



# THE GOLDEN BULL ALLEGEDLY ISSUED IN 1226 BY FREDERICK II FOR THE TEUTONIC ORDER

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## ABSTRACT

*In my 1994, 1998 and 2008 publications on the Golden Bull, I established that:*

- 1. A palaeographic analysis of both originals of the Golden Bull shows that their writing, ornamentation and manner of writing the name of Frederick II are characteristic for the 1230s.*
- 2. Publications similar to that of the Golden Bull occur in other imperial documents from 1231; an identical publication appeared twice in 1237. The identical closing protocol of the Golden Bull is found in two documents issued by Frederick II for Teutonic Order in November 1235.*
- 3. Since in the imperial chancery the closing protocol remained unchanged for at best several months, then the Golden Bull must have been written during a joint stay of Frederick II, Herman von Salza and Peter de Vinea (author and editor of the Golden Bulle) in Germany from May to August 1235.*

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Jasiński, T. (2023) 'The Golden Bull Allegedly Issued in 1226 by Frederick II for the Teutonic Order' in Balogh, E. (ed.) *Golden Bulls and Chartas: European Medieval Documents of Liberties*, pp. 223–244. Budapest – Miskolc: Ferenc Mádl Institute of Comparative Law – Central European Academic Publishing. [https://doi.org/10.47079/2023.eb.gbac.1\\_12](https://doi.org/10.47079/2023.eb.gbac.1_12)

*In 2017, the Golden Bull was published in Monumenta Germaniae Historica; its publishers its publishers opposed my findings, saying that:*

- 1. The Golden Bull may have been issued in 1226, and its present copies are new publications (Neuausfertigungen) issued in 1245 (!) based on the Nachurkunde of the Golden Bull (BF 3479), issued in Verona.*
- 2. The Königsberg copy was produced first, and then the Warsaw copy was based on it.*

*In my 2020 article I proved that:*

- 1. The careful comparison of this document (BF 3479) with the Golden Bull leaves no doubt that publishers MGH are wrong.*
- 2. The comparison of minor variations between the Warsaw, Königsberg and BF 3479 copies proves beyond the shadow of doubt that the Warsaw copy was the original document, and the Königsberg and BF 3479 copies were based on it, independently.*

*Ultimately, it can be assumed that the Golden Bull of Frederick II for the Teutonic Order was not created in 1226, but in 1235, in connection with a dispute of Duke Conrad over the Dobrin land. The content of the document, as well as its legal provisions were aligned to the then arbitration proceedings before the papal legate.*

**Keywords:** *Order, Emperor Frederick II, imperial documents, Old Prussia*

For over a century and a half, the Golden Bull has enjoyed constant scholarly attention not only because of its historical value, but also due to unusual circumstances of its creation and the legal provisions it contains. What is more, it remains a great mystery from the diplomatic perspective.

Before discussing this document in detail, let us take a brief look at the relations between Poland and Prussia, as they were ultimately the reason behind the Teutonic Knights' arrival in the land of Culm in the late 1220s. Until early 1970s, bringing the Teutonic Order to Poland, to the land of Culm, stirred heated debates among German and Polish historians. German scholars emphasised the disastrous situation and helplessness of Polish Mazovia in the face of Prussian invasions at the beginning of the 13th century (known as *Hilferuf*), whereas Polish scholars considered almost every single privilege issued at that time for the

Teutonic Order to be either a forgery committed by the Teutonic Knights or a document created as a result of some conspiracy of Germans who hated Poles. Now, once national emotions have subsided, cooperating Polish and German scholars focused on the essence, trying to reconstruct the actual state of affairs.

Prussians had inhabited the Baltic area, east of the lower Vistula since antiquity. They were Indo-Europeans, a Baltic people, like the Lithuanians or Latvians; they should not be confused with other Prussians, namely German inhabitants of the Kingdom of Prussia established in 1701 and covering, among others, the former Polish fiefdom of Ducal Prussia (Herzogtum Preußen) and the Electorate of Brandenburg. From the earliest times, the rulers of Poland, beginning with Boleslav the Brave (cf. mission of St. Adalbert in Prussia in 997) strove to subjugate the Prussian tribes. However, the bravery of Prussians and favourable physiographic conditions (impassable forests and swamps) helped them remain independent. At the beginning of the 13th century, the attacking party was the Poles, who, under the leadership of palatine Christian (polish – Krystian), subjugated some of the Prussian tribes. In 1217, however, due to internal reasons, Duke Conrad of Mazovia ordered to capture and strangle palatine Christian. This contributed to a political destabilisation of Mazovia, and the Prussians immediately took advantage of it, repeatedly invading Mazovia.

These events happened to coincide with Honorius III's efforts to get as many European rulers and knights as possible to participate in the crusades in Palestine. Conrad of Mazovia, along with his older brother Leszek the White, the High Duke of Poland, obtained permission from the Pope to organise crusades against the pagan Prussians instead of going to the Holy Land. They enlisted the first Prussian bishop Christian and the following dukes in this venture: Henry the Bearded from Silesia, Swietopelek and his brother Wartislaw from Pomerelia (=Gdansk Pomerania). In this effort, in 1222 Duke Henry the Bearded, together with Silesian knights and bishops of Wroclaw and Lebus, rebuilt the gord of Culm earlier destroyed by the Prussians, and granted it to Bishop Christian along with the immediate area. Duke Conrad granted part of the then land of Culm to the following dukes: Leszek the White, Henry the Bearded and Swietopelek. These estates were supposed to provide

material support for the knightly guard against the Prussians, alternately exercised by knights from different Polish duchies. This guarding system collapsed in 1225, when the guardianship on the Polish-Prussian border was exercised by the feuding knights of Leszek the White from Malopolska. One of the knightly families, namely the Gryfici (also Świebodzice), decided to take advantage of the situation and deal with their enemies – the Odrowąż. Gryfici made an agreement with the Prussians, opened their strongholds and fled to Malopolska, delivering their enemies, the Odrowąż, to the spoils of the Prussian invasion. Having arrived in Malopolska, the Gryfici told Duke Leszek that the defeat was a result of a strong and unexpected invasion of the Prussians; however, once the remnants of the Odrowąż arrived in Malopolska, the Gryfici's plot was discovered and they had to save their lives by fleeing to Silesia to Duke Henry the Bearded. They convinced him that all the inhabitants of Malopolska dreamed of nothing else but to hand over power to him. Together with considerable forces and the Gryfici, Henry set out for Malopolska. Near Cracow there was an encounter between the armies of Henry the Bearded and Leszek the White, the latter supported by his younger brother, Conrad of Mazovia. The dukes decided to make peace, and it was probably then that Henry the Bearded proposed to replace the system of knightly guard in the land of Culm with a neutral force of the Teutonic Order. Conrad of Mazovia established contacts with the Teutonic Order; yet, the first Teutonic brothers came to the land of Culm only in 1228, and they received their final privileges only in 1230. All of these events, together with the aforementioned lands granted, are the background for an imperial privilege, the Golden Bull of Frederick II for the Teutonic Order, which is the subject of this analytical study.

The Bull opens with a rather extensive narrative (*narratio*), from which we learn that Hermann von Salza, Grand Master of the Teutonic Order, has declared in the presence of the Emperor that Conrad, the Duke of Mazovia and Cujavia, promised and undertook to grant the Order the land of Culm, and to make donations in another land located between his duchy (literally called *marchia* in the document) and Prussia; according to the Grand Master's relation, the promise of this donation was made on the condition that Teutonic Knights would enter Prussia and conquer it "*to the glory of the true God*". Later the document's

narration reads that Hermann von Salza postponed (!) the acceptance of Conrad's proposal and asked the emperor to "*grant him and his house both the land that the said duke should have donated and all the land that could be conquered through their toil within the borders of Prussia*"<sup>1</sup>. In response to these requests, the Emperor allowed the Order to enter Prussia by force of arms, thereby granting and confirming the perpetual tenure of both the land "*they will receive according to the promise of the said Duke and whatever other land they may be given, as well as all the land they will acquire with the help of God within the borders of Prussia, as an old and due right of the Empire in the mountains, plains, rivers, forests and in the sea, so that they can own it free from any encumbrances and taxes and that they will not have to be subject to anyone*".

The scope of the quoted donation is at odds with the events of the 1220s in many aspects. These contradictions will be clarified once we learn more about the time and circumstances of the creation of this document thanks to diplomatic analysis. To begin with, it should be recalled that two copies of the Golden Bull have survived, namely the Warsaw (W) and Königsberg (K) copies, which were stored in two different archives at the time when critical studies began, i.e. Preußische Staatsarchiv Königsberg and Central Archives of Historical Records in Warsaw. In 1940, during the German occupation of Poland, Erich Weise, a German scholar who was back then the occupation supervisor of the Warsaw archive, transported the Warsaw copy to Königsberg. From then on, both documents shared the fate of the Königsberg archive, and after the war they were initially stored in Göttingen, and later until the present day in Berlin, in the Geheimes Staatsarchiv Preußischer Kulturbesitz.

The two documents differ in dozens of minor variations, mostly spelling or word rearrangements, but there are also two more significant differences: (1) the penalty for violation of the imperial privilege was 100 pounds of gold in the Warsaw copy, while in the Königsberg

1 Preußisches Urkundenbuch. Politische Abtheilung, vol. 1, part. 1, ed. [R.] Philippi, Königsberg i. Pr. 1882 (below quoted PUB I/1), no 56: *nostra sibi et domui sue concederet et confirmaret serenitas tam terram, quam predictus dux donare debebat, quam totam terram, que in partibus Pruscie per eorum instanciam fuerit acquisita.*

copy it was as much as 1,000, and (2) several people in the witness list. These differences, as well as some contradictions in the dating of the document, namely the under-dating in both copies according to the years of Frederick's reign in the Kingdom of Sicily, have led scholars to put forward different views and hypotheses as to the time when this document was created. In this article, I confine myself to citing only the most important hypotheses and findings; for secondary matters, I suggest you read my detailed studies. In 1886, Max Perlbach, an excellent German scholar, on the basis of an analysis of the witnesses of the Golden Bull in both copies and on the basis of errors in dating according to the years of Frederick's reign in the Kingdom of Jerusalem, concluded that traces of the original version of this privilege, possibly a concept of the same document, dating from 1224, are visible in the Golden Bull<sup>2</sup>. Although this thesis was disproved two years later by K. Lohmeyer, scholars continued to try to revise the time of creation of the Golden Bull on the basis of the list of witnesses<sup>3</sup>. For example, in 1908 H. Grumblat put forward a hypothesis that both copies are new publications (*Neuausfertigungen*) of the original document issued in March 1226 in Rimini<sup>4</sup>. According to this scholar, the Warsaw copy was supposed to have been created between July and September 1234 (i.e. around the same time that Gregory IX granted the Order the privilege in Rieti on 3 August 1234), while the Königsberg copy to have been written in the years 1236-1239. In 1924, these findings, as well as the earlier hypotheses of M. Perlbach, were criticized by Erich Caspar, who considered these explorations unfounded and completely arbitrary. Since then, for many years to come scholars have adopted Caspar's view that the Golden Bull was issued in 1226 as the most convincing one<sup>5</sup>. Fifty years later, P. Zinsmaier, in an interesting study on the chancellery of Frederick II, which is a summary of his several decades of research on this issue, put forward a thesis that the Golden Bull "zu einem wesentlich späteren

2 Perlbach, 1886, p. 52.

3 K. Lohmeyer, *Kaiser Friedrichs II. goldene Bulle über Preussen und Kulmerland vom März 1226*, *Mitteilungen des Instituts für die Österreichische Geschichte*, (below quoted PUB I/1), *Erg.-Bd. 2* (1888), pp. 380-420.

4 Grumblat, 1908, pp. 385-422.

5 Caspar, 1924, p. 104 n.

Zeitpunkt als 1226 entstanden ist”<sup>6</sup>. This scholar, who had access only to the Königsberg copy, noted that the document was not produced until 1230s, as indicated by the handwriting of the Königsberg copy and the way Frederick’s name was written, because the latter did not appear in the imperial chancellery until 1232<sup>7</sup>. This scholar regarded the Königsberg copy as a new publication (*Neuausfertigung*) of the Golden Bull, made in 1230s. However, he was not able to determine whether this was just a faithful repetition of the original document from 1226 or whether it was formulated anew as late as in the 1230s. According to this author, this privilege lacks stylistic elements that would allow precise dating of the text itself. Ultimately, however, P. Zinsmaier considered it likely that the text of the Golden Bull itself was also not written until the 1230s.<sup>8</sup>

Several German scholars responded critically to P. Zinsmaier’s findings, accusing him mainly of neglecting the Warsaw copy in his research<sup>9</sup>. This accusation was unfair, though, as in the early 1970s it was widely known that the Warsaw copy had been lost during the war. At the time, German archivists concealed the fact that it was actually there in the Berlin-Dahlem Archive, and only revealed it during an exciting polemic with Zinsmaier.

The attack on P. Zinsmaier’s findings was so vehement that other historians, both German and Polish, have maintained the traditional view that the Golden Bull was produced in 1226<sup>10</sup>. This is undoubtedly also due to the fact that all Golden Bull scholars had overlooked P. Zinsmaier’s statement made in 1983, published in “*Nachträge und Ergänzungen*” to *Regesta Imperii*<sup>11</sup>. In this work, P. Zinsmaier not only upheld his previous findings, but also extended them to the Warsaw copy. On the basis

6 Zinsmaier, 1974, p. 147.

7 Ebenda, p. 148.

8 Ebenda, p. 148.

9 Arnold, 1976, p. 44 n.; Hubatsch, 1978, p. 1 n.

10 Kluger, 1987, p. 54, 57 n.; Labuda, 1988, p. 503 n.; Dygo, 1992, p. 9 n., especially the footnote 18.

11 *Regesta Imperii V. Die Regesten des Kaiserreichs unter Philipp, Otto IV., Friedrich II., Heinrich (VII.), Conrad IV., Heinrich Raspe, Wilhelm und Richard 1198-1272*, ed. Böhmer, J. F., Ficker, J., Winkelmann, E., Bd. 4, Abt. 6, *Nachträge und Ergänzungen*, ed. P. Zinsmaier, Köln-Wien 1983, p. 195, BF 1598.

of their external features, he considered both originals of the Golden Bull to be documents created in the 1230s.

My research of the originals and facsimiles of Frederick II's documents carried out in Germany (1990-1991), as well as in other countries, confirmed my conviction that P. Zinsmaier's findings were correct. In total, I had the opportunity to study nearly three hundred facsimiles out of approximately five hundred originals of Frederick II's documents preserved throughout the world<sup>12</sup>. My palaeographical studies were supplemented by reading *in extenso* almost all of Frederick II's printed documents, over 2,500 in all, published in more than ten volumes and dozens of dispersed publications<sup>13</sup>.

The said studies of the Frederick II's documents helped me to formulate certain general conclusions about the work of the imperial chancellery<sup>14</sup>. Here I shall confine myself to stating that the 1220s and 1230s were a period of stability in the work of the imperial chancellery. The systematic improvement of the form and appearance of the document consisted in practice in the constant introduction of minor improvements. Scribes preparing fair copies were constantly working to improve the appearance of the document, constantly introducing

12 It was possible thanks to the collection of about two hundred photocopies collected by P. Zinsmaier in the State Archive in Karlsruhe. In this archive, I also had the opportunity to see the largest collection of original documents of Frederick II in Germany. Thanks to P. Zinsmaier's Additions to the Regesta Imperii (Nachträge und Ergänzungen), which inform about the publication of the likenesses, I found many other documents. Finally, with the support of the Alexander von Humboldt Foundation, I collected a series of photocopies of other original documents of Frederick II from the German, Italian, French, Swiss and Swedish archives.

13 While reading, I took into account not only the most famous editions (J.L.A. Huillard-Bréholles, *Historia diplomatica Friderici secundi*, vol. 1-6, Paris 1852-1861; E. Winkelmann, *Acta imperii inedita. Urkunden und Briefe zur Geschichte des Kaiserreichs und Königsreichs Sizilien*, vol. 1-2, Innsbruck 1880-1885), but thanks to P. Zinsmaier's Additions (Nachträge und Ergänzungen) to the Regest Imperii I found most of the single and occasional publications. Only rare old prints, especially Italian ones, and, of course, non-printed documents remained out of reach.

14 There is quite a lot of literature on the periodization of the history of the chancellery of Frederick II: F. Philippi, *Zur Geschichte*, p. 9 n.; Schaller, 1957, pp. 207-286, part. 2, *ebenda*, 4 (1958), pp. 264-327; Zinsmaier, 1963, p. 87 n.; *idem*, *Die Reichskanzlei*, p. 135 n.; Csendes, 1980, p. 115 n.



small innovations in ornamentation, which were immediately picked up by their colleagues. The notaries drafting the contents of documents constantly expanded the form by adding individual words or replacing them with new, more accurate ones. Every time such an “invention” gained recognition, other imperial notaries would immediately follow. These practices of the imperial chancellery proved extremely helpful in the study on the dating of questionable documents<sup>15</sup>. What it means is that if you go through all the Frederick II’s documents, you can determine precisely when a particular innovation in document decoration or its form was introduced in the imperial chancellery. This method of research seems particularly precise in the case of the chancellery of Frederick II, because the chronology of innovations is based on several hundred originals and several hundred copies of documents. However, when applying this method of document dating you need to remember that it only permits, in principle, to determine the *a quo* date of the creation of a given document. This limitation is due to the fact that both earlier ornamentation systems and old forms were often repeated at a later date.

For this reason, it is difficult to disregard P. Zinsmaier’s arguments. The way of writing the emperor’s name in the intitulation found in both copies of the Golden Bull was not a one-off invention and was being developed in the chancellery for over eleven years to take its final shape only in 1232. Another dating element omitted by P. Zinsmaier is the characteristic ornamentation of the initials in both copies of the Golden Bull. Until 1231/1232, the ornamentation of the initials was basically limited to bold letters and small ornaments either inside the initial or in its immediate vicinity. Around 1231, the ornaments were significantly enriched, often extending beyond the immediate vicinity of the letter. In 1232, the initials take on the form we know from the Golden Bull, although they are somewhat more elaborate and correspond more closely to the initials used in 1234-1235.

15 Zinsmaier, 1974, p. 136: „vollzieht sich doch im Formular der Kaiserurkunden im Laufe der Jahre eine gewisse Weiterentwicklung, die zu klaren Aussagen hinsichtlich der Entstehungszeit des in Frage kommenden Textes berechtigt. Bei zweifelhaften, bei nicht richtig oder undatierten Schriftstücken ist die Diktatanalyse noch immer unentbehrlich“.

The analysis of the internal features of the Golden Bull offers even more interesting insights. For example, all four elements of the publication (*publicatio*) of the Golden Bull: 1) *hinc est igitur*, 2) *presentis scripti serie*, 3) *notum fieri volumus*, 4) *modernis imperii et posteris universis*, had never appeared together until the years 1231-1244<sup>16</sup>. It must be added here that initially these were publications with relative adverbs (*tam*, *quam*), which are absent in the Golden Bull. Identical publications as in the Golden Bull, i.e. without relative adverbs, did not appear in the chancellery of Frederick II until 1237<sup>17</sup>. The analysis of the final form leads to even more interesting conclusions<sup>18</sup>. In-depth research shows that in the period after the imperial coronation, the eschatocol would usually be added at the moment of sealing the document in the Frederick's chancellery. Both the contents and the stylistics of the eschatocol were constantly changed over time. For this reason, it is often a perfect document dating instrument.

The eschatocol of the Golden Bull contains three quite rare peculiarities: (1) the word *serenissimus*, instead of *invictissimus*, which was more popular at that time, (2) *fecimus* instead of the most popular *iussimus* and (3) the absence of the word *nostro* before the emperor's name *Friderico Dei gracia*<sup>19</sup>. Of all the documents of Frederick II from 1198-1250, that is, of more than two and a half thousand documents, there are only three diplomas, where the closing protocol contains these three rare elements together. These are: the Golden Bull of Rimini and two documents of Frederick II for the Teutonic Order (!) dated November 1235. What should be emphasised is that the closing protocol of one of these two documents dated November 1235 (BF 2125) is almost completely identical to the eschatocol of the Golden Bull. For both this document

16 BF 1918,1921,1937, 2244, 2272, 3408; see also publications related to the publication of the Golden Bull: BF 1946, 1960, 2140, 2268, 3109, 3294, 3346, 3518.

17 BF 2244, 2272 – it is probably not a coincidence that the recipient of one of these documents from 1237 is Herman von Salza.

18 Frederick II's documents issued to recipients in the Roman Empire and the Kingdom of Sicily had a different eschatocol – see Ladner, G., *Formularbeihelfe*, p. 94, and Heupel, W. E., *Der sizilische Grosshof*, p. 29.

19 BF 1918,1921,1937, 2244, 2272, 3408; see also publications related to the publication of the Golden Bull: BF 1946, 1960, 2140, 2268, 3109, 3294, 3346, 3518.

and the Golden Bull lack the word *secundi* in signum, and in the dating of both documents the term *Romani* was added before the word *imperii*. Unfortunately, the original copy of this document has not been preserved<sup>20</sup>, and for this reason we cannot compare its external features with the Golden Bull. However, the second of these documents (BF 14724) has survived to our times, and has the same arrangement of letters in Frederick's name in the intitulation as the Warsaw copy. The initials of this document (BF 14724) are the most similar to those of the Warsaw and Königsberg copies out of all the documents of Frederick II I know (compare picture 17).

The fact that the very rare closing protocol of the Golden Bull is so similar to the eschatocol of BF 14724, and nearly identical with BF 2125, supports the idea that the Golden Bull was produced not long after these two documents. This is due, among other things, to the fact that the closing protocol of solemn imperial documents consisted of many elaborate elements which no notary would leave unchanged for more than a few months.

The addition of the eschatocol at the time of the corroboration, as well as the need to make updates to certain parts of it, especially the dating and attestation, meant that the closing protocol would undergo fundamental changes even when the Nachurkunde was created. Although all parts of the form would then be transcribed from the Vorurkunde, the closing protocol would be subject to major modifications. For example, in Nachurkunde of the Golden Bull (BF 3479) a great many changes were made to the closing protocol, including the removal of all (!) peculiarities of the Golden Bull, i.e. *serenissimo* and *fecimus* were replaced with other words and the missing *nostro* was added.

Documents BF 14724 and BF 2125, dated November 1235, were written during the joint stay of Frederick II and Grand Master Hermann von Salza in Germany. This period begins in May 1235, when the Emperor boarded a ship in Rimini with his son Conrad, Grand Master Hermann von Salza and a group of his closest associates<sup>21</sup>, and closes with the Grand Master's departure for Italy in late November 1235, where he went

20 It's an insert of BF 4482.

21 It was the first time the emperor stayed in this city since 1226.

at the Emperor's request in order to discuss contentious issues concerning the Lombard League with Pope Gregory IX<sup>22</sup>.

It seems very unlikely that the Golden Bull could be produced outside this period, namely May–November 1235, given its closing form. This supposition can be confirmed, and the timing even further specified, once we take a look at the language, form and style of the Golden Bull. Assuming that the Golden Bull was drafted by Petrus de Vinea, we can pinpoint the time of its creation to the period between May and August 1235, when the head of the imperial chancellery was staying in Germany.

Knowing the date of issuance of the Golden Bull, we can easily guess what was the purpose of preparing it at that particular time. There was a violent dispute between the Teutonic Order and Duke Conrad over the Dobrin land at that time, and it ended with an amicable ruling on 19 October 1235, according to which the Teutonic Order had to give back the Dobrin land to the Polish ruler since they had seized it illegally.

A trace of this dispute can be found in the Golden Bull, where we read that Duke Conrad allegedly promised the Teutonic Order, apart from the land of Culm, properties located *in alia terra inter marchiam suam videlicet et confinia Prutenorum*. This phrase is completely pointless in 1226, because back then there was no territory that would be located between the duchy of Conrad and Prussia. In 1226, any territory had to belong either to the Duchy of Mazovia or Prussia. In 1235, however, between the “marchia” of Conrad of Mazovia and Prussia there was the Dobrin land, bordering with Prussia north of Plock, the capital of Mazovia<sup>23</sup>.

At Easter (8 April) 1235, shortly before his departure for Germany<sup>24</sup>, Grand Master Hermann von Salza went to the Pope and managed to obtain a confirmation of a document by Bishop Petrus of Plock, under which the Brothers of Dobrin were incorporated into the Teutonic

22 BF 14724 i 2125 and the letter from Peter de Vinea on the arrival of the Grand Master to Italy – Huillard-Bréholles, 1966, p. 304; Koch, 1885, p. 95 n.; Kantorowicz, 1928, p. 382, vol. 2, Berlin 1931, p. 172; Klugeter, 1987, p. 173.

23 PUB I/1, no 67: *castrum Dobrin cum spacio terrarum, que continentur inter hos duos rivulos Chamenizam [et] Cholmenizam usque in Pruciam*.

24 BF 2081.

Order<sup>25</sup>. When things seemed to be on the right track, Conrad of Mazovia unexpectedly opposed the transfer of the Dobrin land to the Teutonic Knights. The dispute between Conrad of Mazovia and the Teutonic Order over this land was initially brought before the court (which has not been specified in any historical sources); later on, however, in October 1235, both parties decided to have the matter heard by an arbitration court presided over by the papal legate, William of Modena<sup>26</sup>. The Teutonic Order did not actually have any document to support their claim to the Dobrin land; the document of incorporation of the Brothers of Dobrin did not in any way prejudice the matter. However, had the Teutonic Order submitted the Golden Bull before the court, and later on before the judge of the arbitration court, William of Modena, the papal legate, the matter would have looked totally different. The Golden Bull stated that Conrad of Mazovia, already before the arrival of the Teutonic Order in Prussia, promised Hermann von Salza that he would offer the Teutonic Knights not only the land of Culm, but also another land, “by chance” located between the Conrad’s marchia and Prussia, just like the Dobrin land. Contrary to this open pledge – which was confirmed by the Emperor with his solemnity in the presence of many venerable laymen and clergy (including the Metropolitan Bishop of William of Modena!) – Duke Conrad had not only never donated such land, but even went so far as to snatch this land from the Teutonic Order as soon as they seized it following a merger with the Brothers of Dobrin.

Even though the dispute between the Order and Conrad over the Dobrin land is reflected in the Golden Bull, it seems there must have been far more important reasons why this document was drawn up. They can be found in the text of the settlement concluded between the Order and Conrad on 19 October 1235 thanks to the arbitration proceeding held by the papal legate. In that document, Duke Conrad once again handed the land of Culm and Nieszawa District to the Teutonic Knights. This astonishing fact was pointed out only by G. Labuda. According to this scholar, repeating the donation shows that in the course of the dispute over the Dobrin land Conrad decided not only to take away the

25 PUB I/1, no 118.

26 Ebenda, no 119.

Dobrin land from the Teutonic Knights, but also to revoke all his earlier donations. It was only (according to G. Labuda) as a result of the pressure from the arbitration committee, especially its chairman, William of Modena, that a compromise was reached. In return for returning the Dobrin land, the Order retained the right to lands they have received earlier<sup>27</sup>.

Submitting the Golden Bull to the papal legate William of Modena and Duke Conrad at the moment when the latter withdrew his donations would have strengthened the position of the Teutonic Order considerably. This document would have given strong arguments to the papal legate and would have been a warning to Duke Conrad. The papal legate could read in the Golden Bull that bringing the Teutonic Order to the Polish-Prussian borderland was not just a matter between Duke Conrad and Hermann von Salza, as the latter had withheld his acceptance of the Polish duke's proposal until it was approved by Emperor Frederick II. For Conrad of Mazovia, the Golden Bull in 1235 would have been a signal that banishing the Order would bring him into conflict with Frederick II.

Apart from this, there is a number of anachronisms in the Golden Bull that are completely inconsistent with the year 1226, yet perfectly consistent with the year 1235. If you wish to learn the details, consult my earlier publications.

What I must add at this point is that what appears to be at odds with Golden Bull's dating of 1226 is the fact that Prussia was granted to the Landgrave of Thuringia on 22 June 1226. It is obvious that the Emperor could not have granted Prussia to the Order in March 1226, and then again to the Landgrave of Thuringia three months later. This fact proves that, as it is stated in the narrative of the Golden Bull in 1226, the offer of Conrad of Mazovia was discussed at the imperial court in 1226. The Golden Bull also describes Hermann von Salza's response to the Conrad's offer: *quam promissionem recepisse distulerat*, and on the basis of the donation to the landgrave we may say that he not only "postponed" but rather "rejected" it and decided to "push it on" to the former feudal lord (Hermann was Ludwig's ministerialis), because he dreamt of conquering

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27 Labuda, 1980, p. 308 n. – where detailed justification of the view on the revocation by Konrad of grants to the Teutonic Order.

land in Palestine and establishing a Teutonic state there. It was not until Ludwig died, the Emperor got ill in 1227 and the 1227 crusade seemingly failed that Hermann recalled the Conrad's proposal, which resulted in donations for the Order in 1228.

Legal aspects need to be addressed separately due to their importance; I have discussed them in three articles. Here I shall confine myself to stating that the finding that the Golden Bull was written in 1235 in connection with the dispute of the Teutonic Order and Conrad of Mazovia means that hitherto state of research into the legal and historical aspects of this document is no longer relevant to a great extent. None of the scholars researching the legal aspects of the Golden Bull has taken into account that this document was drafted with a specific political agenda in mind. Adapting the content of the document to the difficult situation of the Order in 1235 obscured the whole picture. A reading of all the documents of Frederick II leaves no doubt that, according to the disposition of imperial documents, the Imperium Romanum was a concrete, real state with strictly defined borders and rights. In the light of imperial documents, the Imperium Romanum was a triad of three states: the German Reich and Kingdoms of Italy and Burgundy. The Imperium Romanum did not include the Kingdoms of Sicily and Jerusalem. When issuing any document, Frederick II would always make a distinction whether this document was for Imperium Romanum or, for example, for the Kingdom of Sicily. Documents for Imperium Romanum and for the Kingdom of Sicily would always differ from one another in their structure and appearance.

Subordinating Prussia to a specific state, Imperium Romanum, encompassing Germany, Italy and Burgundy, we still have to explain how to reconcile this fact with the unprecedented limitation of imperial power over Prussia: *et nulli respondere proinde teneantur* [i.e. the Teutonic Knights]. This limitation cannot be explained, as has been attempted, by Lehnsexemption, because this could not place the Order outside the state, even though it did take it out of the feudal ladder. The fact that we are dealing with an exceptional situation in the Golden Bull is best evidenced by the Nachurkunde of the Golden Bull, where the emperor's powers are restored: *et nulli teneantur inde nisi tantum nobis et successoribus nostris Romanis principibus respondere*. What was the reason for

the restriction of imperial power in the Golden Bull? Assuming that the Golden Bull was produced in 1235 in connection with the arbitration proceeding held by William of Modena, the papal legate, it is easy to explain the reasons for the limitation of imperial power. Well, in the proceedings conducted by the papal legate, the Teutonic Knights could not violate the most important provision of the protective bull of Gregory IX dated 3 August 1234: *ita ut per vos aut alios dicta terra* [i.e. Prussia] *nullius umquam subiciatur dominio potestatis*. It is possible that this prohibition prevented the nomination of Hermann von Salza as the Duke of the Reich, as a result of which he had to content himself with ducal rights only. And here one cannot help thinking that the very idea of granting ducal rights to Hermann von Salza was inspired by the preparations for the great celebrations of the elevation of Otto the Child as the Duke of Brunswick-Lüneburg in August 1235.

Historians analysing the public-law relationship between Conrad of Mazovia and the Empire in the light of the Golden Bull agreed that the title of *devotus noster* bestowed upon the Polish duke proved his affiliation with the Empire. Only H. Grumblat and M. Dygo doubted that this was the meaning of this title<sup>28</sup>. The former researcher even noted that this title was used not only in respect of people affiliated with the Empire, but also other persons, such as English prelates, comes, barons and other noblemen<sup>29</sup>. Unfortunately, H. Grumblat has failed to provide the historical source to support his arguments. When reading all the documents of Frederick II, I have not found a single document in which this title (*devotus noster*) was used for a person who was not a subject of the Imperium Romanum or the Kingdom of Sicily or Jerusalem. In imperial documents, *devotus noster* is synonymous with another term, namely *fidelis noster*. *Devoti nostri* were townsmen, clergy, counts and dukes who were subjects of Frederick II in his three states<sup>30</sup>. *Devotus noster* was frequently applied to Hermann von Salza and his confreres,

28 Dygo, 1992, p. 10.

29 Grumblat, 1908, p. 398 n.

30 See e.g. BF 2057, 2168, 2399: *Imperialis excellentia tunc precipue sui nominis implet titulos, cum fideles et devotos suos benigne respicit et iustas eorum favorabiliter petitiones exaudit*. See. Huillard-Bréholles, J. L. A., *Historia*, vol. 1, p. 63, 127, vol. 2, p. 20 and passim. Teutonic Knights as *devoti nostri*, see Winkelmann, E., *Acta*, vol. 1, no 268.



as well. In the course of reading all the documents of Frederick II, I came across a document that must have been the basis of H. Grumblat's view. It is a letter of Frederick II to the English magnates found in Letters of Petrus de Vinea (BF 3495), in which the emperor wrote, among others, *prelatis ecclesiarum, comitibus et baronibus, nobilibus et universis per regnum Anglie constitutis* – *devotis et amicis suis*. As you can see, Frederick II addresses his letter not to *devotis nostris*, but to *devotis suis*.

In the Golden Bull, Conrad of Mazovia is a subject of Imperium Romanum, just like Hermann von Salza. Besides, this was the only basis for the emperor to step in between these two persons. The status of Duke Conrad in the Golden Bull was not something new in the light of Staufs' imperial ideology. German historians pointed to the feudal dependence of Poland on Frederick I and Henry VI. When analysing the Golden Bull, there is no need to go that far back. It should suffice to refer to a document of Frederick II himself, dated 1212, in which the belonging of Poland to Imperium Romanum leaves absolutely no doubt: *quod si dux Polonie vocatus accesserit*. Whether this public-law relationship of the Polish Duke to Imperium Romanum in the light of the Golden Bull was actually true, and whether the Frederick II's views were shared by Conrad of Mazovia, is a separate question.

Summarising the legal issues, it can be stated that the Golden Bull contained extremely original solutions. Its dictator was able to incorporate Prussia into the Imperium Romanum without violating the protective bull of Gregory IX dated 3 August 1234. He transferred the rights of the Duke of Reich to Hermann von Salza without conferring the title itself, which would have been impossible due to the papacy. He "dragged" Conrad of Mazovia into the Imperium Romanum without infringing upon his rights or his sense of independence. All this required not only an immense diplomatic talent, but also some great legal experience. For this reason, I believe that the only Frederick II's dictator who could have handled such difficult legal issues was Petrus de Vinea. He was valued not only as an excellent dictator and poet, but above all as a talented lawyer, diplomat, administrator and even a military commander<sup>31</sup>. Petrus de Vinea was the author of one of the most magnificent monuments

31 Kantorowicz, 1928, vol. 1, p. 275 n., vol. 2, p. 126; Niese, 1912, pp. 523–535.

of the medieval law, namely Constitutiones of Melfi, along with other legal texts.

Nearly simultaneously with my first dissertation on the Golden Bull, Marc Löwener published his article “Bemerkungen zum Text der Rimini-Bulle Kaiser Friedrichs II. für den Deutschen Orden vom März 1226”<sup>32</sup>. Despite the fact that the author must have missed Paul Zinsmaier’s statement about the Warsaw copy of the Golden Bull, and therefore stuck to the traditional dating of this document, many of this scholar’s findings coincided with mine, including the conclusion that formulaic differences between the narrative and the disposition of the document introduced legal ambiguities, as if deliberately, since thanks to these ambiguities – in the event of a possible confrontation with the duke – “würde die Rimini-Bulle zu einem praktischen Instrument der aktuellen Politik gegen herzogliche Ansprüche!”<sup>33</sup>. It can be said that despite a different dating of the Golden Bull, M. Löwener came to a similar view as I did. The difference between our views boils down to the fact that M. Löwener only assumed the possibility (“würde”) of using the Golden Bull “gegen herzogliche Ansprüche”, whereas I linked its creation with putting forward such “Ansprüche”. As a side remark, I may also add that M. Löwener, when analysing the phrase *per totam terram conquisitionis eorum, sicut acquisita per eos et acquirenda fuerit*, concluded that “hier nun muß auffallen, daß sowohl von vergangenen als auch von künftigen Erwerbungen die Rede ist”<sup>34</sup>. I interpreted this phrase identically in my dissertation<sup>35</sup>. However, the very mention of the conquest of part of Prussia in the Golden Bull is something I have explained as an anachronism, whose origin appears clear if you have it in mind that the author of the Golden Bull wrote from the perspective of the year 1235, and not 1226.

In 2005, Sylvain Gouguenheim, a French historian, published an extensive article entirely devoted to the Golden Bull of Rimini<sup>36</sup>. This dissertation is actually a long discussion with the theses of my article

32 See Arnold, 1993, pp. 51–67.

33 Löwener, M., Bemerkungen, p. 61.

34 Ebenda, p. 62, footnote 47.

35 Jasiński, 1994, p. 144; Jasiński, 2008, p. 118.

36 Gouguenheim, 2004, 2, p. 381–420.

on the Golden Bull. The author, while fully endorsing the view that both the Königsberg (K) and the Warsaw (W) copies were produced around 1235, disagrees with my view that the Golden Bull is a state forgery. S. Gouguenheim also claims that the Golden Bull is not a *Neuausfertigung*, which he believes P. Zinsmaier was supposed to have advocated<sup>37</sup>. According to S. Gouguenheim, the two existing copies of the Golden Bull are interpolations of the original written in March 1226. According to the French scholar, several fragments of the Golden Bull, in their present form, include five interpolations<sup>38</sup>. What is the major difference between the views of the French scholar and mine? Answering this question, it should be noted that, even though we differ in many details, the essential difference is only one. The author believes that in 1226 Hermann von Salza accepted Conrad's proposal and applied for an imperial document, which was then interpolated nine years later. In my opinion, Hermann von Salza did not accept Conrad's proposal in 1226 and therefore did not apply for the imperial document, and the Golden Bull was issued as late as in 1235 in connection with the dispute of the Order with Duke Conrad, which was ended by an arbitration ruling given by William of Modena, the papal legate. In a nutshell, S. Gouguenheim believes that there was the original Golden Bull, issued in March 1226, whereas I do not believe that any such document has ever existed. The main evidence against the creation of such a document in 1226 are two facts: (1) firstly, the land of Culm in 1226 belonged to the Prussian bishop Christian, and not Conrad; it was not until March 1228 that the land of Culm was restituted, and (2) in June 1226, Prussia was granted to Landgrave Ludwig. This last fact was not believed by Gouguenheim; he presented a long argument on the subject, and I responded with a polemic. The French scholar was of the opinion that the original version of the Reinhardsbrunn Chronicle referred to *terram Plissie* and not *terram Pruscie*. However, preference should be given to *terram Pruscie* lesson, not just because better copies have it, and the erroneous lesson was not written

37 In fact, P. Zinsmaier only considered this possibility; in the end, however, P. Zinsmaier considered it probable that the text of the Golden Bull was not written until the 1230s.

38 Gouguenheim, 2004, pp. 408-413.

until the end of the 16th century, but above all because the quoted passage from the Reinhardsbrunn Chronicle was taken from the Latin Life of St. Ludwig, written by an anonymous monk shortly after 1308, among others on the basis of *Gesta Ludowici IV lantgravii* by Bertold, chaplain to the said ruler. Although the Latin Life has not survived to our times, its German version, edited by Frederick Kodiz, rector of the monastery school in Reinhardsbrunn, has survived. The German version was written at the end of the first half of the 14th century and has the lesson: *in Pruzen lande*. O. Holder-Egger, who published the fragment of the Reinhardsbrunn Chronicle we are interested in, added the following comment after quoting all four lessons (2, T, 1 and the German version of *Vita Ludowici*): “De vera lectione nihil dubii restat, cum tria testimonia contra 1 convenient”<sup>39</sup>.

What must be said is that even if these three correct lessons had not been preserved, the lesson *Plissie* should still be amended to *Prussie* because of the context. As we remember, the Chronicle states that Ludwig was to receive this land: *quantum expugnare valeret et sue subicere potestati*. Of course, this phrase, as many scholars have already emphasised, can only be applied to Prussia, and in no case to Pleissenland.

In 2017, historiography revisited the time of writing down the Golden Bull. As part of the fundamental editorial series *Diplomata Regum et Imperatorum Germaniae*, being part of the *Monumenta Germaniae Historica*, since 2002 a team of German historians led by Walter Koch, an eminent medievalist, has published successive volumes of the documents of Frederick II. More recently, in 2017, these scholars published the famous Golden Bull for the Teutonic Order, dated March 1226<sup>40</sup>. The publishers eventually concluded that the Golden Bull may have been issued in 1226, and its present copies are new publications (*Neuausfertigungen*) issued in 1245 (!) based on the *Nachurkunde* of the Golden Bull (BF 3479), issued in Verona. In addition, they concluded that the Königsberg copy was produced first, and then the Warsaw copy was based on it. German scholars must have made these conclusions following an inattentive reading of P. Zinsmaier, who allegedly claimed that the

39 *Cronica Reinhardsbrunnensis*, p. 605.

40 Koch et al., 2017, no 1158, pp. 539–547.

Golden Bull was written by the same hand as 14 documents listed by this scholar, including BF 3479 of June 1245. In fact, Zinsmaier claimed quite the opposite; he wrote that the Golden Bull, namely its both copies were not written by this hand (!). A careful comparison of this document (BF 3479) with the Golden Bull leaves no doubt that P. Zinsmaier was right. Furthermore, a comparison of minor variations between the Warsaw, Königsberg and BF 3479 copies proves beyond the shadow of doubt that the Warsaw copy was the original document, and the Königsberg and BF 3479 copies were based on it, independently. So it was exactly the opposite of what the publishers of *Monumenta Germaniae Historica* have assumed<sup>41</sup>.

Ultimately, it can be assumed that the Golden Bull of Frederick II for the Teutonic Order was not created in 1226, but in 1235, in connection with a dispute of Duke Conrad over the Dobrin land. The content of the document, as well as its legal provisions were aligned to the then arbitration proceedings before the papal legate.

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41 See Jasiński, 2020, pp. 121-136.

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