
The Utraquists and the Roman Curia, 1575-1609: Institutional Aspects

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Elsewhere I have addressed the claim of an alleged convergence between Utraquism and Lutheranism between 1575 and 1609.¹ This paper deals with the opposite claim of convergence between Utraquism and the Roman Church in the same period. In a book published in 1877 Klement Borový maintained that under Archbishop Martin Medek (1581-1590): "...the Consistory recognized the decrees of the Tridentine Council as obligatory for the Utraquists...and the Consistory, and its priests, no longer hesitated to recognize [the archbishop's] higher jurisdiction..."² The editors of the prestigious series *Sněmy české* opined in 1891 that "While the Consistory members were originally Utraquists, they did not differ from the Roman Church in anything, except the communion in both kinds, and they had conformed entirely with the Catholics by 1593."³ Pekař claimed that the advance of Lutheranism in the second half the the sixteenth century forced the Utraquists ever more into the "Catholic ranks."⁴ The more cautious Krofta still painted a gloomy a picture when he wrote about the Utraquist Consistory in 1575-1608: "...the Utraquist Consistory...was constantly reaching a closer rapprochement with the Church of Rome...."⁵ and "...[it] did not, therefore, disappear even after 1593, but - completely dependent on the archbishop and on the royal government... - it vegetated pathetically."⁶ Elsewhere he stated referring to the Consistory: "...in the years preceding the Letter of Majesty [1609] it lost entirely its former independence , giving up step by step its old rights and peculiarities, and submitted fully to the archbishop's obedience...."⁷ Zikmund Winter maintained even more categorically that the Utraquist or Lower Consistory under Administrator Benedict of Prague (1605-1609) was "entirely Catholic" [*docela katolickou*].⁸ Historical literature has also commonly asserted that after 1575 the Utraquists entered into a political alliance with the adherents of the Roman Curia against the Lutherans and the Brethren.⁹

¹ Zdeněk V. David, "Utraquists, Lutherans, and the Bohemian Confession of 1575," *Church History* 68 (1999) 294-336.

² Klement Borový, *Martin Medek, Arcibiskup pražský: Historicko-kritické vypsání náboženských poměrů v Čechách, 1581-1590* (Prague, 1877) 75.

³ *Sněmy české* 7:3.

⁴ Josef Pekař, *Dějiny československé* (Prague, 1991) 91.

⁵ "...vždy více se sbližovala s církví Římskou..., *Sněmy české* 11:49.

⁶ Kamil Krofta, *Nesmrtelný národ: Od Bílé Hory k Palackému* (Prague, 1940) 308; also Kamil Krofta, *Majestát Rudolfa II* (Prague, 1909) 13.

⁷ Krofta, *Majestát Rudolfa II*, 22.

⁸ Zikmund Winter, *Život církevní v Čechách: Kulturně-historický obraz v XV. a XVI. století* (Praha, 1895) 1:333.

⁹ For instance, Jaroslav Pánek, "Stavovství v předbělohorské době," *FHB* 6 (1984) 189.

This paper seeks to examine the interplay between the Utraquist Church and its Roman (step)mother from 1575 to 1609. It examines the propositions of traditional historiography about the virtual demise of the Utraquist Church because (1) the Utraquist Consistory was entirely dominated by the archbishop; (2) the Utraquist clergy was compelled to affirm the Tridentine confession of faith; (3) Utraquist priests were appointed and administered by the archbishop; and (4) the archbishop assumed the judicial powers of the Utraquist Consistory. This investigation will show (1) that, instead of an institutional convergence asserted in historical literature, there was actually a further drawing apart, as the Utraquists under the Consistory maintained their adherence to a liberal ecclesiology, while the Roman Church in the Tridentine settlement reaffirmed and fortified its adherence to the authoritarian ecclesiastical *Befehlsstaat* which had emerged in the late Middle Ages. The differences between Utraquism and the Roman Church, especially in ecclesiology and church discipline, were not just minor and obscure, but far-reaching and clearly definable. (2) The Utraquist Consistory maintained its independence vis-à-vis the Roman Curia throughout the entire period. The *cause célèbre* of the nuncio's success in securing the apostasy of Administrator Fabian Rezek in 1593 actually led to amplifying the distinctiveness and independence of Utraquism from the Roman Church in its current state, and deepened the Utraquists' suspicions of the Curia's intentions. The reports of any other submissions by administrators or the Consistory were illusory. (3) The alleged evidence of an institutional fusion due to an ascendancy of the archbishops were either fended off by the Utraquists, or resulted from mis-perceptions of the actual state of affairs, as in the areas "Catholic" identity and clerical ordinations.

The outcome of the events of 1575-1609 was not a rapprochement between the Utraquists and the Roman Church, as the standard literature has asserted, through the alleged mergers of 1589 and 1593. To the contrary, there was a reaffirmation of the paradoxical reality, clearly evident already in 1575, that the Utraquists regarded the dogmatically proximate Roman Church as a greater threat to their integrity than the dogmatically more remote reformed churches. The pragmatic alliance concluded in 1575 was not between Utraquism and the Roman Curia, but between the Utraquist townsmen and the noble coalition of Lutherans and Brethren. On the political level, while the attitude of the Roman adherents toward Utraquism was hardening after 1600, the Utraquist townsmen secured a counterbalance in their continued political cooperation with the Lutheran and Brethren's nobility, which traced its origins to 1575.

I. Ecclesial Incompatibility

1. Utraquist Critique of Roman ecclesiology

The chief barrier against a rapprochement between the Utraquists and the Roman Curia was their divergent concepts of ecclesiology, which grew rather than diminished in the later part of the sixteenth century as the Roman Church applied the spirit and letter of the Council of Trent which the Utraquists firmly rejected as affirming and even exaggerating those ecclesiological aspects which they had opposed in the first place. The Utraquists preserved their ecclesiological views, which owed much to John Wyclif, and which in a way were at the root of incompatibility of Utraquism with Roman Church, particularly at the Post-Tridentine phase. The rejection of (1) wordly dominion by the clergy, as well as the rejection of (2) ecclesiastical riches and/or splendor continued to characterize their ecclesiology. The objectionable characteristics

ultimately stemmed from the medieval development of the papal monarchy with its bureaucratic apparatus of enforcement and elaborate fiscal system. Utraquist writers, therefore, tended to look back to earlier times for a proper model of ecclesiology. Speaking with awe and affection about the primitive church [*prvotní církev*], they did not refer to the church of the Apostles (like the Protestants), but to the church of the first millennium.¹⁰ In this they resembled the humanist theologians, like Erasmus, Thomas More, and Bishop John Fisher, who looked for new inspiration toward the Greek Fathers, the theological pace-setters of the first centuries of Christianity.¹¹ Like the humanists, the Utraquists did not seek to emulate Eastern Byzantine rituals and practices (whether ancient or contemporary), but rather hankered after the ecclesiology which responded to the Greek stimuli within the Roman patriarchate of the West during the first millennium. Aside from these considerations, even the Council of Constance referred to the church of that era as the “primitive church” [*ecclesia primitiva*].¹²

During the period under discussion, Utraquist Bohemia’s interest in the history and structure of the early Church was manifest, among others, in the translations and publication of the classical ecclesiastical histories of Eusebius and Cassiodorus, as well as the Jewish history of Josephus.¹³ The presentation of the early church, or its Old Testament antecedents, provided opportunities for dwelling on its model characteristics, such as the clergy’s stance toward material riches and political power. Such editorializing did not escape the attention of later book censors of the Counter Reformation who automatically suspected even orthodox books if they bore the names of Utraquist editors or translators.¹⁴ Jan Kocín of Kocinét, translator of Cassiodorus, for instance, launched into a discussion of episcopal prerogatives and life style in his preface. Deriding bishops who sought power and prestige, Kocín upheld as a model of the proper prelate the example of Theodoret of Cyr, one of the authors on whom Cassiodorus had drawn for his history: “And because the word bishop in Greek language designates less a high dignity and disposal of many incomes, but rather a life of service and diligent labour, therefore also this Theodoret thus behaved in both his office and his vocation...”¹⁵ Kocín further stressed the proper bishop’s disregard for material wealth by citing from a letter of Theodoret to Pope Leo: “After having been bishop for so many years, I possessed nothing of my own neither a house, nor a field,

¹⁰ On the primitive church of the Utraquists see Bohuslav Bílejovský, *Kronyka církevní*, ed. Josef Skalický (Prague, 1816) 16-17; Pavel Bydžovský, *Děťátka a neviňátka hned po přijetí křtu sv. Tělo a Krev Boží, že přijímají mají* (Prague, 1541) f. A5b-A6a, also B8a

¹¹ Irena Backus, “Erasmus and the Spirituality of the Early Church,” in Hilmar M. Pabel, ed., *Erasmus’ Vision of the Church* [Sixteenth Century Essays and Studies, 33] (Kirksville, MO, 1995) 95-114; Erica Rummel, *The Humanist-Scholastic Debate in the Renaissance and Reformation* (Cambridge, Mass., 1995) 89-91, 103-111, 134-140. On Erasmus’s and Fisher’s shared interest in Greek patristics and in humanistic learning see Maria Dowling, *Fisher of Men: A Life of John Fisher, 1469-1535* (New York, 1999) 30-40.

¹² Phillip H. Stump, *The Reforms of the Council of Constance, 1414-1418* (Leiden, 1994) 215, 227, 229, 269.

¹³ Flavius Magnus Cassiodorus, *Historia církevní*, trans. Jan Kocín of Kocinét (Prague, 1594); Flavius Josephus, *Historia židovská. Na knihy čtyry rozdělená*, trans. and intro. Václav Plácel z Elbingu (Prague, 1592).

¹⁴ Jiří Bílý, *Jesuita Antonín Koniáš: Osobnost a doba* (Prague, 1996) 155-156.

¹⁵ “A poněvadž jméno biskupské v jazyku řeckém, ne tak důstojenství a povýšení s užíváním mnohých důchodů, jako více služebnost a snaživou práci vyznamenává: protož i tento Theodoritus v úřadu i povolání svém tak se choval, že se při něm žádného nedostatku ani úhony nenacházelo.” Cassiodorus, *Historia církevní* 3.

nor a penny, nor a grave, rather I freely embraced poverty, and whatever property remained after my parents' death, that I immediately gave away...."¹⁶ In the introduction to his translation of Josephus's history, Václav Plácel of Elbing cited reasons why priests should be excluded from positions of political power. Referring to the priests' interference with secular government, he wrote:

"And so it happened always wherever the clergy, which according to their vocation should be busy with divine services and teaching the people, having neglected this, became involved with worldly matters...so also they wanted to stand with one leg in the church, and to be present with the other in the town halls or in the courts of kings. In consequence many strange disorders and entanglements occurred in the land and in its municipalities."¹⁷

The primitive church of the first millennium which the Utraquists adopted as their ecclesiastical model did provide a place for the pope and his office, but his role was much more modest than in the clericalist model of the High Middle Ages, which the Utraquists opposed.¹⁸ Kocín characterized the situation in his translation of Cassiodorus's ecclesiastical history, as illustrated by the pope's relationship with the bishops of the Eastern Church. On the one hand, the Roman See was entitled to a recognition of its special dignity as an "Apostolic School and Mother of Piety." On the other hand, the bishops were entitled to a reciprocal respect from the Roman see. Neither party should interfere in each other's jurisdiction.¹⁹ In a way, this pattern of relationships corresponded with the Utraquists' practice of combining determined opposition to the papacy in administrative and judicial jurisdiction with acknowledging Rome's sacerdotal role and having their priests ordained by the hierarchy in communion with the Roman See.²⁰

In 1588 the Consistory once more avowed its recognition of the pope as head of the church in this limited sense. Negotiating with Nuncio Antonio Puteo, the Utraquist Consistory under Administrator Václav Benešovský expressed its readiness to promote this belief more actively and have the Utraquist priests preach that the pope was the head of the church in exchange for the ordination of Utraquist priests by the archbishop of Prague.²¹ The reverence shown to the office of the pope was not just a matter of courtesy, comparable to the prayers for the sultan by the Byzantine Church in the 1500s, or prayers for Joseph Stalin offered by the Russian Church in the 1940s. Rather,

¹⁶ "...byv biskupem tolik let, nic svého vlastního jsem neměl ani domu, ani pole, ani haléře, ani hrobu: ale že jsem dobrovolně chudobu sobě oblíbil, a což mi koli statku po rodičích zůstalo, to jsem vše hned po jejich smrti rozdal." Cassiodorus, *Historia církevní* 4.

¹⁷ "A tak jest se všudy stávalo, kdežkoli Duchovní lidé, majíce dle povolání svého pilni býti služeb Božích a vyučování lidu, opustivše to, pletli se do světské věci, ... tak i oni jednou nohou chtěli v kostele státi, a druhou na Rathauzích aneb na dvořích královských přítomni býti: že potom skrze to divných neřádů a spletku v zemi a obcích se nadělalo." Josephus, *Historia židovská* 4-5.

¹⁸ On the late medieval origin of the doctrine of papal infallibility see Brian Tierney, *Origins of Papal Infallibility, 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages*. (Leiden, 1988) 12-13; Kathleen G. Cushing, *Papacy and Law in the Gregorian Revolution: The Canonistic Work of Anselm of Lucca* (Oxford, 1998) 11-39.

¹⁹ Cassiodorus, *Historia církevní* 143.

²⁰ As, for instance, Luther has pointed out, see P. Fraenkel, "Utraquism or Co-Existence: Some Notes on the Earliest Negotiations Before the Pacification of Nuernberg, 1531-1532," *Studia theologica* 18,2 (1964) 129.

²¹ Josef Matoušek, "Kurie a boj o konsistoř pod obojí za administrátora Rezka," *ČCH* 37 (1931) 27-28. The Consistory also went on the record objecting to the pope being called Antichrist, see *Sněmy české* 7:397.

it reflected a recognition of the pope as the head of priesthood in the Western Church. It was the same view that caused the Utraquists to seek priestly ordinations from bishops in communion with Rome. The genuine respect for the priestly function of the bishop of Rome in the Western Church was also reflected in Pavel Bydžovský's celebration of the martyrdom of Thomas More and John Fisher, who gave up their lives rather than deny the pope's role in the Church.²²

Not surprisingly, however, the Curia, responding by a letter from the Secretary of State, Montalto, found the Utraquists' limited sacerdotal recognition of the pope's role grossly defective. Its price was a full recognition and acceptance of papal jurisdiction and an unequivocal obedience to its edicts and judgments, sealed by a profession of faith reflecting the edicts of the Council of Trent.²³ To contextualize Utraquist ecclesiology, it may be recalled that on the issue of the pope as the ultimate guarantor of priestly power in the Western Church the Utraquists stood closer to Rome than the Church of England. Utraquism, however, was farther away from Rome than Anglicanism on the prerogatives of bishops. While prizing them as conveyors of priestly power, the Utraquists attributed administrative and judicial jurisdiction even in spiritual matters, not to the bishops, but to the Consistory and the administrator.

2. Rejection of the Council of Trent and of Its Fruits

As mentioned earlier, a major factor against convergence between Utraquism and the Church of Rome, and rather a factor for growing divergence, was the Council of Trent. With their ideal of the ecclesiology, leaning toward the patristic age, it is understandable that the Utraquists objected to and resisted an endorsement of the Council of Trent and its fruits. The Council reaffirmed the late medieval model of the papal monarchy instead of seeking to assert a more liberal and populist ecclesiology. In other words, it offered a centralized command model, not a decentralized discursive one. The Utraquist resistance to Trent focused on four issues: (1) the Tridentine profession of faith; (2) liturgical reforms; (3) auricular confession; and (4) communion for infants.

(1) The refusal of the candidates for priesthood to accept the profession of faith according to the Council was the most obvious sign of Utraquist resistance to the Council's edicts. This proved a continued obstacle to the ordination of Utraquist priests by the archbishops of Prague despite assertions in literature that such priests were ordained and in fact submitted to the unpalatable oath.²⁴

(2) David Holeton's examination of the Utraquist liturgical texts in the light of the post-Tridentine liturgy of the Roman Church likewise puts to rest the suspicions of some scholars that there was a growing convergence between Utraquism and Rome. Relying mainly on the authoritative *editio typica* of the Missal of Pius V (promulgated 1570), Holeton showed that in the late sixteenth century the Utraquists continued to maintain their distance from the Tridentine reforms, and did preserve some of the traditional ritualistic diversity of the medieval Western Church of which the Church of Rome was deprived by its standardizing liturgical reforms, based on the decrees of the Council of Trent. There were also some textual deviations from the pre-Tridentine Roman

²² Pavel Bydžovský, *Historiae aliquot Anglorum martyrum, quibus Deus suam ecclesiam exornare sicut syderibus coelum dignatus est* (Prague, 1554) f. B2a, B3b.

²³ Matoušek, "Kurie a boj o konsistoř pod obojí," 27-28.

²⁴ See, especially, *Druhá Apologie stavův království českého, tělo a krev Pána Ježíše Krista pod obojí přijímajících* (Prague, 1619) 205 (no. 27).

standard, probably inspired by a search for local or more ancient traditions. Most notably, the scenario of the Utraquist mass shifted somewhat from that of the priest's private devotion to one with more of a shared participation by the faithful.²⁵ The Utraquist liturgical deviations were confirmed by no less authority than Nuncio Caetano, who pointed out in 1592 that the services were performed according to the rites of the Church of Prague which differed from those of the Church of Rome.²⁶ As a separate illustration of the independence from the Tridentine reforms, the Utraquist church in Litomyšl used liturgical texts which were essentially consistent with the pre-Tridentine forms of Roman liturgy into the early seventeenth century (until 1620).²⁷ As additional evidence of non-conformity, the Roman Curia in a statement of 1589 – objected to the use of Czech language in the mass by the Utraquists.²⁸

(3) Another deviation from the Tridentine standard came into play in the negotiations about reconciliation with Rome in the early 1590s and concerned the administration of the sacrament of penance. Nuncio Cesare Speciano defined the Tridentine canon on the sacrament of penance [*de poenitentiae sacramento*] as requiring under the term of sacramental confession [*confessio sacramentalis*] an auricular confession [*confessio auricularis*] which he juxtaposed to the Utraquist rite of a public communal confession prior to the reception of the sacrament of the altar. An oddly unexpected interlude followed, when the Roman Curia had some qualms about Speciano's insistence on the term *confessio auricularis*, as not being entirely orthodox from the viewpoint of the canon law. The nuncio, however, wished to nail the concept down lest the Utraquists weasel out of it.²⁹ As noted later on the same topic, Speciano also censured the candidate for the archiepiscopal see of Prague, Zbyněk Berka of Dubá, for receiving communion in his youth in a Utraquist manner, not only *sub utraque*, but also without an antecedent auricular confession.³⁰

(4) The administration of communion to infants was yet another point on which the Utraquists continued to disregard an explicit injunction of the Council of Trent. The Council had pronounced anathema against those who would insist on the theological necessity of the practice.³¹ The Utraquist flaunting of Trent in this respect was viewed as a serious lapse by the Curia and repeatedly brought up by the nuncios in their periodic overtures on the issue of Utraquist reconciliation.

²⁵ David R. Holeton, "The Evolution of Utraquist Eucharistic Liturgy: A Textual Study," BRRP 2 (1998) 109-110, 121-125.

²⁶ Alena Pazderová, "Instrukce pražského nuncia Caetaniho pro jeho nástupce Speciana," in *Facta probant homines: Sborník příspěvků k životnímu jubileu prof. dr. Zdeňky Hledíkové*, ed. Ivan Hlaváček a Jan Hrdina. (Prague, 1998) 354.

²⁷ Milan Skřivánek, "K náboženským dějinám východočeského města v 15. až 18. století," *Česká města v 16. - 18. století: Sborník příspěvků z konference v Pardubicích 14. a 15. listopadu 1990*, ed. Jaroslav Pánek (Prague, 1991) 181.

²⁸ Matoušek, "Kurie a boj o konsistoř pod obojí," 27. See also Holeton, "The Evolution of Utraquist Eucharistic Liturgy: A Textual Study," 123.

²⁹ Matoušek, "Kurie a boj o konsistoř pod obojí," 262-263.

³⁰ *Ibid.* 271, n. 3.

³¹ Noemi Rejchrtová, "Dětská otázka v husitství," ČČH 28 (1980) 75. See also David R. Holeton, "The Communion of Infants: The Basel Years," CV 29 (1986) 40, n. 99.

3. Significance of Vestigial Ties

Despite the profound differences in ecclesiology, which – notwithstanding assertions in historical literature – prevented any rapprochement between Utraquism and Rome, the split between the two could not be regarded as complete and irremediable. The Utraquists felt that the separation was caused by Rome's errors, particularly the disregard for biblical injunction, mainly in the area of the eucharist, and its insistence on the rigid apparatus of power and enforcement. The breach was epitomized by Pius II's abrogation of the Compacts of Basel in 1462. Thus, the Utraquists thought of themselves as biding their time in the midst of suspended, drawn-out – perhaps, millennial – negotiations about settling their differences with the Curia that was, as we saw, in no mood to be conciliatory. Moreover, the Utraquists retained the belief that the Roman hierarchy – despite the bad popes and bad bishops – constituted the authentic priesthood in the Western Church. Hence, their insistence on ordination of their priests by bishops in communion with Rome. The Utraquist theologians also continued to derive their institutional heritage from the historical hierarchy, namely from the archdiocese of Prague of the mid-fourteenth century. The legitimacy of the Consistory was ultimately traced to the transfer of the seal of the archdiocese of Prague to the Utraquist estates by Archbishop Konrad Vechta on joining the Utraquists in 1419, and to its affirmation by the *Compactata* in 1436.³² Thus, in a curious way, the Utraquist Consistory, in a parallel with the archbishop and his Consistory, continued to exist as a quasi-legitimate part of the Roman hierarchical network.

The Curia's willingness to keep in contact and carry on sporadic negotiations with the Utraquist Consistory and its administrators reflected at least a half-hearted recognition of the legitimacy of the Utraquist institutions as partial successors of the pre-1420 institutions of the Archdiocese of Prague.³³ Another formal link between the Roman Church and the Utraquist Church was, of course, the canonically authentic ordination required of the Utraquist priests by the Consistory. The authorities of the Roman Church, including the Jesuits, continued to hold the view that there was real presence in the eucharist consecrated by the Utraquist priests, on the presumption of their ordinations by authentic bishops. As Pierre Bergeron reported in 1600: "The Jesuits and the others of our faith judge that [the Utraquists] should not be impeded in adoring the host because, as far as known, it is touched by the hands of a genuine priest.... The Hussite priests distribute communion in both kinds...."³⁴

In addition, the Curia and its agents gave recognition to the Utraquist Consistory on the grounds of local constitutional law, as well as for practical reasons. Thus, in 1584, Nuncio Giovanni Francesco Bonomi³⁵ acknowledged that the kings of Bohemia were obliged by their coronation oath to defend both the Utraquist and the Roman Church.³⁶ More unexpectedly, the prelates of the Roman Church recognized, as Archbishop Berka did in 1590s, that the term "Catholic religion" within the meaning of

³² *Sněmy české* 4:206.

³³ Matoušek, "Kurie a boj o konsistoř pod obojí," 28-29.

³⁴ *Tři francouzští kavalíři v rudolfínské Praze*, ed. Eliška Fučíková (Prague, 1989) 45.

³⁵ Also known as Bonhomi, Bonhomini; see *Dizionario biografico degli Italiani*, vv. 1 - (Rome, 1960 -) 12:309.

³⁶ Karel Stloukal, "Počátky nunciatury v Praze: Bonhomi v Čechách, 1581-84," *ČCH* 34 (1928) 275.

the *Compactata* covered the Utraquists, not just the *sub una*.³⁷ In his letter of August 1595, the archbishop spoke of the “the Catholic faith and good ancient ecclesiastical rite” which the adherents of Rome and the Utraquists shared.³⁸ On more practical grounds, from the viewpoint of the Curia, the unwillingness of the Utraquists to join the Protestant Reformation was a limited victory of sorts. Earlier, in the 1520s and 1530s, it had been cheered on by propagandists for the Roman Church, such as Hieronymus Emser, Johann Faber, and Johann Cochlaeus.³⁹ Thus, when the chips were down, the Curia, the nuncios, and even the Jesuits favoured the preservation of the Utraquist Consistory as a lesser evil, despite their opposition to have the archbishop of Prague ordain Utraquist clergy.⁴⁰

Rome’s recognition of Utraquism’s quasi-orthodoxy and “Catholic” character, however, was vitiated by grave reservations. It certainly did not cover the veneration of Hus and the communion for infants, and of course it was greatly strained by the Utraquists’ reluctance to submit to Rome’s jurisdiction, including the decrees of the Council of Trent, and their permissiveness in theological discussions. The problematic areas were placed into focus by the paradoxical situation around Berka’s consecration as archbishop of Prague by the Roman Church in 1592-1593. Although the candidate was already a high prelate *sub una*, Nuncio Speciano secured private information that Berka’s parents had actually been Utraquist. Moreover, he and his brothers were raised as Utraquists, receiving in their childhood and youth communion not only *sub utraque*, but also without a previous auricular confession. Speciano’s findings were of major concern to the Curia (represented by Cardinal Gesualdo) and to Pope Clement VIII himself.⁴¹ The archbishop-elect deeply resented and at first resisted Rome’s decision that directed him to renounce under oath the Utraquist errors before his consecration. He firmly denied any current or antecedent heresy on his own part, or that of his parents or his relatives. Speciano pointed out the fact that his mother was buried in the Týn church. Berka finally consented. To spare him public humiliation, he was permitted to perform the abjuration privately in the nuncio’s apartment in the presence of only a notary and two witnesses. Nevertheless, he was reluctant to accept the certificate of absolution, and the relations between him and the nuncio remained strained even after his eventual consecration in October 1593.⁴² Similarly, Administrator Rezek, about whom more will be said shortly, in his notorious submission to the jurisdiction of the Roman Church in September 1593, had to renounce on oath not only the very fact of schism, but also the “heresies and errors” of the Utraquists.⁴³ The term heresy, however, was not used when the objectionable practices were specifically named, such as deviations in the rite of mass, celebration of the feast of Hus, lay communion *sub utraque*, communion for infants, communion without prior auricular confession, carrying

³⁷ “...in hoc regno alia religio praeter antiquam catholicam sub una et alteram sub utraque communicantium toleretur...;” letter of Archbishop Berka to Rudolf II, 12 September 1595 in *Sněmy české* 9:183.

³⁸ “...katolickou pak víru a řád dobřej církevní starobylý v tomto království při straně pod jednou i pod obojí vždy jednotejnej...,” *Sněmy české* 9:178.

³⁹ Jaroslav Pelikan, “Luther’s Attitude Toward John Hus,” *Concordia Theological Monthly* 19 (1948) 757-761.

⁴⁰ *Sněmy české* 11,1:62.

⁴¹ Matoušek, “Kurie a boj o konsistoř pod obojí,” 270-271 n. 3.

⁴² *Ibid.* 278-279.

⁴³ “...abjuro schisma, haereses et errores Hussitarum....” see *Sněmy české* 8:338.

wine or the chalice (together with bread) in eucharistic processions, or otherwise displaying it for adoration.⁴⁴

The continuing engagement with the Roman Church helped to bolster the status of Utraquism in two significant ways. First, in taking seriously the priestly status of Utraquist clergy and giving a quasi-recognition to the Consistory as a direct extension of the pre-Reformation ecclesiastical structure, the Roman Church helped to affirm the aura of their institutional respectability and institutional distinctiveness from secular authority.⁴⁵

Second, the very fact that Rome did not categorically reject the Utraquists, cutting them off as a withered branch, helped to give their mission of reforming the Western Church a degree of credibility which Utraquism would not have had if Rome had simply refused to take any notice of the Consistory. To give the Roman Church its due credit, it could be argued that, considering the temper of the times and its authoritarian character, Rome exhibited a considerable degree of patience with the Utraquists. It is also true that this grudging indulgence existed only as long as Rome did not have sufficient power to crush the Utraquist deviation. In the meantime, however, this tour de force could continue with the Utraquists defying the assertions in historical literature about making abject or even self-destructive concessions to the Curia.

II. Independent Ecclesiastical Jurisdiction: The Consistory

1. Independence Maintained: Relation to the Chancellery and the Archbishop, 1575-1592

Let us now turn to the issue of alleged subordination of the Utraquist Consistory to the archbishop and/or to the administrative/judicial apparatus of the Roman Curia in this period (1575-1609). Three points can be made about the administrative status of the Consistory: (1) it was never administratively subordinate to the archbishop or to the Curia; (2) the administrative oversight and appointment of Consistory members was performed by the monarch largely through the Chancellery; (3) yet, the Consistory was not a creature of the royal government, but possessed its own autonomous identity rooted in the traditions of the archdiocese of Prague, substantiated by sacramental priesthood, and protected by canon law, styling itself “administrator et parochi consistorii archiepiscopatus Pragensis sub utraque communicantium.”⁴⁶ The extrinsic context of the Consistory’s operations passed through three phases during this period: (1) initially, in the late 1570s and in the 1580s, the archbishop played a limited role as an intermediary or a clearing house between the Consistory and the royal government; (2) after the Rezek affair of 1592-1593, the Consistory tended to interface directly with the official royal apparatus; and (3) after 1600 it gravitated for support toward the Bohemian Diet.

In general, the period of 1575-1609 witnessed a continued deadlock in the relationship between Utraquism and Rome which had set in after the re-emergence of a Roman archbishop of Prague in the 1560s. A reconciliation between the two was prevented by the Holy See's insistence on a full administrative and juridical

⁴⁴ *Sněmy české* 8:337.

⁴⁵ The Roman Church recognised Utraquist clergy as validly ordained to the priesthood despite Rome's abomination of Hus and the Bohemian Reformation; *Tři francouzští kavalíři v rudolfínské Praze*, ed. Fučíková, 44-5, 116 n. 29.

⁴⁶ E.g., in 1579, *Sněmy české* 5:516.

subordination, and the Utraquists' unwillingness to agree to this condition. During the 1570's and 1580's, the Utraquist Consistory maintained a posture of continuing negotiations to regularize the relationship between itself and the archbishop. In the meantime, vis-à-vis the authorities of the Roman Church, the Utraquists continued to practice what might be described as "civil disobedience," in both senses of being courteous, as well as nonviolent. On the one hand, it had no difficulty in paying a significant measure of deference to the archbishop as a holder of the second degree of sacerdotal power, moreover within the Western Church or Patriarchate. The Utraquists had no problem, as was the case since Přeborn and even Hus, to proclaim their devotion to the Catholic Church and the Catholic faith, although these terms continued to have notably different meanings for the Consistory and for the Roman Curia. On the other hand, the Consistory found it unthinkable to place itself into administrative subordination to the archbishop, inasmuch as a profound gap continued to separate the two parties on the issue of ecclesiology. The Curia retaliated by not permitting the archbishop to ordain Utraquist candidates to priesthood.

All during this period, the Royal Chancellery performed the selection and appointment of the administrator and the other members of the Utraquist Consistory. The Consistory recognized the administrative authority of the king, calling itself "an office of Your Imperial Highness."⁴⁷ The royal role stemmed from the coronation oath and was ultimately rooted in the *Compactata*. The Consistory turned readily to Rudolf II for protection against the encroachment of its rights to maintain and to administer Utraquist parishes, as in August 1578 and June 1579,⁴⁸ and also in the matter of appointment of its own membership 1585.⁴⁹ Again on 10 October 1589, the outgoing Consistory requested that the new members be installed by the king in the traditional manner, that is, in the presence of the highest officials of the land, and with a solemn reaffirmation of their ecclesiastical and judicial authority.⁵⁰ In June 1602, Administrator Dačický remonstrated with Archbishop Berka not to interfere with the jurisdiction of the Utraquist Consistory, which was "an office of His Imperial Majesty."⁵¹

Although the king and his officials in fact exempted the Utraquist clergy and believers from the jurisdiction of the archbishop, Rudolf II preferred the administrator and the Consistory to approach him through the archbishop rather than directly. On the appointment of Medek on 12 February 1582, he exhorted the Utraquists to recognize him in unity and love.⁵² As Matoušek pointed out, the exclusion of the archbishop's jurisdiction, in fact, coincided with Rudolf's own interest, inasmuch as he could thus wield greater influence over the Utraquists than over the archbishop's flock. In any case, the king did not give any sign of readiness to surrender the control of the Utraquist Consistory to the archbishop.⁵³ The administrator and the Consistory also made it clear that they regarded the prelate as an intermediary – a messenger or

⁴⁷ "Stolice Vaší Milosti Císařské," in May 1585; *Sněmy české* 6:602.

⁴⁸ "...Jeho Milost Císařská jurisdikcí práva duchovního konsistoře naší žádnému dáti a poručiti, než že ji v rukou a moci své císařské a tolikéž VMCské zanechávati a nad ní zvláštní ochranu míti a držeti ráčí." *Sněmy české* 5:302, also *Sněmy české* 5:514-516.

⁴⁹ *Sněmy české* 6:542-543.

⁵⁰ *Sněmy české* 7:438-439.

⁵¹ *Sněmy české* 10:332-333.

⁵² *Sněmy české* 6:175.

⁵³ Matoušek, "Kurie a boj o konsistoř pod obojí," 18, 30-31.

a mailman – not one with authority of his own over the Consistory.⁵⁴ The system functioned reasonably well under Archbishop Medek (1581-1590) who did the Consistory significant favours without interfering in its internal affairs, though he observed the the Curia's ban on ordaining Utraquist priests.⁵⁵ On 7 August 1584, the archbishop likewise affirmed that the Utraquist Consistory could exercise ecclesiastical jurisdiction according to the canon law in a case which involved the town of Tábor.⁵⁶ Moreover, even under Medek, the Consistory could appeal directly to Rudolf II, as it did in February 1585, concerning the ordination of Utraquist clergy and the appointment of Consistory members.⁵⁷ The Utraquist deputies of Prague and other royal towns also petitioned Rudolf II to put pressure on Medek in the question of ordinations.⁵⁸ Parenthetically, it may be noted that despite Medek's evident reluctance to yield on this issue, even in 1600 there was sufficient number of Utraquist clergy, presumably ordained abroad.⁵⁹

2. Independence Challenged: Papal Diplomats and the Rezek Affair, 1593

The precarious equilibrium in religious affairs was threatened by the designs of papal diplomats to take advantage of the Utraquists' desire for an ordained priesthood in order to reduce the Utraquist Consistory into full submission to Rome as a prelude to its complete abolition. Although these forays failed due to Utraquists' reluctance to embark upon a path of self-destruction, they were often interpreted in historical literature as signs of the Consistory's irresistible urge to fuse with Rome. The efforts to coopt the Consistory, which would culminate in the Rezek affair of 1592-1593, had their antecedents at least as far back as Archbishop Brus's negotiations with the Consistory under Administrator Mystopol in 1566⁶⁰ and under Administrator Dvorský in 1571-1572.⁶¹ Nuncio Giovanni Dolfin referred to the possibility of union with the Utraquists in conversation with Rožmberk during the negotiations around the Bohemian Confession in July 1575. In September he mentioned touching upon the matter of submission with Administrator Dvorský. The matter, however, was not pursued further at that point.⁶² The ability of the papal diplomats to intervene was, of course, limited because the laws of Bohemia denied them any direct jurisdiction within the country.⁶³

The Roman designs on the Utraquist Consistory gathered steam with the

⁵⁴ *Sněmy české* 6:241

⁵⁵ Borový, *Martin Medek, arcibiskup pražský* 72-104.

⁵⁶ On the investigation of a new sect in Tábor see *Sněmy české* 6:513.

⁵⁷ *Sněmy české* 6:542-543.

⁵⁸ *Sněmy české* 7:225; 7:265.

⁵⁹ *Sněmy české* 10:55.

⁶⁰ Julius Pažout, *Jednání a dopisy konsistoře pod obojí způsobou přijímajících, 1562-1570* (Prague, 1906) 365; Kamil Krofta, "Boj o konsistoř podoboří v l. 1562-1575 a jeho historický základ," *ČČH* 17 (1911) 390-91.

⁶¹ Krofta, "Boj o konsistoř," 401-403; Alois Kroess, *Geschichte der Böhmischen Provinz der Gesellschaft Jesu*. 2 vv. in 3. (Vienna, 1910-1938) 1:211-212; Klement Borový, *Antonín Brus z Mohelnice, arcibiskup pražský; Historicko-kritický životopis* (Prague, 1873) 194-195, 290, 292-293; *Nuntiaturberichte aus Deutschland nebst ergänzenden Aktenstücken*. Dritte Abteilung, 1572-1585. 6. Band: Nuntiatur Giovanni Dolfinos, 1572-1573, ed. Helmut Goetz (Tübingen, 1982) 153-154, 467.

⁶² *Nuntiaturberichte aus Deutschland*. Dritte Abteilung, 1572-1585, 8. Band: Nuntiatur Giovanni Dolfinos, 1575-1576, ed. Daniela Neri (Tübingen, 1997) 233, 324. The Administrator at the time was not Martin of Mělník (1568-1572) as the *Nuntiaturberichte* erroneously assert, *ibid.* 324, n. 5.

⁶³ Pazderová, "Instrukce pražského nuncia Caetaniho," 355.

establishment of a permanent nunciature in Prague in the early 1580s when Rudolf II chose the city as his seat in the capacity of the Holy Roman Emperor. Two attempts of the first Nuncio, Bonomi, for the reconciliation of the Utraquists with Rome failed in 1582 and 1584, when the Consistory under Administrator Benešovský declined unconditional submission to the papacy – including a repudiation of Jan Hus – although it pledged to maintain its adherence to the “Catholic religion.”⁶⁴ Proposals of subterfuges failed, such as replacing infant communion with merely showing the host to the child.⁶⁵ In August 1584 the Secretary of State in Rome temporarily suspended further overtures to the Utraquists.⁶⁶ Bonomi’s successor, Nuncio Germanico Malaspina was also more skeptical about the chances of Rome’s advance in Bohemia.⁶⁷ A new drastic scheme, which Nuncio Filip Sega of 1587 passed on to his successor Nuncio Antonio Puteo, called for an imposition of the Roman Church’s authority under the guise of a peaceful unification with the Utraquists. The process would be guided by a group of nine officials, called *assistantes*, three selected each by the pope, the king, and the Diet. The *assistantes* would command armed detachments to coerce the opponents of the new order. Although Utraquists could become members, the purpose of this junta’s operation – with a guaranteed majority of *sub una* – would be to liquidate the Utraquist Consistory and to enforce the Roman uniformity in theology and liturgy, making no allowance for distinctly Utraquist beliefs, attitudes, or practices throughout the Consistory’s parishes.⁶⁸ While this plan was not implemented, it revealed the radical intents and the utter inflexibility of the Holy See, and clarified the Utraquists’ growing misgivings about facing the Church of Rome alone.

Still, under Administrator Benešovský, the Consistory made its own overtures for a *modus vivendi* to Nuncio Puteo during 1587-89, signifying its willingness to preach that the pope was head of the church and to observe “Catholic” rites in exchange for ordination of its priests by the archbishop. This led to rumors of another submission of the administrator and the Consistory to Rome. Whatever the promises may have been, however, the answer from Rome by Secretary of State Montalto to the nuncio found the pledges of the Consistory defective in not defining the allegiance to the pope or the nature of “Catholic” rites strictly on Rome’s terms and thus evidently eschewing Roman jurisdiction in its entirety and integrity.⁶⁹ This episode was followed by a period of inactivity characteristic of the lack of continuity in the nuncios’ initiatives.⁷⁰ Writing in 1592, Nuncio Antonio Caetano identified the chief obstacles to reunion as the Utraquist clergy’s objection to Roman discipline, the royal government’s reluctance to abandon the Utraquist Consistory, and the support of Utraquists’ independence by the other religious dissidents. He proposed a devious, if not deviant, approach of first coercing the Consistory into conformity with Rome, and then using the *gegleichschaltet* institution as an instrument to induce the faithful to abandon Utraquist practices,

⁶⁴ Stloukal, “Počátky nunciatury v Praze,” 15, 253-257.

⁶⁵ *Ibid.* 253-254.

⁶⁶ Matoušek, “Kurie a boj o konsistoř pod obojí,” 22-24; Stloukal, “Počátky nunciatury v Praze,” 256.

⁶⁷ Stloukal, “Počátky nunciatury v Praze,” 276.

⁶⁸ Krofta in *Sněmy české* 11,1:62, n. 273, corrects the mistake in *Sněmy české* 5:694-699, which date the plan to 1580 and attribute its authorship to Nuncio “Placentinus.” Krofta identifies the mysterious “Placentinus” as Filip Sega, who was bishop of Piacenza and a nuncio in Prague in 1586-87

⁶⁹ Matoušek, “Kurie a boj o konsistoř pod obojí,” 27-28. On another alleged submission to Rome see *Sněmy české* 11,1:64.

⁷⁰ Matoušek, “Kurie a boj o konsistoř pod obojí,” 30.

including the lay communion *sub utraque* and the liturgical use of Czech.⁷¹

The apostasy of the Utraquist Administrator Fabian Rezek constituted on the surface perhaps the most spectacular, although in its essence not the most critical, episode in the development of Utraquism in the period between the tacit toleration of the Bohemian Confession in 1575 and its overt permission by the Letter of Majesty in 1609. The event in both its genesis and its consequences needs to be set in the context of the curiously convoluted relationship between the Church of Rome and the Utraquist Church. Apparently in the summer of 1592, Rezek and Nuncio Speciano agreed on Rezek's accession to the Roman Church, which might have paved the way to Utraquism's final demise. Rezek, originally a canon of the Roman Church, joined the Utraquists shortly before his appointment as administrator in July 1590.⁷² Erratically, as early as 15 January 1591, he swore an oath before Nuncio Alfons Visconti in Prague of re-submission to Rome, and shortly thereafter reneged on his promise.⁷³ Speciano had to proceed largely as a free lancer inasmuch as he failed to secure significant support from either the archbishop of Prague, or from the Jesuits. Berka, of course, nursed a grudge against the papal diplomat because of Speciano's energetic pursuit of his and his family's antecedent Utraquist lapses.⁷⁴ The Jesuits of Prague failed to assist the nuncio in his dealings with the Utraquist Consistory, although Speciano had asked Cardinal Cinthio Aldobrandini, in letters of December 1592 and January 1593, to secure the cooperation of the General of the Jesuit Order.⁷⁵ Another adversary of Speciano was Melchior Klesl, bishop of Wiener Neustadt, who was Rudolf II's trusted adviser and resided in Rome in 1593. He denounced the nuncio's project as a chimerical enterprise in a letter that came to the attention of the Holy Father, who in turn forwarded the missive to the Congregation of the Holy Office, commissioned to deal with the Rezek case.⁷⁶ Because of Rezek's record of fickleness, even Speciano did not really trust the administrator. Upon his renewed (third) submission to the Holy See, the papal diplomat planned to have Rezek replaced by an authentic and reliable adherent of Rome who would then lead the Utraquist Consistory – which Speciano called “the synagogue” in private – into subordination to the archbishop.⁷⁷

In preparation for Rezek's Canossa-like journey to the Eternal City, eventually scheduled for late summer of 1593, he and the nuncio evidently endeavoured to intimidate Utraquist clergy into compromising statements of submission to Rome. An insight into these proceedings can be gleaned from a testimony that Jakub Zofian, a Utraquist priest, presented at the Old Town of Prague city hall on 22-23 March 1593, to the deputies of Bohemian towns, gathered for the sessions of the Bohemian Diet. According to Zofian, on 17 October 1592, Rezek, under pretext of dinner with a prominent layman, took him instead to the nuncio's residence. There he was

⁷¹ *Ibid.* 31-32.

⁷² Krofta in *Sněmy české* 11,1:65.

⁷³ Marek Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI*, MS. Prague, Bib. Nat. XVI G 22, f. 205a-207a; Matoušek, “Kurie a boj o konsistoř pod obojí,” 29; *Sněmy české* 11,1:67, n. 287. On that occasion Visconti imposed the following penance on Rezek: (1) to pray seven psalms every Friday for a year; (2) to fast every Saturday for a month in honor of the Blessed Virgin Mary, see Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI* f. 206a-b.

⁷⁴ Matoušek, “Kurie a boj o konsistoř pod obojí,” 280.

⁷⁵ *Ibid.* 272.

⁷⁶ *Ibid.* 282.

⁷⁷ *Ibid.* 262.

threatened with expulsion from the country as a heretic if he did not take an oath affirming (1) that Hus was justly sentenced and put to death at the Council of Constance; (2) to obey the pope; and (3) to believe and to teach about the sacraments exactly as the Roman Church commanded. He was shown a document signed by the administrator and some fifty priests, which according to Zofian, contained “the symbol of faith and several articles which were adopted at the Council of Trent.” Zofian's description of the document, however, did not refer to any outright condemnation of Hus or full obedience to the pope and exact conformity with Rome on the issue of the sacraments.⁷⁸

The Bohemian Diet responded emphatically. On the initiative of the town deputies, the parliamentary body in its March session took note of Rezek and Speciano's (mis)behaviour and sent a complaint to the king.⁷⁹ The strong response of the Diet in favour of the Consistory was particularly significant and symptomatic of a forthcoming shift in the basis of the Consistory's support which would acquire special importance in the next decade. In this connection, it is relevant to recall the ambivalent relationship between Utraquism and the Diet after 1562 when the appointment of the administrator and the Consistory had passed from the Diet to the monarch and the Chancellery. While it could always count on the loyalty of the strongly Utraquist towns, the Consistory distrusted the noble estates (barons and knights) because of their turn to Lutheranism and the Jednota Bratrská, and looked askance at the Diet's standing wish to recapture the appointment and the protection of the Consistory from the king. Rudolf II, in part, played on the Consistory's apprehensions when he responded in June 1584 to the Diet's petitions for control and protection of the Consistory, presented repeatedly in 1579, 1582, and 1584.⁸⁰ While admitting the Diet's pre-1562 oversight of the Consistory, he ruled in 1584 that the right could not be restored because the current theological orientations of the noble estates were incompatible with the Consistory's status as a guardian of Utraquist orthodoxy.⁸¹ Notwithstanding the religious divergence, however, the political alliance forged with the towns in 1575 made the nobles fairly tolerant toward Utraquism. This benign attitude, resting on the collegial loyalty with the towns in the Diet, tended to grow with Rome's increasing pressure against all the dissidents. Thus, largely on the initiative of town representatives, the Consistory had received, albeit limited, backing from the Diet, as in 1586 and 1588, even before the impact of the Rezek affair.⁸² Despite Stloukal's assertion, the noble estates had not withdrawn their support for religious self-determination in the cities by the 1590s.⁸³ Writing in 1592, Nuncio Antonio Caetano identified among the chief obstacles to the abolition of the Utraquist Consistory the support of the Utraquists' independence by the other religious dissidents.⁸⁴

⁷⁸ For Zofian's complaint to the deputies of the Bohemian Diet see *Sněmy české* 8:253.

⁷⁹ *Sněmy české* 8:149.

⁸⁰ *Sněmy české* 5:302-303; Petr Codicillus, *Orací aneb spis k stavům pod obojí*, delivered on 10 February 1582, in *Sněmy české* 6:166; Tomek, 12:308.

⁸¹ For the rejection of the estates' petition, which had asked for the right to select the administrator and members of Consistory, and to elect *defensores* for protection of the Consistory; see *Sněmy české* 6:507; see also *Sněmy české* 11,1:50-53; Tomek, 12:318-319.

⁸² *Sněmy české* 7:60-61, 7:265.

⁸³ Karel Stloukal, *Papežská politika a císařský dvůr pražský na předělu XVI. a XVII. věku*. (Prague, 1925) 197.

⁸⁴ Matoušek, “Kurie a boj o konsistoř pod obojí,” 31.

As to the denouement of the Rezek affair, a group of documents, originating in Rome and printed in *Sněmy české*, contains the copy of a statement, dated 29 August 1592, which was allegedly signed by Rezek and fifty Utraquist priests, and then read and approved on 5 March 1593, in the presence of seven out of twelve members of the Consistory in the Charles College of the University of Prague. The statement makes the astonishing and improbable claims that the signatories agreed to propositions of an unconditional surrender to the Curia, such as to consider Hus a heretic, to abolish his feast-day, to stop infant communion, and to accept the decrees of the Council of Trent.⁸⁵ Considering the denouement of the Rezek affair, and particularly the nature of Zofian's testimony, it would seem more plausible that the fifty clergymen signed, and the rump Consistory approved, a much weaker statement of respect for the pope and bishops, and of adherence to the Catholic faith and Catholic rites. Non-committal formulations of this type, which remained safely within the bounds of Utraquist ecclesiology, were put forth by the Consistory on previous occasions in bargaining for papal permission to ordain Utraquist clergy.⁸⁶ These precedents were established in particular by the Consistory's declarations in 1566 under Administrator Jan Mystopol, in 1571 under Administrator Jindřich Dvorský of Helfenburk, and in 1587 under Administrator Václav Benešovský,⁸⁷ none of which were taken either by the Consistory or the Curia as signifying a submission to Rome's jurisdiction.

Whatever statements might have been signed or approved between the summer of 1592 and the spring of 1593, the Consistory evidently did realize that this time around the documents might not be taken simply as ritualistic reiterations of customary courtesies, but more ominously as operational instruments of Utraquism's capitulation and self-destruction. In any case, on 19 June 1593 members of the Consistory wrote to Clement VII in order to clarify the purpose of Rezek's mission to Rome. The letter stated explicitly and emphatically that the emissary was not authorized to deal with any other matter than the request for papal consent for ordination of Utraquist clergy by the archbishop.⁸⁸ The documentary collection in *Sněmy české* includes Rezek's solemn abjuration of Utraquist errors in Rome in the Congregation of the Holy Office on 1 September 1593, falsely claiming that he was authorized to do so also on behalf of the Consistory and Utraquist clergy. According to the document, his recantation took place in a semi-public manner while he knelt in a room with its door left open.⁸⁹ On his return from Rome, the Utraquist Benedict Arnold was ostracized by the Consistory, and the pastor of the church of St. Giles in the Old Town of Prague, who sheltered him, was severely reprimanded in January 1594 for harbouring "an irregular runaway Roman priest."⁹⁰ Threatened by arrest and trial for overstepping his mandate in Rome, the ex-administrator sought refuge in Moravia, where he then served in Olomouc as a priest of the Roman Church.⁹¹

⁸⁵ *Sněmy české* 8:329-340.

⁸⁶ Matoušek, "Kurie a boj o konsistoř pod obojí," 274.

⁸⁷ Pažout, *Jednání a dopisy konsistoře pod obojí*, 365; Krofta, "Boj o konsistoř," 390-91; Alois Kroess, "Die Unterwerfung des utraquistischen Administrators Heinrich Dworský von Helfenberg unter den katholischen Erzbischof Anton Brus im J. 1572," *Zeitschrift für katholische Theologie* 34 (1910) 711-712; *Sněmy české* 11,1:64.

⁸⁸ *Sněmy české* 8:274-275; 8:197-198; Tomek, 12:359.

⁸⁹ *Sněmy české* 8:337-340.

⁹⁰ *Sněmy české* 11,1:70.

⁹¹ Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI* ff. 207b-208a; Matoušek, "Kurie a boj o konsistoř

Rezek was no longer considered administrator after his abjuration even by Rome.⁹² Speciano failed in his expectation that Rezek would be succeeded by a Crypto-Romanist who would steer the Utraquist Consistory into oblivion through a merger with the Roman ecclesiastical apparatus. Not even Berka supported the nuncio's wish to see committed Utraquists replaced in the new Consistory by those whom Speciano considered vacillating, and the nuncio wrote the Curia to reprimand the prelate on that score.⁹³ Tomáš of Soběslav, who emerged as one of the prominent ecclesiastics of Utraquism, assumed the interim leadership of the Consistory until the appointment of Václav Dačický as administrator on April 29, 1594.⁹⁴ On the order of Rudolf II, the seal of the Utraquist Consistory, the mark of its ecclesiastical authority, which Rezek had left at the nuncio's office before leaving for his junket to Rome, was returned to the Consistory.⁹⁵ Dačický was not tainted by Speciano's sub rosa dealings with the Utraquist Consistory in 1592-1593, and received a clean bill of health as an orthodox Utraquist from a prominent layman who called him "faithful to God and his holy church and eminently well versed in the ancient ecclesiastical rites of our party *sub utraque*."⁹⁶

Whatever the character of the document and the circumstances of its alleged signing by as many as fifty Utraquist priests, the decisive test of the significance and effectiveness of Speciano's and Rezek's maneuvers was that in the final outcome virtually no one followed Rezek into the Roman secession. The Bohemian Diet, as early as 3 November 1593, reaffirmed the administrative independence of the Utraquist Consistory from the Roman Church.⁹⁷ In a way, the Rezek episode resembled the 1453 rejection by the Eastern Orthodox Church of Constantinople of a Roman union, negotiated by the Byzantine Emperor and the Patriarch, or more remotely, the refusal of the Lutheran Church of Prussia to follow its master, the Elector of Brandenburg, Johann Sigismund, in his conversion to Calvinism in 1613.⁹⁸ The denouement can be viewed as an indication of the strength rather than the weakness of Utraquism. It showed that Utraquism was firm and resilient enough to withstand such a drastic and unceremonious intrusion into its very organizational entrails. It also pointed once again to the illusory or unreal character of the image of so-called Old Utraquism, defined as a full conformity with the existing Roman Church, except for the lay communion in both kinds which was viewed in turn as a meaningless eccentricity. As for Speciano, the imperial ambassador, Koraduz wrote from Rome to Rudolf II in 1595 with what was characterized as a typical Germanic bluntness [*s německou jadrností*]: "...everyone here in general regards him as a jackass...."⁹⁹ As noted, even the Jesuits had distanced

pod obojí," 292.

⁹² *Sněmy české* 11,1:70.

⁹³ Matoušek, "Kurie a boj o konsistoř pod obojí," 288-289, 291 n. 1.

⁹⁴ Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI* ff. 277b-278a; Tomek, 12:364.

⁹⁵ Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI* f. 207b.

⁹⁶ "...pánu Bohu, církvi jeho svatý věrnýho a řádů starobylejch církevních strany naší pod obojí vejborně dobře povědomýho." Statement of Jan Kobis of Bytýška, dated 15 March 1594, and quoted by Krofta in *Sněmy české* 11,1:72, n. 298.

⁹⁷ *Sněmy české* 8:348.

⁹⁸ Bodo Nischan, *Prince, People, and Confession: The Second Reformation in Brandenburg* (Philadelphia, 1994) especially 111-131.

⁹⁹ "...den man alhie in der gemain für ein ochsen helt...", cited by Stloukal, *Papežská politika a císařský dvůr* 87.

themselves from Speciano's connivance with Rezek as an improbable, if not outright quixotic enterprise. It would seem that Speciano shared the zeal, but not the political savvy of his early patron and lifelong role model, Archbishop Charles Borromeo of Milan, one of the quintessential prelates of the Counter Reformation.¹⁰⁰

3. Independence Re-Affirmed: Gravitating toward the Diet, 1594-1609

Speciano's intervention into Utraquist affairs showed that the Roman side was becoming impatient and no longer satisfied with promises and indefinite delays, but wished for a real resolution of the ecclesiological issue on its own terms. After the repudiation of Rezek's apostasy, the relationship between the Consistory and institutions of the Roman Church became more strained, if not frigid. It was more difficult to pretend that all was well, except for minor differences.¹⁰¹ The relations between the new Administrator, Dačický, and Archbishop Berka were uneasy from the start and occasionally became confrontational, particularly in 1597 when the prelate tried to take advantage of anonymous slanderous accusations against the administrator and his wife.¹⁰² The relationship between Utraquism and the institutions of the Roman Church was further strained after 1606, following the death of Berka. While Berka and his two predecessors were natives of Bohemia, he was succeeded as archbishop by Karl Lamberg (1607-1612), a native of Styria, who spent much of his life in Austria and Bavaria. The three earlier archbishops seemed to show a certain residual indulgence toward Utraquism, skirting around the harsh attitude of the Curia. As noted above, Berka himself was born in a Utraquist family and had to undergo a humiliating procedure to be cleared before his consecration as a prelate of the Roman Church. His successor, Lamberg appeared as an implacably uncompromising executor of the Curia's will and immune to any sympathetic inclinations toward Utraquism. Instead of becoming more dependent on the archbishop after 1600, as historical literature maintains, it would seem truer to say that the Consistory was becoming increasingly alienated.¹⁰³ On general constitutional grounds, the Bohemian Diet protested in 1608 the appointment of a foreigner as archbishop. Despite Rudolf II's promise that the law would be observed, another candidate unfamiliar with the Czech language, Johann Lohelius, would follow Lamberg in 1612 under King Matthias.¹⁰⁴ The full fledged alienation of the archbishops from the Utraquist tradition and the increased improbability of their ordaining Utraquist priests made the idea of cooperation with them or with the Curia even less promising or attractive for the Utraquist Consistory. Contributing to this detachment, the Curia temporarily suspended attempts to gain control over the Utraquist Consistory.¹⁰⁵

In seeking external patronage between 1593 and 1609, the administrator and the Consistory began by relying even more directly and overtly on the royal government,

¹⁰⁰ Matoušek, "Kurie a boj o konsistoř pod obojí," 38-39. On Borromeo as a role model see Joseph Bergin, "The Counter-Reformation Church and Its Bishops," *Past and Present* 165 (1999) 46, 71.

¹⁰¹ Matoušek, "Kurie a boj o konsistoř pod obojí," 16-41, 252-292; Stloukal, *Papežská politika a císařský dvůr* 196-210.

¹⁰² *Sněmy české* 9:452.

¹⁰³ For a contrary assertion see Krofta, *Majestát Rudolfa II* 22.

¹⁰⁴ Tomek, 12:441, 443.

¹⁰⁵ See instruction for Nuncio Giovanni Stefano Ferreri, dated January 20, 1604, in *Die Hauptinstruktionen Clemens' VIII. für die Nuntien und Legaten an den europäischen Fürstenthöfen, 1592-1605*, ed. Klaus Jaitner, 2 vv. (Tübingen, 1984) 2:710.

but by 1604 ended up by finding sustenance mainly from the Bohemian Diet, thus virtually completing an odyssey begun in 1562. No longer invoking the archbishop's mediation, initially the Utraquist leaders tended to send their petitions and request directly to the king's officials, and ultimately to Rudolf II himself.¹⁰⁶ These contacts, by-passing the agencies of the Roman Curia, were facilitated for the rest of the 1590s by the fact that the key institutions in the Bohemian state were dominated by sympathetic dissidents from Rome. In that respect, Nuncio Speziano (1592-1597), as well as his predecessor Nuncio Caetano (1591-1592), were particularly critical of the Bohemian Chancellery. It was nominally headed by an adherent of Rome, Adam of Hradec, but he was lukewarm in religion and an alcoholic. The actual power rested with his deputy, Kryštof Želinský of Zebuzín who, according to Caetano, was a "Calvinist [that is a Bohemian Brother], although he claimed to be a Lutheran."¹⁰⁷ When Adam was appointed Supreme Count Palatine in 1593, Želinský – without being named Chancellor – remained effectively in charge of the crucial office. The Chancellery was particularly important in ecclesiastical affairs because of its liaison function between the Utraquist Consistory and the monarch. Next to Želinský the nuncios also found Jan Milner of Milhauz, Secretary of the Chancellery, distinctly objectionable.¹⁰⁸

The relationship between the Consistory and the royal government changed drastically in August 1599 when five adherents of the Roman Church were newly appointed to high official positions. The change was largely due to the erratic response of the king to the lobbying of the papal diplomats, whose instructions enjoined them to seek the removal of Lutherans and "Calvinists" (the Brethren) from the top posts. Among the new appointees, Zdeněk of Lobkovice became the Supreme Chancellor, Václav Berka of Dubá the Supreme Chamberlain, Adam of Šternberk the Supreme Judge of the Land, Volf Novohradský of Kolovraty the Aulic Judge, and Kryštof Popel of Lobkovice the Supreme Court Steward.¹⁰⁹ Both Želinský and Milner left the Chancellery and were replaced by adherents of the Roman Church.¹¹⁰ Finally, in 1600 Ferdinand Hofmann of Grýnspichl and Střechov, President of the Court Chamber, was replaced by a practitioner *sub una*, Jakub Breuner.¹¹¹ This new generation of nobles, often influenced by the Jesuits or trained in their schools, tended to be particularly consistent and militant in its religious commitment. In their zeal, its members contrasted in with the more conciliatory partisans of the Roman Church, such as Vratislav of Pernštejn, Vilém of Rožmberk, or Adam of Hradec, who had represented the political and religious interests of those *sub una* in Bohemia during the second half of the sixteenth century.¹¹² The conciliatory attitude of the *sub una* had dated to the Peace of Kutná Hora, if not to the *Compactata*.¹¹³ Now, with the changes in the royal governing

¹⁰⁶ *Sněmy české* 11,1:72.

¹⁰⁷ Stloukal, *Papežská politika a císařský dvůr* 161. See also Matoušek, "Kurie a boj o konsistoř pod obojí," 267-268, 283-284.

¹⁰⁸ Stloukal, *Papežská politika a císařský dvůr* 161-162, 165.

¹⁰⁹ Zdeněk Kalista, *Čechové, kteří tvořili dějiny světa* (Prague, 1999²) 55; Stloukal, *Papežská politika a císařský dvůr* 185.

¹¹⁰ Stloukal, *Papežská politika a císařský dvůr* 191-192.

¹¹¹ *Ibid.* 200-202.

¹¹² Matoušek, "Kurie a boj o konsistoř pod obojí," 19; Stloukal, *Papežská politika a císařský dvůr* 155-159.

¹¹³ See, for instance, Augustin Neumann, *K dějinám věku poděbradského* (Brno, 1933) 6-7; Desiderius Erasmus, *The Correspondence*, 11 vv. (Toronto, 1974-1992) 7:373, n. 15; Ernest Denis, *Fin de l'indépendance bohême*. 2 vv. (Paris, 1930²) 2:208-209.

apparatus, the contacts between the high officials and the Utraquist ecclesiastics turned less cordial and harmonious in the opening years of the seventeenth century. The alterations in the personnel of the Chancellery were particularly ominous. Zdeněk of Lobkovice and his deputy, the new Vice-Chancellor Jindřich Domináček of Písnice, were both dedicated exponents of the Counter Reformation's spirit.¹¹⁴

The impetus to the shift from the Utraquists' reliance on the royal officialdom toward seeking protection from the Bohemian Diet may be dated, as noted earlier, to October 1604. The highly dramatic and symbolic act precipitating the change was the notorious insult and hardship inflicted on Administrator Dačický by Zdeněk of Lobkovice. The Chancellor publically referred to the former's daughters as "bastards" [*pankhartice*], and when the old priest objected, Lobkovice took offense and at his request Dačický was briefly jailed and deposed from office.¹¹⁵ The cavalier, boorish, and brutal treatment of the administrator by the Chancellor in 1604 made clear the low level of respect on the part of the government for Utraquism and its agencies. This realization helps to explain why the urban Utraquists were increasingly willing to cast their lot with the other dissidents from Rome, the Lutherans and the Brethren. They feared subordination to the archbishop and a fusion with the Roman Church on its own terms, abetted by a pressure from the royal officialdom.¹¹⁶

The influence of the Diet – and the alliance of towns with nobles within it – proved most helpful, if not crucial, in the renewal and maintenance of the Utraquist Consistory, following Dačický's demise in 1604. Nuncio Ferreri favoured leaving the position of administrator vacant, or appointing an undercover *sub una* who – according to Speciano's earlier formula – would bring about a gradual abolition of the Utraquist Consistory. In this sense, he lobbied the leading officials, who adhered to Rome – Zdeněk of Lobkovice, and the Supreme Court Steward, Kryštof of Lobkovice. Melchior Klesl, Bishop of Vienna, joined in support of the nuncio's wishes, in an appeal to Vice-Chancellor, Jindřich Domináček.¹¹⁷ The Bohemian Diet, which met in February 1605, did not raise the question of vacancy in the administrator's office, but Ferreri rejoiced prematurely.¹¹⁸ When the Diet met next in June, the townsmen moved to rally the noble estates behind their request for the appointment of a new administrator. Meeting in the Old Town Hall of Prague on 6 June, the towns' representatives opened negotiations with the barons and the knights to launch a joint petition in the Diet, which would focus on religious concessions and include also the Utraquist desiderata.¹¹⁹ The royal officials feared that the Lutheran nobles' participation would lead to radical demands, in particular for an overt legalization of the Bohemian Confession of 1575, or for election

¹¹⁴ Stloukal, *Papežská politika a císařský dvůr* 188-191.

¹¹⁵ *Sněmy české* 11,1:76; Vilém Slavata, *Paměti nejvyššího kancléře království českého*, ed. Josef Jireček, 2 vv. (Prague, 1866-1868) 1:47; Kalista, *Čechové, kteří tvořili dějiny světa* 63.

¹¹⁶ This would be the reaction of the Utraquist estates upon adhering to the Letter of Majesty in 1609: "Then they (those administered by the Old Consistory and its priesthood) would be approached by the Catholic estates to reject the Letter of Majesty. However, they refused to revoke their consent on the grounds that suppression of the Lutherans would be followed by a disaster for them. If the priests not ordained by bishops and the Brethren's clergy were banished, then almost certainly the Utraquist clergy would be either banned or brought under the full jurisdiction and full obedience to the archbishop." Cited in Ferdinand Hrejsa, *Česká konfesse: Její vznik, podstata a dějiny* (Prague, 1912) 437.

¹¹⁷ *Sněmy české* 11,1:76-77.

¹¹⁸ *Sněmy české* 11,1:138, 192.

¹¹⁹ *Sněmy české* 11,1:247-249.

of the administrator by the Diet.¹²⁰ Accommodating the townsmen's Utraquism, and thus aborting the joint petition, appeared as a lesser evil. The government capitulated and a new Administrator, Jan Benedikt was installed on June 8, 1605 -- the day on which the nobles' remonstrance was expected to be filed. Despite the nuncio's last ditch stand, the new administrator was a genuine Utraquist, not a Crypto-Romanist, who like a Judas goat would lead the Utraquist sheep into an alien fold. Moreover, the archbishop was specifically barred from attending the installation ceremony on the grounds of keeping clear the lines of jurisdiction. The care to avoid even an appearance of jurisdictional contamination dramatically reaffirmed the Consistory's independence from the Roman Curia and its subordinate organs.¹²¹ Lest it be thought that the Diet's intervention meant compromising or watering down the Utraquist character of the Consistory in a protestant direction, it needs to be stressed that its membership remained unimpeachable in its Utraquist orthodoxy, a fact attested even by such an ill-wisher of Utraquism as Zikmund Winter.¹²²

Thus events were set in motion toward the denouement of 1609 when the protection of Utraquism in towns and the countryside would shift formally and legally from the royal officialdom to the Bohemian Diet. The religious alliance and *modus vivendi*, which estate of towns and the two noble estates had forged during the negotiations for the Bohemian Confession, continued and matured after 1575. The towns respected the nobles' right to Lutheran and Brethren ministers in their private chapels,¹²³ and the nobles respected the Utraquist status quo in the royal towns (and for that matter also on their own manors). These attitudes and arrangements, rooted in the *Compactata* and the Peace of Kutná Hora with their respect for religious pluralism, would find their most pronounced and ultimate embodiment under the Letter of Majesty in 1609. Thus, Rome's menacing attitude would draw the Utraquists from the informal defense alliance of 1575 with the Lutherans and the Brethren to a formal one of 1609 under the banner of the Bohemian Confession. Inasmuch as the Roman Curia could not but look askance at the Utraquists' defensive moves, this denouement drew a deeper wedge between Rome and Utraquism. Contrary to Krofta's judgment, cited earlier,¹²⁴ after 1593 the Consistory became less dependent on the Roman Church and the royal government; instead, it drew closer to the estates represented in the Diet. Similarly, contrary to the assertion of Pekař that Lutheranism's advance forced the Utraquists ever more more into the "Catholic ranks,"¹²⁵ it was Curia's intransigence that forced the Utraquists into a closer political (not doctrinal) alliance with the Protestants. After the disrespectful treatment of the Consistory by the Curia and the royal government, respectively in the Rezek and the Dačický affairs, the Utraquists could hardly trust either institution, and their lay patrons, the townsmen, had to look for sustenance elsewhere – to the Diet.

III. Independent Ecclesiastical Jurisdiction: The Clergy

¹²⁰ *Sněmy české* 11,1:78-79, 260-263

¹²¹ *Sněmy české* 11,1:79, 253-254. The archbishop had been present at the installation of Benedict's predecessor Dačický, see Bydžovský z Florentina, *Rudolphus rex Bohemiae XXI* ff. 277b-278a.

¹²² Winter, *Život církevní v Čechách* 1:333.

¹²³ On the toleration of limited private preaching by the Brethren in Prague in the 1590s see, for instance, Matoušek, "Kurie a boj o konsistoř pod obojí," 291, n. 4.

¹²⁴ Krofta, *Nesmrtelný národ* 308; also Krofta, *Majestát Rudolfa II* 13.

¹²⁵ Pekař, *Dějiny československé* 91.

1. Appointment of Utraquist Clergy: The Consistory and the Archbishop

Let us now turn to the alleged subordination of the Utraquist parish clergy and of the laity to the jurisdiction of the Roman archbishop of Prague. The assertions of the prelate's control over Utraquist priests have focused on the issue of clerical appointments; that of control of laity on the assumption of authority in matrimonial litigation.

Perhaps the main argument cited in support of the archbishop's jurisdiction over the Utraquist clergy was the authorization by Rudolf II granted to Medek in 1581 and to Berka in 1594 to appoint Utraquist priests not only on the archiepiscopal estates, but also on royal ones in the name of the king as feudal seigneur.¹²⁶ Historians, like Karel Stloukal and Josef Matoušek, have asserted that the archbishops thereby were given a free hand to determine the religion of peasantry on royal estates.¹²⁷ Actually, the prelates did not receive a *carte blanche* to convert such parishes to *sub una*; their proper task was to safeguard traditionally Utraquist parishes against various patrons who might appoint Lutheran clergy in violation of Maximilian's mandate of 1575.¹²⁸ The archbishops' right to approve the appointment of priests in Utraquist parishes derived not from an ecclesiastical jurisdiction, but from a manorial jurisdiction, delegated by the monarch. In such cases, the archbishops were to act as expert witnesses or referees to the fact that the proposed clergymen were properly under the aegis of the Utraquist Consistory, or they were to ask the Consistory to supply a suitable candidate.¹²⁹ Only Utraquist priests could be appointed to parishes which were traditionally Utraquist,¹³⁰ and only the Utraquist Consistory – not the archbishop – could confer ecclesiastical jurisdiction [*pravomoc*] on such Utraquist priests.¹³¹ The Consistory's exclusive ecclesiastical authority was specifically reaffirmed in the royal charter issued to the new administrator in 1581, and it is mentioned in the instructions of Caetano to Speciano in 1592.¹³² The limitation on the archbishop is confirmed by Rudolf II's letter of 23 June 1598, that in assessing the situation on imperial estates, he was to proceed according to the mandates of Ferdinand I.¹³³

According to this watchdog function to keep Lutheran ministers from Utraquist parishes, Archbishop Medek, for instance, conducted an examination of the royal manor of Pardubice in January 1582 to determine whether there were any priests in the Utraquist parishes who lacked an episcopal ordination.¹³⁴ Manorial officials also played a role alongside the archbishop in the appointment of priests on royal estates.¹³⁵ The normal operation of the system is illustrated by filling parish vacancies on the royal

¹²⁶ *Sněmy české* 9:223; Stloukal, *Papežská politika a císařský dvůr* 198.

¹²⁷ Stloukal, *Papežská politika a císařský dvůr* 198-199; Matoušek, "Kurie a boj o konsistoř pod obojí," 19.

¹²⁸ *Sněmy české* 9:196-197; Tomek, 12:365.

¹²⁹ *Sněmy české* 9:22-23, 152-153, 445; case of manor of Poděbrady, 7 January 1599, *Sněmy české* 9:627; Tomek, 12:365. See also Stloukal, *Papežská politika a císařský dvůr* 199.

¹³⁰ *Sněmy české* 9:152-153.

¹³¹ Klement Borový, "Administráři pod obojí," *Ottův slovník naučný* 1:217; *Sněmy české* 5:302.

¹³² *Sněmy české* 5:302; 7:370; Borový, "Administráři pod obojí," 1:217; Pazderová, "Instrukce pražského nuncia Caetaniho," 354.

¹³³ *Sněmy české* 9:576.

¹³⁴ Tomek, 12:307.

¹³⁵ See the censure of the royal captain in Lysá by Archbishop Berka on March 10, 1600, in *Sněmy české* 10:58.

manor of Křivoklát. On 3 April 1595, Jan Hendrych Prollhofer of Purkersdorf, the captain of the manor, wrote to Archbishop Berka to follow the precedent of his archiepiscopal predecessor, and arrange with the Utraquist Consistory for priests to serve in the villages of Lišany and Mutějovice. Similarly, on a subsequent occasion, 19 June 1603, Prollhofer notified Berka about a vacancy in the town of Unhošť, and requested that the archbishop ask for a Utraquist priest from the Utraquist Consistory. At the same time, the royal captain certified that the parish was, indeed, traditionally Utraquist, having habitually received priests administered by the Consistory.¹³⁶ On a positive note, on 10 June 1603, the town council in Kostelec nad Labem thanked the archbishop for his role in the appointment of a Utraquist priest, Tobiáš Coccius Plzeňský.¹³⁷

The bottom line is that the clergy remained authentically Utraquist and under the ecclesiastical administration of the Consistory.¹³⁸ It neither turned *sub una*, nor was administratively controlled by the archbishop, or any other agents of the Roman Curia. In a reversal of the medieval investiture procedure, the Utraquist Consistory could confer the ecclesiastical power, the *potestas jurisdictionis*,¹³⁹ and the archbishop the use of tangible property of the parish on behalf of the king.¹⁴⁰ Such crossovers of denominational lines in implementing ecclesiastical appointments were not unique at the time. Thus, the Bohemian Chancellery, was staffed – as we saw – by dissidents from Rome, and yet executed the king’s policy in the appointment of the Roman archbishop of Wroclaw in the 1590s. The royal officials would not appoint a Lutheran or a member of the Unity as archbishop, any more than the archbishop of Prague would appoint priests *sub una* to Utraquist parishes.¹⁴¹ In the Bohemian case, effective safeguards were in place to keep the archbishops from exceeding their mandate and encroaching on the Utraquist parishes, instead of defending their interest. These checks and balances will be discussed later.

In a more general sense, a variety of official documents postulated the exclusiveness of the Utraquist Consistory’s ecclesiastical jurisdiction over the clergy *sub utraque*, and defined it as equal and parallel to the Archbishops ecclesiastical jurisdiction over clergy *sub una*. This documentation stemmed from the Consistory, the administrator, the king, and the archbishop. The previously quoted affirmations by the Consistory that it was “an office of the king,” not of the archbishop, belonged in this category.¹⁴² In 1589, in their letter to King Rudolf II, the Consistory members referred to their exercise of full ecclesiastical jurisdiction and administration over the authentic clergy *sub utraque*.¹⁴³ Later, on 18 August 1589, the Consistory affirmed the principle that the clergy *sub utraque* was under the administrator and Consistory; and only the clergy *sub una* under the archbishop. Hence the Utraquist priests were not

¹³⁶ *Sněmy české* 9:130; 10:484-485

¹³⁷ *Sněmy české* 10:480.

¹³⁸ See, for instance, *Sněmy české* 10:464-465.

¹³⁹ Borový, “Administráři pod obojí,” 1:217. “Assigned and confirmed” [*podávání a konfirmování*] was the formula used for installation of priests by Utraquist Consistory; *Sněmy české* 7:382. On the exclusive Consistory jurisdiction over Utraquists and distinction between secular and ecclesiastical law, see also *Sněmy české* 7:432-433.

¹⁴⁰ *Sněmy české* 9:21, 22-23.

¹⁴¹ Stloukal, *Papežská politika a císařský dvůr* 169, see also 177.

¹⁴² For instance, see letter to Medek of 5 October 1582 in *Sněmy české* 6:269; also 6:602.

¹⁴³ *Sněmy české* 7:370.

subordinated to the archbishop.¹⁴⁴

In April 1598, Archbishop Berka explicitly recognized the division of jurisdiction between himself and the Utraquist Consistory, when he admonished Petr Vok of Rožmberk to keep on his estate only “priests *sub una* who are administered by the Upper Consistory of the Archbishopric of Prague and then those *sub utraque*, also ordained by proper bishops and administered by the Lower Consistory.”¹⁴⁵ Berka restated this principle, when he admitted that the validly ordained clergy *sub utraque* should be subordinated to the Utraquist Consistory not to himself during the convoluted proceedings against the clergyman Vít Huber in 1594-1600 on the estate of Ferdinand Hofmann of Grýnspichl and Střechov.¹⁴⁶ The most explicit affirmation of the two separate jurisdictions appeared in Rudolf II's letter of October 6, 1601: “...in this kingdom there are maintained two kinds of clergy, firstly the Catholic *sub una* which is directed and administered by the ... archbishop, then *sub utraque* which is canonically ordained by bishops [and directed and administered] by the Lower [i.e. Utraquist] Consistory...”¹⁴⁷ In the Mandate against the Brethren of 22 July 1602, Rudolf again confirmed that legitimate clergy stemmed from two distinct and separate jurisdictions, either from the archbishop of Prague or from the administrator of the Utraquist Consistory.¹⁴⁸

Administrator Dačický subsequently asserted the exclusive ecclesiastical authority of the Consistory over the Utraquist clergy on June 21, 1602 in a letter addressed to Archbishop Berka. In particular the administrator reminded Berka that he lacked the right to deal with individual Utraquist priests.¹⁴⁹ In June 1604, when friction developed in Kadaň between the *sub una* and the *sub utraque*, the archbishop was unable to exercise jurisdiction over the Utraquists to resolve it. The administrator and the Consistory asked the prelate not to interfere with the status quo, and wait until a royal commission had the chance to adjudicate the issues between the two parties.¹⁵⁰ Incidentally, the initial authorization of a Utraquist priest's post, who would serve in Kadaň under the Utraquist Consistory, had been negotiated between the king and the Bohemian Diet in 1593-1594 without any official input from the archbishop.¹⁵¹ In a notable way, Berka respected the institutional independence of the Utraquist clergy in 1605. When a clerical synod met to implement the directives of the Council of Trent under the archbishop's jurisdiction, the priests who were administered by the Utraquist Consistory were not expected to, and did not, participate.¹⁵²

¹⁴⁴ *Sněmy české* 7:432-433.

¹⁴⁵ *Sněmy české* 9:533. The Utraquist Consistory was at times informally designated as “Lower Consistory”, and the archbishop's Consistory as “Upper Consistory.” This terminology was not based on jurisdictional relationship, but reflected geographic location, with the administrator's Consistory downtown, and the archbishop's on top of the castle hill.

¹⁴⁶ Stloukal, *Papežská politika a císařský dvůr* 201.

¹⁴⁷ “...v tomto království dvoje pořádné kněžstvo, předně katolické pod jednou, kteréž se dotčeným arcibiskupem Pražským, druhý pak pod obojí dolejší konsistoří jsou od pořádného biskupa svěcení, řídí a spravují, se zachovává...;” *Sněmy české* 10:232.

¹⁴⁸ *Sněmy české* 10:337.

¹⁴⁹ *Sněmy české* 10:332-333; for an earlier statement (1597) see *ibid.* 9:460, Dačický to Berka: “...Jeho Milost spravuje svý kněží k jurisdikci náležící a já taky svý...”

¹⁵⁰ *Sněmy české* 10:617-618, see also 10:517, 611-612.

¹⁵¹ *Sněmy české* 8:394, 557-558.

¹⁵² Tomek, 12:422.

There is other evidence that the Utraquist clergy and faithful were free of the archbishop's administrative authority in spiritual matters. In November 1582, the Consistory resisted Archbishop Medek's attempt to introduce the new Gregorian calendar.¹⁵³ On 9 May 1584, the Consistory appealed to the Count Palatine with a petition for the king to appoint new members of Consistory, thus completely bypassing the archbishop.¹⁵⁴ In June 1596, the Utraquist Consistory and the archbishop endorsed separately Rudolf's proclamation which exhorted to invocation of the saints and other prayers for victory over the Turks.¹⁵⁵ Similarly, the Utraquist authorities in Kutná Hora ordered in July 1596 weekly litanies and processions on the basis of the king's proclamation, not at the behest of the archbishop.¹⁵⁶ Likewise, the request of collecting alms to care for soldiers, wounded in the Turkish war, went directly from Rudolf II to the Utraquist administrator, not through the archbishop.¹⁵⁷ When in turn in June 1601 Berka issued his own order for forty-hour prayers for victory in the Turkish war, the mandate was limited to the church of the Prague castle, which was the sole parish *sub una* in the city.¹⁵⁸ In September 1604, again bypassing the prelate, Rudolf II issued a separate directive to the administrator and the Consistory to conduct daily prayers for a defeat of the Turks.¹⁵⁹ The temporary detention of Dačický in the care of Archbishop Berka in 1604, after his encounter with Zdeněk of Lobkovice, might have appeared as a sign of the Archbishop's ascendancy over the administrator, compromising the Utraquist independence. Even Zikmund Winter, however, acknowledged that Berka's role was that of the king's agent, not that of an independent actor asserting a jurisdiction over the Utraquist establishment.¹⁶⁰

There was no clear evidence of the archbishop's encroachment on Utraquist ecclesiastical judiciary. When the Consistory appealed to the Bohemian Diet, asking for the monarch's safeguarding of Utraquism's rights, the remonstrance made it clear on 15 December 1586 that the Consistory, not the archbishop, exercised judicial power in marital lawsuits involving Utraquist spouses.¹⁶¹ This fact was affirmed in the petition to the monarch by the Diet deputies of Prague and other royal towns in February 1588.¹⁶² In a petition to Rudolf II in 1589 the Consistory referred more generally to its ecclesiastical court and its jurisdiction in both urban and rural areas.¹⁶³ Not even the papal Nuncio would accept an appeal against the Consistory's decision in a matrimonial case in 1589.¹⁶⁴ A curious exception might have been a request to have Rome grant dispensation for a Utraquist marriage in case of consanguinity in March 1602. It is not clear whether Rome actually acted in this matter.¹⁶⁵ Most blatantly, it has

¹⁵³ *Sněmy české* 6:271.

¹⁵⁴ *Sněmy české* 6:503.

¹⁵⁵ *Sněmy české* 9:292.

¹⁵⁶ *Sněmy české* 9:305.

¹⁵⁷ *Sněmy české* 9:445.

¹⁵⁸ *Sněmy české* 10:212.

¹⁵⁹ *Sněmy české* 10:645.

¹⁶⁰ Winter, *Život církevní v Čechách* 1:333.

¹⁶¹ *Sněmy české* 7:61.

¹⁶² *Sněmy české* 7:225; 7:265.

¹⁶³ *Sněmy české* 7:439; see also 7:370, 372.

¹⁶⁴ *Sněmy české* 7:370.

¹⁶⁵ Letter of Berka to Pope Clement VIII of March 11, 1602, *Sněmy české* 10:304-305. See also Berka's

been asserted that, after Dačický was deposed, Berka encroached upon the Consistory's jurisdiction by seizing the judicial authority in the matrimonial area. Such a usurpation, however, does not find support in available documents.¹⁶⁶ Indeed, Nuncio Ferreri's testimony bore witness to the fact that the Consistory continued, undisturbed by the archbishop, its regular judicial agenda in spiritual matters. The Curial diplomat criticized the members of the Consistory in October 1604 for acting as judges of an ecclesiastical court without holding doctoral degrees in canon law.¹⁶⁷

It is difficult to see the basis of Krofta's assertion that in the 1580s the Utraquist Consistory was brought to an increasing dependence on the archbishop.¹⁶⁸

2. Issue of "Catholic" Clergy in Utraquist Parishes

Professions of (1) belief in the Catholic Church and, to a lesser degree, of (2) devotion to the books and rubrics of the Archdiocese of Prague have been (mis)used by the critics to attribute to the Utraquist Consistory and its clergy either an explicit desire to submit to the Roman Curia, or an aura of mendacity, reflecting intellectual dishonesty and moral spinelessness. Actually, contrary to the twentieth-century terminological usage, such professions had nothing to do with obedience to the Roman Curia or the archbishop, or with the acceptance of the edicts of the Council of Trent. When the archbishop officially maintained that only "Catholic clergy" should be appointed to Utraquist parishes, he did not mean to introduce a Tridentine *Gleichschaltung* into the Church of Bohemia, which – as we saw – was not within his power at the time anyway. Like the Consistory and the king, he was aware that, according to the Bohemian constitutional system deriving here largely from the *Compactata*, the term "Catholic religion" covered the Utraquists, and distinguished them formally from those who embraced the Augsburg Confession or another outright Protestant creed.¹⁶⁹ In his letter of August 1595, the archbishop made the attribution of the term "Catholic" to the Utraquists clear in his statement referring to "the Catholic faith and good ancient ecclesiastical rite" which the adherents of Rome and the Utraquists shared.¹⁷⁰ Rudolf II's instruction to the Utraquist Consistory of 23 June 1594, upon the appointment of Dačický, restated the legal propriety of referring to the Utraquist Church as "Catholic," asserting that the Utraquists' faith was Catholic, inasmuch as the Roman Church had recognized it as such when it granted the *Compactata*.¹⁷¹

Statements that the Utraquist Consistory did or should have followed the rules of the archdiocese of Prague have been erroneously cited as evidence of actual or

letter of 9 November 1602, asking Rudolf II to intervene with the pope to facilitate such dispensations; *Sněmy české* 10:362.

¹⁶⁶ For the claim see *Sněmy české* 11, 1:73-74 n. 303. The instances of the archbishop's usurpation of the Consistory's jurisdiction cited by Winter, *Život církevní v Čechách* 1:183, 333, fall more into the category of exceptions which confirm the rule.

¹⁶⁷ *Sněmy české* 11, p.1:76-77.

¹⁶⁸ *Sněmy české* 11:50.

¹⁶⁹ "...in hoc regno alia religio praeter antiquam catholicam sub una et alteram sub utraque communicantium toleretur...;" letter of Berka to Rudolf II, dated 12 September 1595, in *Sněmy české* 9:183.

¹⁷⁰ "...katolickou pak víru a řád dobrej církevní starobylý v tomto království při straně pod jednou i pod obojí vždy jednotejnej...," *Sněmy české* 9:178. Perhaps, he also thought about the posthumous fate of his parents.

¹⁷¹ *Sněmy české* 8:570-571

mandated subordination to the archbishop. Thus, the stipulations that the Consistory observe the fasts and ceremonies according to the archdiocesan rules, as in Rudolf II's instruction of 23 June 1594, should not be construed as demanding obedience to the post-1564 edicts of the archbishops of Prague.¹⁷² There was nothing new or compromising in this directive, inasmuch as the Utraquists had traditionally – since the fifteenth century – expressed their essential agreement with pre-Tridentine liturgical books of the Prague archdiocese.¹⁷³ We may also recall that the administrator and the Consistory considered themselves, and in Bohemia were officially recognized, as a parts of the historical structure of the archdiocese – as “administrator et parochi consistorii archiepiscopatus Pragensis sub utraque communicantium.”¹⁷⁴ Rudolf's injunction was anti-Lutheran and did not coerce submission to either the archbishop or to the Curia. The traditional formula was used by the city fathers of Kadaň in 1597 to defend their priest's Utraquist orthodoxy by reference to his use of “Prague rubrics.”¹⁷⁵ The fifteenth-century maxim was repeated when – as Nuncio Ferreri reported – the Bohemian Chancellery admonished Administrator Benedict of Prague, on his installation in June 1605, to observe the rubrics of the Archdiocese of Prague, which were considered Catholic.¹⁷⁶ It would be anachronistic to view this injunction as initiating or escalating pressure on the Utraquists to conform to the current rules and practices of the Roman Curia.

A related error is Stloukal's assertion that in 1599 Spinelli induced Rudolf II to appoint only “Catholic” councillors in royal towns, implying that the appointees were *sub una*.¹⁷⁷ Contrary to Stloukal, when Nuncio Spinelli noted that Rudolf insisted on “Catholic” councillors (particularly in Prague), it did not mean that the individuals in question were *sub una*. It meant that they were neither Lutherans nor Brethren, but observed the *Compactata*, hence were Utraquist.¹⁷⁸ As noted earlier, from the viewpoint of the Bohemian constitutional law based on the *Compactata*, both the *sub una* and the Utraquist were subsumed under the label of “Catholic.”¹⁷⁹ Accordingly, in his letter of May 1596 Rudolf II referred to the “holy Catholic Church” as covering not only the *sub una*, but also the Utraquists.¹⁸⁰ In this connection it may be noted that, despite the presence of the archbishop in Prague, the number of adherents to the Roman Church did not expand significantly in the city. In 1575, Nuncio Dolfin noted their small number

¹⁷² *Ibid.*

¹⁷³ Bydžovský, *Děťátka a neviňátka* ff. B1a-b, largely citing from Václav Koranda, *Traktát o velebné a božské svátosti oltářní* (Prague, 1493) ff. S3a-b.

¹⁷⁴ E.g., in 1579, *Sněmy české* 5:516.

¹⁷⁵ “Der Kaplan...auch in den Kirchengebrauchen consistorianisch der präger Rubriken gemäss und nicht auf kalvinisch verhalten thuet...” *Sněmy české* 9:466.

¹⁷⁶ “...che nel giuramento l'havevano obligato ad osservare la rubrica di Praga, cioč il rituale che č usato da catholici...” *Sněmy české* 11,1: 263.

¹⁷⁷ Stloukal, *Papežská politika a císařský dvůr* 197.

¹⁷⁸ Stloukal, *Papežská politika a císařský dvůr* 197-198. Neither Tomek, nor Winter or Skála were similarly misled by the term “Catholic” [cattolici], as Stloukal himself notes, *ibid.* 197, n. 123.

¹⁷⁹ Parenthetically, banning Lutherans and Brethren as councillors in royal towns was Rudolf II's right even under the gentlemen's agreement of 1575, which his father, Maximillian II, negotiated with the Bohemian estates.

¹⁸⁰ “...podle starobylého od církve svaté katolické nařízeného dobrého chvalitebného pořádku...,” writing to the town of Tábor on May 4, 1596, *Sněmy české* 9:287.

and the prevalence of Utraquists [hussiti].¹⁸¹ The lack of *sub una* parishes in Prague was further documented by the vain efforts of Nuncio Bonomi in 1584, repeated by Nuncio Speziano in 1593, to establish at least two in the city, and by the testimony of Pierre Bergeron in 1600 that masses *sub una* were said only in the monasteries.¹⁸²

In any case, the stalwarts of Utraquist orthodoxy, for their part, felt no inhibition or qualms in referring to their faith and to their church as “Catholic,”¹⁸³ while rejecting the juridical submission to the papacy. In this sense the Consistory pledged to observe the “Catholic religion,” during its discussions with Nuncio Bonomi in 1582.¹⁸⁴ In two proclamations in October 1582 the Consistory spoke respectively of Administrator Jindřich of Helfenburk, as having died in the “true Catholic faith,” and of its “faithful priests adhering to the ancient Catholic religion.”¹⁸⁵ In a petition to the Bohemian Diet, the Consistory defined its religion in 1586 as “Christian Catholic, of one Christian faith, confirmed by the Lord Jesus and also by the Catholic Christian Church”, and again referred to “our Christian Catholic religion.”¹⁸⁶ In its statements of 1589 the Consistory emphasized its duty to defend “the true clergy and also the ancient Catholic religion *sub utraque*,”¹⁸⁷ as well as its adherence to “the rules of the ancient Church, holy, Christian and Catholic.”¹⁸⁸ In an authoritative treatise published in the same year 1589, the Utraquist theologian, Valentin Polon did not hesitate to call the Utraquists a part of not just the “universal Church” [*Církev všeobecná*], but outright of the “Catholic Church” [*Církev katolická*].¹⁸⁹ In December 1603 the Consistory once again defined the true clergy as “we and other Catholic priesthood.”¹⁹⁰ In this context, if – as Zikmund Winter maintains – Tomáš of Soběslav on his appointment as administrator in 1609 took an oath to uphold the Catholic faith, he did not thereby signal an abandonment of Utraquism for Trent.¹⁹¹

Lest it be thought that the use of “Catholic” reflected a gravitation in the late sixteenth century by the Utraquists to the Roman Curia, it may be recalled that Jan of Příbram had proclaimed his love for the Catholic Church as early as the 1430’s.¹⁹² The

¹⁸¹ “Il resto del popolo, che è grandissimo, per la maggiore parte è Hussito, overo, come essi si chiamano, *sub utraque*.” *Nuntiatgeberichte aus Deutschland*. Dritte Abteilung, 1572-1585, 8. Band: Nuntiatger Giovanni Dolfin, 1575-1576, ed. Daniela Neri (Tübingen, 1997) 73-74.

¹⁸² Stloukal, “Počátky nunciatury v Praze,” 245, 277; Matoušek, “Kurie a boj o konsistoř pod obojí,” 269; *Tři francouzští kavalíři v rudolfínské Praze*, ed. Fučíková, 44-5, 116 n. 29.

¹⁸³ Valentin Polon, *Pomni na mne: Knížka obahující v sobě kratičká spasidedlná Naučení a sebrání...* (Staré Město Pražské, 1589) ff. “Linden leaf”, 6b, A9a-b.

¹⁸⁴ Stloukal, “Počátky nunciatury v Praze,” 15. A Utraquist priest, Vavřinec Leander Rvačovský of Rvačov, dedicated his famous *Masopust* (1580) “in the first place to God, our Lord, and then to the holy Catholic and Apostolic Church.” [...nejprve Pánu Bohu a potom Církví svaté Katolické a Apoštolské...]: Vavřinec Leander Rvačovský of Rvačov, *Masopust* (Prague, 1580) f. E1a.

¹⁸⁵ *Sněmy české* 6:267, 269.

¹⁸⁶ “...křesťanským katolickým, jedné křesťanské víry, pánem Ježíšem i církví křesťanskou obecnou utvrzeným náboženstvím...” and “naším katolickým náboženstvím,” on 15 December 1586; *Sněmy české* 7:61.

¹⁸⁷ “...kněžstvo řádné i také starobylé náboženství katolické pod obojí...” *Sněmy české* 7:370.

¹⁸⁸ “...řády starobylé církve svaté, křesťanské, katolické...;” *Sněmy české* 7:405.

¹⁸⁹ Polon, *Pomni na mne* ff. “Linden leaf”, 6b, A9a-b.

¹⁹⁰ “...jako my a jiné kněžstvo katolické řádně povoláni...;” *Sněmy české* 10:512.

¹⁹¹ Winter, *Život církevní v Čechách* 1:333.

¹⁹² Příbram's treatise “De professione fidei catholicae et eorum revocatione,” is printed in Johannes

target of his affection, of course, did not coincide with the cardinals of the Roman Curia. Similarly, Jan Rokycana maintained that, on the basis of the *Compactata*, the Utraquists were faithful children of the Roman Church despite their rejection of communion *sub una*.¹⁹³ The Utraquists considered themselves exemplary “Catholics” for the rest of the fifteenth and into the sixteenth century, relying in part on the *Compactata*,¹⁹⁴ which had retained their validity in the constitutional law of Bohemia despite their revocation by Pius II in 1462. Indeed, in the apt phrase of Reginald Betts, the *Compactata* had in fact legalized “two Catholic churches” in Bohemia, one *sub utraque*, the other *sub una*,¹⁹⁵ Accordingly, at the Buda negotiations in 1525 Pašek of Vrat and Lev of Rožmitál, respectively on behalf of the Utraquists and of the Curia’s adherents, promised that each side would regard the other not as heretics, but as true Christians, and as the sons of the same “holy Church.”¹⁹⁶ Bohuslav Bílejovský, the paragon of Utraquist orthodoxy, in his *Kronyka česká* (1537) viewed the Utraquists not just as Catholics, but also as “true Romans.”¹⁹⁷ After 1462 the Roman Curia apparently did not feel legally bound to recognize the Utraquists as a part of the Roman Catholic Church, but the laws of Bohemia enjoined papal diplomats from challenging the proposition officially and overtly within the country. Indeed, it could be said that in Bohemia it would have been unlawful to maintain that either those *sub una* or the Utraquists were not participating in the Roman Catholic Church.

Far from fearing that by calling themselves Catholics they were poaching on the territory of the Roman Curia, the Utraquists apparently had some doubts whether the term could be properly applied to the *sub una* adherents of the Roman Church. Thus, a Counter-Reformatory pamphlet, issued in 1625 and aimed at “conversion” of the Utraquists, would seek to reassure its readers that “the papists” were indeed Catholics in the sense of the first half-millennium of Christianity.¹⁹⁸ That this was not an unheard-of or preposterous question is indicated by the debating propositions, posed in England about the same time by Bishop Richard Montagu of Chichester, namely (1) whether the contemporary Church of Rome was the Catholic church, and (2) whether the contemporary Church of England was a sound member of the Catholic church.¹⁹⁹ Put in more modern terms, it is clear that in the sixteenth and seventeenth centuries the Roman Curia or the Holy See did not hold the copyright to the term Catholic, and others could not be charged with violation of the fair use principle, or a theft of

Cochlaeus, *Historiae Hussitarum libri duodecim* (Mainz, 1549) 503-547; see also František Bartoš, *Literární činnost M. J. Rokycany, M. Jana Příbrama, a M. Petra Payna* (Prague, 1928) 78.

¹⁹³ Neumann, *K dějinám věku poděbradského* 6.

¹⁹⁴ Pekař, Josef, [Note on Písecký], ČČH 31 (1925) 211; Aeneas Sylvius Piccolomini (Pope Pius II), *Historia Bohemica/Historie česká*, tr. and ed. Dana Martínková, Alena Hadravová, and Jiří Matl. (Prague, 1998) xlvii, n. 204.

¹⁹⁵ Reginald R. Betts, *Essays in Czech History* (London, 1969) 264, cited by Jarold K. Zeman, “The Rise of Liberty in the Czech Reformation,” *Central European History* 6 (1973) 136.

¹⁹⁶ František Palacký, *Dějiny národu českého*, 5 vv., (Prague, 1893) 5:531-532.

¹⁹⁷ Bílejovský states literally: “...we Bohemians *sub utraque* are the true Romans” [...my Čechové pod obojí jsme praví Římané], *Kronyka církevní*, 27.

¹⁹⁸ Václav Kuttemberger z Kuttembergku, *Přídavek k dokázání mocnému a podstatnému, že z potřeby spasení k přijímání pod obojí žádný zavázán není* (Prague, 1625) ff. D2b-D3b.

¹⁹⁹ Richard Montagu, “To the Reader,” *A Gagg for the New Gospell? No, a New Gagg for an Old Goose*. (London, 1624) 4.

intellectual property.²⁰⁰

All this is not say that the term had not been misused in these early times even within Bohemia. Berka at times employed the designation Catholic as synonymous with *sub una*, in an informal and innocuous way.²⁰¹ The term was misused more culpably by Jaroslav Bořita of Martinice in 1602 and by the abbot of Broumov in 1603 who under the formula that only the Catholic religion was legitimate in Bohemia wished to force all their subjects to communicate *sub una*.²⁰² Ironically and perversely, Rudolf II chose to misinterpret Bořita's policy as an equivalent of the established policy on royal manors, namely that of equal protection of the *sub una* and the Utraquists as members of "the ancient Christian and Catholic faith."²⁰³ These cases may be viewed as rare aberrations. More flagrantly, in their internal correspondence with the Curia, the papal nuncios tended to habitually (mis)appropriate the word "catholici" for the *sub una*, and to use it in contradistinction to the Utraquists, whom they called "hussiti."²⁰⁴ Nevertheless, the Curial officials in the sixteenth centuries were more perceptive than subsequent historians in refusing to understand the Utraquist Consistory's pledges of allegiance to "Catholic" faith and rites – for instance in 1587-1589 – as equivalent to embracing the Roman jurisdiction in its entirety and integrity.²⁰⁵

3. Ordination of Utraquist Clergy

A concrete point, which has been raised to demonstrate the alleged fusion of Utraquism with the Roman Church in the period 1575-1609, is the text of an oath required by the archbishop of Prague from ordinands for priesthood. This document was included among those appended to the *Second Apology* of the Bohemian estates, issued in 1618 in justification of their uprising against Ferdinand II. The *Apology* claimed that Utraquist priests, prior to 1609, were required to take this oath. In fact, the Tridentine text posited a craven submission to the Holy See, but by itself proved little about the actual Utraquist ordinations.²⁰⁶ On the one hand, there is nothing new about this text. On the other hand, there is no evidence that any Utraquist priests, qua Utraquist priests, actually took the oath.

As early as the 1560s, the archbishop of Prague had come to insist on the submission to the Tridentine document by any new ordinands thereby terminating any further archiepiscopal ordinations of Utraquists in Prague in 1566.²⁰⁷ In July 1575 State

²⁰⁰ As another example, James I of England, for one, is reported as saying on his death bed in 1625, after repeating the articles of the creed, that "hee beleueed them all, as they were receiued and expounded by that part of the Catholique Church which was established here in England." Cited by William B. Patterson, *King James VI and I and the Reunion of Christendom* (Cambridge, 1997) 356, from John Williams, *Great Britains Salomon: A Sermon Preached at the Magnificent Funerall of the Most High and Mighty King, James...* (London, 1625) 69.

²⁰¹ E.g. letter of October 20, 1598, *Sněmy české* 9:593.

²⁰² *Sněmy české* 10:315, 457-458, 514.

²⁰³ *Sněmy české* 10:316.

²⁰⁴ See, for instance, *Nuntiaturberichte aus Deutschland*. Dritte Abteilung, 1572-1585, 8. Band: Nuntiatur Giovanni Dolfin, 1575-1576, ed. Daniela Neri (Tübingen, 1997) 224, 239, 290; *Sněmy české* 11,1:77 n. 311.

²⁰⁵ Matoušek, "Kurie a boj o konsistoř pod obojí," 27-28. On another alleged submission to Rome see *Sněmy české* 11,1:64.

²⁰⁶ See, especially, *Druhá Apologie stavův království českého*, 205 (no. 27).

²⁰⁷ Zdeněk V. David, "A Brief Honeymoon in 1564-1566: The Utraquist Consistory and the Archbishop of Prague," *Bohemia* 39 (1998) 279-283.

Secretary Tolomeo Gallio restated to Nuncio Dolfin that the archbishop of Prague could proceed with Utraquist ordinations only if the Consistory were in full accord with the Roman Church.²⁰⁸ These refusals continued for the rest of Brus's episcopate and during the entire episcopate of Medek. While Brus seemed willing to proceed with the ordination, if he could avoid Roman penalties, Medek actually opposed any benevolence on Rome's part, allegedly hoping to coerce the Utraquists into a full merger under his jurisdiction²⁰⁹. He did not need to worry. The Curia rejected a petition which, on the initiative of Administrator Dvorský, Rudolf II submitted through Nuncio Moroni in July 1576.²¹⁰ In 1582 and again in 1584, Nuncio Bonomi insisted that the prelate would be committing a breach of duty if he ordained Utraquist priests; unless the Consistory abandoned all differences from the Roman Church, except communion *sub utraque* as permitted by Pope Pius IV in 1564, and submitted fully to the archbishop.²¹¹ Another Utraquist petition was turned down under Nuncio Puteo in 1589. This clearly contradicted Borový's assertion that specifically under Medek as archbishop (1) there were no significant differences between Utraquism and the Roman Church; and (2) that the Consistory accepted the archbishop's jurisdiction.²¹²

An attempt to break the deadlock on Utraquist ordinations had failed by 1597, after seven priests, ordained with papal dispensation by Berka, had reverted to Utraquist practices.²¹³ There is no available record that Berka's successor, Karl of Lamberk (1606-1612), as noted earlier, a Styrian untutored in the Czech language, ordained any Utraquist clergy. Thus, Utraquist priests had to be ordained by bishops from outside Bohemia, particularly in Passau, Wroclaw, Olomouc, Poznań, and Nitra. Also, Roman priests, originally *sub una*, continued to join the Utraquist Church.²¹⁴ In June 1602, Administrator Dačický re-emphasized the policy of the Consistory to appoint and confirm to Utraquist parishes only such priests who had a certificate [*testimonium*] of a proper ordination by a proper bishop.²¹⁵ The matter of episcopal ordination was taken seriously by the Consistory into the opening decade of the seventeenth century. This is attested, for instance, by the intensive search to document the priesthood of Eliáš Šud, subsequently the first administrator under the Letter of Majesty (1609-1614).²¹⁶ Utraquist priests, who were not defectors from the Roman Church, received their theological training either as apprentices from established and experienced pastors, or from individual professors of the faculty of arts. The mentors issued certificates of the candidates' readiness for ordination.²¹⁷ Unlike the Lutherans,

²⁰⁸ *Nuntiaturberichte aus Deutschland*. Dritte Abteilung, 1572-1585, 8. Band: Nuntiatur Giovanni Dolfins, 1575-1576, ed. Daniela Neri (Tübingen, 1997) 239.

²⁰⁹ *Sněmy české* 11,1:63.

²¹⁰ Matoušek, "Kurie a boj o konsistoř pod obojí," 18; See also Dolfin's negative attitude in 1575, *Nuntiaturberichte aus Deutschland*. Dritte Abteilung, 1572-1585, 8. Band: Nuntiatur Giovanni Dolfins, 1575-1576, ed. Daniela Neri (Tübingen, 1997) 75.

²¹¹ Stloukal, "Počátky nunciatury v Praze," 15-16.

²¹² *Sněmy české* 11:56-58.

²¹³ *Sněmy české* 11,1:74. [See complaint of the Consistory about the anticipated shortage of Utraquist priests in October 1577, *Sněmy české* 5:198-199; repeated in August 1578, *Sněmy české* 5:300].

²¹⁴ See, for instance, *Sněmy české* 7:217; Borový, *Martin Medek, Arcibiskup pražský 73-74*; Kroess, "Die Unterwerfung des utraquistischen Administrators Heinrich Dworský," 711-712.

²¹⁵ *Sněmy české* 10:332-333.

²¹⁶ Winter, *Život církevní v Čechách* 1:334-335.

²¹⁷ *Sněmy české* 9:181; see also Zikmund Winter, *Děje vysokých škol pražských od secessí cizích národů*

the Utraquist clergy not only wore traditional liturgical vestments in churches, but also maintained the traditional externalities of the clerical state, such as a distinct street attire and marks like the tonsure and a cleanly shaven face.²¹⁸

Despite the complications with canonical ordinations, Administrator Dačický reported on 14 December 1602 that the Utraquist Consistory had enough priests, ordained by bishops, to staff its parishes, and the supply continued adequately thereafter.²¹⁹ The adequacy of clerical personnel was also indicated by the smooth functioning of Utraquism's rather extensive ecclesiastical organization, which encompassed a network of forty-six deaneries, each with its subordinate parishes.²²⁰ The operation of this structure may be illustrated by the distribution of oils, which as noted previously, the archbishops of Prague passed on to the Consistory each Easter. The canonically blessed oils, needed for the administration of baptism and extreme unction, were sent by the Consistory to Utraquist deans and, in turn, distributed by them to parish priests.²²¹ In addition to its size, the Utraquist Church showed its organizational vitality by introducing, in both urban and rural areas, registers of baptisms, marriages and funerals at the turn of the sixteenth century.²²² The infrastructural strength of this kind clearly gave the lie to the image of a vanishing institution, losing the grip on its clergy and congregations.

In contrast to the massive documentation that the reluctance to make the Tridentine profession prevented the ordinations of Utraquist clergy by the archbishop, there is virtually no independent evidence that any Utraquist candidates in 1575-1609 actually did take the formidable oath appended to the *Second Apology*.²²³ To the contrary there is evidence from the 1590s that such an oath was considered abhorrent by both Utraquist clergy and laity.²²⁴ The Tridentine profession, of course, would have been made by those Utraquist priests who had received their ordination under *sub una* and then shifted their allegiance. These clergymen, however, could not be considered

po dobu bitvy bělohorské, 1409-1622 (Prague, 1895) 59-60; Zikmund Winter, *O životě na vysokých školách pražských: kulturní obraz XV. a XVI. století* (Prague, 1899), 359. On the preparation of clergy earlier in the sixteenth century, Josef Jireček, *Rukověť k dějinám literatury české do konce XVIII. věku, 2 vv.* (Prague, 1875-1876) 1:115; on the theological lectures by Martin of Vlašim, *Ze starých letopisů českých*, tr. Jaroslav Porák and Jaroslav Kašpar (Prague, 1980) 291. Apprenticeship to an experienced priest was a common way of educating candidates for priesthood in sixteenth-century Europe, see Lewis W. Spitz, *The Protestant Reformation, 1517-1559* (New York, 1985) 51. There was also some movement the other way. Priest Václav Pražský, having been removed from the parish of Stříbro by Administrator Dačický, petitioned Berka for a parish on 9 February 1597; see *Sněmy české* 9:396.

²¹⁸ Borový, *Martin Medek, Arcibiskup pražský* 78 n. 3.

²¹⁹ *Sněmy české* 10:371. Also, on 7 February 1603, Fridrich of Opršdorf asked Berka for a priest for the town of Týniště, either one *sub una*, or if not available, a Utraquist administered by the Consistory. This might indicate that the supply of Utraquist priests was more adequate than of those *sub una*, see *Sněmy české* 10:450; see also *Sněmy české* 11,1:70.

²²⁰ There were the following Utraquist deaneries: Benešov, Beroun, Mladá Boleslav, Český Brod, Německý Brod, Bydžov, Čáslav, Domažlice, Kutná Hora, Hořice, Chrudim, Jaroměř, Jičín, Klatovy, Kolín, Kostelec nad Labem, Kouřim, Dvůr Králové, Hradec Králové (with an archdeaconry), Ledec, Litoměřice, Litomyšl, Louny, Mělník, Vysoké Mýto, Načeradec, Náchod, Nymburk, Pardubice, Pelhřimov, Písek, Polička, Příbram, Rakovník, Roudnice, Sedlčany, Slaný, Stříbro, Sušice, Tábor, Turnov, Velvary, Vodňany, Žatec, and Žlutice; Borový, *Martin Medek, Arcibiskup pražský* 78.

²²¹ Borový, *Martin Medek, Arcibiskup pražský* 78-79.

²²² Winter, *Život církevní v Čechách* 2: 613-14.

²²³ Krofta doubts its administration prior to 1609, *Sněmy české* 11,1:75, n. 306.

²²⁴ *Sněmy české* 11,1:71, n. 295.

bound by a juridical submission to the Holy See once they entered the jurisdiction of the Utraquist Consistory. It is also possible that the seven priests, ordained by Berka in 1597, had taken a compromising oath, but their case was highly atypical.

4. Remedies Against the Archbishops' Encroachments: Checks and Balances

The role assigned to the archbishops in brokering the clerical appointments on royal estates was not, of course, without its risks for the interests of the Utraquist church. The prelates were occasionally tempted to misuse the procedure for the benefit of the Roman Church. The record showed, however, that there were effective safeguards in place to keep the princes of the Church from unauthorized appointments of Roman priests. There were three agents ready to defend the integrity of Utraquist parishes: (1) the parishes themselves, rural as well as urban; (2) the managers of the royal manors, who unlike official at higher levels, continued to be drawn from ranks of dissidents from the Roman Church; and (3) the Utraquist Consistory; all of whom could appeal for the protection of the Utraquist character of parishes against the archbishop to the highest officials of the land, or to the king himself.

(1) Protests by the cities of Rokycany (April 1597) and Brandýs nad Labem (May 1597) exemplified the determination of towns on royal estates to resist Berka's appointment of clergy *sub una*, and to insist on priests under the jurisdiction of the Utraquist Consistory.²²⁵ In opposing the archbishop's usurpations, the city fathers could appeal to the edicts of recent Bohemian kings which outlawed encroachments of the *sub una* against the Utraquists (and vice versa). Particularly elaborate in its historical and legal argumentation was the remonstrance of the town of Brandýs nad Labem, dated 3 June 1597, which cited precedents covering archbishops Brus and Medek, and monarchs Ferdinand I, Maximilian II, and Rudolf II, as well as the laws of the Land, including the *Compactata*, for the protection of the Utraquist religion.²²⁶ The parishioners' complaints against the objectionable appointees, aside from the basic one of their insubordination to the Utraquist Consistory, focused on (1) the introduction of unfamiliar rites, and (2) the use of an incomprehensible language. The second objection apparently reflected the fact that candidates for priesthood *sub una* normally were not natives of Bohemia.²²⁷ The towns on royal estates did not have to face the archbishops alone. In August 1600, Nové Strašecí turned to the manorial director to back up its right (against the archbishop's interference) to have a Utraquist priest who was under the aegis of the Consistory.²²⁸ In May 1601, the town council of Brandýs nad Labem, having already asked for help from the captain of the manor, proceeded beyond the manorial level and appealed directly to a royal office, the Bohemian Chamber, against the archbishop's repeated refusals to appoint a Utraquist priest.²²⁹ In May 1602, the town council of Libice asked for help from Jan of Habartice, captain of the royal manor of Poděbrady, objecting to a priest *sub una* whom the archbishop was forcing on them instead of a Utraquist priest.²³⁰

²²⁵ *Sněmy české* 9:436-437, 441-442.

²²⁶ *Sněmy české* 9:444. See also petitions of 13 May 1597, 4 October 1599, and 18 July 1601 in *Sněmy české* 9:442, 699-700; 10:216-217. Berka likewise reported resistance in Pardubice in January 1600, see *Sněmy české* 10:19.

²²⁷ *Sněmy české* 9:146-147, 151-152, 442.

²²⁸ *Sněmy české* 10:83-84

²²⁹ *Sněmy české* 9:476-477; 10:209.

²³⁰ *Sněmy české* 10, 216-217, 323.

(2) The king's manorial managers played a particularly active role in keeping the archbishops honest. In March 1600, the captain of the royal manor of Lysá, Václav Zálužský of Vostroskály, intervened against Berka's attempt to appoint a priest *sub una* to a traditionally Utraquist parish. In February, 1601, the director (*hejtman*) of the royal manor of Křivoklát defended the right of the village of Cerhovice to a Utraquist priest in writing to the archbishop.²³¹ In May 1601, the captain of the royal manor of Poděbrady, Jan of Habartice, filed a similar appeal against the archbishop with the Bohemian Chamber. In January 1602, the director of the royal manor of Křivoklát wrote to the archbishop in support of the town Nové Strašecí and its request for a priest to be supplied by the Utraquist Consistory. In May 1602, the captain of the manor of Poděbrady reported to the Bohemian Chamber that the inhabitants of Libice refused to accept the priest sent by the archbishop, even if he promised to distribute communion *sub utraque*, because he was of Roman obedience.²³²

(3) As for the Utraquist Consistory, it appealed, for instance, in February 1590 to the Supreme Court Steward [*hofmistr*], Jiří the Elder of Lobkovice, asking for restoration to its jurisdiction parishes on three manors of the royal domain. There was even a curious case in October 1586 when the Consistory protested against archbishop's attempts to appoint a Lutheran minister rather than a Utraquist priest. In a similar vein, in February 1590 the Consistory complained that the archbishop tolerated Lutheran clergy on the royal manor of Pardubice.²³³

As for ecclesiastical manors, Nuncio Bonomi failed to induce the *sub una* Cathedral Chapter of Prague to remove Utraquist priests from four parishes in 1584 on the charges of concubinage. The Chapter refused on the grounds that the parishioners would revolt.²³⁴ Villagers on episcopal estates, in fact, could offer spirited resistance to the archbishop or his vassal in cases of unauthorized appointments of priests *sub una*, as for instance the inhabitants of Třeбенice did on 21 May 1599.²³⁵ In June 1602, Voršila Tachovská, the abbess of the convent of Týnec, complained that the subject villagers of Pozdno refused to accept a priest of Roman obedience even if he promised to distribute communion *sub utraque*.²³⁶ She repeated her complaint to the archbishop a week later.²³⁷ In January 1603 she wrote to Berka that the inhabitants of Týnec boycotted the priest and insisted on the services of a Utraquist.²³⁸

The seigneurs of private manors were also ready to defend the right of their villagers to the services of Utraquist clergy as Zdeslav Kaplíř of Sulevice did in the village of Jenišův Újezd against the archbishop. The case, which had started in 1593, reached one of the central institutions of royal justice in Bohemia, the Court of the Land [*Zemský soud*], by 1602. There the lawsuit was still in progress in 1603, when the archbishop received a subpoena to deliver relevant documents.²³⁹ Similarly, on 25 March 1602 and again on 12 May 1603, Marie of Šternberk intervened to remove

²³¹ *Sněmy české* 10:58, 194-195.

²³² *Sněmy české* 10:208, 252, 324-325.

²³³ *Sněmy české* 7:25, 464-465.

²³⁴ Stloukal, Karel, "Počátky nunciatury v Praze," 255.

²³⁵ *Sněmy české* 9:675-676.

²³⁶ *Sněmy české* 10:330.

²³⁷ *Sněmy české* 10:333.

²³⁸ *Sněmy české* 10:441.

²³⁹ *Sněmy české* 9:372; 10:368-370; 395-397; 446-448.

a priest *sub una* from her manorial town of Nepomuk because her subjects' parish was traditionally Utraquist, and it had customarily obtained a Utraquist priest from the Consistory.²⁴⁰ This step was opposed by her brother Ladislav of Šternberk.²⁴¹ In May 1603, the town council of Nepomuk requested that Ladislav not press on them a priest *sub una*, since they had obtained a Utraquist priest from the Consistory with the permission of his sister Marie, who was their dame.²⁴² In June 1603, Rudolf II ordered an investigation whether the parish of Nepomuk had been traditionally *sub una* or Utraquist. The outcome favoured the *sub una*.²⁴³ Nevertheless, in September 1603, Marie of Šternberk continued to insist on keeping in Nepomuk the priest who was under the administrator of the Utraquist Consistory.²⁴⁴ The king, in turn, threatened her with judicial proceedings before the Bohemian Chancellery, if she did not yield.²⁴⁵ In another case, in May 1603, the mayor and council of the manorial village Lochkov induced their seigneur Zikmund Smiřický of Smiřice to intervene with the archbishop to arrange with the Consistory for the appointment of a Utraquist priest in their church. The archbishop had pressed on them the unacceptable services of the Abbot of the Emmaus Monastery [*Na Slovanech*]. They understood the latter to be a convert in 1591 to *sub una*,²⁴⁶ engaging in such (mal)practices as disregard of Jan Hus's feast day, and refusal of communion for infants.²⁴⁷

Thus on royal, ecclesiastical, and private estates the preservation of Utraquist parishes rested on a fairly elaborate and apparently effective system of checks and balances. The archbishop acted to prevent influential patrons from appointing Lutheran ministers, while he was checked from appointing priests *sub una* by coalitions of manorial seigneurs, manorial managers, municipal councils, and the Utraquist Consistory, each with the right of appeal to the royal government and the king. The manorial managers played a particularly important role of ombudsmen in preserving the status quo on royal estates, siding mainly with the Utraquists.²⁴⁸

The record of historical documents in *Sněmy české*, however, shows that most of the archbishops' energies in their assigned role as watchdogs over Christian orthodoxy on royal estates were not directed at surreptitiously replacing Utraquist priests with those *sub una*, but rather at preventing the replacement of priests *sub una* by Lutheran ministers in the German speaking fringes of Bohemia. The German-speaking population had shown a particular affinity for Lutheranism as early as 1523 in

²⁴⁰ *Sněmy české* 10:308; 10:463.

²⁴¹ *Sněmy české* 10:471, 474.

²⁴² *Sněmy české* 10:464-465.

²⁴³ *Sněmy české* 10:482, 488.

²⁴⁴ 6 September 1603, *Sněmy české* 10:496.

²⁴⁵ 23 September 1603, *Sněmy české* 10:500-501.

²⁴⁶ 26 May 1603, *Sněmy české* 10:468; see the letter of 30 May 1603 from Smiřický to Berka in *Sněmy české* 10:470.

²⁴⁷ He was immortalized in a popular song threatening him with hell fire for his transgressions against Utraquism: "A ten opat slovanský / dal na vinici kopat / na svátek Jana Husi / za to do pekla musí / věčně se trápit," cited in Jireček, *Rukověť k dějinám literatury české* 2:77. See the complaint of priest Pavel Paminondas Horský to Berka in *Sněmy české* 8:448.

²⁴⁸ Such as Pardubice, Trutnov, Kolín, Malešov, Poděbrady, Lysá, Benátky, Křivoklát, Točnick Zbiroh, Dobříš, and others, see Josef Vávra, "Počátky reformace katolické v Čechách," *Sborník historického kroužku* 3 (1894) 40.

Prague.²⁴⁹ Baron Sebastian Schlick introduced the first Lutheran preacher to his estate in the Loket area in 1521.²⁵⁰ Medek and Berka tried to stave off massive Lutheranization among the German *sub una* in the towns and districts of Cheb and Loket.²⁵¹ Berka struggled to preserve the Roman status quo in the county of Klodzko [Kladsko] and on the manor of Týn Horšův where Captain Melchior of Rechenberg and Vilém of Lobkovice respectively attempted to carry out Lutheran reformations from 1599 to 1604.²⁵² Other areas of major concern in the same period were the royal manor of Chomutov, the town of Česká Lípa, and the Rožmberk manor under Petr Vok in Český Krumlov.²⁵³ While the ordinary Czechs seemed to be largely satisfied with Utraquism, Lutheranism appeared virtually irresistible for the stolid Teutonic mountaineers of Loket, Žatec, Litoměřice, the Giant Mountains [Krkonoše], and Klodzko.²⁵⁴

Universalism and Liberalism

With all due apologies to Pope Pio Nono for misappropriating the title of a key document of his reign, the following Syllabus of Errors can be drawn up concerning the assertions about institutional ties between the Roman Curia and the Utraquists: (1) that the Utraquist Consistory was completely controlled from Rome and/or marginalized into ineffectiveness; (2) that Utraquist clergy pledge full obedience to the Curia; (3) that the archbishop of Prague ruled over the Utraquist clergy; and (4) that the archbishop of Prague assumed from the Utraquist Consistory ecclesiastical jurisdiction over Utraquist laity. These conclusions challenge the myths of Roman ascendancy over the Utraquist Consistory, and the Roman archbishops' ecclesiastical management of Utraquist clergy and laity.

Contrary to the assertions in historical literature, the realistic prospects of reconciliation of papal Rome and Utraquist Prague were not promising. The hopes attached to the "Old Utraquists," who wished only for a lay chalice, were baseless. There were no such "Old Utraquists," who would be satisfied with the lay chalice granted to them temporarily and as an exception through a papal dispensation. This minimalist idea had proved stillborn on its delivery in the 1560s. The chief stumbling block was the Utraquists' universalism combined with a liberal ecclesiology, which rejected the late medieval concept of the papal monarchy. (1) The issue of universalism involved the Utraquists' insistence on forming an integral part of Western Christendom and hence on reforming the Roman Patriarchate in its entirety. Unlike the Anglicans, the Utraquists were not satisfied with the status of a separated national church, nor could they be bought off by Rome's grant of the status of a Uniate-like autocephalous community. (2) While recognizing the pope as the head of the Western Church, they asked that the papacy accept their ecclesiological point of view which would require nothing less than a drastic shift from a focus on imperious authority to a focus on pastoral care. The Utraquists opposed the behemoth of bureaucratic control and

²⁴⁹ Tomek, 10:523-524.

²⁵⁰ Thomas More, *Complete Works*, 21 vv. (New Haven, 1963-1997) 5,2: 868.

²⁵¹ *Sněmy české* 7:432; 9:451; 10:371-373.

²⁵² Concerning Týn Horšův see *Sněmy české* 9:679; 10:90-91, 543-544, 587; 625; concerning Klodzko see *ibid.* 10:64-65, 440, 443-446, 448-449, 632.

²⁵³ Concerning Chomutov see *Sněmy české* 9:9; 10:611, 618, 629, 640-641; concerning Česká Lípa see *ibid.* 9:511; 10:90, 92; concerning Český Krumlov see *ibid.* 9:682-683; 10:544-549, 584, 586.

²⁵⁴ Vávra, A, "Počátky reformace katolické v Čechách", 3.

autocratic enforcement, and called for replacing the command mode of governance by a consensual method.

To sum up: The Utraquists did not rush into the embrace of the Roman Curia, but rather kept a cautious distance. Their attempts at rapprochement motivated largely by the issue of clerical ordinations were discouraged by the increasingly uncompromising stance on the part of the Curia, growing out of the letter and the spirit of the Council of Trent. The papal negotiators met the Utraquist overtures by alternations between unyielding rigidity and aggressive schemes to coopt and absorb the Utraquist Consistory with its infrastructure of deaneries and parishes. The aggressive forays led the Utraquist establishment to seek a counterweight in political cooperation with other dissidents from Rome, and this further increased the divide between the Utraquists and the Curia which could not but regard the Utraquists' defensive alliance as an adulterous going to bed with the Protestant enemy. As a result, the period of 1575 and 1609 was one of growing divergence, not convergence, between Utraquism and the Roman Curia.