

Between Menace and Utility: Handguns in Early Sixteenth-Century Bohemia¹

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The spread and use of firearms was a common problem in early modern Europe,² and the Kingdom of Bohemia was no exception.³ In 1500 the Bohemian Diet promulgated a Land Ordinance (or code) containing an Article that forbade hunting with a handgun (*ručnice*). This article was based upon a resolution of the Diet held at Posonium (present-day Bratislava, Slovakia) in 1499.⁴ The Diet would also rule against handguns in 1510.⁵ Yet another Diet, in 1514, looked into the problem of handguns when it resolved that in towns no one was to carry weapons; members of the higher and lower nobility would no longer carry a *končír* (foil), *kůl* (stake), *sekyra* (axe) or *halapartna* (halberd), while townsfolk were obliged to leave their handguns at home and not to fire them.⁶ It seems that none of these measures had the desired effect, and in 1524 a new ordinance was promulgated which stretches to twenty-two Articles in the new modern edition.⁷ It was produced at the Lent Diet of 22nd February 1523 by forty-two people: fourteen from each of the Three Estates, that is, the Lords

¹ This article was first presented as a paper at the Colloquium on *Bad Behaviour in Medieval and Early Modern Europe* organised by the Centre of Medieval and Early Modern Studies at the University of Kent at Canterbury, 3rd December 2009.

² Julius R. Ruff, *Violence in Early Modern Europe* (Cambridge: Cambridge University Press, 2001), pp. 50–1 (hereafter Ruff, *Violence*).

³ Firearms had been produced in Bohemia from the second half of the fourteenth century. See František Hoffmann, *České město ve středověku* (Prague: Panorama, 1992), p. 150 (hereafter Hoffmann, *České město ve středověku*).

⁴ ‘Vladislavské zřízení zemské’ in *Vladislavské zřízení zemské a navazující prameny*, ed. by Petr Kreuz and Ivan Martinovský (Prague: Scriptorium, 2007), pp. 107–266 (Art. 554, p. 258) (hereafter VZZ).

For the 1499 Diet see ‘Zuostanie Prešpurské, w kwaternu trhowém léta tisícého CCCCXCIX, w pátek o suchých dnech adventních’ in *Archiv český*, V, ed. by František Palacký (Prague: Fridrich Tempský, 1862), p. 502.

The Bohemian Diet took place at Posonium despite the fact the city was in Hungary. See Jan Pelant, ‘České zemské sněmy v letech 1471–1500’, *Sborník archivních prací*, 31, 2 (1981), p. 355.

⁵ Karel Malý, *Trestní právo v Čechách v 15.–16. století* (Prague: Univerzita Karlova, 1979) (hereafter Malý, *Trestní právo*), p. 109.

⁶ Josef Macek, *Jagellonský věk v českých zemích (1471–1526)*, 4 vols (Prague: Academia, 1992–1998), III, p. 85.

⁷ ‘Zřízení o ručnicích’ in *Vladislavské zřízení zemské a navazující prameny*, ed. by Petr Kreuz and Ivan Martinovský (Prague: Scriptorium, 2007) (hereafter, ZR).

Ručnice clearly comes from the Czech for hand (*ruka*) and was the generic term for any hand-held gun. On the generality of the term, see very briefly Leonid Křížek, *Zbraně a zbroj: stručný průvodce sbírkami* (Libice nad Cidlinou: Vega-L, 1994) (hereafter Křížek, *Zbraně a zbroj*), p. 30. I am grateful to David Short (Dept. of East European Language and Culture, SSEES, UCL) for bringing this publication to my attention and lending me his copy.

(upper nobility), Knights (lower nobility) and Burghers.⁸ It was, therefore, the most comprehensive effort yet to control the use of handguns in Bohemia. This article will analyse how handguns, their use and their users were perceived in Bohemia, and position the Bohemian response in the context of European anti-gun provisions in the sixteenth century.

1. The scope of gun crime

The 1524 Ordinance covers a small group of crimes in which handguns feature. However, in the earlier 1500 Code the transgression had only concerned the carrying of a handgun when going hunting.⁹ This ban seemed to curtail the activity of both the nobility and the peasantry, for it stated that nobody was permitted *chodit* (to walk) or *jezdit* (to ride) with handguns to a hunt. The roots of this Article show that it was initially concerned neither with hunting nor, indeed, only with handguns. When it was drafted at the 1499 Posonium Diet, the Article also covered the carrying of crossbows whilst walking and riding. Furthermore, it fails expressly to mention *myslivost* (hunting). The 1499 document is also more specific about those who are to be bound by the Article, stating that members of the Three Estates should not carry these weapons.¹⁰ Thus the panic, if there had been one, did not concern the use of the handgun alone. The attitude towards the handgun was comparable to that towards the crossbow: obviously negative, but not at all unique.

The situation appears to have been worse for the peasantry: indeed, as pointed out by Petr Kreuz and Ivan Martinovský, the 1500 Code does not include those Articles from the 1499 Diet that permitted peasants to have their hunting rights confirmed by the king.¹¹ Such efforts to curtail the hunting activity of peasants were commonplace in Europe during this period; as Erasmus puts it: ‘Common folk can cut up an ox or a sheep of course, but only a gentleman has the right to carve wild game’.¹² This was certainly true of Hungary, for instance, where the 1504 *decretum* states that,

from now on in the future no peasant or countryman of this kingdom shall dare in any way or art to hunt deer, does, pheasants or hazel grouse, but all of them must sweat and work in the cultivation of arable lands, meadows and vineyards and other

⁸ ZR, Art. 1, p. 287, n. 1. With one exception, a list of the representatives is given in František Palacký, *Dějiny národu českého w Čechách i w Morawě*, 5 vols (Prague: Fridrich Tempský, 1867), v, p. 435. The name of the representative from the town of Hradec Králové must remain a mystery, as Palacký merely puts: ‘[...] z Hradce Králové’.

⁹ See VZZ in note 4 above.

¹⁰ Jiří Veselý, *Příspěvky ke kritice právních pramenů šestnáctého století. II. Zůstání prešpurské* (Prague: Bursík a Kohout, 1935), p. 14.

¹¹ Stated by Kreuz and Martinovský at VZZ, Art 555, p. 259, n. 3.

¹² Erasmus, *Praise of Folly*, trans. by Betty Radice (London: Penguin, 1993), p. 60.

handicrafts, whence both they themselves and their lords can gain income and profit [...].¹³

The Hungarian view corresponds to that in England, where it was thought ‘that hunting was not a fit activity for those who should be following the plough or working at a trade, because it encouraged idleness’.¹⁴

A similar set of hunting arrangements was in force in German territories and can be seen as a cause of the Peasants’ War of 1525. The fourth of the *Twelve Articles of the Upper Swabian Peasants* requested that ‘custom’ be overturned to allow a ‘commoner’ to hunt, largely so that he might protect his crops and thus his income.¹⁵ Similarly, peasants in Speyer complained, as early as 1502, that hunting ‘had become a princely prerogative’ that should ‘be returned to the public so that a peasant might hunt [...] whenever and wherever he had a mind to, without being hindered or oppressed by anyone’.¹⁶

Although the Hungarian example does not specifically target hunting with firearms, it is clear that the hunting ban would certainly cover any such activity. This, moreover, is motivated not by any fear of a particular weapon but by the financial concerns of the Hungarian nobility.¹⁷ Similarly, German territorial rulers were reacting against hunting not the use of firearms. Whilst neither the German or Hungarian examples refer to the means by which the peasants of these territories hunted, there is an indication of this in the case of the

¹³ 1504:18. This English translation is from a draft of the new, as yet unpublished, parallel Latin-English edition, circulated by Professor Martyn Rady (Dept. of History, SSEES, UCL) at ‘The Workshop on the Laws of Hungary, 1490-1526’ held at SSEES-UCL, September 2008. See also the Latin version in *Magyar Törvénytár/Corpus Juris Hungarici: 1000–1526*, ed. by Márkus Dezső (Budapest: Franklin-Társulat, 1899) (hereafter *MTvT/CJH*), p. 682.

¹⁴ Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (Oxford: Oxford University Press, 1988), p. 286.

¹⁵ See ‘Appendix 1: The Twelve Articles’ in Peter Blickle, *The Revolution of 1525: The German Peasants’ War from a New Perspective*, ed. and trans. by Thomas A. Brady Jr. and H.C. Erik Midelfort (Baltimore, Maryland: The John Hopkins University Press, 1981), p. 198. Also see Blickle’s comments at pp. 37–41. The Twelve Articles were accepted by a peasants’ parliament held at Memmingen in March 1525. Peter Blickle, ‘The Popular Reformation’ in *Handbook of European History, 1400–1600* ed. by Thomas A. Brady Jr., Heiko A. Oberman and James D. Tracy, 2 vols (Leiden: Brill, 1995), II, p. 173.

¹⁶ ‘The Articles of the Bundschuh in the Bishopric of Speyer (1502)’ in *Manifestations of Discontent in Germany on the Eve of the Reformation*, ed. and trans. by Gerald Strauss (Bloomington, Indiana: Indiana University Press, 1971), pp. 146–47.

¹⁷ It would not be until after the peasant uprising of 1514 that Hungarian law would specifically address firearms. See 1514:60, *MTvT/CJH*, p. 732. On the uprising see Norman Housley, ‘Crusading and Social Revolt: The Hungarian Peasant Rising of 1514’, *Journal of Ecclesiastical History*, 49, 1, (1998), pp. 1–29. As well as being disarmed, peasants were condemned to *perpetua rusticitas*; 1514:14, *MTvT/CJH*, p. 712 and confirmed later in the *Tripartitum* (printed in Vienna in 1517): see *Tripartitum opus iuris consuetudinarii regni Hungariae per Stephanum de Werbewcz editum: The Customary Law of the Renowned Kingdom of Hungary in Three Parts edited by Stephen Werbőczy*, ed. and trans. by János M. Bak, Péter Banyó and Martyn Rady (Idyllwild California: Charles Schlacks, Jr./Budapest: Department of Medieval Studies, Central European University, 2005), III:25 [2]. See also Vera Zimányi, *Economy and Society in Sixteenth and Seventeenth Century Hungary (1526–1650)* (Budapest: Akadémiai Kiadó, 1987), pp. 37–39.

peasants from Stühlingen and Lupfen: on the grounds that wild game was wrecking their crops, these peasants wanted their ‘common law’ right to hunt wild game upheld, so that they ‘be henceforth permitted to hunt, shoot, and trap all game found on our fields and properties and use it to fill our requirements’.¹⁸ This final example is perhaps the most intriguing case, for it mentions shooting. However, quite what they were shooting with, be it gun, crossbow or bow, is unclear.

The Bohemian situation as presented in the 1500 Code is arguably not identical to that in either Hungary or Germany, but it is clear that the Bohemian nobility was anxious to preserve game, just as had been happening in the neighbouring countries. There is no suggestion here of concerns regarding social violence involving firearms, only a desire to keep game and the hunting of it the preserve of the nobility.

Since the publication of the 1500 Code, the definition of handgun crime had seemingly been extended to the carrying of handguns in general. This is suggested by the resolution to forbid the public bearing of these weapons passed by the 1510 Diet,¹⁹ although it is also possible that this law was referring back to the Diet of 1499. Either way, the motivating factor seems to be neither preserving game populations nor preventing peasants from shooting and thereby forcing peasants to rely on growing their food and increasing noble incomes. In fact, hunting is not mentioned in the 1524 Ordinance at all, perhaps because the 1500 Code was in force and the 1524 Ordinance was merely amending the existing legislation. In any case, the ban on carrying handguns in the 1524 Ordinance is almost total, in that it applies as much to members of the Estates as to *obecní lidí* (the common people), just as it had in the 1500 Code. Thus, a *pán* (lord) or *rytíř* (knight) was trusted no more or less to *carry* a handgun in public than a *služebník* (servant), *poddaní* (subject) or *přístavný člověk*.²⁰

The 1524 Ordinance, following the Diet of 1510, makes no distinction between *dluhý* (long) or *krátký* (short) firearms: both were banned. It is not clear what distinguished a ‘long’ from a ‘short’ firearm. It has been suggested that ‘virtually every major western European

¹⁸ ‘Articles of the Peasants of Stühlingen and Lupfen (1525)’ in *Manifestations of Discontent in Germany on the Eve of the Reformation*, ed. and trans. by Gerald Strauss (Bloomington, Indiana: Indiana University Press, 1971), pp. 163–64.

¹⁹ Malý, *Trestní právo*, p. 109.

²⁰ ZR, Art. 1, p. 287; Art. 13, p. 290. All quotations from primary sources retain the original orthography. All translations from Czech are my own. I am grateful for David Short’s assistance in this respect. *Přístavný člověk* is a troublesome term. While *člověk* means ‘man’, one Old Czech dictionary defines *přístavný* thus: ‘(concerning subservient [*služebný*] people) hired (for a fixed period), a servant [*sloužící*] in (temporally limited) hire.’ See *Elektronický slovník staré češtiny*, through <<http://vokabular.ujc.cas.cz/>> [last accessed 7 January 2010].

state [...] attempted to control concealable guns less than about two feet (65cm) in length’.²¹ This is certainly true of England, where *An Acte concerninge Crosbowes and Handguns* (parliamentary session 1541–1542) stated that handguns had to be a yard in length, while a hagbutt (hackbut, arquebus, harquebus) or demyhake had to be three quarters of a yard in length (about 69cm).²² Nevertheless, although we do not know exactly what the 1524 Ordinance means when it says ‘short’ and ‘long’, we can conclude that all firearms were considered too dangerous to be carried in public, regardless of their length.

The new legislation, in addition to prohibiting the general bearing of handguns of all types, proscribes certain activities using firearms. These may be seen as obvious given the weapon involved. The abbreviated form of Article 19 states that ‘[k]do vystřelí z ručnice k komu, má hrdlo ztratiti [he who shoots at someone from a gun shall lose his life]’.²³ Furthermore, as Karel Malý found in court records dating from the late 1550s, it also appears to have been illegal to fire a handgun even if it could not be proved that the defendant had intended to kill or injure anyone. As he puts it: ‘Vystřelení z ručnice i bez prokázaného úmyslu někoho zabit nebo zranit bylo trestné [...] [Shooting from a gun even without proven intent to kill or injure someone was criminal]’.²⁴ Those who killed someone through the use of a firearm were seen, unsurprisingly, as murderers, a fact expressed, indeed, by the short form of Article 20, which states that ‘[z]abí-li kto koho z ručnice, mordér jest [if someone kills someone from a handgun, he is a murderer]’.²⁵ It is, perhaps, the crime of murder that is the key to understanding why the 1524 Ordinance concerning handguns was introduced. The Preface to the Ordinance recites, ‘neb se jimi mnoho nestatečných a nerozšafných mordův [...] přihází [for by them many cowardly and careless murders [...] happen]’ and the gun appears to be characterised in a particular way because of this. It is an overwhelmingly negative view of the handgun as ‘zbraň velmi ukrutná a tak nekřesťanská i nemužská, více ke zlému nežli k

²¹ Ruff, *Violence*, p. 50.

²² 33 Hen. VIII, c. 6, *Statutes of the Realm*, 12 vols (London: Record Commission, 1810–1828), III, p. 832 (hereafter *SR*).

A yard is about 91 cm. The term *pistole* did not enter Czech until the late sixteenth century, via German. However, the German term has its origins in the Czech word for flute or fife (*píšťala*) which was used as a name for a Hussite weapon well known for its high-pitched noise when fired. An illustration of a *píšťala* can be found in Křížek, *Zbraně a zbroj*, p. 26. On the term, see David Short, ‘The Broader Czech (and Slovak) Contribution to the English Lexicon’, *Central Europe*, 1, 1, (2003), p. 20; Jiří Rejzek, *Český etymologický slovník* (Prague: Leda, 1991). Basing his information on an early edition of the *Oxford English Dictionary*, Short states that ‘pistol’ first appears in English in 1570. This date has since been revised to (an uncertain) 1560. See <www.oed.com> [last accessed 7 January 2010].

²³ ZR, Art. 19, p. 291.

²⁴ Malý, *Trestní právo*, p. 109. Malý is commenting on the case of Jiřík Táborský which is referred to later in this article.

²⁵ ZR, Art. 20, p. 291.

dobrému [a weapon very cruel and thus unchristian and unmanly, more for evil than for good]'.²⁶ It might be assumed that those who used them in murdering someone were similarly cruel, unchristian, unmanly and evil. Quite why the handgun is stigmatised in this way is unclear. What is clear, however, is that Bohemian law was not unique in expressing such attitudes where crimes involving firearms were concerned. Indeed, a similar phenomenon occurred in England. In the English statute, in 'the customary Tudor era preamble reciting the evil it proposes to cure',²⁷ the gun crimes in question, particularly murders, robberies and riots, were seen to be 'detestable and shameful'. Moreover, those involved were of 'malicious and evil myndes'.²⁸ The equivalent English statute is more robust in its descriptions of crimes involving the use of guns and the character of the criminals it sought to detain and punish but, unlike the Bohemian Ordinance, does not comment on the gun itself.

One can only speculate as to why these views were held in Bohemia. Perhaps a short, concealed firearm could be described as 'unmanly' because it was considered a cowardly and underhand way in which to attack someone; another reason might be the ability of the assailant to attack his victim without a physical confrontation. Further, the nature of wounds and injuries caused by a firearm might contribute to the perception of it as a 'weapon very cruel'. Although muscle-powered weapons can certainly cut flesh and break bones, the wounds and breaks associated with firearms are of a very different order. Instead of the relatively clean cuts and bones broken in just one place resulting from wounds inflicted by the former, the lack of integrity of the bullet itself results in 'horrible' wounds, which can include shattered bone. In the sixteenth century, such fractures were generally treated by amputation, putting the victim at further risk, particularly from infection. Infection from gun-shot wounds was such a problem that it was widely believed that they were in some way poisoned, possibly by the powder. This idea was first seen in print in Hieronymous Brunschwig's 1497 tract *Cirurgia, ein handbuch der Wundarzney* and was repeated by Giovanni da Vigo but it would be discarded by the end of the sixteenth century.²⁹ However, it is hardly surprising that

²⁶ ZR, Předmluva, p. 287.

²⁷ John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, Massachusetts: Harvard University Press, 1974), p. 6.

²⁸ 33 Hen. VIII, c. 6; SR, III, p. 832.

²⁹ The remedy to cure such wounds famously suggested by da Vigo — hot oil mixed with treacle — would be rejected later in the sixteenth century by Ambroise Paré in favour of his own concoction, accidentally discovered, of turpentine, oil of roses and egg-yolk on account of its greater efficacy and comfort for the patient. Richard A. Gabriel and Karen S. Metz, *A History of Military Medicine*, 2 vols (Westport, Connecticut: Greenwood Press, 1992), II, pp. 53–56; Richard D. Forrest, 'Development of wound therapy from the Dark Ages to the present', *Journal of the Royal Society of Medicine*, 75, (1982), p. 269; Ambroise Paré, *La Méthode de Traicter les playes Faictes par Harquebutes et Aultres Bastons de Feu* (1545), but I have used the English

infection was a major problem associated with gun-shot wounds, given that any attempts to remove bullets from a body were undertaken by grubby hands using unsterilised equipment.

2. Procedures and punishment

In general, it appears that the dealing with those in breach of the firearms regulations depended upon their first being denounced. Initially, however, the 1524 Ordinance suggests that anyone seeing the criminal in action was supposed to disarm him. If no one was able to disarm the miscreant or willing to challenge a man with a deadly weapon, he was to make a *pokřik* (a cry).³⁰ The purpose of this was to alert others in the area to the fact that a criminal was at large and that help was needed. Indeed, anyone who failed to react to the *pokřik* was liable to a fine.³¹ In the event that a servant encountered someone carrying a handgun, he was expected to report the fact to his lord.³²

Assuming the offender had been caught, either with or without the aid of a *pokřik*, he had to be dealt with. The accused was summoned to the court of the duke, who was the *nejvyšší hejtman království* (highest governor of the kingdom), in this period Duke Karel z Minsterberka.³³ The ensuing case would then have to go to court within four weeks.³⁴ If the defendant failed to appear, without having first informed the court of his inability to attend, he forfeited the case and was found guilty.³⁵ If, having appeared, he was found not guilty, he could claim any damages incurred because of the process. However, if he was found guilty, the punishment for a member of the Estates who broke the ban on the public carrying of a handgun was a fine that stood at one-hundred *kop grošen*.³⁶ The fine was payable not to the authorities but to the person who had seen and reported the accused. In the event that the accused, being found guilty, was unable to pay such a heavy fine, it was commuted to a six-month gaol sentence.³⁷

translation, Ambrose Parie, *The Method of Curing Wounds made by Gun-shot*, trans. by Walter Hamond (London: Isaac Iaggard, 1617), pp. 3–4.

³⁰ ZR, Art. 17, p. 290. One may see parallels here with the Common Law ‘Hue and Cry’.

³¹ ZR, Art. 18, pp. 290–91.

³² ZR, Art. 21, p. 291.

³³ ZR, Art. 3, p. 288; Art. 6. p. 288.

³⁴ ZR, Art. 4, p. 288.

³⁵ ZR, Art. 3, p. 288.

³⁶ *Kop grošen* is, literally, threescore *grošen*, as Spufford explains: ‘The groschen both of Bohemia and neighbouring Meissen were frequently reckoned in schocks of 60 groschen.’ Peter Spufford, *Handbook of Medieval Exchange*, (London: Offices of the Royal Historical Society, 1986), p. 273. The fine was therefore six thousand *grošen*. We should put these amounts into context. In the period 1521–1525 a horse or a calf could be purchased in Bohemia for one hundred *grošen*. See Josef Janáček, *České dějiny: 1526–1547*, 2 vols (Prague: Academia, 1968–1984), I (1968), Appendix 3, p. 257.

³⁷ ZR, Art. 11, p. 289.

As was the case in various other instances of peasant criminality, when peasants broke the ban on the public bearing of handguns they themselves were not necessarily held as responsible.³⁸ A peasant, not being a member of one of the Estates, was primarily the responsibility of the lord whose subject he was, as was also the case for a servant of a lord. If subject or servant (as the case may be) had been acting with his lord's consent, the lord was, therefore, liable for the fine;³⁹ in this case, though, the fine was set at a much lower level than that for a member of the Estates: ten *kop grošen*.⁴⁰ However, if the accused had been acting without the consent of his lord, the accused was obliged either to pay the fine or be handed over to the person who had accused him.⁴¹ To make sure that lords co-operated in the prosecution of their servants in matters regarding handguns, they were subject to a heavy penalty of fifty *kop grošen* if they remained entirely inactive, that is if they neither paid any fine for which they were liable nor handed the servant over.⁴² Thus, where the accused had acted with his lord's consent it was clearly cheaper for the lord to co-operate either by paying the initial fine or by handing over the accused, than to be obstinate and run the risk of having to pay the larger amount.

This article has so far only dealt with defendants accused of carrying handguns. As far as those who actually used handguns were concerned, they could expect a different penalty. As has already been observed, Article 20 of the 1524 Ordinance provided that '*Zabí-li kto koho z ručnice, morděř jest* [if someone kills someone from a handgun, he is a murderer]', while Article 19 provided that '*Kdo vystřelí z ručnice k komu, má hrdlo ztratiti* [he who shoots at someone from a handgun shall lose his life]'.⁴³ Such heavy sentences are mirrored elsewhere in Europe. For example, in Venice the Council declared in 1533 that the use of a firearm against another was punishable by death and the confiscation of the guilty party's property.⁴⁴ The seriousness with which incidents involving handguns were viewed is further highlighted by the fact that not even officials escaped prosecution, as is illustrated by the case of one Jiřík

³⁸ ZR, Art. 7, pp. 288–89, Malý, *Trestní právo*, p. 110. Peasants in Hungary were treated more severely: they were punished for the crime of carrying a musket by having their right hand cut off. 1514:60 [4], *MTvT/CJH*, p. 732.

³⁹ ZR, Art. 9, p. 289.

⁴⁰ ZR, Art. 14, p. 290.

⁴¹ ZR, Art. 8, p. 289. Similar provisions applied if the lord declared the accused to be a foreigner: in this case, the foreigner concerned had to swear to his lord that he would hand himself over to the person who had reported the felony. ZR, Art. 10, p. 289.

⁴² ZR, Art. 15, p. 290.

⁴³ ZR, Art. 19 and Art. 20, p. 291.

⁴⁴ Ruff, *Violence*, p. 51.

Táborský who was prosecuted for firing a handgun in public despite being the *podrychtář* (vice-bailiff) of the New Town of Prague.⁴⁵

3. Handguns: banned or controlled?

We have so far seen that in sixteenth-century Bohemia the handgun had an overwhelmingly negative reputation; it was seen as a cruel, unmanly weapon that could not be considered Christian. Against this, it did have the virtue of being effective, as was evidenced by its use as not only a murder weapon but also, more benignly, a hunting weapon. The heavy punishments and harsh rhetoric of the law suggests that the gun was a genuine problem because of its efficacy, its ability to injure and kill. This was in stark contrast to how firearms were seen by some military leaders of the period. Handguns were considered to possess an unacceptably slow rate of fire, while their accuracy was also questionable. Moreover, even if an infantryman managed to hit the enemy, good quality armour was strong enough to lessen the blow, thus reducing the severity of the injury. It is not surprising, therefore, that some commanders were reluctant to rely on handguns. Indeed, Duke Charles the Bold of Burgundy preferred to deploy archers instead of gunners in the 1470s, despite his firm belief in the importance of missile weapons.⁴⁶ In late sixteenth-century England, Sir John Smythe similarly saw longbows as more effective than firearms.⁴⁷ However, the military role of firearms had been acknowledged in Bohemia with their use in the Hussite armies of Jan Žižka during the early fifteenth century.⁴⁸ Indeed, as one historian has said: ‘the earliest European conflict in which firearms played a very significant or even decisive role was the [...] war that engulfed Bohemia after 1419’.⁴⁹

While nobles may have wished to restrict the use of the handgun in the sport of hunting and military leaders dismissed it as too unreliable to be seriously considered as a regular weapon in warfare, society as a whole did recognise it as dangerous. However, this is not to say that people could not own one: certain people were expressly required to do so by Article

⁴⁵ Malý, *Trestní právo*, p. 109 and the transcription of the case notes [SÚA XV F9, fol. 68 (1559)] in n. 158.

⁴⁶ Gervase Phillips, “‘Of Nimble Service’: Technology, Equestrianism and the Cavalry Arm of Early Modern European Armies”, *War and Society*, 20, (2002), pp. 5–6; Geoffrey Parker, ‘The Gunpowder Revolution 1300–1500’ in *The Cambridge History of Warfare*, ed. by Geoffrey Parker (Cambridge: Cambridge University Press), p. 105.

⁴⁷ For the sake of balance, it should be noted that the opposite was argued by Captain Humfrey Barwick. See Kenneth Chase, *Firearms: A Global History to 1700* (Cambridge: Cambridge University Press, 2003), pp. 73–74.

⁴⁸ See note 22 above on the *píšťala*.

⁴⁹ Bert S. Hall, *Weapons and Warfare in Renaissance Europe: Gunpowder, Technology and Tactics* (Baltimore and London: The John Hopkins University Press, 1997), p. 107, and in general pp. 107–14. Also of interest is *The Technological Illustrations of the So-Called “Anonymous of the Hussite Wars”*, ed. and trans. by Bert S. Hall (Wiesbaden: Reichert, 1979).

22, which provides that '*ručnice všelijaké každý pán a rytířský člověk i města mohou míti na zámcích, tvrzech i v městech, v městečkách i ve všech v domích svých pro obranu* [every lord and knight also the burghers may have all manner of handguns in castles, strongholds and in towns, small towns and in all houses for their defence]'.⁵⁰ In the event that a *pokřik* was raised, people armed with handguns were expected to pursue the malefactor, though they needed proof of permission by way of a sealed letter from either their lord or, in towns, from an official. Moreover, once the offender had been apprehended, the weapons had to be placed back into storage immediately. The handgun was seen as a tool '*pro obranu* [for defence]', to be used '*honiti nepřátel zemských i [...] zhůbcí* [to chase enemies of the land and [...] malefactors]'.⁵¹

4. Conclusions

From being regarded by nobles as a potential threat to their enjoyment of hunting, the handgun came to be seen in Bohemia as a social menace. In the first place, the use and abuse of handguns positioned them as a danger together with the crossbow, though this view would evidently alter after the 1500 Code was published. Moreover, at this stage it was seen as a problem in only one area, that of hunting. Yet, in the years after 1500, the law on handguns continued to be amended and the vocabulary used to describe the weapon itself became explicitly negative: not just the occasional deer but also people were being killed by handguns. This seems to have produced two reactions. First, the Bohemian law-makers, in line with those of other European states, introduced a series of enactments which sought to restrict the use of handguns and in which the heavy sanctions imposed reflect the perceived gravity of the crime. Secondly, they saw that a 'cruel' and 'evil' weapon could be used as a tool in the fight against crime in the kingdom: a role in which it was more useful, one suspects, than it was given credit for being in the battlefield by some military experts, though perhaps not Jan Žižka. Thus the law allowed handguns to be kept in the event that a criminal needed to be pursued and apprehended, though only members of the Three Estates were trusted to keep them. Indeed, the notion of the general populace keeping such dangerous and unholy weapons must have been understandably unattractive to the ruling elite.

⁵⁰ ZR, Art. 22, p. 291. After the Hussite wars, the Moravian town of Znojmo had upwards of fifty firearms in its store. See Hoffmann, *České město ve středověku*, p. 162. Town houses certainly had arms stores. The *Old Czech Annals* state that Jan of Roudnice was arrested for breaching the peace after breaking into the house of a widow and stealing some weapons during a brawl between Czechs and Hungarians, possibly over women, when King Vladislav was on a rare visit to Prague from Hungary in 1509. See Joel Daniel Seltzer, 'Framing Faith, Forging a Nation: Czech Vernacular Historiography and the Bohemian Reformation, 1430–1530' (unpublished PhD thesis, Yale University, 2005), pp. 3–5.

⁵¹ ZR, Art. 22, p. 291.

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