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Ву

JOHN KAPRAS, LL. D.

THE CZECHO-SLOVAK REPUBLIC VOLUME II., PART 5.

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Published by the Czecho-Slovak Foreigners'Office. Printed by Pražská Akciová Tiskárna.

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THE CZECHO-SLOVAK REPUBLIC.

VOLUME II: HISTORY.

PART 5:

THE PEACE LEAGUE OF GEORGE PODĚBRAD KING OF BOHEMIA.

^{By} JOHN KAPRAS, LL. D.

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he four Articles of Prague put up at the begin of the Hussite Wars as the joint party program of the Hussites contained in the first chapter the following words: "that the words of God shall be proclaimed and preached by the christian priests freely, openly and without any hindrance" and further we read in the third chapter of the same resolution: "that contrary to Christ's commandments and in transgression of their priestly rights and also to the very great prejudice of the secular lords, many priests and monks rule over great worldly goods and possessions in attributing to themselves secular rights: that an end should be put to this improper ruling and that those priests and monks should be compelled to live true to the words of the Gospel and to our edification and that they should be led into the paths of Christ and his apostles."

These two articles contain two great principles which the hussite doctrine in the Czech state first formulated and later introduced and defended, with the free exercise of religion, at least as far as the christian church was concerned, and the deliverance of the secular element from the ecclesiastic supremacy.

Whilst, up to that epoch, not only in the Czech State, but also in all other states where the population professed the romancatholic creed, no exception or divergence of any kind from the teachings and principles of Rome was tolerated and considered a heresy which called for capital punishment, — the hussite doctrine on the contrary admitted of a free interpretation of christianity, although there could be no guestion of freedom of conscience in a way. It should be mentioned, of course, that subsequently this general religious liberty was not maintained in the Czech State on the same broad lines as during the Hussite Wars, but was restricted to certain confessions tolerated besides the roman creed.

Moreover, the hitherto existing supremacy of the clergy over the secular elements was broken from the beginning by the hussite doctrine. During the single or separate Hussite Wars this became not so evident, because then and especially in the «Sirotci»*] and

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^{*) «}Sirotci» means «Orphans» named so after the death of their chief Žižka (called by themselves «Father»).

«Tábor» parties, it would seem for a time as if finally the utraguistic priests would become dominant. But, in its final effects and results the hussite doctrine did everywhere away with the supremacy of the clergy: the priests have no greater privileges than the secular elements, their hitherto possessed privileges are taken from them, they are deprived of their extraordinarily large immovable and real estates and thus, the whole class nearly entirely loses its political importance.

In this way, the hussite doctrine laid the foundation stone for the transformation of the Czech State into a modern secular state. The Church was compelled to put up with this change for the time being, in concluding compacts and agreements.

But the Church did not consider this state of things as a lasting and definite one and tried in every possible way to get rid of these changes in the Czech State which were so unfavorable to her. For this purpose the clergy tried to obtain the abolishment of these compacts during the reign of George of Podebrad -1462 — when an attempt to abolish the independance of the French Church seemed to be succesful. But as this plan did not succeed in France owing to a strong opposition on the part of Parliament and the Clergy, it likewise could not be carried out in Bohemia. On the contrary, the political endeavours of the Church, and especially the abolition of the compacts, only brought about the strengthening of the hitherto existing evolutionary tendency to make the state independent from all ecclesiastical influences. The Czech State carried through its will against the will of the Popes, so that finally the Czech Parliament took a decision (1485), according to which the above mentioned compacts, - although the Pope expressly abolished them and declared them to be heresy -, became the fundamental law of the country, upon which the Czech kings had to take the oath, even if they were not utraguists themselves, but partook of the Lord's supper in only one form in case they wanted to exercise their governmental powers. The most significant importance of these compacts becoming a Czech law lies in the fact that a thing which the Church expressly rejected and condemned became operative as a secular law. In such a mesure then the hussite doctrine emancipated the Czech State from the ecclesiastical influence.

And there is no doubt George of Poděbrad, the sole Hussite and at the same time our sole Czech king, made use of the foundations worked out by the Hussite wars and consciously adjusted his whole internal and foreign policy to these aims.

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Digitization Support from MICROSOFT That it was just George of Poděbrad who achieved this, will not surprise anybody who knows the conditions of his reign, his political circumspection and his high nobility of mind amongst the rulers of his time. Undoubtedly this is due to king George not being the offspring of a reigning family; he owed his accession to the throne only to his intellectual capacities by means of which he rose above his epoch generally.

His ways of thinking, his conception, brought him near to modern times and he was several generations ahead of his time. At the very beginning of his reign the hussite king felt that there would soon break out a conflict between himself and the Pope who would not tolerate a Hussite upon the throne, though he might take an oath of submission to his bishops. George's policy aimed at adjourning this conflict as long as possible and at fortifying in the meantime not only his own position in the Czech State but also the position of the Czech State amongst the other states. Therefore he continually postponed the sending off of an official embassy to Rome which was to promise to the Pope obedience not only in the name of the king, but also of the whole country, for he anticipated that, on this occasion, the conflict would break out as really later was the case.

Therefore, George did all in his power in order to strenghten the Czech State internally by means of perfect internal order, and surrounded his state with a dense net of treaties with all neighbouring states with a view to ensure therewith a quiet development of the state and to secure for the nation peace and prosperity. And as he was successful in this, he became not only the king of a strong state, but an important ruler for the whole of Central Europe, who decided and settled the guarrels and conflicts of the neighbouring states, interfering thus with the powers and rights of the roman emperor and the Pope who formerly attributed those and similar rights to themselves, basing themselves upon the medieval theory according to which the highest power on earth was bestowed upon them by the Almighty himself.

And finally George undertook the significant attempt to liberate and to make independent the secular government of Europe generally from the hitherto existing clerical supremacy of Rome, to put exclusively into the hands of the former the direction of the affairs of the state, to remove the hitherto prevailing theory of the two swords: the spiritual — ecclesiastical — and the secular, and at the same time he deprived Rome of one of the most important things of that epoch: the direction and conduct of the Ottoman — Turkish — wars, a thing which already then should have become a European affair, as was the case much later. All

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this was greatly furthered by the ingeniously devised plan of the Confederacy of the Christian Princes of Europe, imagined and built up by king George of Poděbrad.

The Peace League of George Podebrad is not, however, the first important manifestation undertaken by the Czech Hussites and the Czech intellect in order to mitigate the horrors of war. The stormy years of the Hussite wars themselves brought already before that time some decrees by means of which the Hussites tried to impair and, to a certain extent, even to remove the excrescences of war. Nearly all of these decrees are closely connected with the name of Žižka, as they partly emanate from him or, at least, were created through his influence. And Žižka's military rules and decrees form the principal nucleus of all these endeavours. The aim and object of these regulations is the maintenance of a severe discipline, the removal of all disputes and guarrels, of disorders and mischief, and they establish the equality – equal rights – of all members of the army, without any regard to their condition, class and rank; they restrict unnecessary plundering and arson, as well as private looting, as the booty should be common property, distributed by a special commission according to military merit. Then the synods of Tábor, which came about by the influence of Žižka, prescribed that wars should be waged with all possible moderation, that the peasants should be protected from looting and that cruelty and barbarity, as well as capital punishment should be restricted to a just measure. Perhaps many of these regulations originated in the principles of the deeds and documents of Sempach (XIV. century), handed down to us, as it seems, for the first time in the first draftings of Hájek's regulations which were published only a short time before the Hussite wars broke out; but it remains the exclusive merit of the Hussites that they adopted and enlarged and even practised them which is best shown by the second enlarged edition of Hájek's regulations dating from the last stage of the Hussite wars. In this edition we find not only the above mentioned, more ancient regulations, but also new ordinances: the protection of sacred things and places, of mills, women and children, the strict prohibition to take from people their last things, as for instance, the bundles on which they were found seated - the prohibition of looting own or friendly people, the making of enemy prisoners etc.

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Digitization Support from MICROSOFT In all these things the Hussites realized a much greater progress with their humanitarian ordinances than it was the case with ordinances of the church- or canon-law of the same epoch, the latter forming the first and fundamental conception of martial law of the christian world at the time. As may be seen by this the soil was already noticeably well prepared in Bohemia and the whole situation favorable at the time when George of Poděbrad made known his great idea and plans. On the other hand, he was not so well understood abroad.

III.

The conception of the plan of a great Peace federation of Christian Princes is, properly taken, not so much king George's work, as it is that of his adviser and counsellor, the genial adventurer Antoine Marini of Grenoble, a Frenchman by birth. George was in the habit of solving with his help many questions of foreign politics and political economy, and often enough Marini furnished him with new and happy ideas. So, for instance, different guestions, seven in all, of this kind had to be solved between them (about 1463), and amongst these guestions there was in the second place that «of how it would be possible to bring about a general understanding of all Christian kings and princes. securing for them not only a lasting peace amongst themselves, but also for the purpose of preserving and restricting at the same time to a just mesure all powers and rights of the pope and the emperor and, last but not least, protecting Christianity against the Turks.» – –

In answer to this guestion Marini refers to the project of an international parliament, in pursuance of which he had already undertaken many journeys into foreign countries. — Thus, the project itself dates from a somewhat earlier period.

At the beginning of the sixties (about 1460) king George's international importance was already very great indeed. The conflicts between Bohemia and Poland were then tor the greater part already settled by the treaty of Býtom; great meetings of Germany were arranged at Cheb and of the princes Nürnberg under participation of George or his representatives. Settled through his intervention were also the Hungarian guestions, and a decision, favorable to Bohemia, was obtained in the Czechobrandenbourghish conflict, the object of which was the possession of Lusatia. In the summer of 1461 Marini went to Rome as king George's ambassador and in one of his letters the project of the Peace-federation is mentioned for the first time. In case George – so runs this letter – would be willing to conclude an agreement with the kings of Poland and Hungary, Marini would submit to him a project, the idea of which he himself conceived, and which, till now, he only mentioned to the Pope who surely would be to Christianity of the same great utility as formerly was Godfrey of Bouillon. It may be seen by this that, originally, there was no guestion of completely eliminating the Pope, but that, on the contrary, the first project counted with him and that the greatest weight was laid upon the Turkish expedition which should take place with the participation of all the principal rulers of Christianity. It was only after abolition of the compacts and at a time when it became evident that war between king George and the Pope was inevitably certain that this original project was altered and a new plan conceived which left no room for the Pope.

We can easily understand that the question of the Turkish wars was prominent then, for the fall of Constantinople took place only just a few years previously viz. in 1453. Therefore it is not surprising that George and his negotiators (agents) in the beginning for tactical reasons always put the Turkish expedition in the foreground.

At first (1462) the king of Poland was won for this plan at the meeting at Hlohov. He bound himself to friendship with the Czech State, to mutual help against all enemies, especially against the Turk, to the exclusion of war between the Czech and Polish people, and it was decided that all guarrels should be settled by arbitration and agreements.

At the time of these negotiations with Poland the anti-Pope tendency of the league became not yet perceptible. On the contrary, in the second place where negotiations took place in the same year, in the Venetian republic, the project of a similar league with Bohemia, France and Poland, Hungary, Burgund and Bavaria was gladly welcomed; but in the opinion of the Venetians it was not thought proper to exclude the Pope from the participation in the League and from the expedition against the Turks.

In the first place, Marini did not take part at all in the meeting arranged by the duke of Burgund, for the latter entertained friendly relations with the Pope. On the other hand, the French king, Louis, had many reasons for guarreling with the Pope, and, besides, he was to be put at the head of the new league, and therefore he gladly welcomed and adopted the whole idea and would have been inclined to conclude at once an agreement with Marini if the latter would have been at that time in possession of the necessary powers. Louis therefore himself wrote

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to the Venetians and empowered Marini to continue the negotiations with Venetia, Poland and Hungary in his name.

In the meantime, George negotiated with the duke of Brandebourgh and with Matthias of Hungary, very cautiously on the whole, for the former was an adherent of the Pope and the latter received from the Pope a yearly allowance for the conduct of the Turkish wars.

It greatly added to king George's political importance that he succeded in settling a number of riots, guarrels and wars in the German empire, which were settled by the so – called Treaty, or Agreement of Prague, 1463. On the other hand, his simultaneous device to reform the organisation of the German empire, which aimed at the creation of a well established organ in whose hands would centre the highest power of the empire met with no success at all.

The year 1464 finally brought the decision in the matter of king George's whole project. In the first place, Marini went to Matthias of Hungary, and although the Pope's party got the upperhand there, in the meantime Matthias, notwithstanding this, and evidently because he considered himself greatly honoured by treating with the French king, consented to send an embassy to France in his name. And the king of Poland pronounced himself in the same way, a little later.

And so it came about that in May of that year a great Czech embassy, comprising forty horses, went to France. It was conducted by Albrecht Kostka of Postupice who, at the same time, represented the Czech king withf plenipotentiary powers; Marini on the other hand, was invested with full powers for Poland and Hungary. From the detailed diary kept of this important mission it may be seen that in the meantime the Pope's party at the French Court won the majority, and although it was not powerful enough to prevent Louis from receiving the heretics at all, it still succeeded in making impossible the final conclusion of a universal peace league.

The Czech ambassador formulated the request of his king as follows: «the Czech king requests and entreats the French king as the Most Christian King and one who loves the universal true christian creed, that His Majesty deign to convoke an assembly of kings and christian princes in order that they or their councillors with full powers might meet at a stated time and place, when and where it would please the French king: and that the Czech king requests this for the praise of the Lord and the Glory of the Christian creed, the Holy Roman Church and the Holy Christian Empire».

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It is interesting to hear in what way the ecclesiastical councillors of the French king objected to this device. »It is not fitting for the Czech king to formulate such a request, especially not without the authorization of His Holiness the Pope and the Christian Emperor; and that it would be more fitting to leave it to the Holy Father and the Emperor to decide in this matter and that this was no business of the Czech king».

In Bohemia they felt quite differently about all these things. Therefore could Kostka well answer as follows: «All things that are fitting for the Holy Father shall not be taken from His Holiness, and also as regards His Grace the Emperor; but it seems to us a funny thing that you prelates do not like to see and do not suffer that any good comes out of agreements between secular people; but want that all must previously pass through the powers and offices of you prelates; and you want to know of all secular things, you clericals». Marini then expressed himself in a much more high spirited manner «The devil is in the Pope, the Pope is possessed of the Devil and there is no worse or more wicked man on the earth than he!»

Finally, the Czech mission had to be satisfied with a mere friendly agreement. All other things should be decided later on, but this never happened and so the whole project of a peace league fell to pieces. Thus the Pope really succeeded in frustrating it.

But George of Poděbrad's peace league was by no means such a utopian idea as it would seem at a first glance. At this epoch the Christian states already began to consolidate themselves; indeed, they entered into regular relations between themselves and it was even thought of establishing permanent embassies and new principles of international law, for which purpose new organs were created.

A continual endeavour to liberate itself from the tutelage of the Church made itself strongly felt in Northern Europe, and even in Central Europe there were signs of the same movements. The Turkish danger became more and more acute. Upon all these component parts was based the device of king George's peace federation.

IV.

In its introduction the above-mentioned device describes at length the steadyly increasing might of the Turks. It was said that out of 117 formerly Christian states only 16 remained unconcerned (were not invaded by the Turks) and that the Lord punished people in this manner for their sins. People should realize their sins, so that they may be forgiven. — There is no such sublime thing on earth as peace amongst Christians and the protection

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of Christ's doctrine against the Turks, — The Christian states are therefore bound to achieve chiefly two ends, viz. to preserve peace between themselves and to protect the Christian creed against the Turks. For this purpose a federation shall be founded of all Christian princes of France, Germany, Italy and eventually of Spain. This league shall take care that any unnecessary war be avoided in future. On the other hand the members of the league undertake the obligation to set all in their power against the Turks and not to cease in their efforts until all Christian principalities are freed from the Turkish yoke. In the new confederation there is no particular place reserved either for the Roman Emperor or for the Pope.

The emperor may take part in the league in his quality of a German king, but then he is put on the same level with all other German princes and takes together with them the second place in the confederation, the first place being assigned to the French king. As regards the Pope, he cannot become a member of the confederation at all; he retains all his ecclesiastical rights, but all possibility of further interference with secular matters shall be taken from him, as far as the members of the confederation are concerned. And he should mediate and negotiate between outsiders i. e. between such princes and kings who were not members of the league - if he wanted to do so and in case conflicts arose between them: on the other hand it shall be made his duty to take care, by means of his ecclesiastical power, that the Italian princes assemble the necessary ships for the new expedition against the Turks and further that he should help the league by means of the eventual threat of ecclesiastical punishment to collect that part of the title which will form, as we shall see further on, the fundamental source of revenue of the league. In plain words, the emperor and the Pope shall be deprived by the confederation of their until then existing special position in the Christian world, by reason of which they considered themselves entitled to interfere with many guestions arising in foreign countries, even then when they did not concern them at all. As regards the emperor, the evolution of things would obviously have involved this and in his case, the change would not have been so considerable: the Pope, on the other hand, till then, always succeeded in conserving his rights as the highest rights and powers in the whole Christian world, to which submitted all Christian princes with the exception of those, however, who, as heretics freed themselves from the yoke of Rome. In this latter direction king George's confederacy meant a revolution - the complete achievement of which would require guite a lenghty period of time -

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and this, guite naturally, was the reason why the Pope opposed the creation of the federation and, indeed, in the long run by means of his diplomatic intrigues he even succeeded in preventing its realization.

The members of the league entirely give up their right to wage war independently, and the right to decide for or against war or peace is conferred upon the confederation. All members of the league unconditionally take the obligation not to wage war amongst themselves whatever their conflicts and guarrels may be, the decision only and solely rests with the organs of the league. But, on the other hand, the confederation protects its members against attacks on the part of states not being members of the league. For, the league tries at first to settle an eventual conflict between a member and a foreign country in a friendly way, but then it protects its member with all might. Finally the federation endeavours to prevent also wars between states not being members of the league, even without being invited to do so, and in case this intervention does not succeed, the confederation participates in the war for the sake of the opponents who showed himself willing to desist from waging war and to submit to the decision of the league.

At the same time, the federation also acts as a kind of Public Peace Association or League, for all its members are bound to punish with the utmost severity all those who trespass on public order and public peace, and trespassers, whoever they may be, are not to find protection anywhere, neither from their princes nor from their subjects. And those who would protect and shield such trespassers would incur the same punishment as they themselves.

And the prince who would not take care that such trespassers be punished, would be considered himself a trespasser of public peace.

The principal organ of the Peace Federation is to be an Asseembly (collegium, corpus, university, congregation) which has to take place at first in Bâle and which later on, from five to five years, shall successively be transferred to all federated countries. On those assemblies all interested countries are represented by plenipotentiaries who, however, are dependent upon the will of their princes against which they cannot act.

The vote is given according to nationalities, so that all princes of one and the same nation - as for instance the French, German, Italian and eventually the Spanish nation - form one group with only one vote. Within each such national group each prince has one vote, all princes being equal; and the majority of votes within each national group decides as to the vote of the nation in the assembly. In case of equality of votes within each national group an attempt is to be made to decide on which side are the most important states: but if even then no agreement is arrived at the vote of this nation simply falls out for the one special voting. The decisions of the Assembly sometimes were taken on a majority of votes, sometimes unanimity was required. The regulations do not contain any particular definition as regards this.

The head of the Assembly was the president (praesidens pater) and probably this honour was to be conferred upon the French king. The membership of the league was not to be personal, even the successor being bound by it.

The confederation was to have its own mark of distinction or badge and its owns seal, as well as its treasury and archives and a number of officials who, however, were not to be permanently employed, but by turns were to be taken from the countries in which the confederation met.

It would be superfluous to enlarge upon the fact that their formal organization was built up upon the principles of some of the last Church Councils.

The Assembly held the highest power within the confederation: it admitted new members, decided on the whole organization of the league, completed and changed the rules and regulations of the latter, had to decide on peace or war, on the strength of the army to be put in the field and its provisioning, introduced military coins for the army, directed the whole military action and disposed of the conguered enemy territories. It further directed the collection of the funds which constituted the income of the federation, appointed the federal tribunal and administrated its conditions and issued the necessary instructions.

Finally it generally had to exercise legislative power without any restriction whatsoever, it voted laws for any possible guestion when the members of the federation thought it necessary; these laws should be based on the principles of natural right «de naturae gremio nova jura producere.»

Under these circumstances, there was only a very small sphere of activity left to the other organ of the league i. e. the tribunal (generale consistorium, parlamentum, judicium) which was composed of judges and assessors and which had to administer justice guickly and without any unnecessary formalities. Its seat was there where the Assembly met, and the details of its organization had yet to be determined by the Assembly. By its competency it is evident, that this Court of Justice was in the first place intended to be a tribunal for the princes and that it further had

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to compete (or co-operate) with the Assembly as regards some guestions relative to legislation. This co-operation is the true reflection of the co-operation of the Czech Assembly with the Country Courts of Justice both of which were equally legislative bodies.

The tithe of the Church, as well as a three days'income of the prince and his subjects, were to constitute the financial fund of the League. The treasurer was authorized to collect these contributions, the particulars of which were to be determined by the Assembly even by force.

V.

This description of George of Poděbrad's Peace federation clearly shows that its object was to bring about a League of States with a well defined aim and a solid organisation.

It had no predecessor; for the primitive idea of the French Dubois, from the year 1306, is not worthy of this designation. On the other hand, we meet with a similar idea in a plan conceived more than a century later by the French minister Sully who under king Henry IV., projected the creation of a federal republic of 15 European states.

The great device of George of Poděbrad did not succeed. The Pope was then still mighty enough to frustrate it. Nevertheless, this plan, as an interesting essay, still holds an honorable place in international law. At the same time it constitutes a lasting proof and document of the Czech king George of Poděbrad's penetrating intellect, of his worldly wisdom and superior statesmanship, by virtue of which he rose above his whole epoch, striving after such achievements as only were attained many centuries later and after many cruel wars.

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