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Offprint from

Making and Breaking the Rules

*Discussion, Implementation, and  
Consequences of Dominican Legislation*

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## Contents

<i>List of Abbreviations</i>	xi
1. Making and Breaking the Rules: An Introduction to Sources and Perspectives CORNELIA LINDE	I
<b>Part I. Discussion</b>	
2. The Fixed and the Fluid: Observations on the Rational Bases of Dominican Constitution and Organization in the Middle Ages GERT MELVILLE	19
3. Obeying God, Not Man: Heresy, Inquisitors, and Obedience in the Dominican Order CHRISTINE CALDWELL AMES	37
4. Dominicans and Polyphony: A Reappraisal of a Strained Relationship CHRISTIAN THOMAS LEITMEIR	59
5. The Dominicans and Mission: Looking Again at the Barcelona Disputation of 1263 HARVEY J. HAMES	89
6. Rewriting the Rules: The Secular–Mendicant Controversy in France and its Impact on Dominican Legislation, c.1230–1290 SITA STECKEL	105
7. Black and White: Dominican Reform and Heretical Inversion in the Fifteenth-Century Low Countries MATTHEW CHAMPION	131

## Part II. Implementation

8. *Totum officium bene correctum habeatur in domo:*  
Uniformity in the Dominican Liturgy 153  
ELEANOR GIRAUD
9. *Nullus scienter litteram aut notam mutet:* Dominicans  
(Dis)Obeying the Regulations for the Copying of  
Chant Books. An Example from Late Medieval  
Dalmatia 173  
HRVOJE BEBAN
10. Architecture and Space in the Dominican Order:  
On the Impact of Norms and Concepts in Early  
Normative and Narrative Sources 189  
SEBASTIAN MICKISCH
11. Legislation, Architecture, and Liturgy in the  
Dominican Nunneries in Castile during the Late  
Middle Ages: A World of *diversitas* and Peculiarities 225  
MERCEDES PÉREZ VIDAL
12. The Beginnings of the Study of Foreign  
Languages in the Dominican Order: Regulation,  
Implementation, and Impact 253  
JONATHAN RUBIN
13. Clarifying the Rules: A Normative System for the  
Observant Dominican Nuns (Portugal, Fifteenth and  
Sixteenth Centuries) 273  
GILBERTO CORALEJO MOITEIRO
14. Performance Management: Creating Order in  
Thirteenth-Century Dominican Preaching 299  
ANNE HOLLOWAY

### **Part III. Consequences**

15. *Volumus ut carceres fiant*: Medieval Dominican Legislation on Detention and Imprisonment 323  
WOLFRAM HOYER, OP
  16. Disciplinary Deportations: Forced Resettlement as a Means of Control and Correction 349  
CORNELIA LINDE
  17. *Fratres regulares et irregulares*: Dominican Implementation, Observation, and Violation of Rules in the Province of Dacia 369  
JOHNNY G. G. JAKOBSEN
  18. Dominicans from the Province of Dacia at the Well of Grace: Petitions from Scandinavian Dominicans to the Apostolic Penitentiary, c.1450–1530 385  
KIRSI SALONEN
- Notes on Contributors* 401
- Index* 407

Dominicans from the Province of  
Dacia at the Well of Grace: Petitions  
from Scandinavian Dominicans to the  
Apostolic Penitentiary, c.1450–1530

KIRSI SALONEN

*What was the Apostolic Penitentiary?*

The medieval Apostolic Penitentiary, sometimes called ‘the supreme tribunal for matters of conscience’, was a papal office responsible for handling matters related to sins and those contravening the norms of ecclesiastical legislation. While it was usually the task of the local parish priests to absolve confessing sinners, the Church considered certain violations of the ecclesiastical norms, such as assaulting a priest, committing apostasy,<sup>1</sup> or marrying a close relative, as so severe that absolution of Christians guilty of such violations was reserved for the authority of the pope. Since the popes were too busy to take care of all such cases in person, the handling of such issues was referred to the Apostolic Penitentiary. The clients of the Penitentiary did not have to leave for Rome personally but they could send a petition to the office if they had issues of conscience or canon law to resolve. This was especially handy for Dominicans, who were not supposed to leave their convents without a permit from their superiors. The Penitentiary had apostolic authority to grant its clients four different types of grace:<sup>2</sup>

<sup>1</sup> The term ‘apostasy’ in this essay refers to desertion from an order or a convent.

<sup>2</sup> For the history, functioning, and responsibilities of the Penitentiary in the Middle Ages see Emil Göller, *Die päpstliche Pönitentiare von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V.*, 2 vols. (Rome, 1907–11); Ludwig Schmutge, Patrick Hersperger, and Béatrice Wiggerhauser, *Die Supplikenregister der päpstlichen Pönitentiare aus der Zeit Pius’ II. (1458–1464)* (Tübingen, 1996); Kirsi Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages: The Example of the Province of Uppsala 1448–1527* (Helsinki, 2001); Kirsi Salonen and Ludwig Schmutge, *A Sip from the ‘Well of Grace’: Medieval Texts from the Apostolic Penitentiary* (Washington, 2009).

(1) Absolutions for those who had broken the regulations of canon law in a particularly serious way so that the handling of the matter was entrusted to the pope, as, for example, in cases of clerical violence or apostasy.

(2) Dispensations that allowed Christians to act against the regulations of the Church: for example, to enter upon an ecclesiastical career despite an impediment such as illegitimacy, minority, or physical defect.

(3) Licences that allowed Christians to deviate from observing ecclesiastical norms in matters mainly related to the exercise of their Christian faith: for example, to confess to a priest other than their own father confessor; to consume meat or dairy products during fasting periods; or to transfer from one monastery to another, or from one order to another.

(4) Official declarations: for example, that a cleric was not guilty of murder despite an (unjust) accusation, or that a monastic profession was void if the person concerned had been forced to take the monastic vows.

These powers allowed the Penitentiary to grant grace in numerous different matters, including marriage, illegitimacy, priestly ordination, violence, apostasy, and confession. The clients of the Penitentiary came from the whole territory of Latin Christendom. In the second half of the fifteenth century, more than 200,000 individuals, ecclesiastics and laypeople, both male and female, petitioned the Penitentiary.<sup>3</sup>

The Penitentiary's medieval copybooks, today kept in the Archives of the Apostolic Penitentiary,<sup>4</sup> consist of abbreviated copies of the original petitions approved by the office. Rejected petitions, if there were such, were not registered. Unlike other papal register series, the Penitentiary volumes survive almost in their entirety from the 1450s onwards and therefore constitute unique source material, also for quantitative analysis. The Penitentiary register volumes are internally divided into different sections containing petitions related to a specific matter. The most common categories are: *de matrimonialibus* (about marriages); *de diversis formis* (concerning various types

<sup>3</sup> Salonen and Schmugge, *A Sip*, 19.

<sup>4</sup> Archivio della Penitenzieria Apostolica (henceforth APA), *Reg. matrim. et div.*, vols. 1–746, of which the first c.100 volumes cover the period from the 1450s to the 1540s. For the archives see Salonen, *The Penitentiary as a Well of Grace*, 425–6; Salonen and Schmugge, *A Sip*, 3–7.

of cases); *de declaratoriis* (about declarations); *de defectu natalium* and *de uberiori* (matters related to illegitimacy); *de promotis et promovendis* (about ordinations); and *de confessionalibus* (licence to choose a personal confessor).<sup>5</sup>

The Penitentiary archives offer valuable insights into the history of the Dominicans, although petitions made by friars cannot, for obvious reasons, be found in all the categories mentioned above. As members of a religious order who were supposed to live chastely, the Dominicans clearly did not need marital graces. Dominicans born out of wedlock also had little need for illegitimacy dispensations because according to canon law, entering a monastic order as such functioned as a dispensation from illegitimacy. Only friars born illegitimate who aspired to a career within the order needed a dispensation.<sup>6</sup> Similarly, Dominicans rarely petitioned for licences to choose their confessor freely, or for dispensations regarding problems in priestly ordinations, probably because friars were, as a rule, ordained within their order and there was little space for irregularities.

Dominicans appear more often in cases involving infractions against ecclesiastical norms. The category *de diversis formis* includes numerous petitions in which a Dominican asked for absolution and dispensation after committing a violent act, homicide, fornication, sacrilege, or apostasy. Similarly, the category includes petitions for dispensation or licence to transfer from one monastery to another (or from one order to another), for mitigations of the austerity of monastic life (such as permission to consume meat during Lent for health reasons), or to leave one's convent in order to study abroad. Furthermore, the category *de declaratoriis* includes petitions from Dominicans who had been forced to enter monastic life, usually at an early age. An official declaration from the Penitentiary stating that they were not monks or nuns and that they did not belong to the Dominican Order allowed them to continue their life as

<sup>5</sup> The registration of different types of case under specific titles is a technique that is found only in the Penitentiary registers, not in the other medieval papal register series. The subdivisions were probably made for practical reasons, to make it easier to trace the office's decisions if it became necessary to consult the records at a later date; see Salonen and Schmutge, *A Sip*, 3–7, 17–20.

<sup>6</sup> According to canon law, people who had been born illegitimate were considered irregular and were therefore unable to act as priests or to take leading positions within monastic orders. In order to overcome their irregularity, they had to apply for a papal dispensation; see Ludwig Schmutge, *Kirche, Kinder, Karrieren: Päpstliche Dispense von der unehelichen Geburt im Spätmittelalter* (Zurich, 1995).

laypersons or, if they had been ordained to the priesthood, as secular priests.<sup>7</sup>

*Petitions of the Dominicans from the Province  
of Dacia to the Penitentiary: An Overview*

The Penitentiary's medieval holdings include hundreds of thousands of petitions, of which only a small proportion, almost 1,400, originated from Scandinavia,<sup>8</sup> corresponding geographically to the Province of Dacia. Since the Scandinavian petitions represent a very small share of all cases handled by the Penitentiary, it is no surprise that the number of petitions made by Dominicans from the Province of Dacia is even smaller: nineteen cases in all (eleven from the Swedish church province of Uppsala and eight from the Danish church province of Lund).

By the end of the Middle Ages there were thirty-seven Dominican houses (convents and nunneries) in the Province of Dacia. In the territory of the province of Uppsala there were eleven convents and two nunneries; the province of Lund had seventeen convents and two nunneries; the Norwegian church province of Nidaros had four convents; and the diocese of Tallinn had only one convent.<sup>9</sup> A comparison of the number of petitions with the number of Dominican convents in each church province reveals that the Dominicans from the province of Uppsala were slightly over-represented among the petitioners.

The provenance of the Dominican petitions to the Penitentiary shows that only a few convents were involved in the petitions. The eleven petitions from the province of Uppsala explicitly mention only four convents: three petitions mention the convents of Västerås and Stockholm; two the convent of Visby; and one the convent of Turku. In two cases only the diocese is mentioned, which makes it impossible to identify the convent, since there was more than

<sup>7</sup> Salonen and Schmugge, *A Sip*, 28–56.

<sup>8</sup> The Scandinavian ecclesiastical administration was organized into three provinces: the Danish church province of Lund included the dioceses of Århus, Børglum/Aalborg, Odense, Ribe, Roskilde, Schleswig, and Viborg; the Swedish church province of Uppsala covered the dioceses of Linköping, Skara, Strängnäs, Turku, Västerås, and Växjö; and the Norwegian church province of Nidaros (today Trondheim) included the dioceses of Bergen, Hamar, Oslo, Skálholt, and Stavanger as well as the Hebrides and Orkney.

<sup>9</sup> Jarl Gallén, 'Dominikanorden', in *Kulturhistorisk leksikon för nordisk middelalder fra vikingetid til reformationstid*, 2nd edn., 22 vols. (Viborg, 1980), iii. 174–85.

one Dominican friary in these dioceses. In the petition from the archdiocese of Uppsala, the choice is between the convent of Sigtuna and that of Stockholm, and in the petition from the diocese of Turku, between the convent of Turku and that of Viborg. The petitions from the province of Lund explicitly mention six convents: those of the diocesan cities of Århus, Ribe, and Viborg and the convents of Holbæk, Næstved, and Roskilde in the diocese of Roskilde. In addition, one petition mentions a convent dedicated to Saint Dominic in the diocese of Ribe.<sup>10</sup>

#### *Dominican Needs*

The Penitentiary is often called the ‘tribunal of conscience’, indicating that those who petitioned it had done something bad and needed to cleanse their conscience by receiving an absolution. It is, however, important to stress that a large proportion of the Penitentiary’s clients turned to the office for devotional reasons. This was also the case with Dominicans from the Province of Dacia. Some were guilty of various kinds of violation of ecclesiastical norms, while others turned to the Penitentiary because they needed a grace for devotional reasons, or a dispensation or licence to act against the regulations of canon law.

#### *Devotional Petitions, or Overruling Superiors’ Authority?*

One of the Scandinavian Dominicans who turned to the Penitentiary for devotional reasons was Brother Michael Mathei, priest in the monastery of Saint Dominic in the diocese of Ribe. He petitioned the Penitentiary on 4 October 1464 for a confessional letter which allowed him to choose his own confessor.<sup>11</sup> It is possible that Brother Michael had made a pilgrimage to Rome, because such licences were often granted to people present there.

<sup>10</sup> APA, *Reg. matrim. et div.*, vol. 13, fo. 339<sup>v</sup>: ‘monasterium sancti Dominici ordinis eiusdem sancti Ripen. dioc.’ (‘monastery of Saint Dominic of the order of the same saint in the diocese of Ribe’). In the diocese of Ribe there were two Dominican convents, one in Ribe and one in Vejle. The convent of Ribe has traditionally been attributed to Saint Catherine, while the patron saint of the convent of Vejle is more uncertain, but some sources refer to Saint Mary. Thus, it is impossible to say with certainty which convent the above formulation refers to. I thank Johnny G. G. Jakobsen for his kind help with this problem.

<sup>11</sup> APA, *Reg. matrim. et div.*, vol. 13, fo. 339<sup>v</sup>.

Brother Augustinus Magnus, a lay brother in the convent of Næstved in the diocese of Roskilde, also turned to the Penitentiary apparently for devotional reasons. On 5 July 1520 he asked for a dispensation for the rest of his life allowing him to receive Eucharist every Sunday freely and lawfully and stipulating that no one could force him to receive it in a place he did not want.<sup>12</sup> This petition is very unusual and difficult to explain—why did a lay brother want such a dispensation? The document does not include any further explanations, so it is impossible to know the reason underlying his petition. A plausible explanation might be that he wanted to attend Mass somewhere other than the place designated by his superior, thus putting Augustinus into conflict with his vows of obedience.<sup>13</sup> This would put his petition in line with other cases: clerics who had problems with their superiors could use Penitentiary licences to overrule the orders of their superiors.<sup>14</sup>

Something similar may lie behind the petition of Henricus Degner, previously Prior of the convent of Stockholm. On 7 February 1520 he told the Penitentiary that he was an old man and had commendably served his convent for many years. Since he wanted to live out his remaining years in comfort, he asked for a permit to keep a lay brother, Olavus Pauli, in his personal service wherever he might be, even without his superior's agreement.<sup>15</sup>

### *Irregularities*

The ecclesiastical norms strictly defined who could become a member of the clergy and act in ecclesiastical offices. Those who did not fulfil these requirements were considered irregular and could neither be ordained nor act in their orders (if already ordained). Canon law set strict requirements for the clergy: they had to be male, born in legitimate wedlock, without any physical defects, be of a certain age, and possess sufficient knowledge to perform their tasks. If one or more of these requirements was not fulfilled, the person was

<sup>12</sup> APA, *Reg. Matrim. et Div.*, vol. 66, fo. 426<sup>v</sup>.

<sup>13</sup> On the Dominican vows see William A. Hinnenbusch, *The History of the Dominican Order*, 2 vols. (Staten Island, NY, 1966), i. 128–33.

<sup>14</sup> Kirsi Salonen, 'Vom Nutzen päpstlicher Dispense vor lokalen Gerichten: Beispiele aus der päpstlichen Pönitentiare', in Andreas Meyer (ed.), *Kirchlicher und religiöser Alltag im Spätmittelalter* (Ostfildern, 2010), 245–54, at 253–4.

<sup>15</sup> Sara Risberg and Kirsi Salonen (eds.), *Auctoritate Papae: The Church Province of Uppsala and the Apostolic Penitentiary 1410–1526* (Stockholm, 2008), doc. 438.

considered irregular and could not carry out ecclesiastical functions. The same applied to those who had violated the ecclesiastical norms and incurred excommunication.<sup>16</sup> Since the Penitentiary's powers allowed it to grant dispensations for persons suffering from different kinds of irregularity, Dominicans also turned to it for reasons of this nature.

One of them was Brother Olavus Nicolai from the convent of Viborg in Denmark. On Christmas Eve in 1507 he explained to the Penitentiary that he had been ordained to the priesthood and wanted to continue in his orders but could not do so because of a physical defect, which made him irregular (*irregularis*).<sup>17</sup> Brother Olavus's irregularity resulted from an accident during which he had lost the first joint of his left forefinger. He had travelled to Rome, where the gravity of his injury was carefully examined by three prelates, the Archbishop of Siena, the Bishop of Mylopotamos, and the Bishop of Bisarchio. These three men judged unanimously that his defect was not so bad that he could not continue as a priest. After this statement the dispensation granted by the Penitentiary to Brother Olavus became valid.<sup>18</sup>

Brother Michael Johannis from Turku, however, became irregular because he had overstepped the bounds of his authority. He confessed to the Penitentiary on 15 October 1472 that he had joined several couples in Holy Matrimony, heard confessions, and administered other sacraments without the licence of a local parish priest. Since mendicants could not perform ecclesiastical functions without the permission of the local clergy, Michael had been excommunicated and become irregular because he continued to celebrate Mass despite the violation he had committed. Only a dispensation and absolution from the Penitentiary could give him back the right to act as priest again.<sup>19</sup> Michael's petition is a good example of competition between friars and parish priests.

<sup>16</sup> Kirsi Salonen and Jussi Hanska, *Entering a Clerical Career at the Roman Curia, 1458–1471* (Farnham, 2013), 8–13, 122–9.

<sup>17</sup> *Ibid.*

<sup>18</sup> APA, *Reg. matrim. et div.*, vol. 54, fo. 655<sup>r</sup>. At the time of Olavus's examination, the Archbishop of Siena was Johannes Nanni Tedeschini Piccolomini; the Bishop of Mylopotamos was Franciscus Berthelay, papal penitentiary; and the Bishop of Bisarchio was Johannes, OFM, papal penitentiary; see Konrad Eubel, *Hierarchia catholica medii et recentioris aevi*, vols. ii–iii (Münster, 1914–23), iii. 297; ii. 192; ii. 159.

<sup>19</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, doc. 183.

*Evading Monastic Vows*

When an individual took religious vows, he was bound to obedience, chastity, and poverty. This meant, in practice, that he had to wear the monastic habit; was bound to the house, the order, and the rule of the order he had chosen; had to live chastely; and could not own anything personally (this applied especially to mendicants). Friars were not bound to their convents as strictly as monks, but they could not move from one convent to another without a permit. If a friar violated one of these vows, he incurred excommunication and became irregular as far as performing his clerical functions was concerned.<sup>20</sup> The Penitentiary possessed the power to absolve friars from these violations as well as to grant dispensations and special licences which allowed them legally to act contrary to their order's regulations. A handful of friars from the Province of Dacia applied to the Penitentiary for these reasons.

Brother Petrus Petri from the diocese of Uppsala, probably from the convent of Stockholm,<sup>21</sup> presented a rather unusual petition to the Penitentiary. He explained that he was a renowned preacher and a lector in theology, who for several years had acted as his convent's prior. However, this high status within his convent had changed when his confrères learnt that he had been born the illegitimate child of a married nobleman and an unmarried woman, which made him want to leave his convent. He asked for a licence to transfer to the Order of Saint John of Jerusalem or to another order. On 10 February 1520 the Penitentiary granted him the requested licence, referring the final decision in the case to the provost and dean of the church of Västerås. The local sources do not, unfortunately, contain any reference to how the local authorities solved the case.<sup>22</sup>

Brother Jacobus Johannis turned to the Penitentiary on 29 December 1500 with a similar request. He wanted to leave the convent of Ribe, where he had professed, and to transfer to the Carmelite Order because 'for certain and legitimate reasons' he could not

<sup>20</sup> Hinnebusch, *The History of the Dominican Order*, i. 128–39.

<sup>21</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, 129 n. 46.

<sup>22</sup> Ibid., doc. 439. For the practice of transfer see Milena Svec-Goetschi, 'Apostasie und Transitus in der Registerüberlieferung und in partibus', in Kirsi Salonen and Christian Krötzel (eds.), *The Roman Curia, the Apostolic Penitentiary and the Parties in the Later Middle Ages* (Rome, 2003), 183–200; Salonen, *The Penitentiary as a Well of Grace*, 138–44.

stay in the Dominican Order ‘quietly and with sound conscience’.<sup>23</sup> Similarly, Brother Olavus Nicolai from the convent of Viborg, whose petition regarding physical defect had been handled on Christmas Eve 1507, petitioned four days later for a licence to leave his convent and to transfer to another mendicant order. He gave exactly the same explanation for his request as Brother Jacobus had done seven years earlier.<sup>24</sup> Both men received the requested grace.

Georgius de Ebenhart, a 40-year-old brother at the convent in Stockholm, wanted to leave his convent because of an illness which made the monastic life too hard for him. Instead of asking for licence to transfer to another order, he petitioned for a licence to move back to his relatives’ house, or even to stay in his cell without participating in the daily routines of the convent. He also stated that he had some inherited property which he wished to use for his own purposes. On 13 February 1520 the Penitentiary granted his request, but left the final decision to the provost of Västerås and archdeacon of Strängnäs.<sup>25</sup> Illness might have been the primary reason for Brother Georgius’s petition, but since he wished to use his property—which he should not have had because as a Dominican he had promised to observe individual poverty<sup>26</sup>—for his own ends, it seems that he might also have had other motives for turning to the Penitentiary.

#### *Involuntary Friars*

Monastic profession was not always a question of freely made choices, even though this was, in principle, a prerequisite for taking monastic vows. The Penitentiary documentation includes thousands of petitions from all over Christendom asking for a declaration stating that the petitioner was not bound to any monastic order, even though (s)he had lived in a monastery or convent for some time and had sometimes even taken monastic vows. It was possible to obtain such a declaration if the petitioner could prove that (s)he had taken monastic vows under duress, or that there were some other

<sup>23</sup> APA, *Reg. matrim. et div.*, vol. 49, fo. 342v: ‘Non possit cum animi sui quiete et sana conscientia in ordine predicatorum huiusmodi remanere.’

<sup>24</sup> APA, *Reg. matrim. et div.*, vol. 54, fo. 16r.

<sup>25</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, doc. 440.

<sup>26</sup> On Dominicans and poverty see William A. Hinnenbusch, ‘Poverty in the Order of Preachers’, *Catholic Historical Review*, 45 (1960), 436–53.

irregularities in their profession.<sup>27</sup> Four Scandinavian Dominicans received such declarations from the Penitentiary.

The earliest of them is dated 4 November 1469. The petitioner, Olavus Petri, a cleric from the diocese of Roskilde, explained that when he was 10 years old, some Dominican friars had persuaded him to enter their convent. He had not fully understood what monastic life meant and had soon realized that it was not for him. He had then left the convent and the order before turning 14, the age at which one could legally take monastic vows, and desired to continue his clerical vocation as a parish priest. He thus asked for an official declaration stating that he was not bound to the Order of Preachers, but could work as a secular cleric. The Penitentiary made a positive decision but referred the conclusion of the case to the Bishop of Roskilde, who was to examine whether it was true that Olavus had left the convent before reaching the age of discretion.<sup>28</sup>

The convent of Roskilde also appears in another, similar petition. On 15 October 1480 the Penitentiary granted a declaration that Jacobus Martini, a priest from the diocese of Roskilde, was not bound to the Dominican Order, but could continue his career as a parish priest. Again the Penitentiary referred the execution of its positive decision to the Bishop of Roskilde, who was to examine whether the story told by Jacobus was true. The details in the document are anything but flattering for the Danish Dominicans. Jacobus explained that when he had been studying in Roskilde at the age of 12, the local Dominicans had induced him to join the order. He had stayed in the convent for two months, after which he escaped but was found. The brothers brought him back to the convent and punished him for his escape with flagellation. Scared by the punishment, he stayed in the convent until he was 13 years old, but then escaped again. Again, the friars found and captured him. They returned him to the convent, took off his clothes, shaved his head, and finally threw the naked boy out despite the cold winter weather. After this, Jacobus went back to his parents, who clothed him and allowed him to continue his studies. He then moved to the town of Holbæk, about 30 kilometres north-west of Roskilde, where he entered the local Dominican convent. After he had stayed there for two or three months, the Dominicans of Roskilde claimed that

<sup>27</sup> Salonen and Schmugge, *A Sip*, 54–6.

<sup>28</sup> APA, *Reg. matrim. et div.*, vol. 17, fo. 256<sup>v</sup>.

his primary affiliation was to the Roskilde convent and demanded that the brothers of Holbæk return him to Roskilde. They did this and Jacobus stayed in Roskilde for two weeks, after which the friars demanded that he take monastic vows, even though at that time he had not yet turned 14. Following his forced profession, Jacobus stayed in the Roskilde convent for six months, after which he left the convent and order, and returned to secular life and school. The Dominicans did not leave him in peace but continued to claim that he was a member of the order. The controversies between Jacobus and the friars of Roskilde must have continued for more than a decade, because when Jacobus petitioned the Penitentiary for a declaration that he was not a member of the Order of Preachers, he had already been ordained as a priest, which means that he must have been at least 25 years old. Since no later documents have survived about this case, it seems that the Penitentiary declaration calmed the situation down.<sup>29</sup>

On 13 June 1524 two men from the convent of Västerås, Peter Petersson and Petrus Olavi, petitioned the Penitentiary for a similar reason. They explained that while they were still minors, some friars had persuaded them to enter the convent and take monastic vows against their will. Peter Petersson petitioned for a declaration stating that he was not a professed friar and thus should be considered a layman with the right to marry. Petrus Olavi, already ordained to the priesthood, petitioned for a declaration that he was not bound to the Dominican Order but could continue his ecclesiastical vocation as a parish priest.<sup>30</sup> The fact that two brothers from the same convent made such petitions suggests that problems in the convent made them reconsider their decision to remain there. Another reason behind these petitions from 1524 might be the growing criticism of the mendicants in Sweden at the time.<sup>31</sup> It is possible that the two brothers, whose vocation for the Dominican Order had never been very strong from the start, did not want to face this criticism and decided to leave the monastic life.

<sup>29</sup> APA, *Reg. matrim. et div.*, vol. 30, fo. 176<sup>r-v</sup>.

<sup>30</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, docs. 448 and 449.

<sup>31</sup> Martin Berntson, *Klostren och reformationen: Upplösningen av kloster och konvent i Sverige 1523–1596* (Malmö, 2003), 90–3.

*Violent Behaviour*

Dominicans from Dacia turned to the Penitentiary for cases of violent crime more often than petitioners from non-mendicant religious orders in Scandinavia.<sup>32</sup> Sometimes the friars admitted their guilt and requested absolution and dispensation, but sometimes they petitioned for a declaration of innocence, which a priest could obtain if he could demonstrate either that he had acted violently in self-defence, or that he had unintentionally been involved in events that had led to someone's death.<sup>33</sup>

The Dominican friar Henricus Bella, from the diocese of Turku, explained to the Penitentiary on 13 December 1465 that he had been involved in a series of unfortunate events. As a consequence of an altercation with a layman in charge of the organ bellows, he had struck the layman's back five times with a small stick. Three days later the man was infected by a pestilence raging in the region, and died. There must have been some uncertainty regarding the cause of death—did the man die of the pestilence or because of Henricus's beating?—since Henricus underlined his innocence by pointing out that he had hit the man on the back, whereas a pestilent abscess had been found under his left armpit. Furthermore, he stated that in an examination no injury or bruise was found on the layman's back. This indicates that a medical examination had been carried out in order to establish Henricus's innocence. With all this testimony, Henricus received a letter of declaration confirming his innocence.<sup>34</sup>

Brother Henricus Johannis, a deacon of the convent of Visby, petitioned the Penitentiary because of his involvement in a murder. His case is particularly interesting because he presented the same petition to the Penitentiary twice, on 10 July 1493 and again on 31 March 1495. He described in his petitions how when he had been about to return home from a dinner with a certain Dominican Brother Petrus and a layman, Nils Skomakare, the latter attacked him with a sword and nearly killed him. Brother Petrus came to

<sup>32</sup> Kirsi Salonen, '“Ex magno devotionis fervore . . .”: Danish Cistercians and the Apostolic Penitentiary in the Later Middle Ages', in Lars Bisgaard, Sigga Engsbro, Kurt Villads Jensen, and Tore Nyberg (eds.), *Monastic Culture: The Long Thirteenth Century* (Odense, 2014), 284–96; Risberg and Salonen (eds.), *Auctoritate Papae*, 115–37.

<sup>33</sup> Salonen and Schmutge, *A Sip*, 52–3.

<sup>34</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, doc. 116. For the case of Henricus Bella see also the essay by Johnny G. G. Jakobsen in this volume.

his help, but Nils wounded Henricus's arm and threw him into a tub of water, after which Nils left the house pursued by Petrus. When Henricus heard Petrus shouting, he was afraid that Nils would hurt Petrus and hurried to help his confrère. He asked Nils to leave them in peace and let them return home, but Nils drew his sword. At this point Henricus saw no other way to save his life but to defend himself, and he stabbed Nils once with a small knife that he was carrying. The wound was not lethal but Nils did not look after it properly, developed a fever, and died two months later. Like all other supplicants who requested a declaration of innocence, Henricus explained that he was not guilty of Nils's death because he had not started the fight and had only acted in self-defence. Furthermore, he emphasized that Nils caused his own death by not looking after the wound. The Penitentiary granted him a declaration that he was not guilty, and hence he could be ordained to the priesthood and continue in his ecclesiastical vocation. Since the second petition repeated exactly the same details as the first one, we can only guess at the reasons for the renewal. It is possible that Henricus never received the first letter of grace, or that it was not executed for some reason by the Bishop of Linköping, to whom the case was referred. In any case, he decided to travel to Rome and re-present his supplication in the spring of 1495.<sup>35</sup>

Petrus Jacobi, priest and friar of the convent of Roskilde, was guilty of violent acts similar to those committed by Henricus; he asked for, and received, a similar grace from the Penitentiary on 9 October 1497. Petrus explained in his petition that he had once been sent by his superior, the Prior of the convent of Roskilde, to Sweden, to the church of Kyrkby in the diocese of Linköping, where he was acting as priest. One day he was travelling with one of his parishioners when a local knight, Johan Petersson, rode by and saw them. Johan stopped and asked aggressively what the friar was doing there, outside his convent. When the knight jumped down from his horse, Petrus wanted to escape. Seeing this, Johan hit Petrus with an iron axe, first on his left arm, then on his right, and finally on the neck, wounding him. At this point, Petrus explained, he saw no other way of saving his life but to defend himself with a small sword (*parvus gladius*) he carried with him to cut bread. In self-defence he then stabbed Johan in the back, and the knight died immediately. Petrus received a declaration of innocence from the Penitentiary,

<sup>35</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, docs. 318 and 344.

probably because he could show that Johan had attacked him first, and that he was only defending himself.<sup>36</sup>

Brother Magnus Bartholi, from the diocese of Uppsala, told the Penitentiary a story which in principle is similar. He did not ask for a declaration of innocence, however, but admitted his guilt and requested absolution and dispensation. He explained that his superior had sent him to collect alms in the parish of Tuna. There he was invited to a dinner by a parishioner, during which the local chaplain, Petrus Johannis, began insulting him. On the following day the chaplain continued the quarrel and sent five young men to assault the friar. Magnus tried to handle the situation with dignity, but when Petrus persevered, he was forced to defend himself with his small knife and wounded the chaplain, who later died. Magnus went to Rome to settle his affair, and on 21 June 1510 his case was referred to the Bishop of Mylopotamos, a minor penitentiary, who absolved him.<sup>37</sup>

Brother Johannes Petri, from the convent of Västerås, also travelled to Rome to plead his case. He arrived in the Eternal City at the beginning of the Holy Year of 1500 and presented his petition on 16 January. He explained that he had earlier lived at the convent of Trondheim in Norway, which he had left for an hour without his superior's permission, with the result that the prior sent some men to capture him. The men met him on the road when he was already returning to the convent, but considering him an apostate, they attacked him with weapons. At this point Johannes became afraid and found no other solution but to defend himself with his knife. He wounded one of the men, who died some days later. Since Johannes had left his convent illegally, he could not petition for a declaration of innocence, as he was clearly the culprit. He admitted manslaughter and asked for absolution and dispensation so that he could continue in his priestly vocation. The Penitentiary granted the grace and referred the case to the Bishop of Mylopotamos, one of the papal penitentiaries in Rome.<sup>38</sup>

<sup>36</sup> APA, *Reg. matrim. et div.*, vol. 46, fos. 166<sup>v</sup>–167<sup>r</sup>.

<sup>37</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, doc. 406.

<sup>38</sup> *Ibid.*, doc. 365: 'Prior dicti monasterii quibusdam clientibus mandavit, quod dictum exponentem reducerent. Dicti vero clientes armati . . . prefatum exponentem, qui sponte redeundo illis obviam veniebat, invaserunt illumque gladiis, securibus et pugionibus ac cultellis percusserunt.' Such a use of violence to bring back an apostate is, however, extremely unusual. It might indicate that there was something more serious

*Dominicans as Victims*

In addition to the petitions submitted by Dominicans, the Penitentiary material also includes documents in which members of the Order of Preachers are mentioned in a role other than that of a petitioner. In contrast to the members of the Cistercian Order, who figure in the Penitentiary documents as local experts to whom the execution of the Penitentiary letters was often entrusted, we meet Scandinavian Dominicans only in the role of victims of assault or murder.<sup>39</sup>

For example, Niels Svendsen alias Schoning (from Scania), a layman from the archbishopric of Lund, confessed to the Penitentiary on 9 December 1499 that he had once killed a certain Dominican friar, Brother Martinus. He stated in his petition that he had done so ‘instigated by the Devil’, which was considered an extenuating circumstance for criminal acts. Niels had travelled to Rome to ask for absolution from the priestly homicide he had committed, and probably also to receive perpetual indulgences in the imminent jubilee year of 1500. We know this because the act of absolving him was not entrusted to the local bishop, as was the normal practice, but to one of the papal penitentiaries in Saint Peter’s Basilica.<sup>40</sup> Niels was not the only person guilty of assaulting or killing Dominicans; similar cases can also be found in the Swedish<sup>41</sup> and Norwegian<sup>42</sup> church provinces.

*Conclusions*

Because of the small number of cases it covers, the Penitentiary documentation cannot offer many new details about life in Scandinavian Dominican convents. These documents, however, add to our knowledge of Dominicans in the Province of Dacia and the material allows us to draw various conclusions about their rule-breaking.

First, it can be concluded that even though the Penitentiary was going on than a simple one-hour escape from the convent as the petitioner claims. Unfortunately there are no other sources that could shed light on the matter.

<sup>39</sup> Salonen, “Ex magno devotionis fervore . . .”, 294–5.

<sup>40</sup> APA, *Reg. matrim. et div.*, vol. 47, fo. 393<sup>v</sup>.

<sup>41</sup> Risberg and Salonen (eds.), *Auctoritate Papae*, 115 n. 1 and docs. 268 (diocese of Turku) and 417 (diocese of Linköping).

<sup>42</sup> Torstein Jørgensen and Gastone Saletnich, *Synder og Pavemakt: Botsbrev fra den Norske Kirkeprovins og Suderøyene til Pavestolen 1438–1531* (Stavanger, 2004), doc. 68 (diocese of Bergen).

known as the papal office dealing with grave sins, a relatively large number of Friars Preachers turned to it for reasons other than crime. Those petitioners who had committed a crime, as in the five cases of homicide, are indeed in the minority. This indicates that there cannot have been significant issues among the Dominicans of Dacia, or between the Dominicans and local clergy or Christians. The relatively small number of petitions (only nineteen) submitted to the Penitentiary by the Dominicans from Dacia clearly points in the same direction. There were obviously not many issues that the Friars Preachers felt needed resolving at the papal Curia. The low number of Dominican petitions corresponds with similar statistics for petitions made by members of the other monastic orders in Scandinavia, so the Dominican case does not constitute an anomaly.<sup>43</sup>

The fact that all Dominicans turning to the Penitentiary were men is not a surprise, for two reasons. First, there were many more friars than Dominican nuns: there were only four nunneries in the Province of Dacia as against thirty-three convents. Second, women were not obliged to go to Rome to sort out their problems, but they could receive absolution and/or dispensation locally. The ecclesiastical norms stated that nuns should not leave their monasteries, and women were also exempt from the obligation to turn to the Holy See, even in severe matters, because travelling was dangerous and required strength.<sup>44</sup>

Finally, the Penitentiary documentation shows that the Dominicans from the Province of Dacia used the Penitentiary for many different kinds of issue, which suggests that they were well aware of the powers of this papal office and knew how to use it for their own purposes. The number of petitions related to severe crimes or other important matters, such as irregularity or religious vows, however, shows that the Scandinavian Dominicans did not turn to the Penitentiary on irrelevant issues. They thus followed the same pattern as the other Scandinavian Penitentiary petitioners: appeal was made to the 'tribunal of conscience' only when strictly necessary.

<sup>43</sup> Salonen, "Ex magno devotionis fervore . . .", 284–96; Risberg and Salonen (eds.), *Auctoritate Papae*, 115–37.

<sup>44</sup> James A. Brundage and Elizabeth M. Makowski, 'Enclosure of Nuns: The Decretal *Periculoso* and its Commentators', *Journal of Medieval History*, 20 (1994), 143–55; Ludwig Schmugge, 'Female Petitioners in the Papal Penitentiary', *Gender and History*, 12 (2000), 685–703.