
Crime, Punishment and Pacifism in the Thought of Bishop Mikuláš of Pelhřimov, 1420-1452

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The Hussite Revolution and the Táborige version of the Bohemian Reformation demonstrated conclusively that ecclesiastical power and privilege could not be abolished, only transferred. For all its revolutionary rhetoric, the priests of Táborige continued to exemplify many of the aspects of the medieval priesthood of the Roman church. If the social gains of the revolutionary vision in Bohemia succeeded only partially or temporarily, they succeeded nonetheless. The power and influence of religion, however, remained. As for the house of authority it is sufficient to state that while secular power *de facto* passed into the hands of Jan Žižka, Táborige was ruled ecclesiastically by Mikuláš of Pelhřimov "Biskupec" [the little bishop].¹

I. Mikuláš was born in the southeastern Bohemian town of Pelhřimov around 1385. Before the turn of the century he took the first church order in 1399. He proceeded from Charles University in Prague *baccalarius artium* in 1409.² Around 1411 he entered the Lithuanian College which at that time was under the direction of Jan Hus.³ Early in the year 1415, having been ordained priest, Mikuláš left Prague and was appointed to a cure in the town of Kondrac pod Blaníkem in south Bohemia. This was the beginning of his long and important association with that

1) In addition to the primary sources listed below the following secondary studies are helpful as an introduction to the study of Mikuláš, his life and thought. In English, several studies by Howard Kaminsky, *A History of the Hussite Revolution* (Berkeley and Los Angeles, 1967) *passim*; "The Free Spirit in the Hussite Revolution." in *Millennial Dreams in Action: Comparative Studies in Society and History*, supplement II, ed., Sylvia H. Thrupp (The Hague 1962) 166-86; "The Religion of Hussite Táborige," in *The Czechoslovak Contribution to World Culture*, ed., Miloslav Rechcigl, Jr. (The Hague and London, 1964) 210-23; and "Chiliasm and the Hussite Revolution" CH 26 (1957) 43-71. In Czech see especially František Šmahel, *Husitská revoluce*, 4 vv. (Prague, 1993) *passim*; František M. Bartoš, *Mikuláš z Pelhřimova* (Táborige, 1939); Bartoš, "Táborigské bratrstvo let 1425-1426 na soudě svého biskupa Mikuláše z Pelhřimova," *Časopis společnosti přátel starožitností českých* 29 (1921) 102-22; Bartoš, *Světcí a kacíři* (Prague, 1949) 175-96; Amedeo Molnár, "Nad úvodními kapitolami Biskupcovy táborigské konfese," *Theologická příloha Křestánské revue* (1961) 67-72 and Bohuslav Souček, "Veritas super omnia. Z biblických studií a odkazu Mikuláše Biskupce z Pelhřimova," *Theologická příloha Křestánské revue* (1961) 73-90. In German see Erhard Peschke, "Zur Theologie des Taboriten Nikolaus von Pilgram," *Wissenschaftliche Zeitschrift* (Halle) 19 (1970) 153-70. In French see Amedeo Molnár, "Réformation et Révolution: Las cas du senior taborite Nicolas Biskupec de Pelhřimov." CV 13 (1970) 137-53 and Paul De Vooght, "Nicolas Biskupec de Pelhřimov et son apport à l'évolution de la méthodologie théologique hussite," *Recherches de Théologie ancienne et médiévale* 40 (1973) 175-207.

2) He is not, however, listed in the register of graduates of Charles University in 1409. See the printed edition in Josef Tříška, ed., *Životopisný slovník předhusitské pražské univerzity 1348-1409* (Prague: Univerzita Karlova, 1981).

3) On the foundation of this institution see Thomas A. Fudge, "'Ansellus dei' and the Bethlehem Chapel in Prague," CV 35,2 (1993) 136.

region. If our knowledge of the life and activities of Mikuláš of Pelhřimov is scanty for the early years of his career, the trickle dries up completely for the next five years. In the absence of any records it is impossible to affirm anything, but possible to make one obvious, albeit important, speculation: Mikuláš rose to such prominence in religious affairs and in the burgeoning religious ferment in south Bohemia that by 1420 when we next hear of him it is because the Tábórites had elected him as their bishop at a synod held at Klatovy. Of the cadre of Hussites associated with Tábor and its doctrine - numerous priests including Václav Koranda of Plze and, even Jan Želivský - it comes as somewhat of a surprise that Mikuláš was chosen.⁴ According to the Hussite chronicler Vavřinec of Březová, in late September 1420 the Tábórite people at Hradiště no longer wishing to be without a central religious authority or spiritual head, elected Mikuláš as their elder and bishop. All other priests were to respect and obey Mikuláš and all preaching required the permission of the bishop.

Desiring to be no longer without a spiritual director, Tábórites in Hradiště during September 1420 came to a consensus to appoint Mikuláš of Pelhřimov, a priest and bachelor of arts, to serve as bishop and elder. All priests were to be led by him and preaching the Word of God to the people required the consent of the bishop. Additionally, along with the other priests, he was in charge of faithfully distributing communal funds in accordance with the needs of the brethren⁵

That there was a need to regulate the preaching activity of the Tábórites suggests a diverse popular movement in need of moderation. With this commission to provide spiritual leadership, regulate preaching, supervise the clergy and administer the wealth of the communal chests, it is then somewhat intriguing that Mikuláš selected Písek, rather than Tábor, as his seat. Despite this physical and symbolic separation from Tábor, the regulating presence of the new bishop was never in doubt. Ongoing speculation as to whether Mikuláš was among the radicals, the moderates or a man of the centre at Tábor only underscores the enigma surrounding his rise to prominence.⁶ Mikuláš must have been among the earliest converts to the Tábórite message and one of the first to make that precipitous journey of negation to the abandoned fortress at Hradiště. His ecclesiastical career in the Roman church was over; his role as bishop of an heretical popular movement had begun.

4) Howard Kaminsky has speculated that Mikuláš was chosen as bishop on account of his university education and background. *A History of the Hussite Revolution*, 388. The question remains: to what extent did these radical Hussites value formal education? We know for instance that Tábórite preachers spoke against those who engaged in formal education and who pursued degrees. Such individuals were dismissed as sinners or pagans. See the note in Jiří Kejř, *Mistři pražské univerzity a kněží táborští* (Prague, 1981) 28 with references to the sources. Notwithstanding this, the evidence of literacy and learning was preponderant at Tábor. See Frantisek Šmahel, "Literacy and Heresy in Hussite Bohemia," in Anne Hudson and Peter Biller, eds., *Heresy and Literacy, 1000-1530* (Cambridge, 1994) 252-3 and Amedeo Molnár, "Taboristische Schriftum," *CV* 22,3 (1979) 105-22.

5) *Historia Hussitica*, FRB 5:438.

6) The idea that Mikuláš was elevated at the behest of a conservative element engineered by Žižka is hardly tenable and unsupported by any firm evidence. See František M. Bartoš, "Studie o Žižkovi a jeho době," *ČČM* 98 (1924) 102-5. Josef Macek, on the other hand, regards Mikuláš as representative of a middle way. *Tábor v husitském revolučním hnutí*, (Prague, 1955) 2:49. Kaminsky has noted, and his argument is convincing, that since the various Tábórite parties did not form until after the episcopal election in 1420 the hypothesis of placing Mikuláš within a configuration of conservatives, moderates and radicals is altogether unhelpful. See his *A History of the Hussite Revolution*, 388.

During the 1420s the bishop of Tábor was found on several occasions with Petr Chelčický, a former Táborite committed to the principles of pacifism and separatism, debating the nature of theology, the church and the Hussite reformation.⁷ The work of Biskupec provided Tábor with an intellectual and ideological basis and identity. During the turbulent years of social and religious upheaval and political revolution, Mikuláš worked at securing order and a sense of stability. Later, when five successive imperial crusades against the Hussites ended in utter failure, a Hussite delegation was invited to appear at the Council of Basel in 1433 to state their position on ecclesiastical *reformatio* and *renovatio* before the council fathers. While more than a dozen years earlier it may have been surprising for Mikuláš to have been named the bishop of the Hussites at Tábor, it came as no surprise to anyone that he was included among the official Hussite delegation to Basel and one of the four plenary speakers on behalf of the Hussite cause. His appearance and speeches at that convocation will be taken up below.

During the 1430s Mikuláš became involved in several important literary endeavors. Among the significant extant texts are the "Táborite Confession" of 1431 and a "Chronicle containing the cause of the priests of Tábor and the attacks against it by the masters of Prague."⁸ This latter work was begun in 1435 following the decisive Battle of Lipany and is a most useful source for understanding the Hussite struggle. The chronicle is a collection of materials documenting the rise and progress of the Táborite movement. It is not a narrative history of the radical Hussite movement. More importantly it is a collection of documents from the numerous disputations held between 1420 and 1444 involving Hussites from Prague and Tábor. Beginning with the memory of "St." Jan Hus, Mikuláš records the "truth" of the Hussite struggle at Tábor.⁹ The chronicle an obvious romanticizing of Hussitism and especially that of its Táborite version. Biskupec insisted that he had laboured for a single purpose: "that truth might shine forth".¹⁰ His chronicle did succeed in preserving the Hussite "truth". There is also evidence to suggest that the bishop of Tábor took part in the preparation of the most important Táborite Bible, the Czech language *Padařovská Bible*.¹¹

7) Chelčický summed up these conferences in his *Replika proti Mikuláši Biskupcovi* (c.1425). The most recent edition is in Eduard Petrů, ed., *Petr Chelčický Drobné spisy* (Prague, 1966) 132-210.

8) There are three editions of the confession: Matthias Flacius Illyricus, ed., *Confessio Valdensium* (Basel, 1568); Balthasar Lydius, ed., *Waldensia, Id est Conservatio verae Ecclesiae, Demonstrata ex confessionibus . . .*, v. 1 (Rotterdam, 1616) 1-303; and Amedeo Molnár and Romolo Cegna, eds., *Confessio Taboritarum* (Rome, 1983). The chronicle "*Cronica causam sacerdotum thaboriensium continues et magistrorum pragensium eiusdem impugnationes*" appears in Konstantin von Höfler, ed., *Geschichtschreiber der husitischen Bewegung in Böhmen* in FRA 6, 475-820. Höfler's edition is hardly a critical one based as it is on a single manuscript.

9) Invoking the noble army of Hussite apostles - Hus, Jakoubek of Stříbro, Nicholas of Dresden and others - Mikuláš enumerates the Hussite myth of ecclesiastical regeneration and appeals to the "impartial eye" of the reader to determine the obvious truth in the cause of the Táborite priests. *Cronica causam sacerdotum thaboriensium*, FRA 6: 475-7.

10) *Ibid.*, 730.

11) The Bible derived its name from Filip of Padeřov, a Táborite Hussite captain, for whom the Bible was prepared. It was completed at Ostromeč Castle and now is in Vienna (MS ÖNB. 1175). It was prepared in the early 1430s, most likely between 1432 and 1435. The Bible is quite valuable philologically and the illuminations and drolleries contained therein are of a high quality. The text of this Bible was much used by the Táborites and the superiority of its translation beyond that of previous Czech Bibles has been noted. While it is impossible to say what, in any, part Mikuláš of

Mikuláš Biskupec remained a perennial presence at Hussite debates and disputations for nearly twenty-five years as the "foremost ideologue" of Tábórite religion.¹² He was on hand in 1420 at the decisive meeting at Petr Zmrzlík's house in the Old Town of Prague and took an energetic part in the last great gathering of the Hussite parties - the Synod of Kutná Hora - in July 1443.¹³ In the twilight of his career Mikuláš persisted in his heretical ways and continued to serve as the religious leader at Tábóř. When Aeneas Sylvius Piccolomini [later Pius II], in the imperial service of Emperor Frederick III of Germany, visited Tábóř in July and then again in August 1451 he found the aged bishop a worthy and formidable opponent in a series of debates.¹⁴ In some ways it was the last hurrah for "the little bishop". The following year, Jiří of Poděbrady, regent of the Bohemian Crown, decided that the remnants of Tábóř, now but a shadow of its former self, continued to constitute a threat to the stability of the Czech Lands and forced the once proud city to capitulate to his will. The city resolved not to openly oppose the regent and on 1 September 1452 sent a delegation to Jiří's headquarters and offered their submission and obedience. Not all the inhabitants of Tábóř were as compliant. Mikuláš of Pelhřimov, and his radical colleague Václav Koranda of Plzeň were among those who refused to yield. It was their last act of public defiance. Regardless of how he felt about these elder statesmen of the Hussite Movement, Jiří could not afford to overlook their insubordination. Both men were arrested and transported to Prague and held for a short time in the city jail before being incarcerated in castles owned by the regent. Koranda was moved to Litice and Mikuláš to Poděbrady. Neither were ever heard from again and it can only be surmised that they perished in the regent's dungeons sometime after 1460.

II. If Mikuláš hoped for an in-breaking of God's kingdom on earth he did not allow himself to become intoxicated with the vision of earthly paradise or a realized eschatological utopianism. He denied the idea that the world was becoming increasingly better in the rapprochement of cosmic time and apocalyptic event producing a literal millennium. These things, according to Mikuláš, were possible only in the hereafter. Things which must soon come to pass on earth are uncertain.¹⁵ Reading the script of the end of the world was no easy task in Hussite Bohemia. Wracked by revolution, strained by eschatological anticipation and bedevilled by apocalyptic angst, a variety of strategies aimed at deciphering the multiple visions of

Pelhřimov played in the translation or preparation of the text, it seems unlikely that he was not involved. In addition to widespread use among the Tábóřites, the *Padeřovská Bible* was utilized by Petr Chelčický. See Josef Krása, "Studie o rukopisech husitské doby," *Umění* 22,1 (1974) 29-30; Antonín Matějček, "Bible Filipa z Padeřova, hejtmana táborského," in *Sborník Žižkův 1424-1924*, ed. Rudolf Urbánek (Prague, 1924) 149-69 and Bohuslav Souček, *Česká apokalypsa v husitství* (Prague, 1967) 80.

12) Many scholars have regarded Biskupec as such. See for example Josef Macek, *Tábóř v husitském revolučním hnutí*, 1: 326.

13) For the December 1420 meeting see Vavřinec of Březová, *Historia Hussitica*, FRB 5:453-65 wherein Mikuláš is referred to as "Nicolaus, arcium baccalarius ac Thaboritarum presbiter et ab eisdem electus episcopus." 463. For the Synod of Kutná Hora see Thomas A. Fudge, "Reform and the Lower Consistory in Prague, 1437-1497," *BRRP* 2 (1998) 67-96.

14) See his long letter of 21 August 1451 to Cardinal Juan Carvajal wherein he describes his journey and visits to the Hussite stronghold in Rudolf Wolkan, ed., *Der Briefwechsel des Eneas Sylvius Piccolomini*, FRA 68:22-57. See also the excellent study by Howard Kaminsky, "Pius Aeneas among the Tábóřites," *Church History* 28 (1959) 281-309.

15) See his Commentary on the Apocalypse, MS Vienna ÖNB 4520, f. 80r.

the end manifested themselves in south Bohemia. Among the early motifs embraced at Tábor was chiliasm.¹⁶ An anti-Hussite tract of 1412, even though a parody, fits remarkably well with the later chiliast element which emerged at Tábor.

We, the society of the free spirit brotherhood of Christ, have pity for our well-known Bohemians who are dividing themselves unnecessarily by turning toward our enemies and those who seek to subvert our faith and righteousness Let us all stand in a battle line with our captains the Master Goose [Jan Hus] and Master Jerome of Prague. And whoever will be a Christian should stand by us. Let everyone put up a sword, brother spare not brother, father spare not son, son spare not father, neighbour spare not neighbour, so that the German heretics assemble together and be cut off from this world, in the manner of the usurers and the greedy priesthood. Then we shall bring to completion God's seventh commandment, according to the words of St. Paul: covetousness is idolatry. Both the idol and the idol worshippers shall be killed, so that our hands might be sanctified by the blood of the accursed. In his writings Moses provides a similar example. What is written therein should be regarded as a sign¹⁷

Mikuláš may not have been as intimately connected to chiliast ideas as was his colleague Václav Koranda but eschatology did figure into his reforming agenda. Even when the chiliast impulse faded and disappeared from Tábor the eschatological dimension which had served as a bulwark in the formation of that community remained. Biskupec continued to advocate his conviction in the day of divine wrath and in the secret advent of Christ.¹⁸

According to Mikuláš, the Hussite *raison d'être* was simple: God had raised up the Hussites to counter the work of Antichrist. Now in the twilight of human history, while the world grew old, Antichrist escalated war against the church. The tottering remnants of the medieval church weakened by doctrines far removed from the gospel of primitive Christianity and besotted with abuses and luxuries, had been overpowered by the forces of Antichrist. In this time when day had all but merged into evening, God "called forth faithful servants, preachers of the word, within the Kingdom of Bohemia." These servants, aided by the spirit of God, led many souls to the truth.¹⁹ Convinced of this divine mandate the Táborites articulated their concept of authority in terms of the "Law of God" [*Boží zákon*].²⁰ *Boží zákon* was the

16) On this see Howard Kaminsky, "Chiliasm and the Hussite Revolution," CH 26, 43-71; Ernst Werner, "Popular Ideologies in Late Mediaeval Europe: Táborite Chiliasm and its Antecedents," *Comparative Studies in Society and History* 2 (1960) 344-63 and Thomas A. Fudge, "The Night of Antichrist: Popular Culture, Judgment and Revolution in Fifteenth-Century Bohemia," CV 37,1 (1995) 33-45.

17) MS. Vyšší Brod Cistercian Monastery 123 ff. 278r-279v. An edition of this manuscript has been edited in František M. Bartoš, "Hus a jeho strana v o světlení nepřátelského pamfletu z. r 1412," *Reformační sborník* 4 (1931) 3-8. The text appears on pp. 5-7. Ernst Werner mistakenly identified the tract as Táborite and assigned a date of 1421 for its appearance. *Ibid.* 349.

18) His Commentary on the Apocalypse is instructive for its demonstration that Mikuláš defended these ideas (f. 244v). The best study of eschatology in this connection is Howard Kaminsky, "Nicholas of Pelhřimov's Tábor: an Adventure into the Eschaton," in *Eschatologie und Hussitismus*, eds., František Šmahel and Alexander Patschovsky [Historica n.s. Supplementum 1] (Prague, 1996) 139-67.

19) *Cronica causam sacerdotum thaboriensium*, FRA 6:475-7.

20) The concept of the Law of God is a central plank in the Hussite house. See Thomas A. Fudge, "'The 'Law of God': Reform and Religious Practice in Late Medieval Bohemia," BRRP, 1(1996) 49-72.

foundation for order both in a religious and in a secular sense. As early as August 1420 the Tábórites demanded that all pagan and German laws be replaced by the "Law of God" as the governing principle for all society.²¹ In radical Hussite political theory the state depended upon the church for its validity and authority to the extent that it was, or claimed to be, *corpus Christi mysticum*. Since the Whore of Babylon had taken up residence within the institutions of the Roman Church, the Hussites proclaimed themselves the one true church of Christ on earth. In this sense the legitimacy of government in Bohemia was derived from its relation to the "truth" proclaimed by the prophets of this new *revelatio*. Hence *lex Christi* as defined and understood by the Tábórites must be the law of the state.²² Moreover, the Hussites were anchored securely to their historical roots in the conviction that the locus of authority consisted neither in tradition nor ecclesiastical hierarchy. Instead the true rulers of the church "were and are the apostles".²³ The primitive church ostensibly functioned *redivivus* in fifteenth-century Bohemia. It was precisely at this point, the concept and function of authority, where European society struggled so mightily to understand Hussite ideas.²⁴ Yet this was the crux of Tábó's revolutionary ideology.

Beyond theory, the bishop of Tábó championed the cause of ecclesiastical reform in many ways. Appealing to the authority of the Greek Church, Mikuláš sought to eliminate certain teachings, among them purgatory.²⁵ He also upheld the Tábórite rejection of the Roman mass as well as the use of ecclesiastical vestments in the practice of true religion.²⁶ Mikuláš went even further in his departure from the sacerdotal system of the Roman church by declaring his conviction that ecclesiastical reform and renewal could never be accomplished to any significant degree until clerics were elected by the people.²⁷ The doctrine of the eucharist which became so pivotal an issue in Hussite history found a definitive Tábórite articulation in the work of Biskupec. He held to an understanding of real presence in the sacrament of the altar, in distinction to the Pikkart ideas present in Bohemia at the time, but he carefully avoided any suggestion of actual substantive presence in the elements of the sacrament.²⁸ Following Wyclif, the Tábórites eschewed the dogma of transubstantiation. With tongue in cheek Mikuláš demurred from the doctrine of the Roman church on the grounds that the faithful might inadvertently bite off the nose of Christ or some other bodily part.²⁹ Mikuláš figured prominently in the eucharistic debates in Bohemia between 1420 and the 1440s and may be seen as one of the

21) 'Item quod iura paganica et theutonia, que non concordant cum lege dei, tollantur et iure divino ut regatur, iudicetur et totum disponatur.' Vavřinec of Březová, *Historia Hussitica*, FRB 5:398.

22) "*Confessio Taboritarum*," in Lydius, ed., *Waldensia*, 94-5.

23) Mikuláš, Commentary on the Apocalypse, f. 190v.

24) Ivan Hlaváček, "Husité a Basilejský Koncil po soudci Chebském," in *Soudce smluvený v Chebu*, ed., Jindřich Jirka (Cheb, 1982) 68.

25) "*Confessio Taboritarum*," in Lydius, ed., *Waldensia*, 183.

26) *Cronica causam sacerdotum thaboriensium*, FRA 6:488-502, 545-54, *passim*.

27) Commentary on the Apocalypse, f. 197v.

28) On his doctrine see Vojtěch Sokol, "Traktát Mikuláše z Pelhřimova: O zvelebení v pravdě svátosti těla a krve pána náseho Jezukrista," *Jihočeský sborník historický* 2, Supplement 1 (1929) 1-14. Biskupec sent a letter to the Praguers on 28 February 1421 warning them of the eucharistic teachings of the Pikkards and their general association with heresy. See Vavřinec of Březová, *Historia Hussitica* FRB 5:474-5.

29) *Cronica causam sacerdotum thaboriensium*, FRA 6:587.

framers of the compromise on eucharistic practice reached in 1423 at the Castle of Konopiště between the Praguers and the Tábórites.³⁰ A comprehensive evaluation of his extant works, which has yet to be carried out, will reveal that Mikuláš of Pelhřimov, the little bishop of Tábó, was among the important thinkers produced in the Hussite milieu.

III. From Jan Hus to the Council of Basel, the Hussite movement was concerned with moral reform. Like movements for renewal before and after them, the Hussites were preoccupied with the elimination of sin as an existential reality in Bohemia. The complexity of the Hussite movement, however, precludes simple definition. Not all the followers and disciples of Jan Hus could agree either on doctrine or tactic and factionalism contributed in no small way to the ultimate failure of the popular movement. That said, it is possible to suggest that the Four Articles of Prague (1420) represent a cogent lowest common denominator of consensus among the Hussite parties. Two of these articles were theological in nature: free preaching and the practice of utraquism. The other two were social in their formulation: divesting of church wealth and the punishment of sins. The fourth article underscored the element of moral reform.

That all mortal sins and especially those that are committed publicly, as well as other disorders offending against the Law of God, shall be properly and sensibly prohibited and punished in each estate by those who have the authority to do so; and that evil and slanderous rumours about this country be cleansed away, thus insuring the general welfare of the Bohemian Kingdom and Nation.³¹

Punishment of all serious sins fell into the same category as the punishment of crimes. Strictly speaking, crime was an offense against the secular authorities, its sworn and upheld theory of social order and the codification of law and legal jurisdiction. On the other hand, sin was an offense against the spiritual authorities, its sworn and upheld theory of religious order and the codification of theology and ecclesiastical jurisdiction. It was a violation of the Law of God, something contrary to the word of God and an impediment on the path to godliness and holiness. Secular failings (crime) and spiritual shortcomings (sin) were subject to prosecution and consequential implications. Radical Hussite ideologues regarded the religious order as including the state in a comprehensive holy community. In this schema the public sinner committed offense on two levels. That individual was guilty of offending God and thus repentance was required. Public sins also injured the community and thus compensation was due. The evolution of the medieval church had quite frequently allied both civil and spiritual authority. In theory, the Hussites sought to maintain a clear line of demarcation. One of those disposed to address the issue of the relationship between church and government was Mikuláš Biskupec.

Speaking to the matter of the two swords, that medieval articulation of authority, Mikuláš made clear his conviction that the sword of secular power and that

30) There were eight Konopiště articles relating to the eucharist. They are preserved in two manuscript copies. MS. Prague NK XVII A 16 ff. 6v-7r and MS. Prague Kapitulní Archiv D 74 f. 108v. A transcription of the former manuscript appears in Thomas A. Fudge, "Myth, Heresy and Propaganda in the Radical Hussite Movement, 1409-1437," unpublished Ph.D. dissertation, University of Cambridge, 1992, 371.

31) For the text of the articles see Vavřinec of Březová, *Historia Hussitica*, FRB 5:391-5.

of spiritual authority had been delivered separately from God to humankind. Notwithstanding, these two swords were to be wielded jointly in the prosecution and punishment of sins.³² At the Council of Basel in 1433 Biskupec made it perfectly clear that the clergy, primarily the priesthood, were subject to the legal jurisdiction of the secular ruler. Mikuláš expanded his definition of secular rule to make provision for contingency measures in the absence of appropriate rule. Thus, princes and magistrates, either local or regional, could administer justice, but also the "community of the faithful" might reasonably be empowered to act.³³ It is instructive to note that Biskupec is here following the principles developed by Marsilius of Padua in his *magnum opus*, the *Defensor Pacis*.³⁴ In principle and in practice this categorical classification did not always remain valid. The authority of the priests at Tábor mixed rather arbitrarily the channels of spiritual and secular power. The outgrowth of an authority structure at Tábor made unequivocal the fact that the real leaders were the priests. Jan Příbram, the conservative Utraquist and university master, suggested that this power was considerable. Příbram asserted that the priests were more than lords. They ruled as kings exercising royal rights over everyone, setting up and deposing civil authorities, maintained control over property and persons, at times sat on councils, advised on criminal prosecution and actual execution and in sum were the absolute arbiters of an autocratic regime.³⁵ Jan Rokycana made similar accusations and coupled his critique with the Four Articles of Prague insofar as he suggested that the Táborites were in active violation of the third article which condemned the civil authority of the priesthood.³⁶ Faced with these allegations and in light of the true administration of power at Tábor, Mikuláš admitted that the criticism was fair, though he attempted to modify the complaints and present an apology for the Táborite position.³⁷

Notwithstanding this unsurprising anomaly, the Hussites were adamantly in favour of keeping spiritual authority out of the hands of, and away from, the jurisdiction of the prince. As late as the great Hussite gathering at Kutná Hora in 1443, Mikuláš argued on the basis of canon law that theological matters ought not to be subject to the competence of secular rulers.³⁸ To what extent he constituted secular authority at Tábor is a question worth pondering.³⁹ Theoretically, priests

32) Commentary on the Apocalypse, f. 227r.

33) See the relevant excerpts of his speeches at Basel in František M. Bartoš, ed., *Orationes, Quibus Nicolaus de Pelhřimov, Taboritarum Episcopus, et Ulicus de Znojmo, Orphanorum sacerdos, Articulus de peccatis publicis et libertate verbi dei in Concilio Basiliensi anno 1433 ineunte defenderbunt* (Tábor, 1935) 56, 58, 63. Hereafter referred to as *Orationes*.

34) This has been noted first by Bartoš in his edition of the Basel speeches and also by Howard Kaminsky, *A History of the Hussite Revolution* 485.

35) Jan Příbram, 'Život kněží tábořských', in Josef Macek, ed., *Ktož jsou boží bojovníci: čtení o Táboře v husitském revolučním hnutí* (Prague, 1951) 285.

36) Rokycana, *De septem culpis taboritarum*, MS Prague Kapitulni Archiv MS. D 88 ffs. 190r-266r, especially fols. 259v-265r.

37) *Cronica causam sacerdotum thaboriensium* FRA 6:689-90.

38) The context and argument is covered in *Cronica causam sacerdotum thaboriensium*, FRA 6:731-46.

39) See the chart compiled by František Šmahel outlining the organizational and management scheme in the Táborite community during the years 1427-34 noting the role of Bishop Mikuláš. *Husitská revoluce* 4:38.

were not to exercise secular dominion.⁴⁰

The punishment of serious sins, according to the Four Articles of Prague was for the expressed purpose of eliminating evil from the social and religious order and for the well-being of the Kingdom of Bohemia. On this basis the Hussites reluctantly took up weapons to punish those sinners who poured into the realm under the guise of an imperial crusade. In 1420 Emperor-elect Sigismund, under authorization from Pope Martin V, besieged Prague in an effort to put down the "heretical" uprising. The Hussites had already determined a certain legitimacy in defending the faith by force, if need be. Mikuláš later recorded that the adherents to the tradition of Master Jan Hus united in the cause of the Four Articles. These people were unwilling to forfeit truth and thus abandon the Hussite faith. By consensus and singular intention these individuals consulted with the university masters in Prague, their spiritual counsellors, and others before engaging in warfare out of a sense of necessity. Biskupec makes it clear that the Hussites did not desire war but felt forced to fight lest truth be extinguished. The war they waged, he claimed, was exercised "in the proper way, according to the law of God, to the exclusion of all excesses."⁴¹

Táborite sources dealing with crime, sin and the punishment of those infractions consistently took the view that secular power wielded the sword of the Lord.⁴² There is of course a critical qualification to be attached to that statement. The qualification was an *a priori* assumption within the intellectual ranks of the radical Hussite movement. The necessary qualification was that Tábor had its own laws. Biskupec and others maintained this conviction and consistently referred to it as a point of reference. Because of its divine mission in Bohemia, Tábor did not require an elaborate system of law or legal structure. The Law of God was sufficient. As early as 1420 a call had been issued for the abolition of all German and pagan laws and their replacement with the principle of the Law of God. Moreover, Tábor was not strictly a place, a geographical designation, or a static entity. Rather, Tábor was an idea which existed wherever its adherents were and wherever its principles were observed and practised. With this distinction the line of demarcation between sacred and secular, holy and profane, blurred and quickly lost all theoretical usefulness in the abandoned fortress. Because the law of God was so prevalent, so pervasive, so pressing, there could be no arbitrary association of it only with priests and magistrates. Indeed, it became the duty of all Táborites to reprove, rebuke and correct sins and deviations from this central principle.⁴³ While the failure of social egalitarianism at Tábor demonstrated otherwise, the law of God was the obligation of all in practice, in principle, in prosecution.⁴⁴

With Bishop Mikuláš urging the Táborites to avoid sin, punish wrong-doers and adhere in every possible way to the law of God it is entirely understandable that radicals in south Bohemia came to despise their Hussites colleagues in Prague who were perceived at times to be giving the Law of God a rather wide berth. The bishop

40) *Cronica causam sacerdotum thaboriensium*, FRA 6:478-9.

41) *Cronica causam sacerdotum thaboriensium*, FRA 6:481.

42) Mikuláš of Pelhřimov, Commentary on the Apocalypse, f. 227r.

43) This is the implication in the 1431 '*Confessio Taboritarum*', Lydius, ed., *Waldensia* 55-6.

44) On the failure of the communal principles of social egalitarianism see most recently Thomas A. Fudge, "Neither Mine nor Thine": Communist Experiments in Hussite Bohemia' *Canadian Journal of History* 33,1 (1998) 25-47.

of Tábor wrote stridently against those who persisted in greed, drunkenness and other vices.⁴⁵ Mikuláš castigated the Praguers for failing to punish serious sins with sufficient vigour. He railed against them for ostensibly holding onto the beneficial wake of the Donation of Constantine.⁴⁶ On this point, Biskupec undoubtedly had in mind the reliance of Prague on the services of Archbishop Konrad of Vechta who had proven amenable to ordaining Hussite priests in Prague. While Konrad did convert to the Hussite cause in 1421 he had long been regarded by the radicals and by Mikuláš himself as a tainted part of the corrupted medieval church to say nothing of his simoniacal practices which were repugnant to the Taborites. He exemplified all that reeked of antichrist perpetuated and exacerbated by the Donation of Constantine. More than that, the radicals were fond of claiming that Konrad was so unlearned as to not even know what the ten commandments were⁴⁷ and Biskupec went so far as to accuse Konrad of dabbling in *nigromancii* [sorcery]!⁴⁸

The execution of the Four Articles of Prague, especially as they relate to the punishment of sins, was implemented in a variety of ways in Hussite Bohemia. One codification of the punishment of sins is extant in the military statutes and ordinances laid down by the Hussite general Jan Žižka. Formulated in 1423 the document reiterated the Four Articles and interpreted the fourth article in this manner.

Fourth, that we stop, suppress, and destroy all sins, mortal and venial, first of all in ourselves; after that in the kings, the princes and lords, the townsmen, the craftsmen, the peasants and all people, of male or female sex, no persons excepted, neither old nor young, and always with the help of the Lord God the Almighty.⁴⁹

The document excludes all persons from communion with the Hussites who are not committed to the afore stated article. More than that, there is an absolute exclusionary clause appended to the restatement of the fourth article. All persons unwilling to adhere to, fulfill, protect and defend the Hussite position on the punishment of sins are to be turned out of the Hussite ranks, excluded from castles, fortresses, cities, towns (both open and walled), villages and hamlets, "no place excepted or exempted".⁵⁰ Žižka applied the punishment of sins motif to his strict code of military discipline. The Law of God was articulated clearly as the *leitmotif* for the struggle against sin. Sinners, enumerated as "faithless men, disobedient ones, liars, thieves, gamblers, robbers, plunderers, drunkards, blasphemers, lechers, adulterers, whores, adulteresses" along with "other manifest sinners" shall be dealt with according to the provisions of the Law of God. Such sins (and crimes) shall be punished in the strictest terms: "by flogging, banishment, clubbing, decapitation, hanging, drowning, burning, and by all other retributions which fit the crime according to God's Law, excepting no one from whichever rank or sex."⁵¹ With this type of approach to the punishment of sin and crime, Žižka became known as the

45) Commentary on the Apocalypse, f. 278r.

46) Vavřinec of Březová, *Historia Hussitica* FRB V:463.

47) See for example, *Cronica causam sacerdotum thaboriensium*, 647; *Confessio Taboritarum*, Lydius, ed., *Waldensia* 112-14 and Mikuláš, Commentary on the Apocalypse, f. 197r.

48) *Cronica causam sacerdotum thaboriensium*, 647.

49) Žižka's military rule has been translated in Frederick G. Heymann, *John Žižka and the Hussite Revolution* (New York, 1969) 492-7. The extract appears on 493.

50) *Ibid.* 493.

51) *Ibid.* 496.

"severe avenger of the insolence and avarice of the clergy." The posture might seem extreme, but within the context of the early Bohemian Reformation the ideology at least can only be understood as normative. That this zeal to punish sin and the violators of the Law of God led to excesses, militarism and wholesale violence must be acknowledged. Yet even at Tábor there were those, among them Mikuláš Biskupec, who consistently sought to calm the rage of the warriors by reminding them that peace was preferable to war.⁵²

IV. The ideas of peace and pacifism in the Hussite milieu are chiefly associated with Petr Chelčický. His views and influence are well known.⁵³ His was a voice crying in the wilderness. The hamlet of Chelčice became a pacifist enclave within the theatre of war which swept Bohemia for nearly two decades. Between 1420 and 1434 the Táborite wing of the Hussite movement represented the military and aggressive strength of the Bohemian Reformation. The Hussite wars, iconoclasm, aggression both against the Roman church and the powerful lords of Rožmberk in south Bohemia, as well as the guerrilla warfare tactics of Jan Žižka are all associated primarily with the radical community at Tábor. To suggest that Tábor might be associated with peace and pacifism is generally unheard of. Yet such was the case.

The role of Mikuláš in his early days as bishop must surely have been to moderate rather than to incite the radical Hussites to violence. Early Táborite meetings reflected the posture of the original Hussites with respect to violence. Faithful Christians were neither to engage in warfare nor cause the injury of others.⁵⁴ Up until 1419 the Hussites had not engaged in any violence or bloodshed. Despite the provocative stance assumed by the Roman church the "heretics" had seemingly been content to withdraw from the world rather than to wage battle against the forces of darkness. It was not that simple. A war was being waged for the minds of the dissenters. Within this seeming pacifist unanimity debates were breaking out on the subject of force and warfare.

Two priests identified only as Mikuláš and Václav brought the issue to the surface in a public debate witnessed by a large crowd. The outcome of the debate was the identification of several questions which they agreed to refer to higher authority. The questions (and answers) were crucial to the transformation of Hussitism. Two of the queries come to bear directly on the topic at hand. First, should secular lords be required to defend evangelical truth with the sword and second, if these lords refused should the communities of believers defend themselves even to the extent of physically killing the enemy? There is no way accurately to identify Mikuláš and Václav. The sources provide no evidence for any identification save that of pure conjecture. It is tempting to presume that the debaters were Mikuláš of Pelhřimov and Václav Koranda of Plzeň although there is no concrete evidence to support this conjecture. The voice of moderation in each of the

52) See the note in Miloslav Polívka, "The Idea of Peace in the Hussite Movement," in *Jointly in the Struggle for Peace Against War*, ed., Jaroslav Purš (Prague, 1984) 40.

53) The main work in English is Murray L. Wagner, *Petr Chelčický: A Radical Separatist in Hussite Bohemia* (Scottsdale and Kitchener, 1983). More recently see Wojciech Iwańczak, "Between pacifism and anarchy: Peter Chelčický's teaching about society," *Journal of Medieval History* 23,3 (1997) 271-83.

54) *Cronica causam sacerdotum thaboriensium*, 478-9.

questions is that of Mikuláš. It would be precipitous to use this source as an indication of the posture of the bishop of Tábor. The source is useful, however, for underscoring the dilemma facing the radical Hussites: what is the correct solution to dealing with crime, sin, and punishment?⁵⁵

When an imperial crusade was preached against the Bohemian heretics the time for debate came to an end. It was the hour of decision. In early 1420 Žižka and Lord Břeněk submitted to the University of Prague the essence of the aforementioned debate. On 17 February the university masters handed down their decision: priests could not under any circumstance engage in war but tactical defensive warfare might be employed to preserve the faith.⁵⁶ The decision had not been arbitrary. It had been reached after considerable agonizing. That decision would transform the face of the Hussite movement.

A line of demarcation was maintained between those permitted to engage in violence and warfare and those strictly prohibited from doing so. Synods in the early 1420s reflected the Táborite conviction. At Písek in 1422, and at Tábor and Klatovy in 1424, position articles on this question were formulated and ratified. Priests were not to engage in killing nor were they to incite those others to kill. Indeed, unless the battle constituted a "just war" clerics were obliged to have no influence over combatants. Should warfare be waged at all, it ought only to be taken up against the clear enemies of the Law of God but never fuelled by the energies of lust, greed or revenge. Moreover, cruelty was to be avoided. The 'warriors' of God were instructed to love their enemies. Indeed, the most effective and preferred form of warfare was that of spiritual combat. Beyond that one should implore the enemy to make peace. If that petition were to fail, it would be better to die by the sword of the enemy than to take up arms and engage in violence.⁵⁷ Allowance is made for war, but there is a discernible tentativeness almost as though some of the Hussites were not entirely sure how well the Law of God could be wedded to militarism, violence and killing, even if engaged only in defensive terms. The wages of warfare were exceptionally high. The Hussite wars lasted eighteen years from 1419 until 1437. Five crusades with the backing of the Roman church and the empire marched into Bohemia in an attempt to subdue and subject the heretics to the power of the church. The slogan of the crusaders was "conformity by force". The Hussites reluctantly met the military challenge under the banner of "holy war". But the enterprise of "holy" or "just" war was often a tenuous arrangement which, as time went on, became increasingly more problematic. Corruption pervaded the ranks of the Hussite armies and, rather than punishing the crimes and sins of the enemy, Hussite soldiers ostensibly were ransacking churches, devastating villages and behaving as common thieves by looting peasants and villagers of their possessions, engaging in buying and selling for no other purpose than profit.⁵⁸ After 1425 Táborite priests began condemning the war efforts classifying the warriors as collections of soldiers who cared little for the

55) The account can be found in Jaroslav Goll, ed., *Quellen und Untersuchungen zur Geschichte der Böhmischesen Brüder*, "Peter Chelčický und seine Lehre" (Prague, 1882) 2:51-3.

56) The official answer to the query has been published in František M. Bartoš, "Do čtyř pražských artykulů," *Sborník příspěvků k dějinám hlavního města Prahy* 5 (1932) 577-80.

57) *Cronica causam sacerdotum thaboriensium*, 482-88.

58) František Palacký, ed., *Starší letopisové češti od r. 1378 do 1527*, SRB 3: 88.

law of God and were interested only in personal gain.⁵⁹ The bishop of Tábor lamented the pervasive corruption and the loss of the Hussite vision. People once poor eagerly fought for truth and justice. Once their bags were filled with money, they turned to food, drink, leisure and entertainment.⁶⁰ In 1430 Mikuláš Biskupec railed against the alleged devotion of the Hussite warriors. While they claimed faithfulness, Biskupec saw only greed and gain as motivation. Those who formerly fought on every occasion, now sated with the booty of war, refused to defend the Law of God and now neglected entirely all semblance of true religiosity.⁶¹ The "holy" enterprise clearly had degenerated in some aspects into a shocking situation. Conversely the Hussites did publish manifestos and sing songs indicating their active interest in peace. Following their triumphal engagement of the fifth crusade at Domažlice the Hussites sang their "Song of Victory."

The swords will turn into ploughshares
and the spears into sickles as God as promised.
Weapons shall be made into bells
to welcome us.

No longer shall nations raise swords
in war against their neighbours,
but all shall live together
as brothers in peace.⁶²

If this reflected the true sentiment of the Hussites it remained largely obscured in the battle fervour of the crusading era.

If the establishment of the original Tábor had been relatively peaceful, its replication elsewhere was not. Vavřinec of Březová records the establishment of a new Tábor in Moravia in 1421. In February of that year, Tábor reproduced itself in the village of Nedakunice near Strážnice. The site was on an island in the Morava River. Led by two men—Bedřich and Tomáš of Věžonice—these "Táborites" comprised of peasants, priests and barons invaded the Velehrad monastery and committed a series of violent acts of iconoclasm. The contents of the cloister were destroyed, the abbot and the monks burned alive and the entire religious house razed to the ground. The bishop of Olomouc and those members of the nobility who remained faithful to the Roman church, fearing that radical Hussitism would reduce their holdings in the same manner as the Velehrad cloister, banded together with Austrian troops and made an effort to capture the new Tábor. Storming the island community the coalition was decimated by the strong showing of the Moravian Táborites. The survivors then burned their military equipment and withdrew. The island was also besieged by Hungarian troops seeking to conquer and subdue the heretics. This battle likewise was a Hussite triumph. According to the chronicle the island was inhabited by "bloodthirsty priests" who, having abandoned their tonsure and grown

59) See the comment in Miloslav Polívka, "Popular Movement as an Agent of the Hussite Revolution in Late Mediaeval Bohemia," in *History and Society*, eds., Jaroslav Purš and Karel Herman (Prague, 1985) 279-80.

60) Cited in František M. Bartoš, "Táborské bratrstvo let 1425-1426 na soudě svého biskupa Mikuláše z Pelhřimova," 113.

61) Commentary on the Apocalypse, f. 284r.

62) Vavřinec of Březová, *Píseň o vítězství u Domažlic*, eds., Karel Hrdina and Bohumil Ryba (Prague, 1951) 128.

beards, fought alongside the laymen. These same priests had obviously adopted Taborite religion by celebrating the sacrament without the use of vestments.⁶³ This episode of violence and the punishment of sin, exemplified in the destruction of the cloister and the execution of its inhabitants, cannot be viewed other than characteristic of the Taborite approach to reform between 1420 and 1434. As noted earlier, however, this stance cannot be regarded as the original posture of those fleeing the cities of corruption for the purity of the hills. Between the flight to the abandoned fortress of Hradiště and the campaigns of the "warriors of God" a crucial transformation within the collective mind of the Hussite radicals occurred.

The original character of Tábor was peaceful and marked by an emphasis on piety. Pacifism was a feature of the early Hussite gatherings. This assertion can be substantiated by the sources.⁶⁴ There is considerable evidence to suggest that this community of radicals was pacifist. Jan Hus had certainly betrayed little that could be attributed to militarism. The region of south Bohemia had been for more than a century a place where the Waldensians heresy could be found. Despite sporadic evidence to the contrary, pacifism was strongly held among their tenets. The relationship between Waldensianism and radical Hussitism is one which has been debated often.⁶⁵ While acknowledging the presence the influence of Waldensianism had on the early Hussite movement it would be entirely precipitous to see in it the causal connection to Bohemian reform. It is known that colonizing Germans introduced Waldensian doctrines to south Bohemia in the thirteenth and fourteenth centuries. Because of his years in that region it is possible to regard Mikuláš as among those having been exposed to Waldensian teaching. He may therefore have had leanings toward pacifism. While the data is lacking to make any definitive connection there is some chance that Mikuláš of Pelhřimov may have been a disciple of Nicholas of Dresden who certainly had been strongly influenced by the Waldensians and who taught pacifism.⁶⁶ Articles compiled against the Waldensians at the turn of the fifteenth century included a condemnation of all killing, including capital punishment, even by the legitimate authorities, as well as a condemnation of all war as sinful.⁶⁷ Nicholas of Dresden had already called for the abolition of the death penalty, ostensibly as a result of Waldensian influence.⁶⁸ This position later cost him the favour of the gathering Hussite movement. The view of the majority of Hussites followed that of Jakoubek of Stříbro who adopted the medieval notion of "just war" as well as the doctrinal conviction that the representatives of the secular order have an irrefutable duty to defend the public against injustice and to defend the faith by force if necessary.⁶⁹ In other words, power might usefully be applied on

63) *Historia Hussitica* 473-4.

64) For example the congregation at Bechyně in July 1419 underscores the elements of peace, piety and spirituality which attended the gathering. *Historia Hussitica* 343-4.

65) The most recent overview of the debate can be found in Thomas A. Fudge, *The Magnificent Ride: The First Reformation in Hussite Bohemia* (Aldershot, 1998) 37-41.

66) Josef Pekař, *Žižka a jeho doba*, Prague, 1927) 1:127.

67) Goll, ed., *Quellen und Untersuchungen zur Geschichte der Böhmisches Brüder*, 2:36-7.

68) See especially Jan Sedlák, *Mikuláš z Drážďan* (Brno, 1914) 51-2 and Howard Kaminsky, et al., eds., "Master Nicholas of Dresden: The Old Color and the New - Selected works contrasting the primitive church and the Roman Church," *Transactions of the American Philosophical Society* 55 (1965) 15-18.

69) See for example his sermon on 15 March 1416 in Karel Sita, ed., *Mistr Jakoubek ze Stříbra*

behalf of the church. Jakoubek regarded the power of preaching to be generally efficacious in the expulsion of mortal sins. However, should the sword of the word fail to dislodge certain sins (or crimes), the magistrates should deal with those according to the physical sword.⁷⁰

There are several points of evidence from the early period to support the notion that Tábor originally eschewed war and embraced pacifism. Initially, it is instructive to recall the debate between the two priests known only as Václav and Mikuláš. The debate handed over its views to the Prague masters for a decision. In early 1420 that decision was written up by Jakoubek of Stříbro and Křišťan of Prachatice.⁷¹ We have noted already the moderate view on warfare taken by Mikuláš. Even if the priest in question is not Biskupec it nevertheless demonstrates an inclination toward peace rather than war. Beyond this a modified tract written against warfare appeared in the early 1420s and has been attributed to the pen of Mikuláš Biskupec.⁷² Even if not composed by the bishop of Tábor, it represents yet again a motif not usually or readily assigned to the radical community. As late as 1431 Jan Rokycana noted that the Táborites were unable to articulate an adequate *apologia* for the wars they waged.⁷³ It is likewise worth considering Petr Chelčický's relationship to Tábor. Given his unremitting aversion to violence and war, and his steadfast commitment to pacifism, it would appear difficult to reconcile Tábor and Chelčický if the former had not at one time been pacifist in outlook. The same might be said for others, especially Vojtěch, the parish priest of Chelčice, who was among those who broke with Tábor over the issue of violence and killing.⁷⁴ By contrast there is no evidence to suggest that Chelčický had ever held favourable ideas about war. Finally, there is an anti-war article published by Tábor either in 1419 or 1420.⁷⁵

It is not possible to be absolutely definitive about the pacifist tendencies at Tábor. To what extent the idea was central is difficult to ascertain. For all the foregoing evidence which seems either to suggest or support pacifism, there are off-setting data which seem to contradict the thesis. Was Mikuláš a pacifist? Some evidence can be interpreted to buttress the claim that he was. Other data, however, seems to subvert the idea rather soundly. In the fall of 1420 it appears that Biskupec may have been instrumental in organizing raids against their powerful south Bohemian enemies, the Catholic lords of Rožmberk. Under interrogation, Slivka the Potter, was questioned about whether or not "the priest Biskupec and his associates

Betlémská kázání z roku 1416 (Prague, 1951) 54.

70) See his tract, from c. 1417, *De quibusdam punctis*, MS Prague NK VIII E 7 f. 105r.

71) Goll, *Quellen und Untersuchungen zur Geschichte der Böhmisches Brüder*, 2:48.

72) The tract has been edited in Goll, *Quellen und Untersuchungen zur Geschichte der Böhmisches Brüder*, 2:55.

73) Mikuláš notes the charge and offers a reply. See *Cronica causam sacerdotum thaboriensium*, 597 and 687.

74) We know, for example, that Vojtěch was dismayed by Táborite excesses, especially the practice of burning and killing *Historia Hussitica*, 386. Vojtěch was taken prisoner in July 1420, transported to the staunchly Catholic town of české Budějovice and burnt at the stake ostensibly for his Utraquist leanings. There is some evidence to suggest that Petr Chelčický succeeded the martyred parish priest as the leader of those Táborites who withdrew in protest over the chiliast emphases, war policies and exercise of secular power in the radical Hussite community.

75) *Cronica causam sacerdotum thaboriensium*, 479.

were circulating letters and plotting.”⁷⁶ In 1423 suspicions seemed confirmed when three Tábórites confessed to the torturers that “Biskupec” had incited them together with the people of Boletice to burn Rožmberk property.⁷⁷ Other confessions identified Tábórite priests by name as the instigators in numerous acts of arson. More than instigation there were allegations that radical Hussite priests coerced others into these violent acts with threats. In effect, if the followers of the Hussite cause refused to burn the property of their enemies they would be incinerated. In the case of the town of Vodňany, ostensibly the priests personally destroyed homes, burned property and demolished religious houses.⁷⁸ According to Chelčický, the priests of Tábóř were adhering to the advice of the Great Whore and had filled the land with abomination and blood.⁷⁹ The efforts of the Tábórites for reform were now guided by a spirit of deception.⁸⁰ The reign of Christ at Tábóř had ended; the rule of Antichrist had begun. This was evident by the radical Hussites having been taken captive by the “servitude of the sword”.⁸¹ The origins of this shift are dateable. On 4 November 1419, royalist troops intercepted a band of Tábórites who were travelling to Prague. Obviously these pilgrims were prepared to defend themselves and the ensuing battle constituted a turning point: “it was from this [point] that the great wars began.”⁸² In the opinion of Chelčický, however, Tábórite militarism, for whatever reason, constituted an abandonment of Christ. “In opposition to God’s ‘thou shalt not kill’, the beast ordered them to ‘kill, hang, burn, behead, ruin homes and villages’ and ‘la[n]ces, spears, and maces’ implied a betrayal of Christ.”⁸³ Chelčický abandoned Tábóř in protest. Even Jakoubek of Stříbro who previously had acknowledged the place of force and capital punishment could not suppress his consternation. In a letter to the radical Tábórite priest Jan of Jičín in early 1420, Jakoubek expressed his amazement: “Did you priests not preach against killing in the past? How came it to pass that now everything has been turned around?”⁸⁴

Why the dramatic transformation? We know from various sources that discussions regarding force and defensive warfare were being debated in Prague and elsewhere. There had always been supporters of more direct means for implementing reform and renewal. Jan Želivský in Prague and Václav Koranda are representative of violent tendencies. The chiliast doctrine of violence was not even a distant echo of the medieval “just war” theory. “It was a doctrine of unlimited warfare, wholly alien to the scholastic justification of war, which insisted on certain

76) František Mareš, ed., *Popravčí kniha pánův z Rožmberka*, in *Abhandlungen der königlichen böhmischen Gesellschaft der Wissenschaften*, (Prague, 1878) 9:26.

77) *Ibid.* 36.

78) *Ibid.* 25, 32.

79) Karel Černý, ed., “Klasobraní po rukopisích. 55: Rozpravy Chelčického v rkp. Pařížském,” *Listy filologické* 25 (1898)391-2.

80) See Wagner, *Petr Chelčický: A Radical Separatist in Hussite Bohemia* 87 with references.

81) Chelčický, *Sít' víry*, translated in Enrico C.S. Molnar, “A Study of Peter Chelčický’s life and a Translation of Part I of his *Net of Faith*,” unpublished B.D. thesis, Pacific School of Religion, 1947, 240.

82) *Stáří letopisové čeští*, SRB 3:29-30.

83) This in Chelčický’s tract ‘O šelmě a obraze jejím’, cited in Noemi Rejchrtová, “Czech Utraquism at the time of Václav Koranda the Younger and the Visual Arts,” *CV* 20,4 (1977) 237.

84) Goll, ed., *Quellen und Untersuchungen zur Geschichte der Böhmischen Brüder* 2:60.

conditions: a just cause, a valid authorization, and an upright intention.”⁸⁵ In the midst of this epoch-making shift it is Mikuláš who plays the key role. The spirit of Biskupec was bold enough to satisfy the radical tendencies of the people. This accounts for why he was elected to bishop of Tábor. His organizational strength and ability to unify created stability among the radical sectaries. ”In possession of such organizing power, Biskupec led Tábor from radical opposition to radical practice.”⁸⁶ The role that chiliasm played in this transition must not be underestimated. The struggle between pacifism on one hand and violent chiliasm on the other produced the two types of Tábor seen thus far. For a time, peace and piety characterized the hilltop gatherings. Later, the warriors of God sought to implement the law of God by the sword, to judge sin and punish evil doers. The dilemma is reflected in the tracts of the period. Certainly the use of power and the exercise of secular authority soon took hold in the Hussite stronghold of Tábor. Since they were convinced of the justice of their cause and believing whole-heartedly in their appointment and election as God’s ministers of justice in the world, the heretics of Tábor were soon able to justify their use of the sword. That sword was wielded in defence of the Law of God. Jan Žižka was the primary articulator and practitioner of that concept. Secular power and its administration manifested itself in the ranks of town officials, overseers of the common chests, military generals, the fighting troops and in the accompanying disciplinary structures. The word of God as held in Scripture was marshalled to defend the Táborite social order. The Epistle to the Romans provided the classic formulation: ”the powers that exist have been instituted by God . . . whoever resists these authorities is resisting God . . . such resistance incurs judgement . . . [the magistrate] does not bear the sword in vain.”⁸⁷ Radical Hussitism in south Bohemia became a hybrid communal-communist social experiment based on an uneasy alliance of theocracy and militancy.⁸⁸ This mentality became standard in much of Hussite Bohemia for the next fifteen years. Consequently, on an ecclesiastical level, not until the Táborite voice was silenced would there be peace with Rome. In Bohemia, the influence of Petr Chelčický became eclipsed by that of Jan Žižka. Chelčický disappeared from the centre stage of Hussite history while Žižka’s warriors dominated Central Europe for a decade and a half. In the middle stood Bishop Mikuláš, supporter of one approach than the other. In this transition, Tábor acquired a dual function and identity. It was a place of worship as well as a military headquarters; a centre both of spiritual and secular power. The hill of Oreb in eastern Bohemia near Hradec Králové functioned in much the same way.⁸⁹ The battle for the minds of the Hussite dissenters had been waged. It had been won and lost. The victors were those favoring warfare. This transformation of Tábor was altogether dramatic: pacifism to defensive strategies then on to extreme violence then finally to bloodthirstiness. It is a curious chapter in Hussite history and remains a psychological enigma.

V. It is difficult to characterize Mikuláš of Pelhřimov’s position with respect to crime, punishment and pacifism. Evidence seems to place him first as a pacifist, then

85) Kaminsky, ”Chiliasm and the Hussite Revolution,” 57.

86) Zdeněk Nejedlý, *Dějiny husitského zpěvu za válek husitských* (Prague, 1913) 147.

87) Romans 13: 1-2, 4.

88) See my ”’Neither Mine nor Thine’: Communist Experiments in Hussite Bohemia”.

89) Jan Blahoslav Čapek, ”Hnutí orebské a jeho vztahy k Táboru,” *Jihočeský sborník historický* 40 (Supplement 1971) 69.

as a promoter of violence, iconoclasm, bloodshed and war. War-weariness settled into the lives of the rank and file in Bohemia. This discontent did not by-pass Tábor. In 1431 a manifesto seemed to reflect a new Táborite *leitmotif*. "We would be very happy if all this plundering, killing and bloodshed were to come to an end and holy and Godly peace established."⁹⁰ Whatever his opinion may have been, or regardless of how or how far it had shifted, the 1430s brought clarification to the bishop of Tábor on the matter of war, crime, punishment and pacifism. Failing to militarily subdue the Hussites caused the Roman church, through conciliar means, to invite the Bohemians to the Council of Basel which sat between 1431 and 1449.⁹¹ The Czechs appeared in 1433. As noted previously, Mikuláš was numbered among the official Bohemian representatives.

On 10 January 1433 the first assembly with the Bohemians present opened. Cardinal Giuliano Cesarini welcomed the delegation with the greeting, "the father has waited for the prodigal with no greater desire than I have waited for you."⁹² In 1433 there were about 400 members comprising the council. Perhaps as many as 52 percent of them were lower clergy (middle clergy, university clergy, canons). Many of them were reform-minded along the lines of that conservative attitude exemplified so well in the *Reformatio Sigismundi* which appeared around 1438. They were likewise deeply opposed to Hussite religion in theory and in practice. Those from the German lands were especially skeptical and feared the offspring of popular anticlericalism.⁹³ The Hussites had contended for, and gotten at Cheb the year before, ratification of the Bible as the primary rule of authority for the conciliar proceedings. Nonetheless, the rhetoric of Cheb would not necessarily match the reality at Basel. The Hussites were not necessarily walking into a lion's den, but they could scarcely have expected to have been received with open arms, warm embraces and kind words. They were, after all, prodigals coming back to the Father's house after a long sojourn in a distant and dangerous land. The scenario at Basel, then, was a Hussite presentation and defence of the "Four Articles of Prague." Jan Rokycana spoke on the lay chalice, Ulrich of Znojmo defended the freedom of preaching, Peter Payne-Engliš addressed the topic of apostolic poverty, and Mikuláš of Pelhřimov Biskupec took up the issue of the punishment of public sins.

Before the Hussites began their presentations, the council, via the pen of Cesarini, presented the Bohemians with twenty-eight articles asking for response. Among those articles was this question: are common people able to punish secular rulers who are guilty of sin or are remiss in their duty?⁹⁴ Certainly the council was not oblivious to the social implications of the Hussite position. When the defence of the fourth article got under way, the council might have been somewhat surprised to

90) Cited in Josef Macek, *The Hussite Movement in Bohemia*, trans., Ian Milner and Vilém Fried (London and Prague, 1965) 89.

91) See E.F. Jacob, "The Bohemians at the Council of Basel, 1433," in *Prague Essays*, ed., R.W. Seton-Watson (Oxford, 1949) 81-123 for a good overview.

92) Petr of Žatec, "Liber diurnus de gestis Bohemorum in Concilio Basiliensi," in *Monumenta conciliorum generalium seculi decimi quinti*, eds., František Palacký and Ernest Birk (Vienna, 1857), 1:291. There is some doubt as to the authorship. Recent opinion has attributed the work to Vavřinec of Reichenbach.

93) Antony Black, "The Universities and the Council of Basle: Ecclesiology and Tactics." *Annuaire d'histoire des conciliorum* 6,2 (1974) 343.

94) Petr of Žatec, "Liber diurnus de gestis Bohemorum in Concilio Basiliensi," 1:271-4.

have been confronted with a defence of Jan Hus as well as the Taborite position on sin, crime and punishment.

Always referred to as "the bishop" by the Hussite chronicler at Basel, Mikuláš did not blunt his approach to his subject. On 20 January, the bishop of Tábor rose to speak on the punishment of sins. His defence, in two parts, spanned two days.⁹⁵ Perhaps reflecting his university education as well as mindful of his audience, Mikuláš began in a typical scholastic fashion with definition of his terms and concepts and appealing primarily to the authorities codified in Scripture, the early Christian councils as well as the usual patristic references. Articulating the Taborite position on the relation between secular and spiritual power, Biskupec argued that the suppression and punishment of sins is both a secular and an ecclesiastical matter.⁹⁶ As if to answer Cesarini's earlier query, Mikuláš took the position that coercive power is the responsibility of the common individual. Crimes, then, ought to be admonished and corrected by the clergy, the magistrate and the layperson. The definition of sin, which Mikuláš laboured to establish, encompassed more than the usual list of moral infractions, criminal activity and unlawful conduct. Fully reflecting the Hussite ethos and the burden of a moral reform and renewal of the ecclesiastical office, Biskupec appended to his definition of public sins, the sin of simony. The defence of the punishment of public sins turned quickly into an attack against all that Hussite Tábor held to be improper and constituted an impediment to religious reform and renewal. In addition to simony the assault included indulgences, anathemas, the veneration of images, pilgrimages, luxury of the clergy (of which Peter Payne would have something to say in his defence of apostolic poverty), usury, the frequenting of pubs and brothels. Indeed, Biskupec demanded the abolition of all brothels. It is striking to note that the Hussites had refused to come to Basel at all until they had received assurance that unlike the affairs at Constance, brothels would be closed and prohibited in Basel and that all prostitution would be banned. Whatever was not founded in the Law of God was dismissed. Mikuláš poured invectives on the priesthood of the Roman church and castigated them for contributing more to sin and crime than to its punishment and prevention. He did not pass up the opportunity to refer to the Hussite hero, Jan Hus by criticizing the papal bull proclaimed in 1409 by Alexander V against preaching in the Bethlehem Chapel. Once he started down the broad road of condemning the ecclesiastical polity of the Roman church Mikuláš passionately attempted to vindicate Hus from all wrongdoing. He likewise defended Jerome of Prague against the decision passed down by the Council of Constance. Tempers began to flare among the conciliar fathers and muttering in the wings threatened an uproar. Cardinal Cesarini fought to maintain order and control. When Biskupec boldly proclaimed the innocence of Hus and Jerome there was scornful laughter and even Cesarini folded his hands and rolled his eyes heavenward. Mikuláš was annoyed and demanded to know whether or not he had the liberty to finish. Cesarini confirmed that he did but advised the zealous Taborite that he ought to at least pause occasionally in his diatribe and allow his audience to clear their throats.⁹⁷ Biskupec made note and, despite frequent angry outbursts from those he

95) The best text of his first speech is in *Orationes* 3-32.

96) Mikuláš had previously set forth what he considered the proper relationship between the secular magistrate and the ecclesiastical representative in his Commentary on the Apocalypse, ff. 227r-9v.

97) Petr of Žatec, "Liber diurnus de gestis Bohemorum in Concilio Basiliensi," 1:294.

continuously offended, plunged onward. Not content to stop, Mikuláš denounced in scathing terms the prohibition of the lay chalice as mandated by the Council of Constance. Finally, he rebuked the crusading mentality which had commissioned five invasions of Bohemia. These acts constituted the greatest insult, crime and sin against the faithful Czechs whose only "sin" was the faithful observance and "practice of the truths contained in the Four Articles". Much of what Biskupec had to say was nothing short of shocking to his hearers, intentionally provocative and in a sense irrelevant to his topic. Nonetheless, he had articulated the Hussite aversion to public sin and had made manifestly clear that all such crimes and sins were to be punished. Most startling, perhaps, was his positive and absolute denial of the death penalty for public sins in no uncertain terms.⁹⁸

The Council was inflamed. Even Rokycana reproached Mikuláš for his crass remarks. The old Táborite was unbowed and unrepentant. Once the Hussites had presented and defended their theses, conciliar representatives, in turn, spoke opposing the Hussite articles. Responding to Biskupec was Giles Charlier, former professor of theology at the University of Paris and Dean of Arras. Charlier was the nephew of Jean Gerson one of Hus's foremost opponents at Constance. Charlier was well acquainted with the Hussite cause. Four years earlier at Bratislava he had opposed the Hussites and had by 1433 composed two tracts against the Bohemian heretics.

Between 16-18 March Charlier delivered a long formal response and rebuttal to Mikuláš.⁹⁹ His tone was vehement, lacking none of the fire of his adversary. Straight off, Mikuláš was rebuked for exaggeration in his attack on the ostensible sinfulness of the Roman church. Charlier described his opponent as an overzealous workman who kindled a huge fire under a cauldron in which he intended to destroy all vice and sin. But the fire was altogether too great and water had to be poured on the blaze in order to prevent it from consuming everything; the good as well as the bad. That said, Charlier expressed his agreement with the Táborite bishop that all serious infractions (sins and crimes) should be held in abhorrence by all faithful Christians. He departed from Biskupec, however, in a denial that all sins could and should be punished according to human law. Charlier took up the issue of prostitution to make his point. Calling on the authority of Augustine and Thomas Aquinas, Charlier defended a regulated form of prostitution rather than an absolute prohibition.¹⁰⁰ The argument by this point in medieval history had become virtually standardized: even palaces require a sewer. If the sewer is removed the entire palace will be polluted and filled with contamination. Adding to the authority and opinion of Augustine and Aquinas, Charlier went on to cite numerous passages from Scripture and canon law which spoke of toleration rather than outright castigation. As for sin in general, there were individuals who while certainly sinners should more usefully be tolerated than expelled from the community. In other words, the Law of God should take into account social, political and economic considerations as well

98) *Orationes* 5, 19-20.

99) The rebuttal appears in Johannes D. Mansi, ed., *Sacrorum conciliorum nova et amplissima collectio*, (Venice, 1784) 29: cols. 868-972.

100) For Augustine, while evil and contrary to divine law, prostitution was a lesser evil than the complete removal of prostitutes and brothels from society. In the absence of these social institutions, lust would disrupt the order and structure of civil life. *De ordine*, II, iv, 12 PL 32:1000. Thomas, *Summa Theologiae*, II-II, Q. X, Art. 11.

as moral and theological ones.

Charlier then turned his attention to the matter of capital punishment which Mikuláš had condemned in no uncertain terms. Scripture (particularly the Old Testament), patristic authorities, canon law, and a variety of medieval authorities were cited in an effort to demonstrate that the opinion expressed by the radical Hussite was absurd.

The counter-response by Mikuláš makes very clear radical Hussite thought on the issues of sin, temporal authority and the punishment of public offenses.¹⁰¹ Jan Hus had prepared a sermon to deliver before the Council of Constance. That sermon *De pace* was never delivered. Mikuláš took up that homily and utilized it in his articulation of what peace actually meant in the context of his topic on sin and punishment. For Biskupec there were two kinds of peace, that of humankind and that of God.¹⁰² The peace of God could be evident only when the Law of God was maintained and defended. Peace with God necessitated continual warfare against all transgression of the Law of God. Thus far Hus. Mikuláš went on to affirm, consonant with John Wyclif's ideas, that religious authority existed under the supervision of secular power.¹⁰³ Like Wyclif's pronouncements more than a half century earlier, this struck at the core of late medieval ecclesiology. The Council was cut to the heart. Not only was the medieval ecclesiastical structure subject to secular authority, Mikuláš went on to claim that the apostolic and patristic churches had developed under the jurisdiction of the state and moreover had taught that this was both good and proper.¹⁰⁴ Summoning all the historical evidence he could muster he asserted firmly that for more than three centuries the church and its representatives had submitted themselves to secular authority. If Mikuláš attempted to moderate his argument to placate Rokycana that moderation did not last for long. The writings of Jan Hus were quoted but Biskupec cleverly did not mention the name of the author. Soon, however, he threw caution to the wind and began in earnest to expound the Taborite position on popular sovereignty. Biskupec then cited the principles expounded in Marsilius of Padua's *Defensor pacis*. In sum, the priesthood was subject to the power of the magistrate which could be wielded both by the duly elected or appointed prince or in situations of abuse or inability of that office to function properly, such jurisdiction might be exercised by the "faithful

101) The second speech delivered by Biskupec appears in *Orationes*, 36-82.

102) Mikuláš appropriated this notion of a dual peace from Hus' sermon *De pace* which in turn had been borrowed from Wyclif who in turn had adopted it from Marsilius of Padua. Hus' sermon appears in Matthias Flacius Illyricus, ed., *Historia et Monumenta Ioannis Hus atque Hieronymi Pragensis, confessorum Christi . . .* (Nürnberg, 1715) 1:60-71; for Wyclif see his *Sermones*, ed., Johann Loserth (London, 1890) 4:360 and for the idea of temporal and eternal in Marsilius see Marsilius of Padua, *Defensor pacis* (Toronto, 1980) Discourse 1, c. 4, 12-13.

103) The third of the Four Articles of Prague had been influenced by Hus but even more so by his successor Jakoubek of Stříbro. "It is evident that numerous clerics and monks, on the basis of temporal law, have amassed many material possessions contrary to the direction of Christ. This has resulted in a decline within the priestly office and to the detriment of the lords of material estates. These priests are to be stripped of such illegal power. In accordance to the Scriptures they are to be exemplary in their lives and returned to the pattern of Christ and the apostles. *Historia Hussitica*, 393. Notwithstanding this, the Hussites were convinced that the true church did provide the secular magistrates with legitimacy in their function as the community of Christ visible in the world. The social and political evolution of Tábor is an enigmatic paradox of ideas. Rhetoric and reality on this issue never meshed for long during the revolutionary period.

104) *Orationes*, 56.

community".¹⁰⁵ Bishops had in fact been elected in past times by the prince and the people and those same individuals had also, when necessary, deprived ecclesiastics of their authority.¹⁰⁶ Mikuláš claimed that the church had existed under the government of the secular powers until a time of usurpation arose. Humility was replaced by avarice, spiritual power began to lust after political clout, and the officials of the church assumed secular power. The Donation of Constantine underscores this development. According to Biskupec, this was the time at which poison was poured into the church and the corruption of spiritual piety began in earnest. Returning to his reliance on Marsilius of Padua, Mikuláš of Pelhřimov then addressed the notion of popular sovereignty wherein the people, acting on the basis of spiritual authority, were justified in assuming the role of regulating faith. The responsibility, then, for the punishment of public sins and crimes was the task of all faithful Christians. Failure to reprove stridently, rebuke and correct constituted an illegitimate (mis)use of that investiture.¹⁰⁷ If Charlier perceived Mikuláš as overzealous in stirring a great fire with which to destroy vice, the bishop of Tábor reproached his opponent for stirring the fire on the side of the laity only while utilizing the flames to create a smoke screen for the sins of the clergy.

The matter of capital punishment was again addressed and enlarged upon. Biskupec was not impressed by the volume of Old Testament citations invoked against him nor yet by the repeated references to various ecclesiastical authorities which Charlier had summoned to buttress his argument. Mikuláš declared that only the New Testament was binding on Christians. Here we see the emergence of the Táborite authority base; a canon within a canon. His argument made the point in unequivocal terms that both secular law as well as the Old Testament, on the matter of capital punishment, were inimical to the Gospel and contrary to the Law of God. Divine law codified in the gospel and reflected in the practice of the early church aimed to point the offender toward correction. Hence, the punishment of sin was for the purpose of restoration, not annihilation. Life cannot be restored by killing. Such an act is simple vengeance. The reform of the sinner or criminal must always be the aim of the punishment meted out. Only God has the power to give life and to take it again.¹⁰⁸ Mikuláš referred to the execution of thieves which was being debated by priests in Prague and declared his staunch opposition to the practice.

Again, the bishop of Tábor raised the issue of prostitution and adamantly refused to entertain any idea of compromise of his earlier comments. As for Charlier's authorities, Augustine and Aquinas, Mikuláš openly rejected their arguments. "Christianity cannot be contented with rotten compromises with the world but rather should endeavor to transform the world according to the law of God."¹⁰⁹

Biskupec ended his response to Charlier by attacking the latter's defence of such practices as pilgrimages, indulgences, confraternities and relics. On the matter

105) The passages from the *Defensor pacis* appear in Mikuláš's speech in *Orationes*, 56, 58, 63 and 66. Mikuláš erroneously attributed the passages and ideas to William of Ockham.

106) *Orationes*, 57.

107) *Orationes*, 64.

108) *Orationes*, 53 and 54.

109) Quoted in František M. Bartoš, *The Hussite Revolution 1424-1437*, ed. John Klassen, trans., J. Weir (New York, 1986) 94.

of indulgences, both the authority of Hus and Wyclif was marshalled in an active and thorough denunciation. The arbitrary issuing of indulgences was, according to the bishop of Tábor, illegitimate and entirely superfluous. The only true proclamation of the forgiveness of sins was that announced by one standing in the grace and favour of God.¹¹⁰ Biskupec dismissed the entire arrangement of indulgence vending as practised and defended by the late medieval church. On these points Biskupec had some support, though clearly he offended other conciliar delegates.¹¹¹ He ended on a stormy note by again raising the issue of Hus and Jerome and their executions at Constance. He affirmed that both men had been wrongly put to death and that the Hussites in general would never concede that the Council had been justified in their condemnations. "We do not consider them to have been legitimately condemned."¹¹² The council chambers erupted with agitation and shouts of protest. In the midst of the hoots and roars Mikuláš of Pelhřimov finished his defence and response and rested his case. The uproar continued until the room was cleared.

Charlier did pose a response to the second address delivered by the bishop of Tábor.¹¹³ Predictably, he did not acquiesce in the ideas set forth by his opponent. Rather, he attempted to refute systematically the Táborite concept of the punishment of sins. The debate on the fourth of the Four Articles of Prague, at least on the face of it, appeared to be a standoff, with no clear victor. Both Mikuláš and Charlier maintained their respective views without substantial modification.

As previously noted, the speeches by Mikuláš at Basel are important for their articulation of Hussite attitudes toward sin as well as Táborite notions of power and authority and the relation of church to secular government. Perhaps the most intriguing aspect of these speeches is the position taken on, and the argument against, the matter of capital punishment. The history of radical Hussitism would not have suggested the Táborite view to have been what became apparent at Basel. Because of its importance in understanding the ideas of power and authority, as well as aspects of Hussite political theory, to say nothing of its relevance in terms of the punishment of sins, selections of Mikuláš's counter-reply to Giles Charlier wherein he develops a theory of punishment calling for the abolition of the death penalty are

110) *Orationes*, 72.

111) There is good reason to conclude that the Hussite presentations influenced Nicholas of Cusa in the writing of his major treatise on political theory *De concordantia catholica*. The first two books were composed by late summer 1433 and the third book by the end of that year. There is a good, recent translation. Nicholas of Cusa, *The Catholic Concordance*, edited and translated by Paul Sigmund (Cambridge, 1991). Sigmund notes that the early text dealing with predestination, church membership, and the problem of sacramental validity at the hands of sinful priests seem to have been shaped in part by the debates with the Hussites. *Ibid.* xv. Other scholars have seen an even deeper Hussite influence on Nicholas' *De concordantia catholica*. Antony Black, "Political Languages in Later Medieval Europe," in *The Languages of Political Theory*, ed., Anthony Pagden (Cambridge, 1990) 321-22 suggests that Nicholas amended his text *vis-à-vis* the basis of legitimate political consent after hearing the Hussites. There are dissenters to that opinion. See for example, Paul E. Sigmund, "Nicholas of Cusa on the Constitution of the Church," in *Nicholas of Cusa on Christ and the Church*, eds., Gerald Christianson and Thomas M. Izbicki (Leiden, 1996) 129 who suggests that Black's notion is highly unlikely.

112) Biskupec was not the only member of the Hussite contingency to invoke the case of Jan Hus. Ulrich of Znojmo also offended the council by referring to "Hus and Wyclif of holy memory." See for example *Orationes*, 133-4.

113) Charlier's final response appears in Mansi, ed., *Sacrorum conciliorum nova et amplissima collectio*, 30: cols. 388-456.

herein translated for the first time.¹¹⁴

The Counter-Reply of Mikuláš of Pelhřimov at Basel, March 1433

. . . having reduced the content of this speech to three items, and establishing in the primary four items to withhold first, the definition of sin, second, the definition of public and private, third, a distinction between four different types of verdicts, and fourth, a distinguishment between two kinds of censure the doctor [Charlier] has appended a proposal which affirms that the eternal law is resident in the supreme creator of all things. Hence, he remarked since the world is ruled by divine wisdom, it is essential that whoever has authority should inspire in those ruled over by the way that authority is administered that the inspiration returns in the same manner it proceeded. That is, from a practical reason of knowledge which is uncreated. Furthermore, he said that natural law comes from this by participation and thus enables us to be in conformity according to the purposes of our human condition.

I do not wish to discuss the latter, since it is beneficial and indeed does not impede my own presentation.

He put forth also another proposition according to which, over and above eternal and natural law, such existence must be determined by human law which comes from precedents and which in turn is defined by these moral laws and could as a result cause the death penalty on particular criminals in agreement with divine law.

He then added a third notion in stating that even if all serious sins, in particular public ones, are determined to be repugnant it is impossible to punish all according to human law. From the initial phase of the discourse he arrived at the conclusion that 'although all mortal sins are forbidden either directly or indirectly by the law of God, public sins are not all punishable by a legal penalty in accordance with the tenor of this legislation.'

Pertaining to the conclusions drawn from the second and third statements, I am totally in disagreement and hold to the opposite. In order that this august gathering might be enlightened on the nature of those things which separate my opponent and myself, and to clearly understand the truth which emerges from the confrontation of these opposing theses, I shall endeavor to set forth three premises. This will confirm my position and also provide a response to the arguments of my worthy opponent insofar as we differ from each other. In the first instance, the law of the gospel is far superior to that of Moses. It also surpasses human law in the destruction of wickedness Secondly, every scholar is a servant of the law. That individual must not expand the law or take anything away from it according to human wisdom. Instead, one must teach what is the law Third, every Christian who executes vengeance must be a faithful corrector of the evils done against God, in addition to being generous in forgiveness toward wrongs committed against his own person

Now that these premises have been laid out, I come to the opinion held by the doctor who assailed my article. Clearly, eternal law remains in its supreme originator. It is on this premise that natural law is arrived at through participation and this then allows us to behave consistently with our human situation. The doctor made this

114) The translated selections follow the text in *Orationes*, 36-82.

clear at the outset. I do not think it is essential to establish outside of this eternal and natural law a human law which comes under divine providence and such that the secular authority or the human race cannot go on without it. This means that the law of Moses and the law of grace, or the gospel, which came from it, are then based on the eternal and natural law and are therefore adequate, in different times, to provide direction to the church militant quite apart from imposing additional human legislation. The extent to which humankind are subordinated to God was determined long ago by moral and ceremonial laws.¹¹⁵ Human relations are also governed and regulated by legal jurisdiction. However, it is not true, as my opponent has stated, that such general laws guide direct human actions adequately and clearly in concrete terms. Therefore it was necessary to develop moral, legal and ceremonial constraints within prescribed limitations.

The law of the gospel which came after the law of Moses is sufficient by itself to govern the church militant and has no need for additional human precepts. This law exceeds the old law as well as other legal codes in its concise nature, the brevity of its statements, and the facility with which it can be followed.¹¹⁶ It is a common, unique, brief, uncomplicated, adequate rule and is a law of absolute freedom and it seemed good to Jesus Christ to provide us with it.¹¹⁷ No human individual, apart from Christ, was ever capable of establishing such law which would be universal and applicable to every person, regardless of their estate, for all situations, appropriate for all occasions, everywhere and capable of being followed without exception. Such a law, when fulfilled in perfection makes very clear in its instruction the manner in which abuses might be eliminated from the republic, how offenders may be punished, how this good law can be applied and then ultimately made normative Since Christ is the premise of judgment affecting the Christian, particularly the manner of conduct and life as set forth in the gospel, it becomes apparent that all people on earthly pilgrimage must know this law. This law demonstrates without any margin for error what must be believed in and hoped for and furthermore how public office ought to be administered.

It is then unnecessary to establish a human law. This position is not based on eternal or natural law and in accordance with what has already been pointed out, the old and new law is adequate for the governing of the universal church. This position, however, has been expressly denied by my opponent in his writing. He affirms the contrary.

To underscore my point, as it were, basing my position on the catholic faith, which is that Jesus Christ, very God and very man, created one law, to wit, the Old and New Testaments as the means of directing the universal church. It can be demonstrated that this canon of law is sufficient to govern all the world. By the same token the law of Christ Jesus contains within itself all laws, therefore this law of Jesus

115) See for example Exodus chapters 20-23 for ceremonial laws.

116) *Johannis Wyclif Tractatus de Mandatis Divinis accedit Tractatus de statu Innocencie*, eds., Johann Loserth and F.D. Matthew (London, 1922), c. 8, 67. Wyclif's *De Mandatis divinis* should be dated to the period 1375/6, *Ibid.* xxxii. The burden of the book is an investigation into the venerable subject of law (*ius*). According to Wyclif, God is both the source and the essence of law and this is understood best as reflected in the Decalogue.

117) Matěj of Janov, *Regulae veteris et novi testamenti*, book 3, introduction to chapter 1, Vlastimil Kybal, Otakar Odložilík and Jana Nechutová, eds. (Innsbruck, Prague and Munich, 1908-1993) II:2.

Christ, very God and very man, is able to direct and govern the church universal.¹¹⁸

I do not set forth this proposition in order to invalidate or dismiss human precepts, especially in those circumstances where they facilitate the law of God or mirror the justice or righteousness of such. However, I do affirm that the application of human laws or non-official precepts is not obligatory and remains optional. The exception to this rule would be in those cases where such precepts are the channel through which the law of God and obedience to the same is directed. According to my opponent, though, human law which is made essential and binding is every bit as worthy as universal law. Though theological and moral concerns are not made clear

. . . . it stands therefore that all human laws are essential to the extent that anyone, and particularly priests, caught in the clear and open sin of adultery should be put to death. Let the doctor go ahead and expound this idea in France and he will have the ratification of the clergy as well as that of the kingdom.

There would not be any problem with such objections from the doctor according to this, when even human law which would allow the husband to kill his wife's seducer caught in the act, it must be seen if it is a person of low standing or an individual to whom one must demonstrate reverence, the doctor obviously wishes to exempt clerics. One must respond that the doctor cannot exempt anyone, not even a priest, because through the acts of sinning, that person lowers themselves far more than they might surpass others in terms of their position. Moreover, the fall is entirely more serious insofar as the position is raised.

Further to this I wish to construct a motion of dissent to his third proposition in the following manner: All serious public sins which must be condemned with abhorrence by those of the faith could be punished according to human law. By this I infer that human law serves divine law and reflects its righteousness and justice. The doctor pointed this out in his address and stated that such law is valid only to the extent that it fulfills this function.

This idea may be demonstrated in this manner: human law is in subjection to divine law in much the same way that a servant is to their master, insofar as it establishes exactly the punishment of everyone who publicly violates the law of God. If this is accepted and the necessary conditions of time and situation are fulfilled, then all public mortal sins may thus be punished by human law. In this way the consequences are valid.

In consequence, I formulate a conclusion which is opposed to that of the first party; all public mortal sins which are prohibited in an explicit or implicit manner by the law of God merit, on the part of individuals, given the proviso that the spirit of the law is followed and the required criteria are present, the application of the punishment allowed by legal judgment with the assistance of the secular or spiritual arm, in accordance with that order ratified by God.

This conclusion can be demonstrated in this way: in the same manner that the church is comprised of two parts, clergy and laity, in similar fashion as the soul and the body, so there are two modes of correction. These are spiritual admonition and

118) Here Mikuláš is drawing upon the ecumenical dogma 'Deum verum de Deo vero' codified in the Nicene Creed. The various received texts are in Philip Schaff, *The Creeds of Christendom*, (Grand Rapids, 1985) II:58.

corporal repression. The secular and spiritual authorities can use these modes of correction according to their duty. Following the spirit of the law of God in the context of the Christian communities it does not matter which estate, inflicted by judgment can thus be penalized for all kinds of sin. Relying on divine authorities and on the instruction of the holy doctors, I have proven my case. Therefore these two powers, pragmatic authority and evangelical persuasion, cannot be said to be irrelevant within Christianity, a point which cannot be admitted.

Similarly, a judge may condemn by a judicial act, according to the spirit of the particular law, all sins which that law declares punishable by one penalty or another. Divine law passes judgment on all mortal sins which are deemed punishable either in a general or particular sense. As I have already said, a judge may in fact punish all of them by a legal act. Therefore the conclusion is legitimate and the antecedent follows from what the doctor already stated. That is to say, that on the basis of the word of the apostle to the Romans chapters one and thirteen, human law may impose the death penalty for particular crimes.¹¹⁹ He interprets this to mean that is permissible for the judge, then, to prescribe execution on those to whom the law of God condemns to death. However, unlike him I do not admit that such capital punishment may in fact actually be carried out on those, according to the apostle, who deserve it. I shall demonstrate this as follows

From this conclusion I draw out a natural implication according to the law which tolerates and permits fornication to go unpunished. To explain myself more forcefully, a law which allows open prostitution is wicked and does not in fact mirror the righteousness or justice of the law of God. This is contrary to the thesis advanced by my opponent Those who tolerate prostitution appear to claim that the omniscient God lacked wisdom in formulating a legal decree which forbade carnal relations outside the bonds of legally sanctioned marriage on pain of forfeiting eternal bliss and further of falling into everlasting damnation. Such a position is an enormous blasphemy and cannot be sustained in any way. From the moment this sin was prohibited by ancient law, which was even less complete than the new one, how much more sensible is it to prohibit and destroy such sin by the new law, which is a far superior law.

My opponent, however, fails to strengthen the weakness evident in his argument when he admits that prostitutes should be relegated to the lowest levels of the town where the dregs of society are. That is, banished to a private place in a suburb in order that this sin cannot be spread in an open manner and may therefore be contained in a particular area. In this way prostitution is acknowledged as a restricted activity: confined to certain places in order that it may not be practiced in an honest section of the city, the movement of these women is also curtailed so that they do not become street-walkers, do not frequent night clubs, do not sit at table with men, and do not wear expensive clothes. All of this to prove that the Lord God has provided neither time nor place for sin. In the communities of the primitive church this sin had no place and indeed was not even permitted to be mentioned. If the doctor could only demonstrate with reference to the law of God that the public sin of prostitution could be officially tolerated in the community, that such a restricted place in the suburbs might be designated for them, or that he teaches and certifies

119) Romans 1:29-32 and 13:4.

that men and those who procure such may mingle with them living and eating¹²⁰

The logic which consists in the toleration and excusing of prostitution, under the pretext of avoiding even greater evils, is not acceptable.¹²¹ My opponent in effect has submitted that any legal prosecution against this crime would only yield greater crimes and would lead on to massive scandal. Undoubtedly he could state, with more prudence, that the prohibiting and punishment of this sin would only create occasion for far worse acts. But the apostle [Paul rebuked the idea] that one ought to engage in evil in order that good might come from it.¹²² Furthermore, Augustine declared that 'no one should tell a lie even if the salvation of the entire world hung in the balance.'¹²³

According to the word of Christ, it does not profit anything if one gains the whole world and in so doing forfeits the soul.¹²⁴

Those who thus argue that God could not be so cruel as to require his people to do what is impossible under threat of a major penalty, for according to them it is quite impossible to avoid such fornication . . . , must appreciate that God, very good, all wise and very lenient, commands people according to the law to be sober in refraining from drunkenness and be innocent of unlawful sexual behavior and persist rather in a legitimate union. If someone is weak and is incapable of sexual abstinence, that person may be permitted to marry and to take a wife in keeping with ecclesiastical order. . . .¹²⁵ The Christian who avoids adultery and sodomy but who does not refrain from drunkenness and carnal relations, will be damned. According to the apostle such an individual will not inherit the kingdom of God.¹²⁶ I fear, on this point, that my worthy opponent in showing himself tolerant with respect to sin does not cool the boiling cauldron by pouring water on it and this action is insufficient to remove occasion from young hearers, who being devoted to pleasure, to commit such sins.

Following this the doctor then advanced the authority of the canons and the writing of a number of doctors to the effect that the severity of punishments ought to be modified or tempered when the sinners in question constitute a large number. This is all the more to be observed when it involves a prince or an influential individual who possesses a great deal of public support. The principle is also to be adhered to when the punishment could result in schism or disrupt the tranquillity of the state.

In order to resolve the difficulties created by these authorities it is essential to note that there are two types of peace, namely the peace of God and worldly

120) The inference is that Biskupec might accept modification of his own position if his opponent were able to marshal adequate examples from scripture. Without such authority, however, Charlier's position is deemed incongruent with Christian society.

121) Here the reference is to the argument presented by Charlier on prostitution.

122) Relevant Pauline texts include Romans 3:8 and 6:1-2.

123) This reference seems based upon the general tenor of two short books written by Augustine: *De Mendacio* (c. 395) cc. 11 and 42 and *Contra Mendacium* (c. 420) c. 40. Both texts have been translated by H. Browne in *Nicene and Post-Nicene Fathers*, first series, volume 3 (Grand Rapids, 1980) 455-500.

124) Mark 8:36.

125) I Corinthians 7:2.

126) For example, I Corinthians 6:9-10 and Galatians 5:19-21.

peace.¹²⁷ This distinction is affirmed by the word of Christ: 'Peace I leave with you, my peace I give to you, not as the world gives do I give to you.'¹²⁸ The peace of God is the peacefulness of the spirit which is strengthened by virtuous practices. This state is entirely absent in the individual who lives in sin. So it is written, 'who has hardened himself against him and had peace?'¹²⁹ This peace manifests itself in three ways. First, there is the peace of humankind with God, second, human peace the individual has with him or herself, and third, the peace one has with one's neighbors. The first peace, that of humankind with God has such power that the other two proceed from it. In the absence of this peace, no other form of peace is possible. Anything that violates this peace is sin. It is sin alone which creates a barrier between humans and God according to Isaiah. 'It is your sins which have made a separation between you and your God.'¹³⁰ Therefore, sin, which is an obstacle to this peace, must be avoided at all levels

Worldly peace, in its widest sense, is a serene peace in worldly goods untroubled by enemy attack.¹³¹ This kind of peace has the effect that everyone naturally desires it. The wars which are fought would not take place if this goal were not a consequence of these conflicts. This goal is so desirable that even robbers and persons of the worst sort pursue it, otherwise it would spell the end of society. Therefore the existence of the human species, comprised of all those who oppose enemy forces, is maintained by this peace or harmonious concord which Empedocles calls friendship and which is the cause of generation while discord is the progenitor of disintegration.¹³² Certainly this worldly peace is a good thing on account of the fact that it leads to peace in the soul. However, since it is founded on a generally insincere consensus, accepted by a minority, and guaranteed by the fragile bonds of the world, it cannot shelter people in the context of their enemies but rather produces illusion and deception. Too frequently it is shrouded in sin as is evident in Deuteronomy where God refers to the one who has worldly peace. 'Becoming fat, thick and sleek, God the creator was abandoned.'¹³³

127) This entire section with its emphasis on peace is based upon the sermon *Sermo de pace* Jan Hus prepared in 1414 to deliver before the Council of Constance. Matthias Flacius Illyricus, ed., *Historia et Monumenta Ioannis Hus atque Hieronymi Pragensis, Confessorum Christi*, volume 1 (Nürnberg, 1715), pp. 52-3. New edition in Erik Turnwald, *Vom unteilbaren Frieden und Sermo de pace die Konstanzer Friedensrede des Magisters Johannes Hus* (Schwarzwald: Johannes Mathesius Verlag, 1971), pp. 36-59. The concept of a double peace is not original with Hus but can be found in Wyclif. See his sermon on the gospel for the first Sunday after Easter (John 20:21) in *Iohannis Wyclif Sermones*, volume 4, ed., Johann Loserth (London: Wyclif Society and Trübner and Co., 1890), p. 360. It is possible that Wyclif took the idea from Marsilius of Padua. Marsilius of Padua, *Defensor Pacis*, ed., Alan Gewirth (Toronto and London: University of Toronto Press, 1986), Discourse 1, chap. 4, part 3, pp. 12-13.

128) John 14:27.

129) Job 9:4.

130) Isaiah 59:2.

131) Marsilius of Padua, *Defensor Pacis*, Discourse 1, cc. 2; 19, pp. 8-9; 89-97.

132) Empedocles was a fifth century B.C.E. Greek philosopher and statesman. Mikuláš seems to be referring to a statement among his extant fragments. See Brad Inward, *The Poem of Empedocles* (Toronto and London, 1992) 120.

133) Deuteronomy 32:15. The idea 'fat' in Hussite literature is frequently associated with corruption. See for example Petr Chelčický, *Postilla*, ed., Emil Smetanka (Prague, 1900-1903) 1:138 wherein Chelčický says that the citizens of Capernaum were fat having been bloated with immoral life styles. Jan Hus called the clergy of his day 'fat swine' on account of their corrupt lives. See his fourth sermon

Having thus been posed, a reply can be offered, according to the Lord, to all other objections simultaneously. It would appear that the doctors who wrote of such matters were concerned more with temporal peace than spiritual peace. In this posture the doctors have failed to note that it is the corrupt activities against the law of God and the making irrelevant of this law, not the pursuit of crimes, which disrupts secular peace and creates disorder in the church militant The church of Christ is in a state of disintegration on account of the sins of Christians This is why in Micah Christ laments in a pitiful voice: 'Woe is me. I have become as when the fruit of the summer has been harvested and the vintage has been gathered. The godly have disappeared from the earth and there is no one righteous among the people.'¹³⁴ In this manner he demonstrates that many of those who are alleged to be friends of the church are in actuality among her greatest enemies and are those who disturb her peace the most.

It would appear that the doctors already mentioned were more concerned with the state of temporal peace than with the causes of disruption. This is why they expressed themselves in the way they did. Similar considerations constituted the principles according to which Caiaphas addressed the council. 'You do not know anything at all. It is necessary for you that one man should die for all the people rather than that the entire nation should perish.'¹³⁵ Others say again, 'What can we do? This man did numerous signs? If we leave it as it is, everyone will believe in him and the Romans will come and destroy this place as well as our people.'¹³⁶ These words were spoken in this manner with a view toward temporal disorder.

Such a perspective cannot be attributed to Christ who spoke thus: 'I have not come to bring peace but a sword. I have come to set a man against his father, a daughter against her mother, a daughter-in-law against her mother-in-law.'¹³⁷ Christ as the king of peace came to abolish the false union which the arrogance of the Devil causes to exist between people and which deceives the most worthy. . . . All sinners seduced by pride must be segregated by the humility of Christ. Carnal men who find union in the vice of sensuous pleasure must be separated by the poverty of Christ. Whoever among them seeking to lull the people into a false peace, runs the risk of destroying the peace of Christ, which is the original peace of humankind with God and which can only be destroyed by sin.

It is on account of this that it was said regarding Christ, 'he has stirred up the people first in Galilee and ending up here.'¹³⁸ The apostles judged all sinners without respect to person, whether great or small, without regard to consequence, mindful only of pleasing God rather than people. They sought to strengthen faith and virtue, not necessarily the world. As I have said already, all the Old Testament prophets had this commission and there is not one who did not suffer on account of it from Moses

after Trinity (5 July 1411) in Václav Flajšhans, ed., *Mag. Io. Hus Sermones in Bethlehem 1410-1411*, (Prague, 1938-45) 4: 258-61. Matěj of Janov accused the Prague clergy of holding 'fat benefices'. *Regulae veteris et novi testamenti* 1:178-81. Jakoubek of Stříbro parodied clerics as 'fat-bellied' hypocrites. *Apologia pro communione plebis sub utraque specie*, in Hermann von der Hardt, ed., *Magnum oecumenicum constantiense concilium* (Frankfurt and Leipzig, 1697-1700)3: col. 605.

134) Micah 7:1.

135) John 11:49-50.

136) John 11:48.

137) Matthew 10:34-6.

138) Luke 23:5.

through to John Baptist. Everyone who applied this law on the punishing of sins have been supportive of the subject.

Of course the censors must take into consideration the circumstantial conditions. Once these are taken into account they must not fail to correct error, each one following his peculiar calling and through the use of appropriate means, without hindsight, to the end that the punishment be not motivated by rancor or vengeance, but from a strong desire for justice, providing no occasion for hatred to take free reign, but to correct depravity as is recommended [in canon law]¹³⁹

The censor must not work endeavoring to cause division or provocation among the people just as the Lord did not intend to provoke a schism among the disciples when, at a particular moment, he instructed them to eat his flesh and drink his blood.¹⁴⁰ In the same fashion you are not to consider power or the number, or further to tolerate anything just as Elijah spoke against the king and his house¹⁴¹ as well as John Baptist [criticized] Herod.¹⁴² If the power is not touched by the critique, he must not desist from criticizing, the intention replaces fact, just as the words of Origen already cited, he was heard to say. 'So be it that we cannot cast out those who spread disorder. Let us at least reject those that we can remove so that the sins are made visible.'¹⁴³

Now I come finally to the argument set forth by the doctor, namely that certain sinners ought to be tolerated within Christianity on account of the fact that such persons ostensibly are useful, are profitable because they torment, because by their example they encourage those by opposition to do good. He also adds that the merchants are tolerated with patience, from fear that unknown goods are not condemned. Thus Isaiah said, 'depart, depart. Go away from there and touch nothing unclean.'¹⁴⁴ Now he lived among an unclean people whose language was contaminated. Even Christ and the apostles lived among the wicked. But the doctor wishes to say that one ought not to separate oneself physically from the wicked, but only in heart and spirit.

To offer a response to that it must be clarified that there are six ways of consenting which are thus recorded: consenting is that which collaborates, protects, provides advice, ratifies, neither assisting nor punishing.

In each of these cases it happens that the one who is consenting to the sins is more seriously implicated than the actual delinquent. Each person, especially each priest, must take care to avoid giving consent in any of these enumerated ways. It should also include those who fail to prevent sins, when they had the owner to do so, as well as those who do not forbid sins, those who thereby make themselves accomplices, together with those who give licence to sin, as it appears in [canon law]¹⁴⁵

139) Gratian, *Decretum*, III, C. 24 q. 4, cc. 53-4 in PL 187, 1212-13.

140) John 6:53-60.

141) I Kings 18:17-18.

142) Matthew 14:3-5.

143) Homily 21 on Joshua 15:63 in PG 12, 251.

144) Isaiah 52:11.

145) Gratian, *Decretum*, C. 18, q. 2, chapter 1 and C. 23, q. 3, chapter 11 in PL 187, 1079; 1172.

Having established this, one can move to reply to the objection that if there are some people who have never consented to the sins of others they therefore cannot be associated with the faults of those sinners. But who is like such an individual meriting praise? To the one who says it is sufficient to remove oneself in spirit and in heart from the wicked, but not necessarily physically, the appropriate response is as follows. This would be quite acceptable if there was liberty to serve God, a will-power sufficient for perseverance and the absence of any and all occasion to indulge in the sin. Then there is no place to flee. Otherwise one would be forced to go out of the world altogether.¹⁴⁶ If such were the case one could live with the wicked while at the same time denouncing their transgressions. It is possible for the wicked to influence the depraved and win them over in the same manner as for the glory of the saints. Effectively, the quality of a good person is not praiseworthy in God's eyes if he has not been among the wicked just as the Psalmist exalts the righteous person: 'He was peace-loving with those who hated peace.'¹⁴⁷ Where these conditions are absent the good must be separated physically as well as spiritually from the wicked.

Now to that distinction which the doctor drew, on the basis of the authority of Augustine, between the debauched and the criminals noting that those debauched are those who sin among themselves, while criminals are those who sin against others. These latter must be removed from society, namely robbers, murderers and adulterers. While this is necessary, it is not essential for those who sin among themselves, for example fornicators. It is as though the sin against oneself was in some sense less harmful and less serious than the other, even though all mortal sins are extremely harmful to the public good. Moreover, Scotus in his commentary on the four books of Sentences, wrote completely contrary to that which the doctor said by saying that one ought to be wary of regarding theft a less serious sin than adultery and that by consequence such sins should be punished less rigorously than others. . . .¹⁴⁸

I also said without prejudice of the law of God against sinners, that in this time of the law of grace, civil power should not commonly prescribe the death penalty. The doctor attacks me and claims that I deny that the guilty may lawfully be put to death. He endeavors to demonstrate the converse by reference to this text from Proverbs: 'By me kings reign and rulers decree what is just'.¹⁴⁹ He says that God is the author of life and therefore has great authority over death. Kings who hold royal power from God can also kill justly. He proves it further again by adopting the following argument from the first letter to the Romans where it is said of those who commit serious sins 'those who do such things are deserving of death.'¹⁵⁰ Further in Romans chapter thirteen, since the judge is adjudicated as God's servant, then the judge may lawfully put to death those whom God has condemned to death.¹⁵¹ He attaches to this argument a significant number of other arguments and references.

146) I Corinthians 5:10.

147) Ostensibly a reference to Psalm 120:6.

148) John Duns Scotus, 'Commentary on the Four Books of Sentences', Dist. 15, q. 3, in *Joannis Duns Scoti Opera Omnia*, ed., F. Vivès (Paris, 1891-5) 18: 366; 375.

149) Proverbs 8:15.

150) Romans 1:32.

151) Romans 13:4.

To this I reply that in the time of grace the mercy and compassion of our Lord and Savior has appeared toward all sinners, especially to those who are repentant in order that they too might come to an abundant life.¹⁵² And he did not come to lose, but rather to save souls. Note that Cyprian wrote in his twentieth-first letter ‘that the great and the defaulters are killed by the spiritual sword of justice by being excluded from the church’¹⁵³ With respect to the rebellious son, the *Glossa Ordinaria* states that ‘Moses ordered on the stubborn and depraved son a hail of stones, the evangelist, a shower of reprimands.’¹⁵⁴ Hear also John Chrysostom commenting on this verse in Matthew chapter sixteen concerning allowing things to grow until the harvest.

The Lord forbids putting to death. Heretics must not be exterminated, otherwise an implacable struggle would break forth all across the earth he does not oppose the imposition of limitations on the rights of heretics, or a means whereby their free appearance in public is monitored, or the breaking up of their gatherings or the closure of their schools. He does, however, forbid putting them to death and killing them.¹⁵⁵

Have respect for these authorities and others which are similar. Take note of the manner in which the great doctors in this time of grace have invented penalties less than death for the punishment of sinners. I earnestly desire that in prescribing punishment on the guilty the judge would conduct himself as a father rather than as a tyrant. Further, that he take into consideration the initiative of Christ and the practice of the early church rather than the judgments of ancient law which are not in conformity with the prescriptions of the gospel. I confess that I cannot give life to the condemned, but I neither take delight in that loss nor do I willingly consent to that person’s death. Notwithstanding that, I wish with all my heart that public sins may be punished for the improvement of the sinner, without any consideration of the individual.

VI. Mikuláš of Pelhřimov appeared to pull no punches before the great conciliar gathering at Basel. In 1433 he sounded remarkably unlike the marginally chiliast Tábórite leader he had been a dozen years earlier. Indeed, his position was markedly similar to that articulated by Nicholas of Dresden nearly two decades before. The rhetoric of Biskupec seemed to defy, and diverge from, the reality of Hussite history from Jakoubek down to the Council of Basel and even beyond. As he prepared to journey to Basel, Tábórite armies were plundering the Austrian side of the Moravian border southwest of Znojmo. While he was eloquently defending the punishment of sins apart from the death penalty, posing as a father rather than a tyrant, the Hussite warriors of God were putting countless “criminals” and “sinners” to death by the edge of the sword and the fires of the stake. Between February and July, Tábórite troops waged war, in turn, in Austria, Silesia and Slovakia. In April Orphan armies left Bohemia and by the fall of that year had fought their way across east-central Europe from Bohemia to the Baltic Sea near Gdańsk shelling towns, destroying religious houses, plundering the countryside and executing captives by

152) Titus 2:4 and 3:4.

153) Migne, ed., *Patrologia Latina*, volume 4, col. 286.

154) Gloss on Deuteronomy 21:18-21 in PL 113, 474.

155) Pseudo-Chrysostom, Homily 31 ‘Opus Imperfectum’ in PG 56, 791. Mikuláš follows the general mediaeval attribution of this text to John Chrysostom.

burning them at the stake.¹⁵⁶ Was Bishop Mikuláš unaware of what the Hussite armies were doing? If he was aware did he not realize the gulf of separation between his own speeches and the actions of his colleagues? Does his address simply constitute exacerbated defiance to the authority of the Roman church? Was he deliberately antagonistic and provocative? Or was Mikuláš merely stating his own personal views?

It is fair to assume that the bishop of Tábor was quite aware of the general policies and practices of the Hussite armies. For too long he had been at the helm, at the centre of authority to be ignorant of such matters. If that be the case, then he could not have failed to realize the incongruity of his words and the actions of his men. Certainly Mikuláš enjoyed agitating the Roman church and there is clear evidence that at times he could hardly restrain himself from provoking his august audience. Even Jan Rokycana reproved him for his intemperate language and hostile attitude in the course of the council proceedings. Still, there was too much at stake for Mikuláš to arbitrarily deliver his defence in a cavalier fashion. Despite the tantrums of provocation and unnecessary vilification of the Roman church, there was too much maturity, wisdom and diplomacy attached to his character for that suspicion to carry much weight. As for merely stating his own views apropos sin and punishment the litmus test seems to be in the reaction of his Hussite colleagues at Basel. There is no evidence to sustain the idea that any of the thirty odd Hussites at the council seriously objected to the argument advanced by Mikuláš. That means there was either a conspiracy to fabricate and conceal, or what the bishop of Tábor had to say was an accurate reflection of Hussite theory in the early 1430s.

There is still, however, the lingering suspicion of duplicity on the part of Biskupec. Rokycana judged Mikuláš a man of "astonishing inconsistency".¹⁵⁷ Petr Chelčický was even less complimentary. After discussions with Biskupec in person and then subsequently reading his written opinion on the same matter, Chelčický accused the Táborite bishop of outright deception.¹⁵⁸ Was Mikuláš duplicitous or conversely a dynamic, progressive and complicated spirit? Perhaps he was a herald of a new era. Having once embraced chiliast sentiment and the ideas of forcefully implementing religious reform and renewal, Biskupec now relinquished those tenets and applied himself to the tasks of reconstructing the Táborite vision for survival and posterity.¹⁵⁹ Within fifteen months of his speeches at Basel, the Hussite military phase was at an end, and of internal necessity, quite apart from any theological, philosophical or legal considerations, the punishment of public sins took on a new dimension in Hussite Bohemia.

156) On this campaign to the Baltic, see Josef Macek, *Husité na Baltu a ve Velkopolsku* (Prague, 1952).

157) Rokycana's comment appears in his "Tractatus de existentia corporis Christi in sacramento," in Zdeněk Nejedlý, *Prameny k synodám strany pražské a tábořské v letech 1441-1444 (Vznik husitské konfesse)* (Prague, 1900) 138.

158) For Chelčický's comment see his "Replika proti Biskupcovi," eds., Jurij Annenkov and Vatroslav Jagič, in *Sbornik oddělení ruského jazyka i slovesnosti Imperatorskoj akademij nauk*, 66 (1893) 413. There is a good summary of the interaction of these two men with respect to the doctrine of the eucharist in Wagner, *Petr Chelčický: A Radical Separatist in Hussite Bohemia*, 108-111.

159) This is the view suggested by Howard Kaminsky in his essay "Chiliasm and the Hussite Revolution," 64.

War and pacifism, crime, sin and punishment were contentious issues in revolutionary Hussite Bohemia. To be sure, both sides of the debates were adequately represented. Peacefulness gave way to violence and warfare in 1419-20 and this approach was later to be eclipsed in the 1430s following the Battle of Lipany (1434) and the siege of Sión Castle (1437) by an absence of open, military hostilities. The bishop of Tábor, Mikuláš of Pelhřimov was part of all three stages. The manner in which crime and public sins were to be dealt with and punished became his preoccupation culminating with his speeches at Basel. To what extent he spoke from conviction, or to what degree he strategically focussed a program aimed at the ultimate survival of the Táborite experiment can not be determined for certain. In the end Biskupec may be said to have acquitted himself well in the exercise of his episcopal capacity. The success which Tábor did achieve owes considerable to the "little bishop".