of those involved – for example the papacy and the episcopate ensuring the separation of ecclesiastical lands from lay powers. Consent, whether coerced or granted, is important in this process of definition. Second, this space is consolidated through activities and behaviours that make the groups' presence real within their territories – institutions as modes of behaviour. This can be done through agricultural endeavours, dynastic patronage, administrative governance, or pastoral care. Third, different institutional groups fulfil these actions simultaneously, creating

multiple institutional layers which contribute to the overall intensification and routinisation of ecclesiastical practices within a shared territory, conscious of their roles.

The search for institutionalisation stemming from these steps is not a search for linear progression. Rather, it is more fruitful to trace how different territorial behaviours developed in interaction with one another. What is useful is thinking about efficacy, efficiency, and effort.[32] These are central in the economic works of Douglass North, and will be used here to draw out the factors affecting processes of decision-making. Consequently, addressing how institutions functioned – thought and acted – is crucial as well.[33] Mary Douglas pointed to the necessity of juxtaposing individuals' decisions with the decisions 'made' by institutions, based on the shared values and willingness to make sacrifices for the sake of preserving the social bonds created by these values.[34] Thinking about efficacy, efficiency, effort, and institutional decision-making in conjunction with different forms of territoriality helps clarify why certain routines and practices took hold, even if they might not have been the most straightforward.

Thirteenth-century Poland and importantly, its northern borderlands and neighbours (Prussia, Lithuania, Livonia), was a space of various overlapping territories, real and imagined. For the papacy, it was a distant yet important land where the church was increasingly powerful, making it useful to the Curia in financial and missionizing terms. It was also important in the papacy's intermittent struggles with the Holy Roman Empire due to its strategic location. The Empire, in turn, saw Polish powers as competitors for influence in the northern regions. Polish lands were also areas where many could travel to and make their fortunes – the settlement of German-speakers in the region is a well-studied phenomenon to which we will return to at various points.[35] In Poland itself, the territories of the duchies overlapped imperfectly with religious divisions of various type. Dioceses and their subdivisions (archdeaconries, deaneries, parishes) were overlaid on

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[32] D. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), pp. 61-70.
[33] M. Douglas, *How Institutions Think* (Syracuse: Syracuse University Press, 1986).
[34] M. Douglas, *How Institutions Think,* pp. 9-19.
[35] R. Bartlett, *The Making of Europe*, pp. 106-132, 197-220.

political boundaries.[36] The landscape was interspersed with monastic landholdings with complex legal standing. Many monasteries were exempt from episcopal power and exercised lordly rights over land. But at the same time, they were dependent on lay support, as well as connected to broader European networks. Likewise, mendicant houses with varied lay support and belonging to different provinces of the Franciscan or Dominican orders formed another layer. Therefore, any institutional developments that took place within and without the diocesan hierarchies of the church were firmly grounded in these spatial dynamics and changed them in turn.

Let me close this section by looking specifically at territorialization and the medieval church. The dynamics of decision-making between the different parties and their ideologies are key. At the theoretical pinnacle of the ecclesiastical hierarchy encompassing all Latin Christendom was the pope and his Curia. By the thirteenth century, the pope was the self-proclaimed and (almost) universally accepted highest authority in all matters ecclesiastical and extensively non-ecclesiastical, as well.[37] He thus had a range of powers over all other cardinals and bishops, as well as the regular orders. Nevertheless, the Curia was one small space within all of Christendom, with limited personnel. Provincial and diocesan hierarchies of archbishops and bishops had reserved powers independent of the papacy.[38] Their territorial scope was becoming increasingly defined, and much more immediate than that of the popes in Rome or Avignon.[39] What the papacy attempted to do was only as successful as the episcopate's willingness to cooperate in implementation. The issue of how the papacy imagined, understood, and, in turn, responded to specific areas – such as Poland – is key in understanding how it shaped territorialization and institutionalisation. Equally, how Polish actors (or actors elsewhere) understood the papacy shaped how they acted with respect to it. This is clear within papal *acta* related to Poland, but even more so in how papal envoys (legates and nuncios) were deployed, since their

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[36] See Maps I-VI, pp. 14-19.
[37] B.E. Whalen, *The Two Powers: The Papacy, the Empire, and the Struggle for Sovereignty in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 2019), pp. 3-5.
[38] K. Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984), pp. 2-7.
[39] F. Mazel, *L'évêque et le territoire : L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013), pp. 21-26.

appointment presupposes an understanding of the range of cooperation and activity that could take place in Polish territories.

Last, the regular clergy held a delicate position within the church, globally and locally. The very nature of regular life – the vow to follow a set rule – removed monks and friars from the priestly hierarchy of the secular clergy.[40] However, some form of oversight by the pope and/or bishops was present.[41] This relation was complicated by the fact that many monastic and mendicant communities were often lay foundations, which left their patrons some scope for control. This distinction between the two hierarchies is important for the Polish case as the episcopate was overwhelmingly secular – there were no monastic cathedral chapters, nor was there a discernible trend in this period of monks or friars assuming the episcopal office.[42] The two hierarchies in Poland were separate.

Therefore, the situation which we are dealing with is such that the institutions of the Polish church were developing in a setting which was seen as unified by the papacy, fragmented politically in ways which did not correspond to ecclesiastical divisions, and further complicated by a patchwork of monastic communities and mendicant provinces which were sensitive to lay influences.

The example of the papal nuncio Galhardus de Carceribus, present in Poland 1334-1343, illustrates these complexities, covering territorial overlap of political and ecclesiastic institutions as well as how this was affected by the presence of different ecclesiastical hierarchies and their different behaviours. In 1337, Galhardus wrote to Benedict XII (1334-1342) to report his inability to collect Peter's Pence in the region of Silesia in Poland.[43] In his letter, he entreated the pope to make sure that upon the death of his ally, the Polish Nanker, bishop of Wrocław/Silesia, the pope should choose his successor, making sure that he is

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[40] G. Melville, *The World of Medieval Monasticism: Its History and Forms of Life* trans. J.D. Mixson, (Collegeville: Liturgical Press, 2016), pp. 54-63; D. d'Avray, 'Stages of papal law', pp. 50-51.

[41] D. d'Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: Cambridge University Press, 2010), pp. 42-49. For a detailed study of this dynamic, see e.g. A. Jotischky, 'Eugenius III and the Church in the Crusader States in I. Fonnesberg-Schmidt; A. Jotischky (eds), *Pope Eugenius III (1145-1153): The First Cistercian Pope* (Amsterdam: Amsterdam University Press, 2018), pp. 343-355.

[42] A notable exception, the Dominican Martinus Polonus / of Opava (d.1278), author of the *Chronicon Pontificum et imperatorum*, appointed archbishop of Gniezno in 1278, died before reaching Poland.

[43] VMPL.DXIX.

Polish. Otherwise, the Bohemian king would ensure that the cathedral chapter, with Franciscan support, would choose someone who would not pay Peter's Pence – a German or a Bohemian – resulting in financial losses to the papacy.

This was the culmination of a longstanding conflict in the region over the status of Silesia in both ecclesiastical and political matters. The diocese of Wrocław/Silesia was part of the ecclesiastic province of Poland. The bishop of Wrocław was suffragan to the archbishop of Gniezno. However, by 1338 the duchy of Silesia was part of the Bohemian crown, despite once being part of the Polish kingdom and still ruled by Piast dukes. Nevertheless, the bishop and church of Silesia remained within the Polish province, and the efforts to bring them under the authority of Prague, once it was elevated to an archiepiscopal see in 1344, failed.[44]

This created a diverse political and religious environment which resulted in conflict over Peter's Pence, a payment to the papacy from areas directly under papal protection. Poland was one of them, but Bohemia was not, nor German principalities from which many settlers came to Silesia, and thus cathedral canons, as well as Franciscans.[45] The inclusion of the Franciscans in this letter indicates nicely how the mendicants added another layer of complexity to the Polish landscape. The majority of Franciscans in Silesia were Germans, and at the end of the thirteenth century their Silesian houses were taken out of the Polish-Bohemian province of the order and annexed to the Saxon province (even if Silesia as a political territory remained in the Bohemian Crown).[46] But to return to the issue of Peter's Pence – in the eyes of the papacy, it did not matter that Silesia was no longer politically Poland – it mattered that it belonged to the Polish

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[44] K. Tymieniecki, *Polska w Średniowieczu* [*Poland in the Middle Ages*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1961), p. 143.

[45] The infamous document *Dagome iudex* supposedly placed the Polish polity under the protection of Saint Peter at the end of the tenth century. Whether or not the document is a forgery is less important than the fact that Poland was understood to be bound closely to the papacy – both locally and at the Curia, resulting in the payment of Peter's Pence. On *Dagome iudex* (CDMP.2), see P. Nowak, 'Recent work on the *Dagome iudex* in the *Collectio Canonum* of Cardinal Deusdedit' in P. Krafl (ed.), *Sacri Canones Editandi* (Brno: Reprocentrum, 2017), 25-39.

[46] Z. Gogola, 'Dzieje Franciszkanów w Polskiej Prowincji Św. Antoniego i Bł. Jakuba Strzemię' ['The History of the Franciscans in the Polish Province of Saint Anthony and Blessed Jakub Strzemię'], *Folia Historica Cracoviensia* 10 (2004), pp. 141-166.

province. Territorial overlaps had institutional ramifications and institutional practices (Peter's Pence) expressed territorial 'facts on the ground.'

The Historiography and its Problems

To understand these developments in their contemporary context is not always made easier by the foci of much Polish medieval historiography. Analysing it illustrates why and what this thesis, by contrast, seeks to contribute.

Nineteenth- and early twentieth-century Romantic and Positivist historiography, part of the nationalist movement amongst Poles who had no nation-state at the time, focused on Poland's medieval history in order to give a Polish nation-state precedent and justification.[47] Based on these foundations, histories of the church tied its developments to the formation of the nation, kingdom, and ultimately state of Poland, often focusing on law and state organisation.[48]

After World War Two, with Poland ruled by a Communist government, most research carried out at public universities and published by national presses was Marxist in varying intensities.[49] Even then, the importance of the development of the Latin Church could not be discredited because it was seen as contributing to the creation of the nation-state. As these works were put forth by state printing presses, Catholic institutions such as the Catholic University of Lublin or the Pax publishing house produced works with a different focus, stressing the importance of religious life in Poland, with God's providence tied to the nation's historical developments.[50] An indicative sense of these issues and

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[47] Most importantly A. Naruszewicz, *Historya Narodu Polskiego* [*History of the Polish Nation*] (Warsaw: 1803-1824), vols II-VII first published 1780-1786, vol. I published posthumously in 1824; J. Lewel, *Polska Wieków Średnich, czyli Joachima Lelewela w dziejach narodowych polskich postrzeżenia* [*Poland of the Middle Ages, or Joachim Lelewel's Insights into the History of the Polish Nation*] (Poznań: Stefański, 1847-1855); S. Smolka, *Uwagi o pierwotnym ustroju społecznym Polski Piastowskiej* [*Notes on the Original Social Organisation of Piast Poland*] (Cracow: Drukarnia Uniwersytetu Jagiellońskiego, 1881).

[48] E.g. W. Abraham, *Pierwszy spór kościelno-polityczny w Polsce* [*The First Church-State Conflict in Poland*] (Cracow: Akademia Umiejętności, 1895); R. Grodecki, *Polska Piastowska* [*Piast Poland*], ed. J. Wyrozumski (Warsaw: Państwowe Wydawnictwo Naukowe, 1969) (papers from 1933-1964 published posthumously).

[49] Most illuminating in this aspect are the works of T. Manteuffel, discussed in detail below.

[50] Notably, B. Kumor, J. Kłoczowski, discussed below.

their implications is best obtained by focusing on several key works (others are engaged with throughout the thesis).

Two legal historians whose works profoundly influenced later histories as well as this thesis are Władysław Abraham and Adam Vetulani.[51] Both were explicitly interested in the relations between 'church' and 'state' (as they invariably described the Piast polity). Both focused on canon law and its introduction and reception in Poland, and the consequences this had on Polish society. The link between legal conflicts between the Polish clergy and lay powers and the formation of lay legal practices and institutional organisation was stressed. Moreover, Poland was presented as unquestionably belonging to the sphere of Latin legal and religious culture, even if it was a latecomer to the community. By contrast, my approach and conclusions allow this thesis to look at the legal struggles between clerics and laymen from a different perspective, as well as to complicate the notion that the transferral of canon law to Poland was late but complete in its content, as compared to 'the West.'

The works of Tadeusz Manteuffel, astounding in range and number and providing the foundations for generations of Polish medievalists, need to be considered in light of their time. Working under Communist rule, Manteuffel had to adjust his writings to the ideological tenets of Marxism. This did not mean excluding the church completely from his studies. Rather, it meant treating in in specific frameworks. One example of this in practice is Manteuffel's book on the papacy and Cistercians with a special focus on Poland, published in 1955.[52] The conflict between the papacy and the Holy Roman Empire is presented in black and white terms, giving birth to a renewed papal activism with the end of the Investiture Contest. Then, the alliance and cooperation between the papacy and

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[51] W. Abraham, *Organizacya Kościoła w Polsce do połowy wieku XII* [*The Organisation of the Church until the Mid-Twelfth Century*] (Lviv: Gubrynowicz i Szmidt, 1893); *Pierwszy spór kościelno-polityczny w Polsce* [*The First Church-State Conflict in Poland*] (Cracow: Akademia Umiejętności, 1895); *Studya krytyczne do dziejów synodów prowincjonalnych kościoła polskiego* [*Critical Studies on the History of Provincial Synods of the Polish Church*] (Cracow: Akademia Umiejętności, 1917); A. Vetulani, *Początki oficjałatu biskupiego w Polsce* [*The Beginnings of the Episcopal* Officialis *in Poland*] (Cracow: Akademia Umiejętności, 1939); *Dekretały papieskie jako źródło do poznana dawnych dziejów prawa polskiego* [*Papal Decretals as Sources for the Study of Ancient Polish Law*] (Poznań: Towarzystwo Przyjaciół Nauk, 1956).

[52] T. Manteuffel, *Papiestwo i Cystersi, ze szczególnym uwzględnieniem ich roli w Polsce na przełomie XII i XIII w.* [*The Papacy and Cistercians, with Special Attention to Their Role in Poland in the Twelfth and Thirteenth Centuries*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1955).

the Cistercian Order for the sake of spreading Christianity to the East is discussed. Within the conflict with the Empire, the papacy's relation to Poland is introduced, and the connection between the Polish church and the young Polish state, and thus papacy, is highlighted. 'From the beginning of the twelfth century, the church in Poland can be correctly considered as one of the arms of the first Piast monarchy' Manteuffel wrote, saying that the church 'successfully strengthened the coherence of the young nation.'[53] He then described the rise of the Cistercians, especially in Poland, in terms of the need for the papacy to have the means of exerting its influence in areas where the local clergy was so intimately part of secular government.[54]

Another example of this clear conflation is from Manteuffel's history of the middle ages, published in 1974, where he linked the coronation of King Bolesław II Śmiały/Szczodry (c.1042-c.1081, *the Bold/Generous*) explicitly with Bolesław's involvement in the Investiture Contest between Pope Gregory VII (c.1020-1085) and Emperor Henry IV (1050-1106).[55] According to Manteuffel, Bolesław supported the pope's position against Henry IV, and thanks to this was crowned in 1076, without the emperor's permission. Henry IV was said to have taken this as usurpation of his power and rallied Polish lords against Bolesław II, including Bishop Stanisław of Cracow (1072-1079). The king proceeded to try and execute Stanisław for treason – the reason for the latter's canonisation in 1253 – ultimately leading to his own exile. The conflict is presented in extremely broad strokes.

This positive, national view can also be found in Catholic works from the time. Bolesław Kumor described the same event in similar terms. Duke Bolesław II established contacts with Gregory VII, who allowed him to be crowned so that he would have more allies against the Empire. Their relations turned sour when Bishop Stanisław 'died mysteriously' (Kumor does not say that the king had him killed) but were renewed when Emperor Henry IV began posing a greater threat.[56] According to Kumor, the presence of an (unnamed) legate allowed Bolesław II to

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[53] T. Manteuffel, *Papiestwo i Cystersi*, p. 68.

[54] T. Manteuffel, *Papiestwo i Cystersi*, p. 69.

[55] T. Manteuffel, *Historia Powszechna: Średniowiecze* [*History: The Middle Ages*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1974), pp. 291-294.

[56] B. Kumor, 'Kościół w Polsce w okresie reformy gregoriańskiej' ['The Church in Poland during the Gregorian Reform'] in B. Kumor; Z. Obertyński (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 [*The History of the Church in Poland*] (Poznań: Pallottinum, 1974), pp. 56-57.

win a battle against the emperor over Silesia.[57] But this exposition is problematic. Gregory VII indeed sent legates to Poland, since he was made aware of the weak church structures present in the area, and the small number of bishops and clergy.[58] But this happened in 1075, a year before Bolesław's coronation. Therefore, the king was only crowned after the legates had come to Poland. Bishop Stanisław of Cracow was killed in 1079, in turn. Kumor's analysis is not orientated to nation-building as strictly as Manteuffel's, but is more focused on showing how papal support was what allowed the kingdom to flourish.

After Manteuffel, the most significant ecclesiastical historian was Jerzy Kłoczowski. His career spanned half a century, and his works ranged from short essays to grand syntheses, such as *A History of Polish Christianity,* published in Polish and English in 2000.[59] Kłoczowski's works have shaped the field extensively, but largely in reaction to Marxist and instrumental interpretations of Christianity.[60] One of Kłoczowski's most interesting works is *Młodsza Europa. Europa Środkow-Wschodnia w kręgu cywilizacji chrześcijańskiej średniowiecza* [*Younger Europe. East Central Europe in the Sphere of Medieval Christian Civilisation*], published in 1998. Here, he focused on the exceptional path of East Central Europe into *Christianitas*, which was characterised by the late but complete adoption of the faith, and the overwhelmingly positive impact the religion had on society.[61] Throughout, East Central European exceptionalism is presented as illustrating how, despite its 'late' start, the region became fully integrated into either Latin or Byzantine Christian civilisation. Despite stating that 'the West' will not be taken as normative and acknowledging its own diversity, the analysis of the history of Latin Christianity in Poland, Bohemia, and Hungary in the thirteenth and fourteenth centuries presents the polities as catching up to

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[57] B. Kumor, 'Kościół w Polsce', p. 56.
[58] CDMP.4.
[59] J. Kłoczowski, *A History of Polish Christianity* (Cambridge: Cambridge University Press, 2000).
[60] J. Kłoczowski, *Młodsza Europa. Europa Środkow-Wschodnia w kręgu cywilizacji chrześcijańskiej średniowiecza* [*Younger Europe. East Central Europe in the Sphere of Medieval Christian Civilisation*] (Warsaw: PWN, 1998), pp. 13-14.
[61] J. Kłoczowski, *Młodsza Europa*, pp. 12-16. Here especially Kłoczowski focuses on the processes of Europeanisation, Occidentalisation, and Byzantinisation. He characterises East Central Europe as having joined Europe – both Latin and Byzantine – and thus entered 'Christian civilisation.' For Poland, Bohemia, and Hungary, the entrance into the western, Latin Christian sphere of civilisation had, according to him, profoundly positive consequences. Cf. R. Bartlett, *The Making of Europe*, where religion is not given such primacy, nor is it used to explain all political developments.

Latin Christendom by accepting its culture and customs.[62] The 'stabilisation' of the three kingdoms is presented as a result of the presence of Christianity, yet this is not discussed in terms other than that very presence.[63]

Kłoczowski's approach exemplifies one which takes the Latin Church as necessary for Polish statehood within Latin Europe, perpetuating the idea that Western, Latin Christianity was a norm which was consciously pursued, and thus allowed for the progress along the path that led to the present in which Kłoczowski was writing.[64] Comparison is necessary for histories to provide rich understandings of specific regions or phenomena, accounting for meaningful differences and similarities.[65] But a history whose goal is to provide a relatively straightforward, favourable comparison with places deemed as 'normative' is reductive and does not employ comparison effectively. Nevertheless, Kłoczowski's concrete, if one-sided, examples of how the church influenced society through culture – education, customs, architecture, law, writing – allow this thesis to focus on different aspects of this process – namely the relationship of territories and institutions.

The works discussed above present a broad understanding of the relation between ecclesiastical and lay elites in the more traditional aspects of law, politics, and religious ideology. However, the issue of how territorial and institutional behaviours affected this relationship remains unclear. Other historiographies do address this.

Drawing on a wealth of research on Piast Poland, Paul Knoll focused on the intricacies and dynamics of lay and ecclesiastic politics which allowed for the Kingdom of Poland to be re-established.[66] His focus was a detailed analysis of how lay and religious elites navigated various ideological and territorial conflicts in the first half of the fourteenth century. The end point was the reunification of the kingdom. Similarly, in 1996, Sławomir Gawlas set out to reassess the processes that contributed to the re-establishment of the Polish kingdom,

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[62] J. Kłoczowski, *Młodsza Europa*, pp. 58-69, 72, 77, 183.

[63] J. Kłoczowski, *Młodsza Europa*, p. 98.

[64] J. Kłoczowski, *Młodsza Europa*, pp. 20-21: Kłoczowski presents the European Union as the natural and positive consequence of Latin *Christianitas*.

[65] C. Wickham, 'Problems in Doing Comparative History' in P. Skinner (ed.), *Challenging the Boundaries of Medieval History: The Legacy of Tim Reuter* (Turnhout: Brepols, 2007), pp. 5-28.

[66] P.W. Knoll, *The Rise of the Polish Monarchy,* pp. 1-13.

acknowledging that the existing historiography had been reductionist and teleological, unquestioningly assuming that it was the will of the society that a Polish kingdom be recreated, based on historical precedent.[67] Upon Gawlas's first analysis, which included the documentation of the trials of Bishop Jan Muskata of Cracow (1294-1320) instigated by Archbishop Jakub Świnka, spanning the years 1304-1311, Gawlas concluded that what enabled the reunification of the kingdom was anti-German sentiment resulting from German settlement in Polish lands, alongside an attachment to a patrimonial concept of the state, with emphasis on hereditary law.[68]

However, Gawlas was not satisfied and began his queries once more. The perceptible anti-German sentiments present in the sources and older historiography convinced him that a comparison with German developments of *Herrschaft* (lordship) were necessary.[69] Ultimately, Gawlas concluded that the introduction of German settlement law, which was a territorial law, and its adaptation into the local patrimonial model of statehood created a complex and multi-faceted shape of the state that was supported by various groups – dukes, knights, clergy, and peasants.[70] The meeting of territorial and patrimonial models of statehood facilitated the push for the Polish crown and shaped it accordingly. Gawlas asserted that the shift from personal rule to territorial rule, visible in the Holy Roman Empire and gradually transplanted through small but significant pockets to Polish duchies, could lead to nothing but territorial fragmentation, since the goal of controlling territories and defining boundaries was more achievable when dealing with small units.[71] At face value, this is similar to Robert Bartlett's scheme of European self-colonisation, in which practices and modes of administration and governance, as well as culture, were spread throughout Europe by groups of settlers and colonisers.[72] However, Gawlas demonstrated that the attachment to patrimonial modes of governance and consequent unity altered the concept of statehood so that it was not just simply the

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[67] S. Gawlas, *O kształt zjednoczonego Królestwa: Niemieckie władztwo terytorialne a geneza społecznoustrojowej odrębności Polski* [*On the Shape of a United Kingdom: German Territorial Lordship and the Genesis of the Socio-Political Difference of Poland*] (Warsaw: DiG, 1996).

[68] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. 1-12.

[69] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. 1-12.

[70] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. 95-96.

[71] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. v, 8-9, 63.

[72] R. Bartlett, *The Making of Europe*, pp. 1-4.

Landesherrschaft (territorial lordship) seen in the Holy Roman Empire.[73] In passing, Gawlas also alluded to ecclesiastical attitudes toward lordship, which also included a territorial understanding of *Herrschaft*.[74]

In 2001, Tomasz Pietras wrote a biography of the same Jan Muskata, designed to be a reassessment of the prelate's episcopate, which until that point had been cast mostly in negative terms.[75] Muskata had been presented as a traitor to the Polish cause by virtue of his German background and sympathies and close alliance with Wenceslaus II of Bohemia and (successful) claimant to the Polish throne. Countering this trend, Pietras analysed Muskata's actions as set in the political realities of his life, as far as they could be reconstructed, and argued that the bishop's actions and choices were not inherently anti-Polish, but aimed at strengthening the position of his diocese and properties in light of contemporary dynamics.[76] Taken together with Gawlas's work on the influence of German schemes for territorial government, Pietras's biography of Muskata is an important contribution to analyses of clerics' roles in Polish medieval politics. It also highlights that the unity of the Polish episcopate was not a given, but something which needed to be negotiated and implemented – not always successfully.

According to Pietras, Muskata's behaviour was not so much against 'inherent' Polish interests, as for the interests of Cracow itself. However, comparing his biography with Wojciech Baran-Kozłowski's 2005 biography of Archbishop Henryk Kietlicz, the limitations of approaching the history of clerics through the prism of state-making becomes apparent. Kietlicz was archbishop at a time of very different political turmoil, but his activities bear some resemblance to Muskata's, especially as the sources left behind for both protagonists tell us more about the political rather than ecclesiastical nature of their lives. Baran-Kozłowski stated in the outset of his work that while Kietlicz's actions were meant to strengthen the position of the church in Poland, by doing so they contributed

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[73] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. 81-85.
[74] S. Gawlas, *O kształt zjednoczonego Królestwa*, pp. 75-76. This approach is used in this thesis to gain a better understanding of the effects of such behaviour on the institution of the church.
[75] T. Pietras, „*Krwawy Wilk z Pastorałem" Biskup Krakowski Jan zwany Muskatą* ['*The Bloody Wolf with a Crozier' Bishop of Cracow Jan called Muskata*] (Warsaw: Semper, 2001).
[76] T. Pietras, „*Krwawy Wilk z Pastorałem"*, pp. 1-13.

to the decentralisation of the polity.[77] Clearly, Baran-Kozłowski took the point of view of the polity/kingdom/state in analysing the life of Kietlicz. After all, from an ecclesiastical point of view, the efforts of bishops to secure territorial rule over lands that belonged to them were in fact efforts at centralisation. Whether these efforts were consistent is an important question: we must be wary of assuming constant consensus and unity among the Polish episcopate, especially when it presented itself as one social group.

The brief summary of these historians' contributions sets out the parameters of this thesis and situates it within existing Polish historiography. This thesis takes the actions of different ecclesiastical layers and analyses how territorial conceptions of papal, episcopal, regular power and existence influenced their own institutions, in an inward-looking way. These developments did not take place in a vacuum, and happened in relation to lay politics. Nevertheless, they must be studied on their own terms, rather than solely within greater schemes of Polish political history. Ecclesiastical bodies, with distinct ideologies and sources of authority, had their own goals. The fact that clerics were also members of the political elites, and could therefore sometimes pursue divergent goals, complicates this matter, but does not render it impossible to study. Looking at different forms of territoriality helps separate the two goals.

The rationales for these works as given by their respective authors reinforce the necessity of this thesis. Gawlas sketched the unquestioned assumptions employing modern categories of statehood and nation on the re-establishment of the Polish crown in 1320, which presented medieval society as possessing one will of nationhood. In response, he outlined how the processes were actually results of differing ideas of contemporary statehood. (Interestingly, the coronation of Przemysł II in 1295 and Wenceslaus II in 1300 do not figure substantially in his work.) Pietras, informed by Gawlas's work and generally questioning the anti-German bias of many past works of history (for him explained by the traumas of the eighteenth, nineteenth, and twentieth centuries), set to reassess the episcopate of the 'infamous' Jan Muskata. He did so by attempting a contemporary understanding of the bishop's actions, rather than one which

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[77] W. Baran-Kozłowski, *Arcybiskup gnieźnieński Henryk Kietlicz*, pp. 7-17.

assumed Polish versus German interests. Lastly, Baran-Kozłowski similarly attempted to recast another, earlier prelate, Henryk Kietlicz. However, his work focused on the lay, political significance of Kietlicz – not without reason. The nature of Kietlicz's episcopate, which focused on regulating the position of the Polish church vis-à-vis lay powers, had profound political dimensions. But the perspective taken by Baran-Kozłowski – that the episcopate must be analysed ultimately in secular terms – is reductionist, because Kietlicz's actions also had profound effects on ecclesiastical history.

We therefore see the complexity of the problem, but also a potential solution. Gawlas's approach to ducal and royal territorial governance can equally be applied to the church through looking for signs of contemporary notions of ecclesiastical governance as developing in response to their lay context. By doing so, we will be able to assess how territorial notions of the church shaped its institutions. This helps combat the weaknesses present in Pietras's and Baran-Kozłowski's works, which focus almost solely on politics and state-making.

The church existed in a polity that had territorial and institutional goals. But it brought to these its own notions of territoriality and governance. Lay and ecclesiastical notions were in dialogue with one another, but they must not be treated solely as parts of the same development to avoid repeating teleological national narratives. Moreover, ecclesiastical modes of governance could themselves vary. However much the religious and political elites were intertwined, and however much politics bled into the religious life of the papacy and episcopate (not to mention regular orders), they remained distinct institutions through their adherence to distinguishing norms. The episcopate did not always behave uniformly, but it largely subscribed to the same norms and rules, and as we will see, was able to act in unison to further its shared goals.

Drawing on the works of Gawlas and Baran-Kozłowski, the position of the clergy within the Polish polity can be elucidated further. Gawlas acknowledged that the shared memory of the Piast kingdom of Poland played a role in bringing the institution back in the late thirteenth century. However, he argued against treating this memory as the major factor. Baran-Kozłowski highlighted the decentralising nature of the episcopate *for the Polish polity*. But what needs to be

remembered is the territorial unity of the ecclesiastic province and the cohesion of the episcopate as a social group. Considering the fragmented political nature of the polity, the ability of the episcopate broadly to work together is important to note. Therefore, while the episcopate's actions may not have been 'centralising' for the kingdom, they did provide a model for territorial unity which echoed the historical Piast kingdom. Ecclesiastical territorial institutions were arguably more important for the eventual reconstitution of the kingdom than any regnal imaginary, though this role must be studied cautiously.

To overcome the issues identified above – mainly the conflicting accounts of Poland's place within Christendom and the emphasis on state-making – this thesis draws heavily on useful specialist literature. Older works on the papacy, such as those of Geoffrey Barraclough, assumed that popes were capable of effective, almost personal rule of Christendom through decrees and close involvement in the provision of prebends and benefices throughout Latin provinces.[78] However, more recent analysis of the documents which enacted these changes has illustrated that the dynamic was much more reliant on the other interested parties – bishops, abbots, petitioners – requesting specific actions to be taken by the papacy, as outlined by Thomas W. Smith in his review of the scholarship.[79] This view of the papacy as a 'rescript government,' present in varying degrees in the works of Robert Brentano, Colin Morris, Brett Whalen, and David d'Avray among others, has been widely accepted.[80] The papacy did not have the financial, coercive, or administrative means, or enough knowledge of the localities, to rule them directly. Moreover, (archi)episcopal powers and authority were protected by canon law, and therefore popes, even if proclaiming plenitude of power – *plenitudo potestatis* – could not rule the church absolutely.[81]

This model of rescript government has been taken up not only by scholars of western polities, (e.g. Barbara Bombi in her studies of Anglo-papal relations,

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[78] G. Barraclough, *The Medieval Papacy* (London: Thames and Hudson, 1972), pp. 63-117; *Papal Provisions: Aspects of Church History Constitutional, Legal and Administrative in the Later Middle Ages* (Westport: Greenwood Press, 1971), pp. 1-5.

[79] T.W. Smith, 'The Development of Papal Provisions in Medieval Europe' *History Compass* 13:3 (2015), 110-121.

[80] R. Brentano, *Rome Before Avignon: A Social History of Thirteenth-Century Rome* (London: Longman, 1974), pp. 73-74, 82, 139; C. Morris, *The Papal Monarchy*, pp. 207-217; B.E. Whalen, *The Medieval Papacy*, pp. 111-123; D. d'Avray, 'Stages of papal law', pp. 37-59.

[81] K. Pennington, *Pope and Bishops*, pp. 2-7.

Paul Ferguson in his studies of papal envoys active in Scotland, or Benedict Wiedemann in a wider scope), but also by Antonín Kalous working on Bohemia and Anti Selart working on the Baltic Coast. [82] It is crucial, however, to think about how the papacy used this rescript form of governance to establish its authority and enforce its own vision of how such petitions should be answered. While a bishop in Poland or Burgundy might have presented a specific issue to the pope, and even suggested a resolution, the pope could have responded in an independent way, or even added unexpected provisions to his decision. Therefore, this thesis will provide Polish examples to test the model of the papacy as a rescript government reliant on cooperation, all the while paying attention to instances where the papacy, or papal envoys, acted pursuing their own agenda or policy.

Related to this are the discussions of the transformations of power structures and their exercise argued by Robert Moore and Thomas Bisson. Moore portrayed the twelfth century as a time when political, social, and economic bonds and structures were revolutionised through more invasive and intense forms of exercising lordship, supplemented by a developing administration based on literacy and the spread of common social norms.[83] Bisson focused on the experience of power and lordship, arguing that that the twelfth century saw a transformation in the exercise and experience of power throughout Europe, with lords – ecclesiastical and lay alike – becoming more present and tangible to their subjects by judicial, fiscal, and coercive means that were becoming increasingly routinised and removed from personal bonds.[84] Both historians alluded to similarities in the exercise of papal and episcopal or abbatial lordship in their discussions. While arguing from very specific (French and Catalan, respectively)

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[82] B. Bombi, *Anglo-Papal Relations in the Early Fourteenth Century: A Study in Medieval Diplomacy* (Oxford: Oxford University Press, 2019); P. Ferguson, *Medieval Papal Representatives in Scotland: Legates, Nuncios, and Judges-Delegate 1125-1286* (Edinburgh: The Stair Society, 1997); B. Wiedemann, *Papal Overlordship and Protectio of the King, c.1000-1300,* PhD Thesis, University College London, 2017; A. Kalous, *The Late Medieval Papal Legation: Between the Council and the Reformation* (Rome: Viella, 2017); A. Selart, 'Popes and Livonia in the First Half of the Thirteenth Century: Means and Chances to Shape the Periphery' *The Catholic Historical Review*, 100:3 (2014), pp. 437-458; A. Selart, *Livonia, Rus' and the Baltic Crusades in the Thirteenth Century*, trans. F. Robb (Boston, Brill, 2015).
[83] R.I. Moore, *The First European Revolution*, pp. 1-51.
[84] T.N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009), pp. 1-21.

source-bases, their conclusions about the dynamics of how the clergy behaved as lords inform the analysis of the Polish case.

Moore's and Bisson's conclusions about a sociology of administrative development and power serve as examples to think with when looking at Poland, creating a blueprint for moving beyond narratives of normativity and core-periphery relations present in many comparative histories. Chris Wickham engaged with the challenges but also necessities of comparative approaches to histories, arguing that without comparison, historians risk treating prevalent or common practices as exceptional.[85] In this vein, Nora Berend has shown how assumptions of 'Western' normativity of medieval politics distort our assessment of East Central Europe.[86] These broad problems are exemplified in Emilia Jamroziak's narrower focus on the Cistercians. Jamroziak has shown how, if one takes what we would call a 'multi-national' or 'transnational' organisation – such as the Cistercian order – but study it with only specific areas in mind, then any deviation stemming from the very nature and make-up of the institution will be seen as anomalous, rather than an integral part of the whole.[87] This thesis contributes to these trends, mindful of the biases present in past works and acknowledging the inherent challenges of comparative study.

At a more detailed level, several interpretative frameworks have proved especially helpful in what follows. Ian Forrest's study of the institutionalisation of the church focusing on practices and relationships between different groups and layers within 'the church' helps identify these in the Polish case.[88] As Forrest argues, institutions are organisations and formal bodies, but they are also their behaviours and modes of acting, as well as the relationships of the people involved. Forrest's approach reminds us of the expediency of tracing repeated behaviours or implicit rationales alongside tracing self-conscious pronouncements of intent or reasoning, as carried out by clergy and laity alike.

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[85] C. Wickham, 'Problems in Doing Comparative History', pp. 5-28.
[86] N. Berend, *At the Gates of Christendom: Jews, Muslims, and 'Pagans' in Medieval Hungary, c. 1000-1300* (Cambridge: Cambridge University Press, 2001); (ed.) *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe, and Rus', c. 900-1200* (Cambridge: Cambridge University Press, 2007); (ed.) *The Expansion of Central Europe in the Middle Ages* (Farnham: Ashgate, 2012).
[87] E. Jamroziak, *The Cistercian Order in Medieval Europe, 1090-1500* (London: Routledge, 2013), pp. 1-12, 43-91.
[88] I. Forrest, 'Continuity and Change', pp. 185-197; *Trustworthy Men*, pp. 1-7.

The institutionalisation of the Polish church was the situating of these within a territorial setting.

This contextualisation is informed by works that explicitly look at the spatial exercise of ecclesiastical power. Florian Mazel's study of the grounding of French episcopal power and diocesan government in the increased spatial awareness and concern of bishops and those inhabiting their lands creates in this thesis the foundations for tracing how administrative and pastoral practices were influenced by the territoriality of those performing them.[89] Michel Lauwers illustrated how this was solidified through litigation over boundaries.[90] Hans-Joachim Schmidt's assertion that the church united an otherwise divided Europe is useful as a method for analysing if and to what extent the institutions of the Polish church allowed for the Polish polity to develop and thrive.[91] Mazel's and Schmidt's conclusions seem to contradict one another at first reading, since the former traces the fragmentation of lordships while the latter argues for their unity. However, their conclusions are based on analyses of different layers of ecclesiastical practices: Mazel (and Lauwers) looked at individual dioceses while Schmidt analysed Christendom as a whole. This thesis will argue that a combination of the two approaches allows for important conclusions to be made not just about the church in Poland, but also in relation to Christendom more widely. Schmidt sought the overarching presence of the widely-accepted authority of the clergy, while for Mazel the clergy functioned within society. The works indicated above, as well as others, will be discussed in more depth in the relevant chapters.

To summarise, past preoccupations with the medieval Polish church focused on political relations with secular rulers with the aim of tracing how these contributed to the creation of the Polish nation-state. This thesis's contribution is quite different. It argues that thinking about territory provides insights into the co-determination of religious and lay institutions. First, much of the clergy's activities

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[89] F. Mazel, *L'évêque et le territoire*, pp. 15-30.
[90] M. Lauwers, 'Territorium non facere diocesim… Conflits, limites et représentation territoriale du diocese (Ve-XIIIe siecle)' pp. 35-47 in F. Mazel (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008), pp. 23-65.
[91] H.-J. Schmidt, *Kirche, Staat, Nation: Raumgliederung der Kirche im Mittelalterlichen Europa* (Weimar: Verlag Hermann Böhlaus Nachfolger, 1999).

were directed inwards and should be studied on their own terms, rather than as part of teleological process of nation- and state-building. Second, at the other extreme of such an approach, it must be remembered the relations between the clergy and the laity were not necessarily always antagonistic, as many historians would have it. Nor was the clergy, nor even the episcopate or Dominican Order, always a consensual group. The struggle between 'church' and 'state' that Abraham or Kłoczowski discussed were in fact acute episodes of conflict over concrete issues. We need to think of the 'church' and 'state' more in terms of two semi-permeable institutions sharing a space: competition should be expected, but so should cooperation.

Finally, the aim of this thesis is the recreation of the spatial imagination and its understanding and use by our protagonists. Thus far, the spaces of the medieval Polish church were cast through the frames of nation-building or western normativity, taking modern ethnic/national models and an inherent 'catching up' process as defaults. Tracing how the papacy, episcopate, religious orders, or lay rulers treated what they imagined the territories of the Polish church were lends itself to accessing contemporary notions. The uneasy task of placing the medieval church within its society on its own terms, but not assuming it existed in a vacuum, is therefore what this thesis seeks to do.

Part I – The Papacy in Poland

Chapter One: The Papacy and Poland

Introduction

This thesis traces how ecclesiastical space was conceptualised, created, and articulated in Poland. The papacy was an important agent in this process and is the focus of Part One. This chapter begins with the concurrent pontificate of Innocent III (1198-1216) and episcopate of Archbishop Henryk Kietlicz of Gniezno (1199-1219), which saw a wide-ranging reform programme for Polish ecclesiastical institutions. Their cooperation set out a lasting framework for expressing and exercising territorial power in Poland's ecclesiastical spaces. It set the context for direct papal involvement in Poland, followed by the employment of legates and nuncios discussed in Chapter Two. Local negotiations of authority and space, covered in Part Two, were also affected by this.

The decrees of Innocent III and Kietlicz are distinctive as they created a comprehensive territorial and institutional agenda to be followed in the province. This framework's application will be analysed in terms of two important papal institutions – crusading and inquisitorial tribunals. The aims of Innocent III's and Kietlicz's work will be interrogated through an analysis of how the papacy negotiated crusading in Poland, and how the inquisition was set up, keeping local input and involvement at the foreground of the discussions. These are well-studied topics of European history. My aim here is to explore them in relation to their territorial implications. Poland provides a useful case study. Moreover, crusading and the inquisition draw out the intersections between local Polish ecclesiastical and political territories and 'supranational' institutions beyond the papacy – the Dominican and Teutonic Orders – allowing us to explore the appropriateness of thinking about the church in Poland as identifiably *Polish.*

This chapter argues that the intense cooperation of Innocent and Kietlicz laid the foundations for how the papacy interacted with Poland in the following century and a half, both remotely and through envoys *in situ*. This cooperation had two results. First, it provided a framework for the Polish episcopate to pursue a clear 'policy' vis-à-vis lay powers, grounded in territorial governance and

jurisdiction, all the while solidifying the papacy's role as the source and protector of that position.[1] This resulted in the large number and preeminent position of papal legates throughout the rest of the thirteenth century, who strengthened the episcopate's position on the ground. Second, because this function was discharged by legates, popes could focus on crusading and combatting heresy more effectively than had either just popes or just legates been in charge of all matters. These, when viewed in the context of Innocent's and Kietlicz's initial work, further elaborated papal and local understanding and changing of territories, through the introduction of new institutional practices.

This study is important because it feeds into the ongoing re-evaluation of how the medieval papacy functioned by taking account of an under-studied area, employing both institutions and territories conceptually to revisit sources that have received little recent attention. The first focus of this re-evaluation is the extent of 'rescript' papal governance in the High Middle Ages.[2] The aim is to read into the papacy's reactive behaviour with an eye for papal initiative, as well. As will be demonstrated below, the content and phrasing of the decrees issued by Innocent III show how he used Kietlicz's position to strengthen his own.

The second focus of this chapter is a criticism of the 'core-periphery' relationship often projected between the papacy and with 'marginal' territories such as Poland (and the relations Poland had with 'core European' polities). Treating the papacy as 'core' and other areas as peripheral risks assuming the papacy held tangible 'power' within that core in the form of immediate lordship, to use Thomas Bisson's terms, obscuring the flexible and adaptable nature of the governance the papacy carried out throughout Christendom.[3] By conceptualising the papacy as (mostly) a rescript government, *any* area it interacts with becomes a periphery. When the papacy is considered the core of Christendom, all areas

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[1] 'Policy' is here understood as a set of identifiable goals that were pursued with some discernible consistency, as shown in e.g. M.T. Clanchy, 'Did Henry III Have a Policy?' *History* 53:178 (1968), pp. 203-216; K.B. McFarlane, 'Had Edward I a 'Policy' Towards the Earls?' *History* 50:169 (1965), pp. 145-159.

[2] R. Brentano, *Rome Before Avignon: A Social History of Thirteenth-Century Rome* (London: Longman, 1974), pp. 73-74, 82, 139; C. Morris, *The Papal Monarchy: The Western Church from 1050-1250* (Oxford: Clarendon Press, 1989); B.E. Whalen, *The Medieval Papacy* (Basingstoke: Palgrave Macmillan, 2014); D. d'Avray, 'Stages of papal law' *Journal of the British Academy,* 5 (2017), pp. 37-59.

[3] T.N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009), pp. 85-95.

that accepted the Bishop of Rome's supreme authority should be considered peripheries. Therefore, differences present in Poland and German and England and France are all part of a continuum of practice.

A succinct illustration of this is the topic of universal church councils hosted by popes, crucial in the creation and articulation of Christendom's territories. Jeffrey M. Wayno's research on the 1215 Lateran reforms and their implementation in England and Germany shows that annual provincial synods mandated by the papal council did not take place either in Germany or in England.[4] Danica Summerlin has similarly shown that the spread and reception of the decrees of previous Lateran councils was inconsistent and untimely.[5] Polish histories of church reform and conciliarism tend to state that synods in Poland were never as regular as they were in the west of Christendom because of Poland's 'peripheral' status,[6] or, alternatively, that we can safely assume that if it had been decreed that they must take place regularly, they did.[7] Combined with studies such as Wayno's or Summerlin's, a re-evaluation of Polish-papal relations allows us to better understand the institution, without assumptions that Poland need be compared with 'normalised' Western neighbours, assumed to be 'better' in their practice of Christianity. No province of the Latin Church was ideal, and focusing on the dynamics of asserting and exercising papal authority and legislation in Poland will enrich our understanding of Polish-papal history more so than hypotheses about how Poland compared to an imagined ideal.

What is useful is the search for different types of territoriality as negotiated by the papacy in Poland. Hans-Joachim Schmidt posited that ecclesiastical

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[4] J.M. Wayno, 'Rethinking the Fourth Lateran Council of 1215' *Speculum*, 93:3 (2018), pp. 611-637.

[5] D. Summerlin 'The reception and authority of conciliar canons in the later-twelfth century: Alexander III's 1179 Lateran canons and their manuscript context' *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 131 (2014), pp. 112-131.

[6] J. Szymański, 'Biskupstwa polskie w wiekach średnich. Organizacja i funkcje' ['Polish Bishoprics in the Middle Ages. Organisation and Functions'] in J. Kłoczowski (ed.), *Studia nad historią Kościoła Katolickiego w Polsce* vol. 1 [*Studies on the History of the Catholic Church in Poland*] (Cracow: Znak, 1966), pp. 175-177.

[7] B. Kumor 'Walka o „wolność Kościoła" w Polsce' ['The Fight for the 'Liberty of the Church' in Poland'] in B. Kumor; Z. Obertyński (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 [*The History of the Church in Poland*] (Poznań: Pallottinum, 1974), pp.107-122; A.Z. Helcel, 'Zbiór statutów synodalnych polskich powszechnych w prowincji gnieźnieńskiej' ['Universal Polish Synodal Statutes in the Gniezno Province'] in *Starodawne Prawa Polskiego Pomniki* [Monuments of Old Polish Law] Vol. 1, ed. A.Z. Helcel, (Warszawa: Księgarnia Gustawa Sennewalda, 1856), pp. 331-342.

hierarchies and institutions provided unity for a society otherwise fragmented by competing political and economic aspirations.[8] This is visible in the way that the papacy projected its crusading and missionizing, as well as inquisitorial models for behaviour in the Polish province. But for these to be possible, ecclesiastical territories and the concern over their boundaries and the remit of religious as well as lay officials' powers within them needed to be established.[9] This is more in line with the administrative and pastoral practices that increased the spatial awareness of bishops concerned with effectively operating within their territories to reach their inhabitants as described by Florian Mazel.[10]

I.1. Innocent III and Henryk Kietlicz

Innocent III's active involvement in Poland began with the visit of Archbishop Henryk Kietlicz to Rome in 1207, following the exile he was forced into by Duke Władysław Laskonogi (c.1166-1231, *Spindleshanks*).[11] Many comparisons have been drawn between Innocent and Kietlicz: concurrent offices, dedication to reform, a presumed high level of education.[12] Although the details of Innocent's formal legal education are unknown, historians agree that his theological and legal formation combined with his youth and ambition pushed the papacy towards unprecedented activity and power.[13] Similarly, we do not know the details of Kietlicz's education, but historians agree that his actions and *acta* reflect a familiarity with canon law, reforms introduced at the Third Lateran Council in

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[8] H.-J. Schmidt, *Kirche, Staat, Nation: Raumgliederung der Kirche im Mittelalterlichen Europa* (Weimar: Verlag Hermann Böhlaus Nachfolger, 1999), pp. 11-29.

[9] Equally, the establishment of a crusading 'apparatus' or inquisitorial tribunals could contribute to these territories' consolidation.

[10] F. Mazel, 'Introduction' in F. Mazel (ed.) *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008), pp. 12-19.

[11] W. Baran-Kozłowski, *Arcybiskup gnieźnieński Henryk Kietlicz (1199-1219)* [*Archbishop of Gniezno Henryk Kietlicz (1199-1219)*] (Poznań: Wydawnictwo Poznańskie, 2005), pp. 94-96.

[12] J. Wyrozumski, 'Kościół i społeczeństwo polski w świetle bulli papieża Innocentego III' ['Polish Church and Society in Light of Innocent III's bulls'] in R. Michałowski (ed.), *Człowiek w Społeczeństwie Średniowiecznym* [*Man in Medieval Society*] (Warszawa: DiG, 1997), pp. 109-118.

[13] K. Pennington, 'I: The Legal Education of Pope Innocent III' and 'II: Further Thoughts on Pope Innocent III's Knowledge of Law' in *Popes, Canonists and Texts, 1150-1550* (Aldershot: Variorum, 1993); J.E. Sayers, *Innocent III: Leader of Europe 1198-1216* (London: Longman, 1994), pp. 10-22.

1179, and Innocent's own goals percolating through Christendom.[14] In both cases, the potential lack of formal legal and/or theological education were of no detriment to the effective use of both during Innocent's pontificate and Kietlicz's episcopate.

The papal letters that we have from Kietlicz's stay at the Curia in January 1207 form a concentrated, comprehensive plan for the reform of the Polish church. These letters were drafted with considerable input from Kietlicz, which was based on his struggles with Władysław Laskonogi and eventual exile. But at the same time, the fact that Innocent participated in their creation tells us that he was eager to enact changes in Poland under papal auspices. We must also bear in mind, following Patrick Zutshi's work, that we can seldom be sure of the extent of the pope's direct involvement in the production of papal letters.[15] 'Reform' was a means of asserting papal authority. As will be seen, the changes introduced were manifestations of Innocent III's vision to restrict lay influence and jurisdiction over ecclesiastical institutions. It may be the case that this vision was more thoroughly enacted in Poland than elsewhere. Free, capitular episcopal elections serve as one example. In the case of England, Innocent did not attempt to outlaw the practice of securing the king's licence to hold episcopal elections and the requirement for royal assent of the bishop-elect.[16] However, in Poland, such lay involvement was not sanctioned by the papacy.[17] Therefore, looking at Innocent's actions in Poland, I will be analysing to what extent he was aiming to further papal/ecclesiastical powers in Poland, and looking at what circumstances allowed him to do so that may differentiate Poland from other regions.

Innocent's and Kietlicz's efforts in Rome were crucial to the formation of an identifiable ecclesiastical territory, contingent on their respective goals and policies. Kietlicz was in Rome in an attempt to gain support in a protracted political war taking place in his province. He used his position as metropolitan to secure

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[14] K.R. Prokop, *Arcybiskupi Gnieźnieńscy w Tysiącleciu* [*Archbishops of Gniezno in the Millenium*] (Cracow: Akademia Umiejętności, 2000), pp. 58-60.

[15] P. Zutshi, 'The Personal Role of the Pope in the Production of Papal Letters in the Thirteenth and Fourteenth Centuries' in W. Pohl; P. Herold (eds), *Vom Nutzen des Schreibens: Soziales Gedächtnis, Herrschaft und Besitz im Mittelalter* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2002), pp. 225-236.

[16] K. Harvey, *Episcopal Appointments in England, c. 1214-1344: From Episcopal Election to Papal Provision* (Farnham: Ashgate, 2014), p. 141.

[17] Chapter Four, pp. 183-199.

ecclesiastical territories, but also assert his position over his suffragans with papal backing. This was presented within the discourse of wider ecclesiastical reform pursued by Innocent III. The disunited secular political setting for Innocent's and Kietlicz's actions enabled the pursuit of a jurisdictionally well-defined ecclesiastical territory in which Gniezno (re)established its metropolitan position as a source of authority for the Polish province.

I.1.1. Creating Ecclesiastical Territories – 1207 Corpus of Papal *Acta*

Innocent's first letter from 4 January 1207, *Quoniam in polonie,* was addressed to the laity. In a short, terse note, the pope informed the dukes of Poland that he had come to know that they often intervened in the appointments of bishops, and that other unsuitable people took part in these deliberations; on pain of excommunication, the dukes were commanded to ensure that cathedral chapters hold their elections freely:

> To all the dukes in Poland. Since, as we learned, some people in parts of Poland rage in excessive insolence at the liberty of the church, themselves usurping the elections of prelates through clerics who ought not to celebrate them, we admonish you and encourage by apostolic script on pain of anathema that you should not try to usurp undue power by these elections, and that you should let canons or clerics who [are allowed to], to celebrate these; you must act with your power against the thoughtlessness of whoever who is subject to your jurisdiction who rashly presumes to act against this apostolic inhibition. Given in Rome at Saint Peter's on 4 January, in the ninth year [of our pontificate].[18]

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[18] 'Universis ducibus in Polonia constitutis. Quoniam in Polonie partibus aliquorum, ut accepimus, insolentia nimis in libertatem ecclesiasticam debacchatur, qui sibi electiones presulum usurpantes, per clericos ad quos pertinent non sinunt eas canonice celebrari, universitatem vestram monemus attentius et hortamur per apostolica scripta sub interminatione anathematis inhibentes, ne in electionibus ipsis quidquam vobis usurpare temptetis indebite potestatis, sed potius permittatis easdem a canonicis sive clericis ad quos spectant tam canonice quam libere celebrari; quoslibet vestre iurisdictioni subiectos, qui contra inhibitionem apostolicam quidquam temere presumpserint attentare, a temeritate sua potestate vobis tradita compescentes. Datum Rome apud sanctum Petrum secundo Nonas Ianuarii, anno nono.*'* CDMP.41 (Potthast.2949). NB: references to Potthast or Pressutti will be given only in the first instance in each chapter.

On the same day, a separate letter, *Interrogamus te,* was addressed to Władysław Laskonogi and condemned his behaviour against the clergy in his duchy.[19] Innocent started by recounting what Kietlicz had told him transpired in Poland: the duke attacked the church's properties and attempted to give out church prebends to his favourites, which Innocent stated was against local custom. Laskonogi did not heed Kietlicz's excommunication, and continued sacking the cathedral, taking its treasures and imprisoning clerics. Since the duke had already been excommunicated by the archbishop, the pope did not 'renew' this excommunication. He stressed that Laskonogi needed to change his ways, repent, return ecclesiastical properties, free any imprisoned clerics, and agree to let Kietlicz confer the church's prebends himself.

Two things are evident in *Interrogamus te.* First, it was Innocent's understanding that the prebends of the church (at least in Gniezno) were not to be dispensed by the duke or any layperson. This is noteworthy, as in many places, some prebends fell under the *ius patronatus* of the laity.[20] It is unclear whether this exception was just meant for the cathedral church, or in general. Nevertheless, Innocent specified that this was a Polish ecclesiastical custom that the duke needed to respect. Let us keep this in mind for later developments.

The second noteworthy aspect of this letter is the procedure. Rather than appoint judges-delegate to investigate the situation in Poland and the actions of Laskonogi, Innocent took Kietlicz's word for what had happened in Poland and trusted him to resolve all the issues that had transpired upon his return to his homeland.[21] This gave no room for Laskonogi to defend his actions before papal judges. This expediated process has led historians to paint the relationship between Innocent and Kietlicz as strong, direct, and trusting.[22] This cannot be proven. But such a response signals that an immediate and decisive response to

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[19] CDMP.42 (Potthast.2948).

[20] S. Wood, *The Proprietary Church in the Medieval West* (Oxford: Oxford University Press, 2006), pp. 1-11; W. Abraham, *Początki prawa patronatu w Polsce* [*The Beginnings of the Law of Patronage in Poland*] (Lviv: Przegląd Sądowy i Administracyjny, 1889), pp. 1-52.

[21] Honorius III did this in 1224, when the monastery of Trzemeszno accused the archbishop and chapter of Gniezno of harassing the monastery over one of their prebends in his church; CDMP.115; H. Müller, 'Legates and Judges-Delegate' in K. Sisson; A. Larson (eds), *A Companion to the Medieval Papacy: Growth of an Ideology and Institution* (Leiden: Brill, 2016), pp. 210-219.

[22] J. Wyrozumski, 'Kościół i społeczeństwo', pp. 109-118.

the actions of Laskonogi was deemed appropriate at this point. Kietlicz must have made a strong case.

It is important to sketch the reasons for Kietlicz's grievances against Laskonogi more broadly to understand this response. At the time of Kietlicz's visit at the Curia, Laskonogi was involved in a protracted conflict over the principal seat of the Polish duchies, Cracow. When the Piast kingdom had been split by Bolesław Krzywousty (1086-1138, *the Wrymouth*) in 1138, the rule of seniority was to decide which of his sons was to be the *princeps* controlling Cracow. This system lasted until the death of Mieszko Stary (b.1122, *the Old*) in 1202. Various Polish dukes then waged war to capture Cracow. Innocent III first became involved in this conflict by taking Leszek Biały (c.1184-1227, *the White*) under his protection as ruler of Cracow in 1207, ignoring the rule of seniority.[23] As Leszek Biały was not the eldest of the Piasts, his rule was constantly questioned and the Polish duchies were embroiled in on-and-off wars, with Laskonogi and Władysław Odonic (c.1190-1239, *son of Odon*) as the main contenders.[24] Moreover, Innocent did not specify that Leszek's rule of Cracow was equated to his status as *princeps.* Kietlicz and a majority of the episcopate sided with the weaker and younger Duke Władysław Odonic, whom they perceived to be pliant when it came to ensuring ecclesiastical liberties.[25] Thus, the opposition to Laskonogi was formed. Support was sought at the Curia, and since Laskonogi was known to have harmed the church, it was given.[26] This may have been the reason for equipping Kietlicz with immediate authority to punish Laskonogi, rather than extend the process by appointing judges-delegate. Innocent acted to ensure that Polish rulers respected the distinction of ecclesiastical territories and their protected status. Again, let us keep this in mind for later, when the varying conceptions of Polish territories will be addressed.

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[23] CDM.5 (Potthast.2956).

[24] K. Witkowski, *Władysław Odonic książę wielkopolski (ok. 1190-1239)* [*Władysław Odonic Duke of Greater Poland (c.1190-1239)*] (Cracow: Societas Vistulana, 2012), pp. 35-50. For an English sketch, see N. Berend; P. Urbańczyk; P. Wiszewski, *Central Europe in the High Middle Ages: Bohemia, Hungary, and Poland, c.1000-1350* (Cambridge: Cambridge University Press, 2013), pp. 172-176, 418-425.

[25] K. Witkowski, *Władysław Odonic*, pp. 35-52.

[26] This draws parallels to Innocent's involvement with the election of the Holy Roman Emperor with the decretal *Venerabilem*, B. Tierney, *The Crisis of Church & State 1050-1300* (Englewood Cliffs: Prentice-Hall, 1964), pp. 127-138; X 1.6.34.

This problem was followed up on 10 January, when Innocent issued *Si quecunque,* addressed to the Polish dukes, forbidding them from occupying vacant ecclesiastical possessions, and explicitly forbidding lay influence over episcopal sees.[27] The pope stated that even if the dukes were well-meaning, it was the responsibility of cathedral chapters to take care of the possessions of the church, not laymen. This was clearly to prevent lay abuses and accumulation of wealth that would otherwise go to serve the church. This decree came after two centuries of deliberations of how lay lordship and patronage over ecclesiastical foundations could be exercised.[28] It shows the accumulation of attempts throughout the twelfth century to ensure the minimal, regulated influence of the laity.

Accordingly, Innocent's 10 January privilege *Ideo sumus* stipulated that no layperson could fill vacant episcopal benefices in the Gniezno diocese or all of Poland, as this contravened canon law.[29] The content is striking. Although this was no blanket statement (since the benefices protected from lay patronage were those belonging to the episcopal sees), this was still an extremely powerful privilege. It protected the most important churches in Poland from lay interference. It was not an outright revocation of the *ius patronatus,* since the posts in collegiate or parish churches were still under the remit of their patrons, clerical or lay. But this was an important provision for the episcopate, giving it practical means for ensuring the distinction of ecclesiastical territories from lay influences. Benefices belonging to cathedral chapters or episcopal *mensae* would be outside the influence of lay lords. This would distinguish these territories from others, but also strengthen the institution of the secular clergy. For one, membership in cathedral chapters, which was based on these benefices, would not be controlled by laymen, helping establish a more self-defined social group within the province. This could prevent overt lay influence on episcopal elections. As Chapter Four will show, this was an important aspect of how the episcopate functioned in Poland. As lay lordship over the episcopate and clergy was curbed

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[27] CDMP.60 (Potthast.2974).
[28] See generally S. Wood, *The Proprietary Church*, pp. 864-921.
[29] CDMP.57 (Potthast.2972).

(formally at least), the episcopate could focus on self-regulation and an internal focus on its properties.

In another 4 January letter, Innocent III addressed a different aspect of Polish religious territoriality – the collection of tithes – in *Si cuiquam ex vobis* addressed to all dukes in Poland.[30] As the pope was informed, the dukes interfered with the effective collection of tithes by their ecclesiastical owners, and often prevented their collection altogether. Warning the dukes that this was theft warranting God's punishment, Innocent mandated that they cease hindering the collection of the church's dues. This issue was further elaborated in *Inter ceteros molestiarum,* addressed to Kietlicz himself, which exhorted the archbishop to act with canonical censures against men who disregarded the protected status of clerics and their properties, depriving them of their incomes and spoiling their goods.[31] Taking these two letters together, we see that a two-pronged approach was taken at the Curia. Polish lords were admonished personally, and Kietlicz's powers of combatting their behaviours were reiterated. In these two ways, Innocent, acting with Kietlicz, set out clear rules for religious territories in Poland. On the broad scale, all of the lands within the Polish province and duchies were to be subject to tithes without the interference of lay lords. Moreover, the archbishop was to further ensure that clerical incomes and ecclesiastical properties were not appropriated by the laity. This differentiated between different layers of religious authority in Poland: one universal, and one explicitly related to territories (and properties) owned by the episcopate.

This multi-layered nature of ecclesiastical institutions was deliberated further in *Cum ex eo*, also dated 4 January 1207.[32] The authority of dukes over clerics in their service was circumscribed, and the authority of the archbishop over the Polish province was reiterated. The letter was addressed to all the chaplains of dukes and nobles, and mandated the chaplains to allow archdeacons to carry out their visitations of the chaplains' churches and instructed the latter to listen to their recommendations.[33] Thus, while it was accepted that clerics could serve lay lords in their chapels, these could not be

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[30] CDMP.43 (Potthast.2953).
[31] CDMP.44 (Potthast.2957).
[32] CDMP.45 (Potthast.2954).
[33] CDMP.45.

exempt from the visitations of archdeacons on behalf of bishops. The power of the archbishop was highlighted at the end of this document: 'Otherwise, the sentence [of excommunication] which our venerable brother archbishop of Gniezno reasonably put to you in this matter, we decree to be worthily fixed until worthy satisfaction [is made].'[34] Kietlicz had tried to act by himself against those chaplains who did not respect the ecclesiastical hierarchy, but failed. Clearly, he hoped that the support given to him by the papacy would help him rein in the rogue chaplains in his effort to rid the church of overt lay influences.

This consolidation of the authority of the archbishop over the province was further elaborated in *Cum turpis sit* (4 January 1207)*.* Innocent decreed that all clerics holding benefices in Poland were to assist the archbishop of Gniezno and his successors, and if they did not, the archbishop had the power to suspend them from their benefice.[35] Kietlicz is described as 'the one who works for your and the church's liberty' – *qui pro vestra et ecclesiae libertate laborat*. In the next letter of the series, *Cum nemo vestrum*, dated 5 January 1207, when the violent actions of Władysław Laskonogi are explicitly stated to have caused Kietlicz's exile, we encounter an elaboration of the previous sentiment: *qui non solum ob vestram quietem sed etiam ob generalem ecclesiarum Poloniensium libertatem in multis anxietatibus, et periculis laborat,* 'who laboured through many worries and dangers not only for your peace but also for the wider liberty of all the Polish churches.'[36] These two letters combined show the pope armouring Kietlicz against any clerics who might side with Laskonogi, hindering the joint effort to separate the clergy and their properties from lay lordship. The use of 'Polish churches' as opposed to 'the Polish church' may reflect the position that Kietlicz was coming from: he was only now attempting to create a whole from an aggregate of dioceses. The praise bestowed upon Kietlicz for his labours on behalf of the liberty of the church may just be an exaggerated rhetorical device following the usual *topos*, but for precisely that reason, it inserts the archbishop's

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[34] 'Alioquin sententiam, quam venerabilis frater noster … Gnesnensis archiepiscopus in vos propter hoc rationabiliter duxerit promulgandam, usque ad satisfactionem condignam firmitatem decernimus debitam obtinere.' CDMP.45.
[35] CDMP.46 (Potthast.2955).
[36] CDMP.49 (Potthast.2959).

struggle into a recognisable ecclesiastical struggle that the whole church experiences, rather than merely a localised political conflict.

The institutional and territorial integrity sought in the last four papal letters discussed must be stressed. The archbishop of Gniezno, with papal guarantee, sought to ensure that all Polish lands were appropriately ruled. Tithes were to be paid without lay interference. The archbishop worked for the unity of clerics throughout the province, and the papacy guaranteed his powers to protect the territories and properties that were in the hands of clerics. The tithes – paid from all lands – were important sources of income that underpinned the existence of all layers of the ecclesiastical hierarchy in Poland. Nevertheless, they came from lands that were not property of the church. But by insisting that tithes be controlled and collected by clergy rather than laity, Innocent sought that religious authority should permeate the whole Polish province in a basic, financial manner. By presenting himself as working together with Kietlicz, Innocent worked towards creating not just a 'religious' territory, but a papal, a provincial, and a fiscal one. In Chapter Two, we will see further stress on tithes and ecclesiastical finances put by both legates and nuncios. Ideological and ecclesiological articulations of authority were sometimes elusive, even if rooted in territorial thinking and practices. Finances, on the other hand, truly made them concrete and pervasive.

One way of pursuing this papal layer of authority in Poland was Innocent's prohibition of married clergy holding office and a ban on any form of merrymaking taking place inside churches. This was the content of *Cum decorum domus*, dated 8 January 1207.[37] The letter starts with a detailed *narratio* describing the unacceptable practices of some Polish clerics Innocent had been told of, signalling to us that this was something that Kietlicz had brought to his attention. The practices that were deemed unacceptable undermined the ongoing efforts of distinguishing clerics from the laity, and included public relations with women, nepotism, and organising and participating in games and drunken festivities in and around churches.[38] This does not at first glance fit in with the rest of the

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[37] CDMP.55 (Potthast.2967).
[38] 'Quidam in vestris diocesibus constituti, publice cum mulieribus contrahentes ecclesiasticas non verentur suscipere dignitates... Cumque in ecclesiis in quibus huiusmodi clerici locum habent multa enormiter attententur, dum in eisdem fermentata patrum et filiorum, nepotum etiam et affinium parentela inordinate ministrat… per insolentiam eorundem interdum ludi fiunt in eisdem

corpus, which was focused on relations with lay elites. But we must remember that for the clergy to be separate from the laity, it could not marry and behave in ways that betrayed an ideal of its sanctity. Hence, a decree prohibiting both behaviours. The celibacy of the clergy was an important goal for Innocent III, thus one might seek here his overt interference in Poland. However, the detailed *narratio* and the aim of distinguishing clergy from laity (more visibly than separating jurisdiction) suggests that Kietlicz was likewise involved in the making of this decree.

The conflict with Laskonogi was nevertheless still a major part of the deliberations at the Curia, and so the pope reaffirmed Kietlicz's power to excommunicate the duke and his allies if the conflict was not resolved upon the prelate's return to his province in *Cum tua pro te,* dated 10 January.[39] But perhaps more telling was *Ad confusionem* (10 January) addressed to all Polish bishops instructing that they observe the sentence of excommunication that Kietlicz had placed upon the bishop of Poznań, Arnold.[40] Although no details were given, it was explained that the bishop did not follow the archbishop's reform program, which caused his initial excommunication. However, he then changed his ways and the excommunication was lifted until a later 'relapse,' which incurred another excommunication from Kietlicz. It was this that Innocent instructed the bishops to observe. We know that Arnold supported Laskonogi, despite his attacks on the church, which suggests that the excommunication had something to do with Laskonogi's opposition to Kietlicz's claims.[41] Finally, on 12 January, Kietlicz was given a papal mandate to absolve Laskonogi when he repented, alongside permission to have the cross carried before him in the absence of a papal legate in his province.[42] The latter solidified Kietlicz's position in the Polish province. The former is noteworthy, since it was approved two days after the permission for Kietlicz to excommunicate Laskonogi. It would have made sense if the two letters were composed simultaneously. But their approval on separate occasions seems

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ecclesiis theatrales… presbyteri ac subdiaconi vicissim insanie sue ludibria exercentes, per gesticulationum suarum debacchationes obscenas in conspectu populi decus faciunt clericale vilescere.' CDMP.55.

[39] CDMP.58 (Potthast.2970).

[40] CDMP.59 (Potthast.2971).

[41] W. Baran-Kozlowski, *Arcybiskup Henryk Kietlicz,* pp. 150-155.

[42] *Presentium tibi,* CDMP.61 (Potthast.2978); *Quoniam non ignoras,* CDMP.62 (Potthast.2979).

to suggest that the talks between the pope and the archbishop's embassy, and perhaps a representative of Laskonogi, were ongoing while these letters were being produced.

In total, we have seen 15 letters composed in the time between 4 January and 12 January 1207. As a corpus, they serve to show the joint effort of Innocent III and Henryk Kietlicz to alter the way that the Polish province functioned, thus showing the values and goals that the two wanted to achieve for the Polish church. They also show the disunity of the ecclesiastical hierarchy and its territories intertwined with the competition between dukes that Kietlicz aimed to counteract. Kietlicz wanted to limit the influence of Polish dukes and nobles over the internal organisation of the church, and by doing so assert his position above other bishops. Innocent III wanted to curb this influence as well, and present this effort as originating with him. The most wide-ranging of his decrees were to remove the distribution of prebends from the purview of lay lords. In the first instance, this action was described as protecting Polish customs. However, by the second time, it was presented as the pope ensuring that canon law was followed. This suggests that Innocent III seized the opportunity to enhance the portrayal of papal power in Poland. He acted similarly by outlawing clerical marriage. Working with Kietlicz to differentiate (and strengthen) the position of clerics within society, Innocent presented the papacy as working towards that through enforcing celibacy.

This corpus of letters detailing the actions taken by Innocent III and Henryk Kietlicz established tangible parameters for the institutions of the church in Poland on various levels. From the point of view of the papacy, the Holy See was the guarantor ensuring that the Polish province was a space where ecclesiastical territories and institutions were protected. The payment of tithes was affirmed, and spaces belonging to the clergy were clearly distinguished from those belonging to the laity. Lay lords were instructed and admonished not to interfere with these territories and respect their exempt and privileged status, while the archbishop's institutional powers of punishing those who violated the status of the clergy and their territories and authority over his suffragans were reiterated.

I.1.2. Papal and Ecclesiastical Territories Created – 1211-1212 and the Aftermath

The 1207 reforms seem to have taken root. In April 1211, the pope endorsed and confirmed a grand privilege given to the Polish church by the dukes Leszek Biały of Cracow, Konrad of Masovia (c.1187-1247), Władysław Odonic of Kalisz, and Kazimierz of Opole (c.1178-1230) in September 1210.[43] It was a wide-ranging document promising the church jurisdictional liberty, free elections, and exemption from taxes and other customary dues.

This privilege was definitely an agreement reached locally, between Władysław Odonic and his allies and the representatives of the Polish church headed by Kietlicz. But the fact that it was immediately sent to the papacy for confirmation illustrates just how powerful and sought-after papal involvement was. Kietlicz and the rest of the Polish episcopate deemed it useful to have the papacy's endorsement of the agreement, while Leszek, Konrad, Władysław, and Kazimierz were expected to take papal involvement in this matter seriously. Although the text of the original privilege is preserved in a copy authorised by Innocent III on 29 December 1215,[44] already in 1211 Innocent must have had received a copy of the text, since he had issued a letter confirming the privilege.[45] Another confirmation letter was issued in 1215, proving just how important this document was.[46] These will be discussed in depth in Chapter Three.

The fact that this privilege was passed suggests that the powers confirmed and/or given to Kietlicz in 1207 had had some effect on the situation of the clergy in Poland. The privilege was also a political assertion, since these dukes were still at war with Władysław Laskonogi. It was then almost natural for the four dukes to form an alliance with the church, in the hopes of obtaining leverage over the rogue duke. This alliance came to fruition the following year, in 1211. First, the pope commanded the Bishop of Halbertstadt to force Laskonogi to return Gniezno's possessions and excommunicate him.[47] Second, Innocent took

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[43] CDMP.68; CDMP.70 (Potthast.4239).
[44] CDMP.68. This means that the Polish embassy present at the Fourth Lateran Council had taken the privilege to be authorised at the Curia.
[45] CDMP.70.
[46] CDMP.85 (Potthast.5016).
[47] CDMP.71 (Potthast.4240).

Władysław Odonic and his rightful present and future possessions under the protection of Saint Peter, meaning that the alliance between the duke and Holy See was solemnised, and the duke could count on the support of the pope in his actions:

> To the noble Władysław born of the noble Odon once duke of Poland. Once you asked us what is just and honest, and what the strength of equity as well as the order of reason requires, so that it might duly take place through the responsibility of our office. Wherefore our beloved son in God, attending to the sincerity of the devotion which you bear for clerical liberty and which you make known to the churches and clerics in your duchy, so that you may feel the grace of the Church's protection which you strive to honour, we take under the protection of Blessed Peter and ourselves your person with all goods which you possess rightfully now and in the future, and with this letter commit to [Peter's] *patrocinium.* Therefore, as a sign of this protection of the Holy See, you will freely pay four marks every three years to us and our successors according to the [exchange rate of the] Polish pound. We pronounce therefore that no one [is permitted to undermine this page and our protection through] attack. Given at the Lateran on 13 May, in the fourteenth year of our pontificate. [48]

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[48] 'Nobili viro Wladislao nato quondam nobilis viri Oddonis ducis Polonie. Cum a nobis petitur quod iustum est ac honestum, tam vigor equitatis quam ordo exigit rationis, ut id per sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter dilecte in Domino fili, devotionis tue sinceritatem quam circa libertatem ecclesiasticam geris et quam ecclesiis et personis ecclesiasticis in tuo ducatu recognovisse dinosceris attendentes, ut ab Ecclesia protectionis graciam sentias quam satagis honorare, personam tuam cum universis bonis que in presentiarum rationabiliter possides aut in futurum iustis modis poteris adipisci, sub beati Petri et nostra protectione suscipimus et presentis scripti patrocinio communimus. Ad indicium autem huius a Sede apostolica protectionis percepte, quatuor marcas gratis oblatas singulis triennis nobis nostrisque successoribus ad Polonie pondus persolves. Decernimus ergo ut nulli omnino hominum (etc. usque) incursurum. Datum Laterani III Idus Maii, pontificatus nostri anno quarto decimo.' CDMP.72. For this theme more widely see B. Wiedemann, *Papal Overlordship and Protectio of the King, c. 1000-1300,* PhD Thesis, University College London, 2017.

This protection also reiterates the papacy's longstanding conceptualisation of Polish secular territories as a single unit.[49] This was done in religious matters consistently, but it is important to note that through the documents analysed, we also see that the same concept was applied to political matters. Dukes of the Polish province were addressed together and Poland was described as one unit. This was done vaguely and without reference to specific borders. However, the institutions that were introduced contributed to the shaping of these borders – both internal and external. Thus, such papal involvement contributed to not just the territorialization of religious space in Poland, but the political space alongside it, as well.

Innocent's last action involving Poland before the Fourth Lateran Council in 1215 was to instruct the archbishop to protect the neophytes in Prussia from lay abuses in 1212.[50] In 1210, Innocent III had instructed Kietlicz to provide pastoral care to the Prussians who had been converted to Christianity by the Cistercian monks Christian and Philip.[51] No details of this care were given; it was only mentioned that the ground had been fertile enough for the two monks to successfully plant the seeds of Christianity, and that their efforts should not go to waste. But this was a one-off statement about the situation in Prussia, which suggests that there was a Curial understanding that Prussian affairs were not the focus of attention of the Polish clergy. If they had been, then it is likely that more Polish petitions on the topic would have been answered by the Curia. The Prussian lands were conceptualised as other, though near enough Poland to allow for aid to be given by Poles, up until the Teutonic Order fully established its *Ordenstaat* in these lands, and independent bishoprics were set up (see further below).[52]

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[49] Cf. the previously mentioned protection given to Leszek Biały, where Innocent placed only Leszek's ducal lands in Cracow under the protection of Saint Peter: 'personam tuam cum ducatu Cracouiensi et omnibus bonis tuis, que iuste possides et quiete, sub beati Petri et nostra protection suscipimus.' CDM.5. These are the first surviving letters of protection to dukes rather than monasteries or churches.

[50] CDMP.76 (Potthast.4575).

[51] CDMP.67 (Potthast.4074).

[52] For a discussion of German identity related to Prussia, see L. Scales, *The Shaping of German Identity: Authority and Crisis, 1245-1414* (Cambridge: Cambridge University Press, 2012), pp. 401-407.

Innocent III died in 1216, and Kietlicz in 1219. No comparable instance of such intense and concentrated papal involvement in local reform took place in the following century and a half. However, that is not to say that the papacy was in any way uninterested in the province. As Chapter Two will explore, reform efforts continued – but through papal legates sent to Poland. By the end of the thirteenth century and during the fourteenth century, the local clergy gradually took charge in regulating the functioning of ecclesiastical structures, as will be seen in Chapter Four. It is clear that Innocent III did not set the precedent for future popes with his level of involvement in Polish affairs, even if he developed a kind of template for the Polish province. Just as notable, Polish prelates did not continue to seek the personal involvement of popes in relation to ecclesiastical governance. This is indicative of changes in both papal practice as well as the changing nature of the Polish church. The former relied more on other means of exercising its authority, whereas the latter was developing structures of its own that could deal with problems more autonomously. Papal authority over Poland was solidified, and Gniezno's role in maintaining the institutional unity of the Polish church as head of the province, vis-à-vis lay lords, was set. The territorial underpinnings of these institutions were foregrounded – the payment of tithes, the control over who owned what lands, and the separation of those lands from lay lands. This initial push for a reconceptualisation of ecclesiastical institutions – the collection of tithes, the exemption of clerical properties from lay influence, the leading role of Gniezno – as rooted in territories made it possible to begin differentiating between multiple layers in which not only the papacy and episcopate, but also regular orders and lay lords operated. The remainder of this chapter will analyse two case studies – crusading and inquisitorial activities; layers which take these early thirteenth century developments right the way to the end of my period as tests of how institutionalisation and territorialization developed.

I.2 Crusades

The crusades were an institution used by the papacy to assert its position at the head of Christendom through providing legitimation and leadership. Although bishops had the authority to grant indulgences, by the thirteenth century, the

papacy held a monopoly over the preaching and planning of crusades, and of granting the remission of sins to crusaders – the crusading indulgence.[53] As the crusading effort grew, it changed. Challenges in Outremer and the loss of Jerusalem in 1187 changed how crusading was perceived, and other parts of Christendom and its peripheries became almost as important as the Holy Land.[54] The Cathar heresy brought the attention of the papacy to France, while in the north-east, lands inhabited by the still-pagan Prussians, Jatvingians, Lithuanians, and Livonians were fertile ground for conversion and conquest.[55] The papacy was concerned with the threats posed to Christendom.[56] Territories that were Christian (or rather following the Latin Rite) were conceptualised by the papacy to be in danger from external non-believers, as well as internal heterodox threats. The papacy's actions thus had to be varied and flexible in order to maintain the image of authority and leadership across the spectrum.

Following the active participation in the creation of papal, provincial, and episcopal territories in Poland vis-à-vis lay lordships, Curial lobbying for Polish participation in the crusades illustrates papal aspirations for operating within these spaces. This leadership changed over time and depending on circumstances both Christendom-wide and local. Initially, the papacy allowed Poles to take up the cross in missions in the Baltic Coast instead of in the Holy Land. However, at later occasions Poles were actively encouraged to travel to Outremer. This change in approach is telling of how the papacy operated, since in both cases the pope was, in theory, kept at the head of the crusading effort in general. But, as with most other issues, it was up to the individual areas of

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[53] A. Bysted, *The Crusade Indulgence: Spiritual Rewards and the Theology of the Crusades, c. 1095-1215* (Leiden: Brill, 2016), esp. chapter 1 pp. 45-74 and 4 pp. 156-204; J. Riley-Smith, *The Crusades: A History,* 2nd Edition (London: Continuum, 2005), pp. 147-152.

[54] For an overview, see C. Tyerman, *God's War: A New History of the Crusades* (London: Penguin, 2006), pp. 375-399.

[55] On anti-heretical and political crusades, see R. Rist, *The Papacy and Crusading in Europe, 1198-1245* (London: Continuum, 2009). On Baltic crusades see: I. Fonnesberg-Schmidt, *The Popes and the Baltic Crusades 1147-1254* (Leiden: Brill, 2006); A. Selart, 'Popes and Livonia in the First Half of the Thirteenth Century: Means and Chances to Shape the Periphery' *Catholic Historical Review* 100:3 (2014), pp. 437-458; A. Selart, *Livonia, Rus' and the Baltic Crusades in the Thirteenth Century,* trans. Fiona Robb, (Leiden: Brill, 2015); B. Bombi, *Novella plantatio fidei: missione e crociata nel nord Europa tra la fine del XII e i primi decenni del XIII secolo* (Rome: Instituto storico italiano per il Medio Evo, 2007); E. Christiansen, *The Northern Crusades: The Baltic and the Catholic Frontier 1100-1525* (London: Macmillan, 1980).

[56] See J. Muldoon, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250-1550* (Philadelphia: University of Pennsylvania Press, 2015), pp. 72-91, where the Mongol threat is discussed, alongside the papacy's methods of keeping records related to it.

Christendom to mould the papacy's activities into ones that were appropriate locally. Over time, we will see the growing involvement of the mendicant orders, as instituted by the papacy, and the acceptance of the leadership of the Teutonic Knights in crusading efforts. The proximity of Polish territories to the crusading space of Prussia, Livonia, and the Baltic Coast were useful in asserting papal crusading authority in a comprehensive way, not limited to Outremer.

I.2.1. Crusading in the Local Polish Context

Although the Fifth Crusade had been called by Innocent III in 1215 with *Ad liberandam*, it was scheduled to begin only in 1217.[57] In the meantime, Innocent died and Honorius III assumed leadership of the crusade.[58] However, a meeting of such a scale as the Fourth Lateran Council facilitated an unprecedented exchange of information and experiences among the episcopate of Latin Christendom. Prelates from all parts of the continent and beyond came together and had the opportunity to relate the affairs of their provinces, as encouraged by Innocent III's calling of the council in 1213.[59] All but two out of the seven Polish bishops attended.[60] Although there is no way of verifying what actually transpired during the council, we can make educated assumptions. Because the aim of the council was to unify Christendom through belief and practice (as accepted by the pope), the exchanges between its participants facilitated an affirmation of the different problems encountered in different provinces of the Christian world. Discussing these various experiences and the planned reforms facilitated an

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[57] See J.M. Powell, *Anatomy of a Crusade, 1213-1221* (Philadelphia: University of Pennsylvania Press, 1986), esp. pp. 15-32.

[58] T.W. Smith, *Curia and Crusade: Pope Honorius III and the Recovery of the Holy Land 1216-1227* (Turnhout: Brepols, 2017), pp. 1-31.

[59] J. Helmrath, 'The Fourth Lateran Council. Its Fundamentals, Its Procedures in Comparative Perspective' in G. Mellville; J. Helmrath (eds), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Dresden: Didymos-Verlag, 2017), pp. 18-40; B. Bolton, 'XI: A Show with Meaning: Innocent III's Approach to the Fourth Lateran Counci, 1215' in *Innocent III: Studies on Papal Authority and Pastoral Care* (Farnham: Variorum, 1995), pp. 55-57; S. Kuttner; A. García y García, 'A New Eyewitness Account of the Fourth Lateran Council' *Traditio* 20 (1964), pp. 115-178.

[60] W. Baran-Kozłowski, 'Skład polskiej delegacji na obrady Soboru Laterańskiego IV' ['The Members of the Polish Delegation at the Fourth Lateran Council'] *Kwartalnik Historyczny* 110:3 (2003), pp. 15-20; J. Kłoczowski, 'Solus de Polonia... Polacy na soborach powszechnych XII-XIII wieku' ['Solus de Polonia... Poles at the General Councils of the Twelfth and Thirteenth Centuries'] in S.K. Kuczyński (ed.), *Cultus et cognitio. Studia z dziejów średniowiecznej kultury* [*Cultus et cognitio. Medieval Culture Studies*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1976), pp. 259-265.

exchange of ideas. The discussions about protecting and spreading the faith must have hit a special note among the Polish episcopate, who feared the dangers that the Prussians posed to their province.

This seems to explain partially why in the years 1215-1217, Polish bishops and princes reported to the Papal Curia that the situation in Prussia was more pressing (for them) than the situation in the Holy Land.[61] Decades later, in a similar fashion, in preparation for the 1274 Second Council of Lyons, Bishop Bruno of Olomouc responded to papal requests for provincial reports by stating that the Mongol threat in East Central Europe was more significant than issues in Outremer.[62] On 14 February 1217, Honorius III replied to the requests of Polish bishops and dukes.[63] From this response we learn that there had been plenty of *crucesignati* in the Polish province who had answered Innocent's call. If there were few crusaders, it seems unlikely that ducal and episcopal supplications would have made their way to the Curia.

This is worth analysing more closely. Travels to the Holy Land were rare for Poles. Only two Polish knights, Henryk of Sandomierz and Jaxa of Miechów, are documented to have joined crusades in Outremer in the mid-twelfth century.[64] Prior to the thirteenth century, the crusading effort of the Piasts was concentrated primarily in Pomerania.[65] While these crusades were local in nature, Darius von Güttner-Sporzyński has discussed how the papacy was made aware of them, strengthening the ties between the Curia and Polish dukes and providing legitimation.[66] From this 1217 letter it seems that the Lateran IV call had been repeated effectively by bishops in their dioceses, reopening the issue of Poles' contributions to the effort. Polish dukes lobbied for permission to direct their crusading enthusiasm to the more immediately dangerous and sensitive Baltic,

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[61] CDMP.92 (Pressutti.339).
[62] *Relationes Episcopi Olomucensis Pontifici Porrectae,* Nr. 621 in *Monumenta Germaniae Historica: Constitutiones et Acta Publica Imperatorum et Regum* Vol. 3 1273-1298, ed. J. Schwalm (Hanover: 1904-1906), pp. 594-595.
[63] CDMP.92.
[64] D. von Güttner-Sporzyński, *Poland, Holy War, and the Piast Monarchy, 1100-1230* (Turnhout: Brepols, 2014), pp. 124, 135-159.
[65] D. von Güttner-Sporzyński, *Poland, Holy War, and the Piast Monarchy*, pp. 29-50, 77-106.
[66] D. von Güttner-Sporzyński, 'Poland and the Papacy Before the Second Crusade' in M. Balard (ed.), *The Papacy and the Crusades: Proceedings of the 7th Conference of the Society for the Study of the Crusades and the Latin East, 2008* (Farnham: Ashgate, 2011), pp. 255-268.

instead of the Holy Land. Moreover, the precedent for waging Holy War on the Baltic Coast with papal backing was already well-established.[67]

Honorius III agreed that the threat presented by the pagan Prussians warranted papal response – a crusade.[68] However, he did not issue a blanket statement allowing all the Polish *crucesignati* to be redirected to the Baltic. With the crusades becoming an increasingly bureaucratic and long-term effort instead of one-off military campaigns, certain stipulations were placed on the participants with regards to what could be done about the problem of the pagans in Prussia:

> Although amongst our other cares the business of the Holy Land holds first place, your charity and faith are also important. We decree that, if you come to know and witness grave instability, which makes you judge it on the witness of your conscience to be improper to undertake the labour of the pilgrimage to Jerusalem, yourself and some other *crucesignati* from your province may keep the same vow by remaining in your province and defending it with God's help from pagan incursions. Keep those *crucesignati* with you for its defence whose weakness of power or lack of resources make them incapable or useless to the business of the Holy Land. Those who are suited to [travel to the Holy Land] should keep their vows and go. Both will be absolved of their venial sins, as the universal council agreed should be forgiven. In addition, as you see fit, we absolve all *crucesignati*, at least from the two duchies adjacent to the pagans from their vow to go to Jerusalem, as was urgently appealed, and we enjoin them to fight the pagans, enjoying the same indulgence.[69]

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[67] D. von Güttner-Sporzyński, *Poland, Holy War, and the Piast Monarchy*, pp. 29-50, 77-106*;* see also E. Christiansen, *The Northern Crusades*, pp. 48-57.

[68] Innocent III had already accepted this necessity: B. Bombi, 'Innocent III and Baltic Crusade after the Conquest of Constantinople' in T.K. Nielsen, I. Fonnesberg-Schmidt (eds), *Crusading on the Edge: Ideas and Practice of Crusading in Iberia and the Baltic Region, 1100-1500* (Turnhout: Brepols, 2016), pp. 117-134.

[69] 'Licet igitur inter ceteras sollicitudines nostras primum locum obtineat negotium Terre sancte, gerentes tamen de tua caritate ac religione fiduciam specialem, te ipsum ac ceteros

Honorius did not fully exempt Poles from reclaiming Jerusalem. Rather, those most capable and able to afford the travel were still supposed to uphold their crusading vow – unless they were from the two duchies that neighboured Prussia (Masovia and Pomerania).[70] These crusaders were allowed to stay, as long as they fought the pagans. Those who were deemed to be not powerful or rich enough to travel all the way to the Holy Land from all other duchies were given permission to join those fighting the Prussians, as well.[71] All these *crucesignati* would benefit from the same crusading indulgence. This indulgence was not specified, suggesting that Honorius assumed that the indulgence specified in *Ad liberandam* was known in Poland and would be applied in this situation. How it was understood by the locals is not clear.

This letter shows the reconciliation of the papal agenda and local needs. Moreover, it indicates that this reconciliation was based on awareness and understanding of the territorial situation in Poland. This was a pragmatic response that satisfied the interests of the papacy and Poland, and enabled crusading, Baltic or Mediterranean. Most importantly, it allowed for the papacy to establish its authority and claim that Polish crusaders were following papal mandates, whether they went to Outremer or the Baltic. After the fact, the papacy presented local crusaders' motivations as in line with papal designs, capitalising on local behaviour to bolster the image of papal leadership. For Polish elites, it provided a means for negotiating their participation in a papal endeavour and gaining legitimation. The papal decision reflects intense Polish lobbying.

Crucesignatos tue provincie tibi committendos duximus in hac parte, ut videlicet, si cognoscis te tanta infirmitate gravatum, quod ad subeundum Ierosolimitane peregrinationis laborem teste conscientia iudices te ineptum: et ipse quidem remaneas provinciam tuam a dictorum paganorum incursibus quantum Dominus concesserit defensurus, et illos Crucesignatos tecum ad illius defensionem retineas, quos vel imbecillitas virium vel opum tenuitas reddit inhabiles et inutiles negotio ipsius Terre sancte, illis qui ad hoc idonei videbantur, ad eiusdem succursum, cum ad id se voto astrinxerint, profecturis, et tam hiis quam illis ea gavisuris venia peccatorum, que approbatione Concilii generalis Crucesignatis generaliter indulgetur. Ad hec, quia demum fuit nobis instantissime supplicatum, ut omnes Crucesignatos, saltem duorum ducatuum Polonie qui sunt magis vicini paganis, a voto Ierosolimitane peregrinationis absolvere dignaremur: iniuncto eisdem ut pugnent contra paganos ipsos, eadem indulgentia gavisuri, id tue prudentie duximus relinquendum.' CDMP.92.

[70] See Maps I-III, pp. 14-16.

[71] The letter was addressed to the archbishop of Gniezno, so we can assume that it was he and his suffragans who would be ultimately responsible for judging the *crucesignati.*

By May 1218, Honorius had been notified that significant numbers of Prussians had been converted to Christianity.[72] His response to this news was to instruct all the faithful of Poland and Pomerania to aid these new converts against the physical (and presumably spiritual) dangers posed to them by the remaining pagans.[73] This included an appeal for material aid to help set up churches in the newly-converted areas. Moreover, he made a special appeal to the *crucesignati* who had promised to crusade amongst the pagans, reminding them that the work was not finished and that they needed to continue to support the new bishop of Prussia.[74] An example of these effects is that Duke Leszek, who had taken the cross and sworn to travel to the Holy Land had his vow commuted and was allowed to fight in Prussia by Honorius III.[75]

These efforts culminated in a campaign that ended in a crushing defeat of the crusaders by the pagans in 1223.[76] It was as a result of this that in 1226, Duke Konrad of Masovia enlisted the help of the Teutonic Knights in his struggles with the Prussians.[77] In 1227, Gregory IX (1227-1241) granted bishop Michał of Włocławek the power to remit the sins committed by those who fought against the pagans in Prussia, unless these were excessive sins likely to cause *scandalum* amongst the faithful.[78] It was a short letter that did not go into much detail, but it proves that the Prussian crusades were not faltering. By 1231, Gregory IX sent a letter congratulating one of the coastal tribes, the Pomesanians, on their conversion to Christianity and encouraged them to welcome the Dominican Order so that they could effectively cultivate their newly-accepted faith.[79]

And so, the crusading spaces in around Poland, even if in reality under local military and spiritual leadership, were validated and legitimised by the pope under the sign of the cross. His involvement gave those fighting and converting in Prussia the status of crusaders, and provided the institutional framework

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[72] VMPL.X (Pressutti.1281).
[73] VMPL.X.
[74] VMPL.XIV (Pressutti.1338). The call was repeated in 1222, as well: VMPL.XXVII (Pressutti.3258).
[75] VMPL.XXVI (Pressutti.3249).
[76] E. Christiansen, *The Northern Crusades*, pp. 100-101.
[77] E. Christiansen, *The Northern Crusades*, pp. 100-101; CDMP.591.
[78] VMPL.XXXV (Potthast.7892).
[79] VMPL.XLIII (Potthast.8763).

necessary to make this into a Christendom-wide effort, rather than a localised mission. The introduction and regulation of crusading indulgences, as we saw, ensured that the papacy was the source of this legitimacy. It made Polish territories part of the papal narrative of crusading, seen elsewhere. The proximity to areas with potential for crusading was too good an opportunity to be neglected by the papacy, and in regulating local activities, the papacy ensured that these would be presented within papal authority as well.

I.2.2. The Role of the Dominican Order and Teutonic Knights in Crusading

Following this wave of local crusading efforts legitimated by the papacy, a change in approach was introduced by Gregory IX. In 1236, he notified the prior of the Polish Dominicans, who had been 'preaching against the perfidy of the Prussians,' that he was to grant the same indulgence as that granted to those fighting for the liberation of Jerusalem to Poles helping the Teutonic Knights fight the Prussians.[80] This document is important for two reasons.

First, in the span of 29 years since Honorius III's 1217 letter, and in the 22 years since the Dominicans established themselves in Poland in 1222, the onus of crusade preaching had been moved from the secular clergy to the Dominicans.[81] It was no longer the archbishop of Poland that was addressed when it came to crusading – it was the prior of the Dominican Order in Poland. This reflects a more widely noted change in papal behaviour – the mendicant orders were given the responsibility of crusade preaching throughout their provinces.[82] The reasons for this are varied, but probably the most potent was the sheer success and popularity of the orders, and their exceptional organisation, which allowed for the controlled and high-quality dissemination of information.[83] Furthermore, both mendicant orders relied on the papacy for

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[80] CDMP.185 (Potthast.10101): 'predicantibus contra perfidiam Prutenorum.'
[81] The Dominican Order's presence and activities in Poland will be discussed in Chapter Five. Here, their connection to the papacy in relation to crusading will be discussed, as they fulfilled an important role on behalf of the papacy.
[82] C.T. Maier, *Preaching the Crusades: Mendicant Friars and the Cross in the Thirteenth Century* (Cambridge: Cambridge University Press, 1994), pp. 32-110.
[83] M. Purcell, *Papal Crusading Policy, 1244-1291* (Leiden: Brill, 1975), pp. 60-65.

protection, and so the latter was not wary of entrusting to them its flagship activities – the crusades, and as we will see below, the fight against heresies.

Second, it was no longer the Polish dukes and knights who were accepted as leaders of the military efforts against the Prussians, but the Order of Brothers of the German House of Saint Mary in Jerusalem, or simply the Teutonic Order:[84]

> The beloved sons the master and brothers of the Hospital of Saint Mary of the Germans in Jerusalem, for reverence of the creator of all, to whose obedience they devoted themselves, took the business of [spreading] the faith in the aforementioned area, not sparing labour and expenses and even spilling their own blood, as we have been informed by trustworthy persons, keeping the violence and savage temper of the barbarians in check on behalf of Our Lord, obedient to Him.[85]

In both these cases, we see that the papacy was supportive of specific organisations – the mendicant preachers and a military order – taking the lead in the crusading effort. We have just seen that the local circumstances in Poland were diverse and needed careful attention when it came to crusading. It follows, then, that the papacy would be interested in increasing the organisation and effectiveness of the crusading programme. Entrusting the preaching and actions to well-organised and powerful orders ensured that the papacy would not continually have to be involved in the local strategy, all the while maintaining the ideological and ostensible position of leadership. Using the mendicant and military orders, it was easier for the papacy to orchestrate the crusading effort, especially since both institutions had their own well-developed hierarchies. On the other hand, the papacy knew that Poland was split into (often competing) duchies, and so the military effort could become jeopardised by intra-Christian

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[84] CDMP.185; See U. Arnold, *Zakon krzyżacki z Ziemi Świętej nad Bałtyk* [*The Teutonic Knights from the Holy Land to the Baltic Coast*] (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1996).

[85] 'Dilecti filii ... magister et fratres Hospitalis sancte Marie Theutonicorum Ierosolimitane, pro reverentia omnium Conditoris cuius se obsequio devoverunt, in predictis partibus fidei negotium assumpserunt ex animo prosequendum, laboribus et expensis ac proprii effusioni sanguinis non parcentes; cum quibus Deus, sicut relatu fide dignorum exultantes accepimus, misericorditer operatur reprimendo per eos impetum barbare feritatis.' CDMP.185.

conflicts. In theory, this would not be a problem with the Teutonic Order. It was seen as an institution positioned over others, providing leadership and execution of the crusades.

Accordingly, the Dominicans were to grant indulgences to Poles aiding the Teutonic Knights in their fight against the pagan Prussians – and it is important that it was specified that those helping the Knights were to be rewarded with an indulgence like that granted to those fighting in the Holy Land.[86] This emphasized even more that the leaders of the crusade in Prussia were the Teutonic Knights, not individual Polish dukes or nobles. If a Polish knight were to pick up his armour and set off to Prussia, converting those pagans whom he encountered, he would not be eligible for the indulgence. This indicates that the papacy was eager to eliminate individual, haphazard efforts that would most likely lead to chaos and scandal among the Prussians as well as the surrounding Christians. Hence, it aimed for the crusade to be more organised, and with a military order at its head. This consolidated Poland as a crusading territory even further, and institutionalised how crusading was to transpire by defining appropriated modes and methods of participating. However, unlike previous papal pronouncements, this definition curbed the legitimation of Polish ducal territorial expansion by acknowledging the Teutonic Order's semi-autonomous role in the area. It also limited the influence of the Polish episcopate on the shape of the local crusades.

Innocent IV (1243-1254) continued to entrust crusade preaching into the hands of the mendicant orders. In 1243, he commanded the provincials of the Polish, German, and other neighbouring provinces to start preaching the cross against the pagans inhabiting Prussia and Lithuania, following reports sent by the Teutonic Order.[87] The joint effort of the Dominicans and Teutonic Order shows that the initial strategy of Gregory IX continued to be successful. In 1245 Innocent IV congratulated the Dominican Henricus, chaplain of legate William of Modena in Prussia and the Baltic Coast, for the successes the order's preaching ensured.[88] The Dominican's powers in the area were elaborated to include granting indulgences to those who aided him in his efforts, as well as permission

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[86] CDMP.185.
[87] VMPL.LXXVII (Potthast.11137).
[88] VMPL.LXXXI (Potthast.11529). See Chapter Two, pp. 114-117.

to relax penance and absolve those previously excommunicated so as to enable the newly-converted to practice their faith.[89] In 1249, enough progress was made for there to be a new bishop instituted for the Jatvingians, a pagan tribe living in Pomesania, to the northeast of Pomerania and Prussia.[90] The office was given to (likely the same) Dominican Henricus, on account of the successful missionizing his order had carried out in the area.[91] We can see here another aspect of the territorial dynamic of how the papacy projected its leadership onto the Baltic crusading context. Innocent IV took onboard the events that transpired in the locality, and presented them as papal actions to ensure that newly-converted areas were equipped with appropriate institutions – new bishops.

But the papacy still continued to rely on pre-existing motivations of local elites to do this. In 1253, Innocent IV commanded the dukes of Cracow and Cuiavia to take the newly-converted lands of Polesie, on the Polish border with Prussia, under their dominion, to protect the new Christian community there.[92] Rather than establishing a new ecclesiastical territory, in this case, the pope, probably with local input, thought it best to endorse the local authority and local groups' motivations which could be appropriated in the church's name. Similarly, in 1252, after being notified of the ongoing Mongol incursions in Poland, Innocent IV called on the faithful to take up the cross against them, granting these military efforts the status of crusades.[93] There was differentiation in the understanding of the areas where these threats were happening. While the Baltic Coast was more

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[89] 'Digne volentes, ut causa Christi, que in Livonie ac Pruscie partibus agitur, per nostre provisionis auxilium deo propitio prosperetur, tibi ampliationem catholice fidei, sicut a multis asseritur, ex animo diligenti presentium auctoritate committimus, ut hiis de terra Culmensi et Pruscia, qui ad tuam predicationem accesserint, ac etiam qui pro faciendis edificiis, ac fossatis et aliis munitionibus defensioni fidelium dictarum partium oportunis laborem subierint in personic propiis vel expensis, Viginti dies de iniuncta penitentia relaxare valeas, ac illis ex crucesignatis clericis et laicis in terris huiusmodi constitutis, qui pro violenta manuum iniectione in religiosas personas et clericos seculares, ac pro incendiis, et ecclesiarum fracturis seu rapinis excommunicationis laqueum incurrerunt, iuxta formam ecclesie absolutionis beneficium pertiri, dummodo iniuriam et dampna passis satisfaciant competenter, ac eorum non fuerit gravis et enormis excessus, propter quem merito sint ad sedem apostolicam destinandi.' VMPL.LXXXI.
[90] VMPL.XCVIII (Potthast.13283).
[91] 'Dilecti filii fratris Henrici ordinis predicatorum, qui una cum eo pro negotio fidei et ecclesie diligenter et fideliter laboravit, considerans quoque, quod terra Iatwesonie per ipsius fratris industriam in spiritualibus et temporalibus, auctore domino, laudabilis suscipere poterit incrementa, eundem fratrem predicte terre, prout auctoritate litterarum nostrarum ad dictum archiepiscopum spectabat, prefecit in Episcopum et pastorem.' VMPL.XCVIII.
[92] VMPL.CX (Potthast.14981).
[93] VMPL.CVII (Potthast.14972). Cf. how Bruno of Olomouc described the Mongol threat in 1272: *Relationes Episcopi Olomucensis Pontifici Porrectae*, Nr. 621, pp. 594-595.

strongly the purview of the papacy, the mendicants, and the Teutonic Order, the means of dealing with pagan incursions or new converts within or close to the Polish duchies and province was through local Polish powers. It seems that there was an idea that Baltic lands would not become attached to the Polish polity, which would explain partially the readiness with which the Teutonic and Dominican Orders were put in charge. These lands were differentiated from Polish lands – something implied by the particular mendicant and Teutonic institutions put to work there.

Meanwhile, the growth of the crusading movement continued with papally-sanctioned mendicant preaching. In 1255, Alexander IV (1254-1261) wrote to the Bohemian Franciscan Bartholomeo to instruct him to preach the word of the cross against Lithuanians and Jatvingians and other ethnic groups (*Lithuani et lentuesones, ac nonnulli alii ethnici*) in Poland, Bohemia, Moravia, and Austria.[94] Clearly, the aim was to increase the reach of the preaching and encourage the faithful of lands more distant from the Lithuanians and Jatvingians, such as the Bohemians and Austrians, to help their brethren in Poland. Crusading vows to go to the Holy Land were to be commuted to fight the pagans in Europe.[95] In 1256 the instruction for the Dominicans from the Polish and German provinces to send their preachers to Prussia was once again renewed, so that the victories of the Teutonic Order would not go to waste, and the faith would be spread.[96] In 1257 Alexander IV went as far as to forbid the Franciscans preaching amongst the Lithuanians and Jatvingians from absolving or commuting crusading vows in exchange for material support, hoping to concentrate the military effort and knowing the risks of low manpower.[97]

The ability of the papacy to be informed of the various successes and situations on the Baltic Coast is telling of how this crusading space was

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[94] VMPL.CXXVI (Potthast.15981).

[95] 'Nos igitur de circumspectione tua nobis a pluribus, et in pluribus commendata plenam in domino fiduciam obtinentes, mandamus, quatenus tam per te, quam per fratres tui ordinis, quos idoneos ad hoc esse cognoveris, in Polonia, Boemia, Moravia et Austria contra predictos paganos predices et predicari facias verbum crucis, concessa per vos auctoritate nostra illis christianis earundem partium, qui contra infideles eosdem crucis assumpto signaculo se duxerint accingendos, suorum venia peccatorum, que dari consuevit euntibus in subsidium terre sancte.' VMPL.CXXVI.

[96] VMPL.CXXXVII (Potthast.16289).

[97] VMPL.CXLV (Potthast.16888).

administered. While the local battles and military situation need not have been reported to the papacy, they were, because the papacy gave legitimacy and authority for these to be considered crusades. Sustaining this dynamic contributed to the growth of the image of the papacy's authority in the matter, even if it was built on local actions. Crusading came with valuable spiritual and practical protections in the form of indulgences, and so those who organised and participated in crusades were willing to ensure that these were present. Consequently, the papacy was able to make it appear that crusading in Poland, and the areas around it, was following papal mandates. In Poland, the differentiation between 'Polish' and 'pagan' lands and the assigning of tasks to the Dominican and Teutonic Orders created opportunities for both conflict and collaboration between different hierarchies, which contributed to the process of developing specific territorial behaviours. As time passed, it was not just the Polish episcopate and lay elites who had papal support for local crusading, but a more complicated combination of institutions, each with their specific tasks. While these tasks contributed to the overall thickness of ecclesiastical institutions, they did not create one monolithic Polish crusading church, but a layered one.

The main bulk of papal involvement in crusading activity in Poland was concentrated in the middle decades of the thirteenth century. However, when Nicholas IV (1288-1292) issued a general call to all of Christendom to liberate the Holy Land in 1290, a separate letter was also sent to Polish prelates, in which he stipulated that Polish crusaders must be directed to Outremer.[98] The role of the Teutonic Knights in the Baltic region, explained Nicholas IV, meant Polish crusaders could be directed to Outremer without endangering Polish lands.

The conflict with the Teutonic Knights, who we have seen grow in importance for the crusades, played an important part in asserting the papacy's position. Nevertheless, it was an uneasy one. On the one hand, the Order was carrying out important work amongst the pagans, with papal approval and endorsement. On the other, Polish dukes and kings, as well as the episcopate, were often opposed to the Knights' presence and actions, especially when these

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[98] VMPL.CLXXXVIII (Potthast.23756); VMPL.CLXXXIX (Potthast.23758).

involved the spoliation of Polish goods, whether lay or clerical.[99] But it was in the interest of Christendom (in papal eyes) to have the military order in charge of the crusading of the Baltic Coast, to ensure systematic and successful Christianisation. Arguably, directing Polish knights and clergy to the Holy Land, and to fight the Mongols or take care of more local needs, or be subject to Teutonic leadership in the Baltic, was a means for dissipating these tensions. While for the most of the thirteenth century, the conflicts were relatively low-level, the Order's attack on and expansion to Gdańsk at the beginning of the fourteenth century proved to be a tipping point, and a long and protracted conflict involving the papacy, neighbouring kings, and the secular clergy began.[100]

This conflict played out during a series of trials of the Teutonic Knights held in the first half of the fourteenth century, presided over by papal judges-delegate and the nuncios Petrus Gervasii and Galhardus de Carceribus.[101] Paul Knoll remarked on how the reported abuses of the Teutonic Knights had not been met with appropriate censures on the side of the papacy.[102] However, the Order's key role in the Baltic Crusades, which helped negotiate papal authority in the area, explains this to an extent. It is also important to remember that popes would intervene and attempt to curb the Order's actions when these contravened with papal prerogatives, especially as the main see of the region – the metropolitan archdiocese of Riga – was exempt from any jurisdiction but the pope's.[103] When the Order tried to intervene in the administration of the diocese, the papacy protested.[104] The complex interweaving of interests is clear.

Ultimately, the papacy behaved in ways that allowed it to maintain the appearance of its leadership in the local territories when it came to crusades. By 'buying in' into this program, the papacy was implicitly involved in the definition through differentiation of Polish ducal and ecclesiastical territories and their Prussian and Livonian counterparts. The Teutonic Order was presented as in

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[99] P. Milliman, *The Slippery Memory of Men: The Place of Pomerania in the Medieval Kingdom of Poland* (Leiden: Brill, 2013), pp. 1-22; VMPL.XCII-XCIV.
[100] P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: University of Chicago Press, 1972), p. 29.
[101] Chapter Two, pp. 128-130.
[102] P.W. Knoll, *The Rise of the Polish Monarchy*, pp. 87-117.
[103] I. Fonnesberg-Schmidt, *The Popes and the Baltic Crusades*, pp. 124-125.
[104] VMPL.XCIX (Potthast.14233).

charge of crusading among pagans, and the Baltic lands were seen a different from Polish lands. Poles, on the other hand, could contribute to these efforts, but their crusading potential was, at least in theory, redirected to Outremer. Multiple modes of crusading were present, and were 'assigned' to different ecclesiastical groups. They were important avenues for papal activity. For the Polish episcopate and regular clergy, the participation in crusades allowed further, delegated authority over the laity. For the laity, the crusades offered a chance to negotiate their relationship with religious authorities – papal and provincial alike. The involvement of the 'supranational' Dominican and Teutonic Orders, however, further complicated and fragmented the territorialities of the ecclesiastical layers in Poland, because the papacy needed to incorporate their goals into its 'programme' of leadership.

I.3. Inquisition

The establishment of clearly defined ecclesiastical territories with popes as guarantors allowed the papacy to assume a position of authority and control in the establishment of inquisitorial tribunals aimed at the detection and extermination of heresies, following European trends.[105] As with the preaching of the crusades, the mendicant orders were often 'employed' by the papacy for this purpose.[106] Tomasz Gałuszka has remarked that although numerous Polish clerics had been educated abroad in Bologna, Paris, or Montpellier, there were no comparable local intellectual hubs that could facilitate heretical thought.[107] Likewise, Pawel Kras has demonstrated that there seemed to be little popular rejection of orthodox religion outside the regional pockets where Waldensians and Beguines were present in the first half of the fourteenth century, mostly among groups of German settlers.[108] Therefore, papal concern with heresies and

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[105] L.J. Sackville, 'The Church's Institutional Response to Heresy in the 13th Century' in D. Prudlo (ed.) *A Companion to Heresy Inquisitions* (Leiden: Brill, 2019), pp. 108-140.

[106] See C. Caldwell Ames, *Righteous Persecution: Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2009).

[107] T. Gałuszka, *Henry Harrer's Tractatus Contra Beghardos: The Dominicans and Early Fourteenth Century Heresy in Lesser Poland* trans. M. Panz-Sochacka, (Cracow: Esprit, 2015), pp. 45-84.

[108] P. Kras, 'Repression of Heresy in Late Medieval Poland' in K. Bracha; P. Kras, (eds) *Przestrzeń religijna Europy Środkowo-Wschodniej w średniowieczu / Religious Space of East-Central Europe in the Middle Ages* (Warszawa: DiG, 2010), pp. 318-321.

the decision to establish inquisitorial tribunals came relatively late – in the fourteenth century. As such it permits an analysis of how the different territorial layers of the church on which the inquisition depended on had developed by the end of my period.

When reports reached Avignon of intermittent threats of Beguines and Beghards, flagellants, or other, less specific heretical groups, amplified by the fear of the proximity of pagan tribes on Polish borderlands, the papacy responded. Inquisitorial tribunals were to be set up in Polish dioceses, and they were to be staffed by Dominicans and Franciscans initially, and later, just Dominicans. This is an example of the papacy acting to ensure that these tribunals would be more or less the same throughout Christendom. Moreover, the internal organisation of the orders and their close ties with the papacy ensured an infrastructure for the systematic approach towards detecting and counteracting heresy. Nevertheless, aid was sought from diocesan clergy and kings to ensure the effectiveness of the tribunals, showing the interconnectedness of the different layers involved in inquisitorial processes.

This section focuses on the papal (responsive) establishment of inquisitorial tribunals, rather than the actions of the inquisitors themselves. (This would be hard. With the exception of the documentation of the trial of Beguines in Świdnica in 1332, there are no surviving reports produced by inquisitors in this period.[109]) From my perspective in any case the most important aspect of this anti-heretical effort is that it was conceived as wide-ranging and traversing different territories, but dependent on the existing institutional structures present in these territories to function. The implementation of papal inquisitorial tribunals lets us assess the developments of ecclesiastical structures in Poland over the preceding century.

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[109] P. Kras, 'Repression of Heresy', pp. 310-316. For the trial, see P. Kras; T. Gałuszka; A. Poznański (eds), *Proces beginek świdnickich w 1332 roku. Studia historyczne i edycja łacińsko-polska* [*The Trial of the Beguines of Świdnica in 1332. Historical Studies and a Latin-Polish Edition*] (Lublin: Wydawnictwo KUL, 2018), pp. 63-72.

I.3.1. John XXII and the First Inquisitorial Tribunals in Poland

The first documentary mention of formal papal inquisitors appointed in Poland dates from 1318. John XXII (1316-1334) wrote to Bishop Jan Muskata of Cracow (1294-1320) to admonish him for allowing various unspecified heresies and dangerous ideals to flourish in his city and diocese.[110] The blame was justified by extensive biblical quotations from Ezekiel 33, describing the responsibilities of 'the watchman' for protecting his people and his blame if he does not perceive an oncoming threat. John XXII informed the bishop that he had appointed the Dominicans Colda to the diocese of Prague and Peregrinus to the diocese of Wrocław and the Franciscans Hartman of Pilsen to Olomouc and Nicolaus Hospodyniec to Cracow as papal inquisitors. The bishop was instructed to aid these inquisitors in their efforts against heretics and their accomplices. Further in the letter, John XXII stated that the danger of the heresies was amplified by the proximity of various pagan peoples to the Polish dioceses – the same ones that crusades had been called against. A second letter was issued to the dukes of Cracow and Wrocław where the inquisitors were to act, the king of Bohemia, and margrave of Meissen, since the heresies present in Cracow and Silesia were also present in Bohemia.[111] Finally, the mendicants mentioned in the previous missives were notified of their new positions.[112] The same reasons for the establishment of the inquisitors were given, supplemented by the rationale for choosing these particular individuals. They were reported by their respective chapters and superiors to have been industrious and effective in their preaching, and thus worthy of the trust placed in them by the papacy. The fight against heresy was to be conducted by well-trained inquisitors, and cover all areas affected, not just individual provinces or dioceses.

A year later, in 1319, we get an idea of what sorts of heretics were posing dangers to the Polish faithful. John XXII wrote to his appointed judges the bishop

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[110] VMPL.CCXX. Described briefly in P. Kras, *Ad abolendam diversarum haeresium pravitatem: System inkwizycyjny w średniowiecznej Europie* [*Ad abolendam diversarum haeresium pravitatem: The Inquisitorial System in Medieval Europe*] (Lublin: Wydawnictwo KUL, 2006), pp. 181-182. In 1315, there was an inquisition led by the bishop of Wrocław Henryk of Wierzbna against large groups of Waldensians in Silesia, which might indicate that it was the Waldensians that the papacy was reacting against, P. Kras, 'Repression of Heresy', pp. 320-321. See also A. Patschovsky, 'Waldenserforschung in Schweidnitz 1315,' *Deutsches Archiv fur Erforschung des Mittelalters* 36 (1980), pp. 137-176, where the German origins of these groups are traced.
[111] VMPL.CCXXI.
[112] VMPL.CCXXII.

of Poznań and the dean and *scholasticus* of Gniezno to make sure that Beghards return properties that had been given to them by bishop Wisław of Włocławek (1283-1300).[113] John acknowledged that Beghards were only condemned as heretics by his predecessor, Clement V (1305-1314). Hence, the fact that Wisław had given them property was not wrong. But it could no longer be tolerated that his successor Gerward allow the heretics to retain the possessions. Two years later, in 1321, John XXII, after the investigation by his judges, granted Gerward the right and power to reclaim the possessions.[114]

I.3.2. The Dominican Inquisitors in the Kingdom of Poland

Between 1319 and 1327, only the dioceses of Cracow and Wrocław had permanent papal inquisitors. However, in 1327, John XXII established the inquisition in the Kingdom of Poland. John XXII instructed King Władysław Łokietek (1320-1333, *the Elbow-High*) to accept that the prior of the Polish Dominican province had been commanded to set up his fellow brothers as inquisitors in his province.[115] However, this was not initiated by the pope, or even the Dominicans. In the document we read that Władysław Łokietek had notified the papacy of troubles in his kingdom. This letter, however, seems to prove that there were no 'home-grown' heresies in Poland, but that there was a fear that some heretics would influence the local population. The papacy readily stepped in. The *narratio* in this letter tells us how the papacy came to establish the inquisition, after praising Łokietek's efforts at fighting for Christianity and the church:

> Therefore, as we understand, in your kingdom of Poland,
> the enemies of the Cross frequently and secretly invade
> from remote parts of Germany and Bohemia and

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[113] VMPL.CCXXX. No further details about these 'Beghards' were given. However, in the years 1328-1334, the *Tractatum Contra Beghardos* was written by the Bohemian preacher Henry Herrer on commission from his fellow Preachers from Cracow, who were worried about groups of laypeople whose religious practices were markedly different from the accepted norms, especially in relation to worship and property; see T. Gałuszka, *Henry Harrer's Tractatus Contra Beghardos*, pp. 127-146.

[114] VMPI.CCLIII.

[115] CDMP.1075. P. Kras states that from then on, the Dominicans had monopoly over the inquisition in the Polish kingdom, 'Repression of Heresy', pp. 326-327.

surrounding regions the simple and Catholics of the said
kingdom, and try to knock them from the threshold of truth
by the blows of false arguments.[116]

The pope then elaborated what steps needed to be followed to combat these
threats:

Wanting to remedy such deceitful crafts with apostolic
diligence, lest the same disease creeps into the aforesaid
kingdom … we depute apostolic authority in the kingdom of
Poland to our beloved son the provincial prior of the Order
of Preachers in Poland, to train some ideal brothers, learned
in the Lord's law, of his Order's province, as delineated by
the Order itself, whose honest conduct gives example of
purity and erudite lips explain life-giving doctrine, which are
the foundations of carrying out such Lord's work, to remove
these very [threats] … and grant him with our letters full and
free faculty to employ others similarly appropriate.[117]

There was concern in Poland that unorthodox ideas were being spread
around the kingdom. But at the same time, the papacy did not leave the fighting
of these heresies to the local clergy or to the lay ruler, but decided to employ their
own, well-tested inquisitors, the Dominicans. The archbishop of Gniezno and his
suffragans were notified of this decision in a letter from the same day, which
contains the same text as the letter to the king, but with a different *arenga*.[118] The
arenga highlights the responsibility pope John XXII felt for those endangered by
heretical notions, and his care for the affected souls. Perhaps this was a sly way

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[116] 'Sicut accepimus, in regno tuo Polonie, hostes Crucis de remotis partibus Alemanie et Bohemie et circumpositis regionibus frequenter et latenter invadant simplices et catholicos dicti regni, eosque inficere et a veritatis limine deviare fallatium argumentationum impulsibus moliantur.' CDMP.1075.

[117] 'Nos volentes contra talium dolosam astutiam, ne diffusius in regno predicto huiusmodi serpat morbus, opportunum remedium per Sedis apostolice diligentiam adhiberi … dilecto filio priori provinciali fratrum Ordinis Predicatorum Polonie, aliquos de fratribus sui Ordinis sue provincie idoneos, in lege Domini eruditos, quorum honesta conversatio exemplum tribuat puritatis et doctrinam fundant erudita labia salutarem ad huiusmodi opus dominicum exequendum, auctoritate apostolica deputandi per partes ipsius regni, sibi per Ordinem suum limitatas, ipsosque amovendi … alios similiter idoneos instituendi quoties sibi visum fuerit, plenam et liberam concessimus per nostras litteras facultatem.' CDMP.1075.

[118] CDMP.1076.

of criticising the episcopate for allowing this to happen in the first place, and not reporting it. After all, it was the king who had notified the pope of the situation, not the clergy. Alerting the papacy may have been a way of undermining the secular clergy. Any such consequences remain elusive, however.

In 1349, the potential threat of heresy – in the shape of the sect of flagellants – was approached differently by the papacy.[119] Kras has traced this group's origins to the prophecies of Joachim of Fiore (c.1135-1202) about the imminent Apocalypse, arguing that their first appearance in Poland was in 1261.[120] The question of whether either the 1261 or 1349 groups can be linked directly with Joachim of Fiore is debatable, but it remains the case that this group of flagellants was not wholly novel. The Papal Curia had been alerted that throughout Germany and its neighbouring lands, groups of people who processed through cities mortifying their flesh were becoming common. Their actions and accompanying preaching were not sanctioned by the church, and were, as the papacy deemed, dangerous to the souls of true believers and potentially heretical. Most dangerous of all, it was understood at the papal court that some of these sects were led by mendicant friars (though no specific order was mentioned). This was the most serious problem of all, since the mendicants were the ones who were supposed to preach and protect believers against heresies. The pope therefore addressed the archbishop of Gniezno and his suffragans to make sure this problem did not grow in Poland, instructing them to involve the secular arm if need be.

This episode succinctly lays out intersecting and overlapping ecclesiastical institutions at a moment of tension. It illustrates the danger of putting all the resources of anti-heretical preaching towards the mendicant orders – they, too, could lapse into heterodoxy, especially if not monitored and controlled by other clerics. And precisely because these heretical groups included friars, it was the clergy, not the king, who were notified and asked to intervene. For one, it was probably a strategic move to keep the church's problems in house. But more importantly, the friars who could potentially be found amongst the heretics could

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[119] CDMP.1291.
[120] P. Kras, 'Repression of Heresy', pp. 316-318.

only be judged by ecclesiastical courts. When it came to their followers, though, the secular branch would have to be employed.

Not long after, in 1354, Innocent VI (1352-1362) wrote to all the secular and regular clergy of Germany, Poland, and Silesia, as well as all the lords or these areas, notifying them of the threat of Beghards and Beguines fleeing Germany and settling in Silesia, and potentially Poland.[121] He learned of this from the reports of the inquisitors appointed by the Holy See in Magdeburg, Bremen, Thuringia, Hesse, and Saxony. And because they reported that their activities had made the heretics flee to Silesia, the pope was conscious that the inquisitors' actions were only partially successful, since they did not remove the heresy, just displaced it to a different region. Hence his appeal to all those who could potentially aid in the extermination of the heresy – all clerics and powerful laymen. Interestingly, in 1372, a letter written almost verbatim was sent – to the same recipients – by Gregory XI (1370-1378). This suggests that the situation had not improved in the eighteen years that had passed, and that an exemplar had been used to confect the new document.

This inquisitorial material shows that even though the Polish province did not fall victim to major heresies comparable to those in France, England or Bohemia, the papacy was nevertheless able to use the institution of inquisition to tap into the intersecting layers of the Polish province that were in tension with one another to assert its position. Papal inquisitorial tribunals that answered to the Curia and were part of a large network were established, with awareness that heresies travelled with people, crossing political and religious boundaries alike. Although the papacy employed first and foremost the Dominicans to lead the inquisitorial effort, secular rulers and diocesan clergy were involved as well. This maximised the reach of the project, but more importantly, enabled the papacy to navigate local tensions so that it would maintain its own appearance of being in charge of the whole inquisitorial endeavour. The importance of pursuing orthodoxy was not unrelated to the crusading thought developed in the mid-thirteenth century, which argued that for Christendom to recover the Holy Land, it had to be purified from within.[122] Since the papacy stood at the head of the

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[121] CDMP.1674.
[122] J. Riley-Smith, *The Crusades*, pp. 183-186, 200-201.

crusades, it needed to stand at the head of the inquisition, as well, at least in theory. In practice, we saw the task was delegated.

With the papacy at the forefront of the inquisition, through Dominican tribunals, the dioceses within which these tribunals operated gained another institutional layer which further defined them – even if this opened the possibility of conflicts between the mendicants and diocesan clergy. The support given by local diocesan clergy and the secular arm contributed to the entrenchment of the inquisition in Poland. But it also provided an avenue for these parties to intensify their reach within these territories. The overlay of papal inquisitorial competences over local powers created at least the appearance of 'joined-up' ecclesiastical governance, connected it to the rest of Christendom, and consolidated internal institutional layers and specialisations.

Conclusion

These three types of activity – reform, crusading, and the inquisition – were important avenues of papal activity in Poland. Over this period they became established areas of papal authority and their presence in Poland fits a wider pattern. However, some of the reforms introduced by popes, especially Innocent III, suggest a higher level of involvement and a stronger push towards the separation of the Polish church from lay powers. In terms of the crusades, the noteworthy aspect is the balancing between the needs of the locality – the resolution of the pagan issue in the north-east – and the grander aims of Christendom – the liberation of the Holy Land. Lastly, in terms of the fight against heresy with the inquisition, we see that the papacy chose to act in a way that had been tested elsewhere, and set up inquisition tribunals made up of Dominicans, even though the situation in Poland did not seem to necessitate such a response.

These three institutional themes – reform, crusades, heresy – and the different ways in which the papacy dealt with them illuminate the complexities of talking about goals consistently pursued by the papacy – policies. Innocent's energetic approach to the situation of the Polish clergy at the beginning of the thirteenth century was arguably more 'hard-line' than elsewhere and not repeated by another pope in the period of study. The changes in the papal stance towards

crusading in Poland show that different popes had different ideas about what Christendom's priorities should be, and more so that they understood the changing Polish dynamics, all the while ostensibly maintaining leadership of the endeavour. The papacy exhibited an incredibly pragmatic approach, responding in ways which would make it appear as being in charge of crusaders in Poland, whether the Baltic or Outremer were their destination. Lastly, when it came to heresies, the papacy's response was that seen elsewhere in Europe: the establishment of inquisition tribunals manned by Dominicans, which nevertheless depended on the other institutional infrastructures present in Poland, both diocesan and political. This was done despite minimal levels of heretical threat, positioning Poland in a wider, regional context.

These differences reflect the intertwined nature of territorial and institutional governance, as conceptualised by the papacy and received locally. We saw clearly that there was a unified image of Poland present at the Papal Curia, as created in a clear-cut way by Innocent III and Henryk Kietlicz. The province was treated as one, and the clergy's special status was projected onto the territories it possessed. The papacy was presented as the guarantor of this status. With local input, popes acted in ways which portrayed them as in charge of crusading in Poland, and later, the inquisition. These developments tied Polish territories – religious and secular – more tightly into the broader papal 'project' of Christendom, all the while reinforcing local divisions, boundaries, and administrative units, combining Schmidt's and Mazel's theses through looking at different institutional layers. Both crusading and inquisitorial activities show how other discrete religious institutions both developed across the period analysed here and were used to intensify the 'thickness' of Polish ecclesiastical space. To follow the thinking of Robert Bartlett and Robert Moore, the papacy was growing intensively rather than extensively within defined areas – though expansion in the Baltic was also present.[123] This also has shown that the way that the papacy operated in Poland was not wholly different in nature to 'Western' polities, but

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[123] R. Bartlett, *The Making of Europe: Conquest, Colonisation, and Cultural Change 950-1350* (London: Penguin, 1994), pp. 2-3; R.I. Moore, *The First European Revolution, c.970-1215* (Oxford: Blackwell, 2000), pp. 188-198; 'Afterthoughts on The Origins of European Dissent', in M. Frassetto (ed.), *Heresy and the Persecuting Society in the Middle Ages: Essays on the Work of R. I. Moore* (Leiden: Brill, 2006), p. 318.

rather fell within a continuum of papal attempts to secure religious territories and consolidate its authority throughout Christendom. Increasingly so in the thirteenth century, two 'signature' papal agendas – crusading and the inquisition – relied on institutions distinct from but dependent on the diocesan church – the Teutonic Knights and the Dominicans. The following chapters will focus first on how papal envoys continued pursuing papal goals locally, and, in Part Two, how Polish secular and regular clergy operated within the spaces thus created.

Chapter Two: Papal Envoys in Poland: Legates and Nuncios

Introduction

Chapter One focused on direct contacts between the Papal Curia and the Polish church, highlighting an intense period of cooperation at the beginning of the thirteenth century which set the parameters of Polish ecclesiastical space. This space was then analysed across the period through the prism of two important papal activities – crusades and inquisitorial tribunals. These activities illustrated how the Curia viewed and understood the Polish province as both a papal and Polish territory and as part of Christendom. The Polish contribution to this understanding was also discussed. Polish ecclesiastical territories were secured in tandem with secular powers, enabling the papacy to pursue and use them for crusading and the introduction of inquisitorial tribunals.

However, the initial shaping of the province at the beginning of the thirteenth century by Innocent III and Henryk Kietlicz needed more consistent attention, both in the eyes of the papacy and in the eyes of local religious elites. This was carried out by eight papal legates in the thirteenth century and two in the fourteenth century. Their work was a continuation of what had been set in motion by Innocent III, but carried out on the ground rather than at a distance. While visiting Poland, legates held synods or enacted changes profoundly altering ecclesiastic territories in and around the Polish province by establishing new dioceses and reshaping existing ones, either geographically or through the regulation of practices. The preeminent position of the legates diminished after the first decade of the fourteenth century when they were replaced by papal nuncios. These nuncios differed from legates in key ways – they were individuals of lesser standing in the church hierarchy but were present in Poland for long periods, and crucially, collected various taxes, Peter's Pence being the most important. The difference between papal legates and nuncios is key to this chapter, yet it has seldom been explored with a focus on the fourteenth century. The following sections will highlight what the Polish case tells us about the distinction between these two types of papal envoys, evaluating this by focusing

on who they were and what tasks they performed, the nuncios' financial role being most prominent.[1]

This chapter argues that the change from legates to nuncios was the most effective way for the papacy to routinise its presence in the Polish province, since it moved from *ad hoc*, sweeping actions to almost continuous contact, centred on finances. This change was made more explicit if we think about its territorial aspects. The presence of papal envoys changed the nature of Polish ecclesiastical territories. Legates physically brought with them the full might of papal power. The presence of the nuncios, on the other hand, represented a systematic form of papal involvement. The physical presence of both, and the ways in which they represented the institution of the papacy, defined the province in terms of papal jurisdiction. The missions of papal envoys can be used to contrast how the papacy envisioned and understood the geography of Poland – the province and the realm – and how that was received locally. The very nature of legatine missions sometimes created new ecclesiastical territories. But on the whole, the papacy broadly understood Poland as one political space, united by one ecclesiastical province. However, there were times when this was negotiated to adjust better to local power dynamics with territorial implications, both in the case of legates and nuncios. This 'territoriality,' in turn, helped facilitate internal institutional developments, whether introduced by legates or by local prelates.

This chapter will analyse how the differences between the tasks of legates and nuncios reflected the changes in the relationship between the papacy and Poland 1198-1357 and how ecclesiastical space was defined and redefined by these changes. As in Chapter One, the tension between the papal ideology of

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[1] This difference is a topic that had been widely discussed by R.C. Figueira (cited throughout) and recently revisited in B. Bombi, *Anglo-Papal Relations in the Early Fourteenth Century: A Study in Medieval Diplomacy* (Oxford: Oxford University Press, 2019), pp. 115-128. The main axes of these discussions are that legates were defined in canon law, and nuncios were not, and that they were more flexible, 'lesser legates.' However, these conclusions stem from the legates and nuncios of the thirteenth century. The nuncios discussed here and active in the fourteenth century were of a different nature, combining the 'lesser legates' of the thirteenth century with papal collectors. The Polish case is particularly informative as legates were preeminent in the thirteenth century, and almost wholly replaced by nuncios in the fourteenth century. P. Ferguson demonstrated that in Scotland, legates were prevalent in the twelfth century, and replaced by nuncios in the thirteenth century: *Medieval Papal Representatives in Scotland: Legates, Nuncios, and Judges-Delegate, 1125-1286* (Edinburgh: The Stair Society, 1997), pp. 13-19. Further comparative work is needed to fully understand the particularities of the office of nuncios across Europe in the fourteenth century.

plenitudo potestatis and the model of rescript government will be explored. The hypothesis tested by the close study of papal envoys is that since the papacy was distant and with limited powers of enforcement, it relied on provincial clergy to petition for papal involvement and later to carry out the Curia's responses, even when it deployed legates or nuncios to the areas in question.[2] Local clerical cooperation was fundamental. Papal nuncios, however, complicate this matter, as they were a more constant link between the papacy and Poland, and their tasks were more clearly the fulfilment of papal financial policies, rather than responding to local issues. As it was, without the legates of the thirteenth century, the nuncios of the fourteenth century would not have been effective, since the structures and spaces within which they operated were, to an extent, a product of legatine actions. Chapters Three and Four will illustrate the concurrent developments in local lay and ecclesiastical territorial lordship that facilitated the missions of the nuncios.

This chapter will begin with a discussion of the offices of papal legate and nuncio, using a study of two papal envoys, Jacques Pantaléon and Galhardus de Carceribus. The two serve as introductory examples to the main axes of comparison between legate and nuncio, which will be further exemplified by a diplomatic analysis of documents detailing their respective missions and tasks in Poland, and further elaborated and situated within relevant historiography. Within this context, the next sections will focus on the activities of the legates and nuncios in Poland. The initial stages of this were the creation of ecclesiastical territories and their regulation carried out by legates through synods and decrees. The consolidation of these territories through various types of jurisdiction – the manipulation of prebends, excommunication, and mediation and judgement – then followed. In the thirteenth century, these activities were carried out by legates, but following the introduction of nuncios in the fourteenth century, the latter were also responsible for them. Finally, the systematic and routine collection of papal taxes by nuncios completed the process, creating a constant

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[2] This argument weaves throughout R. Brentano, *Rome Before Avignon: A Social History of Thirteenth-Century Rome* (London: Longman, 1974), e.g. pp. 73-74, 82, 139. See C. Morris, *The Papal Monarchy: The Western Church from 1050-1250* (Oxford: Clarendon Press, 1989), pp. 207-217; B.E. Whalen, *The Medieval Papacy* (Basingstoke: Palgrave Macmillan, 2014), pp. 111-123; D. d'Avray, 'Stages of papal law' *Journal of the British Academy* 5 (2017), pp. 37-59.

link between Poland and the Curia. A conclusion drawing out the connections between the theoretical discussion of legates and nuncios and their missions in Poland ends this chapter, stressing the offices' flexibility and the significance it has for our understanding of papal territorial behaviour within Polish ecclesiastical and lay territories.

II.1. Legates and Nuncios in the Thirteenth and Fourteenth Centuries

Papal legates were present in Christendom throughout the eleventh, twelfth, and thirteenth centuries. Legatine status was linked closely to the standing and competences of nuncios, and so it is helpful to compare the two officials and their activities (in Poland) before moving to a detailed study. Legates and nuncios were extensions of how the papacy conceptualised and exercised its governance. Kriston Rennie has shown how this model was based on imperial precedent and Roman Law, which provided the foundations for discussing the definitions of their powers and their employment.[3] Decretists and decretalists all discussed the extent of a legate's legal standing, yet none of them provided a definite answer as to which powers were *ex officio,* which needed a special mandate, and what happened to a legate after the pope's death.[4] Likewise, the requirements for becoming a legate were not explicit, and those prescriptions that were present in canon law or commentaries were not strictly followed. These same discussions never fully separated the office of legate and nuncio, only implied a difference in status. Therefore, unbound by laws, and informed by such commentaries, the Curia was able to employ envoys in ways that suited particular missions.[5] The Curia relied on the flexibility of legates and nuncios for effectiveness. The following comparison will foreground the sometimes-unclear theoretical distinctions between the two offices, and indicate the practical territorial and institutional differences and ramifications of their presence in Poland.

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[3] K.R. Rennie, *The Foundations of Medieval Papal Legation* (Basingstoke: Palgrave Macmillan, 2013), pp. 1-19.
[4] For details, see R.C. Figueira, 'The Classification of Medieval Papal Legates in the 'Liber Extra'', *Archivum Historiae Pontificiae*, 21 (1983), pp. 211-228; and P. Ferguson, *Medieval Papal Representatives,* pp. 1-22.
[5] See R.C. Figueira, 'Papal Reserved Powers and the Limitations on Legatine Authority' in J.R. Sweeney; S. Chodorow (eds), *Popes, Teachers, and Canon Law in the Middle Ages* (Ithaca: Cornell University Press, 1989), pp. 191-211.

II.1.1. The Cases of Jacques Pantaléon and Galhardus de Carceribus

Jacques Pantaléon and Galhardus de Carceribus serve as excellent cases of the occasionally blurred boundary between legate and nuncio, contemporary and modern. With Pantaléon, the problem first arises in the titles he is given in letters of appointment, as compared to the modern *regesta* calendar headings.[6] Whereas the headings cite him as an apostolic legate, the documents themselves refer to him as the chaplain of the pope, sometimes penitentiary, never *apostolice sedis legatus*.[7] However, he is overwhelmingly known as a legate throughout the historiography.[8] At the same time, all the other phrases used in letters regarding his mission are comparable, verbatim, to those used in letters of appointment or introduction of other papal legates sent from Rome.[9] Moreover, the duties that are entrusted to Jacques Pantaléon suggest the highest rank of legate, such as holding a synod.[10] This may explain why the headings use the title of legate.

Pantaléon was one of a few clerics who became pope without having previously been cardinal, indicating the Curia's generally flexible attitudes. In terms of his mission, Pantaléon was the best person for the job at hand, and the fact that he was not a cardinal did not stop his appointment. Likewise, it was not an impediment to him becoming pope in 1262, as Urban IV. Perhaps then this lack of clarity in the documents regarding his status is a reflection of the awkward compromise between what was in the law, and what was most expedient in practice. Pantaléon's presence in Poland was very much the presence of someone holding powers directly from the pope, no matter his title. Such a blurring was not unprecedented at that time, as William of Modena, a previous legate to Poland, was given tasks befitting a cardinal, yet did not join the Sacred

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[6] E.g. CDMP.274 (Potthast.18553).

[7] MPV.I.62-64: heading: 'legatus,' text: 'capellano nostro;' VMPL.XCI-XCIV: heading: 'nuncius,' text: 'capellano nostro;' CDMP.274: heading: 'legatus,' text: 'domini Pape Capellanus.' The nineteenth century *regesta* headings must reflect the editors' confusion.

[8] E.g. P. Górecki, *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993), pp. 54-58, 108-119.

[9] E.g. 'Cum videris expedire indulgentia sedis apostolice, si quam habent, quod interdici, suspendi vel excommunicari non possint, et quibuslibet aliis apostolicis vel legatorum sedis eiusdem indulgentiis nequaquam obstantibus, plenam auctoritate presentium concedimus potestatem.' VMPL.XCIII (Potthast.12764).

[10] R.C. Figueira, 'The Classification of Medieval Papal Legates', pp. 211-228; K.R. Rennie, *The Foundations of Medieval Papal Legation*, p. 4.

College until a year after coming back to Rome. He had first been legate in Poland in 1236, and for the second time in 1243, and in 1244 he was made cardinal.[11] This suggests that he may have been back to the Curia in the meantime, and we can entertain the idea that the decision to make him cardinal was made, but not finalised, during his stay. Nonetheless, while in Poland in 1243, he carried out tasks of the highest legatine status, such as creating new dioceses in Prussia and Chełmno.[12] We can see that the Curia did not shy away from being pragmatic when necessary, if the situation and people involved deemed it appropriate.[13]

The nuncio Galhardus de Carceribus on the other hand was entrusted with the mission of reconciling King Kazimierz the Great (1310-1370) with the Teutonic Knights in 1338.[14] Although a nuncio, Galhardus's authority in this matter was affirmed when the document stated that his decision would be the final papal judgement in the case. This is reminiscent of the *plene legationis officio* of legates; yet it lacks this formal categorisation and should not automatically be equated with it. In a system where advanced diplomatic was employed in correspondence (discussed below), the lack of such phrases is important. Neither Galhardus nor Jacques Pantaléon had been called legates, yet their respective missions, unquestionably of highest importance, were of a different nature. Their very presence in Poland imposed papal authority onto the spaces they operated within. The difference was that the legate's presence signified grand, one-off papal interventions, while the nuncio's presence impressed Poland into a routine papal government. Pantaléon and de Carceribus demonstrate in microcosm that the thirteenth century was one of legates, and the fourteenth one of nuncios.

Ambivalence about nomenclature is visible elsewhere. The fifteenth-century Polish chronicler Jan Długosz (1415-1480) seemed to have been aware of the legal fact that legates were of the highest rank; however, he also used the terms 'legate' and 'nuncio' interchangeably. For example, he called Opizo of

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[11] VMPL.LXV (Potthast.10190); VMPL.LXXVI (Potthast.11103).
[12] VMPL.LXXVI.
[13] The consensus amongst *Liber Extra* commentators was that only cardinals were truly fit for performing the tasks of a legate *de latere*: Innocent IV, *Apparatus in quinque libros Decretalium* (Frankfurt, 1570), p. 146; Hostiensis, *Summa aurea, liber I* (Venice, 1574), p. 325-328. However, the *Liber Extra* itself does not explicitly state this, leaving room for flexibility: X.1.30 in *Corpus Iuris Canonici,* ed. E.L. Richer; E. Friedberg, (Graz: Akademische Druck- U. Verlagsanstalt, 1959).), pp. 183-184.
[14] VMPL.CDLXX.

Mezano a legate in 1246, even though at that point, Opizo was addressed as a nuncio in papal correspondence. He did so presumably because Opizo was involved in the coronation of Daniel of Galicia (1201-1264) as the King of Ruthenia, a prestigious affair that 'expanded' Christendom.[15] On the other hand, Długosz called Philip of Fermo a nuncio, while he was titled a legate in official correspondence and held an important synod.[16] However, he also called Opizo 'legate' when he was nuncio and 'nuncio' when he was legate, which points to his assumption that these two were interchangeable.[17] Likewise Guido de Bourgogne in 1267 and Iohannes de Cobrespina in 1371 were both called nuncios and legates.[18] Perhaps the clue to this inconsistency is the fact that Długosz wrote only about the *nuncii* who performed quite prestigious tasks and could therefore have been legates. He did not write about them collecting Peter's Pence or tithes. Nevertheless, we see that it was not only the modern editors of medieval sources and historians who were unclear on the differences. So were medieval writers.[19]

Whatever the – meaningful – subtleties of their nomenclature, neither legates nor nuncios were ever unimportant. They were significant individuals who were involved in important ecclesiastical and lay matters. They were not neutral individuals either, as they actively changed the territories they were in. Although it was not necessarily planned, the transition from legates to nuncios reflects the cumulative preference for a more constant and steady connection between the Curia and Poland, growing out of the changes in the nature of the Polish ecclesiastical space. Through this transition we can differentiate between legates and nuncios usefully, despite the apparent blurring of the offices. While nuncios are usually considered 'lesser' legates, this chapter will show that the key financial roles they played elevated them from being mere collectors, and simultaneously differentiated them from legates.

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[15] *Annales.*VII pp. 57-59.
[16] *Annales.*VII p. 221; VMPL.CLXI (Potthast.21666).
[17] *Annales.*VII pp. 57-59, 92-93.
[18] *Annales.*VII p. 198 and Book IX p. 396.
[19] P. Ferguson addressed this same problem in relation to Scotland, stating that while canon lawyers and commentators would be aware of the legal differences, many chroniclers and local clergy would not: *Medieval Papal Representatives,* p. 17.

II.1.2. Diplomatic Analysis: A Comparison

We can obtain a sharper sense of the different 'weights' given to either office by examining their treatment in the letters appointing legates and nuncios. Given the Curia's reliance on the written word, their diplomatic sheds light onto the realities of the two offices. The *arengae* of legates' letters of appointment or instructions are very clear on the importance and prestige of their missions.[20] They illustrate the need for the pope to employ legates, since he has all of Christendom to govern, yet is only one person.[21] In 1286, the biblical verse '*O israel, inquens, quam maga est domus dei*' (Baruch 3:24) was quoted in the *arenga* of the letter appointing John of Tusculum as legate to explain why he was being sent to Poland.[22] This conceded that even the God-ordained institution of the papacy was a human organisation that needed practical, pragmatic solutions to the problems it faced. A more elaborate expression of this comes from the 1221 letter of appointment of Gregorius de Crescentio:

> The responsibility of rule that we have undertaken, which obligates us to everyone, requires that we who have undertaken the office of watchman extend our keenness of our care not only to those near, but also to those far away, and strive to extirpate the weeds from the field of the lord, lest as they grow because of our negligence and in the text 'the slothful man passed through the field, and behold, nettles filled it and overtook his face and spine' (Proverbs 24:30-31) be applied to us. Since, however, the nature of the human condition does not allow that we ourselves carry out everything assigned to us, by His example, who is everywhere present, makes spirits his [angel] messengers

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[20] *Arengae* were the ideological flourishes incorporated into papal documents that brought even administrative documents onto a higher plane of significance. They were formulaic only in the sense that they drew from a finite, but large, pool of biblical and canonical arguments for ecclesiastical and papal power; although they could appear similar and uniform, they tended to vary enough to be written and adjusted on a case-by case basis. L. Boyle, 'Diplomatics' in J.M. Powell (ed.), *Medieval Studies, an Introduction* (New York: Syracuse University Press, 1992), pp. 90-92.

[21] Innocent III stated that popes needed legates, since they had no wings to be able to tend to all of Christendom at once: J. Sabapathy, *Officers and Accountability in Medieval England 1170-1300* (Oxford: Oxford University Press, 2014), p. 224.

[22] VMPL.CLXXX (Potthast.22467).

and sends them to carry out various ministries, we commit charges to others [i.e. legates] that which we are not able to carry out ourselves.[23]

Similarly, Innocent IV (1243-1254) wrote in 1247:

Because we cannot be physically present in all places, sometimes we send prudent and discrete men sharing our responsibilities, instructed by His example, who descended from the heights of heaven to the world below for the health of humankind, [and] sent disciples into the whole world, who he chose, to preach the gospel to all creatures.[24]

However, when we examine letters addressed to nuncios, the *arengae* are no longer present. Rather, immediately after the address, we find the *narratio*, reiterating what the papacy knew when composing the letter, thanks to what it had already been told by the addressee.[25] Perhaps unsurprisingly, then, the *narrationes* of the letters sent out to nuncios play a key role within the documents, as opposed to the *arengae.* This is because nuncios were assigned to tasks that needed to be carried out within the local structures of the church, and with cooperation from the clergy, as will be demonstrated below. Although nuncios pursued policies originating at the Papal Curia, they drew their powers from effective collaboration with local churches; legates drew their authority more explicitly from the papacy. As such, the two represent both bottom-up and top-down dynamics of ecclesiastical governance. For example, the bishop of Cracow described in detail how nuncio Petrus de Alvernia was attempting to extract too much money from the church, and this made its way in a curial letter to Petrus

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[23] 'Suscepti cura regiminis, que nos omnibus constituit debitores, exposcit, ut qui officium speculatoris assumpsimus, non solum ad prope positos, sed etiam ad longe positos nostre sollicitudinis aciem extendamus, ac de agro dominico studeamus extirpare plantaria vitiorum, ne forte illis per nostram incuriam excrescentibus nobis possit adaptari, quod legitur: Per agrum hominis pigri transivi [sic], et ecce urtice repleverant eum, et operuerant faciem eius spine [sic]. Quia vero humane conditionis natura non patitur, ut per nos ipsos cuncta nobis imminentia exequamur, exemplo eius, qui cum ubique sit presens, spiritus angelos suos facit, et in diversa ministeria mittit illos, aliis ea exequenda committimus, que per nos ipsos exequi non valemus.' VMPL.XXIV (Pressutti.2935).
[24] 'Qui corporali presentia non possumus locis singulis imminere, non numquam viros providos et discretos in partem sollicitudinis destinamus, exemplo eius instructi, qui pro salute humani generis de supernis celorum ad ima [sic] mundi descendens, discipulos, quos elegit, in universum orbem transmisit omni creature evangelium predicare.' VMPL.XCIV (Potthast.12765).
[25] L. Boyle, 'Diplomatics', pp. 97-99.

himself, admonishing him against such actions.[26] It was in the interest of the papacy to be able to collect taxes effectively – therefore it was a problem if the officers responsible for these tasks were abusing their powers and disrupting the local church. The authority of the pope to collect these taxes did not need to be reiterated, but the means of doing so did need to be clarified.

Lastly, the way that the powers of legates and nuncios were described also differed. Almost all legates had the powers 'to pluck and destroy, disperse and ruin, build and plant, just as the master will direct him, like the diligent cultivator of the field of the Lord' (Jeremiah 1:10) and were to be treated 'as if they were the pope himself'.[27] Above, we saw one instance where the powers of a nuncio were described, in the case of Galhardus de Carceribus. Aside from that, only Arnaldus de Lacaucina's special powers were described in 1354, when he was given *plenam potestatem* to deal with the business of the Apostolic Camera – but not more.[28] Otherwise, papal letters to nuncios focus on the tasks they were being instructed to do at that point.[29] The diplomatic of papal letters quite explicitly reflects the Curia's conception of legates' and nuncios' different roles, affecting the tasks they performed.

II.1.3. Legates

Papal legates *a latere* (sent 'from the side' of the pope) were men with a defined legal standing, sent throughout Christendom to tend to matters of the highest importance in place of the pope himself.[30] *Titulus* 30, *De officio legati,* in the first part of Gregory IX's *Liber Extra* (1234) is dedicated to the office, outlining legatine

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[26] MPV.I.146.

[27] 'Ut evellat et destruat, edificet atque plantet (…) Quatinus ipsum, immo verius nos in ipso recipientes ylariter et honorifice pertractantes eidem tamquam persone nostre intendatis et obediatis humiliter et devote.' VMPL.XXIV. 'Ut evellat et dissipet, edifice et plantet, sicut viderit expedire (…) Quatinus eum, immo potius nos in ipso benigne recipients.' VMPL.XCIV. See J.C. Moore, *Pope Innocent III (1160/61-1216): To Root Up and to Plant* (Leiden: Brill, 2003), pp. 28-35.

[28] 'Tibi sub quocumque titulo super quibuscumque negociis cameram ipsam quamodocumque tangentibus destinatis, in negociis ipsis ceptis vel non ceptis, non obstantibus quibuscumque constitutionibus apostolicis vel aliis uti et eas exequi libere valeas, plenam concedimus tenore presentium potestatem.' MPV.II.108.

[29] E.g. when Galhardus de Carceribus was allowed to proceed with ecclesiastical censures against those prelates who did not cooperate with him in 1335, VMPL.CDLXXXV.

[30] R.C. Figueira, 'The Classification of Medieval Papal Legates', pp. 211-228; J.E. Sayers, *Papal Judges Delegate in the Province of Canterbury, 1198-1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford: Oxford University Press, 1971), pp. 25-26.

prerogatives and limitations.[31] For example, a legate was not allowed to interfere with business assigned by the pope to another individual, nor was he allowed to translate bishops or subordinate one bishopric to another without special mandate. A legate could exercise power over assigned places from afar and employ sub-legates to do his bidding. But after his legation ended, both his and their authority expired. A legate *a latere* was allowed to absolve those excommunicated for violence against clerics, but *legati nati* ('born' legates, i.e. local archbishops who had legatine status due to their office) could only do so to excommunicates from their own province, suggesting that legates *a latere* could absolve any such excommunicates. Moreover, legates *a latere* had the power to dispense vacant benefices. Based on these decretals, canon law commentators further developed the criteria of the legatine office, often stating that the rank of cardinal was a prerequisite for the job, and that nuncios were lesser legates who did not meet all the requirements and/or performed lower-status tasks.[32] However, as this chapter will illustrate, these discussions did not translate directly into practice.

Legates were well-known and widespread in medieval Europe in the eleventh and twelfth centuries. In the case of Poland, the first legates appeared in 1075, to aid with the establishment of dioceses following a period of turmoil.[33] Yet it was really in the thirteenth century that their presence became regular in Poland. The matters that they dealt with were those most pertinent to both the papacy and the local clergy: the distribution of benefices or the preaching of the papacy's cause against Holy Roman Emperor Frederick II in 1247 for example.[34]

The Polish case presents legates as cardinals who had previously been in other relatively influential ecclesiastical posts, such as archdeacon, bishop, abbot.[35] There were also legates who were not cardinals. Nevertheless, the majority were still members of the Curia while the rest were bishops and abbots

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[31] X.1.30.
[32] R.C. Figueira, 'The Classification of Medieval Papal Legates', pp. 211-228.
[33] CDMP.4.
[34] Cardinal Gregorius de Crescentio dealt with the redistribution of benefices in the Polish province in 1220, VMPL.XXIV; Cardinal Petrus de Sancti Gregori ad Velum Aureum was sent to Poland to preach against Emperor Frederick in 1247, VMPL.XC (Potthast.12456).
[35] Guido de Bourgogne, abbot of Citeaux, CDMP.422; Giovanni Boccamazza, archbishop of Monreale, VMPL.CLXXX.

of places such as Fermo, Mezano, Modena.[36] All but Jacques Pantaléon held the title *apostolice sedis legatus*, and there is very little variation visible based on cardinal or non-cardinal status, with all legates entrusted with the most important tasks – the distribution of benefices and delineation of dioceses and provinces – reserved for the pope himself.[37] Two examples are the legates Guido de Bourgogne and Opizo of Mezano. Cardinal Guido de Bourgogne was in Poland in 1266 to confirm diocesan boundaries between Lebus (Lubusz) and Chełmno.[38] Abbot Opizo of Mezano was legate in Poland in 1254.[39] He had been to the Baltic Coast in the 1240s as nuncio, and was sent again, this time with legatine powers.[40]

A key aspect that emerges from the Polish sources is that legatine missions were discrete and circumscribed. In practice, after the missions ended, legates returned to the Curia and often were given another legation, or other opportunities to rise through the ecclesiastical ranks. This could mean returning to the same province as their previous legation, like William of Modena (1236, 1243) and Opizo of Mezano (1241, 1253/54) did to Poland and the Baltic Coast.[41] However, these were still time- and task-constricted missions, as opposed to a permanent 'posting.' Jacques Pantaléon, following his legation to Poland, was bishop of Verdun (1253-1255), patriarch of Jerusalem (1255-1261) and pope, as Urban IV (1261-1264).

Legatine missions had important territorial ramifications. It was rare for there to be more than one legate present in a province, though sometimes, joint legations took place – yet these were planned as such from the beginning.[42] This

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[36] E.g. Jacques Pantaléon, archdeacon of Liège and 'capellano nostro', MPV.I.61; 'Episcopo quondam Mutinensi', VMPL.LX; 'Philippo Episcopo Firmano', CDMP.487; 'Opizo de Mezzano', CDMP.314.

[37] R.C. Figueira, 'The Classification of Medieval Papal Legates', pp. 211-228.

[38] CDMP.422.

[39] MPV.I.69.

[40] MPV.I.48.

[41] William of Modena: VMPL.LX in 1236, VMPL.LXXV in 1243. Opizo of Mezano: VMPL.LXXXV in 1241, VMPL.CVII in 1253/4. On William of Modena's mission in the 1220s, see I. Fonnesberg-Schmidt, *The Popes and the Baltic Crusades 1147-1254* (Leiden: Brill, 2006), pp. 170-179.

[42] Like Soffredo Gaetani and Andrea Bobone sent to France to reconcile Philip II of France and Henry II of England in 1187. Likewise, in the eleventh century, two legates were sent to Poland to help establish the then-weak church there, CDMP.4. Similarly, prior to coming to Poland, Nicholas of Ostia was legate alongside Giovanni de Murro to reconcile Edward I of England and Phillip IV of France.

was an important matter, as legates were the pope's *alter ego.*[43] They were, for all intents and purposes, the pope in the province they were assigned to. For all the potential problems that having two legates could create, this rule was not always observed. For example, Opizo of Mezano was not the only papal legate in Poland in 1253-1254; Petrus de Sancti Gregori ad Velum Aureum was active there as well.[44] On the one hand, they were given faculties to operate in the same province – Poland. On the other, they were entrusted with distinctive tasks in remote locations. Opizo was in central Poland (Cracow, Cuiavia), while Petrus was in Warmia on the Baltic coast.[45] This illustrates the interplay between papal and local understandings of the territories involved. While the legates' destination was Poland, the local political divisions affected where they held powers. While Cracow was unquestionably part of the Polish realm and Cuiavia had strong ties with it, the ties of Warmia and other areas on the Baltic coast to the Polish province and duchies were more tenuous.[46] This explains why two legates were sent to Poland, since their business concerned distinct areas and so they would not interfere with one another.[47] By sending two legates, the papacy also made sure that what the legates were sent to do would be more effective, since they were explicitly local. Thus, while it was certainly the case that the papacy perceived Poland as a unified realm, in practice the papacy can be found differentiating between areas. This awareness is nicely reflected in the areas in which papal legates resided – Wrocław, Cracow, Gniezno, and the Baltic coast were more prominent than Poznań, Płock, or Włocławek. On the one hand, there is the assumption that Poland was a single province and so not all dioceses

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[43] A term used throughout in R.C. Figueira, *The Canon Law of Medieval Papal Legation*, PhD Thesis, Cornell University, 1980.

[44] VMPL.CXV (Potthast.15334).

[45] VMPL.CXIX (Potthast.15459); VMPL.CXVI (Potthast.15349), VMPL.CXVIII (Potthast.15421). They are both addressed as legates to Poland, but the instructions explicate their tasks as focused on different regions.

[46] See P. Milliman, *The Slippery Memory of Men: The Place of Pomerania in the Medieval Kingdom of Poland* (Leiden: Brill, 2013), pp. 1-22.

[47] However, having two separate legates present in one province was not desirable for the papacy. X.1.30 does not explicitly outlaw sending two separate legates to one province. However, based on the traits of a legate, and especially his sharing powers with the pope, we can surmise that there would be unease about this occurring without previous planning, especially if the two would contradict one another. It remains to be seen whether there was any unease about this, in Poland or elsewhere.

needed to be visited personally. On the other, there is the understanding that Wrocław or places on the coast would benefit from a direct presence.

Conversely, legates' missions could explicitly cover multiple provinces, regions, duchies, kingdoms. To give three examples: Gregorius de Crescentio was legate not only in Poland, but also Bohemia, Denmark, Sweden.[48] Petrus Capocci was legate to Poland, Pomerania, Germany, Denmark, Sweden.[49] Philip of Fermo, in 1279, was legate to Poland, Hungary, Dalmatia, Croatia, Rama, Serbia, Lodomeria, Galicia, Cumania.[50] Such an approach illustrates a different facet of the papacy's projection of its authority onto territories. The regions included in such legations were viewed as interconnected and similar. They were understood as distinctive but connected areas of Christendom. I also argue that these regions were presumed by the Curia to have a strong enough local ecclesiastical infrastructure to allow legates to effectively carry out their tasks – even if these were to strengthen these same institutions. For example, the legate Philip of Fermo held a synod in 1279 in Buda, binding in all the areas listed in his legation. However, without local attendance at the synod and input into the content of the decrees, or a satisfactory diocesan network, the synod would not have been the most efficient and effective way of establishing papal authority in the region. Philip instructed all bishops to review and reiterate the decrees within a year's time during their regular capitular, cathedral, or general synods, illustrating his awareness of the need for effective local means of communication and belief that the local clergy could accomplish this.[51]

This leads to an important reason for including multiple areas in one legation, and relying on local clerics for assistance. It was in the interest of the papacy not to lose too many individuals to missions in distant regions. The college of cardinals was a finite body, and the Curia could not function without these

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[48] VMPL.XXIV.
[49] VMPL.XC.
[50] CDMP.487.
[51] CDMP.487: 'Ad hec precipiendo mandamus, quod singuli episcopi legationis nostre predicte, semel saltem in anno in episcopalibus Synodis suis, Capitula vero cathedralium ecclesiarum in generali Capitulo propter hoc faciendo, quater in anno, videlicet tribus mensibus semel, constitutiones predictas solemniter legi faciant et diligenter exponi.' Philip's statues were reissued in 1357 by Jarosław Bogoria (Chapter Four, pp. 199-217), so while it is difficult to trace whether this instruction was followed diligently, his statues were well-known and circulated in the decades after the synod, at least in Poland.

senior officials.[52] Institutional and logistical concerns must have informed the planning and execution of legations, even if these were fuelled by local requests. The area in question, East Central Europe, would cover over 200,000 kilometres-squared, if not more.[53] Therefore, there was concern over how to deploy individuals so that their missions would be most effective. If legates were to travel across this vast space, they needed to be sure that they could do so safely and with adequate provisions. If, on the other hand, their presence was only localised, they needed to know that their tasks would be taken up by locals. In either case, the local setting – geography, infrastructure, people – was crucial for successful missions. We have seen that Gniezno, Cracow, Wrocław were the foci of legatine activity, suggesting belief that the prelates of these important dioceses would disseminate the changes enacted by the legates.

II.1.4. Nuncios

The fourteenth century saw only two papal legates *a latere* in Poland, Cardinal-Bishop Nicholas of Ostia in 1301 and Gentilis in 1309-1310, in contrast to eight legates *a latere* in the thirteenth century.[54] However, the papacy did not cease to employ direct representatives in the province. Apostolic nuncios (*nuncius, nuncii)* replaced legates. They carried out tasks that were more 'day-to-day' in their nature, such as the routine distribution of benefices or the collection of Peter's Pence and other payments owed to the papacy. This replacement of legates with nuncios was not a given, but it was a symptom of the changing dynamics at the Curia and in Poland. The papacy was interested in continuing to maintain a strong presence in Poland, following the successful legatine efforts following Innocent III's direct involvement.

Little work on fourteenth-century nuncios has been carried out. After the Council of Trent (1545-1563), the papacy deployed apostolic nuncios as

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[52] M. Brunner, 'The Power of the Cardinals: Decision-Making at the Papal Curia in Avignon' in T.W. Smith (ed.), *Authority and Power in the Medieval Church, c.1000-c.1500* (Turnhout: Brepols, 2020), pp. 355-370.

[53] A. Gieysztor, 'The Kingdom of Poland and the Grand Duchy of Lithuania, 1370-1506' in C. Allmand (ed.), NCMH vol. 7 (Cambridge: Cambridge University Press, 1998), pp. 727-747.

[54] Nicholas was sent to resolve the conflict between the bishop of Cracow and the archbishop of Esztergom regarding boundaries, VMPL.CXCIX, while Gentilis further solemnised Nicholas's decisions, CDMP.1245.

ambassadors, with no inherent powers outside of diplomatic representation.[55] However, the nuncios present in Poland in the fourteenth century differ in that they held specific powers related to their office, showing a combination of the tasks reserved for papal legates and those carried out by papal collectors. But the key lies in the imprecision of their canonical definition, since the canonists only discussed them as less powerful legates. Moreover, even though they were papal officials, their missions were not always pre-defined like those of most legates, and they were present in Poland for long periods, sometimes even 'going native' and taking up local prebends. Therefore, the study of fourteenth-century nuncios in Poland is an important contribution to the study of papal governance, dealing with an understudied phenomenon. The case of Poland should be used to analyse the contemporary presence of nuncios elsewhere in Christendom.[56] Their prolonged presence and routine collection of papal dues has important territorial ramifications. By operating within dioceses and relying on their institutions to support their tasks, the nuncios consolidated these territorial divisions locally and linked these to the routine business of the papacy. This routine business allowed for the papacy to regularise its presence in the province and maintain long-lasting and effective financial and jurisdictional operations in the area.

Unlike legates, it is more difficult to categorise nuncios based on their background or their tasks. First, they shared little common background. While some were members of the Papal Curia, they were mostly canons, provosts, or deacons of French or Central European towns.[57] The three outliers in the Polish case are the bishop-elect of Bologna, the bishop of Ústí in Bohemia and the bishop-elect of Nemosia in Cyprus.[58] Perhaps these differences in backgrounds signal that nuncios were appointed primarily based on merit. Instead of appointing

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[55] P. Partner, *The Pope's Men: The Papal Civil Service in the Renaissance* (Oxford: Oxford University Press, 1990), pp. 65-67.

[56] For this purpose, the study of nuncios in this chapter extends beyond 1357.

[57] Curia: Andrea de Verulis (1325-1335), both canon of Wrocław and papal *scriptor:* VMPL.CCCXXIV; Matzeus de Lamberto (1395-1399), cleric of the Apostolic Camera: VMPL.MXXXVIII. French: Galhardus de Carceribus (1337-1339), a cleric from Cahors: VMPL.CDLXVII and later provost of Koloszvar (Hungary): CDMP.1179; Iohannes de Cobrespina (1371), canon of Narbonne: MPV.II.240. Central European: Petrus Stephani (1373-1375), canon of Esztergom (Hungary): VMPL.DCCCCLVI; Petrus de Radolina (1389): provost of Włocławek (Poland): VMPL.MXXX.

[58] Bishop-elect Bernardus de Bonnevalle of Bologna (1376): VMPL.M; Bishop Iohannes of Ústí (1371): MPV.II.240; Bishop-elect Thomas of Nemosia (1375): VMPL.DCCCCLXXIX.

a cardinal whose merit *and* status within the Curia was deemed prestigious enough to represent the pope, a cleric with appropriate experience was assigned to a specific mission he was equipped to handle.[59] The most important experience would be in conducting financial matters, as every single one of the *nuncii* was involved with papal finances. Not only did they have to negotiate collecting money and do so efficiently, but they also had to maintain contacts with bankers whose services the papacy used – such as the Malabayla family, *Societatum Bardorum*, and *Societatum Azayalorum*.[60] Financial expertise and trustworthiness were necessary traits for the nuncios.

Aside from financial matters, the nuncios were active as mediators, judges, overseers of clerical incomes, penitentiaries, or inspectors. These were tasks that most senior churchmen would have performed in their careers. However, few of the nuncios were of a such high rank – provost, dean, or even abbot or bishop – before becoming papal officers, especially when compared with legates. Therefore, it seems telling that the papacy would entrust such tasks to them. It suggests that the pragmatic need for able officers *in situ* was greater than the need for these officers to have prestigious ranks while representing the pope, and that the status of the office would compensate for any deficiency in an individuals' own distinct standing. It likely also changed the way that they were perceived: rather than grand individuals, sharing the pope's plenitude of power and representing the authority of the Curia, the nuncios were officers who had specific, almost bureaucratic tasks. The presence of this new papal envoy indicates a routinised form of papal power.

Equally important to the diversity of backgrounds was that nuncios had a more permanent position in their assigned provinces, unlike legates. They were

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[59] This is arguably an example of institutions like the papacy becoming more professionalised and meritocratic. See M.K.E. Weber, 'Chapter XI: Bureaucracy' in *Economy and Society: An Outline of Interpretive Sociology* vol. 2, ed. G. Roth; C. Wittich, trans. E. Fischoff; H. Gerth; A.M. Henderson; F. Kolegar; C. Wright Mills; T. Parsons; M. Rheinstein; G. Roth; E. Shils; C. Wittich (Berkeley: University of California Press, 1978), pp. 956-1005. Furthermore, by focusing more on the tasks given to nuncios rather than their status, we can see that perhaps an accountability of office rather than fidelity was important in carrying out papal business. See T.N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009), pp. 318-40. However, this is not to say that cardinals were not skilled bureaucrats who contributed to the running of the Curia.

[60] VMPL.DCIX; VMPL.CDLX; VMPL.DL. All these letters simply state that the nuncios were supposed to deliver money to these companies' representatives, suggesting common practices.

active in Poland for years at a time: Arnaldus de Lacaucina was there between 1344 and 1354 while Nicolaus Strosberg was nuncio throughout the 1350s and 1370s.[61] This suggests that it was in the interest of the papacy to maintain a long-term, direct link with its officers within the province. It also means that it was feasible for them to stay for extended periods. This may be explained by the fact that some nuncios held local prebends (never the case with legates *a latere*), like Andrea de Verulis, Arnaldus de Lacaucina, or Nicolaus Strosberg.[62] They were able to support themselves by incomes of a local benefice. However, these two intertwined factors blurred the distinction between papal and local officers.[63] This had its positive aspects, such as ensuring knowledge of the local situation. But at the same time, it removed the status of the nuncio as an outsider, carrying out the tasks assigned by the Curia, as will be seen below with regards to the distribution of prebends by Arnaldus de Lacaucina.

On top of the considerable length of time nuncios resided in Poland, another noteworthy aspect of their office is that two or even three nuncios could be present and active in the province at one time – like Andrea de Verulis, Petrus de Alvernia, Petrus Gervasii and Galhardus de Carceribus, described below in more detail. Since the nuncios were never described as sharing powers with the pope, their multiplicity would not be as problematic as having to accommodate two individuals of the same rank being sent directly from the pope's side to one area. Rather, they would be the papacy's 'governmental apparatus,' aimed at a different form of government than that performed by a legate. Having multiple envoys sent to an area, each flexible enough to focus on different tasks, would allow for a greater scope and effectiveness of the group than having one legate perform all these tasks himself.[64] It would also ensure a more thorough coverage of a territory the papacy was interested in.

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[61] Arnaldus: VMPL.DVCII, MPV.II.108; Nicolaus: CDMP.1351, VMPL.MX.
[62] Andrea Canon of Wrocław: VMPL.CCCXXIV; Arnaldus Canon of Cracow: MPV.II.114. Initially, he was a cleric in Koloszvar: VMPL.DCVII; Nicolaus Provost of Gniezno: CDMP.1351.
[63] On the advantages and disadvantages of employing residential officers, see J. Sabapathy, *Officers and Accountability*, pp. 222-260, esp. 231-236.
[64] Petrus de Alvernia (1325-1339), Petrus Gervasii (1338-1339), Andrea Verulis (1325-1334), and Galhardus de Carceribus (1335-1339) overlap – they know of each other, sometimes addressed together to work on the same task, sometimes separately to do different things. For example, MPV.I.169 shows that Andrea Verulis and Petrus de Alvernia were acting together collecting cameral dues. MPV.I.232 shows Petrus de Alvernia acting alone when resolving the conflict between the Teutonic Knights and the bishop of Włocławek. MPV.I.185 shows Petrus Gervasii

The picture of the nuncio that emerges reflects a papacy intent on maintaining a permanent foothold in the province. This was achieved by governing the province by means of a group of clerics who had appropriate experience to manage their most important tasks, yet were not seen as an overt outside influence or interference. This was further enabled by allowing these clerics to settle down in the province and even become part of local institutions. Instead of one-off, legatine missions with high stakes (church reform, territorial division), the nuncios were sent on missions that were more spread out in time (especially collecting Peter's Pence), but at the same time allowed them to become involved with other local events. From the perspective of the Polish province, this works as well – with the goals of strengthening the local clergy met, a different, routine link with the papacy was beneficial to maintain the relation. Both relied on local cooperation, but for different means. Legates would not be employed had the papacy not been aware of the support that was required. Nuncios, on the other hand, would not be able to function without a strong, structured local church. Nonetheless, the fact that the papacy changed the way it operated hints at a more interventionist approach to governing than the idea of rescript government has been allowed to imply. Permanent representatives with clear financial tasks show the Curia as proactive in exercising its territorial authority, bringing the papacy directly and intensely into the territories of the Polish church.

II.2. The Activities of the Legates and Nuncios

Now, let us turn from the theoretical to the practical and analyse the activities of legates and nuncios in Poland. These follow a broad pattern of creating and consolidating ecclesiastical territories in Poland, both papal and episcopal. This pattern can also be characterised as being performed initially by legates, by both legates and nuncios in the consolidation stages, and finally by nuncios once the territories were set and institutional practices established. Following these developments, we see the regular employment of nuncios who, with their actions, accomplished further consolidation of the province by their involvement in

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and Galhardus de Carceribus both having to deal with exacting payments from the bishoprics of Kamień and Wrocław.

mediation and judgement and allocation of benefices. More importantly, they also contributed to a routine form of papal government as exercised by financial exactions.

II.2.1. The Creation of Ecclesiastical Territories by Legates
II.2.1.1. Territorial Administration

Papal legates had the power to actively create new ecclesiastical territories and reshape existing ones. Territorial division was a crucial feature of legations to Poland and East Central Europe in general: legates were entrusted with delineating newly converted areas, asserting papal authority. As Christian missions and crusades converted areas along the Baltic coast, legates followed in the creation of formal boundaries and institutions. The most prominent was William of Modena, tasked with the creation of new dioceses in Prussia and Chełmno (Culm) by Innocent IV in 1243. William of Modena was to divide Prussia into three dioceses (Pomesania, Ermland, Samland), and establish the diocese of Chełmno (suffragan to Riga), as per the advice and reports of the Teutonic Knights and local bishops.[65] Using the information provided by the Teutonic Knights and other local prelates, the papacy sought to establish its strong presence and authority in the region. In an effort to eliminate future conflicts over territorial lordship between the Teutonic Knights and secular prelates, Innocent IV mandated that of the newly-created dioceses, the Teutonic Order would hold two of the dioceses as fiefs with rights to all their incomes, while the third would be held in the same manner by a separate bishop with full jurisdiction.[66]

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[65] VMPL.LXXV (Potthast.11102). See also E. Christiansen, *The Northern Crusades*, pp. 128-133 on William of Modena's diocese-building activities in Scandinavia. Similarities can be found with the legate Nicholas Breakspear, later pope Adrian IV, as well: J.E. Sayers, 'Adrian IV (*d.* 1159)', *Oxford Dictionary of National Biography*, (Oxford: Oxford University Press, 2004). See Maps I-III, pp. 14-16.

[66] 'Verum episcopus [William of Modena] ipse tres in Prussia et unam in terra Culmensi dioceses limitavit, ac tres partes fecit de terra Pruscie, quarum duas dictis Fratribus ferentibus preliorum angustias et expensarum onera, quos oportet terram infeudare pluribus, deputavit, ita quod, sive unus episcopus fuerit, sive plures, duas partes terre integre cum omni proventu habeant, et Episcopus vel episcopi tertiam similiter integre habeant cum onmi iurisdictione et iure.' VMPL.LXXVI.

Moreover, Innocent IV mandated that these new dioceses could not be given as fiefs, alienated, or split without special permission from the pope.[67]

Florian Mazel's and Michel Lauwers's studies of dioceses' territorialities helpfully illuminate the importance of the involvement of legates in the creation of dioceses. Mazel describes how the boundaries of dioceses rose out of local power structures, and in the thirteenth century, were becoming increasingly 'solid' through the increase of intensive jurisdiction following institutional changes.[68] This precipitated litigation over the exact boundaries of dioceses.[69] The legates' involvement in the creation of these new ecclesiastical spaces shows that the papacy wanted to take part in this endeavour, even if the request for such an administrative intervention came from the locality. The local hierarchy may have wanted their new structures affirmed by the Curia's authority. Since the papacy was the source of legitimation as well as a court of appeals, boundaries established by legates *a latere* would be perceived as legitimate and incontestable. The papacy would assert itself in such new regions, while the local hierarchy would find assurance that its new territories were protected by the Holy See.

Even if legates did not create the space, their confirmation of diocesan 'staffing' and boundaries was useful. In 1254, Petrus Capocci was to oversee the translation of Bishop Henricus from his see in Warmia to that in Samland.[70] In 1266 Guido de Bourgogne was sent to confirm new dioceses in Livonia, previously created by the archbishop and *legatus natus* of Riga.[71] Clearly, the pope wanted one of his own men, sent directly from Rome, to be responsible for these new developments. Equally, the Livonian diocese stood to benefit from legitimation from the highest authority. This is comparable to the process described by Mazel and Lauwers, in that boundaries, following conflicts, would

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[67] 'Pertinentia infeudare, alienare, vel dare absque speciali mandato sedis apostolice non presumas.' VMPL.LXXVI.

[68] F. Mazel, *L'évêque et le territoire : L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013), pp. 256-289; see also F. Mazel, 'Introduction' p. 13 and M. Lauwers, 'Territorium non facere diocesim… Conflits, limites et représentation territoriale du diocese (Ve-XIIIe siecle)' pp. 35-47 in F. Mazel (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008), pp. 23-65.

[69] M. Lauwers, 'Territorium non facere diocesim', pp. 35-47.

[70] VMPL.CXVI (Potthast.15349).

[71] CDMP.422.

be confirmed and the territories they enclosed institutionally solidified.[72] As late as 1310 the legate Gentilis had to confirm the parish boundaries that the archbishop of Gniezno delineated in Kalisz.[73]

Aside from creating or confirming diocesan boundaries, legates also had the power to alter or modify them. On 19 May 1253, Opizo of Mezano, fulfilling a petition made by Duke Kazimierz I of Cuiavia (1211-1267) to Innocent IV, was given powers to place the pagan lands of Galindia (*terram que Galens dicitur*), and any other pagan lands the duke conquered which were not within any diocesan borders (*si non sunt infra diocesium aliquarum limites*) to a neighbouring diocese with the duke's consent.[74] Opizo was given the same powers with regards to the petition of Bolesław V Wstydliwy (1226-1279, *the Chaste*) of Cracow, referring to the conquered lands of the Jatvingians. The reason for this can be found in the instruction from 17 May 1253, in which Innocent IV commanded Opizo to protect the Polish dukes from any grievances, especially from the Holy Roman Emperor.[75] The rationale for this protection was that the lands ruled by these Polish dukes paid Peter's Pence. In this example, we see the complex, overlapping nature of ecclesiastical space. The papacy, especially in the Baltic region, was interested in securing its authority there. However, Polish dukes, who were the ones responsible for the political and military expansion into lands ruled by the Jatvingians and Galindians, pressed for papal approval of their rights. In the instructions to Opizo, we saw that the lands that these dukes conquered were to be placed within already existing dioceses. Therefore, what Innocent III and Kietlicz fought for – a clear distinction between ecclesiastical and political space in Poland – was continued. While dukes Kazimierz and Bolesław were able to incorporate newly conquered lands into their domains, these lands would have to have an ecclesiastical dimension as well, and could not be exempt from ecclesiastical governance. Nevertheless, they were conceived as separate from Prussia and Livonia, and so incorporated into the Polish ecclesiastical network. Legates were actively involved with the

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[72] F. Mazel, *L'évêque et le territoire*, pp. 265-268; M. Lauwers, 'Territorium non facere diocesim', pp. 43-44.
[73] CDMP.1719.
[74] VMPL.CIX (Potthast.14979).
[75] VMPL.CVIII (Potthast.14975).

institutional making and remaking of ecclesiastical territories in and around Poland.

The involvement of legates in these territorial affairs has two key characteristics. First, the papacy envisioned the borderlands of the province as needing top-down interventions to create new ecclesiastical territories. These interventions were part of the legates' wider activities, and so suggest that territorial as well as institutional preoccupations were understood to be intertwined. However, because of the momentous nature of territorial changes, legates would not be in a position of enforcing them without local support. But the fact that papal/legatine involvement was equally sought *locally* shows that the people who were more intimately connected with the lands, for whom the stakes of these changes were high, accepted that the papacy had a say in the territorial makeup of Christendom, and that papal legitimation could prove useful. The expansion and alteration of ecclesiastical space and the processes and relationships which made it possible contributed to the substance of the church. Local desire to clarify boundaries invited legatine involvement, which in turn consolidated both local and papal territorial layers as present in the region.

II.2.1.2. Synods

Church councils – synods – were crucial to regulating and regularising beliefs and practices for the Latin Church. By the thirteenth century, general synods called by popes were the supreme source of orthodoxy and law, regulating and affirming dogma and practice. Legatine synods, in terms of solemnity and importance, followed. The decrees passed at such councils contributed directly to the articulation of ecclesiastical power – papal, archiepiscopal, episcopal – over territories, and defined how it was to be exercised. Legates presided over three synods in Poland in the thirteenth century in 1248, 1267, and 1279, serving the crucial purpose of introducing papal reforms as well as resolving local issues.[76] Although it is difficult to tell how synodal decrees were composed, we can assume that whatever planning happened prior to the meeting, the council still offered a venue for discussion and debate. This was an opportunity for those

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[76] Provincial synods will be discussed in Chapter Four.

attending to shape the laws that were promulgated.[77] The legatine synods that took place in Poland gave Polish ecclesiastical territories much sharper institutional definition through the heavy emphasis on their distinctiveness and the tithing regimes to be observed, as well as defining religious practice throughout the province, responding to local situations. This reinforced papal authority and strengthened episcopal powers at both a broad, provincial level and more directly within dioceses. Piotr Górecki has analysed the tithing regulations put forward by Jacques Pantaléon and Guido de Bourgogne.[78] In this section, I will analyse the territorial ramification of these decrees, and consider a third set of legatine statutes issued by Philip of Fermo.

Jacques Pantaléon held a synod for the Polish province in Wrocław in 1248.[79] It produced over twenty-five canons, many of which prescribed actions to explicitly differentiate ecclesiastical territories within the Polish polity. Additionally, the religious life of the province as a whole was regulated, resulting in a multi-layered approach of the legate to both assert papal authority throughout Poland, as well as to strengthen episcopal powers. The canons were presented as directed against local practices, suggesting the involvement of Polish prelates in their elaboration.[80]

The first group of canons was linked directly to the territorial jurisdiction of ecclesiastical spaces. Excommunication was decreed for the spoliation of church properties and cemeteries, as well as the enlisting of pagan soldiers. The regular payment of Peter's Pence from Polish dioceses was reiterated, confirming the special status of ecclesiastical spaces in Poland. More practically, in response to local conflicts over tithing, Pantaléon decreed that knights were prohibited from preventing clerics to freely manage the tithes owed to them from knightly villages, stating that it was within the rights of the clergy to exchange or sell these.[81] More importantly, Pantaléon prohibited lay landowners from exempting their new

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[77] See essays in R. Kay, *Councils and Clerical Culture in the Medieval West* (Aldershot: Variorum, 1997).
[78] P. Górecki, *Parishes, Tithes, and Society*, esp. pp. 54-58, 108-119.
[79] CDMP.274. For a discussion of the manuscript transmission and edition of these statues, see A. Zielinska, 'Remembering how to fast in medieval Poland: the papal legate Jacques Pantaléon on regional and ethnic particularity' *Reading Medieval Studies* 45 (2019), pp. 1 n.4, 62-63.
[80] 'Intelleximus quod talia frequenter in istis partibus presumuntur' and 'in istis partibus frequencius debito sicut audivimus attemptetur.' CDMP.274.
[81] 'Contra milites qui impediunt venditionem decimarum.' CDMP.274.

settlers from tithes.[82] This is significant, as it reiterated clerical authority over all Polish territories, not just those in clerical possession. Moreover, as we will see in Chapter Three, bishops who settled their lands with newcomers often exempted them from tithes.[83] Combined, Pantaléon's decree and this practice illustrate that the restriction on the laity remitting tithes asserted that it was only within religious landowners' powers to remit tithe payments. The same canon mandated that Polish bishops make sure that their tithe collectors (*decimatores*) were not prevented or delayed in carrying out their tasks by knights. Further elaborating this, Pantaléon stated that religious *decimatores* were to be the first to collect tithes directly from the fields, and had eight days to do this. This ensured that they themselves checked whether the amount given in tithe was correct.[84] The time limit imposed was a response to the abuse that had been reported to the legate, where collectors would wait as long as they could to collect their dues in order to potentially force higher payments with the threat of spoiling the whole crop.[85] This wide-ranging treatment of tithing practices in Poland by the legate shows how vital territorial and agricultural practices were to defining authority.

The second way in which Pantaléon contributed to the definition(s) of Poland as a multi-layered ecclesiastical space was through his elaboration of religious life of the laity and clergy alike. In terms of general practice, the feast of Corpus Christi was introduced and the legate decreed that two lengths of the Lenten fast – one observed by Poles, one by Germans – were permissible in the province.[86] Marriages, especially inter-parish marriages, were to be preceded by the reading of banns, and the degrees of consanguinity and affinity were to be observed. As with regulating where one could confess or attend mass, the reading of banns aimed to ensure that clerics had some knowledge of the behaviours of their parishioners, and reinforced the territorial dimension of pastoral care and authority. In terms of clerical conduct and the fulfilment of pastoral obligations, Pantaléon pursued a process of routinisation. The legate mandated that bishops remain resident in their sees, and further elaborated that

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[82] 'Ut milites colonis decimas non remittant.' CDMP.274.
[83] P. Górecki, *Parishes, Tithes, and Society*, pp. 109-119; Chapter Three, pp. 160-167.
[84] P. Górecki, *Parishes, Tithes, and Society*, pp. 115-119; see pp. 99-100 on discussion of grain tithes, as these were the most prominent source of income.
[85] P. Górecki, *Parishes, Tithes, and Society*, pp. 110-113.
[86] A. Zielinska, 'Remembering how to fast in medieval Poland', pp. 47-73.

clerics could not hold more than one benefice with the cure of souls. Archbishops were allowed to carry out visitations in their suffragans' dioceses, but without excessive costs to the latter. In pastoral terms, Pantaléon stipulated that the *Credo* must be said in the vulgar tongue (*in vulgari*), since some did not understand what they believed in (*qui nesciebant omnino dicere quid credebant*). However, Pantaléon also decreed that foreign clerics (*extraneos*) were not to be ordained in the province, stating that it is common for lapsed clerics to flee their dioceses and seek benefices and ordination elsewhere. These canons set out a plan for the church to follow which focused on the clergy effectively administering to the faithful, whether through the regulation of their spread across the province, or through the language used during services. The prohibition of ordaining outsiders reaffirmed that the ecclesiastical space was within the authority of the Polish episcopate, with the archbishop of Gniezno at its head, responsible for maintaining a common level of cleric's 'quality.'

The next legatine synod, held by Guido de Bourgogne in 1267, built upon the 1248 statutes and further elaborated how the clergy were to administer their lands and the faithful. It began by reasserting how clerics were to lead their lives so that they paid respect to God and gave a good example to the laity, reiterating the criteria which distinguished them.[87] Then, it expanded upon the protections of ecclesiastical property, and the punishments that its violation incurred. This grouping of canons culminated with provision for excommunicating anyone passing laws that harmed the *libertas* of the church. One specific measure taken to do this was to outlaw the trying of clerics in lay courts. Let us keep this in mind, as later local developments illustrate that this was not always followed by the clergy itself.[88] In practical terms, Guido de Bourgogne continued Pantaléon's work in regularising the staffing of ecclesiastical spaces by stipulating that those who held more than one benefice with the cure of souls must give up all but the last one they received – with the legate having power to dispense with the newly-vacant ones. Statute eight defined bishops' responsibilities towards their archdeacons' visitations.

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[87] CDMP.423.
[88] Chapter Three, pp. 172-175.

As Górecki demonstrated, Guido de Bourgogne went further than Jacques Pantaléon in his regulation of tithing practices, aiming to strengthen the position of the clergy vis-à-vis lay landlords.[89] Guido stipulated that sacraments were to be withheld from knights who attempted to exempt their tenants from paying tithes to the church, as well as the peasants who obeyed them.[90] With regard to when and how tithes were collected, the canon reaffirmed that tithes should be collected straight from the fields by the *decimatores*, but introduced measures to ensure that this would be done without abuse which could lead to the resistance of payments. The date of collection was to be announced three times, presumably observing the eight-day limit imposed by Pantaléon, and any excommunications or interdicts imposed on laymen who collected their ninth of the crop after three days had passed since the date would be null and void. Guido de Bourgogne introduced concrete practices that were canonically sound and in line with papal expectations of tithing, but without undue severity for peasants. Introducing this clarification to the institution of tithing provided a legal framework within which Polish clerics could operate effectively, with papal backing. We can also assume it contributed to increased understanding of the lands in question by those administering them.

Guido de Bourgogne's last five canons reiterated the Fourth Lateran decrees outlining the restrictions that must be placed on Jews inhabiting the province in terms of where they could live, what work was permissible, how they were to dress, and what interactions Christians could have with them.[91] Canon Twelve cited the newness and fragility of Christianity in the province as the reason for having Jews live in separation from Christians – so that they would not spread their superstitions.[92] This comment is striking, but difficult to assess. Was this what the papacy envisaged about the situation in Poland? Was this what the legate observed? Or was the Polish episcopate willing to admit or even exaggerate its weakness, in order to gain institutional support in their anti-Jewish programme? It is not immediately clear. Nevertheless, these decrees regulating

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[89] P. Górecki, *Parishes, Tithes, and Society*, pp. 113-119.
[90] Canon 6, CDMP.423.
[91] 'Lateran IV: Canons 67-70' in *Ecumenical Councils*, CDMP.423: Canons 10-14.
[92] See R. Rist, *Popes and Jews, 1095-1291* (Oxford: Oxford University Press, 2015), pp. 15-20, 94-107.

Poland's Jewish population indicate that the presence of a sizeable, clearly different and non-Christian population in the province was a concern in terms of ecclesiastical control and authority. The papacy presented itself as the protector of Jews living within the borders of Christendom, and therefore the legate's regulation of their situation serves to assert this role in Poland.[93]

Philip of Fermo, legate to Poland and Hungary and its various suzerainties held the last legatine synod of the century in 1279 in Buda, Hungary.[94] The synod produced one hundred and seventeen canons which primarily dealt with internal ecclesiastical issues, consolidating ecclesiastical authority through defining and elaborating clerical status and practices within society. Thus, the majority of the decrees covered proper clerical conduct, clerical responsibilities, and the articles of faith. These included the basics of Christianity meant to be followed by clergy and laity alike. Several decrees were dedicated to the proper storage of vestments, chrism, and the Eucharist, as well as other church furnishings. The seven sacraments were defined and explained, and further instruction was given on their administration, including the prohibition of receiving payment for them. The laity were expected to attend masses and receive their sacraments in their parish churches, reiterating the territorial dimension of pastoral care. Ecclesiastical trials and judgements were defined, as well as the punishments that clerics could instate. Two statutes were dedicated to Jewish dress and occupation. Lastly, 'schismatic' (Orthodox) priests were forbidden from officiating in the provinces of the legation.

This was by far the most comprehensive synod in the area, and implies a somewhat negative picture of the state of local religious institutional practices. However, the multitude of territories for which these statutes were passed explains this thoroughness – especially as not all of these were Christian. The decision to include such diverse regions in one legation and subject all to the same decrees suggests that the papacy and the legate were driven by concerns over both uniformity of practice as outlined by the papacy as well as logistical concerns. However, just as synodal prescriptions should not be equated with practice, neither should the inclusion of specific decrees imply that their content

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[93] R. Rist, *Popes and Jews, 1095-1291*, pp. 67-100.
[94] CDMP.487.

was necessarily novel or necessitated by wrong practices. Regardless of specific regional situations, all the territories included in Philip of Fermo's statutes would be equipped with clear guidelines for religious practices and the means of asserting the special status of the clergy and how this status was to be projected territorially.

In conclusion, we saw that synods presided over by legates served the dual function of asserting papal authority in the Polish province, and equipping local prelates with the means of consolidating their powers. The synods provided an avenue for top-down regulation on the part of the papacy, and bottom-up influence on what issues were addressed. In responding, the papacy could choose to be flexible (as in the case of the Lenten fast) or introduce uniform practices (as in the case of the Jews). Likewise, addressing matters of internal ecclesiastical administration and jurisdiction, as well as the religious life of the laity allowed the papacy to assert its authority on multiple levels – throughout the Polish polity as well as within the ecclesiastical hierarchy. The focus on tithes in particular illustrated the convergence of top-down and bottom-up territorial thinking in the Polish province, resulting in decrees that defined the practices of tithing as suitable to the locality and legitimated by the papacy.

II.3. The Regulation and Consolidation of Religious Territories by Legates and Nuncios

Alongside legatine synods and the creation of new territories, papal envoys – both legates and nuncios – were involved in other actions that were powerful means of consolidating ecclesiastical territories under the auspices of the papacy. Some, such as the distribution of ecclesiastical benefices and absolution of excommunicates, were normally reserved for the pope.[95] Others, such as mediating and judging cases, were more flexible. The rearrangement of church personnel and rule over who could attain salvation (and the political and social consequences of being excommunicated) allowed for a more active approach to governing and gave the papacy scope for independent action. Nevertheless,

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[95] R.C. Figueira, 'Papal Reserved Powers', pp. 191-211; G. Barraclough, *Papal Provisions: Aspects of Church History Constitutional, Legal and Administrative in the Later Middle Ages* (Westport: Greenwood Press, 1971), pp. 1-5.

benefices could be distributed according to the wishes of someone who conferred with the papal envoy, and absolution could be withheld on the same principle. Yet these were still done in the pope's name, and all parties involved needed to navigate this necessity. Such navigation and its consequences contributed to the definition of ecclesiastical institutions as well as territories as it provided means for accepted decision-making and active influence over who held which prebends, and therefore, lands.

A prebend/benefice was as much an ecclesiastical office as it was the ownership of specific lands or at least their incomes. Likewise, those who were excommunicated lost many of their territorial rights in the eyes of the church. Although these were local issues, the papacy was involved. The same principles apply for legates and nuncios mediating and acting as judges, though this was not reserved for the pope. Nevertheless, involving a papal representative gave the resolution of disputes more authority. The pronouncements of legates and nuncios in legal suits had similar consequences as their redistribution of benefices and absolution of excommunicates – they altered the makeup of the church.

II.3.1. Benefices and Prebends

The distribution of benefices and prebends was crucial in the running of the church and a concrete way for the papacy to actively govern Christendom, and so reserved for the pope himself, according to Geoffrey Barraclough.[96] Barraclough's stance has been successfully, though not fully, challenged on the grounds that medieval popes were simply unable to know and control all the benefices available, nor would they want to.[97] However, those who would inform the Curia of how they wanted benefices to be distributed were often aware of papal reservations. The two parties made the system work. The redistribution of benefices moulded the already-existing structure of the church into one more easily manageable from Rome. Even if this manipulation was done at the request of the recipients of benefices or their patrons or allies, the papacy would have

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[96] G. Barraclough, *Papal Provisions*, pp. 1-5.
[97] T.W. Smith, 'The Development of Papal Provisions in Medieval Europe' *History Compass* 13:3 (2015), 110-121.

better knowledge and understanding of the local situation as a result. This was an exercise in gathering knowledge, key for the effective assertion of authority in the areas in question. In the Gniezno province, the distribution of benefices performed (or ratified) by both legates and nuncios actively rearranged the make-up of the province by overseeing which individuals were assigned which areas and territories. While such actions did not increase the size of ecclesiastical territories, they amplified the presence of the papacy locally, reaching far down the ecclesiastical hierarchy to units such as parish churches or chapels.[98] Simultaneously, the local church and specifically local clerics who petitioned for prebends contributed to the bottom-up reaffirmation of papal power. A joint effort in defining ecclesiastical institutions and spaces took place in the guise of distributing offices and incomes.

In 1254, the legate Petrus Capocci was given the faculties to redistribute benefices in Poland.[99] From the mid-thirteenth century even legates *a latere* needed to have an explicit mandate to do this, and we do not see any other examples.[100] However, almost all the nuncios active in the province were involved with the distribution of benefices. Even if they did also require a special mandate (which is not clear), then the regularity with which they distributed benefices suggests that it was an expectation and norm for the office, allowing the progress towards a regular and routine mechanism for papal governance of Christendom. Instead of one-off missions during which a reshuffling of the local clergy took place, the nuncios could administer to it over time.

This can be seen through the documentation of Arnaldus de Lacaucina's mission in the years 1345-1373, made up of multiple petitions asking for specific prebends to be assigned to specific persons that Arnaldus 'forwarded' to the Curia.[101] Expanding on Barraclough's argument and confirming the reservations

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[98] This is reminiscent of the distinction between *internal* and *external* expansion of Europe, where it was not necessarily the size of the territory that expanded, but rather the extent to which an institution (in this case the papacy) permeate society vertically: R. Bartlett, *The Making of Europe: Conquest, Colonisation, and Cultural Change 950-1350* (London: Penguin, 1994), pp. 2-3.

[99] VMPL.CXV. Unfortunately, no further records exist.

[100] 'Lyons I: Canon 7', in *Ecumenical Councils*, p. 285.

[101] E.g. MPV.II.316, where he asks for a prebend for himself; MPV.II.325, where he asks for a prebend in Wrocław to be reserved for Albertus Cristini; and MPV.I.357, where he asks for another prebend for Albertus, now calling him his *familiaris*: 'Supplicat S.V. devotus servitor vester Arnaldus de Caucina, S.V. in regnis Polonie et Ungarie nuncius, quatenus sibi specialem graciam facientes in personam dilecti familiaris sui Alberti Cristini, presbyteri, qui pro negociis camere

voiced by historians since, we see here that papal oversight of benefices was done in a practical way – the pope maintained nominal knowledge of appointments to specific benefices; yet these appointments did not come into conflict with local politics because that is where they ultimately stemmed from. Arnaldus had been present in Poland for a long time and himself held a local prebend, so he knew how best to dispense these benefices in a way that was acceptable in the locality. Both the papacy and the local clerics benefitted from this practice of distributing prebends: the former still was the source of authority, while the latter reaped material and lordly benefits. This gave the practice longevity. In 1371 in Iohannes de Cobrespina had the authority to grant benefices that had been reserved for the papacy and had been vacant.[102] The papacy remained the ultimate source of patronage for these benefices, yet they were not assigned by a distant power but based on the local situation. Territorial concerns and the willingness to participate in this model of negotiating them facilitated the bottom-up manipulation and consolidation of ecclesiastical spaces that was enduring.

II.3.2. Excommunication and Absolution

The power of excommunication and absolution, and some other penitential issues, are another class of papal business that both legates and nuncios were involved in while in Poland. Excommunications, interdicts, and the power to lift them, all had ramifications for how individuals and institutions could operate within a specific territory.[103] The jurisdictional nature of these actions affected the role that legates and nuncios played in Poland. Most legates and nuncios had the powers of absolution; however, the legates' powers were broader. Gregorius de Crescentio could absolve all excommunicates.[104] Jacques Pantaléon had the power to excommunicate and place under interdict as he saw fit, and lift such

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apostolice diu laboravit et adhuc incessanter laborat, de canonicatu sub expectatione prebende vacantis vel vacature in ecclesia Cracoviensi, eidem Alberto dignemini misericorditer providere, cum acceptacione, etc., non obstante, quod parochialem ecclesiam Sancte Marie in Zavichost modici valoris, Cracoviensis diocesis, obtineat, cum aliis non obstantibus et clausulis oportunis.'
[102] MPV.II.250.
[103] F.G. Hill, *Excommunication and Politics in Thirteenth-Century England,* PhD Thesis, University of East Anglia, 2016, pp. 45-76, 121-161; P.D. Clarke, *The Interdict in the Thirteenth Century: A Question of Collective Guilt* (Oxford: Oxford University Press, 2007), pp. 59-85.
[104] MPV.I.15.

sentences.[105] The legate Opizo of Mezano was to excommunicate Germans who aggrieved Polish nobles.[106] Conversely, Galhardus de Carceribus was granted the power to absolve only those excommunicated by the nuncio Petrus de Alvernia (presumably for not paying their papal dues).[107] Similarly, Nicolaus Strosberg had the power to absolve only those who had been excommunicated on financial grounds.[108] Likewise, in 1376, the nuncio Bishop Bernardus of Bologna, who was to collect money for the aid of the papacy to re-establish its position in Italy, had the power to proceed with ecclesiastical censures against those who opposed him.[109] The legates held powerful disciplinary jurisdiction over Polish territories, but they were only present for short periods. On the other hand, nuncios, holding lesser powers, were in Poland consistently, and therefore presented a long-standing presence of papal jurisdiction authority in the province.

The jurisdictional role that legates and nuncios played in Poland also manifested itself with penitential issues, both within and without the clergy. These matters, such as illegitimacy, marriage within the forbidden degrees, or the commutation of oaths regulated religious and social behaviours in the Polish province, and allowed the papacy to act on its reservation of these issues with (more) immediate effect on the ground. The legate Gregorius de Crescentio had the powers to absolve priests of illegitimate birth, absolve those who swore to go to the Holy Land of their oaths, and absolve grave sins of those who fought against pagans – in this case, the Lithuanians.[110] Likewise, the nuncios Iohannes de Cobrespina and Iohannes Bishop of Ústí were entrusted with absolving clerics of illegitimate birth and Iohannes de Cobrespina was further entrusted with dispensations to those planning to marry within the forbidden degrees.[111] The papacy must have received petitions from these individuals and decided that its direct representatives – either legates or nuncios – were fit for carrying out this papal business. Therefore, we see that the papacy took advantage of their

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[105] VMPL.XCIII-XCIV, MPV.I.61-64.
[106] VMPL.CVIII.
[107] VMPL.DVIII.
[108] VMPL.MX-MXI.
[109] VMPL.MI-MII.
[110] MPV.I.15-21, VMPL.XXVI (Pressutti.3249).
[111] Absolutions: MPV.II.245-46; dispensations: MPV.II.248.

presence in Poland in relation to other matters, and granted them penitential powers. Disciplinary jurisdictions made the papacy tangible.

II.3.3. Mediation and Judgement

The last shared aspect of legates' and nuncios' missions was their status as mediators and judges, which made the papacy's role as judge ordinary of all Christendom concrete. This varied from intervening in conflicts between different clerical communities to mediating between princes and clerical groups. In this role, we can see that there was little differentiation between the cases taken up by legates and nuncios, suggesting that what mattered was their representation of the papacy in the specific case, rather than their status.

Papal envoys mediated and judged conflicts throughout the province. In 1236 William of Modena was responsible for resolving the conflict between Henry the Bearded (1165-1238) and the Gniezno chapter over the duke's long-term plundering of the church's property, despite the archbishop's protests.[112] If (the pope wrote), William of Modena was to find the situation as described, he was to proceed with ecclesiastical censures against the duke and excommunicate him, without right of appeal (*appellatione remota*).[113] Jacques Pantaléon's 1248 mission revolved heavily around the resolution of the perennial conflict on the Baltic Coast over land control between the Teutonic Knights, the Polish dukes, and the Pomeranian and Prussian rulers.[114] Likewise, Opizo of Mezano's first mission in the 1240s (as a nuncio, not legate, uncommon at this time in Poland) was a mission of reconciliation in the same area.[115] Nuncios also dealt with the ongoing conflict related to the Baltic coast. Galhardus de Carceribus was entrusted with reconciling Kazimierz the Great with the Teutonic Knights in 1334, following a failed trial in 1320.[116] Later, in 1339 Petrus Gervasii joined him and

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[112] CDMP.188 (Potthast.10191).
[113] CDMP.188.
[114] VMPL.XCII-XCIV (Potthast.12763-12765).
[115] MPV.I.48.
[116] VMPL.CDLXX. See P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972), pp. 85-97. See also P. Milliman, *The Slippery Memory of Men,* pp. 7-22, 83-91, 135-138. It is worth noting that Milliman calls Galhardus de Carceribus and Petrus Gervasii legates and judges-delegate rather than nuncios, e.g. pp. 135, 170-171.

both were assigned to judge the accusations that the Knights plundered Polish lands following a peace treaty.[117]

We again see that nuncios facilitated a more regular papal judicial presence in Poland, as, aside from the serious conflict between Kazimierz the Great and the Teutonic Knights, they also oversaw the resolution of other, often 'smaller' conflicts. Galhardus was assigned to rule in a conflict between the bishop of Cracow and King Kazimierz over the former's appointments of clerics to various churches.[118] Galhardus's task was to ensure that the right of patronage was not negated by the bishop. This illustrates a somewhat less common stance of the papacy, in that rather than siding with the bishop of Cracow, the pope instructed Galhardus to protect the king's *ius patronatus.* By upholding a widely-accepted practice, the papacy asserted that it was not just using its authority to protect the interests of the clergy. It was also ensuring that the rights and privileges of Christian monarchs within society were protected.

In 1335, Galhardus was instructed to resolve the conflict between his fellow nuncio Petrus de Alvernia and the bishop and chapter of Cracow, on behalf of the latter, who felt that Petrus had unlawfully taken too much money.[119] Galhardus was also instructed to intervene in the same issue signalled by the bishop of Wrocław.[120] These examples show the more flexible nature of the office of nuncio as opposed to legate. If two legates, both being the pope's *alter ego* in the province, had acted in opposing ways, their authority and, in turn, the pope's authority and reputation would suffer greater harm. On the other hand, as nuncios were 'merely' papal officials, important and representing the pope's business, yet not sharing his powers, then their mistakes were just administrative mistakes, more easily fixed.

Galhardus went on to become involved in a series disputes between Petrus de Alvernia and local chapters, princes, as well as his own conflicts over the collection of money for the Apostolic Camera.[121] Aside from these financial

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[117] VMPL.DXLI.
[118] VMPL.CDLXXIX-CDLXXXI.
[119] VMPL.CDXCV.
[120] VMPL.CDXCVI.
[121] E.g. the Wrocław chapter, VMPL.DXVI, VMPL.DXLV; Duke Bolko II Mały, VMPL.DI; issues with the archbishop, VMPL.DXVIII.

disputes, Galhardus was also assigned to settle the business of Henry the custodian of the monastery of Claratumba near Cracow, who had been deprived of his position.[122] This was by no means a matter of high importance to the pope, nor a conflict that had dragged on for decades and caused scandal. The papacy had no vested interest in it, other than maintaining its position as universal judge. Therefore, we must conclude that, having received word of this issue surrounding the monastery, the papacy decided to incorporate this mission into the tasks of one of its nuncios. By doing so, it reaffirmed its position as guardian of Christendom's order and rule of law, incorporating Polish territories into its routine form of jurisdiction.

II.3.4. Visitation

The only instance when a papal envoy carried out visitations is worth analysing in terms of papal jurisdiction, as well. The nuncio Arnaldus de Lacaucina was responsible for visiting clerical communities within the Gniezno province that were exempt from local episcopal power in 1349 and again in 1355. In 1349 the pope ordered Arnaldus to inspect exempt churches and monasteries, and especially deal with those places where positions were vacant and under papal reservation.[123] There, he had the power to collect the first year's incomes.[124] In 1355, Arnaldus was to visit all monasteries, collegiate bodies, and churches that were exempt from episcopal rule in Poland and Hungary.[125] Exemption for various clerical communities was a long-standing tradition that arguably allowed the papacy to gain and maintain its strong position as head of Christendom, since it was the only authority that could deal with problems arising between bodies that were exempt and those that wanted to interfere with this exemption. It is therefore telling that this task was assigned to a nuncio.

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[122] VMPL.CDLXXVIII. This process of resolving local (monetary) disputes is continued by Arnaldus de Lacaucina, who is to follow up and examine the process instigated by Galhardus de Carceribus against those who did not pay Peter's Pence, such as Nicholas de Bancz of Wrocław in 1344, VMPL.DCVII-DCVIII.
[123] MPV.II.68.
[124] MPV.II.68.
[125] VMPL.DCCXLIV.

As it is stated in this letter, it was the papacy's responsibility to provide oversight and ensure that no evils were committed.[126] Therefore, the pope had Arnaldus visit the foundations, notwithstanding what previous popes had said about the exemptions regarding these monasteries or churches. In this way, Arnaldus was doing what the papacy deemed its prerogative. The question remains whether this was something that would have been assigned to other nuncios, as well. So far, I have not come across other instances. At the same time, we have no proof that any legate carried out visitations. This would be fitting – a legate was the pope's *alter ego* – and if only the pope had jurisdiction over exempt communities, then a legate could act in his place, *ex officio*. Perhaps no opportunity presented itself, or visitations were not deemed priorities. Nevertheless, this episode shows another facet of routine and regular papal governance in the Polish province – the active pursuit of papal oversight, via nuncios, of areas exempt from episcopal rule.

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We see then that legates and nuncios shared a variety of missions. However, subtle differences can be discerned. When the legate Peturs Capocci dealt with benefices and prebends, these were side-tasks that were attached to a mission with more significant goals. On the other hand, the allocation of benefices and prebends was consistently common for nuncios, connected with their financial duties, which are described below. So far as penitential issues were concerned, we see clearly that legates had greater powers in this respect, while the excommunications and absolutions that nuncios could perform were limited. Lastly, in terms of mediation and judgement, legates mostly acted as judges and mediators when the conflict at hand transcended ecclesiastical boundaries and was at quite a high level. While the case of nuncios mediating between Kazimierz the Great and the Teutonic Knights is similar, nuncios were also often involved in local ecclesiastical conflicts, mostly of a financial nature. Overall, these cases illustrate the different natures of legates and nuncios and the different territorialities they operated within. The changing focus of their tasks reflects the territorial and institutional developments of the Polish church which allowed the

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[126] VMPL.DCCXLIV.

papacy to pursue a more routine presence and authority in the province. It excludes, however, the specific roles only carried out by nuncios.

II.4. Routine Papal Governance Carried out by Nuncios: Finance

From the very beginning of their presence in Poland, it was clear that the core of the nuncios' missions was financial. Andrea de Verulis and Petrus de Alvernia arrived in 1325, during the pontificate of John XXII (1316-1334).[127] Their initial task was the collection of tithes and Peter's Pence throughout the Gniezno province, as part of John XXII's push for the effective management of papal finances to consolidate papal authority.[128] Initially, they were addressed as collectors rather than nuncios, implying that their only role was to collect papal taxes.[129] However, not long after, they were called nuncios, suggesting an *ad hoc* decision to entrust them with additional tasks that needed doing.[130] Subsequently, their successors were addressed as nuncios from the very beginning of their missions, even if these dealt with finances. This indicates the development of the office of nuncio as incorporating the office of collector, and expanding in competences, which is not evident in the existing historiography.[131]

A case in point is Galhardus de Carceribus. In 1344, he started off his mission by collecting Peter's Pence in Poland as well as in the diocese of Chełmno and in Pomerania (where lands were divided between the dioceses of Kamień, Włocławek, Schwerin, and Roskilde).[132] This shows that he had authority transcending diocesan and provincial divisions. Although his mission was of a financial nature, Galhardus was called *nuncius* from the very beginning, unlike Andrea de Verulis and Petrus de Alvernia. Although Galhardus de

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[127] VMPL.CCCXVII. The fact that the first nuncios appeared during the pontificate of John XXII is significant, because his interest in the financial state of the papacy is widely recognised. He introduced many reforms which were meant to balance out the Curia's treasury, so that it could function properly. For an introduction, see C. Trottmann, 'Giovanni XXII' in *Enciclopedia dei Papi* (Rome: Instituto Treccani, 2000).

[128] A. Jamme, 'De la banque à la chambre ? Naissance et mutations d'une culture comptable dans les provinces papales entre XIIIᵉ et XVᵉ siècle' in A. Jamme; O. Poncet (eds), *Offices, écrit et papauté, XIIIᵉ-XVIIᵉ siècle* (Rome: École française de Rome, 2007), pp. 97-161.

[129] See P. Ferguson, *Medieval Papal Representatives*, p. 16 for a discussion of 'nuncio' vs 'collector.'

[130] VMPL.CCCXXIV.

[131] E.g. not mentioned in R.C. Figueira's *The Canon Law of Medieval Papal Legation* and only briefly discussed in P. Ferguson, *Medieval Papal Representatives,* p. 16.

[132] VMPL.CDLXVII, VMPL.CDLXVIII.

Carceribus also dealt with various matters described in the preceding sections, the financial aspect of his presence in Poland never diminished. With the election of Benedict XII (1334-1342), Galhardus's appointment as papal nuncio to Poland was renewed.[133] The letters confirming the status of Galhardus de Carceribus stated that he was to continue his previous tasks, which included collecting Peter's Pence and tithes.[134] After several years, during which Galhardus was busy mediating throughout Poland, in 1339, he returned to his tasks as collector of papal dues.[135]

Arnaldus de Lacaucina was sent to follow up and examine the process instigated by Galhardus de Carceribus against those who did not pay Peter's Pence as well as to liaise with the Malabayla bankers responsible for transferring payments to the papacy in 1344.[136] In 1347, he was also instructed to collect money for the crusade against the Turks.[137] Furthermore, in 1354 Arnaldus received *plenam potestatem* to deal with any business of the Apostolic Camera.[138] In the same year, Kazimierz the Great was admonished to transfer any of his outstanding payments to the papacy to Arnaldus in an almost apologetic note which stated that further delays in payment would harm the Curia.[139] In 1356 the pope extended Arnaldus's powers to be valid for all ecclesiastical matters in Wrocław and Lubusz dioceses.[140] Just as Galhardus de Carceribus's status had been reaffirmed upon the election of Benedict XII, in 1371 Arnaldus was reaffirmed as nuncio and collector to Poland (and Hungary) by the newly elected pope Gregory XI (1370-1378).[141]

All the nuncios that followed Arnaldus dealt with finances as well. In 1371 in Iohannes de Cobrespina and Iohannes Bishop of Ústí (who appeared earlier alongside Arnaldus), were to make sure that the clergy was not prevented by the laity from collecting payments.[142] In the 1350s and 1370s Nicolaus Strosberg was

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[133] VMPL.CDLXXXIII.
[134] VMPL.CDLXXXVIII, VMPL.CDLXXXIX.
[135] VMPL.DV.
[136] VMPL.DCVII-DCVIII; VMPL.DCIX, VMPL.DCLXXIV.
[137] MPV.II.44 – an interesting document, because it mentions how France, England, and Spain are contributing to this effort, as well.
[138] MPV.II.108.
[139] MPV.II.96.
[140] MPV.II.132.
[141] MPV.II.238.
[142] MPV.II.240.

to collect Peter's Pence and tithes, but also redistribute surplus funds collected by Arnaldus de Lacaucina.[143] In 1373 Petrus Stephani had the power to collect Peter's Pence and tithes and other payments in both Poland and Hungary.[144] In 1376 Bishop Bernardus of Bologna, nuncio in Poland, Hungary, and Dalmatia, was instructed to collect money for the aid of the Roman Church in the form of a year's tithe and make sure that all debts owed to the Camera were paid.[145] Lastly, nuncio Matzeus de Lamberto was instituted general collector in Poland in 1398, with further powers of creating sub-collectors.[146] The network of papal finances was becoming denser and more systematic, providing for effective tax collection from smaller units.

The situation where a succession of nuncios resided in Poland for years at a time, collecting payments owed to the papacy from clergy and laity alike, shows that the papacy could pursue a coherent, regular, and routine financial programme within the space it had created in Poland. The Polish religious framework allowed for the payments to be extracted, and further supported the presence of the nuncios, as they took up local prebends. Alongside the intrusive financial responsibilities, the nuncios also represented papal authority which could be used by local clerics to assert their position within society. This multi-faceted and flexible role of the nuncios allowed for their effective operation in the Polish province, and contributed to making both papal and episcopal presence tangible and effective.

Conclusion

On the basis of this analysis, we can see that there was a functional complementarity between legates and nuncios, and yet their roles remained distinct. As the impact on the space of the Polish province of these papal envoys was the focus of this chapter, how their presence altered that space is closely tied with their status. The title of 'legate' or 'nuncio' conveyed specific meanings and implications for the space that they operated within, but flexibility was built

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[143] CDMP.1351; VMPL.DCCCCLIX, CDMP.1712-1715.
[144] VMPL.DCCCCLVI.
[145] VMPL.M; VMPL.MI-MII; VMPL.MIII.
[146] VMPL.MXXXVIII; VMPL.MXXXIX.

into this system. Mediation, judgement, excommunication, absolution, and the distribution of benefices were all tasks that legates and nuncios performed. However, the rationales for their appointments make them different: the legates ensured strong ecclesiastical structures and defined territories in Poland, while the nuncios ensured that these structures and territories were closely linked to the papacy and fulfilled their financial obligations to the Curia. Neither was possible without local input, acceptance, and cooperation – as will be explored in the following chapters.

In the thirteenth century, legates regulated the ecclesiastical administration and territorial division of the Polish province. The nuncios in the fourteenth century were then responsible for more fully integrating these lands into the papal network, through the regular collection of payments owed to the Curia. However, this alone would have been difficult to accomplish, and so the nuncios also performed tasks that were sought out by the Polish clergy, which likened them to legates, instead of papal collectors. In this way, both the papacy and Polish clerical elite benefited from the arrangement. In Poland, this regularised the way the local church operated: for a diocese to be able to pay the papacy, it needed to effectively manage its lands, which included both pure fiscal administration, but also the provision of what it owed to its flock – broadly, the cure of souls.

The legates and nuncios show a layer of the process of the papacy's changing behaviour in Poland, from the initial articulation of spaces and their consolidation, to their routine regulation. As Chapter One illustrated, in the beginning of the thirteenth century, concentrated effort was put into a comprehensive creation of ecclesiastical territories in Poland. The tasks that the legates of the thirteenth century performed were a continuation of this type of governance, and suggest the papacy was exercising its right to regulate Polish ecclesiastical life. Even if it did so successfully, the fact was that this was done intermittently. However, in the fourteenth century, nuncios were present in the province more continuously, systematically acting on behalf of the papacy. The presence and responsibilities of legates and nuncios created, defined, and re-defined ecclesiastical territories. This was done in the name of the papacy, and so illustrates the papal role in the continued creation of Polish church space and

its institutional developments. This was a removed, but important role. However, it was situated within and made possible by the local political and clerical elites, to which the second section of the thesis now turns.

Part II – The Latin Church in Poland

Chapter Three: The Church as Part of a Wider Polish Polity

Introduction

The political developments in Poland shaped the Polish church, and the overlapping of lay and religious territories contributed to the definitions of both. Therefore, an overview of the key processes that set out the parameters of the landscape in which the church operated is necessary. While the previous part focused on the creation of ecclesiastical territories led by the papacy and continued by papal legates, here the focus is on local lay rulers.

This chapter argues that the process of the co-determination of Polish ecclesiastical and political institutions began with the creation and assertion of ecclesiastical territories on a local level, following the efforts of Innocent III and Henryk Kietlicz described in Chapter One. It continued through the local negotiation of the rights and exemptions of the clergy from lay rule, showing the realities of the pursuit of *libertas ecclesiae,* which did not seek a church wholly outside of the sphere of lay power, but to reach a situation in which ecclesiastical organisations could be confident of their position in society, and that any lay authority exercised over them would support rather than diminish their standing. Therefore, from the end of the thirteenth century we see that prelates were willing to accede some rights to dukes and later kings. This is as much a sign of the prelates' confidence as it is of the increased assertiveness and ability of the laity to subject clerics to their will. The efforts of the clergy to solidify their position vis-à-vis lay lords was reflected in the same lords' efforts to set out the remit of their powers. Lordship was extending deeper into the landscape and its society, whether it was lay or ecclesiastical.[1]

The process of defining clerical authority was intimately tied to the status of prelates as territorial lords, who were preoccupied with a practical and pragmatic management of their estates. In this arena, ecclesiastical lords worked

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[1] For a parallel western European phenomenon somewhat earlier, see R. I. Moore, *The First European Revolution, c.970-1215* (Oxford: Blackwell, 2000), pp. 188-198.

alongside their lay counterparts, co-determining agricultural behaviours of settlement and administration aimed at maximising outputs and therefore incomes. The shared milieu of territorial lordship made it possible for the clergy and laity to participate in the same legal community, also tied to landholding. This began with the clergy as a natural source of authority in mediation and conflict resolution, but developed, in the latter half of the thirteenth century, into the acceptance of lay involvement in the carrying out of justice in cases involving clerics – a situation which could not have been possible if prelates felt that the involvement of the laity would play an existential threat to religious institutions.

This chapter engages more closely with the historiographical narrative presenting the church as the Polish state-maker. This is done through the analysis of phenomena that were not limited solely to ecclesiastical structures, but rather practices present throughout the Polish polity in which the clergy participated. Focusing on territorialization processes, the nature of the relationship between and influence on the church by the duchies and later kingdom, and vice versa, will come to the foreground, presenting a more fitting narrative of the formation of the medieval Polish polity. Stuart Elden argues that territorialization is the process by which jurisdiction, economic activity, political ties, interpersonal relations, and the enabling practices of conceptualisation and measurement change lands and spaces into territories.[2] The co-determination of agricultural and administrative lay and religious territorialities, followed by legal territoriality, are my focus here. The relationship between 'church' and 'state' in these matters followed a 'push-and-pull' pattern, where, for example, the creation of separate and distinctive ecclesiastical territories led lay lords to pursue ways in which they could nevertheless exert their authority there. Because clerics and laymen alike shared the roles of territorial lords, the administration and jurisdiction of territories developed in ways that were beneficial and acceptable to the parties involved.

The Polish polity had been fragmented since the mid-twelfth century. What was new with the ascension of Innocent III to the papal throne in 1198 and Henryk Kietlicz to the archiepiscopal see of Poland in 1199 was the renewed vigour with

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[2] S. Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013), pp. 9-17 and discussion in Introduction, pp. 29-33.

which ecclesiastical territories were separated from lay authority. Thus, we can see that the thirteenth century was a time in which secular political powers, undergoing their own turmoil, were also caught in a power struggle with their ecclesiastical counterparts, who were forcing a particular dynamic. The main geographical political divisions of that time were the heartlands of the Piast patrimony: Greater Poland, Lesser Poland, and Silesia and increasingly Masovia.[3] Each duchy was split into various principalities, and the trend of fragmentation into smaller units continued up until the end of the thirteenth century and beyond, simultaneously to efforts of the most powerful dukes to consolidate their landholdings and jurisdictions.[4] The ecclesiastical boundaries of secular dioceses, archdeaconries and deaneries, alongside regular provinces and custodies formed additional layers of the territories, which did not overlap perfectly with ducal boundaries.[5] Moreover, episcopal sees and chapters as well as religious orders often held or occupied lands in multiple duchies. This complexity in the overlapping territories necessitated intense relations, which in turn dictated the strengthening of lay power and authority.

The single ecclesiastical province existed in parallel to multiple political struggles. As competition for power between dukes increased, the clergy needed to make sure that their position was not threatened. Asserting the distinctive position of the clergy and their possessions needed to be pursued in the face of differing interests. After all, despite the strong social cohesion of the episcopate, each individual bishop had his own interests (as did monasteries and mendicant houses). Conversely, lay lords responded to the increased assertiveness of their religious counterparts with practices protecting their own interests. Seeking mutually-acceptable solutions became even more important alongside efforts to unify the Polish kingdom at the end of the thirteenth century.[6] The long and stable rule of Kazimierz the Great in 1333-1370 allowed for a normalisation of the relations between crown and church, as will be seen in the following chapter.

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[3] See Map II, p. 15.
[4] R.C. Hoffman, *Land, Liberties, and Lordship in a Late Medieval Countryside: Agrarian Structures and Change in the Duchy of Wrocław* (Philadelphia: University of Pennsylvania Press, 1989), pp. 13-54; P. Jasienica, *Piast Poland* trans. A. Jordan (Miami: American Institute of Polish Culture, 1992), pp. 101-160.
[5] Compare Maps I and II, pp. 14-15.
[6] See Maps IV-V, pp. 17-18.

Local negotiations of ecclesiastical and lay lordship co-determined the strengthening of ecclesiastical and secular institutions alike.

III.1. Territories to be Governed

The status of landed property was one in which the clergy's and laity's interests overlapped, both physically and ideologically. It was instrumental to the institutional determination of the two and provides concrete ways of looking at how their different territorial practices developed. The shaping of territories was very much a combined process to which both the laity and clergy – secular and regular – contributed; the laity perhaps taking a more leading role. This has been discussed before. Richard Hoffman's stance was that the clergy, especially the Cistercians, spear-headed new forms of settlement that drove the laity to follow.[7] In opposition to this, Benedykt Zientara argued that the clergy had little to do but to follow the trends started by lay lords like Henry the Bearded.[8]

Before evaluating this debate, it is important to clarify the differences in landowning by secular clergy, regular clergy, and lay landlords. The physical aspect of land is unchanging; land becomes territory with the exercise of power over it but is nevertheless a physical area. The power that is exercised over it, however, stems from different ideologies in the case of the lay and the religious. Ecclesiastical goals for land were distinct because they were more explicitly tied to supporting communities or, in the case of orders like the Cistercians, tied into their professed *regula*. But lay lords were interested in accumulating property for their families not only for present and future means of survival, but also in terms of prestige, status, and military capacity. Therefore, such lands were divisible, while clerical properties were often more enduring as units.[9] The relation of religious houses such as Cistercians, Dominicans, or Franciscans complicates this model, because they were more likely to accept the *usufruct* of land, without ownership (discussed in Chapter Five). This chapter focuses primarily on the secular clergy and its role as landlords and relation with lay lords.

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[7] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 82-85.
[8] B. Zientara, *Henryk Brodaty i Jego Czasy* [*Henry the Bearded and His Times*] (Warsaw: Trio, 2006), p. 59.
[9] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 174-175.

These different driving forces, which, as will be shown, resulted in similar outcomes, can be analysed in terms of the interplay between different rationalities – primarily ones dependent on instrumental means-ends reasoning and their interrelationship with more values-based reasoning.[10] With respect to value rationality, Sylvain Piron has argued that the working of the land was seen as an activity instituted within the Bible and thus a good work in and of itself.[11] This belief therefore stipulated that any action that contributed to this betterment of the world – *amelioratio terrae* – was a good deed and moreover a Christian responsibility. Stephen Baxter traced such an approach in the activities of archbishop Wulfstan of York (1002-1023) and showed how integral to his episcopate they were.[12] This value holds true even if it was used as a justification for actions already taken, since it was shared by society and provided legitimation. The idea that all ecclesiastical property was God's property further encouraged it to be put to 'best' use, leading to its intensive farming. Profits and incomes were also important, since they allowed clerics to carry out their religious roles. The focus on improvement and outputs was not dissimilar, then, from lay landlords' preoccupations with the accruing of power and wealth through their lands, even if that was not given explicitly religious significance.

Although different reasons drove religious and lay landlords to regulate, intensify, and improve the ways their lands were used, the results were similar. Without the responsibility of taking care of God's property as a set value predetermining behaviour, lay landlords made instrumental choices based on what was understood as successful.[13] These may have been influenced by values, but lay landlords did not have the same strict responsibilities towards them as the religious.[14] Religious landlords, on the other hand, operated within set frameworks, all the while influenced by modes of behaviour followed by their lay counterparts.

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[10] D. d'Avray, *Rationalities in History: A Weberian Essay in Comparison* (Cambridge: Cambridge University Press, 2010), pp. 12-28.
[11] S. Piron, 'L'amélioration du monde' *Revue de théologie et de philosophie* 144 (2012), pp. 221-234.
[12] S. Baxter, 'Archbishop Wulfstan and the Administration of God's Property' in *Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference* (Turnhout: Brepols, 2004), pp. 161-205.
[13] D. d'Avray, *Rationalities in History*, pp. 14-15.
[14] D. d'Avray, *Rationalities in History*, pp. 14-15.

III.1.1. *Libertas Ecclesiae*: From Duchies to Monarchy

In Part I, we saw how the papacy set out the parameters for Polish ecclesiastical space, and used legates to consolidate clerical authority within in. The space that was created in this process remained within the Polish polity, and so now we must look at how the differentiation between lay and ecclesiastical space was enacted. The concept of *libertas ecclesiae* – the freedom of the church – is crucial here, as it was an ideology and goal shared by the papacy and local episcopate alike. Nevertheless, as the church existed within and alongside lay territories as well as institutions, and clerics were bound by social and familial ties to lay elites, the goal of *libertas ecclesiae* was never absolute. Rather, a situation in which an acceptable coexistence was reached between parties, articulated in appropriate terms, was the key. The process of reaching this coexistence will be described here.

Building on the foundations established by the papacy and its envoys, *libertas ecclesiae* was negotiated in territorial contexts, most often through securing immunities from customary dues and taxes. Therefore, the documents analysed here must be read as both the wishes and goals of the clergy, as well as the concessions of the dukes who granted them. The cooperation of the laity in the issuing of such documents allows us to understand how and why they were prepared to cede rights and incomes from their patrimony to another social group. Many privileges and immunities were framed as pious acts made for the salvation of the donors' souls. Alongside genuine piety, such acts showcased the position and prestige of those performing them. By exempting territories from dues and lay jurisdiction, donors highlighted their authority to do so, as well as their wealth.

The majority of grand privileges which systematically and comprehensively exempted ecclesiastical lands from lay jurisdiction were issued in the thirteenth century. I argue that the competitive and at times chaotic political situation pushed the episcopate to unify their own stance on their legal standing by securing such privileges. This went in parallel with provincial synods which further elaborated these privileges, which will be discussed in the following chapter. The privileges granted and the language used within them leave no

doubt that there was considerable influence from the clergy. We see that the political situation was pushing the episcopate towards a more comprehensive approach to securing its position through law.

Three years after the concentrated efforts of Innocent III and Henryk Kietlicz, on 4 September 1210, the dukes Leszek Biały (c.1184-1227, *the White*), Konrad of Mazovia (c.1187-1247), Władysław Odonic (c.1190-1239), and Kazimierz of Opole (c.1178-1230) jointly promised to Archbishop Henryk Kietlicz to observe faithfully the immunity of the church.[15] The text of the document reads:

> We promise and swear to the lord Henryk archbishop of the
> Poles and his successors, to all his suffragans and their
> successors, that from this hour on to the last hour we will
> live, we will protect the immunity of the Church of God, so
> that no suffering is caused by us or by ours, and that the
> villages of the churches and the inhabitants of those enjoy
> in all manners the privilege of liberty. Therefore, we decree
> and will have it observed: no person inhabiting the
> patrimony of the church can be judged except by the prelate
> of his church or in the presence of his judge. We will also,
> that men of the churches be immune from the services
> which are called *povod* and *prevod*, and *prevori*, and *naraz*
> and *nastava* [supplying horses, escorting the lords'
> possessions, clearing roads, pursuing criminals, a swine tax
> and a honey tax]; and we will not pass through Łowicz more
> than once a year, which is an ancient custom; and we will
> return all villages belonging to Saint Wojciech [i.e. Adelbert],
> and similarly also forests with their usages. These therefore
> statues we want to be inviolably observed by all of our men;

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[15] CDMP.68. Innocent III confirmed these exemptions first on 21 April 1211 in *Cum illius locus*, stating that they applied to all moveable goods of bishops: CDMP.70 (Potthast.4239). On 29 December 1215, the full text of the 1210 privilege was copied into Innocent III's second confirmation, *Cum a nobis petitur*: CDMP.85 (Potthast.5016). Clearly, the papacy's backing was important.

whoever rashly attempts to diminish them, know they will incur our own wrath and that of the princes of the Church.[16]

In 1228, Władysław Odonic again issued a privilege to the Polish church. However, unlike in 1210, he did not say that he was promising immunity, liberty, and privileges. He was promising *canonicam libertatem*.[17] A lay lord would not necessarily call his exemptions 'canonical liberties.' This is what the clerics believed they were getting, thus offering a glimpse into the influence over the wording of documents clerics had. Moreover, Odonic singled out the status of the Cracow diocese, elaborating these 'canonical liberties:'

> So freely and liberally I confer to the Church of God canonical liberty, freeing it from all the burdens and undue exactions, mostly from these*: przewod, powroz, povolove* or *poradlne, stroza, naraz, pesi slad* [escorting the lord's possession, supplying horses, cattle, land, and swine taxes, and pursuing criminals]. Moreover, I will uphold unaltered the special laws of the Cracow church and religious houses in the Cracow diocese whether obtained through princely generosity or other long-standing customs[18]

Both these privileges included exemptions from Polish customary duties. These, as we can see, were varied, and included obligations to pursue criminals, supply horses, escort lords' possessions, maintain roads, as well as taxes on

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[16] 'Nos promittimus et iuramus domino henrico Polonorum archiepiscopo et successoribus ipsius, omnibus suffraganeis eius et etiam successoribus suffraganeorum, quod ab hac hora in antea quoad vixerimus volumus custodire immunitatem Ecclesie Dei, ne ullum dispendium per nos vel per nostros patiatur, sed ville ecclesiarum et incole ipsarum omnimode gaudeant privlegio libertatis. Est itaque primum quod statuimus et custodiri volumus: ne quis hominum ecclesie inhabitans patrimonium, alias ad iudicium quam coram ipsius ecclesie prelate, vel coram suo iudice iudicandus pertrahatur. Volumus etiam, quod homines ecclesiarum immunes sint a servitute quod dicitur povoz et prevod et prevori et naraz et nastava; et non transibimus per Lowicz nisi semel in anno, prout ab antiquo consuetum est; et restituimus omnes villas beato Adalberto pertinentes, similiter et silvas cum suis utilitatibus. Hec autem statuta ab omnibus nostris ita volumus inviolabiliter custodiri; quod si ausu temerario imminuere temptaverit, indignationem se nostram et Ecclesie principum sciat incursurum.' CDMP.68; For Polish customary duties, see R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 50-51.
[17] CDMP.123.
[18] 'Inde est quod Ecclesie Dei liberaliter et libenter confero canonicam libertatem, liberans eam ab omnibus gravaminibus et exactionibus indebitis, maxime ab hiis: prevod, povoz, povolove sive poradlne, stroza, naraz, pesi slad. Iura eciam Cracoviensis ecclesie specialia et domorum religiosarum in Cracoviensi diocese constitutarum, sive largitione principum sive alias longa consuetudine obtenta, illibata conservabo.' CDMP.123.

cattle, pigs, honey. Such dues would disrupt the inhabitants of ecclesiastical territories from carrying out their agricultural and artisanal duties, ultimately lowering productivity. The taxes on cattle, swine, and honey also show that landlords' wealth was varied. A preoccupation with the maintenance of public spaces shows that there was a shared conception of territories as divided and transversed by roads and places for the use of everyone. Nevertheless, exemptions for the upkeep of these territories were given to ecclesiastical landowners, suggesting that there were others who would contribute to this work. The privilege, thus, for the clergy was that they would enjoy the benefits that publicly-maintained roads gave them, but they did not have to use their resources to contribute to this maintenance.

Konrad of Masovia likewise issued subsequent privileges to the clergy in his duchy, though later. In 1242 he granted *amplissimas libertates* to the territories within his duchy that belonged to Gniezno, Włocławek, and Płock.[19] Like Władysław's, Konrad's exemption is more circumscribed than the joint privilege of 1210, since it pertained to specific territories. Furthermore, Konrad stipulated that some dues – such as the labour for the reparation of castles – would still be required from the inhabitants of ecclesiastical lands. Nevertheless, the clerics who were the recipients of this privilege must have been involved in the drawing up of the document, and so accepted the terms.

In the middle decades of the thirteenth century, charters issued by dukes mostly confirmed or reissued privileges that had already been granted. For example, in 1252 Przemysł I of Greater Poland (1221-1257) explicitly (re)granted 'all liberties' from customary services and taxes to the inhabitants of the villages owned by the Poznań cathedral.[20] He was forced to do this as his men continued to exact these dues, despite the exemptions issued in the past.[21] Similarly, in 1268 and 1269, Bolesław II of Mazovia (1251-1313) confirmed privileges granted to the diocese of Włocławek by his predecessors.[22]

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[19] CDMP.234.

[20] CDMP.302.

[21] 'Omnimodam libertatem, absolventes ipsos ab omni exaccione et vexatione quas homines terre nostre prestare vel facere sonsueverunt, videlicet a poradlne, a podworowe, a stroza, a prevod, a naraz, a podvoda, a vacca et a bove, et aliis exaccionibus quibuscunque nominibus nominentur.' CDMP.302.

[22] CDMP.437, CDMP.609, CDMP.610.

However, when new donations were made, these were equipped with new exemptions. For example, Przemysł II of Greater Poland (1257-1296) granted a village to the altar of Saint Hedwig in the Poznań cathedral in 1285, at the same time giving the village *amplissimis munitam libertatibus.*[23] The situation of the villages granted by the duke of Pomerania in the 1290s to the Gniezno cathedral is similar.[24] Some such gifts were made with an implicit concern for the welfare of the church and the donors' souls. Two examples are the right to mint coin (addressed below) and the right to taxes from the salt mines near Cracow – Wieliczka and Bochnia. In 1290 Przemysł II of Greater Poland granted half the income from the Cracow mines to Bishop Paweł of Cracow (1266-1292) and his successors.[25] This was a gift with no explicit reason other than the duke's concern for the incomes of the cathedral and his own afterlife.

Sometimes, such new exemptions were articulated through the permission to locate new lands using the *ius Theutonicum* or German Law, which set out settlement and subsequent jurisdiction of new villages, discussed in greater detail in the following section. This created a different dynamic. A bishop would believe that he had the right to locate his village on any terms he pleases – Polish law or German law. A duke would likely expect the same, given the powerful position of the episcopate that had been established over the past decades. But such an arrangement may have been an implicit way of negotiating the power-balance between the two parties, as German law would exempt the inhabitants of these villages from most lordly dues. But it would still be the lord who allowed this to happen. In the case of the donation of Przemysł I of Greater Poland to Bishop Bogufał of Poznań (1242-1253) in 1242, the donor stipulated that the bishop had the power to locate ecclesiastical villages using German law.[26] However the point was to exempt the inhabitants of the bishop's lands from Polish duties such as *povozne, poradlne, podworowe, stroza, prevod, naraz, podvoda,* which reads like any other exemption privilege meant to secure *libertas ecclesiae*. It may be the case that this formulation was used to heighten the duke's prestige by portraying him as magnanimous towards the church, simultaneously appeasing the

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[23] CDMP.559.
[24] CDMP.716, CDMP.717.
[25] CDMP.651, CDMP.652.
[26] CDMP.251.

expectations of the bishop through its content. In 1262 Bolesław Pobożny (c.1224-1279, *the Pious*) granted the same location right to Archbishop Janusz of Gniezno (1258-1271). However, he also explained that a donation on such terms was to be for the '*ecclesiae utilitatem.*'[27] Thus, not only did Bolesław Pobożny reassert his authority over the modes of land settlement, but also presented himself as the one responsible for the utility and profitability of these lands.

Both types of donations show the reality of how *libertas ecclesiae* was negotiated in a way that suited both the lords and bishops in question. From an ecclesiastical perspective, the goal was to ensure that lands in the possession of clerics should be exempt from lay interference. The combined efforts of the papacy, its envoys, and the episcopate saw that this was the case in the Polish province, in theory but also to a large extent, in practice. Concessions had to be made sometimes, and we have seen that the clergy would act in pragmatic ways to settle on arrangements that were acceptable and workable. After all, from the lay perspective, such concessions were not easily made, especially considering the competition among the duchies. But they served their purpose. They were pious acts, meant to support the soul both on earth and in the afterlife. They also increased the donors' prestige by showing their piety, wealth, and concern for lands. This concern for lands will be addressed shortly.

New exemptions as well as confirmations of past privileges were practical. The symbolism of granting special status to persons or lands implied that the lord had the authority to do so. Even if it was the clerics' position that such exemptions and privileges should have been automatic, they nevertheless accepted the process of their granting. What mattered was the result: the introduction or confirmation of special status. Repeated renewal of privileges also provided a more immediate assurance that past decisions were upheld. This behaviour was a practical way for the clerical elites to make sure that the ideals that they preached were put into practice, even if imperfectly (as the renewals might suggest). Such negotiations and the resulting charters also reflect how each party envisaged its lordship, contributing to our understanding of the processes that

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[27] CDMP.396.

allowed for the creation of their separate territories. The idea of *libertas ecclesiae* contrasted with lay conceptions of lordship and produced ways of dividing lands and powers that satisfied both parties, addressing territories and the obligations of their inhabitants in ways that were acceptable to all, reflecting their mixed nature. The writing down of the charters that enacted these, and including language that was religious in nature allowed lords to articulate their own position.

These negotiations continued with the restoration of the monarchy in Poland. Polish law remained customary and unwritten until its codification in c.1347.[28] As we have seen, legal charters had been the product of the cooperation of lay lords and the church, as chancellors and scribes were ordained clerics who assisted in the transfer of legal decisions into writing. Just as clerical influence made its way to the legal pronouncements of lay rulers, the model of universal canon law and provincial legislation was a model for the monarchy once it was reinstated and stabilised. Kazimierz the Great, working with Archbishop Jarosław Bogoria (1342-1374), codified the laws of his kingdom sometime in or after 1347.[29] This gap of close to thirty years between the coronation of Władysław Łokietek in 1320 and the codification can be explained by Łokietek's efforts to consolidate his rule over the kingdom.[30] Archbishop Jarosław's involvement is highly significant, as is the parallel development of ecclesiastical law in Poland. In 1357, Jarosław held a provincial synod which reissued all ecclesiastical law in the Polish province and introduced new statutes. The contents of these, and the relation between the c.1347 codification of Polish law and the 1357 provincial statutes will be discussed in more detail in Chapter Four. For now, we will focus on the issue of *libertas ecclesiae* in these pronouncements.

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[28] This is the date given by Długosz in *Annales*.IX, pp. 244-247, but it is contested. J. Wyrozumski argued that the codification happened post-1357 in *Kazimierz Wielki* [*Kazimierz the Great*] (Wrocław: Ossolineum, 1982), pp. 183-184, 228-229. Leading scholar of Polish legal history W. Uruszczak avoided the issue of dating the codification altogether and places it in the mid-fourteenth century, even in his article 'Rola prawa kanonicznego w rozwoju prawa polskiego' ['The role of canon law in the development of Polish law'] in P. Krafl (ed.) *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), pp. 196-200. Whatever the exact timeline may have been, the cooperation of Kazimierz and Jarosław and the proximity of the codifications are significant.

[29] P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972), p. 47.

[30] P.W. Knoll, *The Rise of the Polish Monarchy*, pp. 50-62.

It seems likely that the involvement of Jarosław in the codification of Polish customary law by Kazimierz was what spurred Jarosław to re-codify and reissue Polish ecclesiastical law, to secure the church's position vis-à-vis the monarchy. Some royal laws related to the church explicitly, so we can assume that while Jarosław most likely agreed to their inclusion, he was also conscious of the potential ramifications for the clergy. As mentioned, these laws will be discussed in detail in Chapter Four. Here, let us focus on the fact that some years after the codification of the kingdom's laws, and three months after the issue of Jaroslaw's ecclesiastical law compilation, Kazimierz reaffirmed the privileges and liberties of the Gniezno province.[31] The close proximity to Jarosław's synod suggests that this charter was part of the process spanning 1347-1357 in which the legal regulation of the coexistence of ecclesiastical and lay territories in Poland was negotiated and agreed upon.

Kazimierz's 1357 privilege can be analysed in four parts. In the first one, the rationale and liberties granted to Gniezno are given and explained. In the second part, all the villages and towns belonging to Gniezno and the cathedral chapter are listed – amounting to over 350 named possessions. In the third part, the exemptions are further detailed, alongside the stipulations of the rights of the bishops, chapters, as well as the king and his officials in them. In the fourth and final part of the charter, the privileges of liberty given by previous Polish dukes, including the 1210 privilege this section started with, are confirmed and reissued in Kazimierz's name. While it seems that with this privilege the situation of the Polish church had come full circle, the document hints at a change in the direction that the relation between church and king took following 1357. The first two parts of the document, in which the privileges and the villages and towns covered by them are listed, are only explicitly granted to Gniezno. While Gniezno can be treated as a synecdoche for the whole Polish province, this is not the case in Kazimierz's privilege. He specified that the exemptions and privileges are for 'all the goods of Gniezno and all of its collegiate churches, namely Lańcut, Ruda, Kurzelów and Uniejów, and the parishes of the Gniezno diocese.'[32] The

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[31] CDMP.1354.
[32] 'Omnia bona ipsius Gneznensis et aliarum collegiatarum, videlicet Lanciciensis, Rudensis, Kurzeloviensis et Uneoveiensis, ac parrochialium ecclesiarum Gneznensis dyocesis.' CDMP.1354.

enumerated possessions, even if situated outside of the geographic boundaries, are explicitly named as belonging to the Gniezno archdiocese. Therefore, the privilege is for the archdiocese, not the whole of the Polish province.

This limitation complicates the reissue and re-confirmation of the 1210 privilege. While the clause begins with a general confirmation:

> Moreover, we testify that, having seen and having fully understood the letters of the most blessed pontiffs of the Roman church, namely Innocent II, Innocent III and Honorius III, in which the possessions, laws, and liberties of the aforementioned churches of Gniezno and its collegiate churches, conceded and donated to them by the princes of Poland, our ancestors, [these privileges] are confirmed fully.[33]

The inclusion of the 1210 privilege is more complicated:

> Moreover, we especially see very clearly contained in the letters patent of the said Pope Honorius, that he himself at the petition of the named dukes, Leszek of Cracow, Konrad of Masovia, Władysław of Kalisz and Kazimierz of Opole, confirmed the laws, liberties and possessions of the district of Łowicz, in the land of Masovia, and wholly liberated the same district with all its villages and possessions from all jurisdiction and dominium of whichever prince.[34]

While the 1210 privilege, as we have seen, established clerical liberties for *all* of the Polish church, Kazimierz reinterpreted the contents of it to fit his own exemption: he only included Gniezno and its possessions, including Łowicz,

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[33] 'Protestamur insuper, nos vidisse et expositis (sic) nobis plenarie intellexisse litteras patrum beatissimorum ecclesie Romane pontificum, videlicet Innocentii secundi, Innocentii tercii et Honorii tercii, in quibus possessiones, iura et libertates predicte Gneznensis et eius collegiatarum ecclesiarum, concesse et donate eisdem per principes Polonie, nostros progenitores, plenissime confirmantur.' CDMP.1354.

[34] 'Specialiter autem in literis patentibus dicti Pape Honorii continere vidimus satis clare, quod ipse ad petitionem ducum infrascriptorum, Lestconis Cracovie, Conradi Masovie, Vladislay de Kalis et Casimiri de Opol, iura, libertates et possessiones Lovicensis districtus, terre Masovie, confirmavit, ipsumque districtum cum omnibus villis et possessionibus, ab omni iurisdicione et dominio quorumlibet principum penitus liberavit.' CDMP.1354.

which had been mentioned specifically in 1210. Nevertheless, the 1210 privilege had not been limited to Gniezno and Łowicz. We can see therefore the distinctive and, in this moment, fragmented, layers of the Polish church being targeted individually by the king. Honouring Poland's most important prelate and his long-term ally – the archbishop of Gniezno – would serve Kazimierz well. However, it seems that his understanding of the value of written laws and their heft lent itself to shrewdness when it came to issuing privileges and exemptions. By eschewing granting an all-encompassing privilege to the Polish church, Kazimierz left his options open. Indeed, a year later, following a dispute between Bishop Jan of Poznań and Duke Siemowit of Masovia, Kazimierz reissued all the privileges that had been given to the diocese of Poznań since 1279.[35] We see therefore the mutual influence of the clergy and laity in terms of legal practices. But we also see that the shared legal practices did not necessarily lead to religious bodies all maintaining the same legal status consistently, especially in the fourteenth century, when it often had to be (re)negotiated.

III.2.3. Cooperation and Service

Prelates were involved in secular government, just as much as they were lords themselves. Prior to becoming bishops, most had served their local dukes as chancellors.[36] In the thirteenth century, the multitude of chanceries and ducal courts allowed aspiring clerics to serve lay lords as chaplains or chancellors and build lasting relationships that could then become useful in becoming prelates. The episcopate was part of the nobility, and so held similar attitudes towards lordship. Likewise, the way that bishops interacted with other aristocrats and nobles – their peers – was influenced by this. Their relations were not always carried out in the framework of relations between the religious and the lay, but as relations of aristocrats. Patronage, service, and power were important aspects of that relation.

This complicates the notion of pursuing *libertas ecclesiae*, but only to an extent, since it was never absolute. One specific area where the tension between

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[35] CDMP.1369.
[36] J. Maciejewski, *Episkopat Polski Dobry Dzielnicowej 1180-1320* [*The Episcopate of Poland, 1180-1320*] (Cracow: Societas Vistulana, 2003), pp. 31-45.

libertas ecclesiae and elite political status is particularly visible is the granting of land-gifts to clerics for their loyalty to dukes. This is at odds with the separation of clerical and lay elites, viewed from the mindset of *libertas ecclesiae*. But two things must be kept in mind. First, the measures to secure the church's liberty from lay rule did not come into existence in a void: they were seen as necessary based on existing practices. Second, receiving a gift of land for some political support was not necessarily at odds with securing *libertas ecclesiae*. Thinking about territorialization and its effects on institutions can help explain why.

Loyalty to a duke does not necessarily mean that the bishops were acting against their episcopal duties and against the interests of the clergy. However, it gives us a glimpse into other actions that allowed them to cooperate with lay lords. What is important here is how this relationship can be seen in terms of territorial practices shaping ecclesiastical and lay lordship. On the one hand, this can be seen as the church driving the lordly and administrative development of the duchies, since prelates helped dukes strengthen their control over territories, even if this control was delegated. The logic is reversible though. As bishops were cooperating with local rulers, they adopted practices that would maximise their influence in a political setting, strengthening the church's position, all the while fulfilling the dukes' territorial needs. Both scenarios are plausible, and speak to this thesis's wider argument about co-determination. The cooperation and service that was present between the bishops and dukes led to a push-and-pull that drove both the church and the duchies to become more self-defined and efficient at functioning within a defined area.

Despite the many exemptions seen in the previous section, the first document to state that privileges were renewed and granted by a duke explicitly for the loyalty of a bishop comes from 1268. On 26 August, Bolesław II of Masovia confirmed the privileges and liberties previously given to Bishop Wolimir of Włocławek (1275-1283) by his paternal uncle Kazimierz I of Kuiavia (c.1211-1267) and his (Kazimierz's) son Siemomysł of Inowrocław (c.1247-1287).[37] The matter of the privileges and liberties was discussed above. Now, let us focus on the rationale given for why these were confirmed:

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[37] CDMP.437.

> For the love of God and reverence to the blessed Virgin Mary, and seeing the many services which the venerable father lord Wolimir bishop of the Włocławek diocese exhibited to us frequently.[38]

The situation was similarly described in Siemomysł's charter:

> Through this we want it to be known to all that in reverence of God and the Blessed Virgin Mary, we gave these purely and freely in perpetual liberty for the services they gave us many times and for their useful contributions, to the venerable father lord Wolimir bishop of Włocławek, and to the honourable men, the provosts, deans and all other prelates and canons of the aforesaid church and the Kruszwica church and their successors.[39]

This was similar to the situation in 1287, when Przemysł II of Greater Poland granted Michał, canon of Poznań, two villages, with their liberties and privileges assured for Michał and his successors. Here, the rationale was even more explicit:

> Because having regarded the fidelity and useful services of the honourable man lord Michał canon of the Poznań church, we confer to him and his successors, of whichever status they will be, of good habit, with our barons' counsel and their unanimous consent, liberty in two of his inheritances.[40]

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[38] 'Ab amorem Dei et reverenciam beate Marie virginis et inspectis multis serviciis que nobis venerabilis pater dominus Wolymirus Wladislaviensis ecclesie episcopus sepius exhibuit.' CDMP.437.

[39] 'Universitati vestre tenore presencium notum esse volumus, quod nos ob reverenciam Dei et beate Marie virginis venerabili patri domino Volimiro Wladislaviensi episcopo, nec non honorabilibus viris, prepositis, decanis, et aliis prelatis omnibusque canonicis predicte et Crusviciensis ecclesiarum ac eorum successoribus, eorundem servicia que nobis multocies et utiliter impenderunt respicientes, talem in perpetuum pure et liberaliter dedimus libertatem.' CDMP.608 (437a).

[40] 'Quod intuit fidelium ac utilium serviciorum honorabilis vir domini Michaelis Poznaniensis ecclesie canonici, contulimus sibi suisque successoribus, cuiuscunque status fuerint, salubri habito nostrorum baronum consilio ac de consensus ipsorum unanimi, libertatem in duabus ipsius hereditatibus.' CDMP.572.

Even Archbishop Jakub Świnka was rewarded for his loyalty by then-duke Władysław Łokietek in 1287 with a house in Cracow and the remaining half of a village that his father had donated to Jakub previously: 'Attentive to the compliant faith freely shown to us by the said venerable father.'[41]

Likewise, lords allowed bishops to mint their own coin. The first instance took place in 1286, a year after Jakub Świnka's consecration. Bolesław II of Mazovia allowed Świnka to mint coin in his town of Łowicz, situated within the duchy.[42] Here, there is no mention of this being a reward for loyalty – just a pious deed:

> For the love and friendship and reverence of the venerable
> father in Christ our father lord Jakub, by divine providence
> archbishop of the holy church of Gniezno, to this lord
> archbishop we give licence to mint coin in the district of
> Łowicz.[43]

But when Władysław Łokietek granted the right to mint to Bishop Andrzej of Poznań in 1314, the element of service was introduced: 'On account of the merit and service of the aforesaid venerable father lord Andrzej, for the reverence and devotion to the Poznań church of Saint Peter.'[44]

These documents tell us about the events of the granting or confirming of privileges to prelates for their service. Based on their content, it is difficult, however, to decipher what this loyalty and service was. The timing of these formulations is telling. Alliances between powerful dukes and bishops were becoming more serious in the light of the push towards the reunification of the Polish kingdom at the end of the thirteenth century, and so documents detailing agreements needed to be drawn up.

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[41] 'Attendentes fidelia obsequia nobis per dictum venerabilem patrem liberaliter exhibita.' CDMP.580.

[42] CDMP.565.

[43] 'Ab amorem et amiciciam nec non reverentiam venerabilis in Christo patris domini Iacobi, divina providencia archiepiscopo sancte Gneznensis ecclesie, eidem domino archiepiscopo damus licenciam in districtu Llovicensi monetam habendi.' CDMP.565.

[44] 'Ob merita et servitia prefati venerabilis patris domini Andrea, reverentiam ac devotionem ecclesie beati Petri Posnaniensis.' CDMP.964.

A useful example of the involvement of prelates in these political manoeuvres was the attempt at establishing a royal chancery. In the years following Przemysł II's death, Henryk III of Głogow (c.1251-1309) was one of the main Piast contenders for the Polish crown. As part of his efforts, in 1298 he promised Bishop Andrzej of Poznań and his successors that if the bishop helped Henryk gain the crown, the kingdom's chancery would always remain in Poznań, with the bishops acting as chancellors, with rights to the office's incomes:

> If therefore by the great help of the aforementioned venerable [bishops] and their churches we will obtain the royal insignia, the chancery of the kingdom will remain in perpetuity in the Poznań diocese, with the revenues assigned to Poznań [and] not to whichever city near where [the chancery] happens to stop with our court. [45]

Henryk also promised that all the liberties enjoyed by the archbishops of Gniezno, the bishops of Poznań, and the bishops of Włocławek were to be observed. This never came to fruition, since Henryk never became king. But this document gives us a glimpse into a type of negotiation that was probably more common than this one instance suggests. The duke needed political support against his opponents, and it appears that Andrzej was ready to provide it. In exchange, the duke promised to make the bishop and his successors royal chancellors, and confirmed the liberties of Poznań, Gniezno, and Włocławek. Andrzej seems to have negotiated for his own benefit alongside the benefit of other bishops.

Such offers were powerful in a time when there was a multi-focal push for the crown from various branches of the Piast family, as well as the Přemyslids. Bishops were presented with multiple opportunities to throw their lot with different factions. Jakub Świnka was a supporter of first Przemysł II and then Władysław Łokietek for the Polish throne. However, he crowned the Přemyslid Wenceslaus

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[45] 'Si autem per adiutorium venerabilum partum superius nominatorum et ecclesiarum eorundem regias fuerimus infulas assequuti, cancellaria regni penes Poznaniensem episcopatum perpetuo remandebit, assignatis sibi redditibus iuxta quaslibet civitates, ubi frequentius cum nostra domo non contingerit demorari.' CDMP.787.

II in 1300 when continued opposition to his rule would have been detrimental.[46] This did not mean, however, that he ceased to attempt to influence the political situation to his liking. Wenceslaus II was supported by Bishop Jan Muskata of Cracow. The two had been close allies since before Muskata's consecration. After Wenceslaus's coronation, Muskata was made *capitaneus* in Lesser Poland.[47] His strong ties to Wenceslaus and his political position were badly received by Świnka and many of the remaining bishops.[48] And so the archbishop conducted a series of canonical trials against Muskata, starting in 1304 and ending in 1311, before the papal legate Gentilis.[49] Accusations included violent lay interference by Wenceslaus's supporters and simoniac promises of church positions during Muskata's election, followed by his excessive use of violence and bloodshed once *capitaneus*.

As Muskata was Silesian, many of the witnesses at these trials described Muskata as *Theutonicus*, which contributed to the overwhelmingly negative presentation of him in later historiography, especially as he supported Wenceslaus's rule in Poland.[50] However, treating his actions as treason against the 'Polish cause' as part of a grand national narrative is misrepresentative.[51] Without projecting modern ethnic and national categories, the conflict between Świnka and Muskata must be understood as the junction between the political and ecclesiastical interests of the two prelates. Since Świnka ultimately crowned Wenceslaus II, his opposition to Muskata was not just caused by political alliances. Ecclesiastical matters were at play, too. Sławomir Gawlas put forth the thesis that Muskata's aim was to create an episcopal principality within Poland, detached from both the Polish province and ruled independently from lay

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[46] P.W. Knoll, 'Władyslaw Łokietek and the Restoration of the *Regnum Poloniae' Medievalia et Humanistica* 17 (1966), pp. 53-55.

[47] *Capitaneus* or *starosta* in Polish was an office parallel to English county sheriffs, representing the king's rule and jurisdiction in a specified territory.

[48] P.W. Knoll, *The Rise of the Polish Monarchy*, pp. 29-33.

[49] MPV.III.111, MPV.III.121, MPV.III.124-129, MPV.III.131. See also earlier discussion pp. 44-49.

[50] T. Pietras, „*Krwawy Wilk z Pastorałem" Biskup Krakowski Jan zwany Muskatą* ['*The Bloody Wolf with a Crozier' Bishop of Cracow Jan called Muskata*] (Warsaw: Semper, 2001), pp. 13-24.

[51] T. Silnicki; K. Goląb, *Arcybiskup Jakub Świnka i jego epoka* [*Archbishop Jakub Świnka and his Times*] (Warsaw: Pax, 1956), pp. 1-17, 247-278. Cf. T. Pietras, „*Krwawy Wilk z Pastorałem"*, pp. 13-24.

powers.[52] Taken together with the importance of Cracow as the capital of the Polish realm, such goals endangered Gniezno's position.[53] The only way for Świnka to undermine Muskata's accumulation of power and authority under Wenceslaus II was through canonical means, which would stipulate obedience to the archbishop and prevent Muskata from holding lay offices – not because this was outright forbidden, but because he was presented as abusing his position, especially at the cost of the church.

The case of Świnka and Muskata and their political alliances illustrates the multi-focal interests and tensions of both 'church' and 'state' at the highest level. Gawlas's elucidation of the role of territorial lordship, while not explicit in the sources, adds a key element to our understanding. The last decades of the thirteenth and first decades of the fourteenth centuries were years of increased political turmoil and rapid changes in the increased effort to (re)create the Polish crown. The episcopate played key roles in providing legitimacy and support for the contenders to the throne. While this did not necessarily undo the accomplishments in distinguishing religious and lay territories we had seen before, the conflict between Świnka and Muskata is an episode which illustrates the heterogenous facet of the Polish episcopate, even in light of the cooperative and united overall pattern of its behaviour.

Behaviours and relations which defined ecclesiastical and lay lordship in relation to one another, in a shared space, thus could also contribute to the increased awareness of territorial capacities and possibilities within the episcopal layer itself. Group consciousness and the pursuit of a privileged position within society united Polish prelates. But within this group, individual bishops' or dioceses' aspirations, influenced by their elite status and political ties, could introduce elements of disunity. This was especially prominent as the monarchy was reintroduced and reasserted.

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[52] S. Gawlas, 'Człowiek uwikłany w wiekie procesy – przykład Muskaty' ['Man entangled in great processes – the example of Muskata'] in R. Michałowski (ed.), *Człowiek w społeczeństwie średniowiecznym* [*Man in Medieval Society*] (Warsaw, DiG, 1997), pp. 391-402.
[53] T. Pietras, „*Krwawy Wilk z Pastorałem*", pp. 61-62.

III.2. Lands and Territories: Lordship

The territorial activities of dukes and kings shaped medieval society and landscape alike. In the previous section, we saw how ecclesiastical territories were determined in relation to their lay counterparts, shaping the two layers of the Polish landscape. This section focuses on the means through which ecclesiastical lordship over these territories was exercised. Lordship – how power was articulated and exercised – has an extensive historiography.[54] Richard Hoffman's study of the Silesian countryside has shown the usefulness of studying religious landholders and landlords when examining lordship, due to the longevity of these holdings and their meticulous documentation.[55] Although his focus is not ecclesiastical, much of his discussion centres around bishops and abbots, and conclusions about lay lordship are extrapolated from there.[56] A different approach is taken by Piotr Górecki, whose works focus on the intersection of religious landholdings and lay society.[57] The aim of this section is to illustrate how the landowning clergy in Poland fit into its setting, combining the approaches.

As we have seen, the initial step in regulating the relationship between the church and lay rulers was the creation of ecclesiastical space through jurisdiction. This was significant to the overall development of Polish territories, since, as elsewhere in Europe, the episcopate were major landholders. Historians of church territorialization such as Dominique Iogna-Prat, Michel Lauwers, and Florian Mazel have detailed medieval attitudes towards landowning and traced the processes of the Latin Church's involvement with the landscape and the subsequent territorialization of ecclesiastical authority.[58] The fact that clerics were

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[54] E.g. R.I. Moore, *The First European Revolution*, pp. 1-51; T.N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009), pp. 1-21.

[55] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 174-175.

[56] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 174-175.

[57] P. Górecki, *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993), pp. 1-19; P. Górecki, *The Text and the World: The Henryków Book, Its Authors, and their Region, 1160-1310* (Oxford: Oxford University Press, 2015), pp. 29-34.

[58] D. Iogna-Prat, 'Sens et usages du territoire médiéval' *Annales, Histoire, Sciences Sociales,* 72 (2017), pp. 99-107; F. Mazel, 'L'Église, la cité et la modernité' *Annales, Histoire, Sciences Sociales,* 72 (2017), pp. 109-120; S. Piron, 'L'amélioration du monde', pp. 221-234.

the major landholders of the medieval period truly meant that they formed the world and society.[59]

With the goals of securing (pragmatic) *libertas ecclesiae* and creating ecclesiastical spaces, religious and lay lords operated within a shared milieu, forming their territories and consolidating their authority within them, thus establishing distinctive layers of institutional territoriality through their activities. The use of ecclesiastical land for non-religious purposes – farming, milling, fishing – explicitly created the agricultural territoriality of the clergy, grounding it firmly within the society they were part of, especially as it was accompanied by the creation of villages and the governing structures that this necessitated.[60] Such actions expanded religious territories with clerics as lords with judicial and financial powers.

The pattern of episcopal agricultural behaviour shows that the Polish episcopate was working actively towards maximising the output of their lands, even at the cost of relinquishing incomes and personal lordship and control. This shows a pragmatic, practical concern for their properties, going hand-in-hand with the ideology of *amelioratio terrae.* The most common behaviours were the active exchange of lands so that they could be more conveniently managed, active (re)establishment of boundaries, the settlement of lands so that they would be put to best use, the delegation of management to officials known as *sculteti*, and at times, even the ceding of land so that it would be settled and made productive by other parties. These actions all contributed to the process of documenting information about landholdings, a tighter control over them and their boundaries, and their more intensive administration. The very process of documenting a settlement, which included the names of villages as well as their boundaries contributed to a working knowledge of the terrain, which was further amplified by any subsequent exchanges. Last, the appointment of officials known as *sculteti* contributed to the removal of landlords' direct involvement in the administration of lands and villages but intensified their day-to-day running.

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[59] D. Iogna-Prat, 'Sens et usages du territoire médiéval', pp. 99-107; F. Mazel, 'L'Église, la cité et la modernité', pp. 109-120.
[60] R.C. Hoffman, *Land, Liberties, and Lordship*, p. 63.

III.2.1. *Amelioratio Terrae*

Although the term *amelioratio terrae* covers all the following sub-sections related to territorial lordship, in this first instance it denotes the actions taken by bishops to increase the productivity of their possessions. This was done by settling new peasants so that they would work the land as well as through exchanging lands with other landowners so that the holdings of the bishops would be more concentrated and easier to manage.

The settlement of new peasants was usually based on the terms set out by *ius Teutonicum,* or German law. The use of *ius Teutonicum / ius Novi Fori / ius Sredensis* (all based on the organisation of town rights in Magdeburg and adapted to villages as well as towns) by the clergy and bishops needs attention and analysis.[61] When lay princes settled peasants using *ius Teutonicum*, this often included exemptions from paying tithes for a specific number of years, both to the landlords and to the parish.[62] This would lead to most of the conflicts discussed elsewhere in this thesis between lords and bishops over tithes, since the bishops did not consider these exemptions valid.[63] But when bishops invited settlers and allowed German law to be applied, they voluntarily and explicitly granted the newcomers exemption from paying tithes.[64] Archbishop Jakub Świnka recognised the location of the village Bukownica by Trzebesław based on 'the new law, namely that which is made in Środa' in 1294.[65] This act stipulated that for the first 10 years, the settlers would be exempted from any dues, except the tithes from already-cultivated plots.[66] Bishop Andrzej Zaremba of Poznań (1297-1317) behaved similarly in 1303 when he exempted the settlers in the Templar-owned but deserted villages of Templewo, Boryszyn and Wielowieś of paying tithes for 16 years.[67] This shows that even if the bishops were to be deprived from income for several years, it was still understood to be useful for the

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[61] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 10, 62-63, 69.
[62] B. Zientara, *Henryk Brodaty*, pp.199-202.
[63] B. Zientara, *Henryk Brodaty*, pp. 228-231.
[64] B. Zientara, *Henryk Brodaty*, p. 227.
[65] 'Ius novo, quod est confectum in Sroda scilicet vel unde ius illud noscitur processisse.' CDMP.727.
[66] 'Decimam manipularem de antiqui agris,' CDMP.727.
[67] CDMP.862.

future to have the land settled and improved – *meliorari et locari* – as Zaremba stated.[68] Moreover, as Benedykt Zientara argued, there was little choice but to allow the new settlers these exemptions – there were plenty of other landlords eager to offer good terms of settlement elsewhere.[69]

Furthermore, the permission for villages and towns to be located using *ius Teutonicum* stipulated that some matters of jurisdiction would fall outside the remit of the bishop.[70] Those living under *ius Teutonicum* were subject to court proceedings modelled on those observed in Magdeburg, as would the inhabitants of the villages located on the later *ius Sredensem*, *mutatis mutandis*.[71] Jakub Świnka accepted this when he wrote:

> And even if the laws of the aforementioned city Środa are
> unknown to us, we agree to hold to the aforementioned law
> the aforesaid and that they receive from the Lord for their
> advantage.[72]

This meant that with the exception of high crimes, local justice would be the purview of the *sculteti* and juries. This is in contrast to the cases where bishops had full jurisdiction over the inhabitants of their lands as secured by immunities from lay lords. At first, it seems counterintuitive that bishops pursued settlement schemes that deprived them of incomes and lordly rights for the goal of *amelioratio terrae.* However, if the belief in the overall benefits of improving the land was present and endorsed, then choosing to cede rights to territories was both pragmatic and ideologically defensible. It ensured that these lands would be managed more efficiently than if administered by bishops or their clerical agents. Lands would be tilled, parish churches supported, and eventually, tithes paid. This system worked towards creating a territory and population that was under effective government and produced incomes, rather than being left in disuse.

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[68] CDMP.862.
[69] B. Zientara, *Henryk Brodaty*, p. 59.
[70] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 62-63.
[71] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 62-63.
[72] 'Et quoniam iura predicte civitatis Sroda sunt nobis incognita, protestamur, quod in prescriptis et aliis omnibus que suorum commodum respiciunt domini, ad iura predicta volumus nos tenere.' CDMP.727.

Pragmatic concern over agriculture, framed within the values of *amelioratio terrae*, was a defining feature of clerical territorial lordship.

Andrzej Zaremba for example oversaw a programme of locating new villages throughout Poznań's lands during his episcopate. In 1298, he allowed for two brothers to locate a village using *ius Sredensis*, under certain conditions: the village would be exempt from paying tithes for three years, and later, would pay a set amount to the bishop annually.[73] The *scultetus* would have the right to run a tavern, a cobbler's, a market place, and a mill, and receive an annual payment. However, the village and *scultetus* owed the bishop service in provisions whenever he was there. Andrzej addressed the issue of locating the village according to this type of law as follows:

> We nevertheless acknowledge to those present, that with
> this German Law of Środa being reserved by us, although
> at present we are ignorant of its dues, we agree or will agree
> in the future to dues, taxes, and services, that [will apply] by
> reason of the law or customs of which law the village is
> located.[74]

What is also telling is that Zaremba allowed the village to be located by a third party, showing a conscious decision to absent himself from the process. Since he delegated this task, he would not have to be actively involved in managing the village, but would eventually tap into its wealth. Zaremba was willing to cede some of his lordly rights in exchange for a more efficient management of land, which would in turn lead to better incomes in the future, combining his duty to ensure that his lands were managed well with a pragmatic concern over incomes. This is a process described by Hoffman, who argued that landlords, by the end of the fourteenth century, were concerned with incomes more than the day-to-day management of their holdings.[75] Another way of pursuing the increase of wealth and efficiency in managing it was by exchanging lands so that holdings would be more concentrated. In 1302 Zaremba exchanged

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[73] CDMP.789.
[74] 'Protestamur nichilominus presentibus, quod salvum sit nobis idem ius Theutonicum Novi fori, cum ad presens ignoremus in solucionibus, exactionibus et serviciis, que racione iuris vel consuetudinis competunt vel competere poterunt in futurum, quo iure villa est locata.' CDMP.789.
[75] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 196-199.

farmlands with the church in Sołecz, which had just acquired lands in the vicinity of those possessed by Poznań in the village of Witowo. The bishops stated that 'we assign our fields in Sołecz, since they will be more useful and closer to the church, and we reserve the right over their fields.'[76]

The exchange of lands that concentrated territories was beneficial to both parties involved, and was not unique to Zaremba. Jakub Świnka often exchanged lands or the duties attached to them so that both he and the other party would be in closer proximity to them. In 1290, he exchanged the tithes paid to his church situated in the vicinity of the Cistercian monastery in Nakło in exchange for the tithes that were paid to a different village, citing that it was his pastoral duty to make sure that the monks were well-provided for.[77] In 1293 he granted five villages to the Cistercian monastery in Ląd in exchange for two villages.[78] The reason for this exchange was explicitly given – it was the archbishop's duty to make sure that the religious were able to perform their assigned tasks. Since the villages the Cistercians owned were located so far away from their monastery, their management interrupted the monks' religious life. Therefore, the exchange was made so that both parties could more easily manage their wealth and perform their religious tasks.

In 1298 Świnka exchanged two villages belonging to the bishop's *mensa* for a village belonging to the Gniezno chapter, so that the canons would be closer to the villages they owned.[79] He further granted the chapter the incomes from the village they had given to the *mensa*, so as the ensure appropriate incomes.[80] Similarly in 1300, he exchanged a village that was in Gniezno's possession but

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[76] 'Dominus Nicholaus, rector ecclesie de Solecz, nobis humiliter suplicavit: quod cum ipse nomine suo et ecclesie sue pro pecunia eiusdem ecclesie aput Petrum, Michaelem, Iohannem et Paulum, heredes de Seligi iuxta villam nostram Withowo, pro tredecim marcis argenti usualis emerit agros nobis et memorate ville contiguos et vicinos: quatinus secum et cum ecclesia sua permutacionem facientes, sibi et ecclesie sue agros in Solecz nostro aratro deputatos assignaremus, cum ecclesie sue existant magis utiles et vicini et agros suos nostro dominio reservaremus. Igitur … ecclesie de Solecz perpetuo assignamus agros nostri aratri ibidem, dominum Nicholaum nomine sue ecclesie in possessionem vel quasi civilem et naturalem inducentes, ab ipso et sua ecclesia agros in Seligi recipientes.' CDMP.854.
[77] CDMP.655.
[78] CDMP.696. The same year Świnka exchanged the village Pikarty with the village Złotkowy, which had belonged to the knight Mikołaj; however, no rationale was given as to why the exchange took place: CDMP.697.
[79] CDMP.797.
[80] CDMP.797.

was situated near the Czersk monastery for a village belonging to said monastery, because under Gniezno's ownership, the village had been too far for it to be effectively protected from raids.[81] Exchanging lands enabled their easier management, leading to increases in wealth.

Gerward of Włocławek (1300-1323) also dedicated considerable effort to the consolidation and *amelioratio* of the lands and properties belonging to his diocese. His example shows a different aspect of such actions. In 1315 he exchanged the tithes from the village Siedlce for the tithes from the village Bożejewice belonging to the monastery in Mogilno, and the *ius patronatus* of Saint John's church in Włocławek.[82] The willingness to alienate the incomes from a village for the *ius patronatus* of a church in his own city shows that he sought to gain more control for himself and his successors over local affairs, in the same way as it was more useful to have concentrated landholdings to manage.

Bishop Nanker's (1320-1326) actions in Cracow show yet another facet of *amelioratio*. In 1322, Nanker and the abbot of the Benedictine monastery of Tyniec began a dispute over the fortress of Biecz, which Nanker's predecessor Jan Muskata (1294-1320) had placed under the custody of the abbot, so that it would not remain empty and prone to attacks.[83] Nanker was seeking compensation for the losses the fortress incurred while in the abbot's custody, caused by his negligence. The conflict was brought before the papal court, and the pope instructed the dean of Gniezno resolve it. In this case we see that both bishops were truly preoccupied with the good and profitable management of Cracow's landholdings. In the first place, Jan Muskata had granted the abbot custody of his fortress so that it would not remain vacant. Upon taking office, Nanker assessed that the fortress and its lands had been mismanaged, and sought compensation from the one responsible for the negligence and losses his property suffered.[84] The rights of bishops towards lands were not just titular, but show genuine concern for their management and productivity.

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[81] CDMP.822.
[82] CDMP.975.
[83] KDKK.I.CXXVIII.
[84] This fits his general programme of consolidating Cracow's properties: T. Silnicki, *Biskup Nanker* [*Bishop Nanker*] (Warsaw: Pax, 1953), pp. 44-54.

There are other documents which show that Nanker was actively involved in the temporal affairs of his diocese. In 1323, he brought a suit against the Hungarian archbishop of Esztergom to prove Cracow's ownership of some villages.[85] A similar situation took place between Gniezno and Poznań, which spent years trying to settle the matter of their shared border in the 1360s. The dispute began in 1364, a settlement was almost reached in 1367, but the final hearing was to be held only in 1368.[86] These cases illustrate Mazel's and Michel Lauwers's theses on the territorialization of episcopal power being solidified through litigation over diocesan boundaries.[87] However, they show that in the region of Poland (and Hungary), this phenomenon continued from the thirteenth well into the fourteenth century. Considering the changes in rulership taking place in the region, this phenomenon of clarifying boundaries between ecclesiastic territories serves to show how political developments necessitated clerical adaptation and adjustments extending beyond just securing the church's position within the polity, but within its own sphere, as well. While these last cases show this being done through litigation, the previous instances where lands were exchanged voluntarily also contributed to this process.

Although exchanging lands seems to have been the default behaviour of Polish bishops, let us look at examples of the less common but also important sale and gifting of lands by bishops. The sale or gift of lands was tied to the idea that bishops were responsible for improving the land, as described in the documents attached to these sales or grants.

In 1299 Andrzej Zaremba sold the village Kościanki belonging to Poznań to the *scultetus* of another village in the cathedral's possession, Winna Góra:

> We Andrzej, by the grace of God bishop of the church of
> Poznań, wish it to be known to all present with the present
> letter that with the counsel of our brothers of the Poznań
> Chapter, we publicly sell our village Kościanki, to Malostrigio

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[85] KDKK.I.CXXXII; KDKK.I.CXXXIX.

[86] CDMP.1578, CDMP.1579, CDMP.1598, CDMP.1600.

[87] F. Mazel, *L'évêque et le territoire: L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013), pp. 15-30, 256-289; M. Lauwers, 'Territorium non facere diocesim… Conflits, limites et représentation territoriale du diocese (Ve-XIIIe siecle)' in F. Mazel (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008), pp. 35-47.

called Kraszna, our *scultetus* of Winna Góra, to be located by German law as free manses and usages, by which our village Winna Góra is located, and for perpetual possession by himself and his heirs, willing and judging that the said village Kościanki with Winna Góra, our village, will have one law, name and *scultetus*, and that possessing one village name they will also be ruled as the *scultetus*'s law requires. Because of its poverty, we join Kościanki with our aforesaid village, called Winna Góra, so that their boundaries are unbroken. And so, our census is due for one year and one day, both in silver and in kind, as for one place – since it is founded by us as one village – and any other due services payable to us under one and the same name, and keeping all previous privileges which were granted at the time of the location of Winna Góra, we with our Poznań chapter decree and want and judge to be under one law and one name, and for which this privilege is to be observed in perpetuity.[88]

It is clear here that this was done to make sure that the struggling village Kościanki would not fade out of existence. In joining Kościanki with Winna Góra, to be governed by the latter's *scultetus,* Andrzej ensured that Kościanki would be managed and therefore productive. The document states that the villages were to become one administrative unit, and so taxed together, though Winna Góra's privileges were not affected by the change. The collection of levies from the now-

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[88] 'Nos Andreas, Dei gracia episcopus ecclesie Poznaniensis, presentibus notum esse volumus universis presencium noticia potituris, quod de consilio fratrum nostrorum Capituli Poznaniensis, villam nostram que Kossczencz vulgariter nuncupatur vendidimus Malostrigio, scolteto nostro de Vineo monte, dicto Karszna, iure Teutonico locandam pro liberis mansis et utilitatibus, prout Vineus mons villa nostra est locata, et perpetuo sibi suisque posteris possidendam, volentes, ut dicta villa Kosszenecz cum Vineo monte, villa nostra, uno iure et nomine censeatur, et ab uno scolteto, nomine unius ville possideantur eciam et regantur prout scoltecie ius requirit. Quam villam Kosszenecz propter sui parvitatem adiungendam duximus ville nostre prefate, que Vineus mons dicitur, integraliter prout suis limitibus continetur; et quod uno anno et die censum nostrum, tam in argento quam in annonis, equaliter ad unum locum, tanquam una villa per nos iam facta deducere, et alia servicia nobis debita exhiber euno [sic] et eodem nomine teneatur; que omnia in privilegio principali, quod datum est super locacione Vinei montis, plenius continentur, que cum Capitulo nostro Poznaniensi statuimus et volumus uno iure et nomine censeri, et prout in dicto expressa fuerint privilegio, perpetuo observari.' CDMP.824.

single village would be carried out by the *scultetus,* who would then relay the bishop's incomes, streamlining the process and ensuring Kościanki's survival.

In a similar fashion, Jan Grot of Cracow (1326-1347) granted property to lay individuals throughout his episcopate.[89] He defended his decision to give these away by saying that he was working for the benefit of the diocese because these places would be put to good use: 'We always keep watch of the betterment of the church, straining for the increase of its returns and produce.'[90] A concern for the land and those that were supported by it, rather than for the 'property portfolio' of individual bishops was a possibility. Moreover, as much as prelates gained from being landholders, or accumulating wealth from the sale of their properties, they also stood to benefit from the patronage of local populations. Therefore, ceding lands to their neighbours could serve two purposes – the good deed that was improving the land and its output, and the more pragmatic securing of supporters through the gift.

III.2.2. *Sculteti*

In both cases – when bishops remained in charge of the lands and when they granted the lands to other individuals or institutions – their direct management and government was as we have already seen often delegated to *sculteti.* A *scultetus,* or *sołtys* in Polish, *schultz* in German, was the village's representative and leader.[91] He was in charge of collecting rent for the landlord, a portion of which he could keep. He also had some legal duties towards the villagers. He was responsible for the upkeep of the lord if he were visiting and the provision of military aid in times of war.[92] Considering just how much land bishops owned, it would have been impossible for them to be directly involved in governing all of it. It would also have been inappropriate for clerics to prioritise land management over their religious duties. Hence, the employment of *sculteti* was the default method of governing villages.

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[89] A pond and mill in 1333, KDKK.I.CLIII; and a swathe of forestland to reclaim and locate according to *ius Teutonicum Sredensis* in 1343, KDKK.I.CLXXIII.
[90] 'Semper ad melioracionem nostre Ecclesie cura peruigili intendentes, redditusque eius et prouentus ampliare pro posse.' KDKK.I.CLIII.
[91] R.C. Hoffman, *Land, Liberties, and Lordship*, pp. 62-75.
[92] B. Zientara, *Henryk Brodaty*, p. 208.

The employment of *sculteti* by clerics had become so regular that in 1357 the provincial synod regulated the selling of *scultetia* by churchmen:

> With real experience we can say, that because it happens that many *sculteti* often desert the goods of the church, we decree that in the goods of the church there is to be only one *scultetus* who can govern the goods. If then the *scultetus* has many sons, he should choose the most capable son to govern the *scultetia*, who is bound by the lawful lord of the village to pay to his brothers according to the evaluation for the *scultatia* as certain amount of money, according to who is owed what, in a certain time. If the money is not paid, another outsider, with the consent of the lord, can buy out all the brothers from then in the space of one year.[93]

We see that since it was a custom that the sons of *sculteti* inherited the office from their father, but nevertheless had to pay compensation to their brothers. This had led to villages remaining vacant, and so the bishops decreed that if a son was not able to pay for the office, it had to be resold to someone else within one year. This seems like a compromise – the bishops saw the advantages of having an informal hereditary rule to follow. But at the same time, if inheriting became unfeasible, provisions had to be made so that the lands would not suffer lack of oversight.

In most cases, the individual enlisted to locate a village (*locator)* would become its *scultetus.*[94] This was the case for Bukownica, located under the auspices of Jakub Świnka, described above. Świnka not only granted the right to locate the village to Trzebesław, but also granted him and his successors the

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[93] 'Experiencia certa didicimus, quod ex pluralitate scoltetorum frequenter contingit bona ecclesie desertatri; statuimus: ut in bonis ecclesie quibuscunque unus scoltetus, dumtaxat qui bona regnare valeat, habeatur. Si autem scoltetus plures filios habuerit, eo decedente potior filius ad regendam scolteciam eligatur, qui fratribus iuxta taxationem scoltecie de certa pecunie quantitate, secundum quod quemque pars pecunie continget, pecuniam in certo termino per dominum ville statuto solvere sit astrictus. Alias si in solvendo non fuerit, alteri extraneo, de consensu tamen domini, omnes fratres extunc eandem scolteciam infra spaciam unius anni vendere inexcusabiliter teneantur.' CDMP.1349.

[94] R.C. Hoffman, *Land, Liberties, and Lordship*, p. 62.

scultetia of the town, which included six free manses, a tavern, a mill, and a third of a *denarius* from each court case the *scultetus* would preside over.[95] We also have evidence that the office of *scultetus* could be 'split in half,' which illustrates another flexible arrangement in place. Nanker sold half the *scultetia* of a village to Lutek.[96] This suggests concern over effective governance by *scultetii* in the case of large villages. Splitting this office to place a village under two separate *sculteti* would aid effective governance. That the 1357 synodal decree aimed to prevent this practice suggests that it was common, but that there was a worry that it could reach the extreme where too much delegation rendered the landowners incapable of asserting their rights in the face of too many *sculteti*.

This is likely as the employment of *sculteti* did not free bishops (or other lords) from all their responsibilities. We saw already in the synodal decree that that the landowner was to be involved in the securement of a *scultetus*. Likewise, issues such as the payment of tithes were still in the purview of bishops: for example, in 1322 Nanker was the one responsible for changing how tithes were paid by his villagers.[97] This is not surprising, as tithes were extremely important for the upkeep of the church and bishops would seek oversight. Again, we see practical rather than titular concern with property ownership of bishops.

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Within this general movement termed *amelioratio terrae* we see that bishops were being pulled in two directions. On the one hand, they strove to possess as much land as possible, and possess it effectively. Hence, they settled it, delegated management to others, or swapped lands with other parties in efforts to consolidate their properties. On the other, they also sold it, or, more commonly, agreed for villages on their lands to be put under the *ius Teutonicum*, which circumscribed some of the lordly rights that they should have had. This shows how, and in what ways, episcopal land management was integrated into wider Polish practices of territorial and agricultural lordship. The lands that bishops possessed were settled on terms like those of lay lords, and the practices of their

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[95] CDMP.727.
[96] KDKK.I.CXXIII.
[97] KDKK.I.CXXVI.

management were likewise similar, aimed at securing incomes in a rational and routine fashion.

Bishops had to provide incentives similar to lay lords – such as the removal or significant decrease of tithes – so that peasants would settle within their lands and make use of them. This balance allowed the episcopate to maintain its position as a major landholder, but also adjust to the requirements of the laity so that both would benefit from the intensification of settlement and farming. Bishops and their chapters, as individual institutions as well as the episcopate as a whole (through synodal action) made conscious decisions to pursue a path that would perhaps lessen their initial income and influence, but would, in the long-run, maintain their position in society. They introduced solutions that intensified the government of the land and its people and increased its productivity, such as the use of the *ius Theutonicum* and employment of *sculteti*, simultaneously decreasing the need for direct involvement of clerics in such matters.

The way in which this delegation of government was carried out nevertheless allowed for the bishop-landholder to acquire and retain information about the lands in question. Documents related to the exchange or selling of land would provide information about landholdings which might otherwise have remained only in memory. In turn, such information could inform future behaviours and make administration and government easier.[98] We see these activities in the lay sphere, as well. In 1281 Przemysł II of Greater Poland granted parts of his patrimony to the diocese of Poznań, since it was located near its other landholdings.[99] Likewise, in 1288 Msciwój of Pomerania and Przemysł II arranged with Świnka to exchange the village of Ujma Mała with the village of Gardna, explicitly stating that this would make the management of these places easier for their respective owners.[100] Such territorial actions then had influence over future behaviours. A need and desire to know more about one's lands and to govern them effectively led to specific, repeated actions and ideals, which were accepted by those involved, and thus shaped the lordly, landholding, and agricultural institutions of the church.

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[98] S. Elden, *The Birth of Territory,* pp. 17, 322-324.
[99] CDMP.500.
[100] CDMP.620.

III.3. The Legal Community

So far, we have seen close cooperation of lay rulers with clerical elites and the co-determination of their practices within territorial lordship. The input of the clergy into these processes was tangible: clerics provided the language and writing, as well as the ideological framework for rendering lordship a pious work. Nevertheless, economic and agricultural concerns were not just parts of that framework. They were also the main preoccupations of lay and religious landlords alike. This relationship had another sphere of close coexistence: legal. Canon law and customary law were separate, and governed separate courts. Papal and episcopal as well as royal and ducal authority were accepted sources of legal pronouncements. Therefore, throughout the period we see the involvement of clerics in the legal disputes of the laity, even if these fell outside the remit of canon law. What is more significant, however, is that starting in the second half of the thirteenth century, we see lay authorities – dukes and kings and their respective representatives – being invited to resolve conflicts between clerics. This shows the building up of a mutual understanding of the two different groups, and confidence in their respective positions vis-à-vis one another, and trust that boundaries would not be overstepped, even if was also symptomatic of lay lords' capability to assert their authority in ways which had not been seen previously.

The involvement of clergy in lay disputes was not uncommon. Clerics were accepted sources of authority and mediation. This held true especially of the papacy and its representatives, since they represented authority removed from local politics. However, papal judges-delegate were often local prelates, which could prove an obstacle to this institutional subjectivity.[101] Nevertheless, both parties in a case had to agree to the judges delegated by the pope, as well as the witnesses that would testify, to ensure due process.[102] For example, in 1233 Gregory IX instructed the archbishop of Gniezno, the provost of Wrocław, and the provincial of the Dominicans in Poland to encourage the dukes of Poland (*duces*

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[101] H. Müller, 'Legates and Judges-Delegate' in K. Sisson; A. Larson (eds), *A Companion to the Medieval Papacy: Growth of an Ideology and Institution* (Leiden: Brill, 2016), pp. 210-219. See also J. Sabapathy, *Officers and Accountability in Medieval England 1170-1300* (Oxford: Oxford University Press, 2014), pp. 231-236.
[102] H. Müller, 'Legates and Judges-Delegate', pp. 212-213.

Polonie) to cease fighting with one another, and especially enlisting pagans to fight for them.[103] The delegated judges were given powers to proceed with ecclesiastical censures short of interdict if the dukes did not comply.[104] A year later, Archbishop Fulk of Gniezno and Bishop Paweł of Poznań oversaw the process of the division of Piast lands between Władysław Odonic and Henry the Bearded, and had the document registered at the Papal Curia (*hec omnia in registris domini Pape dominis episcopis procurantibus redigantur*).[105] The involvement of Fulk and Paweł was described thus:

> The venerable father lord archbishop Fulk of Gniezno together with lord Paweł bishop of Poznań seeing that such discord and strife cannot be resolved without weapons and sword, without the tears of widows, the desolation of churches, and the devastation of the poor, has put himself between them; and like Aaron hastening without quarrel to bring forth the service of his shield, resisting the evils of anger and putting the necessary end [to the discord], like the cornerstone joining two walls, he united them with the bond of peace.[106]

The bishops were an acceptable source of authority and mediation for the most powerful dukes. Moreover, the document was registered at the Papal Curia to further solemnise the agreement, and keep it safe for the future.

However, from the latter half of the thirteenth century, the balance seems to have shifted. Hitherto, lay involvement in conflicts between clerics, as we have seen, was actively fought against. But increasingly, lay authorities seem to have been brought in to mediate in conflicts where clerics were one or both parties. In

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[103] CDMP.144.

[104] 'Quod si monitis vestris acquiescere forte noluerint, vos eos ab huiusmodi presumptione desistere per censuram ecclesiasticam, appellatione remota, cogatis; proviso, ne in terram dictorum ducum interdicti sententiam feratis.' CDMP.144.

[105] CDMP.168.

[106] 'Venerabilis pater dominus Fulco Gneznensis archiepiscopus una cum domino Paulo Poznaniensi episcopo, videns quod tante discordie et litis decisio esse non posset sine armis et gladio, sine lacrimis viduarum, desolacione ecclesiarum, vastatione pauperum, medium se iniecit, et tanquam alter Aaron properans sine querela proferens sue servitutis scutum, deprecationem restitit ire et finem imposuit necessitati, et in se, tamquam lapide angulari utrumque parietis, hoc pacis federe colligavit.' CDMP.168.

1259, Bolesław Wstydliwy (1226-1279, *the Chaste*) was called to resolve a conflict between the Church of Saint Wojciech and the town of Międzyrzecz over the church's rights towards lands in the town's vicinity, and the right to hold a market.[107] The duke confirmed the possessions and incomes of the church and its exempt status, as well as its right to a market. The document was sealed by Bishop Bogufał of Poznań. While this is an early and isolated example, and likely survived due to the endorsement of both the bishop and the duke, it is plausible to think that such arrangements were becoming more prevalent. From the late 1280s, documentation of similar mediations is more common. As the relationship between dukes and clerics changed, and the clergy became more confident in their position, the involvement of lay authorities was not always seen as a threat to the rights of the church. Sometimes, it was beneficial or even necessary. Likewise, we can see that lay lordship was gaining in power and the ability to assert it in this arena, as well.

In 1288 Przemysł II of Greater Poland intervened in the conflict between Bishop Jan of Poznań (1285-1297) and his German settlers with regards to how the latter were to pay their tithes, and witnessed their final agreement.[108] Likewise, in 1290 he confirmed the exchange of lands between Jakub Świnka and the knight Mikołaj.[109] In 1295, prior to his brief rule as monarch, Przemysl II confirmed the sentence the *iudex* of Gniezno and Kalisz issued in the case over the village Sobków between the chapter of Włocławek and the sons of Michał.[110] Clerics from as high in the hierarchy as Jakub Świnka through Jan of Poznań to members of the cathedral chapter of Włocławek were willing to allow the interference of not just the duke, but also his judges in conflicts over their territorial possessions.

Following Władysław Łokietek's 1320 coronation, this trend continued, and extended to royal judges. For example, in 1323, a royal judge settled the case over the ownership of lands brought before him by a layman against the very archbishop of Gniezno.[111] A year later, the royal judge of Gniezno and Kalisz

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[107] CDMP.379.
[108] CDMP.632.
[109] CDMP.644.
[110] CDMP.732.
[111] CDMP.1034.

ruled in favour of the archbishop, in another case brough by a layman.[112] The practice of the archbishop coming before a lay court must have become so common that by 1343, Kazimierz the Great granted Archbishop Jarosław the right not to appear in person before his court, but send his representatives.[113] This privilege would not have come into existence had the archbishop insisted that he was wholly outside the scope of royal justice. Rather, it signifies that Jarosław accepted that the king's court had some authority over him, and so reached an agreement with the king as to how to proceed. This behaviour differs significantly from that implied by the privileges negotiated and endorsed in the thirteenth century, where *libertas ecclesiae* and exemption from lordly powers were at the forefront.

This illustrates that there was need for a mediator or authority that was easily accessible and acceptable to the parties involved in relevant disputes. It is not difficult to imagine these cases ending up at the Papal Curia for resolution and confirmation. Yet that would have been more expensive and taken a much longer time to complete. Therefore, those seeking justice turned to the local source of authority, the duke, and later, the king. Agreeing and choosing the more immediate lay judge instead of the pope suggests that the clergy was confident enough to pursue the faster and cheaper solution that would be acceptable to the laity, as well as to them. Moreover, dukes and kings had immediate interests within their territories, and local knowledge and proximity lent themselves to acceptable settlements. In case the clerics involved in the disputes did not agree with the ruling, the option to appeal it at the Papal Curia was open. I have not come across evidence of such instances, but they are nevertheless plausible.

What ties these cases together is that they dealt with the ownership of land, where lay and ecclesiastical powers overlapped most. It was of no interest to the laity how the clergy dealt with its own ecclesiastical censures, for the most part. For the clergy, it did not matter how the laity dealt with custom and criminal cases – especially since the punishments for these were mostly derived from church teachings.[114] But the question of land and income was one that was

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[112] CDMP.1040.
[113] CDMP.1216.
[114] W. Uruszczak, 'Rola prawa kanonicznego w rozwoju prawa polskiego', pp. 196-200.

shared. And so, the compromise that was reached was pragmatic – the ultimate authority would be the one that could actually make a real difference on the ground. Thus, the duke/king, not the pope. The episcopate knew that seeking local aid in the matter was an acceptable option. The simultaneous territorialization of lay and episcopal lordship was central to the co-determination of lay and ecclesiastical legal practices.

Conclusion

This chapter has shown how the process of creating ecclesiastical space alongside lordly space in Poland was influenced as much by Polish dukes and kings as it was by the clergy. At the beginning of the thirteenth century, the Polish episcopate was working in the aftermath of Innocent III's and Henryk Kietlicz's concentrated efforts to establish clerical space in Poland. This happened during a period when the political situation was volatile, and multiple duchies were engaged in intermittent conflict with one another. This placed the episcopate in a position of relative strength where it could assert its rights against lay powers. For the dukes, the support of the clergy was important in their political efforts to establish their dominance throughout Poland. The episcopate took advantage of this to ensure that privileges of *libertas ecclesiae* were issued and/or confirmed, and not just by one duke, but any duke who could plausibly emerge victorious.

As efforts to re-establish the monarchy in Poland intensified at the end of the thirteenth century, this process became more complex, as dukes became more assertive in the exercise of their powers. For one, privileges and land-grants were given by dukes openly in exchange for episcopal support. But at the same time, the episcopate had become more confident in their position as territorial rulers. Clerical landholdings were more effectively and rationally governed, following the shared principle of *amelioratio terrae* and systems of management such as the employment of *sculteti.* In this capacity, bishops and cathedral chapters were focused on agriculture, management, and profits, and thus fortified the agricultural aspect of their territorial presence throughout the land, in tandem with similar practices of their lay counterparts. The ability of lay lords to

nevertheless assert authority over aspects of ecclesiastical lands shows that the rise of ecclesiastical and lay power was mutually enforced.

This was clearly visible in the changing situation of the legal community in Poland. The separation of religious and customary law and courts had been a priority in the first decades of the thirteenth century. But as the relations between 'church' and 'state' normalised in the following decades, and the episcopate gained its confidence and filled its position within society, protected by privileges and supported by its properties, that insistence gave way to a more cooperative relationship, when it became clear that not only were lay lords powerful enough to assert their jurisdictional rights, but also that their involvement could be beneficial. Instances when ducal or royal judges were involved, without clerical opposition, in resolving conflicts between clerics and laymen were not uncommon, and even included cases with the archbishop of Gniezno. The culmination of this was the permission granted to the archbishop to be allowed to send his representatives to the royal court instead of appearing in person. Such a privilege reflects that the ability of lay judges to exercise powers over the highest-ranking prelate in the Polish province was not contested, although he himself was removed from the process due to his high status.

All these developments are tied together by territorial lordship. The establishment of accepted *libertas ecclesiae* revolved around the creation of lands removed from lay lordship, alongside securing the status of clerics as different from the laity. The clerics' status was conferred to their lands. But these lands – these ecclesiastical territories – existed alongside 'normal' territories, and so could not be separated from them. Hence, practices of lay landlords were emulated by the clergy, so that the same wealth and incomes could be extracted, securing the latter's position and self-sufficiency. Sometimes, these practices involved the exchange or alienation of lands, or the transfer of its management to laypersons. But ultimately, they were aimed at making the lands most profitable. As the church became more confident and self-sufficient, it became less threatening for lay authorities – dukes, kings, or their respective judges – to be called in to resolve conflicts over the very territories that had been removed from lay jurisdiction previously. This suggests that ducal and royal powers of asserting jurisdictional authority had grown as a result of the push-and-pull that

the demands and behaviours of the clergy created. The institutions of the church were not immune to lay powers, but they were strong enough for these not to harm them. How these religious institutions developed internally as a result of this position will be the focus of the next chapter.

Chapter Four: The Polish Episcopate

Introduction

At the head of the Polish church stood the archbishop of Gniezno. He was supported by his suffragan bishops of Cracow, Wrocław, Poznań, Włocławek, Płock, and Lebus (Lubusz).[1] During the period studied here, these dioceses formed the Polish province, with little change, allowing the study of their intensive growth and developments. Lebus never lay within Piast rule, while Wrocław ceased to in 1338, when the Duchy of Silesia was incorporated into the Bohemian Crown, but the diocese remained in the Polish province. The bishops, forming the highest stratum of the local church, were responsible for their dioceses *in spiritualibus* and *in temporalibus,* acting in administrative, judicial, and pastoral capacities.[2] Multiple modern biographies of individual bishops discuss these roles.[3] Jacek Maciejewski's study of the Polish episcopate in the years 1180-1320 provides a prosopographical sketch of the social group that they formed.[4] Together, these works allow for a discussion of the bishops' common practices that defined the institution of the episcopate and, projected onto their territories, contributed to the increase in a routine and regular form of exercising authority and governance.

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[1] See Maps I-II, pp. 14-15.

[2] J. Maciejewski, *Episkopat Polski dobry dzielnicowej 1180-1320* [*The Episcopate of Poland, 1180-1320*] (Cracow: Societas Vistulana, 2003), pp. 161-162. In their role as priest, they were to administer sacraments and confer orders and consecrations; in their role as teachers, they were the guardians of orthodoxy and thus responsible for the interpreting and teaching the faith; as shepherds, they were responsible for law-giving, jurisdiction and administration *in spiritualibus* and *in temporalibus.* See also F. Mazel, *L'évêque et le territoire : L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013), pp. 21-26.

[3] E.g. T. Silnicki, *Biskup Nanker* [*Bishop Nanker*] (Warsaw: Pax, 1953); J. Maciejewski, *Działalność kościelna Gerwarda z Ostrowa, biskupa włocławskiego w latach 1300-1323* [*The Ecclesiastical Activities of Gerward of Ostrów, Bishop of Włocławek*] (Bydgoszcz: WSP, 1996); T. Pietras, *"Krwawy Wilk z Pastorałem" Biskup krakowski Jan zwany Muskatą* ['*The Bloody Wolf with a Crozier' Bishop of Cracow Jan called Muskata*] (Warsaw: Semper, 2001); M. Szymaniak, *Biskup płocki Gedko (1206-1223): działalność kościelno-polityczna na tle procesu emancypacji kościoła polskiego spod władzy książęcej* [*Bishop Gedko of Płock: Ecclesio-Political Activities in the Background of the Process of the Emancipation of the Polish Church from Lordly Rule*] (Toruń: Adam Marszałek, 2007); S. Zachorowski, *Jakób biskup płocki i jego działalność ustawodawcza i organizacyjna 1396-1425* [*Jakób Bishop of Płock and His Law-Giving and Organisational Activities*] (Cracow: Akademia Umiejętności, 1915); M. Bruszewska-Głombiowska, *Biskup włocławski Michał: działalność kościelna, gospodarcza, polityczna (1220-1252)* [*Bishop Michał of Włocławek: Ecclesiastical, Economic, and Political Activities*] (Gdańsk: Marpress, 2002); W. Baran-Kozłowski, *Arcybiskup gnieźnieński Henryk Kietlicz (1199-1219): działalność kościelna i polityczna* [*Archbishop of Gniezno Henryk Kietlicz (1199-1219): Church and Political Activities*] (Poznań: Wydawnictwo Poznańskie, 2005).

[4] J. Maciejewski, *Episkopat Polski*, pp. 9-21.

Elections and synodal self-regulation were the framework which gave life to the territorial shape of the church. The Polish bishops used synods to delineate ecclesiastical territories through their legal status and through articulating the behaviour of the episcopate as a group. This articulation was rooted in the bishops' common background and assumption of office through negotiations including local parties (cathedral chapters and lay lords) as well as the papacy. Rather than a clear-cut distinction between 'internal' episcopal elections and 'external' appointments, Polish bishops 1198-1357 came to power through compromise. The negotiations between different layers of the Polish territories that were part of these compromises were venues for constructive interactions between distinct parties. It is also important to note that most Polish bishops were secular clerics, and there was little overlap between the secular and regular hierarchies. Diocesan regulation structured the church's activities within wider secular spaces giving a tangible, cogent dimension to the organisation of religious life in the province. Episcopal institutionalisation is made concrete by tracing how jurisdictional, administrative and pastoral territorialities of the church developed and functioned, in relation to one another and to the papacy, lay rulers, and regular orders. These territorialities were discussed within the discourses of *libertas ecclesiae* and pastoral care, which legitimised them.

This chapter is divided into two sections. The first, focused on the makeup of the episcopate, begins with an analysis of the prosopography of the episcopate followed by a study of the processes by which individuals became bishops in the years 1198-1357. The territorial aspect of the episcopate comes to the foreground in this discussion: episcopal rule was based on regional background and support, but nevertheless the archbishops of Gniezno worked towards creating provincial group identity under their leadership. The sociological characteristics of the group changed little over time – it remained an assembly of secular priests who were members of local noble knightly families, mostly university-educated, with experience of serving as chancellors to local dukes. The beginning of the thirteenth century saw a transition from being appointed bishop by the local ruler to being chosen by the cathedral chapter. In the fourteenth century, this was partially replaced by 'apparent' papal appointments. These appointments, in many cases, were simply agreements to accept and 'appoint' a candidate chosen

by the chapter, likely with support or agreement from the local political elite. This is important for how we think about the various institutional layers of Polish territories. The negotiations of power dynamics stemmed from local needs but entwined Polish clergy, lay lords, and the papacy alike. Rather than one of these institutions prevailing, all of them participated in the same process. It is because of this interconnectedness and the ensuing forms of institutional and territorial definition of episcopal authority that intra-episcopal competition within the province took place, even though the episcopate remained remarkably united throughout most of our period of study.

The second section focuses on the activities of bishops once in office, beginning with the surviving decrees of provincial synods which regulated the life of the clergy and its relations with the laity. Chapter Three illustrated how this relation was based in territorial lordship – the governance of religious territories *in temporalibus*. Based on the synodal foundations and the position within lay society, ecclesiastical administration *in spiritualibus* was elaborated – through the introduction of religious administrative units and the regulation of customs and practices observed by both clergy and laity. As provincial synods were called by the archbishops of Gniezno, who were often prelates with connections to multiple dioceses, they were occasions when the archbishops strove to unite their suffragans under their archiepiscopal leadership. The synods reinforced the status of the episcopate as a distinct ecclesiastical layer within the Polish landscape, projecting this distinctiveness onto the territories ruled by bishops. These behaviours contributed to what Stuart Elden characterised as exercises in creating territories so that they would be more easily and effectively ruled by a well-defined group.[5] They also reflected the institutional, administrative, and pastoral facets of territorialising episcopal space, as described by Florian Mazel.[6] The responsibilities of bishops and prelates were defined in relation to space.

While there is plenty of documentation of the administrative, economic, and spiritual activities of bishops, what is lacking is a corpus of juridical materials, showing bishops acting as judges *ex officio.* The bishop was the judge ordinary

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[5] S. Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013), p. 17.
[6] F. Mazel, *L'évêque et le territoire: L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013), pp. 15-30, 256-289.

of his diocese, and ecclesiastical cases were meant to be brought to him.[7] However, documentation of these activities is scarce. This imbalance of sources in favour of administrative tasks may be a result of the fact that from the end of the twelfth century, the stratification of capitular roles contributed to bishops having less pastoral and judicial tasks. These were delegated to archdeacons and officials (*officialis, officialis*).[8] Accompanying this, parish structures underwent rapid internal expansion: the estimate is that the number of parish churches grew from c.800-1200 in the twelfth century to c.4500 in the fourteenth.[9] While ample evidence points to this proliferation, it is difficult to trace the active creation of parishes in the sources and to carry out detailed studies of how they functioned.[10] Therefore, the focus here is on the practices seen at provincial and diocesan level.

IV.1. The Polish Episcopate as a Social Group

Previously, the creation and consolidation of ecclesiastical space in Poland was discussed from the point of view of the papacy and in relation to lay powers. We saw how the division and coexistence of religious and lay territories was co-determined by the papacy, episcopate, and lay lords. To understand how religious spaces were extensions of religious organisations, we will now turn to the individuals that made the institution of the secular church – the bishops.

IV.1.1. Background

Analysing how the episcopate was formed helps us understand how this process reflected local power structures. Maciejewski's prosopography of the Polish episcopate 1180-1320 hints at significant changes after 1320, when, he argues, bishops began behaving as part of the newly-established royal government, rather than a separate group.[11] This thesis will build upon Maciejewski's

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[7] J. Maciejewski, *Episkopat Polski,* pp. 43, 162.
[8] K. Ożóg, 'Prawo kościelne w Polsce w XIII-XV stuleciu' ['Church law in Poland, XIII-XV centuries'] in P. Krafl (ed.), *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), p. 60.
[9] K. Ożóg, 'Prawo kościelne' p. 60.
[10] K. Ożóg, 'Prawo kościelne' p. 60; P. Górecki, *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993), pp. 1-13.
[11] J. Maciejewski, *Episkopat Polski*, p. 10.

arguments, moving beyond 1320. The prosopography of the group changed very little over 1198-1357. This stability, I argue, is one factor what allowed the group to focus on actions that allowed it to expand its influence and secure its position within society, instead of having to work on the criteria of its own membership.[12]

Thirteenth-century bishops came from middling to powerful knightly families, were educated abroad, and then joined cathedral chapters and/or served as chancellors to dukes.[13] Bishops were members of local elites, and their regional connections were important for their path to office and successful episcopates.[14] Gniezno was an exception, as the archbishops were markedly well-connected with multiple dioceses – something stressed by Maciejewski.[15] Bishop Wincenty Kadłubek of Cracow (1208-1223) came from a knightly family from Lesser Poland and his *Chronica Polonorum* suggests a high level of university education.[16] As *scholasticus* of Cracow, he was also chancellor to the dukes Kazimierz Sprawiedliwy (1138-1194, *the Just*) and Leszek Biały (1184-1227, *the White*).[17] A similar path was followed by Archbishop Wincenty of Niałka (1220-1232), a nobleman who served Duke Władysław Laskonogi (c.1161-1231, *Spindleshanks*) as chancellor before becoming provost of Gniezno.[18]

Moving beyond Maciejewski's *terminus*, this trend continued – most bishops in the first half of the fourteenth-century were university-educated and were canons and prelates of cathedral chapters. Jarosław Bogoria (1342-1374) had been canon and archdeacon of Cracow, chancellor to both Władysław Łokietek (1261-1333, *the Elbow-High*) and Bishop Nanker of Cracow (1320-1326), tutor to the future Kazimierz the Great (1310-1370) and canon of Gniezno prior to his archiepiscopate.[19] Jan of Lutogniew (1356-1374) was successively canon of Wrocław, canon of Poznań, archdeacon of Śrem, canon of Cracow and

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[12] See M. Douglas, *How Institutions Think* (Syracuse: Syracuse University Press, 1986), pp. 9-19.

[13] J. Maciejewski, *Episkopat Polski*, pp. 70-82.

[14] J. Maciejewski, *Episkopat Polski*, pp. 70-82.

[15] J. Maciejewski, *Episkopat Polski*, pp. 55-57, 70-78.

[16] J. Maciejewski, 'Vincentius's Background and Family Origins: The Evidence and Hypothesis' in D. von Güttner-Sporzyński (ed.) *Writing History in Medieval Poland: Bishop Vincentius of Cracow and the Chronica Polonorum* (Turnhout: Brepols, 2017), pp. 19-42.

[17] J. Maciejewski, 'Vincentius's Background and Family Origins', pp. 19-42.

[18] K.R. Prokop, *Arcybiskupi Gnieźnieńscy w Tysiącleciu* [*Archbishops of Gniezno in the Millenium*] (Cracow: Akademia Umiejętności, 2000), pp. 65-67.

[19] 'Jarosław ze Skotnik' in A. Gąsiorowski; J. Topolski (eds), *Wielkopolski Słownik Biograficzny* (Warsaw: Państwowe Wydawnictwo Naukowe, 1981), pp. 292-293.

Gniezno and provost of Cracow before taking over the Poznań see.[20] Holding offices such as archdeacon or *officialis* necessitated knowledge of canon law, implying high levels of education.[21] The fact that these men were also often chancellors to lay lords illustrates that their skills were widely valued, and shows the interconnectedness of ecclesiastical and lay elites.[22]

No Polish cathedral chapters were monastic, and in the years 1198-1357, no monk or friar became bishop.[23] This is important to note in the context of analysing the different ecclesiastical layers in Poland. The secular and regular layers – and therefore hierarchies – remained separate, with little intermeshing. They created the religious landscape in Poland, but their 'personnel' and its behaviours did not coalesce into one group with little differentiation. The secular episcopate can be characterised as operating within a jurisdictional and agricultural plane alongside lay powers, while monks and friars fulfilled the needs of the papacy and lay powers in pastoral and disciplinary matters, the focus of Chapter Five.

IV.1.2. Becoming Bishop

The characteristics of bishops' backgrounds bring us to the roles played by cathedral chapters, local rulers, and the papacy in the process of becoming a bishop. There were three routes to the office: election, appointment, and translation. Each option came with particular dynamics to be negotiated. The apparent progression from elections to appointments will be analysed in terms of accepting modes of behaviours that benefited the parties involved and were portrayed in a shared discourse. 'Apparent' because despite what existing historiography tends to argue, there is no clear replacement of one mode by another, but rather a conflation of the two into a workable, informal practice that

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[20] 'Jan V z Lutogniewa' in A. Gąsiorowski; J. Topolski (eds), *Wielkopolski Słownik Biograficzny*, pp. 281-282.

[21] As cathedral schools in Poland did not provide sufficient education to allow young men to become officials, provosts, or archdeacons, they must have studied abroad. In 'Prawo kościelne', pp. 63-69, K. Ożóg also identified that apart from bringing back the necessary education from France or Italy, these men also brought back canon law texts and commentaries to support local church governance.

[22] J. Maciejewski, *Episkopat Polski,* pp. 31-45.

[23] Popes attempted to appoint two friars as archbishops of Gniezno, but neither took up their office. See below, pp. 191-192.

benefitted all parties involved.[24] In this section, the dynamics of elections, appointments, and translations will be discussed, illustrating that the successful outcome of any mode hinged upon the acceptance of those closest to the office, and local support more generally, illustrating how the episcopal office, even though conceived of as 'professional,' was nevertheless entrenched in the locality.

IV.1.2.1. Elections

The reforms initiated by Pope Gregory VII (1073-1085) stipulated that bishops were to be elected by members of the relevant cathedral chapter, without lay interference.[25] This process was adopted in Poland at the very beginning of the thirteenth century and most of the bishops of the thirteenth and fourteenth were elected accordingly. However, even if an election was deemed free and canonical, it was never completely impervious to outside interference – mostly lay, but also papal. Rulers could suggest candidates and lobby the members of the chapter to elect them. Furthermore, disputed elections were often resolved by the pope, whose plenitude of power allowed him to choose whomever he saw fit, overriding candidates chosen by chapters.[26]

Elections provided a framework for effective action at a relatively low cost and effort.[27] Electoral procedures led to the appointment of a bishop who was accepted by his immediate colleagues – the chapter – as well as the local lay elite. In this respect, lay interference in elections was beneficial, because it offered a way of incorporating the lord's wishes into the process without conflict, if done in the right manner.[28] This in-built dialogue and negotiation would ensure

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[24] J. Maciejewski, *Episkopat Polski*, pp. 53-70; K. Harvey, *Episcopal Appointments in England, c. 1214-1344: From Episcopal Election to Papal Provision* (Farnham: Ashgate, 2014), pp. 1-5, 196-199; R.W. Southern, *Western Society and the Church in the Middle Ages* (London: Penguin, 1982), pp. 156-159.

[25] H.E.J. Cowdrey, *Pope Gregory VII, 1073-1085* (Oxford: Oxford University Press, 1998), pp. 539-543.

[26] A. Zielinska, 'Provinces, Policies, and Popes: Comparing Polish and English Episcopal Elections Over the Long Thirteenth Century' in A. Spencer; C. Briggs (eds), Thirteenth Century Conference XVIII – Exceptional England? – Proceedings of the Cambridge Conference 2019, forthcoming.

[27] D. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), pp. 61-70.

[28] J. Maciejewski, *Episkopat Polski*, pp. 53-70; K. Harvey, *Episcopal Appointments*, pp. 1-5, 196-199.

that once appointed and consecrated, a bishop's position would be relatively secure and accepted by the church.[29] Nevertheless, elections where lay involvement was too hard-handed or the lord's candidate was unacceptable to the chapter could be appealed at the Archiepiscopal or Papal Curia. These were rare. Instinctively, a chapter would choose someone who would not antagonise the local lord, and the lord would be wise not to force an overtly objectionable candidate. Three cases from the early thirteenth century illustrate how successful capitular elections often hinged on local lay and religious support and papal involvement/approval.

The first well-documented capitular election in the Polish province took place in Cracow in 1208, when Wincenty Kadłubek was chosen as bishop.[30] Wincenty was chosen by the cathedral chapter, confirmed by Innocent III (1198-1216), and consecrated by Archbishop Henryk Kietlicz (1199-1219).[31] However, the election was not unanimous, something which is omitted in Długosz's account, where the chronicler instead praised the chapter for choosing Wincenty free from lay interference.[32] As we know from *Diversis litteris* issued by Innocent III on 28 March 1208, Wincenty, then-provost of nearby Sandomierz and canon of Cracow, was chosen alongside Bishop Gedko of Płock (c.1160-1223).[33] The fact that Gedko was elected whilst being bishop of a different see suggests that the translation of a bishop was deemed possible.[34] We must keep this in mind, since it shows that the episcopal role was conceived of as an office that could be filled by similarly-trained people. As we will see, however, what made that office work was local support.

The Cracow chapter appealed to Innocent III to resolve the disputed election.[35] Responding, Innocent stated that he deemed that Wincenty was better

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[29] D. North, *Institutions*, pp. 61-70.
[30] J. Maciejewski, *Episkopat Polski*, p. 230. Maciejewski points out that previously, historians toyed with the idea of the 1201 election in Wrocław as being the first capitular election; however, that was not the case, since the chapter had asked the pope to translate Cyprian from Lebus: J. Maciejewski, 'Vincentius's Background' pp. 28-33.
[31] *Annales Capituli Cracoviensis* in MPH vol. 2, pp. 801-802; *Cathalogus Episcoporum Cracoviensis,* Długosz, *Opera Omnia* vol. 1*,* p. 396.
[32] *Annales.*VI*,* p. 203*.*
[33] KDKK.I.VII (Potthast.3347).
[34] J. Maciejewski, *Episkopat Polski*, p. 10; See also discussion of episcopal translations in J. Peltzer, *Canon Law, Careers and Conquest: Episcopal Elections in Normandy and Greater Anjou c.1140-c.1230* (Cambridge: Cambridge University Press, 2007), pp. 54-55.
[35] KDKK.I.VII.

suited to become bishop of Cracow, since he hailed from that diocese.[36] Innocent also stated that since Gedko was already Bishop of Płock, it would not be appropriate to translate him, leaving Płock vacant. We see here a concern for both familiarity with the diocese and one's duties towards it. Innocent did not explain why it was in Wincenty's favour that he was a local man, just as he did not explain why it was undesirable to remove Gedko from Płock. This implies a shared understanding that bishops' primary duties and concerns were with their own territories. It was in Wincenty's favour that he was a local man – he knew the land and its people, which would make him a more effective bishop. On the other hand, removing Gedko from the territory he already possessed would be harmful.[37]

In 1211, the Poznań chapter followed a similar path, holding an election and choosing *magister* Paweł as their bishop.[38] This election was opposed by the cantor and provost of the chapter, who lodged an appeal at the Curia. They claimed that the election was carried out after an appeal to the papacy had already been made (presumably for someone else to be appointed bishop), in an inappropriate place unsecure from the influences of Duke Władysław Laskonogi, without their presence, and ending with the choice of an outsider as bishop. To support their case, they claimed there were inconsistencies with the documents related to the election – including the use of the wrong seal. Paweł defended his election saying that it was carried out freely in the cathedral; that Laskonogi only suggested his favourites (who were not chosen); and that Paweł himself was a canon of the chapter, and therefore an appropriate candidate. In the end, although Henryk Kietlicz had made it known to Innocent that he was himself unsure of the how the election had proceeded, the pope proclaimed that Poznań's first election should be deemed valid and that Paweł should be confirmed and consecrated. He further praised the process of election and its upholding of Poznań's liberty. In 1212, Kietlicz consecrated Paweł, assisted by the bishops of

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[36] KDKK.I.VII.

[37] K. Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984), pp. 13-17.

[38] CDMP.74. See also S. Karwowski, 'Biskupi poznańscy z XII i początku XIII wieku' ['The Bishops of Poznań from the twelfth and beginning of the thirteenth century'] *Roczniki Towarzystwa Przyjaciół Nauk Poznańskiego* 37 (1911), pp. 128-140.

Cracow, Wrocław, and Lebus.[39] With the same document, the archbishop decreed that anyone divulging capitular secrets would be excommunicated. The actions of the cantor and provost of Poznań were seen as harmful to the process of normalising capitular elections.

Paweł was deemed inappropriate by part of the chapter because he was an outsider. However, he was a member of the chapter, and therefore a legitimate candidate. The opposition to Paweł stemmed from the fact that he was not a member of the local elite, which Maciejewski has shown to be crucial in becoming a bishop, making the case of Paweł noteworthy.[40] Although we may never know whether Paweł's claims were truthful, Innocent's acceptance of his version of the story, despite Kietlicz's initial hesitation, is telling. In his acceptance of Paweł, Innocent commanded the new bishop to support Kietlicz in his care for the church's liberty - *libertatem ecclesiasticam conservandam assistere*. Paweł would owe his position to both Innocent and Kietlicz. As we saw in Chapter One, Innocent III and Kietlicz worked closely together. The support of another Polish bishop in their programme was desirable. In this case, the 'local' aspect that allowed for Paweł to take up the office was not so much the support of the cathedral chapter, but his association with the chapter and with Kietlicz, as perceived by Innocent III.

The last election to be discussed is the one following Kietlicz's death in 1219, when the Gniezno chapter could not reach a consensus in choosing his successor, and redirected the matter to the Curia.[41] From Honorius III's (1216-1227) response to the appeal, *Cum pie recordationis*, we learn that the problem was not just that the election held had been inconclusive, but that there had been lay interference, which prevented Honorius from accepting either candidate.[42] Because of the importance of Gniezno – the province's metropolitan see – Honorius decided that Bishop Iwo Odrowąż of Cracow (1218-1229), known and trusted by the Curia, should be translated and assume the role of archbishop.[43]

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[39] CDMP.588.
[40] S. Karwowski, 'Biskupi poznańscy z XII i początku XIII wieku', p. 132; W. Baran-Kozłowski, *Arcybiskup Henryk Kietlicz,* p. 158.
[41] CDMP.110 (Pressutti.2234).
[42] CDMP.110.
[43] CDMP.110.

The chapter was to accept him and ensure he took up office as soon as possible, ending the dangers posed by the vacancy. However, for reasons not fully known, Iwo refused. [44]

Honorius III did not press the matter, accepting Iwo's rejection of the proposed translation.[45] His response was to appoint Bishop Wawrzyniec of Wrocław (1207-1232) and the abbot of the Augustinian monastery of Saint Mary near Wrocław to ensure that the Gniezno chapter chose a successor within forty days.[46] If the chapter failed, then the two were to select an archbishop themselves. The latter statement spurred the Gniezno chapter. The prelates met and elected Wincenty of Niałka – a nobleman, ex-chancellor of Władysław Laskonogi, and their provost.[47] We see that the early capitular elections held in the Polish province were successful for two reasons – local support and acceptance, and if that was not enough, papal intervention. Popes maintained that capitular elections must be followed, but acceded that bishops must be men acceptable to those around them. In the case of Paweł of Poznań, we see that the 'locality' of the elect was contested locally, but deemed appropriate by the pope.

This early experience of contested elections seems to have paved the way for more 'straightforward' capitular elections. After 1219, the majority of bishops were chosen by cathedral chapters without outside involvement. Tomasz I was chosen by the chapter of Wrocław in 1232. According to Długosz, he also had the approval of Henry the Bearded (1165-1238), whose chancellor he had been, so his election was easily confirmed and consecrated by Archbishop Wincenty.[48] Andrzej Zaremba's path to the episcopate of Poznań was another 'textbook' example of a free, canonical election, with the prelate confirmed and consecrated by Archbishop Jakub Świnka in 1297.[49] The Włocławek chapter elected Gerward

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[44] B. Zientara, *Henryk Brodaty i jego czasy* [*Henry the Bearded and His Times*] (Warsaw: Trio, 2006), p. 249.

[45] VMPL.XXII (Pressutti.2433).

[46] VMPL.XXII.

[47] K.R. Prokop, *Arcybiskupi Gnieźnieńscy*, pp. 65-67.

[48] *Catalogus Episcoporum Wratislaviensium*, Długosz, *Opera Omnia* vol. 1, p. 461; 'Tomasz I' in J. Harasimowicz (ed.), *Encyklopedia Wrocławia* (Wrocław: Wydawnictwo Dolnośląskie, 2001), p.853.

[49] *Annales.*VIII, p. 302.

in 1300.[50] According to Długosz, prior to the confirmation and consecration by Świnka, King Wenceslaus II (1271-1305) confirmed Gerward's election.[51] Because there were no disagreements about these elections, the involvement of the Papal Curia was not necessary. Although Długosz's comments about lay acceptance may reflect fifteenth-century realities of the necessity of having formal lay approval for bishop-elects, the value of either tacit or active lay involvement in elections should not be dismissed, since it contributed to their success.

Moreover, capitular elections were not confined to the thirteenth century, as is sometimes agued by presenting the fourteenth century as mostly filled with papal and/or royal episcopal appointments.[52] For example, Nanker, dean of Cracow, was chosen by the chapter in 1320.[53] Because he had been Władysław Łokietek's chancellor, the latter's support is likely.[54] Likewise, when Archbishop Janisław died in 1341, the Gniezno chapter elected Jarosław Bogoria.[55] Another example is Jan V of Poznań, who was chosen, confirmed, and consecrated locally in 1356.[56] Thus, we see that local elections continued well into the fourteenth century, often without papal involvement. Unsurprisingly, these were elections that were uncontested and therefore there was no need to seek outside interference. But even if there were some issues, as with the election of Jarosław Bogoria, who had to be absolved from an excommunication, it was not automatic that the pope would overrule the election. The predominance of this mode of choosing bishops is understandable, since it was a clearly defined legal procedure which allowed for the candidates to be scrutinised and discussed by the parties involved. Elections were institutions aimed at satisfying the relevant stakeholders at a low cost and with relative efficiency.[57] Likewise, we have seen that papal involvement in the thirteenth century was at times crucial to the successful election of bishops, as was the ducal support described by Długosz.

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[50] *Catalogus Episcoporum Wladislaviensium,* Długosz, *Opera Omnia* vol. 1, p. 528.
[51] *Catalogus Episcoporum Wladislaviensium,* Długosz, *Opera Omnia* vol. 1, p. 528.
[52] T. Silnicki, *Biskup Nanker*, p. 5; J. Maciejewski, *Episkopat Polski,* pp. 10-12, 146-147; K. Harvey, *Episcopal Appointments*, pp. 1-5, 196-209.
[53] T. Silnicki, *Biskup Nanker*, pp. 41-44.
[54] T. Silnicki, *Biskup Nanker*, pp. 41-44.
[55] VMPL.DLXXV.
[56] *Catalogus Episcoporum Posnaniensis*, Długosz, *Opera Omnia* vol.1, p. 500.
[57] D. North, *Institutions*, pp. 61-70.

Hence, although we should differentiate between the modes of becoming a bishop, it would be wrong to rely on a rigid trichotomy of 'capitular,' 'ducal/royal,' or 'papal,' (see further below). The importance of support from the local territories was instead key. For the episcopate to work as a social group, there needed to be consensus within about who the group's members were, as much as external acceptance of those members. Elections, when influenced by popes or lay rulers, were an institution that facilitated this.

IV.1.2.2. Appointments

Popes could appoint bishops, which was one of their long-held but seldom used powers, until the fourteenth century.[58] As with elections, however, papal appointments were not necessarily free from lay influence, since rulers could send their ambassadors to the Curia to lobby for their favourite candidates.[59] Moreover, as I will demonstrate, papal appointments could be influenced by cathedral chapters, which continued to hold elections despite the papacy's increased use of reservations. These elections were then accepted by popes and presented as papal appointments. This complicates the narrative that the fourteenth century saw popes and kings appointing bishops, overriding cathedral chapters.[60]

This configuration shows the interplay between the exercise of papal and local institutional authority. It was beneficial for both the papacy and cathedral chapters that the latter chose their bishops with subsequent papal approval. This way, the chapter would be satisfied with its choice. Simultaneously, the papacy would still claim its privilege and influence over the choice of bishop by agreeing to accept him. The papacy would portray the acceptance of the chapter's choice as stemming from the pope's care for the diocese and benevolence towards the faithful, while the local chapter would be satisfied with the chosen individual.[61] The final result strengthened the jurisdictional and pastoral authority of both papacy and episcopate, grounding these organisations in the territories of the

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[58] K. Harvey, *Episcopal Appointments*, pp. 198-201.
[59] K. Harvey, *Episcopal Appointments*, pp. 202-209.
[60] J. Maciejewski, *Episkopat Polski*, pp. 53-70; K. Harvey, *Episcopal Appointments*, pp. 1-5, 196-199.
[61] For a comparison with England, see A. Zielinska, 'Provinces, Policies, and Popes', forthcoming.

Polish province. Four cases of 'appointments' nicely illustrate the negotiations between chapters and the Curia.

The first case is Jakub Świnka's complicated path to the Gniezno See. Świnka's predecessor, Archbishop Janusz, died in 1271, and the chapter could not reach a consensus. In 1274 Gregory X (1271-1276) rejected the two candidates elected by the chapter, provost Konrad and canon Jan Radlica, stating that the discord between the two elects and their supporters would result in the goods of the cathedral being misused and squandered.[62] The pope then appointed Bishop Wolimir of Włocławek (1252-1275) as the administrator of the archdiocese, until a time when an archbishop would be chosen by consensus.[63] It seems that Gregory X hoped the chapter would be encouraged by this to make a decision. This did not happen. In 1276, John XXI (1276-1277) made cantor Prokop Gniezno's administrator, at the request of the chapter following the death of Wolimir.[64] John XXI reiterated Gregory X's statement about the two elects, and prohibited either from becoming archbishop, unless with unanimous support.

In 1278, Nicholas III (1277-1280) attempted to resolve the issue by appointing the Dominican friar and papal penitentiary Martinus Polonus (c.1215-1278, author of the *Chronicon pontificum et imperatorum*) to Gniezno, recommending him to the chapter and Gniezno's suffragans, as well as Polish dukes.[65] However, Długosz wrote that in appointing Martinus Polonus, Nicholas had ignored the requests of Bolesław Pobożny (1224-1279, *the Pious*) and Przemysł II of Greater Poland (1257-1296), who wanted the provost of Gniezno, Filip, to take over.[66] As this was not discussed in the papal letters, it is difficult to assess. Nevertheless, the fact that it took the Curia seven years to decide to appoint a bishop instead of waiting for the chapter's election highlights that there may have been an awareness that an appointment to the metropolitan see could be received badly. However, the decision did not settle the matter: Martinus died on his way to Gniezno near Bologna. Gniezno remained vacant.

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[62] VMPL.CLVII (Potthast.20780).
[63] VMPL.CLVII.
[64] VMPL.CLVIII (Potthast.21191).
[65] VMPL.CLIX (Potthast.21340).
[66] *Annales*.VII, p. 202.

In 1283, yet another attempt to fill this vacancy was made by Martin IV (1281-1285). Since Martinus's death, the cathedral chapter had chosen canon Włościbór as archbishop.[67] The legate Philip of Fermo was instructed by the pope to make sure that the election had been canonical.[68] While Philip of Fermo was conducting his inquiries, Włościbór, though convinced that his election had been legal, resigned.[69] According to Długosz, Włościbór resigned because he believed that Duke Leszek Czarny (c.1241-1288, *the Black*) opposed him and would hinder any of his actions.[70] Martin's response was to appoint the Franciscan Henricus de Brem as archbishop, based on his good standing at the Curia.[71] The pope cited the long vacancy which was destroying the diocese as the reason for appointing the archbishop himself, entrusting Henricus to deal with the temporal and spiritual damage. However, from the letter appointing Jakub Świnka as archbishop in 1283, we know that Henricus de Brem refused the papal appointment.[72] Martin IV then decided on Świnka, stating that he had been chosen locally.[73] Świnka finally ended the long vacancy, obtaining papal permission to expedite his consecration into the appropriate orders necessary for the office, and a dispensation from returning to the Curia for his *pallium*.[74] Thus, we see that although officially, it was the pope who had appointed Jakub Świnka, there is evidence suggesting that the decision was made in Gniezno and only then approved by the pope.

Sometimes, more 'straightforward' appointments took place. Following the death of Świnka in 1314, the Gniezno chapter chose Borzysław, archdeacon of Poznań, as archbishop.[75] Borzysław travelled to Avignon to receive confirmation, consecration, and *pallium*, but initially failed, since the Holy See was vacant after Clement V's (1305-1314) death. He went again in 1316, after the election of John XXII (1316-1334). He was successful but died on his way back to Poland, not far

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[67] VMPL.CLXII (Potthast.21824).
[68] VMPL.CLXII.
[69] VMPL.CLXII; J. Maciejewski argues that this was because he had no formal education in canon law, *Episkopat Polski*, p. 43.
[70] *Annales.*VII, p. 208.
[71] VMPL.CLXII.
[72] VMPL.CLXIV (Potthast.22054).
[73] VMPL.CLXIV.
[74] VMPL.CLXV (Potthast.22057), VMPL.CLXVI (Potthast.22058), VMPL.CLXVII (Potthast.22059).
[75] VMPL.CCXI.

from Avignon.[76] With Borzysław's death near the Curia, John XXII took it upon himself to choose a successor, so that the Polish church would not be without its head.[77] In November, he chose archdeacon Janisław of Gniezno, a member of Borzysław's entourage. Janisław immediately received his confirmation, consecration, and *pallium*, and was sent off with an admonishment to carry out his new duties in haste.[78] Such direct papal intervention in the archiepiscopal see happened in a few more instances. When Jarosław Bogoria resigned in 1374 due to his blindness, Gregory XI (1370-1378) appointed his successor Janusz, without consulting the chapter.[79] Likewise, Janusz's successor Bodzanta was appointed by Urban VI (1378-1389) in 1382.[80] Some appointments were successful in other dioceses, as well. In Silesia, upon the translation of Nanker to Wrocław in 1326, John XXII appointed Jan Grot (1326-1327) as bishop of Cracow, explaining that only the pope could appoint a replacement for a bishop translated by himself.[81]

However, appointments were not easy and certainly did not become the default in the fourteenth century. For example, Przecław z Pogorzeli, Nanker's successor in Wrocław, was chosen by the chapter in 1342.[82] Długosz wrote that Przecław had to appear in Avignon to gain confirmation because Archbishop Janisław would not confirm and consecrate him, opposing him together with Kazimierz the Great because of his alleged Imperial ties.[83] However, the papal letter 'appointing' Przecław does not contain this detail and explains that the elect had to travel to Avignon because he knew that the see was under papal reservation, and therefore needed papal approval. Perhaps Archbishop Janisław had tried to use the papal reservation to stop Przecław – it would have been an argument more acceptable than Przecław's German connections. In the end, and

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[76] VMPL.CCXI.
[77] VMPL.CCXIII.
[78] VMPL.CCXXVI.
[79] VMPL.DCCCCXLIV.
[80] CDMP.1800.
[81] 'Nullus preter nos de provisione ipsius ecclesie Cracoviensis se hac vice intromittere potest, quod nos diu ante huiusmodi vacationem dicte Cracoviensis ecclesie provisiones omnium ecclesiarum Cathedralium tunc vacancium, et vacaturarum in antea per translationes de prelatis earum ubilibet constitutis per nos factas.' VMPL.CCCLXIX.
[82] VMPL.DLXXI.
[83] *Annales*.IX, pp. 220-221, 224-225. This 'anti-German' view has been repeated in T. Silnicki *Biskup Nanker*, pp. 60-66.

not without obstacles, the chapter and pope cooperated successfully and Przecław became bishop of Wrocław.

Finally, in 1347, Clement VI (1342-1352) appointed Andrzej as bishop of Poznań.[84] However, he was soon informed that the Poznań chapter had chosen Wojciech as their bishop, ignoring the papal reservation and unaware of Andrzej's appointment.[85] Clement decided to accept the candidate that the chapter had chosen, Wojciech, and translated Andrzej to the see of Schwerin.[86] Wojciech's successor, Jan of Lutogniew was appointed bishop by Innocent VI (1352-1362) in 1356.[87] But likewise, his ascent to the episcopal seat was not straightforward. When confirming Jan as bishop, Innocent wrote that the see had been reserved, and the chapter should not have elected Jan. Nevertheless, the pope decided that it would be better for the diocese to have a bishop as soon as possible and avoid a vacancy, rather than exercise his right to nullify the election. In both cases, the popes acted pragmatically, avoiding the possibility of conflict with the chapter and a prolonged vacancy. The local jurisdictional authority of the chapters prevailed over papal institutional authority.

Chapters choosing their bishops despite papal reservations was not an uncommon occurrence in Poland. While popes were able to easily take advantage of their reservations if a bishop died while at the Curia, as in the case of Borzysław, it was more difficult for them to do so if a bishop died while in Poland, since it would take roughly four weeks for news to travel.[88] Therefore, when popes were faced with bishop-elects chosen by local chapters, they would state explicitly that such elections were illegal and defied papal prerogatives. However, because it was their duty to protect 'widowed' sees from the perils of vacancies, popes approved such capitular elections, excusing the chapters' ignorance. One would expect that after multiple such instances, local prelates would be aware of the papacy's position. Therefore, we can assume that chapters chose their candidates, knowing that most likely, the pope would accept them,

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[84] VMPL.DCLIII.
[85] VMPL.DCLXX.
[86] VMPL.DCLXXI. By doing so, Clement VI avoided depriving Andrzej of his episcopal status, and filled the recently vacated see of Schwerin: MecklUB.7903.
[87] VMPL.DCCLV.
[88] J. Centkowski, *Niezłomny Władca Władysław Łokietek* [*The Unbreakable Ruler Władysław Łokietek*] (Warsaw: Wydawnictwo Szkolne i Pedagogiczne, 1978), p. 51.

since it was in nobody's interest to leave cathedrals vacant.[89] In all these cases, popes explicitly stated that they had appointed (*praeficimus)* these bishops, even if they acknowledged that the chapters held elections. Previously, when a chapter chose its bishop, the pope would confirm – *confirmamus* – the election. For example, in 1211 Innocent III confirmed the election of Paweł of Poznań (*de fratrum nostrorum consilio electionem ipsam sententialiter duximus confirmandam*).[90]

Thus, we can see that although chapters were loath to abandon the privilege of choosing their bishop, the framework in which this happened changed. Even though they did elect bishops, they had to contend with the popes' powers to reject their candidates. And if the candidates were accepted by the popes, it was to be acknowledged that the individual was only bishop thanks to the papal appointment. This way, both the chapter and papacy were satisfied, and their jurisdictional and pastoral competences within the Polish province were exercised simultaneously. The significance of this for our understanding of how territories underpinned the institutions of the church – the episcopate, elections, appointments – is that the capitular elections grounded cathedral chapters in the locality, and the way for the papacy to tap into this authority was to accept this local power. The formalities masked the pragmatic politics but the quid pro quo worked.

IV.1.2.3. Translation

Another type of episcopal appointment reserved for the pope was translation. Although translations happened rarely in our period of study, they nevertheless provide useful insights into the exercise of territorial governance by the papacy and local ecclesiastical and lay elites. They are important because they signify that it was conceivable in the first place to move a bishop from one diocese to another. This implies that there was an understanding of defined episcopal tasks and that any bishop could perform them in any diocese, suggesting a crude form of the professionalisation of the episcopal office, in the vein of a 'proto-

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[89] A. Zielinska, 'Provinces, Policies, and Popes', forthcoming.
[90] CDMP.74. Similar language was used in 1220 with the election of Wincenty in Gniezno: CDMP.109 (Pressutti.2735).

bureaucracy' described by Max Weber.[91] However, in the Polish case, this must be contrasted with Maciejewski's findings that, with the exception of Gniezno, most bishops in the years 1180-1320 had strong familial and institutional connections to their dioceses.[92] The importance of a local power base may explain why translations were not common – while the episcopal institution was well-developed and any individual deemed fit for it could carry out his tasks in any diocese, the fact remained that for these tasks to be carried out successfully, he needed the acceptance and support of those closest to him – the local elites. Therefore, as in the case with elections or papal 'appointments,' the territorial and local dimension of episcopal powers proved decisive. I will look at the only two successful translations to analyse why they happened, as opposed to the failed attempts to translate Gedko and Iwo Odrowąż discussed above.

The first translation of the period took place in 1201, and is described in the *Henryków Book* as well as by Długosz it his *Cathalogus Episcoporum Wratislaviensis*, and there is supporting evidence found in Innocent III's register.[93] The Wrocław chapter gathered to choose their new bishop, but according to Długosz, the prelates felt threatened by Bolesław Wysoki (1127-1201, *the Tall*), who tried to impose his own candidate.[94] They appealed to the pope to have Bishop Cyprian of Lebus translated to their diocese, to prevent the duke's impositions.[95] Innocent responded by entrusting Kietlicz and his archdeacon, as well as a local abbot, to examine the translation.[96] A year later, Innocent addressed Cyprian as bishop of Wrocław, so we can assume that the translation had been successful and uncontested.[97] We already saw how seven years later, in 1208, Innocent did not endorse the translation of Gedko from Płock to Cracow. This suggests that the severity of the dangers posed by Bolesław to the Wrocław

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[91] M.K.E. Weber, 'Chapter XI: Bureaucracy' in *Economy and Society: An Outline of Interpretive Sociology* vol. 2, ed. G. Roth; C. Wittich, trans. E. Fischoff; H. Gerth; A.M. Henderson; F. Kolegar; C. Wright Mills; T. Parsons; M. Rheinstein; G. Roth; E. Shils; C. Wittich, (Berkeley: University of California Press, 1978), pp. 956-1005.

[92] Most bishops hailed from local knightly families, served local rulers as chancellors or chaplains, and were prelates in local cathedrals or collegiate churches, except in Gniezno, where they came from suffragan dioceses J. Maciejewski, *Episkopat Polski*, pp. 55-57, 87-88.

[93] *Henryków Book,* p. 195, *Catalogus episcoporum Wratislaviensis*, Długosz, *Opera Omnia* vol. 1, pp. 459-460; Potthast.1460.

[94] *Catalogus episcoporum Wratislaviensis*, Długosz, *Opera Omnia* vol. 1, pp. 459-460.

[95] *Catalogus episcoporum Wratislaviensis*, Długosz, *Opera Omnia* vol. 1, pp. 459-460.

[96] Potthast.1460.

[97] Potthast.1771.

chapter was conveyed convincingly to Innocent, who granted their request in an attempt to protect the diocese.

Following the unsuccessful attempts to translate bishops in 1208 and 1219, the next translation happened only in 1326 when John XXII transferred Nanker from Cracow to Wrocław.[98] This happened because the Wrocław see remained disputed following the death of bishop Henryk of Wierzbno in 1319. There were two bishop-elects, Wit of Habdank and Lutold of Kromieryż. Although Archbishop Janisław had consecrated Wit, Lutold had appealed this in Avignon, and had performed some episcopal duties in the meantime. Both made their way to the Curia to resolve the conflict. The process dragged on and ultimately, the two resigned.[99] Upon their resignation, John XXII used his prerogative to appoint a third bishop, citing the danger that the diocese faced after a long vacancy. Taking counsel from his cardinals, John XXII chose Nanker because he knew, from Nanker's time in Cracow, that he would be an effective and pious bishop, serving Wrocław well.

Tadeusz Silnicki argued that John XXII must have done this at the request of Władysław Łokietek.[100] The king hoped to have an ally in Silesia, which was progressively more and more alienated from the Polish kingdom. Having a loyal Polish bishop there would give him some influence over the duchy. Although the diocese of Wrocław remained part of the Polish ecclesiastical province, the Duchy of Wrocław had been loyal to Bohemian rulers since the beginning of the reign of Wenceslaus II in 1300, and was formally incorporated into the Bohemian Crown in 1338.[101] This instance of the disjoint between *provincia* and *regnum* (lasting in one form or another until the twentieth century) is important here – it complicated local dynamics.[102] Not long after, John XXII issued a letter to Nanker telling him

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[98] VMPL.CCCLXVIII.

[99] Contemporaries who travelled to the Papal Curia comment on how expensive the stay there was. Petitioners needed to not only pay for accommodation and subsistence, but usually bribe various curial officials to achieve the aims of their trip; Długosz openly described this when recounting the efforts of representatives of the Polish episcopate to canonise Bishop Stanislaw of Cracow in 1253, *Annales*.VII, pp. 82-91. This is a plausible reason for the joint resignation.

[100] T. Silnicki, *Biskup Nanker*, pp. 60-66.

[101] See P.W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972), pp. 95-99 and J. Lukowski; H. Zawadzki, *A Concise History of Poland,* (Cambridge: Cambridge University Press, 2006), pp. 18-25.

[102] R. Benson, 'Provincia = Regnum' in G. Makdisi; D. Sourdel; J. Sourdel-Thomine (eds), *Preaching & Propaganda in the Middle Ages: Islam, Byzantium, Latin West* (Paris: Presses Universitaires de France, 1983), pp. 41-70.

to travel to Wrocław, suggesting that this was not something Nanker was eager to do.[103] Seen in conjunction with Iwo Odrowaz's refusal to be translated from Cracow to Gniezno in 1219, Nanker's hesitation indicates at least some level of wariness about translations felt by the individuals involved. The perceived prestige of Cracow may have been an important factor, but the concern for the lack of support in the new see probably played a part, as well.

We see that the key to a successful papal translation was an explicit need for it expressed *by* the locality. Moreover, the bishop to be translated needed the right reputation. Even so, the success of translations was not a given, since they disrupted not only broad elite dynamics, but also personal preoccupations. Combined with the tangible concern for the active management and governance of episcopal landholdings seen in Chapter Three, we can see that the office of bishop, even if 'standardised' to the extent in which translations were conceivable, was not seen as just a titular office. It was a position of active, energetic, and locally rooted territorial lordship. Disrupting that lordship without strong enough reasons or support, for the sake of titles, did not happen.

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Most episcopal appointments then were the results of local Polish negotiations, often also involving the Papal Curia. Although the introduction of capitular elections was not immediately successful and demanded papal backing, a precedent was set for future elections to be completed locally. As attitudes of popes changed, and papal reservations of episcopal sees gained traction, cathedral chapters were not willing to give up their right of choosing their leaders. The two cases of successful translations contrasted with the two unsuccessful ones illustrate that in this period, translations were not desirable. Considering the necessity of having local support, this is not surprising, as they disrupted a system that allowed this support to be negotiated and won.

The authority that bishops wielded over their dioceses was wide-reaching, and therefore local religious and lay support was crucial to successful episcopates. Choosing bishops in ways that allowed for negotiations and

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[103] VMPL.CCCLXXII.

compromise rooted in territorial interests and local dynamics enabled the episcopate, the papacy, and lay lords to simultaneously exercise authority in Poland, rather than actively compete for it, preventing their respective internal developments. Moreover, local acceptance, cooperation, and support ensured that both the episcopate and the papacy became tangible and effective locally, instead of distant, anonymous titular entities that tried to operate within areas they had no understanding of. While certain tasks were recognisably common across the episcopate, the local politics were not transferable, and so regional acceptance was key.

IV.2. In Office – Episcopal Tasks

The generally non-transferable nature of episcopal personnel beyond their locality contrasts with the common tasks bishops were responsible for. Chapter Three demonstrated how the episcopate governed its lands *in temporalibus*, exercising its temporal lordship within the wider developments of Polish territorial governance and administration. Here, the focus is on governance *in spiritualibus*: jurisdictional and administrative territorialities which ultimately allowed for pastoral care in religious spaces. Aside from the territorial co-determination of lay and religious lordship, these developments were made possible thanks to the parameters of the religious space as set out by the papacy and as consolidated by papal legates. Synods held in the province will be discussed first, as they contributed both to the regulation of the episcopate as a group and facilitated the projection of the episcopate's authority onto the territories within its powers. Next, the practical and pragmatic administration of these territories will be discussed, exemplifying how episcopal authority was put in practice, making episcopal lordship concrete throughout Polish territories.

IV.2.1. Synods

Synods and councils were key institutions used to articulate the cogency and coherence of particular ecclesiastical territories and the groups governing them. Synodal decrees reflect the preoccupations of the clergy within a diocese, province, or indeed all of Christendom, but we must bear in mind that the

promulgation of laws should not be equated with straightforward practice. In the case of the Polish province, provincial synodal activity shows a progression from the goal of securing the church's legal position within the Polish polity to a more inward-looking preoccupation with internal behaviours of the religious. This growing internal focus, which shaped the episcopate's group identity, contributed to the further regulation of administrative and religious aspects of episcopal rule.

While Chapter Two discussed the decrees passed by legates in Poland in the thirteenth century, this chapter focuses on decrees passed by the local episcopate. As will become apparent, there was no reiteration of general council decrees except in a few explicit cases. Yet the majority of the Polish episcopate participated in the most important councils of the period: Lateran IV, Lyons I, Lyons II, and Vienne.[104] Wacław Uruszczak and Krzysztof Ożóg demonstrated, however, that there was a coexistence of general, legatine, and provincial legislation in Poland that together comprehensively covered all aspects of the Christian life.[105] This section will focus on the synodal decrees that created, regulated, and consolidated ecclesiastical territories. Second, the decrees which regulated the episcopate as a social group grounded in these territories will be discussed. It is important to note that the extant provincial decrees were transmitted from a single compilation of provincial canon law, produced on the order of Archbishop Jarosław Bogoria following his own 1357 synod.[106] This compilation was sent to the bishop of Wrocław, who had been absent from the gathering.[107] However, other copies must have been made, since the edition of the 1357 decrees in the *Codex Diplomaticus Majoris Poloniae* is based on the copy found in the *Liber Privilegiorum B* of Poznań, rather than from a copy in

[104] J. Kłoczowski, 'Solus de Polonia... Polacy na soborach powszechnych XII-XIII wieku' ['Solus de Polonia... Poles at the general councils of the twelfth and thirteenth centuries'] in S.K. Kuczyński (ed.), *Cultus et cognitio. Studia z dziejów średniowiecznej kultury* [*Cultus et cognitio. Medieval Culture Studies*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1976), pp. 259-265.
[105] W. Uruszczak, 'Ustawodawstwo synodów Kościoła Katolickiego w Polsce w XIII i XIV wieku' ['Synodal laws of the Catholic Church in Poland in the thirteenth and fourteenth centuries'] *Czasopismo Prawno-Historyczne* 51 (1999), pp. 133-147; K. Ożóg, 'Prawo kościelne', pp. 57-80.
[106] *Zbiór statutów synodalnych polskich powszechnych w prowincji gnieźnieńskiej*, ed. A.Z. Helcel in SPPP Vol. 1, pp. 331-342.
[107] *Zbiór statutów synodalnych polskich powszechnych w prowincji gnieźnieńskiej*, ed. A.Z. Helcel in SPPP Vol. 1, pp. 331-342.

Gniezno or Wrocław.[108] Provincial decrees were envisaged as a single, binding corpus, and circulated throughout the province.

IV.2.1.1. The Regulation of Ecclesiastical Territories

The first provincial synod we have a set of complete statutes for was held by Archbishop Fulk in 1233 in Sieradz.[109] In this instance, the first two statutes were dedicated to a detailed description of appropriate clerical conduct: the divine office, mandatory tonsure, avoidance of indecent businesses (*ab indecentibus negociis absistant*), and the wearing of suitable garments (no red or green, short sleeves, or pointed or stitched shoes). The third statute focused on the imposition of clerical abstinence and the prohibition of entering higher clerical orders having been born in an invalid marriage.[110] Archdeacons were meant to monitor the clergy in this respect, which signals that the office was already conceived of as one of regulation. The eighth statute stated that *viri claustrales* were forbidden from serving in secular churches, highlighting the separation of the secular and regular hierarchies. The final tenth statute stipulated that archdeacons were responsible for the appointment of vicars to parish churches, in the only explicit relation the 1179 Third Lateran Council (*secundum constitutionem concilii Lateranensis*).[111] These five statutes were the only ones concerned with the conduct of the clergy and internal church administration until Jakub Świnka's 1285 synod. Nevertheless, they were important in establishing and consolidating the group identity of Polish clerics, with distinctive appearance and specific offices and tasks.

In the meantime, synodal statutes focused primarily on establishing and strengthening the church's position in Polish territories. In 1233, the remaining seven statutes focused on the protection of the rights and status of clerics and their properties. This was in response to the damage suffered by the church as a consequence of Henry the Bearded's military expansion into Lesser Poland.[112]

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[108] CDMP.1349.
[109] CDMP.150.
[110] On clerical celibacy, see D. d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005), pp. 88-91, 129.
[111] 'Lateran III: Canons 13-14' in *Ecumenical Councils,* pp. 218-219.
[112] B. Zientara, *Henryk Brodaty*, pp. 315.

Thus, the decrees focused explicitly on protecting ecclesiastical territories and actively asserting the episcopate's administrative authority over them. The synod stripped knights of previously-given privileges to pay tithes to any chosen church, as the practice had been used to avoid paying tithes altogether. Moreover, knights who had attacked churches or cemeteries, even if following their lord's orders, were to be excommunicated, since it had become clear that no other punishments were effective. Any churches under the *ius patronatus* of someone who had committed violence against a church or cemetery were to be placed under interdict. Individuals who foreswore oaths made in front of bishops were to be excommunicated, and their lands placed under interdict until they made satisfactory restitution.

The assertion of episcopal authority within religious territories affected by conflict applied to the clergy as well. All religious were forbidden from acting in ways that would bring any harm to religious bodies or their landholdings. This included the prohibition for the regular clergy to testify in lay courts without their abbot's permission, for example. While the secular and regular hierarchies remained separate in Poland, this decree shows that the episcopate attempted to ensure that the regular clergy maintained their separation from the laity in the same way that the secular clergy did. It is important to view this in light of the concentrated efforts of Innocent III and Henryk Kietlicz to establish the space of the Polish church within the polity.[113] It shows that that this process took time and the active involvement of clerics, secular and regular alike. By passing this decree, the episcopate showed not only an awareness of the political dangers present, but also an understanding that, for the separation of religious lands and institutions from lay authority to be successful, the clergy had to act in a consistent manner, limiting lay influences.

The next extant decrees are from Archbishop Fulk's 1257 synod in Łęczyca.[114] Building upon the 1233 decrees, the first four statutes prescribed the punishments of those who harmed, bodily or materially, clerics and especially bishops and the lands that belonged to them. The punishments, including excommunications, were to be made public in all the dioceses of the province.

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[113] Chapter One, pp. 59-67; B. Zientara, *Henryk Brodaty*, pp. 141-150.
[114] CDMP.361.

The episcopate was acting to legally assert its jurisdictional territoriality, and stipulating that this authority be publicised throughout the province. The attack on a church in one diocese would carry consequences in the remaining dioceses. The episcopate was trying to create a diocesan network which could retort to attacks on any one diocese. The decrees of the 1257 synod added another layer to this territoriality: an ethnic one. The synod's fifth and final decree stipulated that the language of instruction in schools licensed by bishops was to be Polish, and that no German cleric could be put in charge of these schools or teach, unless he taught in Polish. We have seen that the legate Jacques Pantaléon had decreed that Polish and German Lenten fasting customs were to be accepted in the province, and that parts of the mass were to be said in the vernacular – without specifying which one.[115] Here, however, we see that the episcopate was working towards a Polish linguistic (and so ethnic) uniformity of the province.

These statutes, as Maciejewski has highlighted, were a response to the conflict between Bishop Tomasz I of Wrocław and the Silesian Duke Bolesław Rogatka (c.1220-1278, *the Horned*).[116] The inclusion of the language stipulation was tied to this conflict as well, since Bolesław was perceived to sympathise with Germans (or German-speakers) at the cost of Poles – both lay and religious.[117] Thus, we can see that even if one diocese was struggling to hold its ground against lay powers, or a perceived threat of German influence, the response was taken by all the dioceses together, and the same laws would apply throughout the province. Had these issues been dealt with at the level of the diocese, they would not carry as much weight, because of the very nature of the problems which precipitated them. This illustrates the attempt of the episcopate as a group to act in the interest of individual members, and create ecclesiastical territories governed by clear rules which dictated how to combat the undermining of this status, whether through physical attacks or by changing the ethno-linguistic nature of the territories.

The next two synods, held by Archbishop Janusz (1258-1271) in 1262 and 1271, focused on different aspects of securing the church's position within the lay

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[115] Chapter Two, pp. 119-120.
[116] J. Maciejewski, *Episkopat Polski*, p. 130.
[117] J. Maciejewski, *Episkopat Polski*, p. 130.

principalities. In 1262, the way that tithes were to be managed was regulated, followed by stipulations of punishments for those who did not pay tithes or attempted to change the way they were paid.[118] Janusz reiterated that clerics could not be tried in secular courts. Consorting with excommunicates would lead to excommunication. In 1271, he stressed that the church must stand firmly as one to protect its rights and welfare, and decreed punishments for clerics who went against these efforts in any way, aiming to create a strong group identity:

> Whence we wish, that it is deemed a common injury to all
> bishops and prelates if any prelate or his subject encounters
> grave injustice, that all are his protectors and carry suitable
> aid to him, defending and sustaining [him] if he unjustly
> suffers forceful exile or another grave injustice by anyone;
> and if anyone breaks away from the [episcopal] group, by
> this law he will be suspended from [his] orders. [119]

Fourteen years later, in 1285, Jakub Świnka called a provincial synod which addressed not only the temporal issues of the church, but the spiritual ones, as well. The rationale for this synod was to complement old laws with new ones, as necessitated by the changing circumstances of religious life in Poland:

> As the apostle says: Another foundation no man can lay, but
> that which is Jesus Christ (I Corinthians 3:11); and Gregory
> added: Where Christ is not the foundation, no one can build
> good works [Pars II C. 1 q. 1 c. 26]; We Jakub by divine
> mercy archbishop of Gniezno, one with the venerable
> fathers our co-bishops of the Polish province, keeping the
> constitutions of our predecessors unharmed, decree certain
> things, caused by the growth of multiple problems and
> increasing malice of the perverse, at the foundation of which
> are Christ and the catholic faith which from Him and upon

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[118] CDMP.402.
[119] 'Unde volumus, ut communis reputetur iniuria omnium episcoporum et prelatorum si cui prelato vel eius subdito iniustum inferatur gravamen; ut omne sint eius protectores eidem subsidium pro posse ferentes opportunum, defendendo et sustentando si forte exilium vel aliud iniustum gravamen a quocunque paciatur iniuste; et quicunque ab universitate discordaverit, ipso iure sit suspensus a divinis.' CDMP.445.

Him is founded, thus establishing them directly upon a firm rock.[120]

Świnka's statutes contribute to our understanding of how the Polish clergy thought it could strengthen the local church by focusing on consolidating and unifying religious practices in the province. This was done through new regulations and the reiteration of older decrees. The incorporation of internally-aimed decrees reflects the changes that the church was experiencing – the main issue was no longer the buttressing of the church against the laity, but strengthening its internal and ideological structures. So, the majority of the statutes describe the duties to be performed by priests and various clerics, including the order of prayers, the cult of Saint Wojciech/Adalbert (the first Polish martyr), regular visitations, and clerical celibacy.[121] The conflict between Bishop Tomasz II of Wrocław (1270-1292) and Duke Henryk Probus (c.1258-1290, *the Righteous*) was discussed at the synod. Again, as in 1257 following the conflict between Bishop Tomasz I and Bolesław Rogatka, the episcopate responded as one to the problems faced by one of their own.[122] The conflict spanned nearly twenty years, from 1270 until 1287, and was focused on the status of clerical properties in Silesia, episcopal juridical powers and rights, and the refusal to pay tithes encountered in some of the duke's landholdings.[123] These decrees issued in response to the conflict between Tomasz II and Bolesław illustrate the circumstances that affected the internal developments of the church.

Historians have often noted the importance of this synod's stipulation that the Polish vernacular must be used in cathedral schools and some parts of mass as a means of combatting the influence of German-speaking clerics within the

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[120] 'Cum apostolus dicat: Fundamentum aliud nemo potest ponere, quam id quod est Jesus Christus; et Gregorius inserat: Ubi Christus fundamentum non est, nullius boni operis potest esse superedificium; nos Jacobus miseratione divina Gneznensis archiepiscopus, una cum venerabilibus fratribus nostris coepiscopis provincie Polonie, constitucionibus predecessorum nostrorum manentibus illibatis, propter multiplicationem emergentium casuum et subcrescentem maliciam perversorum, aliqua duximus statuenda, a fundamento quod positum est, quod est Christus, et fide katholica, que de ipso et super ipsum fundata est, utpote supra firmam petram principaliter inchoantes.' CDMP.551.

[121] CDMP.551.

[122] T. Silnicki, *Rola dziejowa kościoła polskiego na Śląsku w wiekach XI-XIII* [*The Historical Role of the Polish Church in Silesia from the Eleventh to the Thirteenth Century*] (Katowice: Wydawnictwo Instytutu Śląskiego, 1935), pp. 29-32.

[123] S. Szczur, *Historia Polski: Średniowiecze* [*History of Poland: The Middle Ages*] (Cracow: Wydawnictwo Literackie, 2002), p. 233.

Polish church, especially in areas with high levels of German settlement, such as Lesser Poland or Silesia.[124] However, the novelty of this decree seems to be exaggerated. It was a continuation of the regulation of linguistic and ethnic dimensions of the church seen already at the 1257 synod. The church was meant to be for all the believers, and the prohibition of using German reflected political ideals, not religious ones. The insistence of using Polish ensured that the faith was accessible to Poles who did not know Latin, as per Canon IX of Lateran IV, but at the same time it could lead to outright disobedience to the canon if German-speaking believers were deprived of ministers as a result of the lack of schooling.[125] Świnka's decrees were not novel, but built upon previous rulings.

The general council held in Vienne in 1311-1312 visibly influenced subsequent Polish provincial decrees, which had not been the case in the thirteenth century. The matters of clerical morals and life, as well as the issues of clerical property and tithes were discussed at length in Vienne.[126] Bishop Henryk of Wroclaw (1302-1319) was present in Vienne, so we can assume he played some part in the transmission of the council's canons, as the provincial statutes passed in 1326 shared their focus.[127] To summarise, the prelates gathered to observe their responsibility to heal society from the various evils and illnesses that were present. And so, they regulated the morals and lives of clerics and their interactions with the laity. The regulation of clerical life (*de vita et honestate clericorum, quatenus in conspectu Dei puro corde et mundo corpore Sacramenta ecclesiastica valeant ministrare)* was meant to internally strengthen the body of the church.

However, the synod focused also on the accumulation of property by the clergy. Excommunication of those who prevented the transfer of goods from lay/military to ecclesiastical ownership (*qui impedit homines transeuntes ad bona ecclesie de bonis militum*) attempted to strengthen the material aspects of the church. It shows the episcopate as continuing to maintain its position as territorial

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[124] E.g. B. Kumor, 'Kościół w obronie polskości. Działalność metropolity Jakuba Świnki' ['The Church Defending Polishness. The Activities of the Metropolitan Jakub Świnka'] in B. Kumor; Z. Obertyński (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 [*The History of the Church in Poland*] (Poznań: Pallottinum, 1974), pp. 130-134.
[125] 'Lateran IV: Canon 10' in *Ecumenical Councils,* pp. 239-240.
[126] 'Vienne: Canons 8, 9, 11, 12, 18, 22, 33' in *Ecumenical Councils,* pp. 360-389.
[127] CDMP.1061; J. Maciejewski, *Episkopat Polski*, pp. 166-167.

lords, building upon previous achievements and connected to its social standing. The decree did not regulate religious life, nor did it protect the wealth of the church, as previous synods had. Rather, it dealt with the acquisition of new property, showing the episcopate in an expansive mode – focusing on the accumulation of wealth and the securing of its position, rather than the protection of the existing status quo. The episcopate was assertive in its position as territorial lords.

Finally, Jarosław Bogoria called a provincial synod in 1357 in an effort to unify church law in his province.[128] Alongside the republishing of previous synodal statutes, seventeen newly-devised ones dealt with all aspects of clerical life. It is worth enumerating the topics covered to illustrate their sheer scope: the regulation of clerical dress, the living arrangements of clerics, the granting of altars to appropriate individuals, the order of masses for dead clerics, the prohibition of saying more than one mass by presbyters except on special occasions, the chanting of the hours in collegiate churches, the prohibition of taking money by archdeacons for their services, statutes against clerical concubinage, a statute about the employment of *sculteti* by clerics (see Chapter Three), the secrecy of chapter meetings, the punishments for those taking ecclesiastical property, the disobedience to superiors, the fraternising with excommunicates, statues about mendicant friars, the enumeration of Gniezno's properties, the procedures in dealing with properties of dead clerics, and the collection of tithes. Jarosław felt that having one comprehensive source of law was beneficial to the church in its religious and administrative capacities. Furthermore, the focus on internal church matters, such as clerical dress or the issue of disobedience rather than the protection of the church's rights against the laity shows the understanding that the body of ecclesiastical law in Poland was comprehensive. Since older statutes would be promulgated alongside these new ones, the reiteration of their content was not necessary. Jarosław was building upon previous accomplishments, which he was able to do since they had secured the 'essentials.'

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[128] CDMP.1349.

This synod took place not long after the codification of customary law by Kazimierz the Great, which took place in or sometime after 1347.[129] The proximity of these two general codifications of lay and religious law could not have been a coincidence. Jarosław had studied law and theology in Bologna, and was later chancellor to Bishop Nanker in Cracow and to Kazimierz at his royal court. His legal education led him to represent Kazimierz at the 1339 trial of the Teutonic Knights presided over by the nuncio Galhardus de Carceribus. This close cooperation with Kazimierz and legal expertise led Jarosław to be heavily involved in the codification of customary law:

> On the counsel of the Venerable father in Christ Lord
> Jarosław Archbishop of the Holy Church of Gniezno, and
> prelates, palatines, some of our barons and nobles of Polish
> lands, for perpetual memory we publish the statutes
> below.[130]

The fact that Jarosław repeated and overhauled ecclesiastical law within his own jurisdictional remit following the codification of customary law is telling. With one comprehensive source of royal law to be observed throughout the kingdom, the status of ecclesiastical law could not be diminished. Therefore, all laws concerning the Polish church were reissued, and supplemented with new decrees. These similar preoccupations come through in the preambles of the two compilations.

The 1347 statues of Kazimierz began with:

> Because, as scripture testifies, every age from adolescence
> is prone to evil, and all creatures exist in baseness, and
> human nature easily falls to failure further imitating vices;

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[129] J. Wyrozumski, *Kazimierz Wielki* [*Kazimierz the Great*] (Wrocław: Ossolineum, 1982), pp. 183-184, 228-229. W. Uruszczak, 'Rola prawa kanonicznego w rozwoju prawa polskiego' ['The role of canon law in the development of Polish law'] in P. Krafl (ed.) *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), pp. 196-200.

[130] 'De consilio Venerabilis in Christo patris Domini Jaroslai Sanctae Ecclesiae Gnesnensis Archiepiscopi, nec non praelatorum, Palatinorum, caeterorumque baronum et nobelium nostrorum de terra Poloniae, ad perpetuam rei memoriam statua edidimus infrascripta', *Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna* in SPPP vol. 1, p. 45.

although the lord's arranging ought to make his subjects virtuous, peaceful and modest, when cupidity has been restrained, without righteous effort there will never be agreement between men; and because scripture says that the height of good in this life is to cultivate justice, and render to each what is due to him, because of this constitutions or statutes are passed, so that human audacity is controlled and amongst the immoral innocence may rejoice in safety.[131]

The 1357 synod's preface began:

Although human nature ought to be capable of living a good life, assuming its needs are met, with the increasing malice of men, unbridled covetousness, the root of all evil, always endeavouring to the forbidden, inclines towards the harmful and sinks to the prohibited, extending the offshoots of its branches from bad to worse. It is this which compels the passing of canons, the institution of laws, the giving of statutes, so that human kind's audacity and harmful appetite is limited by the rule of law. Truly because in our times churches and ecclesiastical persons have surrendered to multiple troubles, bearing danger to souls, we, reflecting in the chest of our heart on our burden, bound as we are by our office, determine to prevail over these troubles and dangers to souls with God's help.[132]

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[131] 'Quum, scriptura testante, omnis aetas ab adolescentia sit pronior ad malum, et omnis creatura consistat sub vilio, et natura humana facile labatur ad delicta, vitiaque etiam imitetur, quamvis domino disponente, sibi subditi deberent fore pudici, pacifici et modesti, effrenata quandoque cupiditas, nisi justitia conatus ejus reprimeret, concordia inter homines nunquam foret: et quia dicente scriptura, summum bonum in hac vita est, justitiam colere, et unicuique, quod suum est, tribuere, et propter hoc conditur constitutio seu statutum, ut humana coerceatur audacia, et inter improbos innocentia securitate laetetur.' *Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna*, p. 44-45.

[132] 'Quamvis debeat sufficere humana natura ad bene vivendum, si suis terminis sit contenta, crescente tamen malicia hominum, effrenata cupiditas radix omnium malorum semper nititur ad vetita, tendit ad noxia et declinat ad prohibita, palmites sue propaginis viciose ad deteriora quelibet extendendo. Hec est illa que compellit canones condere, leges instituere, statuta edere, ut humani generis coherceatur audacia et appetitus noxii sub iuris regula limitentur. Quia vero nostris temporibus surrexerunt contra ecclesias et personas ecclesiasticas plurima incommoda

We see therefore similar rationales for the codifications – the responsibility of archbishop and king to follow scripture and ensure that the fallibility of human nature is curbed by positive laws. The synodal preamble's focus was on the souls of the faithful. Royal law focused on the peaceful coexistence of men. However, the 1357 provincial synod explicitly addressed the troubles that the church and its clerics had suffered, making the intention to secure the position of ecclesiastical institutions clear. With these codifications, the monarchy and the episcopate were articulating their institutional standing and territorial influence in Poland, within their mutually-accepted remits of authority. Although these remits were accepted, the competences of the laws overlapped and therefore we see the attempt to more clearly explicate and differentiate them.

The differentiation was especially necessary as some of Kazimierz's laws concerned the church, directly and indirectly. With these, we have to remember that Jarosław was involved in their codification, and so their content was accepted by him. The first statute affecting the church stated that *sculteti*, even those serving clerics on ecclesiastical lands, were obliged to participate in or contribute to the king's war efforts.[133] The second statute stipulated that lands inherited by clerics from their families that were in the region where the king's war was taking place had to be made disposable to the war effort, or ceded to other family members for this purpose.[134] If clerics did not do this, the lands would be requisitioned and kept by the king indefinitely. It is important to note that this applied to lands that were the property of clerics by virtue of being inherited, rather than granted or acquired.

Both statutes limited the exemptions enjoyed by clerics in the circumstances of war. But clerics retained their privileged status. Another statute stated that if anyone unsheathed their sword in the presence of a king or his *capitaneus,* they would remain in the king's mercy if they did not harm anyone, but would be removed from the king's grace if they did. However, if anyone

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pariencia periculum animarum, nos iugi meditacione revolvimus in armario cordis nostri, qualiter ex officii nostri debito, huiusmodi incommodis et animarum periculis Deo propicio occurrere valeamus.' CDMP.1349*.*

[133] 'VII. Quia onus', *Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna*, p. 52.

[134] 'VIII. Quum nullus', *Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna*, pp. 52-53.

unsheathed their sword in the presence of the Polish archbishop, or spoke slanderous words, they would immediately be sentenced to fines.[135] We can see that Kazimierz's laws contained a compromise for the Polish church: while the episcopate had to agree that some of its territorial liberties were to be circumscribed in times of war, in return, the monarch took it upon himself to protect and enforce the status of the head of the Polish church. The king had the ability to exert more powers over the episcopate, but had to take responsibility for protecting its head in return.

The synod's preamble continues:

> Judging that these [old] statutes ought to be enforced by us and the aforementioned lords bishops so far as we can, as experience our master, has taught us: no one may institute laws, unless he is the one who upholds them, and firmly enacts and inviolably executes the statutes and penalties attached on those subject to our province. If someone tries to excuse themselves from observing these on the pretext of ignorance, we wish and mandate that each of our brothers the aforementioned bishops and likewise archdeacons and rectors of churches must have copies of these statutes or constitutions, and in their dioceses and likewise archdeacons in assemblies of their subjects must gather and publicise them, which we had notaries write down at this synod.[136]

This highlights the institutional continuity of provincial synods and the community of memory with previous archbishops of Gniezno. Emphasis was placed on ensuring that the Polish episcopate behaved in a united manner, so as

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[135] 'CXL. Insuper statuimus', *Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna*, p. 154.

[136] 'Decernentes, eadem statuta per nos et per eosdem dominos episcopos debere exequi quantum in nobis fuerit, cum rerum magistra, experiencia, nos docuerit: nil prodesse iura statuere, nisi sit qui ea tueatur: et per subditos nostre provincie sub penis appositis in eisdem statutis firmiter et inviolabiliter de cetero exequenda. Ne vero pretextu ignorancie ab eorum observacione quispiam excusari valeat, volumus et mandamus, quatenus fratres nostri episcopi supradicti et archidiaconi quoque ac rectores ecclesiarum, statutorum seu constitucionum ipsarum copiam habeant, et in suis dyocesibus, archidiaconi quoque in convocacionibus subditorum suorum relegant et faciant publicari; quas per notarium in hac synodo fecimus recitari.' CDMP.1349.

to continue the efforts of maintaining a group that was able to assert its position within Polish society. Active steps were taken to enforce this – the instruction for all bishops and archdeacons to make sure that each diocese and archdeaconry had copies of the statutes highlighting this preoccupation.

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Analysing synodal legislation, we can see two important trends. The first is the working in a group for the whole group's benefit. Aspects of religious practices were defined alongside more practical matters, such as the transferral of land to and from clerical ownership. In the face of political turmoil, the episcopate codified protections for its own properties, as well as status. While some immunities were eventually curbed by royal laws, suggesting an increase in the ability of lay authorities to exert powers over the clergy unseen previously in this study, we can posit that the overall position of the episcopate was not diminished significantly. The second trend is the shift in focus from outward- to inward-looking and the attempt to enforce standards of conduct. With the exception of decrees from Cracow, there is no documentary evidence as to whether Jakub Świnka's stipulation that diocesan synods be celebrated regularly was effective.[137] The Cracow decrees from 1320, 1331, 1373, 1396 focus on the conduct of the clergy, the celebration of the divine office, the veneration of saints, the celebrations of feast days, and pastoral care.[138] We can posit that as time progressed, diocesan synods, in line with provincial synods, regulated internal ecclesiastical affairs.

IV.2.1.2. The Regulation of the Episcopate as a Social Group

As we have seen, the institution of synods was employed to assert and create ecclesiastical spaces, but also to control episcopal identity and conduct. In this section, I will focus more closely on the role that ethnicity and inter-episcopal relations played in forming this identity. The Polish episcopate passed synodal

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[137] CDMP.551.

[138] *Statuta Synodalia Episcoporum Cracoviensium XIV et XV Saeculi* ed. U. Heyzmann in SPPP vol. 4; B. Ulanowski, *O pracach przygotowawczych do historyi prawa kanonicznego w Polsce* [*On the Preparations for the History of Canon Law in Poland*] (Cracow: Gebether i Spółka, 1887), pp. 1-30.

decrees that limited the use of the German language in ecclesiastical contexts twice in the latter half of the thirteenth century. The first time, in 1257, German clerics were prevented from running cathedral schools unless they taught in Polish. Next, in 1285, the synod decreed that Polish was to be the only language of instruction in cathedral schools and was to be used in some parts of mass.

These decrees were at odds with papal expectations (and canon law) that bishops care for all faithful living within their dioceses, regardless of ethnicity or language.[139] They were a reaction to the increased number of German speakers present in the Polish duchies, which affected both the general population, as well as the clergy. In places like Wrocław and Cracow cathedral chapters saw the rise in German members. In Silesia particularly, the intermarriage of local nobles with German and Bohemian elites attracted German monks, nuns, and friars.[140] The nuncio Galhardus de Carceribus even lamented to the pope that he should do all he can to make sure that the bishop of Wrocław remains a Pole after Bishop Nanker's death in 1341.[141] This failed.

Nevertheless, the steps taken by the Polish episcopate to curb German influences indicate concern for the position of the clergy within society, in light of broader political and ethnic transformations. Polish bishops acted to maintain and safeguard their interests. This did not relate only to their own status as a separate social group. Should other members of their families decide to join clerical ranks, they would hold privileged positions. The official limiting of German use could contribute to a more general affirmation of the Polish character of social elites, to which prelates belonged.

Aside from ethnic and social identities, there also existed a perceptible episcopal identity. In the analysis of the synodal activity of the episcopate, we saw how emphasis was put to present bishops as a single group with a common goal. This was especially visible when action was taken in response to concrete political events, such as the violence experienced by the Silesian Bishops Tomasz I and Tomasz II. Episcopal identity was therefore connected but separate

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[139] CDMP.274.
[140] E.g. when Saint Hedwig of Silesia brought Cistercian nuns from Bamberg to the newly-built nunnery in Trzebnica, which she and Henry the Bearded founded and endowed, *Annales.*VI, pp. 189-191.
[141] VMPL.DXIX.

from social identity, which was clear in the discussion of episcopal lordship in Chapter Three. Bishops were conscious of the need for solidarity in the face of lay attacks, and worked together to define the episcopal office and its responsibilities in that capacity.

But the creation and maintenance of a social group separate from lay elites came with internal stratification and conflicts over hierarchy. On multiple occasions, tensions between Gniezno, Cracow, and Wrocław resulted in outright conflict. Most prevalent was the competition between Cracow and Wrocław over their respective positions in the provincial hierarchy. The conflict was ignited between Iwo Odrowąż of Cracow and Wawrzyniec of Wrocław at a synod held in 1227.[142] The point of contention was who had the right to sit in the place of honour, on the right-hand side of the archbishop, and therefore who could speak first and whose words had more bearing. Traditionally, this place belonged to Cracow. However, another rule observed elsewhere was that the bishop with the longest episcopate came second after the archbishop. Wawrzyniec of Wrocław, who had been bishop for longer than Iwo, questioned Iwo's assumed primacy. The archbishop conceded the primacy of Iwo, as he had presented papal letters of privilege granted to his predecessor, ensuring their right to the highest seat after the archbishop, as well as the privilege of consecrating Polish archbishops.[143]

Almost a century later, this matter was still contentious. Archbishop Janisław pronounced that the bishop of Cracow had primacy amongst Polish bishops *de facto*, not *de iure*.[144] This pronouncement came when a majority of the Polish bishops met together in 1323 for the consecration of Jan as bishop of Poznań. At this event, the elect Jan, Florian of Płock and Mateusz of Włocławek, along with their proctors, protested against Nanker of Cracow sitting in the position of primacy at the right hand of the archbishop.[145] They cited general church law, which stipulated that precedence be given in order of seniority from the time of consecration. Nanker's proctors replied that the bishop and his predecessors had had this primacy by law, and that the archbishop should

[142] J. Maciejewski, *Episkopat Polski*, pp. 108-115.
[143] J. Maciejewski, *Episkopat Polski*, pp. 108-115; KDKK.I.3.
[144] CDMP.1038.
[145] T. Pietras, „*Krwawy Wilk z Pastorałem*", p. 155.

proclaim this before everyone. More discussion ensued, and, wanting to finish the suit quickly, the three bishops agreed that Cracow held primacy *de facto*, not *de iure*, leaving the situation open to future rulings.

Interestingly, Nanker, unlike Iwo Odrowąż, did not support his case with papal letters. Perhaps the resurgence of the issue was unexpected, or he perceived his position as secure enough. In the end, Janisław chose compromise: he made sure that Nanker would not be slighted, while also admitting, in a roundabout way, that the three other bishops were in the right, since they based their arguments on canon law. But in 1325, Janisław decreed that Nanker and his successors were to be awarded the seat to the right of the archbishop, and have primacy amongst the other Polish bishops, *de iure*.[146] This proclamation was made because Nanker had eventually supplied Janisław with the papal privileges that Iwo Odrowąż had presented, which clearly granted the bishops of Cracow primacy. Janisław conceded that he could not ignore these letters, and that the opponents must acknowledge them once and for all. As the document enforcing this was addressed to the chancellor of Gniezno, Piotr, rather than those involved in the dispute, it seems that Janisław came to this decision in preparation for the provincial synod that was to be held the following year. The chancellor would have been responsible for notifying the suffragan bishops and organising the proceedings of the synod. So, to avoid a potential renewal of the conflict over primacy, Janisław acted beforehand, settling the matter of primacy and seating arrangements. No protests from the synod survive, so it seems that the matter was not reopened at this time.

Here, we see that the archbishop in a position of power over his suffragans. Although Maciejewski argued that archbishops had no real power over bishops, the fact is that this power was built into the ecclesiastical hierarchy, and was especially visible in the organisation of provincial synods. Such meetings, aside from prescribing how the religious were to live and how they were to respond to both religious and secular challenges, were also occasions to resolve issues between bishops. Moreover, Maciejewski demonstrated how the Gniezno chapter and archbishops were unique in the Polish province as they

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[146] CDMP.1051.

came from all the different dioceses of the Polish province, unlike other dioceses where prelates remained local.[147] In Chapter One, we saw how Archbishop Henryk Kietlicz used his cooperation with Innocent III to strengthen his position over his suffragans.[148] Combined with the plurality within the Gniezno chapter, this proved a unifying factor for the province. It also had the potential of giving the archbishop more power: he was a candidate chosen and agreed upon by members of all the different chapters of the province, and therefore a candidate more likely to have their support in his endeavours. The network of prelates that this membership in multiple chapters created stitched the dioceses together into a province. It did not mean that conflicts between bishops did not take place, or that bishops always acted in the same way. Rather, there was an accepted range of behaviours, and shared avenues for resolving conflicts precipitated by actions that fell outside this range.

This was important when political changes in Poland influenced conflicts over episcopal hierarchy. By the end of the thirteenth century, Cracow was the most important see in Poland, as it was in the *de facto* capital of the realm.[149] We saw that this primacy was eventually written into law. Gniezno maintained its original supremacy, yet it was not possible to deny the importance of Cracow. On the other hand, Wrocław was situated in a duchy which was gradually becoming alienated from the Polish polity, despite the diocese being in the Polish province. And so, having a detached, venerable metropolitan see to mediate a conflict between bishops that hinged on political importance proved useful. The Gniezno archbishops and their chapters united bishops from a politically-fraught province, and thanks to their comprehensive incorporation of various interests, they were more likely to foster compromise between the other sees. Nevertheless, we have seen instances where the relationship between Gniezno and Cracow was strained. Iwo refused to be translated from Cracow to Gniezno, which tells us something about the inherent prestige of Cracow. Jan Muskata had been excommunicated by Jakub Świnka following his attempts to strengthen Cracow at the cost of Gniezno's authority over it. The determination of Gniezno to unite the episcopate and pursue a long-term programme of creating a coherent

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[147] J. Maciejewski, *Episkopat Polski*, pp. 55-57, 70-78.
[148] Chapter One, pp. 59-71..
[149] T. Pietras, „*Krwawy Wilk z Pastorałem*", pp. 61-62.

episcopal institution that acted jointly in the face of lay incursions was critical for consolidating its authority.

IV.2.2. Ecclesiastical Administration

Synods were not the only means of exercising power for archbishops and bishops. Inherent in the office was the ability to pass one-off laws, comparable to papal decrees. Episcopal decrees were of a different nature than legislation passed at synods, since they were issued more frequently and were more immediately the products of specific, local circumstances and individuals' decisions. While synodal decrees provided an image of the province and episcopate as a whole, episcopal decrees allow us to focus on specific territories and bishops. Individual bishops' actions complemented synodal decrees and were aimed at increasing the clergy's ability to govern effectively.

IV.2.2.1 The Regulation of Administrative Units

The key aspect of how the church functioned as an institution was the vertical intensification within its administrative territoriality. Polish dioceses were comparable in their large sizes to English and Scandinavian ones.[150] The undocumented initial subdivision of Polish dioceses into archdeaconries and parishes was the foundation on which the developments discussed here built on.[151] With the increase in record-keeping, we can analyse the later stages of this process, in which the territories were further subdivided or rearranged. For example, Jakub Świnka divided the large and important town of Kalisz into two parishes in 1303: we read that there had already been two churches in Kalisz, but their status was unregulated.[152] Thus, it was Świnka's duty to regulate it to

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[150] J. Maciejewski, *Episkopat Polski*, p. 185. Area measurements can be found in E. Wiśniowski, 'Structures diocésaines et paroissiales de l'Église catholique romaine dans les territoires polonais aux XIVe et XVe siècles; in *L'Église et le peuple chrétien dans les pays de l'Europe du Centre-est et du Nord (XIVe-XVe siècles) Actes du colloque de Rome* (Rome : École Française de Rome, 1990), pp. 13-28. Cf. R. Brentano, *Two Churches: England and Italy in the Thirteenth Century* (Berkeley: University of California Press, 1988), pp. 62-66, on how the size of dioceses affected the shape of the Church in different regions.
[151] P. Górecki, *Parishes, Tithes, and Society*, pp. 1-13. As we saw in the section on synods, the office of archdeacon had existed in Poland since at least 1233, when they were the ones responsible for the oversight of parish clergy: CDMP.150.
[152] CDMP.876.

avoid future confusion, both of the clerics serving the two churches and of their parishioners. To do this, Świnka established two parish churches and listed their respective possessions to avoid future conflict.

Similarly, one of the first things that Andrzej Zaremba did as bishop of Poznań was to divide his diocese into three archdeaconries in 1298.[153] Archdeaconries were mainly jurisdictional units within a diocese, and so we should assume that he did this to improve the legal regulation and practice within his diocese. The *arengae* of the document that created these units highlights that this was an administrative action taken to improve pastoral care within the diocese:

> Pastoral care distinguishes between care and duty, so that by the greatest vigilance for the soul and attentive consideration, the vicar of the mediating God and minister of man ought to protect those things which have been committed to the future trust of the church, and thoughtfully strengthen by the application of foresight whatever seems to fit with his advantage or honour, and the more divine words call him so much more should he exercise his solicitous care to provide for the flock entrusted to him and the burden of feeding the flock should be gathered and divided with his brothers, following the rule.[154]

Andrzej consulted his actions with his archbishop and his chapter, and divided the diocese with their approval.[155] After delineating the boundaries of each archdeaconry, Andrzej defined the office of archdeacon. The archdeacons were to be appointed by the bishop, and would have full authority to visit, correct, excommunicate, absolve, suspend, place under interdict, relax an interdict, judge, and dole out canonical penalties at their discretion. However, they were

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[153] CDMP.770.
[154] 'Sollicitudinis et officii interesse dinoscitur pastoralis, ut summa animi vigilancia et consideracione perspicaci, illa que commisse sibi ecclesie profutura fuerint, procurare debeat mediatoris Dei et hominum vicarius et minister, et circumspecte provisionis studio promovere, quidquid in emolumentum ipsius commodum cedere viderit vel honorem, et tanto sollicicius curam ipsius agere, quanto, divinis affatibus contestatus, gregi sibi credito providere et honera pascendi gregis suis cum fratribus partiri cogitur ex precepto.' CDMP.770.
[155] CDMP.770.

unable to implement monetary punishments without the explicit approval of the bishop, on pain of suspension. The archdeacons were to have universal and singular powers that all archdeacons had by law or by custom and would have a place in the cathedral choir and chapter. All this was granted *salvo iure Sedis apostolice*, meaning that the pope could interfere in some aspect if he had the prerogative.

The examples of Kalisz and Poznań highlight how institutionalisation was a direct result of bishops' territorial activities. An awareness that ecclesiastical territories such as parishes and archdeaconries which were unregulated or too large for effective government prevented carrying out necessary obligations had territorial and institutional consequences. In the first place, these units were subdivided and given new boundaries. However, simply creating new spaces, even with well-defined boundaries and possessions, was not enough. The administration of these new units needed to be outlined as well. Concrete actions were taken to create new offices, responsible for these new units, with defined powers and responsibilities. The result was a hierarchical system of government that lent itself to repetition and longevity.

From organisational actions that defined the boundaries and administrative structures of ecclesiastical territories, further elaborations gave them sharpness. In 1308, Andrzej reissued his predecessor's decree about the limitations placed on prebends, which decreed that no new 'corporal' prebends with physical attributes were to be added, expanding the ruling to include the prohibition on adding 'gratial' prebends, as well.[156] In Gniezno in 1354 Jarosław Bogoria similarly restricted the number of 'corporal' prebends attached to the cathedral to twenty three.[157] He further regulated the working of the cathedral by consulting with his chapter and setting out masses for the dead, the divine office, and describing the tasks that each prelate and vicar was responsible for.[158]

The limiting of prelatures shows an active attempt at solidifying the structures through which the diocese was administered. This would prevent over-

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[156] CDMP.918. 'Corporal' prebends were prebends that were attached to specific prelatures within cathedral, collegiate, or parish churches. 'Gratial' prebends were more honorific, as they did not come with assigned tasks, but with the office of canon.
[157] CDMP.1322.
[158] CDMP.1322.

expansion and ensure an appropriate distribution of prelates' incomes. Clerics would be adequately supported by their prebends, enabling them to perform their religious and pastoral duties. The limiting of prebends would also prevent clerics from 'collecting' multiple benefices, which was frowned-upon since it could lead to absenteeism. The attention paid to the religious obligations within the cathedral elaborated the religious dimension of holding a cathedral prebend. With these examples, we see the interconnectedness of territories and the organisational makeup of ecclesiastical institutions – the administrative territoriality of the church. Each was articulated through the other.

Administrative actions were not just limited to internal organisation and reorganisation. Bishops and their chapters also acted as patrons to new ecclesiastical foundations. The establishment of new foundations was a territorial act that allowed for the expansion and tightening of influence just as much as it was a pious deed. It also contributed to the distribution of wealth among clerics: a new church or altar was endowed with an income from specific lands, providing a living for the person(s) serving it. Rather than holding all lands and villages in their hands, bishops could endow smaller religious organisations and individual clerics with lordship over parcels of land, thereby increasing its utility (Chapter Three). Doing so, bishops also expanded and tightened the 'net' of clerical lordship and influence over land, intensifying their presence throughout it. Piotr Górecki described this practice in detail by focusing on the alienation of lands.[159] He brought to attention the fact that alienating a tithe by granting it to a new foundation deprived the owner of its incomes.[160] This would pose a problem, if it did not coincide with the gradual expansion of wealth that accompanied it, caused by increased settlement and productivity, both of which are described in Chapter Three in the discussion of *amelioratio terrae*.[161]

Thus, in 1298 Andrzej Zaremba and his cathedral chapter published an act regulating the building and supporting of new churches in the diocese.[162] Specifically, the document decreed that if a new church was to be built, the incomes it would receive from the episcopal *mensa* could not exceed the tithes

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[159] P. Górecki, *Parishes, Tithes and Society*, pp. 77-78.
[160] P. Górecki, *Parishes, Tithes and Society*, pp. 77-78.
[161] P. Górecki, *Parishes, Tithes and Society*, pp. 122-123.
[162] CDMP.778.

from five manses of land (*decima quinque mansorum*). Although no specific rationale was given, it was most likely a measure to ensure that both the bishop's table did not become impoverished, and that as many churches as possible could be supported adequately. However, in 1305, Andrzej granted a new parish church the tithes from twelve villages.[163] This illustrates both the will to make sure that the wealth of the church could be effectively tapped into, but also the flexibility of dealing with this effort.

IV.2.2.2. The Regulation of Religious Life: A Glimpse

Church authorities had always attempted to make sure that the clergy lived up to certain standards. The general, legatine, and provincial councils discussed above promulgated decrees that prescribed how the secular (and sometime regular) clergy were to lead their lives. Although such synodal decrees were products of the need to differentiate between the laity and the religious, they also give a prescriptive view of every-day religious life. The examples discussed in this subsection, though still prescriptive, illustrate how pastoral and religious territorialities at a local level were regulated in the every-day lives of clerics and their relations with the laity.

In 1302, Andrzej Zaremba and his chapter honoured the requests of the representatives of Poznań and revised how citizens could participate in and hold their own processions at the Church of Saint Mary Magdalene.[164] Simultaneously, responding to another request, the decision was made to open a school at this church to provide education for Poznań's citizens. This being done, there were now two schools in the city – the cathedral and the collegiate. Both the processions and the school were meant to enable the burghers to practice their devotion and ensure their salvation in the afterlife. The students at the collegiate school were to be able to transfer to the cathedral school if they wanted to. The rector, however, was to be chosen by the bishop and his chapter, leaving the episcopal responsibility over education intact.

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[163] CDMP.896.
[164] CDMP.855.

This case gives a rare insight into the fourteenth-century religious life of the Polish laity. The ability to organise and participate in religious events that stemmed from lay religiosity rather than top-down prescriptions of the clergy shows that the burghers were eager to take an active role in the religious life of their community. Similarly, they sought more access to education, even if its provision was to stay in the hands of clerics. The positive response of the bishop and chapter is telling in two ways. First, there was no perceived risk associated with an active lay religious life and education. Second, the bishop and chapter were not detached from the local community, and worked closely with it. Such cooperation illustrates the need for the episcopate to have local support and the influence this support could have over the religious.

Focused on the daily life of the Cracow chapter, in 1328 Bishop Jan Grot decreed the order for saying masses for the dead at the cathedral – when, where, in what fashion, and how often.[165] He also exempted clerics with prebends within the Cracow cathedral from the jurisdiction of the prelates of the chapter, unless with the explicit permission of the bishop.[166] These two actions affected the internal life of the chapter in important ways. The ordination of masses for the dead in a clear manner was an attempt at improving the daily obligations that all clerics needed to meet. But the masses for the dead themselves were a reminder of the cathedral's connections to the community and importantly, to its patrons. Like the lay processions in Poznań, masses for the dead placed the prelates within the context of the society they were in. The insistence on the immunity from prelates' jurisdiction of their fellow benefice-holders seems to indicate an attempt at the strengthening of the unity of the cathedral community, perhaps striving to remove factionalism within the group. The canons were meant to perform their tasks and serve believers (alive and dead) and not compete with one another.

In 1336, Grot decided to further elaborate the daily tasks of the canons, regulating the singing of psalms and reiterating the order for masses for the dead.[167] In the same decree, he granted the cathedral canons and vicars the incomes from the village of Nowa Góra. Grot was clearly still interested in

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[165] KDKK.I.CXLV.
[166] KDKK.I.XLVI.
[167] KDKK.I.CLVIII.

ensuring the unity and efficiency of the daily life of the cathedral, but at this time, he expanded his efforts to include better provisions for the canons. This action ties the concern for efficient and effective administration and religious service with the concern for meaningful incomes for canons and prelates seen previously. Together with the case from Poznań, it exemplifies the profound integration of religious institutions into the communities they were in, as well as the lands that supported them.

Conclusion

This chapter analysed the relationship between territorial concerns and the practices of the Polish episcopate, from its formation to the ways in which it behaved as a group. The majority of bishops in 1198-1357 were chosen through negotiations between cathedral chapters, local elites, and the Papal Curia. This led to bishops being accepted and able to focus on their office and eliminated protracted periods of conflict. Aside from this initial regulation of who could join the episcopate, further steps at providing cohesiveness to the group were pursued at synods. These strove to maintain the unity of the ecclesiastical hierarchy, stressing that bishops were part of one group with a specific position among Polish elites. Here again we saw that an important aspect of synodal activities was the management of what constituted the group, and therefore the ecclesiastical territories that were under its rule. Despite political flux, at its height at the end of the thirteenth century, Gniezno worked hard to maintain a framework for group identity within the Polish episcopate. Competition between different dioceses, while visible at times, did not prevent the bishops of this period pursuing this special and distinctive position overall. An important aspect of this pursuit were the attempts to maintain the 'Polishness' of the episcopate and secular clergy through the regulation of the use of the Polish vernacular.

While synods were held in response to local developments, the decisions they adopted did not automatically translate into actions. For this, individual bishops needed to effectively manage their dioceses. We saw that an intensification of the administration of dioceses took place, through an increased circumscription of areas of power and authority followed by a delegation of this

power to different officials. Frameworks for the provision of livelihoods for the officials involved in this administration were established, alongside efforts to regulate the religious life of clergy and laity alike.

The actions the papacy took in relation to the Polish clergy and rulers, both through the personal involvement of popes as well as the employment of legates and nuncios, contributed throughout this period by setting up the ecclesiastical framework of the Polish episcopate. And so, although the episcopate must not be taken as wholly independent and separate from its local setting, this chapter has shown how, in fact, a large portion of its activities were aimed at just that. However, such separation was not meant to be an alternative to lay rule, but to complement it within defined spheres of action of the institutional church – inward-looking self-regulation and self-government. Chapter Three addressed the areas of activity where the episcopate acted as part of aristocratic elites – mainly the landowning role of prelates. Chapter Five will now discuss the role that the regular clergy played in the co-determination of lay and religious territorialities in Poland.

Chapter Five: The Regular Clergy in Poland

Introduction

Regular orders stood at a unique juncture within society. Although the regulars saw themselves and were seen as separate from society in their pursuit of a religious life, they needed support from the laity and secular clergy to enable this. Ongoing lay patronage allowed monasteries to fulfil their role of powerhouses of prayer in society.[1] Even in the case of the Cistercian Order, which was envisaged as self-sufficient, it was the gifts and donations of the laity that allowed the monks to pursue their calling. With the advent of the mendicants, lay support became even more important, as the orders' rules and constitutions prohibited the ownership of property. The friars were to focus on preaching and lead an apostolic life, rather than spend time working manually. All the while, the regulars existed within a religious framework created by the secular clergy.

This chapter compares the Cistercians, Dominicans, and Franciscans in terms of how they fit in the multi-layered ecclesiastical landscape of Poland in relation to the secular clergy, the laity, and the papacy. Benedictine foundations were important in the first stages of the Christianisation of Poland and were a significant institutional and territorial presence by the thirteenth century.[2] They existed alongside new foundations, maintaining a key presence in the religious landscape. However, in the period of study, new Cistercian foundations were more common than Benedictine ones. Analysing them will help illustrate the active shaping of territories and institutions in and around the Polish duchies by the monasteries, the secular clergy, and the monasteries' founders and patrons.[3]

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[1] G. Melville, *The World of Medieval Monasticism: Its History and Forms of Life* trans. J.D. Mixson (Collegeville: Liturgical Press, 2016), pp. 50-88.

[2] For a summary and synthesis of major publications, see M. Derwich, *Monastycyzm benedyktyński w średniowiecznej Europie i Polsce: wybrane problemy* [*Benedictine Monasticism in Medieval Europe and Poland: Selected Problems*] (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1998), pp. 174-198.

[3] E. Jamroziak, *The Cistercian Order in Medieval Europe 1090-1500* (London: Routledge, 2013), pp. 74-81; J. Rajman, 'Cystersi na terenach, gdzie „bez rolników ziemia leżała lesista". Uwagi o działalności zakonu na tzw. pograniczach w Czechach, na Węgrzech i w Polsce (XII—XIII wiek)' ['The Cistercians in areas where 'without farmers lands remained forested.' Notes on the order's activities on the so-called peripheries in Czechia, Hungary, and Poland (XII-XIII centuries)'] *Średniowiecze Polskie i Powszechne* 12 (2016), pp. 167-195; T. Manteuffel, *Papiestwo i Cystersi, ze szczególnym uwzględnieniem ich roli w Polsce na przełomie XII i XIII w.* [*The Papacy and Cistercians, with Special Attention to Their Role in Poland in the Twelfth and Thirteenth Centuries*] (Warsaw: Państwowe Wydawnictwo Naukowe, 1955), pp. 69-106.

Both mendicant orders were first established in Poland in the first half of the thirteenth century: the Dominicans in 1222 and the Franciscans in 1236. However, the nature of these orders made their arrival and establishment in Poland different to that of the Cistercians.

This chapter argues that the Cistercians, Dominicans, and Franciscans provided avenues for the bottom-up creation of religious territories, contributing to the reinforcement of pre-existing ecclesiastical and political structures. Because regular orders depended on religious and lay patrons, their existence allowed for the articulation of pastoral, agricultural, and dynastic claims of authority. While the roles that the Cistercians, Dominicans, and Franciscans played were complex, I suggest the following typology captures important distinctions between them. It is most useful to analyse the Cistercian order by looking at the agricultural and rural facet of its territoriality, enabled by the form that patronage of the order took. The Dominicans, in contrast, are best studied through the lens of pastoral territoriality, supplemented by their disciplinary activities. Last, looking at how the Franciscans operated within a territoriality focused on noble and later royal dynastic identity and memory, and how this contributed to their pastoral duties, helps situate the order alongside the others. By characterising these different roles, we are able to assess how all three orders were able to thrive when operating within the Polish polity and province, highlighting the distinctiveness of the institutional and territorial layers they created, connected to but separate from the secular hierarchy.

To facilitate constructive comparisons between the orders and their territorialities, this chapter will take a thematic approach over a chronological one. The first step will be to look at the circumstances of settlement in the Polish lands, focused on the creation of new foundations, with the purpose of discerning who was involved in the process, and how the process transpired. The second part of this chapter will look at the long-term patronage of these institutions and what sort of relations were formed between the houses and their patrons. This will allow us to trace patterns of patronage which affected the landscape. The bottom-up construction of territories, supplementing the mostly top-down patterns of papal, episcopal, and lordly creation and consolidation of spaces discussed throughout this thesis, will be foregrounded in this section. The final third section

will be dedicated to the use of lands and properties by the orders, and how this shaped and reflected their role in society. Here the stark difference between the relationship to property and subsistence of the orders will have an impact on the conclusions. The chapter will come to a close with a discussion of how the local context was changed by the religious orders, and how these orders were changed by the local context, looking specifically at the multiplicity of territorial layers interacting with one another.

The presence and status of the orders altered the space they were in. First, their respective missions and goals shaped the way they operated, as enshrined in their rules.[4] The Cistercians required ample lands to set up agricultural estates, the working of which was part of the monks' devotional practice.[5] The mendicants, on the other hand, were to have no property and subsist on alms.[6] The Dominicans were to study and provide pastoral care to the laity through preaching and the *cura animarum*, while the Franciscans were to lead by example with their apostolic way of life and preaching. Because of these differences, the Cistercians were based in rural, agricultural areas. The mendicants, on the other hand, were orders that needed a community with surplus wealth that could support them, as well as provide an audience for their apostolic mission.[7]

These fundamental differences in their missions were furthered by the internal structure of the orders and the effects this had on their positioning within Poland's ecclesiastical and political framework. The Cistercian houses were set up with a clear chain of filiation, with each individual house connected to its

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[4] See G. Melville, *The World of Medieval Monasticism* for a comprehensive treatment of monastic and mendicant life in the Middle Ages: Cistercians, pp. 136-157; Franciscans, pp. 206-231; Dominicans, pp. 232-248.

[5] C.H. Berman, 'Agriculture and economies' in M.B. Bruun; E. Jamroziak (eds), *The Cambridge Companion to the Cistercian Order* (Cambridge: Cambridge University Press, 2012), pp. 112-124.

[6] A. Thompson, 'The Origins of Mendicancy in Medieval Europe' in D. Prudlo (ed.), *The Origin, Development, and Refinement of Medieval Religious Mendicancies* (Leiden: Brill, 2011), pp. 1-30.

[7] Historians such as Vauchez caution against calling the Dominicans and Franciscan 'urban' orders – however important urban settings were to their development: A. Vauchez, *Francois d'Assise* (Paris: Fayard, 2009), pp. 434-449. As J. Kłoczowski has shown in the case of Poland, the Dominicans were active throughout rural areas: 'Zakon braci kaznodziejów w Polsce 1222-1972: Zarys dziejów' ['The order of preachers in Poland 1222-1972: a historical sketch'] in J. Kłoczowski, *Studia nad historią Dominikanów w Polsce 1222-1972* Vol. 1 [*Studies on the History of the Dominicans in Poland 1222-1972*] (Warsaw: Wydawnictwo Polskiej Prowincji Dominikanów, 1975), p. 35.

mother house in the first instance and ultimately to one of the five monasteries first established at the beginning of Robert of Molesme's movement, ruled by the general chapter.[8] Most of the houses in the Polish duchies traced their origins, via German monasteries, back to Morimond; the houses on the Baltic Coast to Clairvaux.[9] While each daughter house was linked to its mother house, from where the first monks would originate, usually with a 'monastic starter kit,' the monasteries functioned independently, with each abbot ruling individually.[10] The annual general chapter regulated the order as a whole.[11] Because of the splintered nature of the Polish realm, there was a multi-focal push for the foundation of new houses, since each duchy wanted the prestige associated with hosting a Cistercian monastery.[12]

The Dominican and Franciscan Orders were also run centrally by general chapters. Geographically, the orders were divided into provinces which did not necessarily overlap with diocesan or political boundaries, though they were based on them.[13] In the case of the Franciscans, subdivisions were added in the form of custodies. Mendicant provinces could change shape at the will of the general chapter or as a result of local changes.[14] Nevertheless, the superimposition of Dominican or Franciscan networks over diocesan and parish boundaries meant that the mendicants often operated within these 'traditional' spaces simultaneously to their own divisions.[15] The Dominican Order, shortly after the arrival of its friars in Cracow, established the Polish-Bohemian province, which lasted until the end of the thirteenth century. Then, separate Polish and Bohemian provinces were created, as part of a general restructuring of the

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[8] G. Melville, *The World of Medieval Monasticism,* pp. 146-157.

[9] E. Jamroziak, *The Cistercian Order*, map pp. 70-71.

[10] E. Jamroziak, 'Centres and Peripheries' in M.B. Bruun (ed.), *The Cambridge Companion to the Cistercian Order* (Cambridge: Cambridge University Press, 2012), pp. 65-79.

[11] M.G. Newman, 'Foundation and Twelfth Century' in M.B. Bruun, E. Jamroziak (eds), *The Cambridge Companion to the Cistercian Order*, pp. 25-37.

[12] J. Rajman, 'Cystersi', pp. 167-195.

[13] H.-J. Schmidt, 'Establishing an Alternative Territorial Pattern: The Provinces of the Mendicant Orders' in M. Robson; J. Röhrkasten (eds), *Franciscan Organisation in the Mendicant Context: Formal and Informal Structures of the Friars' Lives and Ministry in the Middle Ages* (Münster: LIT Verlag, 2010), pp. 1-19.

[14] H.-J. Schmidt, 'Contested Frontiers: Mendicant Provinces Between Germany and Poland During the Late Middle Ages' in E. Jamroziak; K. Strober (eds), *Monasteries on the Borders of Medieval Europe: Conflict and Cultural Interaction* (Turnhout: Brepols, 2013), pp. 129-132.

[15] S. Tugwell, 'The Evolution of Dominican Structures of Government II: The First Dominican Provinces', *Archivum Fratrum Praedicatorum* 70 (2000), pp. 18-68.

Dominican realms.[16] The Franciscans that arrived in Poland were initially part of the Saxon province, where the first friars came from, but in 1238 the general chapter established the new Polish-Bohemian province with seven custodies.[17] However, Silesian convents managed to secure the approval of the general chapter to break away from the Polish-Bohemian province and join the Saxon province at the end of the thirteenth century.[18] In 1263 the houses in the Złotoryja custody were joined to Saxony, and in 1272 the Wrocław custody followed.[19] This will be discussed below, but it is worth highlighting here that in the case of all three orders, their 'international' nature often resulted in the introduction of (mostly) German monks or friars into Polish religious life.

Alongside the reliance on lay patronage, the orders were intimately involved with both the local episcopal structures as well as the papacy. Monasteries and regular houses would initially fall within the jurisdiction of the local bishop, unless otherwise approved by the papacy. In matters regarding such jurisdiction, as well as the running of churches belonging to monasteries, for example, the papacy would act as a mediator between the regulars and bishops.[20] The patrons of these regular foundations would also have a stake in any decisions made. Thus, such interactions would shape the local church and politics as a whole, as well as each individual institution, intensifying the territorial presence of all.

This external organisation superimposed on local circumstances shaped the development of the orders in Poland, as well as leaving a mark on the ecclesiastical and political landscapes. We have already seen bishops acting as lords and landholders, with a (theoretically) clear division between ecclesiastical and lay powers. Now, we move to assess such relations in a monastic and

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[16] J. Kłoczowski, 'Zakon braci kaznodziejów w Polsce', p. 39.

[17] J. Kłoczowski, 'Bracia mniejsi w Polsce średniowiecznej' ['The Friars Minor in medieval Poland'] in J. Kłoczowski (ed.), *Franciszkanie w Polsce średniowiecznej: Franciszkanie na ziemiach polskich* vol. 1 [*The Franciscans in Medieval Poland: Franciscans in Polish Lands*] (Cracow: Prowincjałat oo. Franciszkanów Konwentualnych Prowincji św. Antoniego i Bł. Jakuba Strepy, 1983), p. 39; Z. Gogola, 'Dzieje Franciszkanów w Polskiej Prowincji Św. Antoniego i Bł. Jakuba Strzemię' ['The history of the Franciscans in the Polish Province of Saint Anthony and blessed Jakub Strzemie'] *Folia Historica Cracoviensia* 10 (2004), pp. 141-166.

[18] J. Kłoczowski, 'Bracia mniejsi w Polsce średniowiecznej', p. 39; S.K.J. Kantak, *Franciszkanie polscy 1237-1517* [*The Polish Franciscans 1237-1517*] (Cracow: Prowincjałat oo. Franciszkanów, 1937), pp. 19-20.

[19] Z. Gogola, 'Dzieje Franciszkanów', pp. 142-143.

[20] G. Melville, *The World of Medieval Monasticism,* pp. 147-148.

mendicant setting, where the divide was less clear. The negotiations between religious houses and their benefactors can show us what roles were filled by the orders within society, contributing to a territorially stratified religious landscape.

V.1. Beginnings

The first Cistercian houses in Poland were founded in the latter half of twelfth century, after the split of the kingdom into separate duchies.[21] Individual branches of the Piast dynasty, in line with European aristocratic practices, sought to establish foundations in their realms. The prestige attached to supporting a religious powerhouse, combined with the role it could play in concentrating wealth and establishing familial sanctuaries was evident. Multiple monasteries were scattered throughout Piast lands, each with its own set of patrons. For example, Jędrzejów was founded in 1140 by *comites* Jaksa/Jan and Klemens in Lesser Poland, Łękno in 1153 by *comes* Zbylut in Greater Poland, Trzebnica (1202) and Henryków (1227) by Henry the Bearded in Silesia, Mogiła (1222) by bishop Iwo Odrowąż outside Cracow, Paradyż (1230) by *comes* Bronisz in Greater Poland.[22]

These new foundations, often daughters of German monasteries, required enough lands to provide the basis of their subsistence. Manual labour was key to the religious life of the Cistercians. We will see that overwhelmingly, the lands bequeathed to these foundations were given by laymen and women. Some donations of tithes were granted by bishops, but this was a smaller portion of the monasteries' wealth. Bishops did not want to alienate lands that they, too, were trying to acquire; at the same time, supporting monastic foundations was a prestigious and pious work even for the episcopate. Bishops donated tithes from the lands that the monasteries were placed on, contributing to the rationalisation of landownership, as it would help avoid conflicts over who held the rights to specific incomes, a common source of disagreement. The story of Henryków

[21] T. Manteuffel, *Papiestwo i Cystersi*, pp. 69-106; J. Rajman, 'Cystersi', pp. 167-195.
[22] See Map VI, p. 19 and full table and map in A. Wyrwa, 'Rozprzestrzenianie się Cystersów w Europie Zachodniej i na Ziemiach Polskich' ['The spread of the Cistercians in Western Europe and in Polish lands'] in J. Strzelczyk (ed.), *Cystersi w kulturze średniowiecznej Europy* [*The Cistercians in European Medieval Culture*] (Poznań: Uniwersytet Adama Mickiewicza, 1992), pp. 49, 51.

illustrates these trends, and reflects the agricultural and, to a lesser but still important extent, dynastic dimension of the Cistercians' territoriality.

V.1.1. Henryków's Foundation Story

In 1227 the Cistercian house of Henryków (c.50 kilometers south of Wrocław) was founded as a daughter house of Lubiąż, itself a daughter house of Pforta in Saxony and ultimately, Morimond.[23] The *Liber fundationis claustri sanctae Mariae Virginis in Heinrichow*, a rare example of a Polish monastic history, provides insight into how the Cistercians settled in Henryków, as described by the fifth abbot, Piotr, in the years 1269-1273 and continued until 1310 by an anonymous monk.[24] This work incorporates many foundation charters and subsequent donations and privileges, framed as a narrative history of the monastery.[25] Piotr Górecki's close studies of the *Henryków Book* have demonstrated its values for the study of law and legal practices and the 'local society in transition.'[26] Here I will focus on the initial chapters, which describe the monastery's beginnings. The narrative nature of the work alerts the reader that the motives for the foundation and dialogues incorporated into the story should be considered cautiously, as both factual historical accounts as well as literary devices based on widely-accepted monastic tropes. However, they are themselves useful in confirming that these were indeed tropes and motives familiar to the monks in Silesia.

The history starts by stating that the lands for the establishment of the monastery were given by Mikołaj, a cathedral canon and notary of Henry the Bearded (c.1165-1238). The author, Abbot Piotr, claims that the plan for the donation of his lands to a religious cause had long been forming in Mikołaj's

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[23] A. Wyrwa, 'Rozprzestrzenianie się Cystersów', p. 52.

[24] The manuscript is held at the Archdiocesan Archive in Wrocław, MS V 7. For critical Latin edition, see R. Grodecki (ed. & trans.), *Księga henrykowska. Liber Fundationis claustra sancta Marie Virginis in Heinrichow* (Poznań: Instytut Zachodni, 1949) and *Liber Fundationis claustra sancta Marie Virginis in Heinrichow, czyli Księga henrykowska* with a new introduction by Józef and Jacek Matuszewski (Wrocław: Muzeum Archidiecezjalne we Wrocławiu, 1991). For the English translation, which will be used here, see P. Górecki, *A Local Society in Transition: The Henryków Book and Related Documents* (Toronto: Pontifical Institute of Mediaeval Studies, 2007), pp. 91-202, *Henryków Book* in relation to the text.

[25] P. Górecki, *A Local Society in Transition: The Henryków Book and Related Documents* (Toronto: Pontifical Institute of Mediaeval Studies, 2007), pp. 13-27.

[26] P. Górecki, *The Text and the World: The Henryków Book, Its Authors, and their Region, 1160-1310* (Oxford: Oxford Unviersity Press, 2015); P. Górecki, *A Local Society in Transition*.

mind.[27] Mikołaj chose the Cistercian order because he had heard that 'once this Order puts down root someplace, it is not easily eliminated by adversity.'[28] This was likely an exercise in self-praise carried out by Abbot Piotr. Nevertheless, it does represent the successful practices of the order which attracted potential patrons. Mikołaj shared his plans with Bishop Wawrzyniec of Wrocław (1207-1232) and other prelates, who decided to support his endeavour and turned to practicalities.[29] They realised that a donation from Mikołaj would not be successful or legal without the agreement of the Mikołaj's lord – in this case, Henry the Bearded. The rationale for this was that all the lands in the possession of Mikołaj were his only because they had been granted to him by the duke. Therefore, a plan was devised to convince Henry to allow Mikołaj to grant the lands to the monks.

During a feast, the prelates waited for Henry to be merry with drink to the point where he could be convinced to give permission for Mikołaj to grant his lands to the Cistercians.[30] Ultimately, Henry agreed, though he insisted that because his agreement was crucial to the founding of the monastery, he had to be named as the primary founder and benefactor. Later on, he ceded this honour to his son, Henryk Pobożny (1196/1207-1241, *the Pious*), since he already had the nunnery of Trzebnica in his name. The depiction of this situation where the notary, the bishops, and the duke discuss the matter at a feast is plausible, but its narrative value should also be considered. Irrespective, the important point is that the agreement of the duke was crucial to the foundation of the monastery. The behaviour of the bishop in this account yet again shows again the flexibility of *libertas ecclesiae* (Chapters Three and Four), and that prelates were conscious that lay support and patronage, especially for monasteries, was indispensable for the welfare of the church. An acute awareness of the rights of landowners and landlords is present.

What is particularly noteworthy is Henry the Bearded's insistence on taking credit for the foundation of Henryków, despite already being a patron of other important houses such as Trzebnica. It is understandable why his permission was

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[27] *Henryków Book*, p. 94.
[28] *Henryków Book*, p. 94.
[29] *Henryków Book*, pp. 94-95.
[30] *Henryków Book*, pp. 95-99.

required, but his misrepresentation of the foundation suggests just how prestigious and significant it was for lords to be patrons of monasteries and nunneries. Being known as the founder of yet another in a series of religious houses would ensure that Henry the Bearded and his successors would be physically present throughout their ducal lands for years to come. The monks and, more importantly, the original founder, Mikołaj, agreed to this. Clearly, the duke's support was more important than the title of founder. But even decades later, when the first account of Henryków was written by Abbot Piotr, it was well-remembered that Mikołaj, not Henry the Bearded or Henryk Pobożny, had founded the monastery. This episode illustrates the importance of monastic foundations at the juncture of religious and lay layers of society. It took the canon, the bishop and chapter, and the duke to establish Henryków.

The complexities involved in the establishment of a new monastic foundation are clear, as are the territorial and dynastic aspects. Mikołaj had chosen to found a Cistercian house because of the order's agricultural reputation. The question of putting lands to good use was an important incentive for patrons. We have previously seen concern with ensuring that lands were settled, tilled, managed, and productive; the idea of *amelioratio terrae* was prevalent in how territories were manipulated and managed. However, Mikołaj's wishes were not enough: he had to negotiate with the local bishop and prelates and the duke and his family in order for the foundation to be successful. After all, setting aside lands for the use of the monks would affect how the two other parties would be able to make use of the landscape. This would limit their expansion and the profits they could gain, but likewise provide opportunities for patronage and cooperation. The different territorial layers – agricultural and dynastic – were intermeshed and interdependent.

V.1.2. Mendicants

V.1.2.1. Dominicans

The first Dominicans came to Poland in 1222, and their story is striking. Jacek/Hyacinth Odrowąż (1183-1257, canonised 1594), nephew of Bishop Iwo Odrowąż of Cracow (1218-1229), was in Rome as part of a Polish embassy

sometime around 1220.[31] While at the Curia, he met Saint Dominic (1170-1221), who was there attending the order's matters.[32] Convinced of the ideals advocated by Dominic, Jacek petitioned the founder to send some of his friars back to Poland with him, so they could carry out their preaching programme there.[33] Since the order's philosophy rested on preaching that was accessible to the laity, Dominic agreed to have Jacek and his three companions educated at a Dominican school, most likely in Bologna, and then gave them the blessing to go back to Cracow and set up their house.[34] By the 1228 general chapter, the Polish-Bohemian province was created, with Cracow as its focal point.[35] Unlike the Cistercians supported by lay landholders, the friars received support from the bishop, since all they initially needed was a church. Iwo granted them the Church of the Holy Trinity (still in use by the Dominicans today).[36] The care taken by Dominic to have his first Polish brothers educated at the order's *studium* so that they would preach effectively in Poland should be noted, in light of the importance of their pastoral duties.

From Cracow, the Dominicans spread throughout the rest of Poland. The first Dominican houses were all founded through the combined effort of the Cracow house working together with Polish bishops and in some cases, local lords. Ten houses were founded between 1222 and 1241, in Cracow, Wrocław, Sandomierz, Racibórz, Poznań, Sieradz, Płock, Gdańsk, Toruń, Kamień, and Poznań.[37] This reflects a comprehensive coverage of Poland: the main urban centres were incorporated into the Dominican network in the span of twenty years. Even if we lack sources produced by these friars, we can infer that they

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[31] *De Vita et Miraculis Sancti Iacchonis (Hyacynthi) Ordinis Fratrum Praedicatorum Auctore Stanislao Lectore Cracoviensi Eiusdem Ordinis*, ed. L. Ćwikliński in MPH vol. 4, pp. 844-846; J. Kłoczowski, *Polska prowincja dominikańska w średniowieczu i rzeczypospolitej obojga (wielu) narodów. Studia nad historią dominikanów w Polsce* vol. 5 [*The Polish Dominican Province in the Middle Ages and in the Commonwealth of Two (Many) Nations: Studies on the History of Dominicans in Poland*] (Poznań: W Drodze, 2008), pp. 48-51.

[32] *De Vita et Miraculis Sancti Iacchonis*, p. 845.

[33] *De Vita et Miraculis Sancti Iacchonis*, p. 845; J. Kłoczowski, *Polska prowincja dominikańnska*, pp. 48-51.

[34] *De Vita et Miraculis Sancti Iacchonis*, p. 845-848; J. Kłoczowski, *Polska prowincja dominikanska*, pp. 48-51.

[35] S. Tugwell, 'The Evolution of Dominican Structures of Government II', pp. 14-15

[36] *De Vita et Miraculis Sancti Iacchonis*, p. 848; J. Kłoczowski, 'Zakon braci kaznodziejów w Polsce', pp. 26-29. See also S. Tugwell, 'Notes on the Life of St Dominic' *Archivum Fratrum Praedicatorum* 68 (1998), pp. 78-83.

[37] S. Tugwell, 'Notes on the Life of St Dominic', pp. 26-29.

must have had support from bishops and prelates and local communities, allowing this growth. Moreover, since the Dominicans' mission was preaching, then we can assume that they supplemented diocesan and parish clergy in the provision of pastoral care, leading sometimes to conflict with the secular clergy.[38]

However, there are two examples that suggest that a more symbiotic relation between the seculars and the Dominicans took root in thirteenth-century Poland. An awareness of the shared space of diocesan and Dominican clergy was central to this relation. In 1226, Bishop Wawrzyniec of Wrocław transferred the parish Church of Saint Wojciech/Adalbert to the Dominicans settling in his city.[39] Doing so, he freed the Dominicans of the obligation to administer the cure of souls attached to the parish status of the church, but stated that the friars were free to do so if it pleased them, giving his implicit permission.[40]

The value of the Dominicans as perceived by the bishops who aided their initial settling can also be seen in a series of foundation letters for the order in Gdańsk issued between January and June 1227. Initially, the Dominicans were granted the Church of Saint Nicholas in a joint effort of Bishop Michał of Włocławek and Duke Świętopełk (c.1190-1266), with both bishop and duke granting them the privilege to use the church, motivated by paternal care (*paterna sollicitudine*).[41] The document issued in the duke's name in January 1227 states that the establishment of the Dominicans was done following the advice of the bishop, many good men of the church, and his chaplain Wilhelm.[42] Bishop Michał reiterated the grant of the church to the preachers in May 1227, and highlighted that the duke's chaplain, Wilhelm, freely granted the Church of Saint Nicholas to them.[43] In a subsequent letter from June, Michał granted the Dominicans the

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[38] G. Melville, *The World of Medieval Monasticism,* p. 237.

[39] SlUB.266.

[40] SlUB.266. While there was no hostility to the Dominicans, the manipulation of parish status did cause ongoing confusion in Wrocław: P. Górecki, *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993), pp. 58-63.

[41] PommUB.34, PommUB.36.

[42] PommUB.34.

[43] PommUB.36. K. Jasiński has synthesised the polemics around the dating of these two documents, which had previously been described as forgeries by the editor of the *Pommeralisches Urkundenbuch*, M. Perlbach. Perlbach questioned the veracity of the duke's document, arguing that it must have been the bishop who initiated the process. Jasiński's position is that the duke was the founder and patron of the house, and therefore it is not suspicious that his letter was issued first. Bishop Michał's subsequent letter simply reiterated the duke's

license to preach in all of his diocese, the ability to give indulgences for up to forty days, and the right to hear confessions.[44] His rationale was that although his office required of him to preach the Word of God to the people and provide cure of souls to all, he could not do it all himself.[45]

The 1279 synod in Buda held by the legate Philip of Fermo stipulated that parishioners were to attend Sunday and holiday masses and receive their sacraments in their parish churches.[46] However, the decree did not name the mendicants outright as taking away the faithful from the secular priests. The issue of where one could confess was an important link between pastoral care and territorial governance. Regulating where the laity could confess allowed for the clergy to effectively take care of their souls, but also ensured pragmatic means of controlling the inhabitants of defined ecclesiastical territories. Stipulating that only a parish priest could confess his parishioners ensured that his presence and authority in the area was tangible, and fed up through the ecclesiastical hierarchy, all the way up to the bishop. Allowing mendicants to perform this role disrupted this pattern, and weakened the institutional hold of the secular clergy over their territories. Similarly, attending mass in a church other than the parish church did the same, and additionally removed the income secured by alms from parishioners. However, as we have seen in the two cases above, it is likely that parochial duties were granted to the Dominicans by the respective bishops of Wrocław and Włocławek, suggesting that the bishops accepted Dominicans aiding in the provision of basic parish duties.

In the mid-fifteenth century, the parish priest of Nysa complained to the bishop of Wrocław that the Observant Franciscan house in the town was attracting all of his parishioners on Sundays and other feast days with the friars hearing confessions and taking alms during sermons.[47] Ewa Wółkiewicz argued

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foundation and gave the house official episcopal support. K. Jasiński, 'Dokumenty biskupa kujawskiego Michała dla dominikanów w Gdańsku. Kwestia datacji' ['The Document of Bishop Michał of Kuiavia for the Dominicans in Gdańsk. The question of dating'] *Annales Universitatis Mariae Curie-Skłodowska. Sectio F, Historia* 45 (1990), pp. 109-118.

[44] PrUB. 921.

[45] 'Licet omnibus nostre diocesis ex iniuncte nobis administracionis officio teneamur pro loco et tempore verbi dei pabulum ministrare ac eciam universarum curam gerere animarum, ad quod tamen non suficimus per nos ipsos, libenter id per alios procuramus.' PrUB.921.

[46] CDMP.487; see Chapter Two, pp. 122-123.

[47] E. Wółkiewicz, 'Pleban i 'bracia mniejsi' – konflikt o wiernych w późnośredniowiecznej Nysie' ['The plebanus and the 'friars minor' – a conflict over the faithful in late medieval Nysa'] in M.

that at this time, the parish of Nysa had around four religious houses, including the Observants', and so was oversaturated with religious institutions.[48] I have not come across other such occurrences in Poland. Nevertheless, this episode is important in two aspects. First, we may infer that throughout most of the thirteenth and fourteenth centuries, the issue of oversaturation – especially in terms of pastoral duties and the *cura animarum* – was not a problem. Bishops followed Michał of Włocławek's reasoning and the cooperation between the secular and regular clergy in terms of administering to the faithful was beneficial. Second, the fact that it was a Franciscan house that was the object of complaint signals that the Dominicans did not hold a monopoly over pastoral care in Poland in the long run. Initially, however, the distinction between the pastoral tasks of the Dominicans and the dynastic role that Franciscans played allowed the two orders to develop without conflict. As with the foundation of Henryków: the institutional, religious layers of territorial activities interacted with and supported one another.

Thinking about the Dominican house in Gdańsk, we see also the cooperation of both secular and religious authorities. The awareness of the effects the Dominicans would have on both duchy and diocese was present. The duke had been convinced that it was beneficial for Gdańsk to host this house, and allowed for his chaplain's church to be transferred to them. (Presumably, this meant that another source of income would have to have been procured for the chaplain.) The bishop of the diocese within which Gdańsk was situated openly admitted that he could not perform his episcopal tasks of preaching and administering the cure of souls, and agreed to the Dominicans entering the area of his jurisdiction. Both the duke and bishop ceded some of their authority (or incomes) in order to accommodate this new institution. However, by doing so, they ensured that the lands in questioned would be incorporated into the institutional network of the Dominicans, which would ultimately be beneficial to all, since it contributed to the framework of pastoral care and so social organisation.

Derwich; A. Pobóg-Lenartowicz (eds), *Klasztor w Kościele średniowiecznym i nowożytnym* [*The Monastery in the Medieval and Early Modern Church*] (Warszawa: DiG, 2010), pp. 335-348.
[48] E. Wółkiewicz, 'Pleban i 'bracia mniejsi'', pp. 335-348.

V.1.2.2. Franciscans

The Franciscans first came to Poland in 1236 following the efforts of Henry the Bearded and his son Henryk Pobożny, who founded their house in Wrocław, and later aided in the establishment of the Franciscan house in Cracow in 1237.[49] The foundation of the Cracow house was a joint effort between the Silesian Piasts and their Cracovian relatives, Duchess Grzymisława (c.1185-1258) acting as regent for her son Bolesław Wstydliwy (1226-1279, *the Chaste*), and local nobles, who all contributed provisions.[50] The Franciscans were sent from the Saxon province with the involvement of the provincial Giovanni da Pian del Carpine (c.1185-1252), who would later make his way to Karakorum, preaching among the Mongols.[51] At first, both the houses were part of the Franciscan Saxon province. However, the Polish-Bohemian province incorporating both houses was established at the next general chapter.[52] The patronage of the Silesian Piast line remained strong, and soon more houses were founded, including female ones. Kirsty Day's research into the patronage of female Franciscan houses illustrates a tradition of dynastic patronage which was particularly strong in East Central Europe.[53] The involvement of Giovanni da Pian del Carpine alongside the initial actions of Henry the Bearded shows both the dynastic and pastoral facets of the Franciscan presence in the region.

The longstanding noble dynastic role requires attention. While it was not uncommon to patronise multiple orders, Henry the Bearded's reasons for doing so can be helpfully elucidated if we think of the duke expressing his piety as well as cultivating his dynasty's image through these means. Patronage of monastic foundations was tied into the dynastic channelling of wealth into specific places and the creation of communities entrusted with prayer, reprieve, and burial of family members. The mission of Franciscan friars was to lead an apostolic life

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[49] D. Karczewski, *Franciszkanie w monarchii Piastów i Jagiellonów w średniowieczu* [*The Franciscans in the Monarchies of the Piasts and Jagiellons in the Middle Ages*] (Cracow: Avalon, 2012), pp. 46-47; Z. Gogola, 'Dzieje Franciszkanów', pp. 141-166.

[50] D. Karczewski, *Franciszkanie w monarchii Piastów*, pp. 114-115.

[51] Z. Gogola, 'Dzieje Franciszkanów', pp. 141-144; G. Melville, *The World of Medieval Monasticism,* p. 207.

[52] D. Karczewski, *Franciszkanie w monarchii Piastów*, pp. 48-49.

[53] K. Day, *Constructing Dynastic Franciscan Identities in Bohemia and the Polish Duchies*, PhD Thesis, Leeds University, 2015.

and actively provide an example for all Christians to follow, embracing poverty.[54] However, in order to do that, patrons who supplied the means of subsistence had to be secured.[55] We had seen that Duke Świętopełk professed his interest in settling Dominicans in Gdańsk as part of his concern for his duchy. This was also likely one of the reasons that Henry the Bearded or Grzymisława (and other powerful patrons) chose to support the Franciscans. As the friars would work closely with the communities they were part of, their patrons could count on the connection between them and the Franciscan Order to raise their prestige and popularity among their subjects. If the connection to their benefactors – the Piasts – was known and understood as Franciscans preached and travelled to general chapters, it could only be beneficial to the patrons' families. The conflation of apostolic ideals and familial support entrenched both the Franciscans and the Piasts in the territories the mendicants operated in.

V.2. Patronage and Benefactors

All three orders needed both lay and religious support not just at the point of foundation, but throughout their existence. This was an ongoing, changing process. Compared with the patronage of cathedral and collegiate churches, lay support for regular foundations created closer and more longstanding relations between patrons and beneficiaries. The regular communities who received support and their monasteries and houses were dynastic foundations. Cathedrals and collegiate churches, on the other hand, even when founded and funded by the laity, did not retain such connotations, as the previously-discussed group identity and status of bishops and canons led to a stronger sense of autonomy from patrons.[56] Institutionally, they needed to be independent. As such, patronage and support for regular houses is a valuable way of assessing the relation between lay and religious elites. It shows that regular foundations provided an outlet for lay powers to shape the religious landscape of province,

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[54] M.D. Lambert, *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order 1210-1323* (London: S.P.C.K, 1961), pp. 31-97; L.K. Little, *Religious Poverty and the Profit Economy in Medieval Europe* (London: Elek, 1978), pp. 146-152.
[55] M.D. Lambert, *Franciscan Poverty*, pp. 43-97; D. Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century After Saint Francis* (University Park: The Pennsylvania State University Press, 2001), pp. 5-65.
[56] Chapter Four, pp. 212-217.

duchy, and kingdom, with the potential of traversing ducal and/or diocesan boundaries. The physical aspect of this arrangement intensified the presence of all institutions involved. The different 'territorialities' of the orders discussed above allowed for this to happen, and is reflected in the patters of patronage.

V.2.1. Paradyż

The Cistercian monastery of Paradyż (c.90 kilometres west of Poznań) is especially valuable for the analysis of this process because there is continuous documentation from the time of its foundation in 1230 until well into the fourteenth century. It was founded by *comes* Bronisz who continued to add to its landholdings throughout his life. Gradually, other benefactors began contributing to the community, as well. The monastery expanded from a family to a community foundation, drawing support from those in the locality. Concern for the upkeep and improvement of lands – *amelioratio terrae* – was interwoven with concerns over the patrons' own afterlives.

On 29 January 1230, Bronisz granted a portion of his lands to the Cistercian community of Lehnin in Brandenburg for the foundation of a new house, Paradyż, in the village Gościkowo.[57] He did this for the remedy of his soul and for the transferral of his temporal wealth into eternal wealth:

> I, *comes* Bronisz, thinking and turning over in my mind carefully the transitory and fleeting inheritance of me and mine decided to provide a stable and permanent treasure in heaven, where neither moth nor worm demolish nor thieves break in nor steal. Therefore, I want it to be known to all in the present and in the future, that for the remission of both mine and my wife's sins, and my progenitors' and to obtain eternal life…[58]

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[57] CDMP.126.

[58] 'Quod attendens ego Bronissius comes et sedula mente pertractans, de hereditate transitoria et fugaci michi meisque comparare decrevi thesaurum in celis stabilem et permanentem, ubi nec eruca nec tinea demolitur nec fures effodiunt nec furantur. Igitur constare volo tam presentibus quam posteris universis, quod in remissionem meorum et uxoris mea peccaminum simul et progenitorum meorum et obtentu vite eterne...' CDMP.126.

These are well-known motives for such endowments. The foundation charter described the boundaries of the lands given to the monks and specified that the inhabitants would have full use of the territory – 'with all use of farmlands, waters, mills, grasslands, meadow and forests, wild beehives, pastures, fishing and hunting grounds, and any other current or future usages which are not specified here .'[59] It was asserted that the family of Bronisz agreed to this, as did Duke Władysław Odonic of Greater Poland (c.1190-1239) and the bishop and chapter of Poznań.[60] At the same occasion, the bishop, Paweł (1211-1242), transferred the tithes he owned in the village where the monastery was to be located as income for the monastery's church, thus ensuring that the church, which would be serve the villagers, would be adequately supported.[61]

In these two documents we see all the important protagonists – the mother house in Lehnin, the duke, the bishop and his cathedral chapter, and the benefactor and his family – involved in the foundation of this Cistercian house. Likewise, by the time that the foundation document was drawn up, we know that the name of the future monastery was already decided – Paradyż – a Polonised version of *Paradisio Sanctae Mariae,* the Paradise of Saint Mary.[62] The devotion to Mary was a common trait of Cistercian houses, and the fact that this had been decided early on suggests that negotiations and plans had been underway for some time before 1230. It is also important to note that Władysław Odonic needed to agree to one of his men alienating his lands. The bishop and chapter needed to agree that within their diocese, a new religious entity was to be founded, and that it would collect tithes which would have otherwise gone to the chapter. This would eliminate the complex situation of tithes from lands belonging to the monastery going to the cathedral chapter, simultaneously ensuring support for

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[59] 'Cum omni utilitate agrorum, aquarum, molendinorum, graminum, pratorum et silvarum, melleficiorum, pascuarum, piscacionum ac venacionum, et si que alie sint vel emergere possunt utilitates que hic non specificantur.' CDMP.126.

[60] 'Cum consensu illustrissimi ducis Polonie Wlodeslay iunioris, et domini Pauli Posnaniensis ecclesie episcopi, et cum consensu Chori dicte Posnaniensis ecclesie, cum consensu Sandivoy fratris mei et Iarostii filii fratris mei, cum consensu uxoris mee et parentum meorum.' CDMP.126

[61] CDMP.127. This illustrates an instance when the Cistercian aversion towards allowing laity inside its buildings was overridden by the needs of the inhabitants of the lands that were in the Order's possession; E. Jamroziak, 'Spaces of Lay-Religious Interaction in Cistercian Houses of Northern Europe' *Parergon* 27:2 (2010), pp. 37-58.

[62] 'Obtuli et contuli locum proprietatis mee [sic] qui dicitur Gostekovve domino Henrico abbati et fratribus de Lenin, ad construendam novam abbaciam Ordinis Cisterciensis cui vocabulum est Paradisus' CDMP.126.

the new church. The monks at Lehnin needed to facilitate the establishment of this new house by contributing provisions as well as monks, indicating that there were enough monks living in Lehnin for some of them to move to Paradyż without harming their own community. All parties contributed. Nevertheless, had Bronisz not been willing to cede his lands, the monastery would not have been founded, and so indeed, he was the key founder.

There are two more documents dated from 29 January 1230, issued by Bronisz and Bishop Paweł. They enumerated the endowments granted to the monastery. The charter issued by Bronisz in his and his wife's name states that after their death, all their moveable and immoveable goods were to be transferred into the possession of Paradyż.[63] This included nine named villages belonging to Bronisz, alongside the village Gościkowo in which the monastery was situated. As in the foundation charter, the agreement of his brother and nephew to do this were included. Such an all-encompassing donation suggests that Bronisz and his wife had no children, and were therefore more interested in securing their afterlife than their immediate family's temporal well-being. The end of this document includes a 'curse' on anyone who tried to prevent the document's execution, beseeching God to damn them.

Likewise, Bishop Paweł issued another, more detailed charter on the occasion of the foundation.[64] Interestingly, Paweł wrote that the monastery was founded from his will and authority (*de voluntate et auctoritate nostra*) and that was why all the tithes from the village Gościkowo were granted to it in perpetuity.[65] The issue of the tithes is straightforward: it was rational for the monastery to collect the tithes of the church that was situated within its lands. What is more striking is the assertion that it was Paweł's will to found the monastery, when we know that without the lands given by Bronisz, it would not have happened. The bishop ascribed to himself the same role that Bronisz had in his own charter. Nevertheless, it is important to keep in mind that the initial foundation charters present the establishment of the house as a joint effort. Perhaps, then, it had been the bishop who had initially inspired Bronisz to act. In

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[63] CDMP.128.
[64] CDMP.129.
[65] CDMP.129.

any case, Paweł's charter detailed that the tithes from the village were to be used for the upkeep of the parish church in Gościkowo. All this detail, including the actions of Bronisz and the abbot of the mother house in Lehnin were put down in writing so that the monks of Paradyż would avoid trouble in the future with regards to the administration of the church, and ensure they carried out their duties. It protected the monks from the potential threat of the bishops of Poznań reverting to collecting the tithes from the church. It also ensured that the lands would be tended to.

Five years later, in 1234, Henry the Bearded confirmed the foundation of Paradyż and all the endowments granted to it by Bronisz.[66] He 'renewed' this donation by Bronisz in the presence of his nobles, further ensuring its future security. The document was testified by the archbishop of Gniezno, the bishop of Wrocław, and a representative of the Włocławek chapter. This is worth noting, since the monastery itself was in the Poznań diocese in Greater Poland, not Silesia, Lesser Poland, or Masovia. This illustrates that monasteries were places of interest for multiple parties, traversing religious and political boundaries. It is clear that Henry the Bearded's protection was perceived as valuable – and that the most important prelates of Poznań's neighbouring dioceses accepted and supported his role. The monastery and the lands and usages donated to it thus reinforced the relations between the various parties involved in its creation. Moreover, as we see here with Lehnin, Cistercian mother houses were often in German lands, further complicating territorial dynamics. Below, we will see more examples of regular institutions adding complexity to the religious and political divisions in which they were operating. Therefore, we must keep in mind that while at the core, regular territories can be broadly mapped onto secular and political ones, they were not bound by them and thus increased the complexity of the landscape as a whole.

In the case of Paradyż, it is important to note that Władysław Odonic and Henry the Bearded were fighting for control over Greater Poland. Because of this, the monks turned once again to Władysław Odonic, who had initially supported the establishment of their monastery, to ensure his continued support. In 1235,

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[66] CDMP.169.

he issued a charter confirming that the monastery was under his protection, announcing to all his castellans and *advocati* that the monks inhabiting Paradyż were under his and their protection, now and in the future.[67] This charter was testified by the abbot of the mother house in Lehnin, the dean, custos, chancellor and five other canons of Gniezno, and Władysław's sons. We see therefore that the level of interest and involvement in the fate of monastery was high. It was in the interest of the monks to secure promises of protection from the two main dukes. However, it was also in both Władysław's and Henry's interest to be seen as protectors of Cistercian houses, as seen by their engagement of various high-level clerics in witnessing their actions. Paradyż became an avenue through which the competing dukes attempted to establish themselves in the area, and secure the support of secular clergy. The absence of Poznań witnesses – Bishop Paweł or cathedral canons – is noteworthy and suggests that the competition for influence went beyond the diocese, proving even more that monastic foundations had the capacity to 'tie together' competing and disparate lay and religious interests and territories. From the perspective of Paradyż, this outside support of Gniezno, Wrocław, and Włocławek was as important as that of the local dukes. It ensured that the monks were protected by multiple authorities. While the account of the foundation of Henryków suggested that this was a local, albeit complex, affair, later developments show similar patterns, showing that it was not uncommon for monastic foundations to strive for multiple sources of protection, especially if their landholdings were scattered across ducal or diocesan boundaries.[68] These charters signal the end of the initial stages of securing Paradyż's position.

The monks turned to building their house and setting up their agricultural endeavours. We can surmise that by 1236, the monks had settled well and were ready to start expanding their possessions. In the years 1236-1330, 17 donations were made to the monastery, combined with 6 sales, 1 commutation, 1 pledge, and 3 resignations.[69] These donations ranged from whole villages to mill

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[67] CDMP.183.

[68] See the documents compiled by P. Górecki in *A Local Society in Transition*, pp. 203-240, and pp. 44-60, 64-77 on the diversity of patrons.

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| Years | Donations | References |

privileges. In short, Paradyż acquired an increasing number of sources of revenue, from farmlands to rights of extracting wealth from raw products. This increase in ownership suggests that, aside from the pious deeds that local landowners wanted to perform, the monks were able to incorporate new possessions into their management. There was enough manpower to do this. The cultivation of agricultural lands, enabled by continuing lay patronage, was a key role.

In the early years of its existence, Bronisz continued to grant lands or usages to the monastery. This illustrates that Bronisz concentrated his family's wealth in Paradyż and envisaged the monastery to serve as a mausoleum to him and his wife.[70] However, he was no longer the only patron. By 1301 *comes* Mroczko donated his inheritance, the village Bukowiec, to the monks, on the condition that he and his family could be buried beneath a specified altar in the monastery's church.[71] The monastery had become more than just Bronisz's family foundation, but a focal point for other local landowners. It seems unlikely that Mroczko and his family would have requested to be buried in the Cistercians' church if it (and the monks that served it) had not played an important part in their lives. The implied value of the donations made by Mroczko, although we cannot be certain of their specifics, explains why and how monasteries relied on lay patronage, and were in this respect independent from diocesan clergy. Mroczko had:

> Conferred to the church of Paradyż our inheritance,
> Bukowiec, previously freely possessed by us, with cultivated
> and uncultivated fields, meadows, pastures, waters and

1236-1249	9	CDMP.190 (*confero*), CDMP.191 (*dono*), CDMP.193 (*confero*), CDMP.198 (*confero*), CDMP.217 (*confero*), CDMP.225 (*confero*), CDMP.230 (*confero*), CDMP.262 (*dono*), CDMP.279 (*confero*)
1295-1297	2	CDMP.748 (*vendo*), CDMP.764 (*impignero*)
1301-1304	8	CDMP.842 (*dono*), CDMP.869 (*vendo*), CDMP.873 (*confero*), CDMP.875 (*confero*), CDMP.979 (*resigno*), CDMP.880 (*vendo*), CDMP.882 (*dono*), CDMP.883 (*confero*)
1319-1330	9	CDMP.1015 (*vendo*), CDMP.1017 (*confero*), CDMP.1021 (*dono*), CDMP.1026 (*dono*), CDMP.1030 (*commuto*), CDMP.1031 (*resigno*), CDMP.1092 (*vendo*), CDMP.1096 (*resigno*), CDMP.1106 (*confero*).

[70] CDMP.225.
[71] CDMP.842.

pools, thickets and glades, with all currently existing and

future yields.[72]

If other donations were similar, the monks did not have to worry about incomes.

Interspersed among such donations were more charters of protection, privileges, and exemptions. These show that the lands belonging to Paradyż were not always initially exempt from customary dues. For example, in 1236 Władysław Odonic again took all of Paradyż under his protection and confirmed Bronisz's foundation and donations, adding that he (Władysław) absolved the lands of any Polish law – meaning any Polish customary dues.[73] After recounting the donations made by Bronisz and his wife, he elaborated:

Truly, we bestow to the aforementioned brothers with full

testimony of this, and we take the same and all of theirs

under our protection, and we testify them absolved from all

exactions and from all Polish law and taxes, and confer full

liberty to them, confirming this with our seal.[74]

This suggests that for the initial six years, the lands of Paradyż could have been treated as if they fell under Polish customary law and taxed as such. Four years later, in 1240 we see that Bolesław Rogatka (c.1220-1278, *the Horned*) prohibited his tax-collectors from exacting any payments from the monks living in Paradyż:

We advise, whoever from the brothers of Paradyż, namely

monks, in all of their matters, whether in the selling of their

things, or the same salt or whatever they procure, no penalty

from their exactions of tax is presumed to be required, but

in quiet and peaceful freedom the same matters and goods

must be treated; it should be known that whoever breaks

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[72] 'Contulimus ecclesie Paradisi hereditatem nostram Bucowetz, a nobis libere dudum possessam cum agris cultis et incultis, pratis, pascuis, aquis et paludibus, rubetis et nemoribus, cum omnibus proventibus nunc ibidem existentibus et in posterum profuturis.' CDMP.842.

[73] CDMP.194.

[74] 'Nos vero de hiis testimonium plenum supradictis fratribus perhibemus, et ipsos et omnia ipsorum sub protectione nostra susceptos et ab omni exactione et ab omni iure Polonicali et a teloneo absolutos, et plenam libertatem ipsius contulisse testamur, sigilli nostri inpressione roborando.' CDMP.194.

this our mandate and sanctions will run the serious censure

of our indignation. [75]

In 1245, Bolesław Wstydliwy further amplified these liberties and enumerated the customary Polish dues which were not to be collected by his men from Paradyż:

> Conferring full liberty from all exactions of the Polish law, that is *stroza*, *podvorove*, *powoz*, *poradlne*, *naraz*, *szlad*, *glowa* [guard duty, hearth tax, horse supply, land tax, upkeep of roads, duty to follow criminals and individual tax]; not standing guard in castle or appearing before the castellan, unless before the duke (and this only with the seal of the duke's ring). And neither the aforementioned brothers nor their men from the abovementioned services are to be oppressed by anything, such as building castles or bridges. [Those working on the monastery's lands] do not go on campaigns, and while the duke is on campaign, they will work as the abbot or cellarer direct, and will do so for their pay. They [the monks] will not pay taxes or tolls in all of my duchy.[76]

In 1247, as more and more villages had come into its possession, Abbot Michał decided that it was time to take proactive steps in making sure that the monastery was on top of its incomes. He did this by first enumerating how much the villagers of Paradyż were to pay the monastery in detail:

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[75] 'Precipimus, quatenus a fratribus de Paradiso, videlicet monachis, in universis negociis ipsorum, sive in rerum suarum vendicione, sive eciam salem vel quidquid emerint, nullam penitus ab ipsis exactionem thelonii requirere presumatis, sed in quiete bona et pace libera ipsos negocia ipsorum sinatis pertractare; scituri, se gravem indignacionis nostre censuram incursurum, qui huic mandato nostro et sanxioni obviare attentabit.' CDMP.227.

[76] 'Plenam libertatem conferentes ab omni exactione iuris Polonie, sicuti est strosa, podvorowe, powoz, poradlne, naraz, szlad, glowa, coram castro non astare, neque coram castellano respondere debere, nisi ante ducem, et hoc non absque sigillo annulo ducis signato. Et ne supradicti fratres vel ipsorum homines de supradictis serviciis in aliquo graventur, sicuti in castro vel ponte edificando. Ad expeditionem non ire, et quoadusque dux de bello non revertitur, monasterio eorum homines laborent quod eis ab abbate vel celerario precipitur, et hoc in propria expensa faciant. Theloneum in omni ducatu meo vel vectigal non solvent.' CDMP.248.

In the name of the holy and one Trinity, Amen. I, brother Michał, abbot of Paradyż, make it known to all the faithful of Christ, that the inhabitants of the village of Saint Mary must give annually to the church of the Blessed Virgin Mary in Paradise: half a *ferton* [wiardunek in Polish, *viertel* in German: ¼ of a *grzywna*/mark] of silver from each manse, and a sixth of a half measure of rye, and a third of a half of wheat, and four [measures] of oats from every manse, of the measures used by the city of Krosno, and this quantity must be given every year without any contradictions or excuses on the Feast of Saint Martin the Bishop ; and half of the *fertons* of silver given must be in the German weight, and a fourth in the Polish weight. And so that this convention remains accepted and unchanged through the ages, I brother Michał abbot of the same house, with the consent of the venerable fathers Henry abbot of Sittichenbach and Wilhelm our dearest father abbot of Lehnin and with the consent of all of our chapter...[77]

Next, Przemysł I of Greater Poland (c.1220-1257) confirmed the monks' exemptions from Polish law and his jurisdiction.[78] Finally, on 23 October 1247, Innocent IV (1243-1254) took the monastery under the protection of Saint Peter.[79] This indicates a concentrated effort on part of the monastery and Abbot Michał. The gradual 'scaling up' towards obtaining protection from the pope ensured that

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[77] 'In nomine sancte et individue Trinitatis amen. Ego frater Michael dictus abbas in Paradiso notum facio universis Christi fidelibus, quod cives de villa sancte Marie tenentur dare annuatim ecclesie beate Marie virginis in Paradiso dimidium fertonem argenti de quolibet manso, et sextam dimidiam mensuram siliginis, et terciam dimidiam tritici, et quatuor avene de quolibet manso, in tali mensura sicuti currit in civitate de Crosna, et hanc mensuram dabunt rasam omni anno absque ulla contradiccione et excusacione in festo beati Martini episcopi; et dimidium fertonem argenti quem daturi sunt, dabunt in pondere Teutonicali, vel quartum dimidium in Polonicali. Ut igitur hec convencio rata et inconvulsa in evum permaneat, ego frater Michael abbas eiusdem domus, cum consensu venerabilis patris Henrici abbatis de Sichem et Wilhelmi dilectissimi patris nostri abbatis de Lenin et cum consensu tocius Capituli nostri...' CDMP.259.
[78] CDMP.261.
[79] CDMP.265 (Potthast.12730). On papal protection, see B. Wiedemann, *Papal Overlordship and Protectio of the King, c.1000*-1300, PhD Thesis, University College London, 2017, pp. 12-21, 69-72.

should any of the monastery's possessions come under threat, support could be sought in multiple places.

Innocent IV's letter confirmed the house in Paradyż as a Cistercian house and outlined how the monks were to follow the Rule of Saint Benedict, and how they were to manage their properties. It outlined how both the monks and the *conversos* were to conduct their lives, indicating the presence of *conversos* in the house seventeen years after its foundation. The Cistercian life was appealing to locals, and there was work to be found across their lands. While Innocent IV did not exempt the monastery from episcopal jurisdiction, he did define the relationship between the monks and the bishop, outlining what tasks bishops were allowed to perform within lands belonging to the monastery. In terms of the relationship with the laity, the document is brief, and limited to general protections of lands from customary dues.

Such concentrated efforts at delineating and securing Paradyż and its properties effectively facilitated its growth and prosperity. In 1293, the Silesian Duke Henryk III of Głogów (1251-1309) granted the monks toll-free access to his market towns:

> Henryk by the grace of God duke of Silesia and lord of Głogów, to all his *advocati* and citizens of his duchy by his grace. The brothers of the Cistercian Order of Paradyż who we received in our special protection, from the first times of our predecessors had pure liberty and had any request granted [by our predecessors], and frequented all fairs and markets of our towns, purchasing whichever necessary things freely, notwithstanding any dues or extortions put on them by tax-collectors. We, truly wishing to support their charitable works and working to follow in their paths, firmly and strictly mandate to all of you wanting our grace, that we wish that whenever the same brothers come to your general or special markets, we will that they be able to buy and acquire things, whatever they require for their use, wishing

> that the aforementioned liberty given to them by our predecessors be inviolably observed by us and by you.[80]

The monks of Paradyż were key to successful commerce and their presence at and contribution to market towns was beneficial to those whose lands they were in.

Their importance and central role in the area were longstanding, and continued through the turbulent process of the recreation of the *Regnum Poloniae.* Seven years after his coronation, in 1327, Władysław Łokietek took the monastery, along with those in Ziemsko and Obra, under his direct protection:

> From now we receive in our special authority and governance, excepting from all of our nobles and knights, that is, that by our grace none of these our nobles or their heirs can presume to destroy, judge, or harass them, but if someone has any accusations against them, justice will be given in our presence.[81]

The monks of Paradyż (and other foundations) were no longer under the protection of individual dukes, but the Polish crown. Following this, few if any donations to the house were made. Arguments about the stagnation of the order and its fall as compared to the mendicants have often been made based on such trends. However, Emilia Jamroziak has argued that this should not be seen as a decline, but rather a settlement or a plateau.[82] The monastery owned enough lands to be able to support its monks and *conversos,* for the time being. There

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[80] 'Henricus Dei gracia dux Silesie et dominus Glogovie, universis advocatis et civibus suis per ducatum suum constitutis graciam suam. Quia fratres Ordinis Cisterciensis de Paradiso, quos in nostram specialem recipimus proteccionem, a primis temporibus predecessorum nostrorum libertate pura et omnimoda impetrata eadem hactenus sunt potiti, omnes nundinas et fora civitatum nostrarum ementes quaslibet res necessarias libere frequentabant, quolibet gravamine vel extorsione thelonei non obstante easdem comparantes: nos vero, eisdem operibus charitatis intendere volentes et eisdem tramitibus incedere gestientes, universitati vestre mandamus firmiter et districte gracie nostre sub obtentu, ut quantumcunque dicti fratres ad vestra fora generalia seu specialia pervenerint, ipsos res huiusmodi emere et reducere permitti volumus, quascunque eciam pro suis usibus voluerint comparare, predictam libertatem per nostros predecessores eis concessam, per nos et per vos inviolabiliter cupientes observari.' CDMP.703.

[81] 'Exnunc in nostram auctoritatem et gubernacionem, excipiendo ab omnibus nobilibus et militibus nostris, recipimus specialem, sic, quod nullus ex hys nobilibus nostris eos seu hereditates eorum depactare, iudicare et maligne angariare presumpserit gracie nostre sub obtentu, sed si quid contra ipsos quispiam accusacionis habuerit, coram nobis integraliter percipiat iusticie complementum.' CDMP.1085.

[82] E. Jamroziak, *The Cistercian Order*, pp. 183-192.

were no pressing incentives to secure more privileges, seek protection, or expand.

The case of Paradyż shows us the complex dynamics of territorial lordship and how different parties behaved to articulate their authority within monastic territories. The involvement of bishops, dukes, counts, and monks of other houses in the continued patronage of the monastery reflects that this was a behaviour that was deemed worthwhile and that donating lands to Cistercians was a good investment. This resulted in the spiritual well-being of the community (dead and alive) and the expansion of agricultural lands. Conveying farmland to a house known for its good management and productivity, or granting the ownership of the tithes to a church belonging to the monastery may have left the donors with less income, but it ensured that the community at large was benefitting. The knowledge of this within the community was important. Moreover, donations and gifts of the laity to the monastery created monastic and religious territories locally, from the bottom up. This territoriality was based on local perceptions of appropriate, worthwhile behaviours, and an exercise in shaping the religious institution by the laity.

V.2.2. Mendicants

Historians have argued that a useful way of comparing the successful expansions of the Dominicans and the Franciscans is to think about their modes of operation as driven by system/instrumental versus value rationality, respectively.[83] The Dominicans followed a rule that prioritised their preaching, and so could be interpreted in pragmatic ways. Conversely, the Franciscans held their following of the Rule of Saint Francis as the ultimate goal which gave them the means for leading an apostolic life. Both orders considered following their rules of paramount importance, but the nature of these rules and their interpretations differed. This characterisation can be extended to the relations with the two

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[83] G. Mellville, 'System Rationality and the Dominican Success in the Middle Ages' in M. Robson; J. Röhrkasten (eds), *Franciscan Organisation in the Mendicant Context: Formal and Informal Structures of the Friars' Lives and Ministry in the Middle Ages* (Münster: LIT Verlag, 2010), pp. 377-388; Cf. D. d'Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: Cambridge University Press, 2012), pp. 80-86, 112-115.

orders' patrons, which influenced how they changed the territories and communities they were part of.

The provincial organisation of both orders, with Franciscan subdivisions into custodies, superimposed over duchies and dioceses, set out the framework within which the mendicants were patronised. Just as the gifts of lands to the Cistercians had a profound impact on society, so did the patronage of the mendicants.[84] As was shown, the Dominicans arrived and spread in Polish lands with significant support from the episcopate, because they were perceived as helpful in providing pastoral care to the laity. As was seen in Chapter One, the papacy gradually began to assign the preaching of crusades to the Baltic Coast and the Holy Land, as well as establishing inquisitorial duties, to the Dominican Order.[85] Therefore, it is useful to generalise and assume that the main benefactors of the Dominicans were popes and local bishops. Dukes and other landowners contributed as well, granting buildings or alms, which made the success of the Dominicans possible. Nevertheless, the close cooperation with other ecclesiastical layers was paramount, and placed the Dominicans in the position where the pastoral role they played within the Polish territory was their most distinctive feature.

On the other hand, we saw that the introduction and subsequent expansion of the Franciscans were closely tied to the cultivation of the ducal and later royal dynastic image and piety of the Piasts. Day has shown the particular influence of Piast noblewomen in establishing both Franciscan nunneries as well as male houses.[86] This tie with the ruling elites was longstanding and continued well into the fourteenth century. The two Piast kings, Władysław Łokietek and Kazimierz the Great notably supported the Franciscans and maintained close relations with the order. Both had Franciscan confessors, for example, illustrating

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[84] See C. Lenoble, *L'exercice de la pauvreté : économie et religion chez les franciscains d'Avignon (XIIIe - XVe siècle)* (Rennes: Presses universitaires de Rennes, 2013), pp. 13-17, 217-219, 295-329.

[85] Chapter One, pp. 78-92; S. Tugwell, 'Notes on the Life of St Dominic', pp. 78-83 passim; more generally, see C.T. Maier, *Preaching the Crusades: Mendicant Friars and the Cross in the Thirteenth Century* (Cambridge: Cambridge University Press, 1994), pp. 96-110.

[86] K. Day, *Constructing Dynastic Franciscan Identities*, pp. 109-181.

how the Franciscans' pastoral tasks contributed to their characteristic role in cultivating royal Piast dynastic image.[87]

The Franciscan houses in the Silesian custodies of Wrocław and Złotoryja breaking away from the Polish-Bohemian province and joining the Saxon province in 1263 and 1272 respectively illustrate this dynastic dimension.[88] By 1338, the duchy of Silesia was part of the Bohemian Crown and so related closely with the Holy Roman Empire. The 'Germanisation' of Silesia, however, had long been in the making. Historians of the Franciscan Order agree that the decision for houses to change provinces was usually based on (secular) politics rather than intra-order considerations.[89] The strong ties the Franciscans had with Piast patrons in Silesia prove this was the case in Poland. The close connections of Silesian Piasts with German elites influenced the situation of the Franciscans in their lands. The Franciscans, as we had seen, had always been related to Saxon houses. Combined with their patrons' ties to e.g. Brandenburg and the large German-speaking population of Silesia, it is likely that their patrons' political ties contributed significantly to the custodies of Złotoryja and Wrocław breaking away from the Polish-Bohemian province and joining the Saxon one. Since a major facet of Franciscan presence in Poland was the role the order played in spreading and consolidating Piast territorial authority, it follows that the order's own territorial organisation shifted in line with its patrons' interests. This signals that while the various religious institutions were bound together by existing in a shared Polish space, the layers they created remained distinctive but interconnected. Because of the nature of the support for the Franciscans throughout Poland, their overall network did not collapse because some custodies joined a different province. Instead, perhaps, the splitting up of houses with different patronal interests allowed for the friars to carry out their roles in their assigned territories

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[87] D. Karczewski, *Franciszkanie w monarchii Piastów*, pp. 125.

[88] See J.B. Freed, 'The Friars and the delineation of state boundaries in the thirteenth century' in W.C. Jordan; B. McNab; T.F. Ruiz (eds), *Order and Innovation in the Middle Ages: Essays in Honour of Joseph R. Strayer* (Princeton: Princeton University Press, 1976), pp. 31-40. Freed describes conflict between the German (Teutonic) and Polish Dominican provinces in the context of struggles between founders. This is important, and, as we have seen, lay patronage was necessary for the Dominicans. In contrast, I stress the involvement of the episcopate and papacy in supporting the Dominicans, which was more evident for them than for Franciscans.

[89] H.-J. Schmidt, 'Contested Frontiers', pp. 129-132.

successfully, removing areas of conflict. Territorial divisions mattered for how institutions functioned.

Donations of lands or usages did not play a key role in supporting either of the mendicant orders. Still, the patronage they received affected the territories and communities they operated in. For example, ducal or royal attendance to mendicant churches was key, since it involved higher-than-average alms.[90] Although this did not alter the physical makeup of the area hosting the mendicant houses, it asserted their presence there. This could have happened at the cost of regular houses, or secular churches, but this seems to have been a problem that started later, as was seen with the complaint against Franciscans in Nysa in the mid-fifteenth century. We have seen Henry the Bearded supporting both Cistercians and Franciscans. The ability to support all three orders solidified their respective territorial presence, and affected relations between the laity, diocesan and parish clergy, the mendicants themselves, and sometimes the papacy as well. The patters of Franciscan patronage illustrate this usefully.

Like Cistercian monasteries before, Franciscan churches were used as places of burial for noble families. Blessed Salomea (c.1212-1268) was initially buried in the Franciscan nunnery in Skała (c.20 kilometres north of Cracow), but translated to the Franciscan church in Cracow in 1269.[91] This translation was enacted by Duchess Kinga/Cunegunda of Cracow (1234-1292), herself closely associated with the Franciscans and the Order of Saint Clare, who was buried in the Order's nunnery in Stary Sącz (c.70 km south-east of Cracow).[92] Duchess Anna of Silesia (1204-1265), who had worked with her husband Henryk Pobożny in supporting various Franciscan houses throughout Silesia, invited the Order of Saint Clare to Wrocław in 1257.[93] Anna and her son Henryk Biały (1227-1266, *the White*) contributed to the building of a church for the nunnery, and in 1265, when Anna died, she was buried in this church.[94] Although she did not join the order, we can see similarities with Salomea and Kinga – Anna continued to support the monastery and her familial ties with it remained strong.

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[90] D. Karczewski, *Franciszkanie w monarchii Piastów*, pp. 126-127.
[91] D. Karczewski, *Franciszkanie w monarchii Piastów*, p. 116.
[92] K. Day, *Constructing Dynastic Franciscan Identities*, pp. 208-209.
[93] D. Karczewski, *Franciszkanie w monarchii Piastów*, p. 234.
[94] D. Karczewski, *Franciszkanie w monarchii Piastów*, p. 234.

Two particularly important fourteenth-century cases which reflect the close relations between Polish royals and the Franciscans involved privileges given by the papacy. In 1320-1321, Queen Jadwiga of Kalisz (c.1275-1339), Władysław Łokietek's wife, obtained permission from John XXII (1316-1334) to enter the enclosed nunneries of Saint Clare in Cracow, Gniezno, and Stary Sącz whenever she pleased, and stay overnight.[95] Initially, the Cracow privilege allowed her entrance with one other woman; when this was renewed and extended to Gniezno and Stary Sącz, ten companions were permitted. Her daughter-in-law, Queen Anna (c.1313-1339), Kazimierz the Great's first wife, obtained a similar privilege in 1339: she was allowed to enter any enclosed nunnery in the company of three women.[96] Strikingly, Kazimierz obtained permission to enter the nunnery of Saint Clare in Stary Sącz so he could visit his wife's tomb.[97] Seeking out these privileges was a pious act, but unquestionably involved alms- and gift-giving to the nunneries.

Thus, the two different trends in the patronage given to Dominicans and Franciscans – clerical and dynastic – facilitated their concurrent growth within the Polish province. The orders could carve out areas of activity and influence which did not compete with one another. Had there been stark competition for patronage between the mendicants (and the Cistercians), and had they shared what it was that they offered to their benefactors, this would have been hindered, and we would not see variation. But because it was generally a pious act to support a monastery or mendicant house, and because there were perceptible differences between the orders, lay and religious elites could afford to support Cistercians, Dominicans, and Franciscans alike. The 'market' for patronage was not oversaturated – a result of the fragmented political situation. Thanks to this environment, the institutional and physical landscape of regular life in Poland could develop, in a way that was beneficial to the papacy, the episcopate, and the laity.

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[95] VMPL.CCL, VMPL.CCLVIII.
[96] VMPL.DXLIX.
[97] VMPL.DLXV.

V.3. Use of Lands and Function in Society

To better understand the orders' flourishing in Poland, it is necessary to expand the discussion about different modes of patronage and support and look at how the Cistercians, Dominicans, and Franciscans functioned in Poland in the long-term, and how their role in society developed. The agricultural, pastoral, and dynastic types of territoriality exercised by the orders are key.

V.3.1 Cistercians

Although in Chapters Three and Four we saw that there were times when dukes attempted to regulate how bishops used the lands that were given to them, this did not take hold in the secular setting to the extent it did in the monastic setting. As was demonstrated above with the case of Paradyż, Cistercian lands or even individual villages had varying degrees of exemption from secular lordship and jurisdiction. The regular clergy was less independent from the lay rulers than their secular counterparts, who consistently sought privileges and liberties from lay powers. This dependence on lay patronage was accepted, since it allowed monks to pursue their calling. However, abbots were lords of their territories, and strove to make their lands thrive economically.

This ties in with the monks' focus on agriculture. Since it was part of the Cistercian way of life, developing agricultural practices in the best possible way was a reflection of the brothers' devotion. Privileges and exemptions allowed for more control over lands, increasing the possibility of success. No study of the Cistercians is complete without a discussion of their agricultural endeavours and techniques, and this holds true for Poland as well. The monks actively focused on agriculture by buying and exchanging lands so that their management could be more efficient, following the practices of bishops who acted in similar ways.

The Cistercians innovated farming techniques in Poland through the introduction of granges and the steel-tipped plough.[98] These innovations were facilitated by the involvement of the mother house in the establishment of the daughter house, through the provision of monks as well as the means for setting

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[98] E. Jamroziak, *The Cistercian Order*, p. 186; A. Wyrwa, 'Rozprzestrzenianie się Cystersów w Europie', pp. 45-53.

up a new monastery – both liturgical as well as agricultural.[99] Furthermore, the governance of the order as a whole through annual general chapters allowed for regular exchanges of materials as well as ideas. This resulted in, for example, the introduction to Silesia of new types of fruit and grains which had been encountered in France by an abbot who had been there for the chapter.[100] New technologies and practices could have travelled to Poland outside of the Cistercian framework; however, this would have been a slower, more organic process. With an institution so deeply permeated with concerns over working farmlands, the conveying of tools and techniques came automatically. The fact that mother houses were responsible for setting up new foundations amplified this.

However, with this in mind, the Cistercian trope of cultivating uninhabited lands and taking control of them, thus developing them into useful areas needs to be addressed. In the cases of both Henryków and Paradyż, we saw two important aspects of the question. First, these monasteries were granted empty lands as well as already-inhabited villages. Second, they were sometimes granted only the *usage* of certain aspects of lands – such as the use of mills, the collection of honey, the ability to fish – while the lands in question remained the property of the patrons.[101] Only in a few cases did we see that lands were given to the monks with the stipulation that they were to settle them and establish villages. Therefore, while the presence of the order in empty areas was important, it was not the only way that Cistercian monks contributed to the religious landscape. They established themselves in areas where they could thrive with the support of the laity, receiving privileges to hold markets or to enter market towns without paying tolls.

We see that the Cistercians were an important feature of the Polish agricultural landscape, simultaneously contributing to the development of farming practices, as well as increasing the density of religious institutions present across the region. Moreover, their monasteries attracted founders and patrons from varying levels of society, providing a focus of dynastic and familial patronage.

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[99] E. Jamroziak, 'Centres and Peripheries', pp. 65-79.
[100] E. Jamroziak, *The Cistercian Order*, p. 186.
[101] E. Jamroziak, *The Cistercian Order*, pp. 191-192.

Combined, these aspects of Cistercian territoriality contributed to the overall intensification and routinisation of the practices of religious and lay institutions alike.

V.3.2. Mendicants

Conversely, the mendicants' interactions with the laity, with the exception of their enclosed female branches, were different.[102] While neither the Dominicans nor the Franciscans had a strong territorial presence in the Polish countryside in the shape of monasteries, farmlands, villages, or granges, they were present throughout Poland as preachers. They travelled between villages, towns and cities. Their presence helped routinise pastoral care and the cure of souls – which was why Michał of Włocławek had agreed to the settlement of the Dominicans in Gdańsk, in the first instance. But as was seen in the previous section, the two orders carried a different presence with them, as a result of their distinctive patrons: the episcopate and papacy in the case of Dominicans, and noble and royal families in the case of the Franciscans.

The Dominicans aided the papacy and episcopate in creating a routine network providing pastoral care and the cure of souls throughout Polish lands. Jacek Odrowąż, a cleric, was inspired by the Dominicans he met while in Rome, and sought to bring the order to Poland. He did this with the cooperation of his uncle, the bishop of Cracow. Not long after, Bishop Michał of Włocławek stated his interest in having the Dominicans take over his pastoral duties upon their foundation in Gdańsk in 1227. The role that Dominicans pursued was appealing to the secular clergy since they could provide support in their own tasks. However, the papacy also saw the benefits that Dominican presence could bring to Poland. This was discussed in Chapter One, but is worth revisiting here, since it exemplifies the functions that the Dominicans played throughout Poland, and adds a disciplinary dimension to their pastoral role. The first task assigned by the papacy to Dominicans was to preach crusades to the Baltic and the Holy Land in Poland. These crusades were clearly defined as being led by the papacy, and

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[102] D. d'Avray, *The Preaching of the Friars: Sermons Diffused from Paris before 1300* (Oxford: Oxford University Press, 1985), pp. 13-63.

the employment of the Dominicans, whose existence relied on papal support, consolidated this leadership. The network of houses that had been established in Poland, and their connections within the Polish-Bohemian province as well as the general chapter ensured a systematic means of spreading information.

As Chapter One showed, between 1318 and 1327, the Dominicans in Poland were increasingly tasked by John XXII with heading papal inquisitorial tribunals. This began in 1318 in the diocese of Cracow, where the task was shared with Franciscans. However, in 1327, the Dominicans were given monopoly over tribunals which were to be established throughout the kingdom; the Franciscans were not included. The documentation from the 1332 Beguine trial in Świdnica shows that this was put to use effectively.[103] Therefore, we can observe that the significance of the Dominicans in Poland lay in their fulfilling of religious duties that supported and supplemented the activities of the papacy as well as of the local episcopate. The Dominicans supported the practices of the secular clergy and by doing so routinised their presence throughout the province.

Conversely, the support given to the Franciscans suggests that the key role that they fulfilled was related to the laity, including nobles. As Day demonstrated with regards to the female orders and Jerzy Kłoczowski and André Vauchez demonstrate more generally, the Franciscans preached a form of lay piety that was attractive to these circles, all the while allowing for the building of dynastic prestige.[104] Franciscan preaching and personal piety were accessible to the laity. Their focus on personal piety and conduct in the temporal world was appealing and accessible to nobles and commoners alike. Nobles were able to perform pious deeds without sacrificing their most emblematic wealth – lands. Townspeople were able to contribute their incomes to what they saw was a betterment of their communities. By behaving differently within the province, dioceses, duchies, and their own territorial divisions, the mendicants were contributing to the ecclesiastical landscape of Poland, entwining pastoral territories with dynastic religious territories.

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[103] P. Kras; T. Gałuszka; A. Poznański, *Proces beginek świdnickich w 1332 roku: Studia historyczne i edycja łacińsko-polska* [*The Trial of the Beguines of Świdnica in 1332: Historical Studies and A Latin-Polish Edition*] (Lublin: Wydawnictwo KUL, 2018), pp. 71-104.

[104] K. Day, *Constructing Dynastic Franciscan Identities,* pp. 28-73; J. Kłoczowski, 'Bracia mniejsi w Polsce średniowiecznej', pp. 19-28; A. Vauchez, *Francois d'Assise*, pp. 450-465.

Conclusion

The Cistercians, Dominicans, and Franciscans fulfilled complementary but distinctive roles in Poland's religious territory, contributing to the intensification and routinisation of not just ecclesiastical structures, but also – and perhaps more importantly – to the religious life of the laity. As the episcopate was working within the parameters set out by Innocent III and Henryk Kietlicz throughout the thirteenth century, securing its position vis-à-vis lay powers by defining its territorial powers and the way it operated within them, regular orders flourished. They thrived thanks to the support given to them by lay and religious patrons. The former could exercise their rights and maintain connections to the lands they gifted to monks in ways not possible within the secular hierarchy.

The patronage given to monasteries, nunneries, or mendicant houses was an avenue for the laity to express their devotion and piety, as well as a process of bottom-up creation of religious territories. This could be, as we have seen, a long-lasting process which transformed such donations into dynastic endeavours. This was especially the case with Cistercian monasteries and Franciscan foundations. The monasteries served as constant, immoveable institutions which could amass families' wealth, all the while providing support in the form of prayers for the living and the dead. Aside from that, the granges and farmlands of the Cistercians dotted the landscape, and influenced how agriculture developed. This, too, gives insight into how the economic facet of territories was created, bottom-up, within the localities, without top-down oversight.

The orders introduced heterogeneity in Poland's religious life not just through their separation from the secular clergy and the roles they fulfilled within society, but also because they were made up of diverse clerics, mostly Germans. In relation to the secular hierarchy, this was problematic, considering the insistence of bishops to maintain the Polish nature of the episcopate and religious life – even if this went against papal and legatine prescriptions – and the separation of the secular and regular hierarchies. But the prominence of Germans among Cistercians or Franciscans reflected the changes happening within society at large in places such as Wrocław or Cracow, where German populations

were gaining in numbers and prominence. In this respect, German monks or friars could prove useful. But taken all together, these characteristics meant that the regular and secular clergy did not create an integrated whole. They were not necessarily always antagonistic, but sufficiently different to prevent the creation of a distinctively 'Polish' church.

The Dominicans in Poland were supported less by the laity than the Franciscans or Cistercians. Instead, from the very beginning, they were in close contact with the local episcopate as well as the papacy. The Dominicans were used by both to carry out tasks that strengthened the ecclesiastical networks in Poland, supplementing diocesan clergy in their pastoral duties and allowing the papacy to consolidate crusade preaching and anti-heretical inquisitorial tribunals. While the Franciscans were important for the territorialization as happening through the active manipulation and creation of new institutional spaces, the Dominicans were important in reinforcing pre-existing institutions through their contribution to their activities and effectiveness.

The Franciscans (male and female) were appealing to the laity – especially nobles – by virtue of the apostolic life led and encouraged others to. This was a life which validated lay piety, either through providing an example to follow or as recipients of donations and alms. However, the mobility and ubiquity of the Franciscans should not be forgotten – it was good for noble or aristocratic families to be seen as supporters of the order. It added prestige and legitimacy. And perhaps the friars' networks could be used for political means – at the very least for spreading the good name of their benefactors.

At various points we have seen that it is helpful to think of these three orders as distinctly dependent on different sources of support. However, cooperation was needed for their collective success. And this is once again where the importance of territories becomes crucial. Had any one of the main parties objected to the presence of a monastery of mendicant house, their story would likely have been different. If the laity and the episcopate had not cooperated in ensuring the establishment, support, and maintenance of regular orders, the consequences of their founding would have been negative. Instead, as we have seen, they the overall ecclesiastical outcome was positive: the landscape

underwent an intensification of the religious institutions joining different layers of society together, as well as creating new layers contributing to this process. By doing so, their distinctive institutional remits and societal roles were more clearly defined. For the Cistercians, it was their agricultural and dynastic territoriality. For the Franciscans: dynastic and pastoral. For the Dominicans: pastoral and disciplinary. The cooperation with the secular clergy and lay rulers, combined with this separation of tasks, alerts us to the interdependence of ecclesiastical and political institutional layers in Poland, but simultaneously highlights their distinction from one another.

Conclusion

This thesis has traced how the territorial presence and agency of religious and lay bodies reciprocally shaped ecclesiastical practices. The carving out of areas of competence rooted in overlapping territories resulted from the aspirations within the papacy, the local episcopate, religious orders, and lay rulers about how their authority was to be exercised. Within broad categories – papal, episcopal, regular, lay – each of the parties created specific territorialities including the jurisdictional, fiscal, administrative, agricultural, dynastic, pastoral, and disciplinary. Laws, practices, behaviours, and ideologies developed in ways that allowed coexistence in a shared space.

These institutions and practices were distinct but not separate from one another, creating an interdependent system that was bound together primarily by pragmatic concerns. Illustrating this pragmatism in the context of the works of Florian Mazel, Hans-Joachim Schmidt, Ian Forrest, Stuart Elden, or David d'Avray enables Poland to provide an example showing the multiplicity of institutions within Christendom. By focusing on specific behaviours and practices – institutions themselves – this thesis studied medieval Poland as part of Latin Christendom without falling into a rigid core-periphery characterisation which treats more commonly studied areas as normative.

We have seen throughout this thesis significant change(s) over time. In Chapter One we saw how the close cooperation of Innocent III and Henryk Kietlicz at the beginning of the thirteenth century and focused on ecclesiastical spaces and structures in Poland gave way to papal interests in crusading for the rest of the century and inquisitorial tribunals in the fourteenth century. Chapter Two showed how the legates who visited Poland successively throughout the thirteenth century, bringing with them the papal plenitude of power, were replaced by nuncios who represented a regular and routine papal governance in the fourteenth. Within this context, in Chapter Three we saw how the relations of the Polish episcopate and lay rulers – dukes and later kings – began confrontationally, with the religious elite working intensively to secure their jurisdictional authority in opposition to dukes. However, their common social background and lordly status allowed for growing cooperation and mutual

reinforcement, culminating with the legal codifications of 1347/57. Chapter Four showed how significant effort was put into increasing the diocesan unity across the Polish province, focused on Gniezno, with the episcopate's social makeup changing very little over time. Synodal decrees progressed from reinforcing the status of bishops and their lands (as set out by Innocent III and Kietlicz) to more detail-driven means of administering these territories. All throughout this time, the Cistercians, Dominicans, and Franciscans flourished and attracted patrons, fulfilling different roles that tied the papacy, the episcopate, and lay elites together.

Elucidating and analysing different 'territorialities' created by these groups has been central to this thesis. Reflecting on the changes described above as not just changes over time, but over space as well is equally important. This brings us back to the distinction between external and internal expansion discussed in the introduction. The two are not mutually exclusive, and so we can see the multi-layered religious landscape of Poland undergoing both. Thinking broadly, the territory of the Polish church did not undergo significant external expansion – the province and dioceses remained stable. However, the intensive presence of papal authority significantly deepened the papacy's real geographic reach – whether that was mediated by local clerics like Kietlicz, or more importantly, by papal legates or the Dominicans representing papal crusading leadership or inquisitorial efforts. Crusading indeed expanded Christendom, but the lands conquered and converted were not joined to Polish lands. Rather, Polish involvement in it contributed to the consolidation of what was considered Poland in political and religious terms.

Papal nuncios, working within the structures of the provincial ecclesiastical hierarchy, in the wake of increased concern over the effective administration of lands by the episcopate, illustrate that both the papacy and the Polish clergy were undergoing intensified internal expansion. Within already set boundaries, these individuals were carrying out tasks that were dependent on intimate knowledge of the locality – diocese, archdeaconry, parish. Executing such tasks further increased this knowledge. Synodal decrees and individual episcopal acta were concerned with the administration and governance of individual villages, not just the province or dioceses as a whole. This was influenced by lay practices such

as the employment of *sculteti*. There was also concern for the religious life – prebends were more closely managed and manipulated.

Within the political layer of the landscape we witnessed shrinking rather than expansion – Silesia and Pomerania were no longer politically part of the Polish realm by 1357. However, they remained part of the ecclesiastical province. At times, as we have seen in relation to Peter's Pence, this proved problematic. Nevertheless, nuncios' inability to collect Peter's Pence because of claims that they had no right to do so still signals that they were in a position where they were reaching those liable to pay.

The regular orders' expansion over time is perhaps the most complex. Again, no significant *Polish* external territorial expansion took place as a result of the Cistercians, Dominicans, or Franciscans. The orders' lands, or in the case of the mendicants, their provinces were indeed expanded thanks to their members' activities in Poland and beyond. Because the orders were thus tied to their general chapters and their patrons and supporters – the papacy, secular clerics, and nobles – they contributed to the presence of these patrons as permeating the Polish landscape through multiple avenues. The presence of religious institutions was intensified thanks to this.

While the sources used in this thesis are overwhelmingly products of papal and episcopal chanceries, the concern with the jurisdiction over and administration of dioceses, archdeaconries, and even individual villages shows a clear concern with the expansion of religious institutions inside Poland. However, as this involved reaching deeper into society – reaching throughout the countryside to individual villages and their occupants, this added an external dimension to this expansion. The activities of nuncios, inquisitors, archdeacons, *sculteti*, or monks or friars contributed to filling in the mostly consolidated boundaries of the Polish province. 'The church' – we can infer – became more visible in the province. In this context, intensification is simultaneously the expansion into the countryside.

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These patterns raise larger issues of identity. Was the Latin Church in Poland identifiably *Polish*, and was the permeation of different forms of religious

authority throughout the Polish landscape a prerequisite for regnal development? While important factors, the answer is no, or, at least, much less straightforwardly so than hitherto presented. This was precisely because the processes of establishing authority were focused on the agency of different, discrete institutions. These processes illustrate two axes of reassessing national narratives that link 'church' and 'state' in Poland's path to nationhood and statehood. First, the church was not and could not be ethnically Polish, nor was the Polish ecclesiastical province limited to the Polish kingdom. While my thesis has shown that the Polish episcopate was self-consciously Polish and worked towards a homogenous Polish-speaking clergy, this was not what the papacy aimed for and was also not reflected by the regular clergy's make-up. Nor was the episcopate *always* united. Second, the methods of ruling and legitimating power employed by the laity were as influential on the clergy as much as clerical models were on lay rule. Diocesan structures governed by codified canon law and episcopal and capitular decrees served as important models for thinking about and organising ducal or royal rule. But likewise, lay practices of settlement, agricultural administration, and jurisdiction, as well as the negotiation of exemptions from customary dues, defined how the clergy exercised its lordship and, more importantly, how it asserted its clerical status. The close relation of the 1347/57 legal codifications reflects an acute point of this co-development, where the religious and lay elites' behaviours mutually influenced one another. Because this was the culmination of a long-lasting process of co-determination, the new legal situation did not cause upheaval and upset the relations that had been established until then, but solidified them.

The unity that the Polish ecclesiastical province provided through its overlap with historical lands that made up the first Piast kingdom was important in the memory of the thirteenth- and fourteenth-century political elites – including religious elites. Even so, it reflected but one aspect of religious life. The relationship of Poles with the Papal Curia was a separate aspect, also often portrayed as supporting Polish 'national' interests. However, the papacy was limited by its self-assumed role of protector of all faithful in this capacity. While the position of the Polish episcopate within the Polish polity was something that popes, especially Innocent III, and their envoys strove to strengthen, the papacy

also claimed responsibility for all Christian rulers, and faithful of all ethnicities. The mediation between Kazimierz the Great and the Teutonic Knights carried out by papal nuncios was not an episode in which the papacy protected *Polish* interests. Likewise, assertions that provisions should be made to German-speakers living in Polish duchies and dioceses in terms of pastoral care as well as their specific religious customs illustrate that the papacy was not legitimising the episcopate's project of maintaining ethnic homogeneity. A similar situation took place with regard to crusading and inquisitorial tribunals: the papacy pursued practices that prioritised its position of leadership rather than straightforwardly empowering the Polish episcopate through such tasks.

Regular orders, as exemplified by the Cistercians, Dominicans, and Franciscans, were another source of diversity within the Polish province. Their monasteries and houses were all 'transnational' organisations and structures which regulated how they operated. We have seen examples of new Cistercian foundations in the thirteenth century as daughter houses of monasteries in the Holy Roman Empire. Many new Cistercian houses were 'staffed' by German-speaking monks. The immediate affiliation to German mother-houses, and ultimate affiliation to the Cistercian general chapter meant that even if Polish monks joined – and even if the mixed inhabitants or 'foreign' connections were not antagonistic to the Polish episcopate – they nevertheless introduced an element of heterogeneity that cannot be fully reconciled with ideas about monasticism in Poland fulfilling any national role.

Arguably even more complicated was the situation of the Dominicans and Franciscans. Throughout the thirteenth century, both orders were undergoing processes of self-definition, protected by the Papal Curia. Dominican and Franciscan friars reached Poland in the early decades of the century, and, as we have seen, fulfilled different roles, introducing additional variables to an already complex religious network. The close ties of the Dominicans with the papacy in the spheres of crusading and the inquisition, and Franciscans ties with powerful nobles and subsequent monarchs, in addition to their obligations to their general and provincial chapters, made these mendicants unquestionably part of the religious life in Poland, but did not necessarily contribute to a homogenous *Polish* church. The fact that there was no trend of monks or mendicants becoming

267

bishops in the Polish province, nor was there a discernible presence of regulars in cathedral chapters proves that rather than an 'all-in-one' church with multiple hierarchies, there existed distinctive ecclesiastical hierarchies in Poland. They were joined by the territorial space and their religious nature, and sometimes by their goals, but there remained a sharp divide.

The second issue of ecclesiastical structures being the *sine qua non* for political structures can also be usefully explored through looking at different territorialities. Today, it is still explicitly or implicitly taken for granted that without Christianity, there would be no Polish nation or state. In the early stages of the Christianisation of Poland, this mindset removes the agency of the pre-Christian rulers who had shaped Polish polities prior to the official conversion. Post-conversion, it is also reductive to say that every aspect of political organisation was a product of Christian ideals. Assuming that independent thought and practice of rulership was removed by the introduction of Christian forms is evidently problematic. As we have seen, many of the practices and concerns underpinning lordship were explicitly rooted in landowning, agriculture, tithing/taxation, and delegating these roles. All could be discussed in religious terms, as Sylvain Piron has shown in his discussion of *amelioratio terrae* and the responsibility to take care of God's creation. But it is easy enough to imagine that religious rationales could be retrofitted to practices that were happening anyway. Religion and religious institutions were not necessary to the development of estate management or collection of taxes. We have seen that lordship was founded on territorial concerns, and so it must be acknowledged that episcopal or regular clerics who were lords in their own right followed patterns and conventions that were established by the laity. If we turn to look at discrete ways of exercising lordship to compare the laity and the clergy, as has been done in this thesis with administration and management at the forefront, the pragmatic nature of the 'church-state' relationship emerges. In this sphere, the clergy was reliant on the developments of the political setting and structures driven by the laity.

Looking at practices rooted in territorial thinking and lordship means removing events – such as the reunification of the Polish Kingdom – from implicitly or explicitly being the conscious end-point of the historical events

discussed. The pragmatic behaviours of the papacy, episcopate, and regular orders could only exist in Poland because they were rooted in Polish territories, but aside from that their goals differed. The *Polish* nature of the church had to be negotiated vis-à-vis the papal pursuit of universal authority (which could, nevertheless, result in the acceptance of diversity), the dynastic nature of religious foundations, and the ethnic/linguistic/political makeup of the clergy. The fact that ecclesiastical territories were being actively given sharper definition and nature – territoriality – resulted in the layers of the church being very distinct: connected, but not one. The institutions of the Polish church did not *need* to be Polish to function, though their development was bounded by local political and religious concerns. They needed to establish practices in relation to one another that facilitated their coexistence – Gniezno's insistence on maintaining leadership and working towards the unity of the province being an important factor in this. Additionally, they also had to operate within the secular political context, which shaped their possibilities.

Exploring the jurisdictional, fiscal, administrative, agricultural, dynastic, pastoral, and disciplinary practices of religious bodies in Poland allowed an understanding of the development of their coexistence. At the beginning of the thirteenth century, the papacy, the episcopate, and lay rulers contributed to the creation of separate ecclesiastical territorial jurisdictions. The intensification of these jurisdictions was continued by the actions of legates and bishops which consolidated the exercise of authority in these spaces through law, administration, and agricultural settlement. Land exchanges and the reaffirmation of privileges for ecclesiastical institutions which followed enabled the routinisation and rationalisation of their governance. During this time, monks and friars were largely removed from these processes, instead focusing on pastoral, disciplinary, and dynastic tasks. The changing behaviours of the protagonists reflect the grounding of routinisation and regularisation. One-off legatine missions were replaced with the almost-continuous presence of nuncios. Bishops focused on securing their position in Poland through regulating their internal make-up and practices, rather than securing their jurisdictional and territorial authority. The papacy focused on the collection of regular payments by the nuncios, actively preaching the crusades, and the establishment of inquisitorial tribunals. The

restoration of the monarchy between 1295 and 1320, instead of upsetting the relations of 'church' and 'state,' reinforced them. As the processes of co-determination had long been in the making, the position of religious institutions did not have to be re-negotiated following the monarchy's restoration because the clergy had been actively participating in the changes throughout.

<div align="center">***</div>

Surveying the chapters' themes, we see two somewhat counterintuitive aspects of the medieval Latin Church. On the one hand, the Polish case demonstrated the difficulties of studying 'the church,' since so many distinctive organisations and individuals contributed to the organisation. On the other, the institutional complexity of 'the church' can indeed be studied: thinking about different territorialities helps to discern the interconnected relations between different parts of the church in a tangible way. While the papacy was indeed mostly a distant rescript power, it was effective in shaping the regions of Christendom in profound ways. The intensification of papal authority as routine throughout Poland was perceptible, and we could see its effects on secular and regular clergy alike, as well as the political scene.

Though not unique, papal envoys were crucial in this shaping of Christendom by the papacy. They were the means by which papal authority and judgement could be exercised *in situ* throughout all the provinces of Latin Christendom. Thus, they created new territories, introduced new laws, or worked towards the collection of taxes on behalf of the popes. Likewise, popes aspired to lead crusades and maintain their authority through inquisitions cooperating not just with local prelates, but also with the transnational Teutonic and Dominican Orders, whose structures were overlaid onto the local ecclesiastical and lay hierarchies. Operating across these multiple layers, all parties involved were able to articulate and consolidate their authority.

My approach and analysis reconcile Hans-Joachim Schmidt's argument that the church provided unity in an otherwise disjointed Europe with Florian Mazel's account of ever more fragmented ecclesiastical spaces. These trends happened simultaneously, at different levels, and were not in tension with one another: the issue is multiplication and intensification rather than fragmentation.

In fact, we have seen that the growing delineation of territories ('fragmentation') allowed for 'big' parties like the papacy or the episcopate to assert their authority and jurisdiction more forcefully. While the church was not a *Polish Church*, it complemented and co-determined Polish ducal and monarchical rule. The allegiance to the papacy and Christian ideas about rulership were legitimised by ecclesiastical structures in Poland, and thus contributed to what Schmidt presented as European unity. Diocesan spaces, ever more defined by agricultural and legal practices, were shown to have been influenced as much by lay factors as they were by the pursuit of a special clerical status. While Mazel focused on the agency of bishops, adding Piotr Górecki's discussion of legatine involvement in regulating tithe collections in Poland is important in illustrating papal influence over the behaviours of bishops.

Tracing the practices that created territorialities within which different parties operated also 'reconciles' narratives of the papal ideology of *plenitudo potestatis* with the characterisation of papal government as rescript. This approach provides a methodology for discerning when local needs were being pursued, and when the papacy used its established position in the locality to assert its own ends. The papacy influenced the development of Polish ecclesiastical institutions profoundly, without question. But it did not accomplish this through unidirectional, 'absolutist' decrees. A pope mandating a specific change did not simply make this change happen – it had to be accepted locally, and usually any demand for this change had to be brought to the attention of the papacy. The cooperation of Innocent III and Henryk Kietlicz was a case in point – Innocent III was only able to set out how ecclesiastical territories were to be differentiated from lay lands in terms of jurisdiction with information from Kietlicz. But when we think of the papacy as exercising its authority through disciplinary or crusading measures, there we see that while it still relied on local input, it was more assertive in what it mandated.

Moreover, due to the nature of the source base – seldom giving details of personality, relations, attitudes, and the 'nitty-gritty' of ecclesiastical activities – thinking with typologies of territorial behaviours has nevertheless yielded useful interpretations of their protagonists' actions and rationales. The majority of documents produced by bishops related to their landholdings, alongside a

significant corpus of synodal legislation which defined religious behaviours of the clergy and laity. We can consequently see how the internal regulation of the religious hierarchy and its responsibilities towards the laity was complemented with a pragmatic approach to administering lands, which provided incomes for the clergy to function. The documents related to regular houses reflect lay involvement in their foundation and existence – and so we can see that this territorial, familial or dynastic patronage was important to their nature. The documents related to Dominicans show their role as preachers, pastoral carers, and inquisitors, while Franciscans were often tied to noble families.

In terms of using the concept of 'territories' for the study of history, building upon the work of Stuart Elden and supplementing it with Tim Ingold's ideas of 'taskscapes,' and Doreen Massey's conceptualisation of space as a set of overlapping social relations, this thesis has shown that the crucial aspect of any process of territorialization is that it there are multiple layers and institutions involved in it. There are no territories within which only a single organisation or institution has claim. In many cases, multiple layers overlap the same territory, and not always conflictually. Territorial rule is not always a zero-sum game. Elden argued that notions of 'territory' were not present in the middle ages, and appeared much later than Foucault had argued, in modern times.[1] But he argued that territory:

> Is something shaped by, and a shaper of, continual processes of transformation, regulation and governance. Questions of division, bordering, contestation and conquest, ownership and extraction of resources, colonisation, measurement and quantification, threat and defense all have territorial elements; all impact on the understanding and practice of territory.[2]

On that definition Elden was mistaken in saying that territorialization is a modern phenomenon: these processes were prevalent throughout the middle ages.

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[1] S. Elden, 'How Should We Do the History of Territory?' *Territory, Politics, Governance* 1:1 (2013), p. 12.
[2] S. Elden, 'How Should We Do the History of Territory?' p. 17.

Moreover, it is plain, as Massey suggested, that multiple organisations and social relations occurred in the same space simultaneously.

The notions of governmentality, borders, and territories become more useful when we think about what the papacy, the episcopate, or regular orders *did.* Ingold's ideas of 'taskscapes' allow us to think about how institutions envisaged their agency and claims towards lands they owned, even if these were not conceptualised as modern 'territories.' Moreover, comparing different 'taskscapes' projected onto the same areas helps understand how coexistence without continuous conflict was possible, following Massey.

The ideas and methodologies presented in this thesis offer an example for the study of medieval institutional developments, especially in the study of religious and lay codetermination. The case of Poland provides fertile ground for discussions about how we can think about territories as shaping how ecclesiastical and lay practices developed in relation to one another. Studying the practices that organisations and individuals used to exercise their authority over spaces they claimed as theirs allows for an understanding of institutional thinking that does not presuppose end results. This can help overcome national narratives or ossified historiographical tenets. It also provides an avenue for useful comparative studies which do not rest on core-periphery or East-West divisions, but rather focus on the means by which, for example, bishops managed their lands or religious orders secured patronage. A case in point, this thesis shows how key institutions of the medieval church – the papacy, the episcopate, and regular orders – co-created, co-consolidated, and co-exercised their territorial rule within the Polish polity.

Bibliography

Primary Sources

Manuscripts

Liber privilegiorum B Poznań Archdiocesan Archive

MS V 7 Wrocław Archdiocesan Archive

Edited Primary Source Collections

Codices Diplomatici & Regesta

Codex Diplomaticus Majoris Poloniae, ed. Piekosiński, Franciszek; Zakrzewski, Ignacy (Poznań: Poznańskie Towarzystwo Przyjaciół Nauk, 1877-1879).

Codex Diplomaticus Minoris Poloniae, ed. Piekosiński, Franciszek (Cracow: Akademia Umiejętności, 1876-1886).

Kodeks Dyplomatyczny Katedry Św. Wacława w Krakowie, ed. Piekosiński, Franciszek (Cracow: Akademia Umiejętności, 1874-1883).

Mecklenburgisches Urkundenbuch (Schwerin: Verein für mecklenburgische Geschichte und Altertumskunde, 1863-1913).

Monumenta Poloniae Historica (Lviv, Cracow: Akademia Umiejętności, 1864-1893, repr. Warsaw: Państwowe Wydawnictwo Naukowe, 1960-1961).

Monumenta Poloniae Vaticana vols 1-3 ed. Ptaśnik, Jan (Cracow: Akademia Umiejętności, 1913-1914).

Pommerellisches Urkundenbuch, ed. Perlbach, Max (Gdańsk: Westpreussischer Geschichtsverein, 1882).

Preussisches Urkundenbuch, ed. Philippi, Rudolph (Königsberg: Hartungsche Verlagsdruckerei, 1882-2000).

Regesta Honorii Papae III vols 1-2*,* ed. Pressutti, Petrus (Hildesheim: Georg Olms, 1978).

Regesta Pontificum Romanorum vols 1-2, ed. Potthast, Augustus (Graz: Akademische Druck- U. Verlagsanstalt, 1957).

Slesisches Urkundenbuch, ed. Appelt, Heinrich; Irgang, Winfried; Schadewaldt, Daphne (Vienna, Cologne, Graz: Hermann Böhlau, 1968-1998).

Vetera Monumenta Poloniae et Lithuaniae, ed. Theiner, Augustin (Rome: Typis Vaticanis, 1860-1864).

Zbiór dokumentów katedry i diecezji krakowskiej, ed. Kuraś, Stanisław (Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1965).

Law Collections and Commentaries

Corpus Iuris Canonici, ed. Richer, Emil Ludwig; Friedberg, Emil (Graz: Akademische Druck- U. Verlagsanstalt, 1959).

Decrees of the Ecumenical Councils, vol. I, *Nicaea I to Lateran V*, ed. Tanner, Norman P.; orig. Alberigo, G., (London: Sheed & Ward, 1990).

Hostiensis, *Summa aurea, liber I* (Venice, 1574), accessed at https://works.bepress.com/david_freidenreich/33/, 10/04/2017.

Innocent IV, *Apparatus in quinque libros Decretalium* (Frankfurt, 1570), accessed at: http://works.bepress.com/david_freidenreich/46/, 10/04/2017.

Statuta Synodalia Episcoporum Cracoviensium XIV et XV Saeculi ed. Heyzmann, Uldaryk, in *Starodawne Prawa Polskiego Pomniki* vol. 4 ed. Bobrzyński, Michał (Cracow: Akademia Umiejętności, 1875).

Zbiór statutów synodalnych polskich powszechnych w prowincji gnieżnieńskiej ed. Helcel, Antoni Zygmunt, in *Starodawne Prawa Polskiego Pomniki* vol. 1 ed. Helcel, Antoni Zygmunt (Warsaw: Gustaw Sennewald, 1856), pp. 331-342.

Zwód zupełny Statutów Kazimierza Wielkiego z tłómaczenia Świętosława z Wojcieszyna, ed. Helcel, Antoni Zygmunt in *Starodawne Prawa Polskiego Pomniki* vol. 1 ed. Helcel, Antoni Zygmunt (Warsaw: Gustaw Sennewald, 1856).

Chronicles, Annals, Catalogues

Annales Capituli Cracoviensis in *Monumenta Poloniae Historica* vol. 2, ed. Bielowski, August (Warsaw: PWN, 1961), pp. 801-802.

De Vita et Miraculis Sancti Iacchonis (Hyacynthi) Ordinis Fratrum Praedicatorum Auctore Stanislao Lectore Cracoviensi Eiusdem Ordinis, ed. Ćwikliński, Ludwik in *Monumenta Poloniae Historica* vol. 4 (Lviv: 1884), pp. 844-846.

Długosz, Jan, *Annales seu cronicae incliti regni poloniae* vols 1-12*,* ed. Dąbrowski, Jan; Semkowicz-Zaremba, Wanda; Pieradzka, Krystyna; Modelska-Strzelecka, Bożena; Rudziński, Andrzej, et al. (Warsaw,

Cracow: Państwowe Wydawnictwo Naukowe, Akademia Umiejętności, 1964-2005).

Długosz, Jan, *Opera Omnia*, ed. Przezdziecki, Aleksander; Polkowski, Ignacy; Pauli, Żegota (Cracow: Typographia „Czas" 1863-1887).

Monumenta Poloniae Historica, (Lviv, Cracow: Akademia Umiejętności, 1864-1893, repr. Warsaw: Państwowe Wydawnictwo Naukowe, 1960-1961).

Relationes Episcopi Olomucensis Pontifici Porrectae, Nr. 621 in *Monumenta Germaniae Historica: Constitutiones et Acta Publica Imperatorum et Regum* vol. 3 1273-1298, ed. J. Schwalm (Hanover: 1904-1906), pp. 594-595.

Secondary Sources

'Jan V z Lutogniewa' in Gąsiorowski, Antoni; Topolski, Jerzy (eds), *Wielkopolski Słownik Biograficzny* (Warsaw: Państwowe Wydawnictwo Naukowe, 1981), pp. 281-282.

'Jarosław ze Skotnik' in Gąsiorowski, Antoni; Topolski, Jerzy (eds), *Wielkopolski Słownik Biograficzny* (Warsaw: Państwowe Wydawnictwo Naukowe, 1981), pp. 292-293.

'Tomasz I' in Harasimowicz, Jan (ed.), *Encyklopedia Wrocławia* (Wrocław: Wydawnictwo Dolnośląskie, 2001), p. 853.

Abraham, Władysław, *Organizacya Kościoła w Polsce do połowy wieku XII* (Lviv: Gubrynowicz i Szmidt, 1893).

Abraham, Władysław, *Pierwszy spór kościelno-polityczny w Polsce* (Cracow: Akademia Umiejętności, 1895).

Abraham, Władysław, *Początki prawa patronatu w Polsce* (Lviv: Przegląd Sądowy i Administracyjny, 1889).

Abraham, Władysław, *Studya krytyczne do dziejów synodów prowincjonalnych kościoła polskiego* (Cracow: Akademia Umiejętności, 1917).

Abraham, Władysław, *Najdawniejsze statuty synodalne Archidiecezji gnieznieńskiej oraz statuty z rękopisu Oss. Nr. 1627* (Cracow: Akademia Umiejetnosci, 1920).

Arnold, Udo, *Zakon krzyzacki z Ziemi Świętej nad Bałtyk* (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1996).

Baran-Kozłowski, Wojciech, *Arcybiskup gnieźnieński Henryk Kietlicz (1199-1219): działalność kościelna i polityczna* (Poznań: Wydawnictwo Poznańskie, 2005).

Baran-Kozłowski, Wojciech 'Skład polskiej delegacji na obrady Soboru Laterańskiego IV' *Kwartalnik Historyczny* 110:3 (2003), pp. 15-20.

Barraclough, Geoffrey*, Papal Provisions: Aspects of Church History Constitutional, Legal and Administrative in the Later Middle Ages* (Westport: Greenwood Press, 1971).

Barraclough, Geoffrey, *The Medieval Papacy* (London: Thames and Hudson, 1972).

Bartlett, Robert, *The Making of Europe: Conquest, Colonisation, and Cultural Change 950-1350* (London: Penguin, 1994).

Baxter, Stephen, 'Archbishop Wulfstan and the Administration of God's Property' in *Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference* (Turnhout: Brepols, 2004), pp. 161-205.

Benson, Robert, 'Provincia = Regnum' in Makdisi, George; Sourdel, Dominique; Sourdel-Thomine, Janine (eds), *Preaching and Propaganda in the Middle Ages: Islam, Byzantium, Latin West* (Paris: Presses Universitaires de France, 1983), pp. 41-70.

Berend, Nora (ed.), *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe, and Rus', c. 900-1200* (Cambridge: Cambridge University Press, 2007).

Berend, Nora (ed.), *The Expansion of Central Europe in the Middle Ages* (Farnham: Ashgate, 2012).

Berend, Nora, *At the Gates of Christendom: Jews, Muslims, and 'Pagans' in Medieval Hungary, c. 1000-1300* (Cambridge: Cambridge University Press, 2001).

Berend, Nora; Urbańczyk, Przemysław; Wiszewski, Przemysław, *Central Europe in the High Middle Ages: Bohemia, Hungary, and Poland, c.1000-1350* (Cambridge: Cambridge University Press, 2013).

Berman, Constance H., 'Agriculture and economies' in Bruun, Mette B.; Jamroziak, Emilia (eds), *The Cambridge Companion to the Cistercian Order* (Cambridge: Cambridge University Press, 2012), pp. 112-124.

Bisson, Thomas N., *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009).

Bolton, Brenda, 'XI: A Show with Meaning: Innocent III's Approach to the Fourth Lateran Council, 1215' in *Innocent III: Studies on Papal Authority and Pastoral Care* (Farnham: Variorum, 1995).

Bombi, Barbara, 'Innocent III and Baltic Crusade after the Conquest of Constantinople' in Nielsen; Torben K.; Fonnesberg-Schmidt, Iben, *Crusading on the Edge: Ideas and Practice of Crusading in Iberia and the Baltic Region, 1100-1500* (Turnhout: Brepols, 2016), pp. 117-134.

Bombi, Barbara, *Anglo-Papal Relations in the Early Fourteenth Century: A Study in Medieval Diplomacy* (Oxford: Oxford University Press, 2019).

Bombi, Barbara, *Novella plantatio fidei: missione e crociata nel nord Europa tra la fine del XII e i primi decenni del XIII secolo* (Rome: Instituto storico italiano per il Medio Evo, 2007).

Boyle, Leonard E., 'Diplomatics' in Powell, James M., *Medieval Studies, an Introduction* (New York: Syracuse University Press, 1992), pp. 82-113.

Brentano, Robert, *Rome Before Avignon: A Social History of Thirteenth-Century Rome* (London: Longman, 1974).

Brentano, Robert, *Two Churches: England and Italy in the Thirteenth Century* (Berkeley: University of California Press, 1988).

Brunner, Melanie, 'The Power of the Cardinals: Decision-Making at the Papal Curia in Avignon' in Smith, Thomas W. (ed.), *Authority and Power in the Medieval Church, c.1000-c.1500* (Turnhout: Brepols, 2020), pp. 355-370.

Bruszewska-Głombiowska, Monika, *Biskup Włocławski Michał: Działalność Kościelna, Gospodarcza, Polityczna (1220-1252)* (Gdańsk: Marpress, 2002).

Burr, David, *The Spiritual Franciscans: From Protest to Persecution in the Century After Saint Francis* (University Park: The Pennsylvania State University Press, 2001).

Bysted, Ane, *The Crusade Indulgence: Spiritual Rewards and the Theology of the Crusades, c. 1095-1215* (Leiden: Brill, 2016).

Caldwell Ames, Christine, *Righteous Persecution: Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2009).

Centkowski, Jerzy, *Niezłomny Władca Władyslaw Łokietek* (Warsaw: Wydawnictwo Szkolne i Pedagogiczne, 1978).

Christiansen, Eric, *The Northern Crusades: The Baltic and the Catholic Frontier 1100-1525* (London: Macmillan, 1980).

Clanchy, Michael T., 'Did Henry III Have a Policy?' *History* 53:178 (1968), pp. 203-216.

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

Cowdrey, Herbert E., *Pope Gregory VII, 1073-1085* (Oxford: Oxford University Press, 1998).

d'Avray, David, 'Stages of papal law' *Journal of the British Academy* 5 (2017), pp. 37-59.

d'Avray, David, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005).

d'Avray, David, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge: Cambridge University Press, 2010).

d'Avray, David*, Papacy, Monarchy, and Marriage 860-1600* (Cambridge: Cambridge University Press, 2015).

d'Avray, David, *Rationalities in History: A Weberian Essay in Comparison* (Cambridge: Cambridge University Press, 2010).

d'Avray, David, *The Preaching of the Friars: Sermons Diffused from Paris before 1300* (Oxford: Oxford University Press, 1985).

Day, Kirsty A., *Constructing Dynastic Franciscan Identities in Bohemia and the Polish Duchies*, PhD Thesis, Leeds University, 2015.

Derwich, Marek, *Monastycyzm benedyktyński w średniowiecznej Europie i Polsce: wybrane problemy* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1998).

Douglas, Mary, *How Institutions Think* (Syracuse: Syracuse University Press, 1986).

Elden, Stuart, 'How Should We Do the History of Territory?' *Territory, Politics, Governance* 1:1 (2013), pp. 5-20.

Elden, Stuart, *The Birth of Territory* (Chicago: University of Chicago Press, 2013).

Ferguson, Paul, *Medieval Papal Representatives in Scotland: Legates, Nuncios, and Judges-Delegate 1125-1286* (Edinburgh: The Stair Society, 1997).

Figueira, Robert C., 'Papal Reserved Powers and the Limitations on Legatine Authority' in Sweeney, James R.; Chodorow, Stanley (eds), *Popes, Teachers, and Canon Law in the Middle Ages* (Ithaca: Cornell University Press, 1989), pp. 191-211.

Figueira, Robert C., 'The Classification of Medieval Papal Legates in the 'Liber Extra'', *Archivum Historiae Pontificiae*, 21 (1983), pp. 211-228.

Figueira, Robert C., *The Canon Law of Medieval Papal Legation*, PhD Thesis, Cornell University, 1980.

Fitzpatrick, Antonia; Sabapathy, John, 'Introduction: Individuals and Institutions in Medieval Scholasticism' in Fitzpatrick, Antonia; Sabapathy, John (eds), *Individuals and Institutions in Medieval Scholasticism* (London: University of London Press, 2020), pp. 1-49.

Fonnesberg-Schmidt, Iben, *The Popes and the Baltic Crusades 1147-1254* (Leiden: Brill, 2006).

Forrest, Ian, 'Continuity and Change in the Institutional Church' in Arnold, John H. (ed.), *The Oxford Handbook of Medieval Christianity* (Oxford: Oxford University Press, 2014), pp. 185-197.

Forrest, Ian, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton: Princeton University Press, 2018).

Foucault, Michel, *Security, Territory, Population: Lectures at the College de France 1977-78* ed. Sevellart, Michel; trans. Burchell, Graham; English ed. Davidson, Arnold I. (Basingstoke: Palgrave Macmillan, 2007).

Freed, John B., 'The Friars and the Delineation of State Boundaries in the Thirteenth Century' in Jordan, William C.; McNab, Bruce; Ruiz, Teofilo F. (eds), *Order and Innovation in the Middle Ages: Essays in Honour of Joseph R. Strayer* (Princeton: Princeton University Press, 1976), pp. 31-40.

Gałuszka, Tomasz, *Henry Harrer's Tractatus Contra Beghardos: The Dominicans and Early Fourteenth Century Heresy in Lesser Poland* trans. Panz-Sochacka, Magdalena (Cracow: Esprit, 2015).

Gawlas, Sławomir, 'Człowiek uwikłany w wielkie procesy – przykład Muskaty' in Michałowski, Roman (ed.), *Człowiek w społeczeństwie średniowiecznym* (Warsaw, DiG, 1997) pp. 391-402.

Gawlas, Sławomir, *O kształt zjednoczonego Królestwa: Niemieckie władztwo terytorialne a geneza społecznoustrojowej odrębności Polski* (Warsaw: DiG, 1996).

Geelhaar, Tim, 'Talking about *Christianitas* at the Time of Innocent III (1198-1216): What Does Word Use Contribute to the History of Concepts?' *Contributions to the History of Concepts* 10:2 (2015), pp. 7-28.

Gieysztor, Aleksander (ed.), *Polska Dzielnicowa i Zjednoczona: Państwo, Społeczeństwo, Kultura* (Warsaw: Wiedza Powszechna, 1972).

Gieysztor, Aleksander, 'The Kingdom of Poland and the Grand Duchy of Lithuania, 1370-1506' in Allmand, Christopher (ed.), *The New Cambridge Medieval History* vol. 7 (Cambridge: Cambridge University Press, 1998), pp. 727-747.

Gogola, Zbigniew, 'Dzieje Franciszkanów w Polskiej Prowincji Św. Antoniego i Bł. Jakuba Strzemię' *Folia Historica Cracoviensia* 10 (2004), pp. 141-166.

Górecki, Piotr, *A Local Society in Transition: The Henryków Book and Related Documents* (Toronto: Pontifical Institute of Mediaeval Studies, 2007).

Górecki, Piotr, *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100-1250* (Philadelphia: The American Philosophical Society, 1993).

Górecki, Piotr, *The Text and the World: The Henryków Book, Its Authors, and their Region, 1160-1310* (Oxford: Oxford University Press, 2015).

Grodecki, Roman (ed. & trans.), *Księga henrykowska. Liber Fundationis claustra sancta Marie Virginis in Heinrichow* (Poznań: Instytut Zachodni, 1949).

Grodecki, Roman (ed. & trans.), *Liber Fundationis claustra sancta Marie Virginis in Heinrichow, czyli Księga henrykowska* with a new introduction by Józef and Jacek Matuszewski (Wrocław: Muzeum Archidiecezjalne we Wrocławiu, 1991).

Grodecki, Roman, *Polska Piastowska,* ed. Wyrozumski, Jerzy (Warsaw: Państwowe Wydawnictwo Naukowe, 1969).

Harvey, Katherine, *Episcopal Appointments in England, c. 1214-1344: From Episcopal Election to Papal Provision* (Farnham: Ashgate, 2014).

Helmrath, Johannes, 'The Fourth Lateran Council. Its Fundamentals, Its Procedures in Comparative Perspective' in Mellville, Gert; Helmrath, Johannes (eds), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Dresden: Didymos-Verlag, 2017), pp. 18-40.

Hill, Felicity G., *Excommunication and Politics in Thirteenth-Century England,* PhD Thesis, University of East Anglia, 2016.

Hoffman, Richard C., *Land, Liberties, and Lordship in a Late Medieval Countryside: Agrarian Structures and Change in the Duchy of Wrocław* (Philadelphia: University of Pennsylvania Press, 1989).

Ingold, Tim 'The Temporality of the Landscape' in *World Archaeology* 25:2 (1993), pp. 152-174.

Iogna-Prat, Dominique, 'Sens et usages du territoire médiéval' *Annales, Histoire, Sciences Sociales* 72 (2017), pp. 99-107.

Jamme, Armand, 'De la banque à la chambre ? Naissance et mutations d'une culture comptable dans les provinces papales entre XIIIe et XVe siècle' in Jamme, Armand; Poncet, Olivier (eds), *Offices, écrit et papauté, XIIIe-XVIIe siècle* (Rome: École française de Rome, 2007), pp. 97-161.

Jamroziak, Emilia, 'Centres and Peripheries' in Bruun, Mette B.; Jamroziak, Emilia (eds), *The Cambridge Companion to the Cistercian Order* (Cambridge: Cambridge University Press, 2012), pp. 65-79.

Jamroziak, Emilia, 'Jan Długosz' in Bjork, Robert E. (ed.), *The Oxford Dictionary of the Middle Ages* (Oxford: Oxford University Press, 2010), accessed at https://www.oxfordreference.com/view/10.1093/acref/9780198662624.001.0001/acref-9780198662624-e-3121, 28/05/2020.

Jamroziak, Emilia, 'Spaces of Lay-Religious Interaction in Cistercian Houses of Northern Europe' *Parergon* 27:2 (2010), pp. 37-58.

Jamroziak, Emilia, *The Cistercian Order in Medieval Europe 1090-1500* (London: Routledge, 2013).

Jasienica, Paweł, *Piast Poland* trans. Jordan, Alexander (Miami: American Institute of Polish Culture, 1992).

Jasiński, Kazimierz, 'Dokumenty biskupa kujawskiego Michała dla dominikanów w Gdańsku. Kwestia datacji' *Annales Universitatis Mariae Curie-Skłodowska. Sectio F, Historia* 45 (1990), pp. 109-118.

Jotischky, Andrew, 'Eugenius III and the Church in the Crusader States' in I. Fonnesberg-Schmidt; A. Jotischky (eds), *Pope Eugenius III (1145-1153): The First Cistercian Pope* (Amsterdam: Amsterdam University Press, 2018), pp. 341-358.

Kalous, Antonín, *The Late Medieval Papal Legation: Between the Council and the Reformation* (Rome: Viella, 2017).

Kantak, Stefan K.J., *Franciszkanie polscy 1237-1517* (Cracow: Prowincjałat oo. Franciszkanów, 1937).

Karczewski, Dariusz, *Franciszkanie w monarchii Piastów i Jagiellonów w średniowieczu* (Cracow: Avalon, 2012).

Karwowski, Stanisław, 'Biskupi poznańscy z XII i początku XIII wieku' *Roczniki Towarzystwa Przyjaciol Nauk Poznańskiego* 37 (1911), pp. 128-140.

Kay, Richard, *Councils and Clerical culture in the Medieval West* (Aldershot: Variorum, 1997).

Kiss, Gergely, 'Magdeburg/Poznań and Gniezno – The Emergence of the Polish Ecclesiastical Hierarchy and its Dichotomy' in Barabás, Gabor; Kiss, Gergely (eds), *Dissertationes historicae collectae per Cathedram Historiae Medii Aevi Modernorumque Temporum Universitatis Quinqueecclesiensis*

Specimina Nova Pars Prima Sectio Mediaevalis VIII (Pécs: University of Pécs, 2015), pp. 23-34.

Kłoczowski, Jerzy (ed.), *Franciszkanie w Polsce średniowiecznej: Franciszkanie na ziemiach polskich* vol. 1, (Cracow: Prowincjałat oo. Franciszkanów Konwentualnych Prowincji Św. Antoniego i Bł. Jakuba Strepy, 1983).

Kłoczowski, Jerzy, 'Solus de Polonia... Polacy na soborach powszechnych XII-XIII wieku' in Kuczyński, Stefan K. (ed.), *Cultus et cognitio. Studia z dziejów średniowiecznej kultury* (Warsaw: Państwowe Wydawnictwo Naukowe, 1976), pp. 259-265.

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

Kłoczowski, Jerzy, *Młodsza Europa. Europa Środkowo-Wschodnia w kręgu cywilizacji chrześcijańskiej średniowiecza* (Warsaw: Państwowe Wydawnictwo Naukowe, 1998).

Kłoczowski, Jerzy, *Polska prowincja dominikańska w średniowieczu i rzeczypospolitej obojga (wielu) narodów. Studia nad historią dominikanów w Polsce* vol. 5 (Poznań: W Drodze, 2008).

Kłoczowski, Jerzy, *Studia nad historią Dominikanów w Polsce 1222-1972* vol. 1, (Warsaw: Wydawnictwo Polskiej Prowincji Dominikanów, 1975).

Knoll, Paul W., 'Wladyslaw Łokietek and the Restoration of the *Regnum Poloniae' Medievalia et Humanistica* 17 (1966), pp. 53-55.

Knoll, Paul W., *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago: Chicago University Press, 1972).

Kras, Paweł, *Ad abolendam diversarum haeresium pravitatem: System inkwizycyjny w średniowiecznej Europie* (Lublin: Wydawnictwo KUL, 2006).

Kras, Paweł, 'Repression of Heresy in Late Medieval Poland' in Bracha, Krzysztof; Kras, Paweł (eds), *Przestrzeń religijna Europy Środkowo-Wschodniej w średniowieczu / Religious Space of East-Central Europe in the Middle Ages* (Warsaw: DiG, 2010), pp. 310-327.

Kras, Paweł; Gałuszka, Tomasz; Poznański, Adam (eds), *Proces beginek świdnickich w 1332 roku. Studia historyczne i edycja łacińsko-polska* (Lublin: Wydawnictwo KUL, 2018).

Kumor, Bolesław, 'Kościół w obronie polskości. Działalność metropolity Jakuba Świnki' in Kumor, Bolesław; Obertyński, Zbigniew (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 (Poznań: Pallottinum, 1974), pp. 130-134.

Kumor, Bolesław, 'Kościół w Polsce w okresie reformy gregoriańskiej' in Kumor, Bolesław; Obertyński, Zbigniew (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 (Poznań: Pallottinum, 1974), pp. 112-115.

Kumor, Bolesław, 'Walka o „wolność Kościoła" w Polsce' in Kumor, Bolesław; Obertyński, Zbigniew (eds), *Historia Kościoła w Polsce* vol. 1 pt. 1 (Poznań: Pallottinum, 1974), pp. 107-124.

Kuttner, Stephan; García y García, Antonio, 'A New Eyewitness Account of the Fourth Lateran Council' *Traditio* 1964 (20), pp. 115-178.

Ladner, Gerhart B., 'The Concepts of 'Ecclesia' and 'Christianitas' and their Relation in the Idea of Papal 'Plenitudo Potestatis' from Gregory VII to Boniface VIII' in *Sacerdozio e regno da Gregorio VII a Bonifacio VIII* (Rome: Pont. Univ. Gregoriana, 1954), pp. 49-77.

Lambert, Malcolm D., *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order 1210-1323* (London: S.P.C.K, 1961).

Lauwers, Michel, 'Territorium non facere diocesim… Conflits, limites et représentation territoriale du diocese (Ve-XIIIe siecle)' in Mazel, Florian (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008), pp. 23-65.

Leighton, Gregory, 'Did the Teutonic Order Create a Sacred Landscape in Thirteenth-Century Prussia?' *Journal of Medieval History* 2018 44(4), pp. 457-483.

Lelewel, Joachim, *Polska Wieków Średnich, czyli Joachima Lelewela w dziejach narodowych polskich postrzeżenia* (Poznań: Stefański, 1847-1855).

Lenoble, Clément, *L'exercice de la pauvreté : économie et religion chez les franciscains d'Avignon (XIIIe - XVe siècle)* (Rennes: Presses universitaires de Rennes, 2013).

Little, Lester K., *Religious Poverty and the Profit Economy in Medieval Europe* (London: Elek, 1978).

Lukowski, Jerzy; Zawadzki, Herbert, *A Concise History of Poland* (Cambridge: Cambridge University Press, 2006).

Maciejewski, Jacek, 'Vincentius's Background and Family Origins: The Evidence and Hypothesis' in von Güttner-Sporzyński, Darius (ed.), *Writing History in Medieval Poland: Bishop Vincentius of Cracow and the Chronica Polonorum* (Turnhout: Brepols, 2017), pp. 19-42.

Maciejewski, Jacek, *Działalność Kościelna Gerwarda z Ostrowa, Biskupa Włocławskiego w latach 1300-1323* (Bydgoszcz: WSP, 1996).

Maciejewski, Jacek, *Episkopat Polski Dobry Dzielnicowej 1180-1320* (Cracow: Societas Vistulana, 2003).

Maier, Christoph T., *Preaching the Crusades: Mendicant Friars and the Cross in the Thirteenth Century* (Cambridge: Cambridge University Press, 1994).

Manteuffel, Tadeusz, *Historia Powszechna: Średniowiecze* (Warsaw: Państwowe Wydawnictwo Naukowe, 1974).

Manteuffel, Tadeusz, *Papiestwo i Cystersi, ze szczególnym uwzględnieniem ich roli w Polsce na przełomie XII i XIII w.* (Warsaw: Państwowe Wydawnictwo Naukowe, 1955).

Massey, Doreen, *For Space* (London: SAGE, 2008).

Mazel, Florian (ed.), *L'espace du diocèse. Genèse d'un territoire dans l'Occident médiéval (Ve-XIIIe siècle)* (Rennes: Presses universitaires de Rennes, 2008).

Mazel, Florian, 'L'Église, la cité et la modernité' *Annales, Histoire, Sciences Sociales* 72 (2017), pp. 109-120.

Mazel, Florian, *L'évêque et le territoire : L'invention médiéval de l'espace (Ve-XIIIe siècle)* (Paris: Editions du Seuil, 2013).

McFarlane, Kenneth B., 'Had Edward I a 'Policy' Towards the Earls?' *History* 50:169 (1965), pp. 145-159.

Mellville, Gert, 'System Rationality and the Dominican Success in the Middle Ages' in Robson, Michael J.P.; Röhrkasten Jens (eds), *Franciscan*

Organisation in the Mendicant Context: Formal and Informal Structures of the Friars' Lives and Ministry in the Middle Ages (Münster: LIT Verlag, 2010), pp. 377-388.

Melville, Gert, *The World of Medieval Monasticism: Its History and Forms of Life* trans. Mixson, James D. (Collegeville: Liturgical Press, 2016).

Michaud, Claude, 'The Kingdoms of Central Europe in the Fourteenth Century' in Jones, Michael (ed.), *The New Cambridge Medieval History* vol. 6 (Cambridge: Cambridge University Press, 2000), pp. 735-763.

Milliman, Paul C., *The Slippery Memory of Men: The Place of Pomerania in the Medieval Kingdom of Poland* (Leiden: Brill, 2013).

Moore, John C., *Pope Innocent III (1160/61-1216): To Root Up and to Plant* (Leiden: Brill, 2003).

Moore, Robert I., 'Afterthoughts on The Origins of European Dissent', in Frassetto, Michael (ed.), *Heresy and the Persecuting Society in the Middle Ages: Essays on the Work of R. I. Moore* (Leiden: Brill, 2006), pp. 291-326.

Moore, Robert I., *The First European Revolution, c.970-1215* (Oxford: Blackwell, 2000).

Moore, Robert I., *The War on Heresy* (Cambridge MA: Harvard University Press, 2012).

Morris, Colin, *The Papal Monarchy: The Western Church from 1050-1250* (Oxford: Clarendon Press, 1989).

Muldoon, James, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250-1550* (Philadelphia: University of Pennsylvania Press, 2015).

Müller, Harald, 'Legates and Judges-Delegate' in Sisson, Keith; Larson, Atria (eds), *A Companion to the Medieval Papacy: Growth of an Ideology and Institution* (Leiden: Brill, 2016), pp. 197-219.

Nagy, Piroska, 'La notion de *Christianitas* et la spatialisation du sacré au Xe siècle : Un sermon d'Abbon de Saint-Germain' *Médiévales* 49 (2005), pp. 121-140.

Naruszewicz, Adam, *Historya Narodu Polskiego* (Warsaw: 1803-1824).

Newman, Martha G., 'Foundation and Twelfth Century' in Bruun, Mette B.; Jamroziak, Emilia (eds), *The Cambridge Companion to the Cistercian Order* (Cambridge: Cambridge University Press, 2012), pp. 25-37.

North, Douglass, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990).

Nowak, Przemysław, 'Recent work on the *Dagome iudex* in the *Collectio Canonum* of Cardinal Deusdedit' in Krafl, Pavel (ed.), *Sacri Canones Editandi* (Brno: Reprocentrum, 2017), 25-39.

Ożóg, Krzysztof, 'Prawo kościelne w Polsce w XIII-XV stuleciu' in Krafl, Pavel (ed.), *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), pp. 57-80.

Partner, Peter, *The Pope's Men: The Papal Civil Service in the Renaissance* (Oxford: Oxford University Press, 1990).

Patschovsky, Alexander, 'Waldenserforschung in Schweidnitz 1315,' *Deutsches Archiv fur Erforschung des Mittelalters* 36 (1980), pp. 137-176.

Peltzer, Jörg, *Canon Law, Careers and Conquest: Episcopal Elections in Normandy and Greater Anjou c.1140-c.1230* (Cambridge: Cambridge University Press, 2007).

Pennington, Kenneth, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984).

Pennington, Kenneth, *Popes, Canonists and Texts, 1150-1550* (Aldershot: Variorum, 1993).

Pietras, Tomasz, „*Krwawy Wilk z Pastorałem" Biskup Krakowski Jan zwany Muskatą* (Warsaw: Semper, 2001).

Piron, Sylvain, 'L'amélioration du monde' *Revue de théologie et de philosophie* 144 (2012), pp. 221-234.

Powell, James A., *Anatomy of a Crusade, 1213-1221* (Philadelphia: University of Pennsylvania Press, 1986).

Prokop, Krzysztof R., *Arcybiskupi Gnieźnieńscy w Tysiącleciu* (Cracow: Polska Akademia Umiejętności, 2000).

Purcell, Maureen, *Papal Crusading Policy, 1244-1291* (Leiden: Brill, 1975).

Rajman, Jerzy, 'Cystersi na terenach, gdzie „bez rolników ziemia leżała lesista". Uwagi o działalności zakonu na tzw. pograniczach w Czechach, na Węgrzech i w Polsce (XII—XIII wiek)' *Średniowiecze Polskie i Powszechne* 12 (2016), pp. 167-195.

Rennie, Kriston R., *The Foundations of Medieval Papal Legation* (Basingstoke: Palgrave Macmillan, 2013).

Revel, Jacques, 'L'Institution et le social' in Revel, Jacques, *Un Parcours critique. Douze exercices d'histoire totale* (Paris: Galaade, 2006), pp. 85-110.

Riley-Smith, Jonathan, *The Crusades: A History,* 2nd Edition (London: Continuum, 2005).

Rist, Rebecca, *Popes and Jews, 1095-1291* (Oxford: Oxford University Press, 2015).

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

Rowell, Stephen C., 'The Central European Kingdoms' in Abulafia, David (ed.), *The New Cambridge Medieval History* vol. 5 (Cambridge: Cambridge University Press, 1999), pp. 754-778.

Sabapathy, John, *Officers and Accountability in Medieval England 1170-1300* (Oxford: Oxford University Press, 2014).

Sackville, Lucy J., 'The Church's Institutional Response to Heresy in the 13th Century' in Prudlo, Donald (ed.), *A Companion to Heresy Inquisitions* (Leiden: Brill, 2019), pp. 108-140.

Sayers, Jane E., 'Adrian IV (*d.* 1159)', *Oxford Dictionary of National Biography*, (Oxford: Oxford University Press, 2004).

Sayers, Jane E., *Innocent III: Leader of Europe 1198-1216* (London: Longman, 1994).

Sayers, Jane E., *Papal Judges Delegate in the Province of Canterbury, 1198-1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford: Oxford University Press, 1971).

Scales, Len, *The Shaping of German Identity: Authority and Crisis, 1245-1414* (Cambridge: Cambridge University Press, 2012).

Schmidt, Hans-Joachim, 'Contested Frontiers: Mendicant Provinces Between Germany and Poland During the Late Middle Ages in Jamroziak, Emilia; Strober, Karen (eds), *Monasteries on the Borders of Medieval Europe: Conflict and Cultural Interaction* (Turnhout: Brepols, 2013), pp. 129-132.

Schmidt, Hans-Joachim, 'Establishing an Alternative Territorial Pattern: The Provinces of the Mendicant Orders' in Robson, Michael J.P.; Röhrkasten Jens (eds), *Franciscan Organisation in the Mendicant Context: Formal and informal structures of the friars' lives and ministry in the Middle Ages* (Münster: LIT Verlag, 2010), pp. 1-19.

Schmidt, Hans-Joachim, *Kirche, Staat, Nation: Raumgliederung der Kirche im Mittelalterlichen Europa* (Weimar: Verlag Hermann Böhlaus Nachfolger, 1999).

Selart, Anti, 'Popes and Livonia in the First Half of the Thirteenth Century: Means and Chances to Shape the Periphery' *The Catholic Historical Review* 100:3 (2014), pp. 437-458.

Selart, Anti, *Livonia, Rus' and the Baltic Crusades in the Thirteenth Century*, trans. Robb, Fiona (Leiden: Brill, 2015).

Silnicki, Tadeusz, *Biskup Nanker* (Warsaw: Pax, 1953).

Silnicki, Tadeusz, *Rola dziejowa kościoła polskiego na Śląsku w wiekach XI-XIII* (Katowice: Wydawnictwo Instytutu Śląskiego, 1935).

Silnicki, Tadeusz; Goląb, Krzysztof, *Arcybiskup Jakub Świnka i jego epoka* (Warsaw: Pax, 1956).

Smith, Thomas W., 'The Development of Papal Provisions in Medieval Europe' *History Compass* 13:3 (2015), pp. 110-121.

Smith, Thomas W., *Curia and Crusade: Pope Honorius III and the Recovery of the Holy Land 1216-1227* (Turnhout: Brepols, 2017).

Smolka, Stanisław, *Uwagi o pierwotnym ustroju społecznym Polski Piastowskiej* (Cracow: Drukarnia Uniwersytetu Jagiellońskiego, 1881).

Southern, Richard W., *Western Society and the Church in the Middle Ages* (London: Penguin, 1982).

Strzelczyk, Jerzy, 'Bohemia and Poland: Two Examples of Successful Western Slavonic State-Formation' in Reuter, Timothy (ed.), *The New Cambridge Medieval History* vol. 3 (Cambridge: Cambridge University Press, 2000), pp. 514-535.

Summerlin, Danica, 'The reception and authority of conciliar canons in the later-twelfth century: Alexander III's 1179 Lateran canons and their manuscript context' *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 131 (2014), pp. 112-131.

Szczur, Stanisław, *Historia Polski: Średniowiecze* (Cracow: Wydawnictwo Literackie, 2002).

Szymaniak, Marek, *Biskup Płocki Gedko (1206-1223): Działalność Kościelno-Polityczna Na Tle Procesu Emancypacji Kościoła Polskiego Spod Władzy Ksiażecej* (Toruń: Adam Marszałek, 2007).

Szymański, Józef, 'Biskupstwa polskie w wiekach średnich. Organizacja i funkcje' in Kłoczowski, Jerzy (ed.), *Studia nad Historią Kościoła Katolickiego w Polsce* vol. 1 (Cracow: Znak, 1966), pp. 175-177.

Thompson, Augustine, 'The Origins of Mendicancy in Medieval Europe' in Prudlo, Donald (ed.), *The Origin, Development, and Refinement of Medieval Religious Mendicancies* (Leiden: Brill, 2011), pp. 1-30.

Tierney, Brian, *The Crisis of Church & State 1050-1300* (Englewood Cliffs: Prentice-Hall, 1964), pp. 127-138.

Trottmann, Christian, 'Giovanni XXII' *Enciclopedia dei Papi* (Rome: Treccani, 2000), accessed at http://www.treccani.it/enciclopedia/giovanni-xxii_%28Enciclopedia-dei-Papi%29/, 26/08/2019.

Tugwell, Simon, 'Notes on the Life of St Dominic' *Archivum Fratrum Praedicatorum* 68 (1998), pp. 78-83.

Tugwell, Simon, 'The Evolution of Dominican Structures of Government II: The First Dominican Provinces' *Archivum Fratrum Praedicatorum* 70 (2000), pp. 18-68.

Tyerman, Christopher, *God's War: A New History of the Crusades* (London: Penguin, 2006).

Tymieniecki, Kazimierz, *Polska w Średniowieczu* (Warsaw: Państwowe Wydawnictwo Naukowe, 1961).

Ulanowski, Bolesław, *O pracach przygotowawczych do historyi prawa kanonicznego w Polsce* (Cracow: Gebethner i Spółka, 1887).

Urbańczyk, Przemysław; Rosik, Stanisław, 'The Kingdom of Poland, with an Appendix on Polabia and Pomerania between Paganism and Christianity', in Berend, Nora (ed.), *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c.900-1200* (Cambridge: Cambridge University Press, 2007), pp. 263-318.

Uruszczak, Wacław, 'Rola prawa kanonicznego w rozwoju prawa polskiego' Krafl, Pavel (ed.) *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV* (Prague: Historicky Ustav AV Cr, 2008), pp. 196-200.

Uruszczak, Wacław, 'Ustawodawstwo synodów Kościola Katolickiego w Polsce w XIII I XIV wieku' *Czasopismo Prawno-Historyczne* 51 (1999), pp. 133-147.

Vauchez, André, *Francois d'Assise* (Paris: Fayard, 2009).

Vetulani, Adam, *Dekretały papieskie jako źródło do poznania dawnych dziejów prawa polskiego* (Poznań: Towarzystwo Przyjaciół Nauk, 1956).

Vetulani, Adam, *Początki oficjałatu biskupiego w Polsce* (Cracow: Akademia Umiejętności 1939).

Vetulani, Adam, *Statuty Synodalne Henryka Kietlicza,* (Cracow: Akademia Umiejętności, 1938).

Vlasto, Alexis P., *The Entry of the Slavs into Christendom: An Introduction to the Medieval History of the Slavs* (Cambridge: Cambridge University Press, 1970).

von Güttner-Sporzyński, 'Poland and the Papacy Before the Second Crusade' in Balard, Michel, *The Papacy and the Crusades: Proceedings of the 7th Conference of the Society for the Study of the Crusades and the Latin East, 2008* (Farnham: Ashgate, 2011), pp. 255-268.

von Güttner-Sporzyński, Darius, *Poland, Holy War, and the Piast Monarchy, 1100-1230* (Turnhout: Brepols, 2014).

Wajs, Hubert, Polonia et Sedes Apostolica. Relacje polityczne, religijne i dyplomatyczne od X do XV wieku' in Biliński, Wojciech (ed.), *Polska-Stolica Apostolska. Z dziejów wzajemnych relacji w 100. Rocznicę odnowienia stosunków dyplomatycznych / Poland and the Holy See. A History of Bilateral Ties on the 100th Anniversary of Renewed Diplomatic Relations* (Warsaw: Ministerstwo Spraw Zagranicznych, 2019).

Watt, John A, 'The Papacy' in Abulafia, David (ed.), *The New Cambridge Medieval History* vol. 5 (Cambridge: Cambridge University Press, 1999), pp. 105-163.

Watts, John, *The Making of Polities: Europe 1300-1500* (Cambridge: Cambridge University Press, 2009).

Wayno, Jeffrey M., 'Rethinking the Fourth Lateran Council of 1215' *Speculum* 93:3 (2018), pp. 611-637.

Weber, Maximilian K.E., 'Chapter XI: Bureaucracy' in *Economy and Society: An Outline of Interpretive Sociology*, ed. G. Roth; C. Wittich, trans. E. Fischoff; H. Gerth; A.M. Henderson; F. Kolegar; C. Wright Mills; T. Parsons; M. Rheinstein; G. Roth; E. Shils; C. Wittich, vol. 2 (Berkeley: University of California Press, 1978), pp. 956-1005.

Whalen, Brett Edward, *The Medieval Papacy* (Basingstoke: Palgrave Macmillan, 2014).

Whalen, Brett Edward, *The Two Powers: The Papacy, the Empire, and the Struggle for Sovereignty in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 2019).

Wickham, Chris, 'Problems in Doing Comparative History' in Skinner, Patricia (ed.), *Challenging the Boundaries of Medieval History: The Legacy of Tim Reuter* (Turnhoout: Brepols, 2007), pp. 5-28.

Wiedemann, Benedict, *Papal Overlordship and Protectio of the King, c. 1000-1300,* PhD Thesis, University College London, 2017.

Wiśniowski, Eugeniusz, 'Structures diocésaines et paroissiales de l'Église catholique romaine dans les territoires polonais aux XIVe et XVe siècles' in *L'Église et le peuple chrétien dans les pays de l'Europe du Centre-est et du Nord (XIVe-XVe siècles) Actes du colloque de Rome* (Rome: École Française de Rome, 1990), pp. 13-28.

Witkowski, Krzysztof, *Władysław Odonic książę wielkopolski (ok. 1190-1239)* (Cracow: Societas Vistulana, 2012).

Wood, Susan, *The Proprietary Church in the Medieval West* (Oxford: Oxford University Press, 2006).

Wółkiewicz, Ewa, 'Pleban i 'bracia mniejsi' – konflikt o wiernych w późnośredniowiecznej Nysie' in Derwich; Marek, Pobóg-Lenartowicz, Anna (eds), *Klasztor w Kościele średniowiecznym i nowożytnym* (Warsaw: DiG, 2010), pp. 335-348.

Wyrozumski, Jerzy 'Kościół i społeczeństwo polski w świetle bulli papieża Innocentego III' in Michałowski, Roman (ed.), *Człowiek w społeczeństwie średniowiecznym* (Warsaw: DiG, 1997), pp. 109-118.

Wyrozumski, Jerzy, 'Poland in the Eleventh and Twelfth Centuries' in Luscombe, David; Riley-Smith, Jonathan (eds), *The New Cambridge Medieval History* vo. 4 pt. 2 (Cambridge: Cambridge University Press, 2004), pp. 277-289.

Wyrozumski, Jerzy, *Kazimierz Wielki* (Wrocław: Ossolineum, 1982).

Wyrwa, Andrzej M., 'Rozprzestrzenianie się Cystersów w Europie Zachodniej i na Ziemiach Polskich' in Strzelczyk, Jerzy (ed.), *Cystersi w kulturze średniowiecznej Europy* (Poznań: Uniwersytet Adama Mickiewicza, 1992), pp. 25-54.

Zachorowski, Staninsław, *Jakób Biskup Płocki i Jego Działalność Ustawodawcza i Organizacyjna 1396-1425* (Cracow: Akademia Umiejętności, 1915).

Zielinska, Agata, 'Provinces, Policies, and Popes: Comparing Polish and English Episcopal Elections Over the Long Thirteenth Century' in Spencer, Andrew; Briggs, Chris (eds), Thirteenth Century Conference XVIII – Exceptional England? – Proceedings of the Cambridge Conference 2019, forthcoming.

Zielinska, Agata, 'Remembering how to fast in medieval Poland: the papal legate Jacques Pantaléon on regional and ethnic particularity' *Reading Medieval Studies* 45 (2019), pp. 47-73.

Zientara, Benedykt, *Henryk Brodaty i Jego Czasy* (Warsaw: Trio, 2006).

Zutshi, Patrick, 'The Personal Role of the Pope in the Production of Papal Letters in the Thirteenth and Fourteenth Centuries' in Pohl, Walter; Herold, Paul (eds), *Vom Nutzen des Schreibens: Soziales Gedächtnis, Herrschaft und Besitz im Mittelalter* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2002), pp. 225-236.