

RESEARCH ARTICLE

# The Basel Compactata and the Limits of Religious Coexistence in the Age of Conciliarism and Beyond

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## Abstract

The Compactata, one of the most significant documents related to the Council of Basel, have not been analyzed and understood properly in the historiography, both in relation to their content and impact. This article aims to provide a better understanding of the Basel Compactata by discussing the controversial nature of these documents as demonstrated in international diplomacy and polemical writings of the fifteenth century. The diplomatic missions of J. Carvajal, N. Cusanus, J. Capistrano, and E. S. Piccolomini prove that the Compactata could easily have become a crucial bone of contention between Catholics and Bohemian Utraquists even on the international level. Rather surprisingly, the Catholic diplomats' negative approach toward the Compactata does not appear to have been influenced by their origins in the controversial Council of Basel, for other phenomena such as craving for perfect unity and alleged transgressions of the treaties played a more prominent role. A thorough examination of polemical writings shows that there existed major differences between the standard Catholic and Utraquist interpretation of the key provision of the Compactata, which was possible due to their compromise wording. Such differences could affect considerably the situation in the Czech Lands. For instance, the emergence of a semi-independent Utraquist Church after 1436 was not explicitly stated in the Compactata and was enabled by the manner in which the Utraquists interpreted their text. Although the Compactata did contribute to the stabilization of the political situation in the Czech Lands, unproductive disputes over their meaning actually disturbed the idea of peaceful coexistence between the Catholics and Utraquists.

**Keywords:** Basel Compactata; Council of Basel; Confessional Polemic; Medieval Diplomacy; Conciliarism; Utraquists; Catholics

On July 5, 1436, the Moravian city of Jihlava witnessed an event unique in its time. Representatives of the Kingdom of Bohemia and Margravate of Moravia and legates of the Council of Basel concluded treaties aimed primarily at restoring ecclesiastical unity and peace between the Czech Lands and the Roman Catholic Church. These documents, known as the Basel Compactata, were the fruit of lengthy negotiations that had started in 1432 when the council realized that Bohemian Hussitism could not be

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suppressed by force. By renouncing crusades and relying on diplomacy, the council was conceding that some of the Bohemian demands would have to be met, the most important being permission for the practice of Utraquism, that is, communion for the laity in both kinds. One of the key provisions of the Compactata was indeed recognition of the right of certain inhabitants of Bohemia and Moravia to take communion *sub utraque specie*.<sup>1</sup>

Those participating in the 1432–1436 negotiations could hardly have been unaware of the immense importance of the Basel Compactata. Not only did the documents declare unity, peace, and the right to Utraquism, but their agreement opened the way to recognition of Emperor Sigismund's claim to the Bohemian throne. Their impact was also far from limited to the 1430s. The events of subsequent decades showed clearly that the 1436 treaties could influence political and religious life in the long term.<sup>2</sup>

Although historians have hardly overlooked the Basel Compactata, a great deal of historical research still needs to be done if the 1436 treaties are to be properly understood.<sup>3</sup> This article takes a step in that direction by discussing the highly controversial nature of the Compactata. In other words, I intend to show how the Compactata contributed to the actual worsening of Utraquist–Catholic relationships, despite their status as peace treaties. Certainly, various controversies surrounding the Basel Compactata have been addressed in the historiography, but nobody appears to have placed this issue under close scrutiny, and there has also been little endeavor to decode their vagueness. Moreover, a number of historians have presented claims that misinterpret the role of the Compactata within the continuous religious quarrels and the problematic co-existence between the Catholics and Utraquists after 1436. Therefore, this article offers both a description/analysis of controversies pertaining to the Compactata (first in diplomacy, second in polemical writings) and a contestation of questionable claims in other researchers' works. All in all, the article presents the Compactata as influential and yet highly imperfect peace treaties that became a significant source of religious controversy even outside Central Europe.

<sup>1</sup>For the conclusion of the Compactata in Jihlava, see František Hoffman, "Jednání o kompaktáta v Jihlavě," in *František Hoffmann devadesátiletý: výbor studií a článků* (Jihlava, Czech Republic: Státní okresní archiv, 2010), 127–140; Thomas Prügl, "Die Verhandlungen des Basler Konzils mit den Böhmen und die Prager Kompaktaten als Friedensvertrag," *Annuarium Historiae Conciliorum* 48, no. 2 (2016–2017): 249–253; and František Šmahel, *Die Basler Kompaktaten mit den Hussiten. Untersuchung und Edition* (Wiesbaden, Germany: Harrasowitz, 2019), 74–89. Naturally, the council did not accept all the demands presented by the Bohemian negotiators over the years, but it should be noted that some of the demands that it rejected, such as confirmation of the 1435 non-canonical election of the Archbishop of Prague, Jan Rokycana, were accepted by Emperor Sigismund of Luxembourg—undoubtedly due to his desire for the Bohemian throne—in a collection of legal acts known as the Imperial Compactata. For the origins and contents of the Imperial Compactata, see Šmahel, *Die Basler Kompaktaten*, 157–161.

<sup>2</sup>For the significance of the Compactata in the fifteenth and sixteenth centuries, see Josef Macek, "Osudy basilejských kompaktát v jagellonském věku," in *Jihlava a Basilejská kompaktáta* (Jihlava, Czech Republic: Muzeum Vysočiny, 1992), 193–202; Šmahel, *Die Basler Kompaktaten*, 97–124.

<sup>3</sup>The monograph in question is Šmahel, *Die Basler Kompaktaten*. It is extremely valuable thanks to Šmahel's edition of the Compactata. Regarding a partial analysis of their text, see Šmahel, *Die Basler Kompaktaten*, 43–49; Rudolf Urbánek, *České dějiny III, Věk poděbradský I* (Prague: Jan Laichter, 1915), 101–108; Frederick G. Heymann, *George of Bohemia. King of Heretics* (Princeton, NJ: Princeton University Press, 1965), 6–12; Rudolf Řičan, "Georg von Poděbrad und die Kompaktaten," *Communio viatorum* 8, no. 1 (1965): 43–45; and Prügl, "Die Verhandlungen," 254–257.

## A Brief Overview of Historiography

The controversial nature of the Basel Compactata has mostly been addressed in relation to the Catholics who questioned their validity. Their vagueness (a major cause of the subsequent religious disputes) has been pointed out by G. Heymann, P. Čornej, T. Woelki, B. Zilynská, and J. Červenka,<sup>4</sup> among others. Nevertheless, only a few scholars, namely R. Urbánek and T. Fudge, have at least partially explained the cause of this vagueness.<sup>5</sup> The content and importance of Utraquist–Catholic disputes over the meaning of the Compactata have recently been addressed by J. Marek and A. Pálka.<sup>6</sup> Interestingly, Thomas Prügl has identified the Compactata as far from a genuine and complete consensus, but the major evidence presented for this claim are passages that, in fact, were hardly employed in Utraquist–Catholic polemics after 1436.<sup>7</sup>

More research has been conducted on the numerous diplomatic quarrels connected with the Compactata, undoubtedly due the international overlap of these events, as can be seen in the works of F. M. Bartoš, G. Heymann, O. Odložilík, H. Hallauer, and T. Woelki.<sup>8</sup> However, the question of the various causes that contributed to the problematic position of the Compactata in diplomacy has not been sufficiently answered. Scholars have typically stressed only one cause, the most prominent one arguably being the close connection between the Compactata and conciliarism (see M. Lambert, P. Čornej, F. Šmahel, E. O'Brien, and J. Červenka<sup>9</sup>).

<sup>4</sup>Heymann, *George of Bohemia*, 8; Petr Čornej and Milena Bartlová, *Velké dějiny země Koruny české VI (1437–1526)* (Prague: Paseka, 2007), 15; Thomas Woelki, “Theological Diplomacy? Cusanus and the Hussites,” in *Wycliffism and Hussitism. Methods of Thinking, Writing, and Persuasion, c. 1360–c. 1460*, ed. Kantik Ghosh and Pavel Soukup (Turnhout, Belgium: Brepols, 2021), 413; Blanka Zilynská, “The Utraquist Church after the Compactata,” in *A Companion to the Hussites*, ed. Michael Van Dussen and Pavel Soukup (Boston: Brill, 2020), 241; and Jan Červenka, “One Church or Two Churches? The Role of the Compacts in the Reunification Efforts with Rome,” in *Church at the Time of the Reformation: Invisible Community, Visible Parish, Confession, Building. . .?*, eds. Anna Vind and Herman J. Selderhuis (Göttingen, Germany: Vandenhoeck & Ruprecht, 2021), 413.

<sup>5</sup>Urbánek, *České dějiny III*, 103 (He comments on the Catholic, allegedly “sophistic” interpretation of the words “*qui talem usum habent*”); Thomas A. Fudge, “Reform and the Lower Consistory in Prague, 1437–1497,” *The Bohemian Reformation and Religious Practice 2* (1996): 69 (addressing the same issue as Urbánek). Cf. also Thomas A. Fudge, “The Hussites and the Council,” in *A Companion to the Council of Basel*, ed. Michiel Decaluwe et al. (Leiden, Netherlands: Brill, 2017), 274–275.

<sup>6</sup>Adam Pálka, “Papoušek versus Lupáč: polemika o výklad basilejských kompaktát z poloviny 15. století,” *Studia Mediaevalia Bohemica* 8, no. 1 (2016): 41–87; Adam Pálka, “The Compactata of Basel in Enea Silvio Piccolomini’s Letters, Speeches and Official Documents,” *Studia Mediaevalia Bohemica* 11, no. 2 (2019): 177–212; Jindřich Marek, “Václav Koranda mladší a kompaktáta,” in *Kalich jako symbol v prvním století utrakvistismu*, ed. Ota Halama – Pavel Soukup (Prague: Filosofia, 2016), 153–166.

<sup>7</sup>Prügl, “Die Verhandlungen,” 256–257.

<sup>8</sup>František M. Bartoš, “Cusanus and the Hussite Bishop M. Lupáč,” *Communio viatorum* 5, no. 1 (1962): 35–46; Heymann, *George of Bohemia*, 26–42, 258–292; Otakar Odložilík, *The Hussite King: Bohemia in European Affairs 1440–1471* (New Brunswick, NJ: Rutgers University Press, 1965), 46–60, 130–134; Hermann Hallauer, “Das Glaubengespräch mit den Hussiten,” *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 9 (1971): 57–69; and Woelki, “Theological Diplomacy?,” 409–431.

<sup>9</sup>Malcolm Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation* (Oxford, UK: Blackwell, 1992), 350; Emily O’Brien, *The Commentaries of Pope Pius II (1458–1464) and the Crisis of the Fifteenth-Century Papacy* (Toronto: University of Toronto Press, 2015), 152; Petr Čornej, “Kvadratura kruhu (Jiří Poděbradský, kompaktáta a papežství),” in *Světla a stíny husitství (Události – osobnosti – texty – tradice). Výbor z úvah a studií* (Prague: Lidové noviny, 2011), 282; Červenka, “One Church,” 417.

Concerning František Šmahel's recent monograph *Die Basler Kompaktaten*, it does not include any major findings on the controversial nature of the Compactata. Instead, it mostly deals with the 1433–1436 negotiations between the Bohemians and the Council of Basel, and the subsequent history of the Compactata originals. There is no serious attempt to explain what made the Basel Compactata such a controversial document or to clarify the treaties' vague and ambiguous wording.<sup>10</sup>

### Clarification of Key Terms

As religious controversy in the late medieval Czech Lands is not a well-understood research topic outside Central Europe, it is certainly useful to offer a brief explanation of key terms before moving to the gist of this article. First and foremost, let us address the meaning and significance of the word "Utraquism," which is very often used in connection with the Basel Compactata. By Utraquism, we mean the practice of the laity and nonconsecrating priests receiving both the body (bread) and blood (wine) of Jesus Christ in the Eucharistic ritual. The word comes from the Latin phrase *communio sub utraque specie* ("communion in both kinds"). In Western Christianity, this practice had once been rather common, but in the course of the Middle Ages it was gradually replaced by communion in one kind (bread) due to the intensified reverence for Christ's blood and the belief in Christ's full presence even in one kind.<sup>11</sup> It was eventually only the consecrating clergy who regularly received Jesus's blood from the chalice.

The Bohemian reformist movement of the fourteenth and fifteenth centuries first introduced the requirement for frequent (possibly daily) participation of the laity in communion. In 1414, the Prague university master Jakoubek of Střibro significantly enriched this doctrine when he concluded that for one's salvation it was essential not only to receive communion frequently, but also to receive it in both kinds. Jakoubek's teaching was based on a specific reading of certain biblical passages, and its main principles were the necessity, commandment, and redemptiveness of the eucharistic chalice.<sup>12</sup> Utraquism quickly gained popularity in much of Bohemia without being approved by any relevant church authority. Neither the anti-Utraquist *Cum in nonnullis* decree of 1415 (issued by the Council of Constance), nor a series of crusades against Bohemia between 1420–1431, were capable of suppressing Utraquism. The chalice soon became the symbol of the Bohemian reformation, and the requirement for communion in both kinds was embodied into the renowned Four Articles of Prague,<sup>13</sup> which later turned out to be the basis of the negotiations with the Council of Basel.

<sup>10</sup>Šmahel, *Die Basler Kompaktaten*, 38–124.

<sup>11</sup>The history of replacing *sub utraque* with *sub una specie* is addressed in Dieter Girgensohn, *Peter von Pulkau und die Wiedereinführung des Laienkelches: Leben und Wirken eines Wiener Theologen in der Zeit des Grossen Schismas* (Göttingen, Germany: Vandenhoeck & Ruprecht, 1964), 84–120; and Dušan Coufal, *Polemika o kalich mezi teologií a politikou 1414–1431: předpoklady basilejské disputace o prvním z pražských artikulů* (Prague: Kalich, 2012), 17–19.

<sup>12</sup>For more information concerning the origins of Bohemian Utraquism, see Dušan Coufal, "Die Theologie des Laienkelchs bei Jacobell von Mies († 1429) und den frühen Utraquisten," *Archa Verbi* 14 (2017): 157–201.

<sup>13</sup>These articles are well explained in Frederick G. Heymann, *John Žižka and the Hussite Revolution* (Princeton, NJ: Princeton University Press, 1955), 148–163; and Howard Kaminsky, *A History of the Hussite Revolution* (Berkeley, CA: University of California Press, 1967), 369, 373–374, n. 32.

It is also important to discuss briefly the nouns “Hussites” and “Utraquists.” Both terms are used in the historiography for adherents of the Bohemian reformist movement. The former, related to the immense support and reverence for the reformer John Hus, appears to be commonly employed for the period 1415–1436, while the latter tends to be used more for the period following the conclusion of the Compactata (after 1436). In the broadest sense, they may be considered synonymous. Nevertheless, this article will employ only the word “Utraquists” when referring to supporters of Hus’s and Jakoubek’s teaching in order to avoid confusion.

Finally, as the Compactata were treaties concluded between the Utraquists and Council of Basel, we should clarify why the Bohemian question played a crucial role in the council’s policy. The Utraquists were considered heretics who had been endangering Western Christianity for years, both due to the failed crusades and the Utraquists’ military campaigns abroad. Bringing them back into unity with the church was therefore of tantamount importance for much of Europe.<sup>14</sup> Besides being aware of this aspect, the Basel fathers also knew that dealing with and solving the Bohemian question could strengthen the authority of the council in the famous conciliarist–papalist clash. This can be exemplified by Eugene IV’s attempt to dissolve the Basel assembly in 1431—in the second version of his *Quoniam alto* bull, he cited the invitation of the Bohemians to Basel as one of the reasons for dissolving the council.<sup>15</sup>

### The Catholic Church and the Compactata, 1447–1452

This section explores the activities of four highly influential Catholic diplomats/intellectuals in relation to the Bohemian Kingdom between 1447 and 1452. This is relevant for this article because the Compactata frequently manifested their controversial nature during these events, and it was here that they once again proved to be immensely significant internationally. The time span has been chosen because the degree of Catholic criticism toward the Compactata reached one of its peaks then.

Although the ceremonial sealing and proclamation of the Compactata in July 1436 were pivotal events, the Utraquists present in Jihlava were very much aware of the fact that, as far as the church representatives were concerned, the Compactata had only been authenticated by the seals of four Basel legates, and there was no trace of the council’s own seal on the parchment documents. The Council of Basel itself was expected to ratify the Compactata by a bull and send the sealed documents to Prague, the capital of the Bohemian Kingdom. This was indeed what happened at the beginning of the next year: the council ratified the Compactata on January 15, 1437, and the inhabitants of Prague could see the ratified documents for the first time less than a month later.<sup>16</sup>

<sup>14</sup>The importance of Hussitism for conciliarism was stressed by Geoffrey Barraclough, *The Medieval Papacy* (London: Harcourt, Brace & World, 1968), 169.

<sup>15</sup>In the *Quoniam alto* bull of December 18, 1431, he stated that one of the reasons for his decision was the recent invitation of the Utraquists to Basel. The council refused to obey, and Cesarini, one of its members, even wrote a treatise in defense of the invitation. See Michiel Decaluwé, *A Successful Defeat: Eugene IV’s Struggle with the Council of Basel for Ultimate Authority in the Church, 1431–1449* (Brussels: Belgisch Historisch Instituut, 2009), 88–92; and Dušan Coufal, *Turnaj víry: polemika o kalich na basilejském koncilu 1431–1433* (Prague: Filosofia, 2020), 69–78.

<sup>16</sup>The delivery of the Basel confirmation of the Compactata to Prague (February 11, 1437) is recorded in “Johannis de Turonis Regestrum actorum in legationibus a sacro concilio in Boemiam,” in *Monumenta conciliorum generalium seculi decimi quinti* [hereafter cited as MC] I, eds. František Palacký and Ernst Birk (Vienna, 1857), 852.

The council's confirmation definitely was not the only one desired by the Bohemians, for they were also interested in the possibility of the pope confirming the Compactata with his seal. The Council of Basel may have temporarily weakened the pope's position within the Catholic Church, but in the 1440s it was becoming ever clearer that Eugene IV was gaining the upper hand over conciliarism and the anti-pope Felix V (elected by the Council of Basel in 1439).<sup>17</sup> The Czech Utraquist leaders undoubtedly knew that having the Compactata confirmed by the Roman papacy would be much more valuable than their ratification by Felix V, whose authority was dwindling. Thus, when a delegation was finally sent from the Kingdom of Bohemia in 1447, it was headed for Rome, in accordance with the proceedings of the Land Diet the previous year.<sup>18</sup> As Eugene had died in February 1447, the Czech ambassadors encountered his successor, Nicholas V.

One of the most important figures in the Czech-Roman negotiations of 1447–1448 was Cardinal John Carvajal. He dealt with two major requests presented by the Bohemians: papal ratification of the Compactata and confirmation of John Rokycana's archiepiscopal title. During the negotiations in Rome, the cardinal evidently opposed the Utraquists' wish to have the Compactata confirmed by Nicholas, for he told them: "Abandon the chalice [Utraquism] and unify with the Roman Church; as long as you remain separated, the Germans will always rebel and irritate the pope."<sup>19</sup> He was later to remark that the Compactata had been concluded solely for the sake of peace<sup>20</sup> and thus to imply that they were no longer necessary. The pope himself was no more obliging. He praised communion in one kind and the need for ecclesiastical unity. In response, the Czech diplomats pointed out that a few years before, the Church had been willing to make a union with the Greeks despite the latter's practice of Utraquism. The Bohemians therefore asked Nicholas to grant them the Compactata, concluded at the time of his predecessor Eugene. There was allegedly no reply from the pope's side.<sup>21</sup>

Nicholas nevertheless made an important move ensuring that negotiations between the church and Utraquists would continue. He decided that Carvajal was to be sent to the Bohemian Kingdom for further discussion. On his arrival in Prague, Carvajal, cunningly claiming that neither he nor the pope was familiar with the Compactata,

<sup>17</sup>For more information on the council–papal struggle, see Loy Bilderback, "Eugen IV and the First Dissolution of the Council of Basle," *Church History* 36, no. 3 (Sept. 1967): 243–253; Joachim W. Stieber, *Pope Eugenius IV, the Council of Basel, and the Secular and Ecclesiastical Authorities in the Empire. The Conflict over Supreme Authority in the Church* (Leiden, Netherlands: E. J. Brill, 1978); Jesse D. Mann, "The Devilish Pope: Eugenius IV as Lucifer in the Later Works of Juan de Segovia," *Church History* 65, no. 2 (June 1996): 184–196; and Decaluwé, *A Successful Defeat*.

<sup>18</sup>Relevant sources concerning the diet are available in *Archiv český, čili Staré písemné památky české i moravské* [hereafter cited as *AČ*] II, ed. František Palacký (Prague, 1842), 209–218 (a letter to Eugene IV on 217–218).

<sup>19</sup>These words were originally recorded in an Old Czech account presented at a land diet in 1448. *AČ* II, 234: "Opustte ten kalich a sjednajte se s kostelem římským, však dokavadž se nesjednáte, vždy Němci budú vřieti a papeže popúzeti." Unless otherwise noted, all translations of Latin/Old Czech words into English that appear in the main text are my own. The whole text about the Rome embassy is on 233–236.

<sup>20</sup>*Ibid.*, 234: "Item mnozi želejji těch kompaktát mezi vámi učiněných; ale musilo to býti pro pokoj toho času."

<sup>21</sup>"Poselství kardinála Jana z Karvajal v Praze r. 1448," in *Fontes rerum Bohemicarum VII*, ed. Josef Emler (Prague, undated), 51: "Item diximus pape: 'Tamen Grecos cum calice recipitis, cur non nos? Et nos habemus compactata cum concilio Basiliensi. Petimus propter Deum, faveatis nobis hoc idem, ut saltim compactatis possimus frui.' Ad hoc papa nichil respondit."

persuaded the Bohemians to lend him the original documents of July 1436.<sup>22</sup> In his subsequent reply to the Czech orators, the legate dwelt mainly on the church's unwillingness to confirm John Rokycana as archbishop of Prague. Regarding papal ratification of the Utraquist-council treaties, Carvajal said that he had been lent the Compactata originals only the day before, had not yet had time to study them, and would address the issue later.<sup>23</sup> But attempts to get Carvajal to negotiate about the Compactata ultimately proved unproductive. On May 17, when the Bohemians asked him to provide the final reply about communion in both kinds and the Basel Compactata, he refused to do so, claiming that he had been sent to Prague to make peace, not to make decisions about these issues.<sup>24</sup>

Near the end of his controversial mission, which did not lead to any kind of treaty between the Bohemians and the church, the legate was still in possession of the Compactata originals. He even stored them in his carriage, promising that he would hand them back in the city of Benešov. Naturally, the Utraquists suspected that Carvajal's intention was not to learn more about the Compactata but to humiliate the Bohemian Utraquists by taking the Compactata originals abroad. They took steps to frustrate such a plan, and when Carvajal arrived in Benešov, there were hundreds of armed Czech horsemen waiting for him in the city.<sup>25</sup>

Carvajal's and the pope's hostility toward the Compactata stemmed primarily from their longing for perfect ecclesiastical unity, as is evident from the statements uttered in Rome. It is important to emphasize that during these events of 1447–1448, there was most probably no real attempt on Nicholas V's or Carvajal's side to cast doubt on the Compactata on the basis of their origins in the Council of Basel, even though there was still rivalry between this very council and the Roman papacy at the time, and the Czech ambassadors to Rome even threatened to negotiate with the Basel fathers and Felix V.<sup>26</sup> This seeming paradox can in fact be easily explained. Nicholas and his supporters were certainly aware that decisions taken in Basel had ceased to have any further official validity from 1438 when Eugene IV transferred the council to Ferrara. All the same, Eugene never nullified the Basel proceedings between 1431–1437 as a whole, in spite of their frequent association with conciliarist tendencies, and neither had his successor Nicolas V. It therefore seems that the Roman papacy, in accordance

<sup>22</sup>Ibid., 48: "Dixit autem, quod sanctissimus pater nichil de compactatis sciret, nec nobis aliquid de eis constat. Supplicatus igitur quod: detis nobis eam conspiciendum, tunc dederunt ei literam originalem." Carvajal's legation and the role of the Compactata therein have recently been addressed by Šmahel, *Die Basler Kompaktaten*, 103–104; and Antonín Kalous, "The Papacy and the Czech Lands between Reform and Reformation (1417–1526)," in *The Papacy and the Czech Lands. A History of Mutual Relations*, eds. Tomáš Černušák et al. (Prague: Historický ústav, 2016), 128.

<sup>23</sup>*Commentarii De Regni Bohemiae Incorporatarumque Provinciarum Iuribus Ac Privilegiis I*, ed. Melchior Goldast (Frankfurt: Sande, 1719), 155\*: "De primo igitur, videlicet de compactatis, quia heri tarde per magnificum dominum Georgium sunt mihi oblata et nondum super his deliberavi (sed tamen cum consilio vestro, pro bono pacis huius regni inclyti, deliberare volo), pro hac vice loqui non intendo." Dominus Georgius is probably none other than the future king of Bohemia, George of Poděbrady.

<sup>24</sup>"Poselství kardinála," 49: "Optaverunt, quod det eis finale responsum de communione duplicis speciei et de compactatis. Respondit, quod non venit ad decidendam eandem materiam et determinandam, sed pro pace faciendam."

<sup>25</sup>Ibid., 52.

<sup>26</sup>Ibid., 51: "Diximus, . . . quod nobis confirmaret in archiepiscopum Rokocanum; si autem noluerit, convertemus nos ad Felicem et ad concilium. Dixit (Carvajal – n. A. P.) nobis: Circa Felicem nichil accipietis, quia nichil solus habet."

with Eugene's 1439 bull *Moyses vir*,<sup>27</sup> regarded the pre-1438 Council of Basel as a legal assembly with its legitimate continuation in the cities of Ferrara, Florence, and Rome (ending in 1445). Under these circumstances, it would have been somewhat unwise for Nicolas or Carvajal to question the validity of the Compactata on the grounds of their origin in Basel, as both the sealing of these documents in Jihlava and ratification in Basel had occurred in the "legitimate period" (July 5, 1436, and January 15, 1437).

Carvajal's mission, while unsuccessful for both sides, proved that the Compactata could easily become a thorny issue in Utraquist–Catholic diplomacy. It also foreshadowed the growing significance of the Compactata for diplomacy in subsequent years. Indeed, three prominent Catholic ambassadors came to the Czech Lands or close to them at the beginning of the 1450s, and all of them showed interest in the Basel Compactata during their missions. Like Carvajal, they were pressing for perfect union between the church and the Bohemians, and were therefore bound to oppose Utraquism and the rights accorded to it in the Compactata.

Let us look first at John of Capistrano's mission in Moravia and Bohemia in 1451–1452. John, a Franciscan friar and diplomat for Nicholas V, spent several months in various Czech and Moravian towns, preaching and writing in support of Catholicism, with the aim of getting Utraquists to convert, and thus showing no tolerance for communion *sub utraque specie*. Unlike Carvajal, he was not involved in any official negotiations with Utraquist leaders, but he communicated with some of them through letters.<sup>28</sup> Those written to the elected archbishop John of Rokycana show Capistrano bringing up the Compactata in his arguments against Utraquism. Specifically, he pointed out that although the text of the Compactata referred to publication of a new license of the chalice for the Bohemians and Moravians (which was supposed to be published after December 23, 1437, when the council published its verdict on the necessity of Utraquism), such a license had never been issued, whether by the council or representatives of papacy.<sup>29</sup> More importantly, Capistrano enumerated a number of alleged transgressions against the Compactata by Utraquists, such as the holy communion of infants, lack of obedience to the Roman Church, the

<sup>27</sup>See the relevant text in *Concilium Florentinum documenta et scriptores 1/1. Epistolae pontificiae ad concilium Florentinum spectantes*, ed. Georg Hofman (Rome: Pontificium Institutum Orientalium Studiorum, 1940), 105. The gist of the bull is explained in Decaluwé, *A Successful Defeat*, 304–305.

<sup>28</sup>For Capistrano's mission in the Czech Lands and his letters from that time, see Zdeněk Nejedlý, "Česká missie Jana Kapistrana," *Časopis Musea Království českého* 74, no. 1 (1900): 57–72, 220–242, 334–352, 447–464; John Hofer, *Johannes Kapistran: Ein Leben im Kampf um die Reform der Kirche 2* (Heidelberg, Germany: Kerle, 1965), 69–137, 259–286; Štěpán Kohout, "Pobyt Jana Kapistrana v Olomouci," *Ročenka Státního okresního archivu v Olomouci* 22 (1994): 117–140; and Pavel Soukup, "The Polemical Letters of John of Capistrano against the Hussites: Remarks on Their Transmission and Context," in *The Grand Tour of John of Capistrano in Central and Eastern Europe (1451–1456). Transfer of Ideas and Strategies of Communication in the Late Middle Ages*, ed. Paweł Kras and James D. Mixson (Warsaw: Wydawnictwo KUL, 2018), 259–273.

<sup>29</sup>František Valouch, *Životopis svatého Jana Kapistrána* (Brno, Czech Republic: Dědictví ss. Cyrilla a Methodia, 1858), 750–751: "In compactatis continentur, quam concilium dare licentiam communicandi sub utraque specie, . . . sed quia servata non fuerunt, neque sacrum concilium talem licentiam debuit elargiri . . . Videas igitur, si post declaratum decretum sive a Domino Juliano, sive a sacro concilio sub autoritate et obedientia Eugenii vel ab ipso Eugenio aut a sanctissimo Domino nostro Nicolao papa quinto licentiam aliquam habuistis . . . Si vere et realiter habuistis, ostendite." The Basel decree and new license of the chalice are further discussed below.



noncanonical election of the archbishop of Prague, and disrespect for peace with other Christians.<sup>30</sup>

Appeal to concrete examples of Utraquist failure to observe the terms of the Compactata was also typical of another Catholic diplomat who visited Czech territory in 1451. Enea Silvio Piccolomini, Bishop of Sienna and ambassador of the King of the Romans Frederick III, attended an important diet in Benešov where he met George of Poděbrady, one of the most influential Utraquist politicians. In their discussion, Piccolomini did his best to prove that it was not the Catholics, as George claimed, but the Utraquists who had violated the spirit of the treaties between themselves and the council. He accused the Bohemians of several transgressions *contra compactata*, such as their belief in the necessity of Utraquism, the communion of infants, forcing the chalice on Catholics, the noncanonical election of Rokycana, and the introduction of Czech songs into the mass.<sup>31</sup> What is interesting is the mention of Carvajal's position in 1448 in this context: Piccolomini argued that it was the various violations of the Compactata that had previously made John Carvajal refuse to confirm these documents,<sup>32</sup> and he even declared that because the Compactata had been violated by all Utraquists, they were no longer valid.<sup>33</sup>

The last diplomatic mission of the early 1450s that we discuss here is that of Cardinal Nicholas of Cusa, who was certainly a suitable candidate for negotiations with the Utraquists due to his previous experience at the Council of Basel.<sup>34</sup> Like Carvajal and Capistrano, Nicholas arrived in Central Europe as the pope's ambassador. Unlike them, he decided to conduct negotiations with the Utraquists from outside the territory of Bohemia and Moravia. From the city of Regensburg, he sent a letter addressed to all Bohemians and Moravians, dated June 27, 1452. Cusanus was certainly aware of the immense significance of the Compactata for those he addressed and made them the key issue of his letter. He hoped to bring the Utraquists to full obedience by pointing

<sup>30</sup>Valouch, *Životopis*, 826: "Praetera ipsimet bene nostis, si quod promisistis in vestris compactatis, cum effectu et realiter observatis, si ecclesiasticam unitatem tenuistis in unitate katholicae fidei et conformitate ritus universalis ecclesiae, si servastis decreta et decretales sacrosanctae Romanae ecclesiae, si timuistis excommunicationes et censuras ecclesiasticas, si habuistis recursum ad sanctam Romanam ecclesiam pro absolutionibus a casibus sedi apostolicae reservatis, si restituistis bona ecclesiastica, si habuistis vel habetis archiepiscopum institutum et confirmatum per summum pontificem et sanctam Romanam ecclesiam, si servatis pacem cum universo populo Christiano, sive intra dictum regnum, sive extra, vos ipsi iudicate . . . Attendite etiam, si vestri sacerdotes exhibuerunt, communionem sub utraque specie illis solum, qui usum habuerant sic communicandi pro prius, vel si infatulis in die baptismi et primo anno, et infantuli aetate exhibuerunt, vel si etiam adultis, sine aliqua praeparatione, sine confessione, exeuntibus de thabernis et forte de inhonestioribus locis, indiscrete praebuerunt." For the Utraquist priest John Rokycana's polemic reactions, see *Ibid.*, 717–727.

<sup>31</sup>For this and relevant literature to this topic, see Pálka, "The Compactata of Basel," 182–187.

<sup>32</sup>*Die Briefwechsel des Eneas Silvius Piccolomini. 1. Band: Briefe von seiner Erhebung zum Bischof von Siena bis zum Ausgang des Regensburger Reichstages. I. Teil: Privatbriefe*, ed. Rudolf Wolkan (Vienna: Hölder, 1918), 31: "Si noluit legatus innovare pactiones vestra, quid miri est? Vobis indulta est sub duplici specie communicatio; jussi tamen sacerdotes vestri sunt, quotienscunque ministrant populo sacramentum, commonere atque instruere omnes, ne sub duplici tantum specie, sed sub qualibet totum et integrum esse Christum intelligant; nihil faciunt. Prohibiti sunt infantibus atque dementibus eucharistiam porrigere, porrigunt tamen."

<sup>33</sup>*Ibid.*, 31–32: "Vera dicis, non si omnes, sed si aliqui dicunt federa ritum ecclesie non recipere, compactata manere; quod si omnes abicerent ritus, ut omnes abicitis, vigor conventionibus auferetur."

<sup>34</sup>His talks with the Bohemians in Basel in 1433 are discussed in Woelki, "Theological Diplomacy?," 414–419; and Coufal, *Turnaj víry*, 452–454.

out that when the Compactata mentioned unity in faith with the universal church, the words referred to nothing other than the Catholic Church, outside which there was no salvation.<sup>35</sup> He went on to challenge the legality of Utraquism, claiming that because of numerous violations of the Compactata by Utraquist priests, there was nothing that the Bohemians could gain from them.<sup>36</sup> Furthermore, he argued that the new license for the chalice mentioned in the Compactata had never been issued by the council as a result of the Bohemians' numerous errors.<sup>37</sup> Cusanus's arguments could hardly have pleased the majority of Bohemian Utraquists, who were still hoping for papal confirmation of the Compactata. Surprisingly, we know of only one Utraquist letter that was written as a direct reaction to Cusanus's actions.<sup>38</sup>

If we take a brief look at the missions of the early 1450s, it becomes apparent that Utraquists' hopes for papal confirmation of the Compactata proved to be quite unfounded. The Catholic envoys were rather negative in their views of the Basel Compactata, and none of them suggested that the pope might possibly confirm the Compactata at some future point. Instead, they often focused on alleged violations *contra compactata* and spoke of their waning validity, or even virtual invalidity. Thus, the Catholic missions in the early 1450s indicate that there was a growing tendency among the Catholics to cast doubt upon the Compactata due to the other party's inability to act according to their provisions. Nicholas V's papacy (and the Catholic world in general) was reserved, or indeed hostile, toward the Czech requirement for the confirmation of the Compactata, but it must be noted that Nicholas V never officially declared the treaties to be invalid.

### The Two Faces of Enea Silvio Piccolomini

This section addresses Piccolomini's later dealing with the Bohemian question and shows that the controversial status of the Compactata in the Utraquist–Catholic relationships could weaken and subsequently become stronger in a relatively short time, gaining unexpected significance in the early 1460s.

<sup>35</sup>*Nicolai de Cusa Opera omnia. Volumen XV. Opuscula III. Fasciculus I. Opuscula Bohemica*, eds. Stephanus Nottelmann and Iohannes G. Senger (Hamburg, Germany: Felix Meiner, 2014), 61–62: “Cum extra universalem ecclesiam, quae catholica graece dicitur, non sit salus ut et ipsi negare non possunt – videte in compactatis, ubi est illa ‚catholica ecclesia‘, et reperiatis in capitulo primi articuli esse scriptum, quod ‚regnum Bohemiae et marchionatus‘ in fide conformare se debent ‚universali ecclesiae‘ – et non potest intellectus alius dari, quam quod illa sit universalis ecclesia, cui se debent regnum et marchionatus conformare.” Cusanus's mission has been reflected in Bartoš, “Cusanus and the Hussite Bishop”; Hallauer, “Das Glaubengespräch,” 57–69 (including a number of remarks on the Compactata); and Fudge, “The Hussites and the Council,” 277–278.

<sup>36</sup>*Nicolai de Cusa Opera*, 62–63: “Legite textum et ponderate mentem concilii ex littera et reperiatis negligentia illorum sacerdotum vos omnia ibi vobis oblata perdidisse. Est enim vobis notorium, quod illi tales sacerdotes nunquam ea, quae fieri debebant ad permissionem illius communionis, procurarunt aut observarunt, sed non obstantibus compactatis continuarunt illa, quae dimittere tenebantur. Ideo ex eorum negligentia permissio etiam quoad personas, quae usum habebant, non est sortita effectum.”

<sup>37</sup>*Ibid.*, 63: “Minus permissio de libertatione concedenda obtinere potuit a synodo – semper ob talium presbyterorum praesumptam pertinaciam, qui toto tempore, quo concilium sedebat, compactata nulla ex parte observare curarunt.”

<sup>38</sup>Its author was the Utraquist priest and former diplomat Martin Lupáč. Having received Lupáč's letter, which accused the legate of failing to understand the true sense of the Compactata, Cusanus wrote a letter to Lupáč and other priests living in the city of Klatovy, in which he stressed the idea that the Compactata allowed the chalice only for those united with the Catholic Church in faith and rite. See *Ibid.*, 65–67.

Piccolomini, a highly influential figure who eventually became pope, certainly kept his interest in the Compactata after the encounter with George of Poděbrady, as he devoted significant attention to them on two further occasions, in 1455 and 1462. On the first of these, his attitude seems so much at odds with his position on the latter that on first sight it is difficult to confirm that we are dealing with the same person. His changing priorities are nonetheless explicable in context.

After Nicholas V's death in 1455, Alfonso de Borgia was elected pope, taking the name Calixtus III. Shortly after his election, he heard a very remarkable speech from Piccolomini, who was still acting as Fredrick III's envoy. Piccolomini's speech, titled *De compactatis*, turned out to be completely different from previous Catholic treatments of the Compactata, since it actually sought to persuade Calixtus to agree to the Utraquists' long-term request for papal ratification. Piccolomini's seemingly unexpected decision to speak in favor of the Bohemians was probably not motivated by any special tolerance of Utraquism. Instead, the Catholic diplomat hoped that ratification of the Basel Compactata would win the Bohemians over for war against the Turks. As Piccolomini saw it, Calixtus's concession of the chalice would not last forever, but only for one generation of Utraquists, and thus the Bohemians would be fully united with the church after a few decades.<sup>39</sup> The relative length of the speech suggests that the whole issue was of great importance for Piccolomini, but we can only speculate as to whether Calixtus ever considered accepting his cleverly formulated proposal.<sup>40</sup>

When Piccolomini himself became Pope Pius II in 1458, the solution that he had recommended in 1455 evidently no longer mattered to him. If it had, he would certainly have made an effort to confirm the Compactata. Instead, he took a very different approach to Bohemian Utraquism, which became clear when a Czech delegation visited Rome in March 1462. Just as in 1447, one of the aims of the ambassadors was to persuade the pope to confirm the Compactata, but this time the Bohemians represented a legitimate king, George of Poděbrady—a situation that had been impossible fifteen years before.<sup>41</sup> Much to the ambassadors' disappointment, Pius II patently wanted to end George's rule over two religious groups in the Bohemian Kingdom. As the head of the Catholic Church, he could accept nothing less than universal conversion of the Utraquists to communion in one kind. The need for perfect ecclesiastical unity was promoted not only by Pius II, but also by other representatives of the church who were negotiating with the Utraquists. One was John Carvajal, who repeated his appeal from the 1440s that the Bohemians ought to abandon the Compactata and return to unity with the Church.<sup>42</sup>

The Czech ambassadors must soon have gathered that the chances of confirmation of the Compactata by the Apostolic See were very low, but they did not immediately give

<sup>39</sup>*Oration "Res Bohemicas" of Enea Silvio Piccolomini (1455, Rome)*, ed. Michael von Cotta-Schönberg (2019), 138–140, <https://hal.archives-ouvertes.fr/hal-01180832/document> (accessed April 12, 2023): "Compactata namque, solum habentibus usum, potionem calicis indulgent, necessitatemque negant. Quod si regnum ea suscipiat, post quinquaginta annos vix aliquis vivet de calice bibens." Enea's speech for Calixtus is extensively discussed in Pálka, "The Compactata of Basel," 187–194.

<sup>40</sup>For this issue, see Heymann, *George of Bohemia*, 165–167; and O'Brien, *The Commentaries*, 74.

<sup>41</sup>Between 1439 and 1453, there was a prolonged *interregnum* during which there was no legitimate king ruling over the Czech Lands.

<sup>42</sup>As with previous Piccolomini's actions, the 1462 events are thoroughly discussed in Pálka, "The Compactata of Basel," 194–201. For his 1462 speech, see "Poselství krále Jiřího," in *AČ VIII*, ed. Josef Kalousek (Prague 1888), 342, 345. Cf. also Heymann, *George of Bohemia*, 263–277; Šmahel, *Die Basler Kompaktaten*, 105–108; and Kalous, *The Papacy and the Czech Lands*, 131.

up. One of the delegates, Wenceslaus Koranda, gave a lengthy speech in front of Pius in which he stressed that the Compactata served as a guarantee of peace in Bohemia.<sup>43</sup> On March 31, however, the ambassadors finally realized that neither Koranda nor anyone else had changed the pope's mind. Like Nicholas of Cusa in 1452, Pius stated that Utraquism had never been valid, as the Bohemians had not returned to unity with the church on the basis of the Compactata and had never obtained any additional license of the chalice.<sup>44</sup> Pius firmly refused to confirm the Compactata, and before having them officially proclaimed invalid, he gave no fewer than five reasons for his stance: no confirmation of the treaties meant (1) preventing the laity from holding heretical views concerning the Eucharist; (2) preventing the unwanted spilling of Christ's blood; (3) bringing unity and peace to the Bohemian Kingdom; (4) a cessation of complaints from the neighboring nations; and (5) zero chance of the Bohemians boasting about the pope's favor.<sup>45</sup>

The official annulment of the Compactata by the Holy See was a failure for the Czech delegation, which had arrived in Rome in order to achieve the very opposite. But did the Catholic Church thereby gain an indisputable victory over the Utraquists? Not at all. In August 1462, King George of Poděbrady publicly declared his allegiance to Utraquism and the Compactata and refused to accept Pius's radical move.<sup>46</sup> The Compactata were still respected as law in Bohemia, and so the legal coexistence of Catholics and Utraquists would endure. It may be argued that in the 1462 events, the controversial character of the Compactata reached its absolute peak, for the Utraquists' attachment to them now went hand in hand with their open resistance to the pope's verdict.

George's disobedience to Pius might seem radical, but there had already been a certain parallel to it in the history of the Bohemian reformation. When the Council of Constance had issued the decree *Cum in nonnullis* (1415) against the use of the lay chalice in Bohemia, the Bohemians, viewing Utraquism as a principle based on the Bible, rejected the council's decision and did not return to communion in one kind.<sup>47</sup> The circumstances of 1462 were similar: even though the pope himself forbade Utraquism by annulling the Compactata, it was unimaginable that the Utraquists would respect his decision, since they traditionally valued biblical testimony over human decisions. Also similar to 1415 was the result of George's refusal to obey the institutional

<sup>43</sup>“Poselství krále Jiřího,” 328–336. The gist of Koranda's speech has recently been addressed by Jindřich Marek, “Major Figures of Later Hussitism,” in *A Companion to the Hussites*, eds. Michael Van Dussen and Pavel Soukup (Boston: Brill, 2020), 161.

<sup>44</sup>“Poselství krále Jiřího,” 361–362: “Neque tamen inde reperitur, quod concilium postea huiusmodi facultatem dederit. Sive igitur primam compactatorum partem sive secundam adducitis, nichil habetis. Nam secunda pollicitacionis est nunquam impleta, sive quia non petivistis, sive concilium ex rationabili causa recusavit concedere, quod noxium videbat futurum, cum vestri sacerdotes non servarent contenta. Nec prima pars vobis subvenit, quia concessa est communio calicis usum habentibus et unionem recipientibus ecclesiasticam in omnibus aliis preterquam in articulo communionis. Sed unionem ecclesiasticam et conformitatem nunquam recepistis, non igitur indulti fuistis capaces.”

<sup>45</sup>Ibid., 352.

<sup>46</sup>A contemporary account of the Prague events of 1462 is given in *Scriptores rerum Silesiacarum VIII*, ed. Josef Max (Wrocław: Josef Max & Komp., 1873), 133–135.

<sup>47</sup>Bohemian polemical reactions to the Constance decree have been addressed in *Dvě staročeská utrakvistická díla Jakoubka ze Stříbra*, ed. Milan Čejka and Helena Krmíčková (Brno, Czech Republic: Masarykova univerzita, 2009), 89–108; Coufal, *Polemika o kalich*, 49–51; Coufal, “Die Theologie des Laienkelchs,” 161; and Petra Mutlová, *Nicolai Dresdensis Apologia: de conclusibus doctorum in Constantia de materia sanguinis* (Brno, Czech Republic: Masarykova univerzita, 2015).

church, as in both cases the Czech Lands maintained or even entrenched their distinctive position within Western Christendom, which eventually led to a regular war.<sup>48</sup>

### The Role of Conciliarism in the Catholic Understanding of the Treaties

One important question—already discussed in part in connection with Carvajal—is raised by Cusa, Capistrano, and Piccolomini's quite frequent attempts to present the Compactata as frequently violated, and even void agreements. That is, were they seriously motivated by perception of the Compactata as an unwanted legacy of Basel conciliarism? This seemingly plausible notion is sometimes presented in particular relation to Pius II. For instance, M. Lambert wrote: "It was not realized . . . how determined the post-Basle papacy was to liquidate the effects of conciliarism, including the agreement with the Utraquists."<sup>49</sup> Similarly, E. O'Brien claims that the Compactata were one of "two unwelcome reminders for both Pius and the papacy of the enduring authority of the Council of Basel."<sup>50</sup> The same idea has been promoted by Czech historians, including P. Čornej<sup>51</sup> and J. Červenka.<sup>52</sup>

Unfortunately, it is difficult to find any solid evidence to support such claims.<sup>53</sup> Despite their numerous references to the Compactata, these Catholic scholars do not appear ever to have explicitly characterized these documents as harmful or invalid due to their close association with the Council of Basel. For instance, in Pius II's five reasons for not confirming the Compactata, there was not a single trace of anticonciliarism and the pope emphasized theological and practical matters instead.<sup>54</sup> The one exception might be an ambiguous statement in Capistrano's letter to the priest John of Borotín, which seems to suggest that Utraquists ought not to rely on the Compactata because of the council's questionable actions after 1438.<sup>55</sup> Yet even if that was indeed Capistrano's meaning, the fact remains that the vast majority of his arguments regarding the Compactata had nothing to do with criticism of the Council of Basel.

In fact, in their anti-Utraquist polemics, Cusa, Capistrano, and Piccolomini frequently appealed to the authority of the Council of Basel, especially the Basel decree *Ut lucidius videatur* of December 1437, which condemned the Utraquist doctrine that the chalice was necessary for salvation and which was supposed to be published

<sup>48</sup>For the war between George of Poděbrady and Matthias Corvinus, see Heymann, *George of Bohemia*, 476–585.

<sup>49</sup>Lambert, *Medieval Heresy*, 350.

<sup>50</sup>O'Brien, *The Commentaries of Pope Pius II*, 152. Similar claims can also be found on 25, 80–81, and 153.

<sup>51</sup>Čornej, "Kvadratura kruhu," 282.

<sup>52</sup>Červenka, "One Church," 417 (see also 424): "The Compacts were the steady remnant of the conciliarism, which put the head of the Catholic Church in an ambiguous position. In a way, Compacts might be seen as a sign of weakness of the Pope and viability of the conciliar thoughts."

<sup>53</sup>For instance, when O'Brien addresses Pius's arguments against the Compactata in her *The Commentaries of Pope Pius II* (152–153), none of them is aimed against the council; in fact, the last argument listed by O'Brien is an example of Pius employing the council's authority.

<sup>54</sup>See the section "The Two Faces of Enea Silvio Piccolomini."

<sup>55</sup>Valouch, *Životopis*, 826: "Sed post translationem factam de Basilea ad Ferrariam per ipsum Eugenium, et post recessum ipsius Domini sancti Angeli, quidquid actum exstitit, nullo juris vigore subsistens irritum et improbum iudicatur. Patet igitur ex vestris compactatis vestram opinionem subsistere non valere ex supra dictis rationibus et decretis."

by the very terms of the Compactata.<sup>56</sup> Had these Catholics considered the Compactata to be harmful because of the controversial nature of the council, their reliance on the authority of the very same council on many other occasions would have made their argumentation and thinking highly inconsistent. They most probably regarded the council, despite its many struggles with Eugene IV, as legitimate until the beginning of 1438, as we have already argued in the case of Nicholas V and Juan Carvajal.

Regarding the alleged association with conciliarism, we must also note that although the Compactata sporadically recognized the representation of the church by the Council of Basel,<sup>57</sup> their wording did not openly promote conciliarism, that is, the council's supremacy over the pope. This is in clear contrast with the Pragmatic Sanction of Bourges (1438), another well-known document associated with the council, in which the French king accepted several Basel reforms.<sup>58</sup> Altogether, the Compactata as agreed between the representatives of the council and the Utraquists include only one formulation that might theoretically be interpreted as placing the Council of Basel above the papacy.<sup>59</sup> It is therefore highly improbable that anyone ever employed the Compactata as evidence for the claim that general councils were superior to popes.<sup>60</sup>

It might be objected that even if the text of the Compactata did not promote any genuine notion of conciliarism, it had conciliarist overtones because the negotiations leading to their conclusion had temporarily become a grave bone of contention between Eugene IV and the Basel fathers.<sup>61</sup> Yet Eugene himself later recognized the importance of the Bohemian issue in Basel in his 1437 bull, and was even willing to resume

<sup>56</sup>For a better illustration, let us quote all the three Catholics in question. In 1451, Capistrano wrote (Valouch, *Životopis*, 826): "Nonne et concilium Basiliense confirmavit decreta Constantiensis concilii, et novum edidit expressissime contra vestras hereses?" In the same year, Piccolomini stated (*Die Briefwechsel*, 53): "In Basilea autem, dum generalis synodus illic erat, postquam exacte visa sunt et diligenter excussa sacrarum testimonia litterarum, magnorum conciliorum decretis ac sanctorum patrum et illustrium doctorum traditionibus enucleate pensatis, decretum promulgatum est, quod aperte declarat, fideles laicos sive clericos communicantes et non confidentes ad suscipiendum sub specie panis et vini divinum eucharistie sacramentum ex precepto domini nos esse astrictos." Cues wrote in 1452 (*Nicolai de Cusa Opera*, 85): "Et duae synodi Constantiensis et Basiliensis definierunt talem communionem non esse de veritate praecepti evangelici quoad laicalem populum et quod non liceat contra ritum ecclesiae rationabiliter introductum alicui illum sua sponte usurpare." The Basel decree can be found in *Conciliorum oecumenicorum generaliumque decreta II/2*, eds. Giuseppe Alberigo and Alberto Melloni (Turnhout, Belgium: Brepols, 2013), 1035–1036.

<sup>57</sup>The Basel ratification of the Compactata includes a typical phrase (Šmahel, *Die Basler Kompaktaten*, 207, 213): "Sacrosancta generalis synodus Basiliensis in Spiritu Sancto legitime congregata, universalem ecclesiam representans." For another relevant phrase, see note 59 below.

<sup>58</sup>For the Pragmatic Sanction and its relation to conciliarism, see O'Brien, *The Commentaries*, 25, 34, 118, 132, 152.

<sup>59</sup>*Litera de unitatis et obediencie* includes the words ("Thomae Ebendorferi Diarium gestorum per legatos concilii Basiliensis pro reductione Bohemorum," in MC I, 776): "Promittimus obedienciam canonicam, reverenciam debitam sancte matri ecclesie, sacroque generali concilio ipsam representanti, Romano pontifici nostrisque pontificibus et prepositis aliis canonicis intrantibus reverenciam debitam et obedienciam canonicam promittimus secundum legem Dei et sanctorum patrum instituta." The possible conciliarist approach can be seen in the fact that the words *ipsam representanti* are evidently related to the council, but not the pope.

<sup>60</sup>O'Brien, *The Commentaries*, 45–46, appears to assert the opposite, but no solid evidence for such a notion is given.

<sup>61</sup>This phenomenon has recently been addressed in Coufal, *Turnaj víry*, 62–83. See also Bilderback, "Eugen IV," 243–253.

negotiations with the Bohemians in Ferrara.<sup>62</sup> Moreover, the Compactata in the role of Bohemian law after 1436 posed no serious threat to the dominant position of the pope within the Catholic Church. On the contrary, after 1436 the Compactata somewhat elevated the role of the papacy in the Czech Lands precisely thanks to the continuing desire of the Utraquists to have them confirmed by the pope.

It thus appears that the Catholic attempt to undermine or annul the Compactata was primarily based on different considerations. On the basis of contemporary sources, we can identify at least three reasons why the Catholics were hostile toward the Compactata: (1) the Catholic Church craved perfect ecclesiastical unity, which was impossible as long as the Bohemians and Moravians continued to practice Utraquism<sup>63</sup>; (2) the Catholics saw the Basel Compactata merely as a short-term license of the chalice, which had been agreed in order to achieve peace and should not last longer than necessary<sup>64</sup>; and (3) the actual application of the Compactata in Bohemia and Moravia left the Catholics in a state of severe disillusion, as there was allegedly hardly any willingness from the Utraquist side to abide by the spirit of the agreement between the Bohemian Kingdom and the council.<sup>65</sup> All this was reason enough for Catholics like Piccolomini to want the Compactata to disappear from the face of the earth and their Basel origins were most probably irrelevant. Had the Compactata been concluded with a pope instead of a general council, the aforementioned reasons for their annulment would still have existed.

### Imperfect Peace Treaties: Text of the Compactata as a Bone of Contention

One of the most remarkable features of the Basel Compactata is that they were very much a compromise, and precisely as such the cause of frequent disputes between Catholics and Utraquists over their correct interpretation.<sup>66</sup> Thus, even though the Basel legates undoubtedly viewed the Jihlava conclusion of the Compactata as an act of restoring peace and bringing the Bohemians and Moravians back into unity with the Church, continuous quarrels between Utraquists and Catholics over the true meaning of the Compactata in the following months and years showed this peace and unity to be very imperfect.<sup>67</sup>

<sup>62</sup>“Johannis de Segovia Historia gestorum generalis synodi Basiliensis,” in MC II, ed. Ernst Birk (Vienna, 1873), 1039: “Causa Bohemorum quoad articulum communionis sub utraque specie, quem solum articulum volumus in dicta civitate Basiliensi a data presencium infra triginta dies continuari posse, dumtaxat excepta; quos etiam Bohemos, si pro ea causa ad dictam civitatem Ferrariensem et concilium sic translatum eis magis venire placuerit, in eum casum benigne suscipiemus, tractabimusque cum omni humilitate et caritate possibiliter, et ab aliis tractari faciemus.”

<sup>63</sup>This Catholic stance can be attested in Carvajal’s mission discussed in the section “The Catholic Church and the Compactata, 1447–1452.”

<sup>64</sup>This is discussed in more detail in the section “The Limited or Unlimited Legitimacy of Utraquism.”

<sup>65</sup>Numerous Catholic complaints about alleged Utraquist transgressions of the Compactata are discussed in Adam Pálka, “Přijímání malíčých jako třetí plocha mezi utrakvisty a katolíky po roce 1436,” *Mediaevalia Historica Bohemica* 23, no. 1 (2020): 77–89. See also the Catholic diplomats’ position discussed above, notes 9–11.

<sup>66</sup>Similarly, Zilynská, “The Utraquist Church,” 241, asserts, “The formulation of the Compactata was not unambiguous; both sides argued for their own interpretation of their contents, and thus the Compactata remained a source of controversy between Hussites and Catholics both within the kingdom and abroad.” Nevertheless, she gives no examples of the controversy. Cf. also Marek, “Major Figures,” 142.

<sup>67</sup>The first disputes of this kind occurred in Jihlava almost immediately after the Compactata had been promulgated and the subsequent transfer of the Basel legates to Prague (August 1436) failed to resolve anything. Although the talks between the legates, Sigismund, and Utraquists in 1436–1437 often involved the

As time went by, more and more Catholics, and not just representatives of the council but others in the Czech Lands or abroad, started to express views on the Compactata. We have already looked at Catholic diplomats such as Carvajal, Capistrano, Cusanus, and Piccolomini. Naturally, representatives of Utraquism, including those who had negotiated the Compactata face to face with the Basel legates, were not slow to present their own opinions. In this way the Basel Compactata became an important part of the Catholic–Utraquist polemic. Unfortunately, this phenomenon has been largely neglected in the historiography.<sup>68</sup>

The aim of the following sections is to discuss selected themes of controversy directly related to the text of the Basel Compactata and employed both in the Czech Lands and abroad.<sup>69</sup> This will enable us to see clearly why the 1436 treaties failed to ensure completely peaceful coexistence between the two religious groups residing in Bohemia and Moravia. There are certainly many vague formulations in the Compactata, but we will focus primarily on the most relevant part of these agreements, that is, the right to communion in both kinds in the section known as *Cedula A*.<sup>70</sup> Together with *Cedulae B* and *C*, it was drafted for the first time during the second Prague negotiations between the Basel legates and the Utraquists in late 1433 (thus these three *Cedulae* are sometimes labelled the “Prague Compactata”) and remained virtually unchanged during all the subsequent negotiations, including the 1436 finale in Jihlava.

Let us briefly recapitulate what the agreement in question states. It declares that those inhabitants of Bohemia and Moravia who are united with the universal church in faith and rite and are accustomed to communion in both kinds will take such communion by the authority of Jesus Christ and the church as his true bride. The question of whether the chalice is necessary for salvation will be decided later (the exact time is not specified) by the Holy Council. If, after the council’s verdict, the Bohemians and Moravians still desire communion in both kinds and this desire is communicated by their ambassadors, the council will issue a license for the Czech and Moravian clergy allowing them to administer in both kinds to adult persons who ask devoutly for the chalice. The clergy will nonetheless always inform the communicants that Jesus Christ is fully and entirely present even in one kind.<sup>71</sup> It is evident that the crucial

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interpretation of the Compactata, no agreement was reached. For these events, see Prügl, “Die Verhandlungen,” 251–252; and Pálka, “Přijímání maličkých,” 61–77.

<sup>68</sup>For disputes over the Compactata, see Heymann, *George of Bohemia*, 10–11, 163–164; Pálka, “Papoušek versus Lupáč,” 41–87; Pálka, “The Compactata of Basel,” 177–212; and Marek, “Václav Koranda,” 153–166. It is important to emphasize that none of the works, unlike this article, offers a clearly arranged list of various controversies surrounding the Compactata with both the Utraquist and Catholic points of view.

<sup>69</sup>For instance, all three themes were employed by Piccolomini/Pius II, as has been proven in Pálka, “The Compactata of Basel,” 182–187, 194–201, 205–209.

<sup>70</sup>Cf. Šmahel, *Die Basler Kompaktaten*, 41–45, 171–175; Prügl, “Die Verhandlungen,” 254–255.

<sup>71</sup>Šmahel, *Die Basler Kompaktaten*, 172: “Dictis Bohemis et Moravis suscipientibus ecclesiasticam unitatem et pacem realiter et cum effectu, et in omnibus aliis, quam in usu communionis utriusque speciei, fidei et ritui universalis ecclesie conformibus, illi et ille, qui talem usum habent, communicabunt sub duplici specie cum auctoritate domini nostri Iesu Christi et ecclesie, vere sponse sue. Et articulus ille in sacro concilio discutiatur ad plenum quoad materiam de precepto, et videbitur, quid circa illum articulum pro veritate catholica sit tenendum et agendum pro utilitate et salute populi christiani. Et omnibus mature et digeste pertractatis, nichilominus, si in desiderio habendi dictam communionem sub duplici specie perseveraverint, hoc eorum ambasiatoribus indicantibus, sacrum concilium sacerdotibus dictorum regni et marchionatus communicandi sub utraque specie populum – eas videlicet personas, que in annis



passage of the Compactata actually mentions two separate permissions for communion in both kinds—the first one, for persons accustomed to the chalice, was implemented by the Compactata themselves, whereas the second one, for adults requesting the chalice, was to be issued after the Basel verdict on the necessity of communion in both kinds.<sup>72</sup> This complication, which is often surprisingly ignored in the historiography,<sup>73</sup> must be kept in mind in any analysis of subsequent disputes.

### The Limited or Unlimited Legitimacy of Utraquism?

The first controversy is related to the period for which communion in both kinds was guaranteed by the Compactata. According to the standard Catholic interpretation, the Bohemians and Moravians were to be allowed to practice Utraquism only for a relatively short period of time. The position typical of the Utraquist milieu was that the treaties did not limit the period of permission for the chalice. Clearly, these positions were fundamentally irreconcilable, but as I shall show, both parties were able to base them on quite reasonable interpretations of the text.

There were at least two Catholic arguments in favor of regarding the Compactata as valid only for a limited time period, each of them involving a different period. According to one argument, because the 1436 treaties allow the chalice using a formulation in the *present* tense, that is, “who *have* such a custom” (*qui talem usum habent*), Utraquism is legal only for those Bohemians and Moravians who were accustomed to the chalice at the very moment the Compactata were concluded (July 5, 1436). Had the treaties been intended to apply to people not yet inclining to Utraquism in the summer of 1436, they would certainly have employed the words “will have” (*habebunt*). Therefore, the practice of Utraquism was legalized only for a limited number of people, and a number that was bound to decrease slowly, eventually dropping to zero after several decades when all the Utraquists living at the time of the conclusion of the Compactata would be dead.<sup>74</sup>

The other argument also appeals to the wording of *Cedula A*, specifically to the provision that after the council gives its verdict on the chalice, the Bohemians and

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discrecionis constitute reverenter et devote postulaverint – facultatem pro eorum utilitate et salute in Domino largietur; hoc semper observato, quod sacerdotes sic communicantibus semper dicant, quod ipsi debent firmiter credere, quod non sub specie panis caro tantum, nec sub specie vini sanguis tantum, sed sub qualibet specie est integer totus Christus.”

<sup>72</sup>We have already encountered the second permission for the chalice in the writings/speeches of Capistrano, Cusanus, and Piccolomini. Compare with the section “The Catholic Church and the Compactata, 1447–1452.”

<sup>73</sup>Cf. interpretations of the Compactata in Urbánek, *České dějiny III*, 102–104; Thomas A. Fudge, “Reform and the Lower Consistory,” 69; Odložilík, *The Hussite King*, 6; Čornej – Bartlová, *Velké dějiny*, 12–13; Šmahel, *Die Basler Kompaktaten*, 43–44; and Prügl, “Die Verhandlungen,” 254–255. Nevertheless, the fact that there are two separate concessions of the chalice in the council’s proposal of 1433 (the text of which is almost identical to the Compactata) is highlighted in Coufal, *Turnaj víry*, 512–513.

<sup>74</sup>This idea was, among others, promoted by Enea S. Piccolomini and Hilarius of Litoměřice. For Piccolomini, see “Poselství krále Jiřího,” 325 (He claims that according to the Compactata, the chalice “is only for those who practiced or practice the rite; and there are few of those and others are not allowed.”). For Hilarius, see *Hilarii Litomericensis S. Ecclesiae pragensis decani disputatio cum Ioanne Rokyczana coram Georgio Rege Bohemiae per Quinque dies habita*, ed. Jan Karel Hraba (Prague, 1775), 31. (“Item dicunt Compactata, qui habent; non dicit, habebunt, sed qui habent, de praesenti”).

Moravians will be eligible for a concession allowing Utraquism for laypersons who piously request it. It was logical to assume that the previous concession (*illi et illae, qui talem usum habent, communicabunt sub utraque specie*) would lose its force when the new concession was ready to be issued. To put it another way, there would be no reason for the council to issue a new *facultas* for Utraquism if the old concession were to remain in force. Using this logic, Catholic scholars came to the conclusion that the Compactata legalized communion in both kinds only until the publication and dissemination of the *Ut lucidius videatur* decree.<sup>75</sup> That meant rather a short period, as the Basel verdict was issued on December 23, 1437, not even eighteen months after the Jihlava conclusion of the Compactata.

I have so far identified only one Utraquist author directly opposing the Catholic doctrine of the limited validity of the Compactata, but it presents well-thought-out argumentation, and so suggests that the Utraquists had expected the kind of objections made by the Catholics. Let us rephrase the three crucial arguments put forward by Martin Lupáč. First, Emperor Sigismund bound himself and his successors to maintain “all things” (that is, all that the Utraquists had gained in 1436) for eternity. That is hardly compatible with the claim that the Compactata allowed the chalice for a short time only.<sup>76</sup> Second, one of the documents pertaining to the Compactata (*Litera expurgationis et abolitionis*) contains the Basel legates’ order that bishops and priests administer communion in both kinds. What is important here is that the addressees of this mandate are not just contemporary clerics, but also those who hold clerical office in the future, and hence the Compactata did not limit the time of the legal validity of Utraquism in any way.<sup>77</sup> Finally, the word “have” (*habent*) was undoubtedly in the present tense, but that did not forbid communion in both kinds for persons inclining to it after the conclusion of the Compactata. After all, the Bible contained commands formulated in the present tense, yet their application was definitely not restricted only to persons living in the biblical era; they were binding for all the future generations, too.<sup>78</sup>

<sup>75</sup>This view can be found in the treatise *Edicio* of John Papoušek of Soběslav. He claims that “in eadem sacri concilii concessione ponitur, quod communicatio calicis conceditur usque ad discussionem et lycenciam” (Pálka, “Papoušek versus Lupáč,” 74). A similar line of reasoning was given by a Catholic anonym writing between 1455–1458 (Rajhrad, Museum of the Brno Region, MS R 395, ff. 182r): “Compactata per ambasiatores sacri concilii et Boemos congesta sunt ecclesiasticam unitatem et pacem suscipientibus, et ita communicandi usum habentibus expresse solum usque ad declarationem illius articuli, et confirmationem compactatorum per sacrum concilium concessa est et ita limitata.”

<sup>76</sup>Here Lupáč justifies his claim with reference to a privilege sealed by Sigismund in 1436. In Vienna, Austrian National Library, MS Cod. 4302, ff. 369v–370r, he quotes the words: “Et volumus, ut per nos et nostros successores in futurum perpetuo singulas eis teneantur et plene conserventur, nec in regno nostro et marchionatu aliter fieri promittemus.”

<sup>77</sup>Pálka, “Papoušek versus Lupáč,” 81: “Item si compactata et per consequens communicatio calicis haberent virtutem solum usque ad Basiliensem discussionem, quomodo stant mandata sic in compactatis exarata? ‘Reverendis in Cristo patribus archiepiscopo Pragensi, Olomucensi et Lithomyssensi episcopis, qui sunt, vel pro tempore erunt.’”

<sup>78</sup>After presenting several biblical citations in the present tense, Lupáč says (Vienna, Austrian National Library, MS Cod. 4302, f. 370v): “Ista ergo omnia dicta sunt de tunc presentibus et nihil pro futuris? Puerilia sunt hec et risu digna!” Whereas the ideas in nn. 76 and this are taken from Lupáč’s polemic *Super responso Pii pape* (1462) against pope Pius II, the idea in n. 77 appears in the treatise *Sensus* (1449–1462) against John Papoušek.

### A Church Grant, or Merely an Act of Assent?

Another subject of a dispute was closely related to theology. Whereas Catholic scholars were of the opinion that the Council of Basel, by concluding the Compactata, had granted a liturgical concession of the chalice to the Bohemians, Utraquist thinkers believed firmly in the biblical origins of communion in both kinds, and so interpreted the Compactata as mere assent to the chalice on the part of the council. This disagreement had already become evident by 1433 during the negotiations over the Compactata. The council's proposals concerning the First Article of Prague (chalice) left no doubt that the Basel theologians were openly promoting the idea that it would be the institutional church who bestowed communion in both kinds on the Bohemians, thus making this practice legal and permitted. For instance, the proposals included the words that communion in both kinds was not allowed without the church's consent, but that the church might, for sensible reasons, grant such communion.<sup>79</sup> Furthermore, the agreement on the chalice itself was clearly formulated as a liturgical concession in the Basel proposals: "Those of you who have such a custom will take communion in both kinds by the authority of the Church."<sup>80</sup>

If we examine the Prague Compactata of 1433 as well as the final version concluded in Jihlava in 1436, it becomes obvious that this council tactic was a partial failure, presumably because of the resistance of the Czech negotiators. The eventual agreement between the Utraquists and the council did not state that the chalice could be permitted solely on the basis of the church's concession. Even more important is the wording of the agreement on communion in both kinds, which, as previously noted, declares that men and women accustomed to the chalice "will take communion in both kinds by the authority of our Lord Jesus Christ and the Church, his true bride."<sup>81</sup> As there was no mention of Jesus's authority in the Basel proposals, it was unlikely to have been the council's legates who pushed through the new wording. The Czech negotiators, who held that the chalice had been ordained by Christ, must have been responsible for this significant change.<sup>82</sup>

Naturally, while the passage "will take communion . . . his true bride" did not give the impression of a perfect and indisputable liturgical concession (unlike the previous council proposals), the Basel legates had no doubt that the church mentioned in the treaties alongside Jesus was the institutional one represented by the council.<sup>83</sup> Thus, despite all the vagueness, they still interpreted the Compactata as a concession of the

<sup>79</sup>"Johannis de Segovia Historia," 437: "Consuetudinem ecclesie immutando assumere usum communicandi populum sub utraque specie absque auctoritate sancte matris ecclesie licitum non est, sed illicitum. Sancta vero mater ecclesia suadentibus causis rationabilibus facultatem communicandi populum sub utraque specie potest concedere et elargiri." The proposal from November 1433 adds these words (Ibid., 493): "Et talis communio, que sine auctoritate ecclesie attemptata est, esset illicita. Cum autem de auctoritate et licencia sancte matris ecclesie fiet, erit licita, si alia non impediatur."

<sup>80</sup>Ibid., 495: "Vos, qui talem usum habetis, communicabitis sub duplici specie cum auctoritate ecclesie."

<sup>81</sup>Šmahel, *Die Basler Kompaktaten*, 172: "Illi et ille, qui talem usum habent, communicabunt sub duplici specie cum auctoritate domini nostri Iesu Christi et ecclesie, vere sponse sue."

<sup>82</sup>Adam Pálka, "Super responso Pii pape Martini Lupáče jako pramen k jednáním husitů s basilejským koncilium," *Časopis Matice moravské* 134, no. 1 (2015): 47–48.

<sup>83</sup>That is evident from "Aegidii Carlerii Liber de legationibus concilii Basiliensis," in MC I, 455: "Dixit insuper dominos contentos esse, quod ubi ipsi posuerant in cedula per eos data in tractatu hec verba 'auctoritate ecclesie' ponerent 'auctoritate domini nostri Ihesu Christi et ecclesie etc.', cum eadem sit auctoritas etc."

chalice, unlike the Bohemians, who most certainly did not identify the words *ecclesiae*, *verae sponsae ejus* with the church represented by the Council of Basel.

This difference in perspective was not limited to the 1430s, as we can conclude from treatises written throughout the fifteenth century and even later. Numerous Catholics wrote or spoke about the Compactata in a way that made it clear that they interpreted the agreement on the chalice as a liturgical concession, without which Utraquism would never have been justifiable in Bohemia and Moravia. Not surprisingly, they often used the Latin words *concedo* or *indulgeo* (“concede”/“grant”/“bestow”) when mentioning the conclusion of the Compactata. As an example, let us quote an anonymous *quaestio* from the fifteenth century: “In the Council of Basel, communion in both kinds was, for certain and sensible reasons, temporarily bestowed on some Bohemians under certain Compactata. Had they observed these Compactata, they could have taken such communion permissibly and deservedly.”<sup>84</sup>

The Utraquists would have strongly disagreed with such an interpretation. Their conviction that the origins of the chalice must be sought in the Bible, not in the Compactata, was obvious even decades after 1436. For instance, the *Postilla* written by priest Michal Polák in the late fifteenth century states that representatives of the council “did not authorize communion in both kinds, as we have an authorization from Christ and his law; they solely agreed and sealed that it is holy and redeeming.”<sup>85</sup> The 1513 printed version of the Compactata promotes the same idea, taking into account the historical context. When the author of the accompanying texts addresses the negotiations between the council and Utraquists, he emphasizes the fact that the treaties concluded in Jihlava contained the phrase *auctoritate Christi et ecclesiae, verae sponsae sue*, and not *auctoritate concilii*, as the Basel legates allegedly wanted.<sup>86</sup>

### The Question of Age

The last controversy to be discussed here may have been the most noticeable, as it was directly connected to actual liturgical practice. The two parties disagreed on the issue of whether the Compactata of Basel forbade holy communion of infants (*communio parvulorum*). This controversial practice was introduced in Bohemia nearly two decades before the conclusion of the Compactata, on the basis of the belief that holy communion was necessary for every single person. The Catholics did not approve of such a rite, as it had not been common in the Latin Church for hundreds of years. The Basel legates certainly hoped that the conclusion of the Compactata would force the Utraquists to stop administering communion to infants and small children, since they considered it to be a violation of the Utraquist–council treaties, but in fact communion of infants did not cease to be administered in the Bohemian milieu after 1436. The Catholics clearly regarded this as a violation of the Compactata, yet according to some Utraquist scholars, there was no contradiction between *communio parvulorum* and the wording of the Compactata.

<sup>84</sup>Prague, National Library of the Czech Republic, MS I F 18, f. 303r: “In eodem tamen concilio Basiliensi ex certis et rationabilibus causis fuit quibusdam Bohemis sub certis compactatis indulta ad tempus communio duplicis speciei, que compactata si servassent, licite sic communicare potuissent et meritorie.”

<sup>85</sup>Prague, National Library of the Czech Republic, MS XI F 3, ff. 103r–103v: “Communione sub utraque specie ipsi tam v Bazylii nobis non confirmaverunt, quia nos habemus confirmationem a Cristo ab eius lege, toliko teď nám zchválili et sigillaverunt, quod sanctum et salubre est etc.”

<sup>86</sup>Prague, National Museum Library, printed book 25 E 1, pp. 13–14. In fact, the legates aimed for the phrase *auctoritate ecclesie*, not *auctoritate concilii*, as has been proven in note 80.

Let us first focus on the Catholic position. There were at least two formulations in the Compactata that Catholic scholars interpreted as clear prohibition of communion of infants. First, there was the mention of priests being permitted to give communion in both kinds to piously requesting laypeople “at the age of reason” (*in annis discrecionis*). As discussed above, this formulation actually refers to the content of a new concession of the chalice, the promulgation of which was to take place after the council’s verdict on holy communion. Nevertheless, the very presence of such an expression in the Compactata was sufficient reason for Catholic scholars, such as the administrator of the Prague diocese Hilarius of Litoměřice, to claim that the Utraquist–council treaties did not permit *communio parvulorum*.<sup>87</sup> Second, the Catholics referred to the well-known clause that communion in both kinds would be possible for those who “have such a custom.” They reasoned that having a custom meant actively adopting it, which infants and small children could never do.<sup>88</sup> Thus, the words *qui talem usum habent* evidently excluded communion of infants. It should be stressed that *communio parvulorum* was the alleged violation of the Compactata most frequently mentioned by the Catholics.<sup>89</sup>

By contrast, the Utraquists, namely John Rokycana, Martin Lupáč, and the editor of the printed Compactata (1513), put forward various arguments in support of the idea that communion of infants was in accordance with the Compactata. Rokycana simply appealed to the fact that the Compactata approved the authority of the so-called Judge of Cheb (*iudex Egrensis*). This “judge” was in fact a transpersonal authority, negotiated during the first Utraquist–council meeting in Cheb in 1432 for the purpose of the anticipated Basel disputations; its role was later extended by the Compactata to that of determining what Christians must believe, especially in disputable matters.<sup>90</sup> According to Rokycana, the Judge of Cheb—defined as “the divine law, the practice of Christ, the apostles, and early church, together with doctors and councils grounded truthfully in these”—does not speak against communion of infants, but in fact confirms it.<sup>91</sup>

The other two Utraquists offered more elaborate argumentation. They promoted the idea that only the clause *illi et illae, qui talem usum habent, communicabunt* was

<sup>87</sup>Hilarii Litomericensis *S. Ecclesiae pragensis decani dispytatio*, 31: “Item communicando parvulos faciunt omnino contra Compactata . . . Item inferius in Compactatis dicitur: communicabunt illas personas, quae in annis discretionis constitutae reverenter postulaverint.”

<sup>88</sup>Hilarius of Litoměřice claimed in 1465 (*Ibid.*, 31) that “expresse dicitur in compactatis: communicabunt illi, qui talem usum habent, sed parvuli non usum habent . . . Nec potest dici, cum semel vel bis recipiunt, quod habeant jam usum; quia si non habent rationem, usum habere non possunt, cum usus et consuetudo proprie sumta, solum sit circa rationem utentes, quod non habent pueri.” The idea of children not capable of having a custom was also expressed by Pavel Židek, George of Poděbrady’s advisor, in his Old Czech treatise *Spravovna*. See *M. Pavla Židka Spravovna*, ed. Zdeněk V. Tobolka (Prague: Česká akademie císaře Františka Josefa, 1908), 60.

<sup>89</sup>Pálka, “Přijímání malíčkůch,” 77–89.

<sup>90</sup>For more information on the Judge of Cheb, see Prügl, “Die Verhandlungen,” 261; Adam Pálka, “Husitské poselstvo, projev Pax vobis, šestice stručných vzpomínek: (staro)nové poznatky k chebskému jednání z května 1432,” *Český časopis historický* 115, no. 1 (2020): 7–45; and Dušan Coufal, “Key Issues in Hussite Theology,” in *A Companion to the Hussites*, ed. Michael Van Dussen and Pavel Soukup (Boston: Brill, 2020), 269–270.

<sup>91</sup>Johannis de Turonis *Registrum*, 863: “Tamen secundum compactata non aliter sumus obligati, nisi ut ea faciamus secundum iudicem compactatum in Egra, qui iudex est scriptura sacra, doctores sancti, decreta; et ex illis nichil est ostensum contra communionem parvulorum. Et nos habemus pro communione parvulorum scriptura sanctorum, decreta, praxim primitive ecclesie, pro qua veritate deberemus nos exponere usque ad mortem.”

binding for the Utraquists. Unlike Catholic scholars, they did not believe that it was necessary to actively adopt the chalice in order to have such a custom; they held the view that “having a custom” was identical to “practicing it,” regardless of one’s will. Therefore, the formulation *qui talem usum habent* included persons of all ages in their interpretation.<sup>92</sup> Concerning the words *annis discrecionis*, Lupáč and the anonymous editor proposed the following line of reasoning: as communion in both kinds for the Utraquists was clearly approved by the clause “*illi . . . communicabunt*,” the anticipated concession of the chalice containing the expression *annis discrecionis* was intended for different persons. The two Utraquist scholars explained that this concession was to be addressed to all the Catholic clergymen residing in Bohemia and Moravia, so that these priests would be obliged to administer in both kinds to those requesting for it.<sup>93</sup> Thus, a person wishing to take communion in both kinds would be given it even when attending a Catholic mass.

### The Foundation of a Bi-Confessional Society?

It is important to emphasize that differences in the interpretation of the Compactata had an enormous impact on the religious and political conditions in the Bohemian Kingdom, as these differences were closely related to the existence of a bi-confessional society in the Czech Lands. From the Catholic point of view, the 1436 treaties demanded that Bohemians and Moravians be fully united with the church except for communion in both kinds, which was only temporarily and under strict conditions permitted to persons adhering to Utraquism in July 1436. Even if the Council of Basel had later issued the promised *facultas* for the Bohemian and Moravian clergy, the only permitted difference between the Utraquists and Catholics would still have been communion in both kinds (albeit indefinitely?<sup>94</sup>) and nothing else. Thus, the Catholic interpretation of the Compactata left no space for the emergence of the Utraquist Church as a distinctive part of the Catholic Church.

Yet the reality was that after the conclusion of the Compactata, there existed a nearly independent church, or rather churches, consisting of adherents of the chalice.<sup>95</sup> Although the Utraquists remained dependent on Catholic bishops when it came to

<sup>92</sup>Lupáč says (Pálka, “Papoušek versus Lupáč,” 80): “Compactata eque bene sonant pro communione parvulorum, sic auctorum auctoritate domini nostri Iesu Christi et ecclesie, vere sponse eius. Dicitur enim simpliciter: ‘Illi et ille, qui talem usum habent, communicabunt sub utraque specie.’ Ubi tamen parvuli talem usum habentes non excluduntur, sed includuntur.” The same idea presented by the author of the printed Compactata is in Prague, National Museum Library, printed book 25 E 1, p. 17.

<sup>93</sup>Brno, Moravian Library, MS MK 111, f. 77v: “Littera ergo illa non nobis, qui iam ex compactatis habuimus communicare sub utraque specie, ut premititur, sed adversariis (Catholic clergymen – n. A. P.) dari debuit.” Compare identical thoughts in the printed Compactata in Prague, National Museum Library, printed book 25 E 1, pp. 12–14.

<sup>94</sup>Neither the Compactata, nor the concept of the license as described by John of Segovia (“Johannis de Segovia Historia,” 1111) makes it clear whether the right for the Bohemian and Moravian clergy to administer the Eucharist in both kinds ought to be temporary or not.

<sup>95</sup>For difficulties regarding specification of the Utraquist church, see Zilynská, “The Utraquist Church,” 220–221. By using the word “churches,” I refer to the fact that apart from the moderate Utraquist Church, there were also conservative Utraquists ruling over Prague until 1448, led by John of Příbram and Prokop of Pilsen. For more information, see Jaroslav Prokeš, *M. Prokop z Plzně: příspěvek k vývoji konservativní strany husitské* (Prague: Společnost Husova muzea, 1927). Besides, there still existed the highly radical Taborite Church in southern Bohemia until 1452, the existence of which, however, had nothing to do with the Compactata of Basel. Cf. František Šmahel, “Pax externa et interna: Vom Heiligen Krieg zur

the ordination of priests, they were different from the Catholic Church in several ways that did not meet the Catholic requirement for full unity in faith and rite except for the chalice. Not only did the Utraquists build their own system of ecclesiastical administration and synods, but they also differed from the Catholics in terms of liturgy and even faith. Some, if not all, of these differences could be justified using the Utraquist interpretation of the Compactata, as I have demonstrated on the examples of communion of infants and the belief that holy communion in both kinds originated from the Bible. Similarly, it was possible to reject the use of the aspergillum on the basis of the Compactata, as can be inferred from Martin Lupáč's treatise *O kropení* ("About Sprinkling").<sup>96</sup>

Thus, if we accept Eberhard's thesis that the Bohemian Kingdom went through a phase of early, estates-driven (proto)confessionalization in the fifteenth century,<sup>97</sup> it needs to be stressed that this confessionalization *sui generis*—or to put it alternatively, the co-existence of two major confessions—was actually made possible by the fact that the Utraquists adopted an interpretation of the Compactata that was totally incompatible with the Catholic stance. It appears that the Utraquists' "functional, anti-Rome understanding of the Compactata"<sup>98</sup>—together with their adherence to the controversial charters issued by Sigismund in 1435–1436<sup>99</sup>—was the key reason why the Council of Basel did not ultimately succeed in restoring ecclesiastical unity in the Czech Lands.

For the reasons stated above, it is inaccurate to characterize the Compactata as "a treaty that recognized the legitimacy of the Czech Utraquist church"<sup>100</sup> or "the first recognition of a separate confessional group within Western Christendom."<sup>101</sup> We must bear in mind that there is no passage in the 1436 treaties that explicitly and

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Erzwungenen Toleranz im hussitischen Böhmen (1419–1485)," in *Toleranz im Mittelalter*, eds. Alexander Patschovsky and Harald Zimmermann (Sigmaringen, Germany: Thorbecke, 1998), 255.

<sup>96</sup>The treatise is preserved in Prague, Archives of Prague Castle, Archive of the Metropolitan Chapter by St. Vitus, MS D 118, ff. 99v–106r (relevant passages on ff. 99v–100r, 104r–106r).

<sup>97</sup>Winfried Eberhard, "Zur reformatorischen Qualität und Konfessionalisierung des nachrevolutionären Hussitismus," in *Häresie und vorzeitige Reformation im Spätmittelalter*, eds. František Šmahel and Elisabeth Müller-Luckner (Munich, Germany: Oldenbourg, 1998), 231–238. Eberhard's approach has recently been addressed by Olga Fejtová, "Německá diskuze ke konfessionalizaci v evropském kontextu," *Český časopis historický* 109, no. 4 (2011): 773–774; Robert Novotný, "Konfessionalizace před konfessionalizací? Víra a společnost v husitské epoše," in *Heresis seminaria. Pojmy a koncepty v bádání o husitství*, eds. Pavlína Rychterová and Pavel Soukup (Prague: Filosofia 2013), 233–266. On 264–265, Novotný claims that the building of a confessional identity in Bohemia did not occur in a straightforward manner, and religious issues never outbalanced other elements of one's identity (that is, regional, family, and estate affiliations). For confessionalization as understood in German historiography and criticism of some of the aspects of this approach, see Stefan Ehrenpreis and Ute Lotz-Heumann, *Reformation und konfessionelles Zeitalter*, (Darmstadt, Germany: Wissenschaftliche Buchgesellschaft, 2002), 62–79; and Irene Dingel, "Bekennnisbildung und Konfessionalisierung. Strukturen und Verlaufsformen," in *Orthodoxa Confessio? Konfessionsbildung, Konfessionalisierung und ihre Folgen in der östlichen Christenheit Europas*, eds. Mihai D. Grigore and Florian Kühner-Wielach (Göttingen, Germany: Vandenhoeck & Ruprecht, 2018), 23–44.

<sup>98</sup>This term was used and connected to the autonomy of Bohemian Utraquism by Eberhard, "Zur reformatorischen Qualität," 238.

<sup>99</sup>See n. 1 above.

<sup>100</sup>Philip Haberkern, "The Lands of the Bohemian Crown: Conflict, Coexistence, and the Quest for the True Church," in *A Companion to the Reformation in Central Europe*, eds. Howard Louthan and Graeme Murdock (Leiden, Netherlands: Brill, 2015), 24.

<sup>101</sup>Hugh Lecaine Agnew, *The Czechs and the Lands of the Bohemian Crown* (Stanford, CA: Hoover Institution Press, 2004), 50.

unambiguously allows the establishment of a (semi-)independent church or confessional group. A more accurate view of the Compactata has been advanced by Blanka Zilynská who, in her essay on the Utraquist Church, writes that that the 1436 treaties “did not necessarily foresee the establishment of a dual institution. The Compactata only dealt with the matter of ordaining clerical novices and the dual forms of performing the Eucharist but were silent on the construction of individual administrative institutions.”<sup>102</sup>

### Conclusion: Treaties with an Unforeseen Impact

Current research demonstrates that the impact of the Compactata on Bohemian and Moravian society was strikingly ambivalent. On the one hand, the Compactata marked the end of the long period of war and had a stabilizing political effect through the obligation imposed on Bohemian kings to approve the Compactat prior to coronation.<sup>103</sup> On the other hand, there was constant discord over the Compactata, so they should also be regarded as an enduring bone of contention both at home and abroad. This is evident from the various diplomatic missions and polemic treatises discussed above. One of the greatest complications lay in the fact that the papacy never acceded to the Utraquists’ request to have the Compactata ratified by the Holy See, eventually proclaiming them invalid. Surprising as it may seem, the hostile Catholic policy toward the Compactata was hardly influenced by anti-conciliarist thinking at all, but rather other phenomena, such as the Catholics’ longing for perfect unity, appear to have played a more prominent role.

Another problem arose from the nature of the Compactata: their compromise wording may have helped to ensure their conclusion in the 1430s, but in the end, this wording was responsible for constant and unproductive disputes over their meaning. The two parties turned out to disagree with one another on a number of seemingly resolved issues, such as how long Utraquism was intended to be valid, which persons it was allowed for, and whether the relevant agreement in the Compactata contained the institutional church’s grant of, or merely assent to, Utraquism. Another controversy was also generated by the fact that the Utraquists’ understanding of the Compactata was compatible with the existence of a semi-independent church, unwanted by the other party who claimed that the 1436 treaties did not approve of any Utraquist church whatsoever. All in all, the Compactata served as a contributing factor to the stabilization of the political situation in the Czech Lands on the one hand and to the emergence of new, religiously motivated disputes in the field of diplomacy and literary polemic on the other hand.

Despite all the controversy and ambivalence, the Compactata proved to be one of the most influential documents associated with the Council of Basel. Hardly any other document negotiated and ratified by the council in its long history had such a radical impact on a European country as the Compactata on the Lands of the Bohemian Crown, especially Bohemia.

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<sup>102</sup>Zilynská, “The Utraquist Church,” 231.

<sup>103</sup>Basically all the late medieval monarchs ruling over Bohemia after 1436 had to accept the binding nature of the Compactata. For the significant role of the Compactata in the Czech royal politics, see Šmahel, *Die Basler Kompaktaten*, 100–102, 104–109, 112–113, 120–121.



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