Specimina Nova Pars Prima Sectio Mediaevalis VI. Redegerunt M. Font – G. Kiss – T. Fedeles. Pécs, 2011. p. 73–82. Zsolt Hunyadi, PhD, Associate Professor hunyadiz@hist.u-szeged.hu University of Szeged, Faculty of Humanities, Institute of History Department of Medieval and Early Modern History, H-6722 Szeged, Egyetem u. 2., Hungary

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Papal-Hungarian relations in the late twelfth century: Remarks on the Hungaria Pontificia

Abstract: The one the most important accelerators of the development of the military-religious orders was the series of privileges they got hold of from the 1130s onwards. The privileges exempted the orders from the novalia and labores-tithe as well as these provided burial rights and alike. Similar to the Western European situation, these privileges led to a tension with the local clergy which manifested by the Third Lateran Council in 1179. The papal privileges given to the Templars and Hospitallers settled in the Kingdom of Hungary clearly reflect on this situation.

Keywords: Church History, Papal-Hungarian relations twelfth century, Papacy.



The Hungaria Pontificia – under the aegis of the Regesta Pontificum Romanorum¹ – aims at collecting charter materials concerning papal–Hungarian relations up to the beginning of the pontificate of Pope Innocent III (1198). The collection attempts to reconstruct the missing papal registers until the end of the twelfth century. The present short survey, however, will exceed both the assumed time span and the thematic range. In order to dig deep enough, we should start our investigation at the first third of the thirteenth century, on the other hand, we are going to enter to some extent the area of the Oriens pontificius.² The following aperçu attempts to shed some light on the privileges of the military-religious orders settled in twelfth-century Hungary.

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¹ Regesta pontificum Romanorum: ab condita ecclesia ad annum post Christum natum 1198. Ed. Philippus Jaffé – Samuel Loewenfeld – Franz Kaltenbrunner – Paul Ewald. Leipzig, 1885–1888. (hereafter: JL). The JAFFÉ 3, on the basis of the regional *Pontificia* projects, is being prepared at the University of Erlangen.

² Rudolf HIESTAND: Papsturkunden für Templer und Johanniter. Vorarbeiten zum Oriens Pontificius. I–II. Göttingen, 1972–1984. (hereafter: HIESTAND 1972, 1984) and Rudolf HIESTAND – Jochen BURGTORF: Ordines militares: Domus fratrum Hospitalis et Domus militiae Templi (forthcoming).

It is long known in Hungarian scholarship that the secular church played a significant role in the settlement and the early promotion of the military-religious orders. The building of the first Hospitaller church was supposedly initiated by Archbishop Martyrius (1151–1158) of Esztergom, the head of the Hungarian Church.³ The Templars received one of their most remarkable donation from the bishop of Zagreb before 1175.⁴ Had they known that the Church would face so many disputes over revenues such as tithes and burial rights with the knights and their people, they might have exercised their benevolence towards different ecclesiastical institutions.

A short but somewhat complicated chronological survey of the extant documents pertaining to the Hospitallers can reveal the nature of the debates over tithing. The charter which registered the very first step of the debate was issued by Pope Innocent III; the pope reacted on complaints from the Knights of St. John, and he admonished the bishop of Győr in March 1208 when he had tried to levy a tithe on the Order in his bishopric.⁵ Influenced perhaps by the unceasing series of complaints, two weeks later the pope addressed a general letter to the Hungarian clergy explaining the exemption enjoyed by the Hospitallers.⁶ This charter was regarded as a corner-stone of the exemptions of the local brethren, but the papal aim was different. The pope made it clear that the exemption only concerned the labores, that is the tithe to be paid on product grown by the brethren themselves, and the novalia, the tithe due from formerly uncultivated lands.⁷ The nature of this debate may be confirmed by two other considerations. First, the debates over tithing did not cease after the receipt of this particular bull. Second, several years later the same pope admonished the Hospitallers, and also the Cistercians, who were

³ Zsolt Hunyadi: *The Hospitallers in the Medieval Kingdom of Hungary, c. 1150–1387*. Budapest, 2010. (hereafter: Hunyadi 2010) p. 24.

⁴ Codex diplomaticus regni Croatiae, Dalmatiae ac Slavoniae. I–XVIII. Eds. Marko KOSTRENČIĆ – Tade SMIČIKLAS. Zagrabiae, 1904–1998. (hereafter: SMIČIKLAS) II. p. 139, see Balázs STOSSEK: Maisons et possessions des Templiers en Hongrie. In: *The Crusades and the Military Orders: Expanding the Frontiers of Medieval Latin Christianity*. Eds. Zsolt Hunyadi – József Laszlovszky. Budapest, 2001. p. 246.

⁵ Codex diplomaticus Hungariae ecclesiasticus ac civilis. I–XI. Ed. Georgius Fejér. Budae, 1829–1844. (hereafter: Fejér CD) III/1. p. 84; Monumenta Romana Episcopatus Wesprimiensis. I–IV. Ed. Vilmos Fraknói – Nándor Knauz – József Lukcsics. Budapest, 1896–1907. (hereafter: MonWesp) I. p. 18; Cartulaire général de l'ordre des Hospitaliers de S. Jean de Jérusalem (1100–1310). I–IV. Ed. Joseph Delaville Le Roulx. Paris, 1894–1906. (hereafter: Cartulaire) nr. 1294. It is clear from the charter that the exemption from tithing meant the novalia and labores.

⁶Fejér CD III/1. p. 84–86.

⁷ Cf. Gilles CONSTABLE: Monastic tithes from their origins to the twelfth century. Cambridge, 1964. p. 280; Louis Julius LéKAI: The Cistercians: Ideals and Reality. Kent, 1989. p. 65–67.

said not to be paying the tithes on their vineyards in the bishopric of Pécs.8 Supposedly these lands were cultivated as extraneus vineyards, although it was not clear from the charter whether labores or novalia were due. The debates escalated in 1213, just before the Fourth Lateran Council. At about this time the Székesfehérvár commandery was in dispute with the bishop of Veszprém over the tithe of the rustici of the Hospitallers in that bishopric.9 The papal auditor diligently put together the arguments of the opposing parties. Pope Innocent III summarized the facts in 1215/6 and explained to the Hospitallers of Hungary, in a meticulous way, that the grant of Queen Euphrosyne (given before 1193) and its confirmation by her son (in 1193) did not automatically include the tithes of the lands donated since tithes could not be granted by secular persons. Thus the basis for praescriptio had lapsed; it was alleged by the bishop of Veszprém that although the Hospitallers could prove thirty years of peaceful tenure they lacked the forty years of taciturnitas - what the pope concluded from the ius commune. The final decision, however, favored the Hospital on the basis of the confirmation of the exemption of the commandery (decimas et ecclesias [sc. Csurgó and Ujudvar] intra parochiam S. Stephani) by Popes Celestine and Lucius. The chronology suggested by the document is somewhat problematic. The papal bull clearly referred to more than one exhibited document: it reads inclyte recordationis B[ele] regis et E[uhprosine] matris ipsius, regine Hungarie privilegia exhibuit. The charter of Queen Euphrosyne has not come down to us nor did the Order ever refer to it. Perhaps the concept of posterior derogat priori functioned here. According to Pope Innocent III, it was a pope "C.", either Celestine or Clement, who confirmed the original privilege which the Hospitallers actually exhibited and which has accepted as authentic: authenticum appareret – that means it most likely happened between 1193 and 1198. The brethren also claimed that the privilege had subsequently been confirmed by Pope Lucius III (1181–1185); ex silentio it follows that they did not produce the later confirmation during the dispute.

It appears that it must have been Pope Celestine III (1191–1198) who confirmed the privilege, since he was confirming the 1193 grant of the Hungarian ruler;¹⁰ that interpretation is supported by the fact that the name of the Székesfehérvár commandery was introduced, most unusual for a Hospitaller

⁸ Fejér CD III/1. p. 141–142.

⁹ Cartulaire nr. 1438.

¹⁰ The edition by *Delaville Le Roulx* reads as Clement and lists Celestine among the textual variants in the notes; presumably it was abbreviated as C in the original text. Cartulaire nr. 1438.

church, into the Liber Censuum in 1192 during his pontificate.¹¹ The story ended at the point when Pope Lucius' name appeared; since it was either Pope Celestine or his predecessor, Pope Clement III (1187-1191) who first confirmed the grant, it must have happened after the pontificate of Lucius III (1181–1185) and in this case 40 years could have passed. If, however, it was the papal auditor who confused the chronology, then the missing thirty years of peaceful tenure, which to the Hospitallers referred, would have existed. Theoretically it cannot be ruled out that there was a donation of King Béla III around 1184–1185 – which idea is not yet supported by other facts or extant sources. A third possible reconstruction would be that the privilege of Queen Euphrosyne, if it ever existed, was confirmed by Lucius III and that Celestine III finally confirmed both of them.¹² As a sort of reaction, from 1216 onwards, at least in the case of the membra of Székesfehérvár, the Hospitallers referred to praescriptio, namely to permanent peaceful tenure. 13 This solution, however, did not exonerate them from fighting the concerned bishops and abbots one by one. They disputed tithes with the Benedictine convent of Szekszárd in 122214 and with the bishop of Győr in 1225.15 In the following year a decade-long debate was settled when the Hospitallers reached an agreement with the Benedictine abbot of Pannonhalma over the tithes levied in Somogy County.¹⁶ The parties appointed judges and stated that they would be subject to the verdict whatsoever it would have been, accepting that the party breaking the agreement would be fined 125 marks; therefore each party pledged a village. The importance of the contract was reflected in the fact that besides the prior of the Székesfehérvár commandery, Johannes was also present, the Hungarian prior who was named in the charter as magnus magister. The conclusion of the affair is not known, but it is certain that the Benedictine

Cartulaire nr. 1472; MES I. p. 210.

¹¹ "In episcopatu Vesprimiensi: ecclesia Sancti Stephani regis apud castrum Belegrade [Alba regalis] unam marcam auri. Quae est Hospitale." FEJÉR CD II. p. 282.

¹² If there was such a document it must have been issued before 1186.

¹³ FEJÉR CD III/1. p. 228–230; A pannonhalmi Szent-Benedek-rend története. [A history of the Benedictines of Pannonhalma] I–XII/B. Eds. László Erdélyi – Pongrácz Sörös. Budapest, 1902–1916. (hereafter: PRT) I. p. 164, 638–639; Árpádkori új okmánytár. Codex diplomaticus Arpadianus. I–XII. Ed. Gusztáv Wenzel. Pest–Budapest, 1860–1874. (hereafter: ÁUO) VI. p. 377–379; MonWesp I. p. 36–37; Cartulaire nr. 1472; Monumenta ecclesiae Strigoniensis. I–IV. Eds. Ferdinandus Knauz, et al. 1874–1999. (hereafter: MES) I. p. 210.

¹⁴ Fejér CD III/1. p. 383–384, III/5. p. 383; Cartulaire nr. 1747.

Vetera monumenta historica Hungariam sacram illustrantia. I–II. Ed. Augustinus Theiner. Romae, 1859–1860. (hereafter: Theiner) I. p. 61–62; MonWesp I. p. 66; MES I. p. 254; ÁUO I. p. 211–212.
FEJÉR CD III/1. p. 228-230; PRT I. p. 164, 638-639; ÁUO VI. p. 377-379; MonWesp I. p. 36–37;

abbot achieved some success, because he promptly boasted of it to his fellow monks as well as to Pope Gregory IX in 1226¹⁷ and 1227.¹⁸

The Hospitallers referred to confirmation of their rights, and they supposedly not only concerned the very case, for instance the controversy with the Benedictines, but also those general privileges they received during the twelfth century. What these privileges were?

The establishment and the rapid distribution of the military-religious orders was provided and backed by the group of privileges which followed the path paved by the Cistercians. These advances promoted these orders on the long run. In the case of the first par excellence military order, the Templars, these exemptions were acknowledged in the *Omne datum optimum* of Pope Innocent II (1130-1143) issued in 1139.19 Recent literature has, however, emphasized that the initiative originated from Pope Celestine II (1143–1144), more precisely, from the content of the Milites Templi of 1144.²⁰ The papal charter concerned the burial rights and the antecedent of this document is to be sought in a charter of Pope Innocent II issued between 1133 and 1137, moreover, another forerunner can be dated to the period of 1139-1143.21

The Omne datum optimum of 1139 released the Templars from the payment of tithe after their own landed estates and conceded them the right to be granted of collecting tithe provided that the achieved the consent (consensus) of the bishop and that of the concerned ecclesiastical institution. According to the series of privileges, the same – either financial – importance can, be attributed to the right of establishment of new churches and the burial rights of the deceased brethren. The third important pillar was the Militia Dei²² of 1145 issued by Pope Eugene III (1145–1153) which settled the right of the Templars for collecting tithe as well as the concession for burial oblations provided that they owned commanderies in the territory concerned and the consent of the bishop was not mentioned in this charter. Supposedly, both the military-religious order and the pope had plenty of experience of the attitude of the local clergy towards the assumed privileges.

²¹ Ibid., p. 203–204., 213. See also Peter D. CLARKE: The Interdict in the Thirteenth Century: A Question of Collective Guilt. Oxford, 2007. p. 69-71, 138-139.

¹⁷ National Archives of Hungary, Collectio Antemohacsiana, Photocopy collection (hereafter: DF) 206887, 206888; PRT I. p. 680-682.

¹⁸ DF 208291, ÁUO I. p. 247–248. PRT I. nr. 98.

¹⁹ Hiestand 1972. p. 204–210.

²⁰ Ibid., p. 213–216.

²² Hiestand 1972. p. 216–217.

In case of the Hospitallers these were the following ones: the *Pie postulatio* voluntatis of Paschal II (1099–1118), exempted the Hospital from the payment of tithes in 1113, but was not released from the jurisdiction of the bishop in 1113.23 The first relevant privilege of Pope Innocent II, Ad hoc nos disponente in 1135,²⁴ decreed that the brethren were released from the bishop's authority; they could not be excommunicated by the bishop and their churches could not be placed under interdict. In the course of a general interdict, the Hospital was permitted to continue its services provided that the doors of the churches remained shut and the bells silent. The second privilege of Innocent II, Christiane fidei religio, 1137, allowed the brethren to establish churches and burial-grounds and the brethren were allowed to use the graveyard even during interdict.²⁵ The third privilege, Quam amabilis Deo, 1139,²⁶ which is not accidentally reminiscent of the Omne datum optimum already given to the Templars, called upon the bishop to further the alms and gifts for the Hospital so that in return one seventh of the benefactor's penalty would be forgiven. In 1154 Pope Anastasius IV (July 1153-Dec 1154) repromulgated the Christiane fidei religio and augmented its content: the Order was authorized to have its own priests.²⁷ This probably formally recognized a situation that was long-existing; nevertheless, it was an important step in the series of exemptions since it meant that the priests of the Hospital were not subject to the bishop who otherwise maintained the right of presentation.

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In the light of the above, let us turn to the corpus of papal charters with reference to Hungary. Among the materials preserved in the collection prepared by James Ross Sweeney, there is a small dossier with inscriptions: "Hungaria Pontifica, *Ungarn: Templer und Johanniter von Dr. Mezey gefundenes Material aber nicht für* Hungaria pontificia *bestimmt. It contains five documents bearing a sort of* pro domo *signature from Cr. 4 to 8. The "Cr." abbreviation most likely stands for* cruciferi"²⁸ It is clear from the second volume of the Papsturkunden für Templer und Johanniter,²⁹ that László Mezey rendered these

²³ Hiestand 1984. p. 194–197.

²⁴ HIESTAND 1984. p. 206–208.

²⁵ Hiestand 1984. p. 104–135.

²⁶ Hiestand 1984. p. 137–162.

²⁷ Cartulaire nr. 226.

²⁸ There is an additional sheet with the following information: Alexander III (1181) VII. 7. JL 14408. Orig. Rom. Vat. Arch. Instr. miscell. Com. Tacholmitanei. Ungarn. Dalmatia. It implies that the document has been transferred to the *Dalmatia pontificia*.

²⁹ Hiestand 1972. p. 61–63.

pieces of information for the disposal of Rudolf Hiestand before he passed the *Hungaria Pontificia* to Sweeney.³⁰

The first of these charters is the Audivinus et audientes letter of Pope Alexander III (1159-1181), preserved in the town archive of Pozsony (Bratislava),31 which was dated by Mezey, on the basis of the itinerary of the pope, to 4 December 1170–1172.32 Since the forerunner privilege was granted to the Cistercians in 1174, while the first variant for the military-religious orders was promulgated on 12 November 1179,33 this particular charter should be dated later, presumably to 1180. The papal charter was issued for the sake of the Templars confirming their exemption of tithing over labores and novalia. It also confirms the dating as it was a clear "answer" to the charges raised at the Third Lateran Council (1179) where the attending bishops accused the poor knights of the Temple of Solomon with the nonpayment of the tithes. The document was sorted out as it belongs to the Oriens pontificius and not to the Hungaria Pontificia.

The second document,³⁴ a letter of Pope Lucius III (1181–1185), issued in Velletri which confirmed the Audivinus et audientes of Alexander III containing the privilege of the Hospitallers concerning the labores-tithe. The charter only indicates the day of issuance without the year. On the basis of the place where the document was recorded Mezey identified the date as 9 April 1183. The inventory of the National Archives of Hungary dated the document according to the pontificate of Lucius III, that is, to 1181–1185, but the Spring of 1183 seems to be the most likely. The itinerary of the pope would allow to take into consideration the previous year too, but as a matter of fact Lucius confirmed other privileges for the Templars in Hungary in three weeks as well as other ones for the Hospitallers in September 1183. This may imply that the military-religius orders regarded this moment to be timely to have their privileges acknowledged by the local clergy. Nonetheless, having no unquestionable piece of evidence we do not rule out the dating the document to 1182.

³² Mezey did not find the document in the Cartulaire of *Delaville* however, it was published as nr. 428. Delaville determined the date as 1171-1172 or 1180.

³⁰ For the recent edition of these charters, see Zsolt HUNYADI: A magyarországi johannitáknak és templomosoknak adott 12. századi kiváltságok pápai oklevelek tükrében [Twelfth-century privileges given to the Templars and Hospitallers in Hungary through papal charters]. Századok 126 (2012), p. 389-404., here: p. 398-404.

³¹ Arch. Civit. Poson. nr. 561/934.

 $^{^{33}}$ Hiestand 1972. p. 299–301. Hiestand lists 9 variants, however, none of them bears the date of 4 December.

³⁴ Cr. 5. Arch. Civit. Poson. nr. 984/936. DF 277954.

One of the most interesting document is the bull of Lucius III, dated to 7 September 1183.35 The Ea quae vobis bull granted burial right to the Hospitallers concerning their own deceased brothers provided they were not excommunicated or under interdict even though their local bishop refused to give his consent. The earliest version of this bull was promulgated a couple of days earlier, on 3 September.³⁶ It is worth mentioning, that on 27 October Lucius III also issued the same bull for the Templars. It was nothing new for the Knights of the Temple since they have already been granted this sort of privilege by Pope Innocent II (1130–1143) known as Milites Templi. The original charter for a long time was dated to 1144 but recent scholarship redated it to 1133–1137.37 The difference is not only a couple of years but this correction made this charter the very first of the three major privileges given to the Templars (Omne datum optimum 1139, Militia Dei 1145), moreover, it also means that the original privilege was not given by Pope Celestine (1143–1144) but by his predecessor. According to Rudolf Hiestand there was another archetype of the Milites Templi issued by Innocent II between 1139 and 1143.38

The next original document of this small corpus is another bull, the *Iustis petentium desideriis* of Lucius III promulgated on 22 November 1184/1185.³⁹ The pope confirmed the (undated) donation of King Béla III concerning Zengg (Segnia). Mezey gives no reason why he sorted the document out from the Hungaria pontificia, it seems that he regarded it to pertain to the *Dalmatia Pontificia*. I would, however, argue that should be placed back into the corpus since it concerned the Hungarian king and the Hungarian province of the Templars established around the 1160s.

The last document is a confirmation of the privilege of Pope Innocent II (1130–1143) given to the Templars, known as *Milites Templi*, by Pope Clement III (1187–1191) in 1188.⁴⁰ According to the apparatus prepared by Mezey the bull latet, that is it lurks in the Town Archive of Pozsony, he also informed Hiestand so,⁴¹ but in the meantime the document turned up and its photo-

³⁵ National Archives of Hungary, Collectio Antemohacsiana, Charter collection (hereafter: DL) 23; Georgius PRAY: Dissertatio historico-critica de Prioratu Auranae in qua origo, progressus, et interitus, ex monumentis nondum editis. Viennae, 1773. p. 108; Cartulaire nr. 657. Cf. Jonathan Simon Christopher RILEY-SMITH: The Knights of St. John in Jerusalem and Cyprus c.1050–1310. London, 1967. p. 77.

³⁶ Cartulaire nr. 656 bis. (IV. p. 263.). Cf. HIESTAND 1984. p. 279.

³⁷ Hiestand 1972. p. 203–204.

³⁸ Hiestand 1972. p. 213.

 $^{^{39}}$ DF 277955; Fejér CD II. p. 204–205. J 9720, JL 15334.

 $^{^{\}rm 40}$ 12 December 1188, JL 10122, JL 16361. Hiestand 1972. p. 214–215.

⁴¹ DF 277955; HIESTAND 1984. p. 63. "Verschollen ist dagegen das folgende, einst hier aufbewahrte Stück Clemens III. Milites Templi" 1188 Dez. 12. Orig. JL 16361.

copy has been added to the Photocopy Collection of the National Archives of Hungary.

Strange enough, the surveyed documents are not listed in the elenchus prepared for the second volume of the Diplomata Hungariae antiquissima (1131–1196) which otherwise contains almost fifty papal charters. Having a closer look of the materials being prepared for edition it seems that the late Professor Mezey left the editorial board at a certain point and took away the folders attributed to the *Hungaria Pontificia* therefore they have been omitted from the corpus.

As a sort of conclusion, there must be an explanation why the intensity of the acquisition of privileges raised to such extent in the 1180s. Nor earlier, neither later as far as the twelfth century is concerned. While attempting to get acquainted with the efficient causes we should turn towards the contemporary situation of the overall Church. The bishops appeared at the Third Lateran Council in March of 1179 fought very hard against those Templars and Hospitallers who were said to be abusing their privileges. These prelates succeeded to convince the Council to condemn in a canon⁴² those commanderies of these military-religious orders who accepted churches, tithe from lay hands and those who failed to present their priest to the local bishop. Moreover, one may hear about Hospitallers who, while collecting alms, happened to wander on territories under interdict and they celebrated masses. It is tempting to think that the above surveyed privileges primarily reflected to these charges. Accordingly, one may encounter a very usual situation: the charters from the autumn of 1179 kept confirming and legitimizing an already existing status quo with the local clergy. Although the privileges acquired by the military-religious orders (and the Cistercians) mostly incorporated the questioned exemptions, the very general wording of the documents and the inaccuracies resulted from this feature led to numerous abuses. These were the military orders which have won the battle on the short run since the criticism phrased at the ecumenical council did not make the knights withheld, quite the contrary: it pointed out the circle of privileges to be gained or confirmed in the future.

This impression may be reinforced by the fact that the process of the settlement of the military-religious orders in the Kingdom of Hungary most likely reached or at least approached the "critical mass". By the end of the 1170s both the Templars and the Hospitallers possessed such an amount of

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⁴² 1179: § 9. – *Decrees of the Ecumenical Councils*. Vol. 1. (Nicaea 1–Lateran V). Ed. Normann P. Tanner. Washington D. C., 1990. p. 216–217, Cf. Georg Schreiber: *Kurie und Kloster im* 12. *Jahrhundert*. I–II. Stuttgart, 1910. I. p. 294, II. p. 15, 67, 116, 354.

wealth whose efficient exploitation and the acquisition of new ones turned up as a challenge for the provincial leadership of these orders. Both of them were strongly centralized institutions thus the perception based not on local inventions but rather on Western European experience and expectations. The latter ones were influenced by the status quo in the Holy Land, from the 1170s, which required more remarkable resources and supplies ever since and these were supposed to be provided by the European commanderies. This fact most likely played a determinant role during the negotiations between the grand masters of these orders and earthly lieutenant of Christ.

Even though we managed to provide a convincing explanations for the half-century long struggle of the Hospitallers for the privileges, it still seems somewhat puzzling why the Templars were much less involved in such debates in the Kingdom of Hungary.

