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**“To Go, Stay, Tarry, and Return”:  
Jan Hus and the Pan-European Authority  
of the Safe Conduct**

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Jan Hus’s execution at the Council of Constance in 1415 was not only the culmination of a series of events, but also marked a new beginning for the spread of his influence. Although both the events before and after his death have been addressed by many scholars, the secular institutional mechanisms at work have generally been addressed only to the extent that they further speak about topics related to theology, religion, and church history. Yet, these institutional mechanisms deserve attention equal to that bestowed upon the ideas whose implementation they enabled.

This article focuses on understanding Jan Hus’s safe conduct to the Council of Constance within the broader context of safe conducts used not only in Bohemia, but throughout Europe. This safe conduct was intended to enable Hus to journey to appear before the council in Constance.<sup>1</sup> Like most safe conducts, Hus’s safe conduct specified the terms and conditions of his protection, as well as its extent. This protection emanated from the Emperor, and was valid as Hus travelled through his territory.

This article will examine only briefly the question of how the safe conduct Hus received may have clashed with the authority of the council, focusing instead on how it compares with other safe conducts. Some of these safe conducts influenced the international understanding of Hus’s safe conduct in Constance, and some reflect the changes, to the extent that changes took place, in the understanding of the authority of the safe conduct following Hus’s execution.

Ulrich von Richental’s *Chronicle of the Council of Constance*, composed in the third quarter of the fifteenth century, seems to indicate that a safe conduct could not protect a heretic. Yet, it also seems to indicate that Emperor Sigismund had issued Hus protection for both going to and returning from the council.<sup>2</sup> Despite the fact that Hus expected to be tried as a heretic, he negotiated for and obtained the safe conduct. This indicates either 1) that the

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1 Editions of Hus’s safe conduct can be found in *Documenta*, 237–238; Novotný, 209–210, No. 88; and Matthew Spinka, *John Hus at the Council of Constance* (New York, 1965) 89–90.

2 Thomas Fudge, *Jan Hus, Religious Reform and Social Revolution in Bohemia* (New York, 2010) 125–126.

Emperor and his advisors were not aware that his safe conduct could not protect a heretic – unlikely given his experience, his position, and the goals of the Council of Constance in at which he was a key party; 2) that the safe conduct was issued in bad faith – possible, but this neither has bearing on its technical validity, nor does it fit with Emperor Sigismund’s reaction to his safe conduct being ignored; or 3) that he believed that he could protect Hus – likely given his reaction at Constance and the general authority of safe conducts.<sup>3</sup>

Despite their importance, little scholarship examines the role of the safe conduct from a multinational perspective. Robert Burns calls for such scholarship, but his calls do not appear to have been answered. In addition to the scholarship on Hus’s safe conduct, the main examples of work on safe conducts consist of studies such as *Das Geleit im Deutschordensland Preußen*, or short treatments of the role of a specific safe conduct in a specific context.<sup>4</sup> While others such as Berger attempted to place Hus’s safe conduct in some wider context in the late fourteenth century, as Fudge suggests, the attempts were unsuccessful.<sup>5</sup> Bartoš’s “Zur Geleitsfrage im Mittelalter,” despite its title, is in fact a short review of the literature on Hus’s safe conduct, focusing almost entirely on Berger, with tangential treatment of Müller and Uhlmann.<sup>6</sup> More recently, Rudolf Hoke has recognized the need to understand Hus’s safe conduct in a wider context, but his treatment of the safe conduct focuses significantly more on the implications of Hus’s trial for heresy, rather than on the institutional framework for understanding the safe conduct itself, while Sebastián Provvidente focuses on the trial and preparation for it.<sup>7</sup> These

3 My limited argument here is based primarily on documents issued outside of the church context, some of which are examined here. For further indication that safe conducts could and were in fact issued to heretics, consider the safe conducts issued by and to Utraquists after the Basel Compacts were rejected by Pope Pius II in the 1460s. For example, see the safe conduct issued by Frederick III to the Czech estates on 2 January 1447 (Historica Třeboň, Státní okresní Archiv Třeboň, sign. 878). See also the expectations assumed in the 1478 treaties made to create peace between Vladislav Jagiellon and Matthias Corvinus (AČ IV [1848] 481–488, No. 21; AČ IV, 488–495, No. 22; AČ V [1862] 377–387, No. 13), which show that safe conducts between members of different religious groups would be respected. Unlike some of the more doubtful cases, such as Hus and Luther, some of the parties in these safe conducts were declared heretics.

4 Ulrich Müller, *Das Geleit im Deutschordensland Preussen* (Cologne and Vienna, 1991).

5 Fudge, *Jan Hus, Religious Reform*, 127.

6 František Bartoš, “Zur Geleitsfrage im Mittelalter,” *Zeitschrift für Kirchengeschichte* 34 (1913) 414–417; František Lützwow, *The Life and Times of Master Jan Hus* (London and New York, 1909) Václav Novotný, “Husův gleit,” *ČČH* 2 (1896) 10–24, 67–86, 146–170 (although Bartoš translates this text’s title to German); Karl Müller, “König Sigmunds Geleit für Huss,” *Historische Vierteljahrschrift* (Leipzig, 1898), (although Bartoš refers to it only by the publication name); Wilhelm Berger, *Johannes Hus und König Sigmund* (Augsburg, 1871); Paul Uhlmann, *König Sigmunds Gleit für Hus und das Geleit im Mittelalter* (Halle, 1893). Bartoš’s review does not actually indicate that all of these texts treat Hus’s safe conduct in any form, although Müller, Berger, and Uhlmann do.

7 Rudolf Hoke “Der Prozeß des Jan Hus und das Geleit König Sigmunds,” *Annuario historiae conciliorum* 15 (1983), 172–193; Sebastián Provvidente, “Hus’s Trial in Constance:

examples all relate to Hus and the interpretation of Hus's safe conduct, but without placing it in a wider context, despite the fact that this context would have been key in informing its contemporary interpreters.

In addition to Hus's safe conduct, the examples discussed in this article include safe conducts issued by the rulers of Aragon in the thirteenth and fourteenth centuries; safe conducts issued during the rebellion in Bohemia 1394–1396; safe conducts issued between opposing sides attending assemblies in Bohemia in the 1440s and 1450s; and Martin Luther's safe conduct to the Diet of Worms in 1521. The safe conduct was intended to provide security and protection for people traveling, whether for trade, diplomatic duties, on behalf of someone else, or for personal reasons. These guarantees went by a variety of names, yet any attempt to distinguish between different forms of safe conduct based on these names is likely to impose meanings upon these terms that they did not carry in their own time.

While parallels can be drawn between medieval and early modern safe conducts and modern forms such as passports, more directly parallel examples can be found in unexpected places, including the modern Canadian passport and the US Constitution, written in 1787.<sup>8</sup> Article 1, Section 6 of the US Constitution reads “[Congress persons] shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.”<sup>9</sup> This protection illustrates the key purposes of

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*Disputatio Aut Inquisitio*,” in HC 254–288. Hoke, “Der Prozeß,” 188–189, includes a thorough examination of Jan Hus's safe conduct and the treatment he received at Constance. Indeed, it places Jan Hus and his safe conduct in the context not only of the contemporary safe conduct given to John XXIII in 1415, but also briefly contextualizes the “return” clause of Hus's safe conduct within the context of a thirteenth century Viennese safe conduct and a fourteenth century northern Italian safe conduct. Although his own presentation of John XXIII's safe conduct without the return clause indicates that this clause was unnecessary, as does the present article, the majority of his attention focuses on whether or not the safe conduct remained valid after Hus had been declared a heretic, suggesting that in general safe conducts were granted to heretics to lure them to their trials. (Hoke, “Der Prozeß,” 183–184) Additionally, this would only be necessary as a means of enticing someone to come to a trial if he already had protection, so he could not be brought involuntarily and if he trusted the issuer, indicating that this provision could not be abused too often or it would become meaningless.

- 8 The Canadian passport reads: “The Minister of Foreign Affairs of Canada requests, in the name of Her Majesty the Queen, all those whom it may concern to allow the bearer to pass freely, without delay or hindrance, and to afford the bearer such assistance and protection as may be necessary.”
- 9 United States Constitution art. 1 §6 cl. 1. The exception of “breach of peace” was tested in *United States v. Wise*, 1 Hay & Haz. 92, 28 F. Cas. 742 (1842), in which a member of Congress was arrested in May 1842 for planning a duel, which would have been a breach of the peace if it had taken place. The court determined that his privilege did not apply in this situation, but it also made him give securities that he would not breach the peace in the near future.

most safe conducts. The members of Congress are to this day protected while performing the duties of their office, which include their transit to and from individual sessions of Congress. The late eighteenth century context in which the US Constitution was written relies on its medieval and early modern heritage, particularly in the context of institutional examples and safeguards.<sup>10</sup>

The first test of this clause illustrates its debt to the past. During the 1787 Constitutional Convention in Philadelphia, one of the attendees was issued a summons to attend to a lawsuit in a distant Pennsylvania county.<sup>11</sup> His attorneys argued that he could not be compelled to divert his attention from his business at the convention, and that he was protected from legal action until it concluded and he was able to return home. This protection parallels the protection to “go, stay, tarry, and return” granted by Emperor Sigismund to Jan Hus.<sup>12</sup> The opinion of the court in Pennsylvania traced English law from the eleventh century forward, citing precedents from the fifteenth century, and eventually focusing on the enumeration of this privilege beginning in the late seventeenth century.<sup>13</sup>

The *longue durée* approach that informed this case and opinion is indicative of the development of the purpose and authority of the safe conduct over time.<sup>14</sup> The thirteenth through sixteenth century examples examined in this article are a critical part of that evolution, at the period when the authority of the safe conduct began to be laid out in the law. The language employed in individual safe conducts is reflective of the specific circumstances in which they were issued, but generally relies on a similar interpretive framework, which by the time of the Council of Constance was pan-European in scope.

Despite their prominence in political discourse and practice, safe conducts have received little scholarly attention. Even the treatment of the above section of the US Constitution focuses primarily on the protection of speech and debate in the assemblies, rather than the physical protections offered.<sup>15</sup> In the

10 For one view of this development, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ, 1975). See also Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge, 1978). Indeed, English common law was adopted as the basis for the American legal system, and is frequently referred to in the early cases. For relevant examples, see *Bolton v. Martin*, 1 U.S. 296, 1 Dall. 296, (1788) and *Geyer’s Lessee v. Irwin* 4 U.S. 107 4 Tall. 107 (1790).

11 *Bolton v. Martin*.

12 Spinka, *Council of Constance*, 90; Novotný 209–210, No. 88.

13 He suggests that before the passage of Will. 3 c. 3, “members of Parliament were privileged from arrests, and from being served with any process out of the Courts of law, not only during the sitting of Parliament, but during the recess within the time of privilege; which was a reasonable time eundo et redeundo,” *Bolton v. Martin*. A similar opinion was issued two years later in *Geyer’s Lessee v. Irwin*.

14 In the American Law Reports, both *Bolton v. Martin* and *Geyer’s Lessee v. Irwin* are listed as precedent in the Pennsylvania Circuit, alongside decisions as recent as 2014. “Immunity of Legislators from Service of Civil Process,” 94 A. L. R. 1470.

15 For some of the many examples, see *Gravel v. U.S.* 408 U.S. 606, 92 S. Ct. 2614 (1972); in re *Grand Jury Proceedings* 563 F. 2d 577, 2 Fed. R. Evid. Serv. 1081 (1977); in research of The

early twentieth century, Gian Piero Bognetti wrote a number of articles on the safe conduct in the early middle ages, examining the various practices in different parts of the early medieval Mediterranean world.<sup>16</sup> In his own treatment of safe conducts in Aragon in the central Middle Ages, Robert Burns relies on Bognetti's suggestion that the eleventh century began a period during which a myriad of disparate practices began to be mutually intelligible.<sup>17</sup> This article will return to Burns when discussing safe conducts in central medieval Aragon.

Hus's safe conduct received particular attention before the 1930s, as can be seen in the number of dissertations and articles published in the later nineteenth and early twentieth centuries, such as Karl Müller's 1898 article "König Sigmunds Geleit für Huss," which draws heavily on Paul Uhlmann's dissertation *König Sigmunds Geleit für Hus und das Geleit im Mittelalter*, as well as in addenda to works such as Wilhelm Berger's 1871 *Johannes Hus und König Sigmund*.<sup>18</sup> This is not to mention the work done by many scholars on editing Hus's works and related documents.<sup>19</sup> Most of these scholars, however, devote little attention to analysing the safe conduct in any wide context.<sup>20</sup>

It should be noted that although Berger's 1871 book focuses on Emperor Sigismund's safe conduct for Hus, he does include some comparisons between Hus's safe conduct and other safe conducts, including others issued

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Rayburn House Office Building Room Number 2113, Washington, D.C. 20515, 432 F. Supp. 2d 100, 24 A.L.R. 6th 845 (2006), which was overturned by *United States v. Rayburn House Office Building, Room 2113*, Washington, D.C. 20515, 497 F. 3d 654, 378 U.S. App. D. C. 139 (2007). In the nineteenth century, cases concerning protection from arrest and subpoena were somewhat more prominent, for example *Howard v. Citizen's Bank & Trust Co.*, 12 App. D.C. 222 (1898). This issue again became prominent with the scandal involving Bill Clinton and Paula Jones in the 1990s, *William Jefferson Clinton v. Paula Corbin Jones*, 520 U.S. 681, 117 S. Ct. 73 (1997), and considerable ink was spilt on the issue of the president's privileges.

16 Robert I. Burns, "The *Guidaticum* safe-conduct in Medieval Arago-Catalonia: A Mini-institution for Muslims, Christians, and Jews," *Medieval Encounters* 1 (1995) 54. Unfortunately, Bognetti's work is available primarily in Italian, and focuses on the early middle ages; I have relied on it only lightly.

17 Burns, "The *Guidaticum* safe-conduct," 55–56.

18 Müller, "König Sigmunds Geleit für Huss," 41–86; Uhlmann, *König Sigmunds Geleit für Hus*; Wilhelm Berger, *Johannes Hus und König Sigmund*.

19 For examples in Czech and Latin, many of which republish the same documents, see Novotný; Documenta and František Šmahel, *Hranice pravdy [The Stake of Truth]* (Prague, 2015). For examples in English, see Matthew Spinka, *The Letters of Jan Hus* (Manchester, 1972); Spinka, *Council of Constance*.

20 A number of works discuss Hus's safe conduct in limited ways, notably František Bartoš, *Čechy v době Husové, 1378–1415* (Prague, 1947); Bartoš, "Zur Geleitsfrage im Mittelalter;" Jiří Kejř, *Z počátků české reformace* (Brno, 2006); Jiří Kejř, *Husův proces* (Prague, 2000); Šmahel, *Hranice pravdy*; Spinka, *Council of Constance*; Pavel Soukup, *Jan Hus, Prediger, Reformator, Märtyrer* (Stuttgart, 2013) 192. Fudge, *Jan Hus, Religious Reform*, 127, notes prior attempts to place Hus's safe conduct in a wider context, rejecting Berger's attempts and eschewing the need to compare Hus's safe conduct to any safe conducts other than those issued by Emperor Sigismund to John XXIII and Jerome of Prague.

by Emperor Sigismund and Luther's safe conduct.<sup>21</sup> These examples include a breakdown of Emperor Sigismund's safe conduct for Hus, which is then used to create a table into which three fourteenth-century safe conducts issued by Emperor Charles IV and King Wenceslaus IV are placed, alongside two safe conducts from early fifteenth century Italy, and a few later fifteenth century and early sixteenth century safe conducts from Prague, London, and the Holy Roman Empire. With few exceptions, these safe conducts are not analysed, but simply divided into columns based on the headings derived from Hus's safe conduct. While this tool may have been useful to Berger, it imparts little meaning to the reader, particularly as the twenty-six safe conducts relayed only in this way can be assumed to be incomplete, especially when compared to the dozen complete safe conducts that he included.

I contend that the real authority and validity of Hus's safe conduct can only be understood through examining it in its wider, pan-European and later medieval context. I agree with Fudge that comparison with safe conducts issued to the Council of Constance provides evidence of how Hus's treatment changed the way in which safe conducts were expected to function at Constance, to a small degree, but this function was predicated on a more general understanding of what power a safe conduct could hold as it was interpreted by attendees at Constance representing regions throughout Latin Christendom. This examination shows that safe conducts were often given to criminals and rebels, yet their power was undiminished. Although the conflict between church and imperial authority affected the way in which the safe conduct could have been interpreted, Emperor Sigismund's promise to protect Hus extended to ensuring he could return home – likely as a condemned heretic awaiting execution, but his right to return was clear, particularly in light of the fact that his condemnation was anticipated before he ever left for Constance.

### Hus's Safe Conduct

A religious reform movement became prominent in Bohemia during the reign of Wenceslaus IV, and by the early fifteenth century Jan Hus had emerged as a leader in this movement, in part because of his preaching at Bethlehem Chapel in Prague.<sup>22</sup> As many of the articles in this volume show

21 Berger, *Johannes Hus und König Sigmund*, 177–208 includes thirty-nine examples from the fourteenth through sixteen centuries.

22 Jan Hus was born in southwestern Bohemia in 1369 and began his studies at the University of Prague in the 1380s, where he taught from 1400–1402, before becoming the rector and preacher in Bethlehem Chapel in Prague. Bethlehem Chapel was founded in 1391 with the explicit purpose of serving Czech speakers with religious instruction in the vernacular. František Šmahel, "The Hussite Revolution (1419–1471)," in *A History of the Czech Lands*, ed. Jaroslav Pánek and Oldřich Tůma (Prague 2014) 152. Matthew Spinka, *John Hus*,

in greater detail, Hus soon became a figurehead of the movement and a target of the church because of both his preaching and his theological treatises, and particularly because of his defence of the writings of the English theologian John Wyclif. Hus's personal role in this movement culminated in his trial and execution at the Council of Constance on 6 July 1415.<sup>23</sup>

To facilitate his journey to Constance, Hus obtained a safe conduct from the recently-elected Emperor Sigismund. Hus and Sigismund spent months negotiating the terms of this safe conduct, and Hus did not begin his journey to Constance until Emperor Sigismund finally agreed to his request.<sup>24</sup> Hus left for Constance on 11 October, himself stating that he was leaving without a safe conduct, although a letter dated 8 October and signed by the safe conduct's ultimate messenger assured Hus of Sigismund's agreement to give him one.<sup>25</sup> Although the safe conduct explicitly protected him on his journey to the city and awarded him not only safe, but also free passage throughout the Empire, the document itself did not reach his hands until after his arrival at Constance.<sup>26</sup>

In the safe conduct he gave to Hus, Emperor Sigismund commended "the honourable Master Jan Hus, *formatus* bachelor of sacred theology and master of arts, bearer of these presents, journeying from the kingdom of Bohemia to the forthcoming general Council soon to be held in the city of Constance, whom we likewise have received into our and the Holy Empire's protection and defence" to his imperial subjects of all levels.<sup>27</sup> He goes on to admonish his subjects to "receive him kindly, treat him favourably, and afford him willing help as regards the speed and safety of his journey."<sup>28</sup> He also freed Hus and his companions from the requirement to pay any tolls or fees while on the journey.<sup>29</sup>

The most important passage in Hus's safe conduct required its viewers to permit "him and his companions freely to go, stop, tarry, and return, and if need be, to provide him willingly and out of duty a secure and safe conduct, to the honour and respect of our royal majesty."<sup>30</sup> The safe conduct emphatically protected Hus not only on his journey to Constance, but while there as well, and it even provided for his return. Indeed, it did not provide for immunity, but for particular types of protection.

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*Concept of the Church* (Princeton, NJ, 1966) 11, 19–41; Malcolm D. Lambert, *Medieval Heresy, Popular Movements from Bogomil to Hus* (London, 1977) 283–287; HHR, 59.

23 Matthew Spinka, *John Hus and the Czech Reform* (Hamden, CT, 1966), 35, 43–49; Šmahel, "The Hussite Revolution (1419–1471)," 152–153.

24 See Novotný, 197–210, No. 81–88 for many of the documents related to the negotiation for the safe conduct.

25 Novotný, 203, No. 85.

26 Spinka, *Council of Constance*, 89; Novotný, 209–210, No. 88.

27 Spinka, *Council of Constance*, 89–90; Novotný, 209–210, No. 88.

28 Spinka, *Council of Constance*, 90; Novotný, 209–210, No. 88.

29 Spinka, *Council of Constance*, 90; Novotný, 209–210, No. 88.

30 Spinka, *Council of Constance*, 90. Following Novotný's edition, the Latin for the key phrase in this passage reads (Novotný, 210): "transire, stare, morari et redire libere permittatis."

Despite the insistence that Hus should be allowed to stay and tarry, the interpretation of this portion of the safe conduct by Sigismund, Hus and his adherents, and the Bohemian nobility was counter to the council's interpretation.<sup>31</sup> Emperor Sigismund had specifically addressed this safe conduct equally to the "ecclesiastical and secular princes" within his jurisdiction.<sup>32</sup> Yet, Hus was imprisoned by the council for over three hundred days and executed on 6 July 1415.<sup>33</sup>

One of Emperor Sigismund's reactions to the infringement of his safe conduct for Hus was to cancel all existing safe conducts on 8 April 1415, a practice which Burns indicates was common in Aragon.<sup>34</sup> The safe conducts issued after this point are phrased differently from the one issued to Hus, as we can see in the safe conduct Emperor Sigismund granted to Pope John XXIII on 2 May 1415.<sup>35</sup> This safe conduct protected John XXIII while coming to the council and secured him safety "in this city to stay and remain

31 This is evidenced by, among many other things, the contrast between the protest sent by 452 nobles to the Council of Constance in 1415, and the Council's justification of the execution of Hus on 6 July 1415. HHR 141, 143.

32 Novotný, 209–210, No. 88: "Universiis et singulis principalibus ecclesiasticis et secularibus, ducibus, marchionibus, comitibus, baronibus, nobilibus, proceribus, ministerialibus, militibus, clientibus, capitaneis, potestatibus, gubernatoribus, presidibus, theloneariis, tributariis et officialibus ac rectoribus eorundum ceterisque nostris et imperii sacri subditis et fidelibus, ad quod presentes pervenerint, gracias regiam et omne bonum," (Spinka, *Council of Constance*, 89–90: "To each and every one of the princes ecclesiastical and secular, dukes, margraves, counts, barons, nobles, notables, *ministeriales*, knights, squires, captains, regents, governors, presidents, toll gatherers, tax collectors, and every kind of official, and to the communities, cities, towns, villages, localities, and settlements and their officials, as well as the rest of our own and the Holy Empire's subjects and faithful to whom these presents shall come, royal grace and all good!").

33 For a current synopsis of the literature on Hus's trial, see Provvidente, "Hus's Trial," 256–260; for a brief analysis of the defense prepared by Jan of Jesenice and Jan Hus, to be given at the Council of Constance, see Provvidente, "Hus's Trial," 264. Provvidente, "Hus's Trial," 262–263 echoes Jiří Kejř, *Die Causa Johannes Hus und das Prozessrecht der Kirche* (Regensburg, 2005) and Hoke, "Der Prozeß," 183–184 in arguing that the safe conduct given by Emperor Sigismund to Hus only protected him in imperial territory, and not from an ecclesiastical court. Yet, Constance was an imperial city, and the council therefore took place on imperial territory. Since Hus was traveling to Constance for the council, and protection was afforded to him while there, asserting this distinction is projecting modern distinctions onto a time and place where church and state were not so clearly delineated. As Provvidente notes, the authority of Emperor Sigismund to protect a heretic may be rightly questioned, but the Council itself had no authority to execute Hus; since it could not shed blood, it returned Hus to Emperor Sigismund for his actual execution. To suggest, as Provvidente does, that while Hus described his journey as one to "bear witness to his faith publicly," this reading ignores that this claim was his defense against the potential charge of heresy; he made this claim in light of his excommunication, and to naively suggest that Hus did not recognize the possibility of his trial and imprisonment. Yet, his insistence on obtaining a safe conduct from Emperor Sigismund belies this.

34 Burns, "The *Guidaticum* safe-conduct," 87.

35 Wilhelm Berger, *Johannes Hus und König Sigismund* (Augsburg, 1871) 207, No. 39.

free and to secure justice yet always [be] safe," with no provision for his return, although implying significant security for his physical safety.<sup>36</sup>

The protections which John XXIII found in his safe conduct can thus be contrasted with those found by Hus, at that moment still imprisoned by the Council of Constance, in violation of the now-invalidated safe conduct Sigismund had issued him the previous year. The contrast highlights most sharply what the two men could expect when justice was served. Pope John XXIII's safe conduct was issued after he had been captured and was being returned to Constance, having already fled the Council once; he was deposed in Constance on 29 May 1415.<sup>37</sup>

Emperor Sigismund appears to have been in a position to assure more explicitly the pope's personal safety while at the council, but was no longer in the position to promise his safe return, although that had featured in the safe conduct for Jan Hus. Indeed, John XXIII remained in captivity until he submitted to the new pope upon the conclusion of the Council of Constance in 1418. Emperor Sigismund's inability to protect Hus seems to have diminished the authority that he was willing to exert in his safe conducts, and perhaps temporarily affected the authority others vested in safe conducts as well.

### Safe Conducts in Aragon

The authority of the wording of Hus's safe conduct becomes yet more apparent when it is placed in a wider context. The first such context will be thirteenth and fourteenth century Aragon, for which a relatively robust literature and collection of edited documents exists. Among his many other investigations into the very long thirteenth-century reign of King James I of Aragon, Burns examined the safe conducts issued to members of all three major religious groups.<sup>38</sup> In addition to his examinations discussed below, Burns mentions work done by Iberian scholars arguing that the safe conducts that he examined continued to be issued in largely the same form throughout the fifteenth century, and were regularly used in Iberia.<sup>39</sup> This observation reinforces the argument laid out here that the similarities between these safe conducts were not accidental, but rather reflect that they were understood in a pan-European context. Burns calls for further study of the development of

36 Berger, *Johannes Hus*, 207, No. 39: "In eadem civitate stare et manere libere et secure iustitia tamen semper salva."

37 In 1418, as Baldassarre Cossa, he submitted to Pope Martin V and was freed and given the position of Cardinal Bishop of Frascati, but he died in 1419. Spinka, *Council of Constance*, 65.

38 Burns, "The *Guidaticum* safe-conduct," 90–113.

39 Burns, "The *Guidaticum* safe-conduct," 75, specifically reviews work undertaken by Leopoldo Piles Ros on safe conducts issued by the fifteenth century bailiff-general of Valencia and by Jacqueline Guiral-Hazzioussif on Valencia's port in the fifteenth century.

safe conducts in Iberia and Europe more broadly, although to my knowledge no comprehensive comparative studies exist.<sup>40</sup>

In examining Aragon, Burns shows that safe conducts were binding on both Christians and Muslims, indicating that mutual respect for political and social institutions was more important for the issuance, if not the enforcement, of safe conducts than was religious affiliation.<sup>41</sup> From the sixty-one safe conducts issued over thirty-five years which Burns edited, I have chosen a few exemplars for discussion in this paper.<sup>42</sup> Unlike the other safe conducts examined here, the safe conducts Burns edited were not used to allow their bearers to attend assemblies or meetings. Instead, they are included here to illustrate the many instances in which a sovereign provided safe conducts containing protections similar to that required by Jan Hus. The safe conducts that I examine generally protected travel through various territories within a single kingdom and were issued by the king to an opposing group of questionable standing. The similarities between these safe conducts and those issued in Central Europe demonstrate many of the traits that made safe conducts universal.

The key purpose of a safe conduct, protection, is demonstrated by the safe conduct given to Muslim subjects by the Christian King Peter III of Aragon in December 1277.<sup>43</sup> The king stated: “wherefore we order you not to inflict any impediment or evil upon these self-same Saracens, either on any one of them or on any of their things.”<sup>44</sup> The protection is here clearly applied to an at-risk group, and seems to be comprehensive.<sup>45</sup>

This basic purpose can also be seen in the confirmation of a safe conduct issued by King Peter III sixteen months later, which protected a group of Muslims who were granted the right to leave following the capture of a town: “There was a conduct and convention among us and the Saracens who were there [which said] that whoever of the Saracens wishes to cross the sea to the parts of the Saracens may cross safely and securely with all of their things, without the impediment of any person.”<sup>46</sup> Later in this short document, the

40 Burns, “The *Guidaticum* safe-conduct,” 65.

41 Burns, “The *Guidaticum* safe-conduct,” 56–58.

42 These were chosen for their subject matter and greater fullness of detail. The documents Burns treats in his analytic portion have also been used in a few instances, and his entire collection is referred to in footnotes when appropriate.

43 Burns, “The *Guidaticum* safe-conduct,” 56–58.

44 Burns, “The *Guidaticum* safe-conduct,” 109, No. 53: “Quare mandamus vobis quatenus eisdem Sarracenis nec alicui eorum seu rebus aliquibus suis nullam impedimentum seu malum inferatis.”

45 Although the threatened punishment for transgression is unclear here, a specific penalty is given for breaking the safe conduct in many of the safe conducts edited by Burns. Burns, “The *Guidaticum* safe-conduct,” 75, discusses the class of safe conduct that included specific punishments.

46 Burns, “The *Guidaticum* safe-conduct,” 111, No. 52: “Fuit conductum et conventum inter nos et Sarracenos qui ibi erant quod quicumque Sarracenorum vellent transfretare ad partes Sarracenorum possent transfretare cum omnibus rebus eorum salve et secure, absque

key term “safe and secure” is again repeated.<sup>47</sup> The king’s promise to protect members of other religions throughout his territory, and to provide some level of protection to those crossing the seas, is noteworthy because it suggests his physical ability to enforce this protection. It also confirms that there was an established practice by which Christian rulers were able to protect non-Christians in their territory through this type of mechanism.

Another key aspect of many safe conducts in both Iberia and Central Europe is the right to return, which was often explicitly spelled out. We see this in a 1263 safe conduct granted by James I of Aragon.<sup>48</sup> This safe conduct promised Peter Lenda protection until the king could meet him, specifying “so that he may go, stay, and return safely and securely through all the places of our whole domains,” a protection which was later repeated.<sup>49</sup> We see a similar formulation in a February 1277 safe conduct issued by Peter III to twenty-two Muslims in the household of a Muslim dye-master.<sup>50</sup> It twice specifies their right “to go whenever they might wish in the aforementioned parts of Almeria, North Africa, or anywhere they wish, and to return and stay throughout all our lands and jurisdiction.”<sup>51</sup> Although the safe conduct did not promise any protection in other areas, it does indicate the king’s interest in its bearers’ protection throughout their travels, and the promise of return may have afforded indirect protection.

Some of King Peter’s safe conducts specifically protected criminals, including a December 1276 safe conduct which he issued to two Muslims

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impedimento alicuius persone, ipsi solventibus iura nostra regalia et satisficientibus domino loci si ei in aliquo tenerentur.”

47 For examples among Burns’ safe conducts of the phrase “salvum conductum,” see Burns, “The *Guidaticum* safe-conduct,” 96, No. 15; 108, No. 50; 109–110, No. 54; 111, No. 57; 111, No. 58; 112, No. 60. This phrase is even more common among Bohemian safe conducts written in Latin, for example *Historica Třeboň* sign. 2160 and sign. 2161, as is the analogous Czech phrase “bezpečný a svobodny glejt,” which can be seen in numerous documents examined here (*Historica Třeboň* sign. 654 and sign. 954) and “svobodny a všem bezpečný glejt” (*Historica Třeboň* sign. 1106, sign. 1146, sign. 1254, sign. 1447, sign. 1518). However, more common for the Iberian safe conducts, as Burns discusses in his article, is the term “guidaticum” (Burns, “The *Guidaticum* safe-conduct,” 91, No. 1; 92, No. 2b; 92–93, No. 3; 94–95, No. 6–14; 96–98, 16–23; 99–100, No. 27–28; 101, No. 31; 105, No. 41–42; 106, No. 44; 106, No. 46; 108–109, No. 51–53), “guidaticum speciali” (Burns, “The *Guidaticum* safe-conduct,” 98–99, No. 24–26; 100–101, No. 29–30; 102, No. 34), and “carta guidatici” (Burns, “The *Guidaticum* safe-conduct,” 102, No. 32–33; 103, No. 35–37; 103, No. 39–40; 106, No. 43; 106, No. 45).

48 Burns, “The *Guidaticum* safe-conduct,” 96, No. 15.

49 Burns, “The *Guidaticum* safe-conduct,” 96, doc. 15: “Ita quod possit ire, stare, et redire salve et secure per omnia loca tocius dominacionis,” and “sed ipsum permittatis cum omnibus bonis suis ire et redire et stare salve et secure per omnia loca tocius dominacionis nostre.”

50 Burns, “The *Guidaticum* safe-conduct,” 109–110, No. 54.

51 Burns, “The *Guidaticum* safe-conduct,” 110, doc. 54: “Ire quociscumque volueritis in dictis partibus Almerie seu Barberie aut ubicumque volueritis, et redire ac stare per totam terram et iurisdiccione nostram,” and “Immo salve ac secure possitis ire, stare, ac redire ubique per totam terram et iurisdiccione nostram.”

accused of murder.<sup>52</sup> Speaking to his officers, King Peter ordered: “wherefore we entrust that you bring it to pass that they are guided and secured in coming, staying, and returning while they give testimony in the said case.”<sup>53</sup> This safe conduct shows that even those accused of a heinous crime – murder – could receive protection while being tried for those crimes and be allowed to return. It does not indicate that they received any kind of immunity, but simply that they were to be secure in their persons while undergoing trial. Burns does not indicate whether this, or most of his safe conducts, were effective in protecting their bearers, but the regular practice of issuing them, and the fact that many contain expressed penalties, at least indicates continued trust in their authority.

Burns also discusses a safe conduct issued in 1365 by King Peter IV which, likely due to imminent war, protected a man currently in prison wherever he travelled and from punishment for all past crimes for one year beyond the duration of the naval campaign, with the specific exemption that he must not “become a heretic, sodomite, counterfeiter of false money, deserter from the fleets, disrupter of roads, violator of the Peace and Truce he had signed, or a traitor.”<sup>54</sup> The stipulation that Ayça would have the king’s protection revoked if he were to become a heretic indicates a precedent for explicitly exempting heretics from protection when that was the intention of the issuer of the safe conduct. Indeed, the safe conduct embedded in the United States Constitution provides similar exemptions for treason, felony, and breach of peace.<sup>55</sup> In Jan Hus’s case, the possibility of Hus being declared a heretic was clear from the outset, and yet no such exception was included in his safe conduct.

### Safe Conducts among Rebels

Emperor Sigismund issued safe conducts not only to those traveling to Constance, but also in many prior situations. During the rebellion of the lords (in the *Panská Jednota*) against his brother King Wenceslaus IV of Bohemia in 1394–1396, both Sigismund and Wenceslaus IV issued safe conducts. These were issued to facilitate meetings in Prague between King Wenceslaus and his challengers: Margrave Jošt of Moravia, Henry of Rožmberk, Henry of Hradec, and Břeněk of Skala.<sup>56</sup>

This rebellion was ended through the negotiations enabled by the issuance of safe conducts, three of which I will examine here. The first is the

52 Burns, “The *Guidaticum* safe-conduct,” 107, No. 50.

53 Burns, “The *Guidaticum* safe-conduct,” 108, doc. 50: “Quare mandamus vobis quatenus eis guidari et assecurari faciatis in veniendo, stando, et redeundo dum dictam causam dixerint.”

54 Burns, “The *Guidaticum* safe-conduct,” 73–74.

55 U.S. Constitution art. 1 §6 cl. 1.

56 Vincenz Brandl, *Codex Diplomaticus et Epistolaris Moraviae* [hereafter CDM] XII (Brno, 1890) 227, No. 237; CDM XII, 255, No. 272; CDM XII, 282, No. 304.

confirmation of a safe conduct issued by King Wenceslaus to Margrave Jošt on 13 March 1395; the next was sent to the leaders of the League of Lords by King Wenceslaus on 7 August 1395; and the final safe conduct was sent to all of the leaders of the League of Lords on 11 March 1396, not only by King Wenceslaus, but also by Emperor Sigismund.<sup>57</sup> All three safe conducts contain nearly identical language of protection, although the earliest is preserved in German rather than Latin. This first safe conduct promised Margrave Jošt that “he will be given secure peace and safe conduct” so that he could come to Prague.<sup>58</sup> The safe conduct issued in August of that year similarly promised “the security of our safe conduct” to all the leaders of the League of Lords – language nearly identical to that used in the March 1396 safe conduct issued by both Wenceslaus and Sigismund.<sup>59</sup>

Additionally, in the August 1395 safe conduct, King Wenceslaus promised the leaders that “they can and are able to come to us, to tarry with us, and conversely to return to [their] own domicile.”<sup>60</sup> The March 1396 safe conduct changes this phrasing only slightly, promising “for the purpose of coming to us, of staying with us, and of returning freely to [their] own domicile.”<sup>61</sup> We see in both of these safe conducts the same basic promise: protection throughout the journey to and from the meeting, as well as during the meeting for which the journey was undertaken. Considering that King Wenceslaus wrote this safe conduct for lords in active rebellion against him, the promise of protection while with him was the key value of the safe conduct.

The language used by Emperor Sigismund in this section of his 1414 safe conduct for Hus is even more expansive. In addition to providing him protection “to go, stay, tarry and return,” Emperor Sigismund instructed his subjects: “and if need be to provide him [Hus] willingly and out of duty a secure and safe conduct.”<sup>62</sup> In this formulation, we see that Emperor Sigismund granted to his subjects the right to provide Hus with further safe conducts within their jurisdiction, and indeed commands them to assert that right.

In the safe conducts King Sigismund and King Wenceslaus issued in the 1390s, they did not specify the right to both stay and tarry, yet both appear

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57 CDM XII, 227, No. 237; CDM XII, 255, No. 272; CDM XII, 282, No. 304. At the time, Emperor Sigismund was king of Hungary only. He was elected King of the Romans in 1411, crowned in Aachen in 1414, and crowned Emperor by the Pope in 1433.

58 CDM XII, 227, No. 237: “Werdet unser sicher friede und geleitte gegeben haben.”

59 CDM XII, 255, No. 272: “Securitatem nostri salvi conductus.” and CDM XII, 282, No. 304: “salvum et securum conductum nostrum.”

60 *Historica Treboň*, sign. 63B: “Ad nos venire, apud nos morari et a nobis vice versa ad domicilia remeare possint et valeant.” The quoted passage is a slight variation of the edited version of the same text found in CDM XII, 255, No. 272.

61 CDM XII, 282, No. 304: “Ad nos veniendi, nobiscum standi et a nobis ad propria domicilia libere revertendi.”

62 Novotný, 210, No. 88; Spinka, *Council of Constance*, 90: “Et suis, dum opus fuerit, de securum et salvo velitis et debeatis providere conductu.”

Hus's safe conduct.<sup>63</sup> This indicates both that Emperor Sigismund knew Hus would remain at the council for an extended period, and that he would be vulnerable at this time. In these few words, we also see the simple promise that Hus might "return," with no greater clarification as to where he might return, which was provided in the earlier safe conducts. It should be further investigated if this might signify that Sigismund promised Hus the opportunity to return from the Council to Bohemia, but not to his domicile.

### Safe Conducts between Opponents

After Hus's execution, the divisions between Hus's followers and more staunch Catholics solidified. During this period, a more radical movement, named for its newly founded capital at Tábor, began to demand more reforms even than those of the moderate Utraquists in Prague.<sup>64</sup> On 30 July 1419, tensions boiled over into civil war, and when Wenceslaus died from a stroke barely two weeks later, he left a power vacuum due to the widespread refusal to accept Emperor Sigismund as his heir.<sup>65</sup>

The civil war continued until 1434 and, in 1436, Sigismund and the Bohemian assembly finally agreed on conditions for his rule.<sup>66</sup> Sigismund died only sixteen months later, and although his son-in-law Albrecht was elected king, he too died in 1439, leaving a posthumously born son, Ladislaus, as his heir. Parties with some religious affiliation continued to be a key administrative element through this period. The safe conducts these parties wrote to each other enabled attendance at assemblies during the first twelve years of Ladislaus's life, from 1440–1452, and reveal further elements of the importance of the safe conduct for carrying out necessary functions of government.

63 Novotný, 210, No. 88; Spinka, *Council of Constance*, 90.

64 The movement coalesced in the spring and summer of 1419 and was named after their foundation Tábor (camp) on a hilltop in southern Bohemia. This was also the name of the mountain on which Jesus was expected to return. HHR, 278–280, 329–336, especially 334–335, for treatment of the foundation of Tábor; David, *Finding*, 25.

65 In a sermon on the fourth anniversary of the execution of Jan Hus, Želivský enticed his parishioners to go in procession to the Catholic church of St. Stephen's, where they took over the service, and then to the New Town Hall, at the edge of Charles Square, originally the cattle market, in the historic center of modern Prague. At the New Town Hall they defenestrated the magistrates who died either from the fall or at the hands of the waiting mobs. HHR, 292–296. For a detailed history of this event, see Petr Čornej, *30.7.1419, První pražská defenestrace, Krvavá neděle uprostřed léta* [The First Prague Defenestration, The Bloody Sunday in the Middle of Summer] (Prague, 2010).

66 See "Demands of the St Valentine's Day assembly, early 1435," in *Crusades Against Heretics in Bohemia, 1418–1437, Sources and documents for the Hussite Crusades*, ed. Thomas Fudge (Burlington, VT, 2002), 384–385, for the English translation. See Fratišek Palacký, *Urkundliche Beiträge zur Geschichte des Hussitenkrieges in den Jahren 1419–1436* (Prague, 1873) II:440–441, No. 940, for the Latin original.

An important question to keep in mind is who could write a safe conduct, and for what purpose might they do so? So far, we have examined safe conducts written by kings and emperors. Because there was no recognized, adult Bohemian king in the 1440s, there was no single person with kingdom-wide authority, although authorities based outside the kingdom still had reason to issue safe conducts.<sup>67</sup> This situation draws attention to the power of the nobility and the towns to provide safe conducts as well. To illustrate, I have identified twelve documents written between the most important leaders of the Catholic party, particularly Oldřich of Rožmberk, and various Utraquist parties, first the Tábórites and then George of Poděbrady and his adherents.<sup>68</sup> All twelve come from the *Historica Třeboň* collection in the State Regional Archive in Třeboň, Czech Republic, the core of which is the family archive of the Rožmberks.<sup>69</sup>

Eight of these twelve documents are originals, bearing the seals of their senders, yet only two of these eight appear in full in published editions.<sup>70</sup> These safe conducts can be divided temporally into two groups. Notably, the safe conducts sent between 1443 and 1447 came from a single person or entity bearing one seal, while those sent between 1449 and 1452 were generally sent on the authority of many persons or groups and bear many seals.<sup>71</sup>

Only one document from either group has a single recipient, and that is the safe conduct written by the mayor and council of Tábor for Oldřich of Rožmberk on 19 November 1447.<sup>72</sup> Although the mayor and council of Tábor may seem to be distinct entities, they commanded with a single power, as

67 For some examples, see *Historica Třeboň* sign. 2160 and sign. 2161, both issued by the papal legate to Jan of Rožmberks in Latin on 7 August 1468; *Historica Třeboň* sign. 2162 issued by King Matthias Corvinus of Hungary in Latin to Jan of Rožmberk on 8 August 1468; *Historic Třeboň* sign. 3062 issued by Emperor Frederick III in German to Vok of Rožmberk on 5 December 1477; *Historica Třeboň* sign. 878 issued by Emperor Frederick III in German to the Czech Estates on 2 January 1447; *Historica Třeboň* sign. 952 issued by Emperor Frederick III in Latin to Oldřich of Rožmberk on 10 September 1447; *Historica Třeboň* sign. 1036 issued by Emperor Frederick III in Latin to Oldřich of Rožmberk on 31 August 1448; *Historica Třeboň* sign. 1038 issued by Frederick III in German to Oldřich of Rožmberk on 12 August 1448.

68 These documents are *Historica Třeboň*, sign. 654, sign. 692, sign. 735, sign. 954, sign. 1065, sign. 1066, sign. 1067, sign. 1106, sign. 1254, sign. 1446, sign. 1518, sign. 1660.

69 Because these documents come from the Rožmberk family archive, most of them were received rather than sent by the Rožmberks. Unfortunately, no comparable Poděbrady archive exists to which they could be compared.

70 These eight documents are *Historica Třeboň*, sign. 654, sign. 692, sign. 954, sign. 1106, sign. 1254, sign. 1446, sign. 1518, sign. 1660. The two published documents are *Historica Třeboň*, sign. 1106, sign. 1660. Five further documents appear in editions as abstracts (*Historica Třeboň*, sign. 654, sign. 692, sign. 954, sign. 1446, sign. 1518), and one document is unedited (*Historica Třeboň*, sign. 1254).

71 *Historica Třeboň*, sign. 654, sign. 692, sign. 735, sign. 954, were written 1443–1447, and *Historica Třeboň*, sign. 1065, sign. 1066, sign. 1067, sign. 1106, sign. 1254, sign. 1446, sign. 1518, sign. 1660, were written 1448–1452.

72 *Historica Třeboň*, sign. 954.

the single seal on this safe conduct bears witness.<sup>73</sup> This safe conduct stands out from the others not only because of who sent and received it, but also because of the freedom with which it allowed its bearer to travel, as it allowed Oldřich of Rožmberk to go to either Soběslav or Jindřichův Hradec, bringing with him “from five to one hundred horses and as many people.”<sup>74</sup> This range is impressive, and indicates the flexibility of the situation, the power of Oldřich of Rožmberk, and the authority of Tábor to permit or deny the exercise of power by such a figure.<sup>75</sup> Nearly all of the safe conducts examined in this section allowed their bearers to be accompanied by many people and horses, but none gave this discretion to their bearer.<sup>76</sup>

The safe conducts of 1443 and 1444, both given by Oldřich of Rožmberk to the town, mayor, and council of Tábor, grant a similar number of people safe passage, yet this number is particularly small when you consider the large number of recipients – in both cases the “mayor and council of the town of Tábor.”<sup>77</sup> Although undoubtedly some negotiation took place before these safe conducts were granted, these limitations on people and horses would have determined the number of people any given party could have represent it in an assembly. We do not have any reciprocal safe conducts, but since we do have safe conducts written at different moments in both directions between these groups, and we can see provisions for safe conducts in treaties from this period, we can assume some degree of equity in the grants.<sup>78</sup>

The safe conducts issued between 1450 and 1452 concern much larger groups in all respects.<sup>79</sup> Each of these was sent by a large number of people and towns and most were sent to all of the key members of the opposing parties, primarily between George of Poděbrady’s party and Oldřich of Rožmberk’s party.<sup>80</sup> Each lord or town who appended his seal pledged to

73 *Historica Třeboň*, sign. 954.

74 *Historica Třeboň* sign. 954: “od pěti až do sta koni a toližež osobam.”

75 From Oldřich of Rožmberk’s home in Český Krumlov, Soběslav is north and slightly east, lying just south of Tábor on the road to Prague. Jindřichův Hradec lies in this same direction, only further east, and was the seat of the Hradec (Neuhaus) family – one of the most prominent families in the kingdom.

76 Although the cities were nearby, the other safe conducts were very specific about location.

77 *Historica Třeboň*, sign. 654, sign. 692: “Purgmistru a Raddie miesta Thaboru.”

78 For an example of the provision for the issuance of mutual safe conducts a generation later, see the series of treaties drafted and eventually concluded between king Vladislav Jagiellon and King Matthias Corvinus in 1478 Palacký, *AČ IV*, 481–488, No. 21; *AČ IV*, 488–495, No. 22; *AČ V*, 377–387, No. 13.

79 *Historica Třeboň*, sign. 1254, sign. 1446, sign. 1518, sign. 1660.

80 *Historica Třeboň*, sign. 1106 (sent in 1449 by Oldřich of Rožmberk to George of Poděbrady’s party), sign. 1254 (sent between large listed groups in both Oldřich of Rožmberk’s and George of Poděbrady’s parties), sign. 1446 (sent by George of Poděbrady to Jindřich of Rožmberk and Jan of Hradec), sign. 1518 (sent by the Poděbrady league to Oldřich of Rožmberk), sign. 1660 (sent by the administrator of George of Poděbrady’s party to Oldřich of Rožmberk and his party). Unlike the safe conducts of 1443, 1444, and 1447, which concerned Tábor, the safe conducts issued in 1449, 1450, and 1452 reflect George of Poděbrady’s

uphold the terms of the document, and thus a safe conduct with a greater number of seals could protect its bearer or bearers over a greater distance, for the specified purpose. The large number of guarantors represents a departure from the practice followed by kings and emperors. In those documents, no other signatories were required, although Sigismund's safe conduct for Hus demonstrated that local rulers might issue their own orders of protection.<sup>81</sup> The many seals on these mid-fifteenth century safe conducts seem to remove the need for multiple or subordinate safe conducts, but also reflect the fragmented nature of political authority at this time.

All but one of these documents provided for the return of their bearers, and the only exception allowed particularly great freedom of movement. These documents all bear evidence of use, and the events for which they provided safety seem to have taken place, implying that they were at least moderately effective.<sup>82</sup> Taken together, these documents show that the safe conduct played a key role in political agreements and negotiations, indeed often enabling those negotiations. Examination of these documents reveals that the trust needed to give credibility to these documents was the foundation for any further intercourse between the parties.

### Luther's Safe Conduct

I will end this article with a brief examination of Martin Luther's safe conduct from Emperor Charles V, also king of Spain, to attend another assembly: the Diet of Worms in 1521. He was called to the assembly for reasons very similar to those that led Jan Hus to the Council of Constance. He had similarly defied the pope and faced the real possibility of being condemned as a heretic

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rise to power. Beginning in the fall of 1447, George of Poděbrady, a Bohemian noble of rising importance, replaced Menhardt of Hradec as leader of the Utraquists. He invaded Prague on 3 September 1448, and by the end of that year only Oldřich of Rožmberk was left in a position to challenge George of Poděbrady's forces. Their forces clashed in 1449–1450, and after a long series of assemblies, they forged a solution in 1451–1452. George of Poděbrady was then made regent for Ladislaus Posthumous, and the following year Ladislaus Posthumous came to Bohemia for the first time and was crowned king in Prague in 1453. Šmahel, "The Hussite Revolution (1419–1471)," 164; Otakar Odložilík, *The Hussite King; Bohemia in European Affairs, 1440–1451* (New Brunswick, NJ, 1965) 52–54.

81 Spinka, *Council of Constance*, 89–90; Novotný, 209–210.

82 In this period, a number of rulers based outside Bohemia, as well as King George of Poděbrady, issued safe conducts to leading men within Bohemia in order to allow them to attend assemblies. Those issued by other rulers are mentioned on page 19; for those issued by George of Poděbrady, see *Historica Třeboň*, sign. 1803 (issued by George of Poděbrady in Czech to Jan of Rožmberk on 29 September 1459) and sign. 1913 (issued by George of Poděbrady in Czech to Jošt and Jan of Rožmberk, Zdeněk of Šternberk, Jan and Oldřich Zajícům of Házmbek on 27 January 1466).

as Hus had been. Yet, he obtained a safe conduct to the Diet of Worms and attempted to defend himself there.

Luther's safe conduct to Worms reads: "we give to you for the purpose of coming here and then leaving from here our protection and the direct, free and secure conduct of the Empire."<sup>83</sup> Luther was clearly issued the full protection of the Emperor, at least for his travel. Notably, he was not promised the right "to go, stay, tarry, and return" as Hus had been, indicating that he may have been more vulnerable while physically present in Worms.<sup>84</sup> It is clear that the safe conduct given to Martin Luther originated in a different political context, and that this difference is reflected in the different linguistic formulations used; indeed, the language Emperor Charles V uses here marks a clear departure from what we have seen to be normative.

Luther's safe conduct shows that while the Emperor Sigismund at least appeared to try to protect Hus while in Constance, Charles V made no such attempts to protect Luther while he was in Worms. One key reason for this difference may have been that the Diet of Worms was a Reichstag initiated by Charles V, while the Council of Constance was a council called to end the schism within the church, at which the Emperor Sigismund was a leading figure, but not the highest authority. Aside from introductions and closings, very few similarities exist between the two safe conducts. Luther was particularly aware of the fate that had befallen Hus and took care that this did not happen to him, leaving the council after giving his famous "Here I Stand" speech, before he could be condemned and executed.

## Conclusion

Although Hus's safe conduct is in itself a document worthy of study, no interpretation of it can take place in a vacuum. Its fifteenth century audience approached this safe conduct with the expectation that it would conform to established protocols and that it would be understood in the same context in which they understood other safe conducts. This context was not localized, but was a part of the same pan-European cultural and intellectual exchange that marked other interactions and discoveries at the Council of Constance.

It should be clear that Jan Hus's safe conduct contained elements that were also present in other safe conducts issued in Bohemia, as well as those included in safe conducts issued as far away as Aragon. The ability of a king to issue protection to someone while going, staying, and returning from somewhere, often regardless of the recipient's social or criminal status, seems to

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83 Berger, *Johannes Hus und König Sigmund*, 206, No. 38: "Dedimus tibi ad veniendum huc et iterum hinc ad tuam securam tuitionem nostram et Imperii liberam directam securitatem et conductum."

84 Spinka, *Council of Constance*, 90; Novotný, 210.

have been recognized in a variety of circumstances in the later middle ages. Indeed, safe conducts in England, and later in the United States, included a blanket protection for certain groups of people from being tried for certain types of crimes while undertaking the business of state.

The issuance of these protections, their recognized authority, and the willingness of all involved to uphold these protections did not, however, always coincide. In many cases where safe conducts were used, the mere issuance of a safe conduct was a test of the trust between different parties; yet, the practice was also a means of creating and increasing trust, as long as the authority of the safe conduct was respected. The safe conduct seems to have become increasingly institutionalized in political and diplomatic exchange, and carried with it international significance and authority. Understanding Jan Hus's safe conduct in this context unfortunately does not explain what transpired at Constance, or why the trust that should have existed in the power of the safe conduct failed to be realized; it does, however, allow us to understand those events from a different perspective.