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Misterium Caritatis:
Christian Values
in the Polish School of the Law of Nations
(*Ius Gentium*)

The following paper contains two parts. The first is a kind of introduction which recalls the historical facts related to the political origins of the Polish medieval theory of the law of nations (*ius gentium*). The second part focuses on selected arguments of Paulus Vladimiri (Paweł Włodkowiec), the founder of this theory, who, in justifying its position on a theological level, refers, among other biblical texts, to the letters of St. Paul.

PART ONE:

Historical background

It should be noted that the Polish medieval theory of the law of nations (*ius gentium*) is not just the result of theoretical academic inquiries, it was conceived against the background of a bloody and long-lasting dispute between Poland and the Teutonic Order, and thus refers to a collec-

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tion of numerous documents developed during these events.¹ The Teutonic Order (full name: Order of Hospitallers of the Most Blessed Virgin Mary of the German Home in Jerusalem) was invited by the Polish prince Konrad Mazowiecki to reside in the north of Poland in the first half of the 13th century in exchange for establishing a defense against the aggression of pagan Prussia. Meanwhile the Order, while subjecting pagan Prussia to gradual extermination, organized a strong military state in the area, which threatened everyone around it “cum maxima effusione sanguinis Christiani,”² including Christian Poland. Despite protests lodged before the Pope in adjacent lands, the Teutonic Order pursued a brutal policy of expansion and conversion by the sword. The knights appealed to the ideology of a holy war and understood their mission as the military conquest of barbarian nations in order to convert them to Christianity. The Teutonic Order did so with the support of Western political and intellectual elites.³

¹ In addition to the treatises written by Paul Vladimiri in his personal capacity, he also produced various other writings (*Articuli, Propositiones, Impugnationes, Responsiones, Informationes, Supplicationes, Petitiones, Appellationes, and Scripta denunciatoria*), written anonymously as the procurator of the party he represented at the Council of Constance, where the Polish-Teutonic dispute was a topic of serious discussion. These texts are scattered in various European libraries as the participants of the Council were from all over the continent. See S. Belch, *Paulus Vladimiri and his doctrine concerning international law and politics*, vol. I, (London–The Hague–Paris: Mouton & Co., 1965), 56 et sqq.

² Paulus Vladimiri, *Ad Aperiendam*, in L. Ehrlich, *Works of Paul Vladimiri (a selection)*. *Pisma wybrane Pawła Włodkowica*, vol. I, (Warszawa: Instytut Wydawniczy Pax, 1968), 191; Vladimiris’ writings edited by Ehrlich are divided into three volumes (translated also into English) and are not numbered by line. As such I provide the volume and pages of the concerned edition (Ehrlich used the first words of a text to form its title, whereas S. Belch, in his study and edition of Vladimiris’ works, uses the abbreviated title *Causa* for this text).

³ Christianization by force had its origin in the policies of Charlemagne. This practice was opposed by Alcuin who reminded Charlemagne that the proper way to gain souls for Christ was through love. However, the few who voiced such criticism had little influence and the crusades against the pagan Slavs were led with the same brutal

After the conquest of Prussia, Poland together with Lithuania, Samogitia, Orthodox Ruthenia, and other neighboring regions was menaced. Meanwhile, the union of the Kingdom of Poland and the Grand Duchy of Lithuania stood in the way of the expansion of the Order. This union was the result of the marriage of the Polish queen Jadwiga to the Lithuanian duke Władysław Jagiełło, his and Lithuania's baptism (1386), and, as a consequence, a successful and peaceful conversion of the Lithuanians to Christianity. It was the free act of the nations of the Union to enter into the Latin circle of *Christianitas* and the peaceful coalition of many cultures: Polish, deriving from Latin civilization; Lithuanian, deriving from paganism; and Ruthenian, deriving from Orthodox civilization. This free Union was unlike the bloody conquest of the Teutonic Order which was supported by the majority of the Christian world.⁴

The peaceful manner of the conversion of the Lithuanians to Christianity questioned the sense of the further existence of the Order's state.⁵ Faced with this situation, the Teutonic Order, apart from armed

force as those against the Saracens in Palestine and Spain. Such action was sanctioned by documents issued by ecclesiastical and lay authorities, for instance the highly influential *Golden Bull* (1226) of Frederick II, in which he identifies himself with the Church (wishing to create something of a "laical papacy") and arrogated for himself the right to convert the whole of the world to the Christian faith. In this document, German rulers identified the interests of the empire with those of the faith and sanctioned draconian methods of Christian "conversion," thus giving the emperor the right to destroy, convert, and subjugate all barbaric nations. The Teutonic Order founded its existence and action on many actual and false privileges, and also on the afore-mentioned *Golden Bull*, in which the Emperor referred to his rights as "ruler of the world." See Ehrlich, *Works of Paul Wladimiri*, XLV–LII; Belch, *Paulus Vladimiri and his doctrine*, vol. I, 54–61.

⁴ S. Wielgus, *The Medieval Polish Doctrine of the Law of Nations: «Ius Gentium»*, transl. John M. Grondelski, (Lublin: University Press of the Catholic University of Lublin, 1998), 55–61.

⁵ Paulus Vladimiri writes about this: "Considerant hec mirabilia Cruciferi et quasi moleste ferentes quod eis causa occupandi possessiones et domina predictorum taliter deperiret maiori ferocitate invadunt pluries et successive more solito dictos neophitos et

incursions, launched an ideological war, spreading hostile propaganda in Western Europe that accused the Polish king Jagiełło of an insincere conversion and that the Christianization of the Lithuanians was a sham.⁶ When the ideological and military aggressiveness of the Teutonic Order grew to a dangerous level, Poland was forced to undertake preparations for war. The subsequent conflict was therefore a war with two dimensions – both military and ideological.

In 1410, the Battle of Grunwald took place between the allied armies of Poland and Lithuania on one side, and the Teutonic Order on the other. Poland after its victory was accused of aggression against Christians and, in addition, of acting in alliance with pagans and heretics. The case was raised at the Council of Constance (1415–1418), which was the largest forum in the world at the time. Polish scholars and diplomats had to fight an additional battle, this time an intellectual and spiritual one, to defend the Polish *raison d'état*. These Polish representatives were entrusted not only with the task of reclaiming the lands seized by the Teutonic Order, but at the same time, and to do so, they had to defend the fundamental principles of Christian civilization. They had to prove, among other things, that the war waged by Poland against the Teutonic Order was legally justified and that “pagans” had the same rights as Christians since, as they stressed, the right to liberty and equality belonged to every human being by

tam baptizatos quam eciam alios nondum baptizatos multos crudeliter perimunt eciam sacerdotali condicioni vel ordini non parcentes, cremant ipsorum novellas ecclesias et innumera alia.” And further: “Gerentes speciem erigunt potenciam contra Regem Polonie catholicum improvisum invadunt Regnum Polonie hostiliter castra demoliunt et alia redigunt in cineres spoliant et violant et plurima nephanda ibi fiunt.” Vladimiri, *Opinio Ostensis*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 118–119.

⁶ The height of such propaganda was John Falkenberg’s treatise entitled *Satire*, beginning the *Accipe gladium*, full of aggressiveness and calumny, which was written after the Battle of Grunwald on the commission of the Teutonic Order. Thanks to the forceful efforts of the Polish delegation, the Council of Constance condemned this work. See Ehrlich, *Works of Paul Wladimiri*, vol. II, 210–215.

nature, no matter what religion one professed. To achieve this, the Polish representatives had to defy the highest forces of the time – the papal and imperial powers. Although Poland itself belonged to the Christian world, in defending the rights of other nations it stood on the border of two alien and hostile worlds. On the one hand, there was the “civilized,” “superior” world of Western Christianity, and on the other, the “barbaric” world of pagans, subordinate to the former, who were treated as inferiors and denied all rights. The latter included Lithuanians, Samogitians, Latvians, Ruthenians, and others who were all excluded from the circle of the civilized world.⁷

In their strategy, the Teutonic Order also sought to push the Polish state outside the entire community of European Christianity, which was done through the aforementioned false accusations made against the Polish king. Even more, the representatives of the Teutonic Order called for the extermination of Poles, which falls under the category of a call for genocide.⁸

THE POLISH THEORY OF *IUS GENTIUM*

The main founders of the Polish doctrine of the law of nations are the prominent Cracovian scholar, lawyer, and diplomat, Paulus Vladimiri (1370/1373–1435),⁹ and the first rector of Cracow University and diplomat, Stanislaus de Skarbimiria (Stanisław ze Skarbimierza 1365–1431). From their extant writings we may learn of the Polish theory

⁷ W. Bajor, “The Cracovian Precursors of *Ius Gentium* in the Jagiellonian and Contemporary Periods,” in *Jagiellonian Ideas Towards Challenges of Modern Times*, ed. L. Korporowicz et al., (Kraków: Jagiellonian Library, 2017), 101–105.

⁸ This is evidenced by the following words from Falkenberg’s *Satire*, which Vladimiri quotes in his documents: “Principes seculi ulcionis gladio tenentur absque omni dissimulatione Polonos omnes cum eorum Rege, vel maiorem partem eorum extingwere aut principes eorum et nobiles omnes in patibulis contra solem suspendere.” And further: “Princeps seculi qui Polonos et eorum Regem Iaghel pro Deo occidunt faciunt opera pietatis.” Vladimiri, *Iste tractatus*, in Ehrlich, *Works of Paul Vladimiri*, vol. II, 201.

of *ius gentium* in which the concept of just war is the topic of concern. These theories were representative of the opinions of Poles, the Royal Court, and knighthood at the time.

The Polish theory of *ius gentium* was formulated 200 years before Grotius (1583–1645) and over 100 years before the works of the scholars considered to be precursors to this law; particularly Niccolò Machiavelli, Francisco de Vitoria, Bartholomeus de Las Casas, Pierino Belli, Balthasar Ayala, Jean Bodin, Francisco Suarez, and Alberico Gentili. Despite this, Hugo Grotius, who stands at the end of the first phase of the development of international law and whose writings regarding international procedures are very undeveloped, is considered to be the author of the law of nations. However, the original and innovative *ius gentium* theory of which Polish medieval scholars were the authors, is still hardly known. This is of course notwithstanding to what some scholars (e.g. S. Belch) maintain, namely that the Polish theory was superior and far more polished from the legal point of view.¹⁰

Chronologically, the first important source of the Polish doctrine of *ius gentium* is the university sermon *De bellis iustis* formulated by Stanisław of Skarbimierz (dated 1410 or 1414) before one of the Polish-Teutonic wars. This is one of the earliest treatises, and perhaps the first legal treatise in European scientific literature (despite its having the form of a sermon), on the subject of international relations and on the laws of a contemporary war.¹¹ The text in question discusses the current (at the time) and burning problem of the ravaging war of the Teutonic Order against Poland, Lithuania, and Samogitia, and served as a moral preparation for the Battle of Grunwald. Referring to earlier

⁹ About the life of Paulus Vladimiri see Belch, *Paulus Vladimiri and his doctrine*, vol. I, 115–155.

¹⁰ See Wielgus, *The Medieval Polish Doctrine*, 63–65; Belch, *Paulus Vladimiri and his doctrine*, vol. I. 25.

¹¹ Stanislaus de Scarbimiria, *Sermo de bello, iusto et iniusto*, in *Sermones de sapientia selectae*, ed. M. Korolko, (Cravoviae: Officina Arcana, 1997), 85–109.

sources in the domains of theology, philosophy, and law, the author gathered into one systematic whole the problems of warfare.¹² What is essential is that he stressed the equality of Christians and pagans, resulting from natural law, as regards matters of peace and war, which were hitherto questioned. It was argued that non-Christians also have a right to defend themselves against aggression in order to protect their property, especially their country, which they were also argued to have a right to as well.¹³

However, the most complete and systematized theory of the rights of nations (*ius gentium*) is contained in the writings of Paulus Vladimiri. In his works, he relied on the existing intellectual tradition and directly

¹² “Włodkowiec supplements the widely known five conditions of a just war, established by Raymond of Penyafort (1. Only the laity may engage in warfare; 2. It can only be waged in order to regain illegally seized property or in defence of one’s fatherland; 3. It must be a necessary means for restoring peace; 4. It cannot be motivated by hatred, vengeance or greed, but by zeal for the law of God, love and a sense of justice; 5. It must be supported by the authority of the Church, especially when it is waged in the interests of the faith) – with his own three conditions: the duty to study the justice of war, which demands diagnosis and a legitimate declaration of its causes; proof from law and based on facts is to be presented; supposition of its justice is insufficient. This is an obligation for everyone who intends to unleash a war, including the pope or emperor who are the authorities who issue warrants for warfare. However, a different Cracovian scholar, Benedykt Hesse left out the 1st and 3rd conditions, proposing two others: 1. An uninterrupted continuity of incitement to war; 2. A permanent attitude of enmity on the part of one’s opponent. Cracovian scholars constantly stressed that for international relations regulated by *ius gentium*, good faith, honesty, good will and pure intentions are necessary for both parties. They forbade the waging of war in an undignified or villainous way, ruling out wars for the sake of booty, power and other similar advantages.” Bajor, *The Cracovian Precursors*, 2017, 114–115; See more *Bellum iustum versus bellum sacrum. Uniwersalny spór w refleksji średniowiecznej. Konstancja 1414–1418* [Bellum iustum versus bellum sacrum. The Universal Dispute in Medieval Reflection. Constance 1414–1418], ed. Z. Rau, T. Tulejski, (Toruń: Wydawnictwo Adam Marszałek, 2014).

¹³ Stanisław of Skarbimierz argued that a just war is admissible not only against pagans, but also Christians, and that in a just war, a Catholic ruler may enter into alliance with non-believers; provided that the right to benefit from the aid of non-believers is employed in order to assure peace in the spirit of natural law. See Ehrlich, *Works of Paul Vladimiri*, vol. I, 3–14.

on his master, the jurist Cardinal Franciscus Zabarella. With this, he constructed his lectures using the highest authorities such as Aristotle, Cicero, St. Augustine, St. Thomas Aquinas, Innocent IV, Iohannes Andree, and many others, thereby reinforcing his position. Interestingly, when he presented his revolutionary solutions, he was alone.¹⁴

Following his own method, Paul Vladimiri moved through several levels of argumentation. He precisely distinguished between methods appropriate to the matter of law (as a lawyer), methods appropriate to the field of theology (as a theologian), and methods appropriate to philosophy (as a scholar). The subject of conflict developed from being simple territorial disputes to being an issue within the sphere of international law, as well as an issue relating to universal philosophical (moral) and theological principles. Paul Vladimiri, in opposing papal and imperial bulls that authorized the policy of exterminating infidels, distinguished two issues within these documents: the issue of faith as an end, and the issue of war, the occupation of territories, and the subjugation of infidels as a means to an end. These two issues must be considered separately. The first matter concerns faith, belongs to theology, and boils down to the role of love. The second is of the factual state of affairs concerning means, belongs to moral and legal science, and boils down to the question of justice. In the eyes of the law, the proposed means are unjust because the Christian religion cannot be propagated through unjust war and the occupation of heathen lands.¹⁵

Basing their position on the foundations of natural law, Polish scholars defended fundamental human rights, particularly the rights to life, liberty, equality, tolerance, and the subjectivity of peoples.

¹⁴ See Wielgus, *The Medieval Polish Doctrine*, 69.

¹⁵ See Belch, *Paulus Vladimiri and his doctrine*, vol. I, 207–236.

PART TWO:

Theological argumentation

LOVE AS A POLITICAL VIRTUE

Standing consistently on the grounds of the Christian religion, in addition to the legal and philosophical arguments Vladimiri employed in his speeches and documents, he relied on the theological teaching of the Catholic Church and from it drew above all the principle of the dignity of every human being, the freedom of the will, and the gospel's command to love one's neighbor. In his theological argumentation, Vladimiri referred to the Old and New Testaments and to the writings of numerous Fathers of the Church. Moreover, he repeatedly drew on the teachings of Saint Paul, especially when he referred to the commandment to love your neighbor. First of all Vladimiri asks a fundamental question— who is one's neighbor? And answers:

And according to the Truth both the faithful and the infidels are our neighbours, without distinction.¹⁶

Following Gracian, Vladimiri recalls the precept: “Do not do to another what thou wouldst not have done to thee,” and based on the foundations of the law of nature, he concludes that every human being is a neighbor, not only Christians, since all share the same nature:

Likewise, because they share with us the law of nature. [...] And by virtue of this law of nature, and by virtue of charity, we are bound to help them in necessity.¹⁷

¹⁶ “Ratio: proximi enim nostri sunt tam fideles quam infideles indistincte.” Vladimiri, *Opinio Ostensis*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 128–129.

¹⁷ “Item quia iure nature nobis participant [...] Et ex eo iure nature et ex caritate illis in necessitate subvenire tenemur.” Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 88.

In this way, Vladimiri shows that all people are equal and have a right to life from which the right to defend themselves is derived. In the case of the Teutonic invasion, the Polish army has the right to fight in alliance with pagans. Moreover, he argues that from the commandment to love one's neighbor it follows that one has the duty to help those who are persecuted.

It needs no justification that one of the foundations of the socio-political doctrines of Christian thinkers is divine law, especially the divine imperative to love one's neighbor. As the Polish scholar reminds us, such a command should be implemented in all human life and human groups. In his discourses given at the Council of Constance, Paulus Vladimiri repeats the Gospel injunction to love your neighbor. In the dispute with the Teutonic Order, he points out their cardinal error contradictory to the Christian faith: they themselves confess in their articles that their Order was instituted to exterminate infidels and to occupy their dominions. Consequently, their order is not for the perfection of charity, but rather for impiety and cruelty, since they commit rape, robbery, murder, etc. Such acts exclude the love of neighbor and are not only lawless, but also betray the very essence of Christianity. Vladimiri bases his arguments on the Bible (as when invoking the Decalogue commandments: "thou shalt not kill," "thou shalt not steal"), and with great erudition he moves through the texts of the New Testament and repeatedly refers to the letters of St. Paul, especially when speaking about the commandment to love one's neighbor, with this forming the basis of his teaching.

Vladimiri proves that the crimes of the Teutonic Order are a violation of natural law and the Christian faith and above all trample the commandment to love one's neighbor, to the point of being a condemnable heresy. In this context, the Cracovian scholar twice cites Paul's words from his letter to the Galatians to show that the most important thing is to love your neighbor:

Omnis enim lex in uno sermone completur, scilicet: Diliges proximum tuum sicut teipsum (Gal. 5, 14)¹⁸

as well as the passage

que secundum Apostolum [fides] per caritatem operatur (Gal. 5, 6).¹⁹

He does this to stress that whatever is lacking in love is also offensive to the Faith, because charity cannot be without faith nor faith be useful without charity. In this part of his argumentation, Vladimiri quotes the *Hymn of Love* from the letter to the Corinthians (13, 2):

Si habuero omnem fidem ut montes transferam, caritatem autem non habeam, nichil sum vel nichil mihi prodest etc.²⁰

He completes his statement by referring to the teaching of Gracian so as to explain under what conditions we fulfill the divine command to love:

And our neighbours we love as ourselves if we love them not because of some advantages, not because of benefits to be hoped for or received, not because of affinities or consanguinities, but because of this alone that they are participants of our nature.²¹

¹⁸ I quote the biblical quotations used by Vladimiri directly from the Latin text of his writings. Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 292.

¹⁹ Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 291.

²⁰ Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 289; Vladimiri, *Ad Aperiendam*, in L. Ehrlich, *Works of Paul Wladimiri*, vol. I, 192.

²¹ “Proximos autem diligimus sicut nos si non propter aliquas utilitates, non propter speranda beneficia vel accepta, non propter affinitates vel consanguinitates sed propter hoc tantum quod sunt nature noster participes diligamus.” Vladimiri, *Ad Aperiendam*, in L. Ehrlich, *Works of Paul Wladimiri*, vol. I, 192.

In referring to Teutonic aggression, Vladimiri argues that *caritas* excludes all evil, citing the words of St. Paul from his Letter to the Romans (13, 10):

dileccio enim proximi malum expulsionis vel malum non operator,

and Letter to the Corinthians (13, 4):

nam caritas non agit perperam [...] et recta voluntas iniquum non agit.

He points out that this natural and divine law is immutable and thus cannot be left aside even by the Pope.²²

On the other hand, to expose the Teutonic Order's betrayal of the most important commandments and its embezzlement of the Christian Faith, thus excluding its Knights from the Kingdom of God, Vladimiri referenced certain excerpts from Paul's Letter to the Galatians (5, 19–21):

Apostolus [...] enumerat, scilicet fornicacio, luxuria, inimicicie, contentionones, ire, rixe, idolorum servitus, secte etc., dicens quod qui talia agunt regnum Dei non consequentur.²³

Based on the words of the Apostle in his Letter to the Corinthians (I, 14, 38) "et que qui ignorat ignorabitur," Vladimiri reminds his detractors that ignorance of Christ's teaching has no justification.²⁴ He also rebukes the Teutonic Order:

²² Vladimiri, *Ad videndum*, in Ehrlich, *Works of Paul Wladimiri*, vol. III, 179.

²³ Vladimiri, *Ad Aperiendam*, in L. Ehrlich, *Works of Paul Wladimiri*, vol. I, 198; Vladimiri, *Quoniam error*, in L. Ehrlich, *Works of Paul Wladimiri*, vol. II, 292.

²⁴ Vladimiri, *Ad Aperiendam*, in L. Ehrlich, *Works of Paul Wladimiri*, vol. I, 216.

Their condition is for perfecting not charity but rather cruelty, not for charity but for practicing sternness, not for helping one's neighbour but for doing harm. This is contrary to love of God and neighbour.²⁵

This is why it can hardly be considered an order. To call it such is a most crude and cruel error that excludes the Apostolic faith, of which love is a form (Hebrews 10, 24). Hence, the conclusion emerges that the Teutonic Order is a notorious heretical sect that must not be tolerated by the Church, with this order being more of some kind of monstrosity.²⁶ Therefore, Vladimiri expresses the opinion that no path of agreement for the Poles, Lithuanians, and other Christians with the Teutonic Order is possible because, in confirming the words of the Apostle to the Nations,

Que convencio Christi et Belial aut consensus templo Dei et idolo
(2 Corinthians 6, 15).²⁷

WAR REPARATIONS

The Poles, in their dispute with the Teutonic Order in defense of the Polish *raison d'état*, aimed not only to legally and theologically justify the rightness of their military action, but above all to enforce justice and regain the lands seized by the Teutonic Order. In doing so, they

²⁵ "Sequitur necessario ipsorum statum non esse ad perfectionem caritatis, sed potius crudelitatis; non ad beneficentiam ostendendam, sed ad saevitiam exercendam; non ad subveniendum proximo, sed ad nocumentum inferendum – quod est nimis erroneum in religione christiana et repugnans dilectioni Dei et proximi, ac ipsi Evangelicae veritati. Igitur: est evidens, statum ipsorum non esse alicuius religionis, sed erroris." Vladimiri, *De potestate, Thema*, in Belch, *Paulus Vladimiri and his doctrine*, vol. II, 965.

²⁶ See Belch, *Paulus Vladimiri and his doctrine*, vol. I, 250, note 56.

²⁷ Vladimiri, *Ad Episcopum Cracoviensem*, in Ehrlich, *Works of Paul Wladimiri*, vol. III, 219.

defended a natural human right, the right to property, which also serves as the foundation for the right to one's existence in an independent state. It should be stressed that the Poles argued that these rights were also due to non-believers, especially if they live peacefully. On the other hand, from this right emerges the right to the return of property looted in an unjust war. Vladimiri describes such a situation as follows, arguing that frequently and for many years the

Friars of the Teutonic Order of Blessed Mary of Prussia [...] afflicted and oppressed the Kingdom of Poland not without great and horrible killing of people, incredible devastation and depopulation [...] committing there robberies, burnings and homicides.²⁸

Vladimiri's doctrine of restitution is based on the above assumptions relating to the moral foundation represented by theologians. He argued by referring to the religious sanction that the one who started such an unjust war was obliged to return seized property or compensate for damages:

For the sake of salvation all things so seized are to be returned, as far as possible, and not to be retained to any extent.²⁹

In developing his argument, he relates to the rule of law formulated by St. Augustine and then inserts therein the body of canon law.³⁰

²⁸ "Diu ac diu, retrolapsis temporibus et successive [...] frequenter dictum Regnum Poloniae, non sine maxima et horrenda hominum caede et incredibili vastatione ac depopulatione agrorum et terrarum, afflixerunt et oppresserunt [...] hostiliter invaserunt, et in multis partibus gravissime destruxerunt, incensis ibidem ecclesiis plurimis, rapinis, homicidiis, ac aliis multis maleficiis perpetratis." Vladimiri, *Supplicatio*, in Belch, *Paulus Vladimiri and his doctrine*, vol. II, 1042–1043, 1044, v. 24–27, v. 62–64.

²⁹ Vladimiri, *Opinio Ostiensis*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 134.

³⁰ St. Augustine, *Ad Macedonium*, c. 6, n. 20, in idem *Epistola 153 ad Macedonium*, (PL, 33, 662).

This position concerns religious sanction when the remission of a sin, in this case theft (“Thou shalt not steal”) requires reparation in that:

a sin is not remitted unless that which was taken be restored etc.

i.e. in the dispute at hand, the return of conquered land.³¹ With this, Vladimiri admonishes tolerance and asks:

What tolerance would it be on the part of the Church and what would be the wholesome encouragement to embrace the Faith, if the Church were to take away from them goods, dominions and honours?³²

Moreover, as he points out, the divestment of this property undermines the right to life, as

without these temporal goods man’s life can not last long.³³

Furthermore, Paulus Vladimiri states that the reparation of war damage is not time-barred. This also applies if the property looted in a war was purchased or received in good faith.³⁴ He also raised the issue of reparations for murder and war crimes, with a view to the main perpetrator of a war, i.e. the ruler. Vladimiri postulated that the ruler of an aggressive state should make reparations not only for the wrongs committed by his people but also against his people.³⁵

³¹ Vladimiri, *Opinio Ostiensis*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 134; Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 11–13; See Belch, *Paulus Vladimiri and his doctrine*, vol. I, 670–688.

³² Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 85.

³³ Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 85.

³⁴ Vladimiri, *Opinio Ostiensis*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 134.

³⁵ Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 73–75.

From the above arguments, the Polish scholar declares that the Teutonic Order should repair any damages and return its seized lands. He draws the conclusion that the Teutonic Order should also be punished for its crimes, which he reinforces with the authority of St. Thomas who presents errors against religion according to the third chapter of the Letter to the Colossians.³⁶

CHRISTIAN HUMANISM

In the spirit of Christian humanism, Vladimiri opens the boundaries of *Christianitas* to all people, for, as he points out, everyone is a child of God by virtue of the act of creation. He further explains:

And therefore the law which is called natural is common to us and to other animals. And from the law so called branches off the law of nations.³⁷

As Belch noted in his monumental study of Vladimiri's doctrine:

The phrase *ius alienum* as a natural basis for just international relationships irrespective of religion, civilization, power, etc. is found in all of Vladimiri's works repeated again and again.³⁸

Above all, Vladimiri fiercely opposes the idea of conversion by force promoted by Western Christianity and rebukes the Teutonic

³⁶ "Et quia vicium religioni oppositum secundum eundem beatum Thomam dicitur supersticio, igitur hec ipsorum milicia non religio sed supersticio potius est dicenda. Superstitio enim [...] (secundum glossam Ad Colocenses III capitulo) est quando traditioni humane nomen religionis applicatur." Vladimiri, *Ad Aperiendam*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 194.

³⁷ Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 92.

³⁸ Belch, *Paulus Vladimiri and his doctrine*, vol. I, 257.

Order who, with the support of Western elites, was waging a “holy war” against “barbarous” peoples. Following entirely the philosophical anthropology of St. Augustine, Vladimiri strongly defended human free will. The Cracovian regards freedom as the primary category vested in man by nature, and natural law demands the freedom of individuals and of nations. Ergo natural law is opposed to any oppression and any sort of tyranny. In referring to Innocent IV, he states that we cannot, through coercion, bring about faith because faith is an act of man’s free will.³⁹ Vladimiri thus advocated religious freedom and tolerance.⁴⁰

In his arguments, Vladimiri cites the Teutonic side’s claims that denied non-believers the right to self-determination and to own their own land.⁴¹ He argues that it is an error not to be tolerated for Christians to flock together in aid of said aggressors so as to attack and conquer peaceful infidels simply because they are infidels. Vladimiri recalls that Christ recommended a peaceable attitude towards all when saying:

Blessed are the peace-makers,

and adds that Christ is

the lover of peace.⁴²

³⁹ See Belch, *Paulus Vladimiri and his doctrine*, vol. I, 255–257.

⁴⁰ See more T. Jasudowicz, *Zasada tolerancji religijnej w nauczaniu Pawła Włodkowica* [The Principle of religious tolerance in the teaching of Paulus Vladimiri], *Roczniki Nauk Społecznych*, XXII–XXIII, no. 1 (1994–1995).

⁴¹ “Quia Samagite semper fuerunt prout hodie sunt pro maiori parte infideles et fidei nostre inimici nullum ius habentes scilicet in terris: ideo nephas est dicere eos et eorum terras sub certis finibus et limitibus comprehendi, cum propter eorum perfidiam procul dubio sint a fidelibus extra fines orbis terre propellendi.” Vladimiri, *Ad Aperiendam*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 206–207.

⁴² See Belch, *Paulus Vladimiri and his doctrine*, vol. I, 453.

This rests in the fact that the law of the Gospel is the law of love and peace and not of fear and war. St. Paul reflects this when he says:

arma militiae nostrae sunt spiritualia (Corinthians 10, 4),⁴³

and elsewhere demands that a bishop must not be a striker (1 Timothy 3, 3).⁴⁴ Infidels should be compelled not by war, armed compulsion, and violence, but by rational, gentle, and attractive persuasion free of threats so that they

sequi nos velint, non fugere.⁴⁵

Hence, as Vladimiri stresses, it is not licit to drive infidels by arms or oppression to the Christian faith because to do so is a wrong against our neighbor, and evil things must not be done so as to facilitate good.⁴⁶

In order to justify the mutual support of Poland and non-Christian nations in their defence against the Teutonic Order, Vladimiri recalls the words of Paul the Apostle that faith operates through charity (Galatians 5, 6) as well as the Letter to the Hebrews (11, 33), in which Paul lists the great “righteous deeds” done by faith:

Sancti per fidem vicerunt regna, adepti sunt repromissiones.

Such a position is also confirmed by the words:

quod eciam est in formis fidei que sine operibus caritatis mortua est (James 2, 17).⁴⁷

⁴³ Vladimiri, *Conclusiones tres*, Belch, *Paulus Vladimiri and his doctrine*, vol. II, 897, note 3: “Nam arma militiae nostrae non carnalia sunt.”

⁴⁴ Vladimiri, *Ad videndum*, in Ehrlich, *Works of Paul Wladimiri*, vol. III, 171.

⁴⁵ Belch, *Paulus Vladimiri and his doctrine*, vol. I, 453, note 144.

⁴⁶ Vladimiri, *Opinio Ostiensis*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 129.

⁴⁷ Vladimiri, *Ad Aperiendam*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 197.

Thus, as the Polish scholar states, the duty to help one's neighbors follows and not only allows but even commands armed support for infidels when they are unjustly attacked, even if the attackers are Christian.⁴⁸ Hence Vladimiri concludes that Poles undertook a just war by defending themselves along with other nations against Teutonic aggression:

Because they [non-believers] share with us the law of nature, and by virtue of charity, we are bound to help them in necessity.⁴⁹

In the treatise *Ad Aperiendam*, the Cracovian scholar expressed the ideas of solidarity and tolerance strongly, stating that:

Jews and Saracens are our neighbours and are therefore to be loved by us as ourselves, that is (admitted) to the same as we. And for this reason laws permit intercourse with infidels, and to sit down at table with them so that we could win them over.⁵⁰

In another place, in referring to the law of nature, he added that:

Saracens and pagans participate in human nature, not only as to the soul but also as to the body.⁵¹

In the spirit of Abelard's humanism, Vladimiri believes that every human being is called by God to share in salvation. One could say that

⁴⁸ "Item quia iure nature nobis participant [...] Et ex eo iure nature et ex caritate illis in necessitate subvenire tenemur." Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 88.

⁴⁹ Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 88.

⁵⁰ Vladimiri, *Saevientibus*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 192.

⁵¹ Vladimiri, *Ad videndum*, in Ehrlich, *Works of Paul Vladimiri*, vol. III, 179.

this expands or rather opens the boundaries of *Christianitas* to all people in the potential sense, as based on the Gospel passage:

“Alias oves habeo que non sunt de hoc ovili,” (John 10, 16) scilicet Ecclesie “et illas oportet me adducere.”⁵²

Although non-believers are not of the fold of the Church, they are all yet without doubt the sheep of Christ according to creation and should be looked upon by Christians as the sheep of Christ *in potentia* because Christ died for all. Therefore, Vladimiri concludes that the words uttered to St. Peter by Christ to

“Feed my sheep” are to be taken for faithful and infidel sheep without distinction, and therefore Peter’s successor should not only feed but also defend them.⁵³

In defense of pagans, Vladimiri also refers to Christ’s injunction to preach the word of God and to justify those whom the Gospel has not yet reached. In this vein, he relies on the teaching of Paul the Apostle, who, by writing:

Quid michi de hijs qui foris sunt iudicare (Corinthians I, 5, 12),

had in mind pagans and the non-baptized.⁵⁴ Vladimiri also cites a passage from the letter to the Romans (10, 15):

⁵² “‘Other sheep I have which are not of this fold,’ that is of the Church. ‘and those I must bring’ etc.” Vladimiri, *Opinio Ostiensis*, vol. I, 227. Vladimiri explains “Repungnat in papa pastoralis officio oves Christi luporum rapacitati exponere quantumcumque infideles existant quas tamen pro sua possibilitate debet ad ovile Ecclesie adducere iuxta Salvatoris dictum (Ioannis X): ‘Alias oves habeo que non sunt de hoc ovili’ scilicet Ecclesie ‘et illas oportet me adducere.’” Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Vladimiri*, vol. II, 227.

⁵³ Vladimiri, *Opinio Ostiensis*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 120.

⁵⁴ “What have I to do to judge them that are without,” Vladimiri, *Saeventibus*, in Ehrlich, *Works of Paul Vladimiri*, vol. I, 37.

Quomodo praedicabunt nisi mittantur,⁵⁵

when he questions the legitimacy of the Teutonic Order with regards to the spreading of the Catholic faith through warfare carried out by non-clerical warriors. He blames the Friars of the Teutonic Order for their lack of theological knowledge. Being themselves ignorant (“ydiotae”), they use the sword instead of the word, which is quite an extraordinary method:⁵⁶

For novel and unheard of is this preaching which exacts faith by flogging.⁵⁷

Especially:

Since, however, the spreading of faith is principally an act of faith, which is a theological virtue, it belongs to theologians and not to soldiers.⁵⁸

Vladimiri admonishes one who punishes “unbelievers” and expels them from their homes or properties without reason, for all have the right to property and its defense. Nor should one punish unbelievers

⁵⁵ “How could anyone spread the news without a commission to do so?” Vladimiri, *Ad Aperiendam*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 65.

⁵⁶ “Cum autem isti sunt laici ydiotae, non potest hic modus subintelligi. Reliquitur ergo, quod ille modus subintelligitur extraordinarius” Vladimiri, *Ad Aperiendam*, vol. II, 65. Furthermore, Paul points out that conversion does not happen suddenly and abruptly, as some would like, but is a process and neophytes cannot be expected to automatically reach the level of Western Christianity: “In fide Christi, in qua nihil praecipitandum est, in qua nemo repente sit [fit?] summus.” Vladimiri, *Propositio*, art. 24, in Belch, *Paulus Vladimiri and his doctrine*, vol. I. 452, note 136. And Vladimiri adds a significant statement that the fact that newly built church buildings, put up with great effort by neophytes, are poor and primitive, does not mean that they should be burned down.

⁵⁷ Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 232.

⁵⁸ Vladimiri, *Quoniam error*, in Ehrlich, *Works of Paul Wladimiri*, vol. II, 237.

unless they commit crimes since the Church supports normal, peaceful life with non-Christians, which is confirmed in Paul's words from his letters to the Ephesians and Colossians regarding the relationship between master and slave.⁵⁹ Paul Vladimiri justifies and even recommends cooperation with pagans. Indeed, unless we consort with them, we can never gain them for God. In this argumentation, he cites the Letter to the Philippians (4, 22):

Salutant vos omnes sancti, maxime autem qui de Caesaris domo sunt⁶⁰

and explains that it is useful for the faithful to be of the emperor's "family" because it gives them the opportunity to defend fellow believers. In the same way, the Polish King Jagiełło, in defence against Teutonic aggression, entered into collaboration with pagans. The Church advocates dwelling with pagans if only because in order to convert non-believers one must dwell with them:

Indeed, without consorting with them, we cannot gain them for God,

as Poles did successfully with the Lithuanians.⁶¹

Conclusion

The elites of the world at that time, considering themselves the highest moral and political authority, driven by greed and a lust for domination, treated the Christian religion instrumentally, not seeing their contradiction in spreading the Faith by violence. Here is the paradox:

⁵⁹ Vladimiri, *Saeventibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 89.

⁶⁰ Vladimiri, *Saeventibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 93.

⁶¹ Vladimiri, *Saeventibus*, in Ehrlich, *Works of Paul Wladimiri*, vol. I, 89.

Polish scholars, basing their position on the Christian Faith and above all on the Gospel's commandment to love one's neighbor, defended "non-believers" against "believing" Christians. Thus, love appears as a political virtue in the sense of self-giving, which is reflected in the vocation of the person realized in relation to others. In this sense, love is the root and condition of a peaceful union of different nations into one political body. In a special way, this "political" dimension of love resounds in a passage from the Act of the Union of Horodło of 1413, confirming the Polish-Lithuanian union, in which we read:

In nomine Domini, amen. Ad perpetuam rei memoriam. Quia constat nullum salutis recipere compendia, nisi mysterio fulciatur caritatis, quae non agit perperam, sed fulgens propria bonitate, discordes conciliat, unit rixantes, mutat odia, rancores amputat et cunctis pacis praestat alimentum, dispersa colligit, collisa erigit, in plana aspera dirigit et prava in directa convertit et virtutes.⁶²



Mysterium Caritatis: The Pauline Inspiration in the Polish School of the Law of Nations (*Ius Gentium*)

SUMMARY

The Polish medieval theory of the law of nations (*ius gentium*) was born in the nation's conflict with the Order of Teutonic Knights, which pursued a bloody mil-

⁶² "It is common knowledge that he shall not be redeemed who is not supported by the mystery of love (*mysterio caritatis*) which does not act improperly, but beaming with its own goodness, it reconciles those at odds, unites those who have quarrelled, modifies hatred, soothes anger and gives to all the fare of peace, gathers the distracted, strengthens the tormented, smoothes the rough, straightens the crooked, supports all virtues." *Acta Unji Polski z Litwą, 1385–1791* [Acta of the Polish-Lithuanian Union], ed. S. Kutrzeba, W. Semkowicz (Kraków: Polska Akademia Umiejętności, 1932), 53.

itary expansion into Eastern Europe under the pretext of converting pagans, invoking the ideology of a holy war to justify its aggressive actions. The scholars of Kraków defended not just the Polish *raison d'état*, but also the rights of other non-Christian peoples who were also the subject of Teutonic aggression (Lithuanians, Samogitians, and Ruthenians). Paulus Vladimiri (Paweł Włodkowic), the main founder of *ius gentium*, in his method argued from several levels: the legal, theological, and philosophical, thus defending basic human rights: the rights to life, freedom, equality, tolerance, and the independence of nations. Vladimiri poses a fundamental question: who is a neighbor? He states that a neighbor is every human being, not only Christians, with this, in the context of the conflict with the Teutonic Order, showing the obvious contradiction of the Order's actions with the injunction to love one's neighbor. Vladimiri stood consistently on the grounds of the Christian religion, from which he drew the principles of the dignity of every human being, the freedom of the will, and one's duty to love their neighbor, invoking, inter alia, the words of St. Paul in Corinthians (13, 2) and Galatians (5, 6; 5, 14). Vladimiri used a passage from the Letter to the Galatians (5, 19–21) to demonstrate the Teutonic Order's misappropriation of the Christian faith, for "faith cannot be useful without love." In this context, love (*caritas*) appears as a political virtue in the sense of self-giving, which is reflected in the vocation of the person realised in relation to others and which serves as the root and condition for the peaceful union of different nations.

Keywords: love of neighbor (*caritas*), law of nature, human rights, international law, peace, war

REFERENCES

SOURCES

- Acta Unji Polski z Litwą, 1385–1791*. [Acta of the Polish-Lithuanian Union] ed. Kutrzeba Stanisław, Semkowicz Władysław, Kraków: Polska Akademia Umiejętności, 1932: 53–54.
- AUGUSTINE St., *Epistola 153 ad Macedonium*. PL, 33, 662.

- PAULUS, Vladimiri, *Ad Aperiendam*. In *Works of Paul Wladimiri*, ed. and transl. Ehrlich Ludwik. Instytut Wydawniczy Pax, Warszawa 1968, vol. I:144–271.
- . *Epistola ad Reverendum in Christo Patrem Sbigneum Episcopum Cracoviensem (1432)*. In *Works of Paul Wladimiri*, ed. and transl. Ludwik Ehrlich. Warszawa: Instytut Wydawniczy Pax, vol. III: 203–226.
- . *Opinio Ostensis (1415)*. In *Works of Paul Wladimiri*, ed. and transl. Ludwik Ehrlich. Warszawa: Instytut Wydawniczy Pax, 1968, vol. I: 113–143.
- . *Saevientibus* or *De potestate*. In *Works of Paul Wladimiri*, ed. and transl. Ehrlich Ludwik. Warszawa: Instytut Wydawniczy Pax, 1968, vol. I: 2–112.
- . *Quoniam error; pars 1 (1417)*. In *Works of Paul Wladimiri*, ed. and transl. Ehrlich Ludwik. Instytut Wydawniczy Pax, Warszawa, 1966, vol. II: 216–324.
- . *Iste tractatus (1417)*. In *Works of Paul Wladimiri*, ed. and transl. Ehrlich Ludwik. Warszawa: Instytut Wydawniczy Pax, 1968, vol. II: 182–215.
- . *Conclusiones tres*. In *Paulus Vladimiri and his doctrine concerning international law and politics*, ed. Belch Stanislaus. F. London–The Hague–Paris: Mouton & Co., 1965, vol. II: 891–904.
- . *Scriptum denunciatorium errorum in duobus tractatibus Ioannis Falkenberg, O.P., contentorum*. In *Paulus Vladimiri and his doctrine concerning international law and politics*, ed. Belch Stanislaus F. London–The Hague–Paris: Mouton & Co., 1965, vol. II: 990–1001.
- . *Tractatus de potestate papae et imperatoris respectu infidelium, Thema*, in *Paulus Vladimiri and his doctrine concerning international law and politics*, ed. Belch Stanislaus F. London–The Hague–Paris: Mouton & Co., 1965, vol. II: 780–844.
- . [*Supplicatio*], *Ex parte Regis regis Poloniae in causa contra Cruciferos de Prussia ad Martinum Papam V Supplicatio*. In *Paulus Vladimiri and his doctrine concerning international law and politics*, ed.

Stanislaus F. Belch. London–The Hague–Paris: Mouton & Co 1965, vol. II: 1034–1062.

STANISLAUS de SCARBIMIRIA, *Sermo de bello iusto et iniusto*, in *Sermones de sapientia selectae*, ed. Korolko Miroslaus, Cracoviae: Officina Arcana, 1997: 85–109.

STUDIES

BAJOR, Wanda. *The Cracovian Precursors of Ius Gentium in the Jagiellonian and Contemporary Periods*. In: Jagiellonian Ideas Towards Challenges of Modern Times, ed. L. Korporowicz et al. Kraków: Jagiellonian Library, 2017: 99–127.

Bellum iustum versus bellum sacrum. Uniwersalny spór w refleksji średnio-wiecznej. Konstancja 1414–1418 [The Universal dispute in medieval reflection. Constance 1414–1418], ed. Rau Zbigniew, Tulejski Tomasz. Toruń: Wydawnictwo Adam Marszałek, 2014.

BELCH, Stanislaus F. *Paulus Vladimiri and his doctrine concerning international law and politics*, vol. I., London–The Hague–Paris: Mouton & Co., 1965.

EHRlich, Ludwik. *Works of Paul Wladimiri (a selection). Pisma wybrane Pawła Włodkowica*. Warszawa: Instytut Wydawniczy Pax, 1968 vol. 1, 1966 vol. 2, 1969 vol. 3.

JASUDOWICZ, Tadeusz. *Zasada tolerancji religijnej w nauczaniu Pawła Włodkowica* [The Principle of religious tolerance in the teaching of Paulus Vladimiri]. *Roczniki Nauk Społecznych*, XXII–XXIII, 1 (1994–1995): 47–68.

WIELGUS, Stanisław. *The Medieval Polish Doctrine of the Law of Nations: “Ius Gentium”*, transl. John M. Grondelski, Lublin: University Press of the Catholic University of Lublin, 1998.