

**WOJCIECH ZAROSA\***

The Jan Kochanowski University, Kielce

## TITHE IN THE LEGISLATION OF POLISH DIOCESAN SYNODS IN XIII-XV CENTURIES

The payment of tithe to the Church was the duty of landowners: the nobility, the knights and peasants. Contesting or neglecting the indicated duty was regarded as a grave sin. In addition to religious content, there were also legal aspects related to this obligation, included in synodal statutes. The chronological scope of the article covers the time determined by the dates of the first, known to us medieval diocesan synod, which referred to the tithe issues (1256) and the last one which happened at the end of the 15th century (1487). The title legislation issued by the synods of the Gniezno archdiocese and the dioceses of Cracow, Płock, Włocławek, Poznań and Wrocław will be discussed. However, the following dioceses were omitted: Lithuanian, Teutonic<sup>1</sup>, Pomeranian and Lubuska, for which no tithe statutes have been preserved.

Despite the fact that the issue of tithes has been raised many times in the Polish historiography<sup>2</sup>, there is still a perceptible need to continue research in this matter. It refers both to the material character of tithe and the provision of canon law which developed, inter

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\* Translated by Spektra Sp. z o.o.

<sup>1</sup> Recently, the indicated topics were addressed by, inter alia: A. Radziwiński, *Synodalstatuten im Deutschordensland Preußen*, in: *Partikularsynoden im späten Mittelalter*; hrsg. n. Krupa, L. Zygnier, Göttingen 2006, pp. 157-177; A. Mentzel-Reuters, *Preussische Diözesanstauten und Reformen im Deutschen Orden*, in: *Von der Ordnung zur norm: Statuten in Mittelalter und Früher neuzeit*, hrsg. G. Drossbach, Paderborn-München-wien-zürich 2010, pp. 55-70.

<sup>2</sup> A. Helcel, *Badania w przedmiocie historii dziesięcin w Polsce, szczególnie pod względem tak zwanej dziesięciny swobodnej i dziesięciny oddawanej w gonitwę*, Warszawa 1863; W. Abraham, *O powstaniu dziesięciny swobodnej. Studium z dziejów prawa kościelnego w Polsce*, „Biblioteka Warszawska” 1891, vol. 4; M. Wyszynski, *Ze studiów nad historią dziesięciny w Polsce średniowiecznej*, vol. 1: *Czasy Władysława Łokietka i Kazimierza Wielkiego*, „Pamiętnik Historyczno-Prawny”, vol. 8 (1929); J. Dudziak, *Dziesięcina*, in: *Encyklopedia katolicka*, vol. 4, ed. R. Łukaszczyk, L. Bieńkowski, F. Gryglewicz, Lublin 1983, pp. 600-602; Idem, *Dziesięcina papieska w Polsce średniowiecznej. Studium historyczno-prawne*, Lublin 1974; J. Walachowicz, *Dziesięcina biskupia na Pomorzu zachodnim w okresie wczesnofeudalnym*, „Czasopismo Prawno-Historyczne”, vol. 51, z. 1-2, 1999; P. Plisiecki, *Relacje dziesięcinne w dekanacie Kije według tzw. Liber Beneficiorum Jana Długosza*, Lublin 2002; Idem, *Z badań nad siecią parafialną i dziesięciną. Przykład parafii w Dobrowodzie*, „Teka Komisji Historycznej. Oddział PAN w Lublinie” 1 (2004); Idem, *Akt wdzięczności czy zapłata? Z badań nad rozumieniem dziesięciny w Polsce średniowiecznej*, in: *Przestrzeń religijna Europy Środkowo-wschodniej w średniowieczu*, ed. K. Bracha, P. Kras, Warszawa 2010; J. Matuszewski, *Dziesięcina kościelna w Małopolsce w świetle „Liber Beneficiorum” Iwana Długosza*, in: *Symbolae historio-iridicae Lodzienses iulio Bardach dedicatae*, Łódź 1997; Idem, *Decima lignorum – Jagiellowy VAT*, „Czasopismo Prawno-Historyczne”, vol. 46, z. 1-2, 1994; M. Młynarska-Kaletynowa, *Ius gonitwe w świetle materiałów procesowych klasztoru Św. Wincentego we Wrocławiu z lat 1358-1362*, in: *Aetas media, aetas moderna. Studia ofiarowane Profesorowi Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin*, Warszawa 2000, pp. 348-355.

alia, during the meetings of church hierarchs at successive medieval synods, and provided a precise character and form of the indicated title. Many researchers made efforts to publish diocesan statutes in the past and undoubtedly Jakub Sawicki accomplished most in this field by publishing his monumental series *Concilia Poloniae*<sup>3</sup>. The editions of synodal statutes for other Polish dioceses constitute also a source of valuable supplements<sup>4</sup>.

It should be stressed that the texts of the statutes concerning the title have been preserved in an incomplete form and sometimes even in fragments. The indicated statutes are often mentioned or known from later copies and summaries. Sometimes there is even no proper source database regarding circumstances and the fact that the diocesan synods took place. The literature on synodal activity in a medieval Poland is enormous<sup>5</sup> and is still expanded. Diocesan synods were analysed in the context of the reception and dissemination of the provisions of the provincial synods superior to them, even though they have been recently considered rather as a ground on which the ecclesiastical authorities – especially in the 15th century – tried to implement the ideas of the Church reform.

<sup>3</sup> This work has used source editions collected by Sawicki for the Archdiocese of Gniezno, the Diocese of Poznań and the Diocese of Wrocław; *Concilia Poloniae, Źródła i studia krytyczne*, wyd. J. Sawicki, vol. 5: *Synody archidiecezji gnieźnieńskiej i ich statuty*, Warszawa 1950; vol. 6: *Synody diecezji poznańskiej i ich statuty*, Poznań 1952; vol. 10: *Synody diecezji wrocławskiej i ich statuty*, Poznań 1963.

<sup>4</sup> For the Diocese of Cracow: *Statuta synodalia episcoporum cracoviensium XiV et XV saeculi e codicibus manu scriptis typis mandata*, [in:] *Starodawne prawa polskiego pomniki*, vol. 4, ed. U. Heyzmann, Kraków 1875; B. Ulanowski, *O pracach przygotowawczych do historii prawa kanonicznego w Polsce*, Kraków 1887; *Najstarsze statuty synodalne krakowskie biskupa nankera z października 1320 r.*, ed. J. Fijałek, Kraków 1915; *Statuty synodalne krakowskie z biskupa Oleśnickiego (1436, 1446)*, ed. S. Zachorowski, Kraków 1915. For the Diocese of Wrocław: *Statuta synodalia dioecesis wladislawiensis et pomeraniae*, ed. Z. Chodzyński, Warszawa 1890.

<sup>5</sup> For provincial and legate synods; W. Abraham, *Studia krytyczne do dziejów średniowiecznych synodów prowincjonalnych Kościoła polskiego*, Kraków 1917; T. Silnicki, *Kardynał legat Gwido. Jego synod wrocławski w r. 1267 i statuty tego synodu*, w: *Księga pamiątkowa ku czci Władysława Abrahama*, Lwów 1931; M. Wyszynski, *W sprawie drugiego statutu dziesięcinnego arcybiskupa Pelki*, in: *Ibid*; M. Morawski, *Synod prowincjonalny prowincji gnieźnieńskiej w dawnej Polsce*, Włocławek 1935; I. Subera, *Synody prowincjonalne arcybiskupów gnieźnieńskich*, Warszawa 1971; W. Wójcik, *ze studiów nad synodami polskimi*, Lublin 1982; W. Góralski, *Statuty synodalne legata Jakuba z Leodium*, „Prawo Kanoniczne” R. 27, 1984, No. 3-4, pp. 149-170; W. Uruszczak, *Ustawodawstwo synodów Kościoła katolickiego w Polsce w XIII i XIV wieku*, „Czasopismo Prawno-Historyczne” vol. 51, z. 1-2, 1999; W. Góralski, *Statuty arcybiskupa Mikołaja Trąby*, in: *Mikołaj Trąba mąż stanu i prymas Polski. Materiały z konferencji. Sandomierz 13-14 czerwca 2008*, ed. F. Kiryk, Kraków 2009; M.M. Grynicz, *Aktywność reformatorska arcybiskupa Jarosława z Bogorii na przykładzie jego działalności ustawodawczej*, w: *Ecclesia semper reformanda. Kryzys i reformy średniowiecznego Kościoła*, ed. G. Ryś, T. Gałuszka, T. Graff, Kraków 2013, pp. 273-283; For diocesan synods: B. Ulanowski, *Kilka uwag o statutach synodów diecezjalnych krakowskich z XIV-go i XV-go stulecia*; W. Góralski, *z przeszłości synodalnej diecezji plockiej*, „Studia Plockie” vol. 13, 1985; Idem, *Synody w historii Kościoła w Polsce: Szkic do dziejów ustawodawstwa synodalnego*, „Studia Plockie” vol. 27, 1999; L. Zygnier, *Synody diecezjalne metropolii gnieźnieńskiej na przełomie XIV i XV wieku (Gniezno-Kraków-Plock-Poznań-Włocławek)*, in: *Kultura prawna w Europie Środkowej*, ed. A. Barciak, Katowice 2006; Idem, *Działalność synodalna biskupów plockich w XIV-XV wieku*, „Studia Plockie” vol. 40, 2012; Idem, *Późnośredniowieczne synody narzędem reformy Kościoła*, in: *Ecclesia semper reformanda.*; Idem, *w sprawie synodu prowincjonalnego w Uniejowie w 1414*, in: *Si vis pacem para bellum. Bezpieczeństwo i polityka Polski. Księga jubileuszowa ofiarowana profesorowi Tadeuszowi Dubickiemu*, ed. R. Majzner, Częstochowa–Włocławek 2013.

Basic sources of canon law for the medieval rulings of the diocesan synods regarding tithes were: the Bible<sup>6</sup>, legal norms implemented at successive general synods<sup>7</sup>, legate synods<sup>8</sup> and – directly – decisions of provincial synods<sup>9</sup>. The collections and the codifications of canon law which included the provisions specifying the legal norms of tithing were also of huge importance<sup>10</sup>.

In the light of known sources, the first diocese of the Gniezno metropolis, which stated to implement tithes legislation through synods, was the Wrocław diocese<sup>11</sup>. In the 13th century, bishops of Wrocław, despite frequent disputes with the Silesian Piasts reached a powerful position in Silesia. The aforementioned period coincided with the bishop reign of three eminent representatives of the Silesian and Polish Churches: Wawrzyniec (Lawrence) (1207-1232), Thomas I (1232-1268) and Thomas II (1270-1292). All three bishops undertook the fight for the freedom of Church in their dioceses and facilitated the economic development of Silesia, thanks to the support and intensification of colonisation under the German law<sup>12</sup>.

One of the main problems concerning the Silesian Church at that time was undoubtedly tithing, around which numerous disputes with Silesian princes concentrated<sup>13</sup>. The tithes in

<sup>6</sup> The notion of tithes appeared for the first time in the Book of Genesis when Abraham gave up a 'tenth part' of the spoils of war in exchange for his blessing; see: Genesis, 14, 17-21. The provisions of the Law of Moses sanctioned tithing, as a tax to maintain priesthood. The tax was to be used for charitable purposes as well; see: The Book of Leviticus 27, 30-33; the Book of Numbers 18, 21-24; The Book of Deuteronomy 14, 22; The Book of Deuteronomy 14, 28-29. The Prophet Malachi warned against the deception of tithes: see: The Book of Malachi 3, 6-13. Although Jesus and his disciples focused primarily on the spiritual aspects of the New Testament, there are some guidelines for maintaining those who preach the Gospel: The Gospel of Matthew 10, 10; The First Letter to the Corinthians 9, 1-27.

<sup>7</sup> The most important councils, which tackled tithing, were: the Second Lateran Council (1139); the Third Lateran Council (1179); the Fourth Lateran Council (1215); the Council in Vienne (1311-1312). The indicated congregations dealt with urgent problems, which emerged with the development of tithes relations; see: *Dokumenty soborów powszechnych*, vol. II, ed. A. Baron, H. Pietras, Kraków 2002, pp. 148, 182, 186-189, 270-273, 294-296, 296-298, 302, 556, 608-611.

<sup>8</sup> The institution of the papal legate was shaped in the second half of the 11th century, during the pontificate of Popes Alexander II (1061-1073) and Pope Gregory VII (1073-1085). Legates were to support Popes in spreading new ideas and directions in the reform of the Church. The first synods in medieval Poland were held under the leadership of papal legates who implemented the norms of universal canon law into the relations prevailing in the metropolis of Gniezno. On the organisation, participants and functioning of Legacy Synods, see: W. Góralski, *Synody w historii*, pp. 147-149. The most important statutes concerning tithes issues come from Legacy Synods celebrated for the Gniezno metropolis by Archbishop of Liege (Jakub of Leodium (1248)) and cardinal Gwidon (1267); see: W. Góralski, *Statuty synodalne legata*, pp. 149-170; T. Silnicki, *Kardynał legat Gwido*, pp. 48-68.; *Teksty statutów synodalnych wydanych przez Jakuba z Leodium* see: *Wiadomość o zbiorze statutów synodalnych polskich powszechnych w prowincji Gnieźnieńskiej*, in: *Starodawne prawa polskiego pomniki*, vol. 1, ed. A. Helcel, Warszawa 1856, pp. 349-350. The texts of the synodal statutes issued by Cardinal Gwidon see: *Antiquissime constitutiones synodales provinciae gneznenensis maxima ex parte*, ed. R. Hube, Petersburg 1856, pp. 63-65.

<sup>9</sup> The tithes legislation of provincial synods is very extensive. The most important decisions concerning tithing were made by provincial synods of the years: 1217; 1233; 1262; 1285; 1290; 1309; 1326; 1357; 1420. The catalogue of regulations issued by provincial synods (including tithes statutes) is included in the work of I. Subera, *Synody prowincjonalne*, pp. 38-86 (it includes the references to sources); a list of problems undertaken by provincial synods is included in the work of W. Uruszczak, *Ustawodawstwo synodów*, pp. 133-147.

<sup>10</sup> Mainly *Decretum Gratiani*, in: *Corpus iuris Canonici*, vol. 1, ed. E. Friedberg, Graz 1955, C. 16, q. 42, 43, 44, 45, 46, 47, 55, 56, 57, 65, 66, 67, 68.

<sup>11</sup> Recently, the synodal statutes of the diocese of Wrocław were tackled by: W. Mrozowicz, *Breslauer Synoden des Mittelalters und ihre widerspiegelung in den Quellen. Ausgewählte Probleme*, in: *Partikularsynoden*, pp. 275-289.

<sup>12</sup> T. Silnicki, *Dzieje i ustrój Kościoła katolickiego na Śląsku do końca w. XIV*, Warszawa 1953, p. 138.

<sup>13</sup> On disputes between Silesian princes and Wrocław Bishops, see: W. Abraham, *O powstaniu*, pp. 168-176.

Silesia varied widely. Theoretically, it was the property of bishops but it was also administered by princes and magnates. Initially, it was collected in honey and leather but with the economic development it gradually converted into the sheaf tithe<sup>14</sup>.

Following the provisions of the IV Lateran Synod (1215), the colonists were obliged to pay the full tithe<sup>15</sup>. It became a pretext for Wawrzyniec, Bishop of Wrocław, and Archbishop Henry Kietlicz, to oppose the granting of liberties, during which the colonists were exempted from paying tithing. The conflict between Prince Henry the Bearded (Henryk I Brodaty), who opposed the imposition of tithing on the colonists and the bishop, continued with intervals in the years 1215-1227. During this time, there were several papal courts and mutual complaints sent by both parties to Pope<sup>16</sup>. In 1227, the dispute ended with a compromise settlement between the prince and Wawrzyniec, the bishop of Wrocław. It was agreed that tithe would be extended to the servant population, who had previously been exempt from the indicated obligation<sup>17</sup>. On the initiative of the prince the knightly privilege to give tithing without the necessity to bring it in, was maintained. The aforementioned agreement was so important that it became the basis for the regulations issued by the provincial synod of 1233, convened by Archbishop Pełka<sup>18</sup>.

In 1256, Bishop Thomas I<sup>9</sup> conducted a diocesan synod in Wrocław, which on a national scale should be regarded as the synod introducing tithe provisions. The synod issued the norms in which it ordered the parish clergy to announce an excommunication, during Sunday masses from July to mid-August, accompanied by the bell ringing and extinguished candles, imposed on persons who decided to cheat while paying tithe. The content of the norms related mainly to people who tried to forbid their subjects to pay tithe and to those who might try to bribe and refuse to give tithe to indicated churches<sup>20</sup>.

Another synod significant to the development of tithe legislation in this diocese was the Wrocław Synod convened in 1279 by Bishop Thomas II. The Synod reiterated the earlier provision issued during the synod of 1256, adding the sanction of *trium marcum argenti* against clergy, who did not announce information on excommunicated persons for the

<sup>14</sup> Ibid, p. 161

<sup>15</sup> *Dokumenty*, vol. II, pp. 294-296.

<sup>16</sup> T. Silnicki, *Dzieje i ustrój*, pp. 148-150; B. Zientara, *Henryk Brodaty i jego czasy*, Warszawa 1975, pp. 147-148; W. Abraham, *O powstaniu*, pp. 172-176.

<sup>17</sup> *Cum enim ex abusu prave consuetudinis et antiquate quidam homines, vulgariter apellati Smardones, Lazaky, Strozones, Popraznici, arratores, decimas non solverant, pretatus dux ad plenam solutionem decimarum pro bono pacis ipsos astrinxit potestate principatus; Urkunden zur Geschichte des Bisthums Breslau im Mittelalter*, ed. G.A. Stenzel, Breslau 1845.

<sup>18</sup> According to W. Abraham, the obligation to pay tithing was expanded to all the faithful at the provincial synod celebrated by Archbishop Pełka in 1233; W. Abraham, *O powstaniu*, p. 176.

<sup>19</sup> Bishop Thomas I suffered because of personal repressions for his activity aiming at the emancipation of the Church of Wrocław from the secular influences. On the initiative of Prince Boleslaw Rogatka, the bishop was kidnapped and imprisoned for six months (October 1256-April 1257). The dispute reached its apogee when a crusade was declared against Boleslawow Rogatka at provincial synod in 1257. On the rule of Bishop Thomas I see: T. Silnicki, *Dzieje i ustrój*, pp. 155-170.

<sup>20</sup> *Ut omnes presbiteri par[ochi]ales singulis diebus dominicis tempor[e] [m]essis scilicet in iulio et uque ad medium [aug]usti quolibet anno pulsatis campanis [et can]delis extinctis excommunicent illos, q[ui]os dominus archiepiscopus excommunicavit scilicet occupatores, impediatores, seu violentos sive fraudulentos decimarum et prohibent [es de]cimas in villis suis componi et [e]os, qui, quamvis pro certa summa pecunie em[er]unt decimas, sed non exsolverunt, et detentores vi [decimarum] ascriptarum ecclesie contra voluntatem.* The text of the statut eis provided after: J. Sawicki, *Concilia Poloniae*, vol. X, p. 327.

non-payment of tithing<sup>21</sup>. The Synod of the Wrocław diocese, celebrated by Bishop Conrad in 1446, referred to the Synod of 1256 and reiterated the provisions of the tithe statute of Bishop Thomas I<sup>22</sup>.

There were many tithe statutes issued in the Cracow diocese during the synods thereof in the 14th and 15th centuries. Cracow tithe legislation opened the synod celebrated on 2 October 1320 by Nanker, the Cracow Bishop<sup>23</sup>. The indicated synod, convened for *reformationem morum*, issued a set of laws, referred to as *Constitutiones synodales nankeri*, consisting of about 50 statutes concerning many ecclesiastical matters<sup>24</sup>. The statute *De occupatoribus decimarum* provided for the sanction of excommunication and the punishment of eternal condemnation of persons – regardless of their rank, office or dignity – who did not pay tithe or forbade their subjects to give it<sup>25</sup>. At the same time, parish priests were obliged to pronounce the verdict publicly, i.e. in churches on Sundays and during holidays. *De decimarum deduccione* ordered tithes to be given until 15 August (*ad festum Assumpcionis Beate Marie Virginis*). If the collection of tithe was delayed<sup>26</sup>, for some reason, the peasants were given the right to bring grain to the barns<sup>27</sup>. In the second half of the XIVth century, in Małopolska, cash tithing became more and more popular, which was caused by the intensification of colonisation under German law<sup>28</sup>. The appearance of money as an equivalent means of payment in relations to sheaves (sheaf tithing) and grain tithing (*dziesięcina małdratowa*) was undoubtedly beneficial from the point of view of settlers, who strived for a lump sum payment.

<sup>21</sup> Ibid., pp. 331-332.

<sup>22</sup> Ibid., pp. 45-46.

<sup>23</sup> On Bishop Nanker see: L. Łętowski, *Katalog biskupów, prałatów i kanoników krakowskich*, vol.1: Biskupi krakowscy, Kraków 1852; T. Silnicki, *Biskup Nanker*, Warszawa 1953; K. Ozóg, *Formacja intelektualna biskupów krakowskich w średniowieczu*, in: *Cracovia-Polonia-Europa. Studia z dziejów średniowiecza ofiarowane Jerzemu wyrozumskiemu w sześćdziesiątą piątą rocznicę urodzi i czterdziestolecie pracy naukowej*, Kraków 1995, pp. 168-169.

<sup>24</sup> Codifiers based on an extensive legal basis: the statutes of Nanker's predecessors (not preserved up till now) and also *Clementinae* of Pope Clement V (1314,1317) and *Decretales* of Pope Gregory IX (1234). Probably, the codification was impacted by the findings of western European synods. On the aforementioned synod see: B. Ulanowski, *Kilka uwag*, pp. 4-7; *najstarsze statuty*, pp. 117-121 (the texts of statutes are available there as well).

<sup>25</sup> *25 Excommunicacionis et eterne dampnacionis pene subi(i)cimus omnes et singulos, cuiuscuiuscumque conditionis, dignitatis aut status existant, violentos, fradatores, occupatores et detentores decimarum et eos, qui in villis suis menifeste vel occulte (decimas) vendi, colligi prohibent et conduci, non obstante occasione seu excusacione cuiuslibet heredis, quam omnino frivolum reputamus. Quam excommunicacionis sententiam in dictos malefactores singulis annis, cum tempus messis intare ceperit, omnes ecclesiarum rectores publicare in suis ecclesiis teneantur omnibus diebus dominicis et festivis.* The text of the statute is provided after *Najstarsze statuty*, pp. 46-47.

<sup>26</sup> Following the ruling of the Lateran Council IV (1215), the payment of tithe was ordered before the payment of any taxes and rents was made to a secular institution, justifying the decision by God primacy in the collection of benefits due to him. Tithe recipients were secured in this way against the lowering of its real value; *Dokumenty soborów*, pp. 296-297. Under the decision of the Legacy Synod of 1248, tithing was to be paid within 8 days after the end of the harvest. At the same it was forbidden to bring grain to the barns if the tithing was not handed over; *Wiadomość o zbiorze*, pp. 349-350.

<sup>27</sup> *Statuimus et precipimus, ut omnes ecclesiastice persone, cuiusunque conditionis et status existant, decimas suas usque ad festum assumpcionis beate Marie virginis vendere, colligeri et conducere non ne(g)ligant nec omitant. Si quis autem hoc facere distulerit, de cetero licitum et liberum sit colonis annonas suas in (h)orrea sua conducere decimis relictis in campis sub aliquot proborum virorum testimonio fideadingo; najstarsze statuty*, p.47.

<sup>28</sup> Z. Kaczmarczyk, M. Szczaniecki, *Kolonizacja na prawie niemieckim w Polsce a rozwój renty feudalnej*, „Czasopismo Prawno-Historyczne”, vol.3, 1951, pp. 70-74.

The clergy interested in maintaining the sheaf tithing did not want to consider the colonists' objection to tithing more polonico<sup>29</sup>. Casimir the Great, basing on Silesian models, undertook a broader colonisation action than his predecessors, especially in poorly inhabited regions, treating the indicated phenomenon as a chance to rebuild the social structure<sup>30</sup>.

There was a dispute with the King Casimir the Great concerning tithing upon the newly felled piece of land (nowizna) and its form at the time of Bishop Bodzanta, the Bishop of Kraków (1348-1366) in the years 1352-1361. Archbishop Jarosław Bogoria Skotnicki (1342-1376) turned out to be the King's supporter in this matter. In 1352, the King issued an ordinance concerning peasants which introduced the obligation to supply tithing using their own carriage. The Gentry obtained the pre-emption right regarding tithing upon its settlements by 25 July (*ad festum sancti Jakobi Apostoli*)<sup>31</sup>.

Probably in 1356, Bishop Bodzanta celebrated a diocesan synod<sup>32</sup>, ordering the payment of tithes upon the newly felled piece of land (nowizna)<sup>33</sup>, which was contrary to the privilege of Archbishop Jarosław Bogoria Skotnicki, who exempted colonists from tithe upon the land obtained by grubbing-up and drying the swamps<sup>34</sup>. In addition, the Bishop exempted the inhabitants of the Lubuska, Sieciechowska and Lukowska Lands from the obligation to pay tithe because of bad economic state of this part of bishopric caused by the invasion of Tatars and Lithuanians.

Moreover, it was decided that tithe would be lowered in Podhale because of poor soil conditions in the region. What is more, it was clearly stated that a sheaf tithing couldn't be exchanged for another form of tithing<sup>35</sup>. In 1359 Bishop Bodzanta issued an ordinance which in practice repeated the resolutions of the alleged synod of 1356<sup>36</sup>. The dispute between Bishop Bodzanta and the King flared up all over again and was terminated by publishing *Arbitrale Decretum* in 1361 by Jarosław Bogoria Skotnicki who visited the Cracow diocese. Then it was decided that the person of noble origin, who decided to retain tithe would be

<sup>29</sup> The legislation of the Polish provincial synods referred to the indicated issue several times. The Synod celebrated in Sieradz in 1262 by Archbishop Janusza (1259-1271) forbade the change of the sheaf tithe to a grain tithe (maldratowa). Cardinal Gwidon's Legacy Synod of 1267 forbade the conversion of sheaf tithe into a secular one. The Łęczyska Synod of Archbishop Jakub Świnka (1283-1314) of 1285 recommended that the donation was to be precisely defined in the location document together with guidelines specifying the character and form of tithing. Such a document had to be additionally provided with a seal of the bishop and patron; I. Subera, *Synody prowincjonalne*, pp. 53-54, 60; Antiquissime, pp. 63-65.

<sup>30</sup> S. Gawlas, *Monarchia Kazimierza wielkiego a społeczeństwo*, in: *Genealogia, władza i społeczeństwo w Polsce średniowiecznej*, Toruń 1999, pp. 215-220.

<sup>31</sup> *Kodeks dyplomatyczny katedry krakowskiej św. Wacława*, wyd. F. Piekosiński, Kraków 1874, vol. 1, No. 195, pp. 248-249.

<sup>32</sup> This synod is not sufficiently confirmed in the sources. B. Kumor, *Dzieje diecezji krakowskiej do roku 1795*, vol. 2, pp. 123-125 claims on the basis of the document contained in *Volumina Legum*, vol. I, No. 98-104, pp. 44-46, that the synod took place in 1356. To confirm the indicated thesis Kumor quotes a list of witnesses, who were supposed to participate in the synod. The document, on which B. Kumor relies shows that the indicated synod took place in 1359; in *synodo per Bodzantam Episcoporum Cracoviensem pro uno tempore Cracov: quarta mensis Junii, anno 1369 habitis*. In view of the fact that Bishop Bodzanta was dead in 1369, B. Kumor assumes that this synod could have taken place in 1356. Although the synod is poorly confirmed in the sources, it cannot be ruled out that it was celebrated by Bodzanta.

<sup>33</sup> *Ibid.*, No. 99, p. 44.

<sup>34</sup> *Kodeks dyplomatyczny Wielkopolski*, wyd. I. Zakrzewski, vol. 3, 1879, No. 1416.

<sup>35</sup> VL, No. 99, 100, 101, pp. 44-45.

<sup>36</sup> *Kodeks dyplomatyczny Małopolski*, vol.3 (1333-1386), ed. F. Piekosiński, Kraków 1887, No. 730.

excommunicated and if within the period of 6 months the debt was not settled, the indicated excommunication was to take social form, falling on the property of this owner. It was likely to exert pressure on the rural owner and force the person to settle the debts. Additionally, it was decided that the amount of tithe from the garden depended on the tool used to grow it. Therefore, a distinction was made between a large title, from plough, (*aratorum magnum*) and a small tithe from sokha (*aratorum parvum*)<sup>37</sup>.

Peasants were obliged to supply sheaf tithe in the amount of three plough bundles. Additionally, the earlier regulation on the tithe pre-emption date concerning the gentry by 25 July<sup>38</sup> was repeated. In spite of the counter-action taken by the Cracow clergymen, headed by the Cracow bishops, it was not possible to stop the development of money tithing which during the reign of Casimir the Great became more and more popular in Małopolska<sup>39</sup> even though the main form was still *decima in agris*.

During the pontificate of Bishop Piotr Wysz<sup>40</sup> (1392-1412) a diocesan synod was held in Cracow in 1394, which forbade priests, under penalty of excommunication, to collect *ipso facto* tithes that they did not deserve under the law<sup>41</sup>, which could be detrimental to various church institutions<sup>42</sup>.

<sup>37</sup> On the measures see: A. Dunin-Wąsowicz, *Miary rolne i miary przestrzeni*, in: *Kościół, kultura, społeczeństwo. Studia z dziejów średniowiecza i czasów nowożytnych*, Warszawa 2000, eds. S. Bylina, R. Kiersnowski, S.K. Kuczyński, H. Samsonowicz, J. Szymański, H. Zaremska, pp. 218-221.

<sup>38</sup> The text *Arbitrale Decretum* see: KDKK, vol. I, No. 225.

<sup>39</sup> The study of the preserved location documents from Małopolska for the years 1253-1370 carried out recently by K. Radomski confirms the indicated thesis. While in the years 1253-1304 there were two money tithes certified in sources, in the period 1305-1339 the number increased to 11 such cases. In the years 1340-1370 the number of money tithes provided by the preserved location documents was already 58. It should be added that the location documents did not always mention the form of tithing and most of this type of source material has not been preserved to this day. These figures include, of course, only new established peasant settlements; K. Radomski, *Upięknienie gospodarstw kmiecyh w Małopolsce w latach 1253-1370*, Warszawa 2012, pp. 57-74. Nevertheless, these estimates show an increase in the role of money in tithe testimonies, which gradually spread under the influence of the conscious colonisation action of King Casimir the Great, with more or less explicit opposition of the clergy.

<sup>40</sup> On the figure of Piotr Wysz and the wide scope of his activity see: L. Łętowski, *Katalog biskupów*, pp. 309-338; K. Ozóg, *Formacja intelektualna*, pp. 171-173; E. Knapke, *Piotr Wysz wobec kryzysu Kościoła*, in: *Ecclesia semper reformanda*, pp. 301-310, L. Zygnier, *Synody diecezjalne*, pp. 179-186.

<sup>41</sup> The parish network did not have to coincide closely with the tithe structure. This phenomenon resulted mainly from the creation of new parishes which often generated within the parish clergy. Churches, 'competed', for the best possible protection of their own income from tithing. See: P. Plisiecki, *Z badań nad siecią parafialną i dziesięciną. Przykład parafii w Dobrowodzie*, „Teki Komisji Historycznej. Oddział PAN w Lublinie” 1 (2004), pp. 5-22. The synod's decision confirms the thesis that the parish network is becoming more and more dense in the 13th and in the 14th centuries in Małopolska regions, but this process cannot be applied to other parts of the country. The phenomenon of 'collecting' tithes by priests who headed particular churches and other church institutions was becoming more and more evident. E. Wiśniowski, *Parafie w średniowiecznej Polsce. Struktura i funkcje społeczne*, Lublin 2004, pp. 43-50. The intermingling of parish districts created a threat of misunderstandings among the clergymen resulting from the precedents of appropriating tithes. W. Wójcik, *Ze studiów*, pp. 33-43. According to the decision of the Gniezno synod of 1309, celebrated by archbishop Jakub Świnka, tithing should be given to the Church in which the *cura animarum* is provided. The provisions of the synod: I. Subera, *Synody prowincjonalne*, p. 67. Churches strived to maintain the so-called *iura parochialia*, i.e. the right to receive tithes, to participate in holy masses, to be buried in the parishes to which they belonged by virtue of their baptism. The nobility, who received the privileged of choosing a church, was not subject to this law. I. Skierska, *Obowiązek mszalny w średniowiecznej Polsce*, Warszawa 2003, pp. 87-91.

<sup>42</sup> [...] *statuimus, quod deinceps nullus presbiter uel clericus, cuiuscunque status, dignitatis uel officii existat, aliquam decimam manipulem campestris a quacunque persona spiritali uel seculari, sub quocunque colore conquisito uel typo recipere uel usurpare in vilipendium domini et detrimentum nostre Cathedralis, collegiatarum,*

At the beginning of the 15th century, the gentry of Małopolska, Wielkopolska and Dobrzyń region opposed the Church, which was manifested by the reluctance to accept the form of tithing imposed by the clergy, regarded by the nobility as a benefit strengthening the economic status of the clergy.

The mighty men were then greatly determined to defend the free tithing (*decima libera*)<sup>43</sup>, which they paid by virtue of the privilege of *iure militari*<sup>44</sup>. At Piotrków conventions held in 1406 and 1407, the nobility from the aforementioned regions opted for defending the privileges issued by the bishop Jarosław Bogoria Skotnicki (for Wielkopolska) and bishop Bodzanta (for Małopolska) in the middle of the XIVth century.

The privilege of free tithe was confirmed by virtue of the agreement of 1406, concluded by the mighty men and the clergy representatives, additionally certain court regulations were introduced which regarded persons who did not fulfill their duty to pay tithe<sup>45</sup>. The following articles repeated the regulation introduced by Bishop Bodzanta, regarding the right to bring grain to barns (with the tenth part), in case of clergy's sluggishness. The further part of the agreement dealt with the issues of the peasant tithe and the tithe pre-emption right<sup>46</sup>.

The convention of October 1407 decided to appoint its own representatives, who would provide legal assistance, in the event of harm done by the clergy<sup>47</sup>. The events from the years 1406-1407 constituted the first, formalised attempt to defend the privileges as well as economic and political position of nobility in the face of Bishop Wojciech Jastrzębiec, dealt with the introduction and adjustment of the canon law codification drawn up at the Wieluń-Kalisz synod of 1420 on the initiative of Primate Mikołaj Trąba<sup>48</sup>.

The indicated synod extended the regulation issued by the synod of Piotr Wysz of 1394 and prohibited clergy to accept the so-called *decima vagas*, i.e. tithes not attributed to any church or church institution. When such a tithe was accepted, with no consent of the bishop or Vicar general, the clergy was excommunicated *ipso facto*<sup>49</sup>. The problem of tithe in the Cracow diocese became particularly visible under the pontificate of the bishop Zbigniew

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*conventualium predictorum oraculorum, necnon parochialium ecclesiarum, ceterorumque beneficiorum eccle siasticorum, nisi iusto titulo et bona fide et racione alicuius beneficii ecclesiastici quaquomodo presumat, contra dictores et contravenientes sententiam excommunicationis volumus incurrere ipso facto.* The text of the statute is quoted after; B. Ulanowski, *O pracach przygotowawczych*, Kraków 1887, pp. 35-36.

<sup>43</sup> The clarification of regulations concerning free tithing paid by mighty men became one of the main aspects of the Polish tithe legislation, instituted by medieval provincial synods. The provincial synods from the years: 1233, 1262, 1326 engaged in encouraging, among others, to the payment of this kind of tithe just like the later Wieluń-Kalisz synod of 1420; I. Subera, *Synody prowincjonalne*, pp. 47, 54, 71-72.

<sup>44</sup> On the importance of this privilege in the economic life of nobility see: J. Wroniszewski, *Szlachta ziemi sandomierskiej w średniowieczu. Zagadnienia społeczne i gospodarcze*, Poznań-Wrocław 2001, pp. 130-148.

<sup>45</sup> On the judicial procedure connected with the imposition of excommunication in tithe cases see: B. Wojciechowska, *Ekskomunika w Polsce średniowiecznej. Normy i funkcjonowanie*, Kielce 2010, pp. 221-222.

<sup>46</sup> On the settlement provisions of 1406 and 1407 see: B. Ulanowski, 4-10

<sup>47</sup> B. Wojciechowska, *Ekskomunika*, pp. 221-222.

<sup>48</sup> On the codification of Mikołaj Trąba see: W. Abraham, *Statuta synodu prowincjonalnego*; T. Silnicki, *Ar cybiskup Mikołaj Trąba*, Warszawa 1952, pp.193-199; W. Góralski, *Statuty arcybiskupa Mikołaja*, pp. 139-150; J. Krzyżaniakowa, *W służbie króla i Kościoła – wybitni arcybiskupi XV wieku*, in: *1000 lat archidiecezji gnieźnieńskiej*, eds. J. Strzelczyk, J. Górny, Gniezno 2000, pp. 123-129; I. Subera, *Synodu prowincjonalne*, pp. 84-89.

<sup>49</sup> *Prohibemus, ne quispiam clericorum vagas decimas, que dantur per nobiles, sine licencia nostra aut vicarij nostri recipient; alioquin per constitutionem nostri predecessoris quamdam prius editam incurrunt excommuni cationis sententiam ipso facto*"; see: *Statuta synodalia episcoporum cracoviensium XiV et XV saeculi e codicibus*

Oleśnicki<sup>50</sup> (1423-1455), which was the result of a great concern of the indicated hierarch about the ecclesiastical property. In 1433 Władysław Jagiełło, upon the request of Cardinal Oleśnicki, issued a document, in which he renewed the provisions of the agreement of 1359 and granted the right to use excommunication and other church punishments against those who evaded the payment of tithe. Moreover, the act obliged the royal starosts – i.e. government officials – to collect the outstanding tithes<sup>51</sup>. The aforementioned document caused the nobility to side against and, headed by Spytko z Melsztyna, after the death of Władysław Jagiełło (June 1434), oppose the party of Oleśnicki. In addition to tithes and church judiciary, the nobility opposed the election of Władysław, later Warneńczyk.

At the convention of nobility and clergy in 1434 a compromise was reached, known as *Laudum Vartense*. It included the provisions concerning the church judiciary on matters regarding tithe<sup>52</sup> and regulations on tithe concerning peasants and mighty men. The next convention in Łęczyca of 1435, convened on the initiative of Archbishop Wojciech Jastrzębiec, confirmed the provisions of *Laudum Vartense*.

In the atmosphere of conflict between the nobility and clergy Zbigniew Oleśnicki convened a diocesan synod in 1436 in Cracow, issuing two decisions on tithes. The very arrangement of the statutes shows the importance of the problem and the bishop's concern about tithing (art. 2. I art. 3). Legislators confirmed the provision issued by the synod of Piotr Wysz, concerning the prohibition of collecting tithes to which they were not legally entitled on pain of excommunication<sup>53</sup>.

The second of the statutes constituted a novum. It regarded persons who were found not to pay tithe. The Clergy were obliged to absolve the indicated sin as well<sup>54</sup>. The formula

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*manu scriptis typis mandata. Additis statutis Vielunii et Calissi a. 1420 conditis (et ex rarisimis editionibus – etiam authenticis – nunc iterum editis*, in: SPPP vol. IV, ed. U. Heyzmann, Kraków 1875, p. 86.

<sup>50</sup> On the figure and activity of Oleśnicki see: L. Łętowski, *Katalog biskupów*, pp. 370-408; K. Ozóg, *Formacja intelektualna*, pp. 173-174; Z. Górczak, *Podstawy gospodarcze działalności Zbigniewa Oleśnickiego biskupa krakowskiego*, Kraków 1999; M. Koczerska, *Zbigniew Oleśnicki i Kościół krakowski w czasach jego pontyfikatu 1423-1455*, Warszawa 2004.

<sup>51</sup> *Jus Polonicum*, ed. J.W. Bandtkie, Warszawa 1831, pp. 170-171; B. Ulanowski, *Laudum Vartense*, Kraków 1887, pp. 70-74; B. Wojciechowska, *Ekskomunika*, p. 224.

<sup>52</sup> B. Wojciechowska, *Ekskomunika*, pp. 225-226.

<sup>53</sup> *Preterea considerantes, quomodo licet nonnulli predecessorum nostrarum de solvendis decimis quas sibi Altissimus in signum universalis dominii reservavit et solvi precepit optimis sanccionibus curarunt providere, effrenata tamen plurimorum cupiditas abstinere a verities nesciens nec debito modo gaudere concessis exigit, ut et novis morbis nova remedia apponantur, quocirca vestigiis huiusmodi nostrorum antecessorum inherentes, statuimus et ordinamus, et sub obstaculo maledictionis eterne districte inhibentes pr[ae]cipimus et mandamus, ne quispiam clericorum nostre diocesis secularis sive regularis, cuiuscunque condicionis, gradus, dignitatis aut preeminencie extiterit, audeat de cetero decimam non suam de manu laycali, etiam sibi sponte oblatam recipere absque episcopi diocesani sui consensu sub pena excommunicationis, quam, si quis in hoc ausu temerario contraverit, ipsum volumus incurrere ipso facto, amissione nichilominus etiam beneficii, si quod habuerit, puniendum, et hortamur, quatenus circa solerter attendant esseque currenti medici non interemptores animarum, quoniam valde periculose evangelice mine sunt, quibus dicitur: si cecus ceco ducatum prestat, ambo in foveam cadunt” et alia scriptura dicit: “peccatum non dimittitur, nisi ablatum ei, cui ablatum est, restituitur”;* Ibid., p. 46.

<sup>54</sup> [...] *Volentes igitur eiusmodi periculoso morbo, quam possumus, adhibere medicinam, omnes et singulos nostre diocesis presbiteros curatos, qui audiendis confessionibus sunt deputati quique deputabuntur in futurum, per viscera misericordie Jesu Christi et sub interminatione eterne dampnationis obstestamur, requirimus et hortamur, quatenus circa solerter attendant esseque currenti medici non interemptores animarum, quoniam valde periculose evangelice mine sunt, quibus dicitur: si cecus ceco ducatum prestat, ambo in foveam cadunt” et alia scriptura dicit: “peccatum non dimittitur, nisi ablatum ei, cui ablatum est, restituitur”;* Ibid., p. 46.

Peccatum non dimittitur nisi restituatur ablatum, taken from Liber Sextus Bonifacego VIII, was applied here<sup>55</sup>.

The dispute between the nobility and the clergy in the Cracow diocese was resolved in the Lesser Poland agreement issued in 1437 (Laudum Cracoviense)<sup>56</sup>. As in the case of previous compromises, the most important issues regulated by the agreement were court cases<sup>57</sup> and tithing.

Then it was decided that tithing from winter crops will be collected up to one week after St. James's Day celebrated on 25 July. Moreover, the issues of tithing regarding peasants and mighty men were regulated<sup>58</sup>. In 1398 Bishop of Płock, Jakub of Kurdwanów, commenced working on the legal codification. As researchers observe, the final shape thereof was influenced by the whole process of ordering and development of laws, finally terminated on 26 January 1423 when Kurdwanowski announced the 'Płock codification'<sup>59</sup>.

The indicated collection included a comprehensive statute on tithes, which reminded of the necessity to observe the general obligation to pay tithes. Those who committed fraud in the aforementioned matter or openly refrained from paying tithe were to be subject to severe ecclesiastical sanctions. As Stanisław Zachorowski noted, the indicated regulation was very general in character. The legislators did not refer to specific cases<sup>60</sup>.

The legislation concerning tithe started in the Włocławek diocese with the statute issued on the synod of Bishop Mikołaj Kurowski in 1402<sup>61</sup>. It was then that all people who held clergy benefits with the right to tithe were called upon to exercise the indicated right under the penalty of excommunication. The penalty was also applicable to clergy who accepted tithes to which they were not entitled<sup>62</sup>. At the end of the Middle Ages, a synod of Diocese of Włocławek was convened by Andrzej Bniński in 1487 during which rectors and vicars of the church were ordered to remind parishioners of the necessity to pay tithes. They were simultaneously reminded that tithing appertained to God<sup>63</sup>.

The Synod of Gniezno Archdiocese, which was chaired by Mikołaj Kurowski, transferred to the indicated Archdiocese from the Włocławek bishopric, took over the entire tithe issued by the Włocławek Synod in 1402. It was therefore repeated that the clergymen collecting tithe to which they were not entitled, were subject to excommunication that was additionally

<sup>55</sup> *Liber Sextus*, CIC, vol.2, ed. E. Friedberg, Graz 1955, VI. 5.12.4.

<sup>56</sup> A simiar settlement was reached in Mazovia in 1424 on the initiative of the Płock bishop kupa Jakub Kurdwanowski. S. Zachorowski, *Jakób biskup płocki i jego działalność ustawodawcza i organizacyjna 1396-1425*, Kraków 1915, pp. 92-120 (it includes a detailed analysis of the settlement).

<sup>57</sup> B. Wojciechowska, *Ekskomunika*, pp. 226-227.

<sup>58</sup> A. Prochaska, *O dacie ugody małopolskiej duchowieństwa ze szlachtą za biskupstwa Zbigniewa Oleśnickiego*, Kraków 1899, pp. 7-13; *Jus Polonicum*, pp. 241-245.

<sup>59</sup> L. Zygner, *Synody diecezjalne*, pp. 194-200. In another place, the researcher pointed out the similarities between the synods celebrated by Piotr Wysz, Andrzej Łaskarzewic and Jakub Kurdwanowski; L. Zygner, *Drei polnische Bischöfe und Juristen: Peter wysz, Jakob aus Kurdwanów, Andreas Laskarii und ihre Synodaltätigkeit in den Diözesen Krakau, Plock und Posen*, [in:] *Partikularsynoden*, pp. 239-274.

<sup>60</sup> S. Zachorowski, *Jakób biskup płocki*, pp. 53-54; The text of the statute, see: B. Ulanowski, *O pracach przygotowawczych*, pp. 44-46.

<sup>61</sup> O synodzie tym zob. L. Zygner, *Synody diecezjalne*, pp. 216-219.

<sup>62</sup> The text of the statute see: *Statuta synodalia dioecesis*, p. 4

<sup>63</sup> *Item ipsi rectores et eorum vicarii inducant parochianos ad solutionem decimarum, quia debitum solvis Dei est, et tributum, quod sibi reservavit in recognitionem generalis dominii*; Tamże, p. 24.

strengthened by the *ipso facto* formula<sup>64</sup>. However, it was not decided to repeat the statute concerning the issue of asserting tithe by the clergy, which, in the researchers' opinion was related to the objection of the Wielkopolska nobility to tithing<sup>65</sup>.

There is only one tithe statute concerning the Poznań diocese left, which came from the synod celebrated in 1420 by the bishop Wojciech Łaskarzewicz<sup>66</sup>. The tithe statute of the Włocławek synod of 1408 was almost literally accepted then. It referred to the issue of punishing clergymen who collected tithe contrary to their entitlement<sup>67</sup>. There were protests against tithing in Wielkopolska as well. At the Piotrków convention held in 1435 the Hussites: Spytek of Melsztyn, Abraham Zbąski and Jan Strasz opposed the obligation to pay tithe upon the newly felled piece of land (nowizn) and started to encourage the nobility to default on their obligation to pay tithe<sup>68</sup>. As a result of the activity of the opposition and mainly due to Abraham Zbąski as well as the Hussite clergy supported by him, Bishop of Poznań, Stanisław Ciołek, called a convention of nobility and clergy in Sieradz. On 18 May, 1436 the convention opposing tithe and church penalties threatening those who did not pay it, was held. Finally, the dispute was resolved in 1445 when Archbishop Wincenty Kot concluded an agreement with the nobility on tithing upon the fields from which peasants escaped or were removed<sup>69</sup>. To sum up, it should be stressed that tithing legislation of diocesan synods in Medieval Poland belonged to one of the most important categories of matters regulated by the indicated synods. The aforementioned considerations reveal a very large diversification among the tithe norms issued. The provisions concerned such matters as: the implementation of general tithing standards adopted by provincial synods and their adjustment to the conditions in particular dioceses, the reaction to new economic and social phenomena (fighting for sheaf tithes and an attempt to eliminate money tithing), securing church tithe rights through strict ecclesiastical sanctions (including excommunication imposed in various forms), regulation of tithing on the intra-church level (the issues concerning the acceptance of illegal tithes and the so-called *decima vagas*). A thorough analysis of the provisions of tithe statutes issued by individual synods leads to a conclusion that over time the clergy increasingly tightened up church penalties regarding people who did not fulfil the indicated duty. On the other hand, however, the protests of nobility, observed at the beginning of the XVth century, seem to confirm the thesis that the aforementioned sanctions proved to be less and less effective<sup>70</sup>. Nevertheless, the tithe statutes, based on universal canon law, church councils and provincial

<sup>64</sup> *Item nullus clericus recipiat decimam de manu laici, que debetur alteri ecclesie de iure. Contrarium faciens scilicet sit excommunicatus ipso facto*; J. Sawicki, *Concilia Poloniae*, vol. 5: *Synody archidiecezji...*, pp. 7, 15.

<sup>65</sup> It was stressed by W. Abraham, *Najdawniejsze statuty*, p. 7 Nd J. Sawicki, *Concilia Poloniae*, vol. 5, p.7; B. Wojciechowska, *Ekskomunika*, pp. 221.

<sup>66</sup> The aim of the celebrated synod was to adjust and introduce the Wieluń-Kalisz codification; L. Zygnier, *Synody diecezjalne*, pp. 209-212.

<sup>67</sup> *Item nullus clericus recipiat decimam de manu laici, que de iure debetur alteri ecclesie sub penna excommunicationis et alias ad arbitrium nostrum puniendis etc*; See: The texts of both statutes were compared by J. Sawicki, *Concilia Poloniae*: vol. 7, p. 31.

<sup>68</sup> This movement had a much broader ideological basis. First of all, it was about limiting the influence of the powerful Zbigniew Oleśnicki and his supporters. See: A. Sochacka, *Konfederacja Spytka z Melsztyna z 1439 r. Rozgrzywka polityczna, czy ruch ideologiczny?*, „Rocznik Lubelski”, vol. 16, 1973, pp. 42-64.

<sup>69</sup> *Jus Polonicum*, p. 226.

<sup>70</sup> B. Wojciechowska, *Ekskomunika*, pp. 230-231.

legislation, provided the diocesan clergy with legal arguments and a way of dealing with *de decimi* disputes.

In the light of the available source material (mainly synodal statutes) it is not possible to state clearly why tithe statutes were introduced in one diocese as early as in the XIIIth century and in some Polish dioceses it took place only in the following centuries. Perhaps they were introduced parallelly, which cannot be resolved due to incompleteness of the sources.

### **The tithe in the legislation of Polish diocesan synods in XIIIth and XVth centuries Summary**

The issue of tithes was a very important aspect of the diocesan synods' legislative activity. It is also argued that tithes had a great importance for ecclesiastical institutions' functioning. The author makes an attempt to interpret and analyse the most important tithe statutes which were issued between XIIth and XVth century. The author focuses on the Archdiocese of Gniezno, diocese of Cracovia, diocese of Breslau, diocese of Plock and diocese of Poznan. These dioceses were responsible for customising the norms of the canon law to regional principle. Those were issued by legate and provincial synods. It is worth noting that diocesan synods reacted for new occurrences and processes having political, economic or social character.

The regulation of the internal church's web of tithes was one of the most important issues which the diocesan synods' legislation had to deal with. The creation of new structures resulted in the progressive erosion of parish structures. By that time it was hard to decide who should receive the tithes. Diocesan synods, basing on the common norms, decided to give the tithe only to clergyman who provided priestly activity (*cura animarum*). It was also banned to receive *decima vagas* – unspecified tithes.

The 14th century brought new trends of tithe payment. The nobility started to struggle with the priesthood having power and position in Poland, of which the best example and symbol was Cracovian Bishop – Zbigniew Oleśnicki (1423-1455). The indicated movement stood against tithes as well as made attempts to restrain the tithe obligations.

The issue of tithes was a very important aspect of the diocesan synods' legislative activity. It is also argument that tithes had a great importance for ecclesiastical institutions' functioning.

**Keywords:** Tithe, Synod, Diocese, Clergy, Canon Law, the Middle Ages

**About the author:** Wojciech Zarosa, a student at the Jan Kochanowski University in Kielce. His scientific interests focus on Church benefits in Medieval Poland, medieval canon law and its reception in Poland as well as the Polish Church property structure in the Middle Ages.