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John of Wildeshausen OP († 1252) — a bishop on the Hungarian periphery in the thirties of the 13th century in the light of contemporary Dominican and Church legislation*

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When considering the personality of John of Wildeshausen OP¹, we must accept that contemporary information about his life are scarce. The oldest information are to be found in the first part of the edition of *Monumenta Ordinis Praedicatorum Historica*. It is dedicated to the Dominican source Lives of brothers (*Vitas Fratrum*), a collection of biographical information about the first generation of Dominicans.²

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¹ Two of his homilies were preserved, which he delivered as a Master of the Order in Paris on 6 January 1245 *De Ehipania sermo magistri ordinis predicatorum* and on 31 March 1247. The manuscript of this second sermon is interesting, because it bears the title *Sermo episcopi, magistri ordinis predicatorum*. KAEPPELI 1980, pp. 47–48. In addition, we have three circular (pastoral) letters addressed to the brothers of the Order. They were written for the General Chapters in 1246 (Paris), 1250 (London) and 1251 (Metz). In general, they encourage leading a pious way of fraternal life, showing due respect to the prelates of the Church, they promote development of virtues, diligent study of theology, obedience, humility; performing the office of preaching and building fraternal unity with the Friars Minor. REICHERT 1900, pp. 7–14. It is likely that John as a Master of the Order wrote more letters like these, as concludes the General Chapter in Bologna in 1244 (*Actis additae sunt litterae magistri ordinis*), but they are considered not to have been preserved. REICHERT 1898, p. 30. Literature on the personality of John of Wildeshausen: MORTIER 1903; SCHEEBEN 1948; PFEIFFER 1913; RABIĆ 2016; ROTHER 1895; GIERATHS 1974; RÜDEBUSCH 1992; LOHRUM 1992. Local literature on the activities of the Dominicans in Bosnia: ŠULJAK 1991, pp. 269–270; ŠIDAK 1955, pp. 11–40; KRASIĆ 1996; JALIMAM 1999.

² *Vitas Fratrum* (Modern historiography returns to the older name of the source known as *Vitas Fratrum*) was written based on the initiative of Humbert of Romans, who ordered the provincials in a letter from 1256, to collect material not only about St. Dominic, but also about “stories and deeds that happened in or in connection with the Order, before it is forgotten.” A similar call to action came from the General Chapters in Milan in 1255 and in Paris in 1256. The Dominican Gerard Frachet used

One part of the *Vitas* is also the co-called *Cronica Ordinis*. When processing this document, two non-identical manuscripts were edited. In the older historiography of the Order, one of them was called *Chronicon Humberti*³, because its authorship was attributed to the fifth Master of the Order, Humbert of Romans. Several limited pieces of information is provided in the popular work of John's Dominican confrere and well-known writer, preacher and 13th century theologian, Thomas of Cantimpré. In *Bonum universale de apibus*⁴ Thomas even admits that he knew John since his youth (probably meaning his religious youth, that is the period of his entry into the Order), until he became Bishop and Master of the Order. The two Dominicans seemed to know each other personally and met occasionally (probably at the annual General Chapters) throughout John's life at the Order of Preachers.⁵

We deliberately do not intend to repeat the well-known and relatively exhaustive knowledge from the earlier historiography, which was interested in the personality of John of Wildeshausen. It is our intention to focus on the facts the previous literature did not take much into consideration in his case, while emphasizing the combination of a friar-bishop in the first half of the 13th century in the culturally, religiously and politically specific environment of the Hungarian periphery. All of this in the context of contemporary canonical norms which took into account the specificities of being a member of a religious order as well as the attitude of each order towards its own members who joined the episcopate. In this regard, the fundamental question is why John of Wildeshausen was to be the best alternative for the office of Bishop of Bosnia. We will support our search for an answer by attempting to paint a personal profile of this German Dominican against the backdrop of events which

the wealth of material which was subsequently collected to compile a work entitled *Vitas fratrum Ordinis praedicatorum*, which was approved by the superiors in 1260 and was published for the first time in the same year. HUNČAGA 2013, p. 41, note 142.

³ This text captures the lives of the first Dominicans from 1203 to 1254. It is part of a collection of historical information from the history of the Order that was collected by Gérard Frachet. It was already pointed out by: QUÉTIF, ÉCHARD 1719, pp. 111, 260; REICHERT 1896, p. XV; DENIFLE 1886, p. 170, note. 2. More details on the edition of the source and the analysis of its manuscripts see: TUGWELL 2008, pp. 316–324, 608–612. S. Tugwell even believes that the impetus for the second version of the Humbert's text was caused by the fact that Albert the Great became a bishop, despite Humbert's request not to become one. This led to two alternative stories about Albert's being worried that he would leave the Order, which he was supposed to express. After he became a bishop, there was a revision of the original version, compared to the first one which was rather vague (pp. 317–318, see also note 29).

⁴ The work was created sometime in the mid-13th century and became a contemporary bestseller. It consists of 82 chapters and combines compilations of various exempla and legendary stories of saints with biographies of prominent first-generation Dominicans. All of this with the background leitmotif of bees living together. BURKHARDT 2016, pp. 187–188.

⁵ "Hunc ante episcopatum a iuventute cognovi, nec umquam advertere potui minus eum devotum tunc, minusque sollicitum de propria vel salute aliena, quam postea cum episcopus, vel magister ordinis extitisset." CANTIMPRATANI 1627, p. 583.

included the activities of the first generation of Mendicants, their service to the papal court, and contemporary conflicts with heresy.

According to an older tradition, John received the Dominican habit directly from the hands of the founder of the Order, St. Dominic, during the first General Chapter in Bologna in 1220.⁶ This information does not have to be made-up, because the sources match in saying that John became a Dominican friar when he was already “very old”; at the age of about 40 years.⁷ We know from *Cronica Ordinis* that he was an excellent preacher, able to preach in several languages (German, French, Italian and Latin), preaching in different regions.⁸ His linguistic skills predetermined John to act as a *praedicator crucis* — the Pope-appointed crusade preacher.

Only the most skilled and most reliable members of the Mendicant orders served in this role. John was the first known Dominican, who preached the cross, as was this activity called (*negotium Terrae Sanctae, negotium crucis, sermo de cruce*),⁹ already since about 1225. The oldest sources inform us that in Germany and Hungary¹⁰ he served as the socius of several cardinals and the canon penitentiary in several entourages of papal legates.¹¹ Some sources (for example Thomas of Cantimpré) mention him as John of Strasbourg.¹² A Dominican with this name and this specific preaching activity *praedicatio crucis* in southwestern Germany and Austria since 1225 is also mentioned in some German chronicles.¹³ A. Rother believes that this could be John of Wildeshausen.¹⁴ In the sources, John appears in his diplomatic-mediation role in the north of Germany sometime between 1229 and 1231.¹⁵

⁶ MORTIER 1903, p. 289; “Cum anno MCCXX ut vult Leander Albertus, vel sequenti Bononiae ab ipso Dominico vestem accepit.” QUÉTIF, ÉCHARD 1719, p. 112.

⁷ “Hic antiquus in ordine valde fuit receptus.” and “Cum dicatur aetatis jam maturioris ordinem amplexatus, demus ipsi XL circiter annos.” QUÉTIF, ÉCHARD 1719, pp. 111–112. This statement would mean that John was born around 1180. “Hic antiquus in ordine fuit receptus.” REICHERT 1896, p. 332.

⁸ “Hic predicator egregius in multis linguis, Teutonica, Ytalica, Gallica et Latina multum fructum fecit in diversis partibus predicando.” REICHERT 1896, p. 332; QUÉTIF, ÉCHARD 1719, p. 111. Four hundred years later, Ferrarius promptly included Greek and Hungarian in his linguistic capacity. FERRARIO 1637, pp. 92, 405.

⁹ HUNČAGA 2015, pp. 19–21. He was to preach in Basel and in the area of southwestern Germany. “Cum frater Iohannes Teutonicus, qui post fuit magister ordinis, pro successu Tere Sancte predicaret crucem in Basilea. Et postea graciosus predicator et utilis prior in ordine fuit.” REICHERT 1896, p. 229.

¹⁰ “Quibusdam annis postea poenitentiarius a summo pontifice allectus fuerit, tum & a cardinalibus in Germaniam & Hungariam legatis socius in familiam ascitus.” QUÉTIF, ÉCHARD 1719, p. 112.

¹¹ “Propterea fuit ante multorum cardinalium socius et poenitentiarius in legacionibus pape.” REICHERT 1896, p. 332. “Qui cum multo tempore poenitentiarius domini pape in Roma fuisset, eum Basensi episcopum ecclesie perfecit.” ROTHER 1895, p. 143, note 2.

¹² “Fratrī Ioanni, dictus de Argentina.” CANTIMPRATANI 1627, p. 571; KAEPPELI 1980, p. 47.

¹³ ROTHER 1895, pp. 143–144, note 3.

¹⁴ This is supported by the fact that Cantimpré himself, who knew John well, calls him that, and not even QUÉTIF, ÉCHARD 1719 knows any John of Strasbourg. The same is true of the newer and critical edition KAEPPELI 1980.

¹⁵ MAIER 1994, p. 33.

His activity in the diocese of Minden in the north of Germany was associated with the presence of a papal legate for Denmark, Cardinal Otto of St. Nicola (Sancti Nicolai in Carcere Tulliano, titular church in Rome), who was commissioned to investigate the heresy and proclaim the so-called Stedinger Crusade. Stedinger were peasants living on the coast of the River Vesera, who were accused of heresy.¹⁶ The last report of John's stay in North Germany comes from a document issued on 26 July 1231, in which Pope Gregory IX commissioned John, among others, as his penitentiary, to investigate together the reasons for the excommunication of the Stedinger and to determine whether the accusations of heresy were justified.¹⁷

Information about John of Wildeshausen now disappear from historical sources for some time. It is not known how and when he got to Hungary.¹⁸ The same is true of his office of Prior Provincial in the province of *Hungaria*. Acts of the provincial chapters from this period have not been preserved, and the information from the General Chapters in Bologna (1232) and Paris (1233) where which he might appear as a Prior Provincial is also fragmented. But it is certain that the oldest religious tradition concurs on him being a Prior Provincial in Hungary during this time. According to *Scriptores Ordinis Praedicatorum*, he was elected successor to Paul the Hungarian (Paulus Hungaricus), first Prior Provincial, in 1227 or 1228.¹⁹ According to T. Kaeppli it was not earlier than in 1231,²⁰ which seems to be the earliest possible date given the fact that in July of the same year he was to reside in the north of Germany (note 17). *Cronica Ordinis*²¹ and John's younger contemporary confrere and chronicler Stephen of Salaniac (Stephanus de Salaniaco) also referred to him as a Prior Provincial in Hungary.²²

¹⁶ ROTHER 1895, p. 145; PFEIFFER 1913, p. 63.

¹⁷ "Iohanni episcopo Lubicensi, priori S. Catarinae Bremensis et fratri Iohanni poenitentiario suo de ordine Praedicatorum mandat, ut, cum Stedingi, licet propter sua facinora fuerint per Gerhardum [...] ad revocandos illos ab huiusmodi perversitatibus intendant, quibus modis viderint expedire." POTTHAST 1957, p. 753, no. 8773.

¹⁸ According to Bernard Gui's list, the three oldest Dominican convents were established in central Hungary in Székesfehérvár, Pest and Buda. QUÉTIF, ÉCHARD 1719, p. IX. The founding of Pest and Buda dates back to the early thirties of the 13th century, when John of Wildeshausen was Prior Provincial. In particular, Pest had the reputation of being "the richest German city" ("ditissima villa Teutonorum"). FÜGEDI 1970, p. 979. Perhaps the large community of compatriots could be one of the reasons for his stay in this part of Hungary. Together with the religious contacts he had due to his activities, this could lead to his becoming a Hungarian Prior Provincial.

¹⁹ "Anno MCCXXVII aut XXVIII provinciae Hungariae praefectus electus F. Pauli primi hujus provinciae prioris successor." QUÉTIF, ÉCHARD 1719, p. 112; KRASIĆ 1980, pp. 131–156. For more details about the Dominican province in the medieval Hungary and its first Prior Provincial see TUGWELL 2000, pp. 10–11, 18, 50.

²⁰ KAEPPPELI 1980, p. 47. According to N. Pfeiffer and A. Rother it was not before mid-1232. PFEIFFER 1913, p. 64; ROTHER 1895, p. 148.

²¹ "Et cum esset prior provincialis in Ungaria." REICHERT 1896, p. 332.

²² "Hic prius fuit provincialis Hunagariae." QUÉTIF, ÉCHARD 1719, p. 112.

FIRST DOMINICANS AND THE OFFICE OF BISHOP

Since John of Wildeshausen was one of the first historically known members of the Order of Preachers in the position of bishop, it is appropriate to look at Order's attitude to this fact from a somewhat closer perspective. Already during the life of the founders of the two most important mendicant orders, St. Francis and St. Dominic (according to the French historian G. Bedouelle it was sometime in 1221),²³ Cardinal Hugolino (supporter of mendicant orders and later to become Pope Gregory IX) reportedly said that "in the early church, shepherds of church communities were poor. They were people full of zealous love, not greed. Why not make your brothers bishops and prelates, who would excel among others in both teaching and example?"²⁴ It was the authentic poverty and apostolic way of life of the mendicants which were, according to the future Pontiff, the best visible signs that the friars were worthy of becoming Church dignitaries. Both saints turned the proposal down at that moment. According to Thomas of Celano, st. Dominic replied that his brothers were already elevated to a high spiritual level and that, as far as his power would reach, he would not let them attain a different kind of rank.²⁵ The founder of the Dominicans reportedly proved this attitude by his personal example. According to a testimony from a witness during his canonization process in Toulouse, st. Dominic said that "he would rather run away under the cover of the night with his pilgrim's stick than to accept the office of bishop or any other rank in the Church."²⁶

The successor to st. Dominic at the front of the Order of Preachers, the German Jordan of Saxony, took a similar position. During the General Chapter in Bologna in 1233, as a Master of the Order, he enforced a serious decision that forbade the Dominicans to accept bishop's rank.²⁷ The regulation was strict, to observe it was

²³ BEDOUELLE 2017, p. 165.

²⁴ De humilitate ipsius ad sanctum Dominicum et e converso, et mutua caritate ipsorum (no. 148). "In Urbe cum domino Ostiensi, qui postea Summus Pontifex fuit, clara illa luminaria orbis aderant, sanctus Dominicus et sanctus Franciscus. Et cum meliflua vicissim de Domino eructarent, dixit tandem episcopus illis: «In Ecclesia primitiva pastores Ecclesiae pauperes erant et homines caritate, non cupiditate ferventes. Cur», inquit, «non facimus de vestris fratribus episcopos et praelatos, qui documento et exemplo (cf. Tit 2,7) caeteris preavalent?» Respondens ergo beatus Dominicus, dixit episcopo: «Domine, gradu bono, si cognoscunt, sublimati sunt fratres mei, nec pro meo posse permittam, ut aliud assequantur specimen dignitatis». Haec beatorum responsa." DE CELANO 1999, cap. CIX, p. 574.

²⁵ DE CELANO 1999, cap. CIX, p. 574.

²⁶ "R. et Zonzanna dixerunt, quod audierunt ab eo, quod ante fugeret de nocte cum baculo suo, quam acciperet episcopatum vel aliam dignitatem." Toulouse 25. LAURENT 1935, p. 186.

²⁷ "Ego frater Iordanis, magister ordiis fratrum predicatorum precipio districte in virtute obediencie, quod nullus frater nostri ordinis de cetero consensum prebeat electioni vel postulationi de se facte in dignitatem episcopalem, nisi de speciali licencia domini pape vel generalis capituli vel nostri, quod si aliquis contra fecerit, ipso facto sit excommunicatus." REICHERT 1898, p. 4. It is interesting that shortly after this decision, two Dominican bishops emerged from the then Dominican community. John of Wildeshausen and Clement in Scotland (4 September 1233). KAEPELLI 1949, p. 101, note 20.

required as part of obedience and if a friar disobeyed, he could even face excommunication. The decision allowed for three exceptions, under which also a Dominican could assume the bishop's cathedra: by the will of the Pope, with the permission of the General Chapter and the Master of the Order.²⁸ This strictly formulated position of the highest Superior, approved by the General Chapter, is supported by another source which shows that Jordan of Saxony opposed the appointment of his confreres as bishops. Gérard Frachet describes Jordan's presence at a bishops' meeting where the Dominican Master explained their unwillingness to accept the episcopal office. He said that the Dominican vocation is more in contrast with the office of bishop than it is in the case with other religious orders. This was particularly the case when it came to possession and handling of property (temporalities) which the bishop managed, where the Dominicans acted against their promises to a higher degree than other religious brothers who, at least in general, could possess something.²⁹ Obviously, he was referring to the vow of poverty and the older autarkic religious orders, which, in comparison with the mendicants, committed only to individual rather than total institutional poverty.

It is not without interest that the Dominican legislation came up with rules against accepting bishop's rank at a time when the Order could count its own bishops on the fingers of one hand.³⁰ Three of them managed dioceses which were either on

Clement is even mentioned in the Acts of the General Chapter in London from 1250. The delegates granted him a permission that any of his confreres could celebrate one holy mass for him after his death. The brothers from the Province of Anglia should do so in a way they do with other deceased brothers. "Concedimus fratri Clementi ordinis nostri, episcopo Scocie post mortem i missam per ordinem a quolibet fratre sacerdote, et in provincia Anglie fiat pre eo quod pro alio fratre." REICHERT 1898, p. 54.

²⁸ When it comes to John of Wildeshausen, apparently the first type of exemption from the Bologna General Chapter was applied in the case of his appointment to the office of bishop. There are no preserved mentions of an approval from the General Chapter or the Master of the Order.

²⁹ "Item dixit, quod non erat mirum, si fratres nostri in episcopatu se minus bene habeant, quam alii religiosi, quia magis contra suam professionem faciunt, cum nos nec in speciali nec in generali possessiones habeamus. Unde ipsi cum ad proprietatem veniunt, magis faciunt contra suam professionem quam alii religiosi, qui hec saltem in generali habere possunt." REICHERT 1896, p. 142. The Order kept this line against assuming the office of bishop, which was rather hard considering the life of the contemporary episcopacy, led in material welfare, throughout the 13th century. In a letter from 1260, Humbert of Romans warned Albert the Great against accepting the episcopal rank in Regensburg, referring to a scandal that might arise in the case of a prominent member of the Order such as Albert. He literally wrote that "Quis secularis hec audiens non scandalizetur in vobis et in omnibus professionis similis, reputans nos paupertatem non amare, sed sustinere solum quamdiu eam effugere non valemus. Denique quomodo poterit anima vestra pati implicari tota die terrenis negotiis et in periculis peccatorum versari, que tam vehementer sacras scripturas et conscientie puritatem dilexit. Utinam predilectum filium meum citius audiam in feretro quam in cathedra sublimari." SCHEEBEN 1931, pp. 154–156.

³⁰ Older literature, from which some studies are uncritically drawn, commits several inaccuracies in the dating and identification of the first bishops of the Order. AOP, XVII contains several errors (the list of bishops ends with 1329, pp. 578–586; 649–650 and 767–778). E.g. on the p. 577 is the first

the outer circle of Latin Christianity, on its religious and cultural borders, or in a territory that had been in conflict with heresy or schism for decades.³¹ It can be said that the legislation and this internal attitude of the Order against accepting the office

mentioned Dominican bishop Joannes Danus. According to the AOP, XVII he was to become a bishop in Danish Børglum (*Burglavensis*, archdiocese Lund) as early as 1221. A brief reference to him can also be found in RIPOLL 1729, p. 17 and QUÉTIF, ÉCHARD 1719, p. XXV. KAEPPELI 1975, p. 400 refers only to *La Province de Dacie de L'Ordre des Frères Prêcheurs* (GALLÉN 1946, pp. 77–78). According to the list of bishops by Bernard Gui (KAEPPELLI 1949, p. 104) there is no one with this name at that time among the bishops of the Order. The earliest mention of a Dominican bishop with this name is from a later period (1238) which has already been proved by SCHIEFFER 1999, pp. 409–410. A similar mistake applies to the second alleged Dominican bishop on the list from the AOP, XVII, p. 578 (*Pelegrinus*, in Czech: *Pelhřim*). Pelegrinus was not even a member of Order of Preachers (ŽEMLIČKA 1990, pp. 214–239; KADLEC 1991, pp. 144–145). Some others mentioned on the list became bishops as non-Dominicans, or it is not known when and how they assumed the bishop's cathedra. In any case, the list of bishops in the AOP, XVII requires a necessary critical revision. See also: ALTANER 1924, pp. 192–194 and 216, note 12; KUŽMA 1998, pp. 7–14.

³¹ The very first known and historically verifiable Dominican with the rank of bishop was Brother Dominic. In a letter dated 27 October 1225 from Honorius III, he is referred to as “Dominico episcopo in regno Miramolini commoranti” (Morocco). PRESSUTTI 1895, p. 379, no. 5701. In his case, we know nothing of the way he took office, but it is possible that he became a missionary bishop *in partibus infidelium* by the will of the Pope. In this capacity he led the activities of Dominicans and Franciscans, to whom the same Pope only a few days earlier (7 October) gave a mandate for apostolic activity in the territory of present-day Morocco. There, missionaries from both mendicant orders were to “Convertatis incredulos, erigatis lapsos, predicare, baptizare Saracenos, reconciliare apostatas, sustentetis debiles, pusillanimes consolemini, fortes nihilominus confortetis.” RIPOLL 1729, p. 16, no. XXXIII; PRESSUTTI 1895, p. 375, no. 5682. The second known bishop from the Order of Preachers was Brother Theodoric, the Bishop of the Cumans. The third, in chronological order, was Brother Guala of Bergamo. According to the list of bishops by Bernard Gui, he was elected to office by a Chapter in Brescia between July 19 and August 28, 1230. Since it was not until 1233 that the General Chapter laid down the procedures under which the Dominican could accept the bishop's rank and the acts from the Provincial Chapter of the province *Lombardia* and later *Lombardiae superioris* from this period are not preserved, we cannot describe the mechanism through which the election took place and under what circumstances Guala accepted it. We can only be certain that he did become a bishop, which is confirmed by older sources such as *Libellus* by Jordan of Saxony from 1233 and *Legenda Sancti Dominici* by Peter Ferrand from 1235 — 1239. “Frate Guala, prior Brixie, postmodum autem civitatis eiusdem episcopus.” LAURENT 1935 (*Libellus*), p. 70, no. 95 a “Frate Wala, eiusdem ordinis tunc prior Brixie, postmodum eiusdem civitatis episcopus.” LAURENT 1935 (*Legenda Petri Ferrandi*), p. 249, no. 51. The fourth known Dominican bishop was Raymond de Fauga. Raymond had previously served as a prior at the convent in Montpellier and a Prior Provincial in the province of *Provance*. His episcopal ministry was closely linked to the activities of the Inquisition in the area of Toulouse and to the struggle with the local Albigenses. LEMAITRE 2001, pp. 130, 193; ALBARET 2001, p. 323. Unlike his two contemporaries, we know that he was elected to the office of bishop by the Chapter in Toulouse, and that he was ordained on 21 March 1232 and assumed office a week later on 28 March. “Hic fuit electus in episcopum Tholosanum in festo sancti Benedicti abbatis anno domini MCCXXXI.” KAEPPELLI 1949, pp. 59–60, note 8. The fifth known and explicitly documented Dominican bishop was brother Clement in Scotland (note 27).

of bishop during the pontificate of Gregory IX, was meant to prevent too many competent brother from leaving to go to an environment which was, according to the contemporary opinion of their highest religious superiors, incompatible with the ideal of a mendicant friar. In addition, during this period, the Dominicans experienced a relatively large number of capable brothers leaving for different offices in papal services, such as penitentiaries, various ambassadors, confessors at royal courts, crusade preachers³² and since the turn of the 20s and 30s, into the ranks of the newly established Papal Inquisition.³³ At the same time it should be remembered that some offices, including the office of bishop, required the holder to have a confrere as a socius, which further increased the loss of the human resources of the Order.³⁴

Other reasons, why the Dominicans were reluctant to release brothers from their own ranks into the service of bishop, which were no less important from the viewpoint of the order, included religious observances and discipline. The combination of monk-bishop appeared already at the end of Antiquity, and contemporary canonical norms tried to respond to it and create a defined framework for this status. As early as during the pontificate of Innocent I, it was the case that a canonical election to the office of bishop released the monk from under the obligations of his monastic profession and monastic rule.³⁵ This did not mean that such a bishop was released from under his vows as such, he was merely released from under the jurisdiction of his abbot, or his religious superior. Religious vows were considered irrevocable in substance (*in substantia*)³⁶ and a religious brother or a monk with a solemn (life-long) profession in the Middle Ages could not be freed from under the vows he made.³⁷

³² Tens of brothers created some kind of contingents of crusade preachers, who preached at Pope's command in favor of these expeditions and recruited volunteers to participate in them. In the case of Dominicans, this mainly concerned the territory of today's France, Belgium, the Netherlands, Germany, the Czech Republic, Poland and Scandinavia. Cf. MAIER 1994, pp. 42–43, 47, 55.

³³ Establishing Papal Inquisition, in which the Dominicans were involved, was one of the main agenda points of the pontificate of Gregory IX. Just a few months after his election, he issued the first (May 16, 1227, RIPOLL 1729, p. 19, no. IV) of a series of documents entrusting the Order of Preachers with extensive powers in the area of confessions, preaching, and granting indulgences in the fight against heresy. Later on, searching for heretics in Germany and gradually also in France, Aragon, Lombardy and Navara was added to the list. VIARENGO 2004, pp. 50–52.

³⁴ BENNETT 1937, p. 132.

³⁵ “Si vero episcopi facti fuerint, a jugo regulae monasticae professionis absolvuntur.” OLIGER 1958, p. 106.

³⁶ “Non absolvitur a regula monachali, tenetur ad vitam monachalem, monachus factus episcopus remanent monachus. In substantia remanet religiosus, licet a quibusdam absolvatur.” OLIGER 1958, p. 174.

³⁷ In 1202, deficiencies in adherence to the vow of poverty were found among the Benedictines from Subiaco. In a letter to their abbot, Pope Innocent III wrote that not even the abbot can dispense a monk from the vow of poverty so that he could own something privately. He stressed that even the High Priest, that is the Pope, cannot give permission to disobey the rule. “Nec aestimet abbas quod super habenda proprietate ossit cum aliquo monacho dispensare, quoniam abdicatio proprietatis, sicut et custodia casti-

Since the monastic and religious status was, in comparison with the Episcopate, seen as a lower rank of church office,³⁸ in practice, from the canonical point of view, apart from being released from under the authority of his superior³⁹ a monk as well as a religious brother was, when in the office of bishop, also freed from certain observances (*vita monastica*) such as fasting, night vigils, way of singing (own liturgy and recitation of the chorus prayer) and the observing silence according to the rule and customary (*regula et consuetudines*).⁴⁰ With the obligation to keep the vow of chastity and personal poverty⁴¹ a monk or a religious brother in the office of bishop could keep wearing his religious habit⁴²

tatis, adeo est annexa regulae monachali, ut contra eam nec summus pontifex possit licentiam indulgere.” PL, CCXIV, no. LXXXII, pp. 1066 B–C. This position was later defended from a theological point of view by St. Thomas Aquinas, who could not refrain from commenting that some canonists claim the opposite out of ignorance. “Et simili ratione, Papa non potest facere quod ille qui est professus religionem non sit religiosus, licet quidam iuristae ignoranter contrarium dicant.” ST, II^a–IIae, q. 88 a. 11 co.

³⁸ Thomas Aquinas explained the quite complex contemporary understanding of this reality in a comprehensible way in *Summa Theologica*. “Praeterea, ille qui ab inferiori ad superiorem gradum ascendit, non videtur teneri ad ea quae sunt inferioris gradus, sicut supra dictum est quod religiosus non tenetur ad observanda vota quae in saeculo fecit. Sed religiosus qui assumitur ad episcopatum, ascendit ad aliquid maius, ut supra habitum est. Ergo videtur quod non obligetur episcopus ad ea quae tenebatur observare in statu religionis.” ST, II^a–IIae, q. 185 a. 8 arg. 2.

³⁹ Of course, exemption from the vow of obedience only applied if the religious brother became bishop in a legitimate way and obtained a consent from his superior or fulfilled the conditions of his Order and received the appropriate confirmation. OLIGER 1958, p. 173.

⁴⁰ “Absolvit. Ab obedientia quam fecit abbati. Absolvitur enim ab obedientia sua, cum sit factus de filio pater. Item a monachi regula in jejuniis, vigiliis et modo cantandi. Silentio enim non potest amodo vacare.” „Quod monachus factus episcopus non penitus absolvitur a regula monachali.” OLIGER 1958, pp. 107 and 175, note 1.

⁴¹ Especially for mendicants, the restriction on acquiring or owning property remained valid. “Nota quod regularis factus episcopus non per hoc habiatur ad habendum proprium et ad disponendum de proprietate.” OLIGER 1958, p. 179, note 3. An obvious duty of such bishops was to manage the temporalia of their diocese to the best of their abilities, which was also emphasized by Thomas Aquinas. “Dicendum quod religiosus qui fit episcopus, sicut non absolvitur a voto continentiae, ita nec a voto paupertatis, quia nihil debet habere tanquam proprium, sed sicut dispensator communium bonorum Ecclesiae.” ST, II^a–IIae, q. 88 a. 11 ad 4. A separate category were testaments and income from inheritance. All inherited possessions that would be acquired through a testament or in the form of a will, though only hoping that they would, through the bishop, be entrusted to his monastery, would automatically be turned over not to the order or the monastery where the friar or monk bishop came from, but to the local church, that is the diocese he administered. “Et est hoc notandum quod monachus vel frater mendicans ad episcopatum promotus, non recuperat testamenti factionem nec capacitatem acquisitionis bonorum sibi sed ecclesiae suae.” OLIGER 1958, p. 180, note 1.

⁴² This practice was confirmed by Lateran IV in Decree no. XVI about clerical clothing (*De indumentis clericorum*). “Pontifices autem in publico et in ecclesia superindumentis lineis omnes utantur nisi monachi fuerint quos oportet deferre habitum monachalem.” BARON, PIETRAS 2003, p. 255. Some canonists questioned this and advocated that in some cases the outer garment of a bishop-religious brother should be equal to that of his counterpart from among the secular episcopate. OLIGER 1958, p. 177.

and observe those practices of his order that did not prevent him from performing his ministry as bishop.⁴³

Little had changed about this principle during the 13th century. Adding more precision and demanding the application of canonical norms more consistently by the canonists, as well as the new mendicant orders (especially the Dominicans and Franciscans) with their innovative apostolic way of life (*vita vere apostolica*) and institutionally defined poverty, only brought more canonical challenges, with the friar-bishop combination coming into existence. In addition to having a special legal status (note 92), mendicant orders throughout Latin Christianity were part of a broader entity, then known as the so-called *tertium genus*. The first were laymen, the second secular clergy, and the third were *regulares*, which included all the religious orders. In addition to the existing standard canonical sources (papal ordinances, documents from councils and synods, bishops' decrees and, to some extent, secular legal ordinances), religious orders generated their own legislative sources in the form of regulations, constitutions and customs.⁴⁴ Therefore, when assessing the status of bishops from mendicant orders, it is necessary to take into account their autonomous legislation. In it, the mendicants also took into account public opinion, for fearing that the promotion of their brothers to the office of bishop would cast a bad light on the whole institution. From the viewpoint of the Order, the greatest danger was that in the person of bishop-mendicant, the bishop's way of life could corrupt his strict religious life. Therefore, the two biggest orders naturally insisted on having a certain authority towards their friars-bishops and, in particular, keep them from the temptation of loosening their religious discipline.⁴⁵

So at the General Chapter in Montpellier in 1247, already under the leadership of ex-bishop John of Wildeshausen at that time, the Dominicans addressed the Priors Provincial with an appeal to admonish the bishops from among their own ranks in their provinces, not to stand out in terms of their clothing and footwear. In everything else which does not interfere with the office of bishop, they were to comply

⁴³ "Sic igitur dicendum est quod, si qua sunt in regularibus observantiis quae non impediunt pontificale officium, sed magis valeant ad perfectionis custodiam, sicut est continentia, paupertas et alia huiusmodi, ad haec remanet religiosus, etiam factus episcopus, obligatus; et per consequens, ad portandum habitum suae religionis, qui est huius obligationis signum. Si qua vero sunt in observantiis regularibus quae officio pontificali repugnant, sicut est solitudo, silentium, et aliquae abstinentiae vel vigiliae graves, ex quibus impotens corpore redderetur ad exequendum pontificale officium, ad huiusmodi observanda non tenetur. In aliis tamen potest dispensatione uti, secundum quod requirit necessitas personae vel officii, vel conditio hominum cum quibus vivit, per modum quo etiam praelati religionum in talibus secum dispensant." ST, II^a-IIae, q. 185 a. 8 co. Apart from that, the friar-bishop was allowed to do what, considering his *status religiosus*, did not cause scandal in the eyes of secular clergy and lay people. "Ratione saecularium et laicorum cum quibus habent quotidie participare, quaedam sibi licent propter scandalum evitandum." OLIGER 1958, p. 175, note. 4.

⁴⁴ Cf. HOULIER 1974, pp. 11, 27–36.

⁴⁵ OLIGER 1958, p. 155.

with the Order. Otherwise, they should not be allowed to keep with them brothers who acted as their *socii*, but their *socius* was to be taken from them and called back to the Order.⁴⁶ Probably, it was their reluctance to submit to the legislation and discipline of the Order, which five years later caused an even stricter rhetoric from the delegates at the General Chapter in Bologna in 1252. They, together with John of Wildeshausen, decided that all bishops of the Order, as well as any other brothers assigned outside of the Order, who do not observe the religious practices of the Order in the areas of fasting, restraint, way of life and clothing, were to lose their voting rights and spiritual benefits of the Order both in life and in death.⁴⁷ These lost benefits and voting rights could only be restored after an appropriate atonement and with the decision of the Master of the Order or the relevant Prior Provincial.⁴⁸

If a brother who was to become a bishop (this also applied to the positions of papal penitentiaries, crusade preachers, inquisitors, etc.) held an office in the Order (e.g. a prior or a provincial), before receiving a permission to accept the new post, he first had to obtain an absolution, that is, a release from his current office. This legislative procedure has been documented since the second half of the 13th century. In 1272, the Prior Provincial of the English province, Robert Kilwardby, became Archbishop of Canterbury as the first Primate from the ranks of mendicants.⁴⁹ To prepare for taking on such an important post, the Order *de jure* released him from the post of Prior Provincial, for him to take on a new office. This procedure later became a standard in the Order and has been applied automatically in similar cases.⁵⁰

It is evident that the combination of Dominican-bishop seemed incompatible with the ideals of the mendicant way of life to some of the leaders of the Order. It was essentially a conflict between the exercise of episcopal responsibilities and Dominican priorities, together with strict observance of the *vita vere apostolica*. The remaining question is, what was the status of the friar-bishop, who resigned from his post. Under regular circumstances, as a consequence of being ordained a bishop, he kept his episcopal competencies, but he was no longer exempt from the rule (Constitutions) and religious practices of the Order. A brother who was released from office was to return to the Order and back under the jurisdiction of his superiors.

⁴⁶ “Priores provinciales moneant episcopos ordinis nostri in suis provinciis. ut in vestibus et calceamentis et in aliis quibus in officio episcopali impedimentum non prestatur. se conforment ordini. alioquin fratres eis in socios non concedantur. et dati revocentur ab eis.” REICHERT 1898, p. 39.

⁴⁷ “In capitulo de itinerantibus. in fine dicatur sic. fratres ordinis nostri episcopi vel aliis quibuscumque personis extra ordinem assignatos qui in ieiuniis. abstinentiis. victu et vestitu statuta ordinis non servant. suffragiis et beneficiis ordinis tam in vita quam in morte privamus.” REICHERT 1898, p. 61.

⁴⁸ “Quousque super huiusmodi excessu adeo digne satisfecerint. quod per magistrum ordinis vel per provincialem suum ad huiusmodi suffragia restitui mereantur.” REICHERT 1898, pp. 61–62.

⁴⁹ Cf. SOMMER-SECKENDORFF 1937, pp. 67–74.

⁵⁰ “Absolvimus priores provinciales. Theutonie. Ungarie. Anglie. Dacie; Grecie. Priores conventuales; Romanum. Barolitanum. Brundusinum. etc. et volumus. quod immediate non possint resumere ad eadem officia in eisdem provinciis et conventibus.” REICHERT 1898, p. 165.

For example, when John of Wildeshausen was elected Prior Provincial of Lombardy in 1239, he was reluctant to accept the new office, claiming that he was still bearing the rank of bishop. The local Dominicans turned to Gregory IX and requested his opinion. According to *Cronica Ordinis* he confirmed in 1241 (according to J. Rother in March 1240) that John should be reintegrated into the structures of the Order with all the ensuing consequences.⁵¹ His past as a bishop could still be seen while he was holding the office of the Master of the Order, when Pope Innocent IV addressed him as bishop in a letter from 14 May 1244 to the General Chapter in Bologna.⁵²

BOSNIA

Hungary in the first half of the 13th century represented a territory where, besides standard pastoral and preaching practice, the Dominicans were involved in activities related to suppressing heresy⁵³ and missionary work among the pagan Cumans.⁵⁴ Already in 1221, at the second General Chapter of the Order, the delegates talked of a Dominican expansion into Hungary, by establishing a separate province in the territory of the Hungarian crown.⁵⁵ First dominican convents, nearing the mis-

⁵¹ One of the texts from *Cronica Ordinis* talks about John's return to the brothers, to become one of them. "Retenta ad fratrum humilitatem et consorcium est reversus manens inter illos tanquam unus ex illis. Factus est autem postmodum prior provincialis in lombardia et de illo officio assumptus est in magistrum. Cum autem ille presens existens ad refugiendum officium pontificalem vellet ordinem allegare, porrecta est e contrario littera papalis, in qua mandabat, quod cum esset absolutus a cura pontificalis regiminis et per consequens restitutus sub obediencia ordinis, debebat ordini in recipiendo officia obedire; per quam litteram compulsus fuit ad recipiendum officium prioratus predicti." The second wording of the text is more concise and emphasizes that after receiving his release from the office of bishop, Gregory IX placed him under religious obedience, work and offices in the Order. "Absolverat obediencie ordinis et laboribus et officiis subponebat." REICHERT 1896, p. 332.

⁵² "Quia vero, sicut intelleximus, tu frater episcopo." RIPOLL 1729, p. 143, no. LXXII. John's contemporary, and also a resigned Bishop of Regensburg, Albert the Great, performed some activities only reserved for the bishops even after giving up the office of bishop. He acted as a judge in disputes between dioceses, consecrated cemeteries, churches, altars, and ordained presbyters and clerics to lower degrees of clerical status. SCHEEBEN 1980, pp. 122, 128.

⁵³ MAIER 1994, p. 58; KRASIĆ 1996, pp. 13–15.

⁵⁴ Gregory IX in a letter from 3 July 1227 asks the Dominicans to serve the Holy mass on Sundays to the Cumans and to subdue this wild nation through the Word of life and not with weapons ("cum fratribus praedicatoribus messis dominicae operariis in terra praedicta ad te specialiter destinaverit [...] non armis sed Verbo vitae subegerant gentem truculentam"). RIPOLL 1729, p. 22, no. XI. The Pope expressed himself in a similar sense in a letter addressed to the Hungarian Prior Provincial on 21 March 1228, asking him to send his brothers on a mission among the Cumans ("plures pro christo se offerant ex fratribus supradictis"). RIPOLL 1729, p. 26, no. XXIII.

⁵⁵ "In quo fundatis per orbem IX circiter conventibus, dicti conventus per VIII provincias sunct distincti. Scilicet Hispaniam, Provinciam, Franciam, Lombardiam, Romanam provinciam, Ungariam, Theutoniam, Angliam." REICHERT 1898, p. 2. See also note 19.

sionary territory of Bosnia, were established between Sava and Drava (Zagreb 1228, Čazma probably also 1228) and then on the coast in Dubrovnik (1225); and in Nina (Nona) and Zadar in about 1228.⁵⁶ It is evident from the historical developments, that the direction and promotion of Latin Christianity in Bosnia were fundamentally influenced by the papal court from distance and by the immediate territorial efforts of the Hungarian Crown close up. Especially after the death of the Byzantine Emperor Manuel I Komnenos in 1180, the Byzantine influence in Bosnia gradually diminished, and vice versa, the influence of the Hungarian crown intensified. By the end of the 12th century, the number of reported heresies increased in the different sources. Bosnia has become an area accused of providing refuge to the heretics.

The papal court influenced the process with written calls to intervene against heresy and by sending legates who were to convince the rulers of the urgency and to personally supervise the fulfillment of papal demands. Already in 1198 Innocent III wrote to Vukan, the Prince of Dalmatia and Zeta (Duklja), that he is sending legates to his territory, namely priest John and subdeacon Simon.⁵⁷ He then asked him to accept them respectfully and allow them to carry out their activities.⁵⁸ We learn what activities he meant shortly after, from a letter, which Vukan himself sent to the Pope a few months later in 1199. The legates supposedly monitored the situation regarding suspicions of heresy, because Vukan writes that heresy has been present in Hungary for some time, that it is on the rise in Bosnia and he estimated the number of heretics there at ten thousand.⁵⁹ The culprit of this undesirable condition — both for the papal court as well as the Hungarian Crown — was to be Ban Kulin (*Culinus*), as the above-mentioned document suggests (note 59). During his lifetime, Bosnia became a place where persecuted heretics found refuge and support.⁶⁰ His refusing to respect the exemption of the Bosnian Church hierarchy from its subordination to the Dubrovnik Archbishopric and its territorial integration under the Archbishopric of Split also did not improve Kulin's reputation in the eyes of the papal court.⁶¹

⁵⁶ RABIĆ 2016, p. 59.

⁵⁷ “Pontifex Ioannem capellanum et Simonem subdiaconum suos apostolicae sedis legatos ad Valcanum regem Dalmatiae et Diocleae mittit.” THEINER 1863, p. 5, no. VIII.

⁵⁸ “Vulcano rege Dalmatiae et Diocleae, ut legatos apostolicos reverenter recipiat, et legationis officium exsequi permittat.” THEINER 1863, p. 5, no. IX.

⁵⁹ “Demum vero paternitatem vestram nolumus latere quia heresis non modica in terra regis Ungarie, videlicet Bossina, pullurare videtur in tantum quod peccatis exigentibus ipse ba(nus) Culinus cum uxore sua et consanguineis suis seductus, plusquam decem milia christianorum in eandem heresim introduxit.” THEINER 1863, p. 6, no. X.

⁶⁰ VLASTO 1970, p. 231.

⁶¹ Pope Clement III did so at the request of the Hungarian king Béla III in March 1191. “Clemens PP. III iura metropolitani Spalatinensis confirmans sequentes episcopatus eius iurisdictioni obnoxios enumerat: „Segniensem, Corbauinensem, Nonensem, Scardonensem, Traguriensem, Tiniensem, Macarensem, Narroniensem, Stagnensem, Fareensem, Bosniensem, et Delmitensem.” Cited according to KOPIĆ 2004, pp. 132–133.

In November 1202, Innocent III asked Bernard, the Archbishop of Split, and his chaplain John to investigate the manifestations of heresy in Bosnia, as there was a certain number of men residing in the territory under the jurisdiction of Ban Kulin, who were suspected of heresy and had been accused of being Cathars.

The heretics were to voluntarily give up their heresies by themselves and accept the Catholic faith.⁶² Kulin tried to turn the unfavorable situation around by summoning a meeting in Bilino Polje in April 1203, where, in the presence of the local clergy, the papal legate John de Casamaris and the archdeacon Marin of Dubrovnik; all the attendees pledged to obey the decrees of the Roman Church. The document is interesting because it announced reformist commitments which concerned different areas of religious life, such as burial method, celebration of important Church feasts and to minister the sacraments in their proper catholic form. Since the document refers to these matters as if they were to happen in the future, it can be assumed that after Lateran III (1179) the regular and papal court-enforced practice which was in place elsewhere, did not work very well in Bosnia at the beginning of the 13th century.⁶³

We probably cannot deny that Ban Kulin made efforts to carry out the declared reforms, as in the same year the legate John de Casamaris wrote to Rome with a proposal to ordain new episcopacy. He mentions that Bosnia is without a bishop and so it would be appropriate for a new Latin bishop to be established there. The legate even talks about three to four other bishoprics for the greater benefit of the local

⁶² “Innocentius episcopus servus servorum dei venerabili fratri Bernardo Spalatensi archiepiscopo, et dilecto filio J(ohanni) capellano nostro, salutem et apostolicam benedictionem. Cum igitur in terra nobilis viri Culinii bani quorundam hominum multitudo moretur, qui de dampnata Catharorum heresi sunt vehementer suspecti et graviter infamati, nos carissimo in Christo filio nostro Henrico regi Ungarorum illustri apostolica scripta direximus contra illos, qui prefatum Culinum super hoc arguens et oburgans precepit, ut huiusmodi homines de tota terra sibi subiecta proscriberet, bonis eorum omnibus confiscatis. Ipse vero semetipsum excusans respondit, quod eos non hereticos sed catholicos esse credebatur.” SMIČIKLAS 1905, pp. 14–15, no. 11.

⁶³ “Romanam ecclesiam matrem nostram caput totius ecclesiastice unitatis recognoscimus et in omnibus locis nostris, ubi fratrum conventus commoratur, oratoria habebimus, in quibus fratres de nocte ad matutinas et diebus ad horas cantandas publice simul conveniemus. In omnibus autem ecclesiis habebimus altaria et cruces, libros vero tam novi quam veteris testamenti, sicut facit ecclesia romana, legemus. Per singula loca nostra habebimus sacerdotes, qui dominicis et festivis diebus adminus missas secundum ordinem ecclesiasticum debeant celebrare, confessiones audire et penitentias tribuere. Cemeteria habebimus iuxta oratoria, in quibus fratres sepeliantur et adventantes, si casu ibi obierint. Festivitates autem sanctorum a Sanctis patribus ordinatas celebrabimus, et nullum deinceps ex certa scientia manicheum vel alium hereticum ad habitandum nobiscum recipiemus. Et sicut separamur ab aliis secularibus vita et conversatione, ita etiam habitu secernemur vestimentorum: que vestimenta erunt clausa, non colorata, usque ad talos mensurata.” SMIČIKLAS 1905, pp. 24–25, no. 19.

church.⁶⁴ According to R. Kojić, the appointment of a Latin bishop was unacceptable for Kulin, as it contradicted the conditions agreed at Bilino Polje, according to which the Pope should only confirm the election of a bishop from among the local clergy. Because both political rivals Ban Kulin and King Imrich died in 1204, the religious situation in Bosnia remained intricate.⁶⁵

Other court appeals to intervene against heresy in Bosnia appear in papal sources in December 1221. Honorius III appointed magister Accontius, his subdeacon and chaplain, as an apostolic legate to mobilize the Hungarian king, the clergy and the people against heretics who were to openly preach their heretical teachings in Bosnia.⁶⁶ The Pope subsequently also addressed a request for intervention against heretics to the Archbishop of Esztergom and his suffragans.⁶⁷ The activities of the legate Accontius in 1225 apparently extended also to Kalocsa, because Honorius III “on the recommendation of the fondly-remembered magister Accontius, subdeacon and our chaplain, legate of the Apostolic See” urges the local archbishop to carry out an armed intervention “to destroy the heretics in Bosnia, Soli and Usora”; with the faculty to absolve those who commit violence while doing so as Crusaders.⁶⁸ The situation went so far that the Hungarian monarch Andrew II, busy with internal political problems, surrendered these territories in favor of the Archbishop of Kalocsa, which Honorius III confirmed in the same year.⁶⁹

⁶⁴ “Noveritis preterea, quod in Regno Bani Culini de Bosna non est nisi unus episcopatus, et episcopus modo mortuus est. Si posset fieri quod aliquis Latinus ibi poneretur, et aliqui etiam ibi tres vel quatuor crearentur novi, non modicum exinde utilitati accresceret ecclesiasticæ.” THEINER 1863, p. 19, no. XXXIV.

⁶⁵ Cf. KOPIĆ 2004, pp. 145–148.

⁶⁶ “Cum itaque, sicut audivimus in partibus Bosnie tamquam in cubilibus structionum heretici receptati. velut lamie nudatis mammis catulos suos lactens dogmatizando palam sue pravitate errores in enorme gregis dominici detrimentum: nos volentes pestilentes huiusmodi. si datum fuerit desuper effugare, Karissimo in Christo filio nostro [...] illustri Regi Ungarie nec non universis Archiepiscopis et Eipiscopis illius Regni direximus scripta nostra, ut cum a te fuerint requisiti, ad profligandos illos procedant viriliter et potenter.” THEINER 1859, p. 31, no. LXI.

⁶⁷ THEINER 1859, pp. 31–32, no. LXIII.

⁶⁸ “Ad exhortationem bone memorie magistri Acconci Subdiaconi et cappellani nostri, apostolice sedis legati [...] ad profigandos hereticos de Bosna, Soy et Wassora [...] et si forsitan aliqui cruce signati vel cruce signandi per violentam manuum iniectionem vinculo fuerint excommunicationis astricti, absolvendi eos iuxta formam ecclesie tibi concedimus facultatem.” THEINER 1859, p. 55, no. CXVIII.

⁶⁹ “Videlicet Bosnam. Soy et Wosora, infectas heretica pravitate tibi purgandas committens, eas ecclesie tue in perpetuum pia liberalitate donarit [...] terras ipsas sicut pie ac provide sunt donate tibi et ecclesie tue per te, salvo iure Regio in redditibus et rationibus consuetis auctoritate apostolica confirmamus, et presentis scripti patrocinio communimus.” THEINER 1859, pp. 55–56, no. CXIX. This was probably to be the case if Archbishop Ugrin indeed intervened with a Crusade and conquered the promised territory, which he failed to accomplish. R. Kojić links this with the fact that this started a process where, in terms of ecclesiastical administration, Bosnia was subjected to the Archdiocese of Kalocsa as a Metropolia. The process was to be completed while the papal legate John of Palestrina stayed in Hungary. Cf. KOPIĆ 2004, p. 153.

In 1227, Archbishop Uhrin indeed attempted to intervene in Bosnia,⁷⁰ even with the support of John⁷¹, the son of the Byzantine Empress Margaret, sister of Andrew II. Given the local Dominican activities, it may seem that this campaign had some short-term effect, in establishing communities in Čazma and Nina (note 56). The mission of the first generation of Hungarian Dominicans, who were sent between Drava and Sava by the “father” of the Hungarian Dominican friars — Paul the Hungarian, also falls within this timeframe. According to *Vitas Fratrum*, the purpose of the mission, supported by Prince Koloman, was clear:⁷² to bring schismatics as well as heretics to true faith, conversion and unity, which was reportedly achieved despite many difficulties.⁷³ However, this was followed by information that this activity, which progressed so promisingly, faced serious problems. The chronicler Frachet writes about heretics who refused to convert, about two destroyed convents and even about several murdered brothers.⁷⁴ The times of unrest during which the hard-to-build basic infrastructure of the Latin Church in Bosnia was destroyed,⁷⁵ date back to the turn of the second and third decades of the 13th century; a period immediately preceding the activity of John of Wildeshausen in his role as local bishop and these several years were turbulent for Hungary not only on the church level but also on the political level.

After some period of silence on the part of the papal court, which was caused by a change in the office of the Pope (Honorius III was replaced by the energetic Gregory IX in March 1227) and a serious conflict between the Papacy and the Empire (Frederick II), on 5 June 1232 Gregory IX turned to Uhrin, the Archbishop of Kalocsa; Stephen, the Archbishop of Zagreb, and the provost of St. Lawrence in the Archdiocese of Kalocsa, to investigate scandals reportedly committed by the Bishop of Bosnia. The document does not mention the name of the bishop concerned, and it was obviously a sensitive matter, as the persons charged with the task were asked to

⁷⁰ “Et haereticorum exterminium studiosus procuramus [...] his robur perpetuae firmitatis adiicimus. Eapropter vestris supplicationibus grato concurrentes assensu castrum de Posega cum pretinentiis suis.” The Archbishop even had the castle of Posega at his disposal to use as base for fighting the heretics in Bosnia. FEJÉR 1829, p. 100.

⁷¹ “Significavit nobis venerabilis frater noster Archieps Colocensis, quod tu, ducentis Marcis receptis ab eo, crucis te signaculo insignisti contra hereticos de Bossina pugnaturus.” THEINER 1859, p. 72, no. CXLIX.

⁷² “Beate memorie rege Colomano eis astante.” REICHERT 1896, p. 308.

⁷³ “Tandem numero fratrum accrescente, missi a fratre Paulo intraverunt terram, que Ferevciensis vocatur, cuius habitatores schismatici pariter et publici heretici erant. Ubi multis tribulationibus perpessus, tandem convalescentes multos ab heresi ad veram fidem et a schismate ad ecclesiae unitatem converterunt.” REICHERT 1896, p. 305.

⁷⁴ “Et multi ex iisdem, qui converti nolebant [...] ubi etiam duos conventus habuimus, quos postea heretici combusserunt [...] et aliqui fratres ab hereticis sunt occisi.” REICHERT 1896, p. 308, note 1.

⁷⁵ According to *Vitas Fratrum*, the Dominicans managed to restore a number of churches that had been destroyed some time ago, which were desolated and thistles grew in them.” REICHERT 1896, p. 308.

write the results up confidentially and send them directly to the Apostolic See under their own seals. The accusations were serious. The bishop in question did not have the necessary education, he openly supported heresy and his own brother was also to be a heretic. He was even accused of simony⁷⁶ and according to the charge he did not pray, did not administer the sacraments and did not know the baptismal formula. The worst of all was the fact that he himself lived in a village together with the heretics.⁷⁷ The local people, who were reportedly as heretical as their bishop, were also mentioned.⁷⁸

We do not know what the authorized investigators wrote to the Pope, but almost exactly a year later, on 30 May 1233, Gregory IX sent his legate James of Palestrina to Bosnia with a clear mandate — to remove the troubled bishop from office. The Pope writes with pain that the Bishop of Bosnia had been implicated in various misguided doctrines and he must therefore be dismissed. Instead, he wants to install skilled preachers. The Pope even demanded the ordination of two to four new bishops, while preserving the rights of the metropolitan archbishop.⁷⁹ In this religiously and politically difficult situation (the conflict between Andrew II and Archbishop Robert of Esztergom concluded with the agreement in Berehovo on 20 August 1233), in which the unflattering image of Bosnia as a heretical country played a key role, Ban Ninoslav declared his affiliation to Latin Catholicism. On 10 October 1233 Gregory IX addressed a letter to Ninoslav, in which he took him and the whole of Bosnia, under the protection of St. Peter. In addition, the Pope confirmed Ninoslav's claim to Bosnia if he remained Catholic.⁸⁰ To make matters even more intricate, the Office

⁷⁶ From the standpoint of the contemporary canonical law, simony alone was sufficient for a person to be pronounced a heretic and removed from office. “Statuimus ut si quis simoniace ordinatus fuerit ab officio omnino cadat quod illicite usurpavit. Et nec pro pastu nec sub obtentu alicuius consuetudinis ante vel post a quoquam aliquid exigatur vel ipse dare praesumat quoniam simoniacum est. Sed libere et absque imminutione aliqua collata sibi dignitate atque beneficio perfruatur.” *Canons I. De simoniace ordinatus* and *II. Ut pro beneficiis et rebus omnibus sacris nihil detur*. Lateran II 1139. BARON, PIETRAS 2003, p. 142.

⁷⁷ “Episcopi de Bozna excessus et maculas [...] ac hereticorum publicus defensor, per quemdam manifestum hereticum simonie uitio mediante se in episcopum procuravit assumi [...] nullum in ecclesia sua celebrat diuinum officium, nee ministrat ecclesiasticum sacramentum, adeoque factus esse dicitur ab ecclesiasticis officiis alienus, quod baptismi forme penitus est ignarus, cum hereticus in quadam villa moretur et fratrem eius carnalem manifestum heresiarcam.” SMİČIKLAS 1905, pp. 361–362, no. 315.

⁷⁸ “Sicut populus sic sacerdos, in suo errore foveat dampnabiliter, et defendat.” SMİČIKLAS 1905, pp. 361–362, no. 315.

⁷⁹ “Mandamus, quatenus eodem episcopo a regimine Bosnensis ecclesie prorsus amoto. Duos vel tres aut quatuor. prout videris expedire. Doctos in lege domini. quos ad hoc idoneos esse cognoveris, studeas in episcopos ordinare. metropolitani Archiepiscopi iure salvo.” THEINER 1859, p. 113, no. CXCII.

⁸⁰ “Te igitur sincere caritatis brachii amplexantes, personam et terram tuam de Bosna cum omnibus bonis, que impresentiarum rationabiliter possides, sub beati Petri et nostra proteccionem suscipimus et presentis. scripti patrocinio communitus, districtius inhiibentes, ne. quis te in fide catholica permanentem

of the Holy See in Anagni issued two more documents on the same day. One for the Dominicans and another for Ban Ninoslav.⁸¹

Especially the document addressed to the Dominicans is interesting for our purpose. It shows that, following the missionary difficulties described above, there had been some consolidation of the local conditions and the Dominican activities in the region began to produce tangible results. Also from the perspective of the papal court, the year 1233 may seem to be a culminating point of the three-decades-long process of pursuing reforms and trying to bring Bosnia closer to standard Latin Christianity. The Pope writes a letter to the brothers in the Order of Preachers that he learned from Ninoslav about the conversion of his nephew Uban (called Prijezda) to Catholicism. In order to prove that he was moving away from heresy, he had offered his son to the Dominicans a sort of guarantee.⁸² The Pope ordered the Dominicans to agree to this until it would be made sure that Uban's conversion was complete.⁸³ Thus, the Order became a kind of a prolonged hand of the Hungarian kings in their political struggle in Bosnia, and at the same time an instrument of the papal court to realize its local religious demands.

THE BISHOP AND HIS ABDICATION

This is also the period when John of Wildeshausen became bishop. The exact chronological framework is quite wide: from 30 May 1233, when the legate James of Palestrina was commissioned to depose the heretical bishop (note 79) until

super eadem terra, quam sicut asseris, progenitores tui qui fuerant vitio heretice pravitatis infecti ab antiquo paeifice possederunt, presumat indebite molestare, iure carissimi in Christo, filii nostri (Andree) illustris regis Ungarie semper salvo." THEINER 1859, p. 120, no. CC; cf. SMÍČIKLAS 1905, p. 388, no. 335.

⁸¹ The Pope acknowledged Ninoslav's earlier fiefs and privileges already possessed by his ancestors, although they were heretics. He emphasized his merits in the fight against heresy. "Quod cum progenitores sui de antiqua consuetudine comitatus et alias villas terre sue concesserint, et abstulerint quibuscumque prout eis proprie voluntatis arbitrium suggererat, eo nuper ab heresi ad idem catholicam, Domino faciente converso, et hereticos expugnante detentores comitatuuum et aliarum terrarum Ducatus sui predictae consuetudini refragantur, comitatus et terras easdem contra voluntatem eius temere detinendo, quare nobis humiliter supplicavit, ut cum ipse deterioris conditionis esse non debeat, quam dicti progenitores eiusdem, qui fuerunt vitio heretice pravitatis infecti, super hoc adesse sibi favore benivolo dignaremur." THEINER 1859, p. 120, no. CCI.

⁸² Some authors translate the term *obsidem* as hostage. KOPIĆ 2004, p. 154; RABIĆ 2016, p. 63; ROTHER 1895, p. 150. We think it could have been a teenage son put to spend a period of time with the Dominicans for the purpose of education.

⁸³ "Dilectus filius nobilis vir Ninosclavus dux de Bosna nobis exposuit et nos libenter audivimus et gaudemus quod vestre sollicitudinis studio procurante, nobilis vir Ubanus dictus Priesda consanguineus eius nuper ab immunditia pravitatis heretice rediit ad catholice fidei puritatem, et ut in illa stabilis perseveret suadente duce prefato, filium suum vobis obsidem assignavit. Nobis pro parte sua fuit humiliter supplicatum, ut dictum obsidem sibi restitui faceremus. Ideo mandamus quatenus si vobis constiterit, quod dictus Ubanus sit plene conversus ad fidem." THEINER 1859, pp. 120–121, no. CCII; RIPOLL 1729, p. 63, no. C.

17 October 1234, the date when John of Wildeshausen was first explicitly named as “episcopo bosnensi” in the sources.⁸⁴ In the second letter written on the same day, the Pope expresses satisfaction that the legate James of Palestrina had dismissed the previous bishop and at the same time points out that, with a clear conscience and from the power of his apostolic authority, he appointed John of Wildeshausen to be bishop and shepherd. It is in his person, as God’s chosen instrument, that Gregory IX sees a guarantee that heresy will be eradicated from the territory of the Bosnian diocese.⁸⁵ We do not know exactly when, where and through whom the Dominican received his episcopal ordination. On 13 February 1234, Gregory IX appointed the prior of the Carthusian monastery of st. Bartholomew in Trisculo as a new legate for Bosnia, as well as other regions affected by heresy.⁸⁶ This could indicate that the previous legate, whose activity the Pope links with the appointment of John of Wildeshausen as a bishop (note 85), was able to arrange for the ordination of a new bishop in addition to dismissing the unsuitable one. It is recorded in the chronicle of Alberic of Trois-Fontaines for February 1234 that the legate in Hungary, the Bishop and Cardinal James of Palestrina, in Dubrovnik consecrated the papal penitentiary John of the Order of Preachers as a new Bishop of Bosnia.⁸⁷

⁸⁴ This is always done in connection with his commitment to fight local heresy, which is supported by the power to grant 10-day indulgences once a week to those attending his ceremonial anti-heretic sermons (“contra hereticos Sclavonie predicanti”). This also applies to the faculty to absolve of ecclesiastical punishments those, who have been accused of physical attacks against clerics and religious, but joined the fight against heresy. “Episcopo bosnensi, contra hereticos Sclavonie predicanti salutem etc. [...] Ut omnibus qui ad tuam sollempnem predicationem accesserint, semel in hebdomada decem dies de iniuncta sibi penitentia valeas relaxare, nec non ut illis qui pro incendiis et iniectione manuum violenta in clericos vel alias religiosas personas excommunicationis laqueum incurserunt, contra hereticos in Sclavonie partibus constitutos pro defensione fidei accedentibus, et ad tempus congruum in tam felice opere moraturis iuxta formam ecclesie beneficium absolutionis impendas tibi auctoritate presentium concedimus facultatem.” THEINER 1859, p. 129, no. CCXX. The second letter of the same day also refers to the need to cleanse Bosnia, which is like a desert. The bishop is given the power to grant persons, who participated in the struggle to eradicate heresy, the same privileges as granted to those leaving for the the Holy Land with a sign of the cross. “Ad purgandam terram Bosne, que velut terra deserta [...] qui ad commonitionem tuam crucis assumpto caractere, ad hereticorum exterminium se accinxerint, illam indulgentiam, illudque privilegium elargimur, que accedentibus in Terre Sancte subsidium conceduntur.” THEINER 1859, p. 130, no. CCXXIII; RIPOLL 1729, p. 70, no. CXIII.

⁸⁵ “Te, de quo sinceram in Domino conscientiam obtinemus, genti eiusdem terrae auctoritate nostra praefecimus in episcopum et pastorem. Nos igitur ratum et gratum habentes et sperantes, quod per te utpote vas electum a Domino tam in episcopatu tuo quam locis adiacentibus haeretica pravitas extirpetur.” Ibid.

⁸⁶ “Venerabilibus fratribus Archiepiscopis et Episcopis, et dilectis filiis Abbatibus et aliis ecclesiarum Prelatis, ac universis christi fidelibus per Carneolam, Istriam, Dalmatiam, Bosnam, Cruaciam, Serviam et alia partes Sclavonie constitutis, salutem. Priorem Monasterii sancti Bartholomei de Tristulo Cartusiensis ordinis, virum utique secundum cor nostrum, ad partes ipsas, concesso sibi plene legationis officio, duximus destinandum.” THEINER 1859, pp. 122–123, no. CCVII.

⁸⁷ “Jacobus Prenestinus episcopus cardinalis et legatus in Hungaria fratrem Iohannem Predicatorem de penitentialibus domini pape fecit episcopum in Bossena Ragusic.” PERTZ 1874, p. 934. The list

Taking into consideration the fact that it probably took some time for James of Palestrina to travel to Hungary, maybe directly to the territory of Bosnia and settle the matter of dismissing the local bishop, after he had been named a legate, the dates given by Alberic might not be untrustworthy. Given the travel conditions of the time, the process of dismissing the old and finding a suitable candidate for the new bishop of a problematic diocese, the period of nine months, which passed between 30 May 1233 and February 1234, seems quite short. This may indicate the urgency of the matter as well as the legislation of the process related to it. Canon eight of Lateran III (“Ne ecclesiastica beneficia alicui promittantur antequam vacent”)⁸⁸ says that the episcopal seat should not remain vacant for more than six months. That would mean that if John was ordained in February 1234, the legate acted relatively quickly. The question remains how the mendicant got to the office of bishop and to what category within the well-known canonical processes of personal filling bishops’ seats in Hungary should we place his appointment to the bishop’s office. Standard canonical election is out of question due to the fact that cathedral chapter, as an ecclesiastical institution, did not function in Bosnia at that time, or more precisely, there is no mention of its existence at that time.⁸⁹ It is also unlikely that John, as a foreigner and candidate championed by papal legate, would be elected on the basis of an earlier common law by the local “clergy and people”.

In Hungary and territories claimed by the Hungarian crown, there was a difference between the so-called old and new bishoprics. The older, long-established ones often had a number of historical privileges and a complete diocesan infrastructure. And so from the 12th century onwards, it was increasingly difficult for any external entity to interfere with the process which lead to the ordination of a new bishop. In the case of new bishoprics, in particular through their property ownership (temporalities) and the concept known as *habendi, possidendi, subiiciendi*,⁹⁰ the king gained

of bishops by Bernard Gui does not mention any date when John became bishop and the older version of the list of important personalities of the Order from 1719 speaks of 1232 only in broad terms. “Anno MCCXXXII circiter Ecclesiae Bosnensi datus fuerit episcopus.” QUÉTIF, ÉCHARD 1719, p. 112.

⁸⁸ “Cum vero praebendas ecclesiasticas seu quaelibet officia in aliqua ecclesia vacare contigerit vel etiam si modo vacant non diu maneant in suspenso sed infra sex menses personis quae digne administrare valeant conferantur.” BARON, PIETRAS 2003, pp. 178–180.

⁸⁹ The first mention of the Chapter of St. Peter is from 7 December 1239, when the dominican Ponsa, successor to John of Wildeshausen was already bishop in Bosnia. SMIČIKLAS 1906, p. 94, no. 87. The document by Béla IV speaks about the existence of a cathedral with the patronium of st. Peter. “In supra Vrhbozna Burdo cum omnibus suis pertinenciis, ubi ipsa ecclesia cathedralis sancti Petri est fundata.” SMIČIKLAS 1906, p. 239, no. 208. This report was confirmed by an archaeological research from the second half of 1940s. After the demolition of the 15th century mosque, an altar from the first half of the 13th century was uncovered with a damaged inscription: [Apost]OLI PETRI VERB[osnensi]. Cf. SERGEJEVSKI 1947, pp. 13–50. Thus, Ponsa managed to build the basic infrastructure of the diocese in about a year and a half, as Gregory IX asked in a letter dated 26 April 1238 (note 102).

⁹⁰ Cf. KNAPPEK 1934, p. 36.

some room for maneuvering to influence the choice of candidates for the episcopal seat. It must be said that such attempts were in conflict with the valid and papal-court-enforced contemporary canonical standards. In addition, since the 12th century, the appointment and election of bishops had been accompanied by numerous papal interventions, either in the election process or through legates who had the power to select or confirm the most suitable candidate.⁹¹ Legislative developments have led to the papal court taking control of the appointment of bishops, either by confirming that the election was canonical or by engaging the authorized legate in selecting the appropriate person.

Missionary dioceses and bishoprics on the periphery of Latin Christianity, such as the diocese of Bosnia throughout the High Middle Ages, formed a special group. Another particularity in this already specific situation, was the fact that the new bishop was a Dominican, at that time one of the first members of the still new mendicant group, later known in the canonical law as “quattuor ordinis mendicantium de jure communis.”⁹² Since what we know about John of Wildeshausen does not imply that there were any canonical obstacles to prevent him from taking charge of the diocese, we have to outrule postulation as his legislative way to the forefront of the diocese. The decision of Gregory IX from 10 October 1233 (note 80) could shed some light on the matter, stating that he takes the territory of Bosnia under double protection: apostolic protection through St. Peter as well as papal protection. This can also be interpreted that the Bosnian diocese was subject to a special status of direct subordination to the papal court. It would mean that the most important matters of the Bosnian diocese, including the appointment of bishops, would not be governed by the authorities of the concerned metropolia, but by the decisions of the papal court. After the so-called Cuman diocese, Bosnia would be the second exempt bishopric, where the Dominicans from the province of *Hungaria* intervened. Although the statements which put Bosnia under direct subordination to the Roman Pontiff are not as clear as it was the case with the Cuman bishopric in 1229,⁹³ the cir-

⁹¹ KNAPPEK 1934, p. 61.

⁹² HUNČAGA 2013, p. 96, note 354.

⁹³ “Episcopo Cumanorum salutem etc. cum pro fide in gente Cumanorum plantanda sollicitè laboraveris et profeceris laudabiliter dante domino incrementum: tuis precibus benignius annuentes te ac successores tuos a cuiuslibet subiectione preterquam Romani Pontificis liberos esse decernimus, et immediate ad iurisdictionem sedis apostolice pertinere [...] presentium tibi et successoribus tuis auctoritate concedimus ut si qui de gente Cumanorum ad fidem conversi iniciendo forsàn manus in clericos, seu per aliud sacrilegium in canonem inciderint sententie promulgate, liceat vobis illis iuxta formam ecclesie beneficium absolutionis impendere, dummodo non sit adeo gravis et enormis excessus, quod merito debeant ad sedem apostolicam destinari, ne nervus ecclesiastice discipline qui per mansuetudinem flectitur, per insolentiam dissolvatur. Nulli ergo etc. nostre constitutionis et concessionis infringere etc.” THEINER 1859, p. 90, no. CLXI. The diocese infrastructure was being built here at least since the time of Honorius III. In 1218, he demanded that a Chapter be created in the Cuman diocese. THEINER 1859, p. 18, no. XXVII; POTTHAST 1957, p. 492, no. 5598; p. 515, no. 5863, 5864.

cumstances regarding the personality of John of Wildeshausen suggest that the papal court at least had an ambition to apply the same procedures in Bosnia.

Since Lateran IV, the papal court claimed the right to confirm episcopal candidates, which could also take the form of some kind of test proving the candidate's eligibility, before he accepted the ordination.⁹⁴ There is no mention of John's confirmation in either the Church or the Crown documents. Because a confirmation was a requirement in order to exercise jurisdiction over both temporalities and spiritualities in any diocese,⁹⁵ it is assumed that John possessed it even if he did not fall into the category of an elected candidate for episcopacy — an elect (*electus*). In the light of the aforementioned facts, the only way this German Dominican could legitimately become a bishop and take charge of the entrusted diocese is an appointment "ex plenitudine apostolice potestatis."⁹⁶ Already Innocent III admitted that an immediate papal intervention was acceptable when appointing bishops in certain circumstances. Gregory IX included this method into the Decretalia, stating it was not to be used at the expense of canonical elections and that it did not establish a precedent.⁹⁷ On the other hand, this procedure allowed the popes to apply their full apostolic authority where for pastoral, political and other reasons, they needed to enforce their candidate. At the same time, in the case of direct papal appointment of a Dominican bishop, the process of releasing him to the episcopal role from within the Order was simpler because, according to a rule set by the General Chapter of 1233 (note 27), it no longer required further approval from the Order. Based on an explicit statement from a letter dated 17 October 1234, it was exactly this method that Gregory IX used in the case of John of Wildeshausen (note 85). He acted in a similar way in March 1227 in the case of the Dominican Bishop of the Cumans, brother Theodoric. With the authority of the Apostolic See, he entrusted the Archbishop of Esztergom Robert

⁹⁴ Although canon no. XXVI (*De poena indigne confirmantis electionem*) speaks of the obligation to verify the canonical propriety of the election, this also concerns the person of the future bishop. This is the basis on which adequate education, suitable way of life and canonical age were examined. After this eligibility test, the certificate needed to exercise the office of bishop was either given in person during a visit to the papal court or by the Apostolic See through the legate. "Nihil est quod ecclesiae dei magis officiat quam quod indigni assumantur praelati ad regimen animarum. Volentes igitur huic morbo necessariam adhibere medelam irrefragabili constitutione sancimus quatenus cum quisquam fuerit ad regimen animarum assumptus is ad quem pertinet ipsius confirmatio diligenter examinet et electionis processum et personam electi ut cum omnia rite concurrerint munus ei confirmationis impendat [...] si hominem insufficientis scientiae vel inhonestae vitae aut aetatis illegitimae approbaverit. Caeterum qui ad Romanum pertinent immediate pontificem ad percipiendam sui confirmationem officii eius se conspectui si commode potest fieri personaliter repraesentent vel personas transmittant idoneas per quas diligens inquisitio super electionis processu et electis possit haberi." BARON, PIETRAS 2003, p. 265.

⁹⁵ KNAPPEK 1934, p. 84

⁹⁶ John of Wildeshausen's personal friend Thomas of Cantimpré uses the verb *praeficit* to describe the way John became a bishop in Bosnia. CANTIMPRATANI 1627, p. 582.

⁹⁷ KNAPPEK, p. 95, note 63 and p. 96.

to appoint this Dominican as bishop.⁹⁸ The tone of the letter indicates that Archbishop Robert was also entrusted with the function of papal legate for the Cumans. So it is possible that it was him who, in this authority, selected Theodoric as bishop and later ordained him after receiving a confirmation from the papal curia.⁹⁹

John only remained in the office of Bishop of Bosnia for a little over a year. Apparently, already in the summer of 1235 he asked Gregory IX to be removed from office. We don't know his reasons or why he decided to abdicate after such a short time. We only have the Pope's response dated as of 20 September 1235, and his position is quite foreseeable. He refused to grant the request, stating that he encourages John to persevere in office despite the difficulties. According to Gregory IX, he should not spend his time pondering about a resignation, but continue to administer the diocese on its way to salvation so that it would fight the enemies of faith and heretics.¹⁰⁰ But not even Pope's insisting, who was favourably inclined toward the Dominicans, did not help to change John's position. In a letter from Gregory IX to King Béla IV dated 21 May 1237, John is already mentioned as the former bishop of Bosnia.¹⁰¹ According to the court mandate from 26 April 1238 for the Cuman bishop Theodoric, John's successor and not only in Bosnia, but also in Herzegovina, became another Hungarian Dominican, Ponsa.¹⁰²

⁹⁸ "Gregorius episcopus, servus servorum Dei, venerabili fratri nostro archiepiscopo Strigoniensi, apostolice sedis legato in patribus Cumanorum, salutem & apostolicam benedictionem. Vnerabilem fratrem nostrum Theodericum de ordine fratrum Predicatorum, eruditum in lege domini et vita preclarum, auctoritate concessa tibi super hoc a sede apostolica in episcopum prefecisti." RIPOLL 1729, p. 27, no. XXIV.

⁹⁹ For example, up until 1261, out of the 47 Franciscan bishops, 15 of them became bishops on the direct intervention of the Pope. THOMSON 1975, p. 154. Gregory IX also followed a very similar procedure in the case of the successor of John of Wildeshausen, brother Ponsa, when he commissioned above-mentioned Dominican bishop Theodoric to select a suitable candidate to become the bishop of Bosnia (note 102).

¹⁰⁰ "Quatenus a cessionis petitione desistens, et ecclesiam tuam non desinens salubriter gubernare, sic hereticos et alios fidem catholicam impugnantes viriliter et potenter impugnes." THEINER 1859, p. 137, no. CCXLI.

¹⁰¹ "Quondam Bosensem episcopos." THEINER 1859, p. 156, no. CCLXXVII. According to *Scriptores ordinis*, he received the abdication faculty in 1237 and returned to the Order. "Anno MC-CXXXVII abdicandi facultatem obtinuerit & ad ordinem redierit." QUÉTIF, ÉCHARD 1719, p. 112. The new edition of the *Scriptores* also agrees. KAEPPELI 1980, p. 47.

¹⁰² The Pope commissioned Theodoric to secure in Bosnia an appropriate successor to John of Wildeshausen. In addition to having the mandate to choose and with papal consent, to appointment a new bishop, Gregory IX also speaks about extending the territory of the bishopric to include *terra Cholim* (Herzegovina), about building diocesan infrastructure with a cathedral, a Cathedral Chapter, a provost, clergy and church tithes. "Iniungas ut de terra Cholim, per eiusdem Regis ministerium a pravitate consimili nutu divine potentie depurata, diligentem curam in spiritualibus habeat, quousque de illa per Romanam ecclesiam, quod opportunum fuerit, disponetur. Ceterum quod ipse, postquam loco prefuerit necnon instituendi per te Prepositus et Capitulum future cathedralis ecclesie, ac terre clerus in decimis." THEINER 1859, p. 163, no. CCLXXXIX; RIPOLL 1729, p. 101, no. CLXXXII.

It is difficult to be certain about what might have led him to an abdication. Throughout the Middle Ages, local Latin Christianity was facing a lack of properly educated and disposed clergy. Celibacy was not observed, the discipline of the clergy was low and the differences in local language and other cultural differences caused significant problems,¹⁰³ which was probably difficult to deal with for this well-traveled and educated German Dominican. Yet, given the historical sources of Dominican origin, we cannot deny his effort to be an authentic Dominican bishop. The aforementioned Thomas of Cantimpré wrote about John's work in Bosnia, that out of his income of 8,000 Marks, he left almost nothing for his own use, but gave everything to the poor. He did not even have a horse, but he carried books and bishop's insignia (infula) on his donkey. He walked with his confreres on foot and before stepping down from his office as bishop he acquired the necessary absolution.¹⁰⁴

Today we can only guess whether the abdication was connected with his failure to build infrastructure in his diocese. What he failed to build in over a year, his religious confrere-bishop Ponsa accomplished to build in about the same time (notes 89 and 102). Possibly, it also could be the constant calling of crusades against Bosnia.¹⁰⁵ Military power and political pressure constituted the two basic instruments of Hungarian politics in this region, which also manifested with great intensity during the time when John of Wildeshausen took over the office of bishop. Latin Christianity was supposed to be one of the pillars of promoting expansionary demands, which the German Dominican could disagree with.¹⁰⁶ It was difficult to find a helping hand even among the local political elites, who themselves had difficulties maneuvering between two positions: on the one side they had to face the pressure of the Hungarian crown and the demands of the papal court to fight heresies; on the other side, the clergy suspected of heresy and local nobility were the sources of outbreaks of resistance against both of these representatives of foreign political-religious establishment.

However, it must be said that, from a canonical point of view, none of these reasons were relevant enough to allow for the bishop to be released from his office. Since 1198, Innocent III has been advocating the view that the relationship between a bishop and his diocese is like the relationship between a groom and his bride. He called it *coniugium spirituale* (spiritual marriage), which, according to him, forms a stronger bond than a marriage of man and woman. Therefore only the Almighty God could decide to release someone from such a bond. For this reason, only

¹⁰³ KOPIĆ 2004, p. 142.

¹⁰⁴ "Cum Bosnensi ecclesiae praeficit Episcopum, et cum haberet in Episcopatu plusquam octo milia marcharum in redditibus, in usus tamen proprios quasi nihil inde expendebat; sed omnia pauperibus erogabat, nec solum quidem equum habuit, sed asselum, qui libros et episcopales infulas deportabat. Ipse vero pedes cum fratribus incedebat. Hinc postmodum absolutus ab episcopatu." CANTIMPRATANI 1627, p. 582.

¹⁰⁵ Cf. MAIER 1994, pp. 58–59; PFEIFFER 1913, pp. 65–67.

¹⁰⁶ RABIĆ 2016, pp. 66–69.

the Pope, as the Vicar of Christ, was given by God the authority (the so-called papal reservation, which is a power reserved exclusively to the Roman Pontiff) to transfer or depose a bishop.¹⁰⁷ Innocent III defined the mechanism of this process, which Gregory IX incorporated into the *Decretalia*. Already Alexander III, in a letter to Archbishop of Sens in 1167, indicated the relevant reasons for a Pope to depose a bishop or accept a resignation for this post.¹⁰⁸ Until the pontificate of Gregory IX, the following six reasons have gradually been established: physical weakness due to illness and old age, ignorance (lack of necessary knowledge), awareness of grave sin, irregularity, insurmountable hatred (hostility) of the local people and scandal caused by the bishop.¹⁰⁹ Another reason, harshness of climate, which made it impossible for the bishop to live and work in his diocese, was added. In the case of a bishop-religious brother, even his reported inability to adhere to the religious observances of his order, was not a sufficient canonical reason for a resignation.¹¹⁰

According to Knappek, Gregory IX did not accept John's resignation on the ground that it was not sufficiently justified.¹¹¹ It is unlikely, however, that the Pope, who placed such emphasis on canonical norms and their application, would allow a bishop to resign without a proper canonical reason and the appropriate legislative procedure. Bernard Gui states in the first known list of bishops of the Order, that John was dismissed from the office of bishop, and his text can also be interpreted in such a way that he obtained the resignation based on a request.¹¹² In one of the texts of *Cronica Ordinis* it is also noted that John acquired the permission to resign from the office of bishop after insisting persistently, stating that

¹⁰⁷ "Verum, cum fortius sit spirituale vinculum quam carnale, dubitari non debet quin omnipotens Deus spirituale coniugium quod est inter episcopum et ecclesiam, suo tantum reservaverit iudicio dissolvendum. Non enim humana sed divina potius potestate coniugium spirituale dissolvitur, cum per translationem vel depositionem, aut etiam cessionem auctoritate Romani pontificis, quem constat esse vicarium Jesu Christi, episcopus ab ecclesia removetur. Sicut ergo episcoporum translatio vel etiam depositio, sic et electorum cessio post confirmationem ratione spiritualis conjugii soli est Romano pontifici reservata." PL, CCXIV, no. DII, pp. 462C–D; CCCXLVII, pp. 422D–423A; DXXXII, pp. 486D–487A–B.

¹⁰⁸ "Unde licet ipse sicut homo religiosus, ex humilitate pariter, et ex debilitate mentis et corporis, commisione sibi forte administrationi spontanea voluntate abrenuntiavit, quia tamen, nisi ejus abrenuntiatio a Romano pontifice primitus approbetur, nec ab administratione illius fuerit absolutus, nec ipse a regimine credito sibi fuerit exoneratus, tibi nullo modo licuit absque conscientia: et mandato nostro, ejus abrenuntiationem recipere, nec capitulum Altisiodoren, de electione tractare potuit, aut ad nióminationem alicujus procedere." PL CC, no. CDLXVII, p. 466B.

¹⁰⁹ "Debilis, ignarus, male conscius, irregularis, quem mala plebs odit, dans scandala cedere possit." HINSCHIUS 1883, p. 270, note 8.

¹¹⁰ HINSCHIUS 1883, p. 271, note 2, 3.

¹¹¹ KNAPPEK 1934, p. 116, note 162.

¹¹² "Fuit episcopus Bosniensis, qui cessione impetrata episcopatum dimisit." KAEPELLI 1949, p. 102.

this happened in 1237. Similarly, the second version of this chronicle states that he was freed from the rank of bishop.¹¹³ Since also according to Thomas of Cantimpré John obtained the absolution necessary to resign (note 104), there are two canonical reasons to consider: the hostility of local people and harshness of the local climate.¹¹⁴ The reasons why almost two years elapsed between John's request for resignation and the actual release from the post of bishop may be the same as when he took up the post of bishop (notes 85–88). An ongoing search for a suitable candidate as well as waiting for a favourable political situation so that the change in the episcopal seat of this problematic diocese could take place without unnecessary complications.

In any case, the hard-to-reach and rugged terrain of Bosnia remained a territory where Latin Catholicism had not been successfully established throughout the 13th century. The term *ecclesia bosnensis* became a contemporary synonym of religious heterodoxy and pluralism, to the extent that neither the papal court nor the pressure of the Hungarian crown managed to bring these phenomena under full control throughout the Middle Ages.¹¹⁵ Finally, after the Tatar invasion, the decision of King Béla IV of 20 July 1244, moved the seat of the Bosnian diocese away from its territory to Djakov (*Đakovo* in Slavonia, present-day Croatia), which was located within the sphere of direct influence of the Hungarian crown.¹¹⁶ The resigned bishop did not remain without an important post for a long time. First, after the 1239 election, he assumed the office of Prior Provincial of the province of *Lombardy* in the following year (note 51), and after Raymond of Peñafort resigned from the office of the Master of the Order in 1240, he was elected as his successor right away at the next General

¹¹³ “Sed postmodum per multam instanciam obtinuit a papa Gregorio cessionem.” and “Quod eum ab honore episcopali absolverat.” REICHERT 1896, s. 332.

¹¹⁴ Physical weakness and poor health were out of the question, as John, after his return from Bosnia, acted as a Prior Provincial in Lombardy, and eventually ended up as the Master of the whole Order. Although his further active involvement in the governing bodies of the Order suggest his deep respect for the Dominican observances, the impossibility to fully keep them did not suffice as a canonical reason for a resignation from the office of bishop (note 110).

¹¹⁵ In the area of the southeastern Balkan border of Hungary in the 13th century, apart from Latin and Eastern Christianity; Islam, Judaism as well as heresy in the contemporary sense (Patarini, Bogomils, Cathars) were also present. To be able to delicately distinguish which religious expressions are to be attributed to heresy, schism or mere religious diversity can sometimes be difficult. Some of the Balkan historiography of the time therefore describes the attempts to interpret the term *ecclesia bosnensis* purely in a heretical sense as a “distorted Western paradigm.” According to others, the Bosnian Church was neither Roman nor Constantinopolitan, neither Latin nor Orthodox, thus independent of both of these main centers of Christianity with their own Slavic liturgical language. RABIĆ 2016, p. 57, note 17.

¹¹⁶ “Proinde ad universorum noticiam harum serie volumus pervenire, quod nos attendentes in Bozna hereticorum perfidiam admodum invaluisse seu populasse, ita quod pauci invenirentur in partibus illis vere fidei zelatores vel cultores, quasdam possessiones in comitatu de Vulko Dyacou scilicet et Bleznam, in subsidium ecclesie Boznensis.” SMIČIKLAS 1906, pp. 236–240, no. 208.

Chapter in 1241 in Paris (he attended as Prior Provincial). He remained in this office until his death on 4 November 1252 at the Dominican Convent in Strasbourg.¹¹⁷

CONCLUSION

When considering Council requirements and contemporary needs of the papal court, choosing John of Wildeshausen to become the bishop of Bosnia may seem quite logical. This German Dominican had the necessary skills and competences in virtually all the areas which the work of a bishop required at the time.¹¹⁸ Innocent III, paraphrasing the prophet Isaiah (56, 10) stated several times that bishops are like mute dogs (*canes muti*).¹¹⁹ They did not dare to bark, maybe because they lacked the necessary knowledge and adequate skills. At that time, the Church was experiencing a sad period of harmful secrecy (*pessima taciturnitas*). And so we should look at Innocent's pursuit of pastoral reform and canonical directives which concerned bishops, their duties, authorities and overall approach to church administration, including pastoral care, also in this context. Thus it is not surprising that such a prominent, and in many respects proven Dominican, as John of Wildeshausen became a suitable candidate for the post of bishop in Bosnia. Given the sympathy of the Hungarian royal court towards the Dominicans in the first half of the 13th century¹²⁰ and the fact that John personally knew the first generation of brothers that were active in the territory of the Hungarian crown, it does not come as much surprise that he became a Prior Provincial of the province of *Hungaria*. In addition to the above-mentioned criteria, John, thanks to his language skills, also met one of the little-recognized requirements of Lateran IV which demonstrates the growing multiculturalism and multireligiosity in the dioceses of the Latin West. Innocent III and the Council wanted to respond to the tensions and conflicts that were generated by religious differences in rites, customs, and languages. The bishops were to appoint

¹¹⁷ A note about the death of John of Wildeshausen. "Nota de morte fratris Johannis Theuthonici magistri ordinis et ubi iacet. Anno domini mcllii pridie nonas novembris scilicet iiii die eiusdem mensis mograviv ad dominum dilectus deo et hominibus fr. Johannes theutonicus magister ordinis nostri. Scilicet fratrum predicatorum quartus sepultus in conventu Argentinensi." REICHERT 1898, pp. 18, 65.

¹¹⁸ During the 13th century, under the influence of documents from Lateran III and IV as well as Lyon I, several basic requirements were established, which the candidate for the office of bishop had to fulfill in order for his promotion to be considered at all. These were *honestas vitae* (qualities *de moribus*), *aetas*, *scientia*, *doctrina* and *diligentia*. Spiritual shepherds required excellent knowledge (*scientia eminens*) and appropriate skills (*scientia competens*). OEDIGER 1953, p. 48.

¹¹⁹ For example, in 1198, in a letter to bishops, church prelates, and clergymen who were destined for Iceland. PL, CCXIV, no. CCCXX, p. 287B. In the papal bull *Vergentis in senium*, regarding the persecution and punishment of heretics in Viterbe, 1199. PL, CCXIV, no. I, p. 538a. Similarly, in 1200, in a mandate against heretics in the territory of the Narbonne diocese. PL, CCXIV, no. XXIV, p. 904B.

¹²⁰ Dominicans enjoyed the favor of Béla IV (1235–1270) as well as the Archbishop of Esztergom, Robert (1226–1239), probably from France. FÜGEDI 1970, p. 970.

in their dioceses suitable priests who could faithfully administer the sacraments to believers from other traditions and instruct them *verbo et exemplo*.¹²¹ This mainly concerned large cities and intersections of routes, as well as areas where different Christian rites, traditions and liturgical languages were interwoven. Exactly such an environment was Bosnia, and the Dominicans, with their innovative approach to language learning, were a valuable commodity in this environment.¹²²

In a situation where the mendicants were grateful to the Papacy for exemption and support in the form of numerous privileges, the two largest and oldest mendicant orders were not left with much space to maneuver in the labyrinth of court demands placed on them, to give the popes a clear “no” through their highest religious superiors and their General Chapters, when their confreres were named bishops.¹²³ The increased number of bishops from among their ranks shows that the papal court had the upper hand in this match. Especially since the pontificate of Gregory IX, not only the Dominicans, but also the Franciscans, became a convenient option for the court when selecting bishops. The life of the mendicants, bursting with various activities, had made it easier for the court to move a part of their membership up into the Church hierarchy. There were almost always enough suitable candidates among them to fill dioceses which were often problematic and where, for various reasons, bishops from secular clergy did not fit.¹²⁴

Already since the time of Honorius III, this was particularly true for missionary territories and borders of Roman Latin Christianity,¹²⁵ where the mendicant loyalty to the Pope, their doctrinal purity and example of a simple apostolic fraternal life (*vita vere apostolica*), often accompanied by their own communities they could rely on when performing their episcopal service, played a significant role.¹²⁶ So it is not striking that these mobile, educated mendicant friars who lived in poverty became suitable candidates for episcopacy in the peripheral parts of the Latin West, where it was nec-

¹²¹ “Quoniam in plerisque partibus intra eandem civitatem atque dioecesim permixti sunt populi diversarum linguarum habentes sub una fide varios ritus et mores districte praecipimus ut pontifices huiusmodi civitatum sive dioecesum provideant viros idoneos qui secundum diversitates rituum et linguarum divina officia illis celebrent et ecclesiastica sacramenta ministrent instruendo eos verbo pariter et exemplo.” Canon IX, *De diversis ritibus in eadem fide*. BARON, PIETRAS 2003, p. 244.

¹²² See chapter Study with subchapters about language schools. HUNČAGA 2013, pp. 211–220.

¹²³ Cf. KUŽMA 1998, p. 6.

¹²⁴ The leading canonist and later Cardinal Henrich of Susa (Hostiensis), who was involved in creating the Decretalia, commented on the qualities of secular clergy, that he sees no other way but that the religious will save the Church because it is difficult to find suitable secular clergy. Either they are not suitable because of their education, or even worse because of their way of life. “Sciendum est igitur quod cura et regimen animarum committi possunt monacho, et debet hoc etiam fieri ex causa, puta quando clerici seculares idonei non inveniuntur: quia nulli sunt in scientia, pessimi quod vitam.” OLIGER 1958, p. 167.

¹²⁵ For example, until 1261, out of the 47 Franciscan bishops, 18 were active in different border territories. THOMSON 1975, p. 156.

¹²⁶ THOMSON 1975, pp. 18–19.

essary to anticipate makeshift and often life-threatening conditions. In places where there was no, or only minimal church infrastructure, mendicants were an ideal choice when establishing first missions based on elementary Christianization, together with preaching, administering sacraments and, as we can see in some papal documents, with some form of charitable activity (note 31). This approach could help build some sort of footholds for the future institutionalization of Church structures, which later on followed standard procedures. In case of brothers who were proficient in theology and were elevated to the bishop's throne, the Dominicans helped to create a new type of bishop-intellectual, who often acted in his new position as a defender of Church rights and social reputation of the office itself.¹²⁷

Although in terms of the total number of Dominican friars,¹²⁸ the ratio of bishops was minimal and the legislation kept the combination of friar-bishop from, so to speak, blowing out of proportion from the viewpoint of the Order, the Dominican presence among the episcopacy also had its diplomatic advantages. The Order's share on administering Church affairs increased through the bishops at synods and councils. Interestingly, when John of Wildeshausen (1241–1252) was in office as the Head of the Order, Hugh of Saint-Cher (Prior Provincial of the province of *Francia*) became the first Dominican cardinal in 1244,¹²⁹ and the chronicler bitterly remarked: "While he was in office (John of Wildeshausen), Mr. Hugo became a cardinal and many brothers who truly loved the Order became, to their great dissatisfaction, bishops in various places."¹³⁰ But it was exactly while John held the position of the Master of the Order that the General Chapter in Bologna in 1252 further defined the direction of the legislation, probably also in response to the steps taken by Innocent IV (note 129), in terms of having control over accepting the ranks of bishops. The delegates confirmed that brothers who held the office of Prior Provincial, in case they were to become bishops, should first receive a permission directly by the Master of the Order. For all the other brothers, this permission was not to be granted anymore by their highest religious superior, as defined in 1233 (note 27), but by the relevant Prior Pro-

¹²⁷ OLIGER 1958, p. 130. For example, Robert Kilwardby was formerly a Regent Master at the Theological Faculty of Oxford University. Albert the Great, Hugh of Saint-Cher, and Peter of Tarentaise (the first Dominican Pope, Innocent V) held the same position at the University of Paris.

¹²⁸ As for the approximate numbers of brothers in the second half of the 13th century, we can rely on a letter sent by Humbert of Romans to King Louis IX of France. The Master of the Order says that the Order already had about 10,000 priests and around 3,000 novices. HINNEBUSCH 2004, p. 40.

¹²⁹ KAEPELLI 1949, p. 48. When establishing Hugh of Saint-Cher as a cardinal, Innocent IV used his papal authority, but John, in the role of the Master of the Order, strongly objected to it. It is clear from a letter that the Pope sent to John a few years later (15 July, 1252) that he accepts the authority of the Order in this matter. "Nisi de tua, vel ipsorum priorum provincialium, qui pro tempore fuerint, licentia et consensu, aut sedis ejusdem speciali mandato." RIPOLL 1729, p. 215, no. CCLXIII.

¹³⁰ "Sub eo eciam dominus Hugo factus est cardinalis et fratres multi per loca diversa assumpti in episcopos cum magna displicencia sua et fratrum, qui vere ordinem diligebant." REICHERT 1896, p. 333.

vincial. If a brother, who was bound by the duty of obedience to observe this regulation, refused to comply with this procedure, it would be as if he committed mortal sin. Another serious penalty was that the brother in question was stripped of the association with the Order as well as its spiritual benefits in life as well as at death. Already under the leadership of John's successor, Humbert of Romans, this regulation was repeated by two consecutive General Chapters in Buda (1254) and Milan (1255).¹³¹ And so it became part of the *Liber constitutionum et ordinationum*, and binding for the whole Order, as the so-called *confirmatio*.¹³²

The truth is that even after the year 1300,¹³³ when the number of bishops from among the ranks of mendicants increased sharply in comparison with the 13th century, brothers who refused the offered rank of a bishop were praised in the documents of the Order. Bernard Gui, author of a list of brothers from different provinces, who became bishops and archbishops, commends those who resisted ("Fratres qui dignitates oblatas renuerunt").¹³⁴ Understandably, the list of those who did accept Church offices is incomparably longer¹³⁵ than the list of those who have refused them or renounced them after accepting. ("Fratres qui dignitates iam adeptas dimiserunt"). Among those, the first one mentioned is our John of Wildeshausen.¹³⁶ When looking at the Gui's list of bishops in more detail, we can see that until 1237, when the second Master of the Order and the successor to st. Dominic, Jordan of Saxony died, the Dominicans had to 22 bishops and by 1250 their number grew to 56.¹³⁷ This raises a question, why there were only 11 brothers who refused the episcopal honor and only six who renounced the accepted office, even though the Order's tradition in the person of the founder, as well as the contemporary legislation made it clear that Church ranks and offices are not suitable for mendicant friars.

¹³¹ "In capitulo de itinerantibus. in fine dicatur sic. quicumque prior provincialis sine licencia magistri. vel frater alius quicumque sine licencia magistri vel prioris provincialis sui. episcopatum vel archiepiscopatum receperit. nisi per talem obedienciam cogatur quod transgrediendo peccaret mortaliter. ipsum statuto presenti. suffragiis. societate ac omnibus beneficiis ordinis tam in vita quam in morte privamus." REICHERT 1898, pp. 61, 67, 72.

¹³² On the process of taking legislative decisions at General Chapters of the Dominicans in the 13th century, see HUNČAGA 2013, p. 22.

¹³³ A list of popes, cardinals, bishops and archbishops of the Order of Preachers. KAEPELLI 1949, p. 37.

¹³⁴ KAEPELLI 1949, pp. 118–120. Among them we can find those, who refused the archbishop's seat, such as Raymond of Peñafort's in Tarragon. Humbert of Romans even refused to accept the post of the Patriarch of Jerusalem.

¹³⁵ By 1342, after adding to the original text from various other manuscripts, the Dominicans had two popes, 34 cardinals and 258 bishops and archbishops. KAEPELLI 1949, pp. 38, 57, 117.

¹³⁶ KAEPELLI 1949, pp. 120–121.

¹³⁷ The main share of this increased number brought the pontificate of Innocent IV (1243–1254), during which at least 17 new bishops in Italy, France, Ireland, Spain and the Orient joined the episcopate from Dominicans ranks. See: KAEPELLI 1949, pp. 48, 59, 60, 64, 71, 72, 73, 76, 77, 78, 83, 87, 93, 100, 180; KUŽMA 1998, pp. 14–18.

As mentioned above, the Order could not resist the pressure of the papal court in their demands on members of the episcopacy from among the mendicants. Over the decades of the Dominican existence, after they have established themselves in the society and together with the Franciscans survived the turbulent conflicts with secular clergy in 1252–1256 without harm, the increase in the number of their friars-bishops may also seem as accepting a practical compromise with the papal court. On the other hand, if it had not been the autonomous legislation, which was to limit the uncontrolled departure of the membership base into the Church hierarchy, the outflow could have been even higher.

It was since the office of John of Wildeshausen that these regulations have been more precised, formulated quite strictly and functioned quite well. It is probably no coincidence that this former Hungarian Prior Provincial and bishop in Bosnia drew on his personal experiences and feelings of a mendicant brother in the bishop's office, when formulating legislative instruments which opposed the departure of brothers to be raised to the episcopal seat. According to what we know about John, the circumstances suggest that in his life he preferred the Order to the bishopric. Later he used his position and greatly influenced how the Dominicans profiled themselves in this area.

Who knows, perhaps if he was not a bishop himself, even for a short while, and at the outskirts of Latin Christianity in difficult political-religious conditions, the Order would not have passed legislation which resulted in their membership having only a small percentage share on the contemporary episcopacy (compared to the total number of Dominicans in the second half of the 13th century).¹³⁸ John became a popular figure in the Order, and his contemporaries held him in respect.¹³⁹ He held several offices in the Order as well as in the service of the papal court. His personal friend Thomas of Cantimpré reverently commented that there had been reports of numerous miracles happening at John's grave.¹⁴⁰ Queen Mary also contributed to his popularity in Hungary. In a letter after his death, she admitted that during the conflict between

¹³⁸ At the beginning of the second half of the 13th century there were around 70 Dominican bishops (note 137) and 47 Franciscan bishops (note 125). In the period just after the Second Council of Lyon, about 137 friars-bishops from the four largest mendicant orders assumed episcopal seats. A relatively large share of the episcopate was held by mendicants in today's France, where out of 119 dioceses as many as 70 had a bishop belonging to one of the mendicant orders. See TABBAGH, Vincent. Les évêques profès des ordres mendiants dans la France de la fin du Moyen Âge. In CASSAGNES-BROUQUET 2003, pp. 243–253.

¹³⁹ *Cronica Ordinis* described him as a man who had died in a reputation of sainthood and had fought against evil hard and with passion for many days. "Post multos igitur labores et longos diu perpressos in ordine vir iste beatus, vote mundissime et valde innocentis, boni zelator et malicie persecutor, in omni sanctitate migravit ad dominum apud Argentiniam, ubi multociens commoratus fuerat et multa bona fecerat, anno domini MCCLII, et sepultus est honorifice in ecclesia fratrum." REICHERT 1896, p. 335.

¹⁴⁰ "Ad cuius tumulum crebra miracula facta narrantur." CANTIMPRATANI 1627, p. 583.

her son Stephen and King Béla IV, she ran asking for spiritual help and a reconciliation between them to John, now a Master of the Order and to another Dominican who was her confessor. In some kind of half-sleep, John appeared to her and kindly told her that there would be a reconciliation between the father and the son still that day, which did happen in reality.¹⁴¹ At the end we can conclude, that despite his brief episcopal work in Hungary, this period of John's life had a profound impact on his further activities in the Order, especially as Master of the Order, as well as on the popularity and position of the Dominicans in the province of *Hungaria* in the 13th century. Even his unexpected resignation on the post of bishop had no negative impact on this fact.

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¹⁴¹ In addition, John was to be the mediator of other miracles of the lame, the blind, the deaf, and the obsessed. "Fiducialius autem oratione directa ad magistrum Ioannem, quem multum in vita dilexerat & fratrem quemdam eiusdem ordinis, quem, iam defunctum, confessorem habuerat, ambo eodem regine semivigilanti apparuerunt. Cum magister Ioannes sereno vultu praedixit, inquit: Quoniam in nostris orationibus, mediante clementia Dei, fiduciam habuisti, ecce praedico tibi, quoniam hodie, antequam comedas, nuncius dicet tibi, quod pacificati erunt, pater & filius in bonum omnibus ordinatis. Mandavit & alia dicta illustris regina: quod scilicet eodem anno per merita dicti episcopi & magistri Ioannis, suscitatus mortuus fuisset, simul & alia infinita miracula claudotum, caecorum, surdorum, obsessorum e daemonibus & aliarum infirmitatum per eius merita contigisset." CANTIMPRATANI 1627, p. 584; QUÉTIF, ÉCHARD 1719, p. 113.

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Summary

John of Wildeshausen, also known as Johannes Teutonicus and Johannes von Wildeshausen was, after his Dominican confrere Theodoric (bishop of Cumania), the second mendicant friar who was ordained bishop in Hungary and served here in this office. The brief time during which he held the episcopal office in Bosnia (1234 — 1237) falls within a period of historical turning points. The Hungarian crown tried to increase its political influence in Bosnia and the papal court sought to suppress the local heresy. At the same time, during the pontificate of Gregory IX, new norms to strengthen the church authority in enforcing the canonical way of filling the bishoprics were applied, where the Pope as *episcopus orbis* exercised his full apostolic authority. In addition, the episcopal work of John of Wildeshausen fits into a period when this relatively young mendicant religious institution — Ordo praedicatorum — at its fourteenth General Chapter in Bologna in 1233 resisted the idea that bishops-Dominicans should become a usual practice. This was not an easy task, considering the intricate knot of canonical norms concerning religious bishops and the personal demands of the papal court on Franciscans and Dominicans. It was John of Wildeshausen who, after his resignation from the post of bishop, already in his office of the Master of the Order, influenced the contemporary Dominican legislation in this regard.