

Remembering how to fast in medieval Poland: the papal legate Jacques Pantaléon on regional and ethnic particularity*

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This article begins with a conciliatory decree by the papal legate Jacques Pantaléon issued in 1248 in Poland. During the twelfth and thirteenth centuries, Poland had seen an influx of German settlers. These observed Lent differently from the Poles, whose fast was two weeks longer. The Polish bishops imposed the longer fast on the Germans, who then protested to the legate. The legate decided that both ethnic communities should be allowed to follow their traditional practices; more than that, it was up to everyone to follow their conscience in the matter. This is an indication of a generally *laissez faire* attitude of the papacy towards local variation when no principle or dogma was involved.

The problem had arisen from tension between two ethnic groups, but the history of how the decision was remembered shows the dissipation of that tension. Instead of being remembered as a rule that marked out two distinct identities, it was reported to be a general relaxation, or, in the case of one source, a concession to the laity in the face of the austere demands of the clergy. The original decree's emphasis on two ethnic groups was in time forgotten. Thus, the history of the memory of the decree is an index of the assimilation of the two ethnic groups into a more unified religious community.

In 1248, the papal legate to Poland, Prussia, and Pomerania, Jacques Pantaléon (c.1195-1264), held a synod in Wrocław, attended by bishops or envoys of all the Polish dioceses and many abbots and priors. The statutes issued ranged from those against lay abuses of

clerical property or clerical concubinage to ones outlining the celebration of Corpus Christi.¹ The last one is not surprising, since it was Jacques Pantaléon, later Urban IV (1261-1264), who formally instituted the feast in his 1264 bull *Transiturus de hoc mundo*.² We are dealing with an experienced and educated cleric.³

One decree passed by Pantaléon merits special attention due to its content and the history of its reception. It is the decree *De esu carniū Theutunicarum [sic] et Polonorum*.⁴

It reads:

Cum nuper per Wratislaviensem et Cracoviensem dyoceses transitum faceremus, accesserunt ad nos Theutonici qui ad incolendam terram eandem de Theutonia advenerant, nobis querimoniam deponentes, super hoc, quod eorum episcopi, ut dicebant, eos per excommunicacionis sentenciam compellebant ad hoc, uti singulis annis a Septuagesim usque ad Pascha a carniibus abstinerent: pro eo, quod homines regionum illarum eisdem temporibus ab esu carniū consueverant abstinere. Sed cum ipsi Theutonici, ut dicebant, et progenitores ipsorum consuevissent usque ad feriam terciam ante diem Cinerum comedere semper carnes, et partes istas cum tali consuetudine intravissent eamque continue et sine interrupcione servassent, nec votum sive obligacionem contrariam emisissent, nolebant ut dicebant a Septuagesima usque ad diem Cinerum ab esu carniū abstinere nec renunciare super hoc iuri suo, cum nec contra fidem nec contra observanciam universalis Ecclesie istud esset, ex maxime, cum plures ex hominibus regionum ipsarum, iam prefatis diebus carnes cum ipsis Theutonicis comedere incepissent. Nos igitur attendentes quod apostolus Paulus dicit: Quod esca nos non commendat Deo: et quod hinc et inde multitudo populi est in causa, mandamus, ut tam comedentes carnes diebus predictis quam non comedentes, in hac parte suis rationabilibus conscienciis relinquatis, prohibentes, ut ad abstinendum vel non abstinendum ab esu carniū diebus predictis nullus predictorum de cetero compellatur; sed qui manducat carnes temporibus antedictis, non manducantem non spernat, et qui non manducat, non

*iudicet manducantem. Excommunicacionis sentencias, si que late sunt propter hoc, relaxantes.*⁵

[When we were recently travelling through the dioceses of Wrocław and Cracow, there came to us Germans who had come to settle that land from Germany, lodging a complaint to us that their bishops, as they said, compelled them under pain of excommunication to abstain from meats every year from Septuagesima until Easter: because men of this region have it in their custom to abstain from eating meat in this period. But since the same Germans, as they say, and their ancestors, were accustomed always to eat meat until the third day before Ash Wednesday, and they entered these parts with this custom and preserved it continually and without interruption, and they have not undertaken an oath or contrary obligation, they are unwilling, as they say, to abstain from eating meat from Septuagesima until Ash Wednesday, or to renounce their law [*iuri suo*] in this matter, since it is not against the faith nor the observance of the universal church, and especially since many men of this region have now begun to eat meat on these days together with the Germans. We, therefore, mindful that the apostle Paul said, ‘Because food does not commend us to God’ [1 Corinthians 8:8], and because many people on either side are involved in this dispute, mandate that – to both those eating meat on the days in question as well as those not eating – you should leave this matter to the reasoning of their conscience, so that no-one abstaining or not abstaining from the consumption of meat in the aforementioned days should in the future be constrained; but whoever eats meat in the times in question should not despise those that do not; and whoever does not, should not judge whoever does. We relax any sentences of excommunication that have been given because of this.]

The point in dispute is that both Germans and Poles living in the province should be able to keep their respective customs. The Poles could fast from Septuagesima, the ninth Sunday before Easter, while

the Germans could fast from Quinquagesima, the seventh.⁶ Neither practice could be grounds for excommunication. As described in the decree, the fact that the local population was adopting this foreign practice encouraged the local clergy to try to eradicate it, since it threatened their authority. Pantaléon, cautious of aggrieving either side, ruled that both lengths of fast were permissible. Yet commentators, medieval and modern, have not always understood this ruling to be accepting of both practices.⁷ It was, moreover, the only decree apart from one creating the role of the *officialis*, to gain any attention from modern historians.⁸

This paper analyses papal regulation on fasting in thirteenth century Poland and its later reception. Its aim is to use a particular episode to cast light firstly on the distinctiveness of regional forms of religious practices and secondly on the role of ethnic particularities on this process. This issue allows historians to think about moderate and widespread forms of bodily regulation beyond the extreme types of abstinence that have dominated the historiography. It also provides an example of changing social memory and communal misremembering. By doing so, it challenges the dominant historiographical position that presents this legatine decree as having straightforwardly changed religious practices in Poland to be more fitting with the rest of Latin Christendom. Finally, it enables an exploration of how prescriptive papal policy was when dealing with an important, but not doctrinally controversial matter.

The legatine decree makes it clear that fasting was caught up problematically with issues of identity in Poland. The settlement of German-speaking groups in Poland, Bohemia, and Hungary in the thirteenth century and its consequences is a well-studied process.⁹ Differing Lenten practices were not the only sources of tensions between Poles and Germans. Newcomers were often given land and legal status that was more favourable than that of the locals.¹⁰ Linguistic issues were also problematic, especially when it came to education and religious worship. In 1285, archbishop Jakub Świnka (1283-1314) held a provincial synod which ruled that the language of instruction in cathedral schools and during sermons was to be Polish.¹¹ This went directly against another of Pantaléon's 1248 decrees, which stipulated that parts of the Mass should be said in the vernacular, which could be

either in Polish or German, depending on the congregation.¹² Since the issue of fasting was taken up quite actively by the Polish clergy, who attempted to bring the newcomers in line with local customs as part of their pastoral duties, it is clear that Lent could be another point of contention.

It is therefore not surprising that the local dispute over fasting was brought before the papal legate. Aforementioned tensions aside, fasting and abstinence were important aspects of Christian practice.¹³ N. Tanner and S. Watson have clearly demonstrated that for the medieval period and beyond, fasting made one a Christian, since observing the various prescribed fasts – such as Lent – was one of the very few duties of the laity, aside from attending Mass.¹⁴ P. Biller has drawn attention to the clergy's interest in the actions of the faithful as discerning the latter's beliefs, and fasting falls into this category.¹⁵

However, most studies of fasting and abstinence focus on remarkable individuals, from C. W. Bynum's female saints and mystics to K. Harvey's English bishop saints.¹⁶ These historians have illustrated the public nature of fasting (and feasting). Because fasting was public and easily discernible, as well as inherently flexible, it had the potential for upsetting communities.¹⁷ Because it was a cornerstone of religious practice, it was an important concern for the clergy. The penitential aspect of fasting has also been studied.¹⁸ But the routine issue of the Lenten fast – by definition affecting far more people – has remained unexplored, though equally multi-dimensional. Ultimately, it was a manifestation of the liturgical calendar.

Notwithstanding this, the Lenten fast scarcely figures in medieval canon law. The collections of papal pronouncements found in Pseudo-Isidore and Ivo of Chartres, Gratian's *Decretum* and the *Liber Extra* have only brief pronouncements related to Lenten fasting. Moreover, these relate to monastic and/or clerical communities. The first instance (one of Pseudo-Isidore's false decretals), is the proclamation of Pope Telesphorus (126-137):

Statuimus, ut septem ebdomadas ante sanctum pascha omnes clerici in sortem Domini uocati a carne ieiument: quia sicut discreta debet esse uita clericorum a laicorum conuersione, ita et in ieiunio debet fieri discretio. Has ergo septem ebdomadas omnes clerici a carne et deliciis ieiument,

*et ymnis et uigiliis atque orationibus inherere die nocturne studeant.*¹⁹

[We decree that all clerics called to God are to fast from meat for seven full weeks before Easter, since, just as the way of life of clerics should be distinguished from the behaviour of laypeople, so too a distinction should be made in fasting. Therefore, for these seven weeks all clerics will fast from meat and delicacies, and dedicate themselves to hymns and vigils and prayers ordained by God day and night.]

This seven-week fast would thus begin at Quinquagesima and involve the abstention from consuming meat and delicacies. It was mentioned explicitly as Quadragesima, or Lent, at the First Council of Nicaea in 325, thus becoming more fully codified as pertinent to the universal church.²⁰ However, pope Gregory I (590-604) instructed archbishop Augustine of Canterbury (601-604) that while the fast for clerics was to take this shape, the laity could fast according to local custom.²¹ This illustrates that while Lent was also to be observed by the laity, it was not explicitly outlined. These collections of canon law were known in Poland, at least at the episcopal sees and their cathedrals and schools, who transmitted these prescriptions.²² Moreover, the counting of the days of fasting could differ, depending on whether certain days of the week (e.g. Thursdays, Saturdays, Sundays) were to be included.²³ Hence the two practices of starting either at Septuagesima or Quinquagesima found in Poland. In the twelfth and thirteenth centuries, the Lenten fast developed into a general time of abstinence, but at its core lay the prohibition of eating meat.²⁴ Nevertheless, no decrees related to fasting were passed at the Lateran and Lyons councils in the twelfth and thirteenth centuries, and the Lenten fast of the laity remained uncoded.

Based on this, we may assume that the only institutional form of fasting known in Poland was that of clerics, who would fast for seven weeks. Aside from these rulings found in law collections, the practice must have been propagated by monastic communities, especially the Cistercians, settling Polish lands.²⁵ But the question of the origins of the nine-week fast remains unanswered. Where did this custom come

from? As will be shown below, it was remembered as ancient. Perhaps there was confusion caused by the Latin nomenclature. Someone less familiar with the liturgical calendar, and especially a layperson, might conclude that ‘Septuagesima’ rather than ‘Quinquagesima’ is seven weeks. But these are just assumptions that cannot be proven. But because fasting was not precisely instituted in a top-down fashion, with little written evidence throughout the Latin Church, we should not take this situation as unique. What is distinctive is the bottom-up need for clarification, which stemmed from a diverse population of different customs. This bears some similarity to the issue of liturgical writing in Slavic-speaking countries: also in 1248 the bishop of Senj in the Kingdom of Croatia sought papal approval for the use of a different script (and language) for local use, which was granted.²⁶ As long as local customs did not go against codified doctrine, they had papal approval.

As we have seen, penitential fasts as well as the Lenten fast had specific prescriptions about what foods could be consumed. This has been studied in penitential literature as well as in monastic rules.²⁷ A fast could mean only consuming bread and water (called *carena/carina*), but this was often mitigated and made more accessible. A penance of a year’s fast included the observance of this *carena/carina* for three days of the week, while incorporating vegetables and fruits during the remaining days.²⁸ Sundays and feast days were exempt from such fasts. Monks living under the rule of St Benedict gave up meat for good unless ill; however, the rulings on animal fats, dairy, and eggs could differ.²⁹ Hence, we see that Pantaléon’s decree was not a decree that defined the Lenten fast in detail. Rather, the only ruling the legate made was that the eating of meat was permissible in the two weeks between Septuagesima and Quinquagesima.

From this we can deduce that the minimum requirement for Lent as observed in Poland, and elsewhere in Latin Christendom, was to give up meat, rather than a more rigorous abstention from all animal products. More precisely, this was the only aspect of the fast that the papal legate was prepared to rule on, leaving the details to be decided locally if need be. It is therefore telling that the Polish clergy singled out the eating of meat, and this is what Pantaléon ultimately addressed in his decree. However, this raises the question of whether the

prohibition of consuming meat had a significant impact on the faithful. In their analysis of animal remains found throughout Poland, A. Jarczyk et al. have demonstrated a steady rise in the consumption of meat, especially pork, in towns and countryside alike in medieval Poland.³⁰ More generally, M. Montanari has demonstrated that meat was an important part of the European diet, the most valued and important foodstuff of all.³¹ Lenten abstinence from meat was meant to remove both the contemporarily-perceived health benefits and the pleasure of eating meat.³² Hence, the belief that only the elites consumed meat in the middle ages is misleading.³³ European society, especially in Poland, was largely rural and the raising of the most common domestic animal meant for eating – pigs – was widespread. Moreover, meat was easily prepared to last through the winter. With these thoughts in mind, we can conclude that the absence of meat for an extra two weeks in one's diet was not so much a significant physical deprivation, but a symbolic act of Christian identity and belonging.

Before analysing the way that Pantaléon's decree was remembered in medieval Poland, it is worth showing that these preoccupations about fasting were prevalent in Poland more broadly, especially in hagiographical texts. Various Polish saints' lives often deal with fasting and the consumption of meat. The attention paid in such lives to remarkable feats of fasting is likely indicative of the lower requirements made of laypeople. Nevertheless, saints were models for imitation. In 1285, Jakub Świnka and his suffragans mandated that each cathedral and conventual church in Poland possess a copy of the *Vita Sancti Adalberti*, the life of the first Polish saint, Wojciech/Adalbert (956-997).³⁴ So, many were familiar with his frequent fasts combined with prayers.³⁵ Indeed, the preoccupation with the observation of appropriate fasts is explicit in the *Vita*:

*Populus autem erat durae cervicis, servus libidinum factus; miscabantur cum cognatis, sine lege, cum uxoribus multis. Mancipia christiana perfidis et Judeis vendebant; dies festos confusa religione observant, dies vero ieiuniorum voluptatibus vacantes, omnino non curant.*³⁶

[But the people were stiff-necked, slaves of their lust. They had intercourse with their relations, lawlessly, and with many

wives. They sold Christian slaves to unbelievers and Jews, they observed feast days with confused rites, giving up fasting days to their lusts, they could not care less.]

Likewise, the mid-fourteenth century life of St Jacek/Hyacinth (1185-1257) also describes him fasting on bread and water at specific times in the year, including Lent.³⁷ Importantly, other saints' lives allude not only to the attention paid to moderation of consumption, but also the status of meat. The hagiographer writing the life of St Jadwiga/Hedwig of Silesia (1174-1243) at the end of the thirteenth century highlighted her abstinence from meat during Lent and attempt to do so at other times, until she was told by her confessor to eat it to maintain her health.³⁸ Her daughter-in-law, duchess Anna of Silesia (1203/1204-1265), gave up meat after the death of her husband, Henry the Pious (d. 1241), according to a fourteenth-century *vita*.³⁹ St Kinga/Cunegunda (1224-1292), most strikingly, was advised by her confessor to eat meat only in secret, so that she could benefit from its nourishment, but uphold her public piety.⁴⁰ Abstention from meat was clearly a contemporary concern.

However, aside from the 1279 synod held in Buda, Hungary (but also binding in the Polish province) by the legate Philip bishop of Fermo (1273-1300), none of the other synods held in Poland during the thirteenth and fourteenth centuries, whether legatine, provincial, or diocesan, included any rulings on dietary customs or Lent. In 1279, the legate ruled that monks of all orders were to abstain from meat and blood from Septuagesima until Easter – confirming that indeed this longer fast was a local custom, even among the regular clergy.⁴¹ To compare with an earlier example from 1106/7, the archbishop of Esztergom in Hungary decreed that a book approved and promulgated by him containing the order of divine office and fasting was to be held and followed by the clerics of his province.⁴² This suggests that there was no particular top-down interest in the laity's Lenten customs, only rare reference to monastic and/or clerical customs. But when the situation began affecting 'ordinary' people – the Germans living in Silesia and Lesser Poland – they complained to the legate. On no other occasion that we know of did the clerical elite become involved in these matters. We can see then that

notwithstanding the centrality of fasting general within Christian practice, the particular issue of the Lenten feast was not an institutional preoccupation, but one which arose from localities and only then engaged the attention of prelates. The religious regulation of food mattered to the laity.

Keeping these discussions in mind, let us now turn to the reports of this synod in the relatively small corpus of Polish historical writing from the middle ages. Many medieval works have been lost and the manuscripts that did survive were rarely original but rather fifteenth- or sixteenth-century copies. So one must be cautious when dealing with terse, annalistic works which are hard to date. Here, I proceed in order of composition, relying on the most recent conclusions.

Let us start with the *Annals of the Cracow Chapter* (completed c. 1271), which recorded that the legate Jacques Pantaléon permitted 'to whom it pleased' the eating of meat after Septuagesima (*indulsit in Polonia, quibus placet carnes comedere post septuagesimam*).⁴³

The *Greater Polish Annals*, otherwise known as the *Short Annals*, found in the *Chronica longa seu magna Polonorum* family of historical texts, were written and compiled as we have them at the end of the fourteenth century, though believed to be composed in the second half of the thirteenth century.⁴⁴ This work has a more substantial description of the event: Jacques 'with the counsel of bishops absolved the Poles of the oath which required them to remain abstinent from meat.' It elaborates that the ancient custom had it that Poles would stop eating meat from *Circumdedederunt me* Sunday (Septuagesima), but that many did not, and were therefore frequently excommunicated, and it was seen as greatly endangering their souls. Hence, the legate ruled 'that the Poles and others inhabiting this land would have it in their free decision, that if some wanted by their free will to abstain from meat from the mentioned Sunday until Easter, they could; and if they did not want to, they could start their fast on *Esto mihi in deum protectorem* Sunday [Quinquagesima].'⁴⁵ It is important to note that it was a contemporary concern that the wrong length of fast would endanger one's soul.

We see that these two annals accurately recapitulated the essence of the synodal decree. The significant omission is that the difference in fasting arose from ethnic customs. However, in the rubric included in

the *Greater Polish Annals*, the author/scribe wrote that the decree absolved the Poles from fasting from Septuagesima. This is a subtle but important variation which we will continue seeing: there is a difference between changing one custom to another one and stating that both customs are permissible.

The late thirteenth-century *Franciscan Annals of Cracow* state that in 1268 [sic] ‘Jacques, legate of the apostolic see permitted the Poles to eat meat after Septuagesima, a custom the Poles had for 300 years.’⁴⁶ We see again the simplification of the decisions made at the synod, but with the additional detail that the longer fast had been the custom for three centuries. Their incorrect synodal date is nevertheless instructively wrong since if we go back 300 years from 1268 we arrive at 968 for the start of this custom, immediately after Poland formally ‘accepted’ Christianity following duke Mieszko I’s (d. 992) baptism in 966. By the late-thirteenth century the longer, Polish Lenten fast was considered an important and well-established, if not indispensable, customary law.⁴⁷

Two of the four manuscripts of the *Annals of Lesser Poland* list the synod.⁴⁸ The Kuropatnicki Codex has ‘Jacques legate of the apostolic see permitted meat to be eaten after Septuagesima’ under 1247.⁴⁹ The Królewiec Codex has ‘Jacques Roman legate permitted the eating of meat after Septuagesima’ under 1286.⁵⁰ Similarly, in the *Annals of Sedziwój*, (completed by c.1330) but known only from a fifteenth-century manuscript, we again see that the decree was described in a simplified way.⁵¹ The legate is said to have permitted the eating of meat after Septuagesima: *indulget carnes comedere post septuagesimam*.⁵² This recurring omission of ‘*quibus placeret*’ is important, because it makes it seem like Pantaléon permitted the consumption of meat to all, thus presenting the shorter fast as fostering a uniform change in practice.

We can see then that the Cracow Chapter Annals and the *Greater Polish Annals* are most accurate as to the decree’s details. The Cracow Chapter likely had copies of the decrees on hand. With regards to the *Greater Polish Annals*, any assessment is more tentative. But if these were a product of the cathedral chapter of either Gniezno or Poznań, the two episcopal sees of Greater Poland, then it too would make sense for the author or authors to have access to the synodal decrees.

The other annals are of less certain origins and likely produced away from cathedral chapters, which could lead to the loss in detail. This would be even more likely if indeed, the shorter fast had been adopted by most of the population by c.1300. Were that the case, there would have been little point in copying the details of Pantaléon's ruling.

Yet not all accounts of the synod simplify matters. A number expand them in interesting ways. The first one is the anonymous *Chronica Poloniae Maioris*, the *Greater Polish Chronicle*, completed as we have it by 1297.⁵³ Nineteenth-century editors ascribed the first half of this work to bishop Boguś II of Poznań (1242-1253), himself present at the 1248 synod. This would have been fortunate; however, it is impossible, since the very part ascribed to him contains information about events that transpired after the bishop's death.⁵⁴

The anonymous author writes:

*Anno itaque MCCXL octavo, Jacobus archidiaconus Leodnensis, domini papae capellanus, et in Polonia, Prussia et Pomorania ejusdem nuncius, celebravit synodum in Wratislavia. Cui interfuerunt: Fulco archiepiscopus Gnesnensis, Thomas Wratislaviensis, Boguphalus Posnaniensis, Prandota Cracoviensis, Michael Wladislaviensis, Petrus Plocensis, Nankerus Lubucensis et Gunterus Culmensis, primus ordinis Cisterciensis, qui de abbate ejusdem loci de novo in episcopum fuit creatus. In qua synodo idem Jacobus de consilio et consensu episcoporum praedictorum indulisit Polonis uti carnibus libere a septuagesima usque ad quinquagesimam. Consueverunt enim Poloni dicto tempore, more primitivae ecclesiae, ab esu carniū abstinere. Et quia plurimi frequenter violabant, et ob id excommunicabantur, et eveniebant ex hoc pericula animarum, ideo indulgentia hujusmodi ipsis fuerat concessa.*⁵⁵

[In the same year 1248, Jacques archdeacon of Liège, chaplain of the Lord Pope, and his nuncio in Poland, Prussia and Pomerania, celebrated a synod in Wrocław. At which were present: Fulk Archbishop of Gniezno, Thomas Bishop

of Wrocław, Bogufał Bishop of Poznań, Prandota Bishop of Cracow, Michael Bishop of Włocławek, Peter Bishop of Płock, Nanker Bishop of Lubusz and Gunther Bishop of Chełmno, first of the Cistercian order, who from abbot of the same place was made bishop. In which synod the same Jacques with the counsel and consent of the aforementioned bishops permitted to the Poles to consume meat freely from Septuagesima until Quinquagesima. For it was the custom of the Poles of that time, in the mode of the primitive church, to abstain from the consumption of meat. And because many frequently violated [this custom] and were because of that excommunicated, and their souls fell into danger because of this, the indulgence in this manner was conceded.]

Four decades after the synod, the decree was described to have lessened the burden of the fast for the Poles, so that it would start after the last Sunday before Ash Wednesday, or Quinquagesima, instead of after the third Sunday – Septuagesima. Furthermore, the chronicler described this longer, Polish, fast as the fast of the ‘primitive church.’ In the text of Pantaléon’s decree, no such assertion was made. It was only stated that the Germans argued that it was in the custom of the universal church to fast from the week of Ash Wednesday.

This chronicle mentions no ethnic division, either. It simply states that some believers fasted for a shorter period of time, to the endangerment of their souls, since this incurred excommunication. Polish ‘modernisation’ was stressed, since the chronicler portrayed the Polish church as leaving behind its primitive custom and entering more fully Latin Christendom’s fold with the papal legate’s help. Doing so, the chronicler stressed the unity of practice within Christendom, but more importantly, its implementation within the Polish province. This has been represented as an effort to bolster the process of recreating the Polish kingdom under Przemysł II, who was constantly praised throughout the text.⁵⁶ Przemysł II had the support of archbishop Jakub Świnka, who, as we have seen, was a great proponent of the unity of the church, which could be strengthened by a monarch.⁵⁷

Given that the original decree did allude to the fact that some locals were imitating the German settlers and adopting the shorter fast, another interpretation of the *Greater Polish Chronicle's* account is possible. It might suggest that the ethnic origins and divisions of fasting had become blurred by 1297, and the chronicler no longer considered the shorter fast a 'German' fast, but something that was merely practiced by 'some people' – including Poles. This would suggest that the effects of the decree were not a continuation of two separate customs, but the rapid spread of the shorter fast.

It is not until the mid-fifteenth century that another chronicle offers comment. Jan Długosz (1415-1480), cleric and royal courtier at Cracow, wrote a comprehensive history of the Polish Kingdom – the *Annales seu cronicae incliti regni Poloniae*. Although this is a late work, medievalists of Poland rely on it heavily, and rightly so. It incorporates information from many chronicles and charters that are now lost.³⁸

Długosz describes the synod:

Ever since it accepted Christianity, the Kingdom of Poland has held to the basic principle of a forty day Lent lasting from Septuagesima Sunday until Easter. This has been the cause of much misunderstanding between clergy and laity, for the latter protest that the custom does not agree with that of the Roman Catholic Church and has been abandoned everywhere else and so is not binding on them. After days of discussion, the Papal nuncio uses his powers to abolish the custom and permit the eating of meat by clergy and laity alike, until and including Ash Wednesday.³⁹

Długosz presented the custom of the longer fast as ancient, but suggested that the conflict lay between the clergy and the laity, not Poles and Germans. Furthermore, Długosz stated that the laity knew that elsewhere within the 'Roman Catholic Church' the old custom had been abandoned, and so it should have been in Poland as well. Lastly, Długosz adopted the view that the long fast was abolished completely and all in Poland were to fast only from Ash Wednesday.

In an ideal situation, we could compare these annalistic and chronicle works produced in Polish settings with chronicles stemming

from the other group in question – the German settlers. Unfortunately, as noted by L. Scales, it is simply the case that the Germans east of the Oder did not produce any substantive historical texts that could provide a fuller picture of their coexistence with their Slavic hosts.⁶⁰ The only two works are the early fourteenth-century *Prussian Chronicle* of Peter of Dusburg, and the early thirteenth-century *Livonian Chronicle* of Henry of Livonia. These, however, describe the Christianising efforts on the Baltic coast, from the Christianisation of Pomerania to the crusades against the Prussians and Lithuanians. Neither work mentions Lenten practices. So we are left with little to reconstruct the German response to the legatine ruling. And from what we have seen, it seems that this ceased to be an issue causing conflict, since the fast practiced by the Germans was adopted more generally.

It is worth noting Pantaléon's language in his decree. His ruling used *mando, mandavi*; 'to give an order, to command.'⁶¹ However, in all the iterations of the synod, the term we find is *indulgeo, indulsi*. This has different connotations.⁶² The meaning that concerns us is 'to accede, to allow.' But the same word could mean 'to be lenient, indulgent, forgiving' or 'to give free play.' Therefore, we see the reception of the decree shifting from a permissive command to a magnanimous, lenient permission. Along with the continuing trope of the custom of abstaining from meat from Septuagesima as being old-fashioned but nevertheless practiced, this 'courteous' decision present in later accounts of the synod shows Pantaléon to have been relieving the Poles of their burden with sympathy.

What can we deduce from this trend? Initially, the different fasts marked different ethnic customs. However, within decades of Pantaléon's visit, the ethnic divisions were no longer being stressed or recalled. Further, from the actual ruling that both practices were permissible, medieval historians and perhaps their wider communities 'remembered' only the shorter fast.⁶³ From this we can conclude that the two different fasts, in the end, were not strong markers of ethnicity, or indeed were not perceived as such at all. The different fasting practices did not continue to be sources of conflict. By the time annalists and chroniclers were recounting the synod, the ethnic origins and divisions of these customs had been blurred, and the shorter fast

was no longer a ‘German’ fast, but a fast accepted by many people. This suggests that the effects of the legatine decree were not a continuation of two separate customs, but the rapid replacement of the longer fast by the shorter one, a logical outcome. Likewise, the abandonment of the longer fast was perceived to be a positive development for the local Church, since it was described as primitive, while the new one was brought about by a papal legate and was more in-tune with Christendom-wide practices.

This one, seemingly small case, provides an insight into the rapid changes in the society and religious practices of thirteenth-century Poland. Ethnic markers were taking on different expressions – especially linguistic ones – while religious life as a whole appears increasingly unified.⁶⁴ Perhaps because fasting, unlike language, was a necessary yet flexible and public requirement of the faithful, its role as an identity-marker was easily dropped, as it was simply easier and more pragmatic for both the local clergy and the laity to practice and enforce one (less demanding) custom, rather than continue fostering different practices, especially if their origins were being rapidly forgotten. However, we must remember the flexible attitudes towards language and writing that the papacy and papal legates upheld. These matters, taken together, fall under the more modern term ‘adiaphora,’ which denotes practices important, but not central to institutional religion.⁶⁵ Yet they were clearly important to believers. The *laissez-faire* attitude of the papacy followed by the Polish reinterpretation and appropriation are particularly telling, showing that memory and constructive misremembering were important aspects of group formation.

Having analysed the medieval historical accounts of this decree, let us briefly go back to the decree itself, and its own transmission. The 1264 originals confirmed by Urban IV were copied alongside new provincial decrees issued by archbishop Jarosław Bogoria of Gniezno (1276-1376) in 1357 as part of his overhaul of canon law in Poland.⁶⁶ In his analysis of this, W. Uruszczak argued that many of the previous texts containing synodal decrees had been destroyed when this new compilation was made, and the authors/scribes of the compilation often omitted or changed the texts of the older decrees to fit the current mood.⁶⁷

This cannot have been the case with the Pantaléon's decree *De esu carniūm*. If it had been altered in the fourteenth century, it seems probable that the decree would have been revised by Jarosław to read *more* like the chronicles – and so probably reflect contemporary fasting practices. Therefore, it is most likely that at least these legatine decrees had been faithfully copied in 1357 in the manuscripts found in Wrocław and Poznań. In 1917, W. Abraham argued the text of the 1248 decrees must have been somewhat altered in 1264, when Pantaléon's/Urban IV's legate, bishop Anselm of Warmia, had them reissued, especially when considering the edition based on Stronczyński's manuscript, which did not include *De esu carniūm*.⁶⁸ However, W. Abraham conceded that it would have been highly unlikely that the specific decree on fasting was altered, since it was probably still relevant.⁶⁹ Lastly, he mentioned in passing that in 1357, the issue of whether the fast was to be seventy or forty days long was a moot point, and therefore there was no need to redact it. This would tentatively place the disappearance of the ethnic dimension of fasting sometime between 1264 and 1357. If tensions between Poles and Germans were indeed intensifying in this period,⁷⁰ then this strikingly implies that religious practices (if not the language of worship) were not vectors through which ethnic divisions were articulated. The ease with which the shorter fast replaced the longer fast may also be attributed to the fact that this was the only mode of Lenten fasting found in medieval canon law collections. If clerics concerned with the appropriate Lenten fast were to consult the legal resources they had, they would only find a seven-week fast.⁷¹ Therefore, practically, there was no need to redact the text of *De esu carniūm*, because it no longer caused controversy.

Thus, we see that in the Middle Ages, the way that the legatine decree was portrayed was not always faithful to the original decree and changed over time. What is apparent is that however this decree was (mis)remembered after 1248, it was the only one that provided cause for comment. This suggests that of all Pantaléon's other 1248 rulings it was the one to resonate most with Poles and, indeed, changed local practices. The Silesian Dominican preacher Peregrin of Opole (c.1260-c.1333) composed a series of sermons at the end of the thirteenth century.⁷² While the sermons for Septuagesima, Sexagesima,

and Quinquagesima do not mention fasting at all, it is discussed in the sermon for Quadragesima, the first Sunday of Lent.⁷³ Peregrin explains the virtues of taking Christ's example and fasting for forty days, though he does not specify in what way and how long believers are to fast. Nevertheless, it is telling that the preacher chose the first Sunday after Ash Wednesday as the time to bring up fasting – it reflects contemporary expectations and customs.

It is important not just to re-trace what the synod promulgated, but also to understand its reception in its time. The difference between what Pantaléon decreed and how it was re-presented is significant – both in terms of Polish history, but also in terms of our understanding of papal and legatine approaches to variable religious practice throughout the Latin world. In terms of Polish history, we see that this was not a key event in which Poland entered more fully into Christendom by accepting its norms, as has been presented in influential historiographies. The first medieval accounts of the synod accurately reported the decision conceding that two modes of fasting were permissible. Only later texts began simplifying this and stating that the legate had allowed the Poles to adopt a different practice.

In terms of the history of the papacy, we see that in the matter of Lent, the papal legate did not see the presence of various practices as a problem in need of resolution. Multiple customs could be present, as long as neither went against the widespread doctrine that Lent last forty days. Pantaléon, already an experienced cleric by 1248, accepted the situation he encountered in Poland and did not try to alter it.⁷⁴ He endorsed both customs and highlighted that they both gained their legality from having the papacy's approval. Pantaléon went on to be bishop of Verdun and patriarch of Jerusalem before being chosen as pope in 1261. As historians continue to revise older accounts of the 'papal monarchy' of the thirteenth century, let alone the 'victory of the papacy,' it is worth asking whether *laissez-faire* tendencies such as Pantaléon's in 1248 were carried forward into other areas. Pantaléon was not interested in promoting a uniform model of religious practice, but in ensuring that differences that were doctrinally sound would not produce resentment and discontent within the church. This fits the model of the papacy as a rescript government, gaining its powers and

influence from reacting to local needs rather than proactively imposing laws.⁷⁵

Lastly, this medieval reception of the decree is particularly telling, since it offers a rare opportunity for tracing the effectiveness of the introduction of a new legatine ruling in the Polish ecclesiastical province.⁷⁶ It shows that in the decades following the synod, the dominant trend only increased: 'Polish' adoption of 'German' customs. Nevertheless, with respect to the religious practice of the Lenten fast, it was a trend that was remembered without any hint of ethnic particularism. Instead, it was remembered in inaccurate terms of ancient and primitive customs and practices. What had been originally a matter of merely legatine pragmatism in the face of German-Polish ethnic tensions was remembered as an act of ecclesiastical 'modernisation' in which the Germans' role had been quietly but firmly dropped.

This article has demonstrated the extensive flexibility of the papacy when faced with non-dogmatic issues not codified in canon law, yet nevertheless constituting an important role in the every-day practice of religion. It has shown that although there was no prescriptive institutional concern over lay observance of a key liturgical ritual, there was bottom-up need for such prescription in the face of local conflict. Simultaneously, it has illustrated that such top-down pronouncements did not necessarily translate into practice, and that their reception depended to a great extent on local (changing) circumstances. The availability of more concrete decrees on fasting found in canon law, combined with the ease of enforcing one custom rather than two, proved more enduring.

Notes

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1 *Codex Diplomaticus Majoris Poloniae* [henceforth CDMP] (Poznań, 1877), nr. 274. To summarise, the statutes dealt with clerical conduct and

- cure of souls, the collection of tithes and Peter's Pence and the prohibition of lay interference in these matters, some duties of bishops, archdeacons, and abbots, the care for the host and sacred oils, the care over cemeteries, Corpus Christi, lay participation in Mass, and the prohibition of enlisting infidels against Christians in armed conflict.
- 2 M. Rubin, *Corpus Christi: the Eucharist in Late Medieval Culture* (Cambridge: Cambridge University Press, 1991), 175-7.
 - 3 Previously, he was canon of Lyons and archdeacon of Liège: S. Cerrini, 'Urbano IV' in *Enciclopedia dei papi* at http://www.treccani.it/enciclopedia/urbano-iv_%28Enciclopedia-dei-Papi%29/.
 - 4 CDMP.274. The decrees survive in their 1264 confirmation by Pantaléon as Urban IV. This edition is based on the set of decrees held at the Wrocław Archdiocesan Archive, sig. III a. 31a. Pantaléon's decrees had been copied and reissued alongside the 1357 decrees of archbishop Jarosław Bogoria, CDMP.1349 (Poznań Archdiocesan Archive *Liber privilegiorum B*, #176) and CDMP.1350 (Wrocław Archdiocesan Archive sig. I 8). A manuscript edition compiled by medieval historian, paleographer, and numismatist Kazimierz Stronczyński (1809-1896) contained a different version of Pantaléon's decrees, omitting *De esu carniū* and others while including additional ones, was edited, alongside a similar compilation of medieval ecclesiastical law held at the Imperial Library in St Petersburg in 1856 by Romuald Hube: *Antiquissimae constitutiones synodales provinciae gneznensis. Maxima ex parte. Nunc primum e codicibus manu scriptis typis mandatae* (St Petersburg: 1856), pp. 14-49. The edition does not provide any clues as to what original manuscripts Stronczyński used for his compilation, but W. Abraham argues that these were later copies, from the fourteenth or fifteenth century in *Studia krytyczne do dziejów średniowiecznych synodów prowincjonalnych kościoła polskiego* (Cracow, 1917), 18-23. This will be addressed below.
 - 5 CDMP.274. All translations mine unless otherwise indicated.
 - 6 The liturgical nomenclature denotes number of days, rather than weeks. Therefore 'Septuagesima' is the Sunday that falls within seventy days of Easter. For ease of reference:

'Polish' fast	'German' fast
Septuagesima	
Sexagesima	

Quinquagesima (Ash Wednesday)	Quinquagesima (Ash Wednesday)
Quadragesima	Quadragesima
2 nd Sunday of Lent	2 nd Sunday of Lent
3 rd Sunday of Lent	3 rd Sunday of Lent
Laetere Sunday	Laetere Sunday
Passion Sunday	Passion Sunday
Palm Sunday	Palm Sunday
Easter Sunday	Easter Sunday

- 7 For some significant modern historiography which presents this decree as a permanent and complete change in Polish practice see A. Naruszewicz's *Historia Narodu Polskiego* (Warsaw 1783), J. Korytkowski *Arcybiskupi gnieźnieńscy, prymasowie i metropolici polscy od roku 1000 aż do 1820* (Poznań, 1888); W. Abraham, *Studia krytyczne do dziejów średniowiecznych synodów prowincjonalnych kościoła polskiego* (Cracow: Akademia Umiejętności, 1917); R. Grodecki, *Polska piastowska* (Warsaw: Państwowe Wydawnictwo Naukowe, 1969); S. Szczur, *Historia Polski: Średniowiecze* (Cracow: Wydawnictwo Literackie, 2002). The only scholars to accurately cite Pantaléon's decree are J. Kracik 'Post po staropolsku' *Nasza Przeszłość* 75 1991, pp. 65-90 and W. Uruszczak, 'Ustawodawstwo synodów Kościoła Katolickiego w Polsce w XIII i XIV wieku' *Czasopismo Prawno-Historyczne* 51 1999, pp. 133-48. However, neither of these discuss the history of the decree's adoption or reception.
- 8 E.g. K. Ożóg, 'Prawo kościelne w Polsce w XIII-XV stuleciu' in P. Krafl, *Sacri Canones Servandi Sunt. Ius canonicum et status ecclesiae saeculis XIII-XV*, (Prague: Historicky Ustav AV Cr, 2008), pp. 57-80; Szczur, pp. 231-2; P. Erdő, 'Ecclesiastical procedure in Eastern Central Europe' in W. Hartmann, K. Pennington *The History of Courts and Procedure in Medieval Canon Law* (Washington D.C.: Catholic University of America, 2016), pp. 435-40. This decree, *De constituendo officiali in qualibet ecclesiam cathedrali*, is found in Hube, *Antiquissimae constitutiones* pp. 27-8; therefore, no original survives (see n.3). However, multiple decrees related to the official's role are found in CDMP.274: *De censura ecclesiastica exercenda a prelatiis*, *De falsis testibus puniendis*, *De parochiano alterius matrimonialiter non copulando*, *De tribus bannis ante matrimonium in ecclesia publice faciendis*.
- 9 R. Bartlett, *The Making of Europe: Conquest, Colonization, and Cultural Change 950-1350* (London: Penguin, 1993).

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- 10 Ibid, esp. ch. 5, pp. 106-32 and ch. 8, pp. 197-220; P. Górecki, *Parishes, Tithes, and Society in Earlier Medieval Poland, C. 1100-C. 1250*, (Philadelphia: American Philosophical Society, 1993).
 - 11 CDMP.551.
 - 12 *De Oracione dominica et Symbolo exponendo*, CDMP.274.
 - 13 C. W. Bynum, *Holy Feast and Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987), pp. 31-69.
 - 14 N. Tanner; S. Watson, 'Least of the laity: the minimum requirements for a medieval Christian' *Journal of Medieval History* 32:4 2006, pp. 395-423, esp. pp. 416-9.
 - 15 P. Biller, 'Deep is the heart of man, and inscrutable' in H. Barr, A. M. Hutchison (eds.) *Text and Controversy from Wyclif to Bale* (Turnhout: Brepols, 2005), pp. 267-80.
 - 16 Bynum, *Holy Feast*; K. Harvey, 'Food, drink, and the bishop in medieval England, ca. 1100-1300' *Viator: Medieval and Renaissance Studies* 46:2 2015, 155-76. Other works in a similar vein include R. Bell *Holy Anorexia* (Chicago: University of Chicago Press, 1985); J. Kroll, B. Bachrach, *The Mystic Mind: The Psychology of Medieval Mystics and Ascetics* (New York: Routledge, 2005).
 - 17 A. Thompson described how the celebrations of the liturgical year reflected belonging to different Italian city states in *Cities of God: The Religion of the Italian Communes 1125-1325* (University Park: Pennsylvania State University Press, 2005), esp. pp. 273-308.
 - 18 R. Meens, *Penance in Medieval Europe 600-1200* (Cambridge: Cambridge University Press, 2014), esp. pp. 12-69; J. T. McNeill, H. M. Gamer (eds & trans), *Medieval Handbooks of Penance: A Translation of the Principal Libri Poenitentiales* (New York, Columbia University Press, 1990), pp. 1-46.
 - 19 Pars I D. 3. C. 4, 'Decretum Magistri Gratiani' in *Corpus Iuris Canonici* vol. 1 ed. Ae. Richter, Ae. Friedberg (Graz: Akademische Druck- u. Verlagsanstalt, 1959), p. 6. Citation follows the 'Modern Form' outlined by J. A. Brundage, *Medieval Canon Law* (London: Longman, 1995), pp. 190-4.
 - 20 Can. 5, 'First Council of Nicaea - 325 AD', in N. P. Tanner, *Decrees of the Ecumenical Councils* (London: Sheed & Ward, 1990), p. 8.
 - 21 *'Denique sacerdotes et diaconi et reliqui, quos dignitas ecclesiastici gradus exornat, a quinquagesima propositum ieiunandi suscipiant, quo et aliquid ad pensum sanctae institutionis adiciant, et eorum qui in laicali*

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- ordine consistunt obseruantiam sicut loco ita religione precellant.* 'Pars I D. 3. C. 6, 'Decretum Magistri Gratiani', p. 6.
- 22 Ożóg, pp. 57-80.
- 23 'Liturgical Calendar', I. McFarland, D. Fergusson, K. Kilby, I. Torrance (eds.), *The Cambridge Dictionary of Christian Theology* (Cambridge: Cambridge University Press, 2011), pp. 77-8; Bynum, pp. 37-8. Forty was a symbolic number; most pertinently the number of days Jesus spent in the desert – fasting.
- 24 E. Lombardo, 'Svuotare la pancia per riempire lo spirito. Digiuno e Quaresima in alcuni sermoni per il Mercoledì delle ceneri tra XII e XIII secolo' in P. Delcorno, E. Lombardo, L. Tromboni, *I sermoni quaresimali: digiuno del corpo, banchetto dell'anima*, (Florence: Narbini, 2017), pp. 17-42, and n.13 p. 20.
- 25 T. Manteuffel, *Papiestwo i Cystersi, ze szczególnym uwzględnieniem ich roli w Polsce na przelomie XII i XIII w.* (Warsaw: Państwowe Wydawnictwo Naukowe, 1955), pp. 66-87; E. Jamroziak, *The Cistercian Order in Medieval Europe 1090-1500* (London: Routledge, 2013), pp. 74-81.
- 26 Nr. XCLVIII, *Vetera Monumenta Slavorum Meridionalium*, ed. A. Theiner (Rome, 1863).
- 27 Ibid., A. Boureau, *La Loi du Royaume: Les moines, le droit et la construction de la nation anglaise (XI-XIII siècles)* (Paris: Les Belles Lettres, 2001), pp. 201-10.
- 28 McNeill; Gamer, pp. 1-46.
- 29 Boureau, pp. 201-10.
- 30 A. Jarczyk, A. Andrzejewska, M. Woźniak, 'Preferences in meat consumption of people throughout the ages inhabiting the present-day territory of Poland according to archaeozoological evidence' *The Polish Journal of Food and Nutrition Science* 2011 61:4, pp. 273-7.
- 31 M. Montanari, *Medieval Tastes: Food, Cooking, and the Table* (New York: Columbia University Press, 2012), pp. 63-71.
- 32 Ibid.
- 33 Ibid.
- 34 '*Item statuimus, ut in omnibus ecclesiis nostre provincie cathedralibus et conventualibus hystoria beati Adalberti habeatur in scriptis, et ab omnibus usitetur et cantetur*', CDMP.551.
- 35 '*Ita cuncta opera Dei valde bona, maxime misericordia et redemptio salutaris Dei! in cuius nunc virtute veteres pennas proiecit, et novos mores assumpsit caelicola Adalbertus, cui dum acerrimis ieiuniis longos soles ducere, macris vigiliis incentiva carnis domare, continuis genuum*

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- flexionibus veniam peccatorum impetrare, per diā et pernox cura erat, Passio Sancti Adalberti Episcopi et Martyris*, in *Monumenta Poloniae Historica* (henceforth MPH) vol. 1, (Warsaw: Państwowe Wydawnictwo Naukowe, 1960), pp. 196-7. The author of this text, Bruno of Querfurt died in 1009, therefore this work is dated 997-1009, *ibid.*, pp. 184-8.
- 36 *Ibid.*, pp. 197-8.
- 37 *De Vita et Miraculis Sancti Iacchonis (Hyacinthi)*, MPH vol. 4 (1961), p. 849.
- 38 *Vita Sanctae Hedwigis*, MPH vol. 4 (1961), pp. 526-7.
- 39 *Vita Annae Ducissae Silesiae*, MPH vol. 4 (1961), p. 658.
- 40 *Vita et Miracula Sanctae Kyngae Ducissae Cracoviensis*, MPH vol. 4 (1961), p. 698. (First half of the fourteenth century).
- 41 CDMP.487. Philip was legate to Hungary, Poland, Dalmatia, Croatia, Serbia, Rugia, Lodomeria, Gallicia and Cumania. Here the custom of fasting from Septuagesima is repeated.
- 42 Can. 26, 'Synodus Strigoniensis Prior', *Rerum Hungaricarum Monumenta Arpadiana*, vol. 2, ed. S. Endlicher (St. Gall, 1849) pp. 349-58. I have not been able to identify this *libellum*.
- 43 '1248 Godefredus legatus quintam exegit a clero de redditibus ecclesiarum. Eodem anno Jacobus archidiaconus Loediensis sedis apostolice legatus veniens in Poloniam indulsit in Polonia, quibus placet carnes comedere post septuagesiman', *Rocznik Kapitulny Krakowski*, MPH vol. 2 (1961), p. 805. These annals were begun in the mid-thirteenth century as supplementary materials in the effort to canonise St Stanisław bishop of Cracow 1072-9.
- 44 *Rocznik Wielkopolski*, MPH vol. 3 (1961), p. 14; B. Kürbis, 'Wstęp' in MPH Series Nova vol. 6 (Warsaw: Państwowe Wydawnictwo Naukowe, 1962), pp. V-XI.
- 45 'Eodem anno Iacobus, archidiaconus Leodiensis, domini pape capellanus, et eiusdem in Polonia Prussia et Pomeria vicesgerens, celebravit Sinodum in Wratislavia, cui interfuerunt Fulco, archiepiscopus Gneznensis, Thomas Wratislaviensis, Michael Wladislaviensis, Prandota Cracoviensis, Bogufalus Poznamiensis, Petrus Plocensis, Nankerus Lubuczensis, et G(unterus) Culniensis primus episcopus; in quo Synodo idem Iacobus de consilio episcoporum absolvit Polonos de voto, quo astricti fuerant de abstinentia carniū. Consueverant enim ab antiquo Poloni dimittere carnes in dominica 'Circumdederunt me' sed quidam immutabant et propter hoc sepius excommunicabantur, et videbatur ex hoc periculum maximum generari. Idem Iacobus cum suis episcopis constituerunt, ut Poloni et alii terram eandem inhabitantes, haberent in

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- suo libero arbitrio, ut si alicui placeret bona voluntate abstinere se a predicta dominica a carnibus usque ad Resurrectionem Domini, et si non placeret, haberet usum usque ad dominicam 'Esto mihi in deum protectorem etc. Rocznik Wielkopolski.*
- 46 *Item notandum, quod anno 1268 Iacobus sedis apostolice legatus indulget Polonis post septuagesimam comedere carnes, quo solacio Poloni caruerunt fere 300 annis' Rocznik Franciszkanski Krakowski, MPH vol. 3 (1961), pp. 49-50.*
- 47 See M. T. Clanchy, 'Remembering the past and the good old law' *History* (55:184) 1970, pp. 165-76.
- 48 *Rocznik Małopolski, MPH vol. 3, pp. 135-9.*
- 49 *'1247 Gothfridus Predicator legatus quintam partem reddituum exigit a clero. Eodem anno Iacobus apostolice sedis legatus indulget carnes comedere post septuagesimam' Rocznik Małopolski, Kodeks Kuropatnickiego, MPH vol. 3 (1961), pp. 169.*
- 50 *'1286 (!) Gotfredus Predicator, legatus accepit quintam partem a sacerdotibus. In eodem ano Iacobus legatus Romanus indulsit esum carnum post septuagesimam' Rocznik Małopolski, Kodeks Królwiecki, MPH vol. 3 (1961), p. 169.*
- 51 *Rocznik Sedziwoja, MPH vol. 2 (1961), p. 877; Kürbis, p. XVIII.*
- 52 *'1248 Godfridus predicavit vice legatus quintam partem reddituum exigit a clero in Polonia. Eodem anno Iacobus apostolice sedis legatus indulget carnes commedere post septuagesimam' Rocznik Sędziwoja, MPH vol. 2, p. 877.*
- 53 *Kronika Boguchwała i Godysława Paska, MPH vol. 2 (1961); Kürbis, pp. V-VIII. The dating stems from it mentioning king Przemysł II (1257-1296) as the contemporary ruler of Poland.*
- 54 Kürbis, pp. V-VIII. The other participants listed are the same as those in CDMP.274.
- 55 *Kronika Boguchwała i Godysława Paska, p. 565.*
- 56 B. Kürbis, 'Wstęp' in K. Abgarowicz (trans.); B. Kürbis (ed.) *Kronika wielkopolska* (Cracow: Universitas, 2010), pp. 7-33.
- 57 Indeed, it was Świnka who crowned Przemysł II, even though he initially supported Władysław Łokietek's claims to the Polish throne. See P. W. Knoll, 'Wladyslaw Łokietek and the Restoration of the *Regnum Poloniae*' *Medievalia et Humanistica* 17 1966, pp. 51-78.
- 58 J. Długosz, *Annales seu cronicae incliti regni Poloniae*, ed. J. Dąbrowski; compil. Lat. W. Semkowicz-Zarembaska; trans. S. Gawęda, Z. Jabłoński, A. Jochelson, J. Radziszewski, K. Stadnowska, A. Strzelecka (Warsaw: Państwowe Wydawnictwo Naukowe, 1962), p. 44.

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- 59 English taken from abridged version: M. Michael, P. Smith, *The Annals of Jan Długosz: Annales seu cronicae incliti regni Poloniae, an English Abridgement* Chichester 1996, pp. 191-192. Latin unabridged edition specifies that this was the custom of the Eastern Church; the rest remains the same: J. Długosz, *Annales seu cronicae incliti Regni Poloniae Liber Septimus* eds Z. Budkowa, J. Garbacik, A. Kamiński, S. Mikucki, J. Mitkowski, M. Plezia, K. Pieradzka, W. Semkowicz-Zaremba, D. Turkowska (Warsaw: Państwowe Wydawnictwo Naukowe, 1975), pp. 64-5:
- 60 L. Scales, *The Shaping of German Identity: authority and Crisis, 1245-1414* (Cambridge: Cambridge University Press, 2012), pp. 415-8.
- 61 ‘mando, mandavi’ at <<http://logeion.uchicago.edu/mando>> and <<http://logeion.uchicago.edu/mandare>>.
- 62 ‘indulgeo, indulsi’ at <<http://logeion.uchicago.edu/indulgeo>>.
- 63 See C. Wickham, ‘Lawyers’ time: history and memory in tenth- and eleventh-century Italy’ in C. Wickham (ed.) *Land and Power: Studies in Italian and European Social History, 400-1200* (London: British School at Rome, 1994), pp. 275-94 for a discussion of social memory and communal misremembering.
- 64 See R. Brentano, ‘XVIII Identities and national formation: does religion integrate or disperse communities?’ in W. L. North, *Bishops, Saints, and Historians: Studies in the Ecclesiastical History of Medieval Britain and Italy* (Aldershot: Ashgate Variorum, 2008), pp. 435-52 for a discussion of how diverse communities reach cohesion through disputes.
- 65 ‘adiaphora’, I. McFarland, D. Fergusson, K. Kilby, I. Torrance (eds.), *The Cambridge Dictionary of Christian Theology* (Cambridge: Cambridge University Press, 2011), pp. 2-3.
- 66 Uruszczak, pp. 133-148.
- 67 Ibid. This is (implicitly) based on the differences between the Wrocław and Poznań manuscripts and the lost St. Petersburg sources.
- 68 W. Abraham, *Studia krytyczne do dziejów średniowiecznych synodów prowincjonalnych kościoła polskiego* (Cracow: Akademia Umiejętności, 1917), pp. 18-23.
- 69 Ibid, pp. 22-3.
- 70 See J. Lukowski, H. Zawadzki, *A Concise History of Poland* (Cambridge: Cambridge University Press, 2006), pp. 11-5 for a brief outline. The aforementioned provincial decrees on language are also indicative of this.
- 71 With the exception of the aforementioned particular legatine rulings of Philip of Fermo from 1279, CDMP.487.

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- 72 Peregryn z Opoła, *Kazania de tempore i de sanctis*, ed. J. Wolny, trans. J. Mrukówna (Cracow: Papieska Akademia Teologiczna, 2001), pp. 25-33.
- 73 Peregryn z Opoła, 'Kazanie na pierwszą niedzielę Wielkiego Postu T.18', *ibid.*, pp. 109-13.
- 74 After studying theology and common law, he was canon of Laon, then archdeacon of Liège. He secured his mission to Poland and Prussia at the Council of Lyons in 1245: S. Cerrini, 'Urbano IV'.
- 75 D. d'Avray, 'Stages of papal law' *Journal of the British Academy* 5 2017, pp. 37-59 and T. W. Smith, *Curia and Crusade: Pope Honorius III and the Recovery of the Holy Land, 1216-1227* (Turnhout: Brepols, 2017), pp. 10-24. Cf. C. Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford: Clarendon Press, 1989).
- 76 For recent work on the dissemination of papal conciliar rulings - including through regional councils - see J. M. Wayno, 'Rethinking the Fourth Lateran Council of 1215' *Speculum* 93 3 2018, pp. 611-37; D. Summerlin 'The reception and authority of conciliar canons in the later-twelfth century: Alexander III's 1179 Lateran canons and their manuscript context' *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 131 2014, pp. 112-31; R. A. C. Rist, *Popes and Jews, 1095-1291* (Oxford: Oxford University Press, 2016), pp. 164-80, specifically on Jewish-related conciliar rulings.