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## Mařík Rvačka's Defense of Crusading Indulgences from 1412

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The indulgence affair of 1412 turned out to be an ominous landmark in the Bohemian reform movement. Above all, the dispute about the Crusading Bull of John XXIII split the Wyclifite group at the University of Prague, and thus enhanced the fragmentation of forces in the contemporary Church, which were bent on reformation. Those masters, who had decided for fidelity to the pope, separated from the Wyclifite camp. The group – called by Howard Kaminsky “the Romanists”<sup>1</sup> – turned against Hus, joining the ranks of his existing enemies. These opponents of Wyclif and of his Prague adherents did not necessarily uphold exclusively conservative views within the framework of contemporary orthodoxy. On the contrary, some could be characterised as adherents of ecclesiastical reform. These opponents of Hus included also Master Mařík (Maurice) Rvačka. While his authorship of a treatise concerning frequent communion – one of the cardinal points of early Bohemian reformism – is highly disputable,<sup>2</sup> his demeanour at the Council of Constance placed him unambiguously into the ranks of the numerous reform advocates.<sup>3</sup> Yet, this stance did not keep him from attacking the champions of Utraquism in theological disputations.

Mařík, the son of Jan, later known as Rvačka, was born around 1365.<sup>4</sup> Already as a young man he joined the Penitent Order of the Holy Martyrs

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<sup>1</sup> HHR 37–38.

<sup>2</sup> Jana Nechutová, “De ‘Tractatus de corpore Christi’ M. Mauritio adscripti fonte Janoviano,” LF 93 (1970) 262–270.

<sup>3</sup> Jaroslav Kadlec, “Mistr Mařík Rvačka na koncilu kostnickém,” in *Husitství – reformace – renesance. Sborník k 60. narozeninám Františka Šmahela*, 3 vv., eds. Jaroslav Pánek, Miloslav Polívka, and Noemi Rejchrtová (Prague, 1994) 1:381–390.

<sup>4</sup> The earliest substantial treatment of Mařík is Jaroslav Fikrle, “Čechové na koncilu Kostnickém” [The Czechs at the Council of Constance], ČČH 9 (1903) 249–259, 415–428; thus far the most complete biography is offered by Bohumil Kvapil, “Mistr Mařík Rvačka,” in *K dějinám československým v období humanismu. Sborník prací věnovaných Janu Bedřichu Novákovi k šedesátým narozeninám 1872–1932* [Czechoslovak History in the Period of Humanism. A Festschrift for the 60<sup>th</sup> Birthday of Jan Bedřich Novák, 1872–1932], eds. Bedřich Jenšovský and Bedřich Mendl (Prague, 1932) 192–199. If we identify Mařík with the “Mauricius (?) de s. Cruce” mentioned ad a. 1377 in *Acta iudiciaria consistorii Pragensis* 7, ed. Ferdinand Tadra (Prague, 1901) 191, we would have to shift the date of birth suggested by Kvapil several years earlier.

(*ordo de poenitentia beatorum martyrum*) or the Knights of the Cross with a Red-Heart.<sup>5</sup> He obtained the bachelor's degree from the University of Prague in 1385, and the master's degree in 1387. The affairs of the parishes of his Order, where he had worked, brought him to Rome for a two-year stay in 1400. From there he carried away the degree in theology, bestowed by pope's grace, as well as the office of Visitor of his Order. In this function he travelled to Poland, and for a certain period he lectured at the recently restored University of Cracow. Despite his best efforts, however, he could not secure an admission among the professors of the Theological Faculty at Prague. Evidently, he functioned as an Inquisitor in Prague in 1408–09. Soon thereafter, he joined the polemics against Jan Hus, whom he attacked – probably in February 1411 – in an anonymous letter.<sup>6</sup> During the following year, he argued against the reform party in a hitherto lost treatise in defence of the indulgences. Following the King's expulsion of the pro-papal theologians from Bohemia, Mařík probably left Prague in 1413 and possibly returned to Poland. In any case, we find him at the Council of Constance in 1416. There he preached several sermons, presented his views on church reform, and sided with the Poles in their dispute with the Teutonic Knights. Although, before the council's closing, he had obtained from Martin V the appointment as prior in the French Augustinian monastery of Troyes,<sup>7</sup> he apparently returned with his friends to Poland. There, in any case, exists an expert assessment from 1424 of the Wyclifite theological dictionary (known as *Floretus*) that has been attributed to Rvačka.<sup>8</sup>

Gaps in Mařík's biography and also *deperdita* in his literary production obscure certain phases of his career. Confusion in the early literature was further increased by the fact that other persons of the same – albeit not quite usual – name existed in Bohemia at that time. Those persons were, in the

<sup>5</sup> Concerning this Augustinian order, later known as the Cyriacists, which was spread especially in Bohemia, Poland, and Lithuania, see Pavel Vlček, Petr Sommer, and Dušan Foltýn, *Encyklopedie českých klášterů* [An Encyclopedia of Bohemian Monasteries] (Prague, 1997) 135, and Zdeňka Hledíková, "Řád křižovníků s červeným srdcem ve středověku" [The Order of the Knights of the Cross with a Red-Heart in the Middle Ages], *Sborník prací východočeských archivů* 5 [The Review of East Bohemian Archives] (1984) 209–235; on their Prague monastery, see Antonín Novotný, *U staropražských cyriaků čili Kronika zaniklého kláštera 1256–1925* [The Cyriacists of Old Prague or the Chronicle of an Extinct Monastery, 1256–1925] (Prague, 2002) 10–47, and Helena Soukupová, "Pražský klášter cyriaků s kostelem sv. Kříže" [The Prague Monastery of the Cyriacists with the Church of the Holy Cross] in *Od knížat ke králům. Sborník u příležitosti 60. narozenin Josefa Žemličky* [From Dukes to Kings. A Festschrift for the 60<sup>th</sup> Birthday of Josef Žemlička], eds. Eva Doležalová, Robert Šimůnek (Prague, 2007) 254–272.

<sup>6</sup> See Václav Novotný, *M. Jan Hus. Život a učení* [M. Jan Hus. Life and Teaching], 1:1–2 (Prague, 1919–1921) 1:241–242, 2:9–12.

<sup>7</sup> Fikrle, "Čechové na koncilu Kostnickém," 424; *Monumenta Vaticana res gestas Bohemicas illustrantia* VII:1, ed. Jaroslav Eršil (Prague, 1996) 78, no. 176.

<sup>8</sup> Jerzy Wolny, "Maurycy Rwačka i Floretus theologicus w rękopisach Biblioteki Jagiellońskiej i innych księgozbiorów," *Biuletyn Biblioteki Jagiellońskiej* 27 (1977) 8.

first place, the General Prior of the Order *de poenitentia*, Mořic of Pardubice<sup>9</sup> and, secondly, the Lector of the Prague monastery of the Minorites, Mařík Šimonův, who carried in 1408 a message of King Wenceslaus to the cardinals that were convoking a Council to Pisa.<sup>10</sup> Moreover, Jan Sedlák attributed to this Minorite Mařík a treatise about indulgences, that is, on the same theme that also Mařík Rvačka was to have addressed in his lost work.<sup>11</sup> Sedlák, however, relied on a false attribution in the Brno manuscript from Cerroni's collection.<sup>12</sup> As noted by Jaroslav Kadlec however, this text is really a sermon of the Minorite Francis of Meyronnes from the first quarter of the fourteenth century and it is found in manuscripts all over Europe.<sup>13</sup> The extant Central European manuscripts attest to its popularity also in the Bohemian Lands. Considering its theme, this popularity is understandable. The Brno manuscript was interpreted as a weapon against the Wyclifites, who were checkmated by its arguments.<sup>14</sup>

An unknown polemical treatise "against those who prevent Václav Tiem from selling indulgences," has figured in the lists of Mařík Rvačka's writings for more than one hundred years. In 1903 Jaroslav Fikrle published his

<sup>9</sup> He was distinguished from Mařík Rvačka already by Kvapil, "Mistr Mařík Rvačka," 197; see Hledíková, "Řád křižovníků s červeným srdcem," 217 and 233.

<sup>10</sup> Concerning this friar, see Fikrle, "Čechové na koncilu Kostnickém," 253.

<sup>11</sup> Jan Sedlák, "Magistri Mauritii O. Min. Tractatus de indulgentiis," in *Miscellanea husitica Ioannis Sedlák*, eds. Jaroslav V. Polc and Stanislav Přibyl (Prague, 1996) 544–561 (re-edition of 1906 text).

<sup>12</sup> Brno, Moravský zemský archiv, Cerr. II 303. The erroneous attribution was retained by Mojmír Švábenský, *Cerronihó sbírka 13. stol.–1845* (Brno 1973) 525–526.

<sup>13</sup> Jaroslav Kadlec, "Literární činnost mistra Maříka Rvačky" [Writings of Master Mařík Rvačka] in *Pocta Dr. Emmě Urbánkové. Spolupracovníci a přátelé k 70. narozeninám* [Festschrift for the 70<sup>th</sup> Birthday of Emma Urbánková] (Prague, 1979) 150–151; for basic information about the work and a selective bibliography of twenty-eight manuscripts, see Bartholomäus Roth O.F.M., *Franz von Mayronis O.F.M. Sein Leben, seine Werke, seine Lehre vom Formalunterschied in Gott*, Franziskanische Forschungen 3 (Werl in Westfalen, 1936) 236–239, for contents, see Nikolaus Paulus, *Geschichte des Ablasses im Mittelalter. Vom Ursprunge bis zur Mitte des 14. Jahrhunderts*, 2<sup>nd</sup> ed. (Darmstadt, 2000) 1:260–265; see also an excerpt from the sermon's text in Eusebius Amort, *De origine, progressu, valore, ac fructu indulgentiarum* (Venice, 1738) 257. Explicit of the Rajhrad Ms. R 427 should be read as "*Hec frater Fran[ciscus] Mair[onis]*," not like Sedlák "*Hec frater fratrum Maur*," see Vladislav Dokoupil, *Soupis rukopisů knihovny benediktinů v Rajhradě* [A List of Manuscripts in the Benedictine Library of Rajhrad] (Prague, 1966) 261. The treaties should be left out from: Eva Doležalová, Jan Hrdina, František Šmahel, and Zdeněk Uhlíř, "The Reception and Criticism of Indulgences in the Late Medieval Czech Lands," in *Promissory Notes on the Treasury of Merits. Indulgences in Late Medieval Europe*, ed. R. N. Swanson, [Brill's Companions to the Christian Tradition 5] (Leiden and Boston, 2006) 133.

<sup>14</sup> Sedlák, "Magistri Mauritii O. Min. Tractatus de indulgentiis," 557 and 561. Two manuscripts from Moravia and two from Vienna, known to Sedlák, should be supplemented by an incomplete copy of the sermon in MS Library of the Prague Chapter O 8, see Kadlec, "Literární činnost mistra Maříka Rvačky," 150. The metaphor, based on chess, was obviously favoured by the writers of polemical treatises, see its use by the opposite camp in *Magistri Iohannis Hus Polemica*, MIHO 22 (Prague, 1966) 133.

pioneering article on the Czechs at the Council of Constance, furnished also with catalogues of the writings of Mařík Rvačka and Štěpán of Pálec. Among lost writings the author cites *Opusculum contra impediētes Wenceslaum Tyem quoad predicationem cruciatae Johannis XXIII*, which is mentioned without indication of a source by Hermann von der Hardt in the preface to the third volume of his *Magnum oecumenicum Constantiense Concilium*.<sup>15</sup> Therefrom the entry for Mařík's lost treatise concerning the campaign against indulgences migrated into the bibliographies of Josef Tríška, Jaroslav Kadlec, and Pavel Spunar.<sup>16</sup> Kadlec added to our knowledge of the treatise by rejecting its identification with the text of Francis de Mayronis, attributed to a Mauricius of Prague. The authentic manuscript of the treatise, however, remained unknown to Kadlec. The latest treatment of Mařík Rvačka by Zdeněk Uhlíř contains an edition of his *determinatio* in defence of Gregory XII, but the small treatise about indulgences remained lost, so that Rvačka does not figure even in the latest account of the indulgences affair from 2006.<sup>17</sup>

In the area of medieval research, new source texts appear from time to time even in such a well tilled field as the period of Hus. Exploring the theme of Anti-Hussite polemics, I succeeded in identifying Mařík's treatise in defence of indulgences in the Municipal Library of Nuremberg, MS Cent. I, 78. F. M. Bartoš had noted this important collection of Anti-Hussite treatises in 1931 in his travel report on German and Swiss libraries. He did not, however, list Mařík's treatise in his description of the manuscript.<sup>18</sup> The treatise is correctly attributed to Rvačka in the modern catalogue of the *Stadtbibliothek* of Nuremberg, which has been available since 1991.<sup>19</sup> The entry, however, gives reference only to Josef Tríška's Biographical Dictionary<sup>20</sup> which, however, does not register Rvačka's small treatise. Thus, it was not possible to appreciate the significance of the information concerning the manuscript record of the *opusculum*.

Therefore, in an appendix to this article, we present the text of the brief treatise, titled *Articuli contra impediētes dominum Wenceslaum Thyem et*

<sup>15</sup> Fikrle, "Čechové na koncilu Kostnickém," 428, no. 17; see Hardt III, Prolegomena: 9.

<sup>16</sup> Josef Tríška, *Literární činnost předhusitské univerzity* [Literary Activity of the Pre-Hussite University] (Prague, 1967) 71; Kadlec, "Literární činnost mistra Maříka Rvačky," 150–151, no. 13; Spunar, I: 324, no. 901.

<sup>17</sup> Zdeněk Uhlíř, "Determinace Maříka Rvačky na obranu Řehoře XII." [*Determinatio* of Mařík Rvačka in Defense of Gregory XII], AUC-HUCP 41 (2001) 177–193; Doležalová, Hrdina, Šmahel, and Uhlíř, "The Reception and Criticism of Indulgences."

<sup>18</sup> F. M. Bartoš, "Husitika a bohemika několika knihoven německých a švýcarských" [Hussitica and Bohemica in Several German and Swiss Libraries], VKČSN (1931) series I, no. 5:8–10. Bartoš evidently did not recognise the treatise, listing it still as unknown in 1947 in his *Čechy v době Husově 1378–1415* [Bohemia in the Time of Hus, 1378–1415], *České dějiny II* (Prague, 1947) 6:354–355.

<sup>19</sup> Ingeborg Neske, *Die Handschriften der Stadtbibliothek Nürnberg III* (Wiesbaden, 1991) 16–18; it is only necessary to read "Wenceslaum Thyem" instead of "Wenceslaum Thyringensem."

<sup>20</sup> Josef Tríška, *Životopisný slovník předhusitské pražské univerzity* [Biographical Dictionary of the Pre-Hussite University of Prague] (Prague, 1981) 369–370.

*socium suum super imploracione subsidy et predicacione verbi crucis contra Ladislaum regem Neopolie*, and hitherto known only to von der Hardt. A retrospective look into the third volume of his *Constantiense* convincingly indicates that Hardt had in his hand and in his mind, in fact, the Nuremberg manuscript. In the Prolegomena, he cites Rvačka's work among those, which he leaves out of his edition and expects to publish elsewhere. In addition to Rvačka, he names Pálec's *Antihus*, and other Anti-Hussite writings of Pálec, Johannes Hoffmann, and Oswald Reinlein from the time shortly after the Council's end.<sup>21</sup> The last two authors are represented in the manuscript Cent. I, 78 by their treatises *contra Hussitas*. While Hoffmann's work is extant in several dozens of other codices, Reinlein's *Tractatus* is known from only one other manuscript.<sup>22</sup> Neither Pálec's *Antihus*, nor his trilogy against the four articles – which Hardt apparently had in mind – are recorded in the Nuremberg manuscript. Nevertheless, because the preface refers to codices in the plural, it can be assumed that von der Hardt drew on one or more of Pálec's manuscripts together with the Nuremberg manuscript Cent. I, 78 (from which he knew the writings of Rvačka, Hoffmann, and Reinlein).

Mařík's *Articuli contra impediētes* are a bipartite piece of writing that evidently originated by joining two separate pronouncements concerning the indulgence affair, which were apparently composed in a quick sequence. Judging from the title of the *opusculum*, Master Mařík wished to respond to those who had interfered with the papal commissioners of Pope John XXIII – Wenceslaus Tiem and Pax of Bologna – in preaching the crusading indulgences in Bohemia. The title unambiguously places the text into the context of the famous dispute concerning the indulgences, which erupted in Prague in the early summer of 1412 and triggered the final phase of Hus's conflict with ecclesiastical authority. First of all, Mařík responds in three points to unidentified opponents. He seeks to prove (1) that the pope could, even had to, issue indulgences in support of a military intervention against the Neapolitan King Ladislaus of Durazzo; (2) that he could establish a financial satisfaction within the framework of penitential practice; and finally (3) that he could also stipulate the fee for the satisfaction of punishment and the removal of

<sup>21</sup> "Ceterum, quod omnes propemodum res Hussiticae ab hoc Tomo consulto excluderentur, causa fuit, cur et alia monumenta, vel proxime ante Concilium vel in eodem a Theologis Husso opposita, quae ex MSCTis Codicibus antiquissimis hausimus, retineremus, in aliud reservanda tempus. In his sunt: Mauritii de Praga, Theologi Pragensis, opusculum contra impediētes Wenceslaum Tiem, quoad praedicationem cruciatae Johannis 23. Ut et Stephani de Palez, Pragensis Theologi, acerrimi adversarii Hussi, Anti-Hussus, opus admodum prolixum. Hussitis vero quae proxime a fine Concilii magnis voluminibus multo apparatu opposuerunt idem Stephanus de Palez, Johannes Hoffman, Theologus Lipsiensis, Oswaldus Reinlein, Theologus Viennensis, alique plures, absque omni collectionis praesentis injuria in alios recondidimus usus." Hardt III, Prolegomena: 9.

<sup>22</sup> On Hoffmann see Franz Machilek, "Johannes Hoffmann aus Schweidnitz und die Hussiten," *Archiv für schlesische Kirchengeschichte* 26 (1968) 96–123; I plan to devote closer attention to Reinlein in the future.

guilt. The argumentation for the first point derives from the idea that the pope is the vicar of Christ and the highest official of the Church. Hence, his duty is to assure the defence of the Church; this task he has to fulfil to his last breath and with the expenditure of all his riches. As the supreme judge, the pope possesses the *potestas resistendi*; when ecclesiastical punishments are ineffective and the secular shoulder wanes, the pope must grasp weapons according to the example of the Maccabees. The precursors of the current pope had called for struggle against the pagans and, inasmuch as heretics and bad Christians are worse enemies of the Church than the pagans, the current pope has so much more reason to preach against Ladislaus, the despoiler of the Church and an anathematised heretic.

The argumentation for the second point focuses on the power of the keys and the pope's ability to bind and separate in heaven and on earth (Mt 16:19). Mařík recalls the teaching about the treasury of merit, the concept which undergirds the idea of extra-sacramental forgiveness. Just as the administrator of a secular realm had freely to open the treasury for the sake of the kingdom's defence and his lord's honour, so also the pope had to utilise the storage of Christ's merits in defence of the Church. In order to pay the mercenaries, who would carry on the war, the pope should request monetary reparations from the penitents. Thereby the author makes a transition to the third point. Popes promulgate indulgences only in cases of extreme need, one of which, however, has just occurred, so that the faithful should render assistance to the Church even at the expense of their own property. A model here is the widow in the Gospel, who surrendered to the temple treasury her last penny. In any case, the absolution from punishment and guilt is the highest gift that the pope can dispense, inasmuch as this act is similar in its effect to baptism. Therefore, indulgences must be handled with discretion so that a facile gain of grace might not entice the people to repeat their transgressions. This observation terminates the first part of the treatise which – as Mařík states – was written in haste for the use of a highly placed priest (*vestre reverencie*).

The second part opens with an indication that the attacks have not ceased so that the author deems it appropriate to pick up the cudgels against the opponents of the two nuncios. This time he divides the subject matter into four articles in order to show that, thanks to the campaign to dispense indulgences, merit is won not only by the pope, but also the future participants and supporters of the expedition, as well as its preachers and the papal emissaries themselves. The prototypes of merit, that can be won through the defence of the Church, are exemplified by the saints Ambrose and Thomas of Canterbury, who defended their churches and ecclesiastical properties. Since the Church of Rome is more important than those of Milan or Canterbury, the pope's merits are so much the greater. The second conclusion of the first article offer additional models, namely, the popes who hired mercenaries or who themselves participated in defensive warfare – Gregory the Great and Leo IV. Mařík's source is the 23<sup>rd</sup> causa of the *Decretum*. It stipulates that

the pope can employ indulgences to motivate the faithful to partake in a just war because such a war is spiritually meritorious. Therefore, the pope may also promise them heavenly salvation – whoever dies in this war becomes a martyr. If the defence of the Church offers such a supreme reward, then the pope can bestow on the fighters also the remission of punishment and guilt, and not only to the actual fighters but – according to the example of King David – also to their supporters (1 Sam 30:24).

Thereby Mařík has treated the second article of his paradigm and passes on to the third one. The role of preachers, confessors, and executors of the bull as instruments of salvation derives from their commissions, namely, as actors with the authorisation of the prime mover – the pope. The most ticklish one was apparently the last (fourth) article, in which Mařík justifies – somewhat out of sync with his original scheme – that the commissioners can come to decisions concerning the confessors. His argumentation stresses the extra-sacramental character of the indulgences. Because the effect of the indulgences is not the result of an absolution, but of reparation through a monetary contribution for a military purpose, the faithful receive benefits by confessing to any given priest. The confessor can be designated by papal emissaries, who also decide the amount of monetary reparation with his assistance. Then the narrative moves quickly to an end. The last word is assigned to a citation from St Augustine that, whoever does not believe in the power of the keys, cannot benefit from it.

The obvious questions arise: when did Mařík compose his treatise, and against what did he react? Its size and tone, and particularly the author's admission that it consists of merely preliminary notes (which he is prepared to develop further in the future<sup>23</sup>), all indicate that the *Articuli* date to the beginning of the dispute about indulgences. In my opinion, it is unthinkable that such a brief and sketchy text could be a part of the subsequent discussions of 1413–1414, when both the papal and Hus's sides generated a whole series of large-scale treatises. It is hardly possible to show Mařík's knowledge of the opinions of contemporaries, inasmuch as he neither names nor cites any. He certainly knew the text of the bull of indulgences to which he refers; hence it is plausible to adopt 22 May 1412 as the date *post quem*, when the sale of indulgences probably began in Prague.<sup>24</sup> An early dating is also supported by the fact that Mařík defends the papal commissioners' right to determine the confessor (I interpret this as justifying exemptions from parochial prerogatives). Jakoubek of Strěbro in his *Tractatus responsivus*, which is dated to the autumn of 1412, defends the validity of confession outside the parish network, if the relevant parson is an unrighteous priest. If Rvačka's *Articuli*

<sup>23</sup> "Hec sunt, que pro presenti velocitatus scribere studui vestre reverencie, in consequentibus in hiis et in aliis lacius preparatus," Nuremberg, Stadtbibliothek, Cent. I, 78, fol. 177va.

<sup>24</sup> The bull was issued on 9 September 1411, see *Acta summorum pontificum res gestas Bohemicas aevi praeussitici et hussitici illustrantia* 1, ed. Jaroslav Eršl (Prague, 1980) 361–363, no. 561.

post date *Tractatus responsivus*, it is likely that the author would formulate his thesis more cautiously.<sup>25</sup> Mařík's *opusculum* apparently mirrors the initial objections against indulgences, which were raised by the side of preachers adhering to Hus, as well by students and sympathisers of the reform party. The author emphatically defends papal authority, and it is significant that he dwells on the use of the funds for hiring mercenaries, an aspect that attracted particular criticism from the very start.

The opposition against indulgences was at the beginning very broad and included even the Wyclifite masters who would later turn against Hus (particularly Štěpán of Pálec).<sup>26</sup> The earliest known expressions of distaste towards the indulgences included Hus's sermons of 22 and 29 May 1412 in Bethlehem Chapel, and the first two parts of his polemic *Contra cruciatam*. In his sermon of 29 May, Hus argued at length that the crusading bull contradicts Christian charity, and he criticised the imposition of monetary satisfaction and the fact that the pope offers the same reward indifferently to everyone.<sup>27</sup> Mařík probably challenged arguments of this type, when he defended the pope's right to provide for the defence of the Church and to absolve from sins. Hus voiced similar objections to the indulgences also in the second part of his *Contra cruciatam*. Although there is not a full correspondence between Hus's objections and Mařík's defenses, the ten points, which Hus enumerates in his small piece of writing, obviously represent the views of the *impedientes* that Mařík challenges. Yet, Mařík apparently did not know the first part of Hus's *Contra cruciatam*. This is indicated by the fact that he does not pay any attention to the rationing of the indulgences according to the number of days of penance. In the letter of appointment, the pope stipulated that his nuncios were authorised to grant indulgences equal to one hundred days of penance, and the persons, commissioned by the nuncios, indulgences equal to forty days of penance.<sup>28</sup> Hus objected in his *Contra cruciatam* I specifically to this provision, which appears in the procedural regulations of the commissioners.<sup>29</sup> This fairly significant and conspicuous specific point is not noted by Mařík.

Another sensitive subject was the determination of the monetary fee (the tax) according to the concrete circumstances of the penitent, usually according to his financial standing. In January 1415, responding to the accusatory articles presented by Štěpán of Pálec in Constance, Hus summed up in point

<sup>25</sup> *Mistra Jana Husi Tractatus responsivus*, ed. S. Harrison Thomson, Sbíрка pramenů českého hnutí náboženského ve XIV. a XV. století 15, Spisy M. Jana Husi 10 (Prague, 1927) 25–28; see also F. M. Bartoš, "M. J. Hussii tractatus responsivus," ČNM 101 (1927) 23–35, which attributes the treatise to Jakoubek.

<sup>26</sup> See Novotný, *M. Jan Hus* 2:77 with relevant references.

<sup>27</sup> Cited *ibid.* 79–80.

<sup>28</sup> *Acta summorum pontificum* 1:379, no. 604.

<sup>29</sup> *Magistri Iohannis Hus Polemica* 132–133; Johann Loserth, "Beiträge zur Geschichte der husitischen Bewegung 5. Gleichzeitige Berichte und Actenstücke zur Ausbreitung des Wiclifismus in Böhmen und Mähren von 1410 bis 1419," AÖG 82 (1895) 367–370.



40 his main objections against the indulgence bull. Aside from the papal directive to exterminate Christians, Hus highlighted here the imposition of fees in confession, as driven by acquisitory motives: “*populum taxarunt mirabiliter in confessionibus, ut pactatam conquirerent pecuniam et lucrum abundantius obtinerent.*”<sup>30</sup> Thus, it can be assumed that the question of the fee (tax) belonged among the initial objections of Hus’s party to the indulgences. Hus criticised this practice in point 4 of *Contra cruciatam II*,<sup>31</sup> while Mařík defends it. Compared to later polemics, the absence of explicit references to disputants (and citations from their works) makes it difficult to decide whether Mařík is refuting Hus’s *Contra cruciatam*, or vice versa. Comparing attitudes toward the question of fees, it appears more likely that Hus had the lead in criticising the papal bull and the derivative articles of the commissioners, and Mařík then responded to Hus’s objections. If the chronology were reversed, then Hus’s *Contra cruciatam* would have to contain specific arguments against the fees. The case, however, is not so; Hus merely points to the simoniac character of the fees as a proof of the bull’s invalidity. Mařík seeks to negate this objection by resorting to the Gospel example of the poor widow, which shows that everyone should be charged a commensurate fee.

The problem of dating might be eased, if it were possible to identify the addressee of the first part of Rvačka’s treatise, who figures in the colophon as *vestra reverencia*. It is probably a prelate and two possible suspects come to mind: the Prague Archbishop Albík and the Bishop of Litomyšl, Jan Železný. Železný entered actively into the dispute about indulgences at the time of the extraordinary synod in February 1413.<sup>32</sup> Yet, in the summer of 1412 the affair concerned more Archbishop Albík of Uničov. The Prague Metropolitan, who had permitted the sale of indulgences in his diocese, surely needed – upon the outbreak of disorders – an expert opinion of a theologian. In addition, we have Hus’s testimony that he met the two nuncios before the archbishop, and held a lively disputation with them.<sup>33</sup> This happened in June 1412, at a time when the theological faculty was anxious to cancel Hus’s planned disputation about the papal bull. The event was actually held on 17 June and resulted in an extensive question *De indulgenciis (De cruciata)*. The subsequent debates in the settlement below the royal castle of Žebrák offered an occasion to the

<sup>30</sup> *Documenta* 223, for dating, see Jiří Kejř, “Štěpán z Pálče a Husův proces” [Štěpán of Pálče and Hus’s Trial], in idem, *Ž počátků české reformace* [From the Beginnings of the Bohemian Reformation] (Brno, 2006) 120.

<sup>31</sup> “*In bulla autem ponitur taxa, qui plus daret et qui minus etc.*,” *Magistri Iohannis Hus Polemica* 134; a similar argument appears in point 8 of the third part of *Contra cruciatam* (ibid. 137), which, however, is dated to a period following the university disputation.

<sup>32</sup> The potential candidacy of Železný is supported by the fact that Rvačka had addressed a disquisition about the blood of Christ to him around 1405, see Spunar, 1:312, no. 863. This fact was called to my attention by Jindřich Marek, who is preparing an edition of Mařík’s treatise about the blood of Christ.

<sup>33</sup> He refers to this in his treatise “*Contra octo doctores*,” see *Magistri Iohannis Hus Polemica* 375.

papal party for the submission of memoranda, which triggered a wide battle raging into the next year. In my opinion, there was no longer a place for the type of opusculum, such as Mařík's *Articuli contra impediētes*. If we return to Albík of Uničov, we can be helped in dating Mařík's opusculum by the events around the indulgence fee. Albík had apparently prohibited this practice. In any case, Hus maintains this in his response to the theological doctors during the meeting below the castle of Žebrák.<sup>34</sup> After this prohibition, Mařík's defense of fee imposition in confession would be meaningless. The date of the Archbishop's edict, however, is uncertain. Václav Novotný placed it in connection with the reform party's lobbying the King some time prior to Hus's disputation of 17 June – hence, once more after Hus's composition of *Contra cruciatam I–II*.<sup>35</sup>

All considerations seem to support the assumption that Mařík Rvačka's *Articuli contra impediētes* are a rapidly composed brief for the pro-papal party at the start of the conflict over indulgences. As such, they form a pendant to Hus's *Contra cruciatam*. Mařík does not try to refute any concrete sally against the indulgence bull, but speaks in general against all those, who challenge the papal commissioners. The incentive for the writing of the opusculum was most likely the request for an expert opinion from a prelate, perhaps from Archbishop Albík.<sup>36</sup> The first part of Mařík's *Articuli* may be an indirect answer to Hus's *Contra cruciatam II*, or to contemporary objections stemming from Hus's circle. Mařík deals both with the defence of the Church and with the fiscal ramifications of the bull. Subsequently, in the second part he is answering a more specific later version of the charges from the reform side, when the question of war comes to the fore. Mařík includes frequent citations from the *Decretum* in order to rebuff the reformists' claims, which sought to deny the Church the right to war on the basis of canonical rules. It is possible that we see here responses to the contrary citations from the *Decretum* in Hus's quaestia.<sup>37</sup> The *Articuli*, however, are formulated as a response to an anonymous and amorphous mass of opponents. Hus after delivering – despite the prohibition by Rector Pálež – the quaestia, definitely assumed the leadership and became the principal, if not the sole, target of the bull's defenders. Mařík does not mention the quaestia and thus it seems probable that Rvačka wrote before Hus's disputation, when Hus was still gathering his materials.<sup>38</sup> Hus could have utilised on some occasions – before the

<sup>34</sup> *Documenta* 451.

<sup>35</sup> Novotný, *M. Jan Hus* 2:85; the author, however admits that it might have happened before the start of the sale of indulgences.

<sup>36</sup> In fact, the first part of *Contra cruciatam* is formulated as information for an unnamed correspondent, addressed as "mi frater."

<sup>37</sup> *Magistri Iohannis Hus Questiones*, ed. Jiří Kejř, MIHO 19a, CC: Continuatio mediaevalis 205, 80–87.

<sup>38</sup> In any case, it is widely believed that *Contra cruciatam* was a preliminary study for the quaestio, see *Miscellanea husitica Ioannis Sedláč* 69 and Novotný, *M. Jan Hus* 2:81.

university disputation – his own views and learned objections, which he was subsequently to incorporate into the quaestia. Considering its character, the second part of Mařík's *Articuli* is more likely to react against such a learned debate than against a popular expression of resistance. Speaking – in the introduction to the second part of his opusculum – about the repeated attacks against the sale of indulgences, Mařík might have had in mind, for instance, the vain meeting at the University in June or the earlier-mentioned audience at Albík's. On the whole, therefore, it appears most probable to date the *Articuli contra impediētes* to the first half of June 1412.

The indulgence affair triggered a theological dispute that was to continue to fester for more than a year. At the same time, it appeared that the bone of contention was not just of indulgence, but more a matter of papal authority and the definition of the Church. The indulgence affair forced both the reform and the papal parties to clarify their stands on other associated issues. Mařík's opusculum offered a pithy formulation of the pro-Roman position. However, he had not yet grasped the far-reaching ecclesiological implications of the conflict. The torch then passed on to members of the Theological Faculty, above all, to Páleč. Perhaps, it was because of the thematic shift in the core of the debate that Mařík's arguments (in favour of the crusading indulgences) did not leave noticeable traces in the subsequent discussions. Hus did not derive from Mařík the pro-papal theses that he cites at the start of his quaestio.<sup>39</sup> Only two of those theses correspond with Mařík's argument: the quotation concerning the keys (with the power of binding and loosing) and the assertion that the bull seeks a defence of the Church.<sup>40</sup> Both arguments, however, have been so commonly used, that it would be pointless to try to identify their source. It is clear that Hus does not argue against Mařík. Thus, for example, when he cites the reasons why priests should not engage in military actions, Hus cites as a possible objection the theory of the two swords,<sup>41</sup> but Mařík does not use this objection against those who oppose the image of a war-like Church.

An analogous situation arises in the case of treatises, which follow chronologically. Páleč's *Tractatus gloriosus* (submitted in the name of eight doctors of theology during the first disputation in the parsonage of Žebrák) argues in the same sense as Mařík, but in details it almost always cites different examples and proofs. Exceptions are only few. Páleč adds to the biblical *Quodcumque ligaveris...* that the pope has a jurisdiction delegated from God, just like the vicars and officials in a secular realm.<sup>42</sup> This is reminiscent of Mařík's refer-

<sup>39</sup> The possibility that the pro-papal arguments quoted by Hus might have reproduced the contents of a lost treatise of Mařík, was hypothetically suggested by Bartoš, *Čechy v době Husově* 354–355.

<sup>40</sup> *Magistri Iohannis Hus Questiones* 71–74.

<sup>41</sup> *Ibid.*, 87.

<sup>42</sup> Johann Loserth, "Beiträge zur Geschichte der husitischen Bewegung 4. Die Streitschriften und Unionsverhandlungen zwischen den Katholiken und Husiten in den Jahren 1412 und 1413," *AÖH* 75 (1889) 337.

ence to a secular administrator, to whom, however, Mařík refers in connection with the treasury of the Church. Another biblical commonplace, which appears in Mařík and then in other authors, is the reference to the Maccabean warriors. It was also used by Pálež and then again by Hus, when he was refuting Pálež's *Gloriosus* in his treatise *Contra octo doctores*. The parallel between the indulgence and the cleansing of guilt in baptism is similarly commonplace. It was used not only by Mařík and Pálež but also, for instance, already by Jacques de Novvion in his disputation with the Bohemian reformers in 1408.<sup>43</sup> Likewise the 23<sup>rd</sup> causa of Gratian's *Decretum* provided material for a number of authors, who expressed their views on the issue of the crusades. Pálež, however, cited in Žebrák different loci from the relevant chapters than did Rvačka. Also Hus chose from the question "Convenior" (C. 23, 8, 2) a different place than Rvačka, so that his conclusion had an opposite sense.<sup>44</sup> A similar fate overtook also the one of Mařík's arguments, which is ever-present in the debate about the crusading bull, namely, the example of the warlike Pope Leo IV (C. 23, 8, 7 "Igitur cum sepe"). This argument was used by both Mařík and Pálež to justify the defence of the Church, and in opposition to them also by Hus.<sup>45</sup> According to Hus, however, the example of Leo IV was valid only for defence against the Muslims, not to war on Christians. His view is the reverse of Mařík's assertion that heretics are worse than pagans.

As early as the second disputation in Žebrák on 10 July 1412, the representatives of the theological faculty raised the issue of Wyclif's forty-five allegedly heretical articles, and thus opened a space for a substantially wider volume of questions. The dispute about the crusading bull soon shifted its focus to the pope's authority and to the question of his headship of the Church. The debate lasted until 1414 and covered Hus's polemics including *De ecclesia*, as well as the responses of Štěpán Pálež and Stanislav of Znojmo. The writings outside the line of *Tractatus gloriosus: Contra octo doctores* deal with the issue of indulgences only as a subject associated with the more fundamental problem of ecclesiology.<sup>46</sup> Mařík's specific theses no longer figure in this connection. His opusculum was likely forgotten in the rapid course of events. The significance of his *Articuli contra impediētes* rests – probably more than in their contents – in their role as a very early expression of the pro-papal

<sup>43</sup> Loserth, "Beiträge zur Geschichte der husitischen Bewegung 4," 336; *Jacobi de Novviano, Mgrī Parisiensis, Disputatio cum Hussitis*, ed. Joannes Sedlák (Brno, 1914) 12.

<sup>44</sup> *Magistri Iohannis Hus Questiones* 86.

<sup>45</sup> Loserth, "Beiträge zur Geschichte der husitischen Bewegung 4," 338; *Magistri Iohannis Hus Polemica* 479 (citation from Pálež) and 483 (a response); Hus himself used the same citation, *ibid.* 477.

<sup>46</sup> Views concerning the indulgences were expressed on the reform side by Jakoubek in *Responsivus* c.5 and by Hus in *De ecclesia* cc.10 and 11; on the pro-papal side, for instance, by Stanislav of Znojmo in *De ecclesia*. See *Mistra Jana Husi Tractatus responsivus* 54–72; Mistr Jan Hus, *Tractatus de ecclesia*, ed. S. Harrison Thomson (Prague, 1958) 73–95; *Miscellanea husitica Ioannis Sedlák* 160.

standpoint on a current issue. In any case, Jaroslav Fikrle has offered such an assessment of Mařík's treatise against the lay chalice in Constance.<sup>47</sup>

It was in Constance that a culmination of the paradoxical collision of two irreconcilable camps took place, both of which sought to reform the Church. Rvačka joined the Polish delegation at the Council. Just as paradoxically, he defended Polish interests against the crusading order of the Teutonic Knights. He opposed here an extermination of the pagans and rather advocated their conversion. In his opinion, the military missions were merely pretexts for plundering expeditions by the crusading knights.<sup>48</sup> It is almost a reverse of what he was asserting in the defence of the crusading bull of John XXIII. From Constance, Rvačka most likely left for Poland, because Bohemia steadily gravitated to the reform side. In a few years Bohemia would be invaded by a military host, provided with nothing less than the crusading indulgences.<sup>49</sup>

## The Edition

Mařík Rvačka's *Articuli contra impediētes dominum Wenceslaum Thyem et socium suum* are, together with other Antihussitica, included in the manuscript of the Municipal Library in Nuremberg MS Cent. I, 78.<sup>50</sup> Their text is vitiated by a large number of scribal errors. The scribe evidently was transcribing without understanding the text and mixed up letters, confused abbreviations (especially in word endings), and probably also by mistake was skipping parts of the text. The edition, therefore, required a considerable number of emendations. For the sake of fluency in reading, the version suggested by the editor in general appears in the text, and the version of the manuscript appears in the critical apparatus. Errors corrected directly by the scribe (that is, especially deleted words) are not noted in the apparatus. The transcription, reflecting the principles usually applied to medieval texts of Czech provenance, retains the graphic disparities and the oddities, for instance, *susstinuissem* (fol. 177ra), *defastatorem* (fol. 177ra), *propchoplasti* (ibidem), *defenssionem* (fol. 177vb), *emanaaverit* (fol. 178ra), *pupplicari* (fol. 178rb).

Translated from the Czech by Zdeněk V. David

<sup>47</sup> Fikrle, "Čechové na koncilu Kostnickém," 415.

<sup>48</sup> Ibid. 419.

<sup>49</sup> This study was supported by a grant from the Czech Science Foundation (GA ČR) "Anti-Hussite Polemics and the Czech Question in the Fifteenth Century" (404/09/P605).

<sup>50</sup> For a description of the manuscript, see Ingeborg Neske, *Die Handschriften der Stadtbibliothek Nürnberg III* (Wiesbaden, 1991) 16–18.

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# Mauricius Rvačka de Praga, Articuli contra impediētes dominum Wenceslaum Thyem

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Nürnberg, Stadtbibliothek, Cent. I, 78, fol. 176v–178r

[176vb] Articuli contra impediētes dominum Wenceslaum Thyem et socium suum super imploracione subsydii et predicacione verbi crucis contra Ladislaum regem Neopolie compilati per magistrum Mauricium sacre theoloye professorem egregium in regno Bohemie natum.

Cupientes respondere verbum exprobrantibus legacionem domini nostri pape Iohannis vicesimi tercii in persona<sup>1</sup> venerabilis domini Wenceslay prothonotarii sedis apostolice et Pataviensis decani supradicti, tria concludimus: Primo, quod dominus noster papa licite potuit et debuit dare indulgencias pro subsidio contra Ladislaum de Duracio. Secundo, quod pecunie satisfactorie pro penitencia dumtaxat debet iniungi. Tercio, quod quantum<sup>2</sup> taxe pecuniarie debet estimare pro consecucione pene et culpe absolucionē.

Pro primo sciendum: Cum dominus papa sit immediatus in terris Christi vicarius ac supremus et unicus Dei officialis in ecclesia, ad cuius officium spectat<sup>3</sup> providere defensam in ecclesia, liquet ex commissionis officio suscepto et iniuncto, quod tenetur pro omni possibili ad omnimodam defensam in tantum<sup>4</sup>, ut proprium corpus morti exponat, Christo dicente: *Pasce oves meas*, Iohannis ultimo.<sup>5</sup> *Bonus autem pastor animam suam dat pro ovibus suis*, Iohannis X.<sup>6</sup> Cumque omnes divicie temporales sint exiliores existimacione vita<sup>7</sup> corporalis hominis, Matthei 6.: *Nonne corpus plus est quam vestimentum?*,<sup>8</sup> [177ra] Iob dicente: *Pellem pro pelle et cuncta, que homo habet, dabit pro anima sua*, Iob II<sup>9</sup> – pro anima, id est pro animali vita, de qua Dominus: *Quam dabit homo commutationem pro anima sua?*, Matthei 16.,<sup>10</sup> patet, quod papa tene-

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<sup>1</sup> persona ] personam *ms.*

<sup>2</sup> quantum ] quatinus *ms.*

<sup>3</sup> spectat ] spectant *ms.*

<sup>4</sup> *verbum omitti videtur, e.g. insudare*

<sup>5</sup> Jo 21, 17

<sup>6</sup> Jo 10, 11

<sup>7</sup> vita ] vitam *ms.*

<sup>8</sup> Mt 6, 25

<sup>9</sup> Job 2, 4

<sup>10</sup> Mt 16, 26

tur<sup>11</sup> omnes divicias exponere et agregare pro defensione ecclesie, cum sine eis defendere nequeat. Cum quia est universalis et singularis iudex in terris, cui dictum est Matthei 16.: *Quodcumque ligaveris* etc.,<sup>12</sup> sed nullus debet esse iudex, nisi habeat potestatem resistendi, Scriptura dicente: *Noli querere fieri iudex, nisi*<sup>13</sup> *valeas virtute rumpere iniquitatem, ne forte estimescas faciem potentis et pones scandalum in agilitate tua*, Ecclesiastici 7<sup>o</sup>,<sup>14</sup> igitur tenetur papa dare stipendiariis suis militariis stipendiis, 1<sup>a</sup> Corinthiorum VIII<sup>o</sup>.<sup>15</sup> Quodsi censure<sup>16</sup> non advertentur ecclesiastice earum ad arma et si brachium secularium regum et principum non retinuerit armis defendere ecclesiam, extunc tenetur papa ob defectum secularium arma<sup>17</sup> sumere ex illo Machabeorum, qui summi pontifices fuerunt et contra reges proprios personaliter dimicaverunt, ut claret in libris eorum.<sup>18</sup> Sed quia incomparabiliter heretici et mali christiani adversantes peyores sunt hostes ecclesie quam gentiles, Domino per Psalmum dicente: *Quoniam si inimicus meus maledixisset mihi, sustinuissem* etc., *tu*<sup>19</sup> *vero homo unanimes* etc., *veniat mors super illos et descendant* etc.,<sup>20</sup> liquet, quod si personaliter <per><sup>21</sup> predecessores domini nostri pape predicabatur, scilicet contra gentiles, invasores et detentores pulchri dominici, a forciori predicandum<sup>22</sup> est contra Ladislaum de Duracio Romane ecclesie invasorem et universalis ecclesie defastatorem atque in damnatum hereticum olim et nunc sententiatum, periurum et relapsum, que melius in processibus domini nostri papa contra eum exprimuntur etc.

Pro secundo sciendum, cum papa non sit tantum solummodo claviger regni celorum triumphantis ecclesie, quam eciam militantis regni, eo quod dictum est ei: *Quodcumque ligaveris* etc.,<sup>23</sup> liquet, quod apud eum et in potestate eius sunt thesauri militantis ecclesie, quorum est claviclarius, delicti per Christum in manibus predecessorum suorum, sui et successorum Romanum pontificum. Per unam siquidem guttam non solum cruoris, sed sudoris satisfactum<sup>24</sup> est pro peccata propchoplasti in redemptione generis humani. Cumque huiusmodi merita et pene fuerunt Dei et hominis culpe vere et pene eisdem comparabiles et redimabiles solum sunt humane

<sup>11</sup> tenetur ] tenere *ms.*

<sup>12</sup> Mt 16, 19

<sup>13</sup> nisi ] nec *ms.*

<sup>14</sup> Sir 7, 6

<sup>15</sup> cf. 1 Cor 9, 7

<sup>16</sup> censure ] censure *ms.*

<sup>17</sup> secularium arma ] seculararum armo *ms.*

<sup>18</sup> cf. e.g. 1 Mcc 2, 1.48; 2 Mcc 1, 11

<sup>19</sup> tu ] *Ey ms.*

<sup>20</sup> Ps 54, 14.16

<sup>21</sup> per ] *om. ms.*

<sup>22</sup> predicandum ] predicanda *ms.*

<sup>23</sup> Mt 16, 19

<sup>24</sup> satisfactum ] satisfaccionem *ms.*

et minoritate sui infinite minores et exiles, proinde relinquit<sup>25</sup> et passione Domini nostri prefatis redempcionis superfluit, nec tamen exinanitur. Cum Deus nihil agat frustra, itaque oportebat illud relinquere<sup>26</sup> pro fratribus, pro quibus Christus incarnatus est et passus, quatenus in suis necessitatibus [177rb] ad multas obligati penas ex continuis lapsibus pro solucione satisfacionis ad prefatis thesauris recurrerent secundum sententiam Anselmi in fine libri *Cur deus homo*.<sup>27</sup> Sed queso, cui decencius et cuius dispensacione melius prenominate relinqueretur thesaurus, quam pape, Christi vicario, cuius fidelitati<sup>28</sup> et pasture oves<sup>29</sup> commise sunt, pro quibus sangwinem Christus fudit? Hii inquam thesauri sunt pene voluntarie assumpte<sup>30</sup> per Christum et merita passionum<sup>31</sup> eius principaliter, supereffluenter et inexhaustabiliter. Tum quia sunt persone divine infinite acceptione et estimacione<sup>32</sup>, quam ob rem propter infinicionem exhauscionis dictum est eidem: *Quodcumque ligaveris et solveris* etc., nil insolubile relinquit. Proinde sicut terreni et secularis regni officialis et fidelis et principalis urgente necessitate tenetur expendere largissime temporales thesauros pro defensione regni temporalis ad honorem sui domini, sic et papa tenetur spirituales thesauros meritorum Christi Iesu pro defensione sue ecclesie applicare satisfactorie penitentibus contritis et confessis. Itaque in hac legacione domini nostri pape iniungende<sup>33</sup> sunt contritis et confessis solum pecuniales penitencie et<sup>34</sup> secundum intencionem pape solum tales iuvant eum extrinseco<sup>35</sup> in defensione ecclesie per procuracionem stipendiariorum, quia iure, cum sint tres partes penitencie, scilicet contricio, confessio et satisfaccio, duas primas, scilicet contricionem et confessionem, dominus papa et suus<sup>36</sup> legatus apud penitentes et contribuere volentes presupponit, terciam vero, videlicet satisfacionem, solum intendunt angustiati necessitatibus ad emolumenta deducenda pecuniaria, que<sup>37</sup> sic voluntate<sup>38</sup> penitentis relinquuntur arbitrio commissariorum pape taxae sine extimacione, ut acute videat penitens<sup>39</sup>,

<sup>25</sup> relinquit ] relinquam *ms.*

<sup>26</sup> relinquere ] reliquam relinquere *ms.*

<sup>27</sup> cf. Anselmus Cantuariensis, *Cur deus homo* 1, 19–24 (Anselmi Cantuariensis archiepiscopi Opera Omnia, ed. Franciscus Salesius Schmitt, vol. 2, Seckau 1946, 85–94)

<sup>28</sup> fidelitati ] fidelitate *ms.*

<sup>29</sup> oves ] onerum oves *ms.*

<sup>30</sup> assumpte ] assumpta *ms.*

<sup>31</sup> passionum ] possionum *ms.*

<sup>32</sup> estimacione ] estimacionem *ms.*

<sup>33</sup> iniungende ] iniungendi *ms.*

<sup>34</sup> et ] et quod *ms.*

<sup>35</sup> extrinseco ] extrinsite *ms.*

<sup>36</sup> suus ] summus *ms.*

<sup>37</sup> que sic ... consequenter indulgencias ] *textus corruptus videtur*

<sup>38</sup> voluntate ] voluntarie *ms.*

<sup>39</sup> penitens ] penitentes *ms.*



quantum<sup>40</sup> vellet dare pro exoneracione penarum suis culpis debitarum, tantumque pro posse faciat et consequenter indulgen<cias>. Nec ipsemet<sup>41</sup> penitentes taxet et extimet, nisi de quanto est contentus, quoniam ipsa<sup>42</sup> contritio informabit eum de taxa divinitus et probi commissarii consultacio, Iohanne dicente: *Unccio docebat vos de omnibus, et non habetis necesse, ut aliquis vos doceat*,<sup>43</sup> 1<sup>a</sup> Iohannis II<sup>o</sup>. Ex quibus patet possibilitas et necessitas in iniunccione pene pecuniarum pro penitencia satisfactoria et salutari, cuius sentencie exprobrantes obviabant.

Pro tercio advertendum, quod cum absolutio a pena et a culpa sit ultimum et maximum, quod potest conferre papa in ecclesia Dei, tum quia assimilatur applicacioni baptismatis, in qua plenissime applicatur meritum passionis Christi Iesu, dicente Apostolo: *Quicumque baptizati sumus in Christo Iesu, in [177va] morte ipsius baptizati sumus*, Romanorum 6,<sup>44</sup> patet, quod papa non debet dare absolucionem huiusmodi, nisi urgente ultima et maxima necessitate membrorum Christi et ecclesie, qualis nunc experitur cum Ladislao de Duracio<sup>45</sup>, proinde penitentes tantum bonum consecuti<sup>46</sup> debent notabiliter in casu presenti cum aliquali lesione paupertatis pro subsidio huiusmodi contribuere. Sic enim singula comparanda singulis: poterit hanc indulgentiam obtinere, propter cuius formam laudatur ewangelica vidua de duobus minutis<sup>47</sup>, quibus<sup>48</sup> suam paupertatem gravavit. Sic enim scribitur Luce XXI.: *Respiciens Iesus, videbat eos, qui mittebant<sup>49</sup> munera sua in gazaphilacium, divites. Autem vidit et quandam viduam pauperulam duo era minuta mittentem, et dixit: Vere dico vobis, quia vidua hec pauper plus quam omnes misit. Nam omnes hii ex superhabundanti sibi miserunt munera, hec autem ex eo, quod deest ille, omnem victum suum, quem habuit, misit*.<sup>50</sup> Marci vero XII. scribitur, quod *sedens Iesus contra gazophilacium et multi divites iactabant multa, cum venisset autem una vidua pauper, misit duo minuta, quod est quadrans, et advocans discipulos suos, ait illis: Amen, dico vobis, quoniam vidua hec pauper omnibus plus misit, qui miserunt in gazophilacium. Omnes enim ex eo, quod habundabat<sup>51</sup> illis, miserunt, hec vero de penuria sua omnia, que habuit, misit, totum victum suum*.<sup>52</sup>

<sup>40</sup> quantum ] qua cum *ms.*

<sup>41</sup> i.e. commissarius?

<sup>42</sup> ipsa ] ipse *ms.*

<sup>43</sup> 1 Jo 2, 27

<sup>44</sup> Rm 6, 3

<sup>45</sup> Duracio ] Dulacio *ms.*

<sup>46</sup> consecuti ] consecutus *ms.*

<sup>47</sup> minutis ] inimicis *ms.*

<sup>48</sup> quibus ] quibus quibus *ms.*

<sup>49</sup> mittebant ] mittebat *ms.*

<sup>50</sup> Lc 21, 1–4.

<sup>51</sup> habundabat ] habundabit *ms.*

<sup>52</sup> Mc 12, 41–44

Racio vero premissorum est, quia ratione facilis applicacionis passionis Christi in baptismo baptismum<sup>53</sup> reiterare prohibitum<sup>54</sup> est, ad Ebreos sexto,<sup>55</sup> ne facilitas venie intentum retribueret delinquendi. Quapropter presentis indulgencie applicacio cum magna maturitate est necessaria exequenda.

Hec sunt, que pro presenti velocitatus scribere studui vestre reverencie, in consequentibus in hiis et in aliis lacius preparatus<sup>56</sup>, discipline ecclesiastice per omnia me subiciens ac domini nostri summi pontificis et sue pedibus sanctitatis.

Occurere itteratis detractoribus super legacionem domini nostri pape in personas venerabilium dominorum Wenceslai, prothonotarii sedis apostolice, et Pacis de Bonania iterato dignum statui, ut saltim victi rationibus conclusio- num quiescant. Erunt autem articuli quatuor. Primus, qualiter meretur dominus papa in huius legacionis<sup>57</sup> contra Ladislaum de Duracio destinacione. Secundus, qualiter eciam mereantur dicte legacionis participaturos. Tercio, quomodo mereantur dicte legacionis executores. Quarto, quod eciam mereantur nuncios prefati, dicte legacionis<sup>58</sup> ductores.

Pro primo sit ista conclusio: Dominus papa meretur divinitus defendendo contra Ladislaum [177vb] Romanam ecclesiam cum suis possessionibus. Patet, quia a simili laudatur meritorie beatus Ambrosius, quia defendit ecclesiam suam Mediolanensem cum possessionibus contra imperatorem, XXIII. q. VIII. „Convenior“,<sup>59</sup> igitur magis est laudandus dominus papa, eo quod Romana ecclesia<sup>60</sup> est prestancior Mediolanensi. Et confirmatur, quia optimum meritorum est martirium inter aureolas secundum doctores. Sed beatus Ambrosius obtinuit martirium per defensionem possessionum sue ecclesie, atque in<sup>61</sup> preallegato canone, igitur similiter dominus papa meretur. Item beatus Thomas Cantuariensis ut martir ab ecclesia veneratur, sed hoc martirium non est asecutus, nisi ex defensione. Igitur huiusmodi defensio est meritoria.

Conclusio secunda: Papa pro defensione Romane ecclesie contra Ladislaum tenetur armigeros stipendiare. Patet, quia tenetur sequi suos predecessores sanctissimos Gregorium et Leonem, qui stipendiauerunt<sup>62</sup> pro<sup>63</sup> eiusdem ecclesie defensione, e q. VIII. „In registro“,<sup>64</sup> ex quibus sequitur, quod

<sup>53</sup> baptismum ] baptismus *ms.*

<sup>54</sup> prohibitum ] prohibitus *ms.*

<sup>55</sup> cf. Hbr 6, 1–2.

<sup>56</sup> preparatus ] pereparatus *ms.*

<sup>57</sup> legacionis ] legacionem *ms.*

<sup>58</sup> legacionis ] prefacionis *ms.*

<sup>59</sup> Decretum Gratiani, C. 23, 8, 21 (Corpus iuris canonici I. Decretum magistri Gratiani, ed. Aemilius Friedberg, Lipsiae 1879 [= Friedberg I], 959–961)

<sup>60</sup> ecclesia ] ecclesiam *ms.*

<sup>61</sup> in ] in in *ms.*

<sup>62</sup> stipendiauerunt ] se pendiauerunt *ms.*

<sup>63</sup> pro ] per *ms.*

<sup>64</sup> Decretum Gratiani, C. 23, 8, 18–20 (Friedberg I, 958–959)

papa licite et meritorie potest cum stipendiariis occurrere gentibus Ladislai propria in persona. Patet, quia sequi<tur> Leonem papam, qui hoc meritorie fecisse legitur in canone ubi supra „Igitur cum sepe“,<sup>65</sup> ex quo ulterius sequitur, quod papa licite manum armatam excitare contra Ladislaum pro defensione et convocare potest, quia tenetur *proximos diligere ut se* ex precepto divino Matthei XXII,<sup>66</sup> igitur causa ex premissis solus possit personaliter occurrere. Sequitur, quod proximos debet et potest licite ad idem invocare.

Pro secundo sit ista conclusio: Papa meritorie potest per indulgencias ad defensionem ecclesie contra Ladislaum fideles invitare. Patet, quia ex premissis talis defensiva est meritoria. Sed ad merendam beatitudinem papa tenetur omnes fideles omnibus modis<sup>67</sup> invitare, eo quod hoc est opus pasture exercere, de quo dictum est ei: *Pasce oves meas*.<sup>68</sup> Igitur cum merere indulgencias (...) <sup>69</sup> fideles invitare ad defensionem contra Ladislaum. Ex quibus sequitur, quod papa taliter militantibus potest regnum celorum, cuius est clavicularius, secure promittere; patet e q. XI. „Omium vestrum nosse volumus caritatem“,<sup>70</sup> et convenienter, quia tales militantes<sup>71</sup> si occiduntur, efficiuntur martires: patet e q. VIII. „Omni timore et terrore postposito“. <sup>72</sup> Item sequitur, quod papa sic militantibus potest dare indulgencias a pena et a culpa; patet, quia si ex premissis potest eis regnum celorum promittere, quod est maximum, sequitur a forciori, quod potest eis dare indulgencias pene et culpe, quod est minus, quia antecessorium regni celorum. Item sequitur tercio, quod papa non solum militantibus in propriis corporibus, sed etiam contribuentibus pro dicta milicia et promoventibus dictas contribuciones et milicias potest et potuit<sup>73</sup> dare, sicut et dedit, <indulgencias><sup>74</sup> a pena et a culpa. Probatum exemplo Davit, X. Regum [178ra] XXX, qui equas porciones dedit militantibus <et eis, qui><sup>75</sup> subveniebant.<sup>76</sup> Igitur similiter papa potest facere in participio indulgenciarum.

Pro tercio sit illa conclusio, quod littere indulgenciarum pro subsidio contra Ladislaum salubriter emanaverit in personis domini Wencesslai protho-notarii sedis apostolice et Pataviensis decani et domini Pacis de Bononia. Patet, quia emanaverit<sup>77</sup> pro meritoria defensione ecclesie, ut patet ex premissis, igitur salubriter. Etenim nil est salubre, nisi meritorium secundum

<sup>65</sup> Decretum Gratiani, C. 23, 8, 7–8 (Friedberg I, 954–955)

<sup>66</sup> Mt 22, 39

<sup>67</sup> modis ] modum *ms.*

<sup>68</sup> Jo 21, 17

<sup>69</sup> *pars textus omitti videtur*

<sup>70</sup> Decretum Gratiani C. 23, 5, 45 (Friedberg I, 944)

<sup>71</sup> tales militantes ] talis militantis *ms.*

<sup>72</sup> Decretum Gratiani C. 23, 8, 9 (Friedberg I, 955)

<sup>73</sup> potuit ] patuit *ms.*

<sup>74</sup> indulgencias ] *om. ms.*

<sup>75</sup> et eis, qui ] *om. ms.*

<sup>76</sup> cf. 1 Rg 30, 24

<sup>77</sup> emanaverit ] emoaverit *ms.*

Augustinum,<sup>78</sup> eo quod totus cursus vie et vite presentis non est meritorius, si non est salutaris. Ex quibus primo sequitur, quod predicatorum, confessorum et predictarum indulgentiarum promotores sunt salutis populi procuratores; patet, quia instrumentum agit in virtute agentis principalis, igitur cum agens principale indulgentiarum sit papa, qui<sup>79</sup> salubriter dictas indulgentias promulgavit et dedit, ut liquet ex premissis, patet, quod earum executores prefati eas applicantes et dispensantes iuxta eorum tenorem et eorum continenciam sunt salutis fidelium procuratores.

Ex quibus secundo sequitur, quod fideles effectualiter obedientes dictarum indulgentiarum legitimis executoribus absoluti sunt a<sup>80</sup> penis et a culpis. Probatur, quia prefati executores sunt ydonei in virtute commissionis pape ex virtute clavium ecclesie, Christo dicente: *Quodcumque solveris*,<sup>81</sup> et qui dixit „Quodcumque“, nil insolubile reliquit. Fideles<sup>82</sup> vero, qui sunt confessi et contriti, effectualiter vero obedientes, qui satisfaciunt iuxta tenorem indulgentiarum, quamobrem effectum consecuntur dictarum indulgentiarum, scilicet pene et culpe, tum quia effectus inevitabiliter sequitur posita iuxta predictam sufficienciam<sup>83</sup> agentis et potenciam<sup>84</sup> suscipientis ac modum suscipiendi, que singula ponuntur in indulgentiarum assecutione ex hac introduccione.

Sequitur quartus.

Pro quarto sit hec conclusio: Prefati nuncii apostolici ex sua commissione possunt ordinare de fidelium confessoribus et confessione. Probatur, quia ex tenore literalium<sup>85</sup> papalium habent ordinare et se intromittere de sacramentali, igitur de confessoribus habent disponere et fidelium confessione. Ex quibus primo sequitur, quod harum virtus indulgentiarum consistit in satisfaccione pecuniaria vel militari; patet, quia consistit in stipendiorum expositione, ut patet ex earum tenore. Sed hec expositio<sup>86</sup> est pecuniaria, igitur etc.

Sequitur secundo, quod contriti fideles iuxta tenorem literarum satisfaccientes merentur indulgentias eciam cuicumque sacerdoti confessi. Patet hoc ex tenore literarum, que absolute intendunt satisfactores assequi indulgentias, dummodo sint confessi et contriti.<sup>87</sup> Non autem littere appostolice sunt intelligende aliter, quam sicut sonant.

<sup>78</sup> *non inveni*

<sup>79</sup> qui ] quo *ms.*

<sup>80</sup> a ] e *ms.*

<sup>81</sup> Mt 16, 19

<sup>82</sup> fideles ] fidelis *ms.*

<sup>83</sup> sufficienciam ] sufficiencia *ms.*

<sup>84</sup> potenciam ] potencia *ms.*

<sup>85</sup> *sic, pro* literarum

<sup>86</sup> expositio ] expodicio *ms.*

<sup>87</sup> cf. Acta summorum pontificum res gestas Bohemicas aevi praehussitici et hussitici illustrantia 1, ed. Jaroslav Eršil, Praga 1980, pp. 362, 379

[178rb] Sequitur tercio, quod prefati nunccii, dicte satisfaccionis<sup>88</sup> bone estimatores, debent et possunt confessores<sup>89</sup>. Patet, quia non bene possunt estimare sine confessoribus propter confitentium ruditatem, qui<sup>90</sup> iuxta qualitatem delicti et quantitatem habendi posita quacumque devocione sunt nihilominus de satisfaccione informandi ad<sup>91</sup> exemplar vidue ewangelice, de qua supra, que informacio a dictis nuncciiis, quibus constat de intencione et mente domini pape, <ad><sup>92</sup> cuius intencionem suas literas interpretari debent, per confessores confitentibus pupplicari <debet><sup>93</sup>. Proinde huiusmodi nunccii debent confessores informare, ne continenciam excedant horum privilegiorum.

Sequitur quarto, quod fideles confessi et contriti satisfaccionem iuxta tenorem indulgenciarum non indigent suis sacerdotibus confiteri. Patet, quia ipso facto, quo papa consensit confessis et contritis ad participium harum indulgenciarum per satisfaccionem, mox consensit in confessionem quamlibet contritam, dummodo fiat katholico sacerdoti.

Sequitur quinto, quod dictorum nuncciorum et legitimorum harum indulgenciarum executorum<sup>94</sup> turbatores sunt clavium ecclesie erronei oppressores. Patet, quia ledunt universalitatem clavium regnum celorum aperiencium per indulgencias<sup>95</sup> in earum execucione ex prefatorum turbacione, de quibus inquit beatus Augustinus primo De doctrina christiana: *Has claves ipse dedit ecclesie, ut quos solveret in terra, soluti essent et in celo, scilicet ut quisquis in ecclesia eius dimitti sibi peccata non crederet, non ei dimitterentur; quisquis autem crederet seque ab hiis correctus averteret*<sup>96</sup>, *in eiusdem ecclesie*<sup>97</sup> *gremio constitutus, eadem fide atque correccione sanaretur*<sup>98</sup>. Hec Augustinus<sup>99</sup> etc.

Expliciunt dicta magistri Mauricii de Praga.

<sup>88</sup> satisfaccionis ] satisfaccionem *ms.*

<sup>89</sup> *verbum omitti videtur, e.g. statuere, eligere*

<sup>90</sup> qui ] quia *ms.*

<sup>91</sup> ad ] et *ms.*

<sup>92</sup> ad ] *om. ms.*

<sup>93</sup> debet ] *om. ms.*

<sup>94</sup> executorum ] executorum executorum *ms.*

<sup>95</sup> indulgencias ] induliencias *ms.*

<sup>96</sup> averteret ] adverteret *ms.*

<sup>97</sup> ecclesie ] ecclesiis *ms.*

<sup>98</sup> sanaretur ] situaretur *ms.*

<sup>99</sup> Augustinus, De doctrina christiana 1, 18 (Corpus Christianorum. Series Latina 32, ed. Joseph Martin, Turnhout 1962, p. 15)