

ŁUKASZ GODLEWSKI

Białystok

THE CLERGY AND THE NOBILITY DURING THE 1540S AND 1550S OF THE SIXTEENTH CENTURY

What divided the nobility and the clergy in the sixteenth century was, among other issues, the problem of the restoration of the state. The issues relating to the broadly understood reform aimed at the nobility-driven restoration of the state in the areas of judiciary, administration, finances and military were under consideration as early as in the Twenties of the sixteenth century¹. The restoration of laws in these areas was supposed to bolster the state and restrict the influence of the aristocracy elite and the clergy. The nobility demanded the observance of the resolutions contained within the sejm constitutions, thus the “enforcement of laws”². Furthermore, nobles called for the expansion of the powers of the Chamber of Deputies which, according to the king, would be done at the expense of the monarch’s competence. Abolition of the clergy privileges, taxation of the clergy and secularisation of the church estates were also advocated. Additionally the closer union with Lithuania, liquidation of the legal separation of Prussia and duchies of Oświęcim and Zator were called for³. The freedom of the election of the king was also demanded in fear of another *vivente rege*⁴ election. Reorganising the treasury, separating the state revenue from the royal revenue and devoting a part of the state revenue to the permanent military force were advocated. The guarantee of the freedom of worship as well as the complete freedom from duty fees, exemption from internal taxes such as tolls or bridge tolls, reinforcing the position of the nobility against the burghers through liquidation of craft guilds or the ban on ownership of land by “non-nobles” were also insisted on⁵.

¹ See: J. Brzozowski, *Na drodze do podmiotowości politycznej: działania rycerstwa koronnego w końcu XV i na początku XVI stulecia*, in: *Ars historiae – historia artis*, editor: E. Dubas-Ūrwanowicz i J. Maroszka, Białystok 2012, pp. 111-129.

² See: A. Sucheni-Grabowska, *Spory królów ze szlachtą w złotym wieku. Wokół egzekucji praw*, Kraków 1988, passim.

³ *Corpus iuris Polonici 1506-1522* [hereinafter *CiP*], vol. 3, compiled by O. Balzer, Kraków 1906, no. 51, pp. 105-118.

⁴ Such election took place only once in Poland, on the 18th of December 1529. In consequence, in the following year, on the 20th of February, archbishop of Gniezno and Primate of Poland, Jan Łaski, crowned Zugmunt II August as the King of Poland at Wawel Cathedral.

⁵ *CiP*, vol. 3, no. 51 and 242, pp. 105-118 and 606; *Acta Tomiciana* [hereinafter *AT*], vol. 6, Poznań 1875, no. 308, pp. 341-343.

A. Sucheni-Grabowska, *Sejm w latach 1540-1586*, in: *Historia sejmu polskiego*, vol. 1, *Do schyłku szlacheckiej Rzeczypospolitej*, editor: J. Michalski, Warszawa 1984, pp. 114-216.

The attention must be also drawn to the fact that the postulates concerning returning the Crown estates to the king by the Crown lords (who received them illegitimately) and restricting their future distribution were not brought up at the same time as the issue of the “enforcement of laws”. The issue of the “execution of goods” for the first time “came to light” during the Sejm of Piotrków in 1547-1548. Not a single postulate touching upon the problem of the re-vindication of the distributed Crown estates could be discovered before this meeting of the sejm^{6,7}.

Despite not being fully formed yet, the Executionist movement agenda since the very beginning encroached upon the privileges of clergy, not only in the legal area but also in the economic area. Furthermore, since the Edict of Wieluń of the 9th of April 1424 heresy had been equalised with *lése majesté* and subjected to judgement of bishops⁸. What is even more important it was the first secular document issued in the Crown, which ordered officials to enforce ecclesiastical sentences in trials for heresy⁹. Enforcement of these sentences by the secular authorities was not only the gripe of the proponents of the Reformation but also of numerous Catholics who perceived it as an indication of the extensive drive of the Church for supremacy over the nobility¹⁰. However, since Władysław Jagiełło endowed the nobility with two privileges, namely in Czerwińsk on the 23rd of July 1422 and in Jedlnia in 1430, in which he guaranteed financial immunity of the “kighthood” and obliged himself to not imprison any of the nobles without the sentence of a court of competent jurisdiction (*Neminem captivabimus nisi iure victum*)¹¹, the behaviour and stance of the nobility should not have come as a surprise. According to nobles, ecclesiastical courts did not hold the authority to issue such a sentence and only the nobility courts were entitled to do so. However, the clergy was of a different opinion. Vagueness and superficiality of the acts indicated above allowed each of the parties to interpret them in their own favour. As a result disputes broke out between the clergy and the “political nation”. In consequence the advancement of the Reformation movement was accompanied by the increasing discontent with the jurisdiction of ecclesiastical courts over the nobility. The nobility was aggravated by the possibility of an individual accused of heresy being sentenced to the loss of property, the infamy or even to death. Especially due to the fact that such sentences were issued with increasing frequency only clergymen were unable to carry them into effect¹². As the executors of sentences and representatives of the nobility starosts adopted the interpretation proclaiming that the ecclesiastical courts

⁶ Biblioteka Ossolineum [hereinafter: B.Oss.], 178/2, pp. 89-91: *Postulata nobilitatis terrae Posnaniensis data nuncius ad Conventum* [1537 r.]; *Articuli generales nuntiorum ex omnibus terris et palatinatibus regni Poloniae* [1534], in: *AT*, vol. 16/1, Poznań 1960, pp. 100-106; T. Szulc, *Z badań nad egzekucją praw. Podstawy ustawodawcze egzekucji dóbr, ich interpretacja i nowelizacja na sejmach za panowania Zygmunta II Augusta*, in: *Studia z dziejów państwa i prawa polskiego*, vol. 6, Łódź 2000, p. 35-37.

⁷ Biblioteka PAN w Kórniku [hereinafter: BK], 221, pp. 277-291: *Postulata legatorum equestris ordinis in Comiciis regni Poloniae Petrcouiae actis* [1548].

⁸ *Edykt wieluński Władysława Jagielly przeciwko husytom z 9 kwietnia 1424 roku*, in: *Historia państwa i prawa Polski*, editors F. Połomski, P. Jurek, Wrocław 1997, p. 67; J. Szujski, *Jagiellonowie*, in: *Dzieje Polski*, vol. 2, Lwów 1862, p. 240.

⁹ J. Bukowski, *Dzieje reformacji w Polsce od wejścia jej do Polski, aż do jej upadku*, vol. 1, *Początki i terytoryalne rozprzestrzenienie się reformacji*, Kraków 1883, p. 31.

¹⁰ A. Sucheni-Grabowska, op. cit., pp. 23-46.

¹¹ J. Bardach, op. cit., pp. 22-23; J. Bukowski, op. cit., pp. 64-65.

¹² B. Kumor, *Czasy nowożytne – rozłam w chrześcijaństwie zachodnim*, Lublin 2002, p. 141.

were not competent to adjudicate “the knightly people”. This could, however, change over time and thus the concerns of the Protestant nobility were justified. Therefore, along with the development of the Reformation in the Crown, the Executionist movement was gaining momentum. The “political nation” struggled to deprive the clergy of the prerogatives that clergymen could utilise to interfere with social and political life of the nobility.

A number of researchers deem the rally in Lviv in 1537, where the nobility presented the king with 36 postulates concerning codification of law, cessation of purchase of estates by Bona, acquittal from the obligations towards the Church, expansion of the ban on combining offices¹³ and establishing permanent royal counsellors, as the start of the Executionist movement¹⁴. However, in the light of the most recent research it should be deemed that the movement began during the camp Sejm in Bydgosz deliberating between the 3rd and the 7th of December 1520. There the nobility imposed on Zygmunt I the obligation to convene every four years for a period of twelve years the so called “sejms of justice” during which the monarch and the nobility were to effect thorough national reforms¹⁵.

Undertaking laws was also propounded during the Sejm of 1519. As we can read in the chronicle of Marcin Bielski *in February the correction of laws was ordered during this very sejm by commissars to prevent clergymen from adjudicating lay persons in ecclesiastical courts, particularly in cases relating to lay affairs*¹⁶. Such addresses were, however, sporadic and thus it is difficult to speak of “movement” before 1520.¹⁷ The nobility also succeeded in the previously mentioned year 1537 because in the following year it effected the meetings of the Sejm in Piotrków and Kraków, where the king obliged himself to enforce the laws¹⁸. In true it was only a partial victory as these obligations were not confirmed by any legal act¹⁹. Thus the rallies in Bydgoszcz and Lviv did not produce meaningful effects but were,

¹³ The “incompatibilitas” rule referred to and still refers to both the offices in government and self-government administration. Since 1422 in the Crown it had referred to the prohibition of combining a land office with the office of starost or another land office (Czerwiński), combining the office of voivod with the office of starost since 1454 (Nieszawa) and, ultimately, combining two or more offices as the result of the Sejm in Piotrków in 1501. The nobility worked towards the avoidance of entrusting a single individual with the legislative power and the executive authority.

¹⁴ B.Oss. 178/2, cards 89-91: *Postulata nobilitatis terrae*; T. Szulc, *Z badań nad egzekucją...*, in: *Studia z dziejów...*, pp. 14-36.

¹⁵ J. Brzozowski, op. cit., p. 116, pp. 126-128; *CiP*, vol. 3, no. 242, art. 4, p. 606; *AT*, vol. 6, no. 308, pp. 341-343; *Volumina Constitutionum*, vol. 1, vol. 1, compiled by I. Dwornicka, S. Grodziski, Waclaw Uruszczyk, Warszawa 1996, p. 346. The very beginnings of reforms are, however, much older, and reach the latter half of the fifteenth century, namely 1456, when several nobles during the rally in Korczyn demanded revision of estates and changes in the law for the better. Similar voices emerged during the following rallies of the nobility such as the general Sejm of the Lesser Poland region in Nowy Korczyn where on the 15th of January 1493 young Jan Olbracht received a petition in which we may discover a number of postulates from the later Executionist agenda such as, for instance, acquitting the nobility from jurisdiction of ecclesiastical and municipal courts, see: A. Sucheni-Grabowska, op. cit., pp. 3; *Codex Epistolaris XV* [hereinafter: *CE*], vol. 3, no. 392, editor A. Lewicki, Warszawa 1894; F. Papée, *Jan Olbracht*, Kraków 1999, p. 44.

¹⁶ [Marcin Bielski] *kronika Marcina Bielskiego, niegdyś w Krakowie drukowana, teraz znowu doprowadzeniem aż do Augusta 3 przedrukowana*, in: *Zbiór dziejopisów polskich we 4 tomach zawarty*, vol. 1, Warszawa 1764, p. 488.

¹⁷ See: M. Szczaniecki, *Powszechna Historia Państwa i Prawa*, Warszawa 2007, particularly 78.

¹⁸ Biblioteka Czartoryskich [hereinafter: BCzart.], 276, pp. 204-211: *Conclusio vetus Rex Sigismundus, Poloniae rex Natoque Patris unico Regnum* [1538 r.]; BK, 218, p. 150-155.

¹⁹ From among the more important postulates of the Executionists camp only the verification of certain individual privileges relating to customs and commerce was adopted. *Sejm walny Królestwa Polskiego w Krakowie*, in: *Pamiętnik Warszawski*, editor J. Zawadzki, vol. 11, 1818, July, pp. 325-346; *Sejm walny piotrkowski 1538 r.*, in: *VC*,

undoubtedly, a warning addressed to the monarch and senators, particularly clergymen holding positions in the Senate.

The concerns of the clergy were exacerbated by the fact that after Martin Luther's speech on the 31st of October 1517, his religious views spread across all of Europe, including the Crown and the Grand Duchy of Lithuania²⁰. Concededly, Zygmunt I took preventative actions in order to nip the Reformation in the Crown in the bud. Among these we can mention, for instance, the Edict of Toruń of 1520 concerning the ban on importing Lutheran books under the pain of confiscation of assets and banishment from the country as well as its expanded form issued in 1523 where the penalty for this "offence" was burning at the stake²¹. Zygmunt Stary was, undeniably, urged to take such a stance towards the religious dissenters by episcopate which during the synod in Łęczyca, taking place the same year and under the leadership of one of the most distinguished Polish archbishops of the first half of the sixteenth century – Jan Łaski²², confirmed these edicts and promulgated the bull of Pope Leon X condemning Luther and his supporters²³. The fact that the consecutive papal legates dispatched to the Crown pressured the penultimate Jagiellonian is not without significance. I have Zacharias Ferreri during the papacy of Leon X²⁴ and Thomas Nigro during the papacy of Hadrian VI²⁵ in mind. Polish clergy sought the support of the Holy See in the complete eradication of dissidents. However, due to the conflict between the papacy and the empire, it was a secondary problem for Pope Clement VII and thus he preferred to give free reign in that matter to Jan Łaski. The archbishop of Gniezno capitalised on this consent and after summoning the synod to Łęczyca in 1527 he forced through the act proclaiming that at least one inquisitor must be present in all dioceses²⁶. However, this endeavour did not produce significant changes as is best evidenced by the fact that the sole individual tried and burned at the stake under the charges of heresy was Katarzyna Zalaszevska, wife of the councillor of Cracov – Melchior, in 1539.²⁷ Such a state of affairs was probably strongly influenced by the fact that after the death of Jan Łaski his consecutive successors: Maciej Drzewicki, Andrzej Krzycki, Jan Latański and Piotr Gamrat²⁸, were not adequately consistent in their policy of fighting against the Reformation. After the death of Łaski, clergy did not take any major

vol. 1, vol. 2, compiled by I. Dwornicka, S. Grodziski; W. Uruszczak, Warszawa 2000, pp. 160-192; *Sejm walny krakowski 1538-1539*, in: *VC*, vol. 1, vol. 2, pp. 193-213.

²⁰ W. Kriegseisen, *Stosunki wyznaniowe w relacjach państwo kościół między reformacją a oświeceniem*, Warszawa 2010, pp. 581-626.

²¹ J. Bukowski, op. cit., pp. 487-492. ; Z. Wojciechowski, *Zygmunt Stary 1506-1548*, Warszawa 1946, p. 238.

²² See: P. Tańkowski, *Jan Łaski (1456-1531), kanclerz koronny, prymas Polski*, Warszawa 2007; J. Korytkowski, *Arcybiskupi Gnieźnieńscy. Prymasowie i Metropolici Polscy*, vol. 2, Poznań 1888, pp. 580-739.

²³ *Uchwała Synodu prowincjonalnego łęczyckiego 1523*, in: *Wiadomość o Synodach Prowincjonalnych i Decezalnych i o Prawach Kościoła Polskiego*, Kępno 1861, edited and compiled by: P.W. Fabisz, Kępno 1861, pp. 123-127; J. Szujski, op. cit., p. 243.

²⁴ *Acta Nuntiatuae Poloniae*, vol. 2, compiled by H.D. Wojtyska, Rome 1992, no. 46, pp. 17-118.

²⁵ Z. Wojciechowski, op. cit., pp. 237-238.

²⁶ *Uchwały synodu prowincjonalnego Łęczyckiego z r. 1527*, in: *Materiały do historii ustawodawstwa synodalnego w Polsce w wieku XVI*, editor B. Ulanowski, Kraków 1895, pp. 41-54; J. Bukowski, op. cit., pp. 514-515.

²⁷ W. Zakrzewski, *Powstanie i wzrost reformacji w Polsce (1520-1572)*, Lipsk 1870, pp. 34-36.

²⁸ J. Korytkowski, op. cit., pp. 740-818; Idem, *Arcybiskupi Gnieźnieńscy. Prymasowie i Metropolici Polscy*, vol. 3, Poznań 1889, pp. 1-44 and pp. 45-80.

steps towards curtailing conversion²⁹. Only the reforms concerning the estate administration and the ecclesiastical education were accomplished. Although the catalogue of cases falling under the jurisdiction of ecclesiastical courts drawn up during the Sejm in Cracov in 1543 (approved a year prior by the parochial synod in Łęczycza under the leadership of Primate Gamrat) allowed clergymen to try lay people in the broadly understood cases of apostasy, heresy, witchcraft and not paying the tithe the starost offices lacked the legal jurisdiction to execute these sentences in the nobility-related cases³⁰.

But why were the royal edicts aimed at the dissidents not observed? Zygmunt Stary did not seek their enforcement as evidenced by, for instance, the fact that the majority of the anti-Reformationist edicts were not even printed and distributed³¹. Thus how the legal acts not known to the society were supposed to be complied with? If Zygmunt I was not interested in implementation of his edicts why were they issued? It appears that the situation was the result of the stance of the Roman Curia the displeasure of which king wished to avoid. The fact that the king diminished the role of his edicts is also significant because in the Twenties of the sixteenth century he granted the right to freedom of worship to Prussian cities and, ultimately, this right was expanded by his son to the entirety of Royal Prussia in 1559³². Undeniably Zygmunt I was practising the policy of carefully balancing between the nobility and the Holy See. As I have already discussed, on one hand he wished to avoid the wrath of the successor of St. Peter, on the other – a conflict with the nobility.

We must also draw attention to the fact that enforcing the previously mentioned postulates concerning the civil liberties by the nobility would guarantee the freedom of worship to the religious dissenters. The capacity for abandoning the Roman-Catholic Church without any legal consequences would result in the dissidents not paying tithe which was also one of the postulates of the Reformatory camp in the Crown. Thus the more Protestant members of the parliament the more frequently and more “strongly” the issue of the enforcement was brought up. However, I wish to emphasise that the reformation movement was not the cause behind the birth of the Executionist movement but barely, or rather as much as, the “driving force” of the nobility in their efforts to pass the reformatory constitutions during sejms during the period of reign of Zygmunt I and his son, Zygmunt August.

In the Crown the Reformation movement began gaining in strength even more when the first Calvinists began to arrive in its territory. Although a rather significant reprehension towards the conversion to Lutheranism existed among the population due to Poles shunning away from everything German this problem did not emerge in the case of Calvinism deriving from the Swiss reformation³³. The Evangelical Reformed creed began to pervade into the middle-class and the affluent nobility en masse. This phenomenon was prevalent enough so as to induce multiplication of cases where the nobility relinquished churches located within their domains into the hands of priests of different creeds. In consequence the Protestant

²⁹ W. Zakrzewski, op. cit., pp. 29-32.

³⁰ B. Kumor, op. cit., p. 42; J. Szujski, op. cit., p. 238.

³¹ A. Wyczański, *Zygmunt Stary*, Warszawa 1983, p. 28.

³² O. Bartel, *Marcin Luter w Polsce*, „Odrodzenie i reformacja w Polsce”, vol 7, 1962, pp. 33-34; W. Zakrzewski, op. cit., pp. 44-48; A. Sucheni-Grabowska, op. cit., pp. 23-25.

³³ J. Wijaczka, *Luteranie w Koronie od 1517 do 1795 r.*, in: *Kościół luteranski na ziemiach polskich (XVI-XX w.)*. *W czasach Rzeczypospolitej Obojga Narodów*, editor J. Kłaczek, Toruń 2012, pp. 13-32; W. Zakrzewski, op. cit., p. 41.

nobility was banishing catholic priests from their estates and supplanting them with Protestant ministers. Furthermore, holding the right to present candidates for the office of a parish priest of parishes located within their estates they were using it readily and designated priests of different creeds³⁴. Conversions also began within the very hierarchy of the Catholic Church. As the examples we can present Stanisław Lutomirski, the parish priest of Konin, who converted to the Helvetic creed in 1544 or Jan Łaski, dean of Gniezno, a nephew of the previously mentioned Primate Jan Łaski³⁵.

In consequence all these aspects resulted in the refusal to pay tithes to clergymen. The Church was perfectly aware that the smaller number of the faithful would result in reduction of its income and that the poorer it would become the weaker its influence would be. Therefore, from this point of view it seems rational that the Church did not want to relinquish the competences it could utilise to curtail or even prevent the development of the Reformation in the Crown in the case of starosts enforcing Church's sentences for heresy. If the number of religious dissidents in the country increased, a strong and independent Protestant church bringing together all the reformed creeds of the future Republic of Poland would be able to develop. Undeniably this new spiritual community would become a competitor for the catholic and Russian Orthodox creeds, particularly due to proclaiming paucity of its church and openly admonishing indulgences, barratry and nepotism which were arousing general umbrage among people³⁶. Even the catholic nobility itself was repulsed by the fact that the Catholic Church, the largest land holder in the Crown after the king, was not permanently taxed. Any attempt at taxing tithes and incumbencies ended in failure. It resulted in the growing demands for devoting at least the annates to maintaining mercenary armed forces guarding the eastern border³⁷.

The Catholic Church also faced crisis due to the fact that clergymen going over to the camp of religious dissenters were not held responsible under proscriptions resulting from the canon law. The group of clergymen who violated certain commandments of the church, particularly celibacy, but still remained faithful to the Roman Catholic Church and its creed should also be remembered³⁸. The prime example is Stanisław Orzechowski³⁹ who in 1547 publicly expressed in his work *De lege coelibatus* the objection to the notion of celibacy of clergymen and in accordance with his beliefs he expressed willingness to become married which he followed through with in 1551 when he married Magdalena Chełmska. However, Pope Pius IV released Stanisław Orzechowski from the charges of heresy placed upon him after his marriage and, furthermore, his marriage had not been annulled. Orzechowski was, however, deprived of the majority of his offices and church estates but he was not deprived of priestly authority and thus he continued to celebrate holy masses in the Catholic Church⁴⁰. "Turning the blind eye" and the lack of firm actions taken against such behaviour of clergymen pushed other priests towards similar behaviour which, in turn, translated into a negative view

³⁴ W. Kriegerseisen, op. cit., pp. 622-628; W. Zakrzewski, op. cit., pp. 72-73.

³⁵ W. Zakrzewski, op. cit., p. 51.

³⁶ M. Czapska, *Polemika religijna pierwszego okresu reformacji w Polsce*, Kraków 1928, pp. 6-8, pp. 37-39.

³⁷ A. Sucheni-Grabowska, op. cit., pp. 27-28.

³⁸ M. Czapska, op. cit., p. 21.

³⁹ See: L. Kubala, *Stanisław Orzechowski, wpływ jego na rozwój i upadek Reformacji w Polsce*, Lwów 1906.

⁴⁰ J. Bukowski, op. cit., pp. 15-19, pp. 77-96.

of the society on the church hierarchy. The Church continued to lose importance, even more so due to demanding tithes from the faithful whereas the Protestants advocated the vision of the impecunious church.

The major shift in the issue of punishing heretics occurred after the death of Piotr Gamrat⁴¹ when Mikołaj Dzierzgowski became the new Primate. Dzierzgowski owed all his nominations (bishop of Chełm since 1541, bishop of Kuajwy since 1543 and archbishop of Gniezno since 1545) to Queen Bona, and his predecessor⁴². Thus it should not come as a surprise that he publicly declared that he would sooner have his arms chopped off than crown Barbara Radziwiłłówna, the unwanted daughter-in-law of Queen Bona. The Primate attempted to counteract new notions and pushed for the religious restoration of the Polish church. In order to do so he, for instance, established metropolitan synods during which numerous resolutions concerning protection of faith were adopted. His actions, however, were not limited to the local aspects. In 1547 he summoned the synod in Łęczyca during which, owing to his actions, an injunction was imposed on bishops stating that no clergymen was allowed to preach without bishop's permission and those who would be issued such a permission were to preach the Word of God untainted by the Protestant teachings or otherwise the negligent bishop would be fined⁴³. However, decisive steps against the religious dissenters still had not been taken which emboldened them to take more audacious actions. Although it must be emphasised that this time it was not the fault of the episcopate. As I have already mentioned the previous primates, apart from Jan Łaski, did not engage in direct actions aimed at the Protestants but Dzierzgowski was very active in this field. However, without the endorsement of the king he was unable to achieve much and he could not count on the approval of the king after taking the side of Queen Bona. The transitional period resulting from the change of the king reigning in the Crown was, undoubtedly, favourable for the Executionist movement. The lack of Zygmunt August's approval for the policy of Primate Dzierzgowski is best evidenced by the events which took place during the first sejm summoned by the new king in 1548. During this rally archbishop proclaimed in numerous instances: [...] *[I] did not give my permission for the marriage of Your Majesty and, admittedly, I have never approved of it and I will not approve of it now and so I must say [...] that whoever would wish to spoil it [this marriage] can act in clear conscience and I would advise Your Majesty to abandon it [...] and I would ask of Your Majesty to console all your knights by Your Majesty terminating this marriage*⁴⁴. The fact of primate challenging the sacrament of marriage for political reasons did not reinforce the authority of the Catholic Church.

Zygmunt August summoned this sejm in order to impose taxes with the intention of devoting revenue to defence whereas the nobility came with the goal of annulling the king's marriage with Barbara Radziwiłłówna. Deputies as well as senators came to the sejm in the atmosphere of general irritation caused by the behaviour of King Zygmunt August because

⁴¹ W. Pocięcha, *Dzierzgowski Mikołaj 1490-1559*, in: *PSB*, vol. 6, Kraków 1948, pp. 144-150; J. Korytkowski, *op. cit.*, vol. 3, pp. 81-134.

⁴² K. Hartleb, *Gamrat Piotr 1487-1545*, in: *PSB*, vol. 7, Kraków 1948-1958, pp. 264-266; J. Korytkowski, *op. cit.*, vol. 3, pp. 135-228.

⁴³ *Uchwały synodu prowincjonalnego łęczyckiego z 1547*, in: *Wiadomość o Synodach...*, pp. 164-165; W. Zakrzewski, *op. cit.*, pp. 52-53.

⁴⁴ *Dyaryusz sejmu piotrkowskiego 1548*, in: *Dyaryusze sejmów koronnych 1548, 1553, 1570, Scriptores Rerum Polonicarum*, editor J. Szujski, vol. 1, Kraków 1872, pp. 191-192.

they deemed his marriage a misalliance harmful to the prestige and dignity of the dynasty and the state⁴⁵. The fact that the Protestant nobility and the catholic clergymen were able to unite despite differences in the face of marriage between Zygmunt and Barbara and fight together against this relationship is significant. Furthermore, we should draw our attention to the fact that in the case of marriage reaching a compromise was impossible as the king had only two options, either to stand firm by his wife or to annul his marriage. Thus one of the parties had to yield if the sejm was to bear fruits of constitutions. However, throughout the entire rally deputies were raising the issue of marriage and were not willing to proceed to other problems until the marriage was annulled⁴⁶. The king, in turn, each time dismissed deputies and senators with the following words: *this [marriage] is not what you shall speak about, this is not what I came here for and thus I say you shall not speak about this. I would sooner leave!*⁴⁷. As Irena Kaniewska rightly observes *the unrealistic and maximalist policy of deputies resulted in their utter failure during the sejm*⁴⁸. Deputies, similarly to Primate Dzierzgowski, wished to annul the royal marriage for political reasons. Admittedly, as discussed previously, some of nobles were of the reformed creed but for the archbishop the sacrament of marriage should be incontestable and irrefutable.

The proceedings of the sejm were even more so troubling for the nobility, as I have discussed previously, due to the fact that they perceived the new king as their ally. On the other hand, as the result of the lack of support of clergy during the Sejm in 1548, Zygmunt August did not hinder Calvinists' synod in Pińczów in 1550 during which they elected Feliks Krzyżak as the superintendent for the Lesser Poland region⁴⁹. The Protestants sent a clear message stating that they were numerous and that they wished to possess their own church. The catholic clergymen had to finally realise that the Protestant church was so strong and that efforts more significant than previously had to be taken in order to hamper its growth. The establishment of the superintendent office sobered high-rank clergymen up and they took strenuous actions in order to weaken position of the Protestants. Even the very Primate yielded when he crowned Barbara Radziwiłłówna as the Queen of Poland on the 7th of December 1550 in exchange for Zygmunt August's promise that individuals abandoning the Catholic Church would be deemed as heretics and deprived of good name and estates⁵⁰. As early as on the 12th of December 1550 King Zygmunt August issued a decree in which he bound himself to not accept heretics into the senate and to not entrust them with offices⁵¹. Furthermore, the king pledged to exile those who would refuse to return to the Catholic Church from the country⁵². We should, however, take note that this privilege did not have any legal power unless confirmed and adopted by the sejm. It was so because it violated the rights and liberties of the nobility contained within the *nihil novi* constitution. Violating the

⁴⁵ I. Kaniewska, *Malopolska reprezentacja sejmowa za czasów Zygmunta Augusta 1548-1572*, in: *Zeszyty naukowe Uniwersytetu Jagiellońskiego*, no. 48, Kraków 1988, p. 94.

⁴⁶ *Dyaryusz sejmu...1548*, in: *Dyaryusze sejmów koronnych...*, pp. 161-258.

⁴⁷ *Ibidem*, p. 185.

⁴⁸ I. Kaniewska, *op. cit.*, p. 95.

⁴⁹ S. Gołębiowski, *Zygmunt August*, Wilno 1851, p. 29; W. Zakrzewski, *op. cit.*, p. 60.,

⁵⁰ W. Pocięcha, *Arcybiskup gnieźnieński Mikołaj Dzierzgowski Prymas Polski*, in: *Nasza Przeszłość: studia z dziejów Kościoła i kultury katolickiej w Polsce*, 1947, vol. 2, pp. 37-102.

⁵¹ A. Sokołowski, *Epoka Jagiellońska*, vol. 3, Warszawa 1990, pp. 303-304.

⁵² W. Zakrzewski, *op. cit.*, pp. 61-62.

resolutions of the constitution of Piotrków from 1505 could induce the wrath aimed against bishops and the king of not only the Protestant nobles but the nobility as a whole who could perceive it as an attempt at their personal freedom. Therefore a sejm constitution had to be adopted which would comply with the stance of the monarch. A question should also be posed: how seriously should Zygmunt's professions concerning banishment of the Protestants be treated? In my opinion in the contemporary internal state of the Crown they were without substance. However, the Primate did not intend to cease and summoned another synod to Piotrków where a number of resolutions aimed against the Protestants was adopted. The most important was the ban on relinquishing church estates into the hands of individuals suspected of heresy. The resolutions of 1527 concerning inquisitors were also confirmed and remuneration for the work they were performing was settled⁵³. The favourable disposition of Zygmunt August towards the clergy was significantly influenced by the events of the Sejm in Piotrków in 1550. During this particular sejm the nobility persistently addressed the issue of the execution of assets and violating the *incompatibilitas* rule. In the first weeks of the proceedings the king was rather partial to the postulates of the chamber which resulted in panic among the ranks of "elder brothers" (senators). They were concerned that they would be forced to indicate the unlawfully held estates. The fear of losing revenue from the leased royal lands resulted in bringing the king and senators closer in terms of policy. Zygmunt August paid senators in kind and postponed the issue of the enforcement to the next sejm meeting. He also obliged himself to summon the general synod which was to solve all disputes between the nobility and the clergymen⁵⁴. In essence, due to a clever move on the part of the king, the alliance between two chambers of the sejm, which was formed during the previous rally of the nobility in order to force Zygmunt August to annul his marriage with Barbara Radziwiłłówna, was dissolved. We should also draw attention to the fact that postponing the issue of enforcement to the next meeting of the sejm kept senators, who had to take into account the possibility that the king could change his stance if they ceased to support his policy, under control. The well-judged actions of the last Jagiellonian are evidenced by the contents of his letter addressed to Mikołaj Radziwiłł in which the king states that *the issue of enforcement has been postponed to the following meeting of the sejm and we consider that this issue will curb and humble them as the lords are not partial to this idea*⁵⁵. The renewed cooperation between the court and the Chamber of Senators made it impossible for the senators belonging to the clergy to force their postulates.

By gaining the favour of the king for crowning Barbara Radziwiłłówna, the archbishop could only ostensibly take rather extensive liberties in combating the Protestants. He mobilised bishops to take action and thus they began implementation of the resolution adopted at the last synod and their courts began to issue sentences of seizure of estates and banishment to heretics. However, as it is known, not supported by the consent of the entirety of the legislative assembly (the sejm) these sentences were devoid of legal power. Therefore the fact that starosts did not bother with executing these sentences should not come off as a surprise. However, such behaviour of clergymen aroused distress not only among the

⁵³ Ibidem, p. 64.

⁵⁴ *Litterae ranione exequutionis* [1550 r.], in: *Dyaryusze sejmów...*, pp. 298-299; I. Kaniewska, op. cit., pp. 96-99; *Sejmy Walny Piotrkowski 1550 r.*, in: *VC*, vol. 2, vol. 1, pp. 15-32.

⁵⁵ *List Zygmunta Augusta do Mikołaja Radziwiłła „Rudego”* [1550], in: *Listy króla Zygmunta Augusta do Radziwiłłów*, compiled by I. Kaniewska, Kraków 1998, no. 92, p. 186.

religious dissenters but among the catholic nobility as well, particularly among those nobles who perceived the Catholic Church as a political opponent and called for the reformation of Church and restricting the influence of clergymen on the state⁵⁶. As a result during nearly all meetings of regional councils preceding the assembly of the Sejm in Piotrków in 1552 the nobility demanded annulment of the jurisdiction of ecclesiastical courts⁵⁷.

Undoubtedly the Sejm of 1550 was a major turning point in the fight between the nobility and clergy and concluded the next stage of this conflict⁵⁸. During this and previous sejms the issues of abolishing tithes and taxing clergymen in order to share the burden of protecting the country were the main points of contest. For the “political nation” the issue of repealing the jurisdiction of ecclesiastical courts over the nobility was not yet a priority. This, however, does not mean that this problem was not touched upon by nobles. Until 1550 it was a secondary issue, though. The issue of the jurisdiction of ecclesiastical courts became a prominent problem during the following meeting of the sejm, the previously mentioned Sejm in Piotrków in 1552.

However, why such a radical reevaluation of the postulates of the Executionist camp if the nobility was unable to achieve its stated goal of taxing the church? Undoubtedly due to the behaviour of King Zygmunt II who during the Sejm of 1550 issued a decree aimed against heretics and pledged to support the Church in its endeavours. The nobility of a different creed had to feel threatened and as a result resolved to escape the jurisdiction of ecclesiastical courts at all costs in order to make it impossible to charge them with heresy. Their efforts were made easier by the fact that since 1550 till the end of reign of Zygmunt August the Protestants have held the majority of votes during the plenary sejm rallies⁵⁹.

The nobility elected Rafał Leszczyński, one of the leaders of the Executionist movement and reformation in Poland as the Marshal of the Sejm in Piotrków in 1552⁶⁰. Leszczyński, along with a group of nobles, demanded withdrawing edicts issued by the king which were harmful to the rights of people of a different creed and, concurrently, the nobility as a whole. The threat was posted claiming that if the demands were not to be met the Chamber of Deputies would withhold from adopting any new laws. The Chamber of Deputies received support from the lay members of the senate and thus the clergymen were left without support. Therefore, as I argued previously, these royal decrees were deemed to be in violation of the civil liberty of the nobility. Zygmunt August, torn between two factions, eventually decided to take the side of clergymen⁶¹. As we can read *His Majesty does not wish to interfere so as to not offend any of the groups, neither the nobility nor the clergymen. As the clergymen claim that it is their right [to adjudicate in the matters of faith] it is not proper for the king to interfere*

⁵⁶ E. Bałakier, *Sprawa Kościoła narodowego w Polsce XVI wieku*, „Odrodzenie i Reformacja”, 1965, vol. 10, Warszawa 1962, pp. 267-269.

⁵⁷ W. Kriegeseisen, op. cit., pp. 645-653; W. Zakrzewski, op. cit., pp. 64-66,

⁵⁸ The dispute between the Chamber of Deputies and clergymen members of the Senate lasted for the entire period of reign of Zygmunt Stary and we can divide this fight into three periods: 1507-1523, 1523-1538 and 1539-1548, see: Ł. Godlewski, *Szlachta a duchowieństwo podczas panowania Zygmunta Starego*, „Białostockie Teki Historyczne”, vol. 12, Białystok 2014, pp. 37-59, pages 57-58 in particular.

⁵⁹ See: A. Sucheni-Grabowska, op. cit., pp. 46-48.

⁶⁰ M. Sipayłło, *Leszczyński Rafał 1526-1592*, in: *PSB*, vol. 17, pp. 133-135.

⁶¹ BK, 00265, pp. 3-18: *Responsum Sigismundi Augusti ad articulis civitatis Gedanensis [1552]*

with their rights and freedoms⁶². However, the defiance of the Chamber of Deputies was potent as best evidenced by the words of the marshal of the Chamber of Deputies concerning clergymen and addressed to the king: *These are our shepherds my king, who wish to bereave us, the innocent, of good name and life and are deaf to these words: Hypocrite! First remove the beam from thine own eye. Here they sit wolves in sheep's clothing*⁶³. Voivod of Cracov, Jan Tarnowski, attempted to reconcile the arguing factions: *If one is a heretic he should subject himself to punishment [...] and judgement of the king and the senate; clergymen are members of the senate and thus members of the court as well*⁶⁴. The compromise was, unsurprisingly, unacceptable for bishops – entrusting lay people who were not familiar with the Church law with adjudicating in the matters of faith would be irrational. We should also focus our attention on the fact that although some clergymen were members of the Senate and occupied prominent and crucial stations within the Senate they constituted a definite minority (10 clergymen among 96 senators). If we were to add that the Protestants were the majority among the lay members of the senate in the eyes of the Church the senate was dominated by heretics. How to hand out a lawful and fair sentence in such circumstances?

The lower rank deputies who would be unable to directly influence the outcome of such a court also displayed skeptical approach to this idea. The situation began to spiral out of Zygmunt August's control and the viable threat of dissolution of the sejm emerged thus the king resolved to alter his stance. He proclaimed that according to the old laws and religion the right to adjudicate in the trials for heresy belonged to bishops but in order to reconcile the rights of the nobility with the rights of clergy he suspended the jurisdiction of ecclesiastical courts over the nobility for the period of one year⁶⁵. Thus the matter remained, in essence, unresolved and barely postponed for the future and after the lapse of this period clergymen began to bring forth the cases of heresy, withholding tithes and seizure of church buildings. However, similarly to previous instances, these sentences were impossible to enforce⁶⁶.

The nobility participating in the Sejm of 1552 was so consumed by the fight for lifting the jurisdiction of ecclesiastical courts over the lay affairs that the issue of the enforcement did not reverberate significantly during this particular rally of the nobility although, as I would like to remind, according to the resolutions of the previous sejm it was supposed to be the prime subject. Since the nobility resolved to postpone advocating their prime postulate, the execution of assets, and instead protect their freedom of worship it must have been afraid that clergymen would be able to enforce and execute sentences of ecclesiastical courts. The Church became increasingly bolder in its actions aimed against the religious dissidents and due to the support of Zygmunt August a significant possibility existed that clergy would acquire instruments which would enable them to enforce the verdicts in cases of infamy upon the heretics. Therefore the "political nation" was acting in a thoroughly thought-out manner and, depending on the internal circumstances, was re-evaluating its postulates. The

⁶² *Akta sejmu piotrkowskiego roku 1552*, in: *Dyaryusze sejmów...*, p. 49.

⁶³ J. Szujski, op. cit., p. 263

⁶⁴ *Ibidem*, p. 264.

⁶⁵ *Akta sejmu piotrkowskiego...*, in: *Dyaryusze sejmów...*, pp. 49-50; Archiwum Główne Akt Dawnych [hereinafter: AGAD], *Metryka koronna* [hereinafter: MK], vol. 82, p. 150: *Sigismundus Augustus polish rex suspenditur*; B. Kumor, op. cit., p. 142; J. Moraczewski, *Dzieje Rzeczypospolitej Polskiej z I połowy XVI w.*, Poznań 1847, pp. 200-203.

⁶⁶ W. Zakrzewski, op. cit., pp. 69-71; A. Sucheni-Grabowska, op. cit., p. 25.

reform of the Church and the eventual establishment of the state church were also pushed to the margin of plenary sessions.

The triumph of the nobility over clergymen during the Sejm of 1552 could not inhibit the increase in the number of Protestants in the Crown; on the contrary, since clergy presented itself as impotent in fight against the deputies, it could only accelerate the growth of their numbers. The conversion of exceptional and outstanding individuals to the reformed creeds, such as e.g. the previously mentioned Jan Łaski, Jakub Przyłuski or Mikołaj Rej, made conversion even more attractive. The fact that in their conversion the representatives of magnate families positively inclined towards the reformed creed pulled in the majority of their families is even more significant. I have in mind Radziwiłł, Chodkiewicz, Zborowscy, Ostroróg, Oleśnicki, Firlej, Boner, Tomicczy, Stadniccy, Szafrąnczy, Myszkowscy and Górek families in particular. This is best exemplified by the voivod of Vilnius, Mikołaj Radziwiłł “Czarny [the Black]” who in 1553 supported the Protestants and in 1557 officially joined Calvinist congregation. Another example is his cousin, Mikołaj Radziwiłł “Rudy [the Red]”, the grand hetman of Lithuania in years 1553-1566 and 1576-1584, who converted to Calvinism in 1564. As a result the political elites of the Crown and the Grand Duchy of Lithuania became heretics⁶⁷. However, I would like to emphasise that the Catholicism remained the dominant creed in the future Republic of Poland. The Crown nobles subscribing to the reformed creeds comprised approximately 11% of the Crown’s nobility and despite remaining in minority they were too large and too dynamically operating community to be ignored⁶⁸. We should also remember that their numbers were constantly growing chiefly among, as I have already presented, in the circles of urban patriciate and the nobility, the most influential and privileged strata of the Polish society⁶⁹.

The conflict between the Chamber of Deputies and clergy was very measured and toned down during the following sejm, the Sejm of Cracov in 1553. Having driven off the threat of ecclesiastical courts the nobility decided to focus its attention on the issues of the execution of estates, taxes and the matter of limiting royal courts⁷⁰. The following year did not bring legal changes in the matter of the jurisdiction of ecclesiastical courts as the Sejm in Lublin in 1554 “dissolved” and probably there was not even an opportunity to elect the sejm marshal⁷¹.

As I have already mentioned, along with the lapse of the term for the suspension of jurisdiction of clergymen over the nobility priests once again began filing numerous legal suits under the charges of heresy. In consequence the issues concerning the Reformation and the related issues of faith once again began to come to the forefront of nobility’s postulates. Also the king noted that the issues of jurisdiction of clergy over the nobility should be specified and put in order as in the legations sent to the provisional councils he clearly underlined

⁶⁷ See: M. Liedke, *Od prawosławia do katolicyzmu: ruscy możni i szlachta WKL wobec wyznań reformowanych*, Białystok 2004, pages 242-248 in articular; J. Bukowski, op. cit., pp. 236-316; T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI-XVII w.*, „Odrodzenie i Reformacja”, 1974, vol. 19, pp. 117-128.

⁶⁸ J. Małek, *Protestanci i ich miejsce w dziejach Polski*, <http://www.luteranie.pl/www/biblioteka/dhistoria/protestanci-mallek.htm>, accessed on 03.05.2015.

⁶⁹ See: M. Liedke, op. cit., pp. 244-247.

⁷⁰ *Dyaryusz sejmu krakowskiego 1553*, in: *Dyaryusze sejmów...*, pp. 1-16; AGAD, MK vol. 83, pp. 197-203; *Sejm Walny Krakowski 1553 r.*, in: VC, vol. 1, vol. 2, pp. 47-60.

⁷¹ AGAD, MK 85, pp. 73-84: *Post paucos dies nobilitas volutatur*; I. Kaniewska, op. cit., p. 103; *Wstęp do – Sejm Walny Lubelski 1554 r.*, in: VC, vol. 1, vol. 2, pp. 62.

that the next sejm, the Sejm in Piotrków in 1555, was to deal with the issues of faith⁷². The nobility of different creed intended to capitalise on the situation and to arrive during the sejm in great numbers as well as to elect the most exceptional rhetoricians and experts in legal affairs from among their ranks: Rafał Leszczyński, Jakub Ostróg and Mikołaj Sienicki. The catholic clergymen also resolved to mobilise forces and thus all Polish bishops arrived with the exception of the bishop of Kamień, Leonard Słończewski⁷³. The Chamber of Deputies was nearly completely dominated by the Protestants of which 113 arrived to participate. However, the bishops did not intend to settle down with the Protestants and during the first days of the sejm session, the possibility of reaching a compromise and establishing the National Church had been squandered⁷⁴. Therefore the religious dissenters attempted to achieve as much as possible for the purpose of bolstering their position whereas the catholic clergy attempted to protect the privileged position of the Catholic Church in the Crown. However, the distribution of power had to result in the victory of dissidents. Exactly that happened because in accordance with the constitution adopted during that sejm everyone could adjudicate in the issues of religion within confines of his own domain⁷⁵. Thence we should draw attention to the fact that actions of the nobles of a different creed who were removing catholic priests from their stations and supplanting them with Protestant ministers were approved. To a large extent such actions could force the population inhabiting the estates belonging to a dissident noble to convert. This constitution was similar to the resolutions of the Peace of Augsburg of 1555 where the *Cuius regio, eius religio* provision had been adopted: *the owner of the land decides the religion* with the difference that the nobility could follow any creed and not only Lutheranism or Catholicism as in the case of the Empire. Furthermore, this sejm abolished the collection of Peter's Pence fee⁷⁶. Members of the Chamber of Deputies also presented the king and the Senate with the abridged version of the Confessio Augustana⁷⁷. After conclusion of the deliberations Zygmunt August went as far as to send Stanisław Maciejowski with a message presenting the revolutionary postulates to Pope Paul VI⁷⁸. Apart from the consent to summon a church council the Chamber of Deputies demanded celebrating holy mass in the Polish language, administering the Holy Communion in the form of bread and wine and abolishing celibacy of priests in imitation of the Russian Orthodox church⁷⁹. As it is easy to guess these postulates were rejected⁸⁰. The nobility's general awareness of the fact that the king would not summon the national church council without permission of the Holy See resulted in reduced demands concerning that matter presented during the following sejms. Probably the nobility was aware that as long as Paul IV remained pope, Zygmunt August

⁷² Biblioteka Muzeum Narodowego im. Czartoryskich w Krakowie, *TN*, vol. 68: *Acta regum et populi Poloni*, pp. 36-45.

⁷³ W. Zakrzewski, op. cit., pp. 74-76.

⁷⁴ *Dzienniki sejmów walnych koronnych za panowania Zygmunta Augusta Króla polskiego i W.X. Litewskiego 1555 i 1558 r. w Piotrkowie złożonych*, editor J.T. Lubomirski, Kraków 1896, pp. 6-43.

⁷⁵ W. Zakrzewski, op. cit., pp. 92-96.

⁷⁶ B. Kumor, op. cit., p. 142.

⁷⁷ J. Małek, *Protestanci i ich...*, <http://www.luteranie.pl/www/biblioteka/dhistoria/protestanci-mallek.htm>, accessed on 06.05.2015.

⁷⁸ W. Zakrzewski, op. cit., pp. 94-95.

⁷⁹ B. Kumor, op. cit., p. 146.

⁸⁰ See: J. Tazbir, *Dzieje Polski tolerancyjnej*, Warszawa 1973.

would not receive the permission and thus their designs were, for the moment, impossible to realise. However, the pope must have been distressed by these demands as the very same year he sent his legate Ludwik Alojzy Lippomano⁸¹ to the Crown with the order to prevent the Crown from distancing itself from Rome. The Nuncio, however, did not receive adequate support from bishops, on the contrary – he incurred displeasure of a large number of them. Thus the papal messenger sought support among the lower ranks of clergymen and initiated work on developing schools, improving education of clergymen and curbing vices of clerics⁸². It can be stated that these measures were an attempt at reforming the Church in Poland but it is difficult to speak of a direct counter-Reformation movement. Over time nuncio became increasingly bold in his actions. On the 6th of September 1556 he even led to summoning of the provincial synod in Łowicz where he indicated differences in *creedo* between the Protestants and the Catholics and where he demanded from the king to shut down the schools belonging to the reformed creeds⁸³.

However, Zygmunt August, consumed with the problem of Livonia and preparations for war, set the religious issues aside. In order to appease religious dissenters and clergymen during his future absence in the country he issued two edicts. The first edict was the ban on removing catholic priests from churches and appointing clergymen in parishes without permission of bishops. The second edict confirmed the right to freedom of worship and abolished the jurisdiction of clergymen in trials for heresy shifting the responsibility to the king⁸⁴. Undeniably the king did not wish to incur the anger of any of the parties and spark an internal conflict during his absence and therefore, in order to buy himself some time, each of the parties to the dispute were awarded certain favours. We should draw attention to the fact that the first edict limited the resolutions of the Sejm of 1555 because under its stipulations the nobility no longer enjoyed the complete freedom of worship due to the prohibition on removing catholic priests. Despite the favourable disposition of the king towards the episcopate, in contrast to the stance the king presented during the Sejm in Piotrków, the papal legate decided to leave the Crown and accused the king of allowing everyone to become a heretic at their own discretion⁸⁵.

Were these allegations true? From the point of view of clergy probably yes as Zygmunt August did nothing in order to punish individuals convicted of heresy by the ecclesiastical courts. The Roman Curia demanded firm actions against the Polish Protestants but these were impossible without the approval of the king. However, could the king allow himself to take such actions? Most certainly not because, as I would like to remind, the king was only one out of the three legislative factors. Furthermore, Zygmunt August was dependant on the tax laws adopted by the nobility. Time worked against the Catholic Church because each year the number of the faithful of different creeds was growing and they were becoming better organised. Along with the growing strength of the Protestants in the Crown the Executionist movement was becoming increasingly bold in its actions.

⁸¹ P.W. Fabisz, *Wiadomość o Legatach i Nuncjuszach Apostolskich w dawnej Polsce*, Ostrów 1864, pp. 129-134.

⁸² W. Zakrzewski, op. cit., pp. 97-98.

⁸³ Ibidem, p. 97-98, pp. 101-103.

⁸⁴ W. Kriegseisen, op. cit., pp. 658-664; W. Zakrzewski, op. cit., pp. 107-109.

⁸⁵ W. Zakrzewski, op. cit., pp. 109.

The resolution adopted during the proceedings of the next sejm debating in Warsaw in years 1556/7 also did not leave reasons for joy for the church hierarchy. Once again clergymen could not count on the king for whom the issue of rapidly passing and adopting the military tax was a priority. Seeing that the week-long negotiations between the Chamber of Deputies and clergy remained fruitless and did not bode well for reaching a compromise he hastily pushed for the conclusion and adopting the taxes⁸⁶. In January 1557 he issued a constitution according to which he ordered another *interim* and thus he upheld the laws concerning suspending the jurisdiction of clergy adopted in 1552 but he forbade introducing any religious novelties, converting churches into Protestant congregations and exiling catholic priests from parishes until his return from Lithuania and until the religious matters were put in order⁸⁷. Despite the clear favour of the king towards the Catholic Church the Protestants could rest easy. We should also draw our attention to the fact that the resolutions of the *interim* did not hinder the unrestrained development of the Reformation movement in the country. The Roman Curia had enough of postponing these issues and demanded taking decisive actions such as passing judgements on dissidents and enforcing sentences. The Nuncio had no other option and had to back down in 1558.⁸⁸

A major breakthrough in this matter was to occur during the following meeting of the sejm, the Sejm in Piotrków deliberating in years 1558/9. Although the main items on the agenda were to be the matters of the execution of estates and the election of the future king, due to Zygmunt August lacking any heir, the nobility also gathered with the intention of debating the issue of the fate and shape of the Church in the Crown and finally regulating the legal matters between the nobility and clergymen⁸⁹. Thus from the standpoint of the nobility this sejm rally was supposed to ultimately adopt and implement the majority of the postulates of the Executionist movement. However, since the very beginning the debates were not proceeding without issues. The designs of the Chamber of Deputies concerning revindication of the royal lands were unacceptable for the senate and the king. Furthermore, the Chamber of Deputies demanded excluding clergymen from the future election⁹⁰. However, over the course of deliberations it came to light that this postulate was mainly an instrument of pressure aimed at forcing clergy to compromise rather than a firm demand⁹¹. The postulates of religious dissenters were increasingly bold and they demanded abolishing the jurisdiction of clergymen over the cases of not only heresy but also in the cases of tithes and marital affairs. The combination of the issue of the jurisdiction of clergymen with the problem of the execution of estates made reaching the settlement impossible. As a result the sejm concluded without reaching an agreement between clergymen and the Chamber of Deputies⁹². Towards the end of proceedings, fearing that the next sejm would end similarly to the one that was in session at that time, a part of the nobility advocated for separating the issues of religion

⁸⁶ *Diariusz sejmu walnego warszawskiego z roku 1556/7*, editor S. Bodniak, Kórnik 1939, pp. 59-62.

⁸⁷ B.Oss. 1045/II, pp. 65-68: *Reces Sejmu Warszawskiego [1556/7]*; J. Szujski, op. cit., pp. 276-277.

⁸⁸ W. Zakrzewski, op. cit., p. 113.

⁸⁹ I. Kaniewska, op. cit., p. 166.

⁹⁰ *Dzienniki sejmów walnych...*, editor J.T. Lubomirski, pp. 154-161, pp. 183-196.

⁹¹ W. Zakrzewski, op. cit., pp. 127-129.

⁹² *Ibidem*, pp. 138-139.

from the programme of the restoration of the state⁹³. Apparently the Chamber of Deputies began to realise that adopting the Executionist programme in its entirety was impossible under those circumstances and that in certain matters concessions had to be made in order to force through other parts of their political and economic programme.

The same year a new papal nuncio had been sent to the Crown – Bernardo Bongiovanni⁹⁴, the bishop of Camerino, a diplomat, an advocate of dialogue and a negotiator. The new papal legate was facing numerous difficulties, not only raised by the Protestants but the Polish episcopate as well. In 1559 Primate Dzierzgowski died and was replaced by the bishop of Chełm, Jan Przerębski⁹⁵, a supporter of the reformation of the Catholic Church and not, contrary to the hopes of Rome, an advocate of the counter-Reformation actions. Furthermore, after the conclusion of the gathering of the members of the Royal Council in Łomża in 1561 it became clear that bishops in the Crown were greatly divided. A part of bishops led by the future Primate, Jakub Uchański, advocated establishing the national church and reaching a settlement with the Protestants⁹⁶. Certain priests additionally requested abolishing celibacy, other were advocating for administering the Holy Communion as bread and wine and for celebrating liturgy in Polish language⁹⁷.

The tempestuous course of the proceedings produced a completely opposite result from the outcome the members of the Executionist movement hoped for as the king refrained from summoning the sejm for the next three years and during the entirety of this period remained in Lithuania⁹⁸. Therefore the further political conflict between the lower-rank nobility and members of the senate belonging to clergy proceeded only during the future Executionist sejms which I will discuss in a separate article⁹⁹.

Undeniably the Chamber of Deputies in its fight against the remaining two groups forming the sejm unified their postulates in order to jointly and more boldly defend their rights and obtain new privileges. The development and specification of the desiderata of the Executionist movement proceeded during the period of development of the Reformation and during the transitional period resulting from the change of the reigning King of the Crown. Aggregation of these mechanisms at the turning point of the Forties and the Fifties of the sixteenth century not only accelerated the development of and strengthened the Executionist movement but also compounded the conflict of interests between the nobility and the clergy. What was the outcome for clergymen? In the primary point of conflict, the jurisdiction of ecclesiastical courts over the nobility, clergy yielded to the demands of nobles. Bishops were unable to oblige starosts to execute sentences of the ecclesiastical courts. In consequence the religious conversion could be effected with impunity and thus the number of the Protestants

⁹³ *Dzienniki sejmów walnych...*, editor J.T. Lubomirski, pp. 282-291.

⁹⁴ P.W. Fabisz, op. cit., pp. 135-137.

⁹⁵ H. Kowalska, *Przerębski Jan 1510-1562*, in: *PSB*, T. 28, Warszawa 1984, pp. 748-762; J. Korytkowski, op. cit., vol. 3, pp. 229-271.

⁹⁶ *Jakub Uchański, arcybiskup gnieźnieński. Monografia historyczna*, Warszawa 1895, p. 214; B. Kumor, op. cit., p. 146; J. Korytkowski, op. cit., vol. 3, pp. 272-418.

⁹⁷ W. Kriegseisen, op. cit., pp. 661-662; J. Bukowski, *Dzieje reformacji w Polsce od wejścia jej do Polski, aż do jej upadku*, vol. 2, Kraków 1883, pp. 190-236, pp. 264-267, pp. 425-447, W. Zakrzewski, op. cit., pp. 113-138.

⁹⁸ U. Borkowska, *Dynastia Jagiellonów w Polsce*, Warszawa 2012, pp. 73-74; W. Zakrzewski, op. cit., p. 118.

⁹⁹ Ł. Godlewski, *Spory szlachty o dziesięciny i jurysdykcje duchownych na sejmach egzekucyjnych 1562-5*, „Białostockie Teki Historyczne”, vol. 11, Białystok 2013, pp. 51-70.

in the Crown increased drastically. However, it is difficult to speak of an unconditional and complete defeat of the Polish episcopate. Clergymen were not deprived of the exclusive right to adjudicate in the affairs of faith, quite the contrary, this right was confirmed by Zygmunt August and only the enforcement of sentences on nobles was suspended. Thus the issue remained open and to be resolved by the future sejms. Despite its struggle the Chamber of Deputies was unable to impose taxation on the Church. Undeniably due to the attitude of Zygmunt August clergymen were able to retain their privileged economic position although their political position had been undermined due to loosing authority in the sejms. It should be emphasised that the king made great efforts to reconcile both political groups. However, reaching any form of compromise was impossible due to the deputies fiercely advocating for adoption of the Executionist programme in its entirety. Furthermore, the executionist sejms of the Forties and the Fifties of the sixteenth century clearly depict the increasing dependence of the king on the nobility, chiefly on the taxes adopted by nobles during sejm sessions. This dependence did not bode well for clergy and ultimately resulted in the sejms deliberating in years 1562-1569 during which bishops suffered a slaughtering defeat.

The clergy and the nobility during the 1540s and 1550s of the sixteenth century Summary

The Executionist movement's programme from the beginning of its existence revoked the privileges of the clergy not only in the legal but also in the economic field. The Chamber of Deputies wanted: the clerical estate holders to perform military service, the abolition of tithes, the taxation of the church, to devote "annats" to the defence of the country and jurisdictional demarcation between secular and ecclesiastical courts. The Chamber of Deputies, fighting against the clergy favoured by the king, unified their demands in order to act boldly in defence of their rights and gain new privileges. The final demands of the Executionist movement were formulated during the development of the Reformation and the transitional period caused by the change of the monarchs in the Republic of Nobles. The cumulation of these mechanisms in the middle of the 16th century not only stimulated the development and power of the Executionist movement but also intensified the conflict of interest between the clergy and nobility. The progress of the Reformation was accompanied by a growing dissatisfaction with the jurisdiction of the ecclesiastical courts over the nobility. The Chamber of Deputies formulated their suppositions depending on the situation outside and inside the country. The bishops failed to enforce the enforcement of judgments of the ecclesiastical courts. However, the right of sole judicial powers to pass verdicts connected with faith and religion were not taken away from the clergymen. It was just the opposite. Zygmunt August approved this privilege of the priests and at the same time executing verdicts on peerage was suspended. This case was, however, not completed and that is why succeeding parliaments worked on it further. The representatives of gentry did not manage to tax the income of church, despite serious efforts to do so. The king tried persistently to unite both political camps. However, the overextending of the whole Executionist programme by the representatives prevented the achieving of a compromise or any similar outcome.

Keywords: Executionist movement, law enforcement, jurisdiction of clergy, state conflict

About the author: Łukasz Godlewski, a teacher at the General and Vocational Education Schools Complex in Ciechanowiec, the coordinator of the didactic affair, a postgraduate student of history at “History and Political Sciences” Department at the University of Białystok. The title of the doctoral thesis in progress: “Sejm Warszawski 1563/4 r. Kontynuacja Reform [The Sejm in Warsaw 1563/4 – Continuation of Reforms]”. Scientific interests: modern history, the Republic of Poland in the sixteenth century, evolution of political systems and doctrines, social and economic history of European societies, specialty in the field of “the Executionist movement in the Crown”.