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FOREWORD

This book takes the reader to a remote past: the Council of Constance (1414-1418), or the most significant religious and intellectual gathering in fifteenth-century Europe. The Council's voting members were cardinals, bishops, and other members of the Catholic clergy representing four nations: English, French, Italian, and German (the Spanish were added later, during the Council's deliberations). The Poles and Czechs were counted as part of the German delegation: a medieval instance of "cancel culture" that also had a bearing on the issues which the Polish delegation raised at the Council: the rights of nations, international law as perceived by fifteenth-century scholars, and attitudes toward the pagan states wishing to live in peace with Christians.

The Council's goal was to solve several problems within the Catholic Church: to end the schism that had existed since 1378 by electing a pope whom the whole of Western Christendom would recognize; to resolve the matter of Jan Hus's alleged heresy; and to undertake Church reforms. The first problem was solved by electing Pope Martin V on 11 November 1417. The second did not achieve a peaceful solution. Hus was belligerent about his interpretations and refused to soften his stance, and the Church dignitaries gathered at Constance reacted to this belligerence in a predictable fashion: they confirmed

the decision to declare him a heretic. Reforms were discussed but few decisive steps were taken. On and off, the Council also debated the treatment of pagan states, ownership of pagan lands, and wars waged by Christians against pagans. The discussion of these matters was initiated by the Polish delegates whose country bordered on territories that were pagan or had only recently been converted to Christianity. Under consideration were such matters as the employment in Europe of the militant orders once formed in the Holy Land. Do Christians have the right to attack peaceful pagans and bring Christianity to them by force? Do nations have certain rights that stem from natural law and trump the power of popes and synods? Are the religious Orders originally created to run hospitals in Palestine entitled to kill pagans in Europe and claim ownership of their lands? Does the Order of Brethren of the German House of Saint Mary in Jerusalem¹ (that had long ceased to assist Christians in Jerusalem) have the right to attack Prussians, Livonians, Samogitians, Lithuanians, and Poles, and take away their territory and wealth?

These questions were asked by Paweł Włodkowic (1370–1433), a canon lawyer, rector of University in Kraków, and a Polish delegate to the Council.² They were asked in several treatises he delivered to the assembled clerics. His treatises were carefully annotated: almost every sentence is backed up by references to theologians, canon lawyers, historians, or the Bible. Włodkowic clearly prepared himself for a major encounter and was anxious to demonstrate his scholarly competence. His appeal to the Council was related to the dispute that started in the thirteenth century between the Kingdom of Poland and the aforementioned Order of Brethren of the German House of Saint Mary. The Poles claimed that the Order had been engaged for generations in enlarging its territory in ways that cannot be called Christian. The means used in these conquests remained one of the Order's secrets, because Baltic tribes were in no position to present their side of the story to emperor or pope. Włodkowic recommended

the institution of laws that would guide international relations. His ideas regarding international law precede the School of Salamanca by several generations, and his defense of the native peoples resembles that of Bartolomé de las Casas, the “protector of the Indians.”³

Włodkowiec was one of the remarkable scholars of the fifteenth century. His writings indicate that he carefully studied the history of the Teutonic Order, paying much attention to the documents from pope and emperor allegedly granting the Teutons all power over pagan lands in the Baltic area.⁴ He began his crusade for justice by presenting to the Council a treatise titled *Tractatus de potestate papae et imperatoris respect infidelium* (July 5-6, 1416). *De potestate* is a defense of the rights of all human beings, regardless of their religion or ethnicity. The second treatise, *Opinio Ostiensis*, delivered to the Council in 1416, is a polemic with the notion that all pagan lands belong to the pope, and all means to establish papal rule over them are licit. This treatise consists of 52 articles summarizing and codifying the proposals contained in *De potestate*. These initial texts are dedicated to theological and political arguments, while the later ones contain evidence of the Brethren’s unchristian behavior. Włodkowiec argued in favor of the Baltic tribes and of his own country, which the Teutonic Brethren continued to harass even though they had recently lost a major battle with Poland (Grunwald–Tannenberg, 1410). In several treatises he mentioned Jews by name as those who should be allowed to live in peace and follow their own laws.⁵ The later treatises (*Iste tractatus* and *Quoniam Error*, both written in 1417) take on Poland’s adversaries, Johannes Falkenberg and Johannes Urbach de Bamberg. After the official closure of the Council, Włodkowiec argued his case at the papal court (Martin V left Constance for Rome in 1418).

Włodkowiec’s argument concerning the rights of nations and the Teutonic Brethren’s violation of these rights can be summarized as follows: all individuals and nations have certain rights that stem from

natural law imprinted on their minds by God. They have the right to the land where they have lived for generations. They have the right to be left alone if they do not attack their neighbors. Both Christians and pagans are children of God and should be treated accordingly. Neither the pope nor the emperor can dispose of the lands of peaceful pagans, because these lands belong to the people who inhabit them, and not to the pope or the emperor.⁶ In blatant disregard of these rights stemming from natural law, the Teutonic Brethren repeatedly raided pagan territories near the Baltic Sea, thereby committing a grave sin. But they are more than sinners. They also are guilty of heresy, because they pretend to be a Christian Order while engaging in killing and stealing from their victims. A religious order cannot be dedicated solely to killing pagans and appropriating their land and wealth. The Baltic peoples did not begin wars with the Order; it was the other way round. The Baltic people's territory never belonged to Christians (unlike the Holy Land that was overrun by Muslims in years past). The Order should be declared not just sinful but heretical, and it should be dissolved. *Haeresia Prussiana*, or "the Prussian heresy," inflicted more harm on the Catholic Church in the fourteenth and fifteenth centuries than any other heresy.⁷

The Polish lawyer offered a passionate defense of those who were in no position to defend themselves, among them the Old Prussians, eventually exterminated by the Teutonic Order, who then assumed their name and began to call themselves "Prussians." He condemned the military conquerors whose goal has been the acquisition of land. He proposed that the Council act as an international court of arbitration that adjudicates territorial disputes. The articulation and universal acceptance of laws governing peace among nations promised a world in which wars would be rare. Włodkowic proposed that the Council formulate such laws as pertaining to the Christian world and its dealings with non-Christians and one another. His rhetoric was compelling:

“By repetition, error becomes custom, whereby Christ’s faithful, believing that they are doing service pleasing unto God by fighting on His behalf. . . under the pretext of spreading the Catholic faith, wage cruel war upon a peaceful pagan nation. (1) In the case of pagans who wish to live peacefully among Christians, no molestation of their persons or things is to be visited upon them. . . The Jews especially are to be tolerated, as it is on the basis of their codices that we prove our truth, our Faith. . . (3) No one ha[s] the right to possess people as slaves before the law of the nations, for by nature all men were free (p. 115 below, Kraszewski). . . It is not permitted to deprive the infidels of their dominion, their possessions, or their jurisdiction, for they possess the same sinlessly from the hands of God, their Creator. . . No man is a proper witness in his own case. . . (9) The Emperor is not capable of giving anyone any license for the occupation of the lands of infidels who do not recognize his imperial authority. . . (10) the imperial scripts conceded to the Knights of the Cross for the occupation of the lands of the infidels confer no rights upon them whatsoever permitting them to attempt their acquisition, for no one can give anyone something that he does not have. . . (11) It is not licit to compel infidels to the Christian faith by arms or oppressions. . . In cases of imminent necessity it is allowable to call to one’s aid peaceful infidels, such as are not at war with us, actively or passively.”⁸

De potestate contains a brief history of territories bordering on the Baltic Sea. Włodkovic admits that the people who lived there were not always peaceful, at times they attacked their Christian neighbors and wrought destruction upon Christian towns and villages. For that reason, he says, [in 1226] the Polish duke, Konrad Mazowiecki (Konrad of Mazovia) leased the areas of Chełmno and Michałów bordering pagan Old Prussia to the Teutonic Brethren, in order to secure assistance in defending his dukedom from pagan tribes.⁹ Konrad had in mind a feudal arrangement, whereby the Brethren would recognize the Duke’s prerogatives and assume the position of vassals. However, the Teutonic Brethren had a different idea. Unbeknownst to Konrad, in 1235 they obtained the so-called Golden Bull from Emperor Frederick II which illegitimately bestowed on them the ownership of lands leased from Duke Konrad. They secretly forged Konrad’s

acquiescence to their independent status¹⁰ and began to treat the leased areas as their core dominium. They formed an independent state, just as they wanted to do in Hungary from which they were expelled for that reason.

A historical aside is in order. Poland and Lithuania became one state due to dynastic arrangements. Poland had been Christian since 966, while Lithuania accepted Christianity in 1386, when Duke Jagiełło was baptized and married the Polish Queen Jadwiga. As could be expected in so massive a change of beliefs, not all parts of Lithuania became instantly covered with Christian bishoprics and churches. Under the pretext of converting pagans to Christianity, the Teutonic Brethren continued their raids into Lithuanian and Baltic territory, terrorizing and killing the inhabitants, robbing churches of their valuables, and forcing survivors into slave labor. Rather than accepting their status of leasers of the land, they claimed ownership of not only Chełmno and Michałów districts, (Ziemia Chełmińska and Ziemia Dobrzyńska), but also other parts of Pomerania and Samogitia.

On several occasions, the Teutonic Brethren not only attacked Lithuania but also Poland, under the pretext that both countries were sliding back into paganism and that their conversion to Christianity was being faked. By the beginning of the fifteenth century, the dispute between them and the Kingdom of Poland-Lithuania became an open enmity. On July 15, 1410 at Grunwald (Tannenberg), the joint forces of Poland and Lithuania confronted the Teutons in battle. The Polish-Lithuanian armies won a decisive victory, the Grand Master of the Order was killed, and the road was opened for Poles to storm the seat of the Order in Malbork (Marienburg), and end Germanic inroads into Eastern Baltic area once and for all. But the armies of Jagiełło were weakened by the Grunwald effort and Jagiełło lacked the brutality and determination to win at any price. The siege of Malbork was unsuccessful and the Brethren remained

in possession of that castle and the military victory at Grunwald did not bring significant political results. The hastily concluded Peace of Toruń (1411) returned the Dobrzyń area to Poland, set up the size of ransom for the Teutons taken prisoner by the Polish-Lithuanian forces, and declared that Samogitia would return to Lithuania, but only for the lifetimes of Vytautas and Jagiełło. Given the fact that the two brothers were about 60 years of age (old by medieval standards), it was not much of a victory.¹¹ Furthermore, after the Peace of Toruń was signed, the Teutonic Order continued its raids into areas inhabited by Balts and Slavs, including parts of Poland that had been Christianized centuries ago. Their excuse for the raids continued to be the alleged relapse into paganism of both Lithuania and Poland. Poles were obliged to seek other means (other than the military) to curtail the appetite for land of the Teutonic Brethren. King Jagiełło decided to appeal to the pope and bring the issue to the attention of the whole of Christendom. The forthcoming Council of Constance provided a venue for these objectives.

It was not to the advantage of the Teutonic Brethren to adopt Włodkovic's proposal concerning international law or accept the rule that pagans have the right to their land. Such laws would eliminate the possibility of enlarging the German State at the expense of other peoples. Włodkovic's treatise was first presented "to the German nation," or to the largest delegation to the Council, on July 5. On July 6 Włodkovic addressed the entire Council, rejecting the view of a the 13th century scholar Henry of Segusio that it was licit to initiate wars with pagans just because they are pagans and have not yet accepted Christ. Ostiensis belonged to the group of canon lawyers who believed that pagan land should be considered the property of the pope and all means of securing its ownership by the Church were legitimate. His ideas were used to justify the Teutonic Order's method of "christianizing" pagans by attacking them with fire and sword. In his rejoinder to Ostiensis, Włodkovic stated that acquisition of

new lands for Christianity should not be done by force, and relations between nations should be maintained according to the rules that everyone accepted beforehand. He urged the Council and the Teutonic Order to consent to a set of rules that would allow nations to live in peace. The Teutonic Brethren responded with another attack. They were not able to write a rejoinder by themselves: theirs was an order that fought battles rather than engaged in scholarship. They hired a scholar to answer Włodkovic's proposals.¹²

The person the Teutonic Brethren hired to attack Włodkovic was Johannes Urbach de Bamberg, a member of the German Nation at the Council but not a member of the Order.¹³ In 1416 he produced a treatise challenging Włodkovic's position. Urbach opposed assigning any rights to the infidels. He argued that since they do not belong to Christ, they have no rights. Furthermore, if they have been called to assist an allegedly Christian king in winning a battle against the Order (as has been the case at Grunwald), they not only proved themselves to be worthy of annihilation but also bestowed the status of pagans on the allegedly Christian king that asked them for assistance. To oppose the Order is to oppose the Church, proclaimed Urbach.¹⁴ His argument was similar to the one presented in two other treatises written by Johannes Falkenberg, a sworn enemy of the Poles, entitled *Liber de doctrina* and *Satira contra hereses et cetera nephanda Polonorum et eorum regis Iagyel*.¹⁵ Both disregarded the factual evidence provided by Włodkovic. Urbach did not even attempt to disprove that the Teutonic Brethren killed, robbed, and enslaved their neighbors, and that it was impossible to persuade the people who had been so grievously harmed to accept a new religion based, as the aggressors said, on love and forgiveness. Stanislaus Belch remarked that Johannes Urbach strove to prove that "infidels have no right to political independence."¹⁶

In response, Włodkovic came forth with yet another treatise, this time concentrating on the specific crimes committed by the Teutonic

Brethren against Polish, Lithuanian, and Baltic pagan population. This treatise is the most detailed of all of Włodkovic's critiques of the Teutonic Order. In *Articuli contra Cruciferos de Prussia* read to the Council in July 1416, he presented a comprehensive inventory of the Order's dealings with the conquered peoples: mass murders including women and children; robbery and looting; destruction of entire towns and villages; destruction of buildings and sanctuaries; enslavement of natives and treating survivors as if they were subhuman. Of all the treatises this is the longest: the number of towns and villages mentioned in it is overwhelming. This collection of reports begins with an invocation of "the Prussian heresy" which, Włodkovic claims, has been worse even than that of the "Wycliffites and Hussites."¹⁷ In 155 "articles" Włodkovic details the crimes committed by the Brethren, ending each article with "And this was and is the public and notorious truth; it was and is common knowledge and public report."¹⁸

The transgressions listed by Włodkovic included destroying over a hundred churches, public execution (by beheading or drowning) of those who resisted the Brethren, robbing local residents of their possessions and churches of their valuables, and then killing the former owners; and, last but not least, extortions of donations. Particularly heinous were in Włodkovic's view executions without trial and at night, performed on the Order's own subjects in territories the Order had conquered. Article 92 of the treatise says that the Teutonic Brothers did not abstain from robbing coffins at cemeteries. While they boasted of land donations and other gifts received, the documents they showed as proof of their ownership were forged or extorted. Significantly, Włodkovic remarks that the pope who gave the Brethren his blessing for their warfare could not have given them permission to christianize by the sword, because that would be contrary to Christian teaching. Ergo, the Order provided the pope with false evidence to gain his sympathy. Summing up, the Teutonic Brethren treated

the Baltic area as their own and convinced the Christian world that this indeed should be so. Yet the struggle of the Baltic peoples against German militarism was ongoing even when the Council of Constance was taking place.

Włodkowiec dedicated much attention to violations of treaties and extortion of documents donating land to the Order. This kind of accusation is hard to prove or disprove, because the alleged actions happened centuries ago. Circumstantial evidence indicates that he was correct in many instances. Włodkowiec describes forgeries, extortions, and other forms of deceit practiced by the Brethren with a certitude that would be hard to feign. In several cases, historical confirmation is available. Thus in 1339, Pope Benedict XII made invalid all land acquisitions of the Order and ordered the return of occupied lands to their previous owners. This papal order was ignored by the Brethren who remained in possession of not only pagan lands but also those belonging to the Christian kingdom of Poland and Lithuania: Chełmno (Culm), Michałów, the Dobrzyń area, and parts of Samogitia. During the Council of Constance the Teutonic Brethren refused to return the lands they illegally occupied to Poland, and even to discuss the issue. Włodkowiec concluded that the Order was guilty of “the Prussian heresy” of militarism, to the detriment of nations bordering on the Order’s illegally acquired lands. In a bitter echo of Włodkowiec’s theses several centuries later, German historian Heinrich von Treitschke extolled Prussia and its ways of gaining power, and pointed to the Teutonic Order as a model and prototype of the Prussian state.

Włodkowiec questioned the idea of a religious order whose sole goal was to wage a war of conquest. He stated that such an order defies natural, divine, and human laws. Nowhere in Christian doctrine can one find an encouragement to aggression against peaceful neighbors. No religious order can have military activity as its declared goal. The Teutonic Order has been built on false premises and it encouraged

others to follow these premises: because of disinformation it has perpetuated, members of other orders joined the Teutons in their onslaught against Baltic and Slavic peoples. Włodkowiec concluded *Articuli contra Cruciferos de Prussia* by saying that the Teutonic Brethren not only committed grave sins but also fell into heresy, in that their stated goal was to invade, kill, and take over. They murdered and robbed civilians instead of converting, they used slave labor to build their castles and towns, they practiced usury and falsified documents. They became heretics by proclaiming untruths about the Catholic Church.

In addition to Johannes Urbach, the Teutonic Brethren had another defender: Johannes Falkenberg, the author of the *Satira contra hereses*.¹⁹ This text, said to have been written in 1412, advocates the genocide of the entire Polish nation and its king. Falkenberg justifies this as follows. The pope is the legitimate owner of all pagan lands. Therefore, the Order that violently tries to wrench the pope's dominions out of the hands of the unfaithful has the right to use any means necessary to defeat and exterminate pagan peoples. A Christian king or ruler who uses pagan armies in a war with Christians condemns himself to eternal damnation and is to be regarded as worse than pagan, because he abandoned his Christian faith in using pagan allies in battle. Such was the case with the Polish king, Jagiełło. Thus the Polish king is a heretic worse than the pagans themselves, because he abandoned the Faith in order to win battles. Furthermore, the Poles defended pagan tribes by ascribing to them the rights they do not possess. Therefore, Jagiełło and his nation should be annihilated. Those who refuse to participate in the crusade against Poles are likewise heretical. Poles pretend to be Christians, but in fact they are heretics. They deserve a crueler death than ordinary pagans and should be wiped out from the surface of the earth together with their king.²⁰ The controversy over Falkenberg's *Satira* was taken up by the Council on February 8, 1417.

According to Falkenberg, Poles and their king are “odious heretics and shameless dogs returned to the vomiting of their unbelief. . . it is more meritorious to kill the Poles and their King than the pagans.”²¹ This intemperate tone differs sharply from Włodkowiec’s style of writing, and it certainly did not help Falkenberg when he presented his case before the Council. He was supported by King Sigismund of Luxemburg (usually called Emperor but he was not yet emperor when the Council of Constance was taking place), with whom he shared German ethnicity. However, he was compelled to tone down his opinion when Włodkowiec managed to persuade the pope that the Teutonic Brethren far exceeded their rights in dealing with territories that did not belong to them.

Falkenberg did not share with the Brethren an allegiance to the same Order—he was a Dominican—but he did share their ethnicity. His unbridled attacks against Włodkowiec, Poland, and the Poles can be treated as a rhetorical device characteristic of the epoch; however, given the history of German incursions into Poland, they should not be easily dismissed. Falkenberg was the first but not the last German to propose a genocide of Poles. The desire to annihilate the Polish nation was shared by the Grand Master of the Order, Henry von Plauen (as expressed in his letter to archbishop of Riga),²² and by Johannes Urbach. The idea reappears in the nationalistic historians of the nineteenth century such as Heinrich von Treitschke, in Bismarck’s politics, and in the Nazi efforts to wipe out the Polish nation.

While it was not difficult for Włodkowiec to shake off the accusation of heresy, Falkenberg was in a more precarious position. His allegation that King Jagiełło was a heretic did not convince the Council. Just the opposite, he had to defend himself from Włodkowiec’s allegation that he, Falkenberg, was a heretic because he accused a Catholic monarch and his country of pagan perversities. To propose the genocide of a Christian nation turned out to be too much even for the Council’s participants sympathetic to German interests. The pope

condemned the *Satira* in May 1418 and repeated his condemnation at the public consistory in January 1424. Falkenberg succeeded in defending himself from the accusation of heresy, but he was imprisoned for his advocacy of genocide. When the Council ended in 1418, Falkenberg was taken to Rome as a prisoner of the pope. He was the first European author to formulate the justification of genocide.

After Falkenberg delivered his accusations, Włodkowiec presented another defense. In *Iste Tractatus* (1417), he created a model of deductive analysis. He stated that the treatise defending the Brethren wrongly assigns certain powers to the emperor and passes them on to the Teutonic Brethren. The emperor does not derive his powers from the pope and his powers are limited to the land he legitimately possesses. God did not endow him with power over the lands of those pagans who have not attacked his territories. Therefore, the emperor may not licitly bestow upon the Teutonic Brethren “lands torn from the hands of infidels conducting themselves peacefully.”²³ What a fine example of the medieval understanding of separation of Church and State.

Włodkowiec pointed out that the offensive words used by Falkenberg (“Poles are heretics. . .the King is a persecutor of the Church”) lack substance. They are offensive generalities without specific content. Using them without proof is a trespass against morality. Furthermore, “he who is not a judge cannot administer the judicial order,”²⁴ and Falkenberg has done so. In contrast, in his treatises Włodkowiec mentions specific territories, churches, individuals who suffered injustice because of the Teutonic *Reisen*. Włodkowiec hoped that making the Council aware of what “Mary’s soldiers” had done and are intent on doing would result in universal condemnation and dissolution of the Order. He pointed out that the Brethren were a predatory band masquerading as Christians, and asked for a special commission to investigate the Order’s crimes. He stated that the Council was called to eliminate heresy; and here was heresy pure and

simple, the heresy of Prussianism, created and practiced by a group of people declaring themselves to be “Mary’s soldiers.”

His victory was only partial. His arguments seem to have persuaded the pope, but not the Teutonic Brethren and their supporters at the Council. The Brethren asked Emperor Sigismund to reject Włodkovic’s accusations. The decision was favorable to the Brethren: they might have committed heinous deeds, but these were sins rather than heresies. Włodkovic failed to persuade the emperor and the pope that the entire Order was unchristian and should be disbanded. Poland regained the contested territories of Dobrzyń, Michałów and Chełmno, but the Order of the Teutonic Brethren was not dissolved.

Włodkovic did not abandon his attempts to persuade the Christian world that the Teutonic Brethren were enemies of the Christian Faith. In a consecutive tract titled *Oculi* (1420), he rhetorically asked which hospital do the “Brethren of the Hospital of Jerusalem” own and support. They call themselves the Brethren of the Hospital of Jerusalem, but they have long broken any ties to Jerusalem, if they ever had any. Thus all donations given to them are wasted (especially if they were extorted), because presumably they were meant for a hospital, i.e., for support of the poor, whereas the Teutonic Brethren do not support the poor, do not run hospitals or engage in other forms of charitable activity. Włodkovic concluded that the Brethren “are worthy of condemnation by virtue of the very vow they professed”.²⁵

Then, a show of rhetoric:

*“We state that this doctrine is not only false and erroneous, but, in as much as it is repugnant to divine law, it is heretical, impious, and insane; in as much as it encourages unjust homicide to be executed unjustly, it is dangerous, scandalous, reckless, and cruel; in so far as it deprives the Poles of a legitimate defense it goes against natural law, is seditious, injurious, and openly dangerous to the public order. For all these reasons it is offensive to pious ears and as such deserving of condemnation.”*²⁶

The Teutonic Brethren did not answer Włodkovic's accusations; instead, they continued their raids into the Polish territories of Chełmno and Dobrzyń (which by the pope's decision were returned to Poland). Whence this insolence? The main source of information about dealings of the Teutonic Brethren in the Baltic area were the invaders themselves. They surpassed their Slavic and Baltic neighbors in numbers, diplomatic experience, and access to the two power centers of medieval Europe: the pope and the Holy Roman emperor. An illustration of this situation is the post-conciliar appeal of King Jagiełło to Emperor Sigismund. The king asked for a confirmation that Pomerania, Chełmno and Michałów belong to Poland. But in 1420 the emperor ruled in favor of the Teutonic Order. In response, King Jagiełło appealed to Pope Martin V, with Włodkovic again his spokesman. The pope ruled in favor of the Polish Kingdom but the Brethren ignored the ruling.

In 1432, when Włodkovic was in Padua, he wrote a *Letter* to his ecclesiastical superior, Bishop Zbigniew of Kraków. The *Letter* contains his final assessment of the role the Teutonic Brethren played in fomenting violence and turbulence in the Baltic area. It is the work of an old man who has seen much wrong in the world and is sad that he cannot remedy it. The *Letter* also shows his deep faith and fidelity to the Church.

Włodkovic begins by underlining his limited ability to influence events: "What can I do, insignificant as I am? Who will believe me, should I assert that I see more perspicaciously than those who are seated way higher than I?"²⁷ But remaining silent is not an option. He points out that in contempt of the pope's verdict, the Teutonic Brethren continue their *Reisen*. There is no doubt in Włodkovic's mind that the Brethren are "the false prophets" Christ warned us against. "The Order of the Knights of the Cross of Prussia appear in sheep's clothing, while they display their true nature as rapacious wolves. . . They ought to be sentenced by the Church of God to destruction."

Włodkowiec then details what happened in 1431: the Brethren invaded the Polish Kingdom again and got as far as Gniezno and Płock. “Many notable churches in this Kingdom, such as the metropolitan see of Gniezno, as well as those of Włocławek and Płock, abounding in large possessions. . . suffered great damage and loss. . . ecclesiastical benefices destroyed [as well as] the diocesan churches themselves, along with Sacraments, the relics of the saints, books, chalices. . . Dobrzyń and Kujawy, along with their churches and ecclesiastical goods, were almost entirely. . . destroyed.” All this in defiance of the decision of the Apostolic See “granting Pomerania, Chełmno and Michałów to Poland, together with the great sums of money owed [Poland] in reparations.” Włodkowiec points out that the emperor could not have granted the Teutonic Brethren “Samogitia, Livonia, Latvia, and Ruthenia, because these lands did not belong to him.” He says that he can present 23 witnesses “to the immense and inhuman cruelties committed by these Brethren against the Poles. . . in Chełmno and Michałów.” In addition, he stands ready to present witnesses who remember the year 1408, when another incursion into Poland by the Teutonic Brethren took place, and the testimonies of those who saw “other damages and criminal detestable deeds that this Order [has] perpetrated.” Finally, Włodkowiec states that the Order had the habit of selling the goods they robbed in Polish lands in “Germany, Italy and other places.”

His conclusion: the Order was a heretical growth on the body of the Church and should be dissolved. It should pay reparations to those whom it harmed and from whom it stole. One hears a tragic note in this judgment: Włodkowiec was well aware of his inability to enforce a just outcome of international disputes.

Why are Włodkowiec’s treatises worth reading in the twenty-first century? First, they demonstrate the remarkable freedom of speech that at least some Catholic clerics took for granted in the late Middle Ages. Contrary to the narrative developed in the Age of Enlighten-

ment, in those allegedly “dark times” Church gatherings and debates were places where participants could exchange opinions that might get their authors into trouble in later times. Włodkovic’s bold assertion of the rights of men deserves a second look as proof of the freedom of speech that existed during the Christian Middle Ages. Włodkovic challenged the pope and the emperor, but he did not endanger himself personally by doing so. While many bishops and Church dignitaries subscribed to the view that pagan lands belonged to the pope, an opposite view was also tolerated. Why was he not burned at the stake like Jan Hus? He supported the notion of natural law which has been fundamental to Christian theology for centuries. In contrast, Hus attacked the core institutions of the Church and charged them with transgressions against Christ’s teachings.

Second, Włodkovic articulated a Christian theory of international relations. Had his proposals been accepted and had the Council spent time and treasure on developing a set of rules for international behavior, many a war could have been avoided and the growth of imperialism and colonialism in subsequent centuries might have been stymied. In the fifteenth century, there appeared in Europe a scholar and cleric who spelled out the rights of each and every human being. The Council of Constance had an opportunity to oppose imperialism. It chose not to do so. It tacitly agreed that nations can pursue their imperial ambitions without consequences.

It was not for a lack of effort on the part of Włodkovic that his proposals were passed over. He argued his point persuasively, yet his attempts to persuade the Christian world that the Teutonic Brethren were a criminal sect have failed. His failure cannot be attributed to his inability to present the case or to a lack of proof that his cause was just. He argued the way Thomas Aquinas argued in *Summa Teologica*: submitting the statement he intended to refute, quoting arguments in favor of that statement, and then refuting these arguments. In some ways, Włodkovic was similar to Ralph Nader: he was a man

on a mission. He so wished for righteousness to prevail that he dedicated most of his life to exposing the doings of the Teutonic Order in the Baltic area.

Why was Włodkovic's intervention consigned to oblivion? The dispute between Poland-Lithuania and the Teutonic Order ended with Teutonic victory. In 1525, or several generations after the Council of Constance, the Grand Master of the Order dissolved it and assumed the title of a secular duke, still a vassal to the Polish king but headed for full independence as the Kingdom of Prussia. In the eighteenth century, Prussia enriched itself through the partitions of Poland, an act of political violence in direct contradiction to Włodkovic's postulates. Under such circumstances, dropping Włodkovic's writings into the abyss of memory was both expedient and convenient.

The standard histories of the Middle Ages barely mention Włodkovic's writings.²⁸ European historians have generally ignored Latin texts written in non-Germanic Central Europe, and until now translations of these texts into Western European languages have not been available. Furthermore, in comparison to Germany and France, Poland was a new and demographically smaller member of Christian Europe, a circumstance that Poland's western neighbor deftly made use of. Włodkovic's Latin treatises have now been translated into English and his theorizing about international relations has a chance to be recognized, thereby modifying the interpretation of non-Germanic Central European history.

I submit that **ethnicity and national allegiance** played a role in the rejection of Włodkovic's assessment the Teutonic Order. As Anthony Smith demonstrated in *The Ethnic Origins of Nations* (1986), the Enlightenment idea that nationalism began with the French Revolution is at best incomplete: national identity emerged as a result of ancient and medieval wars and loyalties that the wars generated. The German delegation to the Council of Constance was the largest: it

consisted of 2,000 persons, including the Polish delegation of 200. Emperor Sigismund of Luxemburg was German, the Council was taking place in Germanic lands, and the main enemies of Włodkovic's proposals were Germans. The Teutons exerted a large influence on the subsequent Church discussions on theology and history. Włodkovic came from a country that did not have a privileged place at the table. He and his fellow clerics did not have much experience in dealing with the emperor's or the pope's court. As time went on, the choice of what to remember and what to forget increasingly resided in the hands of Western Europeans, and "cancel culture" attitude toward non-Germanic Central Europe became prevalent.

Historians of the Middle Ages have not paid much attention to ethnicity, which means that a good deal of what happened in the late Middle Ages has eluded them. In 2006, Jack Goody published *The Theft of History*.²⁹ The book argues that Western Europeans have unjustly appropriated a number of achievements of humanity for themselves, while in reality these achievements and discoveries should be attributed to the peoples whom Western Europeans conquered in their voracity for other people's land. Goody meticulously enumerates a number of such "thefts." The case of Paweł Włodkovic and the Teutonic Brethren belongs here as well.

Endnotes

1 Referred to in various sources as the Teutonic Knights, Teutonic Friars, Teutonic Brethren, Knights of the Cross, or Cruciferos.

2 Some scholars use a Latin translation of his name: Paulus Vladimiri.

3 *The School of Salamanca: Digital Collection of Sources*, <https://www.salamanca.school/en/index.html>; Bartholomé de las Casas, *A Short Account of the Destruction of the Indies*, tr. by Nigel Griffin (London: Penguin, 1999).

4 Tomasz Tulejski, "Paulus Vladimiri and His Forgotten Concept of the Just War," *Journal of the Polish Section of IVR* (2019/2), p. 42. DOI: <https://doi.org/10.36280/AFPi-FS.2019.2.39>

5 "The Jews especially are to be tolerated, as it is on the basis of their codices that we prove our truth, our Faith." *De potestate...*, p. 120 below (Kraszewski's translation); *Ostiensis*, p. 176 below (Kraszewski's translation).

6 In *Quoniam error*, Włodkovic put it boldly: “Not even [the Pope] is able to grant, absolutely and in general, the lands of the infidels to said Brethren or others, without just cause.” P. 335 below.

7 *Articuli contra Cruciferos de Prussia* (1416), p. 194 below.

8 *De potestate*, pp. 115–150 (fragments).

9 Tomasz Tulejski, op. cit.

10 Sources that are not party to this dispute admit it. *Encyclopedia Britannica*, <https://www.britannica.com/topic/Teutonic-Order>.

11 Given the Polish-Lithuanian victory at Grunwald, the 1411 Peace of Toruń was very generous toward the Brethren. Norman Housley’s assessment of it as “humiliating” for the Order shows a common prejudice of Western European scholars toward the Catholic nations of non-Germanic Central Europe. Norman Housley, “A Crusade Against the Poles? Johannes Falkenberg’s ‘Satira’ (1412),” *The Templars, The Hospitallers and the Crusades: Essays in Homage to Alan J. Forey*, edited by Helen J. Nicholson and Jochen Burgdorf (London: Routledge, 2020), p. 187.

12 Their delegate to the Council, one Peter Wormdith, wrote to the Grand Master asking for money to pay a learned scholar to answer Włodkovic’s accusations. Stanislaus F. Belch, *Paulus Vladimiri and His Doctrine Concerning International Law and Politics* (The Hague: Mouton, 1965), vol. II, p. 1108.

13 Ioannis Vrebach de Bamberga decretorum doctoris, *Tractatus De statu Fratrum Ordinis B. Mariae Virginis Teutonicorum et pugna eorum adversus infideles...*, Belch II:1116–1180. There is some confusion regarding this scholar’s identity. Possibly, he came from Erfurt and was a canonist. Belch, II:1111.

14 Quoted from Belch II:1112.

15 *Liber de doctrina* repeated the theses of the *Satira*, but abstained from intemperate language present in *Satira*.

16 Belch II:1113.

17 Włodkovic, *Articuli contra Cruciferos de Prussia*, p. 194.

18 Ibid., p. 209 *et alii*.

19 Hartmut Boockmann states that Falkenberg’s tract was written in 1412, but does not supply evidence. H. Boockmann, *Johannes Falkenberg, der Deutsche Orden und die Polnische Politik* (Göttingen: Veröffentlichungen des Max-Planck Institute für Geschichte, Bd.45, 1975). Urbach’s tract was written in 1416. Belch mentions that some scholars considered *Liber a doctrina* to be identical with Urbach’s work (Belch, II:1112).

20 Falkenberg’s treatise was considered lost for centuries, but it was found in the 1970s among the Leipzig University manuscripts by Polish scholar Zofia Włodek. Dr. Włodek was in Leipzig on a German scholarship. Her discovery was confirmed by her German supervisor Dr. Hartmut Boockmann, She published the ms. with the Ossolineum in Wrocław (*Mediaevalia Philosophica Polonorum*, n. 18 (1973), pp. 51–95). Boockmann published it with a commentary two years later. In his interpretive commentary, Boockmann argued that Falkenberg’s genocidal project amounted to a misunderstanding. See also Norman Housley, op.cit.

21 Quoted from Belch, II:1005.

22 Belch II:1006.

23 Włodkovic, *Iste tractatus*, p. 310 below.

24 Ibid., p. 319.

25 *Oculi*, p. 517.

26 *Iste tractatus*, p. 323 below.

27 Włodkovic, *Letter to the Bishop of Kraków* (1432), p. 620 below. Subsequent quotations are from the same *Letter*.

28 Typical of this approach is Dan Jones, *Powers and Thrones: A New History of the Middle Ages* (New York: Viking, 2021). Sidney Z. Ehler and John B. Morrall, eds. and translators, *Church and State Through the Centuries* (Westminster, MD: The Newman Press, 1954) mentions the Polish-German dispute *passim*. For the views of Paul W. Knoll see '*A Pearl of Powerful Learning: The University of Cracow in the Fifteenth Century*' (Leiden: Brill, 2016), especially pp. 227-245, 271-273, and 429-463. A book of essays in Polish *Paweł Włodkovic i polska szkoła prawa międzynarodowego* (edited by M.A. Cichocki and A. Talarowski, Warsaw: Teologia Polityczna, 2018) introduces the Polish reader to Włodkovic.

29 Jack Goody, *The Theft of History*, Cambridge Univ. Press, 2006.