DISPUTING IDENTITY, TERRITORIALITY, AND SOVEREIGNTY: THE PLACE OF POMERANIA IN THE SOCIAL MEMORY OF THE KINGDOM OF POLAND AND THE TEUTONIC *ORDENSSTAAT*

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DISPUTING IDENTITY, TERRITORIALITY, AND SOVEREIGNTY:
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This dissertation analyzes state-formation, the development of historical consciousness, and the construction of identities in medieval Europe. The source materials used to examine these topics are the records from a series of disputes between the Teutonic Knights and Polish and Pomeranian rulers during the thirteenth and fourteenth centuries. The first part situates these conflicts between the Teutonic Knights and their neighbors and benefactors in the context of the ethnic, religious, cultural, and political borderland society of the thirteenth-century south Baltic littoral. The second part examines how in the early fourteenth century these borderlands were transformed through a complex process of remembering and forgetting into "bordered lands" of strictly demarcated political boundaries. The nature of the documentary evidence provides a unique opportunity to analyze how communities within Poland and the Teutonic *Ordensstaat* constructed their own views of their collective identity and history as well as how the views of these communities helped to inform and transform the views of the elites, who traditionally appropriated the role of preserving memories and propagating identities. In 1320 and 1339, in the aftermath of two periods of conflict between Poland and the *Ordensstaat,* the Papacy ordered legates to conduct inquires into the Polish kings' claims that the Teutonic Knights had illegally seized lands belonging to Poland. The lengthy testimonies of over 150

witnesses provide evidence about how representatives of different social and cultural groups in Poland thought about their role within the nascent Polish kingdom. Although the witnesses were asked by judges to respond to articles proposed by royal lawyers, the witnesses often took this opportunity to talk about whatever they felt relevant, sharing their personal memories of events, or memories which had been passed on to them by members of the various secular and ecclesiastical communities to which they belonged. They also presented reasons that went well beyond the scope of what they were asked – their own views on ethnicity, history, law, and customs, and what role these played in defining where and what the Kingdom of Poland was, as well as who should be included within its boundaries.

BIOGRAPHICAL SKETCH

In 1993 Paul Milliman graduated from Parkersburg Catholic High School in Parkersburg, West Virginia. He was awarded a BA in 1997 from Ohio Wesleyan University in Delaware, Ohio. At Ohio Wesleyan he majored in History, Medieval Studies, and Humanities-Classics.

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LIST OF ABBREVIATIONS

Dusburg – Peter von Dusburg. *Chronica terre Prussie*, ed. Max Töppen, *SRP* I 3-219; reprinted with German translation and annotation by Klaus Scholz and Dieter Wojtecki. Darmstadt: Wissenschaftliche Buchgesellschaft, 1984

KDW – *Kodeks dyplomatyczny Wielkopolski*, ed. Ignacy Zakrzewski, et al. 9 Volumes. Poznań: Nakładem Biblioteki Kórnickiej and Państwowe Wydawnictwo Naukowe, 1877-1982.

Labuda, HP I/1 – Gerard Labuda, ed. *Historia Pomorza. Tom I do roku 1466*. Part I. Poznań: Wydawnictwo Poznańskie, 1972.

Lites I (2) – *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*, ed. Ignacy Zakrzewski. 2nd ed. Vol. 1. Poznań: Nakładem Biblioteki Kórnickiej, 1890.

Lites I (3) – *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*. *Tomus I: Causa Junivladislaviae et Brestiae-Cujaviae Anno 1320-1321*, ed. Helena Chłopocka. Wrocław: Wydawnictwo Polskiej Akademii Nauk, 1970.

Lites II – *Lites ac res gestae inter Polonos Ordinemque Cruciferorum*, ed. Ignacy Zakrzewski. 2nd ed. Vol. 2. Poznań: Nakładem Biblioteki Kórnickiej, 1892.

MPH – Monumenta Poloniae Historica, ed. August Bielowski, et al. 6 Volumes. Lwów: Nakładem Własnym / Kraków: Nakładem Polskiej Akademii Umiejętności, 1864-93. Reprint, Warszawa: Państwowe Wydawnictwo Naukowe, 1960-1.

PlUB – *Pommerellisches Urkundenbuch*, ed. Max Perlbach. Danzig: Bertling, 1882. Reprint, Aalen: Scientia Verlag, 1969.

PrUB – *Preussisches Urkundenbuch*, ed. Rudolph Philippi, August Seraphim, Max Hein, et al. 3 Volumes. Königsberg: Hartungsche Verlagsdruckerei, 1882-1944.

SRP – *Scriptores rerum Prussicarum*, ed. Theodor Hirsch, Max Töppen, and Ernst Strehlke. 5 Volumes. Leipzig: Verlag von S. Hirzel, 1861-74; reprint, Frankfurt am Main: Minerva GMBH, 1965.

Theiner – *Vetera Monumenta Poloniae et Lithuaniae gentiumque finitimarum historiam illustrantia. Tomus Primus: Ab Honorio Pp. III usque ad Gregorium Pp. XII. 1217-1409*, ed. Augustin Theiner. Rome: Typis Vaticanis, 1860.

INTRODUCTION

This dissertation analyzes state-formation in medieval Europe. I should underscore at the beginning, however, that I use the word "state" with some trepidation, considering that not only do most modernists scoff at the idea of medieval states, but medievalists also disagree about the applicability of this term to the middle ages.[1] In order to move past this debate, let me be clear that, as the title suggests, this dissertation focuses on processes rather than structures, representations rather than manifestations. The nuts and bolts of administration and lawyerly arguments about the state will have a place in what follows. The main topics of analysis, however, will be how the people living within two nascent states in the early fourteenth century – the Kingdom of Poland and the Teutonic *Ordensstaat* – understood their shared histories and how their memories of this past informed their sense of belonging to recently created political communities.

As such, this dissertation also hopes to elide any discussion of the medieval origins of modern states. Although many scholars, most notably Joseph Strayer, have shown that state-formation in the middle ages had a profound impact upon the development of modern states,[2] there have been several unfortunate side-effects to this type of analysis, especially teleological concerns with tracing the origins of modern states and nations backwards.[3]

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[1] See the recent debate in the *Journal of Historical Sociology* between Rees Davies and Susan Reynolds: R.R. Davies, "The Medieval State, the Tyranny of a Concept?" *Journal of Historical Sociology* 16 (2003), 280-300; Susan Reynolds, "There Were States in Medieval Europe: A Response to Rees Davies," *Journal of Historical Sociology* 16 (2003), 550-5.

[2] Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970).

[3] Patrick J. Geary, *The Myth of Nations: The Medieval Origins of Europe* (Princeton and Oxford: Princeton University Press, 2002).

These problems have been particularly striking in the historiography of east-central Europe, in which the traditional conceptual framework of a thousand-year-long *Drang nach Osten* lends itself to a preoccupation with scouring the source materials for anecdotal medieval evidence to explain modern ethnic and national conflicts.[4] The historical events in this ethnic, religious, and political borderland were not always characterized by conflict,[5] and as Benedykt Zientara cautions, even when conflicts did occur, they were certainly not based on the same concepts of contention that emerged in the modern era.[6] Yet, keeping these caveats in mind, as a number of medievalists have

[4] There is a huge literature on this topic in Polish and German, which was until recently lumped together with a whole host of other topics (including the peaceful settlement of Germans and other western Europeans, who had been invited by Slavic lords) as the *Drang nach Osten*. Because of this term's associations with nineteenth-century nationalism and twentieth-century Nazism, it has for the most part been scrapped, only to be replaced by the deceptively benign "Ostsiedlung" or the even more problematical "Ostkolonisation," which has tempted some scholars, including Jan Piskorski, the leading Polish scholar on the historiography of this topic, to try to apply post-colonial theory to writing about German-Slavic interactions in the middle ages. [Jan M. Piskorski, "After Occidentalism: The Third Europe Writes Its Own History," in *Historiographical Approaches to Medieval Colonization of East Central Europe: A Comparative Analysis against the Background of Other European Inter-Ethnic Colonization Processes in the Middle Ages*, ed. Jan M. Piskorski (New York: Columbia University Press, 2002), 7-23]. Certainly most of the earlier works (and unfortunately too many of the later ones) were polemical and nationalistic, and equally unfortunately most Anglophone scholars either have been turned off by the unfamiliar and unpronounceable names of people and places or are just not particularly interested in what happened outside of western Europe. Yet, it is unlikely that a post-colonial discourse culled from disparate twentieth-century experiences is going to provide a more useful framework to explore these complex medieval issues. In fact, appeals to post-colonialism might just undermine the advances made in this field by reorienting the emigration of Germans to the east within an imperialist project once again. While the present author shares Piskorski's frustration at the removal by western Europeans of significant parts of the European peninsula from "Europe," as recent events have shown, the concept of Europe (geographically, culturally, historically, ethnically, legally, religiously, etc.) is still part of a contentious, constantly changing, and continuing debate.

[5] Paul W. Knoll, "Economic and Political Institutions on the Polish-German Frontier in the Middle Ages: Action, Reaction, Interaction," in *Medieval Frontier Societies*, ed. Robert Bartlett and Angus MacKay (Oxford: Clarendon Press, 1989), 151-74.

[6] Zientara also draws attention to the equally prevalent fallacy espoused by some historians, "that contemporary nations are a direct continuation of the medieval lineage of ethnic communities." ["Nationality Conflicts in the German-Slavic Borderland in the 13th-14th Centuries and Their Social Scope," *Acta Poloniae Historica* 22 (1970), 209].

pointed out, the hardening of identities and social and political boundaries is not entirely a modern phenomenon.[7] In the later middle ages, people chose or were forced to choose to identify themselves according to linguistic, legal, cultural, historical, political, and biological categories that in some ways corresponded to modern notions of "ethnicity," or as some scholars would have it, "nationality" (although the use of the latter term in a medieval context seems even more problematical because of the knee-jerk reaction of identifying modern nations with medieval ones).[8] For this reason, one should bear in mind that this type of identity was also informed by chronologically and geographically specific factors, which need to be considered in order to avoid

[7] Richard C. Hoffman, "Outsiders by Birth and Blood: Racist Ideologies and Realities around the Periphery of Medieval European Culture," *Studies in Medieval and Renaissance History* 6 (1983), 3-24; Robert Bartlett, *The Making of Europe: Conquest, Colonization and Colonial Change, 950-1350* (Princeton: Princeton University Press, 1993); John Gillingham, "The Beginnings of English Imperialism." *Journal of Historical Sociology* 5 (1992), 391-409; Rees R. Davies, "Presidential Address: The Peoples of Britain and Ireland, 1100-1400," *Transactions of the Royal Historical Society* 6th Series "I. Identities" 4 (1994), 1-20; "II. Names, Boundaries and Regnal Solidarities" 5 (1995), 1-20; "III. Laws and Customs" 6 (1996), 1-23; "IV. Language and Historical Mythology" 7 (1997), 1-24.

[8] In addition to the above authors, see especially Simon Forde, Lesley Johnson, and Alan V. Murray, eds., *Concepts of National Identity in the Middle Ages* (Leeds: Leeds Studies in English, 1995), a collection of essays written in response to Benedict Anderson's oversimplified views of political community in the middle ages. [Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. (London and New York: Verso, 1991)]. For the applicability of the term "nation" in pre-modern history, see the essays in Len Scales and Oliver Zimmer, eds., *Power and the Nation in European History* (Cambridge, UK and New York: Cambridge University Press, 2005), particularly the essays by Susan Reynolds, "The Idea of the Nation as a Political Community," 54-66, and by John Breuilly, "Changes in the Political Uses of the Nation: Continuity or Discontinuity?" 67-101. Also see Alfred P. Smyth, ed., *Medieval Europeans: Studies in Ethnic Identity and National Perspectives in Medieval Europe* (Houndmills, UK and New York: Palgrave, 1998), and Claus Bjørn, Alexander Grant, and Keith J. Stringer, eds., *Nations, Nationalism and Patriotism in the European Past* (Copenhagen: Academic Press, 1994. Cf. earlier writings on nationalism in the middle ages: C. Leon Tipton, ed., *Nationalism in the Middle Ages* (New York: Holt, Rinehart and Winston, 1972); Halvdan Koht, "The Dawn of Nationalism in Europe," *American Historical Review* 52 (1947), 265-80; Gaines Post, "Public Law, the State, and Nationalism," in *Studies in Medieval Legal Thought: Public Law and the State, 1100-1322* (Princeton: Princeton University Press, 1964) 434-93; Ernst H. Kantorowicz, "*Pro patria mori* in Medieval Political Thought," *American Historical Review* 56 (1951), 472-92.

any facile comparisons between modern and medieval concepts of socio-political group identity formation.[9] Because these processes played out primarily on the borderlands of Europe, however, the role of group identity is often omitted from traditional state-formation historiography. The methodological orientation of traditional studies of state-formation leads it to focus on the success stories of the middle ages, i.e. sovereign, territorial nation-states (read England and France), thereby marginalizing the rest of Europe and minimizing the roles of competing structures of identity formation and variant paths to state-formation.[10]

In order to overcome these methodological obstacles in an attempt to shed some new light on what Robert Bartlett has called "the Making of Europe" in the middle ages, I have chosen to study the formation of two states on the frontier of Latin Christendom. More specifically, I have chosen to study the history of a disputed borderland between these two states – the Duchy of Pomerania – in order to analyze how this duchy was pushed from the political periphery into an ideologically central place within the historical consciousness of the populaces of two emerging states that contended over it. The problem with this particular borderland state, though, is that its historical baggage is

[9] An illustrative example of the need to look beyond modern ethnic labels is the struggle of the Lübeck merchants in the Prussian city of Elbląg (Elbing in German) to gain their own particular form of "German law" (*ius teutonicorum*), Lübeck town law, instead of the type of "German law" that the Teutonic Knights had developed for the towns in their state, Chełmno (Culm in German) town law. As Edwin Rozenkranz points out, with all the restrictions imposed by the Teutonic Knights on Lübeck law, the Lübeckers would have been better off just accepting Chełmno law. Yet, the law that one chooses (or is forced) to live under has more than just economic implications – it is a central feature in defining one's identity. Edwin Rozenkranz, "Prawo Lubeckie w Elblągu od XIII do XVI wieku," *Rocznik Gdański* 51 (1991), 5-35.

[10] This is more the case for France than for England. A number of British scholars have recently begun to analyze in detail the role of England's "Celtic Fringe" in the formation of the medieval English state. See in particular R.R. Davies, *The First English Empire: Power and Identities in the British Isles 1093-1343* (Oxford and New York: Oxford University Press, 2000).

heavier than most. The medieval Duchy of Pomerania, roughly corresponding to the areas of the interwar "Polish Corridor" and "Free City of Danzig/Gdańsk," has come to symbolize twentieth-century Polish-German conflict, and these modern disputes have inevitably had an impact on how scholars have viewed the medieval history of this region. Yet, these modern historiographical biases perfectly illustrate one of the central issues that I examine in my dissertation – how did the contemporary political situations in early fourteenth-century Poland and Prussia help to inform and transform these peoples' remembrances of past events? Sometimes this was the result of an intentional desire to make the past conform to the needs of the present, but this process of remembering and forgetting was not necessarily always mendacious or tendentious. Just as in modern national (or nationalistic) historiography, these biases can be implicit or explicit, and the tension and interplay between these factors are of vital significance for understanding the development of the social memories of these two states and their role in identity formation.

Before discussing the overall shape of the dissertation and the methodology employed, the briefest of historical outlines is necessary to introduce the reader to a region that is most likely unfamiliar ground – the southern Baltic littoral. By the late twelfth century, the former Kingdom of Poland had become a fragmented political landscape of small duchies ruled by various branches of the royal Piast dynasty. In this political borderland society, these Polish dukes cooperated or contended with each other or with the neighboring German, Slavic, and Baltic rulers as the situation demanded. In the region of Pomerania, where the Piasts exercised only nominal control, an independent duchy, ruled by native aristocrats, began to emerge. In the

1220s, on the left bank of the Vistula River, one of these Pomeranian dukes, Świętopełk, began to build a state at the expense of the neighboring Polish dukes. At roughly the same time, the Teutonic Knights (a military order formed in the Holy Land during the Third Crusade) were settled in the region of Chełmno, on the right bank of the Vistula, by one of the Polish dukes, Konrad of Mazovia. Initially the Teutonic Knights were treated as any one of the other religious orders in the region. The Polish dukes made pious donations to the Knights, granting them large tracts of land, from which they could fund their crusade against the neighboring pagans. By the early fourteenth century, though, the historical memories of these two states had been entirely reversed. The Pomeranian dukes, who had been presented in twelfth- and thirteenth-century Polish chronicles as apostates and predatory lords, were remembered as loyal subjects of an imagined Kingdom of Poland, while the Teutonic Knights, who had been presented in thirteenth-century Polish chronicles as a bulwark of Christendom, had become the eternal enemies of Poland, who had been illegally appropriating Polish lands for a century.

How and why had these new historical traditions been constructed and accepted, and to what extent had they displaced the older traditions? How were the Poles' and Teutonic Knights' construction of their social memory and historical consciousness affected by the interplay between orality and literacy? What role did translocal institutions (like religious orders and merchant associations) play in preserving and transforming these memories and in the repositioning of the political and cultural spaces and places of contention? And finally, what can this teach us about the construction of group identity today?

The nature of the documentary evidence concerning the reemergence of the Kingdom of Poland at the turn of the fourteenth century provides a unique opportunity to analyze how people living within this state constructed and reconstructed their views of the past to fit their present circumstances. Unlike most surviving records of the formation of historical consciousness in the middle ages, the history of the medieval Polish state as seen by those living in it was not shaped entirely through a top-down process of acculturation. Usually only the views of medieval elites are preserved without any recognition of how their ideas were transmitted to, received by, and transformed within the communities whose views they were supposed to represent. For medieval Poland, however, we have the opportunity to examine how communities within the Polish realm constructed their own views on their collective identity and history as well as how the views of these communities helped to inform the views of the elites who traditionally appropriated the role of preserving memories and propagating identities.

In 1320 and 1339, in the aftermath of two periods of conflict between Poland and the *Ordensstaat*, the papacy commissioned legates to conduct inquiries into the claims by the Polish kings that the Teutonic Knights had illegally appropriated lands belonging to Poland. The lengthy testimonies of over 150 witnesses from these two trials provide evidence about how representatives of different social and cultural groups in Poland (from peasants through the great ecclesiastical and secular magnates, men and women, Poles and Germans) thought about the history of Poland, particularly about the historical place of the dukes of Pomerania and the Teutonic Knights

within this state.[11] Although the witnesses were asked by the judges-delegate to respond to articles proposed by royal lawyers who presented the king's version of history, the witnesses often took this opportunity to talk about whatever they felt relevant, sharing their personal memories of events or memories which had been passed on to them by family members, friends, lords, peasants, or other members of the various secular and ecclesiastical communities to which they belonged. They also presented reasons that went well beyond the scope of what they were asked – personal views on ethnicity, language, law, and customs, and what role these played in defining where and what the Kingdom of Poland was, as well as who should be included within its boundaries.

Several historians have rightly criticized earlier scholars for using these testimonies anecdotally and injudiciously.[12] Heeding their advice, I present a detailed analysis of the discourse of this trial testimony, as well as the contemporary chronicles and charters (which are of vital importance for understanding the Teutonic Knights' side of the story, since they chose not to participate in the trials) to explore how the judges, disputants, and witnesses thought about identity, territoriality, and sovereignty. I also use studies of social memory to explain how and why the fourteenth-century memories of the borderland society of the thirteenth century were buried through a process of

[11] It should be noted that neither women nor peasants actually testified at the trials, but several witnesses cited one or the other of them as sources of information about the past.

[12] Sławomir Gawlas argues that these testimonies "were not comprehensively analyzed, serving usually as a source of quotations for already prepared theses." ["'Verus heres': Z badań nad świadomością polityczną obozu Władysława Łokietka w początku XIV wieku," *Kwartalnik Historyczny* 95 (1988), 80] Similarly, William Urban notes that these sources have "often [been] used naively." [*The Teutonic Knights: A Military History*. London: Greenhill Books / St. Paul: MBI Publishing, 2005]

structural amnesia under created memories of "bordered lands,"[13] as hardened political and cultural identities began to coincide with rigidly defined secular and ecclesiastical borders.

In recent years Patrick Geary,[14] Chris Wickham,[15] Matthew Innes[16] and other medievalists have shown how useful sociological and psychological work on "social memory" can be in helping us to understand medieval perceptions of the past.[17] These studies of memory have shown that the acts of remembering and forgetting were active, complex processes, which were often contingent upon "particular, and to us seemingly trivial, circumstances of the moment."[18] Following Innes' definition of social memory, which is "the shared views about the past ["beyond formal historiographical writing"] which inform the identity of a social group and thus act as a potent guide to action in the present,"[19] I want to emphasize that I am using the term "social memory" as a

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[13] I borrow this terminology, with some modifications in its usage, from Jeremy Adelman and Stephen Aron, "From Borderland to Borders: Empires, Nation-States, and the Peoples in between in North American History," *American Historical Review* 104 (1999), 814-41.

[14] Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994).

[15] James Fentress and Chris Wickham, *Social Memory* (Oxford and Cambridge, MA: Blackwell, 1992); cf. Chris Wickham, "Gossip and Resistance among the Medieval Peasantry," *Past and Present* 160 (1998), 3-24.

[16] Matthew Innes, "Memory, Orality and Literacy in an Early Medieval Society," *Past and Present* 158 (1998), 3-36.

[17] The leading Polish historian of these trials, Helena Chłopocka, referenced Maurice Halbwachs' seminal study [*On Collective Memory*, ed. and trans. Lewis A. Coser (Chicago and London: The University of Chicago Press, 1992], but she does not explicitly explain her methodological assumptions in the use of this concept.. ["Comments on the Historical Culture of the Polish Nobility in the 14th Century," in *The Polish Nobility in the Middle Ages*, ed. Antoni Gąsiorowski and trans. Aleksandra Rodzińska-Chojnowska (Wrocław: Zakład Narodowy im. Ossolińskich, 1984), 246.]

[18] Geary, *Phantoms*, 178.

[19] Innes, "Memory," 5.

category of knowledge that exists "beyond" and not in opposition to "formal historiographical writing." I also want to make it clear that I am using the concept of social memory neither as an antonym nor as a synonym for "history."[20] Rather, I have used the discourse of social memory studies because it provides a methodology that attempts to understand the processes of historical consciousness beyond the confines of the traditional subjects of historiographical analysis, which is particularly useful in the case of witness testimony. The testimony from the Polish-Teutonic Knights' trials allows us to examine the production, transmission, and reception of knowledge in a way that is not possible simply by extrapolating from traditional historiographical accounts alone. Nevertheless, the fact that we have these charters and chronicles for comparison makes these testimonies even more valuable and helps us to better understand the complex process that went into the expression of historical consciousness in various forms.[21]

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[20] In "On the Emergence of *Memory* in Historical Discourse," Kerwin Lee Klein criticizes scholars for misusing memory in both of these ways: "In preface after preface, an author declares that it would be simplistic to imagine memory and history as antitheses and then proceeds to use the words in antithetical ways in the body of the work. […] Instead of simply saying 'history' (perhaps for the thousandth time in the lecture or the monograph), we may substitute "public memory" or "collective memory" with no theoretical aim other than improving our prose through varying word choice." [*Representations* 69 (2000), 45-6]

[21] Both Helena Chłopocka and Wiesław Sieradzan have pointed out the formal similarities between the witnesses' testimonies and chronicles. Chłopocka first referred to these testimonies as "kleine chronikalische Werke von Personen," and Sieradzan later developed her ideas. Although the similarities in structure are interesting, neither author analyzed the similarities in process in acquiring and transmitting knowledge between the testimonies and chronicles. I plan to develop these ideas in more detail in the future. [Helena Chłopocka, "Chronikalische Berichte in der Dokumentierung der Prozesse zwischen Polen und dem Deutschen Orden," in *Geschichtsschreibung und Geschichtsbewusstsein in späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke Verlag, 1987), 471-81; Wiesław Sieradzan, "Aussagechroniken in der Quellensammlung 'Lites ac res gestae inter polonos ordinemque cruciferorum,'" in *Die Geschichtsschreibung in Mitteleuropa. Projekte und Forschungsprobleme*, ed. Jarosław Wenta (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1999), 277-89.

Some critics of social memory methodology have justly criticized the removal of the individual from the study of social memory.[22] In an essay addressing this issue, Jeffrey K. Olick has attempted a "rapprochement between individualist and collective approaches" to memory by differentiating "collective" from "collected" memory.[23] In his schema, collected memory is "the aggregated individual memories of members of a group,"[24] whereas collective memory refers to "public discourses about the past as wholes or to narratives and images of the past that speak in the name of collectivities."[25] This point ably illustrates canon law concepts of proof, as the judges were interested not only in hearing a particular witness' recollections of the past, but also in establishing that this information was "common knowledge" [*publica vox et fama*]. This, however, is not what we would think of today as "hearsay evidence." In fact, by the turn of the fourteenth century it was established that if a crime were "notorious," (which the royal procurators argued and the judges asked the witnesses about in 1320 and 1339), the judges were permitted "to proceed in a summary fashion in some parts of the process…[bound to

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[22] In her article, "Writing the Individual Back into Collective Memory," Susan A. Crane makes an argument that is well worth keeping in mind as we think about how the witnesses viewed their own roles in the trials:

> It should not be an exaggeration to tell students (or any audience) that they become historians the moment they begin to think about history—that part of their learning experience constitutes participation in the transmission of historical memory, which they translate into personal experience as soon as they speak or write about it. Perhaps the *practice* of history, redefined as the active participation in remembering and forgetting within collective memory by each member, can become characteristic of historical consciousness, rather than simply reference to the *knowledge* of history."

American Historical Review 102 (1997), 1384-5.

[23] Jeffrey K. Olick, "Collective Memory: The Two Cultures," *Sociological Theory* 17 (1999), 333-48.

[24] Olick, "Collective," 338.

[25] Olick, "Collective," 345.

preserve only] the summons to court (citatio) and a judgment (sententia)."[26] Because the Knights refused to participate in the trials or to recognize the competency of the courts, the judges were at pains to establish the notoriety of their crimes. Some of the witnesses had legal training; for instance, Archdeacon Maciej of Płock (who had received a Master's degree in Paris – one of three witnesses with a university degree),[27] gave a very legalistic and revealing response to the judges' question about the definition of notoriety: "this is notorious, because it requires no proof and because it is manifest to everyone."[28] Most of the witnesses, however, were not knowledgeable about canonical concepts of proof. Some tried to emphasize the validity of their beliefs by employing hyperbole: one witness remarked that "the whole world knows,"[29] while another stated that he heard it "not from 100, but from 1000, and it is said by everyone."[30] Still, the witnesses did not claim that there was public knowledge when they did not know that it existed. One witness said that "he did not know [*publica vox et fama*] to be expressed" about ten of the articles.[31] In addition, although the majority of the witnesses did not know Latin, and so the lawyers' arguments and judges' questions had to be translated into Polish or German, it is apparent from their testimonies that they

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[26] Kenneth Pennington, "Due Process, Community, and the Prince in the Evolution of the *Ordo iudiciarius*, "*Revista internazionale di diritto comune* 9 (1998), 9-47; also available online, http://faculty.cua.edu/pennington/Law508/procedure.htm.

[27] Andrzej Radzimiński, "Kanonicy płoccy w świetle zeznań na procesie polsko-krzyżackim w Warszawie w 1339 r.," *Studia Płockie* 13 (1985), 136-7.

[28] Lites I (2), 163: "…hoc est notorium, quod nulla indiget probacione et omnibus est manifestum…."

[29] Lites I (2), 187: "…quod tota mundus scit."

[30] Lites I (2), 210: "…non a centum, sed a mille et ab omnibus dicitur…."

[31] Lites I (2), 210: "…nescivit exprimere."

understood what common knowledge was, as it was expressed in a variety of ways and not as a generic statement crafted by the notaries. The witnesses were aware that they were speaking not only for themselves, but also for the various communities to which they belonged. They were in a sense writing history, placing their personal experiences and those of their family and friends within the larger framework of the state.[32]

In the middle ages, as today, people belonged to numerous overlapping and sometimes conflicting social groups, which presented multiple identities to choose from or be cast into. I have tried to keep this in mind so as not to privilege political consciousness as the main indicator of identity. At the same time, though, one of the main aims of this study is to analyze the development of widespread political consciousness in an age in which its traditional conveyers (print and electronic media, public education, professional armies, etc.) were absent. Large, public ceremonies, like these trials or the intermittently convened assemblies of the great men of the realm were the one form of mass communication that existed at this time. One of the main questions I seek to answer is how people from different social communities expressed their sense of belonging to a large-scale political community. Similarly, I explore why these people believed that they had a common identity and history not only among themselves, but also with people whom they had never met in lands most of them had never visited. In other words, what did it mean to be part of a kingdom, and how did these perceptions change in the two decades between the restoration of the Kingdom of Poland in 1320 (a few

[32] See Susan A. Crane's definition of a historian above, note #22.

months before the commencement of the first trial against the Teutonic Knights) and the second trial in 1339?

From a historiographical standpoint, I am working within a much larger tradition than the political history of the south Baltic littoral in the thirteenth and fourteenth centuries. The early fourteenth century produced several important collections of witness testimonies, which historians have ably mined (or "excavated" as Le Roy Ladurie would have it) for insights into how people in the middle ages (especially non-elites, whose voices are generally silenced in traditional historical documents) thought about religion and transgression, gender and sexuality, space and time, and the production and transmission of knowledge, among other topics. The most famous of these testimonies concerned the heretical allegations against the Albigensians (especially of Montaillou)[33] and the Templars,[34] although in recent years testimonies from canonization trials (especially Bishop Thomas of Hereford's),[35] and "proofs of

[33] Emmanuel Le Roy Ladurie, *Montaillou: The Promised Land of Error*, trans. Barbara Bray (New York: George Braziller, 1978); cf. Megan Cassidy-Welch, "Testimony from a Fourteenth-Century Prison: Rumour, Evidence and Truth in the Midi," *French History* 16 (2002), 3-27; Alan Friedlander, *The Hammer of the Inquisitors: Brother Bernard Délicieux and the Struggle against the Inquisition in Fourteenth-Century France* (Leiden and Boston: Brill, 2000); Alan Friedlander, ed., *Processus Bernardi Delitiosi: The Trial of Fr. Bernard Délicieux, 3 September – 8 December 1319* (Philadelphia: American Philosophical Society, 1996).

[34] For the Templar trials in France see, Malcolm Barber, *The Trial of the Templars* (Cambridge: Cambridge University Press, 1978); for Iberia see, Alan Forey, *The Fall of the Templars in the Crown of Aragon* (Aldershot, UK: Ashgate, 2001); for Cyprus see Anne Gilmour-Bryson, *The Trial of the Templars in Cyprus: A Complete English Edition* (Leiden: Brill, 1998); for Italy see, Anne Gilmour-Bryson, *The Trial of the Templars in the Papal State and the Abruzzi* (Città del Vaticano: Biblioteca Apostolica Vaticana, 1982); for the British Isles, see Helen Nicholson, "The Trial of the Templars in the British Isles," *Sacra Militia: Rivista di Storia degli Ordini Militari* 4 (2004), 29-59.

[35] Robert Bartlett, *The Hanged Man: A Story of Miracle, Memory, and Colonialism in the Middle Ages* (Princeton and Oxford: Princeton University Press, 2004); Michael Goodich, "Microhistory and the *Inquisitiones* into the Life and Miracles of Philip of Bourges and Thomas of Hereford," in *Medieval Narrative Sources: A Gateway into the Medieval Mind*, ed. Werner Verbeke et al. (Leuven: Leuven University Press, 2005), 91-106; Christian Krötzl, "*Fama Publica, Fama Sanctitatis*: Zu Kommunikation und Information im Spätmittelalter," in *Roma,*

age"[36] in England have also been analyzed in detail. The testimonies from the Polish-Teutonic Knights' trials deserve the same sort of attention.

These rich sources are valuable resources for helping historians understand early fourteenth-century mentalities. They provide us with a unique opportunity to analyze orality and literacy, memory and forgetting, how law is understood by non-professionals, the development of historical consciousness, group identity formation, territoriality, sovereignty, and a host of other topics of great interest to historians in general and medievalists in particular. Unfortunately, despite the fact that they are written in good Latin and have been available to scholars for more than a century,[37] they remain unknown to most historians outside of Poland. German historians before the Second World War regarded the trial records as historiographically worthless,[38] while German scholars after 1945 have largely ignored these documents altogether.[39] Paul W. Knoll used these sources in his magisterial *The Rise of the Polish Monarchy*,[40] and Anna Adamska has analyzed these

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Magistra Mundi: Itineraria Culturae Medievalis, ed. Jacqueline Hamesse (Louvain-la-Neuve: Fédération des Instituts d'Etudes Médiévales, 1998), 493-501.

[36] John Bedell, "Memory and Proof of Ages in England 1272-1327," *Past and Present* 162 (1999), 3-27.

[37] *Lites ac res gestae inter Polonos Ordinemque Cruciferorum* vol. I, 2nd ed., ed. Ignacy Zakrzewski (Poznań, 1890). This resource has just recently become available online at: http://kpbc.umk.pl/dlibra/docmetadata?id=22383&from=publication&tab=3

[38] For the most extended critique of the shortcomings of these testimonies, see Irene Ziekursch, *Der Prozeß zwischen König Kasimir von Polen und dem deutschen Orden im Jahre 1339* (Berlin: Emil Ebering, 1934).

[39] One notable exception is Hartmut Boockmann, "Der Deutsche Orden und Polen im 14. Jahrhundert," in *Der Deutsche Orden: Zwölf Kapitel aus seiner Geschichte* (Munich: Beck, 1981), 138-50.

[40] Paul W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago and London: The University of Chicago Press, 1972).

sources in her continuing work on literacy in the middle ages,[41] but this represents the extent of secondary sources available to non-Polish speakers, except for a handful of essays by Polish scholars translated into English or German. Conversely, these documents have been analyzed in great detail by a number of Polish historians, particularly Helena Chłopocka,[42] Janusz Bieniak,[43] and Wiesław Sieradzan.[44] These excellent studies have served as

[41] Anna Adamska, "The Kingdom of Poland versus the Teutonic Knights: Oral Traditions and Literate Behaviour in the Later Middle Ages," in *Oral History of the Middle Ages: The Spoken Word in Context*, ed. Gerhard Jaritz and Michael Richter (Krems: Medium Aevum Quotidianum / Budapest: Department of Medieval Studies, Central European University, 2001), 67-78.

[42] Helena Chłopocka, "O protokołach procesów polsko-krzyżackich w XIV i XV wieku," in *Venerabiles, nobiles et honesti. Studia z dziejów społeczeństwa Polski średniowiecznej. Prace ofiarowane Profesorowi Januszowi Bieniakowi w siedemdziesiątą rocznicę urodzin i czterdziestopięciolecie pracy naukowej*, ed. Andrzej Radzimiński, Anna Supruniuk, and Jan Wroniszewski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1997), 421-31; Helena Chłopocka, "Świadkowie procesu polsko-krzyżackiego w 1339 r.," *Pamiętnik Biblioteki Kórnickiej* 23 (1993), 23-35; Helena Chłopocka, "Chronikalische Berichte in der Dokumentierung der Prozesse zwischen Polen und dem Deutschen Orden," in *Geschichtsschreibung und Geschichtsbewusstsein im späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke Verlag, 1987), 471-81; Helena Chłopocka, "Die Zeugenaussagen in den Prozessen Polens gegen den Deutschen Orden im 14. Jahrhundert," in *Der Deutschordensstaat Preußen in der polnischen Geschichtsschreibung der Gegenwart*, ed. Udo Arnold et al. (Marburg and Lahn: N.G. Elwert, 1982), 165-88; Helena Chłopocka, "Galhard de Carceribus i jego rola w sporze polsko-krzyżackim w XIV wieku," in *Europa – Słowiańszczyzna – Polska. Studia ku uczczeniu profesora Kazimierza Tymienieckiego*, ed. Czesław Łuczak (Poznań: Uniwersytet im. Adama Mickiewcza w Poznaniu, 1970), 135-43; Helena Chłopocka, *Procesy Polski z Zakonem Krzyżackim w XIV wieku: Studium źródłoznawcze* (Poznań: Państwowe Wydawnictwo Naukowe, 1967); Helena Chłopocka, "Losy wyroku wydanego w 1321 r. na procesie polsko-krzyżackim w Inowrocławiu," *Roczniki Historyczne* 31 (1965), 153-82; Helena Chłopocka, "Tradycja o Pomorzu Gdańskim w zeznaniach świadków na procesach polsko-krzyżackich w XIV i XV wieku," *Roczniki Historyczne* 25 (1959), 65-142.

[43] Janusz Bieniak, "Udział duchowieństwa zakonnego w procesie warszawsko-uniejowskim w 1339 roku," in *Klasztor w kulturze średniowiecznej Polski: Materiały z ogólnopolskiej konferencji naukowej zorganizowanej w Dąbrowie Niemodlińskiej w dniach 4-6 XI 1993 przez Instytut Historii WSP w Opolu i Instytut Historyczny Uniwersytetu Wrocławskiego*, ed. Anna Pobóg-Lenartowska and Marek Derwich (Opole: Wydawnictwo Św. Krzyża, 1995), 467-90; Janusz Bieniak, "Przebieg procesu polsko-krzyżackiego z 1339 roku," *Pamiętnik Biblioteki Kórnickiej* 23 (1993), 5-22; Janusz Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321 (inowrocławsko-brzeskiego)," in *Balticum: Studia z dziejów polityki, gospodarki i kultury XII-XVII wieku ofiarowane Marianowi Biskupowi w siedemdziesiątą rocznicę urodzin*, ed. Zenon Hubert Nowak (Toruń: Wydawn. Towarzystwa Naukowego, 1992), 49-59; Janusz Bieniak, "Postanowienia układa kępińskiego (15 February 1282)," *Przegląd Historyczny* 82 (1991), 209-32; Janusz Bieniak, "Geneza procesu polsko-krzyżackiego z 1339 roku," *Acta*

able guides, but what I attempt below is something rather different from my predecessors. First, I have analyzed these sources within a larger European context, rather than just concentrating on developments within Poland. Also, whereas Polish historians have tended to focus either on one trial or on both the fourteenth- and fifteenth-century trials, I have chosen to concentrate exclusively on the two fourteenth-century trials to better analyze the dramatic changes in Poland within a single generation. I have also provided a detailed analysis of the Polish-Pomeranian-Prussian borderland of the thirteenth century based on contemporary charters and chronicles, which helps to place the events described in the trial records within their proper historical context.

The purpose of the analysis of this borderland society in the first part of the dissertation is to evaluate the thirteenth-century evidence in order to situate this conflict within a historical framework of thirteenth-century relations between Poland and the Teutonic Knights. This does not mean that one should regard this section as the "real" history against which to judge the

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Universitatis Nicolai Copernici. Historia 24 (1990), 24-50; Janusz Bieniak, "Środowisko świadków procesu polsko-krzyżackiego z 1339 r.," in *Genealogia – kręgi zawodowe i grupy interesu w Polsce średniowiecznej na tle porównawczym*, ed. J. Wroniszewski (Toruń: Uniwersytet Mikołaja Kopernika, 1989), 5-35; Janusz Bieniak, "Milites w procesie polsko-krzyżackim z 1339 roku," *Przegląd Historyczny* 75 (1984), 503-51; Janusz Bieniak, "'Litterati' świeccy w procesie warszawskim z 1339 roku," in *Cultus et cognito: studia z dziejów średniowiecznej kultury*, ed. Stefan Kuczyński et al. (Warszawa: Państwowe Wydawnictwo Naukowe, 1976), 97-106.

[44] Wiesław Sieradzan, "Aussagechroniken in der Quellensammlung *Lites ac res gestae inter polonos ordinemque cruciferorum*," in *Die Geschichtsschreibung in Mitteleuropa. Projekte und Forschungsprobleme*, ed. Jarosław Wenta (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1999), 277-89; Wiesław Sieradzan, "Rycerstwo kujawsko-dobrzyńskie w procesie polsko-krzyżackim w Warszawie w 1339 r.," *Ziemia Dobrzyńska* 3 (1995), 7-22; Wiesław Sieradzan, "Das nationale Selbstbewußtsein der Zeugen in den Prozessen zwischen Polen und dem Deutschen Orden im 14.-15. Jahrhundert," in *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, ed. Antoni Czacharowski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1994), 161-70; Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Toruń: Wydawnicto Uniwersytetu Mikołaja Kopernika, 1993).

memories which emerged in the early fourteenth century. Instead, one should view this section as a separate analysis of how the Teutonic Knights and their neighbors and benefactors sought to reposition themselves in the ever-changing world of the thirteenth-century political, religious, and social borderland that was the south Baltic littoral. In order to provide continuity with the second part of the dissertation, I have chosen to examine this world through the prism of a series of disputes between the Teutonic Knights and their neighbors which were settled by papal legates. Yet, there are important differences between the thirteenth- and fourteenth-century trials. First, the thirteenth-century documents are not nearly as detailed as those from the fourteenth century. In addition, the thirteenth-century litigants were forced to respond to ever-changing political circumstances, while the participants in the fourteenth-century trials had a chronological distance from events which allowed them to fit the earlier narratives of dispute into a broader historical framework. Yet, even though these events were far fresher in the minds of the thirteenth-century disputants than those in the early fourteenth century, they were still open to contestation as both sides attempted to forge a history of the past conducive to their present goals and changing memories. This juxtaposition of the trials from these two centuries is intended to provide the historical background necessary to understand the fourteenth-century trials without presenting my own "canned" history of the thirteenth century.

In Part I – "Navigating Religious Frontiers and Political Borderlands" – I analyze the competing state-formation activities of the dukes of Pomerania and the Teutonic Knights during the thirteenth century by examining a series of trials and mediated settlements, which ended two periods of conflict between these emerging states. This section situates Pomerania within an

early thirteenth-century south Baltic littoral which was both a religious frontier and a political borderland of Slavic and German lordships, which contended with or cooperated with each other not on the basis of ethnicity, but rather as the situation demanded. When at the end of the thirteenth century, the last native duke of Pomerania died without a son, the surrounding German and Slavic lordships fought to control not only the physical landscape of Pomerania, but also the memory of Pomerania's historical place within their states. As noted above, the purpose of this section is not to provide a benchmark against which to judge the veracity of the memories of the fourteenth-century disputants, but rather to examine the history of this duchy beyond the competing modern teleologies of a German *Drang nach Osten* or a Polish restoration of a unified kingdom in order to provide the historiographical distance necessary to analyze the fourteenth-century disputes.

The first chapter – *A iugo principum Poloniae, a iugo Teutonicorum*: Papal Legations, Translocal Organizations, and State-Formations on the Baltic Frontier of Christendom – examines how Duke Świętopełk of Pomerania created an independent duchy by cultivating relationships with western translocal organizations (Cistercians, Dominicans, Lübeck merchants) as well as with the papacy in order to legitimize his revolt against his Polish overlords. At the turn of the thirteenth century the Vistula River served as a boundary demarcating the eastern frontier of Latin Christendom. Missionaries and merchants began flooding this frontier in the first decades of the thirteenth century to reap the spiritual and economic bounties of this virgin land. Świętopełk, whose duchy was located at the mouth of the Vistula and was therefore uniquely placed as a bridgehead for the incorporation of Prussia into Christendom, positioned himself as a marcher lord and permanent crusader

for the papacy and attempted to establish his main city of Gdańsk (Danzig) as the entrepôt for this region. However, when the frontier was pushed further east by the successes of one of the translocal organizations that Świętopełk had sponsored, the Teutonic Knights (who were also expanding into lands that Świętopełk thought of as his own), this bridgehead became a roadblock for the merchants and missionaries in Prussia. The Duke of Pomerania, abandoned by his former allies, led an insurrection of the Prussian neophytes, which had important implications for both the Pomeranians and Prussians, as a series of papal legates recognized the authority of the Teutonic Knights to direct the Prussian mission, to the detriment of Świętopełk's own state-formation activities.

The second chapter – Dealing with the Past and Planning for the Future: Contested Memories, Conflicted Loyalties, and the Partition and Donation of Pomerania – analyzes the ephemeral nature of political entities and alliances on the south Baltic littoral. In the series of internecine wars that broke out immediately after Świętopełk's death, the duke's two brothers and two sons scrambled to ally themselves with one or more of the surrounding predatory lordships. Although they tried to take advantage of the existing rivalries among their neighbors to strengthen their own positions, in the end, all of them had promised parts or the entirety of their lands to their allies. In the end, the Pyrrhic victor of this war – Świętopełk's eldest son, Mściwój – was left to deal with his neighbors' competing claims on his newly acquired lands, as well as with the fact that because he did not have a son, he would have to choose and have the secular and ecclesiastical magnates of his duchy approve of an heir. These unfinished narratives of dispute would lay the foundation for the fourteenth-century claims to this duchy made by the

Teutonic Knights and the kings of Poland. However, because both the fourteenth-century disputants and their modern advocates used these contending and contradictory claims to argue for either the Polish or German affiliation of this duchy, this chapter will analyze all of these agreements within their particular historical circumstances – a contentious, ethnically diverse borderland society in which the Pomeranian dukes appealed to both their German and Slavic neighbors for help.

The third chapter – From Poznań to Praha to Kraków: The Restoration, Redivision, and Reconstruction of the *Regnum Poloniae* – provides the historical background to an important transitional period in the history of east-central Europe. The turn of the fourteenth century saw not only the emergence of the Teutonic *Ordensstaat* and the restoration of the Kingdom of Poland, but also the extinction of the ruling dynasties in the other powers of the region. The kingdoms of Bohemia and Hungary and the Mark of Brandenburg came to be ruled by dynasties that were intimately involved with the conflict between the papacy and the empire concerning the right to supreme authority over Latin Christendom. Therefore, this chapter will present the history of the formation of the Kingdom of Poland and the Teutonic *Ordensstaat* at the turn of the fourteenth century and their military and legal conflicts during the first half of this century within a larger European context.

Part II – *Lubrica hominum memoria*: Bifurcated Memories of a Medieval Borderland – takes its title from the introduction to a chronicle written in the mid-fourteenth century by the abbot of the Cistercian monastery at Oliwa, which had been founded by the Pomeranian dukes, was briefly controlled by the King of Poland, and was then subject to the Teutonic Knights. The idea that memory is *lubrica* or “slippery” was well understood by this abbot, who

needed to preserve rights granted to his monastery by contenders to the memory of the Duchy of Pomerania. His situation also illustrates that identity was a slippery concept at this time, especially for the borderland ecclesiastics whose lands straddled the emerging hard boundaries between the Kingdom of Poland and the Teutonic *Ordensstaat*. As an increasingly statist discourse came to challenge the discourse of mission and crusade, these borderlanders were forced to choose sides in the dispute between these two bulwarks of Christendom. This section analyzes the testimonies from more than 150 witnesses in the two trials between Poland and the *Ordensstaat* as well as letters, chronicles, and annals written by the secular and regular clergy in Poland, Prussia, and Pomerania. I employ the methodologies of social memory studies outlined above to analyze how the memories of cooperation between Poles and Germans in the Prussian mission were replaced by recently constructed memories of eternal enmity between these two peoples. This analysis of social memory is particularly useful in ensuring that the voice of the individual is not buried by a determinist discourse of state-sponsored historical consciousness, which is particularly important considering the disconnect between the witnesses' testimonies and the royal procurators' arguments in the trials.

The fourth chapter – Remembering the Gdańsk Massacre: Crusading Culture, Ethnic Enmity, and Group Identity Formation – analyzes the evolution of the story of the Teutonic Knights' sack of the town of Gdańsk during their conquest of Pomerania in 1308. In the three decades between the Knights' conquest of Pomerania and the second trial between Poland and the Knights in 1339, new conflicts broke out between the disputants, which located the memory of the Gdańsk massacre within a larger framework of a discourse of

wrongs promulgated by both sides. Both parties presented themselves as the victims in these conflicts and both sides attempted to instrumentalize the memory of the past to legitimize their claims to disputed territories. However, within these various "official" versions of the past, we can also discern how the emerging historical consciousness of the subjects of these two states made the broad outlines presented to them by their rulers conform to their own views of the past. Through a critical reading of these various histories, especially the witnesses' testimonies, this chapter examines how the changing political circumstances of the three decades between the massacre and the 1339 trial affected the formation of social memory within these two states by exploring the tension and interplay between the crusading culture which united the two states as the bulwarks of Christendom and an emerging ethno-political enmity which divided them.

The fifth chapter – Conceptualizing Kingship: From the Better Right to Royal Rights and the Polonization of Pomeranian History – explores how memories of thirteenth-century Pomerania changed during the course of the early fourteenth century in response to the conflicts between the Teutonic Knights and Poland. This was not just a matter of the two sides spinning the facts to present the best possible case. This of course happened in the middle ages, just as it does today – there are (at least) two sides to every story. But, the two parties constructed their arguments from an imperfect history of the past. There was some selection inherent in the process of writing an accusation and a defense, but there was also an earlier stage of selection that took place, a "natural selection" of the social memory, a "structural amnesia" which buried the memories of some past events that no longer made sense in the present. In addition to considering how the disputants changed their

strategies of argumentation in the 1320 and 1339 trials to deal with changing political exigencies, I also explore how these political narratives fit into the narratives constructed by smaller social groups, especially the family histories of the dukes of Kujawy (who were descendants of the ruling dynasty in Pomerania) and the secular and regular religious communities who held lands in both states. By exploring these "nested identities," we can better analyze to what extent the witnesses bought into the royal procurators' views of history, territoriality, and sovereignty, and to what extent the witnesses took these arguments and made them their own.

The sixth and final chapter – Historiographical Lawyering and the Testimonial Production of the State: *Ratio Regni*, Peter's Pence, and the Social Memory of the Arrival of the Teutonic Knights in Poland – examines how the terms of the dispute had changed to such an extent by 1339 that the King of Poland sought to reclaim all of the lands ever given by Polish rulers to the Teutonic Knights. This chapter also explores how the witnesses consumed western legal arguments, like the concept of "*ratio regni*," the inalienability of the lands of the kingdom, and the historical rights of the rulers of Poland to all of the lands of the "ancient" Polish *regnum*. In their articles of dispute the royal procurators tried to present a version of history that legitimized this royal depiction of the past. Their attempt at "historiographical lawyering" met with limited success, however, as there was a disconnect between what the witnesses understood and what the procurators wanted them to prove through their testimonies.[45]

[45] I owe the concept of "historiographical lawyering" to Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick: Transactions Publishers, 1997).

Even though these conflicts played out on the periphery of Europe, their records, particularly the witnesses' testimonies, provide us with illuminating insights into the history of medieval mentalities regarding some of the most important developing ideologies of medieval states in Western Europe. However, unlike the traditional studies of the emergence of the medieval state, which focus on lawyerly arguments and "canned" histories written by propagandists, these testimonies provide us with the means to examine how both rank-and-file administrators and those who had no role in governance conceived of the state. By taking the discourse of medieval state-formation away from the exclusive purview of lawyers and studying it if not from the bottom-up, then at least from the middle-out, we can see that royal propagandists' clever theories were not always easily consumed by those who ran the state, much less by those they governed. Finally, I hope that these insights into the processes of state-formation in east-central Europe might also shed some new light on similar processes in Western Europe and perhaps on the role of social memory in group identity formation today.

PART ONE:

NAVIGATING RELIGIOUS FRONTIERS AND POLITICAL BORDERLANDS

CHAPTER ONE

A IUGO PRINCIPIUM POLONIAE, A IUGO TEUTONICORUM: PAPAL LEGATIONS, TRANSLOCAL ORGANIZATIONS, AND STATE-FORMATIONS ON THE BALTIC FRONTIER OF CHRISTENDOM

The conflict between Duke Świętopełk of Pomerania[1] and the Teutonic Knights, which grew out of western European missionary activities on the south Baltic littoral, has traditionally been characterized in Polish scholarship as the first in a series of conflicts between Poland and the Teutonic *Ordensstaat*, despite the fact that Polish dukes fought with the Knights against Świętopełk.[2] A similar view can be found in twentieth-century German historiography, only instead of simply a Polish-German conflict, it is presented

[1] I am using the term "Pomerania" here to refer to the region between the Łeba and Wisła (Vistula) rivers in modern Poland, which in Polish is called "Pomorze Wschodnie" (East Pomerania) or "Pomorze Gdańskie" (Danzig Pomerania); in German it is called "Pommerellen," whereas "Pommern" denotes west Pomerania. Although the dukes of west Pomerania did refer to the region they governed as "Pomerania" in the early thirteenth century, later in the century they more commonly referred to it as "Slavia." It should also be pointed out that the boundaries between these two halves of Pomerania shifted several times during the course of the middle ages, as the duchies fragmented between various members of the ducal families, or else were incorporated into larger polities. In addition, west and east Pomeranian dukes, as well as the kings of Denmark and the margraves of Brandenburg fought over the central Pomeranian duchies of Sławno and Słupsk throughout the thirteenth century.

[2] One of the leading twentieth-century Polish historians of the Teutonic Knights, Marian Biskup, is a proponent of this view. He argues that "only the duke of Gdańsk Pomerania, Świętopełk, who ruled in the middle of the 13th century, saw the danger inherent in the fact that the Teutonic Knights had settled on the Baltic." ["The Role of the Order and State of the Teutonic Knights in Prussia in the History of Poland," *Polish Western Affairs* 2 (1966), 347.] Similarly, Andrzej Wojtkowski takes Helena Chłopocka to task for calling the 1320 trial "'the oldest acts of the *Lites [ac res gestae inter Polonos Ordinemque Cruciferorum]*,'" because he argues that both the dispute between Świętopełk and the Knights (the subject of this chapter) and the dispute between his son, Mściwój, and the Knights (the subject of the next chapter) were the first Polish-Teutonic Knights' trials. [*Procesy polsko-krzyżackie przed procesem z lat 1320-1321* (Olsztyn: Ośrodek Badań Naukowych im. W. Kętrzyńskiego, 1972), 3-5, quoting Helena Chłopocka, "Wstęp," in *Lites ac res gestae inter Polonos Ordinemque Cruciferorum. Tomus I: Causa Junivladislaviae et Brestiae-Cujaviae Anno 1320-1321* (Wrocław: Wydawnictwo Polskiej Akademii Nauk, 1970), xi].

as a Slavic-German conflict, another episode in the *Drang nach Osten*.[3] This is not to say that all Polish and German historiography should be characterized this way.[4] For the most part, however, these historiographical traditions have denied agency to the peoples living on the south Baltic littoral, as their histories were incorporated into the medieval states that came to rule over them. Rather than focus on how these peoples were acted upon by western Europeans (including Poles), this chapter, adapting recent work on North American frontier and borderlands, instead examines how the peoples living on the periphery of Latin Christendom were able to take advantage of the new economic and diplomatic technologies introduced from the west to modernize and legitimize their own state-formation activities.[5] The main

[3] Franz Engelbrecht, who wrote one of the first and still most complete German histories of the Duchy of Pomerania in this period, characterized this conflict as "ein Nationalkampf des pommerschen Slawentums gegen das Deutschtum." *Das Herzogtum Pommern und seine Erwerbung durch den Deutschorden 1309* (Potsdam: Robert Müller, 1911), 18.

[4] Stella Maria Szacherska, for example, has explored in great detail the role that Denmark played in the formation of the Duchy of Pomerania and the Prussian mission. ["Valdemar II's Expedition to Pruthenia and the Mission of Bishop Christian," *Mediaeval Scandinavia* 12 (1988), 44-75]. Similarly, in his study of west Pomerania, Jürgen Petersohn has pointed out that this area was not the subject of a unitary push to the east by either Germandom or Christendom, but was instead a borderland contested by various Polish, German, and Danish secular and ecclesiastical forces. [*Der südliche Ostseeraum im kirchlich-politischen Kräftespiel des Reichs, Polens und Dänemarks vom 10. bis 13. Jahrhundert: Mission, Kirchenorganisation, Kultpolitk*. Köln and Wien: Böhlau, 1979.] For a recent, American point of view, see also Elspeth Jane Carruthers, "Christianization and Colonization on the Medieval South Baltic Frontier," Ph.D. diss., Princeton University, 1999.

[5] I have found Jeremy Adelman's and Stephen Aron's recent study particularly thought-provoking. ["From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History," *American Historical Review* 104 (1999), 814-41.] I want to emphasize, however, that I am using some of the concepts developed in their essay as heuristic tools. The North American borderlands were complex and to a certain extent *sui generis*. I do not intend to draw facile comparisons between the borderland regions of medieval Europe and those in North America, which were characterized by contending trans-Atlantic empires and nascent nation-states. Instead, I simply wish to reorient the focus of the study of the Duchy of Pomerania away from both the earlier American "frontier theory" (which was combined with the German concept of *Drang nach Osten* to produces a framework in which indigenous peoples were acted upon) and also the later nationalistic disputes in Polish and German historiography.

transmitters of these new technologies were papal legates and the translocal organizations of merchants and missionaries who flooded this frontier in search of political, economic, and spiritual rewards.[6]

Historians in general and medievalists in particular have used the concepts of "frontier" and "borderland" in a number of ways over the years, so I think it is appropriate and important for me to explain exactly how I am using these concepts. For the purposes of this essay, the frontier is a zone of interaction between two or more supranational, territorially defined entities, in this case Latin Christendom and lands controlled by pagans. A borderland is a space of overlapping claims of political jurisdiction between two or more states. "Bordered lands," a concept employed in the second part of the dissertation, refers to strictly demarcated state boundaries, i.e. hard boundaries, as opposed to the soft boundaries inherent in "borderlands."

For a long time the "Frontier" has served as an "f-word" just as offensive to some Americanists as feudalism is to some medievalists [see Richard White and Patricia Nelson Limerick, *The Frontier in American Culture* (Berkeley: University of California Press, 1995)], but the concept has to a certain extent been revived by redefinitions and applications in a comparative context. Medievalists were among the first proponents of its uses for comparative history [James Westfall Thompson, "Profitable Fields of Investigation in Medieval Studies," *American Historical Review* 18 (1913), 490-504], and have continued to employ and adapt this concept to study areas of cultural interaction, especially on the periphery of Latin Christendom. For some recent theoretical and historiographical essays by medievalists about frontiers, see David Abulafia, "Introduction: Seven Types of Ambiguity, c. 1100-c. 1500," in *Medieval Frontiers: Concepts and Practices*, ed. David Abulafia and Nora Berend, (Aldershot, UK and Burlington, VT: Ashgate, 2002), 1-34; Nora Berend, "Medievalists and the Notion of the Frontier," *Medieval History Journal* 2 (1999), 55-72; William Urban, "The Frontier Thesis and the Baltic Crusade," in *Crusade and Conversion on the Baltic Frontier 1150-1500*, ed. Alan V. Murray (Aldershot: Ashgate, 2001), 45-71; Daniel Powers and Naomi Standen, "Introduction," in *Frontiers in Question: Eurasian Borderlands, 700-1700*, ed. Daniel Powers and Naomi Standen (New York: St. Martin's, 1999), 1-31.

[6] I have chosen to call groups like the Cistercians, Dominicans, and Lübeckers "translocal" rather than international or transnational, because they are rooted specifically, at least at this time in east-central Europe, in the local contexts in which they are established, rather than in any "national" framework. [cf. Richard Southern, who referred to the Cistercians as "the first effective international organization in Europe." *Western Society and the Church in the Middle Ages* (New York: Penguin, 1970), 255; cited in Robert Bartlett, *The Making of Europe* (Princeton: Princeton University Press, 1993), 228.] Although both the mendicants and military orders were grouped into larger territorial organizations, the boundaries of which were sometimes highly contested by the end of the thirteenth-century [see Karl Borchardt, "The Hospitallers in Pomerania: Between the Priories of Bohemia and *Alamania*," in *The Military Orders. Volume 2: Welfare and Warfare*, ed. Helen Nicholson (Aldershot, UK and Brookfield, VT: Ashgate, 1998), 295-306; John B. Freed, "The Friars and the Delineation of State Boundaries in the Thirteenth Century," in *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, ed. William C. Jordan, et al. (Princeton: Princeton University Press, 1976), 31-40, 425-8.], in the early thirteenth century, these networks were too sparse to matter much. Similarly, I have chosen not to refer to these organizations as "non-governmental," because they did have rules and regulations through which they were governed, and they fought hard to preserve their governmental structures, as the example of the Lübeckers' attempts to have the Teutonic Knights recognize Lübeck law for Elbląg demonstrates. [see below and Edwin Rozenkranz, "Prawo Lubeckie w Elblągu od XIII do XVI

These westerners also brought another new technology, one that had great implications for how Świętopełk's actions in the early thirteenth century would be remembered by later generations – writing.[7] I take my chapter title from two fourteenth-century chroniclers' interpretations of thirteenth-century events in the formation of an independent Duchy of Pomerania. The first, written by the abbot of the Cistercian monastery of Oliwa near Gdańsk, praises Duke Świętopełk, the nephew of the monastery's founder, for freeing the Duchy of Pomerania from the yoke of the princes of Poland.[8] The second chronicle, written by a priest of the Teutonic Knights, imagines an arrogant Świętopełk badly miscalculating the strength of his enemies and telling his Pomeranian and Prussian troops that they would be forever free from the yoke

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wieku," *Rocznik Gdańskie* 51 (1991), 5-35.] In fact it is not a lack of governmental organization that characterized these organizations, but rather a lack of territorial organization. Although these organizations did possess substantial territories throughout Christendom, they were united by institutional rather than territorial connections. This being said, however, these organizations were not averse to territorialization. It can be argued that both the Cistercians and Lübeckers attempted to establish territorial states on the south Baltic littoral in the thirteenth century, while the Teutonic Knights actually succeeded in doing so. The territorial demands and ambitions of these non-territorial organizations would have a profound impact on the development of the south Baltic littoral.

[7] The study of literacy has become something of a cottage industry in medieval studies. As such, there is not enough space here to examine fully the implications of this new technology on Pomerania. Suffice it to say that while Polish clerics did draft some charters for the rulers of Pomerania, the majority of early written records come from the translocal organizations that were the recipients of the grants. The Pomeranian dukes did not develop chanceries until later in the thirteenth century, so at this time they were dependent upon translocal organizations to communicate directly with western Europe. I analyze the implications of literacy on the fourteenth-century disputes between Poland and the Teutonic Knights in chapter 6. For discussions of recent developments in the study of medieval literacy in east-central Europe, see Anna Adamska, "The Study of Medieval Literacy: Old Sources, New Ideas," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 13-47; for general developments in the study of medieval literacy, see Leidulf Melve, "Literacy-Aurality-Orality: A Survey of Recent Research into the Orality/Literacy Complex of the Latin Middle Ages (600-1500)," *Symbolae Osloenses* 78 (2003), 143-97.

[8] *Chronica Olivensis*, ed. Wojciech Kętrzyński, in MPH VI, 311-2: "Erat enim vir bellicosus et adversus omnes sibi infestos victoriosus, qui se victrici manu excussit a iugo principum Polonie se et sua viriliter defendendo."

of the Germans, just before the Teutonic Knights cut them to pieces.[9] As these two very different expressions of a similar theme illustrate, the memory of the independent Duchy of Pomerania occupied a problematic place in later medieval conceptions of the south Baltic religious, ethnic, and political frontier.

Thirteenth and early fourteenth-century Polish and Teutonic Knights' chroniclers, however, attempted to simplify this frontier by directly linking Świętopełk's rebellion against the Polish dukes in 1227 with his part in the Prussian uprisings against the Teutonic Knights, which began more than a decade later. The "Chronicle of Great Poland," written at the turn of the fourteenth century, states:

> Thus, Świętopełk, the traitor, who shamefully and nefariously installed himself in the Duchy of Pomerania, caused the baptized Prussians living under the rule of the bearded ones [the Teutonic Knights] to rise up…."[10]

The chronicle makes it clear that his wicked counsel caused the Prussians to rebel against their lords, just as he had rebelled against his own.[11]

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[9] Dusburg III.55: "'Crastina die faciemus, quod Pomerani et Prutheni a iugo Theutonicorum in perpetuum absolventur.'"

[10] "Swanthopelcus itaque proditor, qui se ipsum pudorose et nepharie in ducem Pomoranorum creaverat, Pruthenos baptizatos sub dicione barbatorum constitutos…insurgere fecit." *Chronica Poloniae Maioris*, ed. Brygida Kürbis. *Monumenta Poloniae Historica*, n.s. vol. VIII (Warsaw: Państwowe Wydawnictwo Naukowe, 1970), 88. Interestingly, in this account Świętopełk is called a "capitaneus." While this could just be a generic term for "leader," it is more probable that this account was influenced by the introduction of this office (Polish, *starosta*) into Poland by the absentee Bohemian kings in 1300-6. Similarly, in the early fourteenth-century chronicle written by a Franciscan named Dzierzwa or Mierswa, Świętopełk is called "procurator Maritime regionis" of a Polish kingdom which did not exist. [*Miersuae Chronicon*, MPH III, 47]. See chapter 5 for an analysis of this interpolation of fourteenth-century political conceptions back into a thirteenth-century world in which they did not exist.

[11] "…ab eorum fidelitate suo pravo consilio subtrahens…." *Chronica Poloniae Maioris*, 88.

Similarly, the thirteenth-century Teutonic Knights' account of the *Translatio et miraculum sanctae Barbarae*, while blaming Świętopełk's revolt against the Polish dukes on his ancestors, still juxtaposes this event with the Prussian rebellion Świętopełk led against the Knights:

> …there was a certain duke named Świętopełk, a desperate tyrant and pseudo-Christian, who, while he was…born from progenitors who were simple knights, his said progenitors killed their lord and prince…violently usurping for themselves the duchy and the name of Duke of Pomerania…. This Świętopełk…joining with the said neophytes [Prussians] frequently caused the brothers' [Teutonic Knights'] men and other Christians…to be killed or captured.[12]

This thirteenth century account situates Pomerania within the Polish political landscape before the arrival of the Teutonic Knights on the Baltic. By the early fourteenth century, however, the Teutonic Knights had conveniently forgotten about Poland's historical rights to Pomerania, which they then possessed and over which they were fighting with the Kingdom of Poland both on the battlefield and in the courtroom. The Knights' chronicler, Peter von Dusburg, writing in the 1320s, did still link the political and religious perfidy of Świętopełk, "the son of the devil," only now it was entirely against the Teutonic *Ordensstaat*, rather than against Poland, and the murder of Duke Leszek has

[12] "… fuit quidam dux nomine Swantopolcus desperatus tyrannus et pseudocristianus qui cum esset…natus a progenitoribus suis de simplicibus militibus, dicti progenitores sui dominum et principem proprium…interfecerunt, usurpantes violentes sibi ducatum vel nomen ducis Pomeranie…. Hic Swantopolcus…dictis neophitis se confederans homines fratrum et alios christianos…pluries fecit occidi et captiuari." ["Translatio et miracula sanctae Barbarae," ed. Max Töppen, in *Scriptores rerum Prussicarum*, vol. 2, ed. Theodor Hirsch, Max Töppen, and Ernst Strehlke (Leipzig: Verlag von S. Hirzel, 1863; reprint, Frankfurt am Main: Minerva GMBH, 1965), 404-5.]

been replaced by the slaughter of 4000 Christian inhabitants of Prussia.[13] Yet, despite their differences, all of these chronicle accounts make it clear that in the minds of the Polish dukes and the Teutonic Knights, Świętopełk's actions had threatened to rend asunder not only the frontier of Christendom, but also the two new states that were emerging on this frontier – the Kingdom of Poland and the Teutonic *Ordensstaat*.

Polish and German historians have long debated the related issues of the emergence of an independent Duchy of Pomerania and the simultaneous intensification of the Prussian mission and the invitation of the Teutonic Knights to Prussia. I cannot permit myself to offer here a comprehensive, nuanced analysis of development of this rich and contentious historiography. Suffice it to say that one result of the parameters set by this historiographical dispute has been that the emergence of an independent Duchy of Pomerania in the thirteenth century has not been adequately considered outside of the framework of the restoration of the Kingdom of Poland and development of the Teutonic *Ordensstaat*. This issue was further problematized by the fact that this patch of land at the mouth of the Vistula, which roughly corresponds to the interwar "Polish Corridor" and "Free City of Danzig," was also the subject of dispute between the modern states of Poland and Germany. Add to this mix the fact that this region is home to a large ethnic minority (the Kaszëbë)[14] and

[13] Dusburg, III.35: "Non longe postea idem Swantepolcus filius dyaboli congregavit iterum dictos neophitos apostates, et ingredients armata manu hostiliter partes superiors sciliet terram Pomesanie et Colmensem rapina et incendio devastabant expugnantes et penitus destruentes omnia castra et municiones preter tria scilicet Thorun, Colmen et Redinum. De populo eciam Dei ad laudem et gloriam eius ibi habitante trucidaverunt IIII milia, sic quod tota terra Prussie videbatur Cristianorum sanguine rubricata.

[14] Brunon Synak, "The Kashubes' Ethnic Identity: Continuity and Change," in *The Ethnic Identities of European Minorities: Theories and Case Studies*, ed. Brunon Synak (Gdańsk: Uniwersytet Gdański, 1995), 155-66; James Minahan, "Kashubians," in *Encyclopedia of the Stateless Nations: Ethnic and National Groups around the World*, vol. 2, 960-5 (Westport, CT: Greenwood Press, 2002.

it is easy to understand how anachronistic admixtures of nationalism have made their way into the medieval disputes.

These anachronisms, however, were not entirely modern constructs. At the turn of the fourteenth century, the then defunct duchy was incorporated first into the Kingdom of Poland and then into the Teutonic *Ordensstaat*. Both polities attempted to appropriate its history through the writing and propagation of chronicles and especially through the legal documents of two trials between these states in 1320 and 1339, which included the testimonies of more than 150 witnesses. Anachronistic representations of thirteenth century views on ethnic identity, political and ecclesiastical affiliation, and the right to rule figured prominently in these fourteenth-century disputes.[15]

My purpose here, however, is not to delve into the dark ages of ethnogenesis, against which Patrick Geary has so ably warned us,[16] nor to favor one dispute narrative over another, as both of these methodologies have blinded some researchers to the local and translocal political, religious, and economic forces at work in the Vistula delta. Instead, it is important to consider the true frontier nature of this region (religious, ethnic, political, technological) in order to explore not just how the western superiors (the papacy, the grandmaster of the Teutonic Knights, the general chapters of the Cistercians and Dominicans, and the Lübeck town council) attempted to use their agents to impose their own vision of this frontier on the locals. For a more complete understanding of this complicated society, it is also necessary

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[15] These issues are examined in chapters 4-6.

[16] Patrick Geary refers to the nineteenth and early twentieth-century historiographical attempts to directly link modern nations with medieval peoples as "toxic waste." [*The Myth of Nations: The Medieval Origins of Europe* (Princeton and Oxford: Princeton University Press, 2002), 35-7].

to analyze how the indigenous peoples, in this case the Pomeranian dukes, built and legitimized an independent state by manipulating the new avenues of authority provided by the translocal religious and economic organizations that flooded the region to stake their claims to the spiritual and economic bounties offered by this virgin land.

The Conquest of Pomerania and Christianization of the South Baltic Littoral in the Twelfth Century

The conquest and conversion of the Baltic littoral from the twelfth to the fourteenth centuries was carried out not only by Germans and Scandinavians, but also by Slavs, particularly the Polish Piast dukes, who sought to expand their own domains at the expense of the neighboring Slavic and Baltic pagans. Their primary fields of operation were Pomerania (the section of Baltic coast bounded by the Oder and Vistula rivers) and Prussia (between the Vistula and Memel rivers). The Polish dukes turned their attention first to Pomerania.

In a series of campaigns in the first decades of the twelfth century, Duke Bolesław Krzywousty (1102-38) subjugated the whole of Pomerania to his rule.[17] Almost a century later, the Polish chronicler Wincenty Kadłubek presented this as a reconquest, an expansion of Poland's "natural boundaries" to the Baltic, which were acquired at the time of Poland's "moment of primary acquisition"[18] during the reign of Poland's first two rulers – Mieszko I (ca. 960-

[17] Tadeusz Manteuffel, *The Formation of the Polish State: The Period of Ducal Rule, 963-1194*, trans. Andrew Gorski (Detroit: Wayne State University Press, 1982), 105-18.

[18] Patrick Geary explains that modern nationalists distorted modern states' relationships with polities in the past by claiming that this "moment of primary acquisition" "…determined once and for all the limits of legitimate ownership of land […]…when their people first…established their sacred territory and their national identity." [Geary, *Myth*, 12, 156]. Medieval propagandists were also aware of the utility of these claims. R.R. Davies has studied in detail how Edward I's conflict with Britain's "Celtic Fringe" produced "one of the most remarkable medieval examples of the deployment and distortion of the past in the service of the present."

992) and Bolesław Chrobry (r. 992-1025). Yet, there is nothing in the contemporary sources to suggest that early twelfth-century Poles thought in these terms.[19] The first chronicler of the Poles, Gallus Anonymous, writing during the time of Bolesław Krzywousty's campaigns against the Pomeranians, calls them and the Prussians "most savage nations of pagan barbarians."[20] Pomeranians, separated from the Polish duchies to the south by dense forests and vast wetlands that fed the Noteć River,[21] were the Other. Even though Poles and Pomeranians were similar in one of the key markers of identity – language[22] – twelfth-century Poles (at least as represented by a western European chronicler living in Poland) regarded the Pomeranians as a different people, because like their Baltic neighbors, the Prussians, they were pagans and therefore "savages."

[*The First English Empire: Power and Identity in the British Isles 1093-1343* (Oxford and New York: Oxford University Press, 2000), 35.]

[19] For an analysis of the changing place of Pomerania in Polish chronicles written over the course of two centuries, see Jacek Hertel, "Pomorze w myśli politycznej kronikarzy Polski piastowskiej (Anonim Gall, Wincenty Kadłubek, kronikarz wielkopolski)," in *Prace z dziejów państwa i zakonu krzyżackiego*, ed. Antoni Czacharowski (Toruń: Uniwersytet Mikołaja Kopernika, 1984), 9-47.

[20] "…barbarorum gentilium ferocissimas nationes…." Gallus Anonymous, *Gesta Principum Polonorum*, trans. by Paul W. Knoll and Frank Schaer (Budapest and New York: Central European University Press, 2003), 12-13. It should be pointed out that Gallus does talk about Bolesław Chrobry's conquest and conversion of the Pomeranians and Prussians, but he makes it clear that by the time he was writing, they had reverted to paganism.

[21] Kazimierz Ślaski, "Granica wielkopolsko-pomorska w okresie wczesnego feudalizmu," *Przegląd Zachodni* 1/2 (1954), 91; Herbord, an author of one of the Vitae of Otto of Bamberg, recounts the difficulties of crossing from Poland to Pomerania in the early twelfth century, due to the "horrible and vast forest" and the marshes that hindered their carts. "…nemus horrendum et vastum, quod Pomeraniam Poloniamque dividit. […] …loca palustria quadrigas et currus praepedientia…." [Herbordus, *Herbordi Dialogus de vita Ottonis episcope babenbergensis*, ed. Rudolf Köpke and Georg Heinrich Pertz (Hannoverae: Impensis Bibliopoli Hahniani, 1868), chapter 2.10, at page 60].

[22] Jan Powierski, "Die Stellung der pommerellischen Herzöge zur Preußen-Frage im 13. Jahrhundert," in *Der Deutschordensstaat Preußen in der polnischen Geschichtsschreibung der Gegenwart*, ed. Udo Arnold et al (Marburg and Lahn: N.G. Elwert, 1982), 104.

Part of the motivation for Wincenty's arguments for the antiquity of Poland's rights to Pomerania might have been that Poland's political and ecclesiastical authority in the region was quickly declining. In 1124, a new bishopric was established in Włocławek in Kujawy, including the Archdeaconate of Pomerania, which covered the eastern part of this land. [23] In the west, ecclesiastical control was first granted to the missionary Bishop Otto of Bamberg ("the Apostle of the Pomeranians," as one of his hagiographers called him),"[24] while in 1140 another new bishopric, subject to the Polish metropolitan at Gniezno, was established for west Pomerania.[25] In the years following Bolesław's death in 1138, however, Poland fragmented into numerous duchies ruled by various branches of the royal Piast dynasty. As these duchies came to be consumed by internecine warfare, the west Pomeranians broke away from the suzerainty of the Polish dukes.[26] Following this manifestation of political independence, the Bishop of Kamień (the see for west Pomerania) was also able to secure his independence from the Polish church in 1188.[27]

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[23] Peter Kriedte, *Die Herrschaft der Bischöfe von Włocławek in Pommerellen: von den Anfängen bis zum Jahre 1409* (Göttingen: Vanderhoeck und Ruprecht, 1974); Hermann Freytag, "Das Archidiakonat Pommerellen der Diözese Wloclawek im Mittelalter," *Altpreussische Monatsschrift* 41 (1904), 204-33.

[24] For Otto's missionary work in Pomerania see Charles H. Robinson, trans., *The Life of Otto, Apostle of Pomerania, 1060-1139, by Ebo and Herbordus* (New York: Macmillan, 1920); see also Klaus Guth, "The Pomeranian Missionary Journeys of Otto I of Bamberg and the Crusade Movement of the Eleventh to Twelfth Centuries," in *The Second Crusade and the Cistercians*, ed. Michael Gervers (New York: St. Martin's Press, 1992), 13-23.

[25] Jerzy Kłoczowski, *A History of Polish Christianity* (Cambridge: Cambridge University Press, 2000), 16.

[26] Michał Sczaniecki, "Political Ties between Western Pomerania and Poland, up to the 16th Century," in *Poland at the XIth International Congress of Historical Sciences in Stockholm*, ed. The Polish Academy of Sciences Institute of History (Warsaw: Państwowe Wydawnictwo Naukowe, 1960), 81-101.

[27] Kłoczowski, *History*, 16.

The rulers of east Pomerania, while remaining subject to the Polish church, also attempted to exercise a greater degree of independence. Although technically under the suzerainty of various Polish dukes, by the late twelfth century the members of the leading Pomeranian noble family began to style themselves as "dukes" and carry out such ducal functions as the foundation of monasteries – the most famous of these being the Cistercian monastery at Oliwa, just outside of Gdańsk, which was founded in 1186.[28] Oliwa became the mausoleum of the ducal family, and its monks functioned as the preservers of the memory of their founders and benefactors. These monks also, as Gerard Labuda has argued, "alongside the formal church, constituted a second path of international contacts, in particular with the Papacy, being at the same time an indispensable organizing factor of political life…."[29] The fact that the Pomeranian rulers intended this monastery to function as a window to the west can also be surmised from the fact that they recruited monks from the west Pomeranian monastery at Kołbacz, which had been founded by Danish monks affiliated with Clairvaux, rather than from a Polish monastery, all of which were affiliated with the Morimund branch of the Cistercians.[30]

While we do not know a great deal about the genealogy or activities of the Pomeranian dynasty during the twelfth century, the picture becomes

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[28] There is a huge bibliography on this monastery in both Polish and German. For a brief English introduction to its founding see Szacherska, "Valdemar," 45-9; in German, see Heinz Lingenberg, *Die Anfänge des Klosters Oliva und die Entstehung der deutschen Stadt Danzig* (Stuttgart: Klett-Cotta, 1982); in Polish see Kazimierz Dąbrowski, *Opactwo cysterców w Oliwie od XII do XVI wieku*. Gdańsk: GTN, 1975.

[29] Labuda, HP I/1, 403.

[30] David H. Williams, "East of the Oder: An English Introduction to Its Medieval Cistercian Settlement and Economy," *Cîteaux* 29 (1978), 243.

clearer in the early thirteenth century. The paterfamilias at this time was Duke Mściwój I. While earlier members of the family might have just been calling themselves "dukes," Mściwój was widely regarded as the Duke of Pomerania by both the Polish clergy whose charters he witnessed[31] and the invading King Waldemar II of Denmark, to whom he did homage in 1210.[32] As Labuda points out, "even though the dependence on the Danes had a temporary character, it nevertheless subverted the previous legal-political relation of the rulers of Gdańsk to the Polish principate."[33] Even before Mściwój's death in 1219 or 1220, his eldest son, Świętopełk, had begun to take over his father's policies of building an independent state on the strategically and economically important lands at the mouth of the Vistula River. However, as we will see below, Świętopełk's younger brothers would come to develop their own ideas about what this state should look like.

Following the Danish incursion into Pomerania, Świętopełk accepted again the Polish dukes' claims to suzerainty over his land by performing homage to Duke Leszek of Kraków in the main Pomeranian city of Gdańsk in 1217.[34] At this same time Świętopełk also married into the Polish Piast dynasty through his union with Eufrozyna, the sister of Duke Władysław Odonic of Kalisz.[35] With these two acts, Świętopełk was more closely drawn into the political machinations of his neighbors to the south. These relations would become even closer in the following years. After his brother-in-law,

[31] PlUB #15.

[32] Szacherska, "Valdemar," 44.

[33] Labuda, HP I/1, 405.

[34] Labuda, HP I/1, 406.

[35] Labuda, HP I/1, 406; Śliwiński, *Poczet*, 29.

Władysław Odonic, had been expelled from his lands by his uncle, Duke Władysław Laskonogi of Great Poland, he eventually sought refuge at Świętopełk's court, where in 1219 he married his brother-in-law's sister, Jadwiga.[36] Świętopełk was now doubly bound to the interests of Władysław Odonic.

In addition to cultivating alliances with Poles, Świętopełk also began to look for additional allies from the west. During the 1220s he strengthened Gdańsk by installing in it two emerging translocal organizations. First, he granted extensive privileges to a colony of Lübeck merchants, [37] who were quickly supplanting the Scandinavians as the chief traders on the Baltic and had already established colonies in other Baltic ports.[38] Next, on the advice of his ecclesiastical superior, Bishop Michał of Kujawy, he founded a convent for another emerging translocal organization that was taking a great interest in the Baltic frontier of Christendom – the Dominicans – who came to Pomerania apparently to fulfill St. Dominic's intentions to lead a mission in Prussia.[39] Both of these translocal organizations provided Świętopełk with additional

[36] Labuda, HP I/1, 406; Śliwiński, *Poczet*, 29.

[37] PIUB #33.

[38] For the early development of Lübeck and the Hanse, see Philippe Dollinger, *The German Hansa*, translated and edited by D.S. Ault and S.H. Steinberg (Stanford: Stanford University Press, 1970); for the early role of Lübeck merchants in Polish and Pomeranian trade, see Henryk Samsonowicz, "Lubeczanie z ziemi Polski w XIII w.," *Acta Universitatis Nicolai Copernici. Historia* 24 (1990), 144-53; see also Henryk Lesiński, "Początki i rozwój stosunków polsko-hanzeatyckich w XIII wieku," *Przegląd Zachodni* 5/6 (1952), 130-45.

[39] PIUB #34; Jerzy Kłoczowski, "Dominicans of the Polish Province in the Middle Ages," in *The Christian Community of Medieval Poland: Anthologies*, ed. Jerzy Kłoczowski (Wrocław: Ossolineum, 1981), 86; Dariusz Aleksander Dekański, *Początki zakonu dominikanów prowincji polskoczeskiej* (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego, 1999), 84-117; see also Jerzy Kłoczowski, "Dominikanie polscy nad Bałtykiem w XIII w.," *Nasza Przeszłość* 6 (1954), 83-126.

avenues of communication with western Europe, which he immediately used to strengthen and legitimize his own state-formation activities.

Świętopełk apparently blamed Władysław Laskonogi for instigating the Prussian invasion of Pomerania in 1226, which had laid waste large areas of his duchy, including Oliwa, so he asked the Dominicans to help him in his dispute with the Duke of Great Poland.[40] In May 1227, in a response to a request written by the Dominicans in Gdańsk, Pope Gregory IX praised Świętopełk's devotion to the Prussian mission and asked some Polish clerics to look into accusations that certain unnamed "princes of Poland" had cooperated with pagans in injuring Świętopełk and his brothers.[41] Despite this papal support, however, the Polish dukes still considered themselves the Pomeranian dukes' superiors, and still expected them to submit to their judgment.[42]

When later in the same year war broke out again between the two Władysławs, the three other leading dukes of Poland – Duke Leszek the White of Kraków, Duke Henry the Bearded of Wrocław, and Duke Konrad of Mazovia – summoned the Władysławs and Świętopełk to an assembly at Gąsawa, on the Polish-Pomeranian border, to settle the dispute. Władysław Laskonogi showed up as expected, but on 23 November 1227 Władysław Odonic and Świętopełk arrived at the head of a large army, and in the ensuing battle, Duke Leszek was killed. Although contemporaries and modern historians differ in

[40] Labuda, HP I/1, 406; *Chronica Olivensis*, MPH VI, 353.

[41] PIUB #35 and Theiner #304

[42] For an extended discussion of the political relationship between the dukes of Pomerania and Poland at the turn of the thirteenth century, see Gerard Labuda, "Stanowisko prawno-polityczne książąt Pomorza Nadwiślańskiego na przełomie XII i XIII wieku," *Zapiski Historyczne* 66 (2001), 195-226.

their assessment of blame for what is known in Polish scholarship as the "Gąsawa tragedy,"[43] the immediate result of this battle was the de facto independence of the Duchy of Pomerania. As the surviving Polish dukes quickly turned on one another in an attempt to claim Leszek's lands, Świętopełk was free to continue expanding his state without interference from Poland.

Yet, at the same time that Świętopełk was asserting his independence, a new translocal organization was making its presence felt on this frontier – the Teutonic Knights. What made this organization different from the ones that Świętopełk had been supporting is that during the course of the thirteenth century they attempted to create a territorial state in the Vistulan delta, in the process claiming lands that Świętopełk considered his own. Such border conflicts would eventually lead to fifteen years of intermittent legal and armed conflict between Świętopełk and the Knights. In the beginning, however, their relationship was defined by cooperation rather than contention, as Świętopełk viewed them as just another translocal organization taking part in the Prussian mission. In order to understand how their interests came to diverge, it is first necessary to take a step back and analyze the development of the Prussian mission up to the arrival of the Teutonic Knights.

[43] Labuda, HP I/1, 407. For a summary of the various chroniclers' accounts and modern historiographical debates of the "Gąsawa tragedy," see Monika Bruszewska-Głombiowska, *Biskup włocławski Michał: Działalność kościelna, gospodarcza, polityczna (1220-1252)* (Gdańsk: Wydawnictwo "Marpress", 2002), 103-21.

The Development of the Prussian Mission: From Episcopal State to **Ordensstaat**

Świętopełk was not the only person who saw an opportunity to create a new state on the frontier of Christendom. While he was carving out an independent duchy for himself, the papacy was beginning to take a greater interest in the expansion of this frontier across the Vistula River into Prussia. Papal involvement in the conversion of Prussia had been erratic until the beginning of the thirteenth century. The missionaries, Bishop Adalbert (Wojciech in Polish) of Prague and Bishop Bruno of Querfurt, found martyrdom there around the year 1000. Bishop Otto of Bamberg and Bishop Henry of Moravia had planned missions there in the mid-twelfth century.[44] But, real attempts to convert the Prussians were not made until the first decade of the thirteenth century, under the auspices of the Cistercians.

As in the mission that had taken root a few decades earlier in Livonia, the preaching of the Prussian mission was entrusted to the Cistercians, who took the leading role in the missionary program of the Church before the introduction of the mendicant orders later in the thirteenth century.[45] In the first decade of the thirteenth century the Prussian mission was conducted by the Cistercians of the Polish monastery of Łekno under the direction of the Archbishop of Gniezno.[46] It seems that at this time the Archbishop of Gniezno

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[44] László Pósán, "Prussian missions and the invitation of the Teutonic Order into Kulmerland," in *The Crusades and the Military Orders. Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Central European University, Department of Medieval Studies, 2001), 429; for Adalbert and Bruno, see Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe, 400-1050* (Harlow: Pearson, 2001), 207-44.

[45] See Louis J. Lekai, *The Cistercians: Ideals and Reality* (Kent, OH: Kent State University Press, 1977), 52-64.

[46] The main events of this mission have been recounted in varying degrees of detail in a number of places; in English, see Szacherska, "Valdemar," and Pósán, "Prussian."

was actively propagating the cult of St. Adalbert, who had been martyred in Prussia in 997, and whose death is intimately linked to the foundation of the Polish church and state.[47] Part of this program included the casting of monumental bronze doors for the archiepiscopal cathedral in Gniezno, which depicted Adalbert's missionary activity and martyrdom among the Prussians.[48]

By the end of the first decade of the thirteenth century, however, Christian, a west Pomeranian monk from Oliwa had replaced the abbot of Łekno as leader of this mission. Zenon Nowak has speculated that this change of leadership might have arisen from a dispute in the Cistercian Chapter General between the Morimund and Clairvaux branches, because Abbot Gottfried of Łekno was condemned for fraudulently acting like a bishop and leading monks away from their monasteries.[49]

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[47] For the story about the relationship between Adalbert and Poland, see Michael Borgolte, ed, *Polen und Deutschland vor 1000 Jahren. Die Berliner Tagung über den "Akt von Gnesen"* (Berlin: Akademie Verlag, 2002); Teresa Dunin-Wąsowicz, "St Adalbert: Patron Saint of New Europe," in *Europe's Center around AD 1000*, ed. Alfried Wieczorek and Hans-Martin Hinz (Stuttgart: Theiss, 2000), 551-2; Jerzy Strzelczyk, "The Gniezno Assembly and the Creation of the Gniezno Archbishopric," in *Europe's Center around AD 1000*, ed. Alfried Wieczorek and Hans-Martin Hinz (Stuttgart: Theiss, 2000), 319-21.

[48] Jadwiga Irena Daniec, "The Bronze Door of the Gniezno Cathedral," in *Studies in Polish Civilization*, ed. Damian S. Wandycz (New York: Institute on East Central Europe, Columbia University, 1971), 482-9.

[49] "De monacho quondam Lugdunensi [Łekno] abate qui fraudulenter se fingit episcopum, committitur domino Cistercii, et super hoc domino papae scribat. Monachi autem qui cum eo inordinate vagantur, nisi usque ad Pascha ad domos proprias revertantur, pro fugitivis habeantur." *Statuta capitulorum generalium ordinis Cisterciensis ab anno 1116 ad annum 1786*, vol. 1, ed. Josephus-Mia Canivez (Louvain: Bureaux de la Revue, 1933), 373; quoted in Zenon Nowak, "*Milites Christi de Prussia*. Der Orden von Dobrin und seine Stellung in der preussischen Mission," in *Der geistlichen Ritterorden Europas*, ed. Josef Fleckenstein and Manfred Hellmann (Sigmaringen: Jan Thorbecke Verlag, 1980, 341. This was apparently a common problem in the missionary activities of the Cistercians, because as Lekai notes, "the records of the General Chapter abound in restrictive and punitive measures against 'vagabond' monks and unauthorized preachers." [Lekai, *Cistercians*, 62]

Christian quickly enlisted the help of both Duke Mściwój I of Pomerania and King Valdemar II of Denmark, whose invasion of east Pomerania and Prussia in 1210 Szacherska has linked with Danish plans to colonize Prussia. According to Szacherska's theory, Valdemar pressured Mściwój and some Prussian lords to donate Santyr on the right bank of the Vistula and a fort at the mouth of the Pregola river in eastern Prussia to demarcate the boundaries of his intended future conquests.[50] In any event, Valdemar never returned to Prussia, concentrating instead on Estonia before he was defeated and imprisoned in 1223.[51]

Tadeusz Manteuffel took a different approach to Christian's involvement in the Prussian mission. Comparing his activities to the state-formation activities of the bishops of Riga, he argued that Christian was attempting to found an ecclesiastical state in Prussia, led by the Cistercians.[52] There are some problems with this theory, however. First, as Szacherska has pointed out, neither the Cistercians at Oliwa nor those in Poland were particularly helpful, prompting Innocent III to complain to the Chapter General in 1212 about their uncooperativeness.[53] In addition, Christian also complained to the papacy that the Pomeranian and Polish dukes adjacent to Prussia were attempting to cash in on the mission by subjecting the Prussian neophytes to

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[50] Szacherska, "Valdemar," 75.

[51] For Denmark's role in the conquest of Estonia see, William Urban, *The Baltic Crusade* (DeKalb: Northern Illinois University Press, 1975), 2nd ed. (Chicago: Lithuanian Research and Studies Center, 1994) – the references below are to the first edition; see also Grethe Jacobsen, "Wicked Count Henry: The Capture of Valdemar II (1223) and Danish Influence in the Baltic," *Journal of Baltic Studies* 9 (1978), 326-38.

[52] Tadeusz Manteuffel, "Próba stworzenia cysterskiego państwo biskupiego w Prusach," *Zapiski Historyczne* 18 (1952), 157-73.

[53] Szacherska, "Valdemar," 66; PrUB I/1 #6.

their rule.[54] Christian maintained his close connections with Rome, attending the Fourth Lateran Council in 1215. Here he demonstrated the fruits of the mission to Innocent III by bringing with him Prussians to be baptized. He was rewarded for his efforts by being consecrated as Bishop of Prussia.[55] In the first years of Honorius III's pontificate, Christian was given even greater control over the Prussian mission, obtaining the rights to call a crusade, to consecrate additional bishops and build cathedrals, and perhaps most importantly, the Archbishop of Gniezno was stripped of his legatine powers over the mission.[56]

The main problem that faced Christian, however, was that he needed an armed force to help defend the proselytized lands. As had happened in the early years of Albert's episcopate in Livonia,[57] Christian constantly had to leave his bishopric to recruit crusaders.[58] This problem was exacerbated following the battle at Gąsawa, as the neighboring Polish dukes spent their energy trying to take over Duke Leszek of Kraków's lands instead of leading crusades. In Manteuffel's opinion, in order to create a truly independent episcopal state, he needed a force like the Swordbrothers of Livonia, who had emerged as a military order in Livonia at the beginning of the thirteenth century.[59] The dukes of Pomerania had founded monasteries for two western

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[54] Szacherska, "Valdemar," 66; PrUB I/1 #7.

[55] Szacherska, "Valdemar," 67.

[56] Szacherska, "Valdemar," 68-9; PrUB I/1 #15, #19, #30.

[57] Henry of Livonia begins each of the chapters covering the first years of Albert's reign with him coming from or going to Germany. See James A. Brundage, trans, *The Chronicle of Henry of Livonia* (Madison: University of Wisconsin Press, 1961; reprint, New York: Columbia University Press, 2003).

[58] Szacherska, 72-3.

[59] See Urban, *Baltic*, 53-9; Friedrich Benninghoven, *Der Orden der Schwertbrüder. Fratres Milicie Christi de Livonia* (Köln and Graz: Böhlau, 1965)

military orders on the left bank of the Vistula – the Knights of Calatrava[60] and the Hospitallers.[61] Neither of these orders proved to be very effective in the mission because of the small size of the houses, so most likely following the example of the Bishop of Riga, Christian decided to found a new military order – the Knights of Christ. This new order (also known as the Knights of Dobrzyń, because this land was granted to them by Duke Konrad of Mazovia)[62] was composed mostly of knights from Christian's native Mecklenburg.[63] Despite the endowment of this new order with fairly extensive

[60] The presence of the Knights of Calatrava in Pomerania remains a puzzle. There is no record of when they were founded or how the Pomeranian dukes heard about this Spanish military order. The Knights of Calatrava first appear as witnesses to a charter granted to Oliwa in 1224, which makes sense considering their association in Spain with the Cistercians. It is tempting to see this as a form of medieval modeling, where the Cistercians tried to apply the same successful formula in Prussia that had worked in Iberia. There are two problems, however, with the theory that the Knights of Calatrava were put in place to protect the Cistercian monastery at Oliwa. First, they were located some distance away from Oliwa. Second, they were associated with the Morimund branch of the Cistercians, while Oliwa belonged to the Clairvaux branch. [Francis Gutton, *L'Ordre de Calatrava* (Paris: P. Lethielleux, 1955), 220-2] In any event, they did not prevent the sack of Oliwa and the murdering of its monks by the Prussians in 1226 [MPH VI, 353], and after appearing as witnesses in another charter in 1230 [PlUB #43], they disappear from the historical record. A brief article from the nineteenth century remains the only work devoted exclusively to this order's activities in the Prussian mission. Ronuald Frydrychowicz, "Der Ritterorden von Calatrava im Tymau bei Mewe," *Altpreussische Monatsschrift* 27 (1890), 315-20; see also Gerard Labuda, "Ze studiów nad najstarszymi dokumentami Pomorza Gdańskiego," *Zapiski Historyczne* 18 (1953), 130-5.

[61] The Hospitallers were founded in Pomerania in 1198. [PlUB #9] For the history of this foundation, and the role of the Hospitallers in east-central Europe, see Paul Vincent Smith, "Crusade and Society in Eastern Europe: The Hospital and the Temple in Poland and Pomerania," Ph.D. diss. (University of London, School of Slavonic and East European Studies, 1994).

[62] PrUB I/1 #67.

[63] Nowak, 349; Manteuffel had tried to place their founding considerably earlier, but Nowak has successfully proven that this did in fact take place in 1228, the year of the papal recognition of this order. [PrUB I/1 #68-9; see also PrUB I/1 #66-7, 70] It should be pointed out, however, that not all historians agreed with Nowak. In a recent essay, Maria Starnawska, a leading Polish historian of the military orders in Poland, dated their foundation to 1216-7. ["Military Orders and the Beginning of Crusades in Prussia," in *The Crusades and the Military Orders: Expanding the Frontiers of Medieval Latin Christianity*, ed. Zsolt Hunyadi and József Laszlovszky (Budapest: Central European University Press, 2001), 420] In addition to Manteuffel, Nowak, and Starnawska, the following Polish and German historians have also studied the role played by the Knights of Dobrzyń in the Prussian mission: Walter Kuhn, "Ritterorden als Grenzhüter des Abendlandes gegen östliche Heidentum," *Ostdeutsche*

lands by the Polish and Pomeranian dukes, it was still too small to have much of an effect on the mission.[64] At the same time that Duke Konrad and Bishop Christian were founding this new military order, they also began talks to found a military order that had experience fighting in the Levant, an order that would profoundly alter the political landscape of the eastern Baltic littoral – the Hospital of St. Mary of the Germans in Jerusalem [*Hospitale sancta Marie Theutonicorum Jherosolimitani*], better known in English as the Teutonic Knights.

The exact events surrounding the extent of Duke Konrad of Mazovia's grants to the Teutonic Knights has been one of the most contentious subjects in Polish and German scholarship since the middle of the nineteenth century. Part of the problem results from the fact that as mentioned above, both the Kingdom of Poland and the Teutonic *Ordensstaat* attempted to manipulate the memory of their historical relationship during the course of their military and legal disputes in the early fourteenth century. Another problem, pointed out by both German and Polish scholars, is that thirteenth-century contemporaries were already at work on the manipulation of reputation and memory through

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Wissenschaft 6 (1959), 26-42; Stella Maria Szacherska, "Pierwsi protektorzy biskupa Prus Chrystiana," in *Wieki Średnie – Medium Aevum. Prace ofiarowane Tadeuszowi Manteuffel w 60 rocznicę urodzin*, ed. Aleksander Gieysztor, et al. (Warszawa: Państwowe Wydawnictwo Naukowe, 1962), 129-41; Gerard Labuda, "O nadaniu biskupa Chrystiana dla Dobrzyńców z roku 1228," *Roczniki Humanistyczne* 20 (1972), 43-9; W. Polkowska-Markowska, "Dzieje Zakonu Dobrzyńskiego. Przyczynek do kwestii krzyżackiej," *Przegląd Historyczny* 2 (1926), 145-210.

[64] Nowak explains that even though the Teutonic Knights' chronicler Peter von Dusburg states that there were only 15 knights, if their support personnel were included, this number could be pushed up to 150, but this was still a very small force. [Nowak, "*Milites*," 348] Even the Livonian bishops, who could rely on the help of the much larger Swordbrothers, still went to Germany every year to recruit crusaders. See *The Chronicle of Henry of Livonia* [above . 57] in which nearly every chapter begins with the bishop arriving from Germany with crusaders.

the production of forgeries intended to expand their rights and privileges.[65] One recent Polish historian, Tomasz Jasiński, who attempts to sort through both levels of manipulation, points out in a reevaluation of the thirteenth-century source records that:

> Both Polish and German historiography look at the beginnings of the Teutonic Knights in Prussia from the perspective of later events. This leads to an oversimplification and schematization of the complicated relations which occurred in reality.[66]

In light of this caveat, I too should confess that what follows, due to the necessities of space, is only a very brief outline of this very complicated issue. My goal here is simply to position the arrival of the Teutonic Knights in Poland within the main topic of this essay – Świętopełk's state-formation activities.

In 1226 Władysław Odonic, Świętopełk's brother-in-law, donated some lands to the Knights.[67] Around the same time Konrad and Christian approached the Knights with the offer of granting them the Chełmno land, a region previously granted to Christian by Konrad in 1222.[68] From 1228 to

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[65] Historians, however, disagree as to which documents were forgeries. For the specifics of this debate, see Gerard Labuda, "Über die angeblichen und vermuteten Fälschungen des Deutschen Ordens in Preußen," in *Fälschungen im Mittelalter IV: Diplomatische Fälschungen*, vol. 2 (Hannover: Hahnsche Buchhandlung, 1988), 499-522; Tomasz Jasiński, "Okoliczności nadania ziemi chełmińskiej Krzyżakom w 1228 roku w świetle dokumentu łowickiego," in *Balticum: Studia z dziejów polityki, gospodarki i kultury XII-XVII wieku ofiarowane Marianowi Biskupowi w siedemdziesiątą rocznicę urodzin*, ed. Zenon Hubert Nowak (Toruń: Wydawnictwo Towarzystwa Naukowego w Toruniu, 1992), 151-63; Marian Dygo, "The Golden Bull Allegedly Issued in 1226 by Frederick II for the Teutonic Order," *Questiones Medii Aevi Novae* 3 (1998), 221-44.

[66] Jasiński, "Okoliczności," 151.

[67] Pósán, 437; *Urkunden und erzählende Quellen zur Deutschen Ostsiedlung im Mittelalter*, vol. 2, ed. Herbert Helbig and Lorenz Weinrich (Darmstadt: Wissenschaftliche Buchgesellschaft, 1970), #49.

[68] PrUB #41.

1230, both Konrad and Christian, with the consent of Konrad's family, the Mazovian magnates, and the neighboring Polish bishops and dukes, donated to the Teutonic Knights extensive possessions,[69] which were confirmed by Pope Gregory IX.[70] In 1230 Gregory also confirmed the Knights' rights to whatever pagan lands they could conquer.[71] This issue of rights to conquered lands would eventually lead to conflict between Christian and the Knights. But in the early years of the arrival of the Knights in Prussia, the relationship between all of the participants in the Prussian mission was characterized by cooperation rather than contention.[72]

If Christian was attempting to carve out a Cistercian state in Prussia modeled on the Livonian ecclesiastical state, as Tadeusz Manteuffel has argued, then he did so, initially at least, with the support of the surrounding Polish bishops, the Polish and Pomeranian dukes, and the other religious and military orders in region. Although there were certainly tensions between the Polish and Pomeranian dukes, as well as between the various translocal organizations, Bishop Christian managed to coordinate their efforts. Even the abbots of Łekno and Ląd, whom Christian had pushed out as directors of the Prussian mission, now supported the bishop, arguing that the Teutonic Knights should march into battle under Christian's banner rather than their own.[73] This

[69] PrUB I/1 #64, 65, 71, 73, 75-78.

[70] PrUB I/1 #72.

[71] PrUB I/1 #80.

[72] Most of the relevant historical analyses of the Knights' arrival in Prussia are in Polish and German. A good analytical account that places this event in larger European contexts is Pósán's essay [above n. 44]; also see William Urban's narrative account, *The Prussian Crusade* (Lanham, MD: University Press of America, 1980), 2nd ed. (Chicago: Lithuanian Research and Studies Center, 2000). The references below are to the first edition.

[73] PrUB I/1 #74.

situation, however, would rapidly deteriorate during the 1230s for a number of reasons. Among these were the arrival of the papal legate, William of Modena, the capture of Bishop Christian by the Prussians, and the state-formation activities of the Teutonic Knights, which put them at odds with both Bishop Christian and the neighboring Polish and Pomeranian dukes.

In the early years of the Prussian mission, the Archbishop of Gniezno functioned as the papal legate to Prussia.[74] On 31 December 1224, however, Pope Honorius III appointed Bishop William of Modena as his legate for Prussia and Livonia as well as many other lands on the Baltic littoral.[75] This commission was followed three days latter by a bull directed to the Livonian and Prussian converts informing them that the papacy was taking them under the protection of St. Peter.[76] On 9 January, the pope also informed William that his commission included not only caring for the faithful, but also the evangelization of the "barbarous nations."[77] These three bulls indicate that the papacy had decided the missions on the eastern Baltic littoral had become too important to be left to the locals. Honorius would now directly control the mission through his legate, William. William's first stop was Livonia, because the mission there had been endangered by years of fighting between the German and Danish colonizers and missionaries.[78] During William's time in

[74] Rozenkranz, "Wojna," 205, n.10.

[75] PrUB I/1 #53

[76] PrUB I/1 #54.

[77] PrUB I/1 #55. In November of the same year, Honorius further showed his commitment to the Prussian and Livonian missions by taking Lübeck under the special protection of the apostolic see so that it could function as the main port of departure for crusaders to the eastern Baltic. PrUB I/1 #57.

[78] These two activities of baptism and subjugation went hand-in-hand, as Danish and German missionaries raced against one another to baptize as many pagans as possible, eventually

Livonia, his interpreter, Henry, prepared a chronicle informing him of the history of the Livonian mission.[79] Henry also recorded William's achievements, describing how everyone in the region respected his authority, how he forced the Danes to give the Germans disputed lands,[80] made peace between these two parties,[81] settled disputes between the Germans and the neophytes,[82] and "always admonished the Germans not to hurt their subjects by excessive exactions or undue harshness."[83] By the time that William arrived in Prussia in 1228, he apparently found the situation to be well managed, because he spent the following five years in Silesia, Germany, and Italy, before returning again to Livonia in 1234.[84]

During his brief stay in Prussia, however, William apparently cultivated the friendship of Duke Świętopełk and his son, Mściwój, because in a bull from June 1231, Pope Gregory IX took the Duchy of Pomerania under the protection of the apostolic see on the recommendation of both the legate and

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handing out holy water to some neophyte leaders, so that they could baptize neighboring villages before competing missionaries could arrive there:

> [The Danes] baptized some villages and sent their men to the others to which they could not come so quickly, ordering great wooden crosses to be made in all the villages. They sent the rustics with holy water and ordered them to baptize the women and children. They tried thereby to anticipate the Rigan priests and sought in this manner to put the land into the hands of the king of the Danes.

Chronicle of Henry of Livonia, 189.

[79] James A. Brundage, "The Thirteenth-Century Livonian Crusade: Henricus de Lettis and the First Legatine Mission of Bishop William of Modena," *Jahrbücher für Geschichte Osteuropas* ns 20 (1972), 1-9.

[80] *Chronicle of Henry of Livonia*, 234.

[81] *Chronicle of Henry of Livonia*, 235.

[82] *Chronicle of Henry of Livonia*, 233.

[83] *Chronicle of Henry of Livonia*, 234.

[84] "Regesten des Bishofs Wilhelm von Modena," in SRP II, 122-4.

the Dominicans of Gdańsk.[85] In addition to the *de iure* recognition of Świętopełk's sovereignty, the pope also promised the duke spiritual rewards:

> We, therefore, entreat your nobility, enjoining you for the remission of your sins, to resist the pagans in Prussia and defend the neophytes, equipping yourself thus powerfully and manfully, so that thereafter the mighty Roman church would be bound to you, and you could gain the reward of eternal life from God."[86]

Gregory was, in effect, authorizing Świętopełk to become a marcher lord for the papacy, a permanent crusader, whose lands (like those of other crusaders), would be protected so that he could advance the Prussian mission and defend its accomplishments. Although I am stressing here the pragmatic aspects of Świętopełk's policy of using the Prussian mission to forward his own state-formation goals through his patronage of military orders, as well as the Cistercians and Dominicans, it is entirely possible that he imagined himself to be creating a crusader state. As noted in the introduction to this chapter, later Polish and Teutonic Knights' chronicles depicted him as a "pseudo-Christian" and apostate, but one must not ignore this duke's genuine religious motivations. All the contemporary evidence suggests that Świętopełk saw himself as a full partner in the Prussian mission. His problem was that his neighbors, especially the Teutonic Knights, had a very different idea about the direction of this mission.

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[85] PIUB #44.

[86] PIUB #44: "Rogamus igitur nobilitatem vestram in remissionem vobis peccaminum iniugentes, quatenus ad resistendum paganis in Prussia et defendendum neophitos vos ita potenter et viriliter accingatis, quod exinde vobis Romana ecclesia fortius obligetur et a deo possitis eterne vite stipendia promereri."

When William finally returned to Prussia in 1234, the situation had changed dramatically. In 1233 Bishop Christian was captured by the Prussians,[87] and the strained alliance of competing territorial and spiritual ambitions that he had held together quickly began to crumble. The following year the papacy attempted to fill the power vacuum left by Christian. In August Gregory placed the Teutonic Knights' lands directly under the protection of the papacy.[88] In September he wrote bulls placing the Knights in William's custody,[89] notifying Duke Konrad of Mazovia and the bishops of Kujawy and Mazovia about this change in leadership of the Prussian mission,[90] authorizing the preaching of a crusade,[91] and promising indulgences to those already fighting in Prussia[92] as well as to the Prussian neophytes[93] if they helped the Teutonic Knights. This final crusade conducted jointly by the Polish and Pomeranian dukes and the Teutonic Knights took place in the winter of 1234/5.[94] However, this year marked a sea change in relations between the participants in the Prussian mission, as the various

[87] Powierski, "Stellung," 111.

[88] PrUB I/1 #108.

[89] PrUB I/1 #111.

[90] PrUB I/1 #110 and 112.

[91] PrUB I/1 #114.

[92] PrUB I/1 #115.

[93] PrUB I/1 #116.

[94] Dusburg notes that Duke Konrad of Mazovia, his son, Duke Kazimierz I of Kujawy, Duke Henryk I Brodaty (the Bearded) of Kraków and Wrocław, Duke Władysław Odonic of Great Poland, Duke Świętopełk, his brother Sambor, and "many other noblemen and potentates from between the Vistula, Oder, Bóbr, and Noteć rivers [i.e. Poland]," took part in a crusade, which included building a castle for the Knights at Marienwerder (Kwidzyn in Polish) on the right bank of the Vistula. [Dusburg III.10]

parties fell into numerous legal and military disputes which would last most of the next two decades.

In the fall of 1235, William had to arbitrate a dispute between Konrad and the Knights, which broke out as a result of the union of the now leaderless Knights of Dobrzyń with the Teutonic Knights.[95] The Teutonic Knights wanted to keep Dobrzyń, but Konrad argued that he had given this to an organization that was now defunct, so it should be returned to him. William was able to arbitrate a settlement, in which in exchange for certain other possessions, the confirmation of those grants already made, and the payment of 300 marks of silver, the Teutonic Knights agreed to restore Dobrzyń to Konrad. In the following year the Knights also turned against their other founder in Prussia, the imprisoned Bishop Christian.

First, the Knights began to dismantle the physical infrastructure of Christian's episcopal state by conquering his episcopal see of Santyr.[96] On 30 May 1236, it looked like they had succeeded in the complete eradication of Christian from the political landscape of Prussia, when Pope Gregory IX told his legate, William, to divide Prussia into dioceses and "de consilio et assensu" of the Teutonic Knights to consecrate three Dominicans as bishops of those dioceses.[97] By now William was obviously and incontestably in charge of the mission, and his two closest collaborators were the Knights and the

[95] PrUB I/1 #119.

[96] Powierski, "Aspekt," 269.

[97] PrUB I/1 #125.

Dominicans.[98] Bishop Christian and the Cistercians had been removed from their leadership role of the mission.

By the time that Christian finally managed to ransom himself from the Prussian Sambians in 1238,[99] competing interests had already driven the former collaborators too far apart, leaving him as the Bishop of Prussia in name only. In this same year, Świętopełk began to pursue a policy that was at odds with other participants of the Prussian mission. The following section analyzes how the relations with translocal organizations that Świętopełk had so carefully cultivated over the previous decade quickly collapsed as the disputes between himself and his former allies – the Teutonic Knights, the Duke of Kujawy, the Bishop of Włocławek, and his younger brothers – escalated into fifteen years of intermittent warfare.

A Divergence of Interests: The Fifteen Years War, 1238-1253

The multivalent political, ecclesiastical, and economic forces at play in the Prussian mission had provided Świętopełk with the allies he needed to both develop his state economically and also to defend it against the political claims of the Polish dukes. The Duchy of Pomerania was positioned as a bridgehead to Prussia, and the new legal discourse of papal protection under the aegis of a permanent crusade led by a papal legate had provided Świętopełk with the opportunity to legitimize his state in an international forum.

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[98] In the winter of 1235/6 Gregory authorized the Dominicans to preach another crusade against Prussia. [PrUB I/1 #121] By 1238 the Dominicans had two convents in Prussia, in Chełmno and Elbląg. [Janusz Trupinda, "Wizerunek dominikanów w kronice Piotra z Dusburga – obraz rzeczywisty czy oficjalna propaganda polityczna Zakonu Niemieckiego?" in *Dominikanie. Gdańsk – Polska – Europa*, ed. Dariusz Aleksander Dekański, Andrzej Gołembnik, and Marek Grubek (Gdańsk: Dominkańskie Centrum św. Jacka / Pelplin: Wydawnictwo Diecezji Peplińskiej "Bernardium", 2002), 535.]

[99] Powierski, "Stellung," 115.

As the Teutonic Knights took over the Prussian mission, however, and made the transformation from a translocal organization to a territorial state, this frontier of Latin Christendom quickly turned into a borderland pressed by predatory Polish dukes and the Teutonic Knights. Such a borderland environment made Świętopełk a less appealing ally to the translocal organizations he had previously supported. He was abandoned by Lübeck and the Dominicans when both the surrounding territorial and ecclesiastical rulers attempted to impose their authority on him, while at the same time his younger brothers attempted to break away from his dominion. In such an environment, he turned to the only other borderlanders who were in a similar situation – the Prussian neophytes subject to the unduly burdensome lordship of the Teutonic Knights.

As the Knights took over Bishop Christian's lands and began to expand the boundaries of their holdings to the north, the ensuing conflict between Świętopełk and the Knights over possession of the Vistulan delta would come to reflect how this frontier of Christendom was quickly turning into a contentious borderland of competing Christian states. The conflict between these two emerging states quickly drew into its orbit all of the surrounding secular and ecclesiastical rulers, the pagan and neophyte Prussians, and the translocal organizations that were staking their claims to positions on this frontier – the Cistercians, Dominicans, Franciscans, Lübeck, and the papacy. This was not a frontier in which a superior western power acted upon a backwards eastern European society, but rather an arena of conflict in which the multivalent political, economic, and religious forces brought to bear by various parties were defined by ever-changing boundaries of influence and shifting alliances, in an attempt to remake the political and religious landscape.

The series of legal and military conflicts which Edwin Rozenkranz has identified as the "Fifteen Years War,"[100] resulted from the competing state-formation activities of Świętopełk and the Teutonic Knights, as both parties tried to establish hegemony over the Vistulan delta. Świętopełk saw the Knights' conquest of Bishop Christian's see at Santyr in 1236 as a direct threat to his duchy, while Sambor, Świętopełk's younger brother, saw this as an opportunity to strengthen his own position within Pomerania.[101] The Knights helped Sambor fortify his castle at Gorzędziej, but Świętopełk marched with an army from Gdańsk and defeated his brother and the Knights.[102] Sambor fled to his in-laws in Mecklenburg to try to obtain reinforcements, while the Knights went back to trying to conquer Prussia. Świętopełk, however, still faced the revolt of his other younger brother, Racibor, as well as a dispute with his ecclesiastical superior, Bishop Michał of Kujawy, who excommunicated him in 1237.[103] Duke Kazimierz of Kujawy used this as a pretext to invade Pomerania and conquer the town of Bydgoszcz, which lay on the border between Pomerania and Kujawy.[104] Świętopełk compensated for this loss by

[100] Edwin Rozenkranz, "Wojna piętnastoletnia: Pomorze Gdańskie w walce z Zakonem Krzyżackim w latach 1238-1253," *Gdańskie Zeszyty Humanistyczne* 10 (1967), 202-38.

[101] Powierski, "Stellung," 113; It is difficult to say why exactly the brothers fell out. Internecine warfare was certainly common in Poland, usually resulting from inheritance disputes. But, Świętopełk appears to have had a good working relationship with his younger brother Warcisław I, before he died between 1227 and 1233. Perhaps this was because Warcisław and Świętopełk were around the same age, while Racibor and Sambor were almost 20 years younger. It is entirely possible that he continued to treat them more like his children than his brothers, even after they attained their majority. In fact, both Peter of Dusburg and Sambor's own grandson would remember Sambor and Racibor as Świętopełk's sons. [Dusburg III.213; Lites I (2), 282]

[102] Powierski, "Stellung," 114; Rozenkranz, "Wojna," 209"; PIUB #113.

[103] Peter Kriedte, *Die Herrschaft der Bischöfe von Włocławek in Pommerellen: von den Anfängen bis zum Jahre 1409* (Göttingen: Vanderhoeck und Ruprecht, 1974), 76.

[104] Powierski, "Stellung," 115.

capturing his brothers and seizing their lands, and by concluding an alliance with the Prussians, which resulted in the sack of Elbląg and the release of Bishop Christian in 1238.[105]

By 1238, however, most of the parties were ready to make peace. First, Świętopełk made peace with his youngest brother Racibor.[106] Błażej Śliwiński speculates that their sister, Witosława, might have played the role of peacemaker in this dispute, because in 1238 Racibor made a grant to the Premonstratensian convent at Żukowo, where she was a nun.[107] Sambor was not released until March of the following year,[108] but it should be pointed out that Świętopełk also made a substantial donation to Żukowo in November 1239, which was witnessed by Sambor, as well as by their mother.[109] It seems that the women in this family were doing their best to keep the three brothers from killing each other. When their mother died in 1240, Sambor also made a grant to this convent "pro salute anime matris mee."[110] Nothing was said about his brothers, perhaps because he was already planning to break the peace his sister and mother had made. In any case, he was not the only one who was preparing for war.

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[105] Powierski, "Stellung," 115.

[106] Racibor witnesses his brother's treaty with the Knights in June 1238, so he must have been freed before then. [PIUB #65]

[107] Śliwiński, *Poczet*, 43; PIUB #67. In 1246 Witosława (now Abbess of Żukowo) also functioned as a peacemaker in Świętopełk's dispute with the Bishop of Kujawy. PIUB #93: "…illam compositionem, que mediante sorore mea magistra de Succow inter me et venerabilem patrem Michaelem episcopem Cuiauie et Pomeranie fuerit habita…." Bishop Michał also apparently rewarded Witosława with a grant to her convent for her help. PIUB #91.

[108] Powierski, "Stellung," 117.

[109] PIUB #69

[110] PIUB #71 and 72.

Świętopełk also concluded peace treaties with both the Teutonic Knights and the Bishop of Kujawy in 1238, but both of these treaties left the path open for further hostilities. In the treaty made with the Knights in June, Świętopełk promised not to make any alliance with the pagan Prussians, but it did not prevent him from allying with the Prussian neophytes. He also promised that he and the Knights would resolve their boundary dispute at a later time.[111] According to Świętopełk's treaty with the bishop, concluded in November, Świętopełk was forced to pay indemnities for withholding the episcopal revenues from his lands.[112] Świętopełk's infringements of episcopal rights, however, were not limited to the economic realm. In addition to his presumed right to assent to the appointing and discharging of priests, he also thought that he had the right to render judgment and punishment on matrimonial cases.[113] This treaty is interesting, however, not only because of its demonstration of the level at which Świętopełk tried to micro-manage the affairs of his state, but also because it was arbitrated by the two mendicant orders. In fact, this dispute was arbitrated in the Franciscan convent in Inowrocław, in Kujawy, which had been recently founded by Duke Kazimierz of

[111] PIUB #65; the designation for "boundaries" used in this treaty [*metis…que vulgariter graniza dicuntur*] is interesting, because the German word "Grenze" is derived from the Slavic "granica." The inhabitants of the Baltic littoral were thinking in terms of territorially defined space with boundaries of varying degrees of precision long before the Teutonic Knights and other German settlers surveyed the landscape. For an extended analysis with many detailed examples of how boundaries functioned both on the ground and in the minds of the inhabitants of east-central Europe, see Hans-Jürgen Karp, *Grenzen in Ostmitteleuropa während des Mittelalter* (Köln and Wien: Böhlau, 1972); for a detailed analysis of how medieval Poles marked these boundaries, see Ryszard Kiersnowski, "Znaki graniczne w Polsce średniowiecznej," *Archeologia Polski* 5 (1960), 257-87.

[112] PIUB #66.

[113] "Nec instituat nec destituat sacerdotes nisi cum consensus eius. Item causas matrimoniales non iudicet et uxores pro delictis maritorum…." PIUB #66

Kujawy.[114] The introduction of the Franciscans into the Prussian frontier would have a profound impact on the relations between Świętopełk and the Dominicans, because it introduced a challenger to the Dominicans' preeminent place as missionaries to the Prussians. This relationship was already strained because the Dominicans had just founded a convent in Elbląg, which Świętopełk's Prussian allies had sacked, and one of the provisions of the settlement included Świętopełk making amends to the Dominicans of Gdańsk.[115] Jan Powierski argues that the founding of the Dominican convent in Elbląg signified that the Dominicans had already chosen to side with the Knights as leaders of the Prussian mission.[116] This argument is further supported by the fact that the Knights had also founded a Dominican convent in Chełmno in the mid-1230s,[117] and that the papal legate's 1236 mandate to consecrate three Dominicans as the new bishops of Prussia depended upon the "council and assent" of the Knights.[118] In light of this, the Prussian sack of Elbląg had not only harmed the convent in that town, but also hindered the Dominicans' endeavors to control the ecclesiastical structure of Prussia due the reappearance of Bishop Christian. The fact that the Knights founded a Franciscan convent in Toruń in 1239[119] might also have given the Dominicans

[114] Dariusz Karczewski, "Konwent franciszkanów inowrocławskich w średniowieczu," *Ziemia Kujawska* 10 (1994), 13-17.

[115] PIUB #66: "Item precipimus, ut Predicatoribus de Gdanzc, secundum promisit, satisfaciat."

[116] Powierski, "Stellung," 114.

[117] Trupinda, 535.

[118] PrUB I/1 #125.

[119] Labuda, *Dzieje*, 226-7.

pause for concern that their position in Prussia might be undermined if they continued to support Świętopełk.

The sack of Elbląg also strained relations with Świętopełk's other translocal ally – Lübeck, which had founded a colony there in the 1230s.[120] Świętopełk took pains to try to retain Lübeck's support. Around 1240, "causa perpetue amicicie," he significantly lightened and simplified the tolls the Lübeckers had to pay in the port of Gdańsk, and he also freed the merchants completely from *ius naufragii*.[121] In the 1220s the Lübeckers and Świętopełk had negotiated a complex system of tolls and duties depending upon the size of the ships and whether they were sailing up or down the Vistula. The Lübeckers also had to pay a fee for the return of their shipwrecked goods and sailors, which varied depending on the size of the ship.[122] While these concessions significantly lessened the amount of income derived from the Lübeckers, it would be far better than the economic and political disaster that would result from Lübeck fighting against Świętopełk. The Knights, however, could promise more. In December 1242 the Prussian landmaster promised the Lübeckers extensive territorial possessions in Prussia in exchange for their military support.[123]

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[120] Henryk Samsonowicz, "Elbląg w związku miast hanzeatyckich w XIII i XIV w.," *Rocznik Elbląski* 12 (1991), 9-20. *Ius naufragii* was the right of a ruler of a territory to the shipwrecked goods that washed ashore. For an analysis of the evolution of this right in a European context, see Rose Melikan, "Shippers, Salvors, and Sovereigns: Competing Interests in the Medieval Law of Shipwreck," *Journal of Legal History* 11 (1990), 163-82.

[121] PIUB #74

[122] PIUB #33.

[123] The Knights promised that not only could they found a town in Prussia, but that they could also have half of the still unconquered land of Sambia. Rozenkranz, "Prawo," 8-9; PrUB I/1 #140.

By this time, the Knights had also recruited additional allies. Świętopełk's brothers had turned to the Knights by 1242 for aid, and in September Duke Konrad of Kraków (formerly of Mazovia) and his sons, Duke Bolesław of Mazovia and Duke Kazimierz of Kujawy, signed an alliance directed explicitly against Świętopełk, which Bishop Michał of Kujawy witnessed and sealed.[124] The inclusion of Konrad and his sons in this alliance is somewhat surprising, considering that just two years earlier Konrad and Bolesław had complained to the papal legate, William, that the Knights were trying to take the land of Lubawa from them, a land they claimed that "their ancestors acquired from the hands of the Prussians with their sword and shield."[125] The Knights responded to this by reminding the dukes that they had been invited to Prussia because the dukes were too weak to defend even their own patrimony, so it was unlikely that they actually possessed these other lands.[126] The fact that this dispute was finally resolved only in their treaty with the Knights against Świętopełk demonstrates just how much of a threat the dukes of Mazovia considered him to be. The main reason for this coalition seems to be that Świętopełk was trying to control navigation on the Vistula. In order to fill the ducal coffers and take advantage of the strategic location of his duchy, Świętopełk built a fort along the Vistula at Sartowice, and began collecting tolls from ships traveling on the Vistula.[127] The two main

[124] PlUB #78.

[125] PrUB I/1 #132: "…parentes eorum et ipsi acquisissent eam manibus Prutenorum cum gladio et clipeo suo."

[126] PrUB I/1 #132: "Ad quod respondebant fratres et Pruteni, qui erant ibi, hoc non esse verisimile necque verum, cum nec Mazouiam, que est ducum hereditas, a Prutenis potuerint defendare."

[127] Labuda, HP I/1, 446.

towns in the *Ordensstaat* – Chełmno and Toruń – were upstream of this fort, so the Knights would have to pay tolls on all the ships going to and from these towns to western Europe. This annoyed the Polish dukes as well, who were also upstream of Świętopełk's duchy. In addition, both Duke Kazimierz and the Teutonic Knights had captured some of Świętopełk's castles on the Vistula in the previous conflict, so it seems that both parties were concerned with the free movement of goods and people along this river. This is stated explicitly in the treaty: "We [the Polish dukes] promise truly to the mentioned brothers [the Knights], that their men…should be immune from all exactions both in the waters and the lands in the Duchy of Pomerania."[128] The Vistula River, which had just a decade earlier demarcated the boundary between Christendom and paganism, had now become a vital economic and military artery, which all the surrounding rulers were eager to control.

There were still two other figures with claims to both jurisdiction over the Vistulan delta and direction of the Prussian mission – Bishop William of Modena and Bishop Christian of Prussia. Christian's release from captivity had placed William in an awkward position. William had supported the Knights as the military and spiritual leaders of the mission in Christian's absence, and after his release Christian began to complain to the pope about not only the injustices the Knights had inflicted upon him – seizing Santyr and usurping his episcopal rights – but also how they were hindering the Prussian mission by preventing pagans from being baptized and oppressing the neophytes.[129]

[128] PIUB #78: "Promisimus vero fratribus memoratis, quod homines eorum tam per aquas quam per terras in ducatu Pomeranie ab omni exactione…sint immunes…."

[129] PrUB I/1 #134.

Gregory seems to have been troubled by Christian's complaints, and he appointed several clerics to investigate these charges in 1240.[130] Unfortunately for Christian, Gregory died a year later, and his successor was not as receptive to his complaints. In July 1243, one month after ascending the papal throne, Pope Innocent IV ordered William to divide Prussia into four dioceses.[131] At the same time he also informed Christian of what he had done, and told him to pick one of them as his new bishopric.[132] In the fall of 1243, Christian prepared a vidimus of all the rights granted to him by Innocent IV's predecessors – Innocent III, Honorius III, and Gregory IX – which was witnessed by the abbots of eleven Cistercian monasteries in France, Germany, and Poland, and then sent to the pope.[133] Curiously, the abbots of both Christian's former monastery of Oliwa and Oliwa's mother house of Kołbacz were absent. In fact, all of the abbots were from monasteries belonging to the Morimund branch of the order, including Morimund itself. It is difficult to tell why Oliwa had refused to take part. Perhaps Oliwa had already felt enough of the destructive effects of Świętopełk's conflict with the Knights.[134] Or perhaps, they were just ready to cede the role that they had previously held in the mission. At the same time that Christian and the Cistercian abbots were submitting their complaint to the pope, Innocent IV was entrusting the preaching of the Baltic crusade exclusively to the

[130] PrUB I/1 #134.

[131] PrUB I/1 #142 and 143; Innocent's election actually took place almost two years after Gregory's death, a period in which the papal throne sat vacant after the two-week reign of Celestine IV in the fall of 1241.

[132] PrUB I/1 #144.

[133] PrUB I/1 #153.

[134] *Chronica Olivensis*, MPH VI, 353.

Dominicans.[135] Three years later the Cistercian Chapter General decided that "monks of the Order were to recite the Seven Penitential Psalms and seven Our Father's for the success of the Dominican and Franciscan missions," effectively marking "the end of the Cistercian missions."[136]

In spite of the declining position of the Cistercians in the Prussian mission, Christian apparently still commanded the respect of some of the Prussian neophytes. Jan Powierski has suggested that Christian might have played a role both in inciting the Prussians to rebel and in having them submit to Świętopełk's leadership.[137] In the winter of 1242/3 war broke out between Świętopełk and his allies – the Prussian neophytes – and the Teutonic Knights and their allies – the dukes of Poland, Świętopełk's brothers, and Lübeck. Duke Kazimierz of Kujawy and Duke Przemysł I of Great Poland invaded Pomerania from the south and seized the borderland castles of Wyszogród and Nakło respectively.[138] Przemysł, however, abandoned the war after capturing Nakło, and despite Kazimierz's continued support, Świętopełk and the Prussians still managed to capture most of Prussia from the Teutonic Knights in 1243-4.[139] At this stage in the conflict, Lübeck's aid proved to be invaluable to the Knights, who had lost all of their holdings except for five centers on the Baltic coast and the Vistula River.[140] The Lübeckers' fleet kept these isolated centers supplied and disrupted communications between

[135] PrUB I/1 #146, 148, 151.

[136] Lekai, *Cistercians*, 62.

[137] Powierski, "Stellung," 120.

[138] Powierski, "Stellung," 121.

[139] Powierski, "Stellung," 121.

[140] Rozenkranz, "Prawo," 9-10.

Świętopełk and his Prussian allies on the other side of the river. By 1244, with Lübeck's help, the Knights had recovered most of their lands. Unfortunately for the Lübeckers, however, the Prussian landmaster who had signed the agreement promising them lands in Prussia was removed from his post, and now that the danger had passed his replacement was unwilling to bestow such generous grants.[141] These events set off a series of disputes between Lübeck and the Knights, which lay beyond the scope of this chapter but are of great interest for studying competing forms of "German law."[142] In any event, at this time the Lübeckers appears to have given up on both of their former allies. They set out for Sambia in 1246, conquering for themselves the pagan lands promised to them by the Knights, and returned to Lübeck with pagans whom they baptized in the Church of St. Mary, broadcasting their rights to this land in a large public spectacle.[143] The Lübeck town council also sent a letter to the Knights boasting about these events.[144]

At this same time, relations between the Knights and the papacy were also beginning to break down, because William had been recalled to Rome to prepare for the First Council of Lyons.[145] At first it appeared that this change in leadership of the Prussian mission would not affect the Knights' relationship with the papacy. In the first week of February 1245, Pope Innocent IV decided to deal with both Świętopełk and Christian. He wrote a letter to the new papal

[141] Rozenkranz, "Prawo," 10.

[142] See Rozenkranz, "Prawo," 10-16.

[143] Urban, *Baltic*, 178; *Lübeckisches Urkundenbuch*, vol. I (Lübeck: Asschenfeldt, 1843), #194.

[144] PrUB I/1 #189.

[145] Urban, *Baltic*, 179.

legate, Henry, a Dominican who had served as William's chaplain,[146] telling him to inform Christian that he had to take possession of one of the new Prussian bishoprics within two months, or else lose his episcopal rights.[147] In addition, he wrote a letter to the Knights, praising them for fighting for the faith in Prussia,[148] and he also informed them that William's chaplain, Henry, would be taking over William's duties, because his presence was needed at the papal curia.[149] What he did not tell them, however, was that he had instructed Henry and the Archbishop of Gniezno to lift the sentence of excommunication that had been imposed on Świętopełk and his Prussian allies if they did penance for their sins.[150]

Innocent also wrote a letter to Świętopełk himself, condemning him for the fact that even though he had been excommunicated for eight years (he was excommunicated by the Bishop of Kujawy in 1237), he continued to ally himself with pagans against the Knights and crusaders, stating that "those who hear about the excess of such an error are astounded."[151] After this condemnation, however, the tone of the letter changes, as he implores Świętopełk to change his ways:

> Thus, we entreat you by the cross and blood of the lord Jesus Christ…to return to the pious bosom of mother Church and to the business of Christ, which is carried out in Prussia…so that from this you

[146] PlUB #82.

[147] PrUB I/1 #166.

[148] PlUB #83 and PrUB I/1 #162.

[149] PrUB I/1 #164.

[150] PlUB #82 and #84.

[151] PlUB #81: "Stupent, qui audiunt tanti erroris excessum…."

> will position yourself favorably in the kingdom of heaven, and the apostolic see, which obtaining the lands of Chełmno and Prussia, accepted as it is known justly and as the property of St. Peter, from this will hold you in special graces.[152]

Despite all of Świętopełk's transgressions, Innocent still thought of him as a partner in the Prussian mission, and despite referring to him in his letter to the Archbishop of Gniezno as "an enemy of God and persecutor of the faith,"[153] he still appealed to the spiritual rewards that awaited Świętopełk if he once again joined the Prussian crusade [*negotium Christi, quod in Pruscia geritur*]. Apparently Świętopełk took Innocent's words to heart, because the Knights' chronicler, Peter von Dusburg, noted that Świętopełk, who "the day before was so hard-headed and obstinate in his perfidy," now "wanted to return to the bosom of holy mother Church."[154] Although this was a common enough expression, and Dusburg was writing 80 years after the fact, his work was based on earlier written accounts, so it seems that Świętopełk might have genuinely feared that his soul was in danger. After all, getting a letter from the pope was a pretty big deal for a minor duke like Świętopełk, and in addition to the heavenly rewards, Innocent had also promised his special graces. In any

[152] PIUB #81: "Te itaque per domini Jhesu Christi crucem et sanguinem obsecramus…ad pium rediens matris ecclesie gremium negotium Christi, quod in Pruscia geritur…ut ex hoc celi regem constituas tibi proprietatem beati Petri recepisse dinoscritur, ex hoc tibi ad special es gratias teneatur."

[153] PIUB #84: "hostis dei et fidei persecutor."

[154] Dusburg III.39: "…pridie tam dure cervicis fuit et obstinatus in perfidia…vellet redire ad sancte matris ecclesie gremium…."

event, this treaty was not confirmed until October of the following year,[155] after Innocent had dispatched a new legate to Prussia, Abbot Opizo of Mezzane.[156]

As Jan Powierski and William Urban have pointed out, 1246 marked a sea change in relations between the papacy and the Knights. Jan Powierski has argued that not only did Opizo release Świętopełk from the ban of excommunication imposed by the Bishop of Kujawy,[157] but he also might have excommunicated the Knights.[158] At the First Council of Lyons in 1245 Innocent had excommunicated and deposed Emperor Frederick II, who had been a staunch supporter of the Knights. During this conflict between Frederick and Innocent, the Knights occupied a precarious place, because both men believed that the Knights were working as the agents of their enemy. As a result, Frederick seized their possessions in Sicily, while Innocent pressured them in Prussia.[159]

The Knights also experienced an illusory victory when Bishop Christian of Prussia died in December 1245, as Innocent then decided to establish an archbishopric in Prussia, to be governed by the then Archbishop of Armagh, Albert Suerbeer.[160] Because the Knights did not want to submit to an

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[155] PIUB #93.

[156] Innocent wrote to Henry on 7 October 1245 informing him that Opizo was taking over control of the Prussian mission. PrUB I/1 #170.

[157] As noted above, this was made possible because Świętopełk's sister had mediated an agreement between her brother and the bishop. PIUB #93.

[158] Powierski, "Stellung," 122; *Tabulae ordinis Theutonici*, ed. Ernst Strehlke (Berlin: Weidmann, 1869; reprint, Toronto and Buffalo: University of Toronto Press, 1975) #499, 504, 507.

[159] "From the Holy Land to Prussia: The Teutonic Knights Between Emperors and Popes and the Policies until 1309," in *Mendicants, Military Orders, and Regionalism in Medieval Europe*, ed. Jürgen Sarnowsky (Aldershot, UK and Brookfield, VT: Ashgate, 1999), 73.

[160] Powierski, "Stellung," 123; PrUB I/1 #176; see also Urban, *Prussian*, 199-213.

archbishop, they told him it was unsafe in Prussia, so he went to Lübeck, the staging ground of the Baltic missions, and occupied the vacant bishopric there.[161] His treatment by the Knights encouraged Albert to become Świętopełk's ally. However, because he was kept away from Prussia, the Duke of Pomerania had to deal with another new papal representative, Archdeacon Jacques of Laon – the future Pope Urban IV (1261-4), who would take a much harsher stance on Świętopełk's activities than Opizo had done.[162]

In October 1247, before the appointment of the new legate, the Archbishop of Gniezno and the Bishop of Chełmno had met on an island in the Vistula (which separated their two provinces) to try to arbitrate a more permanent settlement for the dispute between Świętopełk and the Knights.[163] This agreement would serve as a guide for Jacques, who had been commissioned by the pope to make a long-lasting truce [*tamdiu*].[164] It should be underscored that Świętopełk's Prussian allies are now referred to as "neophytes," where previously they had been called "pagans." Although, as noted above, the fourteenth-century chronicles of the Poles and the Teutonic Knights depicted Świętopełk as an enemy of the faith who encouraged his Prussian allies to apostatize, there is little contemporary evidence to support this view. The papacy never once used its main weapon – the crusade –

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[161] Urban, *Prussian*, 201; Urban, *Baltic*, 180.

[162] Innocent had appointed Cardinal-Deacon Peter Capocci of St. George as his legate to Poland and Pomerania in March 1247 (PlUB #94), but he apparently never made it there, because Archdeacon Jacques of Laon was appointed legate of Poland, Prussia and Pomerania in November (PlUB #97, 98, 99, 99a, 99b). Peter was appointed legate to Spoleto, Ancona, Tuscany, and Campagna-Marittima in April 1249. [D. P. Waley, "Constitutions of the Cardinal-Legate Peter Capocci, July 1249," *English Historical Review* 75 (196), 660-4]

[163] PrUB I/1 #194 and PlUB #96.

[164] PlUB #100.

against Świętopełk. Although there were plenty of crusaders in Prussia who certainly participated in the conflict against the Duke of Pomerania, crusading privileges were never granted explicitly to fight Świętopełk. Instead, the popes treated him as they did any intransigent Christian ruler, with threats of excommunication. This weapon would have been of little use against an apostate. In fact, as noted above, the pope did not just want Świętopełk to stop fighting the Knights. He was recruiting him to take an active part in the Prussian crusade once again. As for Świętopełk's allies, the true nature of their religiosity was revealed by the Peace of Christburg, in which they were represented as true Christians. This lengthy document, which the legate and the Bishop of Chełmno negotiated with Świętopełk's Prussian allies in February 1249,[165] served as something of a constitution for the Prussian inhabitants of the nascent Teutonic *Ordensstaat*. It guaranteed the Prussian neophytes expansive rights and privileges and protected them from the undue exactions that Bishop Christian had complained about and which had probably prompted the Prussians to rebel.

Świętopełk, however, did not fare as well. This was due in large part to the fact that the issue that had alienated the Knights from the pope – the Knights' longstanding support for Emperor Frederick II – was not as pressing for Innocent after Frederick's army was defeated in the Battle of Parma in February 1248.[166] In the peace settlement mediated by the papal legate in November 1248, Świętopełk was forced to give several disputed borderland

[165] PrUB I/1 #218; for a discussion of the privileges granted to the neophytes see Urban, *Prussian*, 209-12.

[166] See Joseph R. Strayer, "The Political Crusades of the Thirteenth Century," in *A History of the Crusades. Volume 2: The Later Crusades 1189-1311*, ed. Robert Lee Wolff and Harry W. Hazard (Madison: University of Wisconsin Press, 1969), 355.

territories to the Knights and was denied the right to claim any indemnities from the Knights for the lands he lost to the Polish dukes.[167] It was a humiliating peace, and to make matters worse, the following month Jacques excommunicated Świętopełk because of his mistreatment of his brothers, who were awarded the lands that Świętopełk had seized from them.[168]

Having failed in his attempt to use translocal organization to accomplish his expansionist goals, Świętopełk now turned to the only other people who seemed to be dissatisfied with the Knights' leadership of the Prussian mission, the displaced members of the Prussian ecclesiastical hierarchy – Archbishop Albert of Prussia and Bishop-elect Tetward of Sambia.[169] Tetward's bishopric was still unconquered by the Knights, while the archbishop was still sitting in exile in Lübeck. Because of these two ecclesiastics' associations with both Lübeck and Dominicans, Świętopełk also attempted to use these men to reestablish relations with his original allies from the 1220s. Albert was both a Dominican and the Bishop of Lübeck, while the Dominican Tetward was the titular Bishop of Sambia, the region of Prussia that had been promised to Lübeck by the Knights in exchange for their help fighting Świętopełk. The Duke of Pomerania hoped to resolve his dispute with Lübeck in order to reestablish Gdańsk as an entrepôt for the region, just as he also hoped that by winning over the Dominicans to his cause, they might plead his case to the papacy in order to ease the harsh conditions of the peace imposed on him by the papal legate. But, at the same time, his dispute with Bishop Michał of

[167] PlUB #110 and 111

[168] PlUB #114.

[169] Powierski, "Stellung," 126; Labuda, HP I/1 527; PrUB I/1 #225.

Kujawy had taught him that the only way to be truly independent from the Polish dukes was to remove the Archdeaconate of Pomerania from the bishopric of Kujawy, so that he could more easily control the ecclesiastical revenues. It seems, therefore, that he also sought to take advantage of the changing episcopal system that was emerging in the Baltic to free his duchy from the Polish church.[170]

Unfortunately for him, his attempts to use these men to renegotiate a settlement with the papal legate, reestablish friendly relations with the Dominicans and the Lübeckers, and found an autonomous bishopric in Pomerania all proved to be unsuccessful. To begin with, Albert was a highly divisive figure, who refused to negotiate with the Knights' legates. When one legation came to Lübeck in July 1249, Albert stayed out of town for over a week, because he was occupied with "other business," and both the Dominicans and Franciscans witnessed the legate's complaint about the archbishop's intransigence.[171] In October, Innocent informed both parties that they had to appear before him in Lyons by the following Easter.[172] The settlement reached by the judges-delegate in this dispute, including the former papal legate in Prussia, Bishop William of Modena, did not really settle anything. William and his colleagues essentially told Albert and the Knights to lump their losses and get on with the business of running the crusade [*crucis et fidei negotium*].[173] Nothing was said about the fact that Albert was

[170] For an analysis of Tetward's activities, see Bruszewska-Głombiowska, 173-8.

[171] PrUB I/1 #223; the Knights' legate had Lübeck's mendicants bear witness to the fact that Albert had made no attempt to contact him during his stay in the city.

[172] PrUB I/1 #225.

[173] PrUB I/1 #240.

prevented from taking up his office in Prussia. In fact, this settlement was designed to bury the past in order to plan for the future. One of the provisions of the settlement was that "if pagans of any land want to convert to the faith, the same archbishop with the bishops and above said brothers [the Teutonic Knights] should receive them kindly and benevolently under tolerable and decent conditions."[174] The papacy, in fact, already knew which people would be converted, because Mindaugas, the ruler of Lithuania had approached the Teutonic Knights about the possibility of an alliance with them against a rebellious province in exchange for his conversion to Christianity.[175] The dispute between Albert and the Knights was hindering the Lithuanian mission. In order to end it, the pope agreed in March 1251 that Albert would be given Riga in Livonia as his see after the death of the bishop there.[176] The attention of the papacy as well as Archbishop Albert was now focused further east on Livonia and Lithuania, which meant that Świętopełk was losing his leverage as defender of the Prussian mission.

Świętopełk then turned to Tetward, the Dominican Bishop-elect of Sambia, whom the Knights were still preventing from entering his bishopric.[177] The Duke of Pomerania hoped for a great deal from his alliance with Tetward. First, he wanted Tetward to help him reestablish friendly relations with the Dominicans and through them with the papacy. He also saw in him the

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[174] PrUB I/1 #240: "…si pagani alicuius terre ad fidem converti voluerint, idem archiepiscopus cum episopis et fratribus supradictis eos comiter et benigne suscipiet sub conditionibus tollerabilibus et honestis."

[175] S.C. Rowell, *Lithuania Ascending: a Pagan Empire in East-Central Europe, 1295-1345* (Cambridge: Cambridge University Press, 1994), 51.

[176] PrUB I/1 #241; Urban, *Baltic*, 186.

[177] Labuda, HP I/1, 527.

possibility of reestablishing friendly relations with Lübeck, who as mentioned above had conquered part of Sambia, despite the fact that the Knights reneged on their promise to grant this land to Lübeck. Finally, he granted Tetward all of the Bishop of Kujawy's possessions in Pomerania in hopes of securing an autonomous bishopric.[178] None of these actions succeeded; instead, they led to Świętopełk's final settlement with the Knights in 1253.

As noted above, the Dominicans had succeeded in replacing the Cistercians as the papacy's directors of the Prussian mission in the 1230s and 1240s. By the 1250s, however, their preeminent position was beginning to be challenged by both the Franciscans, who came to Prussia a decade after the Dominicans, and the Teutonic Knights themselves. Although Archbishop Albert was a Dominican, as were Bishops Heidenrich of Chełmno and Ernst of Pomezania, in 1249 Innocent IV named Heinrich von Strittberg, a priest of the Teutonic Knights, as Bishop of Warmia.[179] Heinrich was replaced in 1251 by Anselm von Meißen, another priest of the Teutonic Knights.[180] Also, despite the fact that the Dominican Heidenrich crowned Mindaugas King of Lithuania in 1253, the Knights also succeeded in getting a priest from their order installed as Bishop of Lithuania.[181] In this climate, there was little that Tetward could do, and in February 1253 he, in fact, lost his own office to the Franciscan John of Dist[182] after the Franciscans in Toruń complained about

[178] Labuda, HP I/1, 527.

[179] PrUB I/1 #219.

[180] Gerard Labuda and Marian Biskup, *Dzieje zakonu krzyżackiego w Prusach: gospodarka – społeczeństwo – państwo – ideologia* (Gdańsk: Wydawnictwo Morskie, 1986), 169.

[181] Kłoczowski, "Dominicans," 87; PrUB I/1 #273.

[182] Labuda, *Dzieje*, 169; *Urkundenbuch des Bistums Samland*, ed. C.P. Woelky and H. Mendthal, vol. 1 (Leipzig: Duncker and Humblot, 1891), #18.

Świętopełk's alliance with pagans and acts of violence against the Prussian neophytes.[183]

Tetward's attempts to make amends with Lübeck in Świętopełk's name had, however, met with some interest at meetings in Wismar in June 1251,[184] and Lübeck in April 1252.[185] Nevertheless, a Lübeck colony would not return to Gdańsk until 1263.[186] The Lübeck merchants had begun to look further east, and Świętopełk had lost his connection to the city after Tetward was charged in June 1253 with unjustly occupying lands belonging to the Bishop of Kujawy.[187] Already removed from his bishopric in Sambia, he was then denied his claim to found a new bishopric in Pomerania. After this, he disappears from the historical record.

In 1253, Świętopełk was reminded that he must live alongside not only Poles and Germans, but also the Slavic rulers of West Pomerania, when Duke Barnim I invaded his western frontier in an attempt to recover the Sławno and Słupsk lands,[188] which Świętopełk had taken in the 1220s and 1230s.[189] In 1253 Świętopełk also received his last papal bull. In this letter Innocent reminded him that "finally after the divisions of wars, the massacre of many, and much damage," [*tandem post guerrarum discrimina, multorum stragem et plurima dampna*] his legate, Jacques, had made a peace which he had sworn

[183] PrUB I/1 #259.

[184] PlUB #133.

[185] PlUB #137.

[186] PlUB #204.

[187] PlUB #138.

[188] Powierski, "Stellung," 126.

[189] Labuda HP I/1, 405-6.

to and signed with his seal, but which he broke all the same.[190] There was no attempt to reenlist Świętopełk in the Prussian crusade, and the peace treaty that he did finally sign with the Knights in July 1253 all but precluded him from participating in any more crusades, because if he entered the Knights' lands with a force of 100 knights or more, he would have to cede Gdańsk to the Knights.[191] It was unlikely that Świętopełk would take the chance that his knights would be interpreted as crusaders rather than invaders or that the Knights would even ask for his help. This was the end of Świętopełk's career as marcher lord for the papacy.

In the end, Świętopełk's associations with the emerging translocal organizations that would come to dominate the Baltic – the Teutonic Knights, the Dominicans, and Lübeck – proved to be an unsatisfactory path to state formation. While Świętopełk did eventually normalize relations with Lübeck ten years after the end of the war, his brother, Sambor, had already cultivated relationships with all of the economic powers of the region. Sambor founded his own Lübeck colony in his port city of Tczew and also granted the burghers from towns in the *Ordensstaat* – Chełmno,[192] Toruń,[193] and Elbląg[194] – freedom from tolls in his lands. In addition, he rewarded the Teutonic Knights with extensive lands in the Vistula basin.[195] Needless to say, Świętopełk no

[190] PlUB #144 and PrUB I/1 #264.

[191] PlUB #156 and PrUB I/1 #271: "…si nos deinceps terram predictorum magistri et fratrum cum centum viris equitibus vel pluribus hostiliter invaserimus…castrum Danense et erra cum pertinentiis omnibus ad predictorum fratrum dominium devolvatur…."

[192] PlUB #136 and PrUB I/1 #257.

[193] PrUB I/1 #258.

[194] PlUB #161 and PrUB I/1 #318.

[195] PlUB #134 and PrUB I/1 #254, PlUB #145 and PrUB I/1 #263; PlUB #159 and PrUB I/1 #283.

longer supported the Knights. Nor did he fight against them, however. When the Prussians rebelled again in 1260, he sat on the sidelines, letting the Knights determine the development of this new Christian land.[196] Instead, he chose to further endow his ancestral monastery of Oliwa,[197] which had also given up on playing any role in directing the Prussian mission. Oliwa's association with Świętopełk would continue to cause the monks many problems, even after he had made peace with the Knights, because Sambor tried to take lands belonging to what he thought of as Świętopełk's monastery in order to found his own Cistercian monastery and further develop his own nascent duchy.[198] This led to a long-lasting dispute, but it was one that was left to his eldest son, Mściwój, to resolve. In 1266 Świętopełk died and was buried with his ancestors at Oliwa.

Conclusion: The Closing of the Vistulan Frontier[199]

The frontier Duchy of Pomerania had loomed large in the ambitions of the westerners who flooded the pagan-Christian frontier in the first decades of the thirteenth century. Within a generation, however, this former bridgehead had become a roadblock. Whereas the Vistula had been the boundary of

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[196] Powierski, "Stellung," 127; for the Great Prussian Uprising, see Urban, *Prussian*, 243-68.

[197] PIUB #202 and 209.

[198] See chapter 2.

[199] I borrow the title of the conclusion from Archibald R. Lewis, ["The Closing of the Medieval Frontier 1250-1350," *Speculum* 33 (1958), 475-83], but I am using this concept in a very different way. Lewis' comment that "in Eastern Europe after 1250 one notices a similar contraction of Western European influence" cannot be supported. (479) The Teutonic Knights continued to expand to the east in the late thirteenth century, and during this same time the Lübeck merchants formed the Hanse, which linked the markets of eastern and western Europe. In fact, it was the expansion of the frontier further to the east that closed the Pomeranian frontier.

Christendom, with the first Prussian episcopal see located just across this boundary, within a few decades the conquests of the Teutonic Knights and King Mindaugas of Lithuania's conversion to Christianity in 1251 had pushed the bounds of Christendom considerably further east.[200] By mid-century it looked to the papacy as if paganism would be wiped out in Europe if not for troublemakers like Świętopełk, who were inciting the neophytes to revolt. Świętopełk had earlier managed to locate himself and his duchy at the vanguard of papal plans for the then terra incognita, which resulted in the papacy legitimizing Świętopełk's independence from the Polish dukes in 1227 and 1231. The papacy continued to try to cultivate Świętopełk's help in the Prussian crusade throughout his conflict with the Knights, up until 1253. At this point Pope Innocent IV came to view him as an impediment to the Teutonic Knights' further conversion of the pagan Baltic peoples, so he was commemorated in the final bull as an enemy of Christendom.

The memory of Świętopełk's accomplishments also suffered at the hands of the Teutonic Knights and the Polish rulers, who contended over this duchy in the decades after his death. His role in the Prussian mission was written out of their histories, as they attempted to bury the memory not only of Świętopełk, but also of the borderland society that had allowed him to emerge as an independent ruler. Fourteenth-century Poles and Teutonic Knights attempted to impose their own competing, simplified visions of order on a complicated world of overlapping political, ecclesiastical, and economic jurisdictions and ever-changing markers of group and individual identity.

[200] It should be pointed out that the Lithuanian mission was a complete failure, ending with Mindaugas' apostasy and eventual murder in 1263. Rowell, *Lithuania*, 51.

By the time of the 1320 and 1339 trials, as we will see in chapter 5, the Polish witnesses had completely forgotten about Świętopełk, while his son, Mściwój, was commemorated as a loyal Polish prince, who held Pomerania in the name of the Kingdom of Poland, to which this land had belonged *ab antiquo*. Similarly, as mentioned above, some early fourteenth century Polish chroniclers remembered the early Pomeranian dukes as royal officials in a kingdom which did not exist.

At the same time, the Teutonic Knights, who since 1308-9 had been in possession of the Duchy of Pomerania, vilified Świętopełk's state-formation activities. Peter von Dusburg, whose criticism of the Duke of Pomerania has been outlined above, has Świętopełk imparting these words to his heirs on his deathbed:

> After the war arose between me on the one hand and the brothers of the German House on the other, I always grew weaker; I fought against them by fair means and foul and in all kinds of ways, but I accomplished nothing, because God is with them and fights for them. Therefore my counsel is that you never oppose them, but honor them with all reverence.[201]

Even this long-vanquished troublemaker had to be made to recognize the Teutonic Knights' destiny to found a territorial state on the Baltic littoral.

In the end, the monks at Oliwa were the only ones to preserve Świętopełk's memory and that of the borderland society of the thirteenth century. They were still affected by the memory of this borderland. Although

[201] Dusburg, III.128: "'Postquam inter me ex una parte et fratres domus Theutonice ex altera bellum crevit, ego semper decrevit; per fas et per nefas et modis variis impugnavi eos et non profeci, quia Deus cum eis est et pugnat pro eis. Unde consulo, quod nunquam vos eis opponatis, sed cum omni reverencia honorate."

the Teutonic Knights were lords of Pomerania in the fourteenth century, many rulers from different states had held it in between Świętopełk's death and the Knights' conquest in 1308/9. In order to preserve the memories of the grants made by all their former benefactors, the monks could not buy into the emerging statist discourse of Poland and the *Ordensstaat* which attempted to appropriate the memory of Pomerania for political purposes. This is the context for their two chronicles – one written in the middle of the fourteenth century, the other written some time earlier[202] – both of which praised Świętopełk. Both of these authors were probably ethnic Poles or Pomeranians.[203] But the following chapters will furnish frequent illustrations of the ways that the abbots of Oliwa functioned as their lords' advocated during the Knights' occupation of Pomerania. This perhaps explains why the author of the earlier chronicle went to such pains to reconcile the Knights' memory of Świętopełk with the institutional memory of his monastery:

> …and although the aforesaid prince, as is written above, had done so much against the brothers and the order, I think, nevertheless, that he did not do such things without good reason, especially since the ancient monks of Oliwa in his day, who knew his life best, left behind in writing such excellent things concerning his virtues: that he was merciful, a

[202] According to Jarosław Wenta, the *Chronica Olivensis* [MPH VI, 310-50] was written in the 1350s or 1360s, while the *Exordium ordinis Cruciferorum seu Chronica Prussia* [MPH VI, 290-309] cannot be accurately dated, except that it must have been written before the other chronicle and some time after Świętopełk's death. [Jarosław Wenta, *Studien über die Ordensgeschichtsschreibung am Beispiel Preußens* (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 2000), 225].

[203] Wojciech Kętrzyński, the editor of these works points out that the author of the earlier work was probably Polish, because he used Polish names for people and places rather than their German equivalent while the author of the later chronicle was the abbot of the monastery with the Polish name Stanisław. [MPH VI, 284, 269] "Pomeranian" does not figure as a separate ethnic category for the editor.

> lover of God and his servants, especially the religious [i.e. monks and friars]; moreover, he was a just judge, first of widows and orphans, then of others; in addition, he was a doughty defender of his lands and men, a clement judge, yet not so severe an avenger of wrongs done to his own person.[204]

This monk represented Świętopełk as the perfect lord, especially to his predecessors. Of course, it is difficult to determine whether this author actually believed this, or whether he, like Peter von Dusburg, was just instrumentalizing Świętopełk's memory for his own purposes – to instruct his present lords in the requirements of good lordship, by demonstrating that even the Knights' most bitter enemy possessed these excellent qualities. Yet, as members of a translocal organization charged with the preservation of Świętopełk's deeds and the salvation of his soul, the Cistercians of Oliwa's spiritual and temporal welfare depended on making sure that this duke's memory was not buried by either the Kingdom of Poland or the Teutonic *Ordensstaat*. As we will see in the following chapters, the critical distance that Oliwa could take in these disputes over the memories of the past was not often available to others.

[204] MPH VI, 305-6: "…et licet prefatus princeps talia, ut prescriptum est, contra fratres et ordinem fecerit, estimo tamen ipsum sine ractionalis motionis causa talia non fecisse, precipue cum fratres antiqui monachi Olyvenses ipsius contemporanei, qui vitam ipsius optime noverunt, de virtutibus suis talia reliquerunt in scriptis: quod fuit misericors et amator Dei et servorum eius, maxime religiosorum; fuit eciam iustus iudex primo viduarum et orphanorum, deinde aliorum; fuit insuper strennuus defensor terrarum suarum et hominum, clemens iudex nec serverus ultor iniuriarum in personam suam illatarum."

CHAPTER TWO

DEALING WITH THE PAST AND PLANNING FOR THE FUTURE: CONTESTED MEMORIES, CONFLICTED LOYALTIES, AND THE PARTITION AND DONATION OF POMERANIA

The previous chapter has suggested ways in which Świętopełk attempted to take advantage of his duchy's position on the frontier of Latin Christendom to build a state independent of the Polish dukes, which was legitimized by his role as a marcher lord of the papacy. Yet, when the Teutonic Knights quickly pushed this frontier further east, his duchy was transformed into a borderland state, subject to his neighbors' predations. Although Świętopełk maintained the peace with the Teutonic Knights until his death and did not take any further military actions against his brothers or participate in the Great Prussian Uprising of 1260, he was left to deal with the internal and external complexities of ruling a borderland duchy. He fought border wars with the neighboring Polish and west Pomeranian dukes, and he had to contend with his brothers' state-formation activities in lands that bisected his own.

This contentious situation was exacerbated by Świętopełk's division of his possessions between his sons following his death in 1266. Warcisław II, the younger son, was for some reason awarded the northern and more prosperous lands of the duchy, centered on the port of Gdańsk and the family's ancestral monastery at Oliwa. Mściwój II – despite the fact that he was the eldest son, had fought beside his father for more than two decades, and had been held as surety by the Teutonic Knights during their dispute with his father – was relegated to the geographically more extensive but

economically and strategically weaker southern lands of the duchy, centered on the recently founded city of Świecie. Historians have long debated why Świętopełk favored his younger son at the end of his life,[1] but whatever his motivations for doing so, they sowed the seeds for a new period of internecine warfare along the south Baltic littoral. Mściwój was determined to capture the lands to which he thought himself entitled, just as Warcisław was determined to remove this pretender. The two brothers' uncles, Sambor and Racibor, whose lands bisected those of Mściwój and Warcisław, were unavoidably drawn into the ensuing conflict, and as in the wars of the 1230s-1250s, so too were their neighbors.[2]

In the series of internecine wars that broke out almost immediately after Świętopełk's death, all four Pomeranian dukes scrambled to ally themselves with one or more of the surrounding predatory lordships. Although they tried to take advantage of the existing rivalries among their neighbors to strengthen their own positions, in the end, all of them had promised parts or the entirety of their duchies to their allies. When the wars finally ended, Mściwój, the last man standing, was left to deal with his neighbors' competing claims on his newly acquired lands. These unfinished narratives of dispute would lay the foundation for the fourteenth-century claims to this duchy made by the Teutonic Knights and the kings of Poland. In order to understand the

[1] A number of historians have drawn attention to the fact that in the last year of his life, he referred to Warcisław as "dilectissimus filius meus" in the witness list of a charter [PIUB #208], suggesting from the superlative that Świętopełk had come to favor the only surviving son from his second and still living wife over his middle-aged son from his previous marriage. See for example, Śliwiński, *Poczet*, 54; Powierski, "Układ kamieński," 11.

[2] For the division of the territories, see Labuda, HP I/1, 529-30.

complexities of these competing claims, it will first be necessary to analyze the chain of events that set them in motion.

The Pomeranian Civil War, 1266-73

Even before Świętopełk's death in January 1266, his sons and brothers began cultivating relationships with the surrounding rulers to strengthen their own positions. The first to do so were Świętopełk's brothers. As the previous chapter has illustrated, the Teutonic *Ordensstaat* was built not only through conquest, but also through the pious donations of the surrounding Polish and Pomeranian secular and ecclesiastical authorities. The Knights did run afoul of some of their former benefactors (for example, the dukes of Mazovia's disputes with the Knights in 1235 and 1240, described in the previous chapter), but most of the neighboring dukes still believed in the Knights' cause, including Świętopełk's brothers, Racibor and Sambor, who rewarded the Knights for the help in their dispute with Świętopełk by granting them extensive lands in their recently restored possessions.

As described in the previous chapter, Racibor had joined Sambor in his struggle against their elder brother. He had been imprisoned by Świętopełk, but he was eventually released and given free possession of his inheritance of Białogarda on the Łeba River in the western part of the duchy.[3] While we do not know a great deal about Racibor's life, we do know that at some point before his death, which most likely occurred in 1272, he joined the Teutonic Knights and donated the entirety of his property to them.[4] Some scholars

[3] For a brief biographical account of his life, see Śliwiński, *Poczet*, 43-4.

[4] We learn about this from the settlement Mściwój made with the Teutonic Knights in 1282: "…de quadam parte Pomeranie, que ad eosdem fratres devoluta fuerat, ut dicebant, ex

have speculated that he might even have gone to the Mediterranean to fight for the Knights.[5] In any event, it is important to stress here that the Teutonic Knights were not defined primarily as a German political organization at this time. They were still regarded first and foremost as a religious order, and the idea that a Pomeranian duke would have given his lands "in elemosinam"[6] and "pro suam ac parentum suorum animarum remedio"[7] should not be regarded cynically. The fact that the Knights provided military aid in addition to spiritual rewards must have been seen as an added bonus.[8] Besides, many of the members of the religious orders in Poland, especially the mendicants who preached in cities which contained large German populations, were of German descent. The hard ethnic lines that would be drawn in later centuries were still fluid at this time.[9]

Sambor had also allied himself with the Teutonic Knights, although he was cultivating relationships with the dukes of Poland and Mecklenburg, as

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collatione quadam Ratyborii…qui ingressum religionis eorumdem fratrum se et sua deo et ipsi domui sancta Marie dedicaverat…." [PIUB #336 and #337]

[5] Śliwiński, *Poczet*, 44.

[6] See PIUB #279 and Dusburg III.213 Dusburg attempts to strengthen the Knights' claims to Pomerania by stating that each of Świętopełk's four sons (actually two sons and two brothers) gave the entirety of their possessions to the Knights, except for Mściwój. He also mistakenly has Warcisław, rather than Racibor (whose name he did not even remember) joining the Teutonic Knights. I quote this passage in its entirety and analyze it in greater detail below.

[7] PIUB #280.

[8] In chapter 4 I analyze the attempt to maintain this position well into the fourteenth century, even after the relationship between the *Ordensstaat* and the Kingdom of Poland had degenerated into open warfare.

[9] These blurry lines are expressed in a 1278 letter written by the Teutonic Knights to the Polish knights living in Chełmno, reminding them (in German!) that they have to fight in Poland and Pomerania as well as in Prussia. [PIUB #298] In addition, in the 1339 trial, several ethnic Poles who had fought with the Teutonic Knights against Poland testified for the Polish side in the trial. Chapters 4 and 6 have extended discussions of ethnicity.

well as the King of Denmark and the town council of Lübeck. In addition, his grants were not made exclusively to the Order,[10] but also to their subjects. In April 1252 Sambor, who now called himself "Duke of Pomerania," rewarded the burghers of Chełmno and Toruń for their "fidelitatis constantia" in his conflict with his brother with the free passage of goods throughout his lands.[11] He also looked further west for assistance. In 1248 he married his eldest daughter, Małgorzata (Margaret), to the future King Christopher I of Denmark, and in 1260 he granted Lübeck law to his port city of Tczew.[12] He also used the connections with his in-laws in Mecklenburg[13] to challenge the position of the traditional ducal monastery at Oliwa.[14] In 1260 he granted a village in Pomerania to the abbot of the Cistercian monastery of Doberan in Mecklenburg, and around the same time he founded his own Cistercian monastery in lands that he had previously granted to Oliwa.[15] Through his own grants to the Teutonic Knights as well as Świętopełk's grants to the Dominicans, Sambor had learned that monasteries could be used as weapons

[10] PrUB I/1 #263; PlUB #133 and PlUB #159.

[11] PrUB I/1 #257-8 and PlUB #136.

[12] Lübeck law was not granted to Gdańsk again until 1263. [PlUB#204] As discussed in the previous chapter, Świętopełk had asked the Dominican Bishop-elect of Sambia to try to patch things up between himself and the Lübeckers in 1251 and 1252, after Lübeck had supported the Teutonic Knights in the wars of the previous decade, but his legation had been unsuccessful. [PlUB #133 and 137]

[13] He was married to Duchess Matylda (Mechtild) of Mecklenburg.

[14] For the history of this new monastic foundation, see Romuald Frydrychowicz, *Geschichte der Cistercienserabtei Pelplin und ihre bau- und Kunstdenkmäler* (Düsseldorf: L. Schwann, 1905).

[15] See PlUB #183 and #184, although the latter is a later forgery and should be used carefully. Sambor's daughter, Małgorzata, also maintained close relations with the monastery at Doberan, choosing it as her final resting place in 1282. [Śliwiński, *Poczet*, 60] For the history of Doberan, see Sven Wichert, *Das Zisterzienserkloster Doberan im Mittelalter* (Berlin: Lukas, 2000).

in disputes, by providing lines of communication with the west. Unfortunately for him, in this case, these connections proved to be a liability. Oliwa complained to the papacy about this violation of its rights, and Pope Urban IV appointed the abbots of two west Pomeranian, Premonstratensian monasteries in Usedom (Uznam) and Belbuk (Białobok) as judges-delegate in 1262.[16] Four years later, the papal legate in Poland, Cardinal Guido, Presbyter of St. Lawrence in Lucina, authorized these two judges to excommunicate Sambor.[17] The fact that this sentence was delivered just a few months after his brother's death did not bode well for Sambor, as his nephews took this opportunity to invade his duchy and drive him from it early in 1267.[18] This began nearly a decade of intermittent, internecine warfare between Sambor, Warcisław, and Mściwój.[19] The precise details and chronology of events of this war need not concern us here, but the shifting alliances and conflicting grants which took place during this conflict are complicated and need to be discussed more fully.

Mściwój had begun looking for allies even before his father's death, possibly because he already knew that he would not be receiving the lion's share of his father's duchy. In 1264, in Kamień (Camin) in west Pomerania, Mściwój, who had already become Duke of Świecie, made a rather curious

[16] PIUB #191; Urban was perhaps more interested in this dispute than another pope might have been, because of the years he spent in Pomerania as a papal legate (when he was Archdeacon Jacques of Laon) trying to resolve the dispute between Świętopełk and the Teutonic Knights.

[17] PIUB #212.

[18] Powierski, "Stellung," 127; PIUB #218.

[19] For an analysis of this war see, Kazimierz Jasiński, "Wojna domowa na Pomorzu Gdańskim w latach 1269/70-1272 ze szczególnym uwzględnieniem roli rycerstwa i możnowładztwa," *Społeczeństwo Polski średniowiecznej* 3 (1985), 135-87; Edward Rymar, "Walka o Pomorze Gdańskie w latach 1269-1272," *Rocznik Gdański* 47 (1987), 5-33.

arrangement with Barnim, "his dear kinsman" [*dilecto nostro consanguineo*] and duke of west Pomerania.[20] Mściwój promised Barnim not only his own lands after his death, but also the lands of his brother and father, which would devolve to him after their deaths.[21] As we will see later in this chapter and the next, it was common for Polish and Pomeranian dukes who did not have a male heir to name successors. We will also see that these testaments were seldom ratified, either because of changing positions between the two men (e.g. the birth of a son or a falling out between them), or because the nobles in their lands or the neighboring dukes opposed these inheritances. One should look upon these agreements as provisional treaties that might give someone a claim, but certainly not exclusive rights, to the promised lands. This is an important point to keep in mind in this and the next chapter concerning the series of events that led to the reappearance of the Kingdom of Poland.

Scholars have debated who Mściwój had in mind as a possible enemy when he made this treaty, because he ended up fighting against almost all of his relatives and neighbors. Jan Powierski has convincingly argued that Mściwój and Barnim were entering into an alliance against the Teutonic Knights (Mściwój's perennial foes) and the Margraves of Brandenburg (who

[20] PIUB #206; Barnim's mother, Mirosława, was Świętopełk's sister. [Śliwiński, *Poczet*, 27-8] For a detailed analysis of this agreement, see Jan Powierski, "Układ kamieński (1264) na tle stosunków między książętami pomorski, Krzyżackami i Prusami w latach sześćdziesiątych 13 wieku," *Rocznik Olsztyński* 8 (1968), 11-32; see also, Franz Engelbrecht, *Das Herzogtum Pommern und seine Erwerbung durch den Deutschorden 1309* (Potsdam: Robert Müller, 1911), 19-24.

[21] PIUB #206: "Igitur notum esse volumus tam presentibus quam posteris, quod nos de mera nostra liberalitate dilecto nostro consanguineo domino Barnim illustri Slauorum duci ac suis heredibus contulimus et donavimus totam terram nostram Scwecensem cum omnibus terminis, iuribus aliisque suis attinentiis possidendum in omnibus et per omnia eo iure, quo nos ipsam tenuimus ac possedimus, eiusdem terre possessione nobis, quamdiu vixerimus, tantummodo reservata. Conferimus etiam ei suisque heredibus et donamus terras, castra, civitates, villas et universa dominia, que ad nos devolvi poterunt vel devolventur a patre nostro et a fratre, cum omni iure post obitum nostrum libere possidenda."

threatened both dukes and were beginning to take an active role in the Prussian crusades),[22] as well as against Duke Sambor and his daughter, Margaret, who was ruling as regent in Denmark.[23] It seems that Barnim, however, was unwilling to wait and hope that Mściwój and his brother died without sons. Just after Mściwój and Warcisław invaded Sambor's lands, Barnim invaded Sławno, in central Pomerania, just as he had done in 1253, during Świętopełk's conflict with the Knights.[24] This would not be the only time that the Pomeranian dukes' allies capitalized on the internecine Pomeranian warfare to carve out bits of the duchy for themselves.

Despite these apparently unilateral actions on Mściwój's part,[25] relations between the two brothers did not break down immediately after their father's death in January 1266.[26] They jointly conquered their uncle Sambor's territory with the help of the Prussian neophytes. Because of Sambor's close relations with the Knights, as well as Mściwój's traditional alliances with the Prussians subject to the Knights' rule, the Knights were brought into the conflict. Facing Barnim's invasion from west Pomerania, Warcisław made peace with the Knights in August 1267. This should not, however, be viewed as a separate peace, because the treaty was drafted in Mściwój's capital city

[22] In the winter of 1255/6, Margrave John led a crusade to Prussia, but because the winter was unusually warm, the swamps did not freeze over, making campaigning impossible; a decade later he returned with his brother, and this time, the crusade was more successful, resulting in the building of a castle, which was named "Brandenburg" in their honor. [Dusburg III.77, 125-7]

[23] Powierski, "Układ," 20, 32.

[24] See chapter 1.

[25] Neither Świętopełk nor Warcisław witnessed Mściwój's treaty with Barnim.

[26] Powierski, "Stellung," 127.

of Świecie by Mściwój's chaplain and notary, Meinhard.[27] Mściwój was also forced to make peace in January of the following year, when a large group of crusaders, led by King Přemysl Ottokar II of Bohemia arrived in Prussia. In fact, the King of Bohemia mediated the peace, which was sworn to by both parties in Chełmno.[28] While these treaties with the Teutonic Knights would continue to be honored for the remainder of the dukes' lives, peace in Pomerania would prove to be short-lived. By the end of the following year, all of the powers in this region (except the Teutonic Knights) would be drawn into open conflict through an unrelated but interconnected series of internal revolts in Pomerania and Kujawy.

Let us turn first to Pomerania. In April 1269 Mściwój enlisted the support of the Margraves of Brandenburg by agreeing to hold his possessions from them in fee.[29] As Gerard Labuda remarks, "this is one of the most peculiar feudal arrangements in the history of Pomerania, because at first glance it explained nothing of the reasons for Mściwój's behavior."[30] It does indeed appear that Mściwój is giving away everything and getting nothing in return, but as Mściwój's 1264 agreement with Duke Barnim has shown, he apparently thought of these arrangements as conditional and provisional. His nobles, however, apparently did not. Later in the year he was captured by his own barons and handed over to his brother.[31] Edward Rymar points out that

[27] PIUB #222.

[28] PIUB #225 and #226; for more on the peace treaties of 1267/8 see Gerard Labuda, "Pomorsko-krzyżacki zatarg graniczny z roku 1267/1268. Przyczynek do migracji Prusów na Pomorze Gdańskie," *Zapiski Historyczne* 50 (1985), 187-94; Kazimierz Jasiński, "Pomorsko-krzyżackie układy pokojowe z 1267 i 1268 roku," *Zapiski Historyczne* 47 (1982), 103-15.

[29] PIUB #238.

[30] Labuda, HP I/1, 530-1.

[31] *Rocznik kapituły poznańskiej* MPH ns VI, 49: "…captum et traditum ei per suos barones…."

the reason Mściwój's men turned against him was because they did not want to submit to the margraves.[32] But, neither his earlier grant to the margraves nor his nobles' reactions to it prevented Mściwój from promising parts of his duchy to the Teutonic Knights, whom he was able to contact during his imprisonment.[33] Despite these promises, neither the margraves nor the Teutonic Knights came to Mściwój's defense. He was instead saved by other Pomeranians, who, Rymar argues had been angered by Warcisław's decision to name his nephew, Duke Wisław II of Rügen, as his successor, because the west Pomeranian dukes had consistently interfered in central Pomerania.[34] Warcisław fled first to Elbląg in the *Ordensstaat* and then to Kujawy.[35]

Sambor had already been looking for support in both of these states. After he was chased out of Pomerania, he had sought to gain a new ally by marrying his daughter, Salomea, to Duke Siemomysł of Kujawy.[36] Unfortunately for him, his timing could not have been worse, because in 1269 Siemomysł's men rose up against him.[37] The reason for the revolt given by the Poznań Chapter annals is that Siemomysł listened to the Teutonic Knights

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[32] Rymar, "Walka," 23; for the margraves' aspirations in Pomerania, see Hermann Krabbo, "Danzig und die askanischen Markgrafen von Brandenburg," *Preussische Jahrbücher* 177 (1919), 47-54; see also Józef Spors, "Rzekome tytuły prawne Brandenburgii do Pomorza Gdańskiego opierające się na potwierdzeniach z 1231 i 1295 r.," in *Personae, Colligationes, Facta*, ed. Janusz Bieniak (Toruń: Zakład Nauk Pomocniczych Historii Instytutu Historii i Archiwistyki UMK w Toruniu, 1991), 240-7.

[33] Powierski, "Stellung, 128.

[34] Rymar, "Walka," 31.

[35] Włodarski, "Świętopełk and Mściwój II," 424-5.

[36] Śliwiński, *Poczet*, 64-5.

[37] Jasiński, "Porozumienie," 17-23.

instead of the great men of his duchy.[38] However, as Kazimierz Jasiński argues, this was not simply an example of ethnic conflict, but rather the result of tensions between the great men of Kujawy, including Bishop Wolimir, and the their new duke, Siemomysł, who succeeded his father in 1267.[39] The Kujawians asked for the help of Duke Bolesław of Great Poland, and by 1271 Siemomysł's entire duchy had submitted to Bolesław's rule.[40] Siemomysł welcomed allies in this conflict, and entrusted to Warcisław the castle of Wyszogród on the Pomeranian-Kujawian-Great Polish borderland.[41] Because Mściwój was thus threatened from the south by Warcisław and from the west by Warcisław's ally, Duke Wisław II of Rügen,[42] and the Teutonic Knights had

[38] "Anno denique predicto [1269] primates terre Cujavie cernentes, quod Semomisl dux eorum ipsis spretis fratrum barbatorum [Teutonic Knights] interim consiliis utebatur, eorum in omnibus sequens favores, adheserunt Boleslao duci Polonie, Semomisl vero se tam confuse derelictum prospiciens, Boleslao duci Polonie nobile castrum Cruszviciense dono assignavit, ut ipsius industrioso favore milicie Cuiavie reconciliatus ipsos ad sue obediencie gremium revocaret." [*Rocznik kapituły poznańskiej* MPH ns VI, 47] Some scholars, like Konstantin Symmons-Symonolewicz, have also seen broader ethnic implications for this revolt, arguing that Siemomysł's "preferential treatment of the Germans" also contributed to the revolt. ["National Consciousness in Poland until the End of the Fourteenth Century: A Sociological Approach," *Canadian Review of Studies in Nationalism* 8 (1981), 256] In the settlement drafted in 1278, Duke Przemysł II of Great Poland, who was mediating the dispute between Siemomysł and his brother, Leszek, who had taken over control of Kujawy, stated that German knights would be prevented from serving in his duchy until the third generation: "…quod predictus Zem. dux Cuyavie frater noster, Teuthonicales milites et filios militum Teuthonicalium in terra et curia sua servare denegaret." [KDW I #482] Kazimierz Jasiński, however, argues that the there were probably very few German knights in Kujawy, but this provision might have been made against the increasing number of German settlers in the villages and towns, because the document also says that Siemomysł would have to obtain the consent of his barons before locating towns in the duchy: "…Zem. volens civitates vel villas cum consilio maturo baronum suorum…." [Jasiński, "Porozumienie," 19-20]

[39] Jasiński, Porozumienie," 17-8; Derwich, 228.

[40] Powierski, "Stellung," 128.

[41] Krystyna Zielińska, *Zjednoczenie Pomorza Gdańskiego z Wielkopolską pod Koniec XIII w.: Umowa Kępińska 1282 r.* (Toruń: Państwowe Wydawnictwo Naukowe, 1968), 24. This castle had been controlled by the dukes of Pomerania until, as mentioned in the previous chapter, Świętopełk lost it to Siemomysł's father, Duke Kazimierz of Kujawy.

[42] Rymar, "Walka," 30.

been the traditional allies of his uncles, Sambor and Racibor, Mściwój appealed to the Margraves of Brandenburg for help, offering them Gdańsk as a reward.[43] Yet, it is difficult to believe that he actually intended to permanently cede this town to the margraves, considering Mściwój's track record of making vain promises and the fact that he had gone to war with his brother over control of Gdańsk. When his brother unexpectedly (although probably not accidentally)[44] died in Wyszogród in 1271, he no longer needed the margraves' help. Nevertheless, this did not prevent his ally from taking not only the promised reward of Gdańsk, but also Tczew, the other major town in Pomerania, with the collaboration of the German burghers in the two towns.[45]

In the 1271 letter promising Gdańsk to the margraves, Mściwój still referred to the Lübeck colony in Gdańsk as "burgensibus Theutonicis fidelibus."[46] But when Mściwój recalled these events in 1283 and 1290, he would refer to the "German inhabitants of Pomerania" as committing treason [*crimen lese maiestatis*].[47] Yet, as with the rebellion in Kujawy, the reason for the burghers' collaboration with the occupying margraves was far more complicated than ethnicity alone. Mściwój was not opposed simply because the German burghers preferred a German lord. Rather, the Lübeck burghers preferred a lord who would be amenable to confirming their extensive privileges and perhaps granting new ones. The south Baltic littoral might have

[43] PIUB #250.

[44] Śliwiński states that although the exact cause of his death is unknown, he probably died at the hands of Mściwój's supporters. [*Poczet*, 55]

[45] Włodarski, "Świętopełk," 426.

[46] PIUB #250.

[47] PIUB #365 and 464.

become a borderland of contentious predatory states, but as Sambor's dispute with Oliwa illustrated, translocal organizations could still play an important role in the formation or destruction of those states.

Warcisław and Sambor had both proven themselves to be strong allies of the Lübeck merchants. As mentioned above, Sambor had founded a Lübeck colony in Tczew in 1260. Similarly, in the first two years of Warcisław's reign in Gdańsk, he promised the Lübeckers freedom of movement within his lands, freedom from *ius naufragii*,[48] and a "lifetime of friendship."[49] Now that Warcisław had died and Sambor had been driven out of Tczew, the Lübeckers had to wonder where they stood, especially because Mściwój had taken part in his father's wars against them.[50] The Margraves of Brandenburg, on the other hand, had gone to Lübeck in August 1272 to promise the town council that Lübeck merchants would be free from all tolls and *ius naufragii* not only in Gdańsk, but throughout Pomerania and on the Vistula River.[51]

Mściwój now turned to the only neighboring ruler who he had not fought against, Duke Bolesław of Great Poland. As described above, the Kujawians had turned to Bolesław when they rebelled against Siemomysł, and so if Bolesław was not actually Mściwój's ally in his war against Sambor and

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[48] *Ius naufragii*, also called the right of wreck, was the right of a ruler of a territory to the shipwrecked goods that washed ashore. For an analysis of the evolution of this concept in a European context, see Rose Melikan, "Shippers, Salvors, and Sovereigns: Competing Interests in the Medieval Law of Shipwreck," *Journal of Legal History* 11 (1990), 163-82.

[49] PIUB #220 and 232. "…promittimus amiciciam vobiscum tempore vite nostre…." [PIUB #220]; also worth mention is the fact that Warcisław fled first to Elbląg, where there was a Lübeck colony. Perhaps he was trying to enlist the support of the Lübeckers as well as the Knights before he joined forces with Sambor in Kujawy.

[50] See chapter 1.

[51] PIUB #254 and 255.

Warcisław, he was at least the enemy of his enemies. It is difficult to determine what relationship these two entered into. The Annals of the Poznań Chapter use the language of lordship [*impetravit consilium et auxilium*], although there is no mention of Mściwój doing homage to Bolesław.[52] However, considering Mściwój's earlier performance of homage to the Margraves of Brandenburg, this seems a possibility. Bronisław Włodarski also points out that Bolesław, who had long been at war with the margraves, probably feared the strategic advantage that possession of Pomerania would have given to Brandenburg.[53] In any event, in January 1273 Bolesław and Mściwój drove the margraves' men out of Pomerania.[54]

The nature of this borderland society, however, dictated that Mściwój and the margraves would not remain enemies for long. In September 1273 Mściwój renewed his alliance with the margraves, receiving the central Pomeranian lands of Sławno and Słupsk from them in fee and promising to aid the margraves against all of their enemies, except Duke Bolesław.[55] Yet, Mściwój gained little from this agreement, because Duke Wisław II of Rügen, Warcisław's heir-designate, maintained control of central Pomerania until he sold it to the margraves in 1277.[56] Because Mściwój did not recover these lands at this time, in the following year he campaigned with Duke Bolesław against the margraves.[57] The close relationship that developed between

[52] *Rocznik Kapituły Poznańskiej*, 50.

[53] Włodarski, "Świętopełk," 426; Zielińska, *Zjednoczenie*, 14-17.

[54] Labuda, HP I/1, 532.

[55] PIUB #256.

[56] PIUB #285.

[57] Labuda, HP I/1, 532.

these dukes lasted until Bolesław's death in 1279, and would be remembered by Bolesław's successor, Duke Przemysł II, who also succeeded to Mściwój's duchy in 1294 and in the following year became the first King of Poland in more than two centuries.

Although this has been a complicated narrative, a few major themes should be underscored. First, the fluidity of friendship and enmity is striking. Alliances were dissolved as quickly as they were made. Second, ethnicity did not determine the nature of these alliances. Poles fought for and against Germans and vice versa. Finally, the success or failure of a duke's policies depended upon the approval of the secular and ecclesiastical magnates of the duchy. The arrangements made between the rulers of the various states were not worth the parchment they were written on without the consent of their men. It is important to keep all of these issues in mind as the fallout from this civil war is analyzed.

During a decade of intermittent warfare, many promises were made to the surrounding Polish and German rulers by all the dukes of Pomerania in an attempt to gain superiority over the entirety of the duchy. In the end, however, it was Mściwój who succeeded in driving his kinsman out of the duchy and winning the war. The deaths of Sambor, Racibor, and Warcisław without male heirs in the years immediately after the resolution of the conflict should have made Mściwój's authority in Pomerania absolute. Yet, because of the promises made both by himself and his relatives, this proved to be a Pyrrhic victory. The resolution of this conflict was just the beginning of a new conflict, as the surrounding Polish and German rulers struggled for the next half century, both on the battlefield and in the courtroom, to gain control of the

Duchy of Pomerania. In what follows I shall analyze the course of the first phase of this dispute and its repercussions.

Dealing with the Past: Resolving Conflicting Claims in Pomerania, 1274-1281

By the time of Sambor's death in 1276, much of Pomerania had been promised elsewhere. All three brothers had granted parts to the Teutonic Knights, and Mściwój had twice disposed of the entirety of the duchy, first to the dukes of west Pomerania and then to the Margraves of Brandenburg. In addition, some of the lands granted by Sambor to the Knights had previously been granted to his new Cistercian monastery of New Doberan, which had itself been founded on lands taken from the Cistercian monastery at Oliwa. Added to these conflicting grants was the problem of inheritance. Warcisław died without any children, but he had designated Duke Wisław II as his heir. Racibor also died childless, but upon entering the Teutonic Knights, Racibor's property devolved to the Knights. Sambor, on the other hand, was survived by five daughters, all of whom had been dispossessed by Mściwój, and one of whom, Salomea, was married to Duke Siemomysł of Kujawy, who also had pretensions to Sambor's lands. When the deposed Duke of Kujawy returned to power in 1278,[58] he was committed to recovering not only the lands taken from his wife and her sisters, but also the borderland castle of Wyszogród, which Mściwój conquered after Siemomysł had entrusted it to Warcisław. Further compounding this problem was the fact that Mściwój's first marriage had produced only daughters, and his second marriage was to Eufrozyna, the

[58] Jasiński, "Porozumienie," 26-7.

middle-aged, widowed wife of Duke Kazimierz I of Kujawy, who already had three young sons, including Siemomysł and the future king of Poland, Władysław Łokietek. Mściwój had to spend the next six years trying to reconcile all of the promises made by himself and his brother and uncles in these numerous conflicting grants.

He had already begun to try to resolve the dispute between Oliwa and New Doberan in 1274, several years before the death of his uncle.[59] This document is interesting for a number of reasons. First, instead of just sending the monks back to Mecklenburg, he has appropriated Sambor's grant and positioned himself as the new founder of the monastery, thus obliterating the memory of his uncle and legitimizing his own position as the sole source of authority in Pomerania. Second, this donation illustrates that through his alliance with Duke Bolesław, he might have started to see his activities as contributing to Polish unity in the face of external aggression. He refers to founding the monastery for the honor of saints Mary, Benedict, and Bernard, but he also adds the name of "the martyr and bishop Stanisław." Stanisław had been the Bishop of Kraków during the reign of the last King of Poland, Bolesław the Bold in the late eleventh century.[60] According to the vita that was written at the time of his canonization in 1253 by the Dominican Wincenty of Kielce, God cursed Bolesław for murdering and dismembering the bishop in 1079 with an appropriate punishment – the division of his kingdom.[61] Yet,

[59] PIUB #260

[60] Tadeusz Grudziński, *Bolesław the Bold, called also the Bountiful, and Bishop Stanislaus: The Story of a Conflict*, trans. Lech Petrowicz (Warsaw: Interpress Publishers, 1985).

[61] On the canonization process and the writing of the vita, see Jerzy Kłoczowski, "The Church and the Nation: The Example of the Mendicants in Thirteenth-Century Poland," in *Faith and Identity: Christian Political Experience*, ed. David Loades and Katherine Walsh (Oxford, UK and Cambridge, MA: Basil Blackwell, 1990), 47-55; Aleksandra Witkowska, "The Thirteenth-Century *Miracula* of St. Stanislaus, Bishop of Krakow," in *Procès de canonisation au Moyen*

because the bishop's body miraculously healed without scars, Wincenty writes that one day the Kingdom of Poland will once again be unified.[62] It should be pointed out, however, that this saint might also have appealed to Mściwój because his own duchy had been partitioned and reunited under his rule. It is difficult to know what Mściwój made of the story, and it is only by viewing this event through a teleological lens that we can think that the only possible interpretation is that the son of the man who "freed Pomerania from the yoke of the Polish princes"[63] wanted in 1274 to reunite his duchy with the other Polish duchies and thus take the initiative in the restoration of the Kingdom of Poland.

Whatever his nephew's views on who the patron saint of the monastery should be, Sambor was not yet ready to relinquish his rights of patronage to the new Cistercian foundation. Having been chased out of Kujawy after the defeat of his son-in-law, Sambor had taken refuge with the Knights in Elbląg. In March 1276, Sambor confirmed his earlier grants to New Doberan as well as Mściwój's grant, showing that he was still in control of this monastery, and while he appreciated the grant made by "his dear relative" [*dilecti cognati nostri*], his confirmation was needed to validate the grant.[64] A few days latter he conferred the land of Mewe (Gniew in Polish) on the Knights[65] and promised in a separate document to compensate the Knights if they were ever

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Âge: aspects juridiques et religieux, ed. Gábor Klaniczay (Rome: Ècole Française de Rome, 2004), 149-63.

[62] *Vita Sancti Stanislai Cracoviensis episcopi*, ed. Stanisław Kętrzński, MPH IV, 391-2.

[63] See chapter 1.

[64] PIUB #277.

[65] PIUB #278.

dispossessed of this land by Oliwa or his son-in-law, Duke Siemomysł, although oddly he does not mention Mściwój.[66] Jan Powierski has questioned how voluntary this donation was, considering that Sambor left the *Ordensstaat* almost immediately after signing these documents.[67] Yet, whatever their relationship at this time, both Sambor and the Knights were well aware of the contentious nature of this grant, assuming that it might very well be invalidated by a trial. As such, one should consider the possibility that Sambor was driven by genuine religious motivations, hoping to ensure his salvation by providing a just and equitable settlement for both his new Cistercian foundation and the long-time beneficiaries of his alms, the Teutonic Knights.

In 1276 and 1277 Mściwój changed his strategy of dealing with the new monastery from erasing Sambor from the historical record to putting him into his historical place. In 1276 Mściwój reconfirmed his father's and Sambor's grant of Mewe to Oliwa in 1229,[68] while in 1277 he confirmed Sambor's and his father's grants to "his [Mściwój's] monastery."[69] By pairing Sambor with his father, he relegated him to the past, a past that was no longer relevant, because Mściwój was now the only Duke of Pomerania. It is unknown whether Sambor was in fact dead by 1277, or if he died a year later,[70] but whatever the case, Mściwój had already appropriated Sambor's memory for his own purposes. Mściwój, however, did not comment on the grant that Sambor had made in 1275 of a church in Tczew and some nearby villages to

[66] PIUB #280.

[67] Powierski, "Stellung," 129.

[68] PIUB #284.

[69] PIUB #292.

[70] Śliwiński locates his time of death between 1276 and 1278. [*Poczet*, 42]

the Cistercian nuns at Chełmno in order to found a daughter-house in Pomerania.[71] If he had to take over the financial burdens of dealing with Sambor's grants, then he planned to reap the political rewards. Nothing could be gained from granting a convent in the *Ordensstaat* permission to found a daughter-house in Pomerania, as this would give the Knights an added incentive to claim the Pomeranian lands granted to them by Mściwój and his relatives.

In 1278 Mściwój also reached out to two other religious orders in Pomerania. First, he asked the Dominicans in Gdańsk to found a new convent in Słupsk.[72] As described above, the Margraves of Brandenburg had promised Mściwój that he could hold central Pomerania in fee when this area was in fact held by Duke Wisław II of Rügen. Yet, after Wisław sold it to the margraves in 1277, they made no attempt to bestow it upon Mściwój. John Freed has shown how important the foundation of monasteries was for the demarcation of state boundaries in east-central Europe,[73] and the foundation of a convent with Dominicans from Gdańsk would certainly have strengthened Mściwój's claims to this disputed borderland.[74] In 1278 Mściwój also granted the village of Lubieszewo (Liebschau in German), outside of Tczew, to the Hospitallers. This was undoubtedly done, as he claims, for the remissions of his sins and for his parents' souls, but it is also possible that he was trying to

[71] PIUB #272.

[72] PIUB #301.

[73] John B. Freed, "The Friars and the Delineation of State Boundaries in the Thirteenth Century," in *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, ed. William C. Jordan, et al. (Princeton: Princeton University Press, 1976), 31-40, 425-8.

[74] In 1280 he also reconfirmed and expanded his father's grants to the Dominicans in Gdańsk. [PIUB #315]

secure allies in his approaching dispute with the Teutonic Knights.[75] The number of grants made in the years following the Pomeranian civil war to all the monasteries in Pomerania suggests that the "dux tocius Pomoranie," as he now called himself, was attempting to represent himself as a defender of ecclesiastical interests in order to counterbalance his refusal to fulfill the promises made to the Teutonic Knights. He also sought allies outside of Pomerania. In 1280 he endowed the Cistercian monastery of Ląd in Great Poland with a number of villages[76] and granted the Bishop of Płock in Mazovia lands in Pomerania.[77] Although it would be a mistake to judge these grants cynically as solely political acts, it seems fair to say that by giving away small pieces of his duchy to a number of different recipients, he was trying to get as many people as possible interested in the well being of his state in order to prevent having to give away large pieces of his duchy to the Teutonic Knights.

This assessment is borne out by the fact that Mściwój also met with Duke Siemomysł of Kujawy, Sambor's son-in-law, to try to resolve Sambor's daughters' inheritance issues.[78] In the fall of 1280, these two dukes met in Rzepka on the Pomeranian-Kujawian borderland. As discussed above, Siemomysł had been Sambor's most loyal supporter since he married Sambor's daughter, Salomea, in 1268. This alliance, however, benefited Sambor little, because during the three years of the most intense fighting in the Pomeranian civil war, 1269-71, the Duke of Kujawy was preoccupied with

[75] PIUB #300.

[76] PIUB #314.

[77] PIUB #319.

[78] Jasiński, "Porozumienie."

a revolt of his ecclesiastical and secular nobility against his rule in favor of accepting Duke Bolesław of Great Poland.[79] When Siemomysł returned to power in 1278 he began to stake his claim not only to the borderland castle of Wyszogród (which Siemomysł's father, Duke Kazimierz, had taken from Mściwój's father, Świętopełk in 1243, but which Siemomysł had in turn lost back to Mściwój in 1271), but also to his father-in-law's former possessions in Pomerania, centered on Tczew.[80] As a result of this meeting Mściwój agreed to provide Sambor's daughters with estates in Pomerania in exchange for being able to retain possession of Wyszogród for the rest of his life.[81]

Having made peace with his former enemy in Kujawy, Mściwój turned once again to the issue of the disputed land, which Sambor had promised first to Oliwa, then to his new monastery, and then to the Teutonic Knights. In 1281 Mściwój again confirmed Sambor's grant of Mewe (Gniew in Polish) to Oliwa, this time providing exact boundaries.[82] This was almost certainly done in preparation for the impending settlement of the Knights' claims to this same land. It would be much easier to deal in specific rather than abstract space. In addition, Mściwój persuaded the prior of the Gdańsk Dominicans and the parish priest of Gdańsk to witness this document in order to provide additional sources of authority.

[79] Jasiński, "Porozumienie," 17-8

[80] Jasiński, "Porozumienie," 23-32.

[81] Jasiński, "Porozumienie"; Labuda, HP I/1, 533; Zielińska, *Zjednoczenie*, 43; PlUB #317a, 384, 671, 672.

[82] PlUB #326.

1282 – The Origin of the Teutonic Knights' and Polish Kings' Claims to Pomerania

By 1282 Mściwój had to the best of his ability dealt with the past concerning Sambor's grants to his children and the Cistercians. Now he had to come to terms with the grants made by himself and his relatives to the Teutonic Knights. There was also the question of who would inherit his duchy after his death, as all previous candidates had become his enemies during the 1270s – Duke Barnim of West Pomerania, the Margraves of Brandenburg, and Duke Wisław II of Rügen. In addition, Mściwój's ally and cousin, Duke Bolesław of Great Poland,[83] had died without a son in 1279, so that duchy passed to the latter's nephew, Przemysł II. Mściwój had apparently quickly developed a close tie with the new Duke of Great Poland, because when Przemysł was captured by Duke Henryk IV of Wrocław[84] in February 1281, Mściwój began organizing a military expedition to Silesia before Przemysł was eventually freed.[85] The very next year, when compelled to return to Silesia to stand trial in front of the papal legate, Bishop Philip of Fermo, in the matter of the Teutonic Knights' claims to significant parts of his duchy, Mściwój passed through the Duchy of Great Poland, where he made an agreement with Przemysł that was to have great implications in the fourteenth century for both the Teutonic *Ordensstaat* and the Kingdom of Poland.

With the benefit of hindsight it is easy to see the year 1282 as a milestone in medieval Polish history. Two other events occurred early in that

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[83] Bolesław's mother was Świętopełk's sister, Jadwiga. [Śliwiński, *Poczet*, 78-9; Derwich, 226-7]

[84] See chapter 3 for more on Henryk.

[85] Zielińska, *Zjednoczenie*, 45-6; also see the charters from 1288 in which Mściwój says "his dear son, Przemysł" was captured by the Duke of Wrocław. [PlUB #438, 439]

year which would later be seen as key moments in the changing relationship with the Teutonic Knights that underlay the restoration of the Kingdom of Poland. The first was the Kępno agreement, in which the heirless Duke Mściwój of Pomerania pledged his lands to his cousin's son, Duke Przemysł II of Great Poland in an explicit "donatio inter vivos." The second was the Milicz agreement between Duke Mściwój and the Teutonic Knights, by which the Knights gained their first possessions on the left bank of the Vistula River. The Kępno agreement has been viewed by Polish historians as the beginning of the restoration of the Kingdom of Poland, because one year after Mściwój's death in 1294 the first coronation of a Polish king since 1076 took place. The Milicz agreement, on the other hand, has been viewed as the first effort by the Teutonic Knights to conquer Pomerania and build a land-bridge to the Empire, which they subsequently did in 1308-9. Both of these readings, however, lean heavily on the prophetic qualities of hindsight. Without this, both events emerge as far more complicated and much less determinative than has occasionally been argued in the past. Some Polish historians, like Błażej Śliwiński and Janusz Bieniak have begun to draw attention to the fact that even the union of the duchies of Pomerania and Great Poland can hardly have seemed inevitable in the 1280s.[86] After all, Mściwój had already promised his duchy twice before. The fact that the most recent recipient of Mściwój's attentions was Polish rather than German was not as important then as fourteenth-century sources and modern historians later represented it. Instead, one should perhaps view this initially as one more attempt at borderland diplomacy, seeking to preserve the Duchy of Pomerania against its predatory neighbors by allying with one of them.

[86] See chapter 3.

In fact, the union of the duchies of Pomerania and great Poland would have seemed unlikely a decade earlier. Pomerania, which had intermittently been under the suzerainty of Polish dukes, was ruled by a native aristocracy, not by the Polish Piast dynasty that ruled in the other lands of the ancient Kingdom of Poland. In fact, as I explained in the first chapter, twelfth-century Polish chronicles had commemorated the Pomeranians as the historical enemies of Poland, savage barbarians comparable to the pagan Prussians. In the same vein, the independent Duchy of Pomerania came into being when Mściwój's father, Świętopełk (who was still remembered in early fourteenth-century Polish chronicles as an enemy of Poland and the Christian faith) killed his Polish overlord. Mściwój himself had joined in the hostilities against the Polish dukes, only becoming their allies during the 1270s. He had also first turned west to the Duke of West Pomerania and the Margraves of Brandenburg for allies when his uncles and brother turned east to the Teutonic Knights in their internecine fighting. It was only towards the end of this war that Mściwój began to look southwards, to the Polish dukes.

I do not wish to belabor this point, but it is important to keep Pomerania's independence in mind in order not to be swept away by the teleologies of the fourteenth-century disputants or their nineteenth and twentieth-century advocates. What occurred in 1282 no more determined that the Teutonic Knights would eventually take over Pomerania in 1308/9 than that this peripheral duchy would form the nucleus of a restored Kingdom of Poland in 1295.[87] Both of these events were based on contingencies and

[87] For an example of the common claim that the Knight's annexation of parts of Pomerania was nothing more than a prelude to the conquest of the entire duchy, see Labuda: "In this way the Teutonic Knights…pav[ed] the way for further annexations." HP I/1, 534.

circumstances which will require careful scrutiny in the following chapters. The point here is to examine these agreements within their specific historical contexts in order to better understand how they were used by the two litigants in the fourteenth century to legitimize their claims to disputed territory.

The Milicz Agreement: The Ordensstaat *Expands across the Vistula*

As already noted,[88] Andrzej Wojtkowski attempted to locate this dispute as well as Świętopełk's dispute against the Knights within the context of the later trials between the Kingdom of Poland and the Teutonic *Ordensstaat*.[89] This methodology, however, is misguided for a number of reasons. First, neither of these two states yet existed in 1282. Thus, to argue that what occurred in Pomerania affected any other Polish duchy besides Great Poland, would be to posit a non-existent feeling of Polish solidarity among the dukes. Second, Wojtkowski follows the fourteenth-century Polish lawyers' attempts to bury the history of cooperation between the Teutonic Knights and the dukes of Pomerania and Poland under the later history of conflict between the *Ordensstaat* and the Kingdom of Poland. It is telling that although all the Pomeranian dukes appealed to the Knights for help, the Knights did not become directly involved in the fighting and did not attempt to take by force the lands they had been promised. Any simple equation of the Knights' claims to certain Pomeranian lands in 1282 with their claims to the entirety of the Duchy of Pomerania in 1320 and 1339 is counterproductive and distorts the nature of

[88] Chapter 1, n. 2.

[89] Andrzej Wojtkowski, *Procesy polsko-krzyżackie przed procesem z lat 1320-1321* (Olsztyn: Ośrodek Badań Naukowych im. W. Kętrzyńskiego, 1972).

the relationship between the Teutonic Knights and the Polish and Pomeranian dukes in the thirteenth century.

This being said, both this trial and the fourteenth-century ones demonstrate that the Knights were very capable lawyers and diplomats, who knew how to argue the legality of their claims before the papacy. In March 1276 the Knights had Sambor confirm his grant to them of Mewe and promise to compensate them for their loss if either the monks of Oliwa or Sambor's daughter and son-in-law deprived them of this grant.[90] As noted above, Jan Powierski has questioned whether Sambor actually made this grant voluntarily, since he left the *Ordensstaat* immediately afterwards.[91] It is certainly conceivable that Sambor was coerced into turning against his daughter, although considering his dispute with Oliwa, he seems unlikely to have needed much encouragement to favor the Knights over his brother's monastery. These charters were witnessed not only by Teutonic Knights, but also by citizens of Lübeck, the councilors, parish priest, and Dominican prior of Elbląg, the Bishop of Chełmno, and even the abbot of Sambor's new monastery, who was apparently ensuring that the Knights' claims to these lands would not invalidate his own monastery's rights. At the same time, the Knights had King Rudolph I Habsburg of Germany confirm the unspecified grants given to the Knights by Racibor and Mściwój.[92]

It is not clear when the Knights actively began to pursue their claims to these lands, but March 1276, when they had the above-mentioned grants

[90] PIUB #278 and 279.

[91] Powierski, "Stellung," 129.

[92] PIUB #280.

certified, seems a likely date. In any event, in the compromise settlement reached with the Knights six years later, Mściwój acknowledges that he had met with the Knights only "after many admonitions and summonses" *[post plures monitiones et citationes*].[93] The compromise reached shows that both sides were beginning to think differently about territoriality. Although Mściwój and the Knights agreed on Sambor's grant of Mewe, located on the Vistula River, it appears that the Knights did not want and Mściwój did not want to give them Racibor's possessions in Białogarda, because they were in the western part of the duchy. Instead, Mściwój granted the Knights a series of properties along the Vistula River, which as Gerard Labuda points out, "was more or less territorially equivalent to the castellany of Białogarda."[94] The exchange of territories with Mściwój demonstrates that the Knights wanted contiguous territory. It also strongly suggests that Mściwój did not want them positioned on his western border, despite the fact that his grant to them of possessions in this disputed borderland should have signaled to all that Mściwój was the legitimate lord of central Pomerania. In Mściwój's mind (although most Polish dukes did not yet share his opinion), the Knights were no longer acceptable as marcher lords.

Negotiations dragged on for another year because these grants involved not only Mściwój and the Knights but also the ecclesiastical magnates of Pomerania – the Bishop of Kujawy and the abbots of Oliwa and New Doberan – each of whom expected compensation. In July 1283 all of these

[93] PIUB #336 and 337.

[94] Labuda, HP I/1, 533; for a detailed discussion of these and the other possessions the Knights held in Pomerania before 1308, see Paweł Czaplewski, "Co posiadali Krzyżacy na Pomorzu przed jego zajęciem w r. 1308-1309?" *Zapiski Historyczne* 10 (1936), 273-87.

personages met with Mściwój and the Teutonic Knights in Świecie and resolved most of their differences.[95] In September 1284 Mściwój again met with the Knights and the Bishop of Kujawy,[96] but Mściwój did not hand over the last of the promised possessions until April 1285.[97] After this date, the Teutonic Knights all but disappear from Mściwój's documentary record, which is not surprising because Mściwój had intended the Milicz agreement to serve as the definitive history of the past and future relations between the dukes of Pomerania and the Teutonic Knights. As part of the arbitrated settlement, the Teutonic Knights promised to hand over to the papal legate all of the previous privileges that they held from any of the dukes of Pomerania.[98] This provision, however, did not give Mściwój complete control over the memory of the Milicz agreement or the history of relations between the dukes of Pomerania and the Teutonic Knights.

A half century later, the Teutonic Knights' chronicler, Peter von Dusburg, would simplify this complex dispute by removing all of the parties except for Mściwój, who in Dusburg's mind carried on his father's tradition of hindering the Knights' sacred mission:

> Świętopełk, formerly duke of Pomerania, who is discussed above, had four sons: Mściwój, the first born, whom as it is said, he gave as a hostage, Sambor, Warcisław, and a certain other one. That Warcisław was made a brother of the Order of the German House, and he gave as

[95] PIUB #362-368.

[96] PIUB #376-380.

[97] PIUB #391-392.

[98] PIUB #336 and 337: "Promiserunt etiam magister et fratres omnia privilegia, que ab ipso duce M[estwino] vel patruis eius seu quibuscunque aliis habent…."

alms to the Brothers of the German House in Prussia the part of the aforesaid duchy which was granted to him. Sambor, seeing that he could not live from his part honorably according to the dignity of his status, surrendered it to the aforesaid brothers so that they provided the necessities of life for him and his family. The fourth brother did likewise, and so that this donation would be strengthened and be strong in perpetuity, these three renounced each act of law or fact which was admissible to them or their successors, giving their letters concerning this to the brothers reinforced with the protection of their seals. But Mściwój, hearing this, violently occupied these three parts of the duchy of Pomerania and detained his brothers against their will for many years. Finally lord Philip came, the Bishop of Fermo and the legate sent to the land of Poland by the Apostolic See, before whom Master Konrad von Tierberg complained about the violence that Mściwój committed against the Brothers of Prussia in these three parts of the aforesaid duchy and to prove that the brothers had a full right in these he produced the mentioned privileges. When he had heard the pleadings, the brothers surrendered their privileges and their whole claim to these properties. The legate then framed a settlement between them in this wise: the Brothers of the German House were to have the territory called Wanceke in the said land of Pomerania where now is located Mewe castle, and thus all discord between them should cease. As a result in the year of the Lord 1283 the brothers transferred Potterberg castle from the Chełmno land and with this building they built

> Mewe castle in that place above the Vistula where it is now located to the praise and glory of Jesus Christ.[99]

Dusburg's pairing of this arbitrated settlement with the construction of Mewe castle provides a physical commemoration of the resolution of the conflict and the Knights' first acquisition on the left bank of the Vistula, which linked this new territory to their holdings in Prussia through the use of spolia.

The construction of a castle in Pomerania was a symbolic act of possession as well as a pragmatic means of defending this possession. It was not at this time a physical expression of the Knights' plans to conquer the whole of Pomerania. It is hard to believe that the Knights were just biding their time until Władysław Łokietek chanced to come along and ask them to defend Gdańsk from the Margraves of Brandenburg in 1308. The breakdown in public order following the murders of Przemysł II in 1296 and Václav III a decade later provided ample opportunities for the Knights to position themselves as

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[99] Dusburg III.213: "Swantopolcus quondam dux Pomeranie, de quo superius est premissum, quatuor habuit filios: Mestowinum primogenitum, quem ut dictum est, dedit in obsidem, Samborium, Warceslaum et quondam alium. Iste Warceslaus factus fuit frater ordinis domus Theutonice et partem ducatus predicti, que ipsum contingebat, dedit fratribus domus Theutonice in Prussia in elemosinam. Samborius videns, quod de parte sua non posset honeste secundum status sui dignitatem vivere, tradidit eam predictis fratribus, ut ipse et familie sue in necessariis providerent. Idem fecit quartus frater, et ut hec donacio firma esset et in perpetuum valitura, hii tres renunciaverunt omni actioni iuris vel facti, que ipsis vel eorum successoribus in dicto ducatu competebat, dantes super hoc literas suas fratribus sigillorum suorum munimine roboratas. Mestowinus autem audiens hec violenter has tres partes ducatus Pomeranie occupavit et invitis fratribus detinuit multis annis. Tandem venit dominus Philippus episcopus Firmanius legatus a sede apostolica missus ad terram Polonie, coram quo frater Conrad de Pirbergk magister conquestus fuit de violencia, quam dictus Mestowinus fecit fratribus de Prussia in his tribus partibus ducatus predicti, et ad probandum se et fratres habere merum ius in illis, obtulit privilegia memorata. Audita ergo utriusque partibus allegacione et resignatis privilegiis predictis a fratribus et quicquid habebant iuris in his bonis, idem legatus ordinavit compisicionem inter eos hoc modo, quod fratres domus Theutonice haberent territorium dictum Wanceke in dicto ductatu Pomeranie, ubi nunc situm est castrum Gymewa, et sic cessaret omnis discordia inter eos. Unde fratres anno Domini MCCLXXXIII transtulerunt de terra Culmensi castrum Potterbergk et cum edificiis eius castrum Gymewam edificaverunt in eum locum super Wiselam, ubi nunc situm est ad laudem et gloriam Iesu Cristi."

the lords of Pomerania, if that had been their plan. Nevertheless, the Knights certainly remembered the half century of conflict with the dukes of Pomerania, and wished to defend themselves from a duke who not only had fought them for decades, but from whom they had to prize their "gift." In addition, Pomerania was still a borderland state contested by Polish and west Pomeranian dukes as well as by the Margraves of Brandenburg. The Knights, as a military order, would have wanted to be able to defend their possession themselves, rather than relying on the goodwill of secular rulers, who often targeted the strategically located monastic houses. Mściwój did not apparently consider their castle a threat. He and the Knights maintained peaceful relations throughout the rest of his reign, just as with his father had done after his own final settlement with the Knights in 1253. Now that that he had settled his dispute with the Knights, only one issue arising from the Pomeranian civil war remained – who would succeed him as Duke of Pomerania.

The Kępno Agreement and the Restoration of the Kingdom of Poland:

In February 1282, on his way to the meeting with the Teutonic Knights, Mściwój and Duke Przemysł II concluded an agreement in which Mściwój bequeathed to his "dear little son" [*dilecto filiolo nostro*] his Duchy of Pomerania.[100] As mentioned above, this was not the first time the duchy had been promised to the dukes of Pomerania's neighbors or kinsmen. In 1264 Mściwój had promised it to Duke Barnim I of West Pomerania and in 1269 he had accepted the duchy in fee from the Margraves of Brandenburg. Similarly, his brother Warcisław, had bequeathed his duchy to Duke Wisław II of Rügen.

[100] PIUB #333

What made this promise different is that it actually took effect in 1294 following Mściwój's death. The fact that this happened was not simply because Mściwój and Przemysł said it would, but because they spent the next decade convincing their secular and clerical magnates that it must happen. The details of this process will be examined in the next chapter. The purpose here is simply to examine how the dukes justified the succession agreement, especially in light of the fact that there were still others with claims to the duchy, particularly Duke Wisław, who made his intentions to succeed his uncle, Mściwój, clear in a letter to the Margraves of Brandenburg in 1289.[101]

As we have seen, the idea that Pomerania and Great Poland would be peacefully united under a single ruler must have seemed impossible in the mid-thirteenth century. First, Świętopełk and Mściwój fought the dukes of Great Poland for control of the borderland castle of Nakło, on the Pomeranian side of the Noteć River. In 1242 the Great Polish dukes entered the Fifteen Years War on the side of the Teutonic Knights, capturing Nakło. Similar, in 1256, a couple years after the resolution of this conflict, the Annals of Poznań Chapter record that Mściwój recaptured Nakło, "the key to the whole of Poland."[102] However, despite these lingering border conflicts, some earlier Polish historians have advanced the argument that Mściwój turned to the dukes of Great Poland for help to combat "German aggression" and protect

[101] The language of this letter is striking in that Wisław fully expects he might have to fight for the duchy and so promises to divide it with the margraves in exchange for their help: "post mortem domini Mystwiny nunc ducis Pomeranie totam suam terram, sive gwerrando cum violentia sive placitando cum amicitia eam obtinuerimus…" [PIUB#448]

[102] Jasiński, "Zapis," 176; Powierski, "Stellung," 117, 126; *Rocznik kapituły poznańskiej*, MPH ns VI, 72.

"Polish interests" in Pomerania.[103] In other words, if Pomerania could not remain an independent duchy, it was better that it go to a Polish ruler than a German one. Similarly, the lawyers and witnesses in the fourteenth-century trials would argue that Pomerania having been part of the historical Kingdom of Poland should naturally pass to the Polish ruler. Yet, contemporaries seem to have seen neither ethnicity nor regnal solidarity as determining factors for the eventual unification of Pomerania and Great Poland.

The argumentation of Mściwój and Przemysł contained little talk of ethnicity. Given the prominence of such factors in the union of Poland and Bohemia in 1300 and the sufferings of both Pomerania and Great Poland at the hands of the German Margraves of Brandenburg, they surely would have raised questions of ethnicity if these had been important to them. In addition, the idea that Pomerania was once a part of Poland and now should be again finds no place among the reasons the dukes give for why Mściwój chose Przemysł as his heir. Instead, the men used the traditional language of family and friendship to explain this bequest.

The notation on the back of one of the copies of the Kępno agreement, apparently "written by the Chancellor of Great Poland or one of his scribes 'in dorso' of the original immediately after its acquisition from the Pomeranian chancellor, who sealed the document," [104] provides a fuller justification for this agreement than the main text:

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[103] See among others, Zielińska, *Zjednoczenie*, 5; Jasiński, "Zapis," 177; Jan Baszkiewicz, *Powstanie zjednoczonego państwa polskiego na przełomie XIII i XIV wieku* (Warszawa: Książka i Wiedza, 1954).

[104] Bieniak convincingly refutes the earlier argument of Krystyna Zielińska on date and authorship. ["Powstanowienia układu kepińskiego," 215]

> These are the reasons why the Duke of Pomerania gives his duchy to the Duke of Poland: because the progenitors of the Duke of Poland were always supporters, defenders, and protectors of the Duchy of Pomerania; also, because Duke Przemysł himself, both in defending and protecting the aforesaid duchy, vigorously opposed the enemies of the same duchy, and he regards the same Duke of Pomerania as a father and reveres him like a father and has served him and his duchy in all ways, up to the spilling of his blood and the blood of his men, etc.[105]

As Bieniak points out, such motivations were also at odds with the justifications for this agreement remembered by the witnesses in 1339, especially "the childlessness of Mściwój, which dominated the plot in the testimonies from 1339."[106] While the witnesses in 1339 would present this event as a devolution of a lordship to a political superior, in light of the way that Mściwój characterized Przemysł in his charters – as "his dear son"[107] – as well as the way Przemysł presented himself to Mściwój's subjects in the months before the latter's death – as "his dear uncle" – it seems that in the minds of contemporaries family relationships mattered most.[108] Wisław II

[105] Bieniak, "Powstanowienia układu kepińskiego," 215: "Hec sunt cause quarum dux Pomoranie donat ducatum suum duci Polonie, quia progenitores ducis Polonie semper fuerunt fautores, defensatores et protectores ducatus Pomoranie; item quia dux Premislyus ipse, tam in defendendo quam in tuendo ducatum predictum se opposuit viriliter hostibus pro eodem ducatu, et ipsum ducem Pomoranie habet pro patre et reveretur tamquam patrem et omnia servicia sibi et suo ducatui usque ad sui et suorum effusionem sanqwinis exhibendo etc."

[106] Bieniak, "Powstanowienia układu kepińskiego," 215.

[107] Mściwój used this terminology in the Kępno agreement as well as in later correspondence.

[108] PIUB #516, #517, #518. Mściwój was not Przemysł's biological uncle. Przemysł's grandfather, Władysław Odonic, married Mściwój's aunt, Jadwiga, and Mściwój's father, Świętopełk, married Władysław's sister, Eufrozyna. See chapter three for a more detailed analysis of these documents.

used his relationship to Mściwój to justify his own claims to the duchy, so it was necessary that Przemysł use the same methods to justify his rule in Pomerania – he had inherited the land from a close relative – not that it had devolved to him because of the childlessness of a vassal. It took another half century and two decades of continuous rule under kings for Poles to make such statist arguments about Polish rulers' rights to lands that were part of the ancient *regnum*.

In 1320 and 1339 many of the witnesses were unsure why Przemysł had inherited from Mściwój, or for that matter why Władysław Łokietek inherited from Przemysł, and those who did have memories of these events gave numerous and often conflicting explanations based on both kinship and kingship. Some witnesses remembered the complex dynastic world of thirteenth-century Poland in which numerous duchies appeared and disappeared with the birth of one relative or the death or exile of another. But, for the majority of the witnesses within the newly restored Kingdom of Poland, such memories of the fragmented duchies of the thirteenth century were buried under recently created memories of kingship, especially in the later trial. For the majority of the witnesses in this trial, Mściwój and the rest of the dukes of Pomerania had functioned as agents of a line of kings which they had come to believe had ruled Poland since time immemorial. Therefore, it was only natural that at the time of the death of the last of these dukes, the ancient Polish land of Pomerania would once again come under the direct rule of the King of Poland at that time, Przemysł II. The witnesses conveniently forgot that Przemysł's coronation in 1295 had ended a more than two century-long interregnum in Poland. Unlike modern Polish historians, they did not see the

Kępno agreement as the main event in the restoration of the Kingdom of Poland, because in their minds the Kingdom of Poland had always existed.

Conclusion:

This chapter has attempted to illustrate two main points. First, *pace* Andrzej Wojtkowski, the thirteenth-century "Polish" disputes with the Teutonic Knights analyzed in this chapter and the previous one should not be seen in the same light as the Polish-Teutonic Knights' trials of the early fourteenth century. In the thirteenth-century disputes the Teutonic Knights' position in relation to the various Polish and Pomeranian dukes with whom they contended and cooperated was far more complicated than the simpler image of the national struggle that emerged in the memories of the litigants in the fourteenth century. The landscape of this borderland society was characterized by overlapping political and ecclesiastical jurisdictions, continually open to contestation. Just as the various rulers of these fluid polities frequently attempted to strengthen their position through changing alliances, so the ecclesiastical superstructure of this borderland was also subject to constant transformations, as clerics sought to harden the soft boundaries between their own jurisdictional areas. At the same time, translocal religious and civic organizations also played a role in shaping the political landscape of this borderland, as rulers sought to expand their power by developing translocal monastic and economic networks to strengthen their emerging states. In this context and in contrast to the views of those in the fourteenth century, the Teutonic Knights, despite their state-formation activities in the thirteenth century, should be seen as just one of numerous, contentious, translocal organizations used by the various secular rulers on this borderland

to strengthen their own positions against both their Christian and pagan neighbors. When the representatives of the various religious organizations of Pomerania came to meet their new secular lord, Duke (soon to be King) Przemysł II, just before Mściwój's death in 1294, the Teutonic Knights were there beside the Cistercians and the Archdeacon of Pomerania.[109] It would take the memory of two decades of conflict between the kings of Poland and the Teutonic Knights to transform the Knights into a conceptual Other, incapable of ever having been part of the Kingdom of Poland.

Second, within this distant "stateless" borderland society all the disputants, both secular and religious, ultimately recognized and often welcomed the authority of the papacy to resolve their disputes. The Teutonic Knights also sometimes appealed to the German emperor as an alternative source of authority. Nevertheless, a thousand miles away from Rome, the popes exercised an authority in Poland, Pomerania, and Prussia, which was in stark contrast to their declining authority over western European potentates. Just when jurists in the more established states in the west were beginning to thunder against the overarching claims of papal sovereignty, the emerging states of "new Europe" started to look to the papacy for the legitimization of their existence.[110] Thirteenth-century popes administered a large part of this bulwark of Christendom through a few legates, who became involved in disputes which must have seemed relatively insignificant in light of what was happening in the west. Yet, in their squabbling over unpronounceable places

[109] See chapter 3.

[110] Joseph R. Strayer, "The Laicization of French and English Society in the Thirteenth Century," *Speculum* 15 (1940), 76-86; reprinted in *Medieval Statecraft and the Perspectives of History* (Princeton: Princeton University Press, 1971), 251-65; Gaines Post, "Public Law, the State, and Nationalism," in *Studies in Medieval Legal Thought: Public Law and the State, 1100-1322* (Princeton: Princeton University Press, 1964), 434-93.

in an unknown land, these Germans, Prussians, Poles, and Pomeranians both gave and received legitimacy through the idea of papal sovereignty. Although the various disputing parties spent at least as much time fighting each other as they did fighting the pagans and schismatics on the borders of Christendom, these disputes leave no doubt that the missionary project in this part of Latin Christendom was directed from Rome and governed by administrators sent from the west, who possessed sufficient authority to prevent the breakdown of the papal project of pushing the bounds of Christendom further to the east. The maintenance of this authority would become more problematical in the fourteenth century, however. Despite the appeals to the papacy made by both Poland and the Teutonic Knights and the eventual success of the papacy in arbitrating a settlement between the parties, statist discourse was beginning to be at odds with the internationalist language of *Christianitas*. Once the Kingdom of Poland and the Teutonic *Ordensstaat* came to see their own state-formation activities as incongruent with the larger project of the expansion of Christendom directed by the papacy, they began to seek other avenues of conflict resolution, including arbitration by the neighboring kings of Bohemia and Hungary and self-help remedies in the form of years of open warfare.

The following chapters will examine the tension and interplay between these two seemingly incompatible discourses in the development of the public perception of the history of the conflicts between the rulers of Poland and the Teutonic Knights during the first four decades of the fourteenth century. They will also draw upon far richer source materials. As this and the previous chapter have illustrated, the surviving documents from the thirteenth century record only the stated goals or the final results of these disputes and provide very little information about the processes involved in the papal legates'

execution of their commissions. The lawsuits between the Teutonic Knights and the Archbishop of Riga in 1312 and the Kingdom of Poland in 1320 and 1339 reveal far more about the nature of these conflicts because notarial records of the trial acts survive, including the testimonies of nearly 200 witnesses. These records will be analyzed in the final three chapters to examine the processes of the formation of group identity, the development of historical consciousness, and other attributes of state-formation, crucial topics which these two chapters have had to treat superficially because of the limitations of the thirteenth century sources. First, however, in order to place these fourteenth-century disputes within a broader political and historical context unfamiliar to westerners, the following chapter will provide a brief outline of the events in late thirteenth- and early fourteenth-century east-central Europe that influenced the Polish-Teutonic Knights' conflicts.

CHAPTER THREE

FROM POZNAŃ TO PRAHA TO KRAKÓW: THE RESTORATION, REDIVISION, AND RECONSTITUTION OF THE *REGNUM POLONIAE*

The purpose of the present chapter is to provide background to the political events that occurred in Poland between Duke Mściwój of Pomerania's death in 1294 and the Peace of Kalisz, which ended the conflict between the Kingdom of Poland and the Teutonic *Ordensstaat* in 1343. During this half-century, east-central Europe underwent profound political transformations, which brought this previously peripheral region more directly into the consciousness of western Europeans.[1] The native dynasties of Poland's two neighboring kingdoms, Bohemia and Hungary, died out and were replaced by German and French royal dynasties – the Luxemburgs and Angevins respectively. Similarly, the extinction of the Ascanian dynasty of Brandenburg (the descendants of Albrecht the Bear[2]) led to the establishment of the emperor's son as Margrave of Brandenburg. At the same time, the transformation of the Teutonic Knights from a translocal religious organization to a territorial state was strengthened by the transfer of the headquarters of the order from Acre to Venice to Marienburg (Malbork in Polish) in Prussia. In addition, while the Baltic crusades of Scandinavians and Germans had succeeded in subjecting nearly all of the pagan peoples in northeastern

[1] Andrzej Feliks Grabski, *Polska w opiniach Europy Zachodniej XIV-XV w.* (Warszawa: Państwowe Wydawnictwo Naukowe, 1968); Andrzej Feliks Grabski, *Polska w opiniach obcych, X-XIII w.* (Warszawa: Państwowe Wydawnictwo Naukowe, 1964).

[2] Albrecht the Bear was one of the key figures in the thirteenth-century expansion of the Empire across the Elbe. Friedrich Lotter, "The Crusading Idea and the Conquest of the Region East of the Elbe," in *Medieval Frontier Societies*, ed. Robert Bartlett and Angus MacKay (Oxford: Clarendon Press, 1989), 301-3.

Europe, those who remained, the Lithuanians, were brought under the rule of Grand Duke Gediminas (1315-42), who insinuated to the papacy that he might be willing to accept baptism in order to strengthen his international position. Finally, during the pontificates of John XXII (1316-34) and Benedict XII (1334-42), the papal curia also showed a greater interest in looking for both allies and revenues in east-central Europe during its conflict with Emperor Ludwig IV (1314-47). The translocal economic and monastic networks that had linked this periphery of Christendom to the center during the previous century were now strengthened by political and dynastic ties that bound these states to a larger European entity.

The following narrative account of the political history of this region in the late thirteenth and early fourteenth centuries will focus primarily on relations between the Kingdom of Poland and the Teutonic *Ordensstaat*. However, as the fates of these two emerging states became inexorably linked to other east-central European states as well as to the conflict between the empire and the papacy, their activities will be analyzed within a larger European context.

Prelude to the Restoration: Polish Duchies and the Polish Church in the Decade before Przemysł's Coronation

As mentioned in the previous chapter, according to the agreement made in 1282 between Duke Mściwój II of Pomerania and Duke Przemysł II of Great Poland, these two duchies were united after Mściwój's death in 1294. Earlier Polish and German historians were divided as to the significance of this event. For earlier German historians, this was nothing more than a personal union of two duchies, and a short-lived one at that, which did not provide the

fourteenth-century Kingdom of Poland with any particular rights to Pomerania.[3] Earlier Polish historians, on the other hand, saw a manifestation of the desire to end the period of fragmentation and restore the ancient Polish kingdom, which meant that Pomerania had to be part of any future Polish state.[4] Though both of these arguments have merits, it is important to try to assess what Przemysł's contemporaries thought of this union and not what it meant for later relations between Poland and the *Ordensstaat*. The Pomeranians did do homage to Przemysł as their lord before he became King of Poland, and Mściwój did dedicate a monastery to the recently canonized Stanisław, who was in effect the patron saint of the movement to restore the Polish kingdom. Yet, whatever the intentions of the founders of this union, in late thirteenth-century Poland these intentions were always open to contestation by the surrounding rulers as well as the nobles and burghers within their own duchies.

The smooth transition of lordship in Pomerania demonstrates the merit of Janusz Bieniak's and Błażej Śliwiński's arguments that these two duchies already operated as one political unit in the decade before Mściwój's death, with the Duke of Pomerania recognizing the Duke of Great Poland as his lord.[5] However, it was certainly not clear in the 1280s that the union of these two duchies would lay the groundwork for the restoration of the Kingdom of

[3] The most forceful proponent of this view was Irene Ziekursch, *Der Prozeß zwischen König Kasimir von Polen und dem deutschen Orden im Jahre 1339* (Berlin: Emil Ebering, 1934), 77 and 154.

[4] See for example, Kazimierz Jasiński, "Zapis Pomorza Gdańskiego przez Mszczuja w 1282," *Przegląd Zachodni* 5/6 (1952), 189.

[5] Janusz Bieniak, "Postanowienia układa kępińskiego (15 February 1282)," *Przegląd Historyczny* 82 (1991), 209-32; Błażej Śliwiński, *Pomorze Wschodnie w okresie rządów księcia polskiego Władysława Łokietka w latach 1306-1309* (Gdańsk: Muzeum Archeologiczne w Gdańsku, 2003), 47-50.

Poland. For more than 200 years Polish duchies had been united and divided upon the deaths of their rulers, depending upon the number of their heirs, and none of these dukes had ever become king. Therefore, the particular circumstances that led to the reemergence of the Polish kingdom through the union of these two duchies need to be analyzed in some detail.

Numerous historians have argued that there is evidence of a nascent Polish national consciousness emerging in the second half of the thirteenth century.[6] This national consciousness was expressed in a number of ways, most notably in the form of hostility towards Germans and the desire for the restoration of a unified Polish kingdom. More recently some Polish historians, especially Sławomir Gawlas, have quite correctly argued against taking too strong a view of Polish national consciousness in the thirteenth and early fourteenth centuries.[7] Yet, while this sense of "Polishness" was perhaps not as widespread as some earlier Polish historians would have us believe, it is undeniable that at least in some circles, there was a longing for the restoration of the kingdom. Such sentiments were particularly strong among certain members of the clergy, who hoped that a stronger state would better protect

[6] Much of this material covers the same ground. Paul W. Knoll, "National Consciousness in Medieval Poland," *Ethnic Studies* 10 (1993), 65-84, and Konstantin Symmons-Symonolewicz, "National Consciousness in Poland until the End of the Fourteenth Century: A Sociological Approach," *Canadian Review of Studies in Nationalism* 8 (1981), 249-66 provide a good overview in English, while Sławomir Gawlas, "Stan badań nad polską świadomością narodową w średniowieczu," in *Państwo, naród i stany w świadomości wieków średnich*, ed. Aleksander Gieysztor (Warsaw: PWN, 1990), 149-94, provides a more comprehensive survey of the Polish historiography of the issue; Piotr Górecki, "Assimilation, Resistance, and Ethnic Group Formation in Medieval Poland: A European Paradigm?" in *Das Reich und Polen: Parallelen, Interaktionen, und Formen der Akkulturation im hohen und später Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky (Ostfildern: Jan Thorbecke, 2003), 447-76, is a nuanced analysis of how ethnic identity was performed at this time in courtrooms and chronicles.

[7] In particular, see the work of Sławomir Gawlas, especially "'Verus heres': Z badań nad świadomością polityczną obozu Władysława Łokietka w początku XIV wieku," *Kwartalnik Historyczny* 95 (1988), 77-104.

ecclesiastical rights. Foremost among these clerics was the Archbishop of Gniezno, Jakub Świnka (1283-1314), whose metropolitan see was located just 30 miles from Przemysł's ducal capital of Poznań.

Some scholars have seen Archbishop Świnka as both the architect of the restoration of the Kingdom of Poland and one of the key figures in the development of a Polish national consciousness.[8] Whatever his role in attempting to unify the various contending duchies, however, he did prove himself to be an avid defender of the Polish church, guarding against what he perceived as German incursions into it. In 1285 he wrote a letter to the College of Cardinals complaining about Germans in general and the Franciscans in Silesia, Prussia, and Pomerania in particular, who had seceded from the Polish province to join the Saxon one.[9] At a synod of the Polish church in the same year he also instituted a statute "for the conservation and preservation of the Polish language" requiring priests to give sermons and instruct students in Polish.[10] This was obviously directed against immigrant

[8] For biographies of the archbishop, see Daniel Buczek, "Archbishop Jakub Świnka, 1283-1314: An Assessment," in *Polish Studies in Civilization*, ed. Damian S. Wandycz (New York: Columbia University Institute on East Central Europe, 1971), 54-61; Władysław Karasiewicz, *Jakub II Świnka, arcybiskup gnieźnieński*. (Poznań: Nakł. Poznańskiego Towarzystwo Przyjaciół Nauk, 1948); Tadeusz Silnicki and Kazimierz Gołąb, *Arcybiskup Jakub II Świnka i jego epoka* (Warszawa: Pax, 1956).

[9] KDW I #616; see also John B. Freed, "The Friars and the Delineation of State Boundaries in the Thirteenth Century," in *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, ed. William C. Jordan, et al. (Princeton: Princeton University Press, 1976), 31-40, 425-8; John B. Freed, *The Friars and German Society in the Thirteenth Century* (Cambridge, MA: The Medieval Academy of America, 1977).

[10] KDW I #551: "Moreover, we have established that every Sunday all priests must explain the Lord's Prayer and the Hail Mary to the people in Polish in place of a sermon…. […] In addition, we have established for the conservation and promotion of the Polish language: no rectors of schools are to be placed in conventual and cathedral churches or any other places whatsoever, unless they know Polish properly and can explain the authorities to the boys in the Polish language." ["Statuimus etiam, ut omnes presbyteri singulis diebus dominicis…oracionem dominicam et Salutacionem Virginis gloriose…loco sermonis exponere populo debeant in Polonico…. […] Statuimus insuper ad conservacionem et promocionem lingwe Polonie: in singulis locis ecclesiarum kathedralium et conventualium, et aliis

German clerics as well as the German parishioners they cared for, but Polish "linguistic nationalism"[11] or anti-German sentiment does not necessarily equate with a desire for the restoration of the Kingdom of Poland. [12]

In retrospect it may appear natural that Poland was moving towards unification in the late fourteenth century, but to contemporaries it must have seemed improbable and perhaps not particularly desirable. Due to the absence of primogeniture the lands that had been controlled by the last Polish duke with any claim to superiority over the ancient Kingdom of Poland, Duke Bolesław III Krzywousty, continued to fragment after his death in 1138, so that by the 1280s there were well over a dozen duchies ruled by dukes of the royal Piast dynasty. Rarely did these dukes recognize another as a superior

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quibuscunque locis non ponantur rectores scolarium, nisi linguam Polonicam proprie sciunt, et possint pueris auctores exponere in Polonica lingua."]

[11] I borrow this phrase from Bartlett, *Making*, 201. Bartlett points out that "a growing strand of linguistic nationalism or politicized linguistic consciousness emerges in the later Middle Ages. A symptom of the identification of language and people is the use of the word for language in contexts where it almost certainly means 'people.'" This strand of thinking was also present in late thirteenth- and early fourteenth-century Poland. See chapter 6.

[12] Świnka was undoubtedly anti-German and was prone to refer to Germans as "dog heads," (see below), yet his concerns about the Polish language were more complex than simple chauvinism. He was first of all always conscious of the need to communicate with one's congregation in ethnically diverse communities. In many Polish cities Germans constituted the majority of the inhabitants, and many villages were also settled largely by Germans. In fact, it has been estimated that Germans might have represented 1/6 of the population of late-thirteenth century Poland (250,000 of 1.5 million). [Paul W. Knoll, "Economic and Political Institutions on the Polish-German Frontier in the Middle Ages: Action, Reaction, Interaction," in *Medieval Frontier Societies*, ed. Robert Bartlett and Angus MacKay (Oxford: Clarendon Press, 1989), 162] Świnka perhaps feared that the linguistic exclusion of certain Polish communities from full participation in the celebration of masses would have dangerous consequences for their salvation. Second, he probably also feared the rise of German cultural dominance in urban centers and ducal courts. Medieval Polish was not a literary language, so Poles inevitably turned to either Latin or German. As Benedykt Zientara points out, "German [was] the language of sophisticated courts." ["*Melioratio Terrae*: The Thirteenth-Century Breakthrough in Polish History," in *A Republic of Nobles: Studies in Polish History to 1864*, edited and translated by J.K. Fedorowicz (Cambridge: Cambridge University Press, 1982), 43] For example, Duke Henryk IV Prawy of Wrocław (see below), who ruled over one of the regions of Poland most heavily populated by Germans, is represented in the early fourteenth-century *Codex Manesse* as a *Minnesänger*. http://digi.ub.uni-heidelberg.de/cpg848.

authority, and disputed inheritances often led to internecine warfare, as the previous two chapters have illustrated. Some dukes were of course more powerful than others – because they had come to rule larger regions through conquest, inheritance, or marriage – and these dukes did attempt to exert some control over the weaker dukes, but they were not particularly effective.

By the end of the 1280s, Duke Henryk IV Prawy of Wrocław had emerged as the most powerful duke in Poland.[13] He controlled two of the most important regions of Poland. His inheritance, Silesia, was by far the most economically advanced duchy in Poland.[14] And in 1288 he defeated Władysław Łokietek (the future King of Poland but at that time only a minor duke) in a battle for Little Poland, which had been controlled by Władysław's brother Leszek II Czarny.[15] Possession of Little Poland was economically desirable but even more important ideologically. Its capital, Kraków, had emerged during the later thirteenth century as an important center of Polish unity, because it housed the relics of St. Stanisław, who had become the patron saint of the restoration movement after his canonization in 1253.[16]

Even though the idea of the Kingdom of Poland had reentered the public consciousness (at least in some circles), it is difficult to know whether Henryk had any pretensions to the throne, because Polish dukes were

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[13] Paul W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago and London: University of Chicago Press, 1972), 15-17.

[14] For a detailed analysis of the economic development of Silesia, see Piotr Górecki, *Economy, Society, and Lordship in Medieval Poland, 1100-1250* (New York and London: Holmes and Meier, 1992).

[15] Knoll, *Rise*, 15-16.

[16] Jerzy Kłoczowski, "The Church and the Nation: The Example of the Mendicants in Thirteenth-Century Poland," in *Faith and Identity: Christian Political Experience*, ed. David Loades and Katherine Walsh (Oxford, UK and Cambridge, MA: Basil Blackwell, 1990), 47-55.

remarkably restrained in their titulature throughout the thirteenth century.[17] If he did, these goals were not realized, because he was murdered in 1290 (a common fate of east-central European rulers around the turn of the fourteenth century).[18] Yet, his will does not suggest that the unification of Polish lands was foremost in his mind. Because he did not have a son, his first cousin, Duke Henryk of Głogów was awarded his Silesian possessions, while a more distant relative, Duke Przemysł II of Great Poland was granted Little Poland.[19] Because the latter did not have a male heir, they had apparently agreed that Henryk of Głogów, Przemysł's first cousin, would acquire his lands after Przemysł's death.[20] This arrangement need not concern us, however, because it was never realized.

Burghers, knights, and nobles also played an important role in deciding who would be their ruler, and these men chose not to honor their lord's will. The burghers of Wrocław chose another Silesian duke, Henryk V Gruby, of the closer region of Legnica, while the inhabitants of Little Poland recognized the lordship of King Václav II of Bohemia, the son of King Přemysl II Ottokar, in whose court Henryk of Wrocław had been raised.[21] The King of Bohemia continued his advance into Poland, taking the Duchy of Sandomierz from Władysław in 1292, and in the same year forcing him to do homage for the

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[17] Aleksander Swieżawski, "*Dux regni Poloniae* i *haeres regni Poloniae*. Ze studiów nad tytulaturą władców polskich na przełomie XIII i XIV wieku," *Przegląd Historyczny* 80 (1989), 429-38.

[18] In addition to the murders of King Przemysł II of Poland in 1296 and King Václav III of Bohemia and Great Poland in 1306 (discussed below), there was also the murder of King Albrecht I of Germany in 1308.

[19] Knoll, *Rise*, 17.

[20] Knoll, *Rise*, 17.

[21] Knoll, *Rise*,15, 17-18.

Duchy of Sieradz.[22] Václav also strengthened his position in the region by accepting homage from a number of Silesian dukes[23] and marrying his sister to Duke Bolesław II of Mazovia in 1291.[24] At the time of Przemysł's coronation in 1294, Václav directly or indirectly controlled more of the ancient Polish kingdom than the King of Poland did.

This brief excursus on the succession to Duke Henryk of Wrocław's lands demonstrates how deeply fragmented and fiercely contested the regions of the former Kingdom of Poland remained. It also shows that the Polish duchies were not exclusive entities, fixed in space. They could be incorporated into surrounding non-Polish polities, as the Bohemian acquisition of Kraków demonstrates, or they could incorporate surrounding polities ruled by non-Piast dukes, as Przemysł's inheritance of the Duchy of Pomerania demonstrates. This was a far more fluid society than some later historians (both medieval and modern) would have us believe. Contemporary documents make it clear that Pomeranians, Poles, and Bohemians thought of themselves as similar peoples based on the markers of medieval ethnicity – language, custom, and law. The dividing line between these peoples was blurry, so that it was difficult to tell where Poland was and who was a Pole. However, as Archbishop Świnka made clear, the one institution that held these disparate duchies together at this time was the Polish church. The church was to play an even greater role in imagining what form the Kingdom of Poland would take after a reified Papal conception of the ancient kingdom made its

[22] Kazimierz Pacuski, "Mazowsze wobec walk o władze w Polsce na przełomie XIII/XIV w." *Kwartalnik Historyczny* 85 (1978), 595.

[23] Knoll, *Rise*, 18.

[24] Pacuski, 594.

way into the discourse of the later disputes between Poland and the Teutonic Knights. In the late thirteenth century, however, the kingdom that emerged encompassed just a small part of the ancient *regnum*.

The First Restoration of the Kingdom: The Union of the Duchies of Pomerania and Great Poland

The union of East Pomerania and Great Poland[25] following the death of Duke Mściwój II of Pomerania has stood out in Polish history as a crowning achievement of diplomacy, which laid the foundation for the restoration of the Kingdom of Poland. Yet, duchies were very fluid units in this area; it was common enough for them to fragment or be annexed by neighbors, depending upon the number of sons a duke had. In fact, it might not be too much of an exaggeration to argue that one of the greatest factors in the unification of Poland was that more and more dukes died without sons, necessitating the formation of larger political units. Nevertheless, the political entity that emerged when Przemysł succeeded Mściwój was new in important ways. What made the union of Pomerania and Great Poland different from other contemporary mergers of Polish duchies deserves an explanation.

Janusz Bieniak has argued,[26] and other Polish researchers now agree,[27] that from the time of the Kępno agreement in 1282, Mściwój held

[25] There were and still are two "Polands" within Poland – Wielkopolska (Great Poland, which is the region centered around Gniezno and Poznań) and Małopolska (Little Poland – the region centered around Kraków). For a discussion of the origins of these distinctions, see Gerard Labuda, "W sprawie pochodzenia nazw: Wielkopolska i Małopolska," *Przegląd Zachodni* 10 (1954), 112-9.

[26] Janusz Bieniak, "Postanowienia układu kępińskiego (15 lutego 1282)," *Przegląd Historyczny* 82 (1991), 209-32.

[27] For an outline of the historiography of this subject see Błażej Śliwiński, *Pomorze*, 48-9.

Pomerania in Przemysł's name. In other words, the arrangement was similar to the agreement that Mściwój made with the Margrave of Brandenburg in 1269. Yet, without the consent of the Pomeranian nobility, Mściwój's donation would not have been recognized. Henryk of Wrocław's subjects did not follow the will of *their* duke, and as we shall see below, the Great Polish and Pomeranian nobles deliberately contradicted Przemysł's intentions that his duchy would pass to Duke Henryk of Głogów after his death. In order to make this agreement work, Przemysł and Mściwój spent nearly a decade convincing the Pomeranian secular and ecclesiastical magnates that it would be advantageous for them.[28] However, even in the final years of his life Mściwój apparently still hoped he might produce a male heir; in 1288 he annulled his marriage to his wife of thirteen years and ran off with a Premonstratensian nun. The Oliwa Chronicle condemns this action and blames this sin his inability to produce an heir,[29] but it is questionable whether any son produced from this union would have been recognized as a legitimate heir, as Śliwiński has pointed out, both because of the scandal and because this nun was not of ducal blood.[30] In any event, no son was born, and in the fall of 1294 Mściwój became deathly ill.

Przemysł was apparently informed immediately about Mściwój's illness, because he appears in Pomerania at the beginning of October. On his way to Gdańsk he confirmed privileges granted "by his dear uncle" ("patruus noster

[28] Bieniak, "Postanowienia."

[29] *Chronica Olivensis*, MPH VI, 315: "…because he lived illegitimately and used for sex a sacred bride of Christ…God deprived him of his seed for a legitimate successor…." ["quia illegitime vixit et sponsam Christi sanctimonialem…suo commercio adaptavit, Deus privavit sui seminis legitimo successore…."]

[30] Śliwiński, *Pomorze*, 49-50.

dilectus"), as he had taken to calling Mściwój in order to strengthen the familial bond between the two.[31] Their relationship was actually a bit more complex: Przemysł's grandfather, Władysław Odonic, married Mściwój's aunt, Jadwiga, and Mściwój's father, Świętopełk, married Władysław's sister, Eufrozyna.[32] But, despite these complexities, the familial relationship between the two dukes was strong. One of the justifications presented by Przemysł's chancellor for the Kępno agreement was that Przemysł regarded and revered Mściwój as his father.[33] In fact, it is important to underscore that Przemysł's right to succession was based upon this imagined close familial link rather than any institutional rights of Polish dukes to this land. Przemysł acquired Pomerania through inheritance to a "son" rather than devolution to a political overlord.

These Pomeranian charters were witnessed by Mściwój's officials as well as by the Archdeacon of Pomerania, the abbots of the Cistercian monasteries at Oliwa and Pelplin, and a brother of the Teutonic Order. It is interesting that the Cistercian abbots and the representative of the Teutonic Knights appear in a document confirming Mściwój's grant of a year earlier freeing the burghers of Elbląg from tolls in Pomerania, because this also involved the Hanse. Elbląg had been founded by Lübeck merchants, who also had colonies in the two principle Pomerania port cities of Gdańsk and Tczew.[34] Even though no merchants are listed by name, they might have

[31] PIUB #516, #517, #518

[32] See chapter 1 and Śliwiński, *Poczet*, 29.

[33] "…ipsum ducem Pomoranie habet pro patre et reveretur tamquam patrem…." Bieniak, "Postanowienia," 215.

[34] PIUB #518 confirms PIUB #504; for the early history of Elbląg, see chapter 1.

been among the unnamed “aliis quam pluribus fide dignis” mentioned at the end of the witness list. It seems that everyone with any vested interest in Pomerania had come to the capital to witness and guarantee the transition between Mściwój and Przemysł. The Teutonic Knights’ presence also shows that they approved of Przemysł’s succession to Pomerania, despite the claims of the Margraves of Brandenburg. There was no reason that the Knights and the margraves should be allies simply because they were Germans any more than the various Polish dukes should cooperate simply because they were Poles. The ethno-political justifications of the fourteenth century were not present in this thirteenth-century borderland.

Przemysł did not yet assume the title “Duke of Pomerania” in any of these charters. He waited until Mściwój’s death on Christmas Day to incorporate Pomerania into his titulature. Until then he was careful to attempt no active governance in this land. Mściwój’s officials were left in place, and except for a brief trip to Świecie in April 1295,[35] Przemysł did not concern himself with his newly acquired duchy until after his coronation as King of Poland on 26 July 1295. Immediately afterwards, however, Przemysł perambulated Pomerania, visiting all of the major towns – Słupsk (30 July),[36] Gdańsk (9 August),[37] Tczew (11 August),[38] and Świecie (15 August).[39] He also appeared again in Gdańsk in October to confirm the possessions of Oliwa and Pelplin in the presence of the important secular and ecclesiastical officials

[35] PIUB #522.

[36] PIUB #527.

[37] PIUB #528.

[38] PIUB #529.

[39] PIUB #530.

of Pomerania.[40] The instant recognition by the Pomeranians of Przemysł not only as their lord, but also as their king, suggests that Przemysł's aspirations to restore the Kingdom of Poland had been circulating for some time and that the Pomeranians had accepted being governed under this new type of lordship.

Yet, despite the fact that the restoration of the kingdom must have involved a considerable amount of planning, there has been some discussion about whether this coronation was carried out with papal consent or whether it was obtained after the fact, because no surviving bull authorizes the coronation. Tomasz Jurek, however, has convincingly argued that Archbishop Świnka had in fact obtained papal consent before he crowned Przemysł the first King of Poland in more than 200 years.[41] Interestingly enough, he connects this act with a conflict between Poland and the Teutonic Knights concerning the Archbishop of Gniezno's claimed superiority over the Bishopric of Chełmno.[42] Pomerania and Chełmno became inexorably linked in the minds of fourteenth century Poles as ancient Polish lands seized from the kingdom by the avaricious Teutonic Knights,[43] and it is possible that Archbishop Świnka was already trying to strengthen his claim to ecclesiastical superiority over this bishopric based on its historical relationship to the ancient Polish kingdom. In any case, despite his failure to gain superiority over

[40] PIUB #531 and #533.

[41] Tomasz Jurek, "Przygotowanie do koronacji Przemysła II," in *Przemysł II: Odnowienie Królestwa Polskiego*, ed. Jadwiga Krzyżaniakowa (Poznań: Instytut Historii UAM, 1997), 167-80.

[42] Jurek, "Przygotowanie," 171.

[43] See chapter 6.

Chełmno, Świnka did succeed in persuading the Pope to restore the office of King of Poland.

The coronation, which took place in Gniezno cathedral on 26 June 1295, was the first conducted in Poland in more than two centuries. There was no established coronation *ordo*, so the participants were to a large degree constructing both the meaning and symbolism of this event as well as the rights and responsibilities of the king from whole cloth.[44] Unfortunately, this ceremony barely registers in the chronicles, which is remarkable considering what an unprecedented event it was. According to the Annals of the Poznań Chapter, the coronation was attended by four of the six bishops of the Polish church (five of seven including the archbishop), while the other two bishops expressed their consent.[45] This document does not list any important secular magnates, however, which might indicate some displeasure at the idea of belonging to a kingdom. A decade earlier, some of the Great Polish nobles, led by a member of the powerful Zaręba family, had revolted against Przemysł II, handing over the strategically and economically important town of Kalisz to Duke Henryk Prawy of Wrocław in 1284.[46] It is entirely possible that many magnates worried about how living under a king would affect their positions, but they were not the only ones who were troubled. The coronation must also have upset the Margraves of Brandenburg, who had been expanding to the

[44] The first surviving coronation *ordo* comes from the sixteenth century. Zbigniew Dalewski, "Ceremonia koronacji Przemysła II," in *Przemysł II: Odnowienie Królestwa Polskiego*, ed. Jadwiga Krzyżaniakowa (Poznań: Instytut Historii UAM, 1997), 205; see also Aleksander Gieysztor, "Gesture in the Coronation Ceremonies of Medieval Poland," in *Coronations: Medieval and early Modern Ritual*, ed János M. Bak (Berkeley: University of California Press, 1990), 152-62; also available online at: http://ark.cdlib.org/ark:/13030/ft367nb2f3/

[45] *Rocznik kapituły poznańskiej*, MPH ns VI, 53; see also Dalewski, 210-11.

[46] Kazimierz Jasiński, "Rola polityczne możnowładztwa wielkopolskiego w latach 1284-1314," *Roczniki Historyczne* 29 (1963), 216-24.

east at the expense of Great Poland,[47] had long desired control of the entirety of Pomerania,[48] and perhaps feared the consequences of Przemysł's elevation in rank for their formerly Polish holdings. Therefore, on 8 February 1296, less than a year after his coronation, Przemysł was murdered, most likely by agents of the margraves, aided by certain Great Polish nobles.[49]

The First Interregnum: The Election of Władysław Łokietek (1296-1300)

Przemysł had intended, according to Bieniak, that in the event of his death without a male heir his lands were to be divided between his first cousin, Duke Henryk of Głogów, and the dukes of Szczecin, with the former holding Great Poland directly, and the later holding Pomerania in Henryk's name.[50] The inhabitants of Pomerania and Great Poland, however, chose to ignore Przemysł's intentions and instead elected Duke Władysław Łokietek of Kujawy as their lord. Kazimierz Jasiński has pointed to the closer relations between

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[47] Edward Rymar, "Władcy Brandenburgii na dzisiejszych ziemiach polskich, zwłaszcza w Nowej Marchii i na Pomorzu w latach 1200-1319 (Itinerarium)," *Rocznik Słupski* (1988-89): 27-52; Edward Rymar, "Stosunki Przemysła II z margrabiami brandenburskimi ze starszej linii askańskiej w latach 1279-1296" in *Przemysł II - Odrodzenie Królestwa Polskiego*, ed. Jadwiga Krzyżaniakowa (Poznań: Institut Historii UAM, 1997), 123-44.

[48] Hermann Krabbo, "Danzig und die askanischen Markgrafen von Brandenburg." *Preussische Jahrbücher* 177 (1919): 47-54; Józef Spors, "Rzekome tytuły prawne Brandenburgii do Pomorza Gdańskiego opierające się na potwierdzeniach z 1231 i 1295 r.," in *Personae, Colligationes, Facta*, ed. Janusz Bieniak (Toruń: Zakład Nauk Pomocniczych Historii Instytutu Historii i Archiwistyki UMK w Toruniu, 1991), 240-7.

[49] Karol Górski, "Śmierć Przemysła II," *Roczniki HIstoryczne* 5 (1929), 170-200; Kazimierz Jasiński, "Tragedia rogozińska 1296 r. na tle rywalizacji wielkopolsko-brandenburskiej o Pomorze Gdańskie," *Zapiski Historyczne* 26 (1961), 65-104; Edward Rymar, "Próba identyfikacji Jakuba Kaszuby, zabójcy króla Przemysła II w powiązaniu z ekspansją brandenburską na północne obszary Wielkopolski," in *Niemcy - Polska w Średniowieczu*, ed. Jerzy Strzelczyk (Poznań: Wydawn. Nauk. Uniwersytetu im. Adama Mickiewicza w Poznaniu, 1986), 203-22.

[50] Bieniak, "Postanowienia," 232; as discussed in the previous chapter, Mściwój had earlier turned to Duke Barnim I of Szczecin as a possible heir in 1264.

Great Poland and Kujawy, including Władysław's marriage to Przemysł's cousin, Jadwiga, and the Pomeranians' unfamiliarity with the distant Duke of Głogów as the main factors that led to the election of the neighboring Duke of Kujawy. [51] One could also point to the fact that for more than a decade Władysław's mother had been married to Mściwój II, but their divorce in 1288 would have invalidated whatever tenuous claims he might have had to his step-father's duchy.[52] In any event, despite his election by the important men in both Pomerania and Great Poland, Władysław did not obtain the royal title. He also did not immediately obtain the consent of the neighboring Polish dukes.

Henryk intended to claim what he viewed as his inheritance, if necessary over the objections of Przemysł's former subjects. So, one month after the king's death, Władysław and Henryk met the barons of Great Poland at Krzywiń in an attempt to reconcile the will of the live barons with the will of the dead Przemysł. They chose Krzywiń because it was located about halfway between Henryk's capital at Głogów and the Great Polish capital of Poznań. The Obra River, on which the town is located, was to serve as a new political boundary between Władysław's state and Henryk's state.[53] This division, however, was intended to be a temporary one. Władysław adopted Henryk's infant son, Henryk II Wierny, and promised that when the young duke came of age, he would govern the land of Poznań. In addition, if Władysław died without a male heir, Henryk Wierny would inherit the whole of the Duchy

[51] Jasiński, "Rola," 227-32.

[52] Śliwiński, *Poczet*, 78 and Derwich, 239.

[53] KDW II #745.

of Great Poland. This document said nothing about either duke or their descendants assuming the royal title, but less than two months later Władysław was confirming charters as the "Duke of the Kingdom of Poland and Lord of Pomerania,"[54] implying that whatever the terms of the settlement with Henryk, Władysław considered himself the true heir to Przemysł's kingdom. Władysław might have tried to retake Kraków from Václav in 1296 and thus obtain the royal title,[55] but whatever Władysław's intentions and pretensions he never referred to himself as "king."[56] In fact, Aleksander Swieżawski has drawn attention to the fact that no thirteenth-century Polish duke, not even Władysław and Henryk, ever used the title "king" in any of the surviving documents; instead both opted for the title "heir to the Kingdom of Poland."[57]

Władysław's rule in Pomerania was also contested by his twenty-year-old nephew. Leszek, Duke Sambor of Pomerania's grandson, went to Gdańsk from his main base at Inowrocław in May 1296. While in "his castle of Gdańsk," "in the first year of his rule in Pomerania," he met with the abbot and brothers of Oliwa monastery and confirmed privileges granted by Sambor, "his grandfather of pious memory," and Mściwój, "his dear uncle," as "Duke of Pomerania by the mercy of God," in the presence of the officials of the duchy.[58] This document could not have expressed his intentions to rule this

[54] KDW II #746 and PIUB #540.

[55] Knoll has suggested this. *Rise*, 21.

[56] Maria Bielińska, "Kancelaria Władysława Łokietka w latach 1296-1299. Ze studiów nad kancelarią wielkopolską," *Studia Źródłoznawcze* 6 (1961), 21-80.

[57] Swieżawski, 429-30.

[58] PIUB #541.

duchy more strongly. He was in possession of the duchy's main town, and his rule was sanctioned by the most important religious community in the land, as well as by the previous regime's administrators. This, however, is the only surviving document in which Leszek calls himself "Duke of Pomerania." Because of this gift, Oliwa would preserve the memory of his lordship in its mid-fourteenth-century chronicle,[59] but these two texts are the only references to his brief reign as Duke of Pomerania. A month later Leszek was referring to himself as only the ruler of Kujawy.[60] Also, in his testimonies from the 1320 and 1339 trials, Leszek presents himself as a loyal follower of his uncle. Exactly how Władysław took control of the duchy from his nephew is difficult to determine, but I will explore Leszek's change of heart in more detail in chapter 5. For now, it suffices to point out that Władysław apparently took little interest in Pomerania. Usually dukes confirmed their subjects' charters, but in the first years of Władysław's reign in Pomerania, the secular and ecclesiastical officials of the duchy wrote and witnessed each others' charters.[61] Władysław does not even appear to have visited the duchy until January 1298.[62] Although he took a more active interest in Pomerania throughout 1298, by this time Duke Henryk was beginning to challenge his rule there. In June, Henryk promised the Archbishop of Gniezno as well as the bishops of Poznań and

[59] *Chronica Olivensis*, MPH VI, 315-6: "…the Duchy of Pomerania did not have a legitimate successor, but the knights at first called on Duke Leszek of Kujawy, who held the duchy for some time." ["…dutatus Pomeranie nullum habuit legitimum successorem, sed milites primo vocaverunt ducem Cuiavie Lestkonem, qui ad tempus ducatum tenuit."]

[60] Śliwiński, *Pomorze*, 58; *Dokumenty kujawskie i mazowieckie przeważanie z XIII w.*, ed. Bolesław Ulanowski (Kraków: Akademia Umiejętności, 1887) #58.

[61] PIUB #547, 558, 549.

[62] PIUB #552-3.

Kujawy, that he would protect their interests in Pomerania.[63] The secular and ecclesiastical magnates of Pomerania and Great Poland had apparently grown tired of what they perceived as Władysław's poor governance. Yet, despite the arrangements with Henryk, when Władysław's subjects rebelled against their lord, they did not turn to the Polish Henryk, but rather to the King of Bohemia.

The Annals of Poznań Chapter listed the evils of Władysław's henchmen as justifications for his banishment from his lands and the election of King Václav of Bohemia as King of Poland:

> In the year of the Lord 1299, when during the time of Duke Władysław the church suffered many injuries, as much from the aforesaid duke as from his knights, namely the violations of cemeteries and the oppressions of paupers, widows, and orphans, and all the goods of the churches and the Church to annihilation, and other things which are horrible to speak of, Andrzej, by the grace of God, Bishop of Poznań placed his whole diocese under a general interdict, prohibiting the celebration of divine offices, etc.
>
> Likewise in 1300 AD, the Poles, seeing the fickleness of the aforesaid Duke Władysław, called upon King Václav of Bohemia and accepted him as their lord, after chasing Władysław out of all of his lands, even from his own inheritance.[64]

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[63] PIUB #560 and KDW II #787.

[64] *Rocznik Kapituły Poznańskiej*, MPH ns VI, 53-4: "Item anno Domini Millesimo CC nonagesimo IX cum temporibus ducis Wladislai ecclesia multas iniurias pateretur tam a predicto duce, quam a militibus eius, scilicet violaciones cimiteriorum et oppressiones pauperum, viduarum ac orphanorum, omnium bonorum ecclesiarum, ecclesie ad anichilacionem et alia que loqui horrendum est Andreas Dei gracia episcopus ecclesie Poznaniensis in tota diocesi sua generale posuit interdictum prohibens divina officia celebrare etc.

The acceptance of Václav as ruler of Poland had in fact already been set in place by August 1299, when Władysław acknowledged that he held all of his lands in fee from the King of Bohemia.[65] The next year Władysław fled to Hungary,[66] and Václav was crowned King of Poland.

The Second Restoration of the Kingdom: The Union with the Kingdom of Bohemia (1300-6)

The idea of the unification of some Polish duchies under the rule of the King of Bohemia must not have seemed as shocking to contemporaries as it did to some later Polish scholars.[67] As outlined above, Václav II had already been ruling in Little Poland and Sandomierz for a decade and had accepted homage from quite a number of Polish dukes during the 1290s. In addition, some contemporaries apparently felt that Poles and Bohemians were similar peoples:

> …thus there will be one king and a common, amicable law of coexistence for the Bohemians and us. For those who differ little in

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Item sub anno Domini Millesimo CCC Poloni videntes inconstanciam ducis Wladislai predicti vocaverunt Wenceslaum regem Bohemie et in dominum sibi receperunt fugato Wladislao de omnibus terris eciam propriis. […]

[65] KDW II #818 and PIUB #582.

[66] Knoll, *Rise*, 23; Jan Dąbrowski, "Z czasów Łokietka, Studya nad stosunkami polsko-węgierskimi w XIV w.," *Rozprawy Akademii Umiejętności – wydział historyczno-filozoficzny*, series II 34 (1916), 278-326; Adam Kłodziński, "Problem węgierskiej pomocy dla Łokietka w r. 1304-6," *Sprawozdanie Akademii Umiejętności – wydział historyczno-filozoficzny* 41 (1936), 132-4.

[67] Most Polish historians have viewed the years of Bohemian rule as a speed bump on the path to state-formation, but Paul Knoll has identified several important administrative reforms during this time. For the Polish historiography on this topic and a positive assessment of Bohemian administrative reforms, see Paul W. Knoll, "Wladyslaw Lokietek and the Restoration of the *Regnum Poloniae*," *Medievalia et Humanistica* 17 (1966), 57; for a positive assessment by a Polish historian, see Jerzy Dowiat, *Polska – państwem średniowiecznej Europy* (Warszawa: Państwowe Wydawnictwo Naukowe, 1968), 292-303.

> their dialect of the Slavic language will agree upon a king and rejoice under one prince. For those who speak the same language mostly embrace relationships of love and closeness.[68]

Neither the uncertain sense nor the alien source of this text convey confidence here. It was a fourteenth-century Bohemian chronicler who put these words into the mouths of Poles at a meeting from which Bohemians were absent. On the other hand, both the Annals of the Poznań Chapter and the Oliwa Chronicle emphasize that the years of Bohemian reign were characterized by peace and justice, albeit in somewhat convention language.[69] It seems that contemporaries did not view this as a foreign occupation, but rather as the restoration of the social order after Władysław. In fact, the Bohemian chronicler had emphasized that the Poles turned to Václav as an "auctor et amator pacis," and not just because of the two peoples' ethnic affinity.[70] The cantankerous Archbishop Świnka's contemptuous response to the speech of a German bishop after the coronation, that "it would have been best if he were not a dog head and a German,"[71] should not be seen as a condemnation of

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[68] *Chronicon aule regiae*, in Fontes Rerum Bohemicarum IV, 81: "…sic erit Bohemis et nobis unus rex et communis convivendi amicabilis lex. Convenient enim in rege et sub uno gaudebunt principe qui non multum dissonant in idiomate Slauice lingwe. Nam qui idem lingwagium locuntur, plerumque amoris se arcioris nexibus complectuntur." Also available online at: http://www.clavmon.cz/clavis/FRRB/chronica/PETRI%20ZITTAVIENSIS.htm

[69] *Rocznik Kapituły Poznańskiej*, MPH ns VI, 54: "Under King Václav great peace and justice acquired strength in Poland, as in the time of his heir." ["Sub quo rege Wenceslao maxima pax et iusticia viguit in Polonia tamquam temporibus ipsorum heredum."] *Chronica Olivensis*, MPH VI, 316: "Under his protection the Kingdom of Poland rejoiced in all its parts for all of the peace and tranquility." ["Sub cuius umbra regnum Polonie in omnibus partibus suis gavisum fuit pacis omnimoda tranquillitate."]

[70] *Chronicon aule regiae*, in Fontes Rerum Bohemicarum IV, 81.

[71] *Chronicon aule regiae*, in Fontes Rerum Bohemicarum IV, 82: "…iste optime predicasset, si non caninum caput et Theutonicus esset."

the coronation,[72] but rather, as has been demonstrated above and as the chronicler explains, because "he was such a bitter rival of the Germans that he was accustomed to call them only dog heads."[73]

In any event, this example of "linguistic affinity…serv[ing] political purposes," which Robert Bartlett compares to the Bruces' attempts to rule over Ireland in 1315-8,[74] was only one of several arguments used by the Bohemians to legitimize their rule over Poland. It was one thing to displace a duke, but quite another to usurp a kingdom, and such an action required recognition by a higher authority. A month before his coronation Václav obtained from his former brother-in-law, King Albrecht I Habsburg of Germany, the right to conquer and rule Władysław's lands as an imperial fief.[75] Of course, the fact that unlike Bohemia, Poland was not part of the Empire did not seem to bother the would-be emperor. Václav further strengthened his claims to the Kingdom of Poland by marrying Przemysł's daughter, Ryksa-Elżbieta, in 1303.[76]

Władysław also sought to plead his case before a still higher authority, appealing to Pope Boniface VIII, who in 1302 denied Václav's claims to the

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[72] As suggested by Knoll, *Rise*, 22.

[73] *Chronicon aule regiae*, in Fontes Rerum Bohemicarum IV, 82: "…tam acer Theutonicorum emulus erat, quo dipsos solum canina capita nominare solebat."

[74] Bartlett, *Making*, 202.

[75] KDW II #832: "…tibi ex gratia speciali concedimus, ut quicquid de terra illustrissimi Ladislai ducis Maioris, quam occupant, tibi subiugare poteris, a nobis et dicto Romano imperio a te et tuis heredibus teneri volumus perpetuo titulo feodali."

[76] Maria Derwich, ed., *Monarchia Piastów 1038-1399* (Warszawa: Bertelsmann / Wrocław: Wydawnictwo Dolnośląskie, 2003), 226.

Polish throne.[77] Although Boniface was undoubtedly displeased that Václav had assumed the Polish crown without his authorization, the pope chose to support Władysław mainly to gain his support for the papal candidate for the vacant throne of Hungary.[78] In order set Poland more clearly into its context within early fourteenth-century Christendom, a brief digression on the disputed Hungarian succession and the Bohemian rulers' claims to both Hungary and Poland will be necessary.

In the neighboring Kingdom of Hungary, Andrew III, the last ruler of the Árpád dynasty, died in January 1301. Because he died without a male heir, a dispute arose among the Hungarian magnates, who chose two competing candidates for the throne – Václav III (son of King Václav II of Bohemia and Poland) and Charles Robert (the grandson of King Charles II of Naples). Both of these men were related to the Hungarian royal dynasty, but as Pál Engel points out, these candidates were attractive to the powerful Hungarian barons, because they were both minors and could hopefully be easily controlled.[79] In 1301 each faction crowned its own candidate, after which open warfare broke out among their supporters.[80] Because Władysław supported Pope Boniface VIII's candidate, Charles Robert, it was to him that Władysław appealed for aid after the pope's death in 1303.[81] By the following year Charles Robert was

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[77] Knoll, *Rise*, 24; *Vetera Monumenta historica Hungarium sacram illustrantia. Tomus Primus: Ab Honorio Pp. III usque ad Clementem Pp. VI. 1216-1352*, ed. Augustin Theiner (Rome: Typis Vaticanis, 1859), #628.

[78] Knoll, *Rise*, 23-4.

[79] Pál Engel, *The Realm of St. Stephen: A History of Medieval Hungary, 895-1526*, trans. Tamás Pálosfalvi and Andrew Ayton (London and New York: I.B. Taurus, 2001), 129.

[80] Engel, 128-9.

[81] Knoll, *Rise*, 24.

able to help Władysław, because most of the barons had given their support to him, as had King Albrecht I of Germany, even though both candidates were his nephews.[82] In 1304 Charles Robert and King Albrecht of Germany invaded Bohemia,[83] while Władysław was given Hungarian troops to invade Poland.[84]

When Václav II died in June 1305, his son assumed the title "Václav, by the grace of God, King of Bohemia, Hungary, and Poland,"[85] even though his support in Hungary had all but vanished, and both Władysław and Duke Henryk of Głogów had begun to challenge his rule in certain parts of Poland.[86] Despite these setbacks, he still viewed Polish lands as his to dispose of as he wished, so in 1305 he proposed granting Pomerania to the Margraves of Brandenburg in exchange for Meissen.[87] This trade was never realized, but it would have lasting implications for the later struggles between the kings of Poland and the Teutonic Knights, as the Knights would come to base the defense of their possession of Pomerania upon this arrangement. This document also demonstrates the difficulties of governing a state that was not yet used to functioning as a united polity. Although we have no record of what the Pomeranians thought of this proposed trade, later events demonstrate that at least some of them were not averse to severing their recently formed

[82] Engel, 129.

[83] Engel, 129.

[84] Knoll, "Restoration," 56.

[85] For examples, see PlUB #634 and #640.

[86] Knoll, "Restoration," 56.

[87] PlUB #640.

connections to Poland and submitting to the rule of the Margraves of Brandenburg.

The sense of the separateness of the disparate regions of the Kingdom of Poland was further exacerbated by the fact that the Václavs ruled Poland as absentee lords, appointing "*capitaneii*" (*starosta*s) to govern the various provinces of Poland in their place. This was a system they had already put into practice in Little Poland and which they then extended to the lands formerly under Władysław's control.[88] Most of the *capitaneii* were Bohemians, but in some places, particularly in distant Pomerania, members of a local noble family, the Święcas, were put in charge of governing the province.[89] The Bohemian kings, however, also needed additional military aid to defend the duchy in the face of the 1301 invasion by Duke Sambor of Rügen, the son of Duke Wisław II, who had threatened to invade and occupy Pomerania a decade earlier.[90] In order to help defend Pomerania, the Teutonic Knights sent troops to Gdańsk and were rewarded by the king with extensive possessions in Pomerania.[91] The Margraves of Brandenburg did not invade Pomerania at this time, although they had promised Sambor's father that they would,[92] nor did the Teutonic Knights try to keep possession of Gdańsk. The partition of Pomerania between Brandenburg and the Knights, which took place later in the decade, arose from a unique set of circumstances and not

[88] Knoll, *Rise*, 27.

[89] Labuda, HP I/1, 538-9.

[90] Labuda, HP I/1, 538; see chapter 2 for a discussion of Wisław's claims on the duchy.

[91] PIUB #634; Labuda HP I/1, 538; Paweł Czaplewski, "Co posiadali Krzyżacy na Pomorzu przed jego zajęciem w r. 1308-1309?" *Zapiski Historyczne* 10 (1936), 278-81.

[92] PIUB #448.

from some anachronistic idea that Prussia should be territorially linked with Germany.[93] Let us now, therefore, examine the events that led to the separation of Pomerania from the Kingdom of Poland.

The Second Interregnum: The Division of the Kingdom between Władysław Łokietek and Henryk of Głogów (1306-20)

Despite the alleged aspirations of Poles and Bohemians to live in unity, this new political entity did not last long. The childless Václav III was murdered in Olomouc in August 1306, before he ever set foot in Poland as its king.[94] This ended the Přemyslid dynasty and set off a power struggle similar to the one that was still raging in Hungary. Initially it looked like the Habsburgs would gain control of the kingdom, as King Albrecht installed his son, Rudolph as King of Bohemia in 1306, in spite of the previous election of Duke Henry of Carinthia, who was married to Václav III's sister, Anna.[95] In order to strengthen his claim to the throne, Rudolph married Ryksa-Elżbieta, Przemysł's daughter and Václav II's widow, in October 1306.[96] However, Rudolph died the following year and Albrecht was murdered in 1308.[97] After Rudolph's death, Henry of Carinthia became King of Bohemia, but faced strong opposition because of his poor governance, so the Bohemian magnates turned to the new King of Germany, Henry VII (formerly Count

[93] I explore these anachronistic interpretations of the reason for the conquest of Pomerania in some detail in the next chapter.

[94] Knoll, *Rise*, 25.

[95] Jiří Spěváček, "The Cistercians, Princess Elizabeth, and the Establishment of the Luxemburg Dynasty in the Lands of Bohemia," trans. Petr Charvát, *Cîteaux* 47 (1996), 60.

[96] Derwich, 226.

[97] Spěváček, 60.

Henry IV of Luxemburg), who had been elected in May 1308.[98] In 1310 King Henry VII deposed Henry of Carinthia, married his fourteen-year-old son, John, to Elizabeth, Václav III's sister, and had John crowned King of Bohemia.[99]

While the successors of the former King of Bohemia and Poland were fighting in Bohemia, Władysław was able to reconsolidate his position in Poland. Yet, not everyone was thrilled about Władysław's return. He faced opposition in almost all of his former lands, especially in the Duchy of Pomerania. Although the Święcas did initially swear their allegiance to Władysław, the duke then denied them reimbursement for the expenses they had incurred in their administration of the duchy and forced them to pay the Bishop of Kujawy a heavy indemnity of 2000 marks for the ecclesiastical funds they had sequestered for the administration of Pomerania.[100] Seeing what they had witnessed before, and what contemporary sources have described as Władysław's "fickleness," the Święcas turned to the Margraves of Brandenburg, who occupied the duchy in 1307.[101] Władysław was unable to defend Pomerania himself, so he turned to his good friends, the Teutonic Knights, to help defend Pomerania and its main center of Gdańsk. His family had long had good relations with the Knights. His grandfather, Duke Konrad of Mazovia had founded the Knights in Poland, and his brother, Siemowit, was related through marriage to two of the Knights' main commanders in

[98] Spěváček, 61.

[99] Spěváček, 64-6.

[100] PIUB #650; *Chronica Olivensis*, 317-8; Labuda I/1, 540.

[101] PIUB #656

Prussia.[102] It, therefore, must have come as quite a shock to him to hear that on the night of 13 November 1308, after driving away the margraves' army, the Knights turned on Władysław's men, took the town for themselves, and in the process murdered many people in Gdańsk.[103]

In the spring of the following year, Władysław met with the Knights in the village of Grabie on the Polish-Prussian borderland to discuss the conquest of Gdańsk.[104] There is no surviving documentary evidence of this meeting, most likely because nothing was resolved there, so we must instead rely on testimony from the 1339 trial to piece together the details. The witnesses gave varying accounts of this meeting, but the basic story that comes across is that the Knights told Władysław to sell the land to them in order to settle the debts they had incurred while guarding Gdańsk, but he refused.[105] As a result, the Knights proceeded to conquer the rest of Pomerania. Polish scholars have begun to adopt the position that both sides were genuinely surprised by the intransigence of the other side. As Julian Judziński points out: "Before the negotiations in Grabie, Łokietek did not realize how much significance the Order attached to the possession of this land, nor thereby did the Teutonic Knights have a good grasp of how important

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[102] Kazimierz Jasiński, "Rola Siemowita księcia dobrzyńskiego w stosunkach polsko-krzyżackich w 1308/1309 r.," *Zapiski Kujawsko-Dobrzyńskie* Seria A *Historia* 1 (1978), 83; in a 1306 grant to the Knights, Siemowit refers to Konrad, the Prussian Landmaster, as "his dear kinsman" [*nostro dilecto consanguineo*]. PrUB I/2 #854.

[103] The issues of the Święcas' and the Knights' betrayals are analyzed in detail in the next chapter.

[104] Błażej Śliwiński, *Pomorze*, 489-99; Julian Judziński, "Układy polsko-krzyżackie z 1309 roku w sprawie zwrotu Pomorza Gdańskiego," *Komunikaty Mazursko-Warmieńskie* 2-3 (1994), 147-53; Kazimierz Tymieniecki, "Układy Władysława Łokietka z zakonem krzyżackim po zajęciu Pomorza," *Roczniki Korporacji Studentów Uniwersytetu Poznańskiego "Pomerania"* 3 (1928), 10-18.

[105] Lites I (2), 305-6, 389.

it was for the unifying Polish state."[106] Duke Władysław, however, was not the only person with a claim to Pomerania, so the Knights turned to their recently defeated enemies, the Margraves of Brandenburg, for legitimization of their conquest.

In June and July 1310, the Knights formally bought the rights to Pomerania from the Margraves of Brandenburg for 10,000 marks,[107] secured the surrender of rights to the land from all other claimants except Duke Władysław of Poland,[108] and had these transactions further legitimized by an imperial confirmation.[109] However, at this same time the Teutonic Knights were attempting to legitimize their conquest of Pomerania, the Archbishop of Riga was attempting to use the conquest of Pomerania to further his own dispute against the Knights. In 1310, he brought it to the attention of the Papal Curia that the Knights had sacked Gdańsk and in the process murdered 10,000 Christians.[110] Just how he contrived to weave this story into the narrative of his dispute with the Knights is a matter for the next chapter. Here

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[106] Judziński, "Układy," 152-3; see also Śliwiński, *Pomorze*, 496; Kazimierz Jasiński, "Zajęcie Pomorza gdańskiego przez Krzyżaków w latach 1308-1309," *Zapiski Historyczne* 31 (1966), 35; Józef Judziński, "Stanowisko Biskupów Pruskich wobec Wydarzeń Gdańskich 1308 roku," *Komunikaty Mazursko-Warmińskie* 100 (1968), 191.

[107] PIUB #685.

[108] See Śliwinski, *Pomorze*, 548-60 for an outline of this process. 10 March 1310 the Margraves got Duke Henryk of Głogów's sons to renounce their claims (PIUB #682) and 12 April 1310 they convinced Duke Wisław III of Rügen to renounce his claims. (PIUB #683). For Duke Henryk's sons claims see the 1296 agreement between Henryk and Władysław (KDW II #745), discussed above. Wisław's claims to Pomerania stretched much further into the past, but were apparently well remembered. Wisław III's grandfather had married Mściwój II's sister, Eufemia, around 1240, so Wisław was the great-grandson of the founder of the Duchy of Pomerania – Świętopełk. [Śliwiński, *Poczet*, 50-1, 78] In addition, see the discussion above about Duke Sambor's attempts to conquer the duchy in 1301 and the discussions in the previous chapter about the alliance between Wisław III's father, Wisław II, and Duke Warcisław II of Pomerania.

[109] PIUB, 688.

[110] Theiner #204.

it is enough to note that Władysław did not have any part in the presentation of this information to the pope. Earlier Polish historians thought that Władysław brought this matter to the pope's attention, but more recently scholars have come to agree that Władysław played no role in the events leading up to the trial in Riga in 1312.[111] In fact, Janusz Bieniak has argued that Władysław "tacitly resigned himself to the *fait accompli*," immediately removing the title "Duke of Pomerania" from his charters.[112]

In the spring of 1313, the Knights also agreed to give Władysław some property in Dobrzyń, which had been donated by Władysław's brother, Duke Siemowit of Dobrzyń, and to repay 600 marks which the Święca family had kept from the Bishop of Kujawy during their administration of Pomerania.[113] Though the value of these donations did not even come close to compensating Władysław for the loss of Pomerania, Władysław's main concern at this time was regaining the heart of Przemysł's kingdom – the land of Great Poland – and for this he needed peace with the Teutonic Knights.

Following the end of Bohemian rule in Poland, Duke Henryk of Głogów, designated by Przemysł as his successor in Great Poland, had gained control of that land. He also began in 1306 to style himself "by the grace of God Heir

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[111] For the historiography of this dispute, see Andrzej Wojtkowski, *Procesy polsko-krzyżackie przed procesem z lat 1320-1321* (Olsztyn: Ośrodek Badań Naukowych im. W. Kętrzyńskiego, 1972), 27-55.

[112] Janusz Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321 (inowrocławsko-brzeskiego)," in *Balticum: Studia z dziejów polityki, gospodarki i kultury XII-XVII wieku ofiarowane Marianowi Biskupowi w siedemdziesiątą rocznicę urodzin*, ed. Zenon Hubert Nowak (Toruń: Wydawn. Towarzystwa Naukowego, 1992), 49. Bieniak also notes that in a document in which Władysław joined an anti-Brandenburg coalition led by the King of Denmark, he once again called himself "lord of Pomerania," but he does not continue to use this title in further correspondence. [Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 50; KDW #976; see also Knoll, *Rise*, 35]

[113] Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 49; PrUB II #185, #196.

to the Kingdom of Poland,"[114] a title that his eldest son, Henryk II Wierny, continued to use after his father's death in 1309.[115] Despite Władysław's earlier arrangements with Henryk of Głogów and his sons, which guaranteed them lands in Great Poland, by 1314 Władysław had dispossessed Henryk's sons of all of their possessions in Great Poland, pushing them back into their ancestral lands in Silesia.[116] In this year Bieniak argues that "a fundamental change took place" in Władysław's internal and external policies.[117] He immediately took over the title of "Heir to the Kingdom of Poland," even calling himself "king" in one document.[118]

Władysław had also succeeded in putting down revolts in Kraków. In 1310 his long-standing dispute with Bishop Jan Muscat of Kraków ended with the bishop's exile,[119] and in 1312 he had the leaders of the burgher revolt in Kraków executed.[120] By 1314, Władysław had regained control of all of the lands he had governed before his exile except Pomerania. Yet, despite these territorial gains and Władysław's pretensions to the throne it was by no means predetermined that the royal office would be restored to Poland. Przemysł's reign of less than a year and six years of absentee rule by the Bohemian kings

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[114] "…Dei gracia heres regni Polonie…." KDW II #904, 907, 908, 914, 915, 926, 927.

[115] KDW II #930, 932, 939, 940.

[116] See Knoll, *Rise*, 34; Karol Potkański, "Walka o Poznań (1306-12)," *Rozprawy Akademii Umiejętności – wydział historyczno-filozoficzny* 38 (1899), 275-94; Karol Potkański, "Zajęcie Wielkopolski (rok 1313 i 1314)," *Rozprawy Akademii Umiejętności – wydział historyczno-filozoficzny* 47 (1905), 158-71.

[117] Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 50.

[118] KDW II #964, 965. Curiously, these two documents using very different titles for Władysław were drafted on the same day.

[119] Knoll, *Rise*, 32; Knoll, "Restoration," 61-2.

[120] Knoll, *Rise*, 33; Knoll, "Restoration," 62.

could hardly have acculturated the residents of the lands ruled by Władysław to the idea that they were part of a united polity that should be ruled by a king. This was still a loose confederation of separate duchies bound to the personal lordship of Władysław in which local interests far outweighed any sense of Polish national unity.

The only thing that united these lands other than Władysław's recently acquired and much contested lordship was their affiliation to the Archbishopric of Gniezno. This institution suffered a major setback in 1314, when Archbishop Jakub Świnka and Pope Clement V both died. John XXII was not enthroned until 1316, and Archdeacon Borzysław of Poznań, the Archbishop-elect who spent three years at the papal curia, died in Avignon less that a year into his archiepiscopate.[121] Władysław's chancellor, Archdeacon Janisław of Gniezno, had traveled to Avignon with Borzysław, so John appointed Janisław as Archbishop of Gniezno.[122] Despite these setbacks, these two archbishops laid the groundwork for the institution of a trial against the Teutonic Knights for the recovery of Pomerania.[123] When Janisław returned to Poland in 1318, Władysław convened a general assembly in Sulejów, which was attended by the secular and ecclesiastical magnates from all of Władysław's lands, except Great Poland.[124] Because of the evidence of Władysław's good governance during the previous four years, including the generous grants to the

[121] Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 54, 59.

[122] Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 51, 59.

[123] Bieniak, "Geneza procesu polsko-krzyżackiego z lat 1320-1321," 59.

[124] Knoll, *Rise*, 36; Janusz Bieniak, "Wiec ogólnopolski w Żarnowie 3-7 czerwca 1319 r. a geneza koronacji Władysława Łokietka," *Przegląd Historyczne* 54 (1973): 469; Władysław Abraham, "Stanowisko kurii papieskiej wobec koronacji Łokietka," in *Księga pamiątkowa Uniwersytetu Lwowskiego ku uczczeniu pięćsetnej rocznicy fundacyi Jagiellońskiej Uniwersytetu Krakowskiego* (Lwów: Nakładem Senatu Uniwersytetu Lwowskiego, 1900), 1-34.

ecclesiastical institutions,[125] this assembly decided to appeal to the pope for both the reinstatement of the royal office in Poland and also for the commencement of a trial against the Knights. The Great Polish magnates met with Władysław and accepted these proposals at Pyzdry a week later.[126]

Bishop Gerward of Kujawy was chosen to present these petitions to the pope, yet he was no pawn of Władysław. Though the Archdeaconate of Pomerania was part of Gerward's bishopric, Gerward remained on good terms with the Knights until 1317, when they began to quarrel over the appointments of priests in Pomerania.[127] In addition to his dispute with the Knights, he was also involved in a boundary dispute with the neighboring Bishop of Płock[128] and property disputes with the Święcas and the Hospitallers in Pomerania and Władysław's nephews, dukes Kazimierz and Przemysł, in Kujawy.[129] He came to Avignon to represent his own interests as well as Władysław's, and on 17 August 1319 he was able to convince the pope to write a letter to the Archbishop of Gniezno on his own behalf.[130] His attempts to plead Władysław's case were less successful, at least initially.

Three days after John XXII's letter of support for Gerward, the pope took up the issue of Władysław's coronation. Although the pope acknowledged Władysław's claims that a unified kingdom could better serve

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[125] Knoll, "Restoration," 64.

[126] KDW II #1000; Knoll, *Rise*, 37; Bieniak, "Wiec," 469-70.

[127] Knoll, *Rise*, 37; Kazimierz Tymieniecki, "Studya nad XIV wiekiem I. Proces polsko-krzyżacki z lat 1320-1321," *Przegląd Historyczny* 21 (1917/8), 131-48

[128] Tymieniecki, "Studya" 56.

[129] Gawlas, "'Verus heres,'" 97.

[130] *Analecta Vaticana, 1202-1366*, ed. Jan Ptaśnik. *Monumenta Poloniae Vaticana* III (Kraków: Akademia Umiejętności, 1914), #149.

the Church, he was not certain that Władysław was the man to lead this kingdom, because King John of Bohemia had pretensions to the throne through his succession to the lands ruled by the previous kings of Bohemia.[131] In truth, external events greatly influenced the pope's decision regarding both King John's claims to the Polish crown and the Teutonic Knights' claims to Pomerania. Because both of Władysław's enemies were allies of King Ludwig IV of Germany, John XXII hoped that the elevation of Władysław and the granting of his trial against the Knights would help to secure a papal ally in central Europe.[132] So, in September he authorized both the trial against the Knights[133] and the coronation of Władysław.[134] Both of these issues, however, would remain highly contentious for the next two decades.

The Third Restoration of the Kingdom: Władysław Łokietek's Coronation and the First Trial between the Kingdom of Poland and the Teutonic Knights, 1320-21

On 20 January 1320 Władysław was crowned King of Poland by Archbishop Janisław of Gniezno. This coronation ceremony, however, did not take place in the tradition site – Gniezno Cathedral – but rather in Wawel Cathedral, in the citadel overlooking Kraków.[135] Paul Knoll provides a number of practical reasons for the change of venue, including the distance of Kraków from the Teutonic Knights and the growing economic and political importance

[131] KDW II #1013; Theiner #226.

[132] Bieniak, "Wiec," 470.

[133] Lites I (3), 6-8; Theiner #231.

[134] Abraham, "Stanowisko," 33-4.

[135] Knoll, *Rise*, 39.

of Little Poland (the region around Kraków),[136] but Gerard Labuda argues that there was a symbolic significance as well.[137] Václav II had been crowned in Gniezno, so a coronation there could give strength to King John of Bohemia's claims to the Polish throne. Just as new crowns had to be made for the ceremony because the Bohemians still possessed the old ones,[138] so also was a new ceremonial site needed to bury the memory of Bohemian rule in Poland. In fact, as will be seen in chapter 5, by the time of the second trial against the Knights the Bohemian period of rule was almost completely erased from the memories of the Poles. In the first trial, however, the idea of kingship was still new and, as we will see below, did not yet register in the consciousness of the Polish witnesses, even though some of them had certainly been at the coronation, which took place just a few short months before they testified.[139]

On February 19, less than a month after the coronation, the three judges delegated by the papacy – Archbishop Janisław of Gniezno, Bishop Domarat of Poznań, and Abbot Mikołaj of the Benedictine monastery at Mogilno in Great Poland – ordered the grandmaster and certain commanders to appear in Inowrocław in Kujawy before April 16 to answer Władysław's charges that they were unjustly possessing Pomerania.[140] Only the Knights'

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[136] Knoll, *Rise*, 39.

[137] Gerard Labuda, "Przeniesienie koronacji królewskich z Gniezna do Krakowa w XIV wieku," in *Cracovia – Polonia – Europa*, ed. Waldemar Bukowski and Jerzy Wyrozumski (Kraków: Wydawn. i Druk. "Secesja," 1995), 54.

[138] Knoll, *Rise*, 39.

[139] Sławomir Gawlas is one of the first Polish historians to draw attention to the fact that the concept of a *regnum Poloniae* was still not understood by most people living in Poland at this time. "'Verus Heres,"' 77-81, 100-3.

[140] Lites I (3), 18-9.

procurator, however, appeared before the court, and he did so only long enough to lodge a protest against the proceedings.[141] By the end of May the judges had decided to proceed in the Knights' absence. The royal procurators presented seven articles of dispute, which they intended to prove. These are listed in the appendix, but they can be summarized as follows: Władysław was the legitimate lord of Pomerania and the Knights had dispossessed him, as everyone knew. Although Pope John XXII's bull authorizing the trial pointed out that Pomerania was part of the Kingdom of Poland,[142] and the royal procurators included this argument in a latter restatement of the articles of dispute,[143] this argument was for some reason not presented to the witnesses. I will discuss the implications of this omission in more detail in chapter 5. For now, let us return to the trial.

Twenty-five witnesses were interrogated by the judges-delegate in the summer of 1320. Some of these men were Władysław's former administrators in Pomerania. As Sławomir Gawlas points out, however, among them was also a number of people who were more directly involved with Bishop Gerward of Kujawy's disputes against the Bishop of Płock and the Hospitallers in Pomerania than with Władysław's dispute against the Teutonic Knights. This made for "a certain randomness in the composition of the witnesses,"[144] which might suggest that the repossession of Pomerania was not as high a priority for Władysław as some historians have argued. In fact, during the course of

[141] Lites I (3), 19-20.

[142] Lites I (3), 7: "…terra sua Pomoranie…que de regno Polonie fore dinoscitur…."

[143] Lites I (3), 74: "…idem dominus rex, tunc tamen adhunc dux existens, esset in possessione terre Pomoranie *que est pars regni Polonie*…. …*dampnum et magnum preiudicium et dimunicionem dicti regni*...." [emphasis mine]

[144] Gawlas, "'Verus Heres,"' 98.

the trial, Władysław seems to have been more concerned with the Bohemian claims to his throne, because he spent much of his time arranging the marriage of his daughter, Elżbieta, to King Charles Robert of Hungary.[145]

In any event, by the beginning of October the judges had finished examining the witnesses. Although most of the witnesses were not asked about all of the articles, all of the witnesses said that the articles they heard were true. According to them, Władysław had exercised temporal jurisdiction in Pomerania – he received fealty oaths, appointed administrators, collected revenues, and pronounced judgments. But, the majority of the witnesses also discussed an event that was left out the articles – the Gdańsk massacre, which is the subject of the next chapter. Both in this trial and the one in 1339, the judges gave the witnesses considerable leeway to present their own version of events. The judges would ask whether an article were true and how the witness knew this. Sometimes the judges would ask specifics, but for the most part, the witnesses were given free reign to express their own views in their own words, which the notaries recorded in the first person. Of course, for more than half of the witnesses, these were not exactly their words, because the laymen were interrogated in Polish (and perhaps German as well),[146] regardless of whether they knew Latin.[147] The judges in this trial and the next

[145] Knoll, *Rise*, 42.

[146] There were two burghers from Brześć among the witnesses, both named Thylo, who as Kazimierz Tymieniecki points out, were probably of German descent [Tymieniecki, "Studya," 123], but the trial acts only record that the articles were read to them "wlgariter." [Lites I (3), 43, 46]

[147] The only witness to testify at both trials, Władysław's nephew, Leszek, was examined in Polish in the first trial [Lites I (3), 28-9], while in the second trial he was examined in Latin. [Lites I (2), 375-7] For a discussion of Leszek's education, see Janusz Bieniak, "'Litterati' Świeccy w Procesie Warszawskim z 1339 roku," in *Cultus et Cognito: Studia z Dziejów Średniowiecznej Kultury*, ed. Stefan Kuczyński et al. (Warsaw: Państwowe Wydawnictwo Naukowe, 1976), 98-100.

also made no attempt to reconcile contradictory facts presented in the testimonies. The deposition of each witness was treated as a separate story, without reference to earlier depositions. Each witness was, in a sense, presenting his own testimonial chronicle, as Helena Chłopocka and Wiesław Sieradzan have argued.[148] This idea of the agency of the witnesses is worth bearing in mind as we examine their testimonies in more detail in the following three chapters. For now, it is sufficient to say that the witnesses convinced the judges of the veracity of Władysław's accusations, which should not be surprising, considering that the Knights refused to participate in the proceedings, at least until the reading of the definitive sentence on 9 February 1321.

The Knights' procurator decided that the time to plead his case had come only when one of the notaries was already reading the judges' sentence. The result was a shouting match, because neither man would defer to the other [*neutro ipsorum alteri deferente*].[149] The archbishop was not able to restore the court to order until the next day. At this time he finished reading the sentence, which ordered the Knights to return Pomerania, pay Władysław an indemnity of 30,000 marks, and reimburse Władysław's procurators for the 150 marks they had spent on the trial.[150] The Knights' procurator did, however, get the court to record the objections he had raised the previous day.

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[148] Helena Chłopocka, "Chronikalische Berichte in der Dokumentierung der Prozesse zwischen Polen und dem Deutschen Orden," in *Geschichtsschreibung und Geschichtsbewusstsein in späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke Verlag, 1987), 471-81; Wiesław Sieradzan, "Aussagechroniken in der Quellensammlung 'Lites ac res gestae inter polonos ordinemque cruciferorum,'" in *Die Geschichtsschreibung in Mitteleuropa. Projekte und Forschungsprobleme*, ed. Jarosław Wenta (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1999), 277-89.

[149] Lites I (3), 66.

[150] Lites I (3), 75.

While Siegfried, the Knights' procurator, argued a number of procedural issues,[151] his main objection was that the judges-delegate ought to have recused themselves because Władysław was their temporal lord, and all of their temporal possessions and their churches were located in his dominion, as a result of which they would favor him […*vester dominus in temporalibus et omnia bona vestra temporalia et ipse eccesie vestre in suo dominio et districtu sint sita, et ob hoc nimis sitis faventes eidem*.…]. In addition, Siegfried singled out the Archbishop in particular as one of Władysław's former temporal administrators and a current member of the king's council (…*fuistis balivus et capitaneus terre sue Kalisiensis et estis de familiari consilio suo*.…).[152] While the Knights' lawyer could have phrased his objection more diplomatically, he was well within his rights to object to the judges-delegate according to canon law.[153] Siegfried also presented the judges with the outline of the argument that the Knights intended to make before the papacy or some other judge of higher competence:

> …the lord king complains that the master and brothers of the German House robbed him of his land of Pomerania, but it will be proved more clearly than by the midday light before the lord pope or any qualified judge how that land was neither his nor his father's nor his grandfather's nor his great-grandfather's, but after the death of lord

[151] Lites I (3), 56-63.

[152] Lites I (3), 63; Helena Chłopocka points out that in addition to being Władysław's chancellor, Janisław was also the king's *starosta* in Great Poland and Kujawy [Lites I (3), 63, n.254.

[153] For a discussion of this issue illustrated by a late thirteenth-century case from Italy, see Richard H. Helmholz, "Canonists and Standards of Impartiality for Papal Judges Delegate," *Traditio* 25 (1969), 386-404.

> Mściwój devolved by just title to the King of Bohemia and finally to the Margraves of Brandenburg and from them to the brothers….[154]

Yet, even as they challenged the court's competency, the Knights still wished to counter the arguments advanced at this trial in preparation for their appeal to Avignon.

For this reason, immediately following the reading of the judges-delegate's sentence on 10 February 1321 the Knights' procurator asked for a copy of the trials acts.[155] He also asked that his request be read into the trial acts, because he regarded the sentence as not only against the Knights but also "against God and justice."[156] Furthermore, he requested that the copy be made as soon as possible [*mox…et sine alia temporis interpolacione*], "because [he] rightly regarded [the judges] as adversaries and unjust judges and will have suspicion of [them] changing the acts."[157] For our purposes it is highly advantageous that this copy was made, because the Polish copy, which was stored in Janisław's house, was destroyed in the Knights' invasion of Poland in 1331.[158] One may wonder whether this act was a deliberate attempt to destroy the archival memory of the new Polish kingdom, simply an act of

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[154] Lites I (3), 65: "…conqueratur dominus rex, quod magister domus Theutonice et fratres spoliaverunt eum terra sua Pomoranie, nam probabitur luce meridiana clarius coram domino papa vel quovis iudice competenti, quomodo terra illa nec sua nec patris sui nec avi nec proavi sui fuit, sed post mortem domini Mestwini ad regem Bohemie et tandem ad marchionem Brandenburgensem et ab illis ad fratres tytulo iusto devenit…."

[155] A notarized copy was finished a month later, on March 9th. Lites I (3), 81.

[156] Lites I (3), 77: "…contra Deum et iusticiam…."

[157] Lites I (3), 77: "…quia vos tamquam adversarios et iniquos iudices iure habeo et habebo de mutacione actorum suspectos."

[158] Helena Chłopocka, "O protokołach procesów polsko-krzyżackich w XIV i XV wieku," in *Venerabiles, Nobiles et Honesti: Studia z dziejów społeczeństwa Polski średniowiecznej*, ed. Andrzej Radzimiński, Anna Supruniuk, and Jan Wroniszewski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1997), 424.

vengeance against a judge whom they felt had wronged them, or an unintended consequence of the sack one of the major centers of the Polish kingdom. In any event the Poles preserved only the record of the definitive sentence, which was incorporated into the trial acts of 1339.[159]

Using this notarized copy of the acts as well as their own records of the sale of Pomerania from a decade earlier, the Knights' procurators in Avignon appealed the sentence to the papacy.[160] Unfortunately for the Knights, however, the issue of Pomerania had become linked to the Knights' refusal to pay Peter's Pence in Chełmno. Peter's Pence was an annual tax paid from papal fiefs, like Poland, whose first ruler to accept Christianity, Mieszko I, placed his lands under the protection of the papacy.[161] Its collection in the past seems to have been haphazard, but John XXII both regularized the payment and presented a much expanded vision of territories that had to pay. As he writes in 1317, Peter's Pence must be paid "by everyone within the ancient boundaries of the said duchy [Poland] and also throughout… Chełmno…[by people] of any nationality…."[162] As this statement makes clear, this was not a "Polish" tax in the sense that only Poles were responsible for

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[159] Lites I (2), 123-4.

[160] Lites I (3), 85-102; Helena Chłopocka, "Losy wyroku wydanego w 1321 r. na procesie polsko-krzyżackim w Inowrocławiu," *Roczniki Historyczne* 31 (1965), 153-82; Helena Chłopocka, *Procesy Polski z Zakonem Krzyżackim w XIV wieku: Studium źródłoznawcze* (Poznań: Państwowe Wydawnictwo Naukowe, 1967), 100-13.

[161] See chapter 6 for a more detailed analysis of the role Peter's Pence played in the dispute between the Knights and Poland. For the history of the Polish submission to Rome, see Jan Ptaśnik, *Dagome iudex. Przyczynek krytyczny do genezy świętopietrza w Polsce* (Kraków: Spółka Wydawn. Polska, 1911); Tadeusz Manteuffel, *The Formation of the Polish State: The Period of Ducal Rule, 963-1194* (Detroit: Wayne State University Press, 1982), 54-5; Zygmunt Wojciechowski, *Mieszko I and the Rise of the Polish State* (Toruń and Gdynia: Baltic Institute, 1936), 139-41; KDW I #2.

[162] KDW II #991: "…ab omnibus infra dicti ducatus antiquos limites nec non et per…Culmensem…cuiuscunque nacionis…."

paying it, but rather a tax that had to be collected throughout all of the historically Polish lands, even the ones that had been given to the Knights a century earlier. This issue would continue to have important implications for the course of the dispute between Poland and the Knights. For now, however, it provided the Polish side with leverage in the dispute, because John had named Archbishop Janisław and Bishop Gerward of Kujawy as collectors of Peter's Pence in Poland. In May 1321 he authorized these men to place the diocese of Chełmno under interdict.[163] The Knights would continue to appeal both the sentence and the interdict throughout the 1320s,[164] but by that time the pope was preoccupied with more important events in east-central Europe – the attempted conversion of the Lithuanians and the imperial election.

Missions and Political Crusades in East-Central Europe, 1322-32

Through a series of wars as well as diplomatic and marriage alliances Grand Duke Gediminas was in the process of building what would become the largest state in Europe at the time of his death in 1342.[165] Although the ruler of Lithuania had converted to Christianity in the mid-thirteenth century, Latin Christendom had failed to take root in Lithuania, and a decade after his 1253 coronation, Mindaugas was murdered by his disgruntled subjects.[166] Yet, while Mindaugus' state had been a small pagan duchy, Gediminas' state was a large, multi-confessional empire that included numerous Orthodox

[163] Theiner #257.

[164] Lites I (3), 98-102PrUB II #504, CDPr II #121, 122.

[165] S.C. Rowell, *Lithuania Ascending: a Pagan Empire in East-Central Europe, 1295-1345* (Cambridge: Cambridge University Press, 1994), xxii, 82-117.

[166] Rowell, *Lithuania*, 51; Michał Giedroyć, "The Arrival of Christianity in Lithuania: Early Contacts (Thirteenth Century)," *Oxford Slavonic Papers* n.s. 18 (1985), 1-30.

Ruthenians. Gediminas also maintained good relations with some of his Latin neighbors. In 1313 he married one of his daughters to Duke Wacław of Płock (who also testified against the Knights in 1320),[167] and in 1316 he helped defend his son-in-law during the Mazovian civil war.[168] Although familial loyalty certainly played a role in Gediminas' decision to support his son-in-law, he was also motivated by the fact that Wacław's half-brothers were allied with his main enemies, the Teutonic Knights.[169] He was also allied with Archbishop Friedrich of Riga, who had spent the last decade in Avignon defaming the Knights for the abuses he accused them of in conjunction with his report to the papacy about the Gdańsk massacre.[170] In 1322 Gediminas added his own complaints to the archbishop's, describing how the Knights had persecuted his own people, but promising that if the pope would make peace, he would himself be willing to "fidem catholicam recipere."[171] Exactly what message the grand duke had intended to convey to his Franciscan scribe came to be questioned in the following years, but the pope understood it as a willingness to convert Lithuania to Latin Christianity. In 1323 the Knights in Livonia made a peace treaty with Gediminas, but those in Prussia petitioned the pope not to make peace with the Lithuanians.[172] In August 1324,

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[167] Lites I (3), 30-1.

[168] Stephen C. Rowell, "Pious Princesses or the Daughters of Belial: Pagan Lithuanian Dynastic Diplomacy, 1279-1423," *Medieval Prosopography* 15 (1994), 50-1.

[169] Rowell, Pious," 51.

[170] Rowell, *Lithuania*, 190; see also Chapter 4 .

[171] Rowell, *Lithuania*, 195-6.

[172] Rowell, *Lithuania*, 210-4.

however, Pope John XXII ordered the Prussian Knights to make peace with the Lithuanians or else be excommunicated.[173]

While John XXII was dealing with the intransigence of the Prussian Knights, he was also forced to deal with King Ludwig IV of Germany, who had made his son, Ludwig, the Margrave of Brandenburg in 1323, before the pope had recognized him as emperor.[174] In March 1324 John excommunicated Ludwig, and in the following year the Archbishop of Riga excommunicated the Livonian Knights, because the pope thought the Knights were supporting Ludwig.[175] During the course of the pope's conflicts with the Ludwigs and the Knights, the Lithuanian mission had been delayed, and when the papal legates finally arrived in Vilnius in November 1324, Gediminas changed his mind about converting, because his pagan and Orthodox subjects told him they would murder him; mindful of Mindaugas' fate, he heeded their warning.[176] He told the legates that he had not said that he wanted to be baptized and that the Franciscans had apparently misunderstood him.[177] Yet, despite his unwillingness to convert, he still professed his desire to maintain good relations with the pope. But by the time of the papal legates' return to Avignon in June 1325 he had already begun to cultivate an alliance with another Latin power – King Władysław of Poland.[178]

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[173] *Analecta Vaticana, 1202-1366* #175.

[174] Rowell, *Lithuania*, 217; Rasa Mažeika and Stephen C. Rowell, "*Zelatores Maximi*: Pope John XXII, Archbishop Frederick of Riga and the Baltic Mission 1305-1340," *Archivum Historiae Pontificiae* 31 (1993), 38.

[175] Rowell, *Lithuania*, 222-6; Mažeika and Rowell, 54; CDPr II #111.

[176] Rowell, *Lithuania*, 223.

[177] Rowell, *Lithuania*, 222.

[178] Rowell, *Lithuania*, 222-4.

In October 1325 Gediminas' daughter, Aldona-Anna, married Władysław's son, Kazimierz.[179] Their union launched a military alliance between these two states, which soon resulted in what imperial propagandists decried as an atrocity that compared with the Archbishop of Riga's presentation of the Gdańsk massacre. According to the propagandists, Pope John XXII had authorized Władysław to lead a crusade against the emperor, which resulted in the sack of Frankfurt-an-der-Oder, and the enslavement of 6000 Christians – booty taken by Władysław's pagan Lithuanian allies.[180] I analyze the implications of this event in the development of the memory of the Gdańsk massacre in the next chapter. Here, I would like to draw attention to the fact that on 1 July 1325 Pope John XXII issued an indulgence to the king and the inhabitants of Poland "for the defense of the Catholic faith in warfare or fighting in the Kingdom of Poland and other lands of the faithful and those aforesaid lands adjacent to the kingdom or in places that will be or have been regarded as neighboring the same, against schismatics, Tartars, pagans, and other mixed nations of infidels…."[181] While this missive seems to direct Poland's attention to the east, there is a notation in the papal register that this indulgence was granted "for the reintegration of the kingdom and people of Poland, which the German people are struggling in many different ways to

[179] Rowell, "Pious," 46.

[180] For a discussion of the various German propagandists' views on this event, see Rowell, *Lithuania*, 234-7. I analyze the implications of this event in the development of the memory of the Gdańsk massacre in the next chapter.

[181] *Analecta Vaticana, 1202-1366*, #186: "…pro defensione catholice fidei in bello seu pugna in regno Polonie aliisque fidelium terris et partibus eidem regno adiacentibus supradictis, aut vicinis eisdem habitis et habendis, contra scismaticos, Tartaros, paganos aliasque permixtas nationes infidelium…."

rend asunder."[182] At this distance it is difficult to determine whether this bull was intended to authorize Władysław to embark on a political crusade against his and the pope's German enemies – the emperor and his son, as well as the Prussian Teutonic Knights.

Such a theory does, however, seem plausible in light of the fact that the week before he wrote the crusading indulgence Pope John XXII had sent letters to Władysław and the two papal legates about collecting Peter's Pence within the "ancient boundaries" of the Kingdom of Poland, which included the diocese of Chełmno – under the control of the Teutonic Knights – and the dioceses of Lebus (Lubusz in Polish) and Kammin (Kamień in Polish) – under the control of the Margrave of Brandenburg.[183] The facts that Chełmno remained under interdict for the Knights' refusal to pay Peter's Pence and the Knights' possession of Pomerania was still disputed must have greatly concerned the Knights, because around the same time these papal documents were produced, the Knights' procurators were again in Avignon trying to convince the Curia of the veracity of their claims.[184] They now approached Władysław with an offer to pay him 10,000 marks, provide military aid, and found a monastery for the salvation of his soul, if he would recognize the Knights' rights to both Chełmno and Pomerania.[185] The king refused.

Yet, it was not only the fear of a political crusade that motivated the Knights to seek to secure these former Polish possessions. Following the fall

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[182] *Analecta Vaticana, 1202-1366*, #186: "Pro reintegratione regni et gentis Polonie, que Theotonice gentes nituntur multipliciter laniare." Theiner #334 leaves this sentence out, but he does not explain why.

[183] PrUB II #513 and Theiner #326; PrUB II #514, Theiner #328.

[184] PrUB II #504.

[185] Lites I (2), 288; Knoll, *Rise*, 49; Śliwiński, *Pomorze*, 546; Chłopocka, *Procesy*, 109.

of Acre in 1291 they had moved their headquarters to Venice, presumably to prepare for new crusades in the Holy Land. Then after the conquest of Pomerania, they had decided to transfer the residence of the Grandmaster to Marienburg (Malbork in Polish) in Prussia.[186] However, Karl von Trier, the grandmaster from 1311 to 1324, was forced to return to Trier in 1317, because of the unpopularity of his attempted reforms of the order.[187] It was therefore only under the next grandmaster, Werner von Orseln (1324-30), that the Knights truly began to construct an *Ordensstaat* in Prussia. Werner immediately commissioned one of the order's priests, Peter von Dusburg, to write a chronicle linking the Knights' activities in the Holy Land to those in Prussia, which was presented as a new Holy Land, the dowry of the Virgin Mary.[188] Therefore, the preservation of the Knights' claims to Pomerania and Chełmno became not just a dispute between a religious order and its benefactor, but a border conflict between two nascent states, aspiring to territorial sovereignty.

In order to strengthen their position against Poland, the Knights turned to the independent Polish duchies in Mazovia and Silesia, which had not joined Władysław's kingdom. In January 1326 the grandmaster met with the dukes of Mazovia[189] and in August of the same year he formed an alliance

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[186] Dusburg III.304.

[187] Rowell, *Lithuania*, 191; Mary Fischer, "Biblical Heroes and the Uses of Literature: The Teutonic Order in the Later Thirteenth and Early Fourteenth Centuries," in *Crusade and Conversion on the Baltic Frontier 1150-1500*, ed. Alan Murray (Aldershot, UK and Burlington, VT: Ashgate, 2001), 262; Mary Fischer, "The Books of the Maccabees and the Teutonic Order," *Crusades* 4 (2005), 59-60; Klaus Militzer, "From the Holy Land to Prussia: The Teutonic Knights between Emperors and Popes and the Policies until 1309," in *Mendicants, Military Orders, and Regionalism*, ed. Jürgen Sarnowsky (Aldershot, UK and Burlington, VT: Ashgate, 1999), 71-81.

[188] See chapter 4 for an extended discussion of this topic.

[189] PrUB II #540-542.

with Duke Henryk VI of Silesia.[190] In July 1327 war broke out between Władysław and the Knights, when the king sacked Płock, the capital city of his former ally, Duke Wacław of Mazovia.[191] This event would mark the beginning of a half-decade of violent conflict that would severely affect not only the future relations between the Teutonic *Ordensstaat* and the Kingdom of Poland, but also how the past relations between these two states were remembered by their subjects.

The Knights immediately drove the Poles out of Mazovia, and the two parties signed a peace treaty.[192] In February 1329, however, Władysław broke this treaty and attempted to conquer Chełmno while the Knights were on crusade in Lithuania with King John of Bohemia.[193] The fact that Władysław attacked Chełmno rather than Pomerania supports the idea that he was conducting a political crusade for the papacy to force the lands of the ancient *regnum* now controlled by Germans to pay Peter's Pence. Within two months, however, the Knights and the Bohemians had succeeded not only in driving the Poles out of Chełmno, but also in capturing the Polish region of Dobrzyń, over which the Knights and Władysław's grandfather, Duke Konrad of Mazovia, had disputed in front of a papal legate in the 1230s.[194] Throughout the rest of the year the Knights and King John fought Władysław, who was now supported by troops sent by his son-in-law, King Charles Robert of

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[190] PrUB II #563.

[191] Knoll, *Rise*, 50.

[192] Knoll, *Rise*, 50.

[193] Knoll, *Rise*, 51.

[194] See chapter 1.

Hungary.[195] However, in the following two years, Władysław suffered further losses, as the Knights invaded and sacked a number of cities within the Kingdom of Poland, and then conquered the borderland duchy of Kujawy, which had been Władysław's patrimony.[196]

These wars had serious implications not only because of Poland's territorial losses of Dobrzyń and Kujawy, but also because of a changing power dynamic in the previously independent Piast duchies in Silesia and Mazovia. From 1327 to 1331 nearly all of these dukes became King John of Bohemia's vassals.[197] Although these regions were part of the Polish church, only a few of these duchies had belonged to any of the late thirteenth- or early fourteenth-century kingdoms of Poland, and the only one they had joined was Václav's. As Paul Knoll points out, contrary to many Polish scholars' arguments for the enduring Polishness of Silesia, the inhabitants of these duchies had been drawn into the cultural and economic orbits of Germany and Bohemia long before they pledged political allegiance to King John.[198] In an earlier context, the fact that the ethnically Polish dukes of Mazovia and Silesia had chosen to ally themselves with the surrounding non-Polish rulers would have been unremarkable. As we have seen, these alliances occurred time and again throughout the thirteenth and into the fourteenth century. By the 1330s, however, the soft ethnic and political boundaries that had allowed these dukes this freedom were being hardened. More and more frequently the

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[195] Knoll, *Rise*, 54-5.

[196] Knoll, *Rise*, 55-8.

[197] Jerzy Wyrozumski, "Miejsce Procesu Polski z Zakonem Krzyżackim w 1339 r. w Polityce Kazimierz Wielkiego," *Pamiętnik Biblioteki Kórnickiej* 23 (1993), 37; Knoll, *Rise*, 51-4, 59-62.

[198] Knoll, *Rise*, 59-60.

rulers of the small polities that had dominated the political landscape of east-central Europe for the past two centuries were being forced by the larger, emerging states to choose more permanent political identities. During the 1320s and 1330s, as a result of the widespread warfare throughout east-central Europe, this borderland was transformed into a "bordered land" of strictly demarcated states.[199]

The First Years of Kazimierz's Reign: Attempted Arbitration, 1333-38

When Władysław died in 1333, his only son, Kazimierz succeeded him as King of Poland. Although Kazimierz was later known as "the Great," Jerzy Wyrozumski points out that "one should take note that in the early period of his reign, Kazimierz the Great was in practice ruler only in Little Poland and Great Poland…."[200] These were the two most important regions in Poland, with the former being the main political center of the kingdom, based on the new capital of Kraków, while the latter was the ecclesiastical and ancient political capital of the kingdom, based in Gniezno and Poznań respectively. However, like the French kings during the period of "feudal anarchy" in the West, Kazimierz's influence over the outer regions of his theoretical kingdom was limited. In addition to the lands of his father's kingdom, which had been lost to the Teutonic Knights (Kujawy and Dobrzyń), Silesia and Mazovia, two other lands belonging to the Polish *ecclesia* and ruled by Piast dukes, had never joined Władysław's kingdom. A few of the duchies in these lands were

[199] I borrow this terminology, with some modifications, from Jeremy Adelman and Stephen Aron, "From Borderland to Borders: Empires, Nation-States, and the Peoples in between in North American History," *American Historical Review* 104 (1999), 814-41; the following three chapters analyze this hardening of identities in great detail.

[200] Wyrozumski, "Miejsce," 38.

independent, but as outlined above, the majority of them had recognized the superiority of the King of Bohemia. Kazimierz was also faced with the problem that King John of Bohemia still formally claimed to be King of Poland. Even within the Polish kingdom, however, the relationship of King Kazimierz's four cousins – Kazimierz, Leszek, Przemysł, and Władysław – remained difficult to characterize, because they were territorial rulers in their own right.[201] While during the previous two centuries the theoretical right of the senior Piast to rule as *primus inter pares* was widely recognized, we have seen that it certainly was not an inviolable right. Also, there had never been a peaceful transition from one ruler of Poland to the next in the previous forty years, and after the murders of Przemysł and Václav III, the kingdom had fragmented into smaller polities. Although these men had died without sons, the idea that the Kingdom of Poland was a state that would outlive its ruler was a novel concept; one cannot project later constitutional developments back upon a past in which they did not exist. Poles in the 1330s were still grappling with the idea of what if meant to be part of a kingdom.

In order to secure the safety of his position, Kazimierz made peace treaties with all of his father's former enemies – the *Ordensstaat*, Brandenburg, and Bohemia – and agreed to let the kings of Bohemia and Hungary arbitrate his dispute with the Knights.[202] Kazimierz even offered to marry his eldest daughter, Elżbieta, to the emperor's son.[203] The idea behind this marriage proposal was perhaps not only to reclaim some of the lands

[201] Wyrozumski, "Miejsce," 37-8.

[202] Wyrozumski, "Miejsce," 38-40; Knoll, *Rise*, 65-70.

[203] Wyrozumski, "Miejsce," 39; Knoll, *Rise*, 68-70.

Poland lost to Brandenburg, but also to pressure the kings of Bohemia and Hungary, both of whom had a claim on the Kingdom of Poland (John of Bohemia as heir to the Václavs and Charles Robert of Hungary through his marriage to Kazimierz's sister) into a more equitable settlement in his dispute with the Knights.[204] Yet, according to Bieniak, the Polish church would not condone his alliance with the enemy of the papacy, so they convinced Kazimierz to try to get the new pope, Benedict XII (1334-42) to approve a new trial against the Knights in January 1335.[205]

In the summer of 1335 Benedict did indeed order two cardinals to examine the Polish complaints, but one died and the other became occupied in other business, so nothing came of it.[206] The Knights did produce two important documents as a result of this inquiry, however. The first was a *vidimus* of the Knights' privileges to the disputed territories, which they showed to Archbishop Janisław in September 1335.[207] The second was a legal brief, written in German, which traced the history of the Knights' dispute with the kings of Poland back into the late thirteenth century.[208] The Knights considered the impending trial a serious threat for which they must prepare their Procurator-General in Avignon. They also convinced the Dominicans and

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[204] Janusz Bieniak, "Przebieg procesu polsko-krzyżackiego z 1339 roku," *Pamiętnik Biblioteki Kórnickiej* 23 (1993), 5-6.

[205] Bieniak, "Przebieg," 6-7.

[206] Bieniak, "Przebieg," 8.

[207] Bieniak, "Przebieg," 8-9; *Die Berichte der Generalprokuratoren des Deutschen Ordens an der Kurie. Erster Band: Die Geschichte der Generalprokuratoren von den Anfängen bis 1403*, ed. Kurt Forstreuter (Göttingen: Vandenhoeck and Ruprecht, 1961), #93.

[208] Antoni Prochaska, "Z Archiwum Zakonu Niemieckiego. Analekta z wieku XIV i XV," *Archiwum Komisyi Historyczne* 11 (1909/13), 219-35, 241-52. This document will be examined in detail in the following chapters.

Franciscans, including those in the Polish territories occupied by the Knights, to write *amicus* briefs to the papacy.[209] Kazimierz, however, countered the Knights' claims by promising the papacy 15,000 marks, or half the indemnities the Knights had been sentenced to pay in 1321.[210] Yet, before this inquiry could proceed any further, negotiations began for an arbitrated settlement.

In August 1335 Polish legates met with the kings of Hungary and Bohemia in the town of Trenčín in the Kingdom of Hungary to resolve the dispute between John and Władysław over the former's claims to the Polish throne.[211] King John proposed that he would relinquish his royal rights in Poland in exchange for the recognition by Kazimierz of his rights to lordship over the Silesian and Mazovian dukes.[212] On 1 November Kazimierz came to the Hungarian town of Visegrád to discuss this issue with John and to hear John's and Charles Roberts' proposals concerning his conflict with the Knights.[213]

First to be discussed was the dispute between Poland and Bohemia. For the price of 20,000 Prague *groszy*[214] John would renounce his claims to the Polish crown.[215] It was also decided that Władysław would marry his daughter, Elżbieta (despite her previous offer to the emperor's son), to John's

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[209] PrUB III #17 and #20.

[210] Bieniak, "Przebieg," 9-10.

[211] Knoll, *Rise*, 73-4; Engel, 137; Wyrozumski, "Miejsce," 40.

[212] Wyrozumski, "Miejsce," 40.

[213] Engel, 137; Wyrozumski, "Miejsce," 40; Knoll describes the grandeur of this meeting and the gifts the King of Hungary bestowed upon the other kings in some detail. *Rise*, 75-6.

[214] See Knoll, *Rise*, 26 for a discussion of this coin, which "had an average weight of 3.86 grams and a silver assay of 93 percent."

[215] Wyrozumski, "Miejsce," 41.

grandson, John.[216] As Paul Knoll points out, Charles Robert could not have been happy about this, because this would give the Luxemburgs a claim that would challenge his own claim through his marriage to Kazimierz's sister.[217] But, both Elżbieta and John were still too young to marry, and nothing came of this proposal.[218]

The arbiters then turned their attention to Kazimierz's dispute with the Knights. It was decided that the Knights should return the lands they had taken in the wars of the 1320s and 1330s, but that Kazimierz would in return recognize their possession of Pomerania, Chełmno, Michałowo (which Kazimierz's cousin, Leszek, had sold to the Knights in 1317), and some other properties.[219] In addition, neither side would be allowed to claim any indemnities from their years of fighting.[220] Although the grandmaster was anxious to have this decision confirmed by Kazimierz, the King of Poland had already complained to the pope about the settlement, and in 1336 he gave Benedict XII the promised "donation" of 15,000 to look into his dispute with the Knights.[221] As Janusz Bieniak points out, "this meant the renewed acknowledgment of the validity of the Inowrocław verdict [from 1321]."[222]

In the meantime, Kazimierz and the Knights again attempted to settle their dispute out of court. In 1337 Kazimierz met with King John of Bohemia in

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[216] Wyrozumski, "Miejsce," 41; Knoll, *Rise*, 78.

[217] Knoll, *Rise*, 78.

[218] Wyrozumski, "Miejsce," 41; Knoll, *Rise*, 78.

[219] Lites I (2), 448; Knoll, *Rise*, 79. For the sale of Michałowo, see Chapter 5.

[220] Lites I (2), 448-9.

[221] Wyrozumski, "Miejsce," 41-2; Bieniak, "Przebieg," 10.

[222] Bieniak, "Przebieg," 10.

Inowrocław, a Kujawian city occupied by the Knights.[223] The agreement was similar to the one in 1335, and also similarly never came to anything. But, by this time Kazimierz had gained a new ally in his dispute against both the Knights and King John – Galhard,[224] the papal-legate in Poland during the 1330s, who presented a detailed report to Pope Benedict XII in 1337 complaining about the difficulties he encountered in Polish lands controlled by Germans and Bohemians.[225] This letter was brought to Avignon by the nephew of the Bishop of Kraków,[226] who was apparently also charged with convincing the pope to authorize a new trial, as he returned to Poland in 1338 with the bull commanding Galhard to investigate Kazimierz's claims.[227] Meanwhile, both the Knights and King John scrambled to find allies to support them in their disputes against Kazimierz.

First, in March 1338, King John's son, Margrave Charles of Moravia, met King Charles Robert in Visegrád, the site of the failed 1335 arbitration.[228]

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[223] Knoll, *Rise*, 91-3.

[224] There has been some dispute about his place of origin, "de Carceribus," although the consensus now seems to be that he was from Carcès. For biographical information and his activities in Poland, see Helena Chłopocka, "Galhard de Carceribus i jego rola w sporze polsko-krzyżackim w XIV wieku," in *Europa – Słowiańszczyzna – Polska. Studia ku uczczeniu profesora Kazimierza Tymienieckiego*, ed. Czesław Łuczak (Poznań: Uniwersytet im. Adama Mickiewcza w Poznaniu, 1970), 135-43; Stanisław Szczur, "Współpracownicy Galharda z Carcès, kolektora papieskiego w Polski," in *Homines et Societas: Czasy Piastów i Jagiellonów*, ed. Janusz Bieniak, et al. (Poznań: Wydawn. Poznańskiego Tow. Przyjaciół Nauk, 1997), 337-44; Stanisław Szczur, "Początki działalności Galharda z Carcès," in *Personae, Colligationes, Facta*, ed. Janusz Bieniak, et al. (Toruń: Zakład Nauk Pomocniczych Historii Instytutu Historii i Archiwistyki UMK w Toruniu, 1991), 33-8.

[225] Theiner #519.

[226] Bieniak, "Przebieg," 11.

[227] Bieniak, "Przebieg," 11-2; Stanisław Szczur, "Dyplomaci Kazimierza Wielkiego w Awinionie," *Nasza Przeszłość* 66 (1986), 92-3.

[228] Wyrozumski, "Miejsce," 42-3; Knoll, *Rise*, 95-6.

The 1338 meeting proved more successful. The Bohemians would agree to support the Hungarians' claim to the Polish throne if Kazimierz died without a male heir, providing Charles Robert could convince Kazimierz to formally renounce his claims to Silesia and Mazovia, as the Polish king had not yet carried out his promise to do so in 1335.[229] Charles Robert also promised not to help Kazimierz conquer Silesia and to return it to John after he became King of Poland if Kazimierz managed to conquer it without his help.[230] On 9 February 1339, less than a week after the commencement of the trial against the Knights, Kazimierz formally renounced his claims to these lands.[231]

In response to the Bohemian negotiations with Kazimierz's Hungarian ally, the Knights turned to the papacy's main enemy to legitimize their position. In July 1338 the Knights obtained a letter from Emperor Ludwig, in which he took the Knights' possessions under his protection and forbade them to give away any of their lands or to be judged by the papal court.[232] They also gained further support from an unexpected source – the bishops of Kujawy and Płock, who had both been signatories to the original 1335 appeal for a trial.[233]

Both bishoprics were located on the borderlands dividing the Kingdom of Poland and the Teutonic *Ordensstaat* and on both sides of the recognized

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[229] Wyrozumski, "Miejsce," 42-3; Knoll, *Rise*, 95-6.

[230] Knoll, *Rise*, 96.

[231] Knoll, *Rise*, 97; for a detailed analysis of the numerous factors influencing Kazimierz's decision, see Stanisław Szczur, "Okoliczności zrzeczenia się Śląska przez Kazimierza Wielkiego w roku 1339," *Studia Historyczne* 30 (1987), 519-36; Roman Grodecki, *Rozstanie się Śląska z Polską w XIV w.* (Katowice: Wydawnictwo Instytutu Śląskiego, 1938).

[232] Lites I (2), 459-60 and PrUB III #183; Wyrozumski, "Miejsce," 43; Bieniak, "Przebieg," 13; Knoll, *Rise*, 99.

[233] Bieniak, "Przebieg," 7-8.

dividing lines. Because of this, even though both bishops were Poles, neither thought in the terms of strictly demarcated state borders, because their jurisdictions cut across these borders. In fact, not only did the Bishop of Płock fail to answer the summons to the trial, but he actively hindered the reading of the summons by refusing the judges-delegate's nuncio admittance to Płock castle.[234] He and his chapter also wrote to the pope requesting that the dispute be resolved without a trial.[235] In fact, the Bishop of Płock was not the only borderland cleric who wanted a quick and peaceful political settlement to this dispute. Between 1335 and 1338 a number of religious borderlanders appealed to Pope Benedict XII – the Dominicans of the Polish province in 1335[236] and the Franciscans of the provinces of Saxony and Poland in 1335,[237] mentioned above, as well as the Abbot and Convent of the Cistercian monastery at Oliwa in 1338[238] – urging him to resolve the conflict amicably to minimize the further suffering of the Christian people. This is not to deny that individuals from these organizations were partisans. The Abbot of Oliwa and the priors of the Dominican and Franciscan chapters who drafted their letters lived in lands controlled by the Teutonic Knights, and so praised them highly. Similarly, there were Dominicans, Franciscans, and Cistercians from Polish houses (and even canons from Płock in the Bohemian-controlled duchy of Mazovia) at the trial. But, it is important to keep in mind that these religious institutions recognized that there was more at stake for them than the

[234] Lites I (2), 77-8.

[235] CDPr III #12 and PrUB III #198.

[236] Lites I (2), 449-50 and PrUB III #20.

[237] PrUB III #17.

[238] CDPr III #14.

redrawing of political boundaries. As borderlanders, they knew that they would suffer if open warfare broke out again no matter where the boundaries were drawn. In addition, the letters of the Dominicans, Franciscans, and Cistercians also placed this conflict in the context of the larger struggle for the defense of Christendom against the neighboring Lithuanian pagans and Ruthenian schismatics. The idea that the *Ordensstaat* and Poland were the shields of Christendom was a concept that the papacy would turn to in the years after the trial, as it sought to make peace between them. For now, it was content to let its judges-delegate investigate the dispute.

The Second Trial Between Poland and the Teutonic Knights, 1339

Although the pope gave his judges-delegate – Gerward and another papal revenue collector in Poland, Peter Gervais – considerable leeway in conducting their investigation, he did not intend their sentence to bind him, because the Knights did not have to submit to their authority and could instead choose to appeal their case to Avignon.[239] As Janusz Bieniak argues, the point of the trial for Kazimierz was not to regain all of the former Polish territories that the Knights held, but instead to instill a political and historical consciousness among his own subjects and hopefully to pressure both the Knights and the kings of Hungary and Bohemia to accept a compromise more favorable for Kazimierz than the 1335 one had been.[240]

To further these ends, the royal procurators wanted everybody who was anybody in the kingdom to testify at the trial,[241] and they came close to

[239] Bieniak, "Przebieg," 13.

[240] Bieniak, "Przebieg," 11.

[241] Bieniak, "Przebieg," 16.

achieving this goal, as the court swore in 176 witnesses, among them regular and secular clergy, nobles, knights, and burghers. Due to time constraints, however, only 126 witnesses were able to testify, and less than a quarter of these witnesses were able to testify about all of the articles of dispute submitted by the Polish lawyers on 6 February 1339.[242]

The trial began in Warsaw, at that time a small town in one of the independent Mazovian duchies, probably chosen for its neutral location,[243] but also because it is situated on the Vistula nearly equidistant from Kraków and Marienburg (Malbork), the capitals of the two disputing states. However, because this town was not equipped to handle a trial of this magnitude, only the first and last phases of the trial were held there. The Polish procurators presented 30 articles of dispute (listed in the appendix), beginning with what they claimed was the first instance of the Knights' perfidy – their unlawful possession of Chełmno, which had been granted to them over a century earlier by Kazimierz's great-grandfather.[244] This was followed by complaints against the Knights' conquest of Pomerania in 1308/9, the lands taken by the Knights in the wars of the 1320s and 1330s, and the damages suffered by the Kingdom and Church of Poland during these wars. As in the first trial, rather than respond to the king's complaints, the Knights' procurator stayed just long enough to state that the Knights did not recognize the authority of the court,

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[242] After the first 13 witnesses, who testified about all 30 articles, all but a few of the remaining witnesses were asked about certain blocks of articles relating to particular lands. For a detailed description of the selection of witnesses, see Bieniak, "Środowisko świadków procesu polsko-krzyżackiego z 1339 r.," in *Genealogia – Kręgi zawodowe i grupy interesu w polsce średniowiecznej na tle porównawczym*, ed. Jan Wroniszewski, 5-35. Toruń: Uniwersytet Mikołaja Kopernika, 1989.

[243] Knoll, *Rise*, 101.

[244] The implications for including this land will be analyzed in detail in chapter 6.

and just as in the first trial, the judges proceeded without them.[245] Over the course of the next four months the judges and their legates examined witnesses in cities all over the Kingdom of Poland. By early May, they had heard enough, and announced that they would give their sentence on 15 September in Warsaw.

The judges ordered the Knights to return all the disputed lands and to pay Kazimierz an indemnity of nearly 200,000 marks.[246] In addition, they were required to pay for the costs of the trial – 1600 marks. The next month the judges informed the Knights that they had four months to comply with the sentence on pain of excommunication.[247] In the meantime, Kazimierz sent a legation to Avignon to argue his case before the pope.[248]

The Final Settlement, 1340-43

The Knights' permanent lawyers in Avignon apparently proved more effective than the Polish legates, because in July 1341 Benedict XII authorized the Bishop of Kraków (who was in Avignon pleading Kazimierz's case),[249] as well as the bishops of Meißen and Chełmno to arbitrate a new settlement between the king and the Knights, based on conditions very similar to those proposed in 1335, except that the Knights also had to pay Kazimierz an indemnity of 10,000 marks.[250] The next month the pope wrote to Kazimierz

[245] Bieniak, "Przebieg," 15; Lites I (2), 84-5; KDW II #1192.

[246] Lites I (2), 140.

[247] Bieniak, "Przebieg," 19; KDW II #1193.

[248] Bieniak, "Przebieg," 19.

[249] Bieniak, "Przebieg," 20.

[250] Transumpt in Clement VI's final settlement from 1343. Theiner #581.

informing him that he could not validate the judges-delegate's 1339 ruling.[251] In the following year Benedict died before the conflict had been resolved.

When Clement VI inherited this problem in August 1342, he reissued his predecessor's bull from the previous year, imploring the arbiters to come to some settlement in the dispute.[252] When nothing was resolved by the following June, he reissued the bull again, this time with more personal pleas for the restoration of peace,[253] but by this time the Knights and Kazimierz were already beginning peace negotiations.

On 8 July 1343 the Knights' legates met Kazimierz in Kalisz and the two sides agreed that the Knights would retain possession of Chełmno, Pomerania, and certain other smaller possessions, while they would return Dobrzyń and Kujawy to Kazimierz.[254] Two weeks later, King Kazimierz and the Grandmaster of the Teutonic Knights met on the borderland of their two states: "…there among a great multitude of nobles from both sides the king and the master went to meet at the same time, greeting each other amicably."[255] After the arbitrated settlement was read aloud, "…they swore – the king on his crowned head and the master by touching the cross [on his mantle] – to firmly adhere to each and every one of these matters and completed this act with a sincere kiss of peace on the mouth…."[256]

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[251] Theiner #558.

[252] Theiner #581.

[253] Theiner #590.

[254] KDW II #1220. For a detailed description of these proceedings, see Knoll, *Rise*, 117-9.

[255] Lites II, 381: "…rex et magister in magna multitudine nobilium ex utraque parte inibi insimul convenerunt mutuo se amicabiliter salutantes."

[256] Lites II, 383: "…rex per coronam capitis sui, et dominus magister tactu Crucis sue, iuraverunt hec omnia et singula tenere firmiter et inplere osculo oris pacis sincere…."

PART TWO:

LUBRICA HOMINUM MEMORIA:

BIFURCATED MEMORIES OF A MEDIEVAL BORDERLAND

CHAPTER FOUR

REMEMBERING THE GDAŃSK MASSACRE: CRUSADING CULTURE, ETHNIC ENMITY, AND GROUP IDENTITY FORMATION

On the night of 13 November 1308, the Teutonic Knights sacked the prosperous port city of Gdańsk, completely destroying the town and murdering its 10,000 inhabitants – men, women, and children crying in their cribs, "whom even the pagans would have spared." At least this was the story presented at the Papal Curia by Archbishop Friedrich of Riga,[1] who added this enormity to a litany of wrongs committed by the Knights against the Christians they were supposed to be protecting from neighboring pagans. This, however, was just one version of events. The Knights immediately presented their own counternarrative and encouraged the bishops in Prussia to present their version of the story. To these competing narratives would later be added the testimonies of the witnesses in the trial of the Archbishop of Riga against the Knights in 1312 and those in the two trials between the kings of Poland and the Teutonic Knights in 1320 and 1339. These testimonies from more than 100 witnesses, supplemented by letters, chronicles, and annals written by the secular and regular clergy in Poland, Prussia, and Pomerania, provide a unique basis for the study of the role of social memory in the formation of group identity in the middle ages.

In the three decades between the Teutonic Knights' conquest of Gdańsk and the second trial between Poland and the Knights, new conflicts broke out between the disputants, which located the memory of the Gdańsk

[1] Kurt Forstreuter, "Archbishop Friedrich von Riga (1304-1341)," *Zeitschrift für Ostforschung* 19 (1970), 652-65.

massacre within a larger framework of a discourse of wrongs promulgated by both sides. Both parties presented themselves as the victims in these conflicts and both sides attempted to instrumentalize the memory of the past to legitimize their claims to disputed territories. However, within these various "official" versions of the past, we can also discern how the emerging historical consciousness of the subjects of these two states made the broad outlines presented to them by their rulers conform to their own views of the past. Through a critical reading of these various histories, especially the witnesses' testimonies from the two trials between Poland and the *Ordensstaat* in 1320 and 1339, this chapter will examine how the changing political circumstances of the three decades between the massacre and the 1339 trial affected the formation of social memory within these two states. By exploring the tension and interplay between the crusading culture which united the two states as the bulwarks of Christendom and an emerging ethno-political enmity which divided them, this chapter will examine a number of questions: How were the collective memories of the two emerging states contested by the collected memories of the individual witnesses in the trials and other informants? How did the discourse of these contested narratives change in light of the mutable religious, social, and political circumstances of the recollections and retellings of the story? And finally, what role did the memory of the massacre and the characterizations of betrayal and victimhood play in group identity formation?

In order to help make sense of how these complex issues interact, the following analysis will be framed by the sociologist Michael Schudson's "Dynamics of Distortion in Collective Memory," which identifies four key dynamics in groups' reinterpretation of past events to fit present circumstances: instrumentalization, distanciation, narrativization, and

conventionalization.[2] Let me be clear that I am using Schudson's concept of memory distortion as a heuristic tool. This analytical framework is meant neither to be exhaustive of all the functions of memory as a situational construct (for example, the renowned psychologist Daniel L. Schacter identifies "seven sins of memory,"[3] which might provide a more amenable framework considering the medieval subject matter) nor to imply that there is one "true" memory of the past, which is consciously distorted to serve presentist agendas. Of course, the social memory of the past is sometimes deliberately distorted by groups seeking to create a common identity or by those seeking power through historical legitimization. However, as most scholars of social memory studies, including Schudson, argue, "collective memory…is always provisional, always open to contestation and often actually contested."[4] Perhaps no memories are more contested than those of collective violence.[5] Therefore, this chapter will explore how and why the

[2] Michael Schudson, "Dynamics of Distortion in Collective Memory," in *Memory Distortion: How Minds, Brains, and Societies Reconstruct the Past*, ed. Daniel L. Schacter (Cambridge, MA and London: Harvard University Press, 1995), 346-64. See below for an explanation of these concepts.

[3] Daniel L. Schacter, *The Seven Sins of Memory (How the Mind Forgets and Remembers)* (New York: Hougton Mifflin, 2001); see also Daniel L. Schacter, *Searching for Memory: The Brain, the Mind, and the Past* (New York: Basic Books, 1996).

[4] Schudson, 360-1. Actually, Schudson limits this function of collective memory to what he calls "liberal pluralistic societies." Medievalists such as Geary, Wickham, and Innes have shown that social memory is also a contested resource in pre-modern societies. Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994); James Fentress and Chris Wickham, *Social Memory* (Oxford and Cambridge, MA: Blackwell, 1992); Matthew Innes, "Memory, Orality and Literacy in an Early Medieval Society," *Past and Present* 158 (1998), 3-36.

[5] For recent studies on memory and collective violence see Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick: Transactions Publishers, 1997); David E. Lorey and William H. Beezley, eds., *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century* (Wilmington, DE: SR Books, 2002).

collective and collected memories[6] of the Gdańsk massacre were contested, and how the discourse of these contestations changed in light of different religious, social, and political circumstances. This focus on "memory distortion" does not mean that the Gdańsk massacre was a "legend," as some early twentieth-century German historians argued.[7] It is undeniable that serious scars were inflicted upon the bodies of the residents of Gdańsk and the physical landscape of the city, as well as upon the psyches of the witnesses to these atrocities and the families of the victims. Rather, the point of this exercise is to try to understand how this event was understood by different people at different times in different circumstances during the first half of the fourteenth century.

Employing the framework constructed above, this chapter is divided into six parts, with four parts focusing on one aspect of social memory distortion, while the final two sections locate the massacre within its historical and historiographical contexts. The first part analyzes the social memory of the massacre as it developed during the period between 1308 and 1320, with special emphasis given to how the Archbishop of Riga instrumentalized the memory of the massacre in his dispute with the Teutonic Knights – in Schudson's words, how "memory selects and distorts in the service of present interests."[8] The second part examines how the distanciation of the lawyers,

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[6] Jeffery K. Olick draws a distinction between "collected" and "collective" memory, with the former characterized as "the aggregated individual memories of members of a group," while the latter term refers to "public discourses about the past as wholes or to narratives and images of the past that speak in the name of collectivities." ["Collective Memory: The Two Cultures" *Sociological Theory* 17 (1999), 338, 348.]

[7] Erich Keyser, "Die Legende von der Zerstörung Danzigs im Jahre 1308," *Zeitschrift des Westpreussischen Geschichtsvereins* 59 (1919), 165-82.

[8] Schudson, 351.

judges, and witnesses in the 1320 trial affected their memories of these events. As Schudson argues, while the passage of time results in a loss of detail, "distance can give people historical perspective on matters that may have been hard to grasp at the time they happened."[9] The third part analyzes what role this narrativization of the memory of this event played in the historical writings of the Teutonic Knights in the 1320s and 1330s, as well as in the versions of the history of the conflict presented by Poland and the Knights in arbitrations during the 1330s. "An account of the past must choose a point to begin," and in these inter-trial years, the two sides presented various versions of when the wars between Poland and the Knights began in order either to make peace or to continue the conflict.[10] The final part analyzes how the social memory of this event became conventionalized in Polish society by analyzing the witnesses' testimonies from the 1339 trial in the context of the atrocities of the Polish-Teutonic Knights' wars of the 1320s and 1330s. When the royal procurators in this trial placed the conquest of Gdańsk within the framework of an eternal enmity between Poland and the Teutonic Knights, they memorialized this conflict and buried the memories of earlier cooperation between the Knights and King Kazimierz's ancestors as well as their shared mission of serving as the bulwark of Christendom. The final two sections will relocate this dispute within the context of earlier amicable relations between Poland and the Knights and sort through the modern historiography of the dispute in order to analyze why the Knights chose to break their bonds of loyalty with the family of their founders in Poland.

[9] Schudson, 349.

[10] Schudson, 355.

Instrumentalization – The Evolution of the Dispute to the 1320 Trial:

Schudson makes a distinction between "first-order instrumentalization," which "promotes a particular version of the past to serve present interests," and "second-order instrumentalization," which "makes use of the past, and distorts it, without necessarily favoring a particular vision of the past."[11] We can see both of these types of instrumentalization come into play in the incorporation of the memory of the Gdańsk massacre into the long-running series of disputes between the Teutonic Knights and the Archbishop of Riga. As a general rule, however, the two litigants instrumentalized the Gdańsk massacre in the first order, while the various witnesses to this crime, none of whom were actual eyewitnesses, but rather people who learned about the massacre through public knowledge [*publica vox et fama*], instrumentalized the event in the second-order, if at all.

The first written records of the Teutonic Knights' invasion of Pomerania come from four documents.[12] The first of these is an undated list of articles of dispute submitted by an unidentified procurator of the Teutonic Knights.[13] There is general consensus, however, that this document was written during the first half of 1310 by the Procurator-General of the Knights in Avignon, Konrad Bruel.[14] These articles present a narrative far more thoroughly filled-

[11] Schuldson, 353.

[12] Helena Chłopocka has reprinted the excerpts from these documents relating to Gdańsk Pomerania in Lites I (3), 103-110. The references provided below are to Chłopocka's text.

[13] The entirety of this document is printed in August Seraphim, ed., *Das Zeugenverhör des Franciscus de Milano 1312* (Königsberg: Thomas and Opermann, 1912), 179-207, with the Gdańsk articles (#58-72) at 186-7; they are also reprinted in PIUB #696; Lites I (2), 427-8; Lites I (3), 103-5.

[14] See Chłopocka's notes in Lites I (3), 103-4; see also Andrzej Wojtkowski, *Procesy polsko-krzyżackie przed procesem z lat 1320-1321* (Olsztyn: Ośrodek Badań Naukowych im. W.

out than any of narratives presented by the Polish procurators in their own articles of dispute in 1320 or 1339. They cast the Knights as victims in their conflict with the town of Gdańsk and the Margraves of Brandenburg. The Knights present themselves as detached observers of affairs in Pomerania, who were drawn into this land because of the duplicity of the burghers of Gdańsk. These articles are listed in their entirety in Appendix I, but they can be briefly summarized as follows: The Margraves of Brandenburg were granted Pomerania in fee by King Albrecht I of Germany after the King of Bohemia died without a male heir; Gdańsk was harboring sixteen criminals, who robbed not only the Knights, but all the surrounding Christians; the Knights came to Gdańsk with an army and told the burghers to surrender the criminals, which the burghers finally did without bloodshed; afterwards the Knights withdrew with their army, so they did not witness what happened, but they were informed through *publica vox et fama* that the burghers destroyed their own homes and left Gdańsk. This, however, was just one of the various versions of the story that the Teutonic Knights would tell over the years, modifying it to fit changing political exigencies.

Although unnamed, it is apparent that the charge they were addressing was the murder of the inhabitants of Gdańsk and the destruction of the town. It also indirectly lays the groundwork for another anticipated topic of dispute – the Knights' contested possession of Pomerania. This story ignores the fact

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Kętrzyńskiego, 1972), 27-8; Józef Judziński, "Stanowisko Biskupów Pruskich wobec Wydarzeń Gdańsk 1308 roku," *Komunikaty Mazursko-Warmieńskie* 100 (1968), 194-6; for a discussion of the position of Procurator-General, see Jan-Erik Beuttel, *Der Generalprokurator des Deutschen Ordens an der Römischen Kurie: Amt, Funktionen, personelles Umfeld und Finanzierung* (Marburg: Elwert, 1999); for Konrad's term as Procurator-General, see Kurt Forstreuter, *Die Berichte der Generalprokuratoren des Deutschen Ordens an der Kurie. Erster Band: Die Geschichte der Generalprokuratoren von den Anfängen bis 1403* (Göttingen: Vandenhoeck and Ruprecht, 1961), 76-90.

that the Knights were in possession of Pomerania at the time these articles were written, while at the same time it defines the Margraves of Brandenburg as the legitimate lords of Pomerania, completely omitting the rival claims of Duke Władysław of Poland. This is odd considering that the Knights had already entered into negotiations with the margraves in 1309 to buy the land from them after negotiations with Władysław failed.[15] So, why did they present the margraves in such a negative light, and why did they not present themselves as the rightful lords of Gdańsk, meting out justice to criminals? Apparently, the Knights still did not feel secure in their possession of the land, because they lacked written confirmation of their rights to Pomerania. After the period 12 June-13 July 1310, when the Knights formally bought the rights to Pomerania from the Margraves of Brandenburg,[16] secured the surrender of rights to the land from all the claimants except Duke Władysław of Poland,[17] and had these transactions further legitimized by an imperial confirmation,[18] a new version of the story could be (and was) written. But for the time being the Knights had to present themselves as disinterested outsiders, unconcerned with affairs in Gdańsk beyond the capture of the criminals, who had been

[15] PrUB #676; Błażej Śliwinski, *Pomorze Wschodnie w okresie rządów księcia polskiego Władysława Łokietka w latach 1306-1309* (Gdańsk: Muzeum Archeologiczne w Gdańsku, 2003), 548-9;

[16] PIUB #685.

[17] For and outline of this process, see Śliwinski, *Pomorze*, 548-60. 10 March 1310 the margraves got Duke Henryk of Głogów's sons to renounce their claims (PIUB #682) and 12 April 1310 they got Duke Wisław III of Rügen to renounce his claims. (PIUB #683). For Duke Henryk's sons' claims see the 1296 agreement between Henryk and Władysław (KDW II #745), discussed in chapter 3. Wisław's claims to Pomerania stretched much further into the past, but were apparently well remembered. Wisław III's grandfather had married Mściwój II's sister, Eufemia, around 1240, so Wisław was the great-grandson of the founder of the Duchy of Pomerania – Świętopełk. [Śliwiński, *Poczet*, 50-1 and 78]

[18] PIUB #688.

plaguing their lands. This might also account for the rather contrived explanation for the destruction of Gdańsk. It is too bad that more of the trial records have not survived, because it would have been interesting to see how the Knights would have proved that the Gdańsk burghers destroyed their houses and abandoned the town of their own volition.[19]

In any event, the Procurator-General apparently failed to convince the Papal Curia of the tenability of his order's position, because on 19 June 1310, Pope Clement V issued a bull asking two legates[20] to look into the allegations of the Knights' misconduct in the Archbishopric of Riga as well as in Gdańsk. This was quite a damning document, presenting a litany of wrongs allegedly committed by the Knights against the Christian populations they were supposed to be protecting. These included imprisoning the Archbishop of Riga and his staff, interfering in episcopal elections in order to get members of their own order enthroned as bishops, making alliances with pagans and supplying them with weapons, preventing the proselytism of pagans, harassing the neophytes, encouraging apostasy, destroying monasteries and churches, and the list goes on.[21] Among these offenses, the pope also noted that

> It has recently come to our attention that the preceptors and brothers of the same hospital, stealing into the land of our dear son, the nobleman Duke Władysław of Kraków and Sandomierz, in a hostile manner, killed

[19] See the discussion below of the Teutonic Knights' attempts to force the burghers of Tczew to "voluntarily" abandon their city, which is described in PlUB #668.

[20] Archbishop John of Bremen and the papal chaplain, Master Albert of Milan, a Canon of Ravenna.

[21] PrUB II #13.

more than 10,000 people in the town of Gdańsk by the sword, inflicting death upon infants crying in their cradles, whom even the enemies of the faith would have spared.[22]

The fact that these accusations came at the same time that the various trials against the Templars were being conducted throughout Europe must have caused the Teutonic Knights some concern.[23] Therefore, because of the growing criticism of the Teutonic Order in particular and military orders in general after the loss of Acre in 1291, the Knights felt it necessary to remind the Papal Curia that not only were they incapable of committing the atrocities

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[22] PrUB II #13 and Lites I (3), 105-6: "Novissime vero ad nostrum venit auditum, quod preceptores et fratres hospitalis eiusdem dilecti filii nobilis viri Wladislai Cracovie et Sandomirie ducis terram hostiliter subintrantes in civitate Gdansco ultra decem milia hominum gladio peremerunt infantibus vagientibus in cunis mortis exicium interentes, quibus eciam hostis fidei pepercisset."

[23] The investigation of the Templars began with the arrest of their members in France in 1307. It should be pointed out, however, that the issues disputed in those trials differ considerably from the points of contention between the Teutonic Knights and the Archbishop of Riga. For the Templar trials in France see, Malcolm Barber, *The Trial of the Templars* (Cambridge: Cambridge University Press, 1978); for Iberia see, Alan Forey, *The Fall of the Templars in the Crown of Aragon* (Aldershot, UK: Ashgate, 2001); for Cyprus see Anne Gilmour-Bryson, *The Trial of the Templars in Cyprus: A Complete English Edition* (Leiden: Brill, 1998); for Italy see, Anne Gilmour-Bryson, *The Trial of the Templars in the Papal State and the Abruzzi* (Città del Vaticano: Biblioteca Apostolica Vaticana, 1982); for the British Isles, see Helen Nicholson, "The Trial of the Templars in the British Isles," *Sacra Militia: Rivista di Storia degli Ordini Militari* 4 (2004), 29-59.

It is arguable that these trials played a role in the transfer of the headquarters of both the Teutonic Knights to Prussia and the Hospitallers to Rhodes in 1309-11, but neither the campaign in Prussia nor the one in Rhodes was undertaken as a direct response to this threat. The Hospitallers began their campaign in Rhodes a year before the arrest of the Templars [Anthony Luttrell, "The Hospitallers at Rhodes, 1306-1421," in *A History of the Crusades. Volume III: The Fourteenth and Fifteenth Centuries*, ed. Harry Hazard (Madison: University of Wisconsin Press, 1975), 278-313; also available online at http://digital.library.wisc.edu/1711.dl/History.CrusThree], while the first Grandmaster of the Teutonic Knights did not rule from Malbork, in Prussia, until 1324. See Mary Fischer, "Biblical Heroes and the Uses of Literature: The Teutonic Order in the Later Thirteenth and Early Fourteenth Centuries," in *Crusade and Conversion on the Baltic Frontier 1150-1500*, ed. Alan Murray (Aldershot, UK and Burlington, VT: Ashgate, 2001), 262, and Klaus Militzer, "From the Holy Land to Prussia: The Teutonic Knights between Emperors and Popes and the Policies until 1309," in *Mendicants, Military Orders, and Regionalism*, ed. Jürgen Sarnowsky (Aldershot, UK and Burlington, VT: Ashgate, 1999), 71-81.

described by the Archbishop of Riga, but they were also still relevant as defenders and administrators of the borderlands of Christendom.

In order to counter what they viewed as calumny, the Knights asked three Prussian bishops[24] and the Dominican Polish provincial chapter (which included the lands of the *Ordensstaat* and happened to be meeting in one of its towns that year – Elbląg) to respond to these accusations in amicus briefs to the College of Cardinals in Avignon. Both of these letters defended the Knights, whom they portrayed as defenders of Christendom. In fact, Polish historians have pointed out the similarities in these documents and have suggested that the Dominicans and Prussian bishops were given a template to use by the Knights.[25] Even an early twentieth-century German historian pointed out the similarities in these two documents, although he stopped short of suggesting that the Knights dictated the contents of the letters to their authors.[26] The letters not only talk about similar themes – the fact that the Knights were able administrators and defenders of the faith – but they also at times use identical language to express these ideas. Part of the explanation for this is that both letters were speaking directly to the charges leveled against the Knights in the Papal bull from earlier in the year. But, the

[24] Only three of the four Prussian bishops are listed as authors, because Bishop Christian of Pomezania died late in 1309, and the Archbishop of Riga refused to confirm Ludolf, the Pomezanian Chapter's choice, as the new bishop. Judziński, 197.

[25] Chłopocka, *Procesy*, 11; Judziński, "Stanowisko," 196.

[26] Walter Friedrich, *Der Deutsche Ritterorden und die Kurie in den Jahren 1300-1330*. (Königsberg: Otto Kümmel, 1915), 37: „Beide Urkunden haben ziemlich den gleichen Inhalt, beide Urkunden laufen auf daselbe hinaus: Auf eine rückhaltlose Verteidigung des Ordens." Cf. Werner Roth, *Die Dominikaner und Franziskaner im Deutsch-Ordensland Preußen bis zum Jahre 1466* (Königsberg: Drewes Buchdruckerei, 1918), 28-29.

similarities are too great for this to be the only explanation.[27] For example, both letters contain the following sentence verbatim:

> For they are men of mercy, loving justice and day after day everywhere increasing the divine cult, in addition governing the state with great prudence, and like true knights of Christ they constantly set themselves up as an impregnable shield for the faith against the assaults of infidels.[28]

There are also many other examples of such verbatim similarities between the two texts. The texts do, however, differ in one fundamental aspect. The Dominicans' letter omits any reference to the Gdańsk massacre, while the bishops' letter mentions it explicitly:

> …(never) in Gdańsk nor elsewhere did they spill the blood of Christians in their cradles or of innumerable women, although they did seize certain of their own men, traitors and enemies of theirs numbering 15 who were punished by their sword…. …nor, moreover, have we ever heard anything certain of their violence against those subject to them, but on the contrary we are most certain that they administer the state in such peace, discipline, and justice, that as it were, innumerable people from diverse nations, lands, and lords, abandoning their property which

[27] Two other nearly identical letters appeared during the Knights' dispute with Grand Duke Gediminas of Lithuania in 1323-4. More than half of the letter written by the abbots of Oliwa and Pelplin in Pomerania in January 1324 is a verbatim copy of the Prussian Franciscans letter of support for the Knights from November 1323. [PrUB II #447, 429] See also S.C. Rowell, *Lithuania Ascending: a Pagan Empire in East-Central Europe, 1295-1345* (Cambridge: Cambridge University Press, 1994), 213.

[28] PrUB II #19 and 20: "Sunt enim viri misericordie diligentes iusticiam et divinum cultum de die in diem ubilibet augmentantes, multa insuper prudencia gubernantes rem publicam et assidue tamquam veri Christi milites contra insultus infidelium scutum inexpugnabile fidei se exponent."

they possessed elsewhere, go across into the colonies of the said brothers, wishing to live under their rule.[29]

This version of the story is similar to the Knights' procurator's narrative outlined above – fewer than 20 people were killed, and these were men who had wronged the Knights and were subsequently brought to justice. Incidentally, the bishops state that these were the Knights' men – traitors – not just common criminals. This comment situates this act of violence within the bishops' larger message of the Knights' role as administrators, as punishing criminals is an important part of lordship. In fact, the Knights are such able administrators that people from all over Christendom have migrated to their lands. It should be pointed out, however, that the fact that the bishops presented essentially the same story as the Knights should not be surprising, since two of the bishops, Herman of Chełmno and Siegfried of Sambia, were members of the Teutonic Order.[30] But what is to be made of the Dominicans' letter?

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[29] PrUB II #20: "…(nec unquam) in Danzich aut alibi sanguinem Christianorum incunabulis aut mulierum innumerabilium effuderunt, licet quosdam, quos suos et suorum proditores et inimicos deprehenderant numero quindecim animadverti suorum gladio…. (…) nec eciam de certo unquam de violencia ipsorum in sibi subiectos audivimus, sed de contrario sumus certissimi, quia in tanta pace et disciplina et iusticia administrant rem publicam, quod quasi innumerabiles populi de diversis nacionibus terris et dominiis (relictis) propriis, que alibi possederant, in dictorum fratrum transeunt, colonias sub ipsorum regimine vivere cupientes."

Earlier in the letter they also stated that the following is not true:
"…also not sparing in Gdańsk either according to age or sex, they spilled the blood or made the blood be spilled of innumerable Christians, and that in those lands held and possessed now for a little while by those knights of Christ, exercising tyranny, they violently occupy and detain estates and possessions by law belonging to others." ["…eciam non parcentes in Danzik etati vel sexui Christianorum innumerabilium sanguinem effuderint seu effundi fecerint et quod in terris ab ipsis Christi militibus iam dudum habitis et possessis tirannidem exercentes predia et possessions de iure pertinentes ad alios violenter occupant et detinen."]

[30] As Gerard Labuda explains, "Desiring the weakness of the metropolitan, the Teutonic Knights wanted to appoint to the bishoprics their own candidates, as far as possible brothers of the Teutonic Order. The most direct path to this goal led through control of the chapters, who elected the bishops." [Marian Biskup and Gerard Labuda, *Dzieje Zakon Krzyżackiego w Prusach* (Gdańsk: Wydawnictwo Morksie, 1986), 170.] By the end of the thirteenth century the chapters of Chełmno, Pomezania, and Sambia had all been incorporated into the Teutonic

As noted above, except for the omission of these two passages in the Dominicans' letter, the two documents are nearly identical. So, if this were a form letter given to the Dominicans to sign off on, why did they omit the information about the Gdańsk massacre? It seems unlikely that the Dominicans would have been less aware of the affairs in Gdańsk than the Prussian bishops, because there was a Dominican convent in Gdańsk, and its prior was probably at the provincial chapter. Polish scholars have taken a number of viewpoints on this topic, attempting to explain both why the section was left out and why the Dominicans wrote the letter in the first place. Helena Chłopocka argues that this section was left out because the prior of the Dominican convent in Gdańsk was at the meeting, and Józef Judziński says that the news about the massacre was already widespread, so that they "apparently did not want to falsify the truth…as the Knights' procurator had done in his petition to the pope."[31] More recently, however, Dariusz Dekański has argued that the Dominicans drafted the letter independently of any pressure by the Knights, because they felt a need to maintain good relations with the Knights, and that this letter might even have served as the template upon which the Prussian bishops wrote their own version of events later in the month.[32] Yet, despite the Dominicans' best intentions in preserving a peaceful

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Order, so that only the chapter of Warmia remained independent. See also Paul Reh, "Das Verhältnis des deutschen Ordens zu den preussischen Bishöfen im 13. Jahrhundert," *Zeitschrift des Westpreussischen Geschichtsvereins* 35 (1896), 121-36.

[31] Judziński, "Stanowisko," 197.

[32] Dariusz Dekański, "Postawa dominikanów polskich w latach 1310-1339 wobec kwestii zajęcia przez Krzyżaków Pomorza Gdańskiego," *Rocznik Gdański* 52 (1992), 21-33; Dariusz Aleksander Dekański, "Dominikanie polscy wobec zajęcia przez Krzyżaków Pomorza Gdańskiego w latach 1308-1309," in *Dominikanie w środkowej Europie w XIII-XV wieku: Aktywność duszpasterska i kultura intelektualna*, ed. Jerzy Kłoczowski and Jan Andzrej Spież (Poznań: „W drodze," 2002), 259-70.

climate in which they could preach, if they had known about such a slaughter, they certainly would not have endorsed the Knights so heartily. Perhaps even for the Dominicans from Gdańsk who attended the provincial chapter, the fog of war had not yet dissipated, and they were still unsure how to process events that had taken place less than two years earlier.[33] The stories told by the Dominicans who testified two years later in Riga would also appear to demonstrate that there was not yet an official position on these events among the Dominicans of east-central Europe. Of the five Preachers who testified against the Knights in 1312, three said they heard about the massacre but did not know any details, one said he did not know anything about it, and another said that he had heard some people say that it had happened and others that it had not. [34] Let us now turn to this trial to examine the further transformations of the story of the Gdańsk massacre.

Perhaps the bishops' and Dominicans' appeals carried some weight in the Papal Curia, because in the resulting trial, conducted in 1312 in Riga by Francis of Moliano, the witnesses were asked to testify about 230 articles, only one of which (the 25th) concerned the destruction of Gdańsk. The wording of the article has not survived, but we can guess from the witnesses' testimonies that it was similar to the wording of the papal bull about the slaughter of 10,000 people, including infants in their cribs.[35]

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[33] Perhaps the Gdańsk Dominicans also felt that they had in some way been responsible for the massacre, because Wilhelm, the prior of the Gdańsk convent in 1308, testified in 1339 that it had been his idea to ask the Knights to help defend Gdańsk from the margraves. Lites I (2), 373.

[34] See below for references.

[35] The 19th witness said that he did not know whether 10,000 were killed, and the 16th witness said that he did not know whether children were killed. Lites I (3), 109.

Although the trial record is incomplete, we have the testimonies from thirteen witnesses about the Gdańsk massacre.[36] All but one of these witnesses belonged to translocal religious orders – Cistercians, Premonstratensians, Dominicans, Franciscans – which had houses in or near Gdańsk, so it seems that they were most likely informed about the massacre from their brethren in Pomerania and Prussia. News of the massacre probably also traveled along the trade routes of the Baltic littoral from one Lübeck colony to another, because one witness mentioned hearing about the massacre in Germany [*Alamania*] and more specifically in "Rostock, Lübeck, and Stralsund – German cities."[37] None of the witnesses claimed to have seen the massacre themselves, but several said that they heard about it from those who had. The prior of a Cistercian monastery in modern Estonia said that "he heard it said by a certain monk of the Cistercian Order that the monk himself saw the massacre of the dead men, mentioned in the article, while he was passing through that city named in the article at that time."[38] A Cistercian monk at the same monastery also heard about this from an eyewitness: "Asked how he knew, he responded, that the witness himself passed through the city itself at the time when they did those things in the city named in the article, fourteen days after the aforesaid, and he heard that said by the landlady in whose lodging he was staying."[39] A Dominican in Riga gave a

[36] Seraphim, *Zeugenverhör*, 9, 28, 47, 63, 64, 79, 90, 100, 111, 118, 123, 130, and 142; these testimonies are also reprinted in Lites I (3), 107-10, which will be referenced below.

[37] Lites I (3), 107-8.

[38] Lites I (3), 108: "…audivit dici a quodam monacho ordinis Cisterciensis, quod ipse monachus vidit stragem hominum mortuorum, de qua in articulo fit mencio, dum transiret tunc temporis per civitatem illam…."

[39] Lites I (3), 108: "Interrogatus, quomodo sciret, respondit, quia ipse testis tunc temporis, quando fratres illa die fecerant in civitate in articulo nominate, transivit per ipsam civitatem XIIII die post predicta et audivit illa dici ab hospitissa, in cuius hospicio ipse hospitabatur."

more equivocal answer to the article, but he did not say which story he believed:

> he said that he heard it said by some people in the city of Riga that the things contained in this article are true; also by a certain scribe who said that he was in the city when those things were said to have happened that the things said in this article were not true.[40]

The judge also seems to have found the evidence against the Knights to be equivocal, because this is this last we hear of the massacre until the Knights are brought to court in 1320 by a new litigant – the newly crowned King Władysław of Poland. The massacre, however, did not play a role in the commissioning of this new trial. When Władysław appealed to the pope in the late 1310s for a trial to investigate his claim to Pomerania, he said nothing about the massacre, instead changing the narrative of dispute from an emphasis on the enormities committed by the Knights to an emphasis on the need to restore the normal relations between a religious order and its benefactor.

Distanciation – The 1320/1 Inowrocław/Brześć Trial:

More than a decade elapsed before Duke (soon to be King) Władysław of Poland seriously pursued his claims to Pomerania.[41] This chronological distance allowed Władysław to place the events that occurred in Pomerania in

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[40] Lites I (3), 110: "…dixit, quod audivit dici ab aliquibus in civitate Rigensi, quod vera essent, que in huiusmodi articulo continentur et a quodam scriptore, qui dicebat, quod fuerat in civitate, quando illa dicebantur fuisse, dixit, quod audivit dici, quod non fuerant vera, que in huiusmodi articulo dicuntur."

[41] See the previous chapter for an analysis of the reasons for this delay.

1308/9 in historical perspective. Although Władysław's appeal to the pope asking for the trial has not survived, the papal bull authorizing the trial outlines Władysław's claims to this land. In this bull there is neither mention of a massacre nor of any specific acts of violence; there is only the general violence of the Knights repaying Władysław's family's gifts by stealing his lands:

> We accepted the serious complaint of our dear son, the nobleman Duke Władysław of Poland, the master and brothers of the House of St. Mary of the Germans not being present, maintaining that the late Duke Konrad of Poland, grandfather of that same duke, first called the master and brothers, whom he believed true defenders of the Catholic faith, to those parts for the defense of the faith, and he freely conceded to them some movable and immovable goods; and Duke Konrad and his successors with benign favor followed these up with others. But, showing no gratitude to the said duke, extending the hands of rapacity towards his goods, they boldly and illicitly robbed that duke of his own land of Pomerania, of the Diocese of Włocławek, which it is known should belong to the Kingdom of Poland, along with the men, vassals, castles, villages, possessions, and goods in it, now occupying and detaining it against justice for eight years and more and still violently detaining its fruits and revenues and produce without right and unjustly, they refuse to return it to him at great cost to the duke himself and immense damage to the aforesaid kingdom and in manifest scandal.[42]

[42] Lites I (3), 69: "[…] Gravem dilecti nobilis viri Wladislai ducis Polonie querelam accepimus, continentem, quod magister et fratres domus s. Marie Theutonicorum non attendentes, quod quondam Conradus dux Polonie avus eiusdem ducis eosdem magistrum et fratres, quos veros credebat katholice fidei defensores, ad partes illas pro defensione ipsius fidei primitus advocavit et nonnula inmobilia et mobilia bona liberaliter concessit eisdem, alias eos dictus

This document makes it clear that this was a property dispute between a religious order and a benefactor's descendants. The Knights had taken more than their due, and the memory of the violence committed against Władysław was financial violence – he was deprived of the revenues from this land. In fact, in the royal argumentation over the course of the following two decades, this financial violence and the call for indemnities were far more pervasive than any calls for punishment for the murders of Władysław's subjects.

The royal articles also say nothing about the massacre in particular or violence in general; instead, they simply present the story that the land had belonged to Władysław, the Knights stole it from him, and everyone knew about this:

> We…, procurators of the illustrious prince, lord Władysław, King of Poland, intend to prove that the same lord, then being duke, possessed the land of Pomerania. Item, the second claim, that the illustrious princes, lords Przemysł and Kazimierz, dukes of Kujawy, held and possessed the same land of Pomerania in the name of the king, then duke. Item, that the master and brothers of the German House of St. Mary expelled the said lord king from possession of the castle and city of Gdańsk. Item, that they expelled the same from the castle and city of Tczew. Item, that they expelled the said lords Przemysł and Kazimierz from possession of the castle and city in Świecie and of those things

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Conradus et successors sui benigne ac favorabiliter prosequendo; sed ipsi dicto duci se reddentes ingratos et ad bona ipsius rapacitatis manus extendentes, illicite ducem ipsum terra sua Pomoranie Wladislauiensis dyocesis, que de regno Polonie fore dinoscitur temeritate propria spoliantes, illam cum hominibus, vasallis, castris, villis, possessionibus et bonis existentibus in eadem contra iusticiam occuparunt et detinuerunt iam per octo annos et amplius sicut adhuc detinent violenter, fructus ac redditus et proventus provenientes ex illa percipientes indebite et iniuste, illam sibi reddere contradicunt in ipsius ducis grave dispendium et regni predicti diminucionem enormem et scandalum manifestum."

> belonging to the same. Item, that concerning these all and sundry things, there is public knowledge in those parts and elsewhere. Item that this is notorious in those parts and in neighboring places.[43]

Despite the gain in historical perspective demonstrated by Władysław's plea and the loss of detail and emotional intensity exhibited by the royal procurators, both of which Schudson identifies as hallmarks of the "distanciation of memory," the memory of the "Gdańsk massacre" (*rzeź gdańska*) as it has come to be called in Polish historiography,[44] predominates in the witnesses' testimonies. For the witnesses, very few of whom actually witnessed the massacre,[45] these events have undergone what Schudson would call a "sentimentalization" of the past.[46] Such a characterization,

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[43] Lites I (3), 22-3: "Nos…procuratores illustric principis domini Wladislai regis Polonie intendimus probare, quod ipse dominus rex tunc dux existens possidebat terram Pomoranie. Item secunda intencio, quod illustres principes domini Primislius et Kasimirus duces Cuyauie tenebant et possidebant eandem terram Pomoranie nomine regis tunc ducis. Item quod magister et fratres domus s. marie Theutonicorum eiecerunt dictum dominum regem de possessione castri et civitatis Gdanczk. Item quod eundem eiecerunt de possessione castri et civitatis in Trschow. Item quod eiecerunt dictos dominos Primislium et Kasimirum de possessione castri et civitatis in Swecze et pertinenciarum eorundem. Item quod de his omnibus et singulis in partibus illis et alibi est publica vox et fama. Item quod hoc in partibus illis et vicinis est notorium.

[44] For an analysis of the historiography see Śliwiński, *Pomorze*, 415-32.

[45] The only witness who explicitly claims to have witnessed the massacre rather than just its aftermath is Dobrosław, the 18th witness, who says that "I saw all this with my own eyes." ["…hoc totum oculis meis vidi." Lites I (3), 43]

[46] Schuldson views sentimentality as a negative function of memory. (349) However, this need not be so. It would be more useful to see Schudson's "problem of sentimentality" in light of what the anthropologist Francesca Cappelletto calls a "process of mythification." In his analysis of the social memory of a massacre in a Tuscan village during the Second World War, he notes that this memory came to include a questionable episode of "Germans dancing, drunk, to the music of a barrel-organ," while they burned the bodies of their victims. Cappelletto, however, argues:

> The 'remembered' scene in the piazza should not be understood as discrediting the veracity of the accounts, but rather as part of a cultural construction. The images are experienced and felt; the narrator becomes the witness, creating for himself a particular knowledge. […] The images that people formed as they listened to 'the story' are substitutes for direct experience, and are themselves part of an emotional memory. [Francesca Cappelletto, "Long-term Memory of Extreme Events: From

however, need not be seen as demeaning the suffering of victims of the massacre. Instead, we can view this as the need of the witnesses to make the abstract suffering of the victims real and immediate by providing details – observed or imagined. Even without any sort of prompting by the procurators' articles or the judges' questions, the majority of the witnesses remembered the Gdańsk massacre and felt the need to tell the court about it. Fourteen of the twenty-five witnesses speak specifically about the massacre in Gdańsk, while many of the others talk about the violence the Knights inflicted either in Pomerania in general or in the other two major centers – Tczew and Świecie. None of the witnesses repeat the stories about the Knights murdering 10,000 people, including babies crying in their cradles, but some of the memories related by the witnesses come close to invoking this imagery of wholesale slaughter.

Such depictions of massacres in the earlier middle ages are usually reserved for assaults on heretics or non-Christians – the slaughter of the Albigensians at Béziers in 1209[47] and the massacre of the inhabitants of Jerusalem in 1099[48] immediately come to mind.[49] But, by the early fourteenth

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Autobiography to History," *Journal of the Royal Anthropological Institute* n.s. 9 (2003), 255.]

In other words, whether this particular event actually took place is not especially important, because the witnesses believe that it was well within the realm of probability, and it has become a telling anecdote, symbolic of the larger atrocities. As Schacter argues, "memories are records of how we have experienced events, not replicas of the events themselves." [Schacter, *Searching*, 6]. They also are records of how we have experienced hearing and talking about these events. As we will see below, the Polish witnesses who heard about the massacre through public knowledge [*publica vox et fama*] would also incorporate such "sentimentalizing" images into their testimonies.

[47] For a source-critical analysis of this event, see Elaine Graham-Leigh, "Justifying Deaths: The Chronicler Pierre des Vaux-de-Cernay and the Massacre of Béziers," *Mediaeval Studies* 63 (2001), 283-303.

[48] For a detailed study of this event, see Benjamin Z. Kedar, "The Massacre of 15 July 1099 in the Western Historiography of the Crusades," *Crusades* 3 (2004), 15-75.

century a new sense of "otherness" arose, as a result of which instances of collective violence were often cast in terms of ethnic conflict, especially in ethnic borderland regions like the Iberian Peninsula, the "Celtic fringe" of the British Isles, and east-central Europe.[50] The turn of the fourteenth century was a period of heightened ethnic enmity in Europe in general and in Poland in particular, in which "images of natural or immemorial hostility came to dominate race relations in the frontier regions."[51] One early fourteenth-century French Dominican observed that "there is a natural enmity between [Poles]

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[49] Of course, persecution of religious minorities or other marginalized groups was not limited to the early middle ages. For early fourteenth century examples, see David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996).

[50] Richard C. Hoffman, "Outsiders by Birth and Blood: Racist Ideologies and Realities around the Periphery of Medieval European Culture," *Studies in Medieval and Renaissance History* 6 (1983), 3-24; Robert Bartlett, *The Making of Europe: Conquest, Colonization and Colonial Change, 950-1350* (Princeton: Princeton University Press, 1993); Rees R. Davies, *The First English Empire: Power and Identities in the British Isles 1093-1343* (Oxford and New York: Oxford University Press, 2000); John Gillingham, "The Beginnings of English Imperialism," *Journal of Historical Sociology* 5 (1992), 391-409.

It should also be pointed out that at the same time this new form of ethnic enmity was emerging on the peripheries of Latin Christendom, states in the center, especially France – "God's chosen people" led by "the most Christian king" – were sacralizing their wars against other Christians. See Joseph R. Strayer, "France: The Holy Land, the Chosen People, and the Most Christian King," in *Medieval Statecraft and the Perspectives of History*, (Princeton: Princeton University Press, 1971), 300-14; Colette Beaune, "The Most Christian King and Kingdom," in *The Birth of an Ideology* (Berkeley: University of California Press, 1991), 172-93; Ernst H. Kantorowicz, *The King's Two Bodies* (Princeton: Princeton University Press, 1957), 232-72; Christopher Tyerman, *Fighting for Christendom: Holy War and the Crusades* (Oxford: Oxford University Press, 2004); republished as *The Crusades: A Very Short Introduction* (Oxford: Oxford University Press, 2005), 131-5.

The Teutonic Knights had already long held that the lands of their state were sacred and inviolable, because they were the dowry of St. Mary, an idea they inherited from the bishops of Livonia [*The Chronicle of Henry of Livonia*, trans. James A. Brundage (New York: Columbia University Press, 2003), 198-200] and which was strengthened by the Knights' own associations with the Virgin and the Holy Land – they are "the Hospital of the Germans of St. Mary at Jerusalem." As we will see below, this discourse also figured into the dispute between Poland and the Knights.

[51] Bartlett, *Making*, 240; Bartlett also analyzes a number of examples from Poland of this growing ethnic enmity within a European context, 221-35; also see the references below in note 54.

and Germans."[52] However, one should not see in this the origins of nineteenth- and twentieth-century disputes between Poland and Germany. As David Nirenberg has advised in his study of the massacres of Jews, lepers, and Muslims in the early fourteenth century: "The more we restore to those outbreaks of violence their own particularities, the less easy it is to assimilate them to our own concerns, as homogeneity and teleology are replaced by difference and contingency."[53] Bearing this caveat in mind, turn of the fourteenth-century Polish sources suggest that as Poland was once again becoming a viable political community, Poles were more and more often defining themselves against an Other – in this case, "Germans."[54]

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[52] "…naturale odium est inter eos et Teutonicos." *Anonymi descriptio Europae orientalis*, ed. Olgierd Górka (Kraków: Sumptibus Academiae Litterarum, 1916), 56; for a discussion of this quote within the context of German-Polish relations in the middle ages, see Paul W. Knoll, "Economic and Political Institutions on the Polish-German Frontier in the Middle Ages: Action, Reaction, Interaction," in *Medieval Frontier Societies*, ed. Robert Bartlett and Angus MacKay (Oxford: Clarendon Press, 1989), 152.

[53] Nirenberg, 7.

[54] Despite the Poles' depictions of Germans as a united social and political force, it is difficult to make a case that people living in "Germany" believed themselves to have a common ethno-political identity. For one scholar's recent attempts to make a stronger case for the development of a German state in the middle ages, see Len Scales, "Late Medieval Germany: An Under-Stated Nation?" in *Power and the Nation in European History*, ed. Len Scales and Oliver Zimmer (Cambridge, UK and New York: Cambridge University Press, 2005), 166-91. The issues of ethnicity and political affiliation were extremely complicated. For example, quite a number of the Polish witnesses in the 1339 trial were ethnic Germans, while ethnic Poles had fought with the Teutonic Knights against Poland. Also, much of the anger at this time in Poland was not directed against Poland's German neighbors to the west and northeast, but rather against German settlers and knights in Poland, the "market dominant minorities" [Amy Chua, *World on Fire* (New York: Anchor, 2003)], which the various Polish dukes had induced to come to Poland during the thirteenth century with extensive grants. See Benedykt Zientara, "*Melioratio Terrae*: The Thirteenth-Century Breakthrough in Polish History," in *A Republic of Nobles: Studies in Polish History to 1864*, ed. and trans. J.K. Fedorowicz (Cambridge: Cambridge University Press, 1982), 31-48; Benedykt Zientara, "Foreigners in Poland in the 10th-15th Centuries: Their Role in the Polish Medieval Community, *Acta Poloniae Historica* 29 (1974), 5-28; Benedykt Zientara, "Nationality Conflicts in the German-Slavic Borderland in the 13th-14th Centuries and Their Social Scope," *Acta Poloniae Historica* 22 (1970): 207-25; Konstantin Symmons-Symonolewicz, "National Consciousness in Poland until the End of the Fourteenth Century: A Sociological Approach," *Canadian Review of Studies in Nationalism* 8 (1981), 249-66; Paul W. Knoll, "Economic," 151-74; Paul W. Knoll, "National Consciousness in Medieval Poland," *Ethnic Studies* 10 (1993), 65-84.

Despite these tendencies, however, we should not generalize too broadly about a concept as problematical as ethnicity.[55] Many Polish and German scholars, writing during a period of renewed Polish-German conflict in the nineteenth and early twentieth centuries tended to see the Gdańsk massacre exclusively in terms of ethnic conflict. As more recent Polish scholars have shown, however, the witnesses in the first trial did not see it this way. There is no evidence of Polish-German enmity in the 1320 testimonies, and as Sławomir Gawlas points out, if the witnesses had felt that this enmity played a role in the conflict, they most likely would have expressed it, as the Polish witnesses did more than a decade earlier in the trial conducted against Bishop Jan Muscat of Kraków.[56] Moreover, the witnesses' testimonies in 1320 do not present the massacre narrative as a unifying national tragedy. This event did not contribute to a sense of group identity of Poles as Poles, because there is no sense of commiseration with the victims as Poles, but rather simply as Christians. The language used by both sides at this time, as demonstrated above both by the letters written in support of the Knights and in Władysław's accusation against them, was the language of crusade, of Christian against infidel, rather than German against Pole.

Intertwined with this religious discourse was the discourse of lordship. According to Władysław, the Knights had betrayed the confidence of their lord,

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[55] For an excellent recent analysis of this complicated issue in medieval Poland, see Piotr Górecki, "Assimilation, Resistance, and Ethnic Group Formation in Medieval Poland: A European Paradigm?" in *Das Reich und Polen: Parallelen, Interaktionen, und Formen der Akkulturation im hohen und später Mittelalter*, ed. Thomas Wünsch and Alexander Patschovsky (Ostfildern: Jan Thorbecke, 2003), 447-76.

[56] Sławomir Gawlas, "'Verus heres': Z badań nad świadomością polityczną obozu Władysława Łokietka w początku XIV wieku," *Kwartalnik Historyczny* 95 (1988), 77-104; for the trial records, see *Analecta Vaticana, 1202-1366*, ed. Jan Ptaśnik (Kraków: Akademia Umiejętności, 1914), 78-95.

stolen his property, and driven him from his lands. Not only that, but these men who had been established in Poland by Władysław's grandfather to help defend Christians had turned their swords against the very Christians they were supposed to have been defending at a time when Władysław was busy fighting schismatics.[57] The discourse used by both sides and their supporters incorporates the imagery of lordship and religiosity rather than ethnicity. By the time of the second trial, however, the conflict would be remembered differently, with both ethnicity and political affiliation appearing at the forefront of the witnesses' testimonies; but it is important to study the actual memories presented by the participants in this trial rather than scour the sources for evidence of the underlying potential memories that would emerge under different political circumstances in 1339.[58] Therefore, let us now turn to the witnesses' testimonies in order to understand how they made sense of the Gdańsk massacre, as well as how they characterized the victims.

Bishop Gerward of Kujawy, the first witness to testify about the massacre, says that he heard from refugees from Pomerania who had taken shelter in his see that "a great slaughter was committed among the knights and the Christian population [in Gdańsk]."[59] Duke Wacław of Mazovia,[60] who

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[57] Bishop Gerward of Kujawy mentions that Władysław could not defend Gdańsk because he was busy fighting schismatics at the time. Lites I (3), 25; see also Bronisław Włodarski, "Stanowisko Rusi halicko-wołyńskiej wobec akcji zjednoczeniowej Władysława Łokietka i jego powiązanie z utratą Pomorza Gdańskiego," *Zapiski Historczne* 27 (1962), 333-58.

[58] Both Gawlas ("'Verus Heres'") and William Urban [*The Teutonic Knights* (London: Greenhill, 2003), 284-5] have commented on the inappropriate uses of these sources.

[59] Lites I (3), 25: "…strage magna facta in militibus et populo christiano…."

[60] He was an independent Polish duke (the son of one of Władysław's cousins), who in 1326 signed a peace treaty with the Teutonic Knights; as a result of this, in 1327 Władysław sacked his chief city of Płock, which was also an episcopal see. Knoll, *Rise*, 50.

had recently married a formerly pagan Lithuanian princess,[61] uses similar language to describe the massacre: "they seized [the town] and committed the largest slaughter of the Christian population."[62] Both of these witnesses identify the victims primarily as Christians rather than as Poles.

In addition, the witnesses also note that the killing of the inhabitants of Gdańsk was indiscriminate. Victims were not spared on account of their age, sex, status, or even if they had taken sanctuary in a church. As Władysław's nephew, Duke Leszek of Kujawy states:

> Heinrich von Plotzke, coming to the Duchy of Pomerania with a strong army in the manner of an armed band of enemies, first assaulted the town of Gdańsk and savagely killed 50 knights in addition to villagers, the number of which I do not know, some in churches, some here and there, not sparing any on account of sex or age.[63]

Judge Nasięgniew of Kujawy also comments on the indiscriminate nature of the killing:

> Having taken it by storm, they killed many knights and other Christian people, not sparing (any on the basis of) nobility, sex, or age. And thus having conquered the other castles successively, they occupied the whole land of Pomerania by force, expelling from their possessions those knights who faithfully adhered to the said lord king, then duke.[64]

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[61] Stephen C. Rowell, "Pious Princesses or the Daughters of Belial: Pagan Lithuanian Dynastic Diplomacy, 1279-1423," *Medieval Prosopography* 15 (1994), 50-1.

[62] Lites I (3), 31: "…occupaverunt et stragem maximam fecerunt in populo christiano."

[63] Lites I (3), 29: "Henricus dictus de Ploczk ad dictum ducatum Pomeranie cum exercitu valido hostiliter manu armata accedens, primo opidum Gdancze expugnavit et quinquaginta milites preter villanos, quorum numero nescio, quosdam in ecclesiis, quosdam vero hinc inde, immaniter occiderunt, non parcentes sexui vel etati."

[64] Lites I (3), 36: "Quo expugnato multos milites et alium populum christianum occiderunt, non parcentes nobilitati, sexui vel etati. Et sic aliis castris expugnatis successive totam terram

These testimonies reveal much about the way the witnesses thought about identity – religion, social status, age, sex, and lordship are the categories of personhood that matter most to them. In addition, physical space also helped to define the identity of a person. Anyone seeking sanctuary in a church, even a supporter of Duke Władysław, ought to be exempt from the violence of war, just as non-combatants defined by age, sex, or social status should also have been spared.

The concept of space-defined identity is also underscored by Henryk, the parish priest of the village of Miłobądź, near Tczew in Pomerania. Testifying that he was in Pomerania at the time of the massacre, but not in Gdańsk itself, he provides some particularly striking visual imagery of the massacre:

> And I know this, because I was in the aforesaid land when the Teutonic Knights, after conquering the said castle of Gdańsk, killed many men, so that even the dogs were lapping up human blood. And they dragged one knight from the belfry of the church and killed him; and they dragged another who wanted to confess away from his confessor and they killed him, not permitting him to confess. And I know this because I was there in the land.[65]

Pomoranie potencialiter occuparunt, expulsis militibus de propriis bonis, qui dicto domino regi, tunc duci, fideliter adherebant."

[65] Lites I (3), 44-5: "Et hoc scio, quia fui in terra predicta, quando Cruciferi expugnato dicto castro Gdanczk multos homines occiderunt, ita quod eciam canes sanguinem humanum lambebant. Et unum militem de campanili ecclesie traxerunt et occiderunt et alium, qui confiteri volebat, a confessore traxerunt, non permittentes confiteri ipsum occiderunt. Et hoc scio, quia fui ibi in terra."

Despite these vivid recollections, however, he could not remember the year in which the massacre took place.[66] In fact, most of the witnesses either did not know or were not sure when the massacre had taken place.[67]

Only one witness remembered the exact date of the massacre – the Pomeranian knight Żyra: "Asked about the day and the month, he responded that they occupied Gdańsk and Tczew on the third day after the feast of St. Martin [13 November]…."[68] This witness also added some details about why he thinks the Knights committed the massacre, which were lacking in most of the other testimonies:

> Having conquered [Gdańsk], they made a great slaughter there among the Christian people, so that they cruelly killed 16 knights of excellent name who ruled the same fort in the name of the lord king Władysław, then duke. After this was done, they immediately proceeded to the castle of Tczew. Once they had this by force, and the possessors of the castle had fled from fear of the slaughter just mentioned, they soon burned the said castle, and thus they ejected from their own property certain knights whom they suspected of keeping their fealty to the said lord king, subjected the rest by power to their dominion, and completely

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[66] Lites I (3), 45: "Asked about the year, he responded, 'I don't remember.'" [Interrogatus de anno, respondit, (quod) "non recordor."]

[67] Many of them were also unsure about how long Władysław had ruled Pomerania before the Knights' conquest. In addition, not a single witness mentioned the fact that Władysław's governance of Pomerania had been interrupted by six years of Czech rule in Pomerania and Poland. See chapter 5 for an analysis of this issue.

[68] Lites I (3), 35: "De die et mense interrogatus, respondit, quod tercia die post festum s. Martini occupaverunt Gdanczk et Trschow…." It seems odd that this witness marked time according to liturgical time, but it is difficult to tell whether or not these were his own words or such a designation was due to the translation by the notary, because none of the other witnesses define their chronologies with such specificity. Below, he also uses calendar time to mark time – the number of weeks before the end of the year.

> took over the said land. Finally, after an interval of time, ten weeks before the end of the year, they surrounded the castle of Świecie and attacked it with machines and other instruments of war. I witnesses this, being at the time in the said castle gravely wounded by an arrow, so that a scar still appears on my face. They then conquered the said castle and thus occupied the whole duchy of Pomerania, which they still hold under occupation.[69]

Here the purpose of the slaughter is to scare away Władysław's garrisons in Tczew and Świecie. Therefore, the "great slaughter there among the Christian people" of which Żyra speaks was committed against Władysław's men in Gdańsk castle – "the 16 knights of excellent name" – not against the burghers in the town. The purpose of this violence, according to Żyra, was also to compel Władysław's other supporters either to abandon their possessions and flee the land or submit to the Knights' lordship. And, just in case the judges doubted the veracity of his claims of the Knights' violence, he could point to the scar on his face to prove that he was there and suffered at the hands of the Knights.

A couple of other witnesses also supplement Żyra's belief that the targets of the Gdańsk massacre were the Pomeranian nobles loyal to Władysław. They relate that these men and their families were either

[69] Lites I (3), 34-5: "Quo expugnato magnam stragam fecerunt ibi in populo christiano, ita quod XVI milites excellentes nominatos, qui nomine domini Wladislai regis, tunc ducis, municionem rexerunt eandem, crudeliter occiderunt. Quo facto statim progressi sunt ad castrum Trschow. Quo per vim habito fugientibus possessoribus castri pro timore stragis premisse, mox dictum castrum cremaverunt et sic terram predictam totaliter occuparunt, eiectis quibusdam militibus de propriis bonis, quos suspectos habebant de fidelitate dicto domino regi conservanda, aliis sue dicioni potencialiter subiugatis. Tandem post temporum intervalla decem septimanis ante anni exitum vallaverunt castrum Suecze et impugnaverunt machinis et aliis bellicis instrumentis, me teste, qui tunc fui in predicto castro graviter wlneratus ex sagitta, ita quod adhunc cicatrix in facie mea apparet, et expugnaverunt tunc dictum castrum et sic totum ducatum Pomoranie occupaverunt et adhunc detinent occupatum."

murdered or driven from the land. Czesław, the Custodian of Sandomierz, who had been the parish priest in Gdańsk in 1308 testified that:

> …when the Saxons had attacked the land of Pomerania, part of the castle of Gdańsk was ceded to the Crusaders from Toruń by royal mandate, so that they could aid the locals against the Saxons. But after a while they ejected the locals from the whole of the castle and powerfully invaded the town at night and killed the knights with their wives and sons, and others fled to other lands.[70]

Dobrosław z Jeżowa, a cleric[71] whose position neither at the time of the trial nor at the time of the conquest of Pomerania is identified,[72] tells a very similar story, but adds a new element – the alliance between the Margraves of Brandenburg and "certain deceitful Pomeranians":

> …lord Władysław, formerly duke, now king of the whole of Poland, possessed the whole land of Pomerania as true heir. But after the

[70] Lites I (3), 42: "…cum Saxones impugnassent terrram Pomoranie, concessa fuit de mandato regis pars castri Gdanczk Cruciferos de Thorun, ut contra Saxones auxilium prestarent terrigenis. Sed ipsi postmodum caute de toto castro, eiecerunt terrigenas et potenter intraverunt de nocte civitatem et occiderunt milites cum uxoribus et pueris et alii ad terras alias fugerunt."

[71] We know he is a cleric because the trial records preserve the form of the oath the witnesses would have to swear and the fact that clerics would swear on the Gospels while laymen would swear on a cross. Also, unlike the 1339 trial in which the witnesses were distinguished between "literatti" and "illiteratti," in 1320 the witnesses were distinguished only as laymen or clerics, and the articles were translated to laymen even if they were literate, as Leszek and Przemysł were. Dobrosław swore on the Gospels and heard the articles in Latin, so he is undoubtedly a cleric.

[72] Scholars have been arguing about Dobrosław's origin because there are a couple of dozen villages in Poland that could be the modern Polish variant of the "Jeschow" identified in the trial records. Wiesław Sieradzan thinks that Dobrosław was the parish priest of the village of Jeżewo in Pomerania. [Sieradzan, "Świadomość, 177] If this were the case, though, it would contradict Jan of Żnin's story about parish priest from Pomerania not being able to testify in 1320 because of threats from the Knights [Lites I (2), 396]; but this story is already doubtful, because Henryk, the parish priest of the village of Miłobądź, near Tczew, testified in 1320 [Lites I (3), 44-5]

> Margrave of Saxony [Brandenburg] approached to attack Gdańsk with certain deceitful Pomeranians, those who were in possession and control of the town and castle of Gdańsk and the whole of Pomerania in the name of the aforesaid king, then duke, in opposition to the aforesaid margrave, begged for help from the Crusaders of the Order of St. Mary of the German House for a fixed amount of money so they could defend themselves more strongly. Once they [the Knights] had gotten themselves into the castle of Gdańsk, however, they ejected the men of the aforesaid king Władysław from the said castle as tricksters and frauds, and finally strongly attacked the city of Gdańsk, now thoroughly abandoned; they inhumanely killed the Pomeranian knights who were stationed there in the name of the frequently said lord king, dragging them away from the altars of the churches. […] And I saw all of this with my own eyes.[73]

It is interesting that although these two men, like the other witnesses, describe the main victims of the massacre as knights, here the knights are not Władysław's administrators in Pomerania, but rather local Pomeranian knights who supported Władysław and should be distinguished from the "deceitful Pomeranians" who did not. For some of the witnesses, at least, there was still a distinction to be made between Pomeranians and Poles. By the time of the

[73] Lites I (3), 43: "…dominus Wladislaus quondam dux, modo rex tocius Polonie terram Pomoranie totam possedit ut verus heres. Marchione autem Saxonie cum quibusdam fraudulentis Pomoranis ad expugnandum Gdanczk accedente, qui erant in possessione et regimine civitatis et castri Gdanensis nomine predicti regis, tunc ducis, et tocius terre Pomoranie adversus predictum marchionem, ut se possent forcius defensare, Cruciferorum ordinem s. Marie de domo Theutonica sub premissa summa certe pecunie auxilium imploraverunt. Illi vero casrum Gdanczk intromissi, sic intrantes predicti regis Wladislai homines sicut dolosi et fradulenti de dicto castro eiecerunt et tandem civitatem Gdanczk potenter expugnantes, civitate ipsa penitus desolata, milites Pomoranie, qui erant in ea locati nomine sepedicti domini regis, inhumaniter occiderunt, de ecclesia ab alteri abstrahentes. […] Et hoc totum oculis meis vidi."

next trial, however, all such distinctions would be forgotten, as the suffering of the victims of the Gdańsk massacre was linked to the atrocities committed against the Polish population within the heartland of the Kingdom of Poland during the wars of the 1320s and 1330s. The memory of these wars would also add a new dimension to the concept of massacre in the minds of the Polish witnesses testifying about what happened in Gdańsk.

Although the majority of the witnesses testified that there was indeed a massacre in Gdańsk, their memories bear little resemblance to the story first propagated by the Archbishop of Riga in 1310. Yet, while no witnesses estimated the loss of human life at 10,000, the lesser numbers of people killed still constituted a massacre in their minds. These men were killed "*crudeliter*" and "*inhumaniter*." They were denied sanctuary, dragged from the altars of churches, and not permitted to confess. And, not only that, their wives and children were also targets of this slaughter.

In their very brief defense of their possession of Pomerania, the Knights did not say anything about the Gdańsk massacre in particular or about the conquest in general. In fact, they glossed over Władysław's rule in Pomeranian completely, arguing:

> …the lord king complains that the master and brothers of the German House robbed him of his land of Pomerania, but it will be proved more clearly than by the midday light before the lord pope or any qualified judge how that land was neither his nor his father's nor his grandfather's nor his great-grandfather's, but after the death of lord

> Mściwój devolved by just title to the King of Bohemia and finally to the Margraves of Brandenburg and from them to the brothers….[74]

It seems that in the mind of the Knights, they no longer felt the need to defend themselves against the crime of slaughtering 10,000 Christians. Perhaps this was because Władysław had failed to include this accusation either in his appeal to the pope or in his articles of dispute; but it might also be that they felt that they had already adequately acquitted themselves of such a crime through their arguments in Riga and Avignon. For the Knights, as for Władysław, the remaining issue was who had the better right to Pomerania. And it was this issue that the Knights took to Avignon in their appeal of the court's ruling.

Narrativization – The Evolution of the Dispute from the 1320/1 Inowrocław/Brześć Trial to the 1339 Warsaw Trial:

The Knights chose not to participate in the trial and refused to recognize the validity of the judges-delegates' authority to pass judgment upon them, because Władysław was their temporal lord and all of their possessions were in his lands,[75] so they continued this dispute at the Papal Curia. They also attempted to capitalize on the delay this achieved and settle this dispute

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[74] Lites I (3), 65: "…conqueratur dominus rex, quod magister domus Theutonice et fratres spoliaverunt eum terra sua Pomoranie, nam probabitur luce meridiana clarius coram domino papa vel quovis iudice competenti, quomodo terra illa nec sua nec patris sui nec avi nec proavi sui fuit, sed post mortem domini Mestwini ad regem Bohemie et tandem ad marchionem Brandenburgensem et ab illis ad fratres tytulo iusto devenit…."

[75] Siegfried asked the judges to recuse themselves because Wladyslaw is "…vester dominus in temporalibus et omnia bona vestra temporalia et ipse eccesie vestre in suo dominio et districtu sint sita, et ob hoc nimis sitis faventes eidem.…" In addition, Siegfried singled out the Archbishop of Gniezno, because he had been one of Władysław's temporal administrators and was a member of the king's council ("fuistis balivus et capitaneus terre sue Kalisiensis et estis de familiari consilio suo"). Lites I (3), 63.

on their own terms, at first amicably, then through violence, and then through arbitrated settlements. At each stage of this conflict, new narratives of dispute were presented as justifications (either for making war or making peace), and for most of these stories, the key factor was which starting point the authors of these narratives chose as the beginning of the dispute.

In 1324 or 1325,[76] according the 1339 testimony of Bishop Jan Grot of Kraków, one of Władysław's former chancellors:

> …a certain treaty was considered between the said lord Władysław, former King of Poland, and the brothers of the Knights for the said land of Pomerania, in which treaty the said brothers offered the said lord king 10,000 marks of pure silver, so that the said land should remain with them, and they also gave him certain possessions which the said brothers of the Knights had within the land of Kujawy, the names of which he does not remember, as he said, and nonetheless, the said Knights further wanted to construct and endow a monastery of 18 ordained monks, of whichever order was more pleasing to the said lord Władysław, formerly king, to serve in the said monastery in perpetuity for the salvation and remedy of the souls of the said lord Władysław and his parents, and in addition, the said Knights were willing to serve the said lord Władysław, formerly king, in all his emergencies with a fixed number of armed knights, as he said.[77]

[76] Knoll, *Rise*, 49; Śliwiński, *Pomorze*, 546; Helena Chłopocka, *Procesy Polski z Zakonem Krzyżackim w XIV wieku: Studium źródłoznawcze* (Poznań: Państwowe Wydawnictwo Naukowe, 1967), 109.

[77] Lites I (2), 288: "…fuisse in tractatu quodam habito inter dictum dominum Wladislaum quondam regem et fratres Cruciferos pro dicta terra Pomoranie, in quo tractatu dicti fratres Cruciferi offerebant dicto domino regi X milia marcharum puri argenti et quod eis remaneret dicta terra, et eciam dabant sibi quasdam possessions quas habent dicti Cruciferi infra terram Cuyvie, de quarum nominibus non recordatur ut dixit, et nichilominus ultra hoc volebant construere et dotare dicti Cruciferi unum monasterium de XVIII fratribus presbyteris

Even though Władysław did not accept these terms, the above passage demonstrates a couple of significant items. First, the massacre was apparently not an issue, which the Knights felt they needed to address. Second, this document illustrates the liminal position of the Knights at this time. The two parties were approaching the strictly demarcated borders that would emerge in the 1339 trial, removing the Knights entirely from the lands of the Kingdom of Poland. But, at the same time, the Knights were still viewed as both a religious and a military order, willing to care for both the spiritual and military needs of the royal family.

A few years after this meeting, however, the relationship changed dramatically, as the *Ordensstaat* and the Kingdom of Poland embarked on a series of violent military campaigns against one another.[78] This period of heightened enmity – in which each side recorded (both in writing and through public opinion) the enormities committed by the other side – flavored the terms of the dispute for both sides, especially because Władysław was aided by the pagan Lithuanians in his wars against his Christian neighbors. In their writings, the Knights now presented themselves and others as victims of Władysław's crimes against the Christian community, while the Poles began to present themselves as victims of ethnically motivated German aggression. Let us first examine the position of the Teutonic Knights.

In this period between the trials, the Teutonic Knights produced two narrative accounts of the conflict between Poland and the neighboring

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cuiuscunque religionis que magis placeret dicto domini Wladislao regi quondam, qui perpetuo pro salute et remedio animarum dicti domini Wladislai et parentum suorum deberent in dicto monasterio deservire, et insuper volebant servire dicti Cruciferi dicto domino Wladislao quondam regi in omni necessitate sua cum certo numero militum armatorum ut dixit.

[78] See Knoll, *Rise*, 48-58.

Christian peoples. The first, the *Chronica Terre Prussie*, was written by a priest of the Teutonic Knights, Peter von Dusburg, in the mid-1320s and traces the history of the Knights from their foundation until 1326. This was an official history of the Knights, commissioned by the first grandmaster to lead the Knights from Prussia, Werner von Orseln.[79] As such, it was intended to celebrate the Knights' deeds in Prussia and to "enhance its international reputation to enable it to recruit and motivate knights and lay supporters."[80] Although the chronicle is full of praise for Duke Konrad of Mazovia, Władysław's grandfather and the founder of the Knights in Poland, it has nothing but contempt for King Władysław. In this work the Knights present themselves and other Christians as victims in Władysław's wars of aggression. Dusburg reports that in 1326 Władysław led an army of pagan Lithuanians against the Mark of Brandenburg. During the course of this campaign, especially the sack of Frankfurt (an der Oder), 6,000 Christians, including many monks and nuns, were either killed or taken into pagan lands in captivity.[81] Information about this event (unlike the Gdańsk massacre) was transmitted throughout Europe, because imperial propagandists blamed Pope John XXII for employing a pagan army in a political crusade against Emperor Ludwig IV. The details of what one historian has referred to as "the last struggle" between empire and papacy[82] need not concern us here beyond

[79] Mary Fischer, "The Books of the Maccabees and the Teutonic Order," *Crusades* 4 (2005), 59; Mary Fischer, "Biblical Heroes and the Uses of Literature: The Teutonic Order in the Late Thirteenth and Early Fourteenth Centuries," in *Crusade and Conversion on the Baltic Frontier 1150-1500*, ed. Alan V. Murray (Aldershot: Ashgate, 2001), 268.

[80] Fischer, "Biblical," 268; this work was supplemented by a brief continuation until 1330.

[81] Dusburg III.361.

[82] H.S. Offler, "Empire and Papacy: The Last Struggle," *Transactions of the Royal Historical Society* 5th series 6 (1956), 21-47.

their ramifications for east-central Europe. In 1323 Ludwig named his eldest son, Ludwig, as Margrave of Brandenburg before obtaining the pope's recognition of his position as emperor; and he also invaded Italy.[83] In 1324 the pope excommunicated Ludwig and, according to S.C. Rowell, "actively encouraged [the Polish] princes to oppose Louis IV and his son."[84] Brandenburg had long been encroaching on the western border of Poland, so Władysław probably needed little incentive to attack. However, what elevated this interstate conflict into a morally reprehensible action in the minds of the Knights was that due to his son's marriage to a Lithuanian princess in 1325, part of Władysław's army was composed of pagan Lithuanians.[85] Chroniclers from all over the empire condemned the pope for this act, with one calling it "Johannis Pape exsecrabile factum."[86]

Unlike the imperial propagandists, however, Peter does not lay the blame for this atrocity at the feet of Pope John XXII. The Knights occupied an uncomfortable position between the empire and the papacy during times of conflict between these two claimants to universal authority (as the dispute between Frederick II and Innocent IV in chapter 1 also demonstrates). In 1324 the Knights were placed in another awkward situation when the pope excommunicated the emperor.[87] Because John thought that the Knights were supporting the empire, he also finally issued a judgment in the 1312 dispute

[83] Rasa Mažeika and Stephen C. Rowell, "*Zelatores Maximi*: Pope John XXII, Archbishop Frederick of Riga and the Baltic Mission 1305-1340," *Archivum Historiae Pontificiae* 31 (1993), 38; Rowell, *Lithuania*, 217.

[84] Rowell, *Lithuania*, 234-6.

[85] Rowell, *Lithuania*, 232; Knoll, *Rise*, 48-9.

[86] Rowell, *Lithuania*, 236.

[87] Mažeika and Rowell, 40.

described above in favor of the Archbishop of Riga, who excommunicated the Knights in 1325.[88] Because of their precarious position, which necessitated the appearance of neutrality, Peter instead blamed Władysław. However, despite Peter's condemnation of the Polish king, this passage is not anti-Polish. The Poles were merely misled by a leader in league with pagans:

> A certain Pole, grieving over such a large slaughter of Christians, following this army, pretended to be a friend of the infidels, and when the place and time were opportune he killed in the sight of many people Castellan David of Grodno,[89] the leader of this war, who inflicted infinite evils on the faith and the faithful, as has been said earlier.[90]

The idea that these were not wars between Poles and Germans, but rather between good Christians and those allied with infidels is also expressed in passages in the continuation of Peter's chronicle. In describing Władysław's invasion of Chełmno in 1329 while the King of Bohemia and the Teutonic Knights were on crusade in pagan lands, the chronicler notes:

> Behold and be astounded by this accursed sin: That king was previously a duke and was recently established as king by the apostolic see, so that he might be a more industrious, faithful, and active fighter for the holy church, the faith, and the faithful. But now not only did he not defend the society of the faithful, but he cruelly attacked those who defended them. And what is worse: When the King of Bohemia and the

[88] Mažeika and Rowell, 54.

[89] David was Prince of Pskov from 1322. Rowell, *Lithuania*, 237.

[90] Dusburg III.361: "Hunc exercitum quidam Polonus dolens de tanta strage Cristianorum secutus fuit simulans se amicum infidelium, et dum locus et tempus advenerat opportunum, David castellanum de Gartha et capitaneum huius belli, qui infinita mala, ut premissum est, intulit fidei et fidelibus, in conspectu plurium interfecit."

> master and their army were in the act of fighting the infidels and avenging the injuries of the crucified Lord, he perpetrated the evil, which we discussed above.[91]

In this chronicler's view, Władysław was made a king by the pope not for his greater glory or the greater glory of his kingdom, but for the greater glory of Christendom. Through his actions he was not only failing to live up to his responsibilities, but was even undermining the efforts of others who were trying to fight for the faith. The chronicler also makes it clear that these are not merely offences against the Teutonic Knights in particular or Christians in general, but against the Virgin Mary herself, who appears in a dream to one of Władysław's Hungarian allies and asks him: "Why are you destroying my land, founded on the blood of many Christians?"[92] While earlier the Knights had presented their defense in terms of legal rights, here they were appealing to moral rights. They turn the tables on Władysław, appropriating the language that he had earlier used about the Knights betraying their duty to defend Christians and presenting him as a murderer and enslaver of Christians, who defiled the memories of all those Christians who sacrificed their lives to reclaim the Virgin Mary's dowry.[93]

Yet, despite Dusburg's attempt to recast not only the Knights, but Christians in general as victims of the evil King Władysław, he says nothing

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[91] Dusburg, "Supplement," 10: "Ecce stupendum et exsecrabile nefas: Iste rex antea fuit dux noviter a sede apostolica in regem institutus, ut esset sancta ecclesie, fidei et fidelium eo diligencior et fidelior et magis strenuous propugnator. Nunc autem non solum non defendit cetum fidelium, sed eos, qui defendunt, crudeliter impugnat. Et quod deterius est: Cum rex Bohemie et magister et exercitus eorum essent in actu impugnandi infidels et vindicandi iniuriam Domini crucifixi, ipse maliciam, quam supra diximus perpetravit."

[92] Dusburg, "Supplement," 18: "Quare destruis terram meam multorum Cristianorum sanguine plantatam?"

[93] See above, note 48.

about the conquest of Pomerania or the 1320 trial, which is somewhat puzzling since one would assume that the Teutonic Knights would want to present their version of the story in this "official history" and justify their possession of this land. While it is possible to see this as an admission by the chronicler of the Knights' guilt in this matter, the fact is that this chronicle was a sacral history, a new Book of Maccabees, which was focused on the struggles against the infidels for the propagation of the faith, not on boundary disputes with other Christian rulers.[94]

It was most likely for this reason that the second narrative was produced, which concentrated exclusively on the wars between the kings of Poland and the Teutonic Knights. This was a legal-political history prepared by the Knights in Prussia to be used by their Procurator-General in Avignon.[95] This document, which is focused on the history of the conflict between the kings of Poland and the Teutonic Knights, traces the origins of the conflict back into the thirteenth century, with a brief explanation of the succession from Duke Mściwój of Pomerania to King Przemysł of Poland to King Václav II of Bohemia. However, unlike the Knights' arguments at the 1320 trial, it traces their rights to govern this land back to the Knights' supposed promise to Mściwój, the last Duke of Pomerania, to look after the Pomeranians and not allow them to fall under any lord whom they did not want. When the Margraves of Brandenburg invaded Pomerania, the Knights were reminded of

[94] For an analysis of the Teutonic Knights as Maccabees, see Fischer, "Books,"; Fischer, Biblical"; Fischer, *"Di Himels Rote": The Idea of Christian Chivalry in the Chronicles of the Teutonic Order* (Göppingen: Kümmerle, 1991); Alden Jencks, "Maccabees on the Baltic: The Biblical Apologia of the Teutonic Order," PhD diss. University of Washington, 1989.

[95] Antoni Prochaska, "Z Archiwum Zakonu Niemieckiego. Analekta z wieku XIV i XV." *Archiwum Komisyi Historycznej* 11 (1909/13): 219-35, 241-52.

their promise and came to the defense of the Pomeranians. However, when the Knights learned that the margraves were the true lords of Pomerania, which had been granted to them by King Václav II of Bohemia and Poland, the Knights offered to buy the land from them, because the Pomeranians did not want the margraves as their lords.[96] It is at this point that Władysław enters the story. He demanded Pomerania from the Knights, and when they refused, he invaded Prussia and sent his legates to slander the Knights at the Papal Curia. There is no mention of the 1320 trial, and the author of this document has telescoped Władysław's attempts to reclaim the land and his invasion of Prussia to make it appear that the events occurred sequentially rather than over the course of more than a decade. There is also no mention of the Gdańsk massacre, although there is a description of the Frankfurt massacre.[97] The most important feature of this story is a new justification for why the Knights became involved in the conflict – Pomeranian resistance first to German rule and later to Polish rule. In this story, the Knights present themselves as protectors of the peoples in the duchies between Poland and the *Ordensstaat* – the Pomeranians and the Mazovians, whom Władysław attacked in 1327.[98] The Knights have cast Władysław in the same light in which he had cast them in 1320 – a greedy predatory lord.

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[96] The reason that the Pomeranians allegedly give is because the margraves are Germans: "…sie sie nicht gerne czu hern hatten, wenne sie dutsches geczunges woren…." [Prochaska, 242-3] Of course, the Knights were also Germans, which makes it difficult to determine how they would argue this point at the Papal Curia. Perhaps they meant that the Pomeranians did not want to become part of the Empire, which would have appealed to the pope, because, as described in Chapter 1, the papacy had taken the Duchy of Pomerania under the special protection of St. Peter.

[97] Prochaska, 247.

[98] See Knoll, *Rise*, 50.

While the Knights were presenting this story at Avignon in 1335, they were also pleading their case to the two arbiters who had taken it upon themselves to try to resolve this conflict peacefully – King John of Bohemia and King Charles Robert of Hungary, with the former acting on behalf of the Knights and the latter acting as the agent of King Kazimierz of Poland.[99] Although both sides were concerned with the loss of life and destruction of property they had suffered in the wars, there is no mention of the Gdańsk massacre, and in the end the arbiters maintained that

> …all the damages, injuries, and any disturbances, incurred wherever by the King of Poland and his subjects or by the Teutonic Knights and their subjects, presently, henceforth and thereupon are to be compensated in full and removed, so that no petition or questioning may arise from others between them concerning the same.[100]

In order to achieve a lasting compromise, the arbiters ordered the Knights to return the lands they had taken in the wars of the 1320s and 1330s, but they also ordered Kazimierz to let the Knights keep Pomerania

> …in perpetual alms for the remedy of the souls of his predecessors and progenitors and for his own salvation and also because of the good of perpetual peace…by the same right and in the same way that the lands of Chełmno and Toruń were donated and bequeathed to the brothers by his progenitors and predecessors….[101]

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[99] See Knoll, *Rise*, 72-80.

[100] Lites I (2), 448-9: "…omnia dampna, iniurie et quecumque molestie, quocumque modo hinc inde illate, vel regi Polonie et eius subditis, sive Cruciferis vel eorum subditis, compensentur et tollantur in toto, sic, quod de cetero inter ipsos super eisdem nulla petitio vel questio oriatur."

[101] Lites I (2), 448: "…ob remedium animarum predecessorum suorum et progenitorum ac sue salutis in perpetuam elemosynam nec non propter perpetue pacis bonum…eodem iure et modo, quo terre Culmensis et Thorunensis eisdem fratribus per progenitores et predecessores suos fuerant donate et legate…."

Just as the pope had done in 1320, the arbiters recall the past grants made by Kazimierz's family, but unlike the pope, they also attempt to use this distant past to bury the memory of the more recent years of violence. Whereas the pope had written of the historical relationship between Kazimierz's family and the Knights to shame the latter, the arbiters attempt to produce a peace without shame for either side – a timeout in which the years of dispute are to be forgotten and the historical relationship restored by means of new, substantial grants made by the descendant of the Knights' founder in Poland.

This settlement, however, failed to obtain its intended results, and in 1337 Kazimierz and the Knights again attempted to resolve their dispute through an arbitrated settlement. The 1335 history written by the arbiters had attempted to bury all memories of the early conflict both by awarding Pomerania to the Knights on the same basis that Kazimierz's great-grandfather had given Chełmno to the Knights – as a pious endowment – and also by denying either side's claim to indemnities. The history presented by Kazimierz in his arbitrations with the Knights two years later similarly attempted to bury the emergence of enmity between Poland and the Knights in the 1320s.[102] Kazimierz and the Knights reached an agreement on 9 March 1337 concerning the Knights' possession of Pomerania. In this rather lengthy, notarized agreement,[103] Kazimierz made many promises both in his own name and in the name of just about everybody who was anybody in his kingdom, as well as in the name of the absent king and queen of Hungary

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[102] See Knoll, *Rise*, 90-3.

[103] Lites I (2), 453-8.

(from all of whom he promised to later get letters patent[104]), that the Knights were entitled to keep the lands they had possessed "before the outbreak of war" [*ante motam gwerram*], i.e. before the wars of the 1320s and 1330s.[105] This periodization of ante bellum not only differentiates Władysław's battles over Pomerania in 1308-9 from his battles with the Knights in the late 1320s and early 1330s, but also differentiates a period of justice and order from one of injustice and mayhem; for the disputed lands possessed by the Knights "ante motam gwerram" were "possessed justly and reasonably" [*iuste et racionabiliter possessis*].[106] Nothing much came of this arbitration,[107] however, and when the second trial commenced two years later the terms of the dispute would be radically changed. In the 1339 trial the conflict over Pomerania was not only once again cast in the light of the wars of the 1320s and 1330s, but also was placed in a broader narrative of Teutonic betrayal, which had supposedly begun when the Knights refused to return the Chełmno land to Kazimierz's great-grandfather.[108]

As stated above, Władysław and the pope in 1320, Peter of Dusburg in 1326, the kings of Bohemia and Hungary in 1335, and Kazimierz himself in 1337 all framed the dispute over Pomerania and its resolution in terms of the traditional role of the rulers of Poland as the Knights' benefactors, and they attempted to stress that the two disputants should be cooperating to fight the

[104] Lites I (2), 455.

[105] Lites I (2), 456. Kazimierz uses this phrase on a couple of occasions (455-6).

[106] Lites I (2), 455.

[107] See Janusz Bieniak on the accomplishments of this arbitration. ["Odzyskanie zachodnich Kujaw przez Kazimierza Wielkiego w 1337 roku," *Zapiski Historyczne* 39.3 (1974), 69-97].

[108] See Chapter 6 for a discussion of this dispute.

infidels on their borders (and not make alliances with them to fight each other). Other interested observers, especially the borderland regular and secular clergy, like the Dominicans of the Polish province in 1335,[109] the Franciscans of the provinces of Saxony and Poland in 1335,[110] the Bishop and Chapter of Płock in 1338,[111] and the Abbot and Convent of the Cistercian monastery at Oliwa in 1338,[112] many of whom held land in both states as well as in their disputed borderlands, urged the pope to resolve this conflict amicably, because its further prolongation meant the continued suffering of the Christian people. Yet, while the idea that a Christian identity should be stronger than a political or ethnic identity was widespread (especially among borderland clerics) there was a growing discourse among the disputants that privileged political and ethnic affiliation over the concept of Christendom. An early justification of the conflict over Pomerania as an ethnic one was vocalized by the Knights' Procurator General in Avignon 1335, as mentioned above. A much stronger appeal to ethnicity was voiced by the papal legate in Poland in 1337.

Galhard,[113] the papal legate in Poland during the 1330s, presented a report to Pope Benedict XII in 1337 in which he vents his frustration at the

[109] Lites I (2), 449-50 and PrUB III #18.

[110] PrUB III #17

[111] CDPr III #12; incidentally, the Bishop of Płock had been one of the subscribers to Poland's 1335 plea to the pope to initiate a new trial against the Knights. However, by 1338 he had changed his mind, even going so far as to prevent the summons from being read in Płock castle and cathedral. [Lites I (2), 77-8]. The Bishop of Kujavia had also signed the original complaint only to absent himself from the 1339 trial. See Bieniak, "Przebieg," 7-8.

[112] CDPr III #14

[113] There has been some dispute about his place of origin, "de Carceribus," although the consensus now seems to be that he was from Carcès. For biographical information and his activities in Poland, see Helena Chłopocka, "Galhard de Carceribus i jego rola w sporze polsko-krzyżackim w XIV wieku," in *Europa – Słowiańszczyzna – Polska. Studia ku uczczeniu*

difficulties in conducting his duties, especially the collection of Peter's Pence, in lands controlled by Germans and Bohemians.[114] In a lengthy, detailed report about the state of his legation looking after papal interests and collecting papal revenues in east-central Europe, he writes:

> …may it please your Holiness…to weigh…the fidelity, devotion, and usefulness which your Camera has from the Poles against the devotion and usefulness which it has from the Germans or Bohemians; for such a difference is as night is to day….[115]

Ethnic and political affiliation did not overlap neatly in this period, and Galhard's views reflected the opinions of many of the people in Poland at this time, for whom there was a growing sense that ethnicity mattered not just in who should be the legitimate lords of Pomerania, but also as an underlying cause of the conflict between Poland and the *Ordensstaat*. These views on a political-ethnic crack in the "shield of Christendom" emerge very clearly in the witnesses' testimonies submitted during the trial convened by Galhard and his fellow judge-delegate in 1339.

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profesora Kazimierza Tymienieckiego, ed. Czesław Łuczak (Poznań: Uniwersytet im. Adama Mickiewcza w Poznaniu, 1970), 135-43; Stanisław Szczur, "Współpracownicy Galharda z Carcès, kolektora papieskiego w Polski," in *Homines et Societas: Czasy Piastów i Jagiellonów*, ed. Janusz Bieniak, et al. (Poznań: Wydawn. Poznańskiego Tow. Przyjaciół Nauk, 1997), 337-44; Stanisław Szczur, "Początki działalności Galharda z Carcès," in *Personae, Colligationes, Facta*, ed. Janusz Bieniak, et al. (Toruń: Zakład Nauk Pomocniczych Historii Instytutu Historii i Archiwistyki UMK w Toruniu, 1991), 33-8.

[114] Peter's Pence was an annual tax owed to the Papal Curia from the lands of the former Kingdom of Poland. In the early fourteenth century, the papacy took a more expansive view of the lands owing this tax, which resulted in many conflicts between the papal legates and the secular and ecclesiastical rulers of the lands neighboring the newly restored Kingdom of Poland. This tax also figured heavily in Poland's attempts to reclaim the Chełmno land from the Teutonic Knights. See Chapter 6 for a more detailed analysis of these disputes.

[115] Theiner, 395-6: "…placeat vestre Sanctitati…ponderare fidelitatem, devocionem et utilitatem, quam vestra Camera habet a Polonis, et devocionem et utilitatem, quam habet a Theutonicis vel Bohemis: nam tanta est differencia, sicut lucis ad tenebras…."

Conventionalization: Remembering the Ethnic and Economic Cleansing of Pomerania at the 1339 Trial

Although the Gdańsk massacre continued to occupy a place in the social memory of the Polish witnesses, by 1339 their memories of this past event had been influenced and perhaps eclipsed by the atrocities committed by the Knights in their wars against Poland in the late 1320s and early 1330s, especially the Knights' campaign throughout the Kingdom of Poland in 1331.[116] Nineteen of the thirty articles deal with the violence of these campaigns, which included "massacres" as well as the burning of churches, monasteries, castles, towns, and villages, consuming or capturing countless animals, abducting men, and raping virgins and honest women.[117] Kazimierz's lawyers valued the damage caused by the Knights in 1331 at 115,000 marks, which was more than twice the 45,000 marks he sought as compensation for both the destruction of Gdańsk and the other Pomeranian towns and the occupation of Pomerania for 30 years.[118] Even though the conquest of Pomerania remained a contentious topic, it was one that was now viewed through the lens of nearly a decade of violent conflict between Poland and the *Ordensstaat*. In addition, the Pomeranian articles of dispute were preceded by the royal procurators' claims that the original grant made by Kazimierz's great-grandfather, Duke Konrad of Mazovia, was also held illegally

[116] For an analysis of the witnesses' testimonies about the violence committed by the Teutonic Knights during these wars see Danuta Zydorek, "*In periculo mortis*: niedole ludności podczas najazdów krzyżackich," in *Mente et litteris: o kulturze i społeczństwie wieków średnich*, ed. Helena Chłopocka, et al. (Poznań: Wydawn. Nauk. Uniwersytetu im. Adama Mickiewicza w Poznaniu, 1984), 231-8.

[117] Articles XIX-XXX – Lites I (2), 95-8; see Appendix 3.

[118] 45,000 in article VII and 115,000 in article XXX.

by the Knights.[119] As a result of this, the entire history of the relations between the Knights and Poland was conventionalized within the framework of betrayal and enmity.

The articles about the conquest of Pomerania (IV-VIII) present the beginning of a narrative of collective violence committed by the Teutonic Knights against the Kingdom of Poland, culminating in widespread destruction throughout the Kingdom of Poland in 1331, which touched the lives of more Poles than the conquest of Pomerania in 1308-9. Yet, it is odd that the articles submitted by the royal procurators, which underscore the suffering inflicted upon the whole Polish people during the wars of the 1320s and 1330s, position the violence of 1308-9 as being perpetrated solely against Władysław's men in Pomerania, and not against the general populace:

> Similarly he intends to prove that the master and the brothers, at that time, of the Crusaders of Prussia of the aforesaid Order through violence and with a great army, having raised their banner, and with the massacre of many knights and men of the said King Władysław occupied and then continued the occupation of the said land and duchy of Pomerania to the great detriment of the same king, and that this is well known; that the damage extended to more than 45,000 Polish marks by weight and coining.[120]

[119] See Chapter 6.

[120] Lites I (2), 95: "Item probare intendit, quod magister et fratres Cruciferi de Prussia Ordinis antedicti, qui pro tempore fuerunt, per violenciam et cum valido exercitu erectis vexillis et cum strage multorum militum et hominum dicti regis Wladislai occuparunt et deinceps detinent occupatam terram predictam et ducatum Pomoranie cum magno dampno eiusdem regis, et quod hoc est notorium; quod dampnum se extendit usque ultra quadraginta quinque milia marcarum Polonici ponderis et monete."

Whereas in the articles about the later wars, the witnesses were prompted to remember the rape of women and the destruction of churches and monasteries, here the violence is presented in a very generalized manner against a very specific target – Władysław's representatives. In fact, the article does not even name Gdańsk as the site of the mentioned "massacre."

Certainly, at least in part, both the blandness of the articles and the chronological distance of the events resulted in the fact that fewer witnesses mentioned the massacre in 1339 than in 1320 (15 compared to 16), even though more witnesses were asked about Pomerania (67 compared to 25), and the massacre was even mentioned in the articles, which it was not in 1320. However, although fewer in number, the later testimonies are more descriptive than the earlier ones. In addition, many of the 1339 witnesses had formulated theories about why the Knights carried out the massacre, which those in 1320 did not do. Yet, the 1339 testimonies, although more descriptive and analytical, are less shocking in their presentation of specific acts of violence. For example, there are no stories about people being dragged out from the sanctuary of churches to be murdered. Their memories have lost specificity and become conventionalized within the framework of abstract violence against Poles in general rather than against particular individuals. In the minds of the few witnesses who did testify about the Gdańsk massacre in 1339, the memory of this event would be transformed from an act committed against the inhabitants of a particular city to a campaign of ethno-political and economic cleansing of the Poles in Pomerania.

Duke Kazimierz of Kujawy, who was holding part of Pomerania in 1308 as one of Władysław's representatives, presents a picture of ethnic conflict, testifying that the Teutonic Knights "killed all the Poles they could find there [in

Gdańsk]," and that "the Germans staying within the said city of Gdańsk defrauded the Poles who were within it."[121] By linking the Teutonic Knights' slaughter of Poles to the German burghers' betrayal of the Poles, he presents an ethnic conflict in which the German burghers allied with the German Order. Even though this was not really the case, as the German burghers had united with the Margraves of Brandenburg against both Władysław and the Teutonic Knights, for this witness the inhabitants of Gdańsk were simply divided into two ethnic groups, and the violence there was perpetrated by Germans against Poles.

Duke Kazimierz's brother, Duke Leszek, testified that "the Teutonic Knights violently occupied [Pomerania] with arms and with a great massacre of many knights" and his brothers "only just escaped being killed by them."[122] But, rather than talking specifically about the Gdańsk massacre, he instead follows the wording of the article and talks about general violence directed against Władysław's men in Pomerania, especially his brothers. In 1320, however, Leszek said nothing about a massacre. [123] It seems reasonable to conclude that in the intervening nineteen years he incorporated the social memory of this massacre into the generalized story of enmity between Poles and the Knights, who in the years just before the first trial he had still regarded if not as friends, then at least not as enemies.[124]

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[121] Lites I (2), 283: "…interfecerunt ibi omnes Polonos, quotquot poterunt invenire…. …Theutonici stantes infra dictam civitatem Gdansk, defraudaverunt Polonos qui erant infra eam."

[122] Lites I (2), 376: "Cruciferi de Prussia ipsam occupaverunt violenter et cum armis cum magna strage multorum militum. …vix quod non fuerunt interfecti per eos."

[123] Leszek was the only witness to testify at both trials. See Lites I (3), 28-9; Lites I (2), 20-1, 375-7.

[124] Leszek pawned the Michałowo land to the Knights in 1303, and then sold it to them in 1317. [Irene Ziekursch, *Der Prozeß zwischen König Kasimir von Polen und dem deutschen*

The knight Marcin of Trzebcz also says that the violence he witnessed was directed against Władysław's men. He was sent by Duke Kazimierz to meet Władysław's men in Gdańsk castle. These men told Marcin to relay the rather ominous message that "even if they knew that tomorrow they would lose their heads, they would still guard the castle in the name of the same lord Władysław."[125] He heard later that the Teutonic Knights, "coming with a large force to the said castle by trickery killed many knights and other men in the said Gdańsk castle…but the witness who is speaking was not present when the said massacres were committed."[126] Although specific to Gdańsk, the version of the story he heard presented the violence as directed against Władysław's men in the castle, rather than against the inhabitants of the town.

Similarly, Miecsław of Konecko stated that he "was not present in the said land of Pomerania when the Crusaders of Prussia killed many knights and other men in Gdańsk castle nor when they seized it, but when he returned to the said land later, he heard from many that it was so done, just as it is contained in the present article."[127] Again, this witness heard that the violence was committed primarily against Władysław's men in the castle. Other witnesses, such as Świętosław, the Palatine of Pomerania at the time of the

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Orden im Jahre 1339 (Berlin: Emil Ebering, 1934), 127-37.] King Kazimierz also tried to get this land returned to Poland at the 1339 trial. [articles 16-18]

[125] Lites I (2), 403-4: "…si scirent quod cras decapitarentur, nichilominus castrum ipsum custodirent nomine ipsius domini Wladislai."

[126] Lites I (2), 404: "…venientes cum magna potencia ad dictam castrum, fraudulenter milites et alios homines multos in dicto castro Gdansk occiderunt...sed ipse testis qui loquitur ibidem non fuit presens quando dicta strages fuit facta…."

[127] Lites I (2), 405: "…non fuit presens in dicta terra Pomoranie, quando Cruciferi de Prussia interfecerunt multos milites et alios homines in castro Gdansk nec quando ipsum ceperunt, sed postea reversus ad dictam terram audivit a multis, ita factum fuisse, prout in presenti articulo continetur."

massacre, remembered the violence against Władysław's men as being more widespread: "…killing indiscriminately his knights who were in the said land in so inhumane a fashion that no one can tell the tale…."[128] Świętosław incidentally explained the reason – Władysław had refused to pay his debts to the Knights. This reasoning will be discussed in more detail below. Here, it is important to recognize that for the majority of the witnesses, the victims of the massacre, whether specifically in Gdańsk or in Pomerania in general, were Władysław's knights and not "Christians."[129]

This reconfiguring of the victims of the massacre is due in part to the phrasing of the articles presented by Kazimierz's lawyers, especially the seventh article, quoted above. Yet, for the most part, the witnesses did not merely recite the articles, and as has already been pointed out, only a small percentage of the witnesses even talked about the massacre, even though they were prompted to do so by the article. We might also conclude that many of the witnesses, themselves Władysław's men, undoubtedly felt that their brethren had suffered the brunt of the Knights' violence, or at least that they were the only people who counted, sometimes quite literally. In both trials witnesses attempted to quantify the number of knights killed, while peasants and burghers are dismissively described as "innumerable" if they are

[128] Lites I (2), 389: "…interficiendo ibidem ipsius milites indistincte qui erant in dicta terra, ita inhumaniter, quod nullus potest hoc narrare…."

[129] Gunter, the Chancellor of Duke Trojden of Mazovia, also points out the political motivations for killing the knights in Pomerania, but he does not clearly identify who these knights were – Pomeranians or Władysław's administrators: "…many knights were killed by them, as he said. He also said that he had heard that unless they had killed the said knights they could not have occupied the said land of Pomerania nor the villages and castles, and they could not have held them for so long, nor would they have and hold any today in the same land, as he said." […multis militibus interfectis ibidem per eos ut dixit. Dixit eciam se audivisse, quod nisi dictos milites interfecissent, dictam terra Pomoranie nec villas nec castra ipsius occupassent nec tamdiu tenuissent, nec hodie haberent nec tenerent aliquid in eadem ut dixit.] Lites I (2), 145.

mentioned at all. Yet, while the distinction is made in both trials between knights and commoners, men and women, children and adults, clergy and laity, in the 1320 trial witnesses made no ethnic distinctions between the victims – they were all Christians. And the few witnesses who did make a distinction called the victims "locals" or "Pomeranians." By 1339, however, all of the victims have become Poles, and the specifically Christian rhetoric of murdering people whom even pagans would have spared or murdering people seeking sanctuary in churches had been replaced by an entirely political discourse of murdering the king's administrators.

Yet, while the Polish witnesses from the Kingdom of Poland told essentially the same story, some new perspectives were presented by Tomasz of Zajączkowo, an ethnically Polish knight from the *Ordensstaat* who fought for the Teutonic Knights during their conquest of Pomerania. In addition to the claims of ethnic and political cleansing listed above, there also emerged in his testimony the claim of what for want of a better phrase could be called economic cleansing. Tomasz explains that the Teutonic Knights massacred the inhabitants of Gdańsk so that they could better colonize the town: "they killed many nobles and other commoners within the said city of Gdańsk so that they could have the inheritances of the same in perpetuity…and the witness who is speaking had been and was always with the said Crusaders in the said army of the same."[130] As both an eyewitness and a person who experienced the violence from the other side, Tomasz's testimony offers some excellent insights into the reasons for the massacre,

[130] Lites I (2), 305: "multos nobiles et alios ignobiles infra dictam civitatem Gdansk interfecerunt, ut ipsorum hereditates possent perpetuo habere…ipse testis qui loquitur, semper fuit et erat cum dictis Cruciferis in dicto exercitu eorumdem…."

which the victims of the violence and those they told would not have been privy to. Two of the witnesses in the previous trial had also testified about the Knights massacring entire families, but these men did not explain why the Knights had done this. Instead they presented these heinous acts as just another indication of the depravity of the Knights, rather than an indication of specific goals of occupation.[131]

This testimony also raises the issue of culpability, for Tomasz was not the only Polish witness who had fought for the Knights. Bogusław Łazęka, a knight from Łęczyca also testified about the Pomeranian articles, but he does not say anything specifically about the Gdańsk massacre, leaving it at "they killed many knights and other men there [in Pomerania].[132] He also avoids mentioning the massacre in Kujawy in 1332, although it was mentioned in the tenth article. His grandson, Michał Łazęka, also fought for the Knights and testified at the 1339 trial. Although he was too young to talk about Pomerania, he did discuss his role in the massacre in Kujawy, saying that "such a seizure and assault as it was could not have been done without the killing of many men."[133] Danuta Zydorek has seen this statement and a similar one by Goćwin Rykalicz, a burgher from Szadek who also took part in the massacre in Kujawy,[134] as an "indifferent" commentary on the violence going on around

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[131] Count Piotr Drogosławic, Judge of Poznań: "…occiderunt nobiles terre milites et uxores eorum et pueros…." [Lites I (3), 38]; Judge Michał of Sandomierz: "…occiderunt milites et uxores eorum et pueros…." [Lites I (3), 39]

[132] Lites I (2), 254: "…multos milites et alios homines interfecerunt ibidem…."

[133] Lites I (2), 274: "…talis capcio et expugnacio sicut fuit illa, non potest fieri sine interfeccione multorum hominum…."

[134] Lites I (2), 270: "…talis expugnatio non potest fieri sine interfeccione hominum…." It is difficult to know the role a literate burgher would have played in the battle. He does not say that he fought, only that he was with the Knights' army. For brief biographical information about him, see Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Torun: Wydawnicto Uniwersytetu Mikołaja Kopernika, 1993),

them, but it seems more likely that this was an attempt to deflect blame from themselves.[135] Michał did testify immediately after Goćwin, and although the witnesses were examined "*singulariter et sigillatim*," this was not done in a soundproof chamber, so perhaps Michał picked up on Goćwin's attempt to distance himself from any direct involvement in the massacre. Warfare brings slaughter, but neither witness defined this slaughter as inordinate. This is a particularly interesting interpretation of violence considering that Bogusław and Michał witnessed their son/father (who fought for Władysław) being besieged by the Knights in Dobrzyń in 1329,[136] while Goćwin's town was attacked by the Knights in 1331.[137] It should be pointed out that these men distance themselves (sometimes quite literally, as Michał claims to have watched the battle from the other side of the Vistula River[138]) from the violence committed against their own family and friends.

Another level of understanding of the Gdańsk massacre in particular and the violence of warfare in general is presented by the abbot of Oliwa, the Cistercian monastery near Gdańsk. Although he did not testify at the 1339 trial, he wrote a chronicle a decade later in which he gave a different spin to the Gdańsk massacre. According to him, it was in fact animosity between the German burghers and the Teutonic Knights which led to the massacre:

180; Janusz Bieniak, "'Litterati' świeccy w procesie warszawskim z 1339 roku," in *Cultus et cognito: studia z dziejów średniowiecznej kultury*, ed. Stefan Kuczyński et al. (Warszawa: Państwowe Wydawnictwo Naukowe, 1976), 105.

[135] Zydorek, 233-4.

[136] Lites I (2), 256 and 275; for the relationship between Bogusław and Michał see Sieradzan, *Świadomość*, 175 and 198.

[137] Lites I (2), 97, article XXIV.

[138] Lites I (2), 275: "…erat ex una parte fluminis Visle, et tunc vidit eos oculo ad oculum."

[The Margrave of Brandenburg], having sent his knights, held the city of Gdańsk with the aid of the aforementioned burghers and knights. And there were daily conflicts and altercations among the knights enclosed in the castle…, who held the castle for duke Władysław, on the one hand, and the aforesaid burghers and knights, who favored the cause of the margrave, on the other, and much despoiling and many evil things happened in the land on account of the princes' discord, rending asunder the unity of the knights [of the land]. Finally, those enclosed in the castle, seeing that they had no redeemer, sent petitions for the lords of the land of Prussia to bring them help against the city and the margrave's people, and without further ado brother Gunter of Schwartzberg was sent with Prussians, who together with those who were inside the castle molested with repeated assaults the Pomeranians who were in the city.

Indeed, certain of the very rich burghers provoked the lords of the land of Prussia with inordinate mockery and derisive gestures to the point that the infuriated lords besieged the city with their powerful army and attacked with cruel hearts. The burghers, however, seeing that they could no longer resist the power of the lords and had no redeemer, surrendered the city. The lords entered with their army and ordered the slaughter of all the Pomeranian knights they found in it. And lord Rudigerus, the abbot of Oliwa, moved to compassion, put himself in danger, and received confession, as far as he was permitted, in the midst of butchering spears and swords, and had the slaughtered taken to Oliwa for burial in the cemetery of St. Jacob outside the walls.

> Afterwards in the year 1309 the lords of the Teutonic Knights, wanting to humiliate the proud city, completely destroyed the fortifications of the city….[139]

The slaughtered "knights" referred to in this version of events, as in some of the 1320 testimonies, were the local, Pomeranian knights, not the knights sent by Władysław, whom the witnesses in 1339 identified as the victims. In fact, the Polish knights in the castle are presented as sharing in the insults (if not the slaughter) of the Pomeranian knights. As the abbot of a monastery which had been founded by the Pomeranian nobility and was now controlled by the Teutonic Knights, the author of the chronicle was unlikely to see the Polish knights as victims of the slaughter. In fact, at the beginning of his chronicle, he praised the early thirteenth-century Pomeranian Duke Świętopełk for "cast[ing] off the yoke of the princes of Poland."[140] The victims in his mind were Pomeranians. The fact that the Pomeranian knights were massacred,

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[139] *Chronica Olivensis* MPH VI, 318: "…qui missis suis militibus civitatem Gedanensem tenuit cum auxilio civium et militum predictorum et fuit cotidianus conflictus et altercacio inter milites inclusos in castro…qui tenebant castrum ad manum ducis Wladislai, ex una parte et cives ac milites predictos, qui fovebant causam marchionis parte ex altera et multa spolia et mala fiebant in terra propter principum discordiam et unitatis militum [terrae] scissionem. Tandem inclusi in castro videntes se non habere ullum redemptorem, miserunt ad dominos terre Pruzie petentes, ut ferrent ipsis auxilium contra civitatem et marchionistas et continuo missus fuit frater Guntherus de Swarczburk cum Prutenis, qui una cum hiis, qui erant in castro, Pomeranis crebris insultibus eos, qui erant in civitate, molestabant.

Quidam vero ex civibus presumptuosi dominos terre Prusie ludibriis et subsannacionibus incompositis provocabant in tantum, quod domini exacerbati cum exercitu valido civitatem obsederunt et eam ferocibus animis oppungnaverunt. Videntes autem cives, quod diucius potencie dominorum resistere non valerent nec ullum possent habere redemptorem, civitatem tradiderunt, quam domini cum suo exercitu intrantes omnes milites Pomeranos [milites terra Pomeraniae], quos in ea reppererunt, iusserunt trucidari. Et dominus Rudingerus abbas Olyvensis pietate motus se dedit periculo et inter iacula et gladios trucidandorum, quatenus permissum fuit, confessionem recepit et trucidatos duci fecit in Olyvam et sepeliri in cimiterio beati Iacobi ante claustrum.

Postea domini cruciferi superbiam civum humiliare volentes, municionem civitatis penitus destruxerunt….

[140] See chapter 1.

while the German burghers who had supposedly prompted the Knights' attack were left unharmed (except for the humiliation of having their fortifications destroyed) raises questions about ethnicity that must be addressed below.

This discussion of the numerous manifestations of the Gdańsk massacre nicely demonstrates the way conflicting accounts of this event emerged and functioned within various social and political environments, shifting the details, both great and small, as convenient to fit different social and political circumstances. In order to better understand how these multiple iterations of the same story fit into the social and political landscape of the south Baltic littoral, a more detailed analysis of the origins of this conflict is now required.

Breaking the Bonds of Lordship: The Teutonic Knights' Betrayal in Light of the "Treason" of the Święca Family

None of the articles in either trial describes what the Teutonic Knights were doing in Gdańsk in the first place. They do not talk about the invasion by the Margraves of Brandenburg or the rejection of Władysław's rule by the powerful Święca family. Władysław is supposed to have possessed this land "peacefully and quietly" without any internal dissent. And by the time of the second trial, he is supposed to have possessed Pomerania as the King of Poland, even though his coronation took place twelve years after the conquest. In fact, the Teutonic Knights are treated as outsiders who conquered Pomerania, even though they already held vast possessions there,[141] and so were most likely concerned with the margraves' conquest

[141] See chapter 2.

even before Władysław asked for their help. Why did the royal procurators choose to present the Knights' conquest as an invasion by a foreign army and not the betrayal of one's lord? Although Władysław cast his original appeal in terms of betrayal, it was a general sense of betrayal based on the history of relations between his family and the Knights, not the specific act of betrayal in Gdańsk. And, in any event, his lawyers conspicuously omitted all betrayal references in their articles of dispute. If Władysław had intended that the Teutonic Knights' betrayal function as a major motif in the main narrative of disputes, the lawyers, judges, and witnesses did pick up on this. In fact, only a couple of the witnesses in the first trial recalled that the Knights had originally come to Gdańsk as Władysław's agents rather than as foreign invaders, and both these men had themselves been present when the Knights came to Gdańsk castle to help defend it from the margraves.[142] The fact that the

[142] Count Piotr Drogosławic, Judge of Poznań, explains that the Knights were holding the castle in Władysław's name, but they do not explain why he called them to help hold the castle, when he already had men stationed there:

> I was present when the Crusaders accepted part of the castle of Gdańsk from the lord king, and the Crusaders stationed their men in their part of the castle, with the king's men being in the other part. And then the Crusaders, under the pretence of friendship, made a small castle in one part in the large castle of Gdańsk. This having been done, they ejected the king's men from the large castle and then at nighttime secretly entered the city of Gdańsk in force and carried out an abominable massacre, killing the noble knights of the land and their wives and sons. And this was how they occupied the city.

Lites I (3), 37-8: "'fui presens, quando Cruciferi receperunt partem castri Gdanczk a domino rege et in parte castri locaverunt homines suos Cruciferi, et in parte alia erant homines regis. Et tunc Cruciferi sub specie amicie in magno castro Gdanczk in una parte fecerunt parvulum castrum. Quo facto eiecerunt homines regis de magno castro et deinde nocturno tempore intraverunt furtim et potenter in civitatem Gdanczk et abhominabilem stragem fecerunt et occiderunt nobiles terre milites et uxores eorum et pueros et sic occupaverunt civitatem.'"

Judge Michał of Sandomierz, who was also present when the Knights took possession of Gdańsk castle, gives an account very similar to the one given by the Palatine of Sandomierz, but unlike the previous witness Michał provides an explanation of why the Knights were called to Gdańsk:

> …he responded that he had been present at the time of the decision to entrust part of the castle of Gdańsk to the Crusaders to gain their help, because the Saxons were invading the land of Pomerania. The Crusaders then made a small castle inside the larger one, ejected the men of the lord king from the castle, and secretly entered the city and killed the knights and their wives and sons, and thus occupied the city. […]

Knights were formerly Władysław's allies seems to have been buried under the memories of the atrocities they committed in Gdańsk (and throughout Poland in the 1320s and 1330s), even though this certainly would have made their crime even more abominable. So, why did Władysław's lawyers omit this fact? Part of the explanation for this mode of argumentation might be that the royal procurators wanted to bury the fact that Władysław was not in such secure possession of Pomerania as they would have the court believe, and also that Władysław did not always honor his debts.

An early fourteenth-century Polish source, the Annals of the Poznań Chapter, paints a picture very different from the royal procurators' version of events:

> Item in the year of the Lord 1299, when during the time of Duke Władysław the church suffered many wrongs, as much from the aforesaid duke as from his knights, namely the violations of cemeteries and the oppressions of paupers, widows, and orphans, and all the goods of the churches and the Church to annihilation, and other things which are too horrible to speak of….
>
> Likewise in 1300 AD, the Poles, seeing the fickleness of the aforesaid Duke Władysław, called upon King Václav of Bohemia and accepted him as their lord, having chased Władysław from all of his

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Asked how he knew this, he responded that he came at that time with an army to help the locals, but the Crusaders were very strong and quickly seized the castle before they could.

Lites I (3), 39: "…respondit, quod fuerit presens circa ordinacionem, quando pars castri de Gdanczk commissa fuit Cruciferis causa subsidii, quia Saxones invadebant terram Pomoranie, et tunc Cruciferi facto modico castro in maiori castro eiecerunt milites domini regis de castro et deinde furtim intraverunt civitatem et occiderunt milites et uxores eorum et pueros et sic occupaverunt civitatem. […] Interrogatus, quomodo hoc sciret, respondit, quod tunc venerat cum execitu in subsidium terrigenis, sed Cruciferi erant valde potentes et subito preoccupaverunt castrum."

lands. Under King Václav the greatest peace and justice flourished in Poland, as in the time of his heirs. […]

Václav II, King of Poland and Bohemia, having died in 1305, his son Václav III succeeded him, who reigned for only one year after the death of his father. And when he was going to go against Kraków with his army, he was killed in Olomouc by a certain unfaithful knight of his. When this one [Władysław] was going from the forts of Pomerania to Kraków, the lord Palatine Święca and his son reminded him about a certain sum of money that they had expended during the time when Pomerania had been abandoned by the prince and they had governed the whole land themselves. When the lord Duke Władysław refused to pay them, they with many other knights called upon lord Waldemar, the Margrave of Brandenburg, to accept the Duchy of Pomerania.[143]

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[143] *Rocznik Kapituły Poznańskiej*, MPH ns VI, 53-4: "Item anno Domini Millesimo CC nonagesimo IX cum temporibus ducis Wladislai ecclesia multas iniurias pateretur tam a predicto duce, quam a militibus eius, scilicet violaciones cimiteriorum et oppressiones pauperum, viduarum ac orphanorum, omnium bonorum ecclesiarum, ecclesie ad anichilacionem et alia que loqui horrendum est….

Item sub anno Domini Millesimo CCC Poloni videntes inconstanciam ducis Wladislai predicti vocaverunt Wenceslaum regem Bohemie et in dominum sibi receperunt fugato Wladislao de omnibus terris eciam propriis. Sub quo rege Wenceslao maxima pax et iusticia viguit in Polonia, tamquam temporibus ipsorum heredum. […]

Wenczeslao secundo rege Boemie et Polonie defuncto anno Domini 1305 Wenczeslaus tercius filius eius succedit, qui uno solo anno post mortem patris regnavit. Et cum iret versus Cracouiam cum suo exercitu, in Olomunyecz a quadam suo milite infideli est interfectus. Quem dum de municionibus Pomeranie Cracouiam procederet, dominus Swancza palatinus et filius eius monuerunt pro quadam summa pecunie, quam expenderant medio tempore, quo Pomerania principe erat desituta et ipsi terram gubernabant universam. Quam cum dominus dux Wladislaus eis solvere recusavit, ipsi cum aliis pluribus militibus marchionem de Brandeburg dominum Wolimirum ad suscipiendum ducatum Pomeranie vocaverunt."

The continuation of the "Annals of the Poznań Chapter" was written at the beginning of the fourteenth century, according to Brygida Kürbis, the editor and annotator of the text. (*Roczniki Wielkopolskie*, MPH ns VI, xxxii) Although she does not say exactly when the continuation was written, it carries the narrative through the events of 1310, and the Teutonic Knights' purchase of the Pomerania. Also, the annals say nothing about Władysław's reconquest of the land of Great Poland in 1314, so the annals must have been completed before then.

Of the 126 witnesses in the two trials, only three witnesses discussed the reign of the Václavs, and of these only one – Bishop Jan of Poznań – placed this reign within its historical context. [144] As the Bishop of Poznań, he was undoubtedly informed by the annals of his chapter, because the story that he told has all the details of the above quotation. He was also informed by his brother-in-law, Bogusza, who was mentioned in the above passage. Bishop Jan's testimony is by far the most detailed, both because of his conversations with his brother-in-law and also because of the information he acquired from the written sources, which present a period of discord between Władysław and his subjects that most of the other witnesses seem to have forgotten. It is worth quoting this passage in its entirety:

> …the barons and knights, nobles, burghers, and all the lands, both the Kingdom of Poland and the land of Pomerania, called lord Władysław, formerly king, then Duke of Kujawy, father of the lord Kazimierz, King of Poland, and they chose him and accepted him as the true and legitimate lord of the said land of Pomerania, and he held and possessed the said land of Pomerania quietly and peacefully for about three years; finally, at that time, on account of the wars and because the aforesaid lord Władysław, lord of the aforesaid land of Pomerania, did not keep good justice and many damages, injuries, despoliations, and oppressions occurred in the said land of Pomerania, such that it was almost completely deserted, and because the said lord Władysław, the lord of the said land of Pomerania was unwilling to correct the said excesses or bring about justice from the malefactors in the same, the nobles and the whole population of that land of Pomerania and Poland

[144] See chapter 5 for a more detailed analysis of the implications of this omission.

opposed and contradicted the said lord Władysław, the lord of Pomerania and King of Poland, and they ejected him from the lands of Pomerania and Poland and they accepted into lordship the King of Bohemia, namely Václav, and as long as he lived, they adhered to him as their lord. This one having died and his son having been killed a little while after his death, the said lord Władysław began to recover and possess the said lands of Pomerania and Poland from which he had been ejected; thus all the knights, nobles, and common people of the said land of Pomerania were obedient to him and served him as their lord and the lord of Pomerania, except a certain Piotr – the son of the Palatine of the said land of Pomerania, called Święca – who was called the Chancellor of Pomerania, who tried to bring the Margrave of Brandenburg into the said land of Pomerania, which he could not accomplish because the said lord Władysław, formerly King of Poland and lord of the said land of Pomerania, captured Piotr and held him captive for a long time in chains. Finally the said lord Władysław, having been occupied by certain impediments in the land of Kujawy, could not have the careful responsibility of guarding the land of Pomerania, and then he commissioned to govern the said land of Pomerania in his name his judge of Pomerania, named Bogusza, the brother-in-law of the said witness who is speaking, the Bishop of Poznań. This one, lacking in funds and not capable of guarding the castles of the same land of Pomerania, often wrote and reported to the said lord Władysław, King of Poland and lord of Pomerania, then Duke of Kujawy and Pomerania, that he should help him in the expenses or else he would have to remove him from the rule and governance of the

said land of Pomerania; [Władysław] replied to him that he could not help him then at the present, but that he could henceforth recover spoils from the land, from which he could meet the said expenses, until he had the means to help him. The said Bogusza, Judge of Pomerania, wishing neither to make excess of the said land of Pomerania, nor to despoil the said land, from a mandate of the said lord Władysław, called the master and the brothers of the Germans of St. Mary from Prussia to help him and lord Władysław, in whose name he held and governed the said land of Pomerania, and he located them in or handed over to them half of Gdańsk castle, so that they made expenses in the said castle for guarding it, and they would guard it having their expenses together with him until lord Władysław paid to them, the master and the brothers who were then, the expenses made for guarding the said castle. Finally the said master and brothers of the Germans of St. Mary from Prussia, who were then, having been brought into the said castle to guard it together with the said Bogusza in the name of lord Władysław, made and inflicted many injuries, threats, and molestations upon the said Bogusza, whom, moreover, having been made a captive, they ejected and expelled from the said castle of Gdańsk after introducing such a pact, that whenever lord Władysław, lord of the said land of Pomerania, reminded them or asked about the restitution of the said castle and satisfied the expenses incurred and expended by the said master and brothers in guarding the said castle of Gdańsk, the master and brothers themselves were held to give and return, completely and freely, the said castle of Gdańsk to the said lord Władysław, lord of the said land of Pomerania; and concerning this they gave their letters-patent to the

said Bogusza, which the lord King of Poland has in his treasury, as he believed.[145]

[145] Lites I (2), 150-1: "…barones et milites, nobiles, cives et tota terra tam regni Polonie quam terre Pomoranie vocaverunt dominum Wladislaum olim regem, tunc ducem Cuyavie, patrem istius domini Kazimiri regis Polonie, et ipsum elegerunt et receperunt in dominum verum et legittimum dicte terre Pomoranie, qui per tres annos vel circa dictam terram Polonie tenuit et possedit pacifice et quiete; tendem, tum propter guerras et quia prefatus dominus Wladislaus dominus prefate terre Pomoranie non erat bonus iusticiarius et multa dampna, iniurie et spolia et oppressiones fiebant in dicta terra Pomoranie, taliter quod fere fuit deserta in totum, quia dictus dominus Wladislaus dominus dicte terre Pomoranie et rex Polonie nolebat dictos excessus corrigere nec iusticiam facere de malefactoribus in eadem, nobiles et totus populus illius terre Pomoranie et Polonie se dicto domino Wladislao domino Pomoranie et regi Polonie opposuerunt et contradixerunt, ipsumque a dictis terris Pomoranie et Polonie eiecerunt et regem Boemie videlicet Wenceslaum in dominum receperunt, et quandiu vixit, sibi tamquam eorum domino adheserunt. Quo mortuo et filio suo interfecto post mortem suam paulo post, mortem suam paulo post, dictus dominus Wladislaus incepit dictas terras Pomoranie et Polonie de quibus eiectus fuerat recuperare et possidere, sic quod omnes milites, nobiles et ignobiles dicte terre Pomoranie obediebant et serviebant sibi sicut eorum domino et domino terre Pomoranie, excepto quodam Petro filio palatini dicti terre Pomoranie, dicto Swancza, qui dicebatur cancellarius dicte terre Pomoranie, qui conabatur introducere in dictam terram Pomoranie marchionem Brandburgensem, quod perficere non potuit, quia dictus dominus Wladislaus quondam rex Polonie et dominus dicte terre Pomoranie captivavit dictum Petrum et longo tempore tenuit eum in vinculis captivatum. Tandem occupato dicto domino Wladislao quibusdam impedimentis in terra Cracovia, non potuit habere diligentem curam ad custodiendum terram Pomoranie, et tunc commisit gubernandam dictam terrma Pomoranie nomine suo iudici suo Pomoranie dicto Bogussa, sororio dicti testis qui loquitur, episcopi Poznaniensis. Qui deficiens in expensis et non sufficiens pro custodia castrorum ipsius terre Pomoranie, sepius scripsit et nunciavit dicto domino Wladislao regi Polonie et domino terra Pomoranie, tunc duci Cuyavie et Pomoranie, ut sibi subveniret in expensis, vel alias ipsum haberet subportatum de regimine et gubernacione dicte terre Pomoranie; qui rescripsit sibi, quod tunc ad presens sibi subvenire non poterat, sed quod reciperet de terra spolia hincinde, unde posset, dictas expensas facere, donec facultatem haberet sibi subveniendo. Qui dictus Bogussa iudex Pomoranie, nolens facere excessum dicte terre Pomoranie nec dictam terrma spoliare, de mandato dicti domini Wladislai vocavit magistrum et fratres beate Marie Theutonicorum de Prussia in audiutorium sibi et domini Wladislai, cuius nomine dictam terram Pomoranie tenebat et gubernabat, et locavit eos eus tradidit eis medietatem castri Gdansk, ut expensas facerent in dicto castro ad custodiendum et eum custodirent expensis suis una cum eo, donec ipse dominus Wladislaus eis, magistro et fratribus qui tunc erant, solveret expensas factas pro custodia dicti castri. Tandem dictis magistro et fratribus beate Marie Theutonicorum de Prussia qui tunc erant introductis in dicto castro ad custodiendum illus una cum dicto Bogussa nomine domini Wladislai, multas iniuras, minas et molestias dicto Bogusse inferentes et facientes, ipsum eciam captivando de facto de dicto castro Gdansk eiecerunt et expulerunt, tali pacto interpostio, quod quandocumque dominus Waldislaus dominus dicte terre Pomoranie eos moneret seu requireret super restitucione dicti castri Gdansk et satisfaceret de expensis factis et erogatis per dictos magistrum et fratres in custodia dicti castri Gdansk, ipsi magister et fratres tenerentur dare et restituere plene et libere dictum castrum Gdansk eidem domino Wladislao domino dicte terre Pomoranie; et super hoc suas literas patentes dederunt dicto Bogusse, quas dominus rex Polonie habet in thesauro si, ut credit.

Neither here nor in the Annals of the Poznań Chapter, does Władysław come off as a very positive character. Not only was he rejected by his subjects in 1300 for his misrule, but he tells his representative in Pomerania to loot the duchy to pay for its defense. The testimony does not say why Piotr Święca turned against Władysław and had to be replaced by Jan's brother-in-law, Bogusza. But the fact that Władysław does not have money to pay Bogusza, prompting him to threaten to resign, might add further credence to the Annals' story about the Święca family turning on Władysław after he refused to pay them. Yet, the fact that he omits this part of the story and in fact differentiates the "good" period of Władysław's rule from the "bad" might lend itself to the explanation that he really did consider the Święcas' betrayal as different from the earlier rejection of Władysław's rule. The Knights are also presented in a negative light, as they turned on Bogusza after he had trusted them; but they also leave him with a parting gift, a letter promising to return the castle after Władysław repaid them – further complicating this witness' conceptualization of betrayal. Why would the Knights cast Bogusza into captivity and then expel him from the castle, only to give him written confirmation that they would return the castle to Władysław after he paid them for their service? One answer might be that even after their dispute with Władysław's representatives in the castle (and Jan does not talk about any "massacre") the Knights still saw themselves as Władysław's "amici" at this point.[146]

In fact, a few other witnesses do remember that the Knights had been Władysław's "amici," and that is why they were called in to help. For example, Piotr, the Schoolmaster of Sandomierz, said that two Pomeranian knights

[146] Another witness, Bogusza's son, mentions this document, but it did not survive. [Lites I (2), 158]

came to Władysław and said that "Saxons" were harassing them and that the knights loyal to Władysław had neither sufficient forces nor funds to defend themselves, so Władysław asked for help from the Knights, "who were then his friends and beneficiaries of his alms-giving."[147]

Świętopełk, the Palatine of Pomerania at the time of the Gdańsk massacre, presents a similar testimony:

> …when enemies arose in the land of Pomerania, and Bohemians and Saxons laid waste to the whole land, and the burghers of the town of Gdańsk rebelled against the said lord Władysław, formerly king, and his men and officials, who held and guarded the castle there, then those who were guarding and holding the said castle in the name of lord Władysław called the Crusaders, who were friends of the lord King Władysław to help them at the said castle of Gdańsk, and they held and defended the said castle in the name of said lord King Władysław….[148]

Yet, only a handful of witnesses remembered that the Teutonic Knights and Władysław had amicable relations before 1308.[149] In addition to Piotr and Świętopełk, the only other witnesses to relate this were Canon Przezdrzew of Poznań – the son of Bogusza, Władysław's representative in Gdańsk – and the Dominican Wilhelm, who had been prior of the convent in Gdańsk at that

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[147] Lites I (2), 379: "…qui erant tunc amici sui et elemosinarii…."

[148] Lites I (2), 389: "cum crevissent inimici in dicta terra Pomoranie et Boemi et Saxones devastassent totam terrma et cives civitatis Gdansk rebellassent contra dictum dominum Wladislaum quondam regem et eius homines et officiales qui tenebant et custodiebant castrum ibidem, tunc illi qui dictum castrum custodiebant et tenebant nomine dicti domini Wladislai vocaverunt Cruciferos, qui erant amici dicti domini Wladislai regis, ad adiutorium sibi ad dictum castrum Gdansk, et quod tenerent dictum castrum et defenderent nomine dicit domini Wladislai regis…."

[149] See Jasiński, "Rola," 78-9. Jasiński shows that not only were Władysław and the Knights friends, but Władysław's brother was related by marriage to two of the main commanders of the Teutonic Knights.

time. In fact, Wilhelm says that he himself made the suggestion to Władysław's men that they should ask the Knights for help, because "they were then friends of the said lord King Władysław."[150] Przezdrzew also remembers that "they were his friends up to that point then."[151] All of these men had a very personal interest in the remembrance of the Knights' betrayal. Piotr, as Władysław's scribe, was present when the Knights refused to return the castle.[152] Bogusza's son, Przezdrzew, was told by his father about how he and his men in the castle had been betrayed by Władysław's friends. Similarly, the former Palatine of Pomerania, Świętosław, also felt betrayed by men he had trusted to help him. But the witness who possibly felt the most betrayed was Wilhelm, the former Dominican Prior of Gdańsk, because he said that it was his idea to bring in the Knights.[153] But these were not the only men who had a personal stake in the Knights' betrayal. Why did none of the other witnesses remember that the Knights had come to Gdańsk as friends? Also, why did only a small minority of the witnesses remember that as Władysław's friends before the conquest of Pomerania they agreed to help Władysław's men defend Gdańsk from the three rebellious parties mentioned by Świętosław – the rebelling Pomeranian nobles, the Margraves of Brandenburg, and the Gdańsk burghers. They instead remembered, following

[150] Lites I (2), 373: "…qui tunc erant amici domini Wladislai regis."

[151] Lites I (2), 158: "…qui erant amici sui illo tunc…." He was also one of the few witnesses in the 1339 trial to remember that Władysław was still just a duke in 1308. The issue of the transference of Władysław's kingship into a time in which it did not exist is explored in chapter 5.

[152] Lites I (2), 379.

[153] Incidently, only one of the witnesses in the first trial noted that the Knights took over the castle "under the appearance of friendship," ("sub specie amicie") and he was also present when the Knights accepted the castle in Władysław's name. Lites I (3), 37-8.

the articles, that the Knights were an invading army that conquered a Pomerania which was governed without any opposition to Władysław's rule, because it was part of the Kingdom of Poland, and he was the king. Władysław was, in fact, not king at this time. His coronation took place in 1320, shortly before the first trial. But, we will leave this issue for the next chapter. Here, the goal is to analyze the discourse of the witnesses' testimonies to see what they reveal about the witnesses' views on rebellion, just as in the first part we examined their views on violence.

Most Polish historians argue that the "treason" of the Święcas was a private act of rebellion.[154] Even though Władysław had been rejected in 1300 by his subjects because of his misrule, some scholars, like Gerard Labuda, contend that there was "an important difference" between the two acts, because the "'treason of the Święcas' had the character of an individual and private act, threatening the national integrity of the whole region."[155] Yet, while those few witnesses who testified about this event remembered only the Święca family's rejection of Władysław's lordship, as noted above, the Annals of the Poznań Chapter juxtapose these two rebellions in such a way as to make them seem quite similar. While this passage does not exactly say that the Święcas were justified in their actions, it does present them as victims of Władysław's "fickleness," a fickleness which had also caused the canons of the Poznań chapter great pain and suffering. A similar story was also presented by the Oliwa Chronicle:

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[154] Labuda HP I/1, 540-1; Kazimierz Jasiński, "Zajęcie Pomorza gdańskiego przez Krzyżaków w latach 1308-1309," *Zapiski Historyczne* 31 (1966), 49; Friz Morré, "Die Swenzonen in Ostpommern. Aufsteig und Herrschaft 1269-1357," *Baltische Studien* n.f. 41 (1939), 58.

[155] Labuda, HP I/1, 541.

> But after [Władysław] had distributed the fortifications of the land according to the pleasure of his will, when he wanted to return to Kraków, they reminded him about a certain sum of money that the renowned lord palatine Święca and his sons had expended at a time when the prince of Pomerania was destitute and they had governed the whole land themselves. When duke Władysław refused to pay this to them, they and many other knights called in the Margrave of Brandenburg, lord Waldemar, to take over the duchy of Pomerania.[156]

Yet, despite the prevalence of this story in two of the major narrative sources from this period, less than ten witnesses remember that Władysław's rule in Poland was not as ideal as his lawyers would have us believe, pointing out that at least part of the reason for the Knights' presence in Pomerania was due to internal dissent within the duchy.[157] None of them, except for Bishop Jan of Poznań, gave much historical background for the reasons for the rebellion of either the Święca family or the Gdańsk burghers, and in fact, these two rebellions are usually lumped in together, even though the motivations of these two parties were very different. It appears that neither the judges nor the lawyers nor the witnesses were very interested in the motivations for these rebellions. Also, despite the important role ethnicity played in the reasoning for the Gdańsk massacre, not a single one of these witnesses mentions ethnicity as a key factor in the rebellion of the Gdańsk burghers and the

[156] *Chronica Olivensis*, MPH VI, 318: "Postquam autem disposuerat de municionibus terre pro sue beneplacito voluntatis, cum Kracoviam redire vellet, monuerunt eum pro quadam peccunie summa, quam expenderant, dominus Swencza palatinus et filii eius memorati medio tempore, quo Pomerania principe destituta erat, et ipsi terram gubernaverant universam, quam cum dominus dux Wladislaus eis solvere recusaret, ipsis cum aliis pluribus militibus marchionem de Brandeburg dominum Woldimirum ad suscipiendum ducatum Pomeranie vocaverunt…."

[157] Lites I (2), 150, 158, 191, 278, 305, 373, 380, 383, 389.

Święca family, even though the rebellious burghers were Germans and the Święca family certainly had an affinity both for the lordship of the margraves and the use of the German language, in which they had written the letter of their acceptance of the margraves' lordship.[158] Yet, despite these omissions, the witnesses were still uniform in their condemnation of these revolts. These rebels were part of the Kingdom of Poland, and so their opposition to Władysław's rule was wrong.

Some Polish scholars, however have presented a more balanced approach to the Święcas. Józef Spors, for example, argues that the "treason" of the Świecas (which he consistently puts in quotation marks) was a result of a number of factors, and should be seen neither as simply a private dispute between this family and Władysław nor as a borderland family shopping around for the best deal from one of the surrounding rulers. He points out that in refusing to acknowledge the service done by Piotr Święca – who ruled Pomerania after the end of Czech rule and prevented Brandenburg's takeover of Pomerania at this time – depriving him of his office and incomes, and forcing him to repay the Bishop of Kujawy for the sums he had sequestered during this period of anarchy in Pomerania, Władysław had forced Piotr's hand. Although Piotr had collaborated with the Czech representatives in Pomerania, he had done homage to Władysław and accepted him as lord of Pomerania as the witnesses themselves remember. It was only after what he viewed as his lord's breach of faith in telling him to repay the Bishop of Kujawy for revenues taken to govern the land (something that Bogusza told his

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brother-in-law, Bishop Jan of Poznań, that Władysław had in fact told Bogusza to do) that Piotr felt entitled to look for a new lord of Pomerania.[159]

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In the end, both the procurators and the judges (despite the filter provided by John XXII's letter appealing to the past relationship between the Duchy of Pomerania and the Kingdom of Poland, as well as between Władysław's family and the Teutonic Knights)[160] seemed more concerned with the events of 1308/9 than with their historical background. They neglected not only to go back into the deeper past, but also to even go back into the past immediately preceding the conquest, other than to establish that Władysław at some time exercised temporal lordship in the land by appointing officials, collecting revenues, and receiving loyalty oaths from the inhabitants of Pomerania. As a result, only a handful of the witnesses addressed what the Knights were doing in Pomerania in the first place, and for the most part, these are the few eyewitnesses to the events. Although the memory of the "Gdańsk massacre" made its way into the social memory of the Kingdom of Poland, the events surrounding the Knights' arrival in Pomerania, as well as the six years of Czech rule in between Władysław's rule, remained simply potential memories, buried under newly created memories of a synchronous Kingdom of Poland, of which a Duchy of Pomerania ruled by Polish rather than

[159] Józef Spors, "Rola polityczna Święców w końcu XIII i początku XIV w.," *Roczniki Historyczne* 46 (1980), 17-38; for more on the role of this family in Pomeranian politics, see Śliwiński, *Pomorze*, 85-130; Morré, 35-85.

[160] This letter was part of the definitive sentence from the first trial, which was the only written evidence submitted by Kazimierz. Lites I (2), 123-31; the witness testimonies from the first trial were destroyed during the Knights' invasion of Poland in 1331. [Helena Chłopocka, "O protokołach procesów polsko-krzyżackich w XIV i XV wieku," in *Venerabiles, nobiles et honesti*, ed. Andrzej Radzimiński, et al. (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1997), 242.

Pomeranian dukes, was an integral part. I will develop these themes in more detail in the next chapter. For now, by way of a conclusion, I would like to present a brief excursus on medieval and modern explanations for the Knights' conquest of Pomerania.

Conclusion: Medieval and Modern Explanations for the Gdańsk Massacre and the Conquest of Pomerania

Much ink has been spilled in an attempt to recreate the events of 13 November 1308. Both Polish and German historians have traditionally approached the Gdańsk massacre by trying to establish what actually happened. When exactly did the massacre take place? How much of the town was actually destroyed? Exactly how many people were killed?[161] These are certainly important questions, but as we have demonstrated above, because numerous (and often conflicting) narratives emerged during the three decades between the conquest of Gdańsk and the second trial, such attempts have often resulted in little more than privileging some narratives to the exclusion of others in an attempt to make educated guesses about the extent of the violence inflicted upon Gdańsk.

In recent years, however, some scholars have turned their attention to why the Knights attacked the city in the first place, a question which seemed to have been of little concern to the lawyers, judges, or witnesses in either one of the trials. While some witnesses do remember why the Knights were asked to defend Gdańsk, very few of them explain why they turned on Władysław's administrators and conquered Pomerania. Late nineteenth- and early

[161] For the various historiographical disputes, see Śliwiński, *Pomorze*, 403-32.

twentieth-century Polish and German scholars, examining modern maps rather than the political situation at that time, and influenced by the recent memory of the unification of Germany and its dismemberment after the First World War, argued that it was only natural that the *Ordensstaat* would want to be united with Germany.[162] These scholars simply take for granted that a territoriality based on ethnicity is what matters most. This idea, however, of Pomerania as a "landbridge" to Germany displays a cartographic conception of geopolitics that would have been incomprehensible in the middle ages. First, Germany was not a centralized state in the middle ages; it was divided by numerous political, cultural, linguistic, and legal differences. Second, Pomerania connected the Teutonic Knights' possessions with the Mark of Brandenburg. The fact that the Knights had just driven the margraves out of Gdańsk, and that they sought out the margraves to legitimize their possession of Pomerania only after Władysław refused to do so seems to have been forgotten. Simply put, people in the early fourteenth century did not share the same geopolitical and ethnographic cartography as those in the late nineteenth and early twentieth centuries.

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[162] The originator (or at least chief propagator) of this landbridge to German theory was Heinrich von Treitschke in his popular, *Das deutsche Ordensland Preussen* (1862): "As the land passed increasingly under cultivation, the Vistula ceased to be a natural frontier, and the young colony could not maintain itself in default of direct communication with the strong root of its power – with Germany." [Translated by Eden and Cedar Paul as *Treitschke's Origins of Prussianism (The Teutonic Knights*) (London: Allen and Unwin, 1942), 58.] German historians, like Walter Friedrich, followed his lead with some modifications: Wir haben also die Eroberung Pommerellens als einen Akt der Notwendigkeit, als ein Lebensbedürfnis des jungen Ordensstaats anzusehen und nicht als ein Kennzeichen 'der ruhelosen Natur dieses Militärstaats.'" [Walter Friedrich, *Der Deutsche Ritterorden und die Kurie in den Jahren 1300-1330*. Königsberg: Otto Kümmel, 1915), 83] Poles also employed this territorial logic of "Germandom." For example, see Czaplewski's comments: "The Teutonic Knights were by no means satisfied with this acquisition. Their political-conquest desires were directed not only into the interior of Prussia and towards the Baltic, but also beyond the Vistula in the goal of forming a bridge through Pomerania linking the Empire and Prussia." Paweł Czaplewski, "Co posiadali Krzyżacy na Pomorzu przed jego zajęciem w roku 1308/9?" *Zapiski Historyczne* 10 (1936), 273.

So why did the Knights conquer Pomerania, if not as a landbridge to Germany? In 1965 Henryk Samsonowicz presented a new theory, which shifted focus away from geopolitics towards the economic motivations for the conquest. [163] His arguments were based upon the conclusions of recent archeological excavations in Gdańsk, which suggested that the main economic centers in the town (i.e. the German settlements) had been the target of the Knights' destruction. When the Knights established the first towns in their lands – Chełmno and Toruń – they granted these towns rights according to what would come to be known as "Chełmno law."[164] This system of law allowed the state to control the towns to a much greater extent than the system of law promoted by the merchants from Lübeck. Lübeck merchants secured greater privileges from the lords of the regions in which the towns were located, because of the collective bargaining strength of their colonists across the Baltic littoral. They had tried to found a town, Elbląg, in the *Ordensstaat* in the 1230s and 1240s, but the Knights forced these merchants to accept many restrictions on the traditional rights of the Lübeck law towns.[165] When the town finally received its location charter in 1246, the following provision was made:

> whatever is against God and our house, the city and the land, is thoroughly excluded; in place of this, following the counsel of the brothers and the citizens and other distinguished men, something

[163] Henryk Samsonowicz, "Tło gospodarcze wydarzeń 1308 roku na Pomorzu Gdańskim," *Przegląd Historyczny* 56 (1965), 202-19.

[164] Edwin Rozenkranz, "Układ Toruński z 1233 roku oraz jego Rozszerzona Wersja Chełmińska z 1251 roku," *Rocznik Gdański* 49 (1989), 165-74.

[165] See chapter 1 and Edwin Rozenkranz, "Prawo Lubeckie w Elblągu od XIII do XVI wieku," *Rocznik Gdański* 51 (1991), 5-35.

different will be established which seems to be expedient for our house and the land and the city.[166]

The fact that the Lübeck colony in Gdańsk possessed rights that the Teutonic Knights regarded as "against God and our house" might have contributed to both the animosity between the burghers and the Knights and the destruction of part of the town, both recorded by the Abbot of Oliwa.

Józef Spors, while acknowledging the economic rivalry between Gdańsk and the Teutonic Knights' own towns, points out that there were still important political motivations for the Knights' destruction of the town.[167] The Knights did not choose to destroy the town just because of the pro-Brandenburg orientation of the burghers or because of the rights the burghers held according to Lübeck law.[168] These two factors might have played a role in the violence committed against the burghers on 13 November 1308, but they do not explain the further destruction of Gdańsk which took place in 1309, in which, according to the Oliwa Chronicle, "the Teutonic Knights, wanting to humiliate the proud city, completely destroyed the fortifications of the city…."[169] Spors argues that the motivation for this second act was based on the Knights' insecurity in their possession of Pomerania.[170] They destroyed

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[166] "...quicquid sit contra deum et domum nostram, civitatem et terram, penitus sit exclusum; loco cuius secundum fratrum consilium et civium et aliorum consilium discretorum statuetur aliud, quod domui nostre et terre et sivitati visum fuerit expedire." [PrUB I/1 #181; Rozenkranz, "Prawo," 13.]

[167] Józef Spors, "Motywy polityczne represji krzyżackich wobec miast pomorskich na prawie lubeckim w 1308 roku," in *Balticum: Studia z dziejów polityki, gospodarki i kultury XII-XVII wieku ofiarowane Marianowi Biskupowi w siedemdziesiątą rocznicę urodzin*, ed. Zenon Hubert Nowak (Toruń: Wydawnictwo Towarzystwa Naukowego w Toruniu, 1992), 291-300.

[168] Spors draws attention to the fact that in 1301 the Knights promised to preserve the rights of the town if it ever came under their rule. [Spors, "Motywy," 296; PrUB I/2 #762]

[169] See above, n. 139.

[170] Spors, "Motywy," 298-9.

the town's fortifications because they wanted to return a weakened urban center to Władysław. A similar fate was also proposed for Gdańsk's economic rival (and fellow Lübeck law town) in Pomerania – Tczew (Dirschau in German) – which surrendered to the Knights immediately after the conquest of Gdańsk. There seems to have been some lasting hard feelings between the Knights and the burghers of Tczew, however. On 6 February 1309 the "mayor, counselors, and all the inhabitants in Tczew" witnessed the drafting of a document in which they promised that

> …on account of the great harm and very many wrongs, which were discerned by us to have been inflicted upon the religious and honorable lords, the master and brothers of the holy Order of the German House in Prussia, in that damaging and wretched discord, which alas endured for a long time between us and them, all our resources in goods and possessions are in every way insufficient to satisfy the debt. Therefore, by the authority of those present and having given faith [i.e. swearing an oath], we collectively commit ourselves that immediately after the feast of Pentecost in the coming year we will as a community leave the said town of Tczew, with the intention of never at any time living in the said town or land of Pomerania or returning there, except by the grace and with the express license of the said master and brothers, on condition free to go across to other provinces and boundaries, cities, villages, and towns of the said brothers.[171]

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[171] PIUB #668: "Nos magister consulum, consules ac universitas opidanorum in Dirsovia…propter dampna gravia et inurias plurimas, que religiosis et honorabilibus dominis magistro et fratribus ordinis sacre domus Theutunice in Pruscya in illa dampnosa et miserabili discordia, que inter eos et nos heu longo tempore perduravit, dinoscimur intulisse, omnes facultates rerum et possessionem nostrarum ad satisfactionem debitam non sufficient quoquo modo. Auctoritate igitur presentium et fide data nos universaliter constringimus, quod

Through the writing of this document, the Knights sought to preserve the guilt of the Tczew burghers for the fate that befell their city, i.e. they brought this upon themselves for the crimes of their town. The fact that the Knights chose to tell this story of vengeance, rather than the one they told in 1310 about Gdańsk (i.e. that the Knights had not punished the town, but rather the burghers had chosen to leave their town for reasons that escaped the Knights) perhaps owes to the fact that the conquest of Tczew was relatively peaceful. As there was no story comparable to the "Gdańsk massacre," they could present themselves as in the right, because there was no "*publica vox et fama*" to speak otherwise. However, after negotiations with Władysław broke down a few months later and the Knights successfully conquered the rest of Pomerania and purchased the rights to Pomerania from the Margraves of Brandenburg, they began to feel more confident in their possession of Pomerania, and so they abandoned their policy of the destruction and depopulation of the Pomeranian towns.[172] The population of Tczew remained in place, and Gdańsk slowly began to rebuild. The proud burghers depicted in the Oliwa Chronicle had been sufficiently humbled.

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immediate post festum penthecostes hoc anno futurum de opido Dirsovie communiter recedemus nullo unquam tempore intencione morandi in eis ad dictum opidum vel terram Pomeranie redituri, nisi de dictorum magistri et fratrum gracia et licencia speciali, ita tamen, quod ad provincias alias et dictorum fratrum terminus, civitates, villas et opida nobis sit liberum nos transferre."

[172] Spors, "Motywy," 297-300.

In the end we can conclude that the story told by the Archbishop of Riga about the murder of 10,000 people in Gdańsk had a limited circulation. Although the story spread, and through the various iterations of its retelling acquired more details, no one again argued that so many people had been killed. Yet, the consensus among the witnesses in 1312, 1320, and 1339 was that no matter how many people had been killed, there was indeed a "massacre." The explanation for why this was a massacre changed over time, though.

The witnesses in 1320 told stories of the enormity of the Knights' crimes similar to the Archbishop of Riga's claims that the victims included children crying in their cribs, including the killing men seeking sanctuary in churches and the killing of entire families. The prime marker of the identities of the victims of these crimes, however, was their Christianity. Yet, as the stories evolved further in the 1339 trials the victims of the massacre became Władysław's representatives in Pomerania. In addition, although only among the minority of the witnesses, a discourse of betrayal emerged in the witnesses' testimonies. Poland had been betrayed both by the Knights and also the Święca family.

The further people were in time from the events of 13 November 1308, the less striking these memories became. The emphasis was less on the particular suffering of the people of Gdańsk or Pomerania than on fitting this narrative into the larger sufferings of the struggles between Poland and the *Ordensstaat*. At the same time, narratives of betrayal emerged which were absent from the earlier social memory. The Święcas (and to a lesser extent the Knights) become traitors, while the earlier rejection of Władysław by his subjects was forgotten by all but a couple of witnesses. Władysław had come

to be remembered as the legitimate lord of a Kingdom of Poland which did not in fact exist at the time of the Knights' conquest of Pomerania. In addition, the Pomeranians had become Poles, and the story of their suffering was linked to the story of the suffering of the whole Polish people, meaning that it was no longer exceptional. In the minds of the witnesses in the 1339 trial, such violence had become the norm in the recent memory of relations between Poland and the Teutonic Knights.

Certainly by locating the Gdańsk massacre within the context of an invented century-long conflict between the Teutonic *Ordensstaat* and a Kingdom of Poland which did not actually exist in the thirteenth century, the royal procurators changed the terms of the dispute, burying the memories of earlier cooperation between the Knights and King Kazimierz's ancestors as well as Poland's and the Knights' shared mission of serving as bulwarks of Christendom. Yet, as the Teutonic Knights made the transformation from a translocal religious organization into a territorial state in the years between the conquest of Pomerania and the 1339 trial, it became increasingly difficult for them to maintain a purely religious identity. When peace was finally made in 1343, the Knights were granted Pomerania, not as the pious donation suggested by the arbiters in 1335, but rather simply as a means of making peace between two warring states. The common crusading culture of the Knights and Kazimierz's family had been replaced by an environment of heightened ethno-political violence in which the Gdańsk massacre had become nothing more than a footnote in a conventionalized history of eternal enmity between these two states.

CHAPTER FIVE

CONCEPTUALIZING KINGSHIP: FROM THE BETTER RIGHT TO ROYAL RIGHTS AND THE POLONIZATION OF POMERANIAN HISTORY

Until relatively recently both Polish and German scholars approached the issue of Poland's and the Teutonic Knights' rights to Pomerania along nationalistic lines.[1] The reasons for this depended upon both the intellectual and the political currents of the late nineteenth and early twentieth centuries. First, the formation of a united Germany and the reemergence of Polish nationalism coincided with the creation of "scientific" historiography in the nineteenth century.[2] Second, Pomerania once again became a contested borderland during the early twentieth century, when this land made up the area of the free city of Gdańsk and most of the "Polish Corridor" that divided Germany during the interwar years. As a result, a historiographical conflict developed in which both sides scoured the archives to prove the historical validity of their claims to this land. While this conflict widened our textual knowledge of thirteenth- and fourteenth-century Pomeranian history, it also obfuscated our understanding of these texts by viewing the medieval documents through the lens of the late nineteenth- and early twentieth-century conflicts. Polish and German scholars appeared as modern advocates of their respective states' "historical rights" to this land, employing documents which

[1] For an analysis of German nationalists' appropriation of the history of the Teutonic Knights, see Michael Burleigh, "The Knights, Nationalists, and the Historians: Images of Medieval Prussia from the Enlightenment to 1945," *European History Quarterly* 17 (1987), 35-55.

[2] This was by no means limited to modern Polish-German historiographical disputes. Patrick J. Geary analyzes the employment of history and philology as tools of nationalism in *The Myth of Nations: The Medieval Origins of Europe* (Princeton and Oxford: Princeton University Press, 2002).

had either been unavailable to or deemed unimportant by fourteenth-century litigants to "prove" their cases for their medieval compatriots. Assuming that the medieval disputants had the same "perfect knowledge" of the past that they did, these modern historians accused the other side of presenting deliberately mendacious or tendentious arguments and inventing histories which bore no relation to history *wie es eigentlich gewesen*. In recent years, however, both Polish and German scholars have taken a more objective approach to this topic, and the following analysis will build upon the contributions of these historians.

Yet, the fact that this historiographical dispute over Pomerania has lasted so long is also an indication of just how difficult this conflict was to judge in the middle ages. This was not simply a matter of the two sides spinning the facts to present the best possible case. This of course happened in the middle ages, just as it does today – there are (at least) two sides to every story. But, the two parties constructed their arguments from an imperfect history of the past. There was some selection inherent in the process of writing an accusation and a defense, but there was also an earlier stage of selection, a "natural selection" of the social memory. This "structural amnesia" buried the memories of some past events that no longer made sense in the present, while privileging other memories that might now seem irrelevant or insignificant to the modern historian.[3]

[3] As in the other chapters, I have relied primarily upon Matthew Innes' definitions of social memory and structural amnesia present in "Memory, Orality, and Literacy in an Early Medieval Society," *Past and Present* 158 (1998), 3-36. Innes defines social memory as "the shared views about the past ["beyond formal historiographical writing"] which inform the identity of a social group and thus act as a potent guide to action in the present." (5); he defines structural amnesia in oral tradition as "that which has no utility in terms of current social institutions, which cannot legitimate, explain, or educate, [and thus] is forgotten in a process of natural selection." (31)

These representations of the past included both written and oral histories, which were informed and transformed by each other. These memories were also influenced by the particular circumstances in which they were collected. The testimonies of the witnesses at the two trials were collected and written down within the framework of a particular political and legal discourse, as were the stories about the past collected and written down in chronicles. At the same time, these written accounts were retold and combined with new interpretations of the past to form new narratives. Even "official" histories in the forms of chronicles, charters, and court documents were malleable and subject both to the machinations of disputants and the structural amnesia of the social memories of the societies represented by the disputants.[4]

This chapter will explore how these memories of thirteenth-century Pomerania changed during the course of the early fourteenth century in response to the conflicts between the Teutonic Knights and Poland. In particular, I will examine the arguments advanced about the historical and political affiliation between Pomerania and the Kingdom of Poland. As the periods immediately after the conquest of Pomerania and between the two Polish-Teutonic Knights' trials have been analyzed in some detail in the previous two chapters, this chapter will focus on the arguments advanced in the 1320 and 1339 trials.

In addition to considering how the disputants changed their strategies of argumentation in the two trials to deal with changing political exigencies, I will

[4] Matthew Innes convincingly argues that medieval writings were "soft texts." They were malleable within the context of reading, listening, and copying, as opposed to modern editing, which imposes one master text from the various editions. [Innes, "Memory," 14]

also explore how these political narratives fit into the narratives constructed by smaller social groups, especially the family histories of the dukes of Kujawy (who were descendants of the Pomeranian ducal dynasty) and the secular and regular religious communities who held lands in Pomerania, particularly the Bishop of Kujawy and the Cistercians at Oliwa. By exploring these "nested identities,"[5] we can better examine the extent to which the witnesses bought into the royal lawyers' views of history, territoriality, and sovereignty, and to what extent the witnesses took these arguments and made them their own.

Legitimate Lordship and the "Better Right" to Pomerania: Competing Claims of Succession in the Years between the Conquest of Pomerania in 1308/9 and the Inowrocław-Brześć Trial in 1320/1

Before beginning my analysis of the trial records, it is first necessary to address the issue of the "better right" to Pomerania, which has dominated previous discussions of this issue.[6] While the Knights were trying to defend themselves in Avignon and Riga against accusations of perpetrating a massacre in Gdańsk, they were also trying to secure the rights to their conquests in Pomerania through negotiations with the two original competitors

[5] The process of group identity formation worked in both directions in the middle ages, as states tried both to carve a separate collective identity out of the broader concept of Christendom and to incorporate the collective identities of familial, secular, and religious communities into the state. For the concept of "nested identity" and analyses of how these processes work in the modern world, see Guntram H. Herb and David H. Kaplan, *Nested Identities: Nationalism, Territory, and Scale* (Lanham, MD: Rowan and Littlefield, 1999); Juan Díez Medrano and Paula Gutiérrez, "Nested Identities: National and European Identity in Spain," *Ethnic and Racial Studies* 24 (2001), 753-78.

[6] Almost all Polish scholars put the concept of the better right to Pomerania in quotation marks as an indication that they do not believe that the Margraves of Brandenburg actually did have any right (much less the better right) to Pomerania. I have observed the practice here because the modern historiographical disputes have done as much to influence our understanding of this conflict as the actual medieval disputes. As a result, I will address both of these disputes in this section.

for this land – Duke Władysław of Poland and the Margraves of Brandenburg. Traditional scholarship – both Polish and German – viewed the Teutonic Knights as foreign invaders, who were long desirous of the lands at the mouth of the Vistula and so used Władysław's appeal for aid as a pretext to realize their previously formulated goals of connecting their state with the Empire. There is little evidence, however, to support such claims. In 1301 (in a situation very similar to the one in 1308), King Václav II of Bohemia and Poland asked the Knights to help defend Gdańsk from an invading west Pomeranian duke. Gerard Labuda calls this assistance an "occupation," but he seems to be trying too hard to present this event as a precedent for the Knights' conquest of Gdańsk in 1308.[7] In fact, Labuda himself admits that Václav rewarded the Knights for their service with substantial possessions in Pomerania.[8] By the time Władysław asked for their assistance, the Knights already possessed vast estates in Pomerania and so had a vested interest in who had superior lordship over this land.[9] They also were well aware of the history of the land and knew that there were many people with at least some claim to this duchy after the death of Václav III in 1306.[10] If we look at the position of the Knights in this light, it could be argued that they set themselves up as armed mediators, or as judges demanding a fee for the resolution of the dispute between Władysław and the Margraves of Brandenburg. In addition,

[7] Labuda, HP I/1, 538.

[8] Labuda, HP I/1, 538; see also PlUB #634, which is a confirmation by Václav II's son, Václav III, of his father's grants to the Knights for their service.

[9] For the development of the Knights' acquisitions in Pomerania before the conquest, see Paweł Czaplewski, "Co posiadali Krzyżacy na Pomorzu przed jego zajęciem w r. 1308-1309?" *Zapiski Historyczne* 10 (1936), 273-87.

[10] See chapter 3 for an analysis of their negotiations with the various claimants to Pomerania.

there was also the matter of the expenses they had incurred guarding the town. As mentioned in the previous chapter, the fact that the Knights had previously been Władysław's *amici* was forgotten by most of the witnesses. Those who remembered, however, gave varying accounts as to how the Knights were to be rewarded for their assistance and whether this dispute over money was the cause or the result of the conquest of Gdańsk.[11] Instead of cynically viewing the Knights as opportunists seeking to legitimize their crimes by shopping around in an attempt to buy an indulgence from the lowest bidder, it might be worth considering, if only for a moment, that perhaps the Knights really did judge the margraves to have the "better right" (or at least rights equal to Władysław's) to Pomerania. Such a view has in fact been preserved in one early fourteenth-century Polish source – the Annals of the Poznań Chapter: "the Teutonic Knights, having guarded the castle of Gdańsk for a time, judging [Margrave] Waldemar to have the better right to it, bought the whole of the land of Pomerania right up to the boundaries of the land of Słupsk…."[12] The abbot of the Cistercian monastery at Oliwa, just outside of Gdańsk, also made similar arguments in the mid-fourteenth century.[13]

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[11] Cf. Lites I (2), 151, 158, 305, 379, 380, 389.

[12] *Roczniki Wielkopolskie*, MPH ns VI, 54: "…cruciferi servato castro pro tempore Gdanensi illud a Wolimiro estimantes eum melius ius habere et totam terram Pomeranie usque ad terminos terre Stolpensis emerunt…."

[13] *Chronica Olivensis*, MPH VI, 319: "…servato pro tempore castro Gdanensi, anno Domini MCCCIX a marchione Woldimiro, quem estimabant melius ius habere, totam terram Pomeranie usque ad terminos terre Stolpensis emerunt…." Incidentally, the Abbot of Oliwa also remembers Władysław as a man who did not pay his debts to those who helped him. As analyzed in the previous chapter, the abbot of Oliwa credits Władysław's refusal to repay the Święca family for their governance of Pomerania as the cause of their breaking their oath to Władysław and their decision to choose the Margraves of Brandenburg as the lords of Pomerania.

Only within the last few decades has enough time passed for the historiographical distance necessary to transcend the previously nationalistic analysis of this topic. Hartmut Boockmann, the leading German historian of the Teutonic Knights, published his definitive history of the Order in 1981 – *Der Deutsche Orden: Zwölf Kapitel aus seiner Geschichte*.[14] In this work he points out the limitations of both nationalistic historiographical traditions, explaining that modern historians have wasted their time trying to make the case for one side or the other:

> Der Markgraf von Brandenburg hat Rechte auf Pommerellen, Polen hat sie ebenfalls. Die Frage, welches das bessere Recht gewesen ist, wäre naiv und jedenfalls nicht mit Sicherheit zu beantworten.[15]

Instead of acting as a modern advocate, arguing one side or the other in an attempt to prove the veracity of either side's claims, he instead points out that both parties had legitimate claims to Pomerania, and they presented their arguments in the best possible light. Although this might not seem like such a revolutionary statement, none of Boockmann's predecessors – Polish or German – distanced themselves enough from the subject matter to consider this seemingly simple idea. Recently Błażej Śliwiński, in what should be considered the definitive book on the history of Pomerania at the turn of the fourteenth century,[16] incorporates Boockmann's arguments and posits a thesis that would have been anathema to an earlier generation of Polish scholars,

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[14] Hartmut Boockmann, *Der Deutsche Orden: Zwölf Kapitel aus seiner Geschichte* (München: Beck, 1981).

[15] Boockmann, *Deutsche*, 145-6.

[16] Błażej Śliwiński, *Pomorze Wschodnie w okresie rządów księcia polskiego Władysława Łokietka w latach 1306-1309* (Gdańsk: Muzeum Archeologiczne w Gdańsku, 2003).

who vehemently maintained that Pomerania had always been part of Poland. He argues that Władysław might have been aware that the Knights' claims to Pomerania could have been viewed by contemporaries as equal to if not better than his own, because "[he] did not administer the rights to East Pomerania by the right of inheritance from his ancestors or kinship with the extinct dynasty or bequests received from it or by earlier superior rights over the former local dukes."[17]

In any event, the issue this chapter seeks to explore is not who actually had the "better right" to Pomerania, but how the litigants tried to prove their rights and how these arguments changed over time. Nor is the purpose of this chapter to assay the historical evidence to determine relative levels of truthfulness in the two sides' arguments. Instead, it examines why the two disputants crafted their arguments in the ways that they did and how the arguments were consumed by their subjects, as well as interested parties in the international community.

The first two sections of this chapter contrast the argumentation from the 1320 and 1339 trials. The next two sections analyze two important themes in the testimonies – the issue of ethnicity and the omission of Bohemian rule in Poland. Finally, the last two sections examine smaller communities of witnesses to illustrate how the dispute over Pomerania functioned within their own sense of communal identity by forcing them to choose sides.

Contending Claims to Lordship in Pomerania in the 1320 Trial

As I have outlined in chapter three, the recovery of Pomerania was inexorably linked to Władysław's attempts to obtain the Polish crown. Bishop

[17] Śliwinski, *Pomorze*, 546.

Gerward of Kujawy, Władysław's legate in Avignon, secured both the bull for the trial and the mandate authorizing Władysław's coronation during the same legation to Avignon.[18] On 20 January 1320, in Kraków, Władysław was crowned King of Poland, and less than a month later, on 19 February, the trial against the Teutonic Knights commenced. One would think that these two events would be linked in the minds of the witnesses in this trial, but this was not the case. Instead, the witnesses judged that Władysław's recently acquired kingship had little to do with his claims to Pomerania, because he had exercised temporal jurisdiction of the land and was regarded by its inhabitants as their legitimate lord. He received fealty oaths, appointed administrators, collected revenues, and pronounced judgments. Yet, by 1339, the witnesses assembled by Władysław's son, Kazimierz, had come to think that kingship rather than lordship had everything to do with Kazimierz's rights to Pomerania. Władysław was even remembered as being king at the time of his possession of Pomerania, whereas the lawyers in the first trial had differentiated Władysław's period of ducal rule from his period of royal rule.[19] As a result, Kazimierz's (and by implication his late father's) rights to the Pomerania were the royal rights of the kings of Poland based on its historical place within a Kingdom of Poland that did not actually exist at that time. Although the 1320 trial should not be viewed backwards through the lens of

[18] Władysław Abraham, "Stanowisko kurii papieskiej wobec koronacji Łokietka," in *Księga pamiątkowa Uniwersytetu Lwowskiego ku uczczeniu pięćsetnej rocznicy fundayji Jagiellońskiej Uniwersytetu Krakowskiego* (Lwów: Nakładem Senatu Uniwersytetu Lwowskiego, 1900), 1-34.

[19] The first article of dispute submitted by Władysław's procurators makes this explicit: "We…, procurators of the illustrious prince, lord Władysław, King of Poland, intend to prove that this lord king, then being duke, possessed the land of Pomerania." [Nos…procuratores illustris principis domini Wladislai regis Polonie intendimus probare, quod ipse dominus rex tunc dux existens possidebat terram Pomoranie."] Lites I (2), 17 and Lites I (3), 22-3.

the 1339 trial, it is important to keep these changes in argumentation in mind as we analyze the earlier trial records, because the transformations of the Polish social memory within a generation is striking. Therefore, this section will lay the foundation for exploring how and why the narrative of dispute evolved from one of legitimate lordship to one of royal rights. It will also explore what this transformation tells us about the changing place of the Teutonic Knights and the dukes of Pomerania in the witnesses' recollections of the history of the Kingdom of Poland.

In his 1319 bull authorizing the trial, the Pope John XXII stated explicitly that Pomerania is part of the Kingdom of Poland.[20] At the end of the trial the royal procurators also justified Władysław's claims to Pomerania in similar terms in a restatement of their arguments, which the judges-delegate incorporate into their sentence.[21] The arguments that they had proposed at the beginning of the trial, however, and those that were put to the witnesses by the judges, completely omit any reference to Pomerania being part of the Kingdom of Poland. Instead, Władysław's lawyers present this dispute simply as the Knights' betrayal of the benefactors of their order. The papal bull authorizing the trial was written in response to a now lost petition by Władysław, but judging by the papal reply to this petition, Władysław framed the dispute in terms of the historical relationship between his family, as "dukes of Poland," and the Teutonic Knights, who repaid the kindness shown to them with treachery. This document makes it clear that in Władysław's mind the

[20] Lites I (3), 7: "…terra sua Pomoranie…que de regno Polonie fore dinoscitur…."

[21] Lites I (3), 74: "…idem dominus rex, tunc tamen adhunc dux existens, esset in possessione terre Pomoranie *que est pars regni Polonie*…. …*dampnum et magnum preiudicium et dimunicionem dicti regni*...." [emphasis mine]

Teutonic Knights very much existed within the framework of the Polish state. They had long been the recipients of benefices bestowed by the rulers of Poland, and they had been established in the Kingdom of Poland by a grant made by his grandfather, Duke Konrad of Mazovia. It appears that Władysław was attempting simply to normalize relations between a religious order and its patron, not to dispossess the Knights from the estates they already held in Pomerania or to exclude them from the bounds of the Kingdom of Poland.[22]

Although these relations would change by 1339 and Władysław's son, Kazimierz, would seek to recover the entirety of the Knights' possessions in historically Polish lands, invalidating the earlier grants made both by his family and by the dukes of Pomerania, in 1320 Władysław was simply attempting to recover his lordship over Pomerania, not to repossess lands that the Knights rightfully held there The only places mentioned in the articles are the places conquered by the Knights in 1308/9:

> We…, procurators of the illustrious prince, lord Władysław, King of Poland, intend to prove that this lord king, then being duke, possessed the land of Pomerania. Item the second intention, that the illustrious princes, lords Przemysł and Kazimierz, dukes of Kujawy, held and possessed the same land of Pomerania in the name of the king, then duke. Item, that the master and brothers of the House of St. Mary of the Germans expelled the said lord king from possession of the castle and city of Gdańsk. Item, that they expelled the same from the castle and city of Tczew. Item, that they expelled the said lords Przemysł and Kazimierz from possession of the castle and city in Świecie and the

[22] For a detailed analysis of this petition, see chapter 4.

> appurtenances of the same. Item, that concerning each and every one of these matters, there is public knowledge in those parts and elsewhere. Item that this is notorious in those parts and in neighboring places.[23]

These articles say nothing about the Knights' estates in Pomerania, particularly their main possessions centered on Gniew, which had been granted to them by Duke Mściwój of Pomerania in 1282. A few witnesses, however, did claim that the Knights seized Gniew from Władysław, but this mistaken memory probably owes its existence to these men trying to get the details of their story straight beforehand rather than to any deeply held conviction that every bit of land the Knights held had been illegally appropriated.[24] The 1339 articles would take a more expansive view of the King of Poland's rights in Pomerania, and the witnesses' testimonies would follow suit, but there is no evidence of this in 1320.

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[23] Lites I (2), 17: "Nos…procuratores illustris principis domini Wladislai regis Polonie intendimus probare, quod ipse dominus rex tunc dux existens possidebat terram Pomoranie. Item secunda intencio, quod illustres principes domini Primislius et Kasimirus duces Cuyauie tenebant et possidebant eandem terram Pomoranie nomine regis tunc ducis. Item quod magister et fratres domus s. marie Theutonicorum eiecerunt dictum dominum regem de possessione castri et civitatis Gdanczk. Item quod eundem eiecerunt de possessione castri et civitatis in Trschow. Item quod eiecerunt dictos dominos Primislium et Kasimirum de possessione castri et civitatis in Swecze et pertinenciarum eorundem. Item quod de his omnibus et singulis in partibus illis et alibi est publica vox et fama. Item quod hoc in partibus illis et vicinis est notorium.

[24] Lites I (3), witnesses 11-14: Count Piotr Drogosławic, Judge of Poznań (38), Count Tomasz, Palatine (Wojewoda) of Sandomierz (38), Judge Michał of Sandomierz (39), and Wincenty Bożydar , a Knight of (Great) Poland (40). The fact that these witnesses testified one after another leads one to wonder whether to attribute this shared error to the witnesses overhearing each others' testimonies. Although according to canon law the witnesses were supposed to be examined separately, this did not prevent them from sharing their recollections either on the journey to give their depositions or while they were waiting to do so. Robert Bartlett has identified similar occurrences of witnesses "comparing notes" in a trial in early fourteenth-century Britain. [Robert Bartlett, *The Hanged Man: A Story of Miracle, Memory, and Colonialism in the Middle Ages* (Princeton and Oxford: Princeton University Press, 2004), 31-32]

The witnesses in 1320 do, however, demonstrate an interest in the history of Pomerania before the events outlined in the articles. Although the articles say nothing about the historical relationship between the Duchy of Pomerania and the Kingdom of Poland or about how Władysław came into possession of the land, some of the witnesses felt the need to historicize their responses to the first article without any prompting from the judges. Bishop Gerward of Kujawy states that "for so great a time, of which memory does not exist […] the predecessors of the same lord king, that is lord Przemysł, formerly King of Poland, and the other princes of Poland were similarly in possession of the said land."[25] Although Gerward's political memory ends with Przemysł, other witnesses looked further into the past, and thereby transformed Duke Mściwój (a descendant of Pomeranian nobles and not the royal Piast dynasty of Poland), who had been commemorated in thirteenth-century chronicles as an enemy not only of Poland but of Christendom in general,[26] into a loyal "Duke of Poland." Bishop Florian of Płock testified that "King Przemysł and before him Duke Mściwój and other dukes of Poland possessed the land of Pomerania,"[27] but he did not know when Władysław came to possess the land, other than it was immediately after Przemysł's death.[28]

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[25] Lites I (3), 25: "…tanto tempore, cuius memoria non existit […] predecessores ipsius domini regis, utpote dominus Primislius, quondam rex Polonie, et alii principes Polonie fuerint similiter in possessione dicte terre."

[26] See chapters 1 and 2.

[27] Lites I (3), 26-7: "…rex Primislius et ante eum dux Myschyngius et alii duces Polonie terram Pomoranie…possederunt….terram Pomeranie…."

[28] Lites I (3), 27: "Asked concerning the year, he responded: 'I don't remember, but I know that immediately after the death of King Przemysł, he immediately succeeded him in the said land.' Asked about the month, he responded: 'I don't remember the month and the day when he succeeded.'" [Interrogatus de anno, respondit, quod "non recordor, sed scio, quod statim post

Yet, despite the fact that there had been nothing in the articles about the succession, and the judges had not identified this as a key point when they wrote their examination questions,[29] by the time they reached the sixth witness the judges started asking about this information if the witnesses did not offer it on their own. It is unclear why they decided to ask this of the sixth witness, because the previous four witnesses had said nothing about the succession, and they did not consistently asked the remaining witnesses about this subject.[30] I will attempt to explain this inconsistency in the judges' questions below. For now, let us examine the testimonies of the few witnesses who were asked about this topic.

The Provost of Inowrocław responded that Władysław was preceded by Mściwój and Przemysł,[31] while the Deacon of Inowrocław gave a vague response: "I heard that other princes of Poland possessed the aforesaid land of Pomerania."[32] The next witness, however, a Pomeranian knight named Żyra, gave a quite detailed explanation:

> Asked which other princes held the same duchy, he said that the lord Duke Mściwój possessed that land right up to his death, and in death he designated the aforesaid lord, King Władysław, as heir to the land of Pomerania. But lord Przemysł, King of Poland, obtained possession of

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mortem Regis Primislii successit sibi immediate in dicta terra." Interrogatus de mense, respondit, quod "de mense et die non recordor, quando successit."]

[29] Lites I (3), 23-4.

[30] After the eighth witness, the only other witness they asked was the twenty-first, and none of the other witnesses volunteered any information about the succession besides the twenty-fifth.

[31] Lites I (3), 31: "Interrogatus, an predecessores sui fuerunt in possessione, respondit, quod dux Myschyngius et postmodum rex Primislius, cui successit rex, tunc dux, Wladislaus."

[32] Lites I (3), 32: "audivi, quod et alii principes Polonie possederunt terram Pomoranie predictam."

> the aforesaid land. After he died, the aforementioned lord King Władysław, then duke, succeeding the lord King Przemysł in the Kingdom of Poland, obtained the aforesaid duchy both by the succession to the kingdom and by the aforesaid arrangement.[33]

This testimony appears at first glace to be a strong statement in favor of royal rights, particularly the principle of devolution, as it superceded any promises made by Mściwój. If we examine this statement carefully, however, we see that Żyra does not actually explain how Przemysł came to possess Pomerania. Besides, it seems very unlikely that a simple knight would posit such a statist theory. Rather, although his memory is mistaken in its details, this is an accurate depiction of the situation in late thirteenth-century Poland, in which the testaments of dukes were seldom realized. Yet, as illuminating as these testimonies are about the various memories of the past circulating in Poland at this time, it should be underscored that the witnesses who actually talked about Władysław's succession were in the minority.

Wiesław Sieradzan believes the reason nearly three-quarters of the witnesses did not talk about the succession is that this issue was not really of interest to the judges.[34] A number of reasons work against this reading. First, nearly half the witnesses who did offer this information did so without any prompting from the judges. Second, the whole basis of the Knights' claim was that they had legitimately purchased the rights to Pomerania from lords whose

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[33] Lites I (3), 34: "Interrogatus, qui alii principes tenuerunt eundem ducatum, dixit, quod dominus Myschingius dux illam terram possedit usque ad mortem et in morte prefatum Wladislaum regem heredem instituit terre Pomoranie. Sed dominus Primislius rex Polonie possessionem obtinuit terre prefate. Quo mortuo pretactus dominus Wladislaus rex, tunc dux, succedens domino Primislio regi in regno Polonie, predictum ducatum obtinuit tam ex successione regni, quam eciam ex institutione predicta."

[34] Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1993), 42.

rights to the land ran through the same authorities as Władysław – Mściwój and Przemysł – but then bifurcated following Władysław's exile and Václav II's coronation as King of Poland in 1300. As the Knights' procurator explains:

> …the lord king complains that the master and brothers of the German House robbed him of his land of Pomerania, but it will be proved more clearly than by the midday light before the lord pope or some competent judge how that land was neither his nor his father's nor his grandfather's nor his great-grandfather's, but after the death of lord Mściwój devolved by just title to the King of Bohemia and finally to the Margraves of Brandenburg and from them to the brothers….[35]

Even though the Knights' procurator argued this point explicitly only after all of the testimonies had already been submitted, the judges must have been aware that the issue of succession would be important in any appeals to the pope. And, if the three Polish judges were really acting as Władysław's agents, as the Knights accused them of being,[36] then surely they would have wanted to show the pope how Władysław came to possess Pomerania. Perhaps, however, they realized that any discussion of Władysław's succession to the land would be detrimental both because his ancestors did

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[35] Lites I (3), 65: "…conqueratur dominus rex, quod magister domus Theutonice et fratres spoliaverunt eum terra sua Pomoranie, nam probabitur luce meridiana clarius coram domino papa vel quovis iudice competenti, quomodo terra illa nec sua nec patris sui nec avi nec proavi sui fuit, sed post mortem domini Mestwini ad regem Bohemie et tandem ad marchionem Brandenburgensem et ab illis ad fratres tytulo iusto devenit…."

[36] Siegfried asked the judges to recuse themselves because Wladyslaw is their temporal lord, and all of their temporal possessions, and their churches are located in his dominion, and as a result of which they would favor him (…vester dominus in temporalibus et omnia bona vestra temporalia et ipse eccesie vestre in suo dominio et districtu sint sita, et ob hoc nimis sitis faventes eidem.…). In addition, Siegfried singles out the Archbishop in particular, because he had been one of Władysław's temporal administrators and was a member of the king's council (fuistis balivus et capitaneus terre sue Kalisiensis et estis de familiari consilio suo). Lites I (3), 63.

not possess Pomerania (as the Knights pointed out) and because his exile from Poland due to his poor governance had created a viable contending line of legitimate succession. After all, the pope was still not sure in the year before the trial if he should install Władysław in the royal office over the contending claims of the King of Bohemia to the Polish crown. It is remarkable that not a single one of the witnesses mentioned the six years of Bohemian rule in Poland between Władysław's reigns. The issue of whether the six years of Bohemian rule was simply forgotten or deliberately concealed will be addressed below. First, the 1339 trial needs to be analyzed.

Renegotiating the Terms of the Dispute in 1339: The Location of the Duchy of Pomerania within and the Removal of the Teutonic Knights from the Boundaries and History of the Kingdom of Poland

Although both sides had made an appeal to history in the first trial to prove the veracity of their claims (with Władysław arguing that his family had been the patrons of the Knights for generations, and the Knights countering that Władysław had no right to Pomerania because none of his ancestors had possessed it) by 1339 the appeals to history had taken on a new dimension. The litigants no longer presented family history as the main defense of their claims. Instead, a history of the state emerged in which each side attempted to incorporate the Duchy of Pomerania within its own narrative of state-formation. Yet, the two disputants approached this issue in entirely different ways.

As in the first trial, the extent of the Knights' participation in 1339 was simply to register a complaint about the proceedings. The arguments they used are revealing. The 1320 appeal had explained how the Knights had

acquired their rights to Pomerania and why Władysław's ancestors did not have any rights to this land; in 1339 they appealed only to the history of the last decade. The Knights' procurator explained how Władysław and Kazimierz had attacked the Knights' lands "according to the counsel, assent, and mandate" [*de consilio, assensu et mandato*] of Archbishop Janisław (the judge in 1320 and the co-plaintiff in 1339).[37] To make matters even worse, they did so with pagan auxiliaries while the Knights were on crusade [*causa peregrinando*] with King John of Bohemia.[38] Yet, this narrative did not really have any bearing on Kazimierz's claims. Rather, it was intended merely to defame the king, just as in the Knights' opinion Kazimierz had impugned their reputation by bringing this lawsuit in the first place.[39] For his defense of the Knights' rights to Pomerania their lawyer moved the narrative along to the 1335 arbitrations conducted by the kings of Hungary and Bohemia. He reoriented the dispute away from its 1320 parameters of being between the Knights and their benefactors, and instead argued that the dispute was not just between the Knights and the king and archbishop, but also involved "their subjects, the inhabitants of the Kingdom of Poland."[40] He has appropriated Kazimierz's statist language for his own purposes. All subjects of the Kingdom of Poland were now complicit in their king's calumny, because Kazimierz had recognized the Knights' rights to Pomerania not only in his own name, but also

[37] Lites I (2), 90.

[38] Lites I (2), 90.

[39] Lites I (2), 91: "…in detraccionem fame magistri et fratrum et Ordinis…."

[40] Lites I (2), 90: "…dissensio et controversia inter dictum regem Polonie et archiepiscopum Gneznensem ac subditos eorum, incolas regni Polonie, ex una, dominosque meos magistrum et fratres Ordinis supradicti, parte ex altera…."

in the name of his successors and subjects.[41] There was no reason to go back further into the past to explain how the Knights had acquired Pomerania, because "King Kazimierz of Poland physically discharged an oath in the presence of a plentiful multitude…" actuating a version of history that buried all pervious versions.[42] He did not find it necessary to mention that neither side had actually followed through on their promises from four years earlier, because this did not matter to the Knights. The history of Pomerania's relationship with Poland ended in 1335, and all the judges were doing by allowing witnesses to testify was "open[ing] the way for perjuries,"[43] because memories of events before Kazimierz's oath were now invalidated.[44]

Kazimierz's lawyer, however, took the opposite tack, basing his lord's claims to Pomerania on the very distant past – time immemorial. The fact that his father had held Pomerania for a few years did not matter as much as the fact that Pomerania was part of the ancient Kingdom of Poland and therefore could not be alienated from the present kingdom. This is apparent in the first of the five Pomeranian articles of dispute:

> Similarly he intends to prove that the duchy and land of Pomerania with all the territories and districts situated and located within it, namely

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[41] Lites I (2), 91: "…pro se et successoribus suis et incolis regni sui…."

[42] Lites I (2), 91: "…Kazimierz rex Polonie corporale prestitit iuramentum in presencia multitudinis copiose…."

[43] Lites I (2), 91: "…viam vultis [iudices] periuriis aperire…."

[44] The Knights' procurator undoubtedly would have agreed with an eleventh-century monk's pointed remark directed against his brothers for criticizing his editing of the vita of his monastery's patron saint: "Not only is it proper for the new to change the old, but even, if the old is disordered, it should be entirely thrown away, or if it conforms to the proper order of things but is of less use, it should be buried with reverence." Patrick J. Geary, "*Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994), 165-6.

> Gdańsk, Świecie, Słupsk, Tczew, Starogard, and Gniew, and also the other towns, castles and villages located within the duchy of Pomerania, is situated within the aforesaid Kingdom of Poland and has belonged to the same kingdom since antiquity, and that this is notorious.[45]

This article's arguments for both the historical and geographical place of the Duchy of Pomerania within the historical Kingdom of Poland present a striking contrast to those submitted in 1320. First, it implies that the Duchy of Pomerania existed contemporaneously and within an imaged historical Kingdom of Poland. Second, the Pomerania presented in the 1339 articles is much more expansive than the one presented in 1320. In addition to the three Vistulan cities named in the 1320 articles – Gdańsk, Świecie, and Tczew – Kazimierz also included three new towns – Starogard, Słupsk, and Gniew.[46] The last of these was the Knights' foundation grant in Pomerania, so this article leaves little doubt that Kazimierz wanted to remove the Knights entirely from the Kingdom of Poland. Their territorial identity had come to challenge

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[45] Item probare intendit, quod ducatus et terra Pomoranie cum omnibus territoriis et districtibus sitis et locatis infra ipsum, scilicet Gdansk, Swecze, Slupsk, Tharszow, Stalgart, Meva necnon aliis opidis, castris et villis infra ducatum Pomoranie constitutis, sunt site infra regnum predictum Polonie et ad ipsum regnum pertinent ab antiquo, et quod hoc est notorium. [Lites I (2), 95]

[46] The addition of Słupsk is very interesting, because this land was kept by the Margraves of Brandenburg in their division of Pomerania. [PrUB I.2 # 908] How the Knights came to hold this land is therefore worth explaining. In 1317 the dukes of West Pomerania acquired this land and the neighboring Sławno land from the Margrave of Brandenburg. [Arkadiusz Bugaj, "Problem przynależności politycznej ziemie sławieńskiej w latach 1316-1320," in *Biskupi, lennicy, żeglarze*, ed. Błażej Śliwiński (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego, 2003), 17-38] In 1329 these dukes pawned the Słupsk land (but not the Sławno land) to the Teutonic Knights for a period of twelve years. [PrUB II nr 636a and 636b] When this period was up in 1341, the dukes again pawned it to the Knights (PrUB III nr 367 and 371), despite the opposition by the monasteries in that land (PrUB III nr 378). The fact that the Teutonic Knights did not actually own this land did not seem to matter to Kazimierz, because with this pawn the Knights now possessed all of Łokietek's former lands in Pomerania with the exception of the Sławno land.

his own, so the Knights could no longer be either in or of the Kingdom of Poland.[47] The Knights were in agreement. They no more wanted to be Kazimierz's subjects than he wanted them to be. Whereas his father had tried to reincorporate the Knights into the kingdom in 1320, Kazimierz wanted to exclude them entirely. The only question was where to draw the boundary. In order to establish this, Kazimierz asked his subjects to recall an ancient kingdom whose existence was predicated entirely upon the existence of the present kingdom.[48]

Most of the witnesses agreed with the sentiment most eloquently expressed by Archbishop Janisław of Gniezno: "always from antiquity, about which memory of men to the contrary does not exist, the said land of Pomerania belongs and has belonged to the Kingdom of Poland, and it is within that kingdom and possessed by princes of Poland."[49] However, since

[47] In a study of group identity formation in twentieth-century northern Italy, David H. Kaplan explains that borderlanders have two types of "spatial identity" – "multifocality" and "asymmetry." These concepts are useful in helping to explain the transformation that took place concerning the place of the Knights within the Kingdom of Poland. As he explains, "multifocality occurs when spatial identities mesh together in ways that do not threaten the position of any one identity," while "asymmetry occurs when the spatial identities of different groups conflict. […] Such asymmetry is predicated in the exclusivity of national territory which allows no room for coexisting identities." ["Conflict and Compromise among Borderland Identities in Northern Italy," *Tijdschrift voor Economische en Sociale Geografie* 91 (2000), 44.] The spatial identity of Poland and the Knights had become asymmetrical by the 1330s.

[48] Benedict Anderson also identifies this process of writing state history in reverse in modern nationalistic accounts of the past: "Nations, however, have no clearly identifiable births, and their deaths, if they ever happen are never natural. Because there is no Originator, the nation's biography can not be written evangelically, 'down time,' through a long procreative chain of begettings. The only alternative is to fashion it 'up time' – towards Peking Man, Java Man, King Arthur, wherever the lamp of archaeology casts its fitful gleam. […] World War II begets World War I; out of Sedan comes Austerlitz; the ancestor of the Warsaw Uprising is the state of Israel." [Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. (London and New York: Verso, 1991), 205.]

[49] Lites I (2), 367: "…semper ab antiquo, de quo memoria hominum in contrarium non existit, dicta terra Pomoranie pertinet et pertinuit ad regnum Polonie et est infra ipsum regnum et per principes Polonie possessa."

this time existed beyond the memories of the witnesses, they had none to share with the judges. Almost all the witnesses agree that dukes of Pomerania had been loyal "dukes of Poland," although what this phrase actually meant to them considering the nebulous place of dukes within the present kingdom and the fact that many Polish dukes existed outside the kingdom must have been difficult for them to comprehend. The very trial itself was convened in Warsaw, a town in the Duchy of Mazovia, which was ruled by independent Polish dukes, who chose not to join the Kingdom of Poland. We will return to the idea that Polish dukes can rule only within the Kingdom of Poland below when we examine the dukes of Kujawy. But first, let us turn to an interesting attempt to reconcile the past with the present political situation expressed by one of Kazimierz's administrators.

Palatine Albert of Brześć, who was old enough to remember Mściwój granting his land to Przmeysł over 50 years earlier, did remember a time in which Pomerania did not belong to the Kingdom of Poland, a time when it was appropriated by subordinates who established themselves as "dukes," a time very similar to what actually happened:

> …the king or prince sent to and established in the land of Pomerania a starosta, as he heard, who answered to the said king for the revenues of the said land; and it so happened that those starostas held the said land for so great a time that, being free from the Kingdom of Poland, they called themselves lords and dukes.[50]

[50] Lites I (2), 347: "…rex seu princeps ad dictam terram Pomoranie mittebat seu constitutebat in ea unum capitaneum, ut audivit, qui de redditibus dicte terre dicto regi respondebat; et ita factum fuit, quod illi capitanei tanto tempore tenuerunt dictam terram, quod, vacante regno Polonie, se dominos et duces dicte terre vocaverunt."

Although this is the closest that any of the witnesses happens to come to an accurate portrayal of the creation of the Pomeranian dynasty, it is evident that he too has tried to make this story fit into the present political circumstances. First, there had been neither a Kingdom of Poland nor starostas in the early thirteenth century. These royal officials, roughly comparable to English sheriffs or French baillis, were introduced into Poland in the 1290s by King Václav II of Bohemia.[51] Second, the dukes of Pomerania came from the local aristocracy, not from Poland. As a royal official himself and the brother of Władysław's starosta in Pomerania) it is understandable that he would have thought that such a system had been in place since time immemorial, and Mściwój's submission to Przemysł returned the proper political order in Pomerania. Yet, two chronicles, both written by clerics at the turn of the fourteenth century, also present a similar political situation in early thirteenth-century Poland. For these chroniclers, Świętopełk was a "capitaneus" or "procurator" of the ruler of the Kingdom of Poland, who had usurped the Duchy of Pomerania for himself.[52] Like Albert, they imagine he was a royal official, but these chroniclers (writing several decades before the trial) do not believe that Świętopełk was a Pole. Świętopełk and the people he leads are "Pomeranians" or "Kaszubians."[53] At the turn of the fourteenth century, and even at the time of the first trial,[54] Pomeranians were recognized as a different people. By 1339, however, Pomeranians and the dukes of Pomerania had

[51]Knoll, *Rise*, 27. See below for a detailed analysis of the impact of Bohemian absentee rule upon the witnesses' memories.

[52] *Chronica Poloniae Maioris*, MPH ns VIII, 88; *Miersuae Chronicon*, MPH III, 47.

[53] *Chronica Poloniae Maioris*, MPH ns VIII, 88; *Miersuae Chronicon*, MPH III, 47.

[54] See chapter 4 for an analysis of the victims of the Gdańsk massacre in the 1320 testimonies.

become Poles. After all, if Pomerania had always been part of the Kingdom of Poland, then it must have always been inhabited by Poles.

Ethnicity as Proof of the Historical Polishness of Pomerania

The matter of the ethnicity of the inhabitants of Pomerania played no role in Polish claims to the duchy during the first trial. Some of the Polish witnesses and judges even differentiated themselves from the "locals" [*terrigeni*].[55] In the second trial, however, many of the witnesses appealed to the ethnicity of the dukes and inhabitants of Pomerania as proof of the duchy's historical place within the Kingdom of Poland. What is even more remarkable is that they did this without any prompting from the lawyers or judges. Although the article quoted above implies that since Pomerania was part of the historical Kingdom of Poland it must have been ruled by Poles, the judges do not infer from this that the witnesses should prove the Polishness of these rulers. The witnesses appear to have done this entirely on their own initiative.

For example, the Deacon of Płock testified that Duke Mściwój was a Pole [*Polonus*],[56] as did the Castellan of Inowrocław[57] and the Pomeranian knight Milost.[58] The Provost of Gniezno states that Mściwój was "of the people of the princes of Poland,"[59] and the Starosta of Sieradz testifies that he "heard from his parents and elders that the princes and dukes who were in

[55] Lites I (3), 31, 42.

[56] Lites I (2), 168.

[57] Lites I (2), 400.

[58] Lites I (2), 364.

[59] Lites I (2), 211: "…de gente principum de Polonia…."

that land were Poles and lived under the King of Poland…."[60] The knight Niemir from Szczynik in Great Poland stated that Mściwój "was a Pole and always represented himself to the Kingdom of Poland as a prince of the Kingdom of Poland."[61]

Some of the witnesses, however, seem to have been puzzled about Mściwój's place within this historical kingdom. Tomasz of Zajączkowo, an ethnically Polish knight from Chełmno (in the *Ordensstaat*) who fought with the Knights in their wars against Poland, testified that he heard that "Duke Mściwój, the Duke of Poland, as a lord and prince of Poland, held and possessed the said land of Pomerania as a land of the kingdom and one that is within the kingdom."[62] It is unclear what exactly Tomasz meant by "dux Polonie," because he does not talk about Władysław's succession to the throne after Przemysł's death. It is possible that he was referring to Mściwój as one of a number of Polish dukes who held land in the name of the Kingdom of Poland. Other witnesses maintained this.[63] But, it entirely possible that he thought that Mściwój was in fact the ruler of all of Poland, not just of Pomerania. The former Palatine of Pomerania also implies this, stating that

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[60] Lites I (2), 216: "…audivit a parentibus et senioribus suis, quod principes et duces, qui fuerunt in illa terra, fuerunt Poloni et sub rege Polonie consistebant…"

[61] Lites I (2), 405: "…fuit Polonus et qui semper se tenuit ad regnum Polonie tamquam princeps de regno Polonie…."

[62] Lites I (2), 305: "…dux Mistiwoyus, dux Polonie, dictam terram Pomoranie tamquam terram de regno et que est infra regnum tenuit et possedit sicut dominus et princes de Polonia."

[63] Lites I (2), 392: "dux Mistiwoyus dominus dicte terre Pomoranie dictam terram tenebat et possidebat pacifice et quiete nomine regni Polonie et tamquam princeps de Polonia…." [Duke Mściwój, lord of the said land of Pomerania, held and possessed the said land peacefully and quietly in the name of the Kingdom of Poland and as a prince of Poland.]; Lites I (2), 397: "…[dux Mistiwoyus] terram Pomoranie…tenuit …sicut dux et dominus dicte terre Pomoranie et dux de regno Polonie…." [Duke Mściwój held the land of Pomerania as duke and lord of the said land of Pomerania and a duke of the Kingdom of Poland.];

he “saw all three of them [Mściwój, Przemysł, and Władysław] rule in the said land of Pomerania as lords and kings of Poland.”[64]

Yet, this is not simply a matter of internalizing the royal arguments. Some of the Pomeranian witnesses make clear that they had come to think of themselves and their compatriots as Poles. For example, Miecław of Konecko

> heard from his many elders and progenitors that the aforesaid land of Pomerania always is and was from ancient times, of which memory of men does not exist to the contrary, of the Kingdom of Poland and located within the boundaries of the Kingdom of Poland, and the witness who is speaking as a youth was in the aforesaid land of Pomerania and saw that all the inhabitants were Poles and that they held themselves to be of the Kingdom of Poland.[65]

Similarly, Piotr, the Castellan of Radzim, whose mother was the daughter of Święca, the patriarch of the powerful family of Pomeranian nobles who opposed Władysław’s rule, says that he heard from his mother that Mściwój “in language, customs, and laws thought of himself as a Pole and of the Kingdom of Poland and within the same kingdom.”[66]

Nevertheless, the witnesses were aware that neither Pomerania nor Poland was an ethnically homogenous territory. Many of the witnesses

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[64] Lites I (2), 388: “…vidit omnes tres istos dominari in dicta terra Pomoranie sicut dominos et reges Polonie….”

[65] Lites I (2), 404: “…audivit a multis senioribus et progenitoribus suis, quod predicta terra Pomoranie semper est et fuit ab antiquo tempore, de cuius contrario hominum memoria non existit, de regno Polonie et infra metas regni Polonie constituta et ipse testis qui loquitur, existens iuvenis fuit in predicta terra Pomoranie et vidit quod omnes habitantes erant Poloni et quod se tenebant de regno Polonie.”

[66] Lites I (2), 338: “…qui lingua et moribus ac legibus se tenebat tamquam Polonus et semper de regno Polonie et infra ipsum regnum.”

themselves were in fact ethnic Germans.[67] And some Polish witnesses took it upon themselves to speak for Germans who were not present. The Archdeacon of Płock, the same witness who argued above that Pomerania was part of Poland because the same language was spoken in both lands, also states that "the land or duchy of Pomerania is of the Kingdom of Poland and within the kingdom, and there is common knowledge about the aforesaid among both the indigenous people and the Germans and other foreigners living within the Kingdom of Poland and beyond…."[68] This witness differentiates native Poles from foreigners living in Poland and links these foreigners to their ethnic communities abroad. But his point is to strengthen Kazimierz's claims to Pomerania by demonstrating that even the Knights' compatriots recognize this. On the other hand, the elderly Palatine of Brześć, mentioned above, relates that he heard Mściwój say to Przemysł about Pomerania: "'lord, accept that land because it is yours and I fear that after my death you will have a struggle with the Germans and the other inhabitants of the said land, because perhaps they would be unwilling to accept you after my death.'"[69] This passage seems to imply that not only the Germans, but also the Pomeranians would reject rule by a foreign lord, even if he was the

[67] Wiesław Sieradzan estimates that 15% of the witnesses were Germans. Many of the burghers, as well as the mendicants who ministered to them could very well have been ethnic Germans. ["Das nationale Selbstbewußtsein der Zeugen in den Prozessen zwischen Polen und dem Deutschen Orden im 14.-15. Jahrhundert," in *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, ed. Antoni Czacharowski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1994), 168]

[68] Lites I (2), 163: "…terra et ducatus Pomoranie est de regno Polonie et infra regnum, et est vox et fama publica de predictis tam inter indigenas quam inter Alamannos et alios alienigenas habitantes intra renum Polonie et extra…."

[69] Lites I (2), 348: "…domine, recipiatis terram istam quia vestra est et timeo, quod post mortem meam haberetis brigam cum Theutonicis et aliis habitatoribus dicte terre, quia forsan nollent vos recipere post mortem meam."

legitimate lord of the land. Yet, just as this man was the only witness to remember the independence of the Duchy of Pomerania, so was he also the only one to remember that the Pomeranians had not always regarded themselves (or been regarded by others) as Poles.

The ethnicity of the Pomeranians also played a role in the Knights' own defense of their claims to Pomerania. Although they refused to participate in this trial, they provided a narrative of the dispute for their Procurator-General in Avignon. This document, written in 1335, takes the narrative back to Duke Mściwój, who is called "a native prince."[70] The Pomeranians are treated as a distinct people in this narrative. Not only that, but there is a special, historical relationship between the Knights and the Pomeranians. According to this story, the Knights promised Mściwój that they would act as protectors of his duchy after his death, and that they would only permit those whom the Pomeranians elected to rule over Pomerania.[71] In their explanation of why the Knights came to the defense of the Pomeranians they explain that the Pomeranians did not want the Margraves of Brandenburg as their lords because they were Germans.[72] Antoni Prochaska points out the obvious fact that the Knights were also Germans, so such a justification of the Knights' rule in Pomerania does not make very much sense.[73] But this formulation is

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[70] "Das selbe lant hatte einen gebornen fursten, der his herczog Mestwyn." Antoni Prochaska, "Z Archiwum Zakonu Niemieckiego. Analekta z wieku XIV i XV," *Archiwum Komisyi Historyczne* 11 (1909/13), 241.

[71] "…sie hatten getan bei eres hern Mestwis geczeyten, ab ir here Mestwyn sturbe, das die bruder keinen hern sulden lossen szyhen in das lant czu Pomern vort, unde die Pomern keinen hern nemen sulden…." Prochaska, 243.

[72] "…sie nicht gerne czu hern hatten, wenne sie dutczes geczunges woren…." Prochaska, 242-3.

[73] Prochaska, 223.

perhaps designed to make the case that as a translocal religious organization charged with the defense of Christendom from pagans, the Knights attempted to present themselves to the papacy as transcending ethnic disputes.

I do not want to belabor the argument about the importance of ethnicity to the witnesses. Certainly ethnicity was important to at least some of the witnesses, but I think that Jan Baszkiewicz makes too strong a case arguing that the witnesses defined Pomerania as "an ethnically Polish region inhabited by an ethnically Polish population, speaking the Polish language, and governed by Polish dukes."[74] It is true that some of the witnesses made these justifications on their own, without any prompting from the royal procurator's arguments or the judges' questions. But Baszkiewicz cobbles together his statement of Polish national consciousness in Pomerania from selected anecdotes taken from numerous testimonies; it is not an expression of the collective opinion of the witnesses. Some witnesses do make some very strong arguments for the Polishness of the Pomeranians, but most do not have anything to say on the topic. After all, ethnic Germans still constituted a sizable minority of the population of Poland (and Pomerania) at this time. The fact that the some of the witnesses believed that the Pomeranians were Polish was meant to buttress their arguments about the historicity of Poland's claims to the land, not to prove that ethnicity alone should determine territoriality. It was only in the post-World War II environment in which Baszkiewicz was writing, a world in which Germans had been removed from Poland, just as Poles had been removed from the Ukraine, that such arguments would make sense.

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[74] Jan Baszkiewicz, *Powstanie zjednoczonego państwa polskiego na przełomie XIII i XIV wieku* (Warszawa: Książka i Wiedza, 1954), 409.

Andrzej Wojtkowski, who also published studies of the trials in the decades immediately after the Second World War, follows Baszkiewicz's reasoning concerning the primacy of ethnicity in the minds of the witnesses, elaborating upon his point that the witnesses did not refer to the dukes of Pomerania as belonging to the royal Piast family because ethnicity was more important to them than dynastic affiliation.[75] There are, however, a number of problems with the conclusion that the witnesses were legalistically and consciously choosing which facts to omit from their testimonies. First, this argument rests on the assumption that the witnesses knew that the Pomeranian dukes were descended from a different dynasty that the Polish dukes. Only one of the witnesses clearly relates the idea that the Pomeranian dynasty was formed by lesser nobles, rebelling against the rule of their superiors. Also, if the witnesses had, in fact, been aware of Poland's distant past, they would have known that Pomeranians had only recently become "Poles" in the historical record. Before their conversion in the twelfth century, and even into the thirteenth century, the Pomeranians were remembered as pagan savages or apostates.[76] Second, even if they had possessed this knowledge, the arguments that the Pomeranian dukes were Piasts would have done them little good, considering that the Piast dukes in Silesia and Mazovia either remained independent or recognized the lordship of the kings of Bohemia, who themselves occupied a problematical place in the historical Kingdom of Poland envisioned by Kazimierz's lawyers. Both the issues of

[75] Andzej Wojtkowski, "Tezy i argumenty polskie w sporach terytorialnych z Krzyżakami. Część pierwsza (1310-1454)," *Komunikaty Mazursko-Warmińskie* 91 (1966), 29; Baszkiewicz, *Powstanie*, 409.

[76] See chapter 1.

Bohemian rule in Poland and the recognition by other Piast dukes of the King of Poland's authority need to be analyzed fully in order to make sense of how the witnesses dealt with Władysław's convoluted path to dominion over Pomerania.

Forgetting the Union of Bohemia and Poland:

Of the nearly 100 witnesses who testified about the history of Pomerania in the two trials only three mentioned the six years of Bohemian rule (1300-6) between Władysław's two periods of rule in Poland and Pomerania – Bishop Jan of Poznań,[77] Provost Iwo of Gniezno,[78] and Świętosław, Władysław's former Palatine of Pomerania.[79] Although he does not mention Bohemian rule explicitly, one could also add to this list Piotr, the Schoolmaster of Sandomierz, who says that he was in exile with Władysław, although he does not say why or when.[80] As Helena Chłopocka, one of the leading Polish scholars of these trials, points out, this leaves "two basic alternatives: either the majority did not remember the brief reign a of foreign ruler, or else they deliberately passed over it in silence."[81] In order to consider the merits of these alternatives, we first need to examine the testimonies of those who did remember.

[77] Lites I (2), 150.

[78] Lites I (2), 211.

[79] Lites I (2), 389.

[80] Lites I (2), 378. His testimony is discussed in more detail in the next chapter.

[81] Helena Chłopocka, "Tradycja o Pomorzu Gdańskim w zeznaniach świadków na procesach polsko-krzyżackich w XIV i XV wieku," *Roczniki Historyczne* 25 (1959), 111.

As mentioned above, Świętosław was an advocate of the historicity of a unified Polish kingdom, even mistakenly positing that Mściwój had been its king, which makes his mention of Władysław's removal from power in Pomerania all the more remarkable. In this brief account, however, he simply says that Władysław was king and held Pomerania, the Bohemians expelled him from it, and then Władysław recovered it.[82] He does not explain why the Bohemians took over Pomerania, nor does he claim they took over the entirety of Władysław's possessions. Because of his strong beliefs in the integrity of the historical kingdom, it seems that a few years of foreign rule in one part of the kingdom was not worth more than a passing reference, because Władysław – the legitimate lord of the land – regained it.

Iwo, on the other hand, recognizes Václav II as a legitimate ruler in both Poland and Pomerania. In fact, he claims Władysław inherited his lands from the Bohemian king:

> …the witness who is speaking was often in the said land of Pomerania with lord Jakub [Świnka] the former Archbishop of Gniezno, and then he saw there in the said land of Pomerania Duke Mściwój, lord and duke of the said land of Pomerania and of the people of the princes of Poland, and having died, King Václav of Bohemia succeeded him in the Kingdom of Poland and in the said land of Pomerania, who held and possessed the whole Kingdom of Poland with the said land of Pomerania peacefully and quietly and as a land which is within the Kingdom of Poland and which belongs to the same kingdom. Finally,

[82] Lites I (2), 389: "…(vidit)…Wladislaum…possidere et tenere dictam Pomoranie pacifice et quiete sicut verum dominum ipsius et regem Polonie; et postquam habuit dictam terram, fuit expulsus per Boemos, sed postmodum eam recuperavit totam…."

> after the said King Václav of Bohemia and Poland had died, lord Władysław, formerly king, father of that lord Kazimierz now king, then Duke of Kujawy and Poland, succeeded him in the Kingdom of Poland and in the said land of Pomerania.[83]

Iwo appears to be an equally strong proponent of the historical place of Pomerania within the Kingdom of Poland, even mistakenly arguing that Mściwój was a Polish duke of the Piast dynasty. Yet, he sees no problem with the fact that the succession to both Pomerania and Poland passed through a foreign ruler.

Bishop Jan of Poznań also sees nothing wrong with the fact that Poland had a foreign king. I have quoted his rather lengthy testimony on this matter in the previous chapter, so I will not repeat it here.[84] It is sufficient to underscore the point that not only did he share Iwo's opinion regarding the legitimacy of Bohemian rule, but he also explains why it had come to pass – because Władysław was a poor ruler. This view of the past is also preserved in the annals of his cathedral chapter, which must lead one to question whether this written account helped to inform his memory of events.[85] While he was the only witness to recall Władysław's misrule and one of only three to note his

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[83] Lites I (2), 211: "…ipse testis qui loquitur fuit pluries in dicta terra Pomoranie cum domino Iacobo olim archiepisopo Gneznensi, et tunc vidit ibi in dicta terra Pomoranie ducem Mistiwoium dominum et ducem dicte terre Pomoranie ac de gente principum de Polonia, et motuo illo, successit sibi in dicta terra dominus Premislaus rex quodam Polonie, quo postmodum mortuo, successit sibi in regno Polonie et in dicta terra Pomoranie Wenceslaus rex Boemie, qui totam regnum Polonie cum dicta terra Pomoranie tenuit et possedit pacifice et quiete et tamquam terram, que est infra regnum Polonie et que pertinet ad ipsam regnum. Demum dicto Wenceslao rege Boemie et Polonie mortuo, successit sibi in regnum Polonie et in dicta terra Pomoranie dominus Wladislaus rex quondam Polonie, pater istius domini Kazimiri nunc regis Polonie, tunc dux Cuyavie et Polonie."

[84] See above, 248-51.

[85] See above, 246-7.

exile, he was not the only witness to live through these events. This would seem to confirm the first of Chłopocka's theories – that in light of over three decades of good governance under Władysław and his son, the witnesses have simply forgotten about the six years of Bohemian rule through the process of structural amnesia.[86]

Yet, this issue has long puzzled researchers of these trial records. Irene Ziekursch, who represents the older German historiographical tradition, stops short of accusing the witnesses in this instance of consciously concealing the truth, although she regards the testimonies in general as deliberately mendacious.[87] Instead she argues that these foreign rulers had failed to win the support of the Poles, especially the witnesses who were for the most part the Polish kings' supporters.[88] Surprisingly, this is very similar to the explanation advanced by Wiesław Sieradzan, who, like other Polish scholars, supports the integrity of the legal proceedings. As he explains, "the majority of the witnesses omitted the period of Czech rule, which could be natural, because the witnesses certainly did not regard the period of rule by the Přemyslids in Poland in the category of a legal line of succession."[89] Yet, this legalistic definition does not account for the specifics of the above-mentioned testimonies.

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[86] See note 3.

[87] Die Zeugenaussagen, die die Verfasserin an vielen Einzelfällen auf ihre Zuverlässigkeit hin geprüft hat, erweisen sich vielfach als gefälscht. [Irene Ziekursch, *Der Prozeß zwischen König Kasimir von Polen und dem deutschen Orden im Jahre 1339* (Berlin: Emil Ebering, 1934), 154.]

[88] Der Grund für den Mangel an Nachrichten über die böhmischen Przemisliden mag wohl der sein, daß weder Wenzel II., noch Wenzel III. als landfremde Herrscher die Sympathien der Polen für sich gewinnen konnten. Vor allem waren alle Anhänger des Wladislaus Lokietek, damit auch ein großer Teil der Zeugen, ihre Gegner gewesen. [Ziekursch, 76]

[89] Sieradzan, *Świadomość*, 42.

In a later essay Helena Chłopocka admits she is at a loss to explain this omission, but she disagrees with the structural amnesia argument I have advanced:

> It is impossible to explain unambiguously why, for example, only three persons in 1339 (and not one in 1320) mentioned Wenceslaus II of Bohemia among the rulers of Pomerania. Surely this was not due to a general lapse in collective memory which retained much less important information. It is more likely that the carefully balanced reports consciously ignored an episode which formed a break in the uniform line of the Polish succession in Gdańsk Pomerania – from Mściwój II and Przemysł II up to Władysław Łokietek.[90]

So, what are we to make of this? The most obvious suggestion would be that the witnesses were deliberately omitting this information to deny the Knights' claims to Pomerania, which were based on Bohemian rule in Poland. One could perhaps make this case for the first trial, where a handful of witnesses were asked directly about Władysław's succession to the throne. But there are a few problems with this hypothesis. First, some of the witnesses in the first trial could hardly be classified as Władysław's unconditional supporters (after all, he sacked Duke Wacław of Mazovia's capital city in 1327), so it seems that they would have resisted coaching.[91] Second, not a single witness mentions why the Knights would think that they had claims to Pomerania. In

[90] Helena Chłpocka, "Comments on the Historical Culture of the Polish Nobility in the 14th Century," in *The Polish Nobility in the Middle Ages*, ed. Antoni Gąsiorowski (Wrocław: Wydawnictwo Polskiej Akademii Nauk, 1984), 243-4.

[91] Knoll, *Rise*, 27; Wacław was the 5th witness in the trial, Lites I (3), 30.

their minds, the Knights took the land through conquest, betraying Władysław's trust, and no further proof was required.

It is even more difficult to make this argument for the second trial. First, as explained above, in the second trial the Knights based their right to Pomerania entirely upon Kazimierz's recognition of their rights in 1335. Second, the articles say nothing about the succession of Polish rulers other than from Władysław to Kazimierz,[92] which many of the witnesses do address in their testimonies, referring to Władysław as "former king, father of that Kazimierz who is now king." Third, even if the witnesses were prepped by the prosecution along the lines of the above arguments, there are too many discrepancies in the testimonies to argue that the witnesses were supplied with pat answers. One should also consider the possibility that they took their oaths seriously and would have mentioned the period of Bohemian rule if they had remembered it. After all, hardly any of the witnesses from 1339 remembered that there had been a trial in 1320, even though article 9, which described the trial, is by far the most detailed of the articles of dispute.[93] The lawyers eventually gave up asking the witnesses about the first trial unless they knew the witnesses had been personally involved in it somehow, because this event had evidently failed to register in the social memory of Poland, a fact that the witnesses faithfully reported.

So, where else might we look for an explanation of this striking omission by the witnesses? An answer might lie in the nature of Bohemian governance in Poland. Although Václav II was crowned King of Poland in

[92] See Appendix 3, article 6.

[93] See Appendix 3, article 9. Even the Polish lawyers got the date of the trial wrong, saying the judges had issued their sentence 16 years earlier, when in fact it had been issued in 1321.

Gniezno Cathedral by the Archbishop of Poland,[94] he quickly returned to Bohemia and ruled in Poland through his *capitanei* [*starosta*s in Polish].[95] As discussed above, these men were similar in some ways to English sheriffs, particularly in that neither official was trusted too much by their kings, and so were constantly shifted around, so that they could not build territorial powers to rival the king's.[96] As a result of this, the *starosta*s often had to rely on powerful locals to help them govern, including the Święca family in Pomerania, as discussed in the previous chapter. For this reason, it seems unlikely that the fact of Bohemian rule registered very deeply in the social memory of the witnesses, especially after nearly two decades of continuous kingship by Władysław and Kazimierz. The witnesses knew that these two men had been King of Poland, and many of them also knew that Przemysł had been King of Poland. They knew that Władysław had succeeded Przemysł, and by 1339 many of the witnesses had come to believe that Władysław had become King of Poland immediately after Przemysł's death, rather than in 1320. Besides, the King of Bohemia still called himself King of Poland until just before the 1339 trial, when Kazimierz finally got John to renounce this title in exchange for Kazimierz's recognition of John's superior lordship over Silesia.[97] The witnesses knew that John was certainly not King of Poland at the time of the trial, so why should they believe that the King of Bohemia had ever actually been King of Poland? It is also possible that more witnesses would have

[94] Knoll, *Rise*, 22.

[95] Knoll, *Rise*, 27.

[96] For the office of *starosta* see Knoll, *Rise*, 27.

[97] See chapter 3.

remembered the period of Bohemian rule if it had ended with a bang rather than a whimper. However, although Władysław fought some battles against the Bohemian forces in Poland from 1304-6, the sudden death of Václav II in June 1305 followed a year later by the death of Václav III before he ever set foot in Poland ended the Bohemian dynasty and Bohemian claims to Poland – before John Luxemburg revived them in the 1310s.[98] Without a ruler and with growing turmoil at home, the few Bohemian administrators in Poland quickly left. Thus, a story about the sufferings of the Polish people under foreign rule never took root, and Władysław's years of rule were simply elided to form a continuous whole.

Yet, there were also other contenders for the Duchy of Pomerania within the Kingdom of Poland itself who were entirely omitted by the witnesses – the dukes of Kujawy. In order to more fully understand how Kazimierz's subjects understood the historical relationship between Pomerania and Poland, it is necessary to understand how his three cousins, who (unlike Kazimierz) were related to the Pomeranian dukes, thought about their own place within the kingdom and their rights to Pomerania.

Family History as State History: The Dukes of Kujawy Remember the Dukes of Pomerania

Among the 150 witnesses testifying at the two trials were the dukes of Kujawy, Władysław's nephews and Kazimierz's cousins – Leszek, Przemysł, and Kazimierz. Not only were these brothers related to the royal family through their father's side, but they were also related to the Pomeranian ducal

[98] Knoll, *Rise*, 25.

family through their mother's side.[99] Very few of the independent Polish dukes who existed at the turn of the fourteenth had chosen to join the new kingdom, but the dukes of Kujawy had. Yet, they occupied a problematical place within the kingdom, because they remained territorial rulers in their own right. Therefore, they were not like the other secular witnesses because they had personal interests in the trial that were not always necessarily congruent with the kings' interests. Therefore, as a result of their pedigree, their independent dealings with the Knights both before and after the conquest of Pomerania, and their liminal position within the kingdom (both geographically and legally), these dukes' testimonies present an excellent opportunity to examine the extent to which the most important men of the realm had internalized the king's version of the historical relationship between the Duchy of Pomerania and the Kingdom of Poland.[100]

First, let us examine Przemysł, who testified only at the first trial because he died shortly before the second. In 1320 Przemysł submitted the following testimony about the history of Pomerania and his role in its governance:

> King Władysław, then duke, had assigned to us and our brother, Kazimierz, Tczew and the castle and town of Świecie with the districts of the same, to be held in his name, and we were present in Tczew with the same lord king, and there all the Pomeranians came to him and

[99] Their father, Duke Siemomysł of Kujawy, was Władysław's brother (d. 1287), and he married Salomea, the daughter of Duke Sambor of Pomerania around 1268 (d. 1312-14). See the appendices for the genealogies of these ducal families.

[100] Although traditional Polish scholarship presented these dukes as loyal subjects of Władysław and Kazimierz, more recent scholarship has rightly poked holes in this thesis, presenting the dukes as complex political actors in their own right. See in particular Krzysztof Karczewski and Wiesław Sieradzan ["Postawy polityczne książąt kujawskich Ziemomysłowiców," *Ziemia Kujawska* 9 (1993), 33-44], who also survey the historiography.

> performed homage to him, and they led him into the land and handed over all of the castles and fortifications to him, and we gave judgment and held the fortifications in the land of Pomerania in his name for fully three years.[101]

He agrees with the royal arguments that Władysław was the rightful lord of Pomerania, and he illustrates this through both the homage performed to Władysław by the Pomeranians and his and his brother's exercise of authority in Pomerania in Władysław's name. Yet, he does not explain why he and his brother, Kazimierz, had been appointed as Władysław's representatives in Pomerania, or why his other brother, Leszek, had been excluded.

Most of the testimonies in the earlier trial were brief, and unlike his brothers, Przemysł does not get a chance to elaborate upon his story in the more expansive second trial. However, it is possible to learn some more about what Przemysł thought about his family's rights to Pomerania through the records of the meetings that he and his brother and mother had with the Teutonic Knights in April and May of 1309. As mentioned earlier, the Teutonic Knights had met with Władysław in the spring of 1309 to try to get him to abandon his rights to Pomerania. Following this meeting, the Knights also met with other rulers who claimed some right to the duchy, including the dukes of Kujawy and their mother.[102] In the first of the two acts commemorating this meeting, dukes Przemysł and Kazimierz along with their mother, Salomea,

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[101] Lites I (3), 30: "…rex Wladislaus, tunc dux, nobis et fratri nostro Kasymiro Trschouiam et Suecze castra et opida cum eorum districtibus assignaverat suo nomine tenenda, et fuimus presentes in Trschouia cum eodem domino rege et ibi omnes Pomorani venerunt ad eum et sibi homagium fecerunt et eum in terram duxerunt et omnia castra et municiones sibi tradiderunt, et nos suo nomine bene per triennium iudicavimus in terra Pomoranie et municiones tenuimus."

[102] Śliwiński, *Pomorze*, 499-503

sold some of their property in Pomerania to the Knights for 1000 marks.[103] Three days later, on May 1, Przemysł sold more extensive possessions belonging to his mother for 4000 marks.[104] Taken together, this is half the amount paid to the Margraves of Brandenburg for the whole of eastern Pomerania, so these must have been very valuable lands. The reason given by Przemysł for this sale was because of the debts he incurred in Władysław's service in Pomerania.[105] It seems odd that Przemysł and Kazimierz would have done business with the Knights if they regarded the lands seized by the Knights in Pomerania as their birthright, so one must conclude that they were not so concerned with the loss of the lands they were holding in Władysław's name. In fact, the administration of these lands appears to have been more trouble than it was worth, if it drove the dukes so far into debt. It is unclear whether Przemysł appealed to Władysław for repayment of these debts and

[103] PIUB #671.

[104] PIUB #672.

[105] PIUB #672: "To all the Christian faithful who happen to read or hear the present page, Brother Heinrich called von Plotzke, Landmaster of Prussia, together with the other brothers of the Order of St. Mary of the German House, everlasting greetings in the lord. The illustrious prince Przemysł, by the grace of God Duke of Kujawy and Lord of Inowrocław, came into our presence and pleaded in correct and persuasive form that he had suffered 4000 marks in damages in the service of his uncle, the illustrious prince, Duke Władysław of Kraków, in the land of Pomerania, which the same illustrious prince Władysław had entrusted to his rule, and besides that, that because of the debts he had contracted while in the service of his said uncle, it was necessary for him to sell to us and our order the fishery [fishing rights] and estates or villages located between the Nogat and the Fresh Sea, which belonged to the noble lady Salomea – Duchess of Kujawy, his aforesaid mother – by succession from her father." [Universis Christi fidelibus, quos presentem paginam legere contigerit vel audire, frater Henricus dictus de Plock magister terre Pruscie una cum ceteris fratribus ordinis sancte Marie de domo Theutonicorum salutem in domino sempiternam. Accedens ad nostram presenciam illustris princeps Premislius dei gracia dux Cuyauie et dominus Wladuslavie rite ac rationabiliter ostendit in servicio patrui sui incliti principis Wladislai ducis Cracouie quatuor milia marcarum argenti dampni se percepisse in terra Pomoranie, quam sibi idem inclitus princeps Wladislaus commiserat gubernandam, preter id, quod racione debitorum, que in dicti patrui sui existens servio contraxerat, piscariam et bona seu villas inter Nogatum et recens mare sitas, que ad ingenuam dominam Salome ducisse Cuyaui prefate matrem ipsius ex paterna successione pertinebant, nobis et ordini nostro eum vendere oportebat.]

was denied (as the Święca family and the Teutonic Knights claimed to have been)[106] or whether he and his mother simply regarded the holdings, which were now deep in the hinterland of the *Ordensstaat*, as no longer tenable. In any case, Przemysł's mother regarded these lands as her paternal inheritance, which could be freely sold to aid her sons, whatever Władysław's (her brother-in-law) aspirations to lordship in Pomerania and kingship in Poland.

In the two decades between this sale and the second trial, the royal procurators would propagate very different views about ducal rights to the lands of the historical *regnum*, which argued that any alienation of its lands was illegal. These new rules, however, were merely the most recent layer on a palimpsest, written over the fading memories of a time that operated by very different rules. Despite the royal lawyers' best attempts to efface this earlier history by framing the witnesses' testimonies according to new theories of state, the earlier norms were still clearly discernable in the documentary record. In fact, late thirteenth-century sources reveal that it was not at all predetermined that Władysław would acquire Pomerania.

In May 1296, following King Przemysł's death, Leszek, the eldest of the dukes of Kujawy, tried to become Duke of Pomerania himself, confirming at least one charter "dei miseracione dux Pomoranie."[107] He also was commemorated as one of the rulers of Pomerania by the mid-fourteenth century chronicle written by the abbot of Oliwa monastery in Pomerania.[108] As

[106] See chapter 4.

[107] PIUB #541.

[108] *Chronica Olivensis*, MPH VI, 315-6: "…the Duchy of Pomerania did not have a legitimate successor, but the knights at first called on Duke Leszek of Kujawy, who held the duchy for

the eldest surviving male descendant of the Pomeranian ducal family, he probably thought that he would have the support of the Pomeranian aristocracy. He was wrong. The Pomeranians instead elected Władysław as their ruler, and Leszek returned to Kujawy, abandoning his claims to Pomerania in favor of his uncle. But Leszek's absence from the administration of Pomerania during Władysław's reign suggests that this submission was not as amicable as Leszek would have us believe from his testimony.

Leszek did not directly testify about the disputed succession to Pomerania in either trial. In fact, in 1320 he did not mention the succession at all. Unlike many of the other witnesses, who traced Władysław's rights to Pomerania through King Przemysł, Leszek does not say anything about the former king. But there is a marked change in his story from 1320 to 1339 concerning his family's rights to Pomerania. This makes Leszek's testimony particularly interesting, because he was the only witness to testify at both trials.[109] His testimony is thus a potent guide to the radical transformations of the political consciousness of the subjects of the Kingdom of Poland within a generation. Therefore, we may be able to gage the changes in the political climate from a comparison between his depositions. In 1320 Leszek testified that:

> …the lord King Władysław, then duke, possessed the land and duchy of Pomerania through me and my brothers peacefully and quietly, thus first through me, successively through my aforesaid brothers, and that

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some time." ["…ducatus Pomeranie nullum habuit legitimum successorem, sed milites primo vocaverunt ducem Cuiavie Lestkonem, qui ad tempus ducatum tenuit."]

[109] Several witnesses who had been involved in the first trial in some manner or another (including Archbishop Janisław, the presiding judge in 1320) did testify in 1339, but Leszek is the only person to actually testify at both.

> my aforesaid full brothers peacefully held and governed the same duchy in the name of the king, then duke, for very many years and exercised all jurisdiction over the knights, vassals, castles, and towns as in the name of a true lord and heir.[110]

Leszek is attempting to rewrite history by positioning himself not as a usurper, but rather as Władysław's loyal administrator, who apparently became preoccupied with other matters, so he had to entrust the governance of Pomerania to his younger brothers. Yet, he says nothing about how Władysław came into possession of Pomerania or why he and his brothers were chosen as Władysław's administrators.

This is in marked contrast to the testimony he submitted in 1339, not only in length, but also in content:

> …the witness who is speaking and his brothers, Przemysł and Kazimierz, held the said land of Pomerania peacefully and quietly for three years until the time that they resigned it to lord Władysław, formerly King of Poland, who afterwards held and possessed the said land for fully four years peacefully and quietly as true and legitimate lord and King of Poland, as a land within the Kingdom of Poland which belongs to and belonged to the kingdom… […] He also said that the witness who is speaking handed over to the said lord Władysław, formerly king, the keys to the city and castle of Gdańsk, which is the

[110] Lites I (3), 29: "…dominus Wladislaus rex, tunc dux, possedit terram et ducatum Pomoranie per me et fratres meos pacifice et quiete, ita quod primo per me, successive per predictos fratres meos, et quod predicti fratres mei germani ipsum ducatum nomine ipsius domini regis, tunc ducis, tenuerunt et gubernaverunt pacifice pluribus annis et omnem iurisdiccionem in militibus, vassallis, castris, opidis exercuerunt tamquam nomine veri domini et heredis."

capital of the whole of Pomerania, and then he held it and possessed it peacefully and quietly for fully four years.[111]

Here Leszek claims that he and his brothers had been independent rulers in Pomerania for some time before handing over the duchy to Władysław because he was king and Pomerania was part of the Kingdom of Poland. In 1320 Leszek would have known that Władysław had in fact not been king when he held Pomerania, because his coronation had taken place just a month before the trial. This, then, begs the question – Is it possible that Leszek had actually come to believe that Władysław had been king then, or was this just an honorable way to explain his failed attempt at lordship in Pomerania? Had this formerly independent ruler really internalized the royal arguments about the historical affiliation of an imagined Kingdom of Poland to the very duchy that he had once claimed to rule? In order to fully evaluate these questions, we must first examine the testimony submitted by his brother, Kazimierz, in 1339.

While Kazimierz did not complain about the financial ruin caused by his service to Władysław (as Przemysł had done) or try himself to "usurp" Władysław's rights in Pomerania (as Leszek had done) the testimony submitted by the youngest brother makes by far the broadest claims for his familial rights to Pomerania. He ultimately recognized Władysław's and therefore his son's claims to Pomerania, because its rulers were "princes of

[111] Lites I (2), 376: "…ipse testis qui loquitur et fratres sui Premislius et Kazimirus tenuerunt dictam terram Pomoranie pacifice et quiete per tres annos, quousque eam resignaverunt domino Wladislao regi quondam Polonie, qui postmodum dictam terram tenuit et possedit bene per IV annos pacifice et quiete tamquam dominus verus et legittimus et rex Polonie et tamquam terram que est infra regnum Polonie et que pertinet et pertinebat ad ipsum regnum… […] Dixit eciam, quod ipse testis qui loquitur tradidit dicto domino Wladislao quondam regi claves civitatis et castri Gdansk quod est caput tocius Pomoranie, et deinde eam tenuit et possedit pacifice et quiete bene per quatuor annos."

Poland," but he simultaneously asserted his own family's claims to at least the memory of Pomeranian lordship. As he explains, his mother (and therefore he and his brothers) had been disinherited from their patrimonial lands in Pomerania:

> …there were four princes of Poland,[112] brothers, in the said land of Pomerania, who held and possessed the said land of Pomerania and all the castles, villages, and places of the same as their patrimony and as princes of Poland; one of these said princes of Poland was the grandfather of the witness who is speaking, his mother's father, called Sambor, upon whose death, the mother of the witness who is speaking succeeded to Tczew, the part which fell to her in the division, and when the other two princes died, Duke Mściwój expelled his mother from her part and received and possessed the whole of the said land peacefully and quietly until his own death; and when his death approached, he gave the whole of that land of Pomerania to lord Przemysł, formerly King of Poland, who also held and possessed the said land peacefully and quietly as King of Poland and true lord right up to his death, and so he regarded himself and was regarded by everyone within the said land of Pomerania and Kingdom of Poland, as he said. Moreover, he said that when the lord King Przemysł died without an heir, all of the knights and barons of the whole of the land of Pomerania and of Poland elected as King of Poland and lord of the said land of Pomerania lord Władysław, the paternal uncle of the witness who is speaking, then

[112] Both the Teutonic Knights' chronicler, Peter von Dusburg [III.213], writing in the 1320s, and the Polish chronicler, Dzierza [MPH III, 47], writing at the turn of the fourteenth century, also misrepresent Sambor as Mściwój's brother instead of his uncle. The fact that his own grandson would so misinterpret his family's history is remarkable even so.

Duke of Kujawy, father of that lord Kazimierz now king, who held and possessed the said land of Pomerania together with the Kingdom of Poland peacefully and quietly for some years as king and lord of the said land, and was so regarded by all, and all served him and obeyed him as the lord of the said land and King of Poland, as he said. He also said that lord Władysław, formerly king, gave and conceded the rule, governance, and possession of the same land of Pomerania in his name and in the name of the said Kingdom of Poland to the witness who is speaking and to his brothers at his pleasure, and the brothers did indeed hold and possess the said land of Pomerania and all of its castles, villages, and places in the name of the same lord Władysław, formerly king, and in the name of the Kingdom of Poland well for four years peacefully and quietly, until the master and the brothers of the Teutonic Knights ejected them and chased them away from the said land and robbed lord Władysław, formerly king, of it and occupied it.[113]

[113] Lites I (2), 282: "quatuor fuerunt principes Polonie, fratres, in dicta terra Pomoranie, qui tenuerunt et possederunt dictam terram Pomoranie et omnia castra, villas et loca ipsius tamquam patrimonium suum et sicut et sicut principes Polonie; quorum unus dictorum principum erat avus ipsius testis qui loquitur, pater matris sue, dictus Samborius, quo mortuo, mater ipsius testis qui loquitur successit eidem in parte sibi contingente in divisione, dicta Tharszow, sic, quod aliis duobus principibus mortuis, dux Mistiwoius expulsit matrem suam de parte sua et accepit et possedit dictam terram totam pacifice et quiete quoad mortem suam; et veniens ad mortem dedit totam illam terram Pomoranie domino Premislio quondam regi Polonie, qui eciam dictam terram tenuit et possedit pacifice et quiete sicut rex Polonie et verus dominus usque ad mortem suam, et ita reputatus fuit et reputabatur per omnes infra dictam terram Pomoranie et regnum Polonie ut dixit. Dixit eciam, quod mortuo dicto domino Premisilio rege sine herede, omnes milites et barones tocius terre Pomoranie et Polonie elegerunt dominum Wladislaum patruum ipsius testis qui loquitur, tunc ducem Cuyavie, patrem istius domini Kazimiri nunc regis, in regem Polonie et dominum dicte terre Pomoranie, qui dictam terram Pomoranie una cum regno Polonie tenuit et possedit pacifice et quiete per aliquos annos sicut rex et dominus dicte terre, et ita reputabatur apud omnes et omnes serviebant sibi et obediebant sicut domino dicte terre et regi Polonie ut dixit. Dixit eciam, quod ipse dominus Wladislaus quondam rex dictam terram Pomoranie tradidit et concessit regendam, possidendam et gubernandam nomine suo et regni Polonie dicto testi qui loquitur et fratribus suis usque ad suum beneplacitum, qui quidem fratres dictam terram Pomoranie et omnia castra, villas et loca ipsius et tenuerunt et possederunt nomine dicti domini Wladislai regis quondam et regni Polonie bene per quatuor annos pacifice et quiete, quousque magister

This is a complicated text, but this narrative perfectly encapsulates the relationship between the dukes of Kujawy, the Duchy of Pomerania, and the Kingdom of Poland. Kazimierz first begins with a feeling of betrayal that his family had been dispossessed from their rightful place in Pomerania. Even after the King Przemysł died, the Pomeranian magnates still elected someone else. However, in the end, Kazimierz and his brothers regained their rightful place within the duchy of Pomerania, even if they did serve only at the pleasure of the king. As borderland dukes, whose lands had been ravaged in the wars during Władysław's reign and were now claimed by King Kazimierz as his own, perhaps Duke Kazimierz realized that in this new world of emerging territorially sovereign states, there was no longer a place for his former independence, and that now, near the end of his life, it was enough to serve at the pleasure of the king. The dukes of Kujawy, however, were not the only ones who felt pressured by the new political climate on the Polish-Teutonic Knights' borderland.

Choosing Sides?: Borderland Religious Organizations

Chapters three and four have briefly discussed the difficulties faced by the borderland religious organizations in the dispute between Poland and the *Ordensstaat*. I can now discuss this issue in more detail by focusing on two Polish religious magnates particularly affected by this violence, who chose not to participate in the trials.

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et fratres Cruciferi eos de dicta terra eiecerunt et fugaverunt, et dominum Waldislaum quondam regem ea spoliarunt et ipsam occuparunt...."

Episcopal and monastic boundaries did not neatly coincide with political boundaries, which meant that these institutions were pressured by both sides. Sometimes these borderland ecclesiastics, because of their liminality, could act as mediators between the disputants. More often, however, these clerics were forced to choose sides in the disputes to better defend their own religious communities and the lay communities they guided. Part of this process involved defending the privileges and liberties granted by the disputants, which necessitated a careful balancing of the memory of the past with the present political situation. Of more immediate concern in the years of conflict between Poland and the Knights, however, was the defense of their own lives and the lives of the inhabitants of their territories. Both the Knights and the Poles presented harrowing accounts of the devastation wrought (particularly upon religious communities) by the years of open warfare.[114] Churches and monasteries were especially choice targets in these wars, both because they could be used as strongholds and because of the riches they contained. While many Polish clerics sought to redress their grievances at the 1339 trial, two important men were conspicuously absent – Bishop Maciej of Kujawy, who was the episcopal overlord of Pomerania, and Abbot Stanisław of Oliwa, who ran the preeminent monastic establishment in Pomerania. While their lands were part of the Polish *ecclesia*, they were under the temporal lordship of the Teutonic Knights. These men, therefore, are uniquely placed to illustrate how conflicting identities and loyalties played out in this borderland.

Let us begin with Bishop Maciej of Kujawy. As explained in chapter three, his predecessor, Gerward, had been entrusted with both securing

[114] For the Knights' complaints see Lites I (2), 90; for the Polish complaints, see Lites I (2), 94-8, reprinted and translated in my Appendix 3.

Władysław's rights to the Polish crown and instigating the first Polish trial against the Knights. Yet, he did not go to Avignon simply in the interests of the Polish *regnum* and *ecclesia*. He was also there to bend the pope's ear to his own disputes against his episcopal subjects as well as his neighbors. Gerward hosted the first trial against the Knights, but he died a couple of years later, while both sides were still pleading their cases at the papal curia. It was left to his successor, Maciej, to deal with the escalation of this legal dispute into open warfare. Maciej quickly found out just how precarious his position on the borderland was. In 1327 he wrote to Pope John XXII about the damages his bishopric had suffered during the Teutonic Knights' invasion, including the destruction of many religious buildings and the murders and kidnappings of a number of the inhabitants of Kujawy. To make matters worse, the survivors of this assault were unable to celebrate mass in the few churches that remained because they had been robbed of the materials necessary for celebrating mass.[115] The sufferings of his diocese did not end there, however. In 1331 he wrote another, far more detailed letter, listing further damages, including the destruction of his own cathedral.[116] During this year his diocese was also the site of the bloody Battle of Płowce, which left over 4,000 Germans and Poles dead.[117] Maciej was charged with burying all of these bodies, an act he commemorating by constructing a chapel to mark the place of this slaughter.[118] The following year the Knights returned and conquered the

[115] Lites I (2), 436.

[116] Lites I (2), 438.

[117] Knoll, *Rise*, 57.

[118] *Chronica Olivensis*, MPH VI, 330: "Dominus Mathias episcopus Wladislaviensis corpora occisorum in eodem campo conflictus fecit sepeliri et edificari idem capellam procuravit."

remainder of his diocese. What is even worse, the Knights employed crusaders to perpetrate these evil deeds.[119]

None of these wrongs, however, was enough to bring Maciej or any members of his chapter in to testify at the 1339 trial. It is possible that they were prevented from doing so by the Knights. After all, one witness in 1339 claimed that the parish priests in Pomerania were afraid of returning to their churches if they testified in the 1320 trial.[120] Yet, it seems more likely that Maciej simply wanted no part in the prolongation of a dispute which had already cost him so much. Whereas the damages to the bishopric of Kujawy had been included in the original Polish appeal to the papacy in 1335,[121] the 1339 articles of dispute say nothing about this. Instead, they are limited to the damages suffered by the Polish crown.[122] Similarly, his fellow borderland ecclesiastic, the Bishop of Płock (whose see had been destroyed by Władysław in 1327),[123] expressed his distaste for the trial by preventing the summons from being read in his cathedral.[124] Yet, these actions should not be seen as the bishops choosing to support the Knights over Kazimierz. They were not interested in supporting either side, because the previous decade had taught them that it did not matter who won these battles, because the borderland ecclesiastics always lost.

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[119] Lites I (2), 437: "…cum maximo exercitu et pene viginti vexillis nigra cruce signatis [the Knights' symbol], quam contra Saracenos et paganos et infideles alios se asserunt assumpsisse…."

[120] Lites I (2), 396.

[121] KDW II #1179.

[122] See Appendix 3, articles 9-11.

[123] Knoll, *Rise*, 50.

[124] Lites I (2), 78.

This feeling of exhaustion is perhaps best illustrated by a passage written by the other subject of this section – Abbot Stanisław of Oliwa. While he also did not testify in 1339, the chronicle that he wrote a decade latter provides a particularly detailed representation of the history of Pomerania. Let us approach this source through his account of the Polish-Teutonic Knights' war in 1332:

> But the King of Poland, having assembled an army, proceeding through the land of Mazovia, advanced to cross the Drwęca and seize the land of Chełmno. When the aforementioned master learned this, he hurried to meet them with everyone he could get from the multitude of the army, crossed the river, and trapped the king's army between two lakes, so that they had no way to escape, but had by necessity either to fight or to die. Seeing this, most of the honest lords [the Teutonic Knights] interposed themselves in order to work for peace, so there would not be much bloodshed between the two armies, and with God's favor the minds of the leaders of the Knights then present in the army were suddenly inclined towards peace, and a treaty was agreed by the parties, and both armies returned unharmed to their own lands.[125]

In Abbot Stanisław of Oliwa's account the conflict between the king and the grandmaster has transgressed the bounds of normal warfare. This is all the more so, because like Maciej, he acknowledges that this is not what the men

[125] *Chronica Olivensis*, MPH VI, 330-1: "Rex vero Polonie congregato exercitu per terram Masoviensem pergens transire Drywanczam et terram Culmensem capere nitebatur, quod cernens predictus magister cum omni, qua potuit, multitudine exercitus sibi occurrere festinavit et transito fluvio conclusit exercitum regis inter duos lacus sic, quod nullum effugium habere potuissent, sed habuissent necesse aut mori aut pugnare. Quod cernentes plerique honesti domini, ne fieret multa sanguinis effusio inter ambos exercitus, se interposuerunt pro concordia laborando et aspirante Deo, mentes dominorum in exercitu principalium existencium fuerunt ad concordiam subito inclinate et habito federe ex utraque parte, ambo exercitus illesi ad propria redierunt."

in the Knights' army were supposed to have been doing in Prussia. While Stanisław mentions the ambiguous "enemies of the order" rather than pagans and characterizes the Knights' recruits as mercenaries rather than crusaders, his chronicle is full of accounts of the sufferings perpetrated upon his monastery both by pagans and by Christians who were supposed to be fighting the pagans rather than their fellow Christians.[126]

Despite his occasional criticisms of the Knights, however, Stanisław recognized them as the legitimate lords of Pomerania and tried to help them end their dispute with Kazimierz. In May 1338 he wrote to Pope Benedict, telling him that a new trial would be unjust, because:

> …the brothers, most religious men, decently and honestly preserving in the discipline of their order, and governing their subjects in eastern lands in the government of equity and clemency, are the light of the Church, and the column, shield, and defense of the Christian population of our lands…."[127]

Yet, while he presented the Knights as good governors and defenders, he also reminded his readers that the Knights' wars against Poland led them astray

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[126] *Chronica Olivensis*, MPH VI, 329: "Having been made master, [Luther von Braunschweig] immediately appointed nuncios to diverse parts of Germany, promising a large stipend to all who wanted to go to Prussia to help against the enemies of the order. Thus he assembled a great multitude of noble men prepared for battle, and having assembled this large army, he sent with them as leader of the army brother Otto von Luterberg, a provincial commander, into the land of Poland which he laid waste across its length and breadth, after capturing and burning many fortifications." ["Qui statim factus magister nuntios ad diversas partes Allemanie destinavit larga promittens stipendia omnibus, qui se in Pruziam transferre vellent ipsis in auxilium contra ordinis inimicos. Convenit ergo ad eum magna multitudo cum apparatu bellico virorum nobilium et congregato magno exercitu, transmisit cum eo fratrem Ottonem de Lutirberk commendatorum provincialem ducem exercitus in terram Polonie, quam longe lateque, captis municionibus et crematis, devastavit…."]

[127] CDPr III #14: "…fratres, viri Religiosissimi se ipsos decenter et honeste conservantes in sui ordinis disciplina, sibique subiectos in equitatis ac mansuetudinis moderamine gubernantes in Orientalibus partibus sint lumen Ecclesie, et nostrarum parcium christiani populi columpna, clipeus, et munimen…."

and cost both his monastery and other religious communities too much.[128] It is therefore with great relief that he describes the Peace of Kalisz in 1343:

> And among the other good works that [the grandmaster] providently conducted for the benefit of their lands and their inhabitants, he arranged with the King of Poland in Kujawy near Włocławek in a certain meadow in the presence of the honorable men, the Archbishop of Gniezno, the Bishop of Kujawy, the Bishop of Poznań, the Bishop of Mazowia, bishop Hermann of Warmia and the abbots of our order and of other orders and many other prelates and leaders, a lasting, perpetual peace, which was made stable and strengthened by the oaths of both parties, namely the king and the master, which still to this time stands and remains unchanged; on account of this, with the gracious actions of omnipotent God, no small amount of joy was created for all of the lovers of peace in the lands of both of the said lords.[129]

Like his episcopal overlord, Bishop Maciej of Kujawy, Abbot Stanisław makes clear that his main interest lay in the peaceful resolution of the dispute

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[128] For his harrowing account of the Gdańsk massacre, see the previous chapter. He also notes that during the later wars, the Knights' armies "set fires to many churches and perpetrated many other enormities, which the lords could not stop on account of the size of the army…." ["…multa ecclesiarum incendia et multa alia facta enormia fuerunt perpetrata, que domini non poterant propter multitudinem exercitus prohibere…." *Chronica Olivensis*, MPH VI, 329.]

[129] *Chronica Olivensis*, MPH VI, 337-8: "Et inter cetrea, que providenter egit pro commodo terrarum suarum et incolarum earundem, bona opera pacem cum rege Polonie in Cuiavia prope Wladislaviam in quodam prato, presentibus honorabilibus viris domino…archiepiscopo Gnesni, domino…episcopo Coyaviensi, domini…episcopo Posnaniensi, domino…episcopo Masoviensi, domini episcopo Hermanno Warmiensi et abbatibus…ordinis nostri et aliorum ordinum et aliis multis prelatis et ducibus, perpetuo duraturam ordinavit, que per amborum videlicet regis et magistri iuramenta fuit stabilita et firmata, que adusque stat et manet immutata; propter quod omnibus pacis amatoribus in amborum dictorum dominorum terris leticia cum graciarum actionibus omnipotenti Deo non modica fuit orta."

between the two claimants to Pomerania, not in choosing sides to prolong the conflict. And the final lines of this passage also express his belief that deep down God's peace was what the king and the grandmaster, as well as all their subjects, truly desired – even if this meant compromising their beliefs in the legitimacy of their claims. At least, this is what a Pomeranian religious living under the rule of German lords in a land claimed by Poles really hoped they wanted.

Conclusion:

This chapter has demonstrated that both sides developed new theories of state during the first decade of Kazimierz's reign. Whereas in 1335, the kings of Bohemia and Hungary had suggested that Kazimierz grant the Knights Pomerania as alms, there was no further talk of this in the Peace of Kalisz in 1343. The Knights would and could no longer be in or of the Kingdom of Poland. The foundation for this new relationship had in fact already been laid in the 1339 trial, where the Knights drew into the dispute not only the king and archbishop who had brought the suit, but all of the subjects of the Kingdom of Poland, both lay and religious, whom they depicted as being complicit in spreading calumny against the Knights. Similarly, the royal procurators had presented (and almost all of the witnesses had come to believe in) a synchronous Kingdom of Poland, ruled by Polish kings since time immemorial. The period of fragmentation was entirely forgotten (even though evidence of it was still visible in the separate Piast duchies in Silesia and Mazovia), as was the development of an independent Pomeranian duchy. For the Poles Mściwój and his ancestors had become loyal Polish dukes holding their duchy in the name of the Kingdom of Poland. The Teutonic Knights also

forgot about these independent dukes of Pomerania who had granted them extensive possessions. This distant past no longer mattered because Kazimierz had renounced whatever rights he imagined he had possessed in Pomerania, and the Knights had been holding the land if not since time immemorial, then for long enough.[130]

Yet, this chapter has also demonstrated that there were still vestiges of thirteenth-century Pomeranian society, particularly among the dukes of Kujawy, the Bishop of Kujawy, and the Abbot of Oliwa, all of whom had suffered as a result of the three decades of military and legal conflicts between Poland and the Knights. Both their memories of the past and their geographical locations on the borderlands of these two emerging states connected them to a past that was quickly being forgotten by people on both sides of the newly created state boundaries. They were now living in a world in which – at least if one is to judge from these trial records – state authorities were attempting to make political affiliation displace more traditional markers of identity. However, as I have demonstrated in the sections on ethnicity and the memory of Bohemian rule in Poland, the witnesses were fully capable of deciding for themselves what were the most important markers of political identity, while also presenting arguments which both bolstered and subverted those presented to them by the lawyers and judges.

The next chapter will analyze how Kazimierz tried to completely erase both the memory of the fragmented Poland and his family's historical relationship with the Knights by attempting to repossess their foundation grant – Chełmno – the heart of the *Ordensstaat*. Whereas the dispute over

[130] Lites I (2), 91: "…domini mei magister et fratres Ordinis supradicti easdem terras bona fide et iusto tytulo sunt adepti, et adeptas seu habitas legittime longis temporibus possederunt."

Pomerania had asked the witnesses to testify about time immemorial, most of the witnesses settled for talking about events that took place 30-60 years into the past. The dispute over Chełmno, however, would ask the witnesses to testify about specific events that took place over a century earlier – well beyond living memory. Although many of the witnesses were not eyewitnesses to what they described in Pomerania, these events took place during their lifetimes. The fact that most of the witnesses forgot certain things (e.g., that Władysław was not king when he held Pomerania and that his reign in Poland was interrupted by six years of Bohemian rule) may be attributed to the processes of social memory outlined above. The Knights' arrival in Poland took place over a century earlier, so the witnesses were entirely at the mercy of their predecessors, who transmitted their memories both orally and through writing. How these witnesses attempted to make these recollections of a distant past make sense in the present will be the main focus in the final chapter of this dissertation.

CHAPTER SIX

HISTORIOGRAPHICAL LAWYERING AND THE TESTIMONIAL PRODUCTION OF THE STATE: *RATIO REGNI*, PETER'S PENCE, AND THE SOCIAL MEMORY OF THE ARRIVAL OF THE TEUTONIC KNIGHTS IN POLAND

The boundary dispute between the Teutonic Knights and King Kazimierz of Poland in 1339 over the Chełmno land resembled certain other types of dispute that characterized the tricky relationship between monks and their benefactors. It was certainly not uncommon for the institutional memories of monastic orders to differ from those of a donor's descendants, who would later try to regain lands they viewed as rightfully theirs.[1] For this reason, great care was taken to commemorate these grants by inscribing the record of the gift both in writing and in the minds of as many witnesses as possible. However, despite the best intentions of both sides, conflicting memories occasionally did emerge, sometimes erupting into violent conflicts several generations after the deaths of the original parties. In this way, the conflict considered below was typical of relations between monasteries and their benefactors in the West. Yet, it is also something more. First, although Kazimierz was the great-grandson of the duke who had founded the Teutonic Knights in Poland, he sought to revoke the grant not because of his family's rights to the land, but rather because of his kingdom's rights to the land. Second, his dispute was not with one monastery, or even with a religious

[1] Stephen White, *Custom, Kinship, and Gifts to Saints: The* Laudatio Parentum *in Western France, 1050-1150* (Chapel Hill: University of North Carolina Press, 1988); Paul R. Hyams, "The Charter as a Source for the Early Common Law," *Journal of Legal History* 12 (1991), 173-89.

order, but rather with a monastic order that was becoming a territorially sovereign state at exactly the same time that the newly restored Kingdom of Poland was itself emerging as a territorially sovereign state. As the Polish lawyers made clear (and their German colleagues undoubtedly would have agreed), the Knights, unlike the other religious and military orders, could be neither in nor of the Kingdom. The issue here was not which of the king's lands the Knights should possess, but where the boundary between the Kingdom and the Teutonic *Ordensstaat* lay. Third, the extensive source materials relating to this dispute – charters, chronicles, arbitrated settlements, peace treaties, and the testimonies of 33 witnesses – allow us to analyze how the terms of the dispute changed over time, as memories of the thirteenth-century borderland society in which the grant was made were made to conform to the emerging fourteenth-century concept of "bordered lands" of strictly demarcated, territorially sovereign states.[2] Finally, the modern historiographical dispute has further problematized this already problematical issue, especially as some scholars have represented this as a continuing boundary dispute between Poland and Germany, resolved only after the Second World War. The history of the arrival of the Teutonic Knights in Poland was for a long time one of the most contentious topics of scholarship in Polish and German historiography. German nationalists saw the origins of the modern German state in the Teutonic *Ordensstaat* in Prussia, while Polish nationalists saw this as one of the major episodes in a millennium-long German *Drang nach Osten*. As a result, the academic study of the history of

[2] I have adopted this terminology from Jeremy Adelman and Stephen Aron, "From Borderland to Borders: Empires, Nation-States, and the Peoples in between in North American History," *American Historical Review* 104 (1999), 814-41.

the arrival of the Teutonic Knights in Poland remained politically charged well into the twentieth century.[3]

The surviving contemporary sources, however, would not seem to portend such a long-lasting dispute. It is true that in the decades following the arrival of the Teutonic Knights in Poland in the 1220s, the neighboring Polish and Pomeranian dukes contested certain claims made by the Knights to more extensive territories.[4] But the original grant of the Chełmno land, demarcated by the Vistula, Osa, and Dzwęca rivers, was never disputed by thirteenth-century Polish dukes. No Polish duke ever claimed to be lord of the Chełmno province after Duke Konrad of Mazovia, with the consent of his family, his knights, and the neighboring bishops, granted the land to the Teutonic Knights in perpetuity, so that they would help to defend his lands against the invasions of the neighboring pagan Prussians. Polish metropolitans continued to protest the removal of the Chełmno region from under their ecclesiastical jurisdiction following the creation of an autonomous Bishopric of Chełmno in 1243;[5]

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[3] An analysis of these historiographical disputes could easily fill a separate monograph. Instead, I will draw attention to a couple of representative examples from the mid-twentieth century, which demonstrate that the biases of twentieth-century disputes often obfuscate our understanding of the fourteenth-century disputes. Irene Ziekursch's interwar *Der Prozeß zwischen König Kasimir von Polen und dem Deutschen Orden im Jahre 1339* (Berlin: Verlag Dr. Emil Ebering, 1934) analyzed the trial in an attempt to vindicate the position of the Teutonic Knights in light of what she viewed as the unjust settlement of the Treaty of Versailles. Gerard Labuda's statement that "the process of reintegration, started in the second half of the thirteenth century, lasted an extremely long time and on the western border was finally finished only in 1945," was fairly typical of the Polish side. "Stanowisko ziemi chełminskiej w państwie krzyżackim w latach 1228-1454," *Przegląd Historyczny* 45 (1954), 280-337.

[4] These disputes are examined in the first two chapters of the dissertation.

[5] Actually, the relative ecclesiastical independence of Chełmno begins earlier in the thirteenth century, with the relatively autonomous Prussian missionary bishopric led by Christian; in 1243 Christian's bishopric was divided into four Prussian bishoprics, and from 1255, Chełmno and the other three Prussian bishoprics were placed under the jurisdiction of the Archbishop of Riga. For a brief summary of these events, see chapter 1 and Andrzej Wojtkowski, "Tezy i argumenty polskie w sporach terytorialnych z Krzyżakami. Część pierwsza (1310-1454)," *Komunikaty Mazursko-Warminskie* 91 (1966), 13.

however, by 1310, Archbishop Jakub Świnka – whom many scholars believe to be the father of medieval Polish nationalism and the architect of the restoration of the Kingdom of Poland,[6] which had been divided between various Polish dukes for more than 200 years – ceded his claims to superiority over this disputed province.[7]

In the early fourteenth century both the Polish and the Teutonic Knights' chronicles told essentially the same story – the Teutonic Knights were the rightful lords of the Chełmno land.[8] Yet, the records from the 1339 trial between the Teutonic Knights and the Kingdom of Poland told an entirely different story – the Chełmno land was an integral part of the Kingdom of Poland, and as such, King Kazimierz of Poland was the rightful lord of this land.

How and why, more than a century after the arrival of the Teutonic Knights in Poland, had the two sides come to believe such radically different versions of their collective past? Certainly in part this was due to the fact that during the reign of Władysław Łokietek (1320-33) relations between the Teutonic Knights and the Kingdom of Poland had become hostile, especially during the Polish invasion of the *Ordensstaat* and the Teutonic Knights' invasion of Poland in the final years of his reign. Relations between Poland and the Order were to some extent normalized during the early reign of

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[6] For an English summary of Archbishop Świnka's life, see Daniel Buczek, "Archbishop Jakub Świnka, 1283-1314: An Assessment," in *Polish Studies in Civilization*, ed. Damian S. Wandycz (New York: Columbia University Institute on East Central Europe, 1971), 54-61.

[7] *Urkundenbuch des Bistums Culm*, ed. Carl Peter Woelky (Danzig: P. Bertling, 1885) #166.

[8] Peter von Dusburg's *Chronica terre Prussie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982) and the anonymous *Chronica Poloniae Maioris* (Warsaw: Państwowe Wydawnictwo Naukowe, 1970) both present this view.

Władysław's son, Kazimierz (1333-70). The two sides signed a series of peace treaties and even submitted the dispute to the arbitration of the kings of Hungary and Bohemia in November 1335. This arbitration court, however, failed to find a compromise solution that would satisfy both sides. Nothing came of a further attempt at an arbitrated settlement in 1337.[9] In January 1335, however, King Kazimierz and Archbishop Janisław of Gniezno had already petitioned the Pope to investigate the matter and authorize a trial against the Knights. A number of factors had delayed this trial, but when the arbitrations failed, Kazimierz and Janisław again petitioned for a trial in 1338.[10] The petitions have not survived, but Pope Benedict XII's authorization for a trial added a new dimension to the dispute – the idea of "*ratio regni*" – the inalienability of the lands of the kingdom and the historical rights of the rulers of Poland to all of the lands of the "ancient" Polish *regnum*.[11] It was this idea that the royal procurators tried to argue in the case. Yet, as we shall see, their attempt at "historiographical lawyering" met with limited success.[12] Although this was a well established legal principle in the west, as Janusz Bieniak points out, "this argument express[ed] a new quality of Polish legal thought."[13] As

[9] For an analysis in English of the events of the 1320s and 1330s, see Knoll, *Rise*, 42-82.

[10] For an analysis of the events leading up to this trial see Janusz Bieniak, "Geneza procesu polsko-krzyżackiego z 1339 roku," *Acta Universitatis Nicolai Copernici. Historia* 24 (1990), 24-50; Janusz Bieniak, "Przebieg Procesu Polsko-Krzyżackiego z 1339 roku," *Pamiętnik Biblioteki Kórnickiej* 23 (1993), 5-22; see also chapter 3.

[11] Lites I (2), 68.

[12] I am borrowing the concept of "historiographical lawyering" with some modifications from Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick: Transactions Publishers, 1997), 79-141, 221.

[13] Bieniak, "Geneza," 24.

such, it was not easily consumed by people who were still becoming acculturated to the full ramifications of regnal rights.

The royal procurators wanted everybody who was anybody in the kingdom to testify at the trial,[14] and they came close to achieving this goal, as the court swore in 176 witnesses, including regular and secular clerics, nobles, knights, and burghers. Due to time constraints, however, only 126 witnesses were able to testify, and less than a quarter of these witnesses were able to testify about all of the articles of complaint submitted by the Polish procurators.[15] In all, 33 witnesses were asked about the "Chełmno articles" – articles 1-3, quoted below. The testimonies of these witnesses provide us with a representative sample of how people living in the Kingdom of Poland thought about the history and political geography of Poland as well how they understood the reason of state arguments made by the royal procurators. These testimonies also allow us to study the tension and interplay between orality and literacy in the production of historical consciousness and group identity formation in the middle ages. In this, they show that the lawyers, judges, and witnesses did not always agree on what they thought most important for proving the validity of the king's arguments.

[14] Bieniak, "Przebieg," 16.

[15] After the first 13 witnesses, who testified about all 30 articles, the remaining witnesses were usually asked about certain blocks of articles relating to particular lands, although a few of the later witnesses were also asked about all the articles. For a detailed description of the selection of witnesses, see Bieniak, "Środowisko świadków procesu polsko-krzyżackiego z 1339 r.," in *Genealogia – Kręgi zawodowe i grupy interesu w polsce średniowiecznej na tle porównawczym*, ed. Jan Wroniszewski (Toruń: Uniwersytet Mikołaja Kopernika, 1989), 5-35.

Memory, Forgetting, and the Historical Consciousness of the Witnesses

On 6 February 1339, King Kazimierz of Poland and Archbishop Janisław of Gniezno formally accused the Teutonic Knights of inflicting serious wrongs upon the Polish *regnum* and *ecclesia*. Their procurators presented the papal judges-delegate with 30 articles of complaint against the Knights. These articles alleged, *inter alia*, that the Teutonic Knights were unjustly holding lands that had belonged *ab antiquo* to the Kingdom of Poland. The articles explained that most of these lands had been taken in the series of wars between Poland and the Knights, which had taken place over the previous 30 years. However, the articles began with what Kazimierz believed to be the first instance of the Order's perfidy – its allegedly unjust possession of the first grant made to it in Poland by Kazimierz's great-grandfather, Duke Konrad of Mazovia.

That the details of this story emerge only from the testimonies of the witnesses who were interrogated over a period of three months is somewhat perplexing. The first article says nothing about Duke Konrad, his grant, his relationship to Kazimierz, why Konrad had made the grant, the Teutonic Knights' relationship to their founder in Prussia, or even whether or not the Teutonic Knights were still in possession of this land. Instead, it only established the where – not the who, what, when, why, and how:

> In the first he intends to prove that the land of Chełmno with each district and territory and with the city of Chełmno, Toruń, and also all the towns, castles, and villages located and situated within the said territory of Chełmno from the Vistula river to the river commonly named Osa belongs from antiquity to the Kingdom of Poland and is located within the borders of the same Kingdom and that the princes of Poland at that

time possessed the same in the name of the same Kingdom and that concerning this there is common knowledge [*publica vox et fama*].[16]

For claims based on the historical rights of the Kingdom of Poland to the Chełmno land, the royal procurators' arguments are surprisingly ahistorical. They argue that the Chełmno land "belongs to the Kingdom of Poland" "*ab antiquo*"[17] and that "*principes Polonie*" at that time [*qui pro tempore fuerunt*] possessed it, but they do not specify when that time was. Unlike the early fourteenth-century disputes between England and Scotland, in which the elaborate stories told by both sides constructed a historical, territorially sovereign state, legitimized by mythic foundation stories,[18] the 1339 articles of dispute never explicitly mention the Kingdom of Poland's "moment of primary acquisition."[19] This makes it impossible to accept Andrzej Wojtkowski's argument that the social memory of the early Kingdom of Poland, which first

[16] Lites I (2), 94: "In primis probare intendit [procurator regis Cazimiri], quod terra Culmensis cum omni districtu et territorio suo et cum civitate Culmensi, Thorun, necnon omnibus opidis, castris, villis sitis et locatis infra dictum territorium Culmense a flumine Visla usque ad flumen Ossa vulgariter nuncupatum, pertinet ab antiquo ad regnum Polonie et est sita infra metas eiusdem regni, et quod principes Polonie, qui pro tempore fuerunt, ipsam possederunt nomine regni eiusdem, et quod de hoc est publica vox et fama."

[17] "*Ab antiquo*" is a relative time period – this is said of Chełmno, Pomerania, and Michałowo, but not of Kujavia or Dobrzyń, i.e. it is said of the lands the Teutonic Knights acquired in the more distant past (30-110 years ago) as compared to those taken in the wars of the 1320s-1330s.

[18] R.R. Davies argues that Edward I's conflict with Scotland produced "one of the most remarkable medieval examples of the deployment and distortion of the past in the service of the present." *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford: Oxford University Press, 2000), 35; for other examples of the role of origin myths played in the legitimization of medieval kingdoms, see Susan Reynolds, "Medieval *Origines Gentium* and the Community of the Realm," *History* 68 (1983), 375-90.

[19] In *The Myth of Nations: The Medieval Origins of Europe*, Patrick Geary defines the "moment of primary acquisition" as the point in the past which modern (and for our purposes, medieval) nationalists claim "…determined once and for all the limits of legitimate ownership of land […]…when their people first…established their sacred territory and their national identity." (Princeton and Oxford: Princeton University Press, 2002), 12, 156.

emerged more than three centuries before the trial, figured prominently in the historical consciousness of any of the parties involved in the trial.[20] It is true that the two twelfth-century chronicles written by Gallus Anonymous[21] and Master Vincent Kadłubek,[22] as well as a couple of late thirteenth- and early fourteenth-century chronicles,[23] had preserved the memory of Poland's former greatness under its founders. Yet, there is little sign of this in the trial records, except perhaps in the reified papal geography of the Kingdom of Poland, an administrative palimpsest, which required the payment of Peter's Pence from all the lands of the ancient kingdom. I will return to the topic of Peter's Pence below, but first I would like to examine the relationship, or rather lack thereof, between Poland and the Knights as explained in the articles.

The Chełmno articles do not provide any information about when or how the Teutonic Knights acquired the Chełmno land. The articles relating to the other disputed lands explained how the Teutonic Knights had acquired them, but the Chełmno articles barely even mention the Knights. The first article also makes no direct link between Kazimierz and the anonymous "Polish princes" who had granted the land to the Knights, even though the unnamed duke who gave the land to the Knights was Kazimierz's great-grandfather, Duke Konrad of Mazovia. Also, unlike the other articles, no claim is made to any specific monetary indemnities owed to Kazimierz. The king

[20] Wojtkowski, "Tezy," 20, 28.

[21] *Gesta principum Polonorum = The deeds of the princes of the Poles*, translated and annotated by Paul W. Knoll and Frank Schaer (Budapest and New York: Central European University Press, 2003).

[22] *Kronika Polska*, ed. Marian Plezia, MPH ns XI (Kraków: Secesja, 1994).

[23] *Kronika Wielkopolska*, ed. Brygida Kürbis, MPH ns VIII (Warszawa: Państwowe Wydawnictwo Naukowe, 1970); *Miersuae Chronicon*, ed. August Bielowski, MPH II, 145-90, 283-438, MPH III, 46-52.

and his advisors apparently did not know how long the Knights had held the land or how much revenue they derived from it. In fact, it appears that the king knew next to nothing about the history of his kingdom or his family in the thirteenth century, much less about the glory days of the kingdom under its founders at the turn of the eleventh century. All of this existed in a remote time, which apparently was also of little interest to the witnesses, none of whom go back to a time before Konrad.

Surprisingly, however, the witnesses seem to know quite a bit more about the history of the kingdom than their king does. The first question the judges asked was whether the article was true. If the witnesses said it was, they were asked how they knew this ["*interrogatus de causa sciencie*"]. However, instead of just telling the judges who their informants were, the witnesses historicized their testimonies by telling the judges as much as they knew about the arrival of the Teutonic Knights in Poland. What is even more surprising is that even without any sort of prompt, the witnesses told essentially the same story: Konrad (or some other Polish duke) had invited the Teutonic Knights to Poland to help defend his lands from attacks by the pagan Prussians; in exchange for their help, he granted them the Chełmno land. However, this was intended to be merely a temporary grant. After the Knights had conquered the Prussians, they could keep whatever they acquired from them beyond the Osa River, but they were to return Chełmno to Konrad or his heirs.

Why did the witnesses feel the need to historicize their testimonies without any prompting either from the articles of accusation or from the judges' questions? The judges simply asked whether the article was true and what the source of their knowledge was. They did not ask the witnesses to provide

narrative accounts to substantiate the procurators' ahistorical arguments. However, considering the number of witnesses who historicized their testimonies and the fact that most of them told essentially the same story, one has to wonder why the procurators did not historicize their articles. It is possible that the articles were deliberately left as blank slates upon which the witnesses could write their own stories, but it would have made more sense to ask the witnesses leading questions (which some of the later articles did). Instead, it seems that the witnesses (and perhaps also the judges) missed the point of the articles. The first article was in fact quite detailed, but not as a historical narrative. The royal procurators were at great pains to define the Chełmno land in as much detail as possible by listing the major towns located in it and the rivers that demarcated it, but the witnesses ignored most of those details in order to tell what they thought was most important – the narrative of the Teutonic Knights' betrayal of Konrad. Only a few witnesses talked about these boundaries, and none talked directly about these towns.

There is a disconnect between the procurators' arguments, the judges' questions, and the witnesses' testimonies. It often seems like they are talking past each other. What was most important for the procurators in proving their case was not what was most important for the witnesses in justifying their beliefs. The procurators were thinking about the Chełmno land in terms of a reason of state.[24] The conditions under which the Teutonic Knights had

[24] Gaines Post points out that "*ratio status regni* [was] suborndinate to a higher 'reason of State," and "the abstraction of corporate State from *status regni* was not as complete as in the modern age." But, he also argues that "although generally kings said that they were maintaining or defending the *status regni* instead of the *regnum*, in fact they had in mind something similar to the concept of the State." In western Europe in the twelfth and thirteenth centuries, or in Poland in the fourteenth century, the concept of "'reason of State' was most frequently expressed as the just cause, necessity, or evident utility of making a law, doing justice, or fighting a war for the public and common utility, the *status*, of the kingdom." Gaines Post, "*Ratio Publicae Utilitatis*, *Ratio Status*, and 'Reason of State,' 1100-1300," in *Studies in*

acquired the Chełmno land mattered little in their view. It was an integral part of the ancient Kingdom of Poland and therefore inalienable from those possessions of King Kazimierz, which he held "*nomine regni*." The witnesses, however, completely missed the point of this argument, instead linking the Chełmno land to the other lost Polish lands, not through Kazimierz's royal authority, but rather through a narrative of Teutonic deceit.

Ratio Regni Poloniae *and the Political Consciousness of the Witnesses:*

As discussed above, in the letter from Pope Benedict XII authorizing the trial, "*ratio regni*" is mentioned as one of the justifications for Kazimierz's claims to the disputed lands.[25] King Kazimierz might have used similar language in his petition for the trial, but this document has not survived.[26] In any event, if the royal procurators had used this concept in their pleas to the pope, they chose to put a similar point rather differently in their articles of accusation, arguing that "*principes Polonie*" possessed the Chełmno "*nomine regni [Polonie]*." This statement implies that these princes held this land not as their personal property to do with as they pleased, but as the stewards of a Kingdom of Poland, which like other fourteenth-century states, had become a juridical person that was eternal and inalienable, at least in the minds of Kazimierz's lawyers.[27]

Medieval Legal Thought: Public Law and the State, 1100-1322 (Princeton: Princeton University Press, 1964), 250, 303-4

[25] Lites I (2), 68.

[26] Bieniak, "Przebieg," 7.

[27] For Polish scholarship on this topic see Jadwiga Krzyżaniakowa, "Regnum Poloniae w XIV wieku. Perspektywy badań," in *Sztuka: Ideologia XIV wieku*, ed. Piotr Skubiszewski (Warszawa: Państwowe Wydawnictwo Naukowe, 1975), 63-87; Konstanty Grzybowski, "'Corona Regni' a 'Corona Regni Poloniae,'" *Czasopismo prawno-historyczne* 9 (1957), 299-

This argument was a powerful statement of the Polish reason of state, but as argued above, there was a disconnect between what the witnesses were asked and what they understood. While the witnesses agreed that the article was true, all but one of them ignored this statist argument for the affiliation of Chełmno to the Kingdom of Poland. They instead tell a story of Duke Konrad, King Kazimierz's ancestor, temporarily granting the Chełmno land to the Teutonic Knights with the expectation that they would return it to him or his descendants. The witnesses seem unable to make the distinction between the "king's two bodies" advanced by the royal procurators.[28] Rather, they implicitly argue that Kazimierz should hold the land by virtue of his descent from Konrad rather than his royal authority.

The testimonies of Kazimierz's two cousins are also illustrative of the tricky historical relationship between the various Polish dukes and the imagined Polish state. Duke Kazimierz of Kujavia, King Kazimierz's cousin, states that Konrad held the Chełmno land, not "*nomine regni*" as the article states, but as "*hereditatem suam propriam*" – as his own inheritance.[29] Duke Leszek, Duke Kazimierz's brother, even testifies that another of Konrad's descendants, Duke Bolesław of Mazovia, thought of the Chełmno land as part of his own duchy, which in the 1330s existed outside of the Kingdom of Poland.[30] Leszek also seemed to regard his lands as his personal property

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331; Jan Dąbrowski, *Korona Królestwa Polskiego w XIV w.: Studium z dziejów rozwoju polskiej monarchii stanowej* (Wrocław: Zakład im. Ossolińskich, 1956).

[28] Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Political Theology* (Princeton: Princeton University Press, 1957); reprinted with a new preface by William Chester Jordan (Princeton: Princeton University Press, 1997).

[29] Lites I (2), 281.

[30] Lites I (2), 375.

rather than part of an inalienable kingdom, because another of the disputed lands in this trial had been pawned and latter sold by Leszek to the Teutonic Knights.[31] In fact, it seems that the royal vision of the contemporary kingdom was just as incomprehensible to the fourteenth-century Polish dukes as the imagined "historical" kingdom would have been to thirteenth-century Polish dukes, who regarded the lands they possessed as theirs to do with as they pleased.

In addition, no witness describes the extent of Konrad's power beyond the fact that he was lord of the Chełmno land. They note that he was a duke, but they do not explain what he was duke of or how he fit into the power structure of this imagined kingdom.[32] In fact, none of the witnesses talks about the thirteenth-century kingdom in whose name the land was held, instead saying only that the Chełmno land itself was held by Duke Konrad. Surprisingly, the only question the judges posed in this matter is whether the witnesses knew the name of the duke. They do not ask about his relationship to this remembered Polish kingdom. The witnesses are left to their own devices to make sense of this grant, and as a result they contextualize it in a way that makes sense to them – Kazimierz should have inherited the land from his great-grandfather just as they inherited lands from their ancestors. In fact, the Judge of Łęczyca prefaces his story about the Knights' theft of Konrad's lands by stating that "his [the judge's] grandfather and father had lands within the said land of Chełmno, which the said master and brothers of

[31] This is the Michałowo land, which is discussed in articles 16-18.

[32] Iwo, the 17th witness, does not give Konrad's name, instead stating that the grant was made by "a certain Duke of Kujavia." Tomasz of Zajączkowo, the 51st witness also said a grant was made by dukes of Kujavia. These are the only two witnesses who define (mistakenly) Konrad's duchy.

the Teutonic Order stole from them and occupied and which they still possess."[33] This might not seem like it has very much to do with the judges' question about how he knew the article was true, but in the mind of this man it did. He knew that the Knights had stolen lands from his family, so it did not take much of a stretch of the imagination to think that they had also stolen lands from Kazimierz's family.

A couple of witnesses, however, do come close to agreeing with the procurators' argument of "*ratio regni*," which many Polish scholars have picked up on to demonstrate the development of a theory of a reason of state in fourteenth-century Poland.[34]

First, Bishop Jan of Kraków relates a meeting between King Władysław and an envoy sent to him by the Grandmaster of the Teutonic Knights that he says took place about fifteen years earlier, when he was chancellor to Kazimierz's father in Kujavia. Jan says that Władysław told the legate that

> [The Chełmno land was] his and belonged to him by reason of his regnal authority [*racione regni sui*], saying among other things that his, the said lord Władysław's, grandfather, whose name the lord bishop who is speaking did not remember, had granted the said land to the said brothers of the Teutonic Knights as a precarial grant and had conceded it to them for assaulting the infidel Prussians who were in the areas surrounding the said land, and under this pact and condition, that

[33] Lites I (2), 182: "…avus et pater suus habuerunt terras infra dictam terram Culmensem, quas dicti magister et fratres Cruciferi de Prussia eis abstulerunt et occupaverunt et adhuc possident…."

[34] Helena Chłopocka, *Procesy Polski z Zakonem Krzyżackim w XIV wieku: Studium Źródłoznawcze* (Poznań: Państwowe Wydawnictwo Naukowe, 1967), 218; Jan Baszkiewicz, "Prawo rzymskie i kanoniczne w kulturze politycznej Polski XIII i XIV stulecia," in *Historia kultury średniowiecznej w Polsce*, ed. Aleksander Gieysztor (Warszawa: Polskie Towarzystwo Historyczne, 1963), 90-1; Grzybowski, "Corona Regni," 318; Labuda, "Stanowisko."

> the said Prussians having been subjugated, they were bound to restore the said land and its castles, villages, and places as they had been granted to them by the said grandfather of the said lord King Władysław or to his successors without contradiction, but rather peacefully and without a lawsuit.[35]

The bishop's statement that it was Władysław who said this is worth noting. Bishop Jan does not explicitly endorse this message. He also says that he had not bothered to read the charter that Władysław showed to the envoy, because he was busy with other matters at the time.[36] Bishop Jan had quarreled with both Kazimierz and his father, even excommunicating Kazimierz a few years before the trial, to which Kazimierz replied by asking the pope to remove the bishop because of his disobedience.[37] The Pope urged the two men to make peace in April 1338,[38] but it still seems unlikely that less than a year after this dispute had ended Jan and Kazimierz saw eye to eye on matters of Church and State.

The second declaration of royal authority is made by Archbishop Janisław of Gniezno. He does not, however, make this statement in response

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[35] Lites I (2), 287: …[terra Culmensi erat sua] et eum pertineb[at] racione regni sui, dicens inter cetera, quod avus suus, dicti domini Wladislai, de cuius nomine non recordabatur ipse dominus episcopus qui loquitur, dictam terram Culmensem dictis fratribus Cruciferis tradidit precario et concessit pro expugnacione Pruthenorum infidelium qui erant in circuitu dicte terre, sub hoc pacto et condicione, quod subiugatis dictis Pruthenis, dictam terram Culmensem et castra, villas et loca ipisus, prout eis concessa fuerant, tenerentur dicto avo dicti domini Wladislai regis seu eius successoribus restituere sine contradiccione quacunque pacifice et sine lite."

[36] Lites I (2), 287.

[37] Knoll, *Rise*, 71, 84, 88; Mieczysław Niwiński, "Biskup krakowski Jan Grotowic i zatargi jego z Włodzisławem Łokietkiem i Kazimierzem Wielkim. Ustęp z dziejów stosunku Kościoła do Państwa w Polsce w w. XIV," *Nova Polonia Sacra* 3 (1939), 57-99.

[38] Knoll, *Rise*, 100.

to the Chełmno land, to which he gave the standard reply of the other witnesses, but instead in response to questions about another of the disputed lands. He explains that King Kazimierz should possess this land because "the lord King of Poland is lord of all the territories located within the Kingdom of Poland, and he gives to those he wants and takes away from those he wants."[39] Polish scholars have traditionally viewed this statement as a magisterial expression of royal power.[40] Be that as it may, this phrase is not an expression of "*ratio regni*." The kingdom is not presented as a public institution; instead the lands of the kingdom are viewed as Kazimierz's to do with as he pleases. This is another expression of the patrimonial rather than public character of the state, and it is in keeping with Janisław's 1321 ruling when he headed the papal tribunal that found in favor of Kazimierz's father, who also argued that the disputed lands belonged to him because of personal rather than public rights. In fact, in this earlier ruling, which was entered into evidence in the 1339 trial, Archbishop Janisław read from the papal bull authorizing the earlier trial. This bull was based on the petition submitted by Kazimierz's fathers' lawyers, who recognized the legitimacy and permanency of Konrad's grant:

> …Duke Konrad of Poland, grandfather of that same duke [Władysław], first called the master and brothers, whom he believed true defenders of the Catholic faith, to those parts for the defense of the same faith,

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[39] Lites I (2), 369: "*Dominus rex Polonie est dominus omnium terrarium infra regnum Polonie consistencium et dat cui vult, et cui vult aufert*."

[40] See among others, Krzyżaniakowa, "Regnum," 76. For a minimalist view of Polish kingship at this time, see Stanisław Kutrzeba, *Historja ustroju Polsk w zarysiei: Korona*, 8th ed. (Warszawa: Gebethner and Wolff, 1949), 131-5. Knoll presents a more balanced assessment of the extent of royal authority. [*Rise*, 170]

and he freely conceded to them some movable and immovable goods…. [41]

Although the Chełmno land is not mentioned by name, it can be assumed. Certainly Janisław remembered that in the earlier trial Władysław did not challenge the legitimacy of any of the earlier grants to the Teutonic Knights made by his family. But that earlier trial had taken place less than a year after Władysław's coronation, ending a long period in which the Kingdom of Poland had ceased to exist as a functioning political organization. Perhaps nearly two decades of continuous kingship were changing the archbishop's views on royal authority.

The fact that this definition of Kazimierz's power came from the chief ecclesiastic of the kingdom does raise some interesting questions about the relationship between the Polish *regnum* and *ecclesia* in early fourteenth-century Poland. One would perhaps assume that the archbishop did not think *ratio regni* applied to church lands that were protected by ecclesiastical immunities. If so, this might indicate that the Teutonic Knights were regarded by Poles solely as territorial lords and no longer as a monastic order. This, of course, had not always been the case. Although the witnesses remembered the purpose of Konrad's grant to be a purely military one, the role of the Teutonic Knights in the thirteenth century had been to protect both the bodies and the souls of Christians. Polish nobles granted lands to the Teutonic Knights to combat both the physical and spiritual enemies of Christendom, and one thirteenth-century Duke of Pomerania actually joined the Teutonic

[41] Lites I (2), 123: "…Conradus dux Polonie, avus eiusdem ducis, eosdem magistrum et fratres, quos veros credebat katholice fidei defensores, ad partes illas pro defensione ipsius fidei primitus advocavit et nonnulla inmobilia et mobilia bona liberaliter concessit eisdem…."

Order.[42] None of the witnesses, however, remembered the Teutonic Knights as anything other than marcher lords, who had been called to Poland to help clear out the pagan invaders, and then carve out their own patch of territory in Prussia. They were referred to by the geographical epithet "de Prussia."[43] They were the territorial lords of Prussia, and as such could not exist within the Kingdom of Poland. The only question that remained was where to draw the line between Poland and Prussia.

Boundary Narratives, the Territorial Logic of Peter's Pence, and the Geographical Knowledge of the Witnesses

The royal arguments about boundaries fared somewhat better than the arguments about royal power. This can be explained, at least in part, by the fact that boundaries mattered more to witnesses, at least the small-scale boundaries which defined the estates that provided the witnesses with revenue and power. This is not to say that "regnal solidarity," to use Susan Reynolds phrase,[44] did not matter to the witnesses. This certainly was important, but the witnesses thought about it differently than the king's lawyers did. Unlike the new theories of kingship and the state, which had to work their

[42] See chapter 2.

[43] Lites I (2), 94-5; although the Knights had originated as one of many translocal religious organization on the Polish-Prussian borderland in the thirteenth century, their territorialization in Prussia during the early fourteenth century created a situtation in which the Knights came to be identified by the name of the people they conquered – the Prussians. As David H. Kaplan explains in the context of a different borderland society: "Over time, as a group occupies and delineates a particular territory, a transformation occurs. Instead of the group defining the territory, the territory comes to define the group." ["Conflict and Compromise among Borderland Identities in Northern Italy," *Tijdschrift voor Economische en Sociale Geografie* 91 (2000), 44]

[44] Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd ed. (Oxford: Clarendon Press, 1997), 252.

way down through society, theories about large-scale political boundaries were dependant upon the mentalities surrounding small-scale boundaries.[45] As in western Europe, the boundaries of estates mattered in medieval Poland long before large-scale political boundaries became important.[46] These boundaries were commemorated by perambulations, boundary markers, and boundary narratives told in charters and among the witnesses, which would inscribe the boundaries on the ground, on parchment, and most importantly in the minds of witnesses.[47] Boundaries made sense to the witnesses, because they were a daily part of their lives. But, for all the witnesses' familiarity with boundaries, only a few of the witnesses picked up on the importance of boundaries in the royal arguments.

The knight Antoni, the 49th witness, states: "the Kingdom of Poland is delineated and delimited [*finitur et limitatur*] at the Osa River, and whatever is on this side of the said river is of the Kingdom of Poland and within the same Kingdom of Poland."[48] He then switches into the past tense to talk about the

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[45]Edward Peters, "*Omnia permixta sunt*: Where's the Border?" *The Medieval History Journal* 4 (2001), 109-27; see also Bernard Guenée, "From Feudal Boundaries to Political Borders," in *Rethinking France: Les Lieux de Mémoire, Volume I: The State*, ed Pierre Nora, trans. Mary Trouille (Chicago and London: University of Chicago Press, 2001), 81-103; cf. Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca and London: Cornell University Press, 1999).

[46] Small-scale boundaries of villages and estates also mattered in the creation of large-scale boundaries – see for example the 1349 delineation of the state border between Poland the *Ordensstaat*, in which the "ancient" boundaries of villages and estates figure prominently. *Kodeks Dyplomatyczny Wielkopolski*, vol. 2 (Poznań: Nakładem Biblioteki Kónickiej, 1878) #1290.

[47] Grzegorz Myśliwski, "Boundary Delimitation in Medieval Poland," in *Historical Reflections on Central Europe*, ed. Stanislav J. Kirschbaum (New York: St. Martin's, 1999), 27-36; see also David Newman and Anssi Paasi, who argue that "the construction of boundaries at all scales and dimensions takes place through narrativity." ["Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography," *Progress in Human Geography* 22 (1998), 195.

[48] Lites I (2), 294: "…regnum Polonie finitur et limitatur in flumine Ossa, et quitquid est circa dictum flumen, est de regno Polonie et infra ipsum regnum Polonie…."

arrival of the Teutonic Knights. The source of his knowledge about the kingdom's borders is common knowledge – "he heard and it is still said among good and serious men…and no one doubts"[49] – while he heard about the arrival of the Teutonic Knights "from his parents and progenitors, because the witness who is speaking was not yet born," and "because it is very old business."[50] In the minds of the witnesses, the borders were actual and current, while the arrival of the Teutonic Knights existed in a remote past and had no bearing upon the demarcation of the kingdom's boundaries. Bishop Jan of Poznań is even more unequivocal about his understanding of the boundary of the Kingdom of Poland and its relationship to Konrad's grant:

> …whether in perpetuity or for a time, he said, he did not know, but he heard from some that the said master and brothers were held to return the said land of Chełmno to Duke Konrad or his successors after they had subjugated the pagan Prussians from Prussia, who had now for a long time been subjugated by the said master and brothers of the Teutonic Knights as he said. He also said that others said the opposite; nevertheless, he said that it is notorious [*notorium*] that everything from the Osa River up to the Vistula River, all of it is of the Kingdom of Poland.[51]

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[49] Lites I (2), 294: "se audivisse et adhuc dicitur apud bonos et graves…et nullus dubitat…."

[50] Lites I (2), 294. "…se audivisse a parentibus et progenitoribus suis, quia ipse testis qui loquitur nondum erat natus […] quia multum antiquam negocium est…."

[51] Lites I (2), 149: "ultrum in perpetuum, vel ad tempus, dixit se nescire, sed audivit ab aliquibus, quod dicti magister et fratres tenebantur dicto duci Conrado vel successoribus suis restituere dictam terram Culmensem subiugatis Pruthenis paganis de Prussia, qui iam diu est, sunt subiugare dictis magistro et fratribus beate Marie Theutonicorum de Prussia ut dixit. Dixit eciam, quod alii dicebant contrarium; dixit tamen esse notorium, quod quitquid a flumine Ossa usque ad flumen Wisla, totum est de regno Polonie…."

In the minds of these witnesses, the story of the arrival of the Teutonic Knights in Poland did not have any bearing on where the boundary of the kingdom lay. The boundaries of the Kingdom of Poland were *notorium*, that is, they were so well-known as to require no further proof.

The memory of these hard boundaries was, therefore, projected back into the thirteenth century by some of the witnesses. Mikołaj, the Dominican Prior of Sieradz, was told the following story by elders of the Dominican community in Płock:

> A certain legate was sent from the Lateran into Prussia by the Pope, and when he came from the Papal Curia and was in the Chełmno land, he started to exercise his legation, believing himself to be in Prussia, and he started to go around just as a legate did in the land delegated to him; but when he was told that he was in the land of Chełmno, within the Kingdom of Poland, he took off his insignia and left the land of Chełmno, and he crossed to the other side of the Osa River into the land of Prussia, to which he was sent as the legate of the Lateran, and there he put his insignia back on and he began to exercise his legation as a legate assigned to and sent to Prussia.[52]

This is a fascinating fabrication of administrative "hard boundaries." The problem with this story, though, is that all of the thirteenth-century papal legates operated in both Poland and Prussia, and often also in other states in

[52] Lites I (2), 260: "…quidam legatus de latere missus erat in Prussiam a domino nostro Papa, et cum veniret de Romana curia et esset in terra Culmensi, cepit exercere legacionem suam et oficium sue legacionis credens esse in terra Prussia, et incepit ire et incedere sicut legatus factus in provincia ubi deputatus est; sed cum fuisset sibi dictum quod dicta terra Culmensis esset de regno Polonie et infra ipsum regnum, deposuit insignia sua et exivit terram Culmensem, et transtulit se ultra flumen Ossa ad terram Prussie ad quam erat missus sicut legatus de latere, et ibi resumpsit insignia sua et cepit exercere legaccionem suam sicut legatus deputatus et missus in Prussiam…."

east-central Europe. Their legatine authority was not strictly delimited by certain state boundaries.

During the thirteenth century the Osa River did not serve as a political boundary. Instead it was an internal administrative boundary in Prussia, separating the Bishopric of Chełmno from the Bishopric of Pomezania. In fact, the Osa River did not become a political boundary until the 1320s and 1330s, when Pope John XXII began to take a more expansive view of the regions that owed Peter's Pence. [53] In the late thirteenth century, this tax had been collected only from the lands within the Archdiocese of Gniezno.[54] However, from 1317 on, the papacy began to demand Peter's Pence from the inhabitants of all the lands that had historically been part of the Polish church, including the Diocese of Chełmno.[55] The royal procurators picked up on this

[53] Peter's Pence [*Denarius Sancti Petri*] was a tax owed to Rome by the inhabitants of certain medieval states, subject to the authority of the papacy. For an analysis of this tax in the British Isles, see Barbara E. Crawford, "Peter's Pence in Scotland," in *The Scottish Tradition: Essays in Honor of Ronald Gordon Cant*, ed. G.W.S. Barrow (Edinburgh: Scottish Academic Press, 1974), 14-22; Ole Jensen, "The 'denarius sancti Petri' in England," *Transactions of the Royal Historical Society* n.s. 15 (1901), 171-247; 19 (1905), 209-77. The inhabitants of Poland owed this annual payment on the basis of Mieszko I's submission to the papacy around 990, as preserved in the "Dagome iudex." [Gerard Labuda, "Akt *Dagome Iudex* – pierwszy "konkordatowa" umowa między Polską a Stolicą Apostolską z czasów Papieża Jana XV (985-996), *Pamiętnik Biblioteki Kórnickiej* 25 (2001), 17-24] For a history of Peter's Pence in Poland and the *Ordensstaat* see Markus Denzel, "Klerycy i kupcy. Polska i świętopietrze w systemie obrotu płatniczego kurii rzymskiej w XIV wieku," *Zeszyty Naukowe Uniwersytetu Jagiellońskiego – Prace Historyczne* 123 (1997), 7-29; Jan Ptaśnik, "Denar świętego Piotra obrońca jedności politycznej i kościelnej w Polsce," *Rozprawy Akademii Umiejętności – Wydział Historyczno-Filozoficzny* seria II 26 (1908), 133-218; Jan Ptaśnik, "Kolektorzy kamery apostolskiej w Polsce piastowskiej," *Rozprawy Akademii Umiejętności – Wydział Historyczno-Filozoficzny* seria II 26 (1907), 1-80; Jan Ptaśnik, *Dagome iudex. Przyczynek krytyczny do genezy świętopietrza w Polsce* (Kraków: Spółka Wydawn. Polska, 1911); Tadeusz Gromniecki, *Świętopietrze w Polsce* (Kraków: A Koziański, 1908); Erich Maschke, *Der Peterspfennig in Polen und dem deutschen Osten* (Leipzig: Hinrichs, 1933; reprint, Sigmaringen: Thorbecke, 1979).

[54] *Vetera Monumenta Poloniae et Lithuaniae gentiumque finitimarum historiam illustrantia. Tomus Primus: Ab Honorio Pp. III usque ad Gregorium Pp. XII. 1217-1409*, ed. Augustin Theiner (Rome: Typis Vaticanis, 1860) #175.

[55] KDW II #991.

expansive view of the papal conception of the Polish *ecclesia*, applying it to their own expanded view of the Polish *regnum* in the second two articles:

> 2. Similarly, he intends to prove that the men living within the Kingdom of Poland and no others adjoining this kingdom are held by the Apostolic See to the annual payment of Peter's Pence as estimated owed to the same church from that kingdom, and that this is notorious.
>
> 3. Similarly, he intends to prove that the men living within the same territory of Chełmno and throughout the above-named places pay to the lord Pope and the Church of Rome Peter's Pence as estimated owed to the same church by the Kingdom of Poland, and as part of the same kingdom it is unduly detained by the said Teutonic Knights.[56]

Neither the articles nor the witnesses' testimonies talk about Poland's unique historical relationship with the Papacy, which required the inhabitants of Poland, unlike the inhabitants of the neighboring states, to pay Peter's Pence. Some witnesses state that this was done "*ab antiquo*," while others state that "there is not memory of men to the contrary,"[57] or it was done "from such a time that the contrary memory of men does not exist."[58] Like the first article, however, this argument is focused on the present. However, unlike the first argument, the majority of witnesses knew from first-hand experience that Peter's Pence was due in the Kingdom of Poland because they had to pay it.

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[56] 2. Item probare intendit, quod homines habitantes infra regnum Polonie, et nulli alii eidem regno confines, tenentur Sedi apostolice ad solvendum annis singulis denarium beati Petri tamquam censum eidem Sedi de ipso regno debitum, et quod hoc est notorium.

3. Item probare intendit, quod homines habitantes infra idem territorium Culmense et per loca supra nominata solvunt domino Pape et Ecclesie Romane denarium beati Petri tamquam censum eidem Ecclesie debitum per regnum Polonie et tamquam pars regni eiusdem, per dictos Cruciferos indebite detenta. [Lites I (2), 94-5].

[57] Lites I (2), 347: "…non est memoria hominum in contrarium…."

[58] Lites I (2), 391: "a tanto tempore, quod de contrario memoria hominum non existit…."

Many of the witnesses were also aware of the fact that the Chełmno land had been placed under interdict for the Teutonic Knights' refusal to pay Peter's pence. At least one of the witnesses also suffered personal hardship when he had to bury his wife outside of a churchyard because of the interdict.[59] There was no need for the witnesses to historicize this argument, because there was ample evidence in the present to support the royal arguments.

The argument of the second and third articles is, as Wiesław Sieradzan has pointed out,[60] syllogistic: the inhabitants of the Kingdom of Poland, and only the Kingdom of Poland, pay Peter's Pence; the inhabitants of the Chełmno land pay Peter's Pence; therefore, the Chełmno land is part of the Kingdom of Poland. The article also states that none of the neighboring lands are required to pay Peter's Pence. The payment of Peter's Pence, therefore, creates the boundary of the Kingdom of Poland – those required to pay Peter's Pence live in Poland, while those who do not live beyond its boundaries. It did not matter whether the inhabitants of the land were ethnic Poles. It had been the case since at least the late thirteenth century that all people living in the Archdiocese of Gniezno were required to pay Peter's Pence, regardless of whether or not they were Poles.[61] Territoriality rather than political affiliation or ethnicity determined who in this sense was a "Pole."

Even those witnesses who did not pick up on the importance of precise boundaries in the testimonies on the first article appear to have understood the territorial logic of Peter's Pence. For example, Palatine Jan of Inowrocław

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[59] Tomasz of Zajączkowo, a former inhabitant of Chełmno. Lites I (2), 305.

[60] Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1993), 60.

[61] Theiner #173.

does not say anything about the boundaries of the Chełmno land in response to the first article, but he notes in response to the third article that Peter's Pence "is not paid beyond the Osa River, because it is outside of the boundaries of the Kingdom of Poland."[62] Duke Kazimierz of Kujavia also ignores the boundary designation in the first article, but responds to it in the second article, testifying that "the inhabitants within the said land of Chełmno, on this side of the Osa River, are held to pay Peter's Pence to the Roman Church because they are thus of the Kingdom of Poland quite as much as others who are in the middle of the kingdom."[63] Center and periphery are exactly the same up to the hard boundary of the Osa River – everybody living there has to pay Peter's Pence and the payment of Peter's Pence signals one's inclusion in the Kingdom of Poland.

The article, however, implies that if it were not for the interference of the Teutonic Knights, the inhabitants of the Chełmno land would happily pay Peter's Pence, just as all the inhabitants of the Kingdom of Poland did. Yet, in a letter written to the Pope, the bishops of Chełmno and Pomezania, as well as the "*milites, militares, feodales, consules civitatum [et] opidorum, [et] seniores terre Culmensis*" present an impassioned plea that they should not have to pay Peter's Pence. The old men [*seniores*] of the land say that from a time of which memory does not exist [*a tempore, cuius non exstat memoria*] they have not had to pay this tax, while the bishops say that they have seen men almost 100 years old who have never heard from their ancestors that

[62] Lites I (2), 231: "…ultra flumen Ossa non solvitur dictus denarius, quia est extra metas regni Polonie…."

[63] Lites I (2), 281: "…habitantes infra dictam terram Culmensem citra flumen Ossa tenentur solvere denarium deati Petri Ecclesie Romane, quia ita sunt de regno Polonie, sicut alii qui sunt in medio regni."

Peter's Pence ought to be paid by them.[64] They were telling the truth, for the demand of Peter's Pence from the Chełmno land was a recent innovation and one that demonstrated the expanded vision of the papal geography of the historical Polish *ecclesia*, as it also came to include the Bishopric of Kamień in western Pomerania, which like the Bishopric of Chełmno had long ago been released from its affiliation to the Polish church.

Considering these contrasting views of where the boundaries of the kingdom lay, and the rather vague phrase in the articles about "other lands adjoining the kingdom," this article gives the witnesses another chance to specify, if not where the Kingdom of Poland is, then where it is not. Most of the witnesses simply recite the ambiguous definition of the article, but seven of them do mention other lands. The most popular are the Kingdom of Hungary,[65] mentioned by all seven witnesses, and the Kingdom of Bohemia,[66] mentioned by six of the witnesses. One of the witnesses also mentions the Mark of Brandenburg,[67] while another witness curiously states that this tax is not paid in pagan lands.[68] None of the witnesses, however, recognizes the *Ordensstaat* or Prussia as one of the surrounding lands. One of the witnesses does mention "Germany" [*Alamania*],[69] but he does not specify whether the lands of the Teutonic Knights should be included in this designation. Is it also possible that the witnesses simply did not consider the *Ordensstaat* as a state

[64] *Preußisches Urkundenbuch* II #652 [17 June 1329], p. 436.

[65] Witnesses 1-6, 8.

[66] Witnesses 1-2, 4-6, 8.

[67] Witness 2.

[68] Witness 8.

[69] Witness 6.

like Hungary, Bohemia, Brandenburg, or even the pagan lands? How far did the witnesses think the rights of the Kingdom of Poland extended into the lands held by the Teutonic Knights? If the Teutonic Knights had been stealing lands from Polish rulers since they first came to Poland, what rights did the Teutonic Knights have to any of the lands they held? Were the inhabitants of not only the Chełmno land, but also the other lands governed by the Knights, viewed as people who would have been loyal subjects of the King of Poland if they had not been governed and led astray by the Teutonic Knights? In the next century the inhabitants of the *Ordensstaat* would make these very arguments,[70] but it would require historiographical "imaginative hindsight"[71] to see the origin of this ideology in the witnesses' testimonies from 1339. Still, when faced with the opportunity of describing the "other" against which the witnesses could define their own political and geographical identity, why did the witnesses ignore the defendants in the lawsuit? Some answers to this question might be explained by the complicated and problematic relationship between ethnicity and political identity in the *Ordensstaat* and the Kingdom of Poland.

[70] In 1454, when the inhabitants of not just Chełmno, but also of Prussia, revolted against the Teutonic Knights, they wrote a letter to the King of Poland, justifying their rebellion by stating that they wanted to be reunited with their ancient head and body, from which they had been unjustly severed by the Teutonic Knights. [*prisco nostro capiti et primaevo corpori*]; Stanislaus F. Belch, *Paulus Vladimiri and His Doctrine Concerning International Law and Politics*, vol. 1 (The Hague: Mouton, 1965), 499.

[71] Susan Reynolds explains how the "teleology of national historiography" has distorted our views about the formation of medieval states, and that we should abandon such "imaginative hindsight" and look for answers in contemporary evidence. *Kingdoms*, 277.

Ethnicity, Identity, and the National Consciousness of the Witnesses

While questioning the first witness, the judges ask a question that was not explicitly stated in the articles: Were there Poles living in the Chełmno land at the time of Konrad's grant? The witness replies that there were Poles there and that Poles still make up the majority of the population of the Chełmno land.[72] Although the articles state that these had been Polish lands "*ab antiquo*," they do not explicitly say that the people living there are ethnic Poles. Also, the fact that the witness talks about the present population as being mostly Polish advances the argument beyond what the judges asked. The judges seem to have been trying to get the witness to address the argument in the article that the towns and villages in this land were there before the arrival of the Teutonic Knights. The witness, however, interprets this as an argument about who should now be included in the kingdom. If a land was and is predominately Polish, this is not only evidence that it had been historically Polish, but also that it should now be included in the Kingdom of Poland. Unfortunately, the judges do not continue this line of questioning, so we cannot compare the reply of the first witness to the responses of any of the other witnesses. We also do not know what the witness thought made someone "Polish" from the Chełmno testimonies. However, if we supplement this testimony with testimonies relating to other lands, we learn that at least some of the witnesses thought that ethnicity was important for determining one's cultural and political identity.

Several witnesses testified in response to the articles about other lands that the ethnicity of the inhabitants proved that these lands were part of

[72] Lites I (2), 144: "Interrogatus, si in illa terra Culmensi tempore quo tradita fuit Cruciferis erant Poloni, dixit, quod sic, ut audivit dici, et adhuc sunt pro magna parte ut dixit."

Poland. For example, "there are and always have been Poles in the land of Pomerania"[73] testified one witness, while another affirmed that "all the inhabitants [of Pomerania] were Polish and thought of themselves as part of the Kingdom of Poland."[74] Still another witness maintained that "there is one and the same language in Poland and Pomerania because all the people living in [Pomerania] commonly speak Polish."[75] Another witness said that "the people of that land of Dobrzyń speak Polish, just as in a land that is of the Kingdom of Poland and within the same kingdom."[76]

What is even more remarkable is that these statements were entirely unsolicited by the judges. Unlike the testimonies about "*ratio regni*," a notion the witnesses patently could not comprehend, here we see the witnesses redefining the royal conception of the state. For at least some of the witnesses the kingdom should include these lands, not because of the claims of the King or the Church, but because Polish people live there.

Polish historians have seen in these witnesses' testimonies an emergence of widespread national consciousness in Poland, and Andrzej Wojtkowski argues that this was probably the first time in European history that the ethnicity of the population of disputed lands was argued as a factor in the resolution of a border dispute.[77] More recently, however, Polish historians

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[73] Lites I (2), 291: "...in dicta terra Pomeranie sunt et fuerunt semper Polni.... "

[74] Lites I (2), 404: "…quod omnes habitants erant Poloni et quod se tenebant de regno Polonie…."

[75] Lites I (2), 163: "Dixit eciam, quod una et eadem lingua est in Pomorania et Polonia, quia omnes hominess communiter habitants in ea locuntur polonicum…."

[76] Lites I (2), 271: "…gentes illius terre Dobrinensis locuntur polonicum, sicut in terra, que est de regno Polonie et infra ipsum regnum…."

[77] Wojtkowski, "Tezy," 26; still more recent scholarship on this topic by Robert Barlett, R.R. Davies, and others has shown that this type of argumentation was becoming more common in this period. See Robert Bartlett, *The Making of Europe: Conquest, Colonization, and Cultural*

like Sławomir Gawlas[78] and Wiesław Sieradzan[79] have presented a more nuanced approach to sentiments of national consciousness in these trials. These are indeed powerful expressions of ethnic identity, made all the more so because they were for the most part unsolicited, but ethnicity is a concept that needs to be treated carefully here. First, it is apparent from the witnesses' testimonies that their concept of ethnicity is inclusive rather than exclusive. The witnesses were not defining themselves against Germans (or Hungarians or Czechs or even pagans), but rather as Poles. For the witnesses, being Polish meant speaking Polish. This, however, became an excluding factor, for it seems that for the most part the German immigrants living in Poland did not bother to learn Polish. There is the famous (or infamous) and spectacular story of a linguistic ordeal from 1312 in which Władysław, Kazimierz's father, found out the identities of those burghers in Kraków who had revolted against him by having them say four very difficult Polish words.[80] Those who could

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Change, 900-1350 (Princeton: Princeton University Press, 1993), 198-204; R.R. Davies, "Presidential Address: The Peoples of Britain and Ireland, 1100-1400: IV. Language and Histrical Mythology" *Transactions of the Royal Historical Society* 6th series 7 (1997), 1-24.

[78] Sławomir Gawlas, "'Verus Heres.' Z badań nad świadomością polityczną obozu Władysława Łokietka w początku XIV w." *Kwartalnik Historyczny* 95 (1988), 77-104; Sławomir Gawlas, "Stan badań nad polską świadomością narodową w średniowieczu," in *Państwo, naród, stany w świadomości wieków średnich: Pamięci Benedykta Zientary, 1929-83*, ed. Aleksander Gieysztor and Stanisław Gawlas (Warszawa: PWN, 1990), 149-94.

[79] Wiesław Sieradzan, "Das nationale Selbstbewußtsein der Zeugen in den Prozessen zwischen Polen und dem Deutschen Orden im 14.—15. Jahrhundert," in *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, ed. Antoni Czacharowski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1994), 161-9.

[80] Following "Mayor Albert's Revolt" in 1311-12, those accused German burghers who could not say the Polish words *soczewica* (lentils), *koło* (wheel), *miele* (grinds), and *młyn* (mill), were executed. [*Rocznik Krasińskich*, ed. A. Bielowski, in *Monumenta Poloniae Historica* III (Lwów, 1878), 133.] This story is recounted in most studies of medieval Polish-German conflict. See Jan Piskorski, "After Occidentalism: The Third Europe Writes Its Own History," in *Historiographical Approaches to Medieval Colonization of East Central Europe*, ed. Jan M. Piskowski (Boulder: East European Monographs, 2002), 11; Konstantin Symmons-Symonolewicz, "National Consciousness in Poland until the End of the Fourteenth Century: A

not were executed. Such an expression of ethnic identity as linguistic identity seems parallel to what Robert Bartlett identifies as "a growing stand of linguistic nationalism or politicized linguistic consciousness emerg[ing] in the later Middle Ages."[81]

However, despite these examples, ethnicity still remains a difficult concept to pin down in the trial documents. As noted above, non-Poles living in Poland had to pay Peter's Pence, so this became a marker of territorial identity and episcopal affiliation that the royal procurators tried to turn into an argument for political affiliation; it was not a marker of ethnic identity. Also, many Germans testified in the trial. Sieradzan estimates that 15% of the witnesses were Germans.[82] These were primarily burghers, as the towns in medieval Poland were largely populated by ethnic Germans, but it also seems possible to include at least some of the clergy in this group, especially the mendicants, who served primarily in urban environments and would need to be able to communicate with the German inhabitants. We just do not know enough about many of the witnesses to determine the ethnic identity of each of them (the use of common Christian names rather than obviously Slavic or Germanic names does not make this job any easier), but it is certain that a large number of witnesses were ethnic Germans.

In addition, two ethnically Polish knights who had fought with the Teutonic Knights in their wars against Poland testified about the Chełmno articles: the 32nd witness – Bogusław Łazęka and the 51st witness – Tomasz

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Sociological Interpretation," *Canadian Review of Studies in Nationalism* 8 (1981), 260; Knoll, *Rise*, 33; Bartlett, *Making*, 235.

[81] Bartlett, *Making*, 201.

[82] Sieradzan, "Das nationale Selbstbewußtsein," 168.

of Zajączkowo. These two witnesses tell very similar stories, but even though the witnesses accept the royal arguments, the narratives they tell to justify these beliefs are unlike any of the other witnesses' testimonies. It is worth quoting their testimonies to show this alternate history. First, Bogusław

> heard that a certain duke of that land of Chełmno, and lord of the same, first called two Teutonic Knights to that land to fight the infidels, to a place called Ribithv, behind the Vistula, and there they built a courtyard and one tower, and he handed over to them the land of Chełmno to attack the infidels who were in the vicinity of that land, and that those two Teutonic Knights had to call other Teutonic Knights to help them, who, having conquered the infidels, should have returned the said land to the said duke who had ceded it to them or to his successors.[83]

Tomasz says that when the Teutonic Knights came to Chełmno

> they found a beautiful and large tree near Toruń, a mile away, and there they made from this a tower and around the base a courtyard where they held their flocks; but the Prussians and infidels in the surrounding area took everything, and they then went to the Dukes of Kujavia and asked them to give them a meadow where they could keep their animals, and in that meadow they later made a courtyard and a castle around the meadow, and thus little by little they intruded into the said land of Chełmno.[84]

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[83] Lites I (2), 253: "audivit quod quidam dux illius terre Culmensis et dominus ipsius vocavit duos Cruciferos primo ad terram illam pro expugnacione infidelium ad locum dictum Ribithv, retro Vislam, et ibi edificaverunt curiam et unam turrim, et tradidit eis terram Culmensem pro expugnacione infidelium qui erant in circuitu dicte terre, et quod illi duo Crucifero haberent vocare alios Cruciferos in adiutorium eorum, quibus infidelibus expugnatis, debebant restituere dictam terram dicto duci qui concesserat eis eam, vel successoribus suis…."

[84] Lites I (2), 304: "…invenerunt unam pulcram et magnam arborem prope Thorun per unum miliare, ubi fecerunt de supra unam turrim et in pede in circuitu unam curiam ubi tenebant sua pecora; sed nichilominus Prutheni et infideles qui erant in circuitu totum accipiebant, et ipsi

Bogusław claims to have heard this story "from a certain very old peasant of his," while Tomasz says that he had heard this story from his ancestors. It is more likely, however, that these knights heard the story from the Teutonic Knights with whom they were serving, because their testimonies seem to be derived from the story the Knights' chronicler, Peter of Dusburg, told about the arrival of the Knights in the Chełmno land and the founding of the city of Toruń:

> Brother Herman Balk, Master of Prussia, hoping to work for the faith and having taken with him the aforesaid virtuous duke [Konrad], escorted his army across the Vistula into the land of Chełmno, and having disembarked, he built the castle of Toruń on the bank of the river in the year of the Lord 1231. This building was made in a certain oak tree on which ramparts were arranged for defense; on every side they fortified themselves with traps; it was not accessible except for one entrance into the castle. These seven brothers constantly had ships around them so that if there were an attack by the Prussians, they could return by ship to Nessow, if the moment of necessity induced this. With the advance of time they instituted around the said castle a city, which afterwards, while the castle remained, was transferred, on account of the perpetual flooding, to the place where the castle and city of Toruń are now located.[85]

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tunc iverunt ad duces Cuyavie et rogaverunt eos, ut darent eis unum partum ubi possent tenere animalia sua, et in illo prato fecerunt curiam postmodum et castrum circa partum, et sic paulatim intraverunt dictam terram Culmensem…."

[85] Dusburg III.1: Frater Hermannus Balke magister Prussie aspirans ad negocium fidei prosequendum assumpto sibi duce predicto et virtute execitus sui transivit Wiselam ad terram Colmensem et in littore in descensu fluminis edificavit anno Domini MCCXXXI castrum Thorun. Hec edificacio facta fuit in quadam arbore quercina, in qua propugnacula et menia fuerant ordinate ad defendionem; undique indaginibus se vallabant; non patebat nisi unus aditus ad castrum. Continue hii septem fratres habebant naves circa se propter impetum

Dusburg, who wrote his chronicle in the 1320s, explains that he based it on both written sources and the stories told to him by his brothers.[86] He was commissioned to write this chronicle by the Grandmaster of the Teutonic Knights, who intended it to be the official history of the Knights in Prussia. Ironically, this official history was now being retold as evidence in a trial against the Knights. This shows just how difficult it was to control the spread of information and to indoctrinate subordinates into any official version of the past. The problem of controlling the transmission and reception of information, however, plagued both semi-literate and highly literate societies, as the following section will demonstrate.

Sources of Knowledge: Oral Tradition and Archival Memory

In her essay on role of orality and literacy in the dispute between the Teutonic Knights and the Kingdom of Poland, Anna Adamska argues that

> we may deduce at the trial of Warsaw two mentalities opposed one another. The Polish arguments were based on the convictions of collective memory. […] To the Knights, who had developed the modern and centralized structure of a state, writing was the most important means of communication and written documents were the most important legal documents.[87]

Pruthenorum, ut possent navigio redire Nessoviam, si necessitatis articulus hoc suaderet. In successu vero temporis instituerunt circa dictum castrum civitatem, que postea manente castro translate fuit propter continuam aquaram inundanciam ad eum locum, ubi nunc sita sunt et castrum et civitas Thorunensis.

[86] Dusburg, "Prologus."

[87] Anna Adamska, "The Kingdom of Poland versus the Teutonic Knights: Oral Traditions and Literate Behaviour in the Later Middle Ages." In *Oral History of the Middle Ages: The Spoken Word in Context*, ed. Gerhard Jaritz and Michael Richter (Krems: Medium Aevum Quotidianum / Budapest: Department of Medieval Studies, Central European University, 2001), 67-77.

This does indeed seem a fair assessment of the trial records as a whole. The Polish side submitted only one document as evidence – the ruling from the judges-delegate in 1321 demanding the Knights return Pomerania, the only land disputed by Kazimierz's father, Władysław. They were unable to submit the witnesses' testimonies from the earlier trial because the rest of the trial documents had been destroyed in the Knights' invasion of Poland in 1331.[88] In addition, as Adamska points out, "In the protocol of 300 pages there are only 17 references to written texts."[89] Almost half of those references, however, are made in the witnesses' testimonies about Chełmno. Eight of the 33 witnesses who were asked about the Chełmno articles claim to have heard about, seen, or read documents that confirmed the story they told about Konrad's grant. This might seem like a small percentage, which would appear to confirm Adamska's views, but I would argue that what we can see in the witnesses' testimonies and the argumentation of the Teutonic Knights are not two competing mentalities regarding orality and literacy, but rather two different ways of looking at documents as the means of producing, transmitting, and preserving knowledge.

Adamska, an expert in the subject of medieval literacy in general, and literacy in medieval east-central Europe in particular, is certainly aware that a literate mentality had developed in Poland well before the trial, a point she

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[88] Helena Chłopocka, "O protokołach procesów polsko-krzyżackich w XIV i XV wieku," in *Venerabiles, Nobiles et Honesti: Studia z dziejów społeczeństwa Polski średniowiecznej*, ed. Andrzej Radzimiński, Anna Supruniuk, and Jan Wroniszewski (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1997), 424; the extant records are copies made for the Teutonic Knights after the trial.

[89] Adamska, "Kingdom," 75.

argues quite persuasively in other essays.[90] As we learn from one of the essays in a recent book she edited, writing was very important in the governance of the Kingdom of Poland in the early fourteenth century.[91] Tomasz Jurek points out that by the end of the thirteenth century, written confirmation was the norm for any transfer of property,[92] and Kazimierz's father, Władysław Łokietek, had commanded that all alienations of property should be commemorated by a royal charter.[93] Even though most of Kazimierz's secular administrators were identified in the trial records as "*illiterati*," they were aware of the importance of writing in the commemoration of grants of land and privileges. In addition, from the mid to late thirteenth century Polish synods made writing more and more a part of the general practice of clerics, even at the level of the parish priest.[94] For example, at the 1285 general synod in Łęczyca, famous for a series of pro-Polish mandates ordered by Archbishop Świnka, it was decided that all churches should have a foundation charter, which spelled out the church's endowment.[95] Certainly if

[90] See Anna Adamska, "'From Memory to Written Record' in the Periphery of Medieval Latinitas: The Case of Poland in the Eleventh and Twelfth Centuries," in *Charters and the Uses of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout: Brepols, 2000), 83-100; Anna Adamska, "The Study of Medieval Literacy: Old Sources, New Ideas," in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 13-47.

[91] Tomasz Jurek "Die Rechtskraft von Urkunden im mittelalterlichen Polen, in *The Development of Literate Mentalities in East Central Europe*, ed. Anna Adamska and Marco Mostert (Turnhout: Brepols, 2004), 59-91; my references will be to the Polish revision, published as "Stanowisko dokumentu w średniowiecznej Polsce," *Studia Źródłoznawcze* 40 (2002), 1-18.

[92] Jurek, "Stanowisko," 6.

[93] Jurek, "Stanowisko," 7.

[94] Jurek, "Stanowisko," 5.

[95] *KDW* I #551, p. 513, cited in Jurek, "Stanowisko," 5.

each Polish church was expected to commemorate its foundation in a charter, then the clergy would also expect the foundation of the Teutonic Knights in Poland to have been so commemorated.

Yet, Adamska's cautious view of the role of documents in the trial records is justified in part by the fact that not only did Kazimierz fail to submit any of these documents as evidence (which he certainly would have done had he possessed them), but also by the fact that modern researchers have been able to discover only one of the documents mentioned by the witnesses, and this document does not say what the witness remembered it saying. This presents us with the difficult question of how we should deal with these remembered documents.

The best way to approach this topic seems to be to place the documents within the context of the witnesses' testimonies. First, the witnesses seem to have viewed the oral transmission of information as primary. They mention the documents after knowledge conveyed to them by specific individuals, or even after knowledge conveyed via the more anonymous "*publica vox et fama*," i.e. common knowledge. In addition, all of the witnesses situate the information obtained from the documents within narratives about the circumstances in which they saw the documents. It is not enough that there were documents. The witnesses also needed to personalize these stories by establishing a chain of transmission from Konrad to themselves; whether this chain went through the Teutonic Knights or Konrad's descendants did not appear to matter to the witnesses.

The first witness to mention a document is the illiterate Palatine of Łęczyca.[96] He does not claim to have actually seen the document; rather he

[96] Lites I (2), 176-7.

heard from "his father and others of his elders" that the conditions of the agreement between Konrad and the Knights had been commemorated by a document sealed with a lead bull.[97] A similar brief mention of a document was made by the illiterate Palatine of Brześć, who stated that "the Teutonic Knights gave their letters concerning this to Duke Konrad."[98] What is perhaps even more remarkable is that he cites his peasants as one of the sources of this information. This begs the question of what role writing played in the lives of the *illiterati*, who were not only the ruled but also the rulers. Only a few of the lay witnesses were "literate," and these were either burghers or dukes.[99] There is no reference to any of Kazimierz's lay administrators as "literate," so one must wonder whether a certain level of "pragmatic literacy" existed, which allowed both administrators and those they governed to use written documents despite a knowledge of Latin that was sub-par at best.[100]

The testimony of one of Kazimierz's cousins, the literate Duke Leszek of Inowrocław, might provide some answers to these questions. He testified that he was shown a privilege twenty years earlier by his uncle, Duke Bolesław of Mazovia, "so that he would remember that they had rights in that land of

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[97] It is unclear whether the witness knew that if the document was sealed with a lead bull, it would have to be a papal confirmation of the grant and not the original grant.

[98] Lites I (2), 347: "et super hoc dederunt ipsi Cruciferi literas suas ipsi duci Conrado."

[99] For an examination of how these witnesses became literate and what implication lay literacy had for the nascent Kingdom of Poland, see Janusz Bieniak, "'Litterati' Świeccy w Procesie Warszawskim z 1339 roku," in *Cultus et Cognito: Studia z Dziejów Średniowiecznej Kultury*, ed. Stefan Kuczyński et al. (Warszawa: Panstwowe Wydawnictwo Naukowe, 1976), 97-106.

[100] For an analysis of these questions in medieval England, see M.T. Clanchy, *From Memory to Written Record: England 1066-1307*, 2nd ed. (Oxford and Cambridge: Blackwell, 1993), especially chapter 7 "Literate and Illiterate," 224-52; for an examination of the development of pragmatic literacy in medieval Europe and Asia, see Richard Britnell, ed. *Pragmatic Literacy, East and West, 1200-1330* (Woodbridge, UK and Rochester, NY: Boydell, 1997).

Chełmno up to the Osa River, and that if they could not regain it, at least they would remember after his death, so that they would regain it if they could."[101] He also does not know what happened to this document, but the fact that he "saw and read the privilege," and that he "saw and held the said privilege many times"[102] – that he had not only seen it, but touched it with his own hands – preserved the memory of an act performed a century earlier. Even this literate noble viewed this document as an *aide-mémoire*, which was legitimized only through the oral testimonies of witnesses. His uncle showed it to him "so that he would remember." He did not just give him a copy of the document, which is what the Teutonic Knights probably would have done, and what they in fact did when they showed a vidimus (a collection of notarized copies) of their privileges to Archbishop Janisław in 1335.[103] Yet, it was not just because the *Ordensstaat* was more centralized than the Kingdom of Poland that the Knights to some extent let documents speak for themselves. This seems to have been conditioned more by the de-territorialized nature of the *Ordensstaat*. In addition to their territorial state in east-central Europe, the Knights also held lands all over Europe and so needed an advanced communication and archival system to defend their far-flung possessions. They also had to keep their Procurator-General in Avignon informed about what was happening throughout this transnational organization.

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[101] Lites I, 375: "ut recordaretur quod ipsi habebant ius in dicta terra Culmensi usque ad flumen Ossa, et si non possent eam recuperare, quod recordarentur saltim post mortem suam u team recuperarent si possent."

[102] Lites I, 375: "vidit et legit privilegium […] pluries vidit et tenuit dictum privilegium."

[103] *Die Berichte der Generalprokuratoren des Deutschen Ordens an der Kurie. Erster Band: Die Geschichte der Generalprokuratoren von den Anfängen bis 1403*, ed. Kurt Forstreuter (Göttingen: Vandenhoeck and Ruprecht, 1961) #93.

The witnesses' testimonies about the state of the royal chancellery and archives present a striking contrast to the *Ordensstaat*'s "archival memory."[104] Władysław's former chancellor, Piotr, testified that:

> …when a certain one of Władysław's procurators named Andrzej…had died, a certain box of his in which there were many privileges, was brought into Władysław's presence, and King Władysław himself took one privilege and said that it was the privilege of how the Teutonic Knights held and had the land of Chełmno…[105]

Piotr, however, did not read this document; neither did Bishop Jan Grot of Kraków, one of Piotr's successors as chancellor. Although Jan was present when Władysław showed this document to the Grandmaster's envoy, he did not actually read the charter, "because he was occupied with other business for King Władysław."[106] Neither man knew what had happened to this document. Such apparent disregard for the written word by those who were responsible for its propagation and preservation seems to demonstrate that the early fourteenth-century Kingdom of Poland lacked an archival memory of its past.[107] It seems that the king had been looking for this document for some

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[104] I borrow this terminology from Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994), 81-114.

[105] Lites I, 378: "quando quidam procurator dicti domini Wladislai dictus Andreas…mortuus fuit, fuit portata quedam cista sua in presencia dicti domini Wladaslai regis, ubi erant plura privilegia, et tunc ipse dominus Wladislaus rex recepit unum privilegium et dixit, quod istud erat privilegium quomodo Cruciferi tenebant et habuerant dictam terram Culmensem…."

[106] Lites I, 287: "quia aliis negociis dicti domini regis erat occupatus."

[107] The testimonies about Chełmno occupy the lion's share of references to documents in the 1339 trial (8 of 17), but it is worth mentioning another reference to archived documents from the testimonies about Pomerania. First, Bishop Jan Łodzia of Poznań testified about a document commemorating an agreement between the Teutonic Knights and King Władysław's representative in Gdańsk, Judge Bogusza (his brother-in-law), that the Teutonic Knights would return the castle as soon as Władysław paid them back for its defense. He stated that he believed this document was in the royal treasury. [Lites I (2), 150-1.] If Władysław had such a

time, but was unable to find it because it was not archived properly. But, the discovery of this document did not create Władysław's rights to this land in his mind. When he found this written confirmation of his beliefs, he did not "find" his rights to the Chełmno land. He already knew about his rights from oral tradition. The document in this story functioned in the same way as the document in Leszek's story. It did not produce knowledge. Instead, the ritual of showing this document inscribed Władysław rights in the minds of the members of his entourage, so that they would remember (and perhaps remind their lord) that he had rights to the Chełmno land. The royal treasury of knowledge existed not in some old box carted around by a royal procurator, but in the minds of his administrators. Documents mattered, but only as supplements to memory, not as substitutes for memory.

The collected memories of the witnesses and the archival memory of the Teutonic Knights, however, need not be seen as competing mentalities in the production of knowledge, as they were both part of the social memory of the witnesses. Just because the collective memory of a group was written, this did not stop the traditions from taking on a life of their own. As Iwona Irwin-Zarecka argues:

> Individuals are perfectly capable of ignoring even the best told stories, of injecting their own, subversive meanings into even the most

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document, he did not submit it in his own trial against the Teutonic Knights in 1320, nor did his son use it as evidence in 1339. Bogusza's son, Canon Przezdrzew of Poznań, also mentioned this document, saying that he heard about it from his father, but he does not comment on its present existence. [Lites I (2), 158] It seems likely that if such an agreement was given to Bogusza, he never turned it over to Władysław, because only Bogusza's relatives knew about it.

> rhetorically accomplished "texts" – and of attending to only those ways of making sense of the past that fit their own."[108]

We see an example of this in the testimonies of two Polish knights serving with the Teutonic Knights, who turned the histories they heard from the Knights into narratives supporting Kazimierz's cause. We also see this in the one narrative source cited by the Polish witnesses, the "Chronicle of Great Poland," which was written at the turn of the fourteenth century in Poznań, near the metropolitan see of Gniezno.[109] Przecław, the Archdeacon of Gniezno, mentions this document as the source of his knowledge about the limited nature of Konrad's grant.[110] What the document actually says, however, is that the grant was initially made for a period of twenty years, but after Konrad and the Teutonic Knights defeated the Prussians, Konrad then decided to grant the Chełmno land to them in perpetuity. The ecclesiastical communities in Poznań and Gniezno did not possess any written documents to substantiate this story,[111] which suggests that the oral tradition about the precarial grant was created before the breakdown of relations between Poland and the Teutonic Knights in the first decades of the fourteenth century. Therefore, the chronicler attempted to reconcile the oral tradition with the status quo, which at this time remained unchallenged. In the late thirteenth century, the story of the Teutonic Knights' arrival in Poland was still what Matthew Innes calls a "soft

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[108] Iwona Irwin-Zarecka, *Frames of Remembrance: Social and Cultural Dynamics of Collective Memory* (New Brunswick: Transactions Publishers, 1994), 4; quoted in Wulf Kansteiner, "Finding Meaning in Memory: A Methodological Critique of Collective Memory Studies," *History and Theory* 41 (2002), 192.

[109] *Chronica Poloniae Maioris*, ed. Byrgida Kürbis. *Monumenta Poloniae Historica*, series nova VIII (Warsaw: Państwowe Wydawnictwo Naukowe, 1970), 85.

[110] Lites I (2), 277.

[111] Labuda, "Stanowisko," 310.

text."[112] It was still malleable to the point that it could accommodate two seemingly contradictory foundation stories. Even though the soft texts that had informed the construction of social memory in the thirteenth century in Poland and the *Ordensstaat* began to harden in the fourteenth century through a process of structural amnesia,[113] the story of the limited nature of the grant did not completely efface the older tradition. As noted above, Bishop Jan of Poznań, in whose see the chronicle had been written, says that he heard both stories, so that "whether [the grant was made] in perpetuity or for a time he said he does not know."[114] In addition, seven of the 33 witnesses knew nothing about this grant.[115] These were not the testimonies of indoctrinated subjects reciting a national master narrative. And the few instances cited above regarding how the witnesses interpreted the information they obtained through documents might make us reconsider how effective the national epics of more literate societies actually were in indoctrinating their subjects with a sense of group identity.[116] The witnesses processed information in ways that

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[112] Matthew Innes argues that medieval writings were "soft texts" – they were malleable within the context of reading, listening, and copying, as opposed to modern editing, which imposes one master text from the various editions. "Memory, Orality, and Literacy in an Early Medieval Society," *Past and Present* 158 (1999), 3-36.

[113] Innes defines social memory as "the shared views about the past ["beyond formal historiographical writing"] which inform the identity of a social group and thus act as a potent guide to action in the present." (5); he defines structural amnesia in oral tradition as "that which has no utility in terms of current social institutions, which cannot legitimate, explain, or educate, is forgotten in a process of natural selection." (31); see also James Fentress and Chris Wickham, *Social Memory* (Oxford: Balckwell, 1992).

[114] Lites I (2), 149: "utrum in perpetuum, vel ad tempus, dixit se nescire…."

[115] Witnesses 3, 4, 5, 12, 13, 20, 21.

[116] Wulf Kansteiner argues: "Indeed, there remains the distinct possibility that the monuments, books, and films whose history has been carefully reconstructed can quickly pass into oblivion without shaping the historical imagination of any individuals or social groups. […] It is more modest and accurate, although less satisfying, to assume that representations speak primarily to the collective memories of their producers, not their audiences." (192 and n. 52)

made sense to them, which were not always the ways that the authors of the information had intended it to be processed.

We need not see Poland as lagging behind more "westernized" polities in the transition "from memory to written record." At roughly the same time that Kazimierz was relying on the memories of the great men of his kingdom to justify his claims, the King of England was relying on the memories of the great men of his kingdom to tell him when the wards of the king came of age.[117] In addition, as we described above, the Teutonic Knights relied on the memories of the inhabitants of the Chełmno land to prove that they were not required to pay Peter's Pence. These memories, in turn, conflicted with the archival memory of the Papal Curia, which possessed documents placing the lands in the historical Polish *ecclesia*. Additionally, when Kazimierz and Janisław appealed to the Pope in 1335 to look into their dispute with the Knights, the Knights outlined the conflict for their Procurator-General in Avignon.[118] This brief was based on the oral tradition about the conflict rather than any documents, and the Procurator-General used it to plead his case in conjunction with the copies of the relevant documents. Although there is no record of how the procurator argued his case, he most likely did not let the documents speak for themselves as evidence. Oral traditions and archival records both played a role in the production of the narratives of dispute.

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[117] John Bedell, "Memory and Proof of Ages in England 1272-1327," *Past and Present* 162 (1999), 3-27.

[118] Antoni Prochaska, "Z Archiwum Zakonu Niemieckiego. Analekta z wieku XIV i XV" *Archiwum Komisyi Historycznej* 11 (1909/13), 217-56. It is interesting that this memoir does not mention Chełmno. Instead the narrative begins in the late thirteenth century in Pomerania and carries the conflict through the wars of the 1320s and 1330s. This either indicates that Chełmno had not yet entered the terms of the dispute or that the Knights felt secure in their possession of this land.

Kazimierz's narrative convinced the judges in the trial, but the Knights' arguments convinced the Pope to invalidate his judges' ruling and establish a new arbitration court to try to make peace between the two parties. These further negotiations resulted in 1343 in the "Peace of Kalisz," in which a huge assembly of the great men of both the Kingdom of Poland and the *Ordensstaat* met close to their mutual border to witness, among other things, confirmation by Kazimierz of the Knights' possession of the Chełmno land. At the conclusion of this meeting the King of Poland swore on his crown and the Grandmaster of the Knights swore on the cross on his mantle to keep the peace between the two states, and they sealed the agreements with the kiss of peace. [119] These ritual acts made by the rulers in front of their men, like the ceremonies surrounding the drafting of charters, probably did more to commemorate this act than any of the written documents that were produced at the peace conference.

Conclusion

Even though this conflict was played out on the periphery of Europe, the witnesses' testimonies provide us with illuminating insights into the history of medieval mentalities regarding some of the most important developing ideologies of medieval European states. Unlike traditional studies of the emergence of the medieval state, focused on lawyerly arguments and "canned" histories written by propagandists, these testimonies provide us with the means to examine how the rank-and-file administrators of the state conceived of it. By taking the discourse of medieval state-formation away from

[119] See Knoll, 119, and the notarial record in Lites II, 381-3.

the exclusive purview of lawyers and studying it if not from the bottom-up, then at least from the middle-out, we can see that royal propagandists' clever theories of state were not always easily consumed by those who ran the state, much less by those they governed. The witnesses had their own ideas about what was important, and some of these ideas, like ethnicity, did not even figure into the royal arguments.

Considering the disconnect between the articles and the testimonies, it is difficult to agree with Janusz Bieniak's conclusion (at least regarding the Chełmno land) that the trial resulted in "the elevation of state consciousness of an important part of society."[120] The witnesses appear to have left the courtroom believing much what they did before they testified – King Kazimierz possessed the lands of the Kingdom of Poland because his ancestors possessed those lands, not because they were the inalienable property of a territorially sovereign kingdom. That such hard definitions and boundaries were rejected by Kazimierz's subjects in the end actually helped the king by allowing the dispute to be resolved through an arbitrated settlement, which licensed the Knights to keep the Chełmno land. Had such a strong view of Crown lands and inviolable borders actually been widespread, it seems unlikely that Kazimierz would have been able to confirm the Knights' possession of the Chełmno land by swearing on his crown in the presence of the great men of his kingdom.[121]

What we see in the witnesses' testimonies is not such an expression of the "collective" memory of the Polish *regnum* and *ecclesia* as perhaps

[120] Bieniak, "Przebieg," 21.

[121] Lites II, 383.

Kazimierz would have liked, but instead the "collected" memories[122] of 33 witnesses, each presenting his own "testimonial chronicle,"[123] his own interpretation of the "*publica vox et fama*" that informed his historical, geographical, and political knowledge of the Kingdom of Poland. Through these testimonies we can observe and analyze the production of the state in ways that traditional historiographical and legal sources simply do no permit. Rather than a polished, lawyerly reason of state argument, the witnesses present a warts-and-all representation of what living in a kingdom meant to people who were not yet cognizant of all the rights and responsibilities that this new form of political organization was based upon. These testimonies provide a snapshot of a society in transition from political fragmentation to political centralization. For modern researchers, the value of these testimonial productions of the state is, in fact, in the very diversity of the views expressed.

[122] Jeffery K. Olick draws a distinction between "collected" and "collective" memory, with the former characterized as "the aggregated individual memories of members of a group," (338) while the latter term refers to "public discourses about the past as wholes or to narratives and images of the past that speak in the name of collectivities." (348) ["Collective Memory: The Two Cultures," *Sociological Theory* 17 (1999), 333-48.]

[123] Both Helena Chłopocka and Wiesław Sieradzan have pointed out the formal similarities between the witnesses' testimonies and chronicles. Chłopocka first referred to these testimonies as "kleine chronikalische Werke von Personen," and Sieradzan latter developed her ideas. Although the similarities in structure are interesting, neither author analyzed the similarities in process in acquiring and transmitting knowledge between the testimonies and chronicles. I plan to develop these ideas in more detail in the future. [Helena Chłopocka, "Chronikalische Berichte in der Dokumentierung der Prozesse zwischen Polen und dem Deutschen Orden," in *Geschichtsschreibung und Geschichtsbewusstsein in späten Mittelalter*, ed. Hans Patze (Sigmaringen: Jan Thorbecke Verlag, 1987), 471-81; Wiesław Sieradzan, "Aussagechroniken in der Quellensammlung 'Lites ac res gestae inter polonos ordinemque cruciferorum,'" in *Die Geschichtsschreibung in Mitteleuropa. Projekte und Forschungsprobleme*, ed. Jarosław Wenta (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1999), 277-89.

CONCLUSION

This dissertation has attempted to present an analysis of the fourteenth-century formation of the Kingdom of Poland and the Teutonic *Ordensstaat* within broader chronological and geographical contexts. As such, I hope to have cast some light on topics that are of interest to historians of other times and places, such as orality and literacy, memory and forgetting, how law is understood by non-professionals, the development of historical consciousness, and group identity formation. At the same time, I have tackled issues of particular significance to east-central Europe.

The first part has demonstrated the shortcomings of teleological methodologies. First, one should not view the thirteenth-century relations between Poles and Germans in general or the Teutonic Knights in particular through the lens of the fourteenth-century ethno-political enmity that emerged. The Teutonic Knights and the Polish and Pomeranian dukes were partners in the expansion of Latin Christendom. Although the common crusading culture of the thirteenth century was eclipsed in the fourteenth century by memories of eternal ethnic enmity, historians need to understand that these memories were created within particular political contexts of the fourteenth century, which were very different from those experienced by people in the thirteenth century. In the same vein, it is important to underscore that the restoration of the Kingdom of Poland and the formation of the Teutonic *Ordensstaat* were not predetermined. Rather than following the teleological French model that the period of division was just an aberration in the course of the formation of a modern nation-state, one should instead study the thirteenth century on its own terms. Similarly, I hope that this first part of the dissertation has helped to

dispel the idea that the Teutonic Knights possessed the same sort of cartographic and patriotic notions as the late nineteenth- and early twentieth-century German nationalists, who saw Prussia as an integral part of a unified Germany.

Throughout the dissertation, I have attempted to show that the concepts of sovereignty, territoriality, and identity were situational constructs in the dispute between the Kingdom of Poland and the Teutonic *Ordensstaat* over the Duchy of Pomerania. By first analyzing the emergence and decline of the independent Duchy of Pomerania before locating it within the context of the dispute between the two nascent states that contended over this land, I have been able to examine in detail how both the formal historical writings and the recollections of the witnesses in the fourteenth-century trials were dependent upon internal and external political developments in these two states. As the subjects of the Kingdom of Poland became more accustomed to what it meant to belong to a kingdom, their perceptions of Pomerania's historical place within that kingdom changed. Similarly, as the Knights came to see themselves more as rulers of a territorial state located in east-central Europe and less as a translocal religious organization, they began to think in terms of territoriality rather than translocality. Both sides had come to agree that the Knights could no longer be either in or of the Kingdom of Poland.

This, however, by no means implies that ethno-political and territorial identity displaced all other forms of group identity. I have presented these political developments on the south Baltic littoral during the thirteenth and fourteenth centuries as a linear development from a religious frontier to a political borderland to a region characterized by the bordered lands of emerging territorially sovereign states. Yet, as chapter four has demonstrated,

the idea of Latin Christendom continued to exert a powerful influence upon two states adjacent to pagan Balts and Orthodox Ruthenians. Unlike thirteenth-century England and France, which as Joseph Strayer has pointed out were undergoing a "laicization," the path to state-formation and the recognition of the territorial sovereignty of the fourteenth-century Kingdom of Poland and the Teutonic *Ordensstaat* followed a different trajectory.[1] The dispute between Poland and the Knights contained some of the same attributes as state-formation activities in England and France, such as the creation of linear boundaries where before there had only been zones of influence.[2] But other issues, like the idea that "within [these] fixed boundaries there is a definite superior who has the final decision regarding all political activities," were more problematical.[3] For one thing, both the King of Poland and the Grandmaster of the Teutonic Knights not only recognized the superiority of the pope as judge of their dispute, but they based their arguments in this dispute upon this submission to papal supremacy. Such a mode of argumentation was in marked contrast to the English and French kings' views of their relationship with the papacy, as illustrated by the fate of Boniface VIII and Edward I's attempts to take advantage of the pope's demise to keep papal revenues for himself.[4] As chapter six has argued, Kazimierz based his claims to the Chełmno land not only upon an idea of royal recovery (which was

[1] Joseph Strayer, "The Laicization of French and English Society in the Thirteenth Century," *Speculum* 15 (1940), 76-86; reprinted in Joseph Strayer, *Medieval Statecraft and the Perspectives of History* (Princeton: Princeton University Press, 1971), 251-65.

[2] Strayer, "Laicization," 259; cf. Edward Peters, "*Omnia permixta sunt*: Where's the Border?" *The Medieval History Journal* 4 (2001), 127.

[3] Strayer, "Laicization," 261.

[4] W. E. Lunt, "The Account of a Papal Collector in England in 1304," *English Historical Review* 28 (1913), 313-21.

incomprehensible to most of the witnesses), but also upon the idea that this land was part of the historical Polish *ecclesia*, based upon the payment of an annual tax to the papacy. The idea that a late medieval king would actively promote the loss of revenues from his kingdom in favor of the papacy certainly goes against the traditional textbook views on state-formation. Similarly, chapter four has demonstrated that the Teutonic Knights' main defense to all the charges against them was that they were an indispensable instrument of the papacy, a shield for Christendom. Of course, as mentioned in chapter three, the Knights were more than willing to appeal to the other source of universal authority – the emperor. Yet, this further demonstrates that at a time when the idea of universal authority was collapsing in the west, on the eastern frontier of Christendom two nascent states were justifying their existence through their submission to political (not just spiritual) overlords.

Other comparisons can also be drawn to political developments in the West. While France and England certainly have a far richer documentary record than Poland and the *Ordensstaat*, I hope that the readers of this dissertation have come to recognize that studying the periphery of Europe can contribute to a more comprehensive picture of medieval Europe as a whole. Although it has been nearly two decades since the fall of the Iron Curtain, and Poland has since joined the EU, this region of medieval Europe has remained largely ignored in the West. I hope to have demonstrated that this region is not inaccessible to students of the medieval West. There are numerous possibilities for these scholars to learn more about their own regions by looking at how the political theories developed in the West played out in the East. Most of the documents (including the trial records, which are now

available online)[5] were written in Latin. This enables modern scholars of any region of medieval Europe (like the medieval papal legates sent from France and Italy) to quickly learn about a land that, as it turns out, is really not so foreign after all.

[5] *Lites ac res gestae inter Polonos Ordinemque Cruciferorum* vol. I, 2nd ed., ed. Ignacy Zakrzewski (Poznań, 1890); also available online at: http://kpbc.umk.pl/dlibra/docmetadata?id=22383&tab=1.

APPENDIX ONE

THE PROCURATOR-GENERAL OF THE TEUTONIC KNIGHTS PLEADS HIS CASE TO THE PAPAL CURIA CONCERNING THE GDAŃSK MASSACRE, 1310 [PIUB #696; Lites I (2), 427-8; Lites I (3), 103-5; *Das Zeugenverhör des Franciscus de Milano 1312*, ed. August Seraphim (Königsberg: Thomas and Opermann, 1912), 196-7]

58. Item that the said procurator who is named above puts and intends to prove that the burghers of Gdańsk of the province of Pomerania were supporting and admitting robbers, pirates, thieves, rogues, and plunderers of all the Christians of the said parts.

59. Item that that the land of Pomerania, in which the town of Gdańsk is located, was formerly the King of Bohemia's.

60. Item that the said land devolved to the Kingdom of the Romans through the death of the said King of Bohemia, who died without male children.

58. Item ponit et probare intendit dictus procurator nomine quo supra, quod cives Dancike provincie Pomoranie tenebant et receptabant raptores, predones et fures et predas et rapinas omnium christianorum dictarum parcium.

59. Item quod terra Pomoranie, in qua est situm opidum Dancike, fuit olim regis Bohemie.

60. Item quod dicta terra devoluta est ad regnum Romanorum per mortem dicti regis Bohemie, qui decessit sine liberis masculis.

61. Item quod dictus dominus Albertus rex

61. Item that the said lord Albrecht [I Habsburg], King of the Romans, granted the said land to the Margrave of Brandenburg in fee.

62. Item that the said margrave in the said town of Gdańsk and the burghers of the said town supported and were supporting in the said town robbers, plunderers, and despoilers of Christians.

63. Item that the aforesaid robbers and plunderers made war upon the aforesaid brothers, and they killed the vassals of the aforesaid brothers and seized their goods and brought them to the above said town, and they destroyed many of the said brothers' villages with fire.

64. Item that the said preceptor and brothers of the Order constituted in Prussia warned the men of the said town with many interchanges that they should drive the said robbers and thieves from the said town, otherwise they themselves would destroy the said town.

Romanorum concessit in feodum dictam terram marchioni Brandenburgensi.

62. Item quod dictus marchio in dicto opido Dancike et cives dicti opidi tenebant et tenuerunt in dicto opido latrones et raptores et spoliatores christianos.

63. Item quod predicti latrones et raptores fecerunt guerram fratribus supradictis et homines vasallos dictorum fratrum occiderunt et bona eorum rapuerunt et assportaverunt ad opidum supradictum et plures villas dictorum fratrum incendio destruxerunt.

64. Item quod preceptor et fratres dicti ordinis constituti in Prusia monuerunt pluribus vicibus homines dicti opidi, ut predictos latrones et raptores de dicto opido expellerent, alioquin ipsi dictum opidum destruerent.

65. Item that the aforesaid burghers supported the robbers in the said town after the said warnings.

66. Item that the aforesaid robbers inflicted many injuries upon the said brothers in regard to their persons and properties after the said warnings and returned to the said town as before.

67. Item that the preceptor and brothers of the said province assembled their army and with their army they went to the aforesaid town.

68. Item that the aforesaid preceptor and brothers told the said burghers that they would capture the said town and kill them unless they gave them the aforesaid robbers and thieves.

69. Item that the aforesaid burghers, fearing being killed by the said brothers and their army, handed over a total of 16 robbers and thieves to the said brothers.

65. Item quod predicti cives tenuerunt dictos latrones post dictas moniciones in dicto opido.

66. Item quod predicti latrones post dictas moniciones multa dampna dictis fratribus in personis et rebus intulerunt et ad dictum opidum redierunt, sicut prius.

67. Item quod preceptor et fratres dicte provincie congregaverunt exhercitum suum et cum suo exhercitu iverunt ad opidum supradictum.

68. Item quod predicti preceptor et fratres dixerunt dictis civibus, quod ipsi caperent dictum opidum et eos interficerent, nisi predictos latrones et raptores eis darent.

69. Item quod predicti cives timentes occidi a dictis fratribus et eorum exhercitu predictos latrones et raptores numero sedecim dictis fratribus tradiderunt.

70. Item that the aforesaid preceptor and brothers with the whole army withdrew to their own lands without any injuring of the burghers of the aforesaid town.

71. Item that the aforesaid burghers by their own will destroyed the homes in the said town and went to live in other parts.

72. Item that concerning the aforesaid and whatever of the aforesaid there was and is public knowledge at the said times and in the said places.

70. Item quod predicti preceptor et fratres cum toto exhercitu sine lesione aliqua civium predicti opidi recesserunt ad terras suas.

71. Item quod predicti cives destruxerunt propria voluntate domos dicti opidi et iverunt ad habitandum in aliis partibus.

72. Item quod de predictis et quolibet predictorum est et fuit dictis temporibus publica vox et fama in dictis locis.

APPENDIX TWO

THE CLAIMS SUBMITTED BY THE POLISH PROCURATORS IN 1320 [Lites I (3), 22-3; Lites I (2), 17.

1. We…, procurators of the illustrious prince, lord Władysław, King of Poland, intend to prove that that lord king, then being duke, possessed the land of Pomerania.

2. Item the second claim, that the illustrious princes, lords Przemysł and Kazimierz, dukes of Kujawy, held and possessed the same land of Pomerania in the name of the king, then duke.

3. Item, that the master and brothers of the House of St. Mary of the Germans expelled the said lord king from possession of the castle and city of Gdańsk.

4. Item, that they expelled the same from the castle and city of Tczew.

1. Nos…procuratores illustris principis domini Wladislai regis Polonie intendimus probare, quod ipse dominus rex tunc dux existens possidebat terram Pomoranie.

2. Item secunda intencio, quod illustres principes domini Primislius et Kasimirus duces Cuyavie tenebant et possidebant eandem terram Pomoranie nomine regis tunc ducis.

3. Item quod magister et fratres domus s. Marie Theutonicorum eiecerunt dictum dominum regem de possessione castri et civitatis Gdanczk.

4. Item quod eundem eiecerunt de possessione castri et civitatis in Trschow.

5. Item, that they expelled the said lords Przemysł and Kazimierz from possession of the castle and city in Świecie and the appurtenances of the same.

6. Item, that concerning each and every one of these matters, there is public knowledge in those parts and elsewhere.

7. Item that this is notorious in those parts and in neighboring places.

5. Item quod eiecerunt dictos dominos Primislium et Kasimirum de possessione castri et civitatis in Swecze et pertinenciarum eorundem.

6. Item quod de hiis omnibus et singulis in partibus illis et alibi est publica vox et fama.

7. Item quod hoc in partibus illis et vicinis est notorium.

APPENDIX THREE

THE CLAIMS SUBMITTED BY THE ROYAL PROCURATOR IN 1339 [Lites I (2), 94-8]

1. In the first he intends to prove that the land of Chełmno with each district and territory and with the city of Chełmno, Toruń, and also all the towns, castles, and villages located and situated under the said territory of Chełmno from the Vistula River to the river commonly named Osa belongs from antiquity to the Kingdom of Poland and is located within the borders of the same kingdom and that the princes of Poland at that time possessed the same in the name of the same king and that concerning this there is public knowledge.

2. Similarly, he intends to prove that the men living within the Kingdom of Poland and no others adjoining the same kingdom are held by the apostolic see to the annual payment of Peter's Pence as estimated owed to the

1. In primis probare intendit, quod terra Culmensis cum omni districtu et territorio suo et cum civitate Culmensi, Thorun, necnon omnibus opidis, castris, villis sitis et locatis infra dictum territorium Culmense a flumine Visla usque ad flumen Ossa vulgariter nuncupatum, pertinet ab antiquo ad regnum Polonie et est sita infra metas eiusdem regni, et quod principes Polonie, qui pro tempore fuerunt, ipsam possederunt nomine regni euisdem, et quod de hoc est publica vox et fama.

2. Item probare intendit, quod homines habitantes infra regnum Polonie, et nulli alii eidem regno confines, tenentur Sedi apostolice ad solvendum annis singulis denarium beati Petri

same church from that kingdom, and that this is notorious.

3. Similarly he intends to prove that the men living within the same territory of Chełmno and throughout the above-named places pay to the lord pope and the Church of Rome Peter's Pence as estimated owed to the same church by the Kingdom of Poland, and as part of the same kingdom it is unduly detained by the said Teutonic Knights.

4. Similarly he intends to prove that the duchy and land of Pomerania with all the territories and districts situated and located within it, namely Gdańsk, Świecie, Słupsk, Tczew, Starogard, and Gniew, and also the other towns, castles and villages located within the duchy of Pomerania, is situated within the aforesaid Kingdom of Poland and has belonged to the same kingdom since antiquity, and that this is notorious.

tamquam censum eidem Sedi de ipso regno debitum, et quod hoc est notorium.

3. Item probare intendit, quod homines habitantes infra idem territorium Culmense et per loca supra nominata solvunt domino Pape et Ecclesie Romane denarium beati Petri tamquam censum eidem Ecclesie debitum per regnum Polonie et tamquam pars regni eiusdem, per dictos Cruciferos indebite detenta.

4. Item probare intendit, quod ducatus et terra Pomeranie cum omnibus territoriis et districtibus sitis et locatis infra ipsum, scilicet Gdansk, Swecze, Slupsk, Tharszow, Stalgart, Meva necnon aliis opidis, castris et villis infra ducatum Pomoranie constitutis, sunt site infra regnum predictum Polonie et ad ipsum regnum pertinent ab antiquo, et quod hoc est notorium.

5. Similarly he intends to prove that the whole of the duchy of Pomerania with all its aforesaid places is of the diocese of Gniezno and the church of Inowrocław, which are within the Kingdom of Poland and the province of Gniezno, and the gain of the praedial tithes belongs to those churches, Gniezno and Inowrocław, and to their bishops and it has been possessed by them from antiquity up to the present, and that this is notorious.

6. Similarly he intends to prove that lord Władysław of bright memory, formerly King of Poland, the father of the aforesaid lord Kazimierz, now King of Poland, possessed the mentioned land of Pomerania with its appurtenances as his own property in the name of the King of Poland and that concerning this there is public knowledge.

7. Similarly he intends to prove that the master and the brothers at that time of the Crusaders of Prussia of the aforesaid Order through violence and with a great army,

5. Item probare intendit, quod totus ducatus Pomeranie cum omnibus suis locis predictis est de dyocesibus Gneznesis et Wladislaviensis ecclesiarum et ad earum episcopos percepcio predialium decimarum per Pomoraniam pertinet et posseidetur ab ipsis ab antiquo usque modo, et quod hoc est notorium.

6. Item probare intendit, quod dominus Wladislaus clare memorie olim Polonie rex, pater prefati domini Kazimiri Polonie nunc regis, memoratam terrram Pomeranie cum eius pertinenciis possedit tamquam propriam nomine regni Polonie, et quod de hoc est publica vox et fama.

7. Item probare intendit, quod magister et fratres Cruciferi de Prussia Ordinis antedicti, qui pro tempore fuerunt, per violenciam et cum valido

having raised their banner, and with the massacre of many knights and men of the said King Władysław occupied and then continued the occupation of the said land and duchy of Pomerania to the great detriment of the same king, and that this is notorious; that the damage reached more than 45,000 marks of Polish weight and coinage.

8. Similarly he intends to prove that by the reverend fathers, the lords Janisław, Archbishop of Gniezno, Domarat, formerly Bishop of Poznań, and also Mikołaj, abbot of the monastery of Mogilno of the diocese of Gniezno, then specially deputized by the most holy father, the lord Pope John XXII, concerning this matter, having preserved the order of the law, a definitive sentence was produced in writing 16 years earlier, which formerly went over into the indicated matter concerning the land or duchy of Pomerania in favor of the lord Władysław of bright memory, formerly King of Poland, father of the most serene

exercitu erectis vexillis et cum strage multorum militum et hominum dicti regis Wladislai occuparunt et deinceps detinent occupatum terram predictam et ducatum Pomoranie cum magno dampno eiusdem regis, et quod hoc est notorium; quod dampnum se extendit usque ultra quadraginta quinque milia marcarum Polonici ponderis et monete.

8. Item probare intendit, quod per reverendos patres, dominos Janislaus Gneznensem archiepiscopum et Domarathum olim Poznaniensem episcopum necnon Nicolaum abbatem monasterii de Mogilno Gneznensis diocesis, tunc a sanctissimo patre domino Johanne Papa XXII super hoc specialiter deputatos, servato juris ordine et in scriptis sentencia diffinitiva lata est ante XVI annos, que dudum in rem transiit judicatam, super terra sive ducatu Pomoranie pro clare memorie domino

Kazimierz now King of Poland, and against the master and brothers of the Order of St. Mary of the Germans of Prussia, the wrongful holders of the same duchy, who were at that time, through which sentence the same duchy of Pomerania was adjudged to be restored to King Władysław with the profits that could be and have been obtained from it, as well as the trial expenses, which were assessed by the aforesaid judges at 33,000 marks, and this was proved by the supporting oath of the party.

9. Similarly he intends to prove that the whole land and duchy of Kujawy with the city named Włocławek, and also with the cities Brześć, Inowrocław, Wyszogród, Strzelno, Kruszwica, Radziejów, Przypust, Bydgoszcz, Solec, Służewo, Raciążek, Kowal, Gniewkowo, with all the castles and the villages located within Kujawy are of the Kingdom of Poland, and they were possessed by the

Wladislao olim Polonie, et contra magistrum et fratres Ordinis sancte Marie Theutonicorum de Prussia, eiusdem ducatus iniustos detentores, qui pro tempore illo erant, per quam sentenciam idem ducatus Pomoranie dicto regi Wladislao restituendus adiudicatus est cum fructibus inde perceptis et qui percipi potuerunt et cum litis expensis, que per iudices antedictos taxate sunt ad triginta tria milia marcarum et subsecuto iuramento partis firmata.

9. Item probare intendit, quod tota terra et ducatus Cuyavie cum civitate Antiqua Wladislavia nuncupate, necnon cum opidis Breste, Iuveni Wladislavie, Wissegrad, Strzelno, Crusvicoa, Radzcow, Przipust, Bidgocza, Solecz, Sluzew, Raczescz, Covale, Gnewcow, cum castris et villis omnibus infra Cuyaviam sitis sunt de regno Polonie,

aforesaid lord Władysław, father of the said lord King Kazimierz, as his own patrimony in the name of the King of Poland, and that this is notorious.

10. Similarly he intends to prove that the master and brothers, at that time, of the Crusaders of Prussia of the aforesaid Order having assembled a great army and raised a banner during the year of the lord 1332 through violence and the massacre of many men occupied the aforesaid land of Kujawy with all the above-noted places and still continue in the occupation, and that this is notorious.

11. Similarly he intends to prove that through this violence and occupation the mentioned lord king incurred losses of up to and over 15,000 marks of Polish weight and coinage.

et per prefatum dominum Wladislaum, patrem dicti domini regis Kazimiri, tamquam patrimonium proprium possessa nominee regni, et quod hoc est notorium.

10. Item probare intendit, quod magister et fratres Cruciferi de Prussia Ordinis supradicti, qui pro tempore fuerunt, congregato valido exercitu et vexillis erectis sub anno Domini millesimo CCC. XXXII per violenciam et multorum stragem hominum prefatam terram Cuyavie cum omnibus locis supra notatis occuparunt et adhuc occupatam tenent, et quod hoc est notorium.

11. Item probare intendit, quod per huiusmodi violenciam et occupacionem dominus rex memoratus dampnificatus est usque et ultra quindecim milia marcarum Polonici ponderis et monete.

12. Similarly he intends to prove that the land and duchy of Dobrzyń with Rypin and with each territory and its districts, as was distinguished circumferentially since antiquity, with the towns and villages within it, was established of the Kingdom of Poland and is situated within the same kingdom, and that this is notorious.

13. Similarly he intends to prove that the aforesaid King Władysław, father of lord Kazimierz now King of Poland, held and possessed the same in the name of the King of Poland, and that this is notorious.

14. Similarly he intends to prove that the master and the brothers of the Crusaders of Prussia of the often mentioned Order, having assembled a powerful army with banners, in the year 1329 violently occupied the said land of Dobrzyń and continue in the occupation with all its revenues, and that this is well known.

12. Item probare intendit, quod terra et ducatus Dobrininsis cum Ripin et cum omni territorio et districtu suo, prout ab antiquo circumferencialiter est distinctus, cum opidis et villis infra ipsum constitutis est de regno Polonie et sita infra ipsum regnum, et quod hoc est notorium.

13. Item probare intendit, quod predictus rex Wladislaus, pater domini Kazimieri nunc regis Polonie, ipsam tenuit et possedit nomine regni Polonie, et quod hoc est notorium.

14. Item probare intendit, quod magister et fratres Cruciferi de Prussia Ordinis sepedicti congregato valido exercitu cum vexillis dictam terram Dobrinensem occuparunt violenter et detinent occupatam cum omnibus suis fructibus, et quod hoc est notorium, et sub anno Domini millesimo CCC. XXIX.

15. Similarly he intends to prove that because of this occupation and by the pretext of the it, the lord king incurred losses of up to and over 7500 marks of Polish weight and coinage.

16. Similarly he intends to prove that the land of Michałowo with its territory and district and lakes is located within the Kingdom of Poland and has belonged since antiquity to the same kingdom, and that this is notorious.

17. Similarly he intends to prove that the master and the brothers of the Crusaders of Prussia of the above said Order, who were at that time and are now, have possessed and held and possess and hold the same with all its uses, revenues, and appurtenances as security for a debt for 30 years, and that this is notorious.

15. Item probare intendit, quod propter occupacionem huiuscemodi et ipsius occasione dampnificatus est dominus rex usque et ultra septem cum dimidio milia marcarum Polonici ponderis et monete.

16. Item probare intendit, quod terra Michaloviensis cum territorio et districtu et lacubus eius est sita infra regnum Polonie et pertinet ab antiquo ad ipsum regnum, et quod hoc est notorium.

17. Item probare intendit, quod magister et fratres Cruciferi de Prussia Ordinis supradicti, qui pro tempore fuerunt et nunc sunt, ipsam possederunt et tenuerunt, et possident et tenent nomine pignoris cum omnibus ipsius utilitatibus, fructibus et pertinenciis a triginta annis citra, et quod hoc est notorium.

18. Similarly he intends to prove that the uses within the said years from the revenues, uses, and incomes of the same land are up to and more than 12,000 marks of Polish weight and coinage.

19. Similarly he intends to prove that brother Dietrich von Altenburg, now master of the German Order of St. Mary from Prussia, then the marshal of the master of the already said order, Luther von Braunschweig, with the help, cooperation, and aid of the commanders, then generals, the advocate of Chełmno, and the commanders of Toruń, Grudziądz, Lipno, Radzyń, Egilberg, which in Polish is called Koprzywnica [near Grudziądz], Golub, Strasburg, which in Polish is called Brodnica, Papowo [Biskupie], Unisław [near Chełmno], and from the old castle of Toruń; similarly in Kujawy, of Nieszawka [near Toruń], Orłowo [near Inowrocław], Murzynno [near Inowrocław], Brześć, Kowal, Radziejów, and of the advocate of Moosburg, which

18. Item probare intendit, quod usi sunt infra dictos annos de eiusdem terre fructibus, utilitatibus et proventibus usque et ultra duodecim centenaria marcarum Polonicalis ponderis et monete.

19. Item probare intendit, quod frater Theodericus de Aldenburg nunc magister Ordinis sancte Marie Theutonicorum de Prussia, tunc vero maraschalcus magistri Luderi de Prunswik Ordinis iamdicti, adiutorio, cooperacione et auxilio commendatoris tunc generalis, advocati Culmensis, ac commendatorum de Thorun, de Grudencz, Lipaviensis, Radinensis, Egilpergensis qui in Polonico dicitur Coprziwnicza, Golubensis, Strosburgensis qui in Polonico dicitur Brodnicza, Papoviensis, Wenczlavicensis ac de antiquo castro Thorun; item in Cuyavia Nessoviensis, Orloviensis, Murinensis, Brestensis, Covaloviensis,

in Polish is called Przedecz; similarly in the land of Pomerania, of Świecie, Gdańsk, Tczew, Kamień [Krajeński]; similarly in the land of Prussia, of the Grandmaster in Malbork [Marienburg in German], of Sztum [Stuhm in German], Lessing, Elbląg [Elbing in German], the advocate of Giżycko [formerly Lec in Polish / Lötzen in German], and Riga, and also all the other commanders of the same order of the above said places, and also all the brothers of the above said order, having assembled a powerful army with banners, during the year of the lord 1331, all of the above said hostilely entered the Kingdom of Poland and most places of the same below-written king, then and now possessed peacefully by the lord Władysław, formerly King of Poland, and his son, Kazimierz, now King of Poland, and under the same kingdom in Gniezno, the location of the metropolitan and his territory and district they introduced great damages and injuries upon the said

Radzeoviensis et advocati Mosburgensis qui in Polonico dicitur Przedcze; item in terra Pomoranie Swecensis, Gdanensis, Tarszoviensis, Camensis; item in terra Prussie Marienburgensis magni commendatoris, Strumensis, Lessinensis, Elbinensis, advocati de Lesk, ac Rigensis necnon omnium aliorum commendatorum eiusdem Ordinis locorum antedictorum necnon omnium fratrum Ordinis supradicti, congregato valido exercitu cum vexillis, sub anno Domini millesimo CCC. XXX primo, omnes supradicti intraverunt hostiliter regnum Polonie et loca quam plurima eiusdem regni subscripta, tunc et nunc possessa pacifice tam per dominum Wladislaum olim regem Polonie et filium eius Kazimirum nunc Polonie regem, ac infra ipsum regnum in Gnezna loco metropolitico ac eius territorio et districtu magna dampna et iniurias dictis

kings and their subjects by the conflagration and burning of the city and all the villages, and the consumption of the herds, the capturing of men, and the abduction of countless animals, and the rape of virgins and honest women, and that this is notorious.

20. Similarly he intends to prove that that the aforementioned master and brothers at the same time in the towns of Nakło and Żnin inflicted similar damages and injuries upon the aforesaid kings within the Kingdom of Poland, also burning and despoiling the church in Nakło, with their army thus assembled, and that this is notorious.

21. Similarly he intends to prove that the aforesaid master and brothers at the same time with the same army approached the city or town in Łęczyca of the Kingdom of Poland, burned and despoiled it and the villages throughout the whole of its territory and district, and that this is notorious.

regibus et corum subditis irrogarunt per incendium et cremacionem civitatis et villarum omnium, et consumpcionem pecorum, capcionem hominum et abduccionem infinitorum animalium, ac stupracionem virginum et mulierum honestarum, et quod hoc est notorium.

20. Item probare intendit, quod magister et fratres prenotati eodem tempore in Nakel et in Zneyna opidis similia dampna et iniurias prefatis regibus infra regnum Polonie intulerunt, eciam eccleciam in Nakel concremando et spoloando, cum exercitu suo sic congregato, et quod est notorium.

21. Item probare intendit, quod prefati magister et fratres eodem tempore cum eodem execitu agressi civitatem sive opidum munitum in Lancicia regni Polonie, illud concremarunt et spoliaverunt, et per totum eius territorium et

22. Similarly he intends to prove that the aforesaid master and brothers at the same time with the same army approached the town of Uniejów of the Kingdom of Poland, burned its fort and castle with fire and despoiled it in the same way with all the villages of its territory and district, and that this is notorious.

23. Similarly he intends to prove that the aforesaid master and brothers with the same army and at a connected time approached the town of Sieradz and they burned with fire its castle of the Kingdom of Poland, and the town with its church and the Dominicans' monastery in the same way with all the villages of the same territory and district, and that this is notorious.

districtum villas eodem modo, et quod hoc est notorium.

22. Item probare indendit, quod idem magister et fratres eodem tempore cum eodem exercitu agressi opidum Uneyow regni Polonie munitum et castrum eius, igne concremaverunt et spoliaverunt eodem modo cum omnibus villis ipsius territorii et districtus, et quod hoc est notorium.

23. Item probare intendit, quod idem magister et fratres cum eodem exercitu et tempore continuato agressi opidum Syradie et eius castrum regni Polonie, ipsum cum ecclesia et monasterio fratrum Predicatorum igne concremaverunt eodem modo cum omnibus villis territorii et districtus eiusdem, et quod hoc est notorium.

24. Similarly he intends to prove that within the land of Sieradz, with the same army and at a connected time, the master and brothers in the same way burned and despoiled the towns of Warta and Szadek with their churches and with the churches in Bałdrzychów [near Poddębice] and in Charłupia [near Sieradz] and with all the villages of the same territory and district, and that this is notorious.

25. Similarly he intends to prove that the same master and brothers with the same army at a connected time in the aforesaid way burned and despoiled all the villages of territory and district of the Kalisz land and of the Kingdom of Poland, and that this is notorious.

26. Similarly he intends to prove that the same master and brothers with the same army and at a connected time approached the town and castle of the Kingdom of Poland in Pyzdry, and burned with fire and

24. Item probare intendit, quod infra terram Siradiensem cum eodem exercitu et continuato tempore idem magister et fratres opida Vartam et Szadek cum ecclesiis eorumdem, ac cum ecclesiis in Baldrzicow et in Chartholupya ac cum villis territorii et districtus eorum eodem modo concremaverunt et spoliaverunt, et quod hoc est notorium.

25. Item probare intendit, quod idem magister et fratres cum eodem exercitu et continuato tempore omnes villas territorii et districtus Kalissiensis terre et regni Polonie modo predicto concremaverunt et spoliaverunt, et quod hoc est notorium.

26. Item probare intendit, quod idem magister et fratres cum eodem exercitu et continuato tempore agressi opidum ac castrum regni Polonie in Pysdr munitum, et ipsa cum monasterio fratrum Minorum

despoiled the fort and the Franciscan monastery and the Church of the Holy Cross near the town, with all the villages of its territory and district, and that this is notorious.

27. Similarly he intends to prove that the master and the brothers with the same army and at a connected time in the same way burned with fire and despoiled Konin and Słupca, towns of the Kingdom of Poland, with their churches and with the villages of their territories, and that this is notorious.

28. Similarly he intends to prove that the same master and brothers with the same army and at a connected time in the same way burned with fire and despoiled towns of the Kingdom of Poland, namely Środa, Kleczew, Pobiedziska with the castle and the church, and Kostrzyn, located within the district and territory of Poznań, with all the villages of the same territory, and that this is notorious.

et ecclesia sancte Crucis prope opidum eodem modo igne concremaverunt et spoliaverunt cum omnibus villis territorii et districtus ipsius, et quod hoc est notorium.

27. Item probare intendit, quod idem magister et fratres cum eodem exercitu et continuato tempore eodem modo opida regni Polonie Conyn et Slup cum ecclesiis eorum et cum villis territoriorem suorum igne concremaverunt et spoliaverunt, et quod hoc est notorium.

28. Item probare intendit, quod idem magister et fratres cum eodem exercitu et continuato tempore opida regni Polonie, videlicet Srzodam, Kleczsk, Pobedscz cum castro et ecclesia ac Costrzin, infra districtum et territorium Poznaniense constituta, cum omnibus villis eiusdem territorii eodem modo

29. Similarly he intends to prove that the same master and brothers with the same army and at a connected time burned with fire and despoiled churches in Góra [near Żnin] and in Młodejewo [near Słupca] in the diocese of Gniezno, and in Czerwona [near Krzywiń] in the diocese of Inowrocław, within the Kingdom of Poland, and that this is notorious.

30. Similarly he intends to prove that on account of the aforesaid burning, ravaging, plundering, despoiling, and capturing perpetrated in all the aforesaid places of the Kingdom of Poland, the said king with his subjects incurred damages up to and more than 115,000 silver marks of Polish weight and coinage.

concremaverunt et spoliaverunt, et quod hoc est notorium.

29. Item probare intendit, quod idem magister et fratres cum eodem exercitu et continuato tempore infra regnum Polonie ecclesias in Gora, in Mlodugewo, Gneznensis diocesis, ac in Caczewo Wladislaviensis diocesis igne concremaverunt et spoliaverunt, et quod hoc est notorium.

30. Item probare intendit, quod propter incendia, vastaciones, rapinas, spolia, captivitates et iniurias antedictas, perpetratas in antedictis omnibus locis regni Polonie, dictus dominus rex Polonie cum suis subditis dampnificatus est usque et ultra centum et quindecim milia marcarum argenti, Polonicalis ponderis et monete.

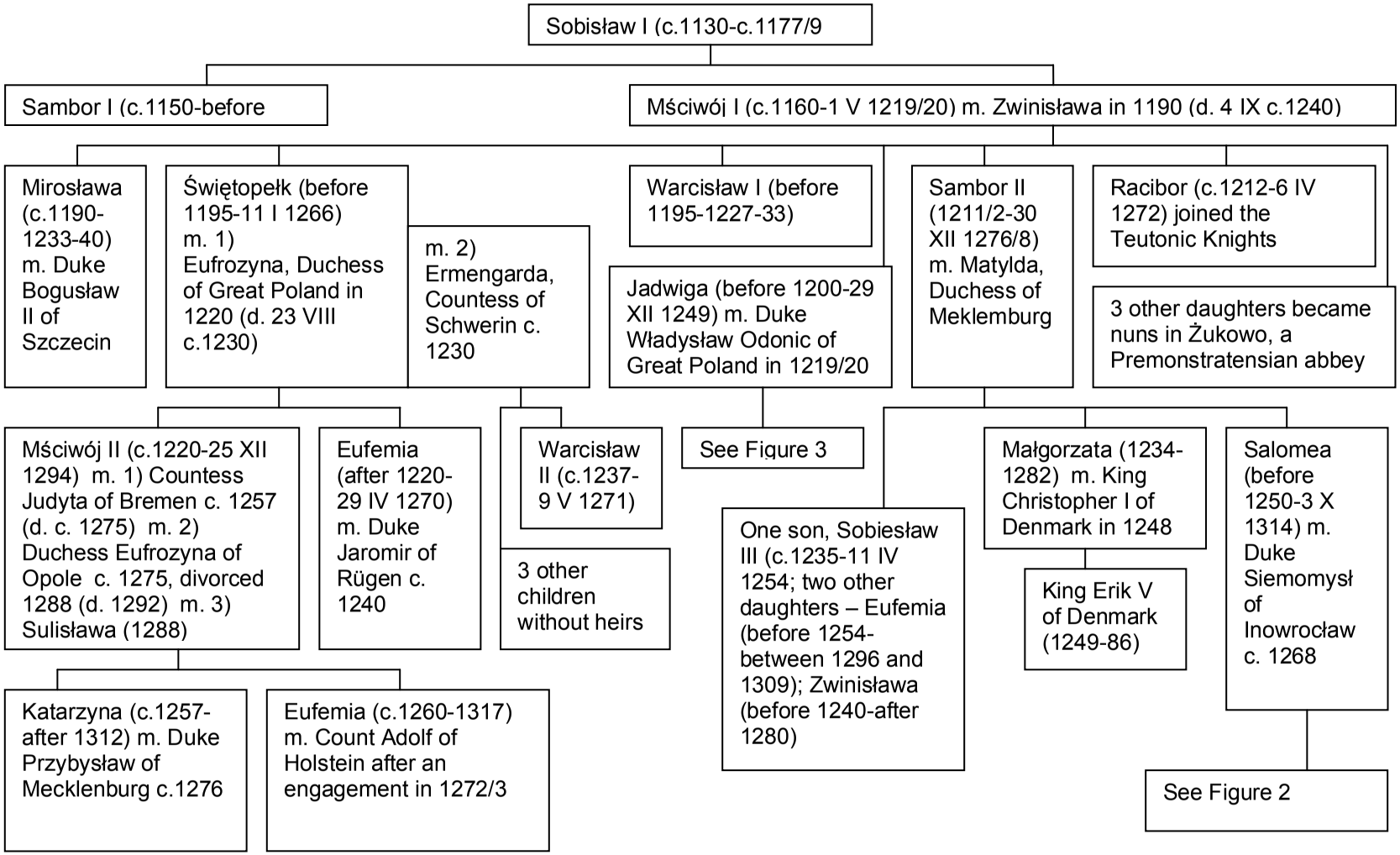

Figure 1: Simplified Genealogy of the Dukes of Pomerania (after Śliwiński, *Poczet*, 78-80).

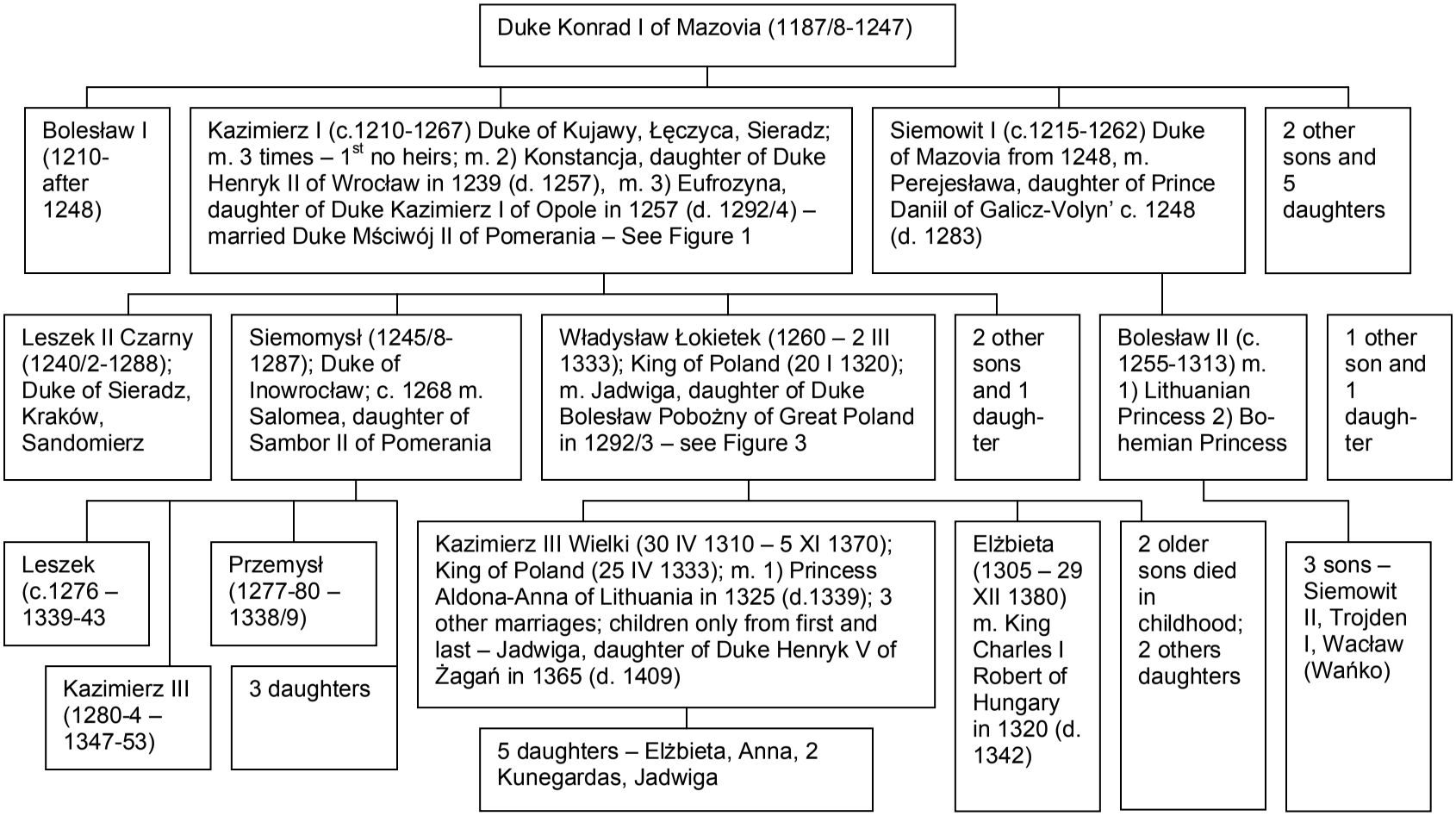

Figure 2: Simplified Genealogy of the Dukes of Kujawy and Mazovia (after Derwich, *Monarchia*, 228, 230-1)

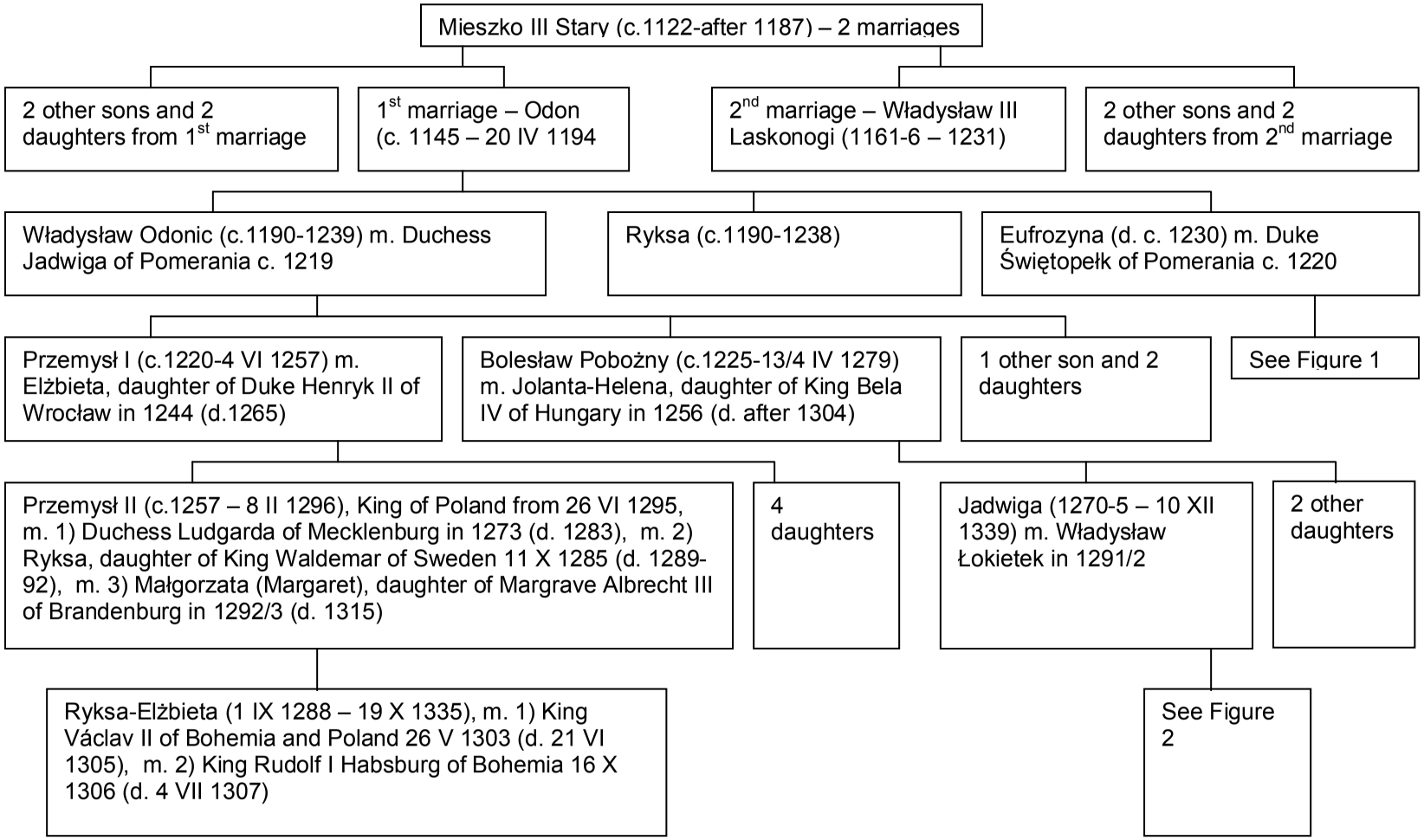

Figure 3: Simplified Genealogy of the Dukes of Great Poland (after Derwich, *Monarchia*, 226-7)

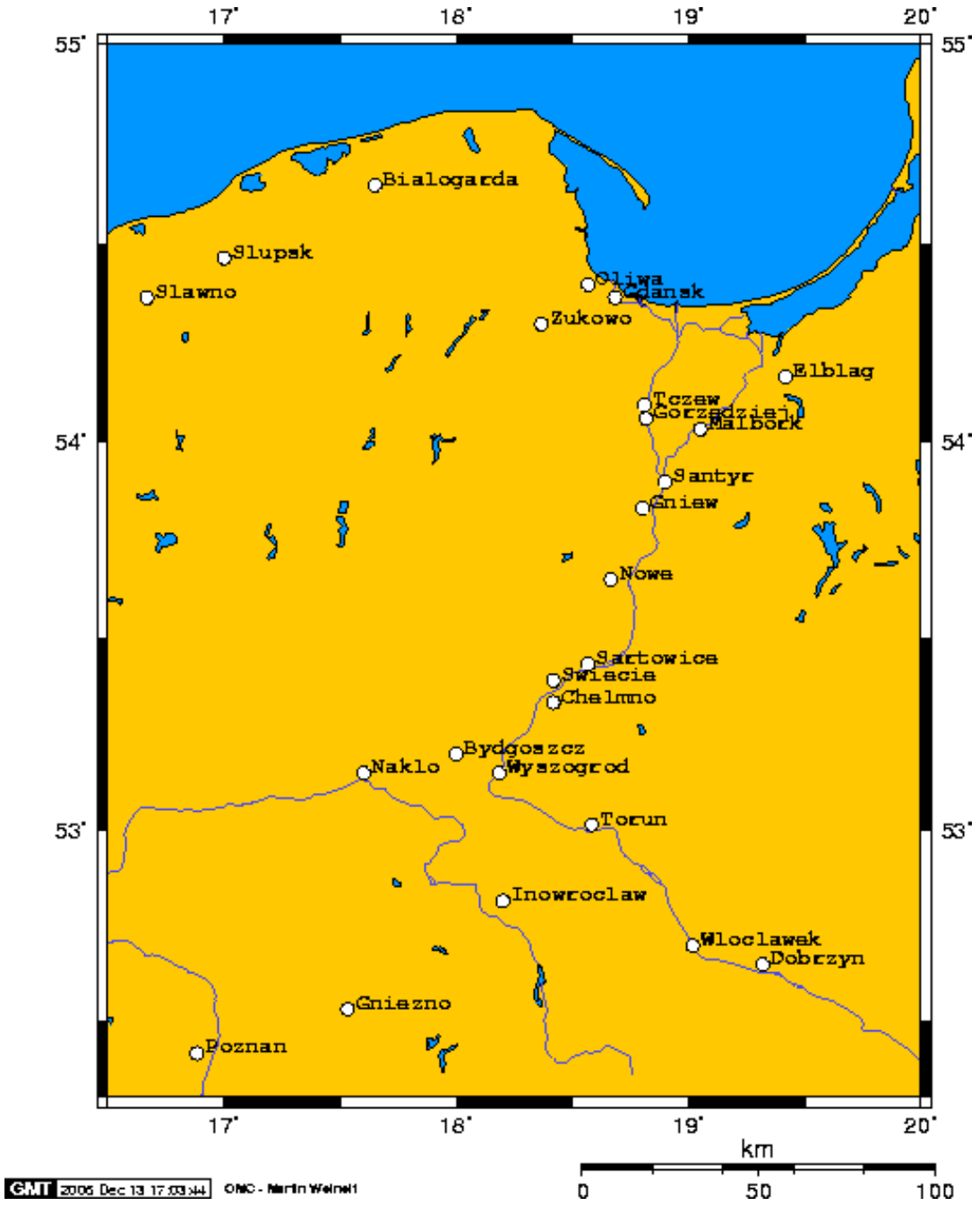

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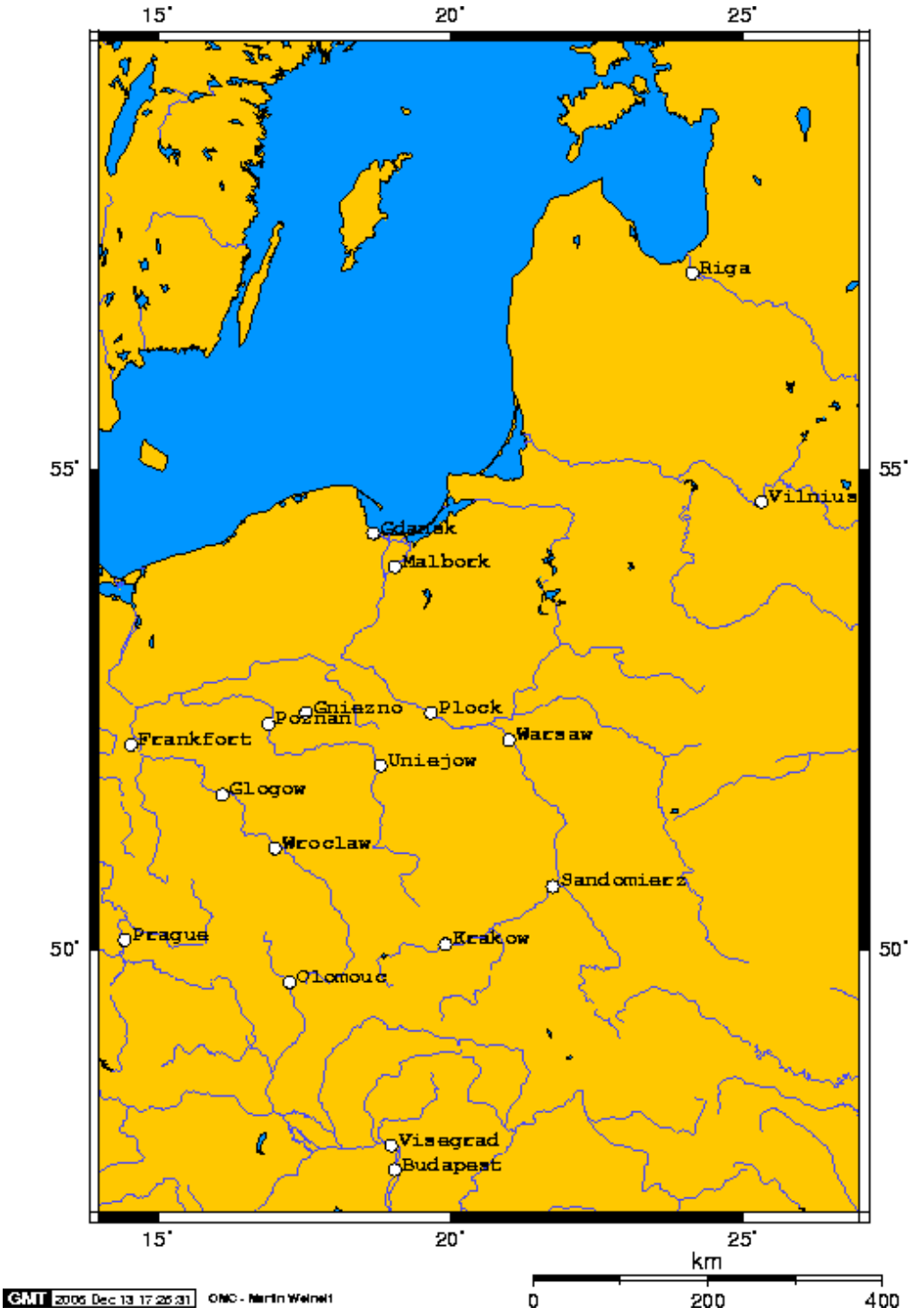
Figure 4: Map of the Pomeranian-Prussian-Polish Borderland



Created at: http://www.aquarius.geomar.de/omc/make_map.html

Figure 5: Map of East-Central Europe

Source: Paul W. Knoll, *The Rise of the Polish Monarchy: Piast Poland in East Central Europe, 1320-1370* (Chicago and London: University of Chicago Press, 1972), 53.

Figure 6: Map of Poland in the Fourteenth Century

Table 1: The Geographical Origin and Distribution of the Witnesses in the Polish-Teutonic Knights' Trials in the Fourteenth Century

REGION	WITNESSES IN THE TRIALS		TOTAL
	1320-21	1339	
Wielkopolska	3 (12%)	49 (38.9%)	52 (34.4%)
Małopolska	5 (20%)	13 (10.3%)	18 (11.9%)
Sieradz	0	22 (17.5%)	22 (14.6%)
Łęczyca	0	12 (9.5%)	12 (7.9%)
Kujawy and Dobrzyń	11 (44%)	20 (15.9%)	31 (20.5%)
Mazovia	2 (8%)	6 (4.8%)	8 (5.3%)
Pomerania and Chełmno	4 (16%)	4 (3.2%)	8 (5.3%)
TOTAL	25	126	151

Source: Wiesław Sieradzan, "Rycerstwo kujawsko-dobrzyńskie w procesie polsko-krzyżackim w Warszawie w 1339 r.," *Ziemia Dobrzyńska* 3 (1995), 10; see also Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Torun: Wydawnicto Uniwersytetu Mikołaja Kopernika, 1993), 27.

Table 2: The Social Origin and Distribution of the Witnesses in the Polish-Teutonic Knights' Trials in the Fourteenth Century

SOCIAL GROUP	WITNESSES IN THE TRIALS		TOTAL
	1320-21	1339	
Higher Clergy	9 (36%)	20 (15.9%)	29 (19.2%)
Parish Priests and Curates	2 (8%)	10 (7.9%)	12 (7.9%)
Monks and Friars	0	11 (8.7%)	11 (7.3%)
Lay Ruling Elites	9 (36%)	41 (32.5%)	50 (33.1%)
Knights	3 (12%)	14 (11.1%)	17 (11.3%)
Burghers	2 (8%)	30 (23.8%)	32 (21.2%)
TOTAL	25	126	151

Source: Wiesław Sieradzan, "Rycerstwo kujawsko-dobrzyńskie w procesie polsko-krzyżackim w Warszawie w 1339 r.," *Ziemia Dobrzyńska* 3 (1995), 11; see also Wiesław Sieradzan, *Świadomość historyczna świadków w procesach polsko-krzyżackich w XIV-XV wieku* (Torun: Wydawnicto Uniwersytetu Mikołaja Kopernika, 1993), 28.

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