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## **CANONICAL JURISPRUDENCE IN THE KINGDOM OF BOHEMIA IN THE MIDDLE AGES**

*During the High and Late Middle Ages, canon law played a crucial role. This study provides an overview of ecclesiastical legal scholarship in the Czech lands, i.e. in Bohemia (in the Archdiocese of Prague) and in Moravia (in the Diocese of Olomouc). The development of a legal jurisprudence went hand in hand with the development of ecclesiastical administration in the second half of the 14<sup>th</sup> century and in the early 15<sup>th</sup> century, which evolved into a compact system. An important factor in this was the establishment of Prague University, including the Law Faculty, in 1348, and also, in particular, the establishment of the separate Prague Law University in 1372. Amongst the major canonists who left work behind were Štěpán of Roudnice, Bohuslav of Krnov, Kuneš of Třebovle, Mikuláš Puchník, and Jan of Jesenice, amongst others.*

**Key words:**      *Canonical jurisprudence. – Canonists. – Kingdom of Bohemia.  
– Medieval canon law. – Prague Law University.*

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## 1. INTRODUCTION

Canon law played an important role within the medieval Church. Besides lawyers dealing with Roman law, it was canonists in particular who represented medieval legal scholarship. This study focuses on canonical jurisprudence in the Kingdom of Bohemia in the Middle Ages. It looks in particular at Prague Law University, which enabled citizens of the whole of central and northern Europe to receive a legal education in canon law in the second half of the 14<sup>th</sup> century and in the early 15<sup>th</sup> century. Because it was a separate law university without any other faculties, this made it unique within Europe. In addition, the study will look at the most prominent ecclesiastical lawyers who operated within the Kingdom of Bohemia in the Middle Ages. The most prominent figures come from the second half of the 14<sup>th</sup> century and early 15<sup>th</sup> century, when the Law University operated in Prague. These figures came from the Czech lands, or else they were naturalised foreigners of mostly German origin.

In an effort to synthesize the topic, Pavel Krafl (2023) has produced an overview of the history of ecclesiastical law in the Czech lands. Also of note is the volume *Sacri canones servandi sunt* (2008) in regard to medieval canon law in the Czech lands and east-central Europe. In regard to the history of the Law University, the university registry is a key source (Album 1834), as is Jiří Kejř's monograph on the same institution (1995a); Kejř also contributed a chapter on Prague's Law Faculty and University to *A History of Charles University* (1995b; 2001). In addition, Jiří Stočes (2010b) wrote a monograph on Prague university nations.

Monographs have been written on a number of distinguished canonists. Jiří Kejř (1965) wrote about the Hussite lawyer Master Jan of Jesenice. Miroslav Černý has looked in depth at the figure and works of Kuneš of Třebovle. He published a monograph on Kuneš, which includes Kuneš's extant synodal sermons and the tract *De devolutionibus non recipiendis* (Černý 1999). Prior to that, he published Kuneš's tract on escheat (Černý 1988). Jiří Svoboda wrote a study on the ecclesiastical lawyer Štěpán of Roudnice. This work centres around an analysis of the content of Štěpán's penitential book and pastoral manual *Quaestiunculae* (Svoboda 2000). Dominik Budský studied the canonist and Prague official and Vicar General Mikuláš Puchník. He produced a content analysis and critical edition of Puchník's procedural manual (Budský 2016a).

Canon law was applied to a lesser extent in the Czech lands from the Early Middle Ages, and was more fully applied in the period following the Fourth Council of the Lateran. It can be considered to have been fully implemented within the life of the Church and society in the second half

of the 14<sup>th</sup> century and in the first two decades of the 15<sup>th</sup> century until the outbreak of the Hussite Revolution, which completely overturned the previous administrative and legal system in Bohemia, i.e. in the Prague and Litomyšl dioceses. In Moravia, i.e. in the Olomouc diocese, the administrative and judicial systems continued to operate with no major interference from the Hussites (Krafl 2023, 60–70).

## 2. FOREIGN STUDIES OF CZECH SCHOLARS

Sources only really give fragmented information on scholars from Bohemia and Moravia at European universities, and it is very difficult to get an idea of their numbers. Apparently, not many Czechs studied law at foreign universities. It appears they only rarely studied at Italian universities with renowned law courses (Bologna, Padua, Vicenza). King Přemysl Otakar II's chaplain, Jakub, received a doctorate of law at Bologna (around 1250), followed by Matěj of Mutěnin (1371). Oldřich of Paběnice, administrator of the Prague diocese during the absence of Bishop Jan IV of Dražice, received a doctorate of decrees in Paris. Olomouc official and Vyšehrad Dean Jan Paduánský received a doctoral degree in law at the university in Padua, where the Czechs had their own university nation, as did Konrád of Bohemia (1382), Jan of Pomuk (1387), Zikmund Albík of Uničov and Jan Náz (1399). Bohuš of Zvole received a doctorate in Vienna (1454–1457), as did Bohuslav Hasištejnský of Lobkovice in Ferrara (1482). Other clerics received licentiates or bachelor degrees in Bologna, Padua, Paris, Montpellier and other locations, or else there is evidence that they studied there. We also assume that certain individuals who resided in cities and towns with renowned universities were studying law. In regard to the early 14<sup>th</sup> century, we can also see figures who had doctor of law degrees, e.g. the Prague canon Jan of Ostrov, the Kouřim archdeacon Rapota, and the Břevnov monk and later Rajhrad provost Jan. We do not know where these people studied.<sup>1</sup>

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<sup>1</sup> See Tadra (1897, 235–236, 243–244, 251, 258–260, 262–265, 266–273, 275, 277–279); Bláhová (1993, 156–157, 163); Zahradník (1904, 228–232); Černá-Šlapáková (1970–1971, 70). See also, Jireček (1903, 70–71); Boháček (1975, 20–23); Ott (1913, 56–70); Ott (1877, 182–188, 217–229), about studies see Ott (1877, 184–188), on legal education and titles (221–225). An overview of Olomouc Chapter canons with doctorate, licentiate or bachelor's degrees in law, according to the place where they obtained their degree, is given in Zemek (1990, 80–81). For example, *Acta nationis Germanicae universitatis Bononiensis* gives the number of students from Bohemia and Moravia, mostly from the second half of the 15<sup>th</sup> century; see Knod (1899, 3, 19, 23, 48, 53, 90, 91, 127, 135, 163, 185, 217, 226, 234, 263, 265, 275, 283, 309–310, 332, 366, 370, 400, 426–427, 459–460, 533, 585, 600, 611,

### 3. PRAGUE LAW UNIVERSITY

A law education at university level could only be acquired in the Kingdom of Bohemia, and also in east-central Europe, after the founding of the university in Prague (1348). Pope Clement VI made it possible for all its faculties to be set up, including the Law Faculty. His privilege only mentions canon law, as Roman law was not considered relevant in a non-Romanised country. By 1350 at the latest, Štěpán of Roudnice and Bonsignore de Bonsignori were teaching there. Even at this earliest time, there were evident differences between lawyers and students at other faculties, in particular the Faculty of Arts. In 1360, Arnošt of Pardubice, the Chancellor of Prague University and Archbishop of Prague, published his *Ordinationes*, which was meant to help secure peace at the university. One rector was to head the university, with arts and law rectors taking turns, while the vice-rector was always to be from the other faculty. The situation did not improve, however, and not even Archbishop of Prague Jan Očko of Vlašim's new detailed statute of 1368 was able to resolve it.<sup>2</sup>

Eventually, a separate law university was set up in 1372 as a result of the schism between the Law Faculty and the university's other faculties. This dispute was the consequence of the inorganic connection of two concepts of school administration – the Bologna concept (according to which university authorities should be run by students) and the Paris concept (according to which university authorities should be run by the university's professors). Even after this division, the link between the Law University and the remaining three faculties persisted: while two *universitates* were established, one *studium generale* remained (Kejř 1995a, 19–26; Moraw 1992, 11–12; Svatoš 2000, 13–15).

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633, 658, 661), page references to persons of Bohemian origin, without distinction between the faculties where they studied. For students from the Bohemian lands studying abroad in the post-Hussite period (all fields, no specification), see *Acta Universitatis Carolinae, Historia Universitatis Carolinae Pragensis*, Vol. 4 (2/1963), 37–46; Vol. 2 (2/1961), 97–132; Vol. 3 (3/1962), 139–159. On teachers at foreign faculties of law during this time, see Burmeister (1974).

<sup>2</sup> See Dějiny (1995, 163–165); Moraw (1992, 13, 17; 1986, 446, 449); Zelený, Kadlec (1978, 68, 71); Šmahel, Silagi (2018, XVII–XXI, 4). A comment about the Law Faculty in an anonymous pamphlet evidently dating back to 1393 and known as *Planctus cleri* is a reflection of the tensions between artists and lawyers in a later period (Odložilík 1927, 43). For the latest on the time frame and authorship of the text, see Pořízka (1999, 113–118).

Only students became rectors of Prague Law University (including bachelors who were continuing their studies). The office was held by many high status members of the aristocracy and clerics with large prebends. Even so, it is notable how few rectors had achieved a bachelor's degree (Kejř 1995a, 35). Rectors were elected by an eight-member council comprising representatives of university nations. Each of the four university nations (Czech, Polish, Saxon and Bavarian) had two representatives. The newly elected rector was presented to the Archbishop. One member of the university asked for his affirmation. This was followed by the Archbishop's confirmation, only after which did the rector receive his powers. He took up his rights and obligations at an official assembly, at which one of the honoured members would deliver the *commendatio rectoris*. This recommendation kept to an established pattern, including the use of the same quotations, mainly from the Bible. One of the texts which speakers regularly quoted from was a chapter of the *Decretum Gratiani*, *Sit rector*, D.43 c.1 (Kejř 1995a, 76).

The Law University evidently elected its rectors regardless of their particular university nation. Instead, jurists took more account of the candidate's social status and prestige. The largest number of rectors came from the Czech university nation, and this related to ties to the local social environment. Nicolaus Geuhneri de Praga, for example, was rector repeatedly, for a total of seven times (Stočas 2010b, 156–157). Some Law University rectors later became bishops: George of Hohenlohe was Bishop of Passau, Bertold, Passau canon, Bishop of Freising, and Johann of Brunn was Bishop of Würzburg (Moraw 1992, 24–25; 1986, 459). There is no evidence of a professorial *consilium universitatis* at the Law University, and it probably did not exist as a statutory body (Kejř 1995a, 76).

We do not encounter theoretical papers of domestic origin at Prague's Law Faculty and at the Law University, as were typical of the older universities of southern and western Europe with centuries of tradition. Mostly, we only find evidence of university lectures, manuals for legal practice and spiritual administration, and repetitions (which are interpretations of a precisely defined source that aimed to provide an exhaustive interpretation summarising all opinions and contradictions). Of what originally numbered roughly 400 codices, Jiří Kejř found only thirty-one, over half of which were in the Olomouc Chapter library. Some works migrated to foreign countries: Štěpán of Roudnice (*Quaestiunculae*), Mikuláš Puchník (procedural manual), and Bohuslav of Krnov (lectures on the Books of the Decretals). The most common reports are on lectures regarding *Liber extra* (Kejř 1995a, 57, 90–91).

The Books of the Decretals was a subject taught by Bonsignore de Bonsignori in the first half of the 1350s, by Wilhelmus Horborch from 1369, by the previously mentioned Bohuslav of Krnov between 1380 and 1396, probably by Jiří of Bor from 1397, and perhaps also by Adam of Nežetice. As of 1371, Goswinus de Adenstedt and Ulricus Grünhut were *extraordinarie legentes*. Liber sextus and *Clementinae* were taught by Jiří of Bor, in 1363 by Bertoldus de Spira, in 1371 by Johannes de Bliden (at that time also rector of the still four-faculty university), and also in 1374 by Fridericus Paganus. By 1386, Matěj Petrův of Chrást or of Skramníky was ordinary professor for Liber sextus and *Clementinae*. Sometime between 1398 and 1407 it was taught by Johann Weilburg. In 1382, Mikuláš Puchník and Johann de Dulmen took their dispute over the right to teach *Liber sextus* to the Prague Consistory court. Mikuláš Puchník won and was duly selected for the lecture. We have less information on the professors who taught the *Decretum Gratiani*. It is unclear whether it was Štěpán of Roudnice, or of Uherčice who taught the *Decretum*. In 1376, it was taught by Ludovicus Thalhalm. Jiří of Bor taught it for eight years, with his lectures beginning sometime around 1390. After him, it appears that Nicolaus Kliczke gave his interpretations of the *Decretum* (Kejř 1995a, 52–54). Roman law remained a fringe interest – the first and only doctor of both laws was Jan Náz, in 1402 (Moraw 1992, 29; Kejř 1995a, 66). The Italian scholar Uberto de Lampugnano and envoy of the Duchy of Milan to King Wenceslas, Giangaleazzo Visconti, gave one-off lectures in Prague: these took place in 1385 (Kejř 1996, 249–270; Kejř 1995a, 111–121; Zelený, Kadlec 1978, 93–95; Černý 2008, 385–389).

In contrast to the rival three-faculty Prague University, the Law University did not become a centre of the struggle for intellectual reform which was changing Czech society at the turn of the 15<sup>th</sup> century. Elitist, conservative, and connected to the church hierarchy, the Law University remained aloof from contemporary affairs. The conservative worldviews of its lawyers prevented it from joining the radical Wycliffe reformist group, which had taken over the Czech university nation at the three-faculty Prague University (Kejř 1995a, 91–92; Stočes 2010b, 160–161).

From 1372 until the university's dissolution at the start of the Hussite Revolution, 3,563 students were enrolled. An academic title was not required for an ecclesiastical career; all that was required was to acquire a certain amount of knowledge and only a small number of the enrolled actually received academic titles. A total of 235 students achieved a bachelor's degree, and 47 achieved a licentiate or doctorate. We do not have precise data on the social composition of the Law University. There was a strict differentiation between *simplices* and *nobiles* (about 7% of all those enrolled were *nobiles*). *Pauperes* comprised around 20% of students, although none

of them achieved an academic title (Kejř 1995a, 95–96). There are eight scholars from the city of Plzeň recorded as enrolled at Prague Law University, coming from leading burgher families, and also people recorded as *pauperes* (Stočas 2010a, 61–62). At the Law University, nations were understood as they were at Bologna-type universities, in contrast to the three-faculty Prague University, which conceived its nations using the Paris University model. Arriving scholars evidently chose for themselves which of the four university nations they wanted to be enrolled in. Furthermore, nations were not territorially defined (Stočas 2010b, 141, 143).

The largest of the university nations in numerical terms was the Saxon nation (35.5%), followed by the Polish nation, comprised mostly of Silesian Germans (26.1%), then the Bavarian nation (19.3%), and the Czech nation (19.1%) (Kejř 1995a, 97; Borovičková, Sukkariová, Stočas 1993–1994, 68). When the separate Law University was set up, and during the first years of its existence, the largest group was the Bavarian nation, but the number of matriculated Bavarians fell consistently, and from 1393 the Bavarian nation was the smallest. The numbers of matriculated Czechs and Poles fell significantly after 1372, and then rose to their highest levels in 1389. From the mid-1390s, the number of those matriculated in the Czech nation was stable, around 10% annually (Kejř 1995a, 97; Borovičková, Sukkariová, Stočas 1993–1994, 68). There were large numbers of students from the cities of Legnica and Wrocław within the Polish university nation. Differences between the university nations were also observed with respect to the types of prebends that enrolled members received. More than 60% of members of the Bavarian university nation held the ecclesiastical post of canon, while this was under a third for the Polish nation, and less than a fifth for the Czech nation. Parsons were dominant within the Czech and Polish nations, while in the Bavarian nation they comprised only around 19% of members (Borovičková, Sukkariová, Stočas 1993–1994, 69, 73).

During the 1380s, the Saxon nation began to predominate, its members comprising 41% of the total number of Law University members. For people from the Holy Roman Empire's peripheral areas, Scandinavia, and the Baltic region, who registered within the Saxon nation, the Law University in Prague was the most accessible and closest means of acquiring a legal education, thus important for gaining significant prebends and offices. The establishment of the university in Erfurt did not change this situation; there was balanced mutual *peregrinatio academica*. The existence of separate law teaching without the influence of masters at the faculty of arts was also important. In contrast, the smaller numbers of Bavarian nation members was a consequence of the establishment of universities in Heidelberg and

Cologne, and the reforms of the university in Vienna. The enrolment of Bavarian nation members fell consistently, while numbers of members of the Polish and Czech nations rose from the 1390s (Stočes 2010b, 144–145).

A core feature of all developments at the Law University was the school's links with the Prague Church and its Archbishop. A number of highly qualified lawyers taught at the university, although their main focus still remained their official Church activities and career (Kejř 1995a, 97). In 1385, twelve of twenty-two teachers belonged to the Czech university nation. These Czech teachers were linked to the Prague Archbishopric, where they held major roles and prebends in parallel. As a consequence of this, they remained at Prague Law University for longer than teachers from abroad, who did not have access to local prebends. We know that many of the teachers who were foreigners only taught for a few years, and that they saw a high turnover. Limited access to Prague prebends was also the cause of the departure of many Prague teachers for newly founded universities in Germany. The last foreign doctor is documented in 1402, and from that time the teaching staff comprised only members of the Czech nation. Members of the Czech university nation also received more academic titles at the Law University, and this also related to easier access to prebends, which helped to cover expensive examinations and graduations (Stočes 2010b, 151–52, 159, 160).

In 1409, Wenceslas IV issued the so-called Decree of Kutná Hora, which changed the proportion of votes at the three-faculty Prague University (1409). Until that time, each of the four university nations had one vote, but the decree changed the proportion in favour of the Czech nation (three votes for the Czech nation, compared to one vote for the other nations) (Dějiny 1995, 91; Nodl 2010, 244–245). The result of this was students leaving the three-faculty Prague University, but also a fall in members of the Saxon, Polish and Bavarian nations at the Law University, even though the Decree of Kutná Hora did not apply to the Law University. It is estimated that most members of these three nations at the Law University left Prague. Most law students went to Leipzig; thirty-three lawyers who left came from the Polish and Saxon nations (Šmahel 1967, 77–78; Kejř 1995a, 105–106; Stočes 2009, 65–70; 2010b, 161). This was followed by a collapse in interest in studying law in Prague. We cannot determine precisely when the Law University ceased operations. The final act of its existence was the intitulation of three students by the rector elected for the 1418–1419 year (Kejř 1995a, 107).

Separate prosopographic research was undertaken for the Saxon nation at Prague Law University (Stočes 2010b, 177–231; 2012, 17–28). Between 1372 and 1417, 1,245 people were enrolled as members of the Saxon university nation. When it first opened, there was scant representation of the Saxon nation at the Law University. The number of matriculations



increased overall until 1385. Exceptions were the years 1380 and 1381, when the land was afflicted by a plague epidemic. From 1385, the number of those matriculated began to fall again, initially steeply, and then more gradually. At the start of the 15<sup>th</sup> century, numbers of those matriculated amounted to around twenty per year. In 1409, nobody was matriculated. In the subsequent period, the numbers of those matriculated can be counted in single figures. We can conclude that the Saxon nation had exceptionally strong representation at the Law University in the 1380s (Stočas 2010b, 194, 196–197).

Most people from the Saxon nation were identified as being from Stralsund and Lüneburg. Additionally, there was a large group of people from the major Hanseatic cities on the Baltic and North Sea coasts. The next largest group came from the Episcopal towns of Roskilde, Hildesheim, Lund, Magdeburg, Brandenburg, Skara, Turku and Halberstadt. In terms of regions, the most frequently seen were those from Pomerania (21% of those enrolled), followed by Lower Saxony (within its present-day borders, 13%), Sweden within its historical borders (including Finland, 10%), present-day Saxony-Anhalt (10%), Brandenburg and Neumark (9%), Denmark within its historical borders (including Schleswig and areas in present-day southern Sweden), (9%), Mecklenburg (7%), Friesland and the Netherlands (6%), Holstein (5%), Westphalia (4%), present-day Latvia and Estonia (3%), Hesse (1%), and Norway (1%) (Stočas 2010b, 199–203). The presence of greater numbers of students from the Saxon university nation was the result of Brandenburg joining the Luxembourg possessions, though Luxembourg's political and dynastic ties to Pomerania certainly also played a role (Stočas 2010b, 197, 205–206).

An analysis of the social origins of members of the Saxon university nation implies large numbers of Hanseatic city burghers, followed by burghers from other towns and cities, and members of the nobility. There were negligible numbers of villagers, these coming from Friesland. 70% of those matriculated paid the matriculation tax in full, 19% for *pauperes* and 2% for *nobiles* (Stočas 2010b, 210–211, 215).

We can say that Prague Law University was of great importance in shaping the Church hierarchy in the northern parts of the Empire, in Scandinavia, and in the Baltic region. Between 1372 and 1385 alone, four future archbishops (in Magdeburg, Trondheim, and two in Lund) studied at Prague Law University as members of the Saxon nation, as did sixteen future bishops (in Aarhus, Brandenburg, Havelberg, Lavant, Linköping, Odense, Ratzenburg, Ribe, Roskilde, Schwerin, Skara, Västerås, and two each in Halberstadt and Strängnäs). Later, between 1385 and 1417, five future archbishops studied as members of the Saxon nation (in Bremen, Lund, Prague, and two in Riga),

alongside fifteen future bishops (in Bergen, Brandenburg, Chur, Kuressaare, Naumburg, Olomouc, Oslo, Piltene, Strängnäs, Tallinn, Verden, and two each in Tartu and Västerås). Between 1372 and 1385, three future papal auditors also studied there (Stočas 2010b, 227–228; 2012, 24–25).

Prague Law University graduates also worked in the city administrations of Hanseatic cities. The first group comprised people employed by the city, including city scribes, notaries and other clerks. A second group comprised burghers who took on roles of councillors or mayors (Stočas 2008a, 208–234). People from almost all social classes enrolled at the university as *pauperes*, including the nobility. Although students registered as paupers only exceptionally received an academic degree, they did receive prebends. Pauper Fridrich Deys of Wünnenberg achieved the most prominent career, becoming a papal auditor (Stočas 2008b, 463–465).

Many Prague Law University graduates worked in roles at other, mostly central European, universities. One hundred and twelve graduates are documented as holding university posts at various universities between 1386 and 1417: 53 people at the Prague Faculty of Arts, 36 people at Leipzig University, and others at universities in Rostock, Bologna, Vienna, and Erfurt (Stočas 2012, 26).

#### 4. DISTINGUISHED CANONISTS FROM THE CZECH LANDS

An eminent Bishop of Olomouc was the Cistercian Robert (1201–1240). He was from England and studied at the University of Paris. He worked at the Bohemian royal chancellery, and was identified with the notary described in diplomatics as Otakarus 5. He took part in the Fourth Lateran Council. He was not involved in Bishop of Prague Ondřej II's struggle for the emancipation of the Church in Bohemia, and remained a loyal ally of King Přemysl Otakar I of Bohemia. He founded the Cistercian monastery at Velehrad (1205), where he was buried. He is the author of the manual *Summa confessorum* with its incipit *Cum sit ars arcium regimen animarum, expedit omnibus, quibus animarum cura concessa est*. Robert wrote the work following the Fourth Lateran Council, and it was certainly completed prior to 1234 (before the *Liber extra* was issued). It is the oldest Latin literary work in Moravia. Four manuscripts have been preserved containing the incipit *Cum sit ars*. A manuscript from Admont is kept in Prague, while others are in Munich, Heiligenkreuz, and Schlägl. There are more common manuscripts which have the title *De decem preceptis*, and are featured in eighteen manuscripts we know of (Kejř 2003, 52–56; Kadlec 1975, 73–77; Kejř 2012, 270–271; Hlinka 2006, 90, adnot. 60; 91).

Renowned lawyers from Bohemia included Hermann of Prague, canon of Prague, Vyšehrad, and later Regensburg. He also appears in sources as Hermannus de Bohemia, or the Romanised form of his name, Armandus de Boemia. He came from a leading Prague burgher family. He studied law at the university in Bologna at the end of the 13<sup>th</sup> century, where he was present at the time of Boniface VIII, gaining a bachelor's degree and later achieving the title of Doctor of Decrees. He was a papal chaplain, and was given the job of curial executor in dioceses of central and northern Europe. The earliest document mentioning him as papal auditor dates to 1323. On 3 December 1337 he was named Bishop of Warmia (Ermland) after the Warmian elect in Avignon renounced his rights in the bishopric. Prior to the end of April 1338, he was ordained a bishop at the curia. Due to resistance from the Warmian Chapter, he didn't take over the bishopric until August 1340. Due to difficulties, he was allowed to keep his previous benefices. He died on 31 December 1349 (Hledíková 2003, 75–92; Die Bischöfe 2001, 183).

Hermann of Prague is the author of three well-known works: *Concordantia decretalium cum decretis*, *Summula de concordantia scriptorum theoloycorum et iudiciorum*, and *Opusculum de casibus reservatis*. According to J Kejř, *Concordantia* was probably written between 1327 and 1329, and one copy has been preserved in a manuscript of the Moravian Regional Archives in Brno (Kejř 1974, 27–39; Švábenský 1972, 177–179). *Summula* and *Opusculum* appear to have been written during Hermann's stay in Avignon during the 1330s, in the period between his recovery from illness in 1333 and his departure from Avignon in 1338. There is a single copy of both these works in Vatican manuscripts (Hledíková 2003, 81; Brinktrine 1924, 358).

*Summula de concordantia scriptorum theoloycorum et iudiciorum* discusses the seven sacraments. The author bases the text in particular on the works of Thomas Aquinas and Richard of Middleton. The document contains an alphabetical index. *Opusculum de casibus reservatis* is an extensive work which takes up a whole manuscript of 262 pages. It includes a large index. He evidently began working on *Opusculum* as a Bologna bachelor sometime at the turn of the 14<sup>th</sup> century. He collected selected normative texts of particular church law for certain central European ecclesiastical provinces and dioceses (including legatine statutes) from the final third of the 13<sup>th</sup> century and early 14<sup>th</sup> century. The *Opusculum* also reflects the decisions of the Vienna Legatine Synod of 1267. The commentary also includes the apparatus with normative texts (Hledíková 2003, 84–91; Brinktrine 1924, 359–374).

One of the first two law professors at Prague University was Štěpán of Roudnice (or also Štěpán of Uherčice). He studied canon law in Perugia and was Vicar General of the Prague archbishopric (1346–1358). He was

a permanent vicar of Arnošt of Pardubice, Archbishop of Prague, in the Prague church, a Prague and Olomouc canon, and a Litoměřice archdeacon. He visited a large number of Church institutions in both Czech dioceses. In the end, he resigned from all his offices and in February 1358 joined the Monastery of the Canons Regular of St Augustine in Roudnice nad Labem. He wrote the penitential book and pastoral manual, *Quaestiunculae*. This work can be divided into two parts, with the first featuring questions related to the sacraments, criminal law, moral pastoral problems, and liturgy. The second part of *Quaestiunculae* looks at financial and commercial issues. It is particularly influenced by Astesanus of Asti's *Summa confessorum*, Cardinal Henry of Segusio's (Hostiensis's) *Summa aurea*, and Raymond of Peñafort's *Summa de poenitentiae*, and also by the 1349 provincial statutes of Archbishop of Prague Arnošt of Pardubice, and, of course, by the *Decretum Gratiani* and the *Liber extra*.<sup>3</sup>

Another penitential book, preserved in a fragment and entitled *Tractatus casuum per gloriosum magistrum Zanderum ad eruditionem silicium compositus et collectus*, was written by the Olomouc Vicar General and official Sander of Rambow (1373–1380) (Boháček 1960a, 72; 1962, 401; Kejř 2012, 278). The Prague official Boreš operated at the same time; he was author of the small work *Collectum magistri Borssonis, archidiaconi Bechinensis, qualiter religiosi exempti extra monasterium consistentes se habeant ad episcopum et alios prelatos*. This is preserved in an Olomouc Chapter manuscript from the 15<sup>th</sup> century. Boreš is documented as Bechyně archdeacon from 1364 to 1390, and was official to the Archbishop of Prague in 1381–1383 (Boháček 1960a, 71; 1962, 400; Bartoš 1941–1945, 53–54; Kubíčková 1932, 410, 478).

A major figure at Prague Law University was Wilhelmus Horborch. He was born sometime between 1320 and 1325 in Hamburg. He was a dean in Hamburg (documented in 1365) and canon in Cracow (by 1380). By 1361, he was a Bachelor of Canon Law. That year, he was appointed papal collector. He studied in Bologna from 1367. He is documented as teaching the Decretals at Prague University, and then at Prague Law University from 1369 to 1374. He is listed as a doctor. He played an important role in the Law Faculty's separation from Prague University: on his initiative, Charles IV purchased a building for the new Law University in 1373. In 1376, he was called to Avignon, and he later worked in Rome as a young auditor of the

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<sup>3</sup> See Svoboda (2000, 55–70); briefly Svoboda (2008, 379–384); Zelený, Kadlec (1978, 68–70); Kejř (2012, 272–274); Kadlec (1998, 221); von Schulte (1877, 431). An analysis of *Quaestiunculae* is given in Svoboda (2000, 71–255). A copy of their text reached as far as the library in Cambridge; Kejř (1986, 122–123).

Roman Rota. Prague Law University is linked to his repetition in the decretal *Debitores* (X 2.24.6), which looks at usury and interest. Copies of this *Repetitio decretalis Debitores* have been preserved in Prague and Wrocław. He is the author of the well-known and widespread collection of Roman Rota judicature, *Decisiones novae Rotae Romanae*. One of his manuscripts is held in the Moravian Provincial Archives in Brno (Kejř 1995a, 20, 23–25, 50, 52, 55, 57; Zelený, Kadlec 1978, 73–75).

One of the most influential teachers at Prague Law University was evidently Bohuslav of Krnov. His lectures on the *Decretals*, as already noted, were widely found in foreign libraries, and provided extensive commentary. The author was born in Krnov around 1330. He gained a master's degree at the Prague Faculty of Arts, after which he studied law abroad. In 1372, he was recorded with the title of Doctor of Decrees in the Prague Law University register. He is listed as a regular lecturer of the *Decretals* in 1380, and again in 1385, and he appears to have still been teaching the subject in 1396. He was rector of the Prague Law University in 1381. He held a canonical benefice in Olomouc, and in 1386 he was Dean of Prague's Cathedral Chapter. King Wenceslas IV caused him a sword head wound in anger (1393). The last information about him dates back to sometime between 1412 and 1415 (Kejř 1995a, 50, 52–53; Zelený, Kadlec 1978, 83–84; Boháček 1975, 66).

The second generation of lawyers to come out of Prague higher education included Kuneš of Třebovle. He studied at Prague University, where he gained a bachelor's title. He began as a priest in Vitice, and in 1371 he received expectation of a canon prebend at the Prague Chapter, though the first mention of his being a canon comes from 1375. He was evidently in Padua in spring 1370, where he undertook repetitiones et disputationes. He also acquired some knowledge of Roman law there. At the end of 1371 or in early 1372, he received the title of Doctor Decretorum in Prague. Following Prague Law University's separation from the rest of the university, he became one of its professors. There is, however, a lack of detailed information on his teachings at the university. Kuneš focused on official activities, and from 1377 to 1382 and 1386 to 1389 he was Vicar General at the Archbishopric of Prague. In 1379, he was Archdeacon of Stará Boleslav, and at some point during this period he became custodian at the Prague Cathedral Chapter. He became one of Archbishop of Prague Jan of Jenštejn's main co-workers. He died in 1397 (Černý 1999, 3–21. Cf. Boháček 1975, 71–73; Zelený, Kadlec 1978, 76–78; Černý 1998, 29–35; Kejř 1995a, 61–62).

At the June 1386 synod, after having received a vision of the Virgin Mary, Archbishop Jan of Jenštejn introduced the feast of the Visitation of the Blessed Virgin Mary to the Prague archdiocese. He asked Kuneš of Třebovle to write

a legal justification for this new feast day, and this resulted in *Probaciones de institutione festi Visitationis Marie*, a brief text featuring references to various legal authorities (Černý 1999, 15–16).

In 1377, Kuneš of Třebovle was given the task of performing a sermon at the archdiocesan synod on the Feast Day of St Luke, i.e. 18 October. He gave the sermon *Sculte egerunt pastores* on a topic from the Book of Jeremiah. His sermon criticises the usual vices of ambition and pride, lack of Christian love, greed and injustice, gluttony and drunkenness. Finally, it discusses the consequences of a shepherd's badly-led life, specifically the death of his sheep – the believers. We cannot date Kuneš of Třebovle's second synodal sermon, *Domine salva nos, perimus*, although it has been linked to the Prague Synod of 15 June 1377. This sermon is based on the Epistle to Titus, and outlines what characteristics a bishop should have. Kuneš implies that every priest should fulfil these characteristics. The choice of a canonist as a synodal preacher emphasised the legal context. Kuneš of Třebovle's main source for both sermons was the *Decretum Gratiani* and the theological authority it contained. This was complemented by other canon law authorities, such as the collections *Liber extra*, *Liber sextus*, Roman law, and the work of canonists Innocent III, Guido de Baysio, Cardinal Hostiensis, and others (Černý 1999, 22–44, 83–135; 2020, 232–233).

In 1386, the Archbishop of Prague, Jan of Jenštejn, declared his intention of waiving rural escheat in the estates of the Prague archbishopric. It was the son who could claim hereditary rights to the land, not daughters, the widow or other cognates. He received permission in this regard from the Prague Cathedral Chapter. Even so, a dispute arose around the matter, which took on the form of learned discussion. At a session of the chapter, a scholar at the Cathedral Chapter, Vojtěch Raňkův of Ježov (Adalbertus Ranconis de Ericinio), spoke against the archbishop's privilege, which had been textually prepared by Kuneš of Třebovle. Vojtěch Raňkův of Ježov had many theological disputes with Jan of Jenštejn, and he stopped the issuance of the privilege. He wrote the paper *Apologia*, in which he also rejected Jenštejn's Visitation feast day, and, in particular, contested the right of the Archbishop to abolish rural escheats. Vojtěch attacked Kuneš's argument on the basis of the Old Testament Book of Numbers, in which a daughter's legal entitlement to her father's inheritance is acknowledged. In principle, he rejected Old Testament rules if they were not later adopted by legislators into the legal system in force (Černý 1999, 45–61; Boháček 1961, 108–115; Černý 1988; Kadlec 1969, 51–57).

The Archbishop assigned Kuneš of Třebovle the task of responding with a tract, and he then created the tract *De devolucionibus non recipiendis*. This tract includes a description of the dispute between Vojtěch Raňkův of Ježov

and Archbishop Jan of Jenštejn, followed by the wording of Jenštejn's privilege, and extensive arguments by Kuneš based on numerous ecclesiastical law authorities. Kuneš showed that subjects are free people and are not slaves, with a status similar to the position of emphyteutic farmers according to Roman law. He then demonstrated the right of peasants to transfer their movable and immovable properties to their children of both sexes. This was based on natural law. He collected the statements of Holy Fathers and other authorities demonstrating the unlawful nature of the custom of escheat. The idea includes quotes from the *Decretum Gratiani* and *Liber extra*, and comments from Guido de Baysio and Pope Innocent IV (Černý 1999, 62–80, 136–151. Cf. Černý, 1988; 2020, 230–231; Boháček 1961, 108–129; 1975, 72–73; 1951, 407–426).

Another major lawyer of domestic origin was Mikuláš Puchník. He came from a yeoman family based at a fort in Černice near Horažďovice. He received a Bachelor of Arts degree at Prague University in 1373, and a Master of Arts degree in 1377. In 1383, he received a Licentiate of Decrees. From 1375 to 1376, he was school rector in Roudnice nad Labem. In 1377 and 1389 he was mentioned as a university examiner; from 1386 to 1389 he was university vice-chancellor; and from 1389 to 1390 he was university rector. He began his official career in 1383, when he became the Official of the Archbishop of Prague, Jan of Jenštejn. He held the role of official until 1394. In 1392, he became Jan of Pomuk's deputy in the office of Vicar General, and then in 1395 he was appointed the second Vicar General. He is still documented as being Vicar General in 1401, though he should have been recalled in 1398. He is documented as receiving a benefice from 1388, when he became canon in Mělník and Olomouc. That same year, he received a canonry in Prague's Cathedral Chapter. He was involved in a dispute over the church in Hartvíkovice in the Diocese of Olomouc, the benefice of which he held from 1390 to 1392. He is documented as parson at St Nicholas Church in Prague's Old Town from 1391 to 1396, as prebend administrator in Valeč in 1393, and as holder of the parish in Jemnice in 1400. In 1396, he received a canonry at the St George's Chapter in Prague, and in the Vyšehrad Chapter. In regard to the dispute between King Wenceslas IV and Archbishop of Prague Jan of Jenštejn, the King had him locked up and tortured. In 1402, the Prague Metropolitan Chapter chose him as Archbishop of Prague, although he died while he was still archbishop-elect (Budský 2016a, 11–22, 87–103; 2012b, 324–328; 2010, 767–769; 2013, 123–134; 2006, 83–85; 2008b, 578–579).

Sometime between February 1386 and October 1389, Mikuláš Puchník wrote the procedural manual *Processus iudiciarius secundum stilum Pragensem*. This was the first writing of its kind within the Czech legal environment. Puchník utilised his experience as official and professor at

Prague Law University. He created a study which helped readers to obtain a grasp of certain procedural steps – specifically, those involved in the bringing of an accusation and subsequent citation – and gives the example of a specific dispute, along with the form of the statement of claim (*libellus*), the subject of the prosecution, and its justification. The work also looks at the defendant's plea (*exceptio*), the response to the plea (*replicatio*), the interlocutory judgement (*sententia interlocutoria*), a definition of the subject of the dispute (*litis contestatio*), oaths (*iuramenta*), the suitor's articles (*positiones*), the ways they are rejected by the defendant, and sets of questions according to different types of dispute (*interrogatoria*). The subsequent section looks at the oaths of witnesses and the matter of ascertaining their impartiality (*forma examinandi testium*), the defendant's objections to the witness testimony and against his reliability (*exceptio contra*), the suitor's response to the defendant's pleas (*replicatio*), the defendant's response to the suitor's *replicatio* (*duplicatio*), the final verdict (*sententia diffinitiva*), and the appeal to the papal court (*appellatio*). This is followed by the matter of determining costs for the dispute (*expensium taxatio*), the appeal against the judgement in an interlocutory dispute (*forma appellationis ab interlocutoria*), the matter of determining legal representatives for managing the dispute (*forma procuratoria*), the presentation of seven types of judicial files according to the content of the dispute (*forme libellorum*), and an example of an appeal regarding the awarding of a benefice to a poor cleric. Finally, the reader finds a list of ecclesiastical punishments (*censure ecclesiastice*), the form of lifting excommunication entrusted to a local parson (*forma commissionis absolutionis*), the form of lifting excommunication by a judge (*forma absolutionis*), the form of lifting the excommunication of a deceased person (*absolutio mortui*), and the form of canonical admonition (*forma monitionis*) (Budský 2016a, 29–42, 114–201. Cf. Boháček 1958, 5–35; Budský 2012b, 328–340; 2012a, 80–81).

*Processus iuriciarius secundum stilum Pragensem* exhibits distinctive characteristics and a distinctive style: it is based on the customs of the Prague consistory and explains the course of a canonical trial on the example of a specific dispute in all of its phases. The author introduces complex terms as he goes through each stage of the trial, and adds a number of documents at the end. In contrast to other procedural manuals in use, it focused on a specific case and did not provide a structured theoretical interpretation. The clarity of Mikuláš Puchník's procedural guide supports the hypothesis that it was a study which could have been used at the Prague Law University too. The large number of extant manuscripts which feature *Processus iudiciarius* suggests that it was a widely-used piece of work within Central Europe. Manuscripts can be found today in libraries in Olomouc, Berlin, Eisleben, Leipzig, Munich (2), Rostock, Graz (2), Wrocław (2), and Gdańsk (2), and



we also know of a document once in today's Kaliningrad which is no longer extant. These manuscripts date back to between 1390 and sometime after 1467 (Budský 2016a, 43, 48–49, 63–77. Cf. Boháček 1958, 31–33; 2016b, 215–232).

Jiří of Bor gave successive lectures about all valid canon law collections at Prague Law University. He was named after the parish benefice in Bor, which he gained in 1375 when not yet a priest. He then took on a number of different successive parish benefices and one altar benefice. In addition, he received a canonry in 1396 at the Prague Cathedral Chapter. From 1395 to 1396 and in 1403, he was a deputy official, while from 1396 to 1397 and in 1398 he is recorded as a deputy vicar general. He enrolled at Prague Law University in 1383, receiving a bachelor's degree in 1387, a licentiate of decrees in 1393, and a doctor of decrees in 1396. Wenceslas IV, King of Bohemia, appointed him lector of Decretals at Prague Law University probably in 1397, after eight years of lecturing on the *Decretum Gratiani*, the *Liber sextus* and the *Clementinae*. In 1409, he was a member of the Prague archbishop's commission which was to investigate John Wycliffe's books. Jiří of Bor was the author of instructions which explain to readers how to act at a place affected by an interdict. This was produced in regard to the declaration of this sanction by Archbishop Zbyněk Zajíc of Házmburk against Prague in 1411. Jiří of Bor also wrote a text in which he concludes that the interdict on Jan Hus was justified and refutes some of his opinions regarding the Church (Zelený, Kadlec 1978, 85–88; Černý 2000, 225–230).

Jan Náz combined both knowledge of canon law and Roman law. He appears to have been the son of a Prague burgher Jindřich Náz. He acquired a Master of Arts degree at Prague University's Faculty of Arts. In 1391, he enrolled at Prague Law University, but he ended up continuing his studies in Padua, probably in 1394. He became an ultramontane rector there in 1396, received a licentiate in 1397, and acquired the doctorate degree *in decretis* in 1399. At this time, he was in receipt of a canon's prebend at the Prague Cathedral Church. He later left to study Roman law at the University of Bologna. He was the first and only doctor of Roman law at Prague Law University, where he defended this degree in 1402. As royal counsellor to King Wenceslas IV, he took part in the Council of Pisa in 1409, and a year later he was the king's envoy to Pope Alexander V in regard to heretical books in Bohemia. In the second decade of the 15<sup>th</sup> century, he was an auditor at the papal rota in Rome. He took part in the Council of Constance in 1415–1416, where he spoke out against Jan Hus. He was subsequently appointed bishop in Chur, Switzerland, in 1418. He died in 1440. We have an

extant speech of his, which he gave when opening lectures for the academic year of 1400 at Padua University (Zelený, Kadlec 1978, 97–99; Zelený 1970, 207–212; Pořízka 2000, 31–32).

Jan of Jesenice stands out particularly amongst Hussite-oriented Czech lawyers. He achieved the title of Bachelor of Arts in 1397 at Prague University, and received a bachelor's title at Prague Law University in 1407. A year later, he received a master's degree at the Faculty of Arts. He was apparently poor, as can be determined from his deferment of university fees in 1397 (Kejř 1965, 6–7, 94–96). He became public notary *auctoritate apostolica et imperiali*, and four of his notarial instruments, which he wrote between 1401 and 1414, remain extant today. In his 1408 notarial instrument, he and his colleagues describe the appeal of Jan Hus's pupil, Master Matěj of Knín, accused of heresy (Nuhlíček 2011, 229, No. 566).<sup>4</sup> His reformist opinions became apparent in 1407, when he defended his thesis at Prague University that an unjust verdict was not binding, and claimed that all the apostles were equal, i.e. that St Peter was not first amongst them. He also declared here that an interdict declared by a person in mortal sin was not valid (Kejř 1965, 9).

In 1410, Jan of Jesenice went to Rome as a procurator of Master Jan Hus. As a result of the activities of Hus's opponents there, he was sent to jail on suspicion of heresy. He escaped from prison and returned to Bohemia (Kejř 1965, 43, 60–61, 64). In 1413, the aggravation of Master Jan of Jesenice's interdict was declared, with Prague Archbishop Conrad of Vechta using this fact to aggravate the interdict on Prague. This resulted in people rioting, during which Prague's Hussites seized most of Prague's churches. Jan of Jesenice was the target of attacks at the Council of Constance, but he was partially protected by secular power. In the end, he fell into the hands of the Czech nobleman Oldřich of Rožmberk and died in his dungeon (Kejř 1965, 99, 103, 124).

In 1409, Master Jan of Jesenice took part in the quodlibet disputation with the quaestio *Utrum iudex sciens testes false deponere et accusatum esse innocentem debet ipsum condemnare*, mainly based on Wycliffe's tract, *De civili dominio*. The author strongly rejected the idea that judges should be bound by false evidence, and emphasised the necessity of the free consideration of evidence by judges, in which he was mainly thinking about witness evidence. There are four extant manuscripts of the quaestio (Kejř 1954, 25–37, 53–65; 2006, 212–216; 1965, 13–14, 155). Jan of Jesenice took on the defence of King Wenceslas' Kutná Hora Decree of 1409, which gave

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<sup>4</sup> J. Kejř (1965, 8) disputes that Jesenice worked as a notary.

members of the Bohemian nation a decisive voice in the affairs of Charles University in Prague. His work made use of quotes from the *Decretum Gratiani*, *Liber extra*, and Roman law (Kejř 1965, 15–16, 156; Kejř 1954, 8, 11–12; Nodl 2010, 257–263). Jesenice's quaestio *Utrum iudex corruptus ferens sententiam pro parte corruptente gravius peccat quam corrumpens* dates to early July 1409. He deals with the issue of violations of the judge in the quaestio, and classifies methods which can move judges to act wrongly. These include fear, material greed, hate, and love. Compared to a fearful judge, he considers the existence of a bribed judge to be the greater sin. This is because such a judge acts knowingly and willingly, whereas in the other cases the judge's freedom to decide is limited. Jesenice compares a judge afflicted by material desire to Judas, and a judge affected by fear to Pilate. His opinions in regard to the College of Cardinals and the deposed pope, Gregory XII, were in line with those of King Wenceslas IV and against Archbishop of Prague Zbyněk Zajíc of Házmburk. In this work, Jan of Jesenice also defends King Wenceslas IV's decision in regard to the votes of individual nations at the university (Kejř 1954, 4–12, especially 7–9; 1965, 20, 157).

Kejř considers Jesenice's lecture in which he provides a commentary on the faults of the trial of Jan Hus to be one of the best legal works presented at Prague University. Specifically, this was *Repetitio pro defensione causae M. Ioannis Hus*. His main thesis is the claim that excommunication does not apply if the particular person was not admonished by name. He analysed regulations about excommunication regarding persons who come into contact with the excommunicated. He notes the exemption of university members from the archbishop's powers; his interdict against them was therefore ineffective. His interpretations lead on to an analysis of the Hus trial, and he comes to the conclusion that the trials against Master John Hus were unjust and invalid. He also documented that the excommunication of persons who were excommunicated alongside Hus was also invalid. He states that the sentence against Hus was unlawful. The *Repetitio* has a rich scholarly apparatus. It bases itself on the *Decretum Gratiani* and its *Glossa Ordinaria*, *Liber extra*, *Clementinae*, and Roman law, specifically the *Digesta*, the *Codex Justinianus*, and the *Authenticum*. It makes use of a wide spectrum of canon law authors, such as Huguccio of Pisa, Guilelmus de Monte Lauduno, Innocent IV, Ioannes Andreae, Goffredus, Hostiensis, Durand, Guido de Baysio, and less renowned figures such as Ioannes Monachus, Garsias Hispanus, and his contemporary Petrus de Ancarano. All this knowledge and the formal perfection of this speech make him one of the finest Czech canonists of his time (Kejř 1965, 68–70, 157–158).

Jan of Jesenice used canon law materials to write *Replicatio contra falsa consilia*. He did so in response to materials produced in 1413 by a consilium of a number of anti-Hussite doctors (Kejř 1965, 78–79). Master Jan of Jesenice submitted an analysis of authorities for communion under both forms in the tract *Auctoritates pro communione sub utraque specie*. This spread widely, as attested to by the twenty-nine extant manuscripts (Kejř 2006, 218–224). The tract *Summa de iustitia et nullitate sententiarum contra Hus*, which was meant to be present in the Library of the Czech nation's hall of residence at Prague University, has not been preserved (Kejř 2006, 216). Kejř also attributed authorship of *Ordo procedendi*, which describes the main events of the trials of Jan Hus at the Prague Archbishop's court and Papal Court up to his departure for the Council of Constance, to Jan of Jesenice (Kejř 2007, 57–67; 2006, 132–145).<sup>5</sup>

The Heidelberg Master Friedrich Eppinge gained a bachelor's degree and master of arts in Heidelberg, and then became a Bachelor of Canon Law in 1405. He subsequently worked at Prague University in the years up until the issuance of the Kutná Hora Decree. Following an interlude in Dresden, he returned to Prague. He took part in the activities of the reformists and devotees of Wycliffe's teachings. He defended selected Wycliffe theses at the university in 1412 alongside Master Jan Hus and Master Jakoubek of Strěbro. Specifically, he wrote about unjust excommunication, in this way producing a comprehensive work whose influence is evidenced through numerous extant manuscripts: his *Posicio de excommunicatione* is preserved in nine extant medieval manuscripts (Prague, Bautzen-Gersdorff, Vienna). This work is the only one we can attribute to this particular author with certainty. Most canonists held the opinion that even an unjust excommunication was binding, whereas Hussite theoreticians in contrast emphasised the moral aspect of true guilt. In contrast to other Hussite theoreticians, Eppinge makes use of legal sources and keeps to the legal form, avoiding moral theology and ethics. His work cites the *Decretum Gratiani, Liber sextus*, the *Glossa Ordinaria* to the *Decretum Gratiani* prepared by Bartholomeus Brixinensis, and the *Novella in Sextum* by Ioannis Andreae and Henricus Bohic. Although the ideas of *Posicio de excommunicatione* fall within contemporaneous thoughts on excommunication, the text itself remains an independently conceived work. He was held in great respect by both his pupil Jan Drändorf, who was investigated by the inquisitorial court, and also by Czech masters (Kejř 1976b; 2006, 170–181; Zelený, Kadlec 1978, 99–100; Kejř 1995a, 92; Boháček 1975, 66–67).

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<sup>5</sup> Most recently, D. Coufal (2014) used indirect evidence to attribute ownership of codex K 16 from the Prague Chapter Library to Jan of Jesenice.

## 5. EDUCATION OF HIGHER CHURCH DIGNITARIES

A canon law education was an important requirement for performing leading roles in the administration of dioceses and in the exercise of judicial authority. Ten of the twenty-seven Vicar Generals of the Archbishopric of Prague in the pre-Hussite period held law degrees: besides the abovementioned Kuneš of Třebovle, Jan Paduánský, and Jan Welflin of Pomuk, also Matěj Petrův of Chrást or of Skramníky, Jan Ondřejův, and Jan Kbel were doctors of decrees, while Jan of Pořešín had a doctorate of law, and Jan Kantor of Litomyšl, Jan of Brusnice and Mikuláš Puchník of Černice had a Licentiate of Law. A knowledge of law was a logical precondition for holders of the office of official, although a completed education with a doctoral degree was more of an exception. Of Prague officials, for example, Hostislav Všemilův of Prague had a doctorate of decrees, as did Olomouc officials Heidenreich, Jan Paduánský, Závíš of Zapy, Jan Ház, and Bohuš of Zvole (Krafl 2023, 241).

Many later Archbishops of Prague acquired a law education: Arnošt of Pardubice (1344–1364), for example, studied law alongside theology, receiving a licentiate of decrees in Padua,<sup>6</sup> as did Jan of Jenštejn (1378–1395/1396), who gained a bachelor of decrees, and Zikmund Albík of Uničov (1411–1412), who achieved a doctorate of decrees (Hledíková 2008, 23–24; Vyskočil 1947, 184–185; Boháček 1975, 36; Spěváček 2004, 54). Of the Bishops of Olomouc, Jan Mráz (1397–1402) had a doctoral degree, while Kuneš of Zvole (1430–1434) and the abovementioned Jan Ház of Brno (1450–1454) and Bohuš of Zvole (1454–1457) were doctors of decrees (Krafl 2014, 96).

An analysis of the education of members of the Prague Metropolitan Chapter shows that for the period from the mid-14<sup>th</sup> century until the Hussite Revolution, there was a clear predominance of persons who were educated in law or had graduated as lawyers (Budský 2008a, 27–28; 2006, 66, 74, 75, 77, 79, 81–83). Data on some students of law and university graduates can be found in rotuli submitted to the Holy See asking for benefices to be assigned. The names of many lawyers are also found in the acts of the consistory court (Kejř 1995a, 14–15, 88).

Some lawyers found positions in the Holy See. Friedrich of Pernštejn, a member of a leading Moravian noble family, became the Papal Penitentiary some time prior to 1304. He was subsequently Archbishop of Riga,

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<sup>6</sup> The leading European canonist Iohannis Andreae kept in written contact with Arnošt of Pardubice (Bartoš 1957).

returning to the papal curia in 1325 following disputes with the Teutonic Order, and as executor of papal statements, he mainly focused on Czech matters (Hledíková 2003, 55–75; 2002; 2010, 461–475). Some lawyers from Bohemia and Moravia worked as auditors of the Roman Rota: in the 1320s and 1330s, Hermann of Prague; in the 1410s, Jan Náz of Prague; and prior to the period 1411–1431, Kuneš of Zvole. The latter named was also auditor of the Conciliar Rota in the Council of Basel (Pořízka 2000, 31–32).

## 6. LIBRARIES AND THEIR CONTENTS

The most significant and most extensive extant collection of manuscripts of a canon law nature is found in the Olomouc Chapter library. Legal manuscripts represent the second largest number of medieval codices in the library collection, following theological manuscripts. The vast majority of these works comprise theoretical works of medieval literature, drawn from Italian and French schools from the 12<sup>th</sup>–14<sup>th</sup> centuries. The library is a useful source of knowledge with respect to finding out about imported European literature, especially considering that the library was not affected by the Hussite Revolution, as church libraries were in Bohemia. Miroslav Boháček has identified a total of 247 legal codices of both a canon law and Roman law nature within Olomouc Chapter library legal manuscripts (Boháček 1960a, 3–5, 74–80; 1962, 309–310, 403–412).

Many clerics and church representatives collected valuable books with ecclesiastical law content. We do not find manuscripts with canon law works at rural parish offices, except for provincial and synodal statutes. We mostly find legal canonical manuscripts in the large libraries of monasteries, chapters, university halls of residence, and the libraries of major prelates with a law education (Kejř 2008, 366–367). The Dean of the Vyšehrad Chapter, Vilém of Lestkov, owned a huge collection of books with legal content (a total of 114 volumes). After his death, Charles IV purchased the collection for Charles' Hall of Residence at Prague University. A collection of twelve canon and Roman law manuscripts was owned by the Olomouc official Pavel of Prague. Nine manuscripts with canon law texts are extant in the parish library at the Church of St James in Brno (Krafl 2023, 206–207).

Large numbers of canon law works can be found in the libraries of the Canons Regular of St Augustine monasteries. Much canon law is contained in the library of the Canons Regular of St Augustine monastery in Třeboň, including manuscripts and incunables. It includes the *Decretum Gratiani*, books of decretals, and works written by Ioannes Andreae, Hermann de Schildesche, Giovanni da Lignano, Henricus de Merseburg, Jacobus de

Teramo, and Albertanus of Brescia. The library contains many penitential books (Dragoun, Ebersonová, Doležalová 2021, 119–122). The library of the Canons Regular of St Augustine Monastery in Roudnice features works by Ioannes Andreae, Abbas Antiquus, Huguccio of Pisa, Guillaume Durand, Bartholomeus Brixinensis, Batholomeus de Concordio, Bernard of Pavia, Aegidius Fuscarius, and Raymond of Peñafort, amongst others (Kadlec 1992, 130).

The manuscripts at the Research Library in Olomouc, previously owned by Bohuš of Zvole, Bishop of Olomouc, and afterwards by the Olomouc Carthusians, contain in particular the transcripts of Vienna university lectures. Unpreserved or unidentified manuscripts owned by Bohuš contained the necessary and usual books of the *Corpus iuris canonici* and other tracts, interpretations, concordances and manuals; to name but one, Guillaume Durand's procedural manual, *Speculum iudiciale* (Boháček 1960b, 83, 90, 107).

The humanist and Doctor of Canon Law Bohuslav Hasištejnský of Lobkovice (cca 1461–1510), who studied at the universities in Bologna and Ferrara, left behind a collection of thirty-six printed books or convolutes with canon law content, fifteen of which he brought with him directly from Italy. Nine of them were printed in Bologna. Most of them were works of Bologna lawyers of the 14<sup>th</sup> and 15<sup>th</sup> centuries. Seven of the purchased incunables were printed by Henricus de Colonia, who specialised in publishing the works of Bologna professors (Boldan 2008, 436). The library of the Dean of Prague's Cathedral Church, Alexius Třeboňský, featured a collection of forty-five mainly printed, but also handwritten, books with canon law content, according to a 1495 catalogue (Hlaváček 1959, 242–244).

Over the centuries, the libraries suffered major losses. The greatest loss for those studying the history of canon law in the Czech lands is the complete disappearance of the manuscripts of Prague Law University. We have found no traces of them whatsoever (Kejř 2008, 367).

The many manuscripts contained in Czech and Moravian libraries contain valuable canon law works of a monographical nature. These include, for example, a unique copy of Odofredus's work, *Summa de libellis formandis*, and Roffredus's *Libelli in iure canonico* (Kejř 1976a, 99–101). Of the extant works in the Olomouc Chapter's library, one should at least note the monographs on marital law written by Ioannes Andreae (*Summula super quarto libro Decretalium* and *Apparatus/Lectura Ioannis Andreae super Arbore consanguinitatis et affinitatis*) and Ioannes de Deo (*Commentum arboris de consanguinitate et affinitate*), a work on jurisdictional powers

(*Libellus dispensationum*) and a work on appointing people to offices (*Liber pastoralis*), both from the latter-named author (Boháček 1960a, 54–55; Boháček 1962, 377–378).

## 7. SUMMARY AND CONCLUSION

In the second half of the 14<sup>th</sup> century, Prague became an important political centre in Europe. As well as the Bohemian crown, the House of Luxembourg gained the crown of the Roman Kings, and later the Roman Emperors, while under Charles IV and Wenceslas IV, Prague was not just the capital of the Kingdom of Bohemia, but also of the Holy Roman Empire. Prague University, founded by Charles IV (1348), became a centre of learning. An important impulse for the development of canon law in Bohemia and canon law erudition was the establishment of the Law Faculty at Prague University, and subsequently the establishment of the separate Prague Law University. While it was not at the same academic level as Italian centres of education, it did provide canon law education to students from across the entirety of central and northern Europe. We have most information about lectures on the Decretals of Gregory IX. Some of the works of university members that spread abroad include Štěpán of Roudnice's *Quaestiunculae*, Mikuláš Puchník's procedural book, and Bohuslav of Krnov's lectures on the books of the Decretals.

It should also be noted that during the Middle Ages, only Roman law and canon law were regarded as learned laws, meaning that only these laws were cultivated in a scholarly manner and taught at universities. In contrast to the Roman world, where Roman law remained in force even after the fall of the Western Roman Empire, central Europe adopted Roman law only slowly during the High and Late Middle Ages, and as such it was logically only a marginal topic in Prague, one essentially seen as a basis for studying the institutes of canon law, which grew out of it.

On the basis of his research, Jiří Kejř estimated canonical manuscripts in Bohemian libraries to number about a thousand, each of which incorporated a number of writings. If we also consider codices which are no longer extant, we can assume that there was a wide range of canon law works which were present in medieval times and circulated amongst medieval Czech dioceses. Most of these manuscripts date to the Late Middle Ages. An estimated 400 manuscripts with canonical writings have been identified in medieval library catalogues. Of this number, only thirty-one can be identified with extant codices. Extant manuscripts thus represent just 10% of the original number (Kejř 1997, 142–143).



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