



OVERVIEW OF PENITENCE LAW IN THE KINGDOM OF BOHEMIA IN THE MIDDLE AGES

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Abstract: In the study, the author focuses on penitence law in the medieval Kingdom of Bohemia, and specifically on the territory of the Prague ecclesiastical province, i.e. in the Prague and Olomouc dioceses. Confession also became the subject of normative regulation in medieval ecclesiastical law, taking on the character of a legal institution. The decree *Omnis utriusque sexus*, promulgated at the Fourth Lateran Council in 1215, made it compulsory for each resident in a parish to make a confession to his or her parish priest once a year. The provisions of the conciliar decree were taken into the papal code *Liber extra* in 1234. Confession thus became an institution of canon law. Confession was regulated more closely at ecclesiastical province and diocese level by provincial and diocesan statutes, the most important of these being the provincial statutes of Arnošt of Pardubice from 1349. A certain set of sins was reserved for the diocesan bishop or the Pope to absolve. Numerous manuals for administering the Sacrament of Penance (*summae confessorum*, *poenitentiale*) were used for the theoretical instruction and practical needs of confessors. The most widespread in the Czech lands were *Summa de casibus poenitentiae* by Raymond of Peñafort and *Summa Pisana* by Bartholomaeus de Sancto Concordio. Several such penitentials were also created in Bohemia, written by Bishop Robert of Olomouc, Hermann of Prague, Štěpán of Roudnice, Sander Rambow, Matthew of Cracow, Štěpán of Kolín, and Václav of Dráčov.

Keywords: penitence law, Sacrament of Penance, confession, *summa confessorum*, Middle Ages, Kingdom of Bohemia.

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I. Introduction

The close connection between canon law and theology is clear. The most important collection of ecclesiastical law, *Decretum Gratiani* from the 12th century, contains many provisions that only secondarily took on a legal character. These included various liturgical texts, excerpts from the writings of the Holy Fathers, moral dictates, etc.¹ Confession also became subject to normative regulation in ecclesiastical law, assuming the character of a legal institute. At the ecclesiastical province and diocese level, the provision of confession was regulated more closely by provincial and diocesan statutes,² the most important of these being the provincial statutes of the

Prague archbishop Arnošt of Pardubice from 1349.³ Numerous manuals for the administration of the Sacrament of Penance were used for the theoretical instruction and practical needs of confessors (*summae confessorum*, *summae de casibus conscientiae*, *summae casuum*, *confessionale*, *poenitentiale*). In confessional *summa*, *casus* is an entry of a legal nature, interpreted in a moral way regarding a particular situation.⁴ The level of content of penitentials varies, ranging from detailed works, through small, yet compact works, to simple aids.

First of all, we will provide fundamental information about penitence law in the Principality of Great Moravia and in the Czech Principality. In the last third of the 9th century and at the beginning of the 10th century, Great

Moravia spread over the territory of Moravia, western and central Slovakia, Pannonia, and Bohemia. The Moravian-Pannonian ecclesiastical province was established briefly within its territory, and Old Church Slavonic liturgy developed. This lived on, in isolated form, in the Czech Principality, in which only Latin liturgy was otherwise used. The Czech Principality consisted of the territory of Bohemia and Moravia and, at the turn of the 13th century, transformed into the Kingdom of Bohemia. The main subject-matter of the study is penitence law in the Kingdom of Bohemia from the 13th to the 15th centuries. From the perspective of ecclesiastical administration, this involved the territory of the Prague diocese (from 973) and the Olomouc diocese (from 1063), which were united under the Prague ecclesiastical province in 1344.

Almost sixty confession manuals are preserved in Czech libraries, a precise catalogue of which was prepared by legal historian Jiří Kejř.⁵ Josef Vašica wrote about an Old Church Slavonic penitential of Czech origin, entitled *Žapovědi svętychъ otcъ* (*Provisions of the Holy Fathers*).⁶ In a separate essay, J. Kejř discussed penitentials originating in the Czech lands⁷ and separately described a manual from manuscript XII F 6 of the National Library in Prague.⁸ A brief summary of the issue of penitence law in the Kingdom of Bohemia in the Middle Ages was provided by Pavel Krafl within a synthetic work on the history of medieval ecclesiastical law in the Czech lands.⁹ J. Kejř also summarised Hussite views on confession.¹⁰

II. The oldest period

The oldest relic of a penitentiary nature comes from Great Moravia. It is called *Žapovědi svętychъ otcъ*, or *Provisions of the Holy Fathers*. The manual was translated into Old Church Slavonic from Latin, apparently an excerpt from a more comprehensive Latin penitential. The Latin original from which the translation was taken is unknown. The author is also unknown. The text is mainly preserved in what is known as *Euchologium Sinaiticum*, a canonical manuscript from the 11th century written in Glagolitic script.¹¹

Evidence of penitential practice in the oldest period of the Prague diocese takes the form of the confession manual in the *Gregorian-Gelasian Sacramentary*, which is a manuscript of the cathedral chapter library in Prague of Regensburg or Bavarian origin from the final quarter of the 8th century. Another well-preserved manual is the so-called Penitential of St. Adalbert from the 11th century, stored in the library in Heiligenkreuz under the designation ms. no. 217. Important Old Church Slavonic relics include a translation of the Merseburg Penitential into the Czech version of Old Church Slavonic – *Někatoraja žapověď* – which also dates back to the 11th century. Finally, at the turn of the 12th century, a penitential was created whose text has been preserved

in the codex referred to as *Opatovice Homiliarium*.¹²

III. The Classical Age

The basis for the penitence law of the Classical Age of canon law is *Tractatus de penitencia* of the second part of *Decretum Gratiani*, divided into seven distinctions. Earlier, Burchard of Worms included a chapter on penance in his *Decretum* collection under the title of *Corrector et medicus*. The impetus for regular confession comes from the Fourth Lateran Council of 1215. The decree *Omnis utriusque sexus* announced there established the obligation of every resident of the parish to make a confession to their parish priest once a year. The provision of the Conciliar Decree was incorporated into the Papal Code *Liber Extra* of 1234 (X 5.38.12). Confession thus became an institution of canon law, bringing interpretations of jurisprudence into the field of theology.¹³

Numerous provisions on confession are found in the legal rules published by bishops for the territory of an ecclesiastical province (metropolis) or diocese; these are provincial and diocesan statutes published mostly at synods.¹⁴ Originally, the provincial statutes of the archbishops of Mainz were valid in the dioceses of Prague and Olomouc. A provision on confession and penance appears in the Mainz provincial statutes of 1244, in Article IV, *De penitentia*.¹⁵ Several articles in the provincial statutes of 1261 are devoted to confession and penance. These are Articles VII, VIII *De penitentia*, XXIV. *De confessione et ieiunio observandis*, and XXXIII *De casibus reservatis*.¹⁶ The provincial statutes from 1292 contain only a short article, *De confessione facienda suo plebano*.¹⁷ The final significant statutes were promulgated in 1310 and have the character of a codification that summarises older provincial statutes, although they are not exclusive. A chapter, *De penitentibus et remissionibus*, is devoted to confession and penance in the fourth book of the statutes. It is composed of eleven articles, taken from the above-mentioned statutes from the years 1244 and 1261. The articles are superscribed by short summaries, as is the case in books of decretals.¹⁸ All Mainz provincial statutes were derogated in 1349 by way of exclusive codification – with the provincial statutes of the Prague Archbishop Arnošt of Pardubice.¹⁹

The most important provisions on confession in the legislation of the Prague ecclesiastical province are found in the provincial statutes of Arnošt of Pardubice from 1349,²⁰ and in minor regulations in the synodal protocols arising from the Prague diocesan synods in the years 1387–1413, and particularly from the years 1404–1406.²¹ Almost all medieval Olomouc diocesan statutes (1253–1498) reflect the issue.²² The decree of the Fourth Lateran Council *Omnis utriusque sexus* is taken verbatim into the provincial statutes of 1349 as Article 78, *De penitentibus et remissionibus*.²³ Although the provincial statutes were automatically valid in the Olomouc diocese, the



commendator of the Olomouc bishopric and patriarch of Antioch Václav Králík of Buřenice nonetheless points to and emphasises the observance of this provincial statute in his diocesan statutes of 1413.²⁴ An extensive interpretation of the decree *Omnis utriusque sexus* was prepared at the end of the 14th century by Viennese law professor Henricus de Oldendorp, and this was preserved in the Czech lands in four manuscripts.²⁵

In Article 79 of the provincial statutes from 1349, *Quod omnes presbyteri tenentur coartare ad confessionem in principio quadragesime*, as the heading indicates, priests were required to remind parishioners in sermons at the beginning of Lent not to postpone confession until the end of Lent. The priest listens to confession in the church dressed in a surplice, on the condition that he himself is not burdened by mortal sin. Thieves and usurers may not be absolved until they have returned their plunder. A person who confesses is not to be commissioned to perform an activity connected with the preparation of Mass. In the event that the priest brings the Sacrament of the Altar to a sick person, confession is to be made without the presence of other persons and in all confidentiality. For the dying, a sincere confession is expected, with the participation of praying friends and donated alms.²⁶

At the Prague diocesan synod on 18 October 1387, Prague Archbishop Jan of Jenštejn ordered that the priest should not ask for a financial donation during confession, which he would then use for travel expenses and lodgings in Prague. Otherwise, he risked losing the power to grant absolution. At the same time, he forbade priests from asking for gifts to the crucifix during confession on Good Friday, which was understood as a sign of the clergy's greed.²⁷ The ban on demanding money during confession was reiterated at the diocesan synod in Prague on 15 June 1404 by Archbishop Zbyněk Zajíc of Házmburk.²⁸ At the subsequent diocesan synod on 18 October 1404, the same archbishop sanctioned the act of demanding money for absolution with excommunication *ipso facto*. He stipulated that priests should not prevent anyone from confessing in Prague's cathedral church.²⁹ At the diocesan synod on 15 June 1405, Archbishop Zbyněk Zajíc of Házmburk recalled the obligation to perform confession in a surplice and in a public place, and not in some corner.³⁰ At the Prague diocesan synod of 15 June 1406, he decreed that chaplains and altarists may not perform confession without the permission of the parish priest and must have permission from the archbishop or his officiales.³¹ At the Prague diocesan synod of 18 October 1406, Archbishop Zbyněk Zajíc of Házmburk ordered that the parish priest should not deny people access to confession.³² Among the anti-heretical provisions of the Prague diocesan synod of 16 June 1413 was a thesis on the erroneous opinion that the Pope cannot grant absolution of all sins.³³

Bishop of Olomouc Dětrich of Hradec stipulated in the

diocesan statutes of 1282 that the confessor must know the language of the person who confesses to him. He may not take confession through an intermediary. If he does not know the language, he must choose a suitable priest to take confession in the proper way.³⁴ According to the provisions of the diocesan statutes of Bishop Konrad I from 1318, parish priests of the Olomouc diocese had to appeal to people on Sundays and holidays to make confession with them on solemn holidays such as the Nativity of Our Lord, the Resurrection of Our Lord, Pentecost, and particularly Easter (Good Friday). If the parish priest discovered that one of his parishioners had not gone to confession on Good Friday, he was to be prevented from entering the church and denied a church burial. Mention is made of confession and absolution of the sick, whom the parish priest was supposed to visit to this end.³⁵ In Article 10 of his diocesan statutes of 1413, *De confessione*, commendator of the Olomouc bishopric Václav Králík of Buřenice forbade priests from taking the confession of outside parishioners and giving them absolution, except in necessary cases. This ordinance was to be made known by the parish priests in their churches on Sundays and holidays.³⁶ Confession is mentioned in the diocesan statutes of Bishop Tas of Boskovice of 1461 as part of the preparation for Confirmation in the Olomouc cathedral church. The provision is repeated in the diocesan statutes of Olomouc Bishop Stanislav Thurzo in 1498.³⁷

Questions concerning the rivalry between mendicant friars and the parish clergy were also the subject of normative regulation. Article 80, *De fratribus predicatoribus et minoribus*, of the Prague provincial statutes of 1349, in accordance with the constitutions of Boniface VIII, *Super cathedram*, and of Clement V, *Dudum a Bonifacio Papa VIII*,³⁸ empowered Dominicans and Minorites to take confession and grant absolution. The members of these orders designated to take confession were to be chosen by their superiors and presented to the diocesan bishop. The parish priest could not freely relinquish his parishioners to Minorities and Dominicans for confession. An authorised monk received written permission (*littere patentes*) in the bishop's office free of charge, and priests made known their wording in their churches. If the diocesan bishop refused to issue this license to the chosen and presented members of both orders, they were entitled to take confession in accordance with papal permission. In no case, however, did Minorities and Dominicans have jurisdiction over the main absolution that pertained to the parish priest.³⁹

The bishop of Olomouc, Bruno of Schaumburg, confirmed in 1253 that after giving the obligatory confession to the parish priest, the inhabitants of the parish could then confess their sins to Minorities or Dominicans authorised to grant absolution.⁴⁰ Most of the provisions of Article 80 of the Prague provincial statute from 1349 were taken on literally by Václav Králík of

Buřenice in his diocesan statutes of 1413. He adds his own extensive interpretation, in which he tells of complaints brought before him, specifically that priests from these two religious orders were receiving people from outside parishes for confession, contrary to canonical sanctions, in the situation where the parish priest was absent.⁴¹ Similarly, Olomouc Bishop Kuneš of Zvole incorporated the wording of the aforementioned provincial Article 80 into his diocesan statutes of 1431. Bishop Kuneš revoked the validity of all older documents allowing priests from the Minorite and Dominican orders to take confession, and, in particular, documents issued by Olomouc Bishop Jan Železný (1418-1430) and the commendator of the Olomouc bishopric Václav Králík of Buřenice (1413-1416). All would need to present themselves to him again. Again, he reminds parish priests to inform people that they are only allowed to confess to monks who have been approved by the bishop.⁴² The rights of Dominicans and Minorites to hear confessions (in accordance with the aforementioned constitutions *Super cathedram* and *Dudum a Bonifacio papa VIII*) are reflected in a short tract from manuscript N 26 of the Prague Metropolitan Chapter.⁴³

Rivalry was not restricted to the parish clergy and Minorities and Dominicans. We have a case from the city of Kłodzko in which a Johannite convent with a parish church under its administration entered into a dispute with the newly-founded monastery of the Canons of St. Augustine. The dispute surrounded multiple issues, and confession was one of the points resolved. The opposing parties chose Prague Archbishop Arnošt of Pardubice as their arbiter. In an arbitration ruling in 1351, Arnošt of Pardubice forbade the convent of the monastery of Canons from hearing the confession of secular persons without his special permission or without the permission of his successors. They were therefore subject to the same regulations as the convents of mendicant orders.⁴⁴

The diocesan bishop was *de iure* the confessor to the priests from the diocese.⁴⁵ Confession of the clergy is normatively regulated in Article 82 *De electione confessoris* of the Prague provincial statutes of 1349. A priest who receives permission from the diocesan bishop to choose a confessor may not be absolved from sins in matters reserved for the bishop, unless expressly stated otherwise in the licence.⁴⁶ It is stipulated in the synodal statutes of the diocese of Olomouc of 1349 and 1413 that no one should choose a confessor in violation of the order of the superior. At the same time, it allowed parish priests to confess to their companion in the church.⁴⁷ The bishop could cede the penitential authority which he had over the monks from a monastery under his jurisdiction (in the case of a non-exempt monastery) to the superior of the monastery. One example is the monastery of the Canons Regular of St. Augustine in Kłodzko. In 1375, this East Bohemian monastery received *privilegium* from Prague Archbishop Arnošt of Pardubice, by way of which the archbishop gave the superior of the monastery,

i.e. the provost, his penitential authority over the members of the convent and the prior of the convent his authority over the provost.⁴⁸ Otherwise, members of the monasteries of the Canons Regular of St. Augustine, which were governed by the Roudnice Statutes, were obliged to make a confession once a week.⁴⁹

A certain set of sins was reserved for the diocesan bishop or for the Pope to absolve. In such cases, the priest who took the confession was obliged to refer the sinner to the bishop or the Holy See. Exceptions were made for the dying, for whom the priest could grant absolution without fear of violating the authority of the pope or bishop, as indicated in the Prague provincial statutes of 1349.⁵⁰ The list of sins reserved for the bishop that accrued in the 13th century and in the centuries that followed varied from one ecclesiastical province to another and from one diocese to another.⁵¹ The list of matters reserved for the bishop's absolution is provided in the Mainz provincial statutes of 1244, in Article IV *De penitentia*, and subsequently the provincial statutes of 1310.⁵² The synodal legislation of the Prague ecclesiastical province does not contain lists of sins reserved for the diocesan bishop for absolution.⁵³ Nevertheless, Arnošt of Pardubice, in Article 79 of his provincial statutes of 1349, refers to the tract of Thomas of Hibernia, *De tribus punctis religionis*, which contains a list of matters reserved for the bishop and the Pope. This tract was to be available to every parish priest by his order.⁵⁴ The formulary of Arnošt of Pardubice *Cancellaria Arnesti* contains a document by way of which the archbishop of Prague allows an unspecified monastery also to grant absolution during confession in the matters reserved for him.⁵⁵

The duty to absolve the most serious of crimes by the supreme pontiff stemmed from the original custom of sending particularly grave sinners to the Pope. An important office in the papal curia thus became the Apostolic Penitentiary, *Sacra Poenitentiarum Apostolica*, which was responsible for penitentiary matters. Among other matters, the Pope was responsible for the absolution of persons who attacked a cleric, arsonists who burned down a church or a cemetery, those perpetrating the robbery of a church, and persons consorting with persons excommunicated by papal authority. The list of reserved crimes grew to around thirty during the 13th and 14th centuries.⁵⁶

Compliance with obligations, including those relating to confession, was supervised by archdeacons or bishops during visitation. The visitational interrogatorium of the Prague diocese from the turn of the 14th century demanded verification of whether the priests of the church were granting absolution in matters reserved for the bishop or the Pope. The author of the interrogatorium was also interested in whether the priest had buried persons in the parish cemetery who had not confessed before death and were in mortal sin. Moreover, there was



a general question about confession and penance and whether the priest was neglecting anyone when it came to the sacraments.⁵⁷ The final article of the visitational interrogatorium of the archdiocese of Prague, entitled *Modus inquirendi seu visitandi*, which probably dates back to pre-Hussite times, demanded that it be ascertained whether the parish priest was collecting fees for the sacraments, including confession.⁵⁸ The visitational interrogatorium of the unspecified archdeacon from Moravia from the first half of the 15th century includes the question of whether the parish priest was inviting his parishioners to confession.⁵⁹ Cases of failure to comply with the rules regarding confession are recorded in the visitation protocol of Prague Archdeacon Pavel of Janovice from 1379–1382.⁶⁰

In addition to the Sacrament of Penance, the church provided the remission of temporal punishments for committed sins by indulgence.⁶¹ This originated in the first half of the 11th century and entailed a special form of penance. Forty-day indulgence granted remission from the punishment for sins, and represented 40 days of penance on earth or the shortening of the period of time spent in purgatory by that amount. We may recall in connection with the Czech lands the indulgences issued by Pope Innocent IV (1243–1254) in the 13th century. In the period leading up to the middle of the 14th century, the most frequent recipients of papal indulgence letters were Dominican, Cistercian, and Benedictine monasteries. Indulgence letters allowed monasteries to grant indulgences to those who visited the monastery church and attended the mass celebrated on designated holidays, often celebrating the feasts of Dedication and Patrocinium of the church. In addition, indulgences could be granted to those who physically worked on the construction of a church, and sometimes to those who provided the church with a financial sum or charitable gift.⁶² The issue of papal indulgence letters addressed to ecclesiastical institutions in the Czech lands culminated under Pope Boniface IX (1389–1404), when ninety letters were sent to the Prague and Litomyšl dioceses and twenty-eight to the Olomouc diocese. Around twenty percent of all the letters issued by that Pope to the ecclesiastical institutions of the Prague ecclesiastical province went to the Prague agglomeration, in which we also include the monasteries of Břevnov and Zbraslav.⁶³

Indulgence letters for monasteries were also issued by bishops, including bishops from other or also foreign diocese.⁶⁴ One such occasion occurred at the legate synod in Würzburg in 1287, where the bishops present, either individually or in smaller groups, issued a whole series of indulgence letters to various monasteries, Bohemian included.⁶⁵ In this way, indulgence letters of the diocesan bishop also contributed towards attendance at the monastery; for example, the Klodzko monastery of the Canons of St. Augustine received five indulgence letters from three Prague archbishops, namely Jan Očko

of Vlašim (1364–1378), Jan of Jenštejn (1378–1395/1396), and, above all, Zbyněk Zajíc of Házmburk (1402–1411), within the space of five decades.⁶⁶ The formulary of Prague Archbishop Arnošt of Pardubice contains the texts of eleven indulgence letters for monasteries, churches, and hospitals.⁶⁷

The granting of indulgences was normatively regulated by Article 81, *De indulgentiis et penitentiis*, of the provincial statutes of Arnošt of Pardubice from 1349. The archbishop forbade the publication in churches and monasteries of indulgence letters issued by the Pope or by outside bishops without their authenticity having first been verified and confirmed by an episcopal document (*diocesani litterae patentes*). The reason for this is that indulgences bearing the name of the Pope or unknown bishops, suspected of being falsified, were circulating around various churches and places. Finally, the issuer of the statutes comments in an article on people who serve a penance in public. Parish priests are not to provide them with witness documents about the penance which they serve, or have served in full or in part.⁶⁸ Papal legate Giovanni Boccamazza provides a ten-day indulgence in his statutes of 1287 to persons serving a penance who accompany the priest bringing the Sacrament of the Altar to the sick and concurrently kneel during the Our Father and Hail Mary.⁶⁹

The doctrine of the Sacrament of Penance was also considered by reformist theologians of the Jan Hus circle. Jan Hus looked at penitence in his work *Super IV Sententiarum*, drawing on the utterances of the Holy Fathers and taking *Tractatus de penitencia* of Decretum Gratiani as a source. He concurs with the general concept of penitence, consisting of repentance, confession, and atonement. He rejects any gifts for the priest for confession. In line with contemporary theology, he emphasises consideration of the circumstances under which a sin is committed (in old Czech “okolky hříecha”, “the circumstances of sin”). Štěpán of Pálec rejected Hus’ view that repentance alone is enough for salvation, and that the priest merely announces to the penitent the forgiveness of sins; that is, he himself does not forgive them as only God can do so. Hus’ rejection of papal indulgences also relates to confession. Jakoubek of Stříbro (Jacobellus de Misa) criticises ear confession without real remorse for sins as an insincere penance. Jacobellus also warns against confessors who are not morally qualified for this act. None of the above, however, rejected the institute of confession.⁷⁰

IV. Foreign Penitentials in Czech Libraries

Libraries in the Czech Republic offer a relative wealth of manuscripts with copies of European penitentials, from the most famous and important works to those lesser-known and used to a lesser extent. Leaving aside later imports, they provide evidence of the widespread

use of penitentiary literature among theologians and confessors in the Czech lands in the Middle Ages.

We know of a few penitentials from the oldest period, stretching back to the beginning of the 13th century. The oldest work is *Summa ad iniungendam poenitentiam* by Ricardo (Pseudo-Prepositinus), which was created at the beginning of the 13th century. A copy is located in the chateau in Kynžvart.⁷¹ The only copy of *Poenitentiale (Liber poenitentialis)* by Robert of Flamborough is now deposited in the National Library in Prague.⁷² By contrast, *Poenitentiale* by Thomas Chobham was widely disseminated and found in a total of thirty-nine medieval manuscripts, while the penitential created by Odo de Cheriton can be found in thirteen manuscripts. The greatest concentration of texts by both authors mentioned is found in the manuscripts of the Prague Metropolitan Chapter.⁷³ The penitential written sometime between 1219 and 1221 by Paulus Ungarus, which is significantly influenced by law, is present in Czech libraries in eight manuscripts.⁷⁴ A single manuscript was discovered in the case of *Liber poenitentialis*, left behind by Petrus Pictaviensis (de s. Victore). This is dated to around 1232.⁷⁵ The penitential of Konrad of Höxter (Conradus Theutonicus) is preserved in seven manuscripts in the Czech Republic. The versed penitential mistakenly attributed to Peter of Blois (Petrus Blesensis) saw more widespread dissemination. There are seventeen manuscripts, seven of which are again found in the library of the Prague Metropolitan Chapter.⁷⁶

The second stage of development of penitentials begins with the creation of an excellent work by prominent lawyer Raymond of Peñafort, *Summa de casibus poenitentiae*, which the author wrote sometime before 1234.⁷⁷ The significance of the work is also reflected in its preservation in Czech libraries, where there are twelve manuscripts with the whole text and eight manuscripts with excerpts and fragments from that text.⁷⁸ Nine manuscripts, three of them in the library of the chapter of Olomouc, can be found in the case of *Liber poenitentialis* by Portuguese canonist Ioannes de Deo.⁷⁹ The commentary of William of Rennes (Guilelmus Redonensis) on Raymond's *Summa* is known from two manuscripts. The versed composition *Summula de Summa Raymundi* by an unspecified Adam gained considerable popularity. There are nineteen copies in various versions, six of them in the library of the Prague Metropolitan Chapter. Parisian Bishop William of Auvergne (Guilelmus de Alvernia) wrote two penitentials; a single copy of the larger tract survives, while five copies of the smaller tract, *De confessione*, are found in Czech libraries.⁸⁰

The only surviving specimen of a penitential that was probably written by Dominican Hugo de Sancto Caro is found in the library of the Brno parish of St. James.⁸¹ *Summa de iuris*, by the Minorite Monaldo de Capo d'Istria, is found in two complete manuscripts and one incomplete copy.⁸² We also know of the work of an unknown author which relies strongly on Monaldo.

It was created in the 13th century and is found in a manuscript at the library of the Benedictine monastery in Rajhrad. It is known as *Tabula iuris*. The provost of Rajhrad, Jan, is mentioned as the author, although this cannot be confirmed.⁸³ The role of a penitential was taken up by *De poenitentiis et remissionibus* by Cardinal Henricus of Segusia (Hostiensis), who enjoyed great respect and reverence.⁸⁴ Six manuscripts are preserved in the Czech Republic, three of which are found in the library of the Metropolitan Chapter in Prague.⁸⁵ An excerpt from Guilelmo Durand's Repertorium intitled *Confessionale aureum* can be found in a manuscript at the Metropolitan Chapter in Prague, alongside two copies of its sixth part regarding cases reserved for the bishop. A treatment of *Summa* by Henricus of Merseburg's under the title *Casus ad Summam Henrici de Merseburg*, manifestly written by Henricus de Barben, can be found in five manuscripts in the Czech Republic.⁸⁶

Summa confessorum by John of Freiburg (Iohannes de Friburgo) is known in its original form from the 1280s from four manuscripts, its peak version from 1298 present in two other manuscripts. A concise excerpt (*Manuale confessorum*) is found in one manuscript. Ten manuscripts of the final penitential work written by John of Freiburg, entitled *Confessionale* are extant.⁸⁷ The penitential and pastoral manual from the 14th century written by an as yet unidentified Berthold is documented in two manuscripts.⁸⁸ Similarly, a work written by the English Minorite Petrus Quesnel has been preserved in two manuscripts in the Czech Republic, one of which is found in the library of the Metropolitan Chapter in Prague.⁸⁹ Berengarius Fredoli bequeathed us a work, the nature of which oscillates between confession manual and a very concise manual of canon law for the needs of the priest. This was disseminated more widely and is preserved in six manuscripts.⁹⁰ Two anonymous tracts (*Sciendum est, quod sacerdos* and *Cum in arte naturalis medicinae*) are found in the manuscripts of the Prague Metropolitan Chapter, a single copy of each.⁹¹

Two manuscripts preserve *Summa de officio sacerdotis (Liber de instructione sacerdotum)*, written by a Dominican by the name of Albertus de Brixia Manducasinus.⁹² The work of another Dominican, Burchard of Strasbourg (Burchardus de Argentina), is known from a single manuscript.⁹³ The work of the French Minorite Jean Rigaud (Iohannes Rigandus) entitled *Formula confessionum* was more influential. A total of nine manuscripts have been preserved – for example, in the Olomouc chapter library, the library of the Prague Metropolitan Chapter, the dean's library in Rokycany, and the library of the Cistercian monastery in Vyšší Brod. Another shorter work on confession is attributed to him in two manuscripts. A versed excerpt from his work *Formula confessionum* appears in two other manuscripts.⁹⁴ Another significant work, written by Astesanus de Asti (*Summa Atestana*), is documented in



ten manuscripts in libraries in the Czech Republic. Three of them are located in the library of the Metropolitan Chapter in Prague.⁹⁵ *Summa Rudium* by an unknown Dominican is known to us from three manuscripts.⁹⁶

The third period begins in 1338 with Bartholomaeus de Sancto Concordio and his *Summa Pisana*, which is the last major work involving a systematic interpretation of all questions. Thirty-seven copies survive in Czech libraries.⁹⁷ The manual written by Henricus Langenstein de Hassia gained popularity for its universality, and we know of five manuscripts featuring this work in libraries in the Czech Republic.⁹⁸ Among the works of the Cistercian Conradus de Ebrach, who was also active at the university in Prague, was *Compendium confessionis*, documented in two Prague codices.⁹⁹ More theological in nature is *Liber de fructibus poenitentiae* (*Summa aurea*), which gained considerable popularity, reflected in the Czech Republic in the form of seven surviving manuscripts, two of which belong to the Prague Metropolitan Chapter.¹⁰⁰

No authors have been identified for many penitentials. Three manuscripts of an anonymous confession manual from the second half of the 14th century with the incipit *Fidelis sermo* were found in the Czech Republic. Another anonymous work originating in Central Europe, disseminated under various names (*Summa confessionis*, *Tractatus de confessione*, *Instructio pro confessariis*) and bearing the incipit *Confessor citra confitentem*, can be found in eight manuscripts. Two of these are deposited in the library of the Prague Metropolitan Chapter.¹⁰¹ Another anonymous text, disseminated under the title of *Medela (Medicina) animae vulneratae*, contains advice on how a confessor should behave towards members of different status during confession. We know of six manuscripts from the Czech Republic.¹⁰² A manuscript of bohemical origin, XIV E 31, from the Prague National Library, contains a copy of a manual bearing the incipit *Cum omnis aetas*.¹⁰³ Another anonymous work is a list of sins judged by the confessor, *Quia circa confessionem*. It is preserved in three manuscripts.¹⁰⁴ *Modus confessionis audiendae*, with the incipit *Ad impetrandam veniam*, provides instruction on how the confessor should deal with the penitent sinner.¹⁰⁵

Similarly, we do not know the author of the penitential bearing the incipit *Eum qui venit ad me*. This can be found in the Czech Republic in three manuscripts, stored at the National Library in Prague, the library of the Cistercian monastery in Vyšší Brod, and the library of the Prague Metropolitan Chapter.¹⁰⁶ The latter also has a manuscript featuring an anonymous manual with the incipit *Circumstantiae peccatorum in confessione exprimende*. This takes the form of a list of questions to be asked by the confessor during confession.¹⁰⁷ There is also an interpretation of confession for the less initiated, written in two manuscripts and found at the National Library in Prague. It bears the incipit *Circa confessionem*

(*primo*) *queritur ad quid sit utilis*.¹⁰⁸

The question of confession was addressed in two works written by Jean Gerson, a renowned theologian and chancellor of the university in Paris. Both are found in Czech libraries. His work *De modo audiendi confessiones* (*De eruditione confessorum*) is found in four manuscripts, stored in the Premonstratensian monastery in Prague-Strahov, in the libraries of the Olomouc Chapter and of the Prague Metropolitan Chapter, and in Mikulov's Dietrichstein Library, which is located in the Moravian Library in Brno. The second work, *De confessione*, was originally part of Gerson's *Opus tripartitum*. There are two manuscripts in the National Library in Prague – in one case, as part of *Opus tripartitum*, in the other, as a separate work.¹⁰⁹ Two works written by the Benedictine Andreas de Escobar are stored in various libraries in Prague. A more extensive work, *Lumen confessorum*, is known from five manuscripts, while a shorter work, *Modus confitendi* (with the incipit *Quoniam omni confitendi*), is documented in three manuscripts.¹¹⁰

Several penitentials written by a professor at the university in Vienna and a delegate at the Council of Constance Nicholas of Dinkelsbühl remain to this day.¹¹¹ His work from 1420–1421, *De tribus partibus poenitentiae*, with the incipit *Ecce hunc tempus acceptabile*, became widespread. There are a total of eleven manuscripts, with two codices located in the Olomouc chapter library and one in the library of the Prague Metropolitan Chapter, the others found in the Modern-Age manuscript collections of public libraries in Prague, Olomouc, and Opava. Nicholas of Dinkelsbühl is also the author of a minor work, *Tractatus de tribus partibus poenitentiae*, which bears the incipit *Transeunt tempora transeunt secula* and is found in a manuscript at the Scientific Library in Olomouc. A third work by the same author, again minor, is entitled *Tractatus de septem vicis*, *Tractatus parvus de modo confitendi*, or *Confessionale de septem peccatis mortalibus*, and bears the incipit *Secundum magistrum et doctores*. Copies can be found in two manuscripts in public libraries in Prague and Olomouc.¹¹²

Johannes Nider, who participated in negotiations between the Council of Basel and the Hussites, wrote the penitential *Manuale confessorum*. The manual begins with the incipit *Quoniam iuxta beatum Gregorium*. It has been found in six manuscripts in Czech libraries, two of which are in the library of the cathedral chapter in Olomouc, the remaining manuscripts in public libraries in Prague and Olomouc.¹¹³ The penitential *Confessionale* by Florentine Archbishop Antonio de Forciglione has been preserved in three manuscripts, inter alia at the original library of the Minorites in Český Krumlov.¹¹⁴ The text of the confession manual *Regimen confessionum audiendarum* is found in a manuscript of Bohemian origin from the 15th century, originally owned by the monastery of the Canons of St. Augustine in Třeboň and later finding its way into the family library of the

Rožmberk house. It bears the incipit *Confessio est quedam medicina anime*.¹¹⁵ There are two manuscripts with a penitential written by the Passau canon Paulus Wan in the libraries of Prague, known under the title *Collecta pro confessione simplicium ruralium et aliorum* or under the abbreviated name *Confessionale* and featuring the incipit *Primo confessor (sacerdos et confessor) non ostendat*.¹¹⁶ The written text of a supplement to Summa Pisana, compiled by Nicolaus ab Ausmo under the name *Supplementum*, is incorporated into incunabulum of the parish office in Uherské Hradiště.¹¹⁷

V. Penitentials of domestic origin

In addition to the penitentials taken from Western Europe, domestic works were also written, some of which met with a significant response and were disseminated accordingly. The domestic authors of penitentials and pastoral manuals include Robert, Bishop of Olomouc; Hermann of Prague; Štěpán of Roudnice; Sander Rambow; Matthew of Cracow; Štěpán of Kolín; and Václav of Dráčov.

Robert of Olomouc came from England, was a Cistercian, and served as Bishop of Olomouc from 1201 to 1240. He studied at the university in Paris, worked in the Bohemian royal office, and has been identified with the notary named Otakar 5. He attended the Fourth Lateran Council. He did not join the struggle between Prague Bishop Ondřej II and the King of Bohemia Přemysl Otakar I for the emancipation of the church,¹¹⁸ instead remaining a loyal ally of the king. He is buried at the Cistercian monastery in Velehrad, which he founded in 1205. Bishop Robert is the author of the manual *Summa confessorum* bearing the incipit *Cum sit ars arcium regimen animarum, expedit omnibus, quibus animarum cura concessa est*. Robert wrote the work after the Fourth Lateran Council, undoubtedly completing it before 1234 (before the issue of Liber extra). It is the oldest literary relic in Latin in Moravia. Three manuscripts are preserved in the version bearing the incipit *Cum sit ars*. The manuscript originating in Admont is stored in Prague, the others in Munich, Heiligenkreuz, and Schlägl. Copies bearing the alternative title of *De decem preceptis* are more numerous, appearing in eighteen known manuscripts.¹¹⁹

One prominent lawyer from Bohemia and author of penitentials and pastoral manuals was Hermann of Prague, who also appears in sources as Hermann of Bohemia or as the Romanised Armandus de Boemia. He studied law at the University of Bologna at the end of the 13th century, there earning the title of Doctor of Decrees. He was a papal chaplain, entrusted with the tasks of papal executor in the dioceses of Central and Northern Europe. He is also confirmed as having been a papal auditor in 1323, i.e. the judge of the papal court of the Roman Rota.¹²⁰

Hermann of Prague is the author of three well-known works: *Concordantia decretalium cum decretis*, *Summula de concordantia scriptorum theoloycorum et iudiciorum*, and finally *Opusculum de casibus reservatis*.¹²¹ Summula and Opusculum were manifestly written during Hermann's stay in Avignon in the 1330s between his recovery from illness in 1333 and his departure from Avignon in 1338. Both works are preserved each in one copy in the manuscripts of the Vatican library under file numbers 1016 (Opusculum) and 2672 (Summula).¹²²

Summula de concordantia scriptorum theoloycorum et iudiciorum deals with the seven sacraments. The author relies mainly on Thomas Aquinas and Richard Middleton and contains an alphabetical index. Numerous reminiscences on the Czech environment can be found in the work.¹²³ *Opusculum de casibus reservatis* is an extensive work that takes up an entire manuscript of 262 folios. It contains an extensive index. He evidently started working on Opusculum while still a bachelor student in Bologna sometime at the turn of the 14th century. He collected the material from selected normative texts of the ecclesiastical particular law of certain central European ecclesiastical provinces and dioceses (including legate statutes) from the final third of the 13th century and the beginning of the 14th century. The acts of the Council of Vienne from 1311–1312 are also reflected and the work makes reference to the Prague synod of 1308. The interpretation is furnished with an apparatus with normative texts.¹²⁴

One of the first two law professors at the university in Prague was Štěpán of Roudnice (also known as Štěpán of Uherčice), who studied canon law in Perugia. He worked as the vicar general of the Prague archbishopric (1346–1358) and conducted visitations at a number of ecclesiastical institutions in both Czech dioceses. He also left behind the penitential and pastoral manual *Quaestiunculae*, the work compiled as a set of answers to questions. The author relies on a good knowledge of canon law, the intention essentially being to convey spiritual knowledge about the law. The work is divided into two parts, the first of which contains questions concerning the sacraments, criminal law, moral pastoral problems, and the liturgy. The second part of *Quaestiunculae* deals with financial and commercial issues. It is particularly influenced by the penitentials *Summa confessorum* of Astesan of Asta, *Summa aurea* by Cardinal Henricus of Segusia (Hostiensis), and *Summa de poenitentia* by Raymond of Peñafort, by the provincial statutes of Prague archbishop Arnošt of Pardubice from 1349, and, of course, by *Decretum Gratiani* and *Liber extra*.¹²⁵ Twenty manuscript copies of *Quaestiunculae* are currently preserved in the Czech Republic, nine of them in libraries in Prague, six in Brno, three in Olomouc, and one each in Mikulov and Chomutov. Of the nine Prague codices, five are stored in the library of the Prague Metropolitan Chapter. The popularity of the manual is



also evidenced by its dissemination beyond the borders of Bohemia; codices with a copy are found in Cambridge, Gdańsk, Göttweig, Cracow, Leipzig, Munich, Pelplin, Vienna, Wrocław, and Zwettl.¹²⁶

Twenty-eight manuscripts preserved in Bohemia confirm the great respect enjoyed in Bohemia by the penitential *De puritate conscientiae* (*Speculum puritatis et munditiae*), written by the theologian Matthew of Cracow. This has survived in Bohemia in libraries in Prague (eighteen codices, seven of them in the library of the Prague Metropolitan Chapter), in Olomouc (six codices, four of them in the library of the Olomouc Cathedral Chapter), in Opava (two codices), in Třeboň and in Vyšší Brod (one codex apiece). The manual was also disseminated throughout Central Europe and beyond, as evidenced by the copies preserved in a number of libraries, including at least Gdańsk (eight codices), Kórník (four), Melk (five), Munich (thirteen), Trier (five), Vienna (six), Wrocław (eleven), Würzburg (five), and Wolfenbütel (four), while institutions in more than forty other locations keep one to three codices each. The work was written before 1390, during the time that Matthew of Cracow worked at the university in Prague. The work focuses on the moral aspects of confession, the legal aspects being suppressed. The purpose of the author of the manual was to take the sinner to a state that can be described as *puritas conscientiae*; that is, purity of conscience.¹²⁷

Štěpán of Kolín was also responsible for the creation of a widespread extended penitential. Štěpán worked at the university in Prague, teaching M. Jan Hus.¹²⁸ He probably wrote *Libellus de poenitentia* in the final years of the 14th century. It consists of three smaller tracts. The first tract begins with an explanation of the origin of sin and the consequences of sin, the author explaining why man should avoid sin, and characterises true repentance, emphasising that it is ordered by God and the church. He also deals with the difference between ordinary sin and mortal sin. The main part of the work is the second tract, which contains an extensive explanation of confession in the narrower sense of the word. There are also instructions for priests on how to act during confession. The reader also learns to whom and how to confess and when confession must be repeated, the work going on to discuss the circumstances of sin, excommunication, the ten commandments, the seven sacraments, the seven acts of mercy, the seven gifts of the Holy Spirit, the eight beatitudes, and sins. The third tract deals with satisfaction. The author explains that the priest can grant penance at his own discretion, discusses indulgences, and gives a versed list of sins reserved for absolution by the Pope.¹²⁹

The numerous citations of eminent theological authorities, Classical philosophers, and authorities on canon law in *Libellus de poenitentia* testify to the erudition of Štěpán of Kolín. Reference is made to St. Ambrose,

St. Jerome, St. Augustine, St. Gregory the Great, Basilus the Great, John Chrysostom, Isidore of Seville, Haymo of Halberstadt, St. Bernard, Hugo of St. Victor, Richard of St. Victor, St. Anselm, Albert the Great, Ramon Llull, Thomas Aquinas, Decretum Gratiani, Henricus de Segusia (Hostiensis), Ioannes Andreae, Plato, and Aristotle.¹³⁰ The content corresponds to the Catholic concept of teachings on the Sacrament of Penance. This Latin work has been preserved in eight codices, five of them in Prague, and one each in Brno, Chomutov, and Karlštejn. An unknown author translated the work into German, in that four codices feature the Latin and German versions of the text next to each other and one Prague codex features the German version alone (the ninth codex with the text of the penitential in order).¹³¹

Another penitential, preserved in a fragment and entitled *Tractatus casuum per gloriosimum magistrum Zanderum ad eruditionem silicium compositus et collectus*, was manifestly created by the officialis of the Olomouc bishopric Sander Rambow (1373-1380). This is evidently a compilation based on *Quaestiunculae*.¹³² One copy documents the work of the Bethlehem preacher Václav of Dráčov, *De confessione*. The text is introduced with the incipit *Si confiteamur peccata nostra*. Although the author was a moderate Hussite, the work fully corresponds to the ecclesiastical principles of confession and penance, and to a large extent refers to canon law. This marks it out from other writings created by Hussite theologians.¹³³ Of the writings of Czech origin, special mention should be made of *Casus conscientiae*, written by an unknown author, from manuscript XII F 6 of the Prague National Library. The unknown author of this confession manual demonstrated an excellent knowledge of penitentiary works. The codex which incorporates the manual contains a number of related works in the field of canon law and theology, including important penitentials such as *Summa Pisana*.¹³⁴

VI. Conclusion

Significant collections of ecclesiastical law, the provisions of conciliar decrees, and papal codes ascribed a legal dimension to confession and transformed it into a legal institute. The older provisions of the Catholic Church on confession and penance were summarised by the monk Gratianus in his *Decretum*. The Fourth Lateran Council of 1215 provided the impetus for regular annual confession, while the code handed down by Pope Gregory IX in 1234 - *Liber extra* - was also of importance. However, *Decretum Gratiani*, the conciliar decrees, and *Liber extra* were not commonly available to parish priests, and for this reason regulations on confession were included in the provincial statutes valid within the territory of the ecclesiastical province and in the diocesan statutes valid within the territory of the diocese. The texts of these statutes were to be procured by each parish priest for his

own needs, and from them he learned which obligations had been laid down in connection with confession.

The remission of temporal punishments for committed sins was also possible through indulgences, which emerged in the first half of the 11th century as a special form of penance. Indulgence letters were issued to monasteries by bishops.

In practice, parish priests were able to use various manuals that helped them in confession or in the pastoral care of the inhabitants of their parish. Several such penitentials were created in the Czech lands, many of them also having the character of a pastoral manual. They were written by Robert of Olomouc, Hermann of Prague, Štěpán of Roudnice, Sander Rambow, Matthew of Cracow, Štěpán of Kolín, and Václav of Dráčov. Some of them became relatively widespread. This is particularly true of *Quaestiunculae*, the manual written by Štěpán of Roudnice, and *De puritate conscientiae*, the manual written by Matthew of Cracow.

Penitentials written by Western European authors were commonly used alongside the domestic manuals. Most widespread in the Czech lands were *Summa de casibus poenitentiae* by Raymond of Peñafort, *De*

poenitentiis et remissionibus by Cardinal Henricus of Segusio (Hostiensis), and, above all, *Summa Pisana* by Bartholomaeus de Sancto Concordio. The penitentials written by other authors to have survived in the Czech lands include those by Ricardo (Pseudo-Prepositinus), Robert of Flamborough, Thomas Chobham, Paul Ungar, and Konrad of Höxter.

Manuscripts featuring medieval copies of European and domestic penitentials are mostly preserved in the modern manuscript collections of public libraries, particularly the National Library in Prague and the Scientific Library in Olomouc, and to a lesser extent in the library of the National Museum in Prague and the Moravian Library in Brno (here, the Mikulov Dietrichstein Library). The library of the Metropolitan Chapter in Prague, the library of the Olomouc Cathedral Chapter, and the library of the Cistercian monastery in Vyšší Brod are among those holding preserved medieval library collections.¹³⁵ The presence of numerous penitential texts is also evidenced in the medieval inventories of libraries from Bohemia and Moravia, namely in the libraries of monasteries, chapters, parishes, clergymen and university colleges.¹³⁶

Notes

1. For a summary of penitence law, see Joseph Goering, "The Internal Forum and the Literature of Penance and Confession," in *The History of Medieval Canon Law in the Classical Period, 1140–1234. From Gratian to the Decretals of Pope Gregory IX*, eds. Wilfried Hartmann and Kenneth Pennington (Washington: The Catholic University of America, 2008), 378–428. For *Decretum Gratiani*, see Peter Landau, "Gratian and the *Decretum Gratiani*," *ibidem*, pp. 22–54, for the sources of *Decretum Gratiani*, see pp. 25–34.
2. Cf. Joannes Fridericus Schannat and Josephus Hartzheim, *Concilia Germaniae*, III–IV (Coloniae Augustae Agrippinensium 1760–1761); Jaroslav V. Polc and Zdeňka Hledíková, eds., *Pražské synody a koncily předhusitské doby* [Prague Synods and Councils of the Pre-Hussite Era] (Praha: Karolinum, 2002); Pavel Krafl, *Synody a statuta olomoucké diecéze období středověku* [Medieval Synods and Statutes of the Diocese of Olomouc], 2nd edition. Opera Institutu historici Pragae, Series B Editiones, vol. 10 (Praha/Prague: Historický ústav/Institute of history, 2014). – Overview of provincial statutes valid in the Prague and Olomouc dioceses, see Pavel Krafl, "Legátské a provinciální zákonodárství pro olomouckou diecézi od poloviny 13. století" [Legate and provincial legislation for the Olomouc diocese from the mid-13th century], *Sborník archivních prací* 53 (2003): 551–581.
3. Polc and Hledíková, *Pražské synody a koncily*, 115–164, no. 13. – For provincial statutes from 1349, see Pavel Krafl, "Czech Codifications in the High Middle Ages," in *Honos alit artes. Studi per il settantesimo compleanno di Mario Asheri. Il cammino delle idee dal medioevo all'antico regime. Diritto e cultura nell'esperienza europea*, eds. Paola Maffei and Gian Maria Varanini, Reti Medievali E-Book 19/III (Firenze: Firenze University Press, 2014) 239–241; Pavel Krafl, "Arnoštova provinciální statuta z roku 1349 – významná česká právní památka" [Arnošt's provincial statutes of 1349 – an important Czech legal relic], in *Arnošt z Pardubic (1297–1364). Osobnost – okruh – dědictví. Postać – środowisko – dziedzictwo*, edited by Lenka Bobková, Ryszard Gładkiewicz and Petr Vorel (Wrocław, Praha and Pardubice: Uniwersytet Wrocławski, Univerzita Karlova and Univerzita Pardubice, 2005) 59–64.
4. The following monographs are fundamental works on medieval penitentials: Pierre Michaud–Quantin, *Sommes de casuistique et manuels de confession au moyen âge (XII–XVI siècles)*, *Analecta Mediaevalia Namurcensia*, vol. 13 (Louvain, Lille and Montreal: Edit. Nauwelaerts, Librairie Giard and Librairie Dominicaine, 1962); Maria Guiseppina Muzzarelli, *Penitenze nel Medioevo. Uomini e modelli a confronto*, *Il mondo medievale. Sezione di storia delle istituzioni della spiritualità e delle idee*, vol. 22 (Bologna: Pàtron Editore, 1994). Cf. Goering, "The Internal Forum", 410–427; Thomas P. Oakley, "The Penitentials as Sources for Mediaeval History", *Speculum* 15/2 (1940): 210–223; Winfried Trusen, "Forum internum und gelehrtes Recht im Spätmittelalter. Summae confessorum und Traktate als Wegbereiter der Rezeption", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 88, *Kanonistische Abteilung* 57 (1971): 83–126.
5. Jiří Kejř, *Summae confessorum a jiná díla pro foro interno v rukopisech českých a moravských knihoven* [Summae confessorum and other works pro foro interno in the manuscripts of Bohemian and Moravian libraries] (Praha: Archiv Akademie věd České



- republiky, 2003) 14, 37-118.
6. Josef Vašica, "Církevněslovanský penitenciál českého původu" ["Old Church Slavonic penitential of Czech origin"], *Slavia* 9 (1960): 31-48; Josef Vašica, *Literární památky epochy velkomoravské 863-885* [Literary relics of the Great Moravian epoch 863-885] (Praha: Vyšehrad, 2014), 89-92, for a translation from Old Church Slavonic into Czech, see pp. 218-226.
 7. Jiří Kejř, "Poenitentiale Werke Böhmischer Herkunft," in Jiří Kejř, *Výbor rozprav a studií z kodikologie a právních dějin* [A Collection of Essays and Studies on Codicology and Legal History] (Praha: Masarykův ústav a Archiv Akademie věd České republiky, 2012) 269-280.
 8. Jiří Kejř, "Causa conscientiae del manoscritto XII F 6 della Biblioteca dell'Università di Praga," *Studia Gratiana* 9 (1966): 201-243; reprint in Kejř, *Výbor*, 75-114.
 9. Pavel Krafl, *Dějiny církevního práva v českých zemích ve středověku* [History of Ecclesiastical Law in the Czech Lands in the Middle Ages] (Olomouc: Středoevropské centrum slovanských studií, 2022) 201-207.
 10. Jiří Kejř, "Teaching on Repetance and Confession in the Bohemian Reformation", in *The Bohemian Reformation and Religious Practice*, vol. V (Prague: Academy of Sciences of the Czech Republic, Main Library, 2004) 89-116; in Czech, see Jiří Kejř, *Z počátků české reformace* [From the Beginnings of the Czech Reformation] (Brno: L. Marek, 2006) 49-84.
 11. Dagmar Bartoňková and Radoslav Večerka, edd., *Magnae Moraviae fontes historici*, vol. IV. *Leges, textus historici* (Praha: Koniasch Latin Press, 2013) 118, edition, see pp. 119-127. Vašica, *Literární památky*, 89-92.
 12. Krafl, *Dějiny*, 201; Vašica, "Církevněslovanský penitenciál" 31-48; Vašica, *Literární památky*, 89-92. – С. И. Смирнов, *Материалы для истории древне-русской покаянной дисциплины (Тексты и замечки)* [Materials on the history of Old Russian penitential doctrine (texts and notes)], Москва 1912, 282-298 (chapter §5. II. Нѣкоторая Заповѣдь – худой номокануецъ). – Ferdinand Hecht, ed., *Beiträge zur Geschichte Böhmens*, I. *Quellensammlung*, 1. *Das Homiliar des Bischofs von Prag saec. XII*. (Prag: In commission bei H. Mercy, 1863), 81-86 (text of the penitential from the Opatovice Homiliarium).
 13. For Corrector et medicus, see J. P. Migne, *Patrologiae cursus completus*, vol. CXL, Petit-Montrouge 1853, col. 949-1014. For the mentioned tract of Decretum Gratiani, see C 23 q 3 de penitencia; Aemilius Friedberg, ed., *Corpus iuris canonici*, vol. I. (Graz: Akademische Druck- u. Verlagsanstalt, 1959) col. 1159-1247. For decret *Omnis utriusque sexus*, see Arkadiusz Baron and Henryk Pietras, eds., *Dokumenty Soborów Powszechnych. Tekst grecki, łaciński, polski*, vol. II. (Kraków: Wydawnictwo WAM, 2004), 258-260; Aemilius Friedberg, ed., *Corpus iuris canonici*, vol. II. (Graz: Akademische Druck- u. Verlagsanstalt, 1959) col. 887-888 (X 5.38.12). – Cf. Goering, "The Internal Forum", 381; Muzzarelli, *Penitenze*, 62, 69-70; Kejř, *Summae*, 14, 26-28.
 14. On synods, see Pavel Krafl, "Středověké diecézní synody v Čechách, na Moravě a ve Slezsku" ["Medieval diocesan synods in Bohemia, Moravia, and Silesia"], *Časopis Národního muzea, řada historická*, 169, no. 1-2 (2000): 1.
 15. Schannat and Hartzheim, *Concilia Germaniae*, III., 572-573.
 16. Schannat and Hartzheim, *Concilia Germaniae*, III., 597-598, 603-605.
 17. Schannat and Hartzheim, *Concilia Germaniae*, IV., 11.
 18. Schannat and Hartzheim, *Concilia Germaniae*, IV., 219-222.
 19. Krafl, "Legátské a provinciální zákonodárství," 557, 565; Krafl, *Dějiny*, 118.
 20. Polc and Hledíková, *Pražské synody a koncily*, 157-161, no. 78-82.
 21. Polc and Hledíková, *Pražské synody a koncily*, p. 239, no. 38/4-5 (18th October 1387); pp. 270-271, no. 55/8 (15th June 1404); p. 273, no. 56/5-6 (18th October 1404); p. 274, no. 57/7 (15th June 1405); p. 279, no. 59/10 (15th June 1406); p. 282, no. 60/6 (18th October 1406); p. 302, no. 58/5 (16th June 1413).
 22. Krafl, *Synody a statuta*, pp. 247-249, no. A.I (1253); pp. 251-252, no. A.II/2-3 (1282); pp. 259-260, no. A.III/3 (1318); pp. 327-329, no. A.VI/10 (1413); pp. 365-366, no. A.VIII/9 (1431); pp. 377, no. A.IX/17 (1461 and 1498).
 23. Polc and Hledíková, *Pražské synody a koncily*, 157-158, no. 78; X 5.38.12.
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