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Pursuits of the Diocese of Wrocław for Exemption – from the Beginning of the 14th Century to 1821

Dążenia diecezji wrocławskiej do jej egzempcji – od początku XIV wieku do 1821 roku

ABSTRACT: The diocese of Wrocław, existing since the year 1000 in the metropolitan union with Gniezno, by virtue of the bull of Pope Pius VII De salute animarum of July 16, 1821, had become an exempted diocese, i.e. a diocese directly subordinate to the Holy See. The passing 200th anniversary of this event is a good opportunity to trace how the pursuits to break off the Church's dependence on the metropolitan affiliation with Gniezno resulted to some extent from the political history of the district of Silesia. The article presents the efforts of the diocese of Wrocław to obtain exemption, the origins of which date back to the period of Czech domination in Silesia in the first half of the 14th century, and which were concluded with legal entries in the bull of 1821. In this regard, the author uses scientific publications of well-known Polish and German Church historians, in which we can observe different argumentation involving the causes of the exemption, and also different approaches: the causes are highlighted either as a factual state (at least from the mid-17th century) or as a legal state. It turned out that the search for objective answers can be facilitated by archival sources published in recent decades, especially the documentation of former diocesan heads with the Holy See.

KEYWORDS: Wrocław diocese, Gniezno metropolis, exemption, Pope Pius VII's bull *De salute animarum*

ABSTRAKT: Istniejąca od 1000 roku w związku metropolitalnym z Gnieznem diecezja wrocławska, na mocy bulli papieża Piusa VII *De salute animarum* z 16 lipca 1821 roku, stała się diecezją egzymowaną, tj. podległą bezpośrednio pod Stolicę Apostolską. Mijająca 200. rocznica tegoż wydarzenia jest dobrą okazją, aby prześledzić, w jaki sposób dążenia do zerwania zależności kościelnej od związku metropolitalnego z Gnieznem były wypadkową dziejów politycznych śląskiej dzielnicy. W artykule przedstawiono

dążenia diecezji wrocławskiej do uzyskania egzempcji, których początki datowane są na okres dominacji czeskiej na Śląsku w I połowie XIV wieku, a uwieńczone zostały prawnymi określeniami w bulli z 1821 roku. Autor w tym względzie posiłkuje się pozycjami naukowymi znanych polskich i niemieckich historyków Kościoła, w których daje się zaobserwować różny sposób argumentowania przyczyn egzempcji, a także akcentowania jej z jednej strony jako stanu faktycznego (przynajmniej od połowy XVII wieku), z drugiej zaś jako stanu prawnego. Na drodze poszukiwania obiektywnych odpowiedzi pomocne okazują się opublikowane w ostatnich dziesięcioleciach źródła archiwalne, szczególnie zaś dokumentacja dawnych rządców diecezji ze Stolicą Apostolską.

SŁOWA KLUCZOWE: diecezja wrocławska, metropolia gnieźnieńska, egzempcja, bulla papieża Piusa VII *De salute animarum*

The bull of Pope Pius VII, *De salute animarum*, of July 16, 1821, was an important document regulating church affairs in the then Kingdom of Prussia, which had emerged victorious in the confrontation with Napoleonic France, and enlarged its area by incorporating some of the territories that belonged to the former allies of France. Although the agreement had all the characteristics of a concordat, yet due to resistance from Prussia, it was proclaimed as papal bull. This document was very much needed by the Prussians because as a result of the expansive policy, it was also necessary to regulate church matters, including the alignment of diocese borders with those of the state. In this respect, the Prussians adhered to the provisions of the St Petersburg Convention of 1797, which advocated the adjustment of church administration borders to state borders. This document was also needed by the Catholics themselves, who in the enlarged Prussian domain constituted almost 40% of the population. Although the Protestant state was ill-disposed to Catholics and, aside from guaranteeing the freedom of religion, it wanted to fully control the activities of the Church. The provisions of the document offered great hopes for correct relations between the Church and the state, and for the regulation of many problems both of administrative and pastoral character in Prussian dioceses. The said regulations also applied to the dioceses of Wrocław, which had existed since the year 1000, and having been for many centuries subordinated to the metropolitan archdiocese of Gniezno, had been trying since the 14th century – more or less effectively - to achieve exemption, i.e. to become subordinate directly to the Holy See, bypassing the superior rights of the metropolitan bishop. Thanks to efficient state politics of Poland, these aspirations had been

The bull of 1821 reads: Episcopales vero ecclesias Wratislaviensem ac Warmiensem huic sanctae sedi perpetuo subiectas esse ac remanere debere declaramus. See: J. Heyne, Dokumentierte

successfully suppressed for many years. It is also known that during the reformation turmoil and during the reforms of the Catholic Church in the 16th and early 17th centuries, there was even a temporary rapprochement between Wrocław and Gniezno.

The higher Silesian clergy had referred to the exemption as a factual state since at least the mid-17th century. Such an interpretation was made possible by the reduction of metropolitan rights at the Council of Trent in relation to the dioceses under its jurisdiction and by very courageous diplomacy of the imperial court in the international arena, including the emperor's decision made in 1641 which had far-reaching consequences. Since the 18th century, the exemption had been mentioned only in documents sent by the Polish side to the Holy See, which had the character of a complaint that the legal status was not the actual state. Forced to tolerate the aspirations of Habsburg diplomacy and then to defend the rights against bold behaviour of the Kingdom of Prussia, Rome made no legal decisions on the exemption. It happened only in 1821.

This article presents the efforts of the Wrocław diocese to obtain exemption, the origins of which date back to the period of Czech domination in Silesia in the first half of the 14th century. The said efforts were successfully completed with legal decisions contained in the bull of 1821.

Attempts to break communication in the 14th and 15th centuries

In compliance with the practice and principles of Church law, bishoprics should have stayed in the metropolitan union that had been organized in the past on the basis of the territorial inhabited by the same historical ethnicity. Recognition was accorded to the mutual relations of the dioceses resulting from the past missionary relationships or from the existing structures of the administrative organization of the state. This was also valid in the year 1000, when the new Gniezno metropolis was established along with its subordinate bishoprics,

Geschichte des Bisthums und Hochstiftes Breslau, Bd. 3, Breslau 1868, p. 369; A. Sabisch, Bistum Breslau und Erzbistum Gnesen, vor allem im 16. und 17. Jahrhundert, "Archiv für schlesische Kirchengeschichte" 5 (1940), p. 96.

See: E. Gatz, Geschichte des Kirchlichen Lebens in den deutschsprachigen Ländern seit dem Ende des 18. Jahrhunderts, Bd. 1: Bistümer und ihre Pfarreien, Freiburg–Basel–Wien 1991, p. 218.

³ Cf. A. Weiss, Biskupstwa podległe bezpośrednio Stolicy Apostolskiej w dziejach organizacji Kościoła łacińskiego na ziemiach polskich [Bishoprics Subordinate Directly to the Holy See

including the Wrocław diocese. The arrangement of dioceses corresponded with tribal unions, as well as with the existing rule of Prince Bolesław the Brave. Due to the intensive colonization initiated in the 13th century, Silesia was gradually becoming a multinational area. There are accounts about the first misunderstandings between the Metropolitan of Gniezno and the Bishop of Wrocław, when Bishop Thomas I (1232–1268) obtained an important privilege in 1262, allowing new German settlers to pay tithes in a non-Polish manner (i.e. in the form of sheaf tithes, or in grain) but in the form of a quit rent, which was not overlooked by observant eyes of the metropolitan bishop. 4 The period of feudal disintegration of Poland and the rivalry between the Piasts themselves led to a gradual loosening of political ties with Krakow and church ties with Gniezno. Henry of Wierzbno, elected the bishop of Wrocław in 1301 or 1302, did not belong to the friends of the then archbishop of Gniezno, Jakub Świnka (oddly enough, they were both Silesians, maybe even related to each other). The dispute between the shepherds had a national character at the time when Archbishop Świnka became involved in the restitution of the Polish Crown, either with the Piasts or even at some time with the Czech King Wenceslaus II. In these efforts, he was strongly trying to limit German influence in Wrocław and in the entire Silesian district, as well as in Krakow, where the post of bishop was occupied by Jan Muskata from Wrocław. Leonhard Radler in his work on the nobleman family of Wierzbna wrote:

The archbishop was a devoted supporter of the Polish element and tried with all his might to disturb the German settlement. Bishop Henryk, in turn, was a German by conviction and supported Germanness in Silesia. For this reason, from the very beginning the relationship between the two dignitaries was very tense.⁵

In Silesian historiography, Bishop Henry is considered to have been the first German at the bishop's cathedral in Wrocław in its "golden period," although

in the History of the Organisation of the Latin Church on the Polish Territory], "Kościół w Polsce. Dzieje i kultura" 12 (2013), p. 43.

Cf. A. Sabisch, *Bistum Breslau...*, op. cit., p. 100.

Der Erzbischof war ein überzeugter Vorkämpfer des Polentums und hinderte nach Kräften die deutsche Besiedlung Schlesiens. Heinrich von Würben dagegen war überzeugter Deutscher, der das Deutschtum förderte. Daher war von Anfang an das Verhältnis zwischen den beiden Würdenträgern gespannt. See: L. Radler, Beiträge zur Geschichte der Grafen von Würben, Teil 2, "Archiv für schlesische Kirchengeschichte" 18 (1960), pp. 36–69. Cit. in: W. Marschall, Geschichte des Bistums Breslau, Stuttgart 1980, p. 37.

Polish historiography does not emphasize it so strongly.⁶ It is known that Archbishop Jakub imposed an interdict on the bishop, who then had to defend himself personally in front of the Pope in Avignon, where he was detained in the years 1309–1313, i.e. until the city council of Wrocław appealed to Pope Clement V to free their shepherd. The investigation revealed that the archbishop's allegations were untrue, but the diocese suffered severe damage in the absence of its shepherd.

When Bishop Henry died in 1319, Bishop Nankier was transferred from Cracow to Wrocław, in which King Władysław the Elbow-high had his say. The new bishop tried to re-join the Silesian area with the reborn Kingdom of Poland and with the metropolis, whereby he fell out of grace with the Bohemian King, John of Luxembourg.⁷ The conflict was mitigated only after the election of Przecław of Pogorzela to the bishop's throne in Wrocław in 1342. Pursuant to the treaties of 1335 and 1339, the Silesian duchies broke away from their previous sovereign and, in consequence, they became part of the Bohemian Kingdom, which was sealed by the Treaty of Namysłów in 1348. In this way, the feudal tributes paid by individual princes in earlier years were confirmed by royal treaties. The bishop of Wrocław also swore allegiance to the Bohemian King as his senior, paying feudal tribute from his duchy, but as a shepherd he was still subordinate to the metropolitan of Gniezno. At that time, a faction was established in the diocese, which suggested that as it happened in the case of state dependence, the Church's dependence on the "Polish" province should be breached. Fateful consequences were brought about by the imposition of an interdict in 1339 by Pope Benedict XII on the bishops in Kamień and Wrocław, and on the local cathedral chapters, for refusing to collect Peter's pence, which the Polish ruler, King Władysław Łokietek, had promised the Holy See from the territory of his kingdom.8 When the Prague diocese was elevated to the rank of a metropolis in 1344, it was suggested that the Wrocław diocese, politically belonging to the Bohemian Kingdom, should become its suffragan diocese. The Czech and Silesian civil and Church dignitaries believed that: "Such a connection between Wrocław and Prague would completely, once for all abolish Polish claims to Silesia." These efforts met with strong counteraction in the papal curia in Avignon on the part of King Kazimierz the Great and the metropolitan of Gniezno, Jarosław Bogoria Skotnicki. In 1360, Emperor

See: J. Pater, Z dziejów wrocławskiego Kościoła [From the History of the Church in Wrocław], Wrocław 1997, pp. 31–32.

⁷ Cf. W. Marschall, *Geschichte des Bistums Breslau*, op. cit., p. 38.

⁸ Cf. A. Sabisch, *Bistum Breslau...*, op. cit., p. 101.

A. Sabisch, *Bistum Breslau...*, op. cit., pp. 102–103.

Charles IV withdrew from the arrangements in this respect, promising King Kazimierz the Great in writing that such endeavours would not be continued in the future, and the Polish King informed the papal court in Avignon of this fact in 1365.¹⁰

Despite such evident attempts at exemption, the relationship with the old metropolis did not deteriorate at all, and Wrocław bishops continued to recognize the Archbishop of Gniezno as their metropolitan bishop. This communication was weakened by the events related to the Hussite Rebellion and the rivalry between the Wrocław chapter and the bishops as to the competence to manage the diocese and the privileges it enjoyed, which later resulted in the privilege of taking on the bishop's throne only by a candidate from Silesia. Good contacts with the metropolitan were not facilitated by the rule of the representatives of Silesian Piasts in the Wrocław diocese – "natural princes of sovereign provinces": Wenceslaus II of Legnica (1382-1417) and Konrad I of Oleśnica (1417–1447). The latter, however, was forced to ask for outside intervention in the face of the Hussite revolt that was destructive for Silesia. In 1469, the Hungarian King Matthias Corvinus, who fought with George of Poděbrady, declared himself King of Bohemia (these fights lasted until 1471). The new king did not hesitate to appoint a non-Silesian candidate to the bishop throne - his closest adviser Bishop Rudolf of Rüdesheim (1468-1482), which the chapter considered a violation of their rights (under the chapter's statute of 1435, only a Silesian or a member of the chapter could be selected as a candidate for this post). It was not the first time because his predecessor was Bishop Jošt of Rožmberk (1456–1467), who is defined in German historiography incorrectly as de facto ersten exemten. 11 In effect of the disclosure of important state secrets that took place at the metropolitan synod, in 1474 the Wrocław chapter filed a complaint to the king and a postulate that people from outside Silesia, and more specifically from Poland, should not be appointed for the bishop's throne or to the chapter. In 1498, a relevant agreement was concluded between the chapter and the bishop, referred to as *Polenstatut*. Another protest was made in 1501, when Bishop János Thurzó (Jan Turzo / John V Thurzó) was elected coadjutor of the diocese. He was neither Silesian nor German, but Hungarian.

See: J. Heyne, *Dokumentierte Geschichte des Bisthums...*, op. cit., pp. 358–359; A. Sabisch, *Bistum Breslau...*, op. cit., p. 106.

Cf. W. Marschall, *Geschichte des Bistums Breslau*, op. cit., p. 87; A. Weiss, *Biskupstwa podległe...*, op. cit., p. 47.

Interestingly, the *Polestatut* by no means eliminated all candidates from Poland for canon offices. Rev. Sabisch estimated that out of the 260 canons elected in the 16th century, 20 were Poles. See: A. Sabisch, *Bistum Breslau...*, op. cit., p. 107.

On February 3, 1504, the Royal Chancellor Albrecht Kolowrat and King Władysław Jagiełło concluded the so-called Kolowrat treaty. Pursuant to the treaty, it was established that in the future no one other than a Silesian, Czech, Moravian or a person born in Lusatia would be elected bishop of Wrocław, so that only a subject from the lands of the Crown of St Wenceslas would be granted the benefice.¹³ It seemed that this arrangement brought many benefits to the Church in Silesia. But it was completely different. As described by Fr Franz Xaver Seppelt: "This isolation from the universal Church, stipulated in the treaty, posed grave dangers and isolated the diocese from the soon-to-be needed help, exposing it to great harm." On the eve of the reformation, the Church in Wrocław somehow ruled out the possibility of obtaining outside help, but this practice was also observed in other dioceses. As early as in 1516, Pope Leo X declared the treaty invalid and non-binding. When the clergy accepted the papal ruling, other Silesian states protested against the obtained privileges, especially Silesian princes, who hoped for an easier possibility of promotion for members of their family lineage.¹⁵

The turning point in the growing importance of the diocese of Wrocław, as well as the Silesian district could have been the foundation of the University in Wrocław. The efforts of King Władysław and Bishop Johann Roth were strongly supported by the cathedral chapter, offering emolument for the future university, including the income from the collegiate chapter operating at the Church of the Holy Cross, and from canonical prebends at the Churches of St Mary Magdalene and St Elizabeth. The death of both founders stopped these activities, which were also thwarted by the diplomacy of royal Krakow acting for the benefit of the university operating there. ¹⁶

¹³ Cf. W. Marschall, Geschichte des Bistums Breslau, op. cit., p. 52; I. Subera, Zależność diecezji wrocławskiej od metropolii gnieżnieńskiej w opinii kapituły wrocławskiej z dnia 5 czerwca 1654 roku [Dependence of the Diocese of Wrocław on the Metropolis of Gniezno in the Opinion of the Wrocław Chapter of 5 June 1654], "Analecta Cracoviensia" 7 (1975), p. 461.

F.X. Seppelt, Geschichte des Bistums Breslau, [in:] Real-Handbuch des Bistums Breslau, Fürstbischöfliches Ordinariat (Hg.), pt. 1, Breslau 1929, pp. 51–52.

Cf. A. Sabisch, *Die Bischöfe von Breslau und die Reformation in Schlesien*, Münster 1975, pp. 17–34.

Dazu legten auch noch die Universität Krakau und der polnische König Einspruch gegen die Breslauer Neugründung ein. See: W. Marschall, Geschichte des Bistums Breslau, op. cit., p. 54.

During the Reformation and post-conciliar reform of the Catholic Church

The case of exemption returned with the takeover of the Kingdom of Bohemia and Silesian duchies belonging to the Crown of St Wenceslaus by the Habsburgs. Nonetheless, the bishops of Wrocław responded positively to the invitations of metropolitans to participate in provincial synods. Also, the higher clergy realized that the isolation could do more harm than the collective policy focused on implementing conciliar resolutions. At the election, the chapter each time obliged the new bishop to implement the Tridentine reforms.¹⁷ Eventually, Balthasar von Promnitz, Bishop of Wrocław, sent his delegate to the provincial synods in Piotrków (after many years of absence) that were held in 1557 and 1561. Buring the times of Bishop Martin Gerstmann (1574–1585), who, as the starost of Silesia had to make many compromises with the Silesian states, there was still proper cooperation with the metropolitan. Also he sent his delegate to the synod in Piotrków in 1564, but since it was rapidly broken up, it is not known whether the Wrocław canon Jan Grodeczki came there.¹⁹ In 1577, although he did not send a delegate to the next provincial synod in Piotrków, the bishop accepted its statutes during the diocesan synod in 1580.²⁰ Generally, the provincial agenda (Agendarum Ecclesiasticorum Liber in usum pro-vinciae Gnesnensis conscriptus) was used in the diocese, which was printed in Cologne in 1579.²¹ Bishop Andreas Jerin did not send his delegate to the next

It was used until 1654, when, after the diocesan synod in Nysa, a new ritual was issued for the Wrocław diocese. See: *Concilia Poloniae*, t. 10: *Synody diecezji wrocławskiej i ich statuty* [*Synods in the Diocese of Wrocław and their Statutes*], J. Sawicki (red.), Wrocław–Warszawa–Kraków 1963, p. 652.

See: A. Sabisch, *Bistum Breslau...*, op. cit., pp. 118–125.

As Prof. Rev. Anselm Weiss writes in his study on exempted dioceses, the presence of a delegate at a provincial synod did not have to directly indicate upholding the metropolitan relationship with the archdiocese. The participation, as pure courtesy, could be a means of expressing goodwill, while the adoption and implementation of signed decrees could indicate sophisticated utilitarianism. See: A. Weiss, *Biskupstwa podległe...*, op. cit., pp. 43–44.

See: A. Sabisch, *Bistum Breslau...*, op. cit., pp. 124–125.

See: I. Subera, Zależność diecezji wrocławskiej..., op. cit., p. 462; Z. Lec, Biskupi wrocławscy w dobie reformacji i reformy Kościoła [Bishops of Wrocław in the Era of the Reformation and Reforms in the Church], "Saeculum Christianum" 2/1 (1995), p. 218. Of different opinion was Rev. Michał Morawski, who indicated the presence of the delegate from the Bishop of Wrocław at the synod, referring to the invitation of the metropolitan sent to Wrocław and to the archival register of attendance. See: M. Morawski, Synod piotrkowski w roku 1589 [The Synod of Piotrków in 1589], Włocławek 1937, pp. 12, 17–18.

provincial synod in Piotrków in 1589 because the imperial court "supposedly frowned upon it." ²²

Following the tenure of Bishop Johann Sitsch, the throne of bishop's cathedral was taken by Archduke Karl Habsburg, to the influence of Gniezno came to an end: the principle of *cuius regio*, *eius religio* was the order of the day and it allowed the Habsburgs and the Church of Wrocław to independently introduce effective church reforms. The imperial court in Vienna had already undertaken certain measures in Rome in 1560, the aim of which was to dissolve the metropolitan relationship between Wrocław and Gniezno. These endeavours were hindered by another intervention on the Polish side, but: "the awareness and tactics of loosening the metropolitan union remained alive." Thus, the delegate of the bishop of Wrocław did not arrive at the provincial synod in 1607. In 1614, the Wrocław cathedral chapter decided in a written statement that the dissolution of the metropolitan union was completed, and hence no one was sent to the next provincial synods that took place in 1621, 1628, 1634 and 1643.

When the Thirty Years' War broke out in the empire, it was necessary to close ranks again to defend the lands of the Habsburg dominion. In the summer of 1620, Bishop Karl Habsburg – in his written account to Pope Paul V – informed about his difficult situation in the times of the ongoing warfare. For this reason, he took refuge in Poland: "within the borders of the archbishopric of Gniezno, with his metropolitan, as well as with the king and queen (i.e. his own sister)." The above statement clearly indicates that the bishop of Wrocław was aware of the dependence on the metropolitan of Gniezno, although German historiography indicates that it was a purely diplomatic operation. It should be remembered that the shepherd on behalf of the emperor appealed for military help, asking the king of Poland to take care of Silesia and Moravia. In 1624, during the election of Bishop Karol Ferdinand Vasa (nephew of Bishop Charles Habsburg) for the post of diocese coadjutor, the chapter demanded that the archduke, who was leaving for Portugal, should obtain a papal confirmation of

See: I. Subera, Zależność diecezji wrocławskiej..., op. cit., p. 473.

See: W. Marschall, Geschichte des Bistums Breslau, op. cit., p. 88.

See: W. Marschall, *Geschichte des Bistums Breslau*, op. cit., pp. 88–89. See: A. Sabisch, *Bistum Breslau...*, op. cit., p. 127.

Unde in Poloniam se contulit in ditionem Gnysensis [sic!] Archiepiscopi sui metropolitani, tum ad Ser.mos Regem et Reginam sororem. Cit. in: Relacje "ad limina Apostolorum" z diecezji wrocławskiej z lat 1589–1943 [Reports "ad limina Apostolorum" from the Diocese of Wrocław from the Years 1589–1943], J. Kopiec (red.), Opole 2014, p. 51. Cf. J. Kopiec, Relacje biskupów wrocławskich "ad limina" z XVII i XVIII w. [Reports "ad limina Apostolorum" from the Bishops of Wrocław in the Seventeenth and Eighteenth Centuries], "Nasza Przeszłość" 68 (1987), p. 120.

the exemption of the diocese of Wrocław. In order to ease the tension caused by this demand, King Sigismund III Vasa himself promised a personal intercession with the archbishop in this matter. Gradually, the diocese evidently followed its own path, ignoring the decisions of provincial synods.²⁷ And although the exemption prognosticated by the Wrocław canons was devoid of legal force, it was considered a factual thing, which was very convenient for the Habsburgs. It should also be remembered that in the post-conciliar period, the right of metropolitans to confirm the election of bishops was severely limited, as well as the right to supervise and control them, or the right to appeal to the metropolitan in the matters of higher level of authority.

In the course of exempting from real dependence (until the end of the Habsburg rule)

According to some German historians, if the actual state of the exemption had not been decided in the year 1624, then in 1641 its actual state was already something obvious. In 1638, the Wrocław canon Fryderyk Berg, authorized by the cathedral chapter, elaborated a special memorandum on the metropolitan powers of the archbishop of Gniezno over Wrocław. The memorandum was sent to the Bohemian King and Emperor Ferdinand III, with a request for protection against the claims of Gniezno. On February 20, 1641, another canon, Jan Dest, reported on the exemption of the Wrocław diocese at the Imperial Diet in Regensburg. The emperor confirmed the decision he had expressed a year earlier that the diocese of Wrocław should break metropolitan links with Gniezno, which the bishops elected for the future should also strive for. According to Fr Alfred Sabisch, the decision of the emperor made it impossible to invoke any metropolitan relationship with Gniezno by church members in Wrocław. And although in legal terms Wrocław was still within the borders

The year 1624, as the time of the actual exemption, was referenced by Fr Johann Heyne: Seit dem Jahre 1624 keine Spur der alten Verbindung der bischöflichen Kirche zu Breslau mit der Metropolitankirche zu Gnesen mehr aufzufinden ist. See: J. Heyne, Dokumentierte Geschichte des Bisthums..., op. cit., p. 369. Cf. J. Heyne, Die Weihbischöfe des Bisthums Breslau von der ältesten Zeit bis auf die Gegenwart nach Urkunden und Geschichtsquellen dargestellt, "Schlesisches Kirchenblatt" 39–40 (1857), pp. 485–487, 497–499; J. Heyne, Zur Geschichte der Exemtion des Bisthums Breslau von dem Metropolitanverbande mit der erzbischöflichen Kirche zu Gnesen, "Schlesisches Kirchenblatt" 48–49 (1857), pp. 593–598, 609–612.

²⁸ Cf. A. Sabisch, *Bistum Breslau...*, op. cit., pp. 134–140. Cf. B. Kumor, *Jeszcze o egzempcji diecezji wrocławskiej [More on the Exemption of the Diocese of Wrocław*], "Prawo Kanoniczne"

of the Polish metropolis, the chapter stubbornly continued the efforts to reject the metropolitan dependence, treating the matter as an existing fact.²⁹ Indirectly, the open path to the separation is mentioned in the letter from the Polish King Władysław IV Vasa, which he sent to Emperor Ferdinand III in 1637. The king reminded the emperor that the diocese of Wrocław had belonged to the metropolitan union with Gniezno since the very beginning.³⁰ An open conflict broke out during the diocesan synod, which took place in Nysa on May 26-28, 1653. On June 5, 1654 the chapter drew up a memorial in which they addressed the emperor, accusing their bishop that he, apart from his secretary - the canon of Płock Mateusz Jagodowicz - appointed to the synod two canons of Gniezno - Grabowski and Nieborowski. The participation of Polish clergy, especially the canons of Gniezno, was considered by the chapter to have been a stumbling block, and they described it as contradicting sacred customs and dangerous in principle, and as jeopardizing the maintenance of exemption claims from the metropolitan authority of Gniezno.31 In the further part of the letter, the chapter was proving that for many years, "possibly even over 100 years," the metropolitan had not exercised his power in the Silesian diocese, for over 40 or 60 years he had not ordained any bishops of Wrocław, nor did he summon any bishop to him (e.g. to confirm dependence in the case of ordaining a bishop outside the metropolis). As to interpellations to the higher instance, the Wrocław diocese had been sending them for years not to the metropolitan, but directly to the nuncio, which, in their opinion, confirmed that the bishop of Wrocław enjoyed the "acquired right of exemption." 32 Although this matter was somewhat of a political bargaining chip, or perhaps even an actual state of affairs, it still was not legal in terms of law, as Wrocław canons would have

^{11/1-2 (1968),} p. 320; W. Marschall, Geschichte des Bistums Breslau, op. cit., p. 89.

See: I. Subera, *Zależność diecezji wrocławskiej...*, op. cit., p. 462.

Cf. B. Kumor, Jeszcze o egzempcji..., op. cit., p. 321.

Quia ex actis constat dominos Polonos nostrae exemptioni iam pridem legitimis modis quaesitae, maxime Gnesnenses, infensos esse, suam superioritatem et nostram subiectionem recentesque actus possessorios contra Regni Bohemiae iura quaerere. Cit in: I. Subera, Zależność diecezji wrocławskiej..., op. cit., pp. 462–463.

From the legal point of view, the chapter tried to prove that with the change of borders in the 14th century, the metropolitan union was dissolved. Otherwise, they demanded to confirm the senatorial rights for the Warmian/Ermland diocese because the Commonwealth of Poland deprived them of such rights, annexing it under the Second Peace of Toruń/Thorn. In addition, it was argued that the diocese had not participated in provincial synods for over 100 years, which of course was not true. For political reasons, and not for ecclesiastical or canonical ones, the metropolitan could no longer exercise his power at that time. See: I. Subera, *Zależność diecezji wrocławskiej...*, op. cit., pp. 464–468, 475.

liked. Perhaps, that is why with respect to the exemption they did not intervene to the pope but to the emperor. It should also be remembered that the Holy See did not make any binding decisions about this state of affairs at that time.

And yet the practice of filling the bishop's throne in Wrocław had become of "Trent" nature to the very core. They did not wait for the approval of Gniezno when the cathedral chapter appointed Cardinal Friedrich von Hessen-Darmstadt to the bishop's throne in 1671, as suggested by Rome, or when his successor Bishop Franz Ludwig von Pfalz-Neuburg was elected in 1683 – a candidate of the imperial court. The fact that the exemption still had no juridical value is evidenced by an unsuccessful attempt to settle the matter in Rome by Cardinal von Hessen-Darmstadt – until the arrival of the resident of the Eternal City to Wrocław.³³

When card. Philip Ludwig von Sinzendorf was elected bishop of Wrocław in 1732 – at the explicit request of the Vienna court – Pope Clement XII wrote in the document of September 3, 1732 that the Wrocław bishopric: sane Ecclesia Vratislaviensis Sedi Apostolicae immediate subiecta (reports directly to the Holy See).³⁴ From that year on, we can talk about the pope's recognition of the fact of exemption, while the said status of the diocese had been acknowledged by the imperial throne at least since 1641. In his visitation report of September 12, 1739, the cardinal wrote directly about his transfer to the diocese of Wrocław, which was done by the "authority of the papal power," disregarding metropolitan rights, which were no longer respected at that time.³⁵ In the further part of the document, having provided some information about the establishment of the diocese, the origins of which the author shifted to 966 (based on Długosz's writings about its establishment under the mandate of the "Duke of Poland Mieszko" [sic!]) and having included the catalogue list of bishops of Wrocław, the cardinal wrote about the already bygone metropolitan dependence on Gniezno. As long as Silesia belonged to Poland, it was believed that the bishops of Wrocław were subordinate to the archbishop of Gniezno and, through him, they usually received the ordination and office. Now, it had been apparent for a long time that the diocese was dependent only on the Holy See: "For this reason, it shall not be accepted that the diocese should turn to Gniezno in church matters, which, in fact, has not been done for a long time." In the matters involving the participation in provincial synods, if such synods were

³³ Cf. B. Kumor, *Jeszcze o egzempcji...*, op. cit., pp. 322–323.

Cf. B. Kumor, *Jeszcze o egzempcji...*, op. cit., p. 323.

³⁵ Cf. *Relacje "ad limina Apostolorum"…*, op. cit., p. 178.

convened and the Bohemian King did not object, the cardinal felt obliged to take part in them.³⁶

Polish historiography, in turn, emphasizes that the information processes of the primates of Poland, drawn up in the modern period by papal nuncios, starting from Jan Lipski (1638) to Antoni Kazimierz Ostrowski (1777), mentioned the diocese of Wrocław as belonging to the metropolis of Gniezno, although it was stated in them that the bishops of Wrocław were breaking out of the metropolitan laws.³⁷ Prof. Leszek Winowski believed that the real metropolitan dependence of Wrocław on Gniezno lasted at least to 1748 (i.e. 16 years longer than it might be inferred from the document of 1732): "This date is the benchmark from which the Wrocław bishopric became directly dependent on Rome and from which, in terms of canon law, the legal basis validating the claims of the metropolitans of Gniezno ceased to exist."³⁸

Summing up, it must be said that the imperial side spoke about the actual state of exemption from at least 1641. However, it was not a binding term for the Holy See, which for the first time defined the diocese in this way only in 1732. The actual state did not correspond with the legal and ecclesiastical status, which was only changed in 1821.

During the Prussian monarchy and in the breakthrough year of 1821

When entering Silesia, in the 1742 treaty of the Berlin, Frederick II theoretically guaranteed that he would not violate the *status quo* of the Catholic Church. In

Cit. in: B. Kumor, *Jeszcze o egzempcji...*, op. cit., p. 320.

Dum Silesia Poloniae subesset, Wratislavienses Episcopi Archiepiscopo Gnesnensi subiecti censebantur, ac ab eodem consecrationis munus accipere solebant, iam vero diuturna observantia pro S. Sede subiecta habetur sedes Episcopatus Wratislaviensis, nec appellatio causarum ecclesiasticarum ad Sedem Metropolitanam Gnesnensem agnoscitur aut exercetur. Ad synodum metropolitanam Gnesnensem (si qua celebraretur ac nisi Regis Bohemiae prohibitione impediretur) accedere episcopum Wratislaviensem obligatum crederem. Cit in: Relacje "ad limina Apostolorum"..., op. cit., p. 180. Cf. J. Kopiec, Relacje biskupów wrocławskich..., op. cit., p. 120.

See: B. Kumor, Granice metropolii gnieźnieńskiej i jej sufraganii w okresie przedrozbiorowym [Borders of the Gniezno Metropolis and its Suffragan Sees in the Pre-Partition Period], "Roczniki Teologiczno-Kanoniczne" 13/4 (1966), p. 15. According to Bishop Jan Kopiec, who researched the Vatican sources, the last mention of Wrocław's affiliation to Gniezno appears in Gniezno reports from 1762. See: J. Kopiec, Relacje biskupów wrocławskich..., op. cit., p. 121. Por. I. Subera, Zależność diecezji wrocławskiej..., op. cit., p. 460.

practice, however, he was limiting the freedom of action of Church authorities, and he was substantially strengthening the position of Protestantism. The area of Wrocław diocese was divided by a border, the greater part of which was in the Prussian state, and the smaller part under the Habsburg rule. For political reasons, the king wanted to subordinate the Silesian diocese not to the Holy See or Gniezno, but to the state apparatus. The submissive cardinal Sinzendorf, accustomed to unswerving loyalty, stood faithfully at the service of the king and he was even ready to agree to the implementation of the royal plan, which intended to detach Silesia from Rome and to create an independent Catholic vicariate in Brandenburg with the seat in Berlin, headed by the bishop of Wrocław. Only by strong protests from Pope Benedict XIV were these plans abandoned.³⁹

The territorial conquests of Prussia changed the existing borders. In the east, the areas were expanded, among others, with New Silesia, whereof church jurisdiction was taken over by the diocese of Wrocław. In 1811, the diocese also took over the ecclesiastical authority of the deaneries of Pszczyna and Bytom because Kraków became a part of the newly formed Duchy of Warsaw. Politically, these areas had shared their fate with the rest of Upper Silesia since the 12th century. After 1815, it was possible to start the organization of Europe along with the borders of dioceses that ought to overlap with the border treaties established by the victorious powers. It should be remembered that the diocese of Wrocław suffered enormous losses as a result of the secularization carried out in 1810 involving most of bishop's, monastic or chapter goods and almost all church foundations. As in other dioceses, in 1821 the office of cathedral chapter with emoluments and prebends was returned to Wrocław. The diocesan theological seminary was to be donated by state treasury, similarly to Church legal entities and institutions, whose emolument was in principle a compensation for the church property seized 11 years earlier. Financing a part of Church activities by the state guaranteed that the state could exercise control over the economic affairs of the Church, church education, and even in the future it ensured control of bishops' contacts with the Holy See. The papal brief Quod de fidelium (of July 21, 1821), announced five days after the issuance of the papal bull, recommended that candidates for bishops "should be nice to the king." Thus, the chapters who had the right to elect – as it was in the case of Wrocław diocese - had to look to the king's court and consult on the candidates "nice to the king." It was also important that the diocese of Wrocław - like the diocese

³⁹ Cf. J. Pater, *Z dziejów wrocławskiego Kościoła*, op. cit., pp. 71–73.

of Warmia – received the status of a separate diocese directly dependent on the Holy See. In this way, the actual state had become also legal.

The provisions of the bull provided also other provisions of consequence, including the correction of the diocese borders, which brought about small losses, but very large attainments. The church districts of Ostrzeszów and Kępno were excluded for the benefit of the archdiocese of Poznań. The jurisdiction of Wrocław extended to the eastern borders of Upper Silesia, taking over the administration of the deaneries of Bytom and Pszczyna, which had been de facto in the diocese since 1811 (53 parishes in total). Once again, the actual state of affairs was coming into force as well. New Silesia (the deanery of Siewierz and Lelów), administered from 1795, was incorporated into the dioceses of Krakow and Włocławek. The jurisdiction of the bishop of Wrocław comprised also parishes in the district of Cieszyn as well as the areas of the non-secularized bishop's principality (Jesenik, Widnawa and Jawornik), which remained in the territory of the Austrian Empire. It was a singularity in the Prussian policy which adhered to the principle of state and church territorialism, but in this way the diocese could still count on the income diminished after 1810. From the territory of Lusatia, on the former Bohemian-Saxon borderland, 21 parishes were incorporated into the diocese of Wrocław, some of which were subordinated to the independent monastery in Neuzelle, and a few were administered by the dean of the collegiate church of St Peter in Bautzen (Budziszyn). The largest acquisitions obtained by the diocese were to the north and north-west of its existing borders, i.e. the Protestant territories of Lubusz Land and Gorzów, Western Pomerania (with Słupsk, Koszalin, Szczecin, Stralsund as far as Rügen) and Brandenburg (with royal Berlin, Potsdam all the way to Wittenberg). Pursuant to the earlier decree of the Congregation for the Promotion of Faith of 1819, the territories of the last two regions were subjected to the jurisdiction of the Bishop of Wrocław as an apostolic delegate. The said area, almost 100% Protestant, was commonly referred to as the northern missions (Nordische Missionen), and officially as Berlin delegation (Delegaturbezirk Berlin), 40 with only 6 parishes in 1821. On behalf of the Bishop of Wrocław, it was administered by the St Jadwiga parish priest in Berlin.

Literally: the Prince-Bishop Delegation of Brandenburg and Pomerania (Fürstbischöfliche Delegatur Brandenburg und Pommern).

Summary

The provisions of 1821 regarding the exemption of the diocese of Wrocław – i.e. treating it as an exempted diocese and directly dependent on the Holy See – were viewed as legal acknowledgement of what had been considered a factual state since at least the mid-17th century. In subsequent visitation reports to the Holy See, Wrocław bishops referred no longer to the historical state of affairs, but to the legal status, arguing that the Wrocław diocese was exempted by the bull of 1821. Such a state of affairs was reported in the later period on the first pages of the written account *ad limina*, in Chapter I: *Generalia de statu materialia*:

The diocese of Wrocław was established as the suffragan of the metropolis of Gniezno around the year 1000. Communication with the archdiocese gradually loosened due to waged wars and political reasons. During the Prussian-Austrian wars in 1740–1763, most of the dioceses were incorporated into the structures of the Prussian state. In this part in 1803 [sic!] The goods of bishops, chapters, monasteries and all other ecclesiastical goods were secularized, but in the Austrian part a bishop retained his goods. In 1821 – by virtue of the bull of Pope Pius VII "De salute animarum" of July 16 – it was stated that the diocese of Wrocław was directly subordinated to the Holy See. 41

The borders of the reorganized diocese almost entirely mirrored the new delineation of Prussia, bordering in Upper Silesia on the diocese of Krakow (which from 1880 also enjoyed the right of exemption, i.e. the exemption from the dependence on the archdiocese of Lviv, to which it was incorporated in 1807), stretching in the west to Lusatia and then in the form of a delegation through Brandenburg to the historical borders of the Duchy of West Pomerania. ⁴² In the Prussian part, the diocese had the area of 45.3 thousand km² (the diocese

Eadem bulla nova circumscriptio dioecesis ordinata est qua ei ascriptae sunt pars Silesiae superioris usque huc ad dioecesim Cracovien[sem] pertinens, Lusatia inferior et superior.

Fundata est dioecesis Wratislaviensis tamquam suffraganea archidioecesis Gnesnensis circa annum 1000. Coniunctio cum matre paulatim bellis et politicis ex causis soluta est. Bellis borussico-austriacis annorum 17401763 major pars dioecesis in ditionem borussicam transiit. Anno 1803 in saecularisatione dioecesis sedes episcopalis, capitula, monasteria, omnibus fere bonis ecclesiasticis privata sunt, sed in parte austriaca Episcopus bona retinuit. Anno 1821, per bullam Pii PP. VII "De salute animarum" d. d. 16 Julii datam declaratam est episcopalem Wratislaviensem Sanctae Sedi Apostolice perpetuo immediate subiectam esse ac remanere debere. Such an account, with an identical reference to the bull of 1821, was made by Card. Adolf Bertram on January 22, 1920. Cit. in: Relacje "ad limina Apostolorum"..., op. cit., pp. 484–485, 524.

did not include the areas of Głubczyce, Kietrz and Branice belonging to the archdiocese of Ołomuniec and the areas of the Kłodzko County belonging to the Prague archdiocese). On the Czech side, the diocese had the area of further 3.1 thousand. km². The area of the bishop delegation covered an area of 60.3 thousand km². The dioceses used the German, Polish and Czech languages, which required a large part of the clergy to learn two languages (they were called utraquists). 43

Until 1929, the area of Pomerania and Brandenburg formally retained the personal union with Wrocław. From the mid-19th century, intense apostolic work was carried out in these areas, related not so much to the Christianization of indigenous peoples, but to the creation of pastoral centres for Catholics emigrating to the capital and to industrial cities. These factors entailed the creation of new parishes and pastoral stations, the construction of numerous churches and chapels, the creation of a network of deaneries, and thanks to the provisions of the concordat of 1929 – the foundation of a separate diocese of Berlin under the bull of Pope Pius XI *Pastoralis officii nostri* of August 13 1930.⁴⁴ It was then that the diocese of Wrocław was elevated to the dignity of archdiocese, to which the suffragans in Berlin, Olsztyn and the territorial prelature in Piła

Delegatura denique Berolinensis Episcopo Wratislaviensi in perpetuam administrationem comissa est." See: Relacje "ad limina Apostolorum"..., op. cit., p. 485.

Pars principalis dioecesis ad regnum Borussiae spectat et per provinciam Silesiam necnon partem provinciae Brandenburgensis porrigitur, in totum per spatium 45300 chilometrorum in quadrato (qkm). Ex provincia Silesia tres districtus ad archidioecesim Pragensem pertinent, nempe Glatz, Habelschwerdt, Neurode, ex allis duobus districtis (Leobschütz et Ratibor) dimidiae fere partes dioecesi Olomucensi adhuc sunt incorporatae. Ex provincia Brandenburg ad dioecesim spectant archipresbyteratus Cottbus et Neuzelle et Schwiebus. Altera pars dioecesis per ducatum Silesiae Austriacae se extendit complectens spatium 3100 qkm. Media pars ducatus Silesiae ad dioecesim Olomucensem pertinet. Delegatura episcopalis ceteram partem provinciae Brandenburgensis et provinciam Pommeraneam continet (60300 qkm) exceptis districtionibus Bütow et Lauenburg, qui dioecesi Culmensi sunt adscripti. Dioecesis medio sub caelo sita est; in parte borussica dioecesis partim sola germanica, partim gemianica mixta cum polonica usui est; polonica lingua praevalet in Silesia superiori; in parte austriaca occidentali germanica, in orientali incolae polonica, germanica, bohemica mixtim utuntur. See: Relacje "ad limina Apostolorum"..., op. cit.

For more information on the provisions of the bull of 1821 for the diocese of Wrocław, see: F. Maroń, Proces kształtowania wschodniej granicy biskupstwa wrocławskiego na tle wydarzeń politycznych przełomu XVIII i XIX w. Przyczynek do genezy ustaleń bulli "De salute animarum" [The Process of Establishing the Eastern Border of the Bishopric of Wrocław Against the Background of Political Events at the Turn of the Ninenteenth Century. A Contribution to the Origins of the Bull "De salute animarum"], "Śląskie Studia Historyczno-Teologiczne" 4 (1971), pp. 187–248. Cf. W. Marschall, Geschichte des Bistums Breslau, op. cit., pp. 121–122; E. Gatz, Geschichte des Kirchlichen..., op. cit., pp. 219–221.

were subordinated. The new diocese of Berlin (whereof emblem was made up by 4 coats of arms of the former – canceled in the 16th century – dioceses of Lubusz Land, Kamieńsk, Brandenburg and Havelberg) had 13 archiprebyters and 153 parish priests in that year, and it was inhabited by 530,000 Catholics, whereof 455 thousand in seven deaneries of Berlin. 250 diocesan priests did pastoral work. The diocese of Wrocław (after the exemption of the diocese of Katowice), which was inhabited by over 2 million Catholics and about 1,300 clergymen, had 708 parishes, 25 *curatia* and 23 *localia*, 1,298 churches and 649 chapels. By 1937, more than 200 churches and chapels had been built on the diocese area, 79 more parishes were founded, as well as 167 *curatia* and *localia*. 64

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