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BYZANTINE INFLUENCE
IN MEDIEVAL HUNGARIAN LAW
AND IN CANON LAW IN HUNGARY

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I. GOAL SETTINGS IN RESEARCH

What external factors influenced the Hungarian people's culture in its earliest stage? The question is one of the most important issues regarding early Hungarian history and the period preceding the founding of the state, when the people abandoned a nomad lifestyle, settled in the Carpathian basin and adapted Christianity. Many have addressed this question in connection with the early Hungarian State and law, and aimed to concentrate on certain concepts, foreign waves that possibly had an influence in numerous segments of this field. The majority of researchers involved tended to focus on early intellectual influence from the west, with special attention to Roman Catholicism and Latin culture in Hungary. A lot less research was consecrated to examining the impact of Byzantium – also seen as a continuation of the Roman heritage – on the Hungarian state and juridical life in the Middle Ages. The need to look into the matter is confirmed not only by the detailed findings by the Byzantinist Gyula Moravcsik and his school of Hungarian–Byzantine political and cultural relations, but is also justified by sporadic experiments analysing the vestige of eastern cultural influence on the Hungarian state and its legislation. However an overview on the subject has not yet been created.

The aim of the present research is to complete the picture already drawn from previous disquisitions, taking into account the influence of the Eastern Empire and its impact on the Hungarian state in the Middle Ages. Research was based on propositions which demonstrated that in certain segments of this field, Byzantine influence is probably present: particularly in ecclesiastical canons, certain rules of private law, institutions of public authentication of legal documents, and also in the fields of criminal and civil law. In addition, it was deemed important to take into account a wider spectrum such as the relevant part of what remains of the Árpád-era norm-material; it was found equally important – besides recommendations of past bibliography – to include the analysis of additional institutions. Special emphasis needs to be put on institutions where cultural transmission is strong regarding a certain aspect (e.g. influence of the Eastern Church on Hungary, strong political relations under the reign of King Béla III.). Thus a comprehensive overview was made possible regarding ecclesiastical discipline in canon law, 12th-13th century centralized institutions where legal documents were authenticated, and Árpád-era criminal law.

II. COLLECTION OF MATERIAL AND METHOD OF RESEARCH; RESOURCE AND IMPLICATION; SHORT DESCRIPTION OF ANALYSIS RESULTS

After I had chosen the subject, I began research based on assumptions of János Zlinszky – my guide in scientific thesis preparations – regarding Byzantine influence on Hungarian law. On the one hand I collected detailed or summarized special literature that treats Hungarian-Byzantine political and cultural relations, I also made use of the most significant primary historical resources regarding the matter. On the other hand I proceeded by collecting a wider spectrum of material regarding source of law in Middle Age Hungary and relative scientific literature. In search of new material I came across writings discussing early western legal cultural influence on Hungary; I

also discovered material – although smaller in number – that implied the possibility of Byzantine influence, the analysis of the phenomena, or in some cases repudiation of the idea. In the autumn of 2002 I was granted a one-year scholarship to the International Max Planck Research School for Comparative Legal History, a training organised jointly by the Max Planck Institute for European Legal History and the Johann Wolfgang Goethe University. The institute disposes of an unparalleled collection of writings on Legal History and Byzantinology which helped me a great deal in acquiring the most important West-European and Byzantine resources as well as relative scientific literature regarding the questions analysed. By the end of 2003 I was in possession of the majority of resource material needed: I was thus able to determine the structure of the thesis paper and identify the exact time frame of the period in question.

In order to disclose the effects of Byzantium's influence on Hungary I found it necessary to examine preliminary issues beforehand. What intermediary circumstances made it possible for culture and law of the Eastern Empire to infiltrate into the Carpathian basin? The first chapter of the present paper aims to find the answer to this question; firstly by analysing the Eastern Church, secondly by examining the political and dynastic relations between Hungary and Byzantium, thirdly by discussing the role of transmitters of the Byzantine material culture (commerce, the Arts) based primarily on detailed results found in special literature in historiography. This analysis made it possible to define the exact timeframe of the period in question. One issue that needed to be clarified beforehand was: which of the extremely abundant documentation of Byzantine legal material was considered relevant in examining its influence on Hungary. Therefore the second chapter gives an external overview of Byzantium's sources of law, including secular law and law-books, canonical sources of law and their collections describing their reception outside of Byzantium as well. This led to better define the scope of primary Byzantine sources of law to be examined more closely. Finally I found it important to review our national sources of law as well (Chapter 3) the generally prevailing normative legal material (decrees, council canons), in addition a short passage is dedicated to deeds, followed by a selection of those that were deemed important regarding Byzantine influence. Detailed analysis is only given in certain cases that do not fit into context of subjects discussed later on in the paper; Byzantine money mentioned in texts of our law, issues regarding deeds – the Veszprém valley monastery founding letter problems, and finally the form of the Golden Bull of Hungary (1222). Subsequently a branch-by-branch thematic range of the Árpád-era Hungarian law is discussed.

The method of research is basically Comparative Legal History in nature. In one aspect Legal, for the basis of analysis consists of certain rules of law taken from the Middle Ages, some institutions of legal life, their relative norms, and also characteristics regarding the function and practice of state power. On the other hand the subject is approached through the aspect of Legal History, not only because it is in the Middle Ages, but also because I aimed to capture the different institutions in their phase of historical development. And finally, the Comparative aspect is also present, for the question of external influence was primarily approached by means of comparison: the foreign origin of a Hungarian norm or institution can best be justified by another similar contemporary legal system. The comparison works in both

directions: I analysed certain legal elements, institutions of Middle Age Hungary and set them against those of the two great empires that could come into question as best examples: the Western and Eastern Empires, and compared regulations and practices of the latter with those of Hungary. The statement that assesses Byzantine influence and goes further than just mere similarity can only be credible in a case where the Western and Eastern models do not coincide, and the Hungarian model is deemed to be closer to the latter.

The variety of resources available concerning the topic resulted in several approaches, this made the basically uniform method of analysis wide in range. Árpád-era canon law and Church discipline regulations of marital law, as well as a substantial part of contemporary Hungarian criminal law are found in the form of decrees and council decisions; it is likewise in Western Europe and in Byzantium. (Although smaller in number, certain questions in Private Law won legal regulations as well.)

The most plausible method of comparing these norms within the field was by examining similar questions in Western and Eastern laws and canons. Not so in the case of public authentication of written documentation (chancellery, places of authentication) and regulations of state authority in practice. In the Middle Ages these were not particularly registered in statutes or council decisions but rather found in unwritten law, more precisely a consolidated practice based on some kind of consensus between the halves involved, this could only be reconstructed with the help of remembrance and facts of real life. Due to the lack of normative research law available, the resources comprise mainly of deeds and historical descriptions through which comparable practices can be revealed. I did not carry out basic research (as those before me – historians in majority – have already completed this task, in consequence I was able to build my work on a strong base) but nevertheless I did take into consideration the most important Hungarian deed- and historical writing resources. In analysing Western and Eastern practice, I primarily based research on monographs discussing the subject, and used secondary literature as well.

The variety of resources and their wide range may make the paper seem anachronistic; it is however structured in accordance with the division of various legal branches. In the eyes of an 11th-13th century law-maker canon law, marital law, private law, criminal law and civil law obviously did not have respective characteristic apparatus, regulatory method or code system, they thus did not divide into individual branches of law. Nevertheless these horizontal segments of law do have a relative level of autonomy, traces of which can be found in the more significantly developed Byzantine law-books. This type of distinction is not yet present in resources of the Árpád-era. However norms found within them can very well be classified into legal branches based on the matter and method of regulation.

Thus the complex *norms of the Church* and its regulations regarding certain social relations (Chapter 4) notably legal material concerning Church discipline and marriage. On this same note I also set forth the subject of canon law which in our day belongs more to private law; I also discuss the question regarding individual status and heritage. As resources available comprised mainly of written, normative regulations (statutes, canons) the aim of the method was their comparison; in some cases I captured the discussed topic in its phase of historical change, as in the cases of celibacy of priests, fasting, marriage and annulling marital bonds. I also used the

means of comparison in examining written norms in order to find parallelisms between the Árpád-era *criminal law* and that of Byzantium (chapter 5). My primary resources in the cases of canon law and criminal law were royal decrees and council decisions. I compared these with regulations found in Byzantium's codes of law – used in the Eastern-Roman Empire during the period examined – and with the most important canons, also recognised as a source of law by the Eastern Church. In the case of institutions of public authentication of written legal documents and function of state power was lacking in available source documents, consequently comparison was based on deeds, historian author data and practices figuring in these documents. Regarding *institutions of public legal authentication* (Chapter 6) I set forth in search of possible predecessors of the activity of the royal Hungarian chancellery, in search of places of authentication and bodies that issued deeds. Following the distribution of legal branches this subject would best fit into the branch of public law, however it is granted a separate chapter in this paper, for it does not primarily discuss questions regarding practice of public authority but mainly embraces the facts of everyday legal life and relative organisational-technical framework of documentation (on the one hand regarding state activity, on the other hand interpersonal relations). And finally “*public law*” (Chapter 7) comprises of delegation of royal power, magnitude of power and related questions (nomination of office-holders, right of resistance) by means of comparison of East and West. I also attempt to answer the question whether there is a distinct relation between the fact that social and state development in Hungary did not resemble the Western feudal model – can it therefore be brought into connection with the Byzantine Empire that itself was not familiar with feudalism in its Western form?

III. SUMMARY OF SCIENTIFIC RESULTS AND THEIR USE

1. Among the many factors that transmitted Byzantine culture, the presence of the Eastern Church in Hungary played a primary role as did the political-dynastic relations between the two countries. The christening of certain leaders of the wandering Hungarian people who later settled, and also the founding of monasteries following the foundation of state also played an important role in transmission of Byzantine culture. The peak period of the Orthodox Church in Hungary was during the first third of the 13th century. Hungary and Byzantium fostered active political relations, they were frequently engaged in military alliance, occasional co-operations of which one of the most important was the period of Manuel I Komnenos and King Béla III. Presumably marital relations between the reigning houses of Byzantium and Hungary also played a significant role. Characteristics of Eastern culture are also found in certain Hungarian artefacts; partly brought into the country by pillaging, by way of commerce (personal objects of everyday use, ornaments) also buildings erected on Hungarian soil (architectural remains).

2. The Middle-Byzantine era was quite rich in secular and ecclesiastic legislation as well. Justinian's great compilation of the 6th century – serving as a basis of Byzantine legal development – was followed by a number of smaller legal writings and private collections in Greek language tailored according to case practice. Later, during the

time of the Macedonian renaissance nearly the entire book of Justinian's codifications was translated into Greek. Hence the origin of the most important Middle-Byzantine legal writings and law-books (*Ecloga*, *Eisagoge*, *Basilica*, *Procheiros Nomos*) that lived on in several forms. In canon law legislation of universal and local council decisions acquired their final form by the 9th century. These writings were compiled into various selections together with legal material occasionally issued by the emperor but concerning questions regarding the Church. The latter was subsequently completed with the so called *endemusa* synods of Constantinople and from the beginning of the 12th century renowned Eastern canonists scientifically processed and completed it with extensive comments. We must keep in mind the circumstance that of the legal resources mentioned which material found outside of Byzantium had the greatest impact: mostly small, easily handled law-books and other collections (in the field of secular law the *Ecloga*, the *Farmer's Law* and the *Procheiros Nomos*; in canon law the so called *Collectio L titulorum* and the *Collectio LXXXVII capitulorum*; the *Nomocanon XIV titulorum* only from the end of the 12th century, in parts). The fact that certain legal books were old did not mean that they automatically disappeared from practice.

When comparing Middle Age Hungarian legal material, the previously mentioned smaller law-books were deemed more relevant, with special attention to the *Basilica* due to its summarising synthetic nature. The core of canon law consists of norms of which the most important ones are the so-called Apostolic Canons, but also include universal and local council canons (and canons of the Holy Fathers) which were recognised by the Eastern Church as sources of law. In certain specific questions however it is worth taking into consideration the relevant legislation of the emperor as well (if existing).

3. Opposed to the abundance of available Byzantine sources, the amount of Hungarian legal material of the era remaining to our day is quite small. Two decrees of St. Stephen (including his "*Admonitions*"), St Ladislav's two laws and the so called council of Szabolcs, Könyves Kálmán's two decrees and the material of the two councils of Esztergom have been conserved. The 3rd council of Esztergom was held at the time of reign of Stephen III, this era also falls into the time period examined, as does the period of the Golden Bull and its reviewed form in 1231. At first sight they do not reveal too many characteristics of Byzantine influence, only one, St Ladislav's 2nd decree mentions Byzantine money: the *nomisma*, the single eastern element to appear, though Saint Stephen's laws also refer to the legal currency mentioned in the case of a fine to be settled in gold money (*pensa auri*). In point of fact the presence of the Byzantine *nomisma* in Hungarian secular legislation actually points to emerging eastern material culture in Hungary.

4. The same situation applies to subsisting Hungarian deeds. Although deeds vary in form following the founding of state in the first century, western characteristics became particularly prevalent. The founding letter of the Veszprém-valley monastery can be mentioned as an exemption. It is attributed to St Stephen and was written in Greek language and became known to us after its transcription in the Kálmán-era. It is simple in form and structure and the anathema (curse) formula at the end indicates

traces of eastern – or at least Balkan-Greek – influence. The phenomena of *stauropagia* – a privilege well known in the Eastern Church – is also found in many of the Greek monasteries in Hungary. This deed is the first to mention smoke-tax (*kapnikon*), a tax of Byzantine origin, also the first type of Hungarian direct tax which was to be paid ‘per smoke’ – per household that is. It went out of practice following the Mongol (Tartar) invasion.

5. The Golden Bull deed form has certain traits that follow suit of the Byzantine model, it was already used in the Hungarian chancellery’s practice before 1222. Its origins stem from the Byzantine *chrysobullon* bearing particular characteristics and marks in content; it generally documented some kind of privilege. This type of deed presumably did not enter Hungary by way of the east, but was transmitted into Hungarian practice through the west.

6. Certain elements of the Council of Szabolcs and the 1st Council of Esztergom can be traced back to Byzantine influence; namely passages that allowed priests to live together with their first, lawfully wedded wives. The strong expectation of the early western Church required that ordained clergymen of marital status leave their wives. The Eastern Church however continued to function on a basis confirmed in the Council in Trullo, according to which the continuation of the first, legal marital relationship was permitted – with the exception of the marital status of the bishop. The decisions of Szabolcs and Esztergom were brought about in this spirit; however western factors could possibly have played a motivating role as well. Here we must mention the notable attitude of Antipope Clement III who followed the Gregorian reform ideology and the requirements of celibacy, but put less emphasis on enforcement compared to his predecessors. In addition the important western canon compilations of the time did not yet reflect all the strict perspectives of Rome regarding celibacy of priests. Nevertheless the resemblance between Hungarian council decisions and the canons of the Council in Trullo infer that at the time of setting Hungarian norms mentioned, directives of the Eastern Church were embraced. Other canons of the two Hungarian councils mentioned also support the idea of the adoption of the Byzantine model; these prohibit any eventual marital bond of unmarried ordained priests, remarriage of priests, marriage with widows or unwanted wives, cohabitation of clergymen with maids, they also state celibacy of the bishop. The content coincided with western ideas of the time but the corresponding dispositions can also be found in the legal material of the Eastern Church. Finally the 2nd Council of Esztergom adopted the official position of the Western Church.

7. The Eastern Church’s discipline of fasting is reflected in the 31st canon of the Council of Szabolcs which imposes sanctions upon “latins” who do not follow the lawful tradition of the Hungarians. It was ordained by the 31st canon that meat was to be abandoned on Monday before Easter whereas the “latins” mentioned abandoning meat beginning Wednesday before Easter. To begin fasting on the Monday before Easter is a custom of the Byzantine Church. On these territories of the Eastern Church lent began on the Monday following the seventh Sunday before Easter, abandoning of meat foods began – in compliance with rules of pre-lent – one week beforehand (also

called Butter Week). The Western Church on the other hand began lent on Wednesday of the seventh week before Easter. In conclusion the Council decision mentioned reflects eastern traditions, as it sets the beginning of lent on Monday; abandoning of meat nevertheless does not resemble the Byzantine custom of starting on butter-week, but on the week following it.

8. Dispositions regarding Church discipline in Árpád-era laws and council-decisions reveal that there is no clear distinction between western and eastern models, thus we can assume that Hungary borrowed elements from both places (with the exception of writings where western influence is obvious due to word-for-word correspondence). Examples for this would be the *privilegium fori*, rules concerning the right of management of Church property, monks and priests wandering and abandoning their place to serve a landlord, about the clergy frequenting taverns, borrowing money, and their clothing. It can be assumed that Byzantium had an influence on the bishop's council mentioned in Kálmán's first law. This law resembles the eastern canons that regulated the eparchy council, however due to the difference in competence and in participants and also because of parallel presence of the same western institutions it is difficult to confirm this assumption.

9. The 16th canon of the 2nd Council of Esztergom regulates form and content of church marriages; it also shows signs of probable Byzantine influence. It assesses that for a marriage to be valid, the couple should be wed in a church, in the presence of a priest, in the assistance of apt eyewitnesses, under a symbol of engagement, in the consent of both halves; it therefore goes beyond the requirements of relative contemporary western canon law which only acquired its final form after the 1215 Council of Lateran and later on in the Council of Trident. Byzantine law on the other hand had already set its requirements when the Esztergom canon came into existence which states that a priest's blessing is necessary, the couple should be wed in public and in the consent of both halves.

10. The 55th canon of the 1st Council of Esztergom permitting the annulment of marital bonds shows signs of Byzantine influence. The long held views of the Western Church were that a couple once bound in a valid marriage cannot be separated. It is possible however, under certain special circumstances for the married halves to live separately, but the bond is nevertheless valid until one of them deceases. Although subjects did not always comply in practice – due to the influence of secular law –, the basic rule of the inseparable bond of marriage was unanimously placed into effect in ecclesiastical practice as of the middle of the 11th century; this is also reflected in certain compilations of contemporary canon law of the time. On the other hand however, the Eastern Church – primarily due to influence of secular law and Justinian's regulations – permitted the two halves not only to live separately, but also to annul their marital bond. This is obviously the source of relative Hungarian regulations.

11. Byzantine influence is also detected in certain methods of liberation of slaves found in Middle Age Hungarian and Roman-Byzantine law (joining the clergy – 1st Council of Esztergom canons no. 30 and 69, *manumissio* before friends and witnesses

or in a will – St Stephen’s 1st decree Ch 18). Charity for salvation of souls, *agape* and the freedom of final will are also found in Hungarian decrees. It is possible that the Hungarian legislation, when creating them, took the Byzantine model as an example, but this practice was also known in Western Europe at the time, in consequence it can also be considered a possible place of origin.

12. We cannot ascertain the exclusive adoption of Byzantine law in the case of a person becoming a slave in St Stephen’s decree regulation that is similar to that of the Roman *SC Claudianum* (Ch 28-29). According to the decree a person engaging in fornication with another man’s slave becomes the slave of the owner upon the third occasion. Although similar rules are stated in the middle Byzantine law-books, they nevertheless differ in certain details from St Stephen’s laws. The same can be said about the law concerning widows: compared to the short *jus viduale* regulation in St Stephen’s decree (I, 26), the Byzantine laws elaborate on the subject and enclose much more detailed regulations, and although the basic idea may be common, they differ in detail-regulations from the Hungarian source.

13. In Hungarian law, the institution of the daughter’s quarter (*quartalicium puellarum*) first appeared in the Golden Bull, it can be traced back to sources of Roman law. In the course of development of Middle Age law the antique Roman *quarta Falcidia* and the compulsory share were combined and later contributed in other countries (among them central European countries) to the forming of the daughter’s quarter. This basic idea undoubtedly came from the west, where Justinian’s codification (Byzantine sources in Latin language) including the institutions mentioned was subject to scientific study at universities. Justinian’s novels however mention a certain “third” – based on the latter the Byzantine law-books after Justinian do likewise: in consequence we can conclude that the duty of the daughter’s quarter cannot stem from a Greek source.

14. György Bónis finds it probable that in regulations of prescription (adverse possession) there was a strong influence of Roman and canon law. He based his assumption on the fact that in Hungarian common law according to Werbőczy neither *bona fides* nor legal title was needed to acquire means by prescription. This idea shows marked signs of post-classical Roman law regulations, in which – opposed to classical preconditions such as: *res habilis*, *titulus*, *fides*, *possessio*, *tempus* – *titulus* and *fides* were not needed for prescription. In his main kinds of adverse possession Justinian however evokes the requirements of the classic-era (although legal title was not required in the prescription-case later called the *longissimi temporis praescriptio*). Of the middle Byzantine law-books *Basilica* follows Justinian’s regulations; smaller legal summarising books in contrast did not explain the prerequisites of prescription in detail. We therefore cannot surely assess whether legal title or *bona fides* were actually applied in practice as requirements, nor can we state whether Hungarian regulations can be traced back to Byzantine roots. Hungarian and Byzantine laws both bear similarities regarding term or effective dates of prescription (30 or 40-year time-limits existed in both) there are nevertheless a number of differences (32 and 42-year time-limit in Hungarian law, and the law of 12-year prescription did not have a predecessor

in Byzantium). Therefore possible influence that came from the western canon law must also be taken into account (30 and 40-year prescription).

15. There are undoubtedly a number of similarities between certain dispositions of Middle Age Hungarian criminal law and those found in Byzantine law-books. Both legal systems bear characteristic traits of ecclesiastical influence (religion, ethics, sanctioning of deeds against the Church, “*asylum*”), the difference between intentional and unintentional crimes is occasionally identified; when determining a fine, the individual’s financial situation and position held was taken into consideration. Occasionally punishment of preparation and attempt are mentioned as well. Parallelisms can also be found in crime-punishment systems of Hungary and Byzantium (death punishment, corporal and shame punishments). A closer connection of the two systems can be found in the following cases: treason, false prosecution, abduction of young girls, homicide by way of sword, robbery committed by clergymen. These parallelisms between the two legal systems do not give reason to conclude that Byzantine law was adopted as a whole in Hungary, but at the same time we cannot exclude the fact that the predominantly independent Hungarian criminal legislation was created with a great deal of consideration consecrated to the Eastern model.

16. The structure and practice of the royal chapel of the King Béla III-era does not resemble the Byzantine chancellery. To that extent we might say that Byzantine-like characteristics in king Béla’s reforms are due to the king himself being raised in Constantinople where he learned the importance of written administration based on his experience there, and upon his return he served its development in Hungary. Owing to his chancellors who were instructed abroad in the West he was able to implement written administration in practice. Written petitions are not necessarily to be brought into relation with the works of king Béla III (Béla IV might have adopted them to the royal court). The presence of this practice cannot be categorically attributed to Byzantine influence for the practice of petitions was already present in early western European courts as well.

17. Places of authentication issued deeds with certain attributes that can also be found in Byzantium and likewise in western European practice (deeds of *tabelliones* confirmed by members of the clergy, authentication by honourable members of the church in Byzantium, in offices of the *chartophylax* and in western practice of the *officialis*). Contemporary places of authentication in Hungary had a unique organisational structure; they did not have a predecessor in the West, or in Byzantium. Hungarian fundamentals presumably played a decisive role in the development of this specific institution.

18. When examining 11th-12th century Hungarian public law, several parallelisms are found with that of the Byzantine system. Delegation of royal power and its participants in both systems seem to follow the order of the antique Roman pattern: the honourable members and the senate chose a person who was supported in his position by the people and the army. The church in turn crowned the person chosen through this

process. It was equally considered important in Hungary as in Byzantium for the ruler to appoint his successor; this did not mean the beginning of some kind of heritage, as prerequisites already mentioned earlier were necessary to succeed on the throne. Scope of the ruler's powers in both cases also bear resemblance, which is surprisingly extensive both in Hungary and in Byzantium: the king or the emperor for example had unlimited authority in appointing office-holders, he did not have to fear that members of aristocratic families claiming their rightly intervention should prevent him from doing so.

19. Next to the similarities there are still a number of discrepancies regarding all general characteristics mentioned: participation of the people was more institutionalised in Byzantium and rather a contingency in Hungary. The chosen successor to the throne did not have exclusive power over a given territory in the Eastern Empire (until the 13th-14th century), this happened more often in the Kingdom of Hungary. Anointment only came into tradition in the 13th century in Byzantium, and in Hungary it was in practice since the reign of St Stephen. The inauguration of office-holders was the unlimited right of the sovereign in both legal systems, but in Byzantium the event was accompanied by spectacular symbolic ceremonies which were not present in Hungarian practice. Right of resistance that limited powers of the sovereign are equally found in both places. In Byzantium this right was applied in a specific procedure with specifically defined formalities, where secular elements of the empire, the senate and the people played the main role. The Church only concluded the dethronement subsequently. Resistance was less popular in Hungary in this era; its practice was set down in writing in the Golden Bull which resembled its western predecessors more, although we cannot exclude that *ius resistendi* and the notion of resistance (sporadically present in Hungary) can be traced back to Byzantine roots. I must also mention that in the event of the inauguration of the sovereign, elements of society mentioned in connection with delegation of power (high society, the people) played an important role in Western Europe as well. The role of high society (tribe leaders) and the personal, charismatic aspect of royal power expanded throughout the empire were in all probability characteristic of the Hungarian nomad state; in consequence the "change in regime" at the turn of the millennium resulted in the continuation of the exact same practice.

20. And finally Middle Age Hungary and Byzantium resemble each other in that they both lack the western type of feudal system. Seigneur-vassal relations developed on the territory of the Frankish Empire and soon grew into a massive social system in a number of countries in Western Europe. Only some of its elements are found in the developing Middle Age Hungary, the phenomena never did turned into a society-forming factor. Byzantium was in a similar situation where seignior-vassal relations never developed into the western type of feudal-system. Special literature on 'Byzantine feudalism' treats institutions that are only similar to western feudal institutions, but differ in important features (*pronoia*, *lizios*, *exkousseia*, "appanage" benefits). Of the institutions mentioned *pronoia* and *exkousseia* (the western *immunity*) have a Hungarian equal, but they bear only some characteristics of their pure Byzantine form and merely resemble them as a phenomena. In conclusion it can be

said that the non-presence of the feudal system was not due to cultural transmission but more likely to internal factors.

All conclusions in the above are not to be considered as a finite cadre to questions concerning Byzantine influence on Hungarian law. A part of basic research in Árpád-era Hungarian private law is still waiting to be completed. Afterwards it will be worth following up comparative research regarding the subject-matter. Another interesting question the present paper does not discuss is the extended role of the Byzantine emperor in the Eastern Church in comparison to the wide range of competence of Hungarian kings over prelates.

Research results help in completing the picture of the Middle Age Hungarian state, its legal system and foreign influence that had an effect on it. It gives a comprehensive overview of state development in the Árpád-era, widening the scope of analysis in comparing east and west, thus making it easier to place it between two more-or-less different cultures. Results can be used in medieval studies, Middle Age History, including research and teaching of the reception of Roman law in Hungary.

IV. LIST OF PUBLICATIONS RELATIVE TO THIS TOPIC

KOMÁROMI László: Zum byzantinischen Einfluss auf das mittelalterliche ungarische Recht. *Doktori Iskola, Prelegálások II. Tanulmányok, kommunikációk, recenziók és a PhD. közlemények.* Budapest, 2003. 125-136.

KOMÁROMI László: A bizánci hatás kérdése a középkori magyar büntetőjogban. [Questions of Byzantine Influence in Medieval Hungarian Criminal Law.] *Jogtörténeti Szemle* 2005/4. 32-39.

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KOMÁROMI László: A külföldi hatás kérdése a III. Béla-kori központi írásbeliség tekintetében. [The Question of Foreign Influence on the Practice of Medieval Hungarian Chancellery under the Reign of Béla III.] In: Mezey Barna – Révész T. Mihály (ed.): *Ünnepi tanulmányok Máthé Gábor 65. születésnapja tiszteletére.* Budapest, 2006. 309-323.

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KOMÁROMI László: A bizánci kultúra egyes elemei és közvetítő tényezői a középkori Magyarországon [Elements and Transmitting Factors of Byzantine Culture in Medieval Hungary.] *Iustum Aequum Salutare* III. 2007/1. 215-228.

KOMÁROMI László: Institutionen und Ursprung der juristischen Schriftlichkeit in Ungarn im 12.-13. Jh. In: *Erinnern und Vergessen* (Forum Junger Rechtshistoriker, Frankfurt am Main, 2006.) [Foreseeable publication: 2007.]