

**SPECIMINA NOVA
PARS PRIMA**

SECTIO MEDIAEVALIS

II.



*Dissertationes historicae collectae per
Cathedram Historiae Medii Aevi Modernorumque
Temporum Universitatis Quinqueecclesiensis*

*A Pécsi Tudományegyetem Középkori és Koraiújkor
Történelmi Tanszékének Történelmi közleményei*

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TABLE OF CONTENTS

MÁRTA FONT

Similarities and Dissimilarities in the Early Laws of Kievan Rus' and Hungarian Kingdom in the 11th Century 7

GERGELY KISS

The Exemption of the Royal Benedictine Monasteries in Hungary in The 11th-13th Centuries 25

DÁNIEL BAGI

Die Quellen des Kaschauer Privilegs 65

TAMÁS FEDELES

Matthias von Gatalócz Propst von Pécs/Fünfkirchen (1428–1437) 77

BÁLINT RADÓ

The “Declaration” of King James I (1622) 83

ENDRE SASHALMI

Contract Theory and the Westernization of Russian Ideology of Power under Peter the Great 89

TERÉZ OBORNI

The Country Nobody Wanted: Some Aspects of the History of Transilvanian Principality 101

JÁNOS J. VARGA

Die Rolle des „Orta Madschars“ von Peter Perényi bis Emmerich Thököly. Zur Methode der türkischen Eroberungen Richtung Westen 109

ZSUZSA BARBARICS

Gastfreunde oder Kriegsfeinde? Das Bild der Osmanen in der ungarischen Historiographie des 19. und 20. Jahrhunderts 119

BOOK REVIEW 129

RELATED PUBLICATIONS 135

Similarities and Dissimilarities in the Early Laws of the Kievan Rus' and the Hungarian Kingdom in the 11th Century

1. *The First Laws of Central and Eastern Europe*

The first laws of the Central European, Bohemian, Polish and Hungarian peoples as well as of the Eastern European Kievan Rus were fruits of their conversion to the Christian faith shortly before the first millennium. The emergence of written records were natural consequences of their conversion. The early laws usually furnish elements of the Barbaric tribal customary law (*consuetudo*) but they also display features of the impact of Christian canon law and of Byzantine (i.e. a transformed Roman) law. The persons writing down the laws played a decisive role, their personal knowledge inevitably shaped the collections of laws. All of the Germanic tribes had a collection of written customary laws. These were not merged into one unified system but continued their parallel existence. Among these we find the *Lex Baiuvariorum* which was compiled around 741–743 and which is especially important because of its influence on Hungarian judicial practice.¹ Byzantine law cannot be ignored either because of the impact it exercised on Hungarian as well as eastern and southern Slavic legislation. In Byzantium Roman law was much more influential than in the western parts of Europe. This was largely due to the compilation under Justinian (529–534). Emperor Leo III (711–741) extended it considerably on the basis of the dominant customary law to which the Barbaric peoples settling down within the Empire contributed a lot. Later it was Leo the Wise (886–912) who compiled a summary of sixty volumes out of all this.²

To the north of Hungary both the Bohemian and the Polish Christian princes were involved in legislation but the texts of these laws are unknown. We only have evidence of their former existence from later compilations and allusions in narrative sources. The Bohemian chronicler of the 12th century, Cosmas of Prague maintained that Břetislav II (1035–1055) passed some laws. Cosmas mentions some of their passages as examples and tells us that the laws were put down in 1039. The *Decreti Brecislai ducis* deals with marriages, murders, funerals and forbids work

* The article is also part of a research project supported by a grant from the Hungarian fund "OTKA" (reference number: T 034567).

¹ M. JÁNOSI, *Törvényalkotás a korai Árpád-korban* [Legislation in the Early Time of the Árpáds], (Szegedi középkortörténeti Könyvtár 9.) Szeged, 1996. (see hereafter: JÁNOSI 1996)

² D. OBOLENSKY, *A Bizánci Nemzetközösség* [The Byzantine Commonwealth], (Varia Byzantina III. ed. I. BAÁN) Budapest, 1999, pp. 381–390; *Medieval Russian Law*, Translated by G. VERNADSKY, New York, 1969, p. 5. (see hereafter: MRL)

on Sundays.³ Among the documents of one of the 13th century chapters (Olomouc) we can find a dialogue which seemed to prove the existence of these early laws but it rather appears to be an adaptation of the Cosmas-Chronicle. The narrative sources also link an edict to the name of Boleslaw from the year 992. This, however, was proved to lack authenticity as early as by the early 20th-century source-criticism.⁴ The privilege issued by the Pope (1073) is of different character which entitled the Bohemian prince to wear a mitre.⁵ We also have evidence of a privilege for the German settlers by the prince from the year 1178 which contains earlier parts going back to 1080.⁶

The Polish laws display similar characteristics. The Chronicle of the bishop of Merseburg, Thietmar relates at the turn of the millennium that Boleslaw the Brave (992-1025) passed laws e.g. against those violating the Lenten Period: their teeth were broken.⁷ We have manuscript from the year 991 which bears the title *Dagome iudex*.⁸ Those supporting the authenticity of the date call it a consequence of the second marriage of Prince Mieszko as he married Oda, the daughter of the German Marquis Theoderik. The text is actually no law-book but it preserved the correspondence of the Prince with the Pope. According to its contents the letter disposes of the inheritance of the Princes' authority, this is why it describes the territory of the Prince Mieszko.⁹ The earliest record of Polish customary law is the law-compilation in German from the turn of the 14th-15th centuries which was preserved in the archives in Elbing and according to further elements of the compilation may have been written on the territory of the German Knights.¹⁰

The Kievan Grand Prince Vladimir who baptized the inhabitants of the eastern Rus issued a privilege for the Church in the form of a statute (*ustav*). It is an undated document but on the basis of its contents it was surely made after 988. No original survived but it can be treated as authentic because of the over two hundred copies and their common features. The same was done by Yaroslav the Wise (1019-1054) but his

³ *Cosmas Pragensis Chronica Boemorum*, (see hereafter: Cosmas) *Monumenta Germaniae Historica, Scriptorum rerum Germanicarum, Nova series*, (see hereafter: MGH SRG NS) vol. 2, München, 1995, pp. 86-88.

⁴ N. KERSKEN, *Geschichtsschreibung in Europa der "nationes". Nationalgeschichtliche Gesamtdarstellung im Mittelalter*, (Münsterische historische Forschungen, Bd. 8.) Münster, 1995, p. 568; J. ŽEMLIČKA, *Čechy v době knížecí (1034-1198)*, Praha, 1997, p. 383.

⁵ *Codex diplomaticus et epistolaris regni Bohemiae I. (805-1197)*, ed. G. FRIEDRICH, Pragae, 1904. (see hereafter: CDB); P. E. SCHRAMM, *Kaiser, Könige und Päpste I-IV/1-2*, Stuttgart, 1971. here: IV/2, p. 518.

⁶ CDB I, pp. 385-387.

⁷ *Die Chronik des Bischofs Thietmar von Merseburg*, (see hereafter: Thietmar) MGH SRG NS, vol.9, München, 1996, p. 496.

⁸ B. KÜRBISÓWNA, "Dagome iudex – studium krytyczne", *Początki państwa polskiego, I*, Poznań, 1962, pp. 363-423, here: p. 395; K. JASIŃSKY, *Rodowód pierwszych Piastów*, Warszawa – Wrocław, 1992, pp. 55-59.

⁹ O. KOSSMANN, *Polen im Mittelalter. II. Staat, Gesellschaft, Wirtschaft in Bannkreis des Westens*, Marburg/Lahn, 1985, pp. 65-67.

¹⁰ J. BARDACH, *Historia państwa i prawa Polski do roku 1795*, Warszawa, 1957, pp. 19-27.

legislation is much wider in terms of ecclesiastical matters.¹¹ His name is further linked to the first secular legislation as well. This, however, was not preserved but only in its compilation and variation by his sons. We can date the laws of Yaroslav at around 1036, the revised version of his sons at around 1072.¹²

Of the neighbouring southern Slavs the Croats formed a state at the turn of the millennium but there is not even a hint of any of their Princes' having started to write down their customs.¹³ The Bulgarians had converted to Christianity earlier but they only translated liturgical texts into Church Slavonic. The first Bulgarian state was put an end to by Emperor Basil II in 1018 so no laws of their own could be recorded. Parts of Byzantine canon law (nomocanon) were rendered into Church Slavonic. This came to be known in Slavic territories as Kormchiye knigi. The Kormchiye contained not only canon law but also liturgical elements which, according to local practice, were supplied with amplifications.¹⁴ Out of these compendia the originally Church Slavonic version can have been completed on the Athos Hill in the 12th century, although it survived only in its 13th-century Old Russian and even later Serbian redaction. Therefore the turn of the millennium cannot be viewed as a period of legislation.

In Hungary the first written records of laws go back to King Stephen the Saint (997-1038). According to general understanding one of these can be ascribed to the time of the coronation, another one to the 1030s.¹⁵ In our estimation the legislation of European states reached only in Hungary and the Kievan Rus the level on which they can be compared as independent legislation. In the Kievan Rus this was due to the Pravda of Yaroslav the Wise and the two Church privileges of the early 11th century.

2. Textual tradition

2.1. The Development and Manuscripts of the Laws of Saint Stephen

The laws of Saint Stephen contain 56 chapters but there is not a single manuscript in which all of them could be found. Most of the manuscripts date back to the 16th century.¹⁶ This is the basis of the Corpus Iuris issued at the end of the 19th century in which two of Saint Stephen's law-books can be found. Still, under № 1 the text of the Admonitions – a speculum principis

¹¹ Я.Н. ЩАПОВ, *Древнерусские княжеские уставы. XI- XV. вв.*, Москва, 1976, (see hereafter: SHCHAROV 1976) pp. 13-84, 85-139; H. D. KAISER, *The Laws of Russia*, Salt Lake City, 1992, pp. 41-51. (see KAISER 1992)

¹² MRL, p. 15; KAISER 1992, pp. 14-40; H. D. KAISER, *The Growth of the Law in Medieval Russia*, Princeton, 1980; M. FONT, *Oroszország, Ukrajna, Rusz* [Russia, Ukraine, Rus'], Budapest, 1998, p. 48.

¹³ N. KLAČIĆ, *Povijest Hrvata u srednjem vijeku*, Zagreb, 1990, pp. 57-103.

¹⁴ Я.Н. ЩАПОВ, *Южнославянское правовое наследие на Руси*, Москва, 1978, (see hereafter: SHCHAROV 1978) pp. 40-48; KAISER 1980, pp. 19-35; A. M. KLEIMOLA – H. W. DEWEY, "Court Law for the People" *Michigan Slavic Materials* 14 (1977)

¹⁵ JÁNOSI 1996, pp. 67-97; Gy. KRISTÓ, *Die Arpadendynastie*, Budapest, 1993, pp. 66-69; *The Laws of Medieval Kingdom of Hungary*, Vol. 1, ed. J. BAK – Gy. BÓNIS – J. R. SWEENEY, Idyllwild/California, 1999, (see hereafter: LMKH) p. xlii.

¹⁶ M. JÁNOSI, "A Szent István törvényeit tartalmazó kódexek" [The codices with the Text of the Laws of King Stephen], *Magyar Könyvszemle* 94 (1978), pp. 227-254.

– can be read, № 2 contains all the other chapters in one. In contrast to the other laws of the 11th century the one of Saint Stephen is known also in a copy from the 12th century, in the codex of Admont written outside the borders of Hungary. The transcriber does not relate who the legislator is but the codex contains 50 of the chapters of Saints Stephen, although the chapters are broken down in a different way. The 50 paragraphs are broken down into two law-books: 35 + 15. Six out of the 56 passages known to us from elsewhere do not make an appearance here at all but there are two which we only know from here. The discrepancy in numbers is due to the different breaking up of paragraphs, e.g. in one place one „subtitle” has a different numeration and starts by saying „something else of the same thing”. Two additional paragraphs of the Admont codex tell us about the sword duel and those who give freedom to the servants of others.¹⁷ In the later manuscripts one can find more differentiated descriptions of all these, so it can be the case that this early text lost its timeliness and the copier did not find it necessary to put it down. Among the missing six chapters we find the one about the tithes the lack of which cannot be understood as on the basis of the diploma of Pannonhalma of 1002 we know for sure that there was a disposition about the tithes.¹⁸ The paragraphs about the servants at the royal court, the plots, and the ways of liberating the servants may have been written in the late Stephen-area or in King Andrew’s time or during the revision of laws under King Coloman.¹⁹ One thing is sure: the text of the Admont codex represents a fully independent version (Version **A**). The later versions are not homogenous either. As we have mentioned, the number of chapters differs, the words used vary or the text becomes shorter. One can differentiate between a **B-1** and a **B-2** text which were written independently of each other but go back to the same source. Version **A** was written in the 12th century and probably goes back to a text of the turn of the 11th – 12th centuries. It is appropriate to ask the question who the transmitter of the text of the law to Admont was. We can think of King Salomon who had relatives in the imperial family: his wife, Judith was the sister of Emperor Henry IV. Salomon ruled between 1063 and 1074 and after he had been driven away he lived along the western borders. The daughter of Béla II (1131-1141), Sophia is suspicious, too who became a nun in Admont. The other two compilations may have been written in Hungary between the 12th-16th centuries; terminus ante quem 1507, when the law of King Vladislav II (1490-1516) refers to collection of earlier legal documents.²⁰

¹⁷ L. ZÁVODSZKY, *A Szent István, Szent László és Kálmán korabeli törvények és zsinati határozatok forrásai. Függelék a törvények szövege* [Sources of the laws of Stephen the Saint, Ladislaus the Saint and Koloman. In Annexe the Text of Laws], Budapest, 1904, (see hereafter: Z) pp. 146-147; M. JÁNOSI, “Gondolatok az Admonti kódexből hiányzó kapitulumokról” [Remarks to the absenting chapters in the Admont-Codex], *Acta Universitatis Szegediensis de Attila József nominatae. Acta Historica LXXXII* (1985), Szeged, pp. 37-51 (see hereafter: JÁNOSI 1985); LMKH, pp. 10-11. (cap. I, 16, 21.)

¹⁸ *Diplomata Hungariae antiquissima*, Vol. I, 1000-1131, ed. Gy. GYÖRFFY, Budapestini, 1992, (see hereafter: DHA) pp. 25-41.

¹⁹ JÁNOSI 1985, pp. 46-49.

²⁰ JÁNOSI 1996, pp. 95-96.

Actually, the history of manuscripts does not throw light upon the time when the laws were made. The first laws of Saint Stephen can probably be linked to the coronation, after all, the establishment of the ecclesiastical structure happened after this and it was here where the dispositions of the Church appeared. Also, it seems reasonable that the decisions of the council of Mainz of 847 were adapted at this time.²¹ In the case of the second law-book the identification of the time was linked to the 1030s because of the paragraphs relating about the plot (see Basil's case). Yet this passage is missing from the 12th-century version of the text. One of the researchers may be right in claiming that the later dispositions were collected by Andrew I (1046-1060).²² The text of the law enlightened the method of making the law: "we ordered it by our royal authority" or "we consented to the wish of the nobility";²³ i.e. the former was the royal order (command), the latter the result of a consensus between King and nobility. As in general, here we find commands and customs. Our first King is unlikely to have made laws only a few times. Data from King Ladislaus' time (1077-1095) as well the text of the Admonitions reveal that King Stephen convened the secular and ecclesiastical nobility at regular times to discuss current issues with them.²⁴ The latter, who were mostly foreigners in Stephen's time, brought the expressions of canon law and western law with themselves. The Hungarians, however, were more familiar with the local customs and problems. The discussions must have been in Hungarian just like the proclamation of laws. The procedure of jurisdiction demanded that the laws be sent to all the centers of "ispans". (bailiffs). The practice may have been the same as the one written down in Ladislaus' time (1077-1095): "The envoy of the King should go to all the castles, village by village, and proclaim it to everybody ...".²⁵

2.2. The first laws of the Kievan Rus

The first allusion to the customs pursued in the Kievan Rus can be found in the commercial agreements with Byzantium.²⁶ Although the agreements were basically treaties of peace, they regulate the position of the tradesmen coming to Greek territories as well as that of the Emperor's servants; they also treat questions of the theft, beating up and murder. When making the judgements they sometimes reveal the punishment but usually one can

²¹ Gy. GYÖRFFY, *István király és műve* [King Stephen and His Work], Budapest, 1977, (see hereafter: GYÖRFFY 1977) pp. 268-276; JÁNOSI 1996, p. 79; Gy. KRISTÓ, *A tizenegyedik század története* [History of the Eleventh Century], Budapest, 1999, pp. 54-58. (see hereafter: KRISTÓ 1999)

²² JÁNOSI 1996, p. 95.

²³ Z, p. 141 (praefatio): "decretali meditatione nostre statuimus", p. 144 (I. 6.): „decrevimus nostra regali potentia”, p. 153 (II. 2.): “Consensimus igitur petitioni tocius senatus”; LMKH, pp. 1, 3, 9.

²⁴ JÁNOSI 1996, pp. 85-89; A. ZSOLDOS, *Az Árpádok és alattvalóik* [The Árpáds and Their Peoples], Debrecen, 1997, pp. 15-16; KRISTÓ 1999, p. 57.

²⁵ Z, p. 173 (III. cap. 1-2.): “Nuncius regis de villa in villam vadat ... palam faciat omnibus.”; LMKH, p. 17.

²⁶ *Памятники литературы Древней Руси X – начала XII века*, Сост. Д.С. ЛИХАЧЕВ – Л.А. ДМИТРИЕВ, Москва, 1978, (see hereafter: PLDR) pp. 46-52, 60-68; KAISER 1992, pp. 1-13; J. MALINGOUDI, *Die russisch-byzantinischen Verträge des 10. Jhs. aus diplomatischer Sicht*, Thessaloniki, 1994. (see hereafter: MALINGOUDI 1994)

read “по закону”. In the agreement of 944 “по русскому закону” appears twice. Although a literal translation would require the use of the word “law”.²⁷ I discuss the position of Sverdlöv. I think that rather an unwritten custom was followed and we should not look for a forlorn law-book.²⁸ These treaties did not survive independently, only as part of the text of the so-called Primary Chronicle of which it is well known that its earliest manuscript dates back to the 14th century. Still the treaties can be viewed as authentic because they comply with the formulae which were followed by Byzantium in her agreements with the Italian cities. According to Malingoudi it was the chronicler Nestor who may have known the version translated into Church Slavonic and inserted it into the text of the Chronicle.²⁹

The ustav of Vladimir (978-1015) and Yaroslav the Wise (1019-1054) represent another segment of legislation which can be conceived of as a donation letters to the Church.³⁰ This latter identification can be correct inasmuch there are allusions in them to the tithes, to the jurisdictional role of the Church based on the Byzantine Nomokanon as well as to the peoples of the Church. The metropolit and his bishops, however, got no land as a donation. Vladimir’s ustav is short and it consists in different manuscripts of usually 9-19, in one case of 23 paragraphs. The oldest of the more than two hundred manuscripts dates back to the 14th century but the ustav – at least its shortest version – can be linked according to general understanding to the Kievan period. Similar claims can be made of the ustav of Yaroslav the Wise which is known in about ninety texts, its paragraphs number 50-60 but there is a redaction of it containing 39 paragraphs. Yaroslav’s ustav is older and narrower in its contents since it only treats the ecclesiastical jurisdiction but it tells us about this question more than the other ustav. The series of copies and redactions allude to the fact that Yaroslav’s ustav was used even when the Rus broke up into partial principalities. What is more, it was used also in Galicia under Polish rule where all the ustavs were translated into Latin as well. Vladimir mentions the conversion to Christianity is a hint to a writing in the early 990s. Yaroslav’s ustav treats the metropolit Ilarion as well who was promoted to the Kievan Church, therefore, the ustav can be linked to the years between 1051-1054.

The Kormchiye knigi are a formulation of the ecclesiastical laws of the Kievan Rus in the form of a law-book the first version of which came to the Kievan Rus with southern Slavic mediation. Feodosij lived in the second half of the 11th century, he was abbot of the Kievan Cave Monastery. In his legend we find an allusion to it but the oldest manuscript goes back to 1284, whereas the other to the 14th-17th centuries.³¹

²⁷ KAISER 1992, pp. 9-12.

²⁸ М.Б. СВЕРДЛОВ, *От закона русского к Русской Правде*, Москва, 1988, (see hereafter: SVERDLOV) pp. 8-11.

²⁹ MALINGOUDI 1994, p. 9.

³⁰ SHCHAPOV 1976, pp. 13-139.

³¹ D. P. HAMMER, “Russia and the Roman Law”, *The American Slavic and East European Review* XVI (1957), pp. 1-13, here: p. 4; SHCHAPOV 1978. 33-39.; KAISER 1980, pp. 19-21.

It was Yaroslav the Wise who first had the secular laws of the Kievan Rus written. We think the word “Pravda” itself alludes to an intention of the Prince. It contains not only customs (zakon) but also orders. The stems of the word “pravda” an “pravilo” = “order, rule” as well as “praviti” = “to command, to order” are the same.³² The text of the Pravda was kept by manuscripts dating back to the 14th century in many versions, in part as inserted into the text of a codex containing annals as well, in part as collections of local jurisdiction (zakon sudnij ljudem).³³ The Pravda is not the result of a single making of laws, all of its versions were made as compilations of many jurisdictions. One of the texts got the name *Kratkaya* i.e. Short Redaction because of its length (43 paragraphs); the other compilation is known as *Prostrannaya* i.e. Expanded Redaction and consists of 121 paragraphs, but there is a *Sokrashchennaya* i.e. Abbreviated Redaction as well just to make the picture complete. The Short Redaction contains the orders of Yaroslav the Wise, the version made by his sons (the Yaroslavichi) as well as two paragraphs which can have been the former order of Yaroslav. This version was probably compiled in the second half of the 11th century.³⁴ This version was basically repeated by the Expanded Redaction at the turn of the 12th-13th centuries (with different numbering), in which the commands of Vladimir Monomakh (1113-1125) were attached to the earlier laws. The Abbreviated version was written at the turn of the 14th-15th centuries. Unfortunately, it is not possible to separate the paragraphs of Yaroslav the Wise and his sons. Although some scholars link the first 18 paragraphs to Yaroslav the Wise and all the others to his sons, we do not think this separation is justifiable on this basis.

2.3. The Result of the Comparison of Texts

If we compare the documents of the jurisdiction of Saint Stephen and his Kievan contemporaries we can state the following: it is a similarity in the fate of the texts that

- No contemporary manuscripts survived in either case
- Interpolation cannot be identified in spite of a number of later copies
- We do not know the number of occasions of jurisdiction
- We can only relatively state when the laws were actually made.

It is a difference that

- In Hungary Church and secular law are parts of the same law collection
- In the Kievan Rus Church and secular jurisdiction are separated in their forms as well.

³² В.И. Даль, *Толковый словарь живого великорусского языка*, I-IV, Москва, 1981, here: III, pp. 378-379; И.И. Срезневский, *Материалы для словаря древнерусского языка по письменным памятникам*, I-III, Санкт-Петербург, 1902, here: III, pp. 1343, 1345-1346.

³³ С. В. Юшков, *Русская Правда. Происхождение, источники, ее значение*, Москва, 1950. (see hereafter: YUSHKOV 1950) pp. 27-56; MRL, pp. 7-9; KAISER 1980, pp. 29-36.

³⁴ YUSHKOV 1950, pp. 199-201, 341-346; Б.А. ЛАРИН, *Лекции по истории русского литературного языка*, Москва, 1975, (see hereafter: LARIN 1975) pp. 52-94; KAISER 1980, pp. 60-61.

The differences can be explained on the basis that in Saint Stephen's Hungary the establishment of a Church structure happened fairly soon, most of the dioceses had been formed by the first half of the 11th century.³⁵ In the Kievan Rus, however, we only know the bishops of the centers around Kiev and in Novgorod.³⁶ In Hungary the royal counties appeared as new territorial units which were formed simultaneously with the establishment of dioceses.³⁷ In the Kievan Rus we do not know of any independent secular administration besides the tribal areas.

3. The Comparison of Contents

I compared the Hungarian and Kievan laws in detail in my publication in Hungarian,³⁸ now I would like to show some elements of secular and ecclesiastical orders in each case as an illustration.

3.1. The Regulations Concerning the Ecclesiastical Structure

The first five paragraphs of the first law-book of Saint Stephen deal with the Church. In the preface the ruler explains the necessity of supporting the Church and that he intends to do so in the footsteps of old and new emperors (*antiquos et modernos imitantes augustos*).³⁹ The law-book begins with the chapter about the royal protection for the properties of the Church. This entitles the bishops to dispose of church property. For the Church the monarch composes the *privilegium fori*, i.e. the principle that no secular people can bear witness against people of the Church.⁴⁰ Some cases of secular people (e.g. the protection of widows and orphans) also belong to the sphere of authority of the Church.⁴¹ In his second law-book King Saint Stephen confirms the paying of tithes: "if somebody received from God ten in a year, he is to give the tenth part to God".⁴² The second law-book contains the order that "ten villages should build a church the needs of which are to be provided for by two parcels and two servants, as well as horses, mares, six oxen, two cows and thirty fowls. The King should provide for vestments and cloths for the altar, the bishop for priests and books."⁴³

³⁵ L. KOSZTA, "A kereszténység kezdetei és az egyházszerzés Magyarországon" [Beginnings of the Christianity and the Organization of Church in Hungary], in: *Az államalapító* [The Founder of the State], ed. Gy. KRISTÓ, Budapest, 1988, pp. 133-207, here: pp. 175-189.

³⁶ Я.Н. ЩАПОВ, *Государство и церковь Древней Руси X – XII вв*, Москва, 1989, pp. 191, 207-210.

³⁷ Gy. KRISTÓ, *A vármegyék kialakulása Magyarországon* [Organization of the Political Units „vármegye” in the Medieval Hungary], Budapest, 1988, pp. 208-235.

³⁸ M. FONT, "Hasonlóságok és különbségek a Magyar Királyság és a Kijevi Rusz törvényhozásában. Szent István valamint Vlagyimir és Bölcs Jaroszlav törvényeinek összehasonlítása" [Similarities and Dissimilarities in the Early Laws of Kievan Rus' and Hungarian Kingdom. Remarks to the Legislation of Saint Stephen, Vladimir and Yaroslav the Wise], in: *A magyar államiség első ezer éve* [The First Thousand Years of the Hungarian State], ed. M. FONT – I. KAJTAR, Pécs, 2000, pp. 29-52.

³⁹ Z, pp. 141-144; LMKH, pp. 2-3.

⁴⁰ Z, p. 143 (I, cap. 4.); LMKH, p. 3.

⁴¹ Z, p. 149 (I, cap. 26-27.); LMKH, p. 6.

⁴² Z, pp. 153, 156. (II. cap.1, 18.)

⁴³ Z, p. 153 (II, cap. 1.)

In the Kievan Rus the *ustav* of Vladimir gives orders concerning the Church. It refers to Christianity brought to them by the Greeks and to the arrival of the first metropolitan to the Rus.⁴⁴ It confirms the establishment of the archdiocese and enumerates incomes which were to provide for the first church – probably the center of the metropolitan. This tells us about the tenth of all fines, the tenth day of all fairs and the tenth of all flocks and victuals. While referring to the *Nomokanon* it safeguards the *privilegium fori* and does not want to be judge in Church matters. The Grand Prince Vladimir wants this command to be valid in all the places “where Christians live”,⁴⁵ and reveals who the metropolitan can be a judge of (abbot, monks, priest and his wife, nun, altar-server and his wife, widow, orphan, handicapped, blind and all church servants). The *ustav* names the cases in which the metropolitan is entitled to exercise jurisdictional power: marriage, compromise family perturbances, witchcrafts, heresy etc.⁴⁶ Here we can find the beating up of others and debates over inheritance which later ended up before secular courts. It is true, there were no secular laws when the *ustav* of Vladimir was born.

The Hungarian and the Kievan orders are only separated by a few years which are not really significant. Similarities of the two regulations are that

- Both were passed shortly after the conversion to Christianity
- The secular power proclaims that it will further the propagation of the Christian faith by its financial means and strength
- Both secure the *privilegium fori* for the Church
- Envisage penalties for those violating the orders.

At the same time, however, one can detect important differences as well:

- Especially in the case of tithes: in Hungary all the people have to pay the tithe whereas in the Rus it is the Prince who gives the tenth of his own incomes to the Church
- In Hungary the bishops dispose of immobilities, in the Rus their incomes are limited to the tithes
- In the Rus only the upper stratum of the church hierarchy can be identified which is a sign of an early phase of conversion while in Hungary a net of parishes came into existence by a joint action of secular and Church leadership. The prohibition in the *ustav* of Yaroslav the Wise of a baptism in another priest's territory is partly somewhat older, partly it belongs to the question of converting activities.⁴⁷

3.2. Violation of Life

The reprisal of the violation of life was the task of the relatives of the offended party as it was pronounced in the institution of vendetta. When the states appeared this changed inasmuch the community viewed an act like this as an offense against themselves and thereby laid claim to a

⁴⁴ SHCHAPOV 1976, pp. 12-84, the oldest text: pp. 13-16.

⁴⁵ SHCHAPOV 1976, p. 15. (cap. 7.)

⁴⁶ Idem, p. 16. (cap. 11.)

⁴⁷ Idem, p. 89. (cap. 48.)

revenge to it. The ruler was the trustee of the reprisals of offenses against the community.⁴⁸

The laws of King Saint Stephen set the wergild of a free man at 110 pensa auri i.e. in Byzantine gold money which included the part to be paid for the King (50 pensa auri), the compensation for the relatives (equally 50 pensa auri) plus the money for the judge (10 pensa auri).⁴⁹ If it was an unintended murder the penalty was much less, 12 pensa auri altogether but was linked to an ecclesiastical punishment just like in the former case. The wergild of women was less and was differentiated according to the means of the offender: the count (comes) had to pay fifty, the miles ten, the poorer people five steers for the family of the murdered woman.⁵⁰ According to data of Ladislaus' time one steer cost one pensa auri, this means that the wergild of free women was less than the half of free men and could be agreed upon. If someone killed someone else's servant he had to pay the price of the servant but the offender had to face church penalty, the penitence.⁵¹ The killing of one's own servant is not mentioned as a murder, it was probably looked upon as a private matter and not dealt with.

In the laws of Yaroslav the Wise the wergild of a free man (muzh) was forty grivna if there was nobody to take revenge. Otherwise vendetta was allowed for the close relatives.⁵² The first paragraph of the Short Redaction of the Pravda reveals that this was held true of all the free people in general (it enumerates many groups of society). The limitation of the circle of those entitled to vendetta was probably new. This led to a case when there were no proper relatives so money had to be paid for the prince. The last, 43rd paragraph of the Short Redaction makes us think that it was made under Yaroslav.⁵³ This paragraph gives orders on how the wergild has to be gathered. The prince sent one of his people to the premises who collected the wergild in a week during which he had to be provided for with food. 40 grivnas were a considerable sum, therefore one week was needed. The 12th century Expanded Redaction of the Pravda sets the price of a horse at two grivnas and that of a ship fit for carrying cargo at sea at three grivnas.⁵⁴ In the case of the wergild the legislation of the sons of Yaroslav was a novelty. It was then when the vendetta was abolished and a difference was made among the free peoples according to their status in society. Yet the laws of Yaroslav's sons furnish similarities with the legislation of Ladislaus' time. The 12th century Expanded Redaction of the Pravda, however, merged the occasions of jurisdiction linked to Yaroslav as well as to his sons. E.g. it mentions the wergilds of 40 and 80 grivnas in the same paragraph and tells us about the abolition of the wergild in the

⁴⁸ H. S. MAINE, *Ancient Law*, London, 1931. Hungarian edition: *Az ősi jog*, Budapest, 1997, (see hereafter: MAINE 1997) p. 215.

⁴⁹ Z, pp.145-146 (I, cap. 14.); LMKH, p. 4.

⁵⁰ Z, p. 146 (I, cap. 15.); LMKH, p. 4.

⁵¹ Z, pp. 153-154 (II, cap. 3-4.); LMKH, p. 13.

⁵² *Правда Русская.Тексты*, Под ред. Б.Д. ГРЕКОВА, Москва–Ленинград ,1940, (see hereafter: PR) p. 70.

⁵³ PR, p. 73.

⁵⁴ PR, pp. 107, 436, 438.

second paragraph.⁵⁵ This is why we think that the Short Redaction of the Pravda cannot be cut into two at the 19th paragraph either.

The unified wergild of free people is a similarity, the difference is in the persons it had to be paid for. In Hungary the king, the relatives and the judges received parts of it. In the Rus all the money went to the prince plus the person collecting the wergild for the prince had to be provided for with food. In Hungary the murderer was forced to penitence, in the Rus this “additional” punishment is missing. In Hungary in the first half of the 11th century the separation of free people and servants is more pronounced than in the Rus, after all, there is no word of them among the murderers. Perhaps their number was less significant.

3.3. The Protection of Private Property

The first law-book of Saint Stephen confirms the free disposition of property and safeguards its protection against arbitrary attacks as well as thefts.⁵⁶ If someone set someone else’s home to fire he had to pay the price of sixteen steers, i.e. forty solidus besides reconstruction. If somebody drew a sword against somebody else he was judged accordingly. If, however, the instigator was not present, he had to pay according to his social position: the comes paid the king the price of one hundred, the miles that of ten, the poor free man of five steers. If a free man stole, he could pay for himself twice if he could, if he could not, he was sold and was viewed as a servant.⁵⁷ If he paid twice for himself but stole for a third time again, then he paid for his life.⁵⁸ If free women were found guilty of theft, their husbands could pay for them twice, but on the third occasion they were sold.⁵⁹ The servants were mutilated if they stole as they had no property. First their noses, then their ears were cut, on the third occasion they were executed.⁶⁰

The Short Redaction of the Pravda does not take sides in the question of property but punishes the theft of certain goods. The punishment varied according to the things stolen. The servants were of the highest value: it cost 12 grivnas to seduce somebody else’s servant.⁶¹ The cattle was often decimated. The horse was very valuable (3 grivnas) whoever it belonged to. Besides horses sheep, goats, swines, fowls, dogs and poultry were stolen as well. But we also have evidence of stealing woods, hay and boats as well as the detriment of the beehive. The stolen goods were traced after, those hindering this were prosecuted. Cases of theft were sentenced at the court of the prince. Here it was confirmed that the prince alone received the 3 grivnas fine. The tithe for the metropolit and the same sum for the adjutant had to be paid extra. The latter probably played a role in jurisdiction. Out of a 12-grivna fine 10 went to the prince and two were tithes.⁶²

⁵⁵ PR, pp. 71, 104.

⁵⁶ Z, pp. 144, 150-151 (I, cap. 6, 32,35); LMKH, pp. 3, 7-8.

⁵⁷ Z, p. 154 (II, cap. 7.); LMKH, pp. 9-10.

⁵⁸ Z, p. 154 (II, cap. 6.); LMKH, p. 9.

⁵⁹ Z, p. 150 (I, cap. 31.); LMKH, 7.

⁶⁰ Z, 154 (II, cap. 6.); LKMH, p. 9.

⁶¹ PR, p. 72.

⁶² PR, pp. 72-73.

Theft was a grave and regular crime in both Hungary and the Rus. The reasons for this were similar as well, in the transforming society there was no clear division between the properties of the clan and the family. A difference is that the Pravda does not confirm free disposal of private property. A further difference is that Saint Stephen and his advisors judged the criminals according to their status in society and their wealth whereas the court of Yaroslav the Wise differentiated on the basis of the value of stolen goods. Theft was sanctioned in both places by purely secular means.

4. Major Results of the Comparison

4.1. According to the origin of laws

In Hungary the first laws clearly show a western influence. This is indicated by the use of Latin and the terms imported by western clergy. One can find traces of an adaptation of the resolutions of the councils of Mainz of 847 as well as traces of the collection of Psuedo-Isidorus.⁶³ Some of the paragraphs of the Lex Salica and the Lex Baiuvariorum recur (e.g. the attack on houses, setting them on fire) through the Bavarian links. Elements of the canon law are present in paragraphs where Church and secular punishments appear together as well as in the proclamation of the *privilegium fori*. A Byzantine impact is reflected in the *pensa auri* and the mutilations as punishments.⁶⁴ Finally, elements of former customary law are present as well but normally with the intention of implementing changes (eloping with girls, widows as well as the keeping of fire).⁶⁵

In the Kievan Rus the *ustavs* were definitely made on the basis of Byzantine influences.⁶⁶ The *zakon russkij* of the 10th-century agreements rather refers to Scandinavian customary law,⁶⁷ after all, all the witnesses bore Scandinavian names. In the Short Redaction of Pravda the customary law is of double origin, it went back to both Scandinavian and Eastern Slavic roots, the differentiation according to ethnicity is a hint to this. In the case of Varangians (Vareg-Russes) for example the calling of witnesses was replaced by an oath. We do not take it for a difference in a social rank since everybody was subject to the 40-grivna punishment. It cannot be a pagan-Christian difference either as the Kievan Rus was – as we have seen – in the early phase of a conversion to the Christian faith.

4.2. According to the contents of the paragraphs

As with early laws in general both jurisdictions were largely unordered which can be a result of the activity of copies and compilers as well as of the ad hoc occasions of jurisdiction. It is virtually impossible to identify the

⁶³ Z, pp. 15-56; GYÖRFFY 1977, p. 269; Gy. BÓNIS, "Szent István törvényeinek állandósága" [The Independence of Laws of King Stephen], *Századok* 71 (1938), pp. 433-487; JÁNOSI 1996, pp. 67-96.; G. HAMZA, "Die Gesetzgebung Stephens des Heiligen und Europa", in: *Ungarn-Jahrbuch* 22 (1995/1996), pp. 27-34.

⁶⁴ JÁNOSI 1996, p. 52.

⁶⁵ JÁNOSI 1996, p. 64.

⁶⁶ MRL, p. 4; SHCHAPOV 1978, pp. 49-87.

⁶⁷ KAISER 1980, pp. 29-36; M. STEIN-WILKESHUIS, "Legal Prescription on Manslaughter and Injury in a Viking Age Treaty between Constantinople and Northern merchants", *Scandinavian Justice History* 19 (1994), pp. 1-16, here: pp. 15-16.

times of the latter. The early laws would usually stress the punishments more than it came to be the case later. The laws of Saint Stephen and Vladimir and Yaroslav are no exceptions to this rule either.⁶⁸

- These are the bases of the similarities one can detect: the punishment of theft, the measures against heathen customs (largely family relations). Murders and the causing of injuries are accentuated where the vendetta as a Barbaric custom is brought under the control of a central jurisdictional power (that of the king or the grand prince) and is replaced by financial compensation.

- We find the evolution and working of the jurisdictional apparatus different in the two lands. In Hungary jurisdiction was in the hands of selected royal officers (comes, iudices) who were chosen on the basis of their fidelity and trustworthiness. In the Kievan Rus this remained in the hands of noblemen of the blood, the grand prince and the princes. No trace of a differentiation between these two levels can be found.

- In the lands the propagation of a Christian way of life was important but in the Kievan Rus the regulations concerning the Church were separated even at the level of the courts which was not the case in Hungary. Here we can find a close cooperation of worldly and Church jurisdiction in reaching the abovementioned aim (Christian mentality and way of life). Knowing the later achievements we can state that this practice proved to be successful.

4.3. Punishments

The sum of the wergild was rather high in both lands but it was true of other penalties as well.⁶⁹ In Hungary the penalty was set in Byzantine gold (pensa auri) or in the number of steers. The two were looked upon as equals in value. In the Kievan Rus fines were set in uncoined blocks of precious metal (mostly silver, less frequently gold), the lesser values in furs. The emergence of steers and furs as natural money was a consequence of the role they played in economy. Both Saint Stephen and Vladimir and Yaroslav the Wise had their own coins minted but these had no circulation in internal trade in either land. The coins of King Saint Stephen appeared in the Kievan Rus but we have no evidence of the appearance of grivnas in Hungary.⁷⁰

There is a difference in the way the sentences were made. Hungarian jurisdiction differentiates according to the social and financial position of the criminal, the Kievan Rus according to the damage inflicted. The paragraphs indicating a differentiation in society appeared in the Kievan Rus only in the legislation of the 12th century (Expanded Redaction of the Pravda). In Hungary the division between servants and free people was more pronounced but not unpenetrable. This was less so in the 11th-century Rus. The significant differentiation of the society of the Rus can be linked to a later period and can be registered on the basis of the 12th-century Expanded Redaction of the Pravda. Finally, we would like to point

⁶⁸ GYÖRFFY 1977, p. 269; MAINE 1997, pp. 201-204.

⁶⁹ MAINE 1997, p. 202.

⁷⁰ В. М. ПОТИН, *Древняя Русь и европейские государства в XI – XIII вв.*, Ленинград, 1968, p. 221.

out that the many similar features are consequences of the similar situations. Hungarian and Kievan legislations had certainly no influence on each other.

Legislation of the Hungarian Kingdom in the 11th-12th Centuries

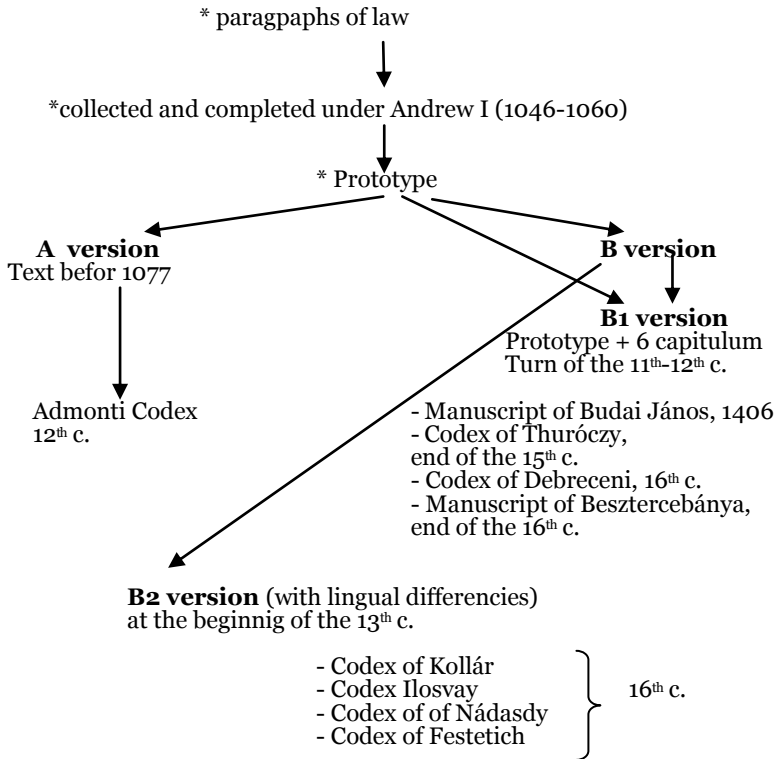
Stephen I (Saint) (997-1038)	<ol style="list-style-type: none">1. about 10002. between 1030-1038
Salomon (1063-1074) or Géza I (1074-1077)	see „Ladislaus III”
Ladislaus I (Saint) (1077-1095)	<ol style="list-style-type: none">1. about 1077 (first part of “Ladislaus II”)2. about 1083 (second part of “Ladislaus II”)3. council in Szabolcs (East Hungary) 1092 (“Ladislaus I”)
Coloman the Learned (1095-1116)	<ol style="list-style-type: none">1. about 1100 in Tarcsl2. council in Esztergom between 1105 – 1112 fragments from different legislations3. paragraphs about Jews4. councils5. paragraphs from 1110-1116

Kievan Legislation

Vladimir I (Saint) (978-1015)	„ustav” (order) for the church after 988
Yaroslav the Wise (1019-1054)	<ol style="list-style-type: none">1. „ustav” for the church2. „Pravda” of Yaroslav
The sons of Yaroslav (Yaroslavichi)	„Pravda” of Yaroslavichi between 1054-1072
Vladimir II (Monomakh) (1113-1125)	„Pravda” of Monomakh 1113

Codices

For the Legislation of Stephen the Saint



Codices

For the Legislation of the Kievan Rus'

Pravda of Yaroslav the Wise

Pravda of Yaroslavichi

Chapter about „mostniki”
(about provision for those who built the
grand floor out of long timber in Novgorod)

Chapter about „virniki”
(about the payment for those who collected
the wergild)

Kratkaya Pravda
Short Redaction
second half of the 11th c.

Kratkaya Pravda

Decrees of Vladimir Monomakh
about 1113

Decrees of later 12th c.

Prostrannaya Pravda
Expanded Redaction
turn of 12th-13th cc.

↓
Oldest Version is the Synod – Trinity
Group
Codices from the 13th-14th cc.

The exemption of the royal Benedictine monasteries in Hungary in the 11th-13th centuries*

It was nearly a hundred years ago that the monumental summary of the history of the Benedictine monasteries¹ was published. This significant undertaking dealing with the history of the monasteries comprehensively was a milestone in the research of the history of the order. Yet, although its results can be used well, the researches carried out since then make it reasoned to summarize and confront the results.

Concerning the history of the monasteries we have chosen a well confinable field of problems, we were stimulated to do so by the circumstance that since the appearance of the history of the order such a systematized summary considering the new results has not been written. The balance of the foreign and Hungarian historiography duly accounts for this choice.

In the course of our research we had to take into consideration that the canonical situation of a well confinable group succeeds more than a comprehensive analysis covering different types of church institutions. Within the group of the Benedictine monasteries we used further restriction, as from among the numerous institutions there can be traced certain features characteristic of only those founded by the king. Practically we can speak about *exemptio* concerning these institutions. Besides, it also took part in the choice that in addition to their small number, they possess relatively more sources than the other Benedictine monasteries. The analysis includes 13 monasteries altogether, these are: *Pannonhalma*, *Pécsvárad*, *Zalavár*, *Bakonybél*, *Tihany*, *Szekszárd*, *Garamszentbenedek*, *Somogyvár*, *Zobor*, *Báta*, *Szentjobb*, *Kolozsmonostor* and *Földvár*. We have not treated three monasteries (*Mogyoród*, *Zebegény*, *Kolos*). From among the three, in case of Mogyoród the royal foundation is without doubt, but in case of the other two its probability is very small. However, there are too few sources concerning these monasteries to be able to go into the merits of research.

In the course of our research we did not touch upon three questions which successively occur in similar analyses, but they are not the point strictly speaking. The first of them is the question of *tithe* (*decima*). From the researched period we have a great deal of data concerning this exciting problem, yet we have not included it into our research as it does not influence the canonical situation of the monasteries. Similarly we have not dealt with the legal status of the churches, chapels belonging to the monasteries, as it has to be treated separately although it is connected to

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¹ L. ERDÉLYI – P. SÖRÖS (éd.), *A Pannonhalmi Szent-Benedek-Rend története* [The History of the Order of Saint Benedict of Pannonhalma], I-XII/B, Budapest, 1902-1916. (see hereafter: PRT.)

the situation of the monasteries but the legal situation of the two types was not the same inevitably. The third field, which is outside the researches, is the question of wearing the pontifical symbols (*insignia*). Although there are some data about it from the 11th-13th centuries, it can be clearly seen that the right to wear the pontifical symbols only complemented the changes in the canonical situation, and so it can be considered as a consequence rather than the prime mover of the canonical development. Beyond all that, it cannot be left out of account that the wearing of pontifical symbols occurred both in exempt and non-exempt monasteries on the basis of western analogies, and that they were first of all elements of representation, which were destined for marking that the abbeys considered themselves as dignitaries of the Church. Papal privileges with such content, appearing in Hungary in the 13th century successively, and the description of the seals of abbeys – especially in the 14th century – all indicate this.²

The time frames of the research also have to be touched upon briefly. The beginning of the period is evident, whilst its close, the 13th century needs to be explained. In the canonical situation of the royal Benedictine monasteries all three centuries proved to be determinant. The 11th century is the time of foundation, which differs from the following ones from the canonical point of view (,too). For at that time we can speak about the total predominance of the diocesan jurisdiction, but this situation considerably changed at the end of the 12th century and especially in the 13th century. In these centuries emerged gradually the canonical relation which on the one hand meant *the partial exemption, exemptio* from the diocesan jurisdiction in most institutions, and on the other the jurisdiction of the archbishop of Esztergom became unquestionable. There was one exception, Pannonhalma, that enjoyed a special legal status through its canonical situation – *the full exemption* – even among the Benedictine monasteries founded by the king.

The first half and the middle of the 13th century was the period to establish the canonical situation to be stable only later for many of the monasteries. Most of the discussions, pleas of jurisdiction originate from this period, and a lot of forgeries, interpolations showing the vivid effort to ensure rights in the monasteries were prepared at that time. In the second half of the century these disputes suddenly disappeared, in the diplomas the actions for possession, money troubles, that is mostly economic questions became predominant. In addition, the general decay of the order can be seen, which was tried to be remedied from the beginning of the 13th century (e.g. the IV Council of Lateran) though without success. The effects of reforms appeared only later and brought significant changes. At the end of the 30s of the 14th century the reform launched by partly internal

² I. BODOR – E. FÜGEDI – I. TAKÁCS (ed.), *A középkori Magyarország főpapi pecsétjei a Magyar Tudományos Akadémia Művészettörténeti Kutató Csoportjának pecsétmásolat-gyűjteménye alapján*, [The Prelate Seals of Medieval Hungary on the Basis of the Seal-Copy Collection of the Research Group of Art History of the Hungarian Scientific Academy] Budapest, 1984; I. TAKÁCS, „Megjegyzések a 14. századi magyar főpapi pecséték művészettörténeti kérdéseihez” [Remarks to the Questions of the History of Art Concerning the Hungarian Prelate Seals in the 14th Century] in: I. BODOR – E. FÜGEDI – I. TAKÁCS op. cit., pp. 21-53; I. TAKÁCS, *A magyarországi káptalanok és konventek középkori pecsétjei*, [The Medieval Seals of the Chapters and Convents in Hungary] Budapest, 1992.

initiative, partly papal pressing brought structural changes, too. The centralization established on the model of the Cistercians, the institution of the general chapter broke through the isolation of the Benedictine monasteries confined so far, and created the bases of the inner hierarchy of the order and later legal relation was also made among the monasteries independent from each other so far.

Besides the absence of the disputes of jurisdiction and the structural changes, other phenomena also show that the 14th century forms a sharp-cut dividing line in the history of the Benedictine monasteries. From the history of the monasteries we know that the last years of the 13th century and especially the first decades of the 14th century brought financial decay. The papal reservation appeared in the 14th century, along with the *commenda*-system which influenced the independence of the monasteries. Despite it all, in the course of our examinations we used some data later than the 13th century in a complementary way.

In the center of the present study there is the brief summary of the canonical situation of the Benedictine monasteries founded by the king. We mean the following by the subject matter canonical situation. Our researches show the relation of given monastic institutions within the Hungarian church, the changes occurred in their legal status. In our researches we looked for the answer how the relation of the Benedictine monasteries founded by the king and the diocesan, the archbishop of Esztergom and the papacy worked out, how much the given institutions could get exemption (*exemptio*) from the jurisdiction of the ordinarius. To this it is essential to introduce the content of certain key terms (*episcopal jurisdiction*, *exemptio* and *protectio*). But it is only half of the analysis, as we have to examine what the exemption ranged over, what its exact content was and if it changed in the given period.

To reach this aim, in addition to the results of the special literature, we had to apply a defined research method using the source material belonging to the question. Using the foreign examples we formed four research groups, all of which contain further criteria, altogether fifteen. These are the following:

Group I: the bishop's authority of order (*potestas ordinis*),

criteria:

- a) *freedom to chose abbot, the ordination of abbot and monks by the diocesan;*
- a1) *freedom to chose abbot, ordination of abbot and monks by any bishop;*
- b) *chrisma, holy oils from the diocesan;*
- b1) *chrisma, holy oils from any of the bishops;*
- c) *public mass (missa publica), the prohibition to give up orders.*

Group II: the bishop's authority of jurisdiction (*potestas iurisdictionis*),

criteria:

- d) *exemption from the synodic obligation;*
- e) *visitation;*
- f) *exemption from applying ecclesiastical censures, litigation.*

Group III: the formulae of the papal diplomas,
criteria:

- g) *protectio-formula*;
- h) *ad ius et proprietate apostolice sedis formula*;
- i) *nullo medio/nullo mediante formula*;
- j) *salva sedis apostolice auctoritate (possessory right)*;
- k) *salva sedis apostolice auctoritate (legal relations)*;
- l) *cenzus ad inditium protectionis formula*;
- m) *cenzus ad inditium libertatis formula*;
- n) *libertas (Montecassino)*.

Group IV: the jurisdiction of the archbishop of Esztergom.

The legal status of the monasteries was fundamentally determined by their relation with the diocesan having jurisdiction in the territory. Though here we have to differ clearly the bishop's authority of order and of jurisdiction, as we can speak about *exemptio* only if the given monastery got exemption from the latter. Though it is just a part of the question, as we have to examine whether this exemption was accompanied by subordination to the Holy See, because, as we could see earlier, the *exemptio* was combined with the subordination to the papacy in most cases. For this reason, we had to take into account the referring papal diploma formulas. But the picture was not made complete with it, as from the end of the 12th century we have more data concerning the fact that the archbishop of Esztergom had jurisdiction over the monasteries.

1. In spite of the incomplete source material, it can be stated that in the legal status of the monasteries there were a lot of bigger or smaller deviations, there are not two of them where the applied angles would have occurred in absolutely the same way in the sources. We have to add: it is also remarkable that the distribution of the certain criteria is very varying, there is not such among the examined monasteries where all the angles – certainly not considering those with contrasting contents (e.g. a, a1, b, b1, l, m) – would occur at the same time, moreover it is generally characteristic that only one element appears in the sources.

2. The chronological distribution of the groups (I, II, III, IV) and criteria (a-n) is also informative. The examined period, the Árpád-era was divided into three periods. The first lasts from 1001 to the accession of Innocent III, the second from 1198 to the Mongol invasion of Hungary (1241-1241), the third from the Mongol invasion to the dying out of the Árpád-dynasty. We added a fourth period from 1301 to 1464, the bull of Pius II.

2.1. If we consider the appearance of the fifteen criteria taken in the research, summed up by monasteries, the deviation between the periods is remarkable. In the first two hundred years of the Árpád-era they appear in much smaller numbers than in the second period. In Pécsvárad the proportion of the two is triple. In Zalavár, Bába, Szentjobb, Kolozsmonostor and Szekszárd, Zobor and Földvár the deviation is especially considerable as practically we do not have data from the first period.

On the contrary, in the next period this number is 22, 9-9, and 16-16, 10. In case of Bakonybél, Somogyvár, Tihany, Garamszentbenedek these proportions are nearly the same (2:29, 2:25, 1:22, 1:22). Only Pannonhalma is an exception to this tendency, where the change cannot be considered as substantial, it stays below 10%. On the basis of the data a general tendency of increase can be seen.

The third period shows decay in case of all monasteries. In fact, we can say that the decay assumed considerable proportions, as in the case of Pécsvárad, Szekszárd, Garamszentbenedek, Somogyvár, Zobor, Szentjobb, Bába, Kolozsmonostor and Földvár, that is in the overwhelming majority of the cases we do not find data from this period. In the case of Zalavár and Bakonybél the appearance of the criteria also gives just a portion of the previous periods. In Tihany the decay is exactly 50%. Pannonhalma was not an exception to the tendency outlined here either, as the incidence rate of the criteria is only one-sixth of the preceding period.

In the fourth period – which is only of complementary character – a general, but rather moderate increase can be seen in the case of half of the monasteries. In most monasteries it remains under 20%. Szekszárd, Bába, Szentjobb, Kolozsmonostor and Földvár are exceptions, the rate of positive change is between 20-45%.

2.2. Examining the chronological distribution of the occurrence of the groups (I-IV), we get a much more detailed picture about the emergence of the legal status. The first from among these reached the bishop's authority of order (I). From the thirteen examined monasteries in case of seven we do not have data concerning the group I. In the other half of the monasteries a fairly regular tendency can be seen. In the first period we meet at the very most twice any of the elements of the I. group, from the seven monasteries in case of three, while in case of the others once or not even once. In the second period in case of all monasteries there can be seen an increase, a significant one, its rate is at least twice, but bigger rate also occurs (0:11). Here we have to mention Pécsvárad where only in the "deed of foundation" (+1015) occur appreciable data (a1, b1), but this source is a forgery, it was made between 1212 and 1228, so it is relevant to the second period. The case of Bakonybél is the same where the diplomas of both Stephen I and Ladislas I were made later in the 13th century, so the data occurring there (a1) has to be made use there. In the third and fourth periods drastic decay can be seen in general here, that is the elements of the group I do not occur in this period at all. Tihany is the only exception, in its case the decay is more moderate (6:4) in the third, in the fourth the data referring to it totally disappeared. From the thirteen monasteries only Pannonhalma shows some deviation, here the elements of the group I occur the most often (14) in the first period, the second period presents slight decay (13), whereas in the last two periods we do not meet such data.

The second group (II) covered the bishop's authority of jurisdiction. From the thirteen monasteries we do not have data in one case (*Kolozsmonostor*). In the other monasteries a regular tendency can be seen. Concerning the first period there is not a monastery where any of the elements of the group II would occur. As compared to it, in the second period in nine cases (*Pécsvárad, Zalavár, Bakonybél, Tihany, Szekszárd, Garamszentbenedek, Somogyvár, Zobor, Földvár*) an increase of six

times can be noticed, whilst in two monasteries (*Báta, Szentjobb*) we do not have data concerning the restriction or elimination of the bishop's authority of jurisdiction. In the third period considerable decay is shown, with the exception of three monasteries (*Zalavár, Bakonybél, and Tihany*) there is not any reference to the elements of the group II. The situation is different in Pannonhalma, here the number of occurrence is the biggest in the first period (10), that falls back to its half in the second period (5). Following it, the above-mentioned tendency of decay gets across here as well. The fourth period is also fairly homogeneous, from the thirteen monasteries in eight we have two data each, in case of Kolozsmonostor three. In the other three (*Pannonhalma, Garamszentbenedek, Zobor*) these are lacking.

The third group (III) is given by the different formulae of the papal diplomas. From the first period – not considering Pannonhalma – we do not know such data in any monasteries. The second period brought considerable growth in all the monasteries, from among the thirteen examined cases Bakonybél, Garamszentbenedek, Somogyvár, Kolozsmonostor and of course Pannonhalma stand out. In the third period there occurred a new and significant decay, with the exception of Pannonhalma and Tihany, the data are missing in all the monasteries. We can say the same about the fourth period, with the difference that here *Bakonybél* and Pannonhalma form the two exceptions.

The fourth group (IV) refers to the jurisdiction of the archbishop of Esztergom. Considering each period, we can say that in the first period with one exception (*Szentjobb*) this criterium does not appear in the sources. In the following period there can be seen an increase in case of all monasteries, their number of occurrence moves between 4 and 8. From the Mongol invasion to the dying out of the Árpád-dynasty a significant decay can be noticed, with the exception of three monasteries (*Zalavár, Bakonybél, Tihany*) there cannot be seen any reference to the jurisdiction of the archbishop of Esztergom. In the fourth period we also have more data referring to it, though these are of complementary character as we have already mentioned.

As a summary we can state that in the overwhelming majority of the monasteries in case of each group a tendency of increase can be seen from the end of the 12th century to the middle of the 13th century, then following it, a tendency of decrease in the second half of the 13th century. In the monastery of Pannonhalma this regularity can be discovered only in the case of the group III. Considering the first two the situation is the other way round, as compared to the first period the second means decay, while in the third period the general tendency of decay can be seen here, too. The fourth criterium means some difficulty in case of Pannonhalma. This element occurs only in the second period, seven times. However, these are sources which are about royal Benedictine monasteries in general. It had a more significant influence that from this period we have 25 data concerning the direct papal subordination. From these we have three papal diplomas where this legal status is expressed by five different criteria simultaneously, whilst there is no reference to the jurisdiction of the archbishop of Esztergom. So we think that the legal status of Pannonhalma is significantly different from that of the other monasteries, as the direct

legal contact between the monastery and the papacy is stronger and more evident.

2.3. It is interesting to compare the proportion defined in relation to the given groups, too. In case of Pécsvárad the effectiveness of the jurisdiction of the archbishop of Esztergom dominates (IV), it is followed by the regulations restricting the bishop's authority of jurisdiction (III), then the direct legal subordination to the Pope (II), and last the restriction of the bishop's authority of order (I). The case of the monastery of Zalavár is slightly different from this. Here the group IV is followed by the group I and then in the same proportion the II and the III. Basically the same can be stated in case of the monastery of Bakonybél with the slight difference that here the group III shows a bit smaller proportion than the preceding one. In the monastery of Tihany each group occurs relatively settled. Among them the first group including the regulations influencing the bishop's authority of order leads, it is followed by the groups referring to the jurisdiction of the archbishop of Esztergom, the direct papal subordination and the bishop's authority of jurisdiction. In case of Szekszárd the rate of the group IV is almost twice as big as the others, though among the latter we can find the elements of only the groups II and III, that is we do not have data concerning the restriction, elimination of the bishop's authority of order. We can say the same in the case of Zobor. The case of Bába is a little bit different, as the rate of the group III is a bit better than in the previous case, it approaches the IV. Almost totally coincident data and rates can be found in the monasteries of Szentjobb, Kolozsmonostor and Földvár. In Garamszentbenedek the elements of the two last are in twofold dominance concerning the groups I and II. The jurisdiction of the archbishop of Esztergom can be considered dominant, though it is followed by the group referring to the direct papal subordination slightly lagging behind. In Somogyvár the groups I and IV stand out as against the other two, which are less with third concerning their proportions of occurrence. In Pannonhalma these rates are totally different. Here the elements referring to the direct papal subordination are clearly dominant (51%). In comparison the criteria referring to the restriction of the bishop's authority of order (I) reached only about half of that 26%. The representation of the group II is even more moderate, at the end of the line the elements concerning the jurisdiction of the archbishop of Esztergom stand, but their proportion is hardly more than one-seventh of the group III (7%). In our view, it also reflects the difference between the situation of Pannonhalma and the other monasteries.

3. Summarizing the data described above, it can be stated that in the case of each of the 13 examined monasteries there occurred a fundamental change in the canonical situation in the second period, that is in the period between the end of the 12th century and the Mongol invasion. It is especially important to be emphasized concerning the occurrence of the criteria referring to the restriction of the bishop's authority of jurisdiction and the direct papal subordination, as we could see these brought the exemption to the given institution. If we consider only the last two ones, there is no such monastery which did not possess some requirements of exemption. It is also true where – such as Bába, Szentjobb and Kolozsmonostor – we do not

have data concerning the group II. In these cases a definite element of the following group, the *nullo medio* formula can always be found. The expression of the jurisdiction of the archbishop of Esztergom is also very stressed, which was very strong between the end of the 12th century and the middle of the 13th century, then in the last half century of the Árpád-era was repressed in most cases.

From this the consequence can be clearly taken that in the case of the Benedictine monasteries founded by the king – with the exception of Pannonhalma – three factors strenghtening each other were present simultaneously in the development of the canonical situation. One of them was the exemption from the diocesan's authority of jurisdiction, the second was the direct legal subordination to the Pope, more precisely to the Holy See, and the third was the effectiveness of the jurisdiction of the archbishop of Esztergom over the institutions. The first two were the clear expressions of *exemptio*, although the simultaneous occurrence of the last two do not clash with each other. It can seem that the jurisdiction of the Pope and the archbishop cannot be reconciled, though in a significant part of our quoted sources – e.g. Innocent III's letters and bulls about the rights of the archbishop of Esztergom between 1202 and 1204 – these two elements were present at the same time.

We can hardly think that the Pope violated his own rights, so we can preclude this contradiction with complete certainty. The point can be that the Pope practised his rights through the archbishop of Esztergom. It is very likely if we think of that the most common manifestation of the direct papal subordination was the remedy of certain grievances of the monasteries. Their practical execution, that is the frequent direct contact with the Holy See, personally or through representatives, or vice versa, was not a simple task concerning the traffic and communicational conditions of the era. It is easily understood that the Pope entrusted the provincial archbishop residing there and more experienced in the Hungarian circumstances with practising his rights over the monasteries. (Otherwise the frequent appearance of the papal legates in Hungary from the end of the 12th century can also be considered a similar attempt at accomplishment. In the examined source material we found numerous data referring to that the Pope had a great propensity for entrusting his legates with different cases of the monasteries. In addition to them, he often employed other church leaders, officials commissioned to settle a case.)

It is not contradictory that in such cases we are usually informed that the given monastery turned to the Holy See directly, as the authority of the legal remedy had to be the Pope in any case – among others the direct legal contact was expressed in this way. Usually the archbishop was commissioned to settle the case, or in special questions he was given wider authority (e.g. the reformation of decaying monasteries in the province, supervision of the conservation of the rights of monasteries, *visitatio*). Thus we can say that the archbishop of Esztergom gained jurisdiction over the Benedictine monasteries founded by the king with the permission of the Pope, but it was only a delegated right.

This right of the archbishop of Esztergom seems to be outlined simultaneously with other fundamental rights. In 1191 Pope Celestin III admitted the right of the archbishop of Esztergom to crown the king, and

the spiritual jurisdiction over the personnel of the royal court. Evidently the disputes over the coronation of Béla III gave reasons for it. When in the first years of the 13th century Innocent III acknowledged this right again, it was completed with the jurisdiction over the royal monasteries and provostships. Thus it is not groundless to think that the two phenomena bear closely upon each other. For the very reason that the latter appeared almost simultaneously with the direct papal subordination of the monasteries, and as the right to crown the king and the jurisdiction over the monasteries were included in a papal bull successively. We also saw the example that this right was realized not only on the whole but in practice.

The regulations serving the exemption from the bishop's authority of jurisdiction appeared in most cases later, a few decades later, characteristically in the 1230s. On this basis we can conclude that the canonical situation of the monasteries had become firm by this time, their relation with the diocesan had become clear, and by that time the jurisdiction of the archbishop of Esztergom delegated from the Pope had not been doubtful.

Despite all these the given monasteries showed different particularities. E.g. part of them got under private patronage in the course of time, which affected their canonical situation in a disadvantageous way (*Zobor, Bába*). Thus it is worth summarizing what comes out from the examination of the particular monasteries.

The first and most important lesson is that among the Benedictine monasteries founded by the king two „groups” can be distinguished. One of them consists of only one monastery, Pannonhalma, while all the other monasteries belong to the other group.

Of course *Pannonhalma* excels in the relative richness of its data, but what is decisive is not this. It is more determinant that – as it can be well seen from the chronological distribution of the particular criteria – in the case of the first Hungarian Benedictine monastery the appearance of the elements determinant in the development of its canonical situation can be dated earlier than in the case of the others. If we glance over the five papal bulls gained by Pannonhalma between 1102 and 1189 a tendency can clearly be seen. The basis was Pascal II's bull in 1102 which removed besides the protection only the synodic obligation and the application of the disciplinary means from the hand of the ordinarius.³ Alexander III expanded it with the formula referring to the papal possession (1175),⁴ and the freedom the same as that of Montecassino (1181); Urban III stated in a similar way (1187).⁵ Clement III's bull brought a more significant change, which was the first to restrict the bishop's authority of order on one hand, on the other expressed the direct legal subordination to the Pope.⁶ So by the end of the 12th century Pannonhalma had become an exempt monastery subordinate only to the Holy See. Following it – in the so-called second period this situation was further strengthened by even stronger marks. In the case of Innocent III the formula *nullo medio* and *ad ius et*

³ Cf. Annexe, nr. 4.

⁴ Cf. Annexe, nr. 6.

⁵ Cf. Annexe, nrs. 8,9.

⁶ Cf. Annexe, nr. 10

proprietas apostolice sedis appeared.⁷ We can embed here Stephen I's "deed of foundation", which is more precisely called a patent.⁸ It can be seen well that the canonical situation of the monastery was attacked less from the 1230s, it is likely to be due to this fact that the later papal diplomas did not deal with the question of the legal status, but with other more important problems and they thought it sufficient to remark that the monastery belonged directly to the Holy See (*nullo medio formula*). In case of Pannonhalma the Montecassino freedom, that is the emphasis of jurisdiction over subordinate churches, is another peculiarity. This privilege in this form cannot be found in any of the monasteries.

In the case of the other monasteries belonging to the other group there are more small differences. About the situation of the monastery of *Pécsvárad* from the first years of the 13th century we have only general data. The direct papal subordination and the jurisdiction of the archbishop of Esztergom are present there simultaneously. The "deed of foundation" – made between 1212 and 1228 – being a forgery is relevant to the conditions of the first half of the 13th century and not to the beginning of the 11th century.⁹ What turned out of the examination of the text is that its source could be the patent of Pannonhalma and the papal bulls found there, especially Clement III's diploma.¹⁰ The process of forgery was evident: as *Pécsvárad* did not possess an own papal patent giving exemption, it was definitely necessary to emphasize the approval of the Holy See in the diploma. It succeeded entirely as in the case of all canonical privileges the papal permission, approval appears. It is striking that serious attack did not reach the deed of foundation, neither in this period nor later. We can draw the conclusion from this that the monastery possessed the inserted rights in reality in the time of its drafting. Speaking about the later situation of the monastery, significant changes cannot be noticed. The papal diplomas we know up to the time of the Mongol invasion emphasized partly the direct papal subordination, and in an even stronger way the jurisdiction of the archbishop of Esztergom.¹¹ On the basis of all these we see the exempt legal status of the monastery proved with the subordination to the archbishop of Esztergom.

In case of the monastery of *Zalavár* we have fewer data. The direct papal subordination and the jurisdiction of the archbishop of Esztergom appeared at the same time and in the papal diplomas in the first years of the 13th century here as well.¹² In the decade preceding the Mongol invasion it became stronger,¹³ we even have data from 1252 that the *ordinarius*, the bishop of *Veszprém*'s authority of jurisdiction over the monastery became restricted, and the jurisdiction of the archbishop of Esztergom effected.¹⁴

⁷ Cf. Annexe, nr. 25.

⁸ Cf. Annexe, nr. 1.

⁹ Cf. Annexe, nr. 2.

¹⁰ Kiss 1999, pp. 57-61.

¹¹ Cf. Annexe, nrs. 12-17, 31, 34, 35.

¹² Cf. Annexe, nrs. 12-17.

¹³ Cf. Annexe, nrs. 31, 34, 35.

¹⁴ Cf. Annexe, nr. 40.

In the monastery of *Bakonybél* we have more data, fortunately. On one hand the regulations referring to the direct papal subordination and the jurisdiction of the archbishop of Esztergom from the beginning of the 13th century are also present here.¹⁵ Between 1212 and 1220 we have three sources according to which the diocesan's authority of order effected over the monastery, but it does not contradict the *exemptio*.¹⁶ A snappy example is Gregory IX's bull from 1230, where the enforcement of the bishop's authority of order, the expression of the papal protection and possession, the exemption from the authority of jurisdiction, that is the *exemptio* "got on well together".¹⁷ The situation was not essentially influenced by the so-called "deed of foundation" and the estate registration by László I, although both diplomas are forgeries.¹⁸ The deed of foundation as a whole,

¹⁵ Cf. Annexe, nrs. 12-17

¹⁶ Cf. Annexe, nrs. 22, 24, 26.

¹⁷ Cf. Annexe, nr. 30.

¹⁸ The foundation deed of Bakonybél could be prepared much later, between 1230 and 1240. To its formulation the interpolated foundation deed of Pannonhalma, the added first and third parts of the census of Bakonybél and the mentioned bull of Gregory IX, Zoerard-András and Benedek, and the bigger legend of St. Stephen were used. Cf.: J. KARÁCSONYI, *Szent Gellért csanádi püspök élete és művei*, [The Life and Works of St. Gellért, the Bishop of Csanád] Budapest, 1887, p. 386; J. KARÁCSONYI, *Szent-István király oklevelei és a Szilveszter-bulla. Diplomatikai tanulmány*, [King Stephen the Saint's Diplomas and the Sylvester-Bull. A Study of Diplomatics] Budapest, 1891, (see hereafter: KARÁCSONYI 1891) pp. 134-145; J. KARÁCSONYI, *A hamis, hibáskeltű és keltezetlen oklevelek jegyzéke 1400-ig. A Történelmi Tár 1908. évi számában megjelent "Pótlások..."-kal kiegészítve*, [The Register of the Diplomas Not Genuine, of Deficient Date or without Date up to 1400. Completed with the „Supplements...” published in the Történelmi Tár in 1908] edited by L. KOSZTA, (Aetas könyvek 1.) Szeged, 1988, pp. 6-7, nr. 27; SZENTPÉTERY Imre: *Magyar oklevéltan. A magyarországi középkori okleveles gyakorlat ismertetése* [Hungarian Diplomatics. The Survey of the Hungarian Practice of Diplomatics], (A magyar történettudomány kézikönyve II/3.) Budapest, 1930, (See hereafter: SZENTPÉTERY 1930) p. 36. notes 1, 2; RA n. 9; PRT VIII, pp. 224-233 (L. Erdélyi); DHA n. 26, pp. 117-118. Against László Erdélyi, Pongrácz Sörös formed an interesting view in the chapter written about the canonical situation of the abbey. In his view, Stephen I's diploma was submitted to Pope Gregory IX in order to be confirmed, and the Pope performed it. In fact, the Pope's diploma refers to the instruction of the founder: "Libertates quoque et immunitates a predecessoribus nostris Romanis pontificibus monasterio vestro concessas, nec non libertates et exemptiones secular[i]um exactionum a regibus et principibus vel aliis fidelibus, specialiter a beate memorie rege Stephano rationabiliter vobis indultas apostolica [auctoritate] confirmamus [et] presentis scriptis privilegio communimus." The Pope could really know some foundation charter, or other diplomas, yet it cannot be proved that one of them would have been the foundation deed known now. It is more probable that the „foundation deed” was prepared after the edict of the Pope as e.g. in the case of Pannonhalma. Cf.: P. SÖRÖS, „Nullius” terület volt-e a bakonybéli apátság [Was the Abbey of Bakonybél a „nullius” area], Esztergom, 1900 (see hereafter: SÖRÖS 1900), p. 5; PRT VIII, pp. 42-44; KARÁCSONYI 1891, p. 143. The register of Bakonybél was made up from different parts, altogether four. The incriminated third added part could be prepared in the first half of the 13th century, in Erdélyi's view between 1211 and 1231. PRT VIII, pp. 237-255; L. ERDÉLYI, „A tihanyi apátság kritikus oklevelei” [The Critical Diplomas of the Abbey of Tihany] *Értekezések a történelmi tudományok köréből* XXI/3, Budapest, 1906 (See hereafter: ERDÉLYI 1906), pp. 188, 192. In 1930 Péter Váczy, as opposed to Erdélyi – taking Jakubovich Emil's counter-arguments into consideration – drew the consequence that the first two parts could include the original census and these two parts – that is the so-called first and second additions – form a single diploma prepared in the 1130s. P. VÁCZY, „A bakonybéli összeírás kora és hitelessége”, [The Time and Authenticity of the Census of Bakonybél] *Levéltári Közlemények* 8 (1930), pp. 315-331, especially pp. 314-326. Cf.: E. JAKUBOVICH, „A tihanyi alapítólevél olvasásához”, [To the Reading of the Foundation Deed of Tihany] *Magyar Nyelv* XX (1924), pp. 9-21, especially 13-15. Recently Györfly György took

and a part of the estate registration (the third addition) was prepared in this period, but there only the restriction of the bishop's authority of order can be found, which is not an element of the exemptio. To the Mongol invasion we have newer data to the predominance of the direct papal subordination and the jurisdiction of the archbishop of Esztergom.¹⁹ Although it does not belong to the era, it is worth mentioning another data from the 14th century. We can read in a papal bull in 1354 that the monastery *nullo medio* belongs to the Holy See.²⁰ It does not contradict the predominance of the jurisdiction of the archbishop of Esztergom, about which we have data before this bull (1351)²¹ and after it (1397, 1400, 1464²²).

In the case of *Tihany*, besides the general data showing the direct papal subordination and the jurisdiction of the archbishop of Esztergom,²³ we have more data concerning the development of the canonical situation of the abbey. In accordance with Innocent III's diploma from 1212, the papal legats, Pelagius and Stephen's diploma from 1216 and Honorius III's from 1220, the ordinarius, that is the bishop of Veszprém's authority of order over the abbey.²⁴ The restriction of the administrative power of the ordinarius is presented in three of the diplomas of Gregory IX (1231, 1235, 1241),²⁵ in the declaration of the convent of Tihany²⁶ and a diploma of Benedictus, archbishop of Esztergom (1276)²⁷. In contrary, Pope Clement IV's bull from 1267 declared only the papal protection, the *proprietas* in sense of possession towards the abbey.²⁸ Finally, the late papal bulls quoted several times include the restriction of the administrative power of the ordinarius and the jurisdiction of the archbishop of Esztergom.²⁹

In case of *Szekszárd* we could work with few data again. We have just general information concerning the Árpád-era which do not name the monastery. Despite it, it can be supposed that the direct papal subordination and the jurisdiction of the archbishop of Esztergom effected over the monastery – in conformity with these.³⁰ Unfortunately we have written data only from later time (1397, 1400, 1464³¹), but these all strengthen the above-mentioned situation.

sides that the texture was prepared in the 12th or 13th century. DHA pp. 117-118. Cf.: L. FEJÉRPATÁKY, *A királyi kancellária az Árpádok korában [The Royal Chancellery in the Árpád-Era]*, Budapest, 1885, (See hereafter: FEJÉRPATÁKY 1885) p. 12. (contemporary copy!); SÖRÖS 1900, p. 6; SZENTPÉTERY 1930, 36.

¹⁹ Cf. Annexe, nrs. 31, 34, 35.

²⁰ Cf. Annexe, nr. 64.

²¹ Cf. Annexe, nr. 63.

²² Cf. Annexe, nrs. 65, 66.

²³ Cf. Annexe, nrs. 12-17.

²⁴ Cf. Annexe, nrs. 22, 24, 26.

²⁵ Cf. Annexe, nrs. 31, 34, 35.

²⁶ Cf. Annexe, nr. 48.

²⁷ Cf. Annexe, nr. 51.

²⁸ Cf. Annexe, nr. 49.

²⁹ Cf. Annexe, nr. 66.

³⁰ Cf. Annexe, nrs. 12-17, 31, 34, 35.

³¹ Cf. Annexe, nrs. 65, 66.

The situation of the next monastery, *Garamszentbenedek* formed rather specifically. Our first data (1202-1204) show the predominance of the direct subordination to the Pope and the jurisdiction of the archbishop of Esztergom.³² According to Innocent III's bull in 1209³³ the ordinarius' authority of order was effected but it got into the protection and possession of the Holy See, it even had to pay *census* for the freedom gained. This latter element is a criterium of *exemptio* without doubt. The later data – before the Mongol invasion – successively confirm the restriction of the ordinarius' authority of jurisdiction and the jurisdiction of the archbishop of Esztergom. The problem is only that the monastery itself was in the diocese of Esztergom, so the ordinarius and the person of the archbishop of Esztergom practising rights derived from the direct subordination to the Pope merged into one another. For this reason, we do not find data about exemption from synodic obligations and the monastery does not occur in the bulls of Boniface IX (1400) and Pius II (1464), where it was recorded that the listed institutions had to appear not in the diocesan council, but in the council of the archbishop.

We can say the same about *Zobor* as about *Garamszentbenedek*, though here the ecclesiastical administrative classification is not free from problems. The monastery namely was situated right in the borderland of the archdiocese of Esztergom and the diocese of Nyitra. The situation is even made more complex as the archdeaconry of Nyitra of both dioceses lied here. However, the monastery supposedly belonged to the diocese of Esztergom, so its status was the same as that of *Garamszentbenedek*. Another peculiarity is that in the last third of the 13th century the monastery got under the patronage of the Hont-Pázmány clan.³⁴ However, according to the record of the Esztergom visitation in 1397 this status did not remain, the monastery appeared among the monasteries subordinate to the archbishop of Esztergom.³⁵

In the case of the monastery of *Somogyvár*, the situation is more definite. According to the general data originating from the beginning of the 13th century, the direct papal subordination and the jurisdiction of the archbishop of Esztergom dominated over the monastery.³⁶ As a result of the discord concerning the choice of the abbot in 1204,³⁷ Innocent III took the monastery in protection in 1210,³⁸ but the elements of *exemptio* did not occur in this bull. In compliance with Innocent III's diploma from 1212, Pelagius and Stephen's, papal legats, from 1216 and Honorius III' from 1220, the ordinarius', that is the bishop of Veszprém authority of order effected over the abbey.³⁹ Despite this, the earlier and later data originating

³² Cf. Annexe, nrs. 12-17.

³³ Cf. Annexe, nr. 19.

³⁴ E. FOLLAJTÁR, *A zobori bencés apátság története* [The History of the Benedictine Abbey of Zobor], (A Nemzeti Kultúra ismerettára 2.) Komárom, 1934. (See hereafter: FOLLAJTÁR 1934); PRT XII/B, pp. 401-416; L. KOSZTA, 'Zobor', in: *Korai magyar történelmi lexikon (9-14. század)*, Ed. by Gy. KRISTÓ – P. ENGEL and F. MAKK, Budapest, 1994, p. 746.

³⁵ Cf. Annexe, nr. 65.

³⁶ Cf. Annexe, nrs. 12-17.

³⁷ Cf. Annexe, nr. 18.

³⁸ Cf. Annexe, nrs. 20-21.

³⁹ Cf. Annexe, nrs. 22, 24, 26.

from the 1230s prove that the monastery was an exempt monastery subordinate to the archbishop of Esztergom.⁴⁰

We know extremely little about the monasrey of *Báta*. We can get a picture about its canonical situation only from the papal bulls of general character. According to these, the direct papal subordination and the jurisdiction of the archbishop of Esztergom predominated here as well.⁴¹ The picture is a little different as it can be proved that from the middle of the 13th century the monastery stood under the patronage of the Koroncói family (1267, 1337), and Kelemen, the bailiff of Baranya (1291).⁴² However, at the end of the 14th century this situation did not exist, the monastery took place among the royal monasteries in the record of Esztergom visitatio in 1397.⁴³

Similar peculiarity can be seen in case of *Szentjobb*, too. Soon after the foundation King Koloman handed over the monastery to the family of Pál palatine. In the middle of the 12th century King Géza II took back the patronage, then Stephen III confirmed it again after the attack of the former patrons, he even declared the subordination to the jurisdiction of the archbishop of Esztergom.⁴⁴ Beside this latter one, in the beginning of

⁴⁰ Cf. Annexe, nrs. 31, 34, 35.

⁴¹ Cf. Annexe, nrs. 12-17, 31, 34, 35.

⁴² Cf.: L. HÓKE, „Báta, Czikádor, Földvár, Madocsa, Szegszárd monasteriológiájához” [To the Monasteriology of Báta, Czikádor, Földvár, Madocsa, Szegszárd] *Magyar Sion* 7 (1869), pp. 342-349, 428-439, 344 (Báta), 428, 429 (Földvár), 435-436 (Szegszárd) (see hereafter: HÓKE 1869); J. SÜMEGI, „Báta a középkori és törökkori forrásokban 895-1686”, [Báta in Sources of Medieval Time and Ottoman Rule 895-1686] in: M. KÁPOLNÁS (ed.), *Báta évszázadai. Emlékkönyv a bátai apátság alapításának 900 éves évfordulójára*, [The Centuries of Báta. A Book Published on the Occasion of the 900th Anniversary of the Foundation of the Abbey of Báta] Báta, 1993, pp. 11-126; J. SÜMEGI, „Adalékok Báta, Cikádor és Zebegény monasteriológiájához”, [Contributions to the Monasteriology of Báta, Cikádor and Zebegény] in: *Magyar Egyháztörténeti Vázlatok* 1993/1-2, Budapest, 1993, pp. 143-154; J. SÜMEGI, „Báta”, in: KMTL, p. 86.

⁴³ Cf. Annexe, nr. 65.

⁴⁴ FEJÉR II, p. 156; FEJÉR VII/1, pp. 161-163. Cf.: V. BUNYITAY, *A váradi püspökség káptalanai és monostorai a püspökség alapításától 1566. évig* [The Chapters and Monasteries of the Bishopric of Várad from the Foundation of the Bishopric to 1566], (= V. BUNYITAY, *A váradi püspökség története* [The History of the Bishopric of Várad], t. III.) Nagyvárad, 1883 (see hereafter: BUNYITAY 1883), pp. 325-326; PRT XII/B, p. 142. Abbot Simon is said to have this diploma transferred by Béla IV (1235-1270). Cf. RA n. 121, 124; DHA n. 101, pp. 302-303. Bunyitay Vince went much farther. He says: “According to even the diploma-fragment quoted so many times [i.e. the “foundation deed”], and other historical memories the abbot was taken out of the bishop’s jurisdiction and was subordinated to the archbishop of Esztergom, and as he was called arch-abbot, it is believable that at least the Saint Benedictine monasteries of the bishopric of Várad were subordinated to him, and over them he practised control like their superior and mother. Moreover, as a royal monastery its abbot was entitled to wear prelate insignia: bishop’s crook, mitra, ring, which is proved by one of the seals of the abbot, where the bishop’s crook can be seen as laid on the S. Dextra. Finally the abbot had jurisdiction over his bondsmen, and as he possessed armed bondsmen, thus he could raise his clients to the rank of the nobles of the abbot.” BUNYITAY 1883, p. 329. From among his thoughts it is worth paying attention to that relating to the jurisdiction of the archbishop, as the others are totally hypothetical. Cf.: L. BALICS, *A római katolikus egyház története Magyarországon* [The History of the Roman Catholic Church in Hungary], I-II/2, Budapest, 1885-1890, (see hereafter: BALICS 1885-1890), II/2, p. 206; PRT XII/B, pp. 143-144; Gy. Györfly (ed.), *Az Arpad-kori Magyarország történeti földrajza* [The Historical Geograpy of Hungary in the Arpad Era], I-IV., szerk.: GYÖRFFY György, Budapest, 1987-1998. I, pp. 642, 668-669. In the history of the order Sörös Pongrácz corrected the Mercurius’ “arch-abbot” title to “first abbot”.

the 13th century the direct papal subordination also appeared, so similar picture emerges as in the case of the other monasteries.⁴⁵

In case of *Kolozsmonostor* we could use more data. Besides the general manifestations appearing continuously from the beginning of the 13th century and mentioned several times, containing the predominance of the direct papal subordination and the jurisdiction of the archbishop of Esztergom,⁴⁶ in the 1220s and 1230s serious conflicts emerged between the abbot and the Transylvanian bishop having territorial competence. Three prelates following each other (Adrian, William and Rainald) questioned the exemption of the monastery, in two cases it was accompanied by violence. However, we cannot answer the question what result these disputes had. Anyway, the papal manifestation appearing in connection with the first matter in 1222, which declared that the monastery directly belonged to the Holy See using the *nullo medio* formula.⁴⁷

⁴⁵ Cf. Annexe, nrs. 12-17, 31, 34, 35, 65, 66.

⁴⁶ Cf. Annexe, nrs. 12-17.

⁴⁷ From the period between 1222 and 1235 three papal edicts are known which dealt with the canonical situation of the monastery. The first is the edict of Pope Honorius III to Bereck, the bishop of Vác, the provost of Vác and the abbot of Egres, where he instructed them to examine the complaint of the abbot of Kolozsmonostor within four months, according to which the predecessor of the Transylvanian bishop Vilmos, Adorján captured L. former abbot and his two monks with certain R., I. and E. canons of Gyulafehérvár and others, imprisoned them, ruined the monastery. Vilmos broke into the monastery, threw the papal privilege of the abbey into the fire, and ruined the patent gained from the king with water. The abbey got into final poverty, the monks did not have enough bread, as the bishop and the canons' serves squandered everything. It was the delegates' task to designate a proper time after hearing the parties to appear before the Pope and to listen to the judgement. The peculiarity of the diploma is that it mentions the abbey as one belonging indirectly under the Holy See. Cf.: PRT II. 11., XII/B. 69-70.; L. CSOMOR, *A kolozsmonostori benzés apátság és birtokai (1556-ig)* [The Benedictine Abbey of Kolozsmonostor and Its Estates (to 1566)], Kolozsvár, 1912 (see hereafter: CSOMOR 1912), pp. 16-17. It is interesting because Honorius III mentioned former papal and royal privileges, but they are not known in detail. In case of the royal diplomas we could think of Béla I's gift-deed, but it is only a forgery prepared in the turn of the 14-15th centuries. Cf.: RA n. 17., 1338.; G. SIPOS, „A kolozsmonostori konvent hiteleshelyi működése” [The Activity of Delivering of Charters in the Abbey of Kolozsmonostor] in: E. CSETRI – Zs. JAKÓ – S. TONK (eds.), *Művelődéstörténeti tanulmányok [Studies of Cultural History]*, Bukarest, 1979, 33.; Zs. JAKÓ, „A kolozsmonostori apátság hamis oklevelei” [The Forged Diplomas of the Abbey of Kolozsmonostor] *Levéltári Közlemények* 55 (1984), pp. 111-139., pp. 114-115.; DHA 176. Zs. JAKÓ, *Erdélyi okmánytár. Oklevelek, levelek és más írásos emlékek Erdély történetéhez – Codex diplomaticus Transsylvaniae. Diplomata, epistolae et alia instrumenta litteraria res Transylvanas illustrantia. Bevezető tanulmánnyal és jegyzetekkel regesztákban közlésezi* –, Budapest, 1997, n. 3., p. 239. “Honorius episcopus etc. Venerabili fratri [Briccio] episcopo Waciensi et dilecti filii abbati Egriensi Cenadiensi diocesis et ... preposito Waciensi salutem etc. Gravem dilectorum filiorum ... abbatis et conventus monasterii beate Marie de Clus recepimus questionem, quod cum monasterium ipsum, quod ad nos nullo medio pertinet, non solum apostolice sedis sed etiam regalibus fuisset privilegiis communitum, bone memorie W[ilhelmus] episcopus Albensis sequens tiramnidem A[drian]i predecessoris sui, qui olim destructo eodem monasterio, L. antecessorum ipsius abbatis crudeliter captiverat, eundem abbatem et duos ex fratribus suis una cum R. I. et E. canonicis Albensibus et quibusdam aliis, Dei timore postposito, cepit immaniter, et eis traditis custode carcerali, supradictum monasterium violenter aggrediens, privilegium ipsi ab apostolica sede indultum igne combussit, et eius regale privilegium aqua delevit. Unde cum abbas et conventus prefati, amissis privilegiis, iniuriorum suorum calumpniis nequiverunt postmodum se tueri, monasterium ipsum, quod bonorum temporalium ubertate flourerat, ad tantam inopiam est deductum, quod fratres ibi Domino servientes, sufficientiam panis habere non poterant, unde suo satisfacerent exactori, et ne possent ab imminentibus oppressionibus respirare, famuli episcopi memorati et

archbishop of Esztergom became stressed, a good example is that in 1311 archbishop Tamás himself took care that the office of abbot be fulfilled⁴⁹ referring to the jurisdiction over the monastery.⁵⁰

Finally we have to speak about the monastery of *Földvár*. Unfortunately there are mostly general data here, that are available from the beginning of the 13th century.⁵¹ The abbot came up against the bishop with territorial competence once at the very end of the 12th century. As we could see bishop Kalán used ecclesiastical censure against abbot S. because he wanted to change the canonical situation of the monastery in a fraudulent way – forging the privilege. From the point of view of the abbot it was the bishop who prevented enforcing the legal claim by taking away this important document from the abbot. Unfortunately we do not know the outcome of the matter.⁵² Despite it, considering the other data, we can see the predominance of the direct papal subordination and the jurisdiction of the archbishop of Esztergom here as well.⁵³

It can be said about most of the Benedictine monasteries founded by the king that, considering their canonical situation, the existence of *exemptio* can be proved from the first half of the 13th century. In the first half of the period between the beginning of the 13th century and the Mongol invasion the direct papal subordination and the jurisdiction of the archbishop of Esztergom occurred in the same proportion, but at the end of the period the second element, the jurisdiction of the archbishop dominated. Though it did not mean that the papal influence, jurisdiction would have come to an end, as the source of jurisdiction over the monasteries founded by the king was the Pope, in fact, he practised his rights through the archbishop of Esztergom. In reality it meant *exemptio*, as the diocesans' authority of jurisdiction ended over the monasteries. But this exemption – considering the foreign examples and results of research – expanded only over the abbot, the monks and the monastery, that is it was only *partial passive exemption*. The situation of Pannonhalma developed differently. It gained exemption not only from all the elements of the diocese's authority of jurisdiction, but belonged exclusively to the jurisdiction of the Pope, the jurisdiction of the archbishop of Esztergom

legato, contra ... abbatem et conventum monasterii de Clusa Ultrasilvane diocesis duplicem questionem, unam videlicet super quibusdam decimis et alteram super subiectione ipsius monasterii, obedientia et reverentia, et aliis iuribus episcopalibus, ad que ipsos sibi teneri dicebat [...]” Arch. Vat., Reg. Vat. Vol. 18. Fol. 91r-v. Cf.: PRT XII/B, p. 70., CSOMOR 1912, pp. 17-19.

⁴⁹ CSOMOR 1912, pp. 27-28. On 24 January 1332 we get the information that “quos quidem archiepiscopus habet de consuetudine corrigere et regimine ipsius monasterii amovere”. FEJÉR VIII/2, pp. 373-375, and that “monasterium de Clus, cuius dispositio ad venerabilem fratrem nostrum ... archiepiscopum Strigoniensem pertinere dinoscitur.” THEINER I, p. 549. Vö.: PRT XII/B, pp. 71-72; SIPOS 1979, p. 34.

⁵⁰ Cf. Annexe nrs. 65, 66.

⁵¹ Cf. Annexe nrs. 12-17.

⁵² Cf. Annexe nr 11; Damiani FUXHOFFER *benedictini Pannonii Monasteriologiae regni Hungariae libri duo. Recognovit Maurus CZINÁR, I-II, Pesthini, 1858-1860. I, p. 235; KOLLER, Josephus: Historia episcopatus Quinqueecclesiarum, I-VII, Posonii, Pesthini, 1782-1812. I, p. 306; BALICS 1885-1890, II/2, p. 170.*

⁵³ Cf. Annexe nrs. 31, 34, 35, 65, 66.

was not valid over it. So its situation can be described as having possessed *full passive exemption*.

Annexe

*The important diplomas of canonical content of the Benedictine abbeys founded by the king**

Abbreviations:

O = original; C = copy; T = transcription; E = edition

Df	Magyar Országos Levéltár, Diplomatikai fényképgyűjtemény [National Archive, Diplomatical Photo Collection]
DI	Magyar Országos Levéltár, Diplomatikai levéltár [National Archive, Diplomatical Archive]
PBFL	Pannonhalmi Bencés Főapátsági Levéltár [Archive of Archabbey of Pannonhalma], Pannonhalma
AMTF	Az Arpád-kori Magyarország történeti földrajza, I-IV. [The Historical Geography of Hungary in the Arpad Era], ed.: GYÖRFFY György, Budapest, 1987-1998.
AOkmt	Codex diplomaticus Hungaricus Andegavensis. Anjoukori okmánytár, I-VI. Szerk.: NAGY Imre, Bp., 1878-1891, VII. Szerk: TASNÁDI NAGY Gyula, Budapest, 1920.
AUO	Arpádkori új okmánytár. Codex diplomaticus Arpadianus continuatus. Szerk. WENZEL Gusztáv. I-XII. Pest, Budapest, 1863-1874.
CD Strig	Codex diplomaticus primatae ecclesiae Strigoniensis. Az esztergomi főegyházmegye oklevéltára, ed. KNAUZ, F., I-II, Budapest, 1863-1864.
DHA	Diplomata Hungariae antiquissima edendo operi Georgius GYÖRFFY, Budapestini 1992 vol. I. 1000-1131.
FEJÉR	Codex diplomaticus Regni Hungariae ecclesiasticus ac civilis, ed FEJÉR, Georgius, Budae, 1828-1844.
HO	Hazai okmánytár. Codex diplomaticus patrius, eds: I. NAGY, I. PAÚR, K. RÁTH and D. VÉGHÉLY, I-V. Győr, 1865-1873. A. IPOLYI, I. NAGY and D. VÉGHÉLY, VI-VIII. Budapest, 1876-1891.
KOVÁCS 1978	KOVÁCS Béla: X. Gergely pápa közöletlen oklevele. (Új adatok a tihanyi apátság XIII. századi történetéhez) [A Non Published Chart of the Pope Gergory X. Contribution to the History of the Abbaye of Tihany in the Thirteen Century], in: <i>A Veszprém Megyei Múzeumok Közleményei</i> 13 (1978) <i>Történelem</i> , 89-92.
MES	Monumenta Ecclesiae Strigoniensis, I-II. Ed. KNAUZ, Ferdinandus, Strigonii, 1874-1882, III. ed. DEDEK Crescens Ludovicus, Strigonii, 1924.
MREV	Monumenta romana episcopatus Veszpremiensis – A veszprémi püspökség római oklevéltára ... Edita Cöllegio Historicorum Hungarorum Romano – A veszprémi püspökség római oklevéltára ...Közrebocsátja a Római Magyar Történeti Intézet, I-II., Budapestini, 1896-1898.
MV	Monumenta Vaticana historiam regni Hungariae illustrantia. Vatikáni magyar okirattár. Series I. Tom. I-VI., Budapestini, 1887-1891.
POTTHAST	Regesta pontificum Romanorum inde ab anno post Christum natum MCXCVIII ad annum MCCCIV edidit Augustus POTTHAST, I-II, Berolini, 1874-1875. (new edition: Graz, 1957)
RA	Regesta regum stirpis Arpadianae critico-diplomatica. Az Arpád-házi királyok okleveleinek kritikai jegyzéke, I-II/1. Ed. SZENTPÉTERY. E., Bp., 1923-1943. – – – II/2-4. Manuscriptis Emericus SZENTPÉTERY adhibitis et completis critice digessit Iván BORSA. SZENTPÉTERY Imre kéziratának felhasználásával szerk. BORSA Iván, Budapest, 1961-1987.
THEINER	THEINER, Augustinus: Vetera monumenta historica Hungariam sacram illustrantia, I-II, Romae, 1859-1860.

* The texts published here are abridged, they contain only the more important parts connected to the topic, and the basic apparatus.

1. **+1002**
(CHRISMON, Christe) IN NOMINE DOMINI DEI SUMMI, STEFANUS SUPERNA PROVIDENTE CLEMENTIA UNGRORUM REX. Credimus et vere scimus, si locis cultui mancipatis potestates atque honores adaugmentaverimus, id non solum laude humana predicandum, verum divina mercede remunerandum. Quocirca omnium sancte Dei ecclesie fidelium nostrorum presencium atque futurorum solers comperiat intencio, quod nos interventu, consilio et consensu domini Anastasii abbatis de monasterio Sancti Martini in monte supra Pannoniam sito ab genitore nostro incepto, quod nos per Dei subsidium ob anime nostre remedium pro stabilitate regni nostri ad finem preduximus, talem concessimus libertatem, qualem detinet monasterium Sancti Benedicti in Monte Cassino [...] Adhuc autem subiugens dico: sit id ipsum monasterium ab omni inquietudine semotum habeantque monachi potestatem post transitum sui cuiusque abbatis alium abbatem securiter eligendi et a quocunque velint episcopo consecrandi eum sitque illis licitum ordines accipere quovis loco et a quocunque episcopo. Ante neminem vero abbatum capella incedat, nisi ante patrem eiusdem monasterii propter reverentiam et sanctitatem ipsius loci moreque episcopi in sandalis missam celebrare. Precipimus itaque sub testificatione Salvatoris Domini nostri Iesu Christi, ut nullus archiepiscopus, episcopus, dux, marchio, comes, vicecomes seu aliquis homo magnus sive parvus de iam fato monasterio aliquo modo se intromittere in mancipiis, terris, vineis, decimationibus, piscationibus, rippis, placitis sine concessione abbatis eiusdem monasterii audeat. Quod qui fecerit, componat centum libras auri optimi, medium cameræ nostre ac medium prefato monasterio suisque rectoribus maledictionibus perpetuo vinculae eternaliter feriat. Quod ut verius credatur, hanc paginam manu propria roborantes sigillari iussimus [...]

O: PBFL n. 2. (Capsa 13. A. – Df 206927)

E: DHA n. 5/II, pp. 39-41.

Interpolation between 1209 and 1212

2. **+1015**
(CHRISMON) In nomine Domine Dei summi, Stephanus superna favente clemencia Hungarorum rex. Credimus et vere scimus, si locis cultui mancipatis potestates atque honores adaugmentaverimus, id non solum laude humana predicandum, verum etiam divina mercede remunerandum. Quocirca omnium sancte Dei ecclesie fidelium nostrorum presencium atque futurorum solers comperiat intencio, quod nos per Dei subsidium, ob anime nostre remedium et pro stabilitate regni nostri monasterium Sancte Dei Genitricis Marie et Sancti Benedicti ad radicem Montis Ferrei diligenter construximus, omni autem cura adhibita, ne monastice religionis contemplanco aliqua temporalium necessitate compressa mutaret ad levam, idem monasterium ex donativis nostris, consensu et confirmatione auctoritatis apostolice dotavimus terris, silvis psicimis, vineis, villis, populis, tam liberis, quam servis. [...] Preterea ex consensu et confirmatione auctoritatis apostolice non solum prescripti populi, verum etiam omnium infra terre ipsius monasterii circumscriptionem possessiones habencium decimacionibus curavimus preditare. Eadem etiam auctoritate apostolica mediante decrevimus, ut prefati cenobii abbas generali tantum et solemniter duntaxat synodo Strigonensis archiepiscopi interesse teneatur, attemen seu a metropolitano, seu a quolibet alio episcopo, omni contradicione cessante, confirmationem, consecrationem suscipiat et eius monachi ad ordines provehantur, more etiam episcoporum cum mitra, sandalis et anulo sive in solemnibus curia, sive episcoporum conventu vel in loco quolibet religioso liberrime possit assistere et divina officia celebrare. Duas preterea capellas regias, capellam videlicet Beati Petri, monasterio connexam, et alteram, que vulgo Alba Ecclesia vocatur, cum earum parrochias et omnibus pertineciis contulimus prefato monasterio., in quibus sacerdotes ab abbate constituti predicto populo divinum plenarie exhibeant servicium. Crisma vero et oleum infirmorum quilibet archiepiscopus vel episcopus dare teneatur. Prefati vero monasterii populum iam sepedictum de spiritualibus instruendum et iudicandum Strigoniensis archiepiscopo et abbati suo commisimus. In civili autem causa nulli liceat iudicare preter abbatem, nisi forte pro qua sanguis effundi debeat. [...]

(SIGNUM DOMINI STEPHANI INCLITI REGIS) [SIGNUM]

Et ut ipsum monasterium ab omni inquietudine sit semotum, precipimus ut nullus archiepiscopus, episcopus, dux, marchio, comes seu aliqua persona nobilis vel ignobilis de iamfato monasterio aliquomodo se intromittere in mancipiis, terris, vineis, rippis, pratis, pascuis, cultis et incultis, saliciis, decimacionibus, et in omnibus hiis, que in suprascripti reperiuntur, sine concessione abbatis eiusdem monasterii audeat. Quod si fecerit, componat centum libras auri optimi, mediam cameræ regie, medietatem vero abbati. Et ut plus divine ire occursum paveat, sciat se a Patre et Filio et Spiritu Sancto et (a) Genitricis Dei sanctisque apostolis Petro et Paulo et a sancto Benedicto, in cuius honore predictum situm est monasterium, perpetuo anathemate dampnandum et ante tribunal Christi rationem redditurum. Quod ut verius credatur, ha(n)c paginam manibus propriis roborantibus sigilli nostri munimine [...] confirmavimus. [...]

T: Boniface IX:1403 (Arch. Vat., Reg. Lat., n. 109, fol 93r-9v.)

E: DHA n. 12, pp. 72-80.; Interpolation between 1212 and 1228

3. **08-01-1102, Benevento**
Paschalis episcopus servus servorum Dei, dilecto fratri Petro abbate monasterii Sancti Martini in Monte supra Pannoniam siti eiusque legitimis successoribus in perpetuum. [...] Postulavit itaque dilectio tua, dilectissime frater Petre, ut monasterium Sancti Martini situm in Monte supra Pannoniam, quod tanto patrone congaudet, sub tuitione Romane Ecclesie susciperemus. Et quia huiusmodi vota minime excludenda videntur, secundum preceptum beate memorie Stefani pii regis per presens privilegium confirmamus atque statuimus, ut nulli regum, nulli comitum, nulli episcoporum, nulli cuiquam alii de rebus, que iamdicto monasterio collate sunt et concessæ vel in posterum canonice conferende liceat minueræ vel auferre seu ablatas retinere. Inter que nominatim eidem monasterio confirmamus in episcopatu Uesprimiensi ecclesiam Sancti Martini in villa Cauris constitutam, ecclesiam Domini

Salvatoris in villa Tardi, ecclesiam Sancti Marie in ville Toppe cum universis earum pertinentiis, in episcopatu Jauriensi ecclesiam Sancti Martini in Sabaria et ecclesiam Sancti Willibaldi, ecclesiam Sancte Marie Capelle, ecclesiam Sancte Marie in Fizic, ecclesiam Sancti Adalberti in villa Uuasciana cum omnibus earum appendiciis, in archiepiscopatu Strigoniensi ecclesiam Sancte Marie Uuaga. Preterea statuimus, ut nulli liceat cenobium illud temere perturbare vel inquietare seu vexationibus servis Dei fatigare, nec eius possessiones auferre, sed omnia integrum conserventur eorum usibus, pro quo sustentatione ac gubernatione concessa sunt omnimodis profutura. Decernimus etiam, ut fratribus eiusdem cenobii liceat clericos cuiuscumque ordinis secundum traditionem sanctorum patrum recipere ad monachicum habitum suscipiendum absque quorumlibet episcoporum interdictione, monachos etiam et sanctimonialia eidem monasterio subiectas sine cuiuscumque prohibitione eis liceat iudicare. Obeunte vero te nunc loci ipsius abbate vel quocumque successorum tuorum nullus ibi eligatur violentia vel aliqua subreptionis astutia, sed quem fratres com[m]uni consensu elegerint vel pars fratrum sanioris consilii. Statuimus, ut abbas et monachi eiusdem monasterii, qui sunt ad sacros ordines promovendi, consecrationes quoque ecclesiarum seu altarium, chrisma et oleum sanctum ab episcopis, in quorum diocesi sunt, petant, si gratiam Apostolice Sedis habuerint, et gratis ac sine pravitate aliqua dare voluerint, sin alias, ad quem maluerint, catholicum vadant. Baptisma quoque per ecclesias illas fieri concedimus, in quibus ex more soliti sunt facere. Decernimus etiam, ut nulli episcoporum liceat in iamdicto monasterio ordinationes facere seu puplicas missas celebrare, nisi ab abbate invitatus fuerit vel in ecclesiis eidem monasterio subiectis sacerdotem excommunicare vel ad synodum vocare aut abbates vel monachos. Decime vero quas pie recordationis Stefanus rex ab ecclesia Sancti Michaelis emit et alie concessionis, quas pro tuitione patrie, pro statu regni, pro augmento fidei Beato Martino concessit, firme et illibate permanent. Si quis autem sciens contra huius nostra decreti paginam agere temptaverit, secundo tertiove ammonitus nisi resipuerit, a sacratissimo corpore et sanguine Domini nostri Jesu Christi alienus fiat. Is autem, qui observator extiterit, et hic benedictionem precipiat, et in futuro per intercessionem beati Martini ad gaudia eterna pervenire mereatur. [...]

O: *PBFL Capsa 39. I. (Df 206804)*

E: *DHA n. 117, pp. 333-334.*

4. Seraphinus archiepiscopus Strigoniensis similtates inter Matheum episcopum Wesprimiensem et Petrum abbatem. S. Martini de monte Pannoniae amicissime componit, cui disceptationi intererant Ugolinus Colocensis, Sixtus Varadiensis et Arduinus Geuriensis episcopi. Anno Domini MCHII.
E: *AUO I, p. 45; MES I, p. 71.*

1103

5. [1169, Veszprém]
H. (!) Dei gratia rex Hungariae, Dalmatiae, Croatiae, Ramaeque, L. eadem gratia Strigoniensi, C. Colocensi archiepiscopis atque omnibus eorum suffraganeis, prepositis quoque regalibus, nec non omnibus universaliter ecclesiasticis eorum in praedictis archiepiscopatibus constitutis, tam praesentibus, quam futuris in perpetuum. [...] Ea propter propria ratione M. venerabilis sanctae romanae ecclesiae cardinalis propensius, attentiusque commoniti, devotionem quoque venerandae memoriae regis G. patris nostri, quam circa sacrosanctam Romanam ecclesiam, et sanctum nostrum dominum Alexandrum pontificem studuit per omnia exhibere, modis omnibus, quibus possumus, imitari volentes, constitutionem super depositione et transmutatione episcoporum, quod in suis posteris domino Alexandro pape et suis successoribus noscitur concessisse, videlicet, quod absque auctoritate et consilio eius et successorum suorum depositionem seu translationem episcoporum non faceret, vel fieri permetteret, confirmamus et tam in vobis, quam in posteris nostris perpetuo inviolabiliter duratum censemus. Praeterea antecessorum nostrorum consuetudinem, retro temporibus habitam, relinquentes, in nobis et nostris posteris immobile firmitate valituram sancimus, quod decedentibus episcopis, in rebus episcopalibus procuratores laicos de cetero non ponemus atque poni nullatenus permittemus, sed honestos clericos, qui non ad voluptatem, sed ad necessitatem victus de ipsarum ecclesiarum rebus moderate accipiant, ibidem instituemus; qui reliqua omnia bone fide, et sine fraude aliqua ad reaedificationem ipsarum ecclesiarum et domorum episcopalium seu canonicorum ad usus quoque pauperum, viduarum et orphanorum fideliter debeant asservare. Nos vero, vel posteris nostri nihil unquam de iisdem rebus in usus proprios ulterius redigemus, nisi forte, quod absit, hostes regni in manu valida, fine ipsius regni intraverint, vel aliqua alia urgentissima necessitas postulaverit; et tunc quoque id sine episcoporum consilio non faciemus. Addimus etiam, et robore inconcusso tam in nobis, quam in posteris perpetuo observandum statuimus, quod regales praepositi, vel abbates, de suis praepositis, vel abbatibus, seu dignitatibus non a modo deponetur; in hac parte consuetudini nostrae antiquae per nos, et posteros nostros renunciates, nisi infausto casu contingeret, eos super certo crimine, canonico ordine, convinci, vel crimen suum publice confiteri. Ad haec C. archiepiscopus Colocensis, omnes episcopi, et electi, regales praepositi et abbati munificentiam, ac libertatem, quam pro reverentia beati Petri, et sanctissimi papae nostri Alexandri, nec non M. venerabilis diaconis cardianlis, apostolicae sedis legati sibi concessimus, attendentes, pravam suam consuetudinem et omnibus canonicis obviantem, quam in instruendis et destruendis praepositis, aliisque dignitatibus, et ecclesiasticis beneficiis subtrahendis exercebant, in manus praedicti cardinalis penitus reliquerunt. Unde commune consensu et libera eorum omnium voluntate decernimus, et inviolabiliter presenti privilegio valituro perpetuo stabilimus, quod nulli archiepiscoporum, episcoporum, electorum, praepositorum, abbatum deinceps licentia pateat de praepositis suos praepositos remove, vel alias ecclesiasticas personas suis dignitatibus, aut ecclesiasticis beneficiis privare, nisi forte de crimine fuerint convicti canonice, vel confessi. Haec autem omnia de consilio gloriosae reginae matris nostrae, et archiepiscoporum, episcoporum omnium, electorum, praepositorum regalium atque abbatum, comitum omnium, procerum et aliorum principum, stabilita ac firmiter corroborata noscantur [...]

O: *EPLAEV n. 2.*

E: *FEJÉR II, p. 180. (1169); CD Strig. II, p. 8.; MES I, p. 119.*

6.

16-12-1175, Anagni

Alexander episcopus servus servorum Dei, dilectis filiis Rein[aldo] abbati monasterii Sancti Martini in monte super Pannoniam siti eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum. [...] Eapropter, dilecti in Domino filii, vestris iustis postulationibus clementer annuimus et prefatum monasterium, in quo divino estis obsequio mancipati, sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus inprimi siquidem statuentes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium in presentiarum iuste et canonicè possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimenda vocabulis: locum ipsum, in quo prescriptum monasterium constitutum est, cum omnibus pertinentiis suis; in episcopatu Vespremiensi ecclesiam Sancti Martini in villa Caurisi constitutam, in villa Tardi ecclesiam Domini Salvatoris, in villa Toppe ecclesiam Sancte Marie cum universis pertinentiis suis, in episcopatu Geuriensi ecclesiam Sancti Martini in Sabaria et ecclesiam Sancti Willibaldi, ecclesiam Sancte Marie Capelle, ecclesiam Sancte Marie in Fizic, ecclesiam Sancti Adalberti in Wasciana cum omnibus earum appendiciis, in archiepiscopatu Strigoniensi ecclesiam Sancte Marie in Wagni cum omnibus pertinentiis suis; oratorium in villa porcum custodium in silva Seliz, oratorium in Digna. Ad hec iuxta vestigia antecessoris nostris Paschalis pape, secundum, quod a beate memorie Stephano rege statutum est, presentis privilegio statuimus, ut nulli regum, nulli comitum, nulli episcoporum, nulli cuiquam alii de rebus, que iam dicto monasterio collate sunt et commisse vel in posterum canonicè conferende minuere liceat seu auferre seu ablatas retinere. Crisma [verò] et oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum et clericorum vestrorum qui ad sacros ordines fuerunt promovendi, a dyocesano suscipi[etis] episcopo si quidem catholicus fuerit et gratia atque communionem apostolicæ sedis habuerit et ea gratis et absque parivate aliqua vobis voluerit exhibere, alioquin liceat vobis quemcumque malueritis adire antistitem, qui nimirum nostra fultus auctoritate, quod postulatur, indulgeat. Liceat etiam vobis liberas et absolutas personas et seculo fugientes ad conversionem recipere et in vestro monasterio absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in loco vestro professionem fas sit de eodem loco absque licentia abbatis sui discedere, discedentem vero absque communium litterarum vestrarum cautione nisi obtentum arctioris religionis, nullus audeat retinere. Monachos etiam et sanctimoniales eidem monasterio subiectas sine cuiuscumque prohibitione vobis liceat iudicare. Baptismum quoque per ecclesias illas fieri concedimus, in quibus ex more soliti sunt facere. Nulli episcoporum liceat in iam dicto monasterio ordinationes facere seu publicas missas celebrare, nisi ab abbate invitatus fuerit vel in ecclesiis eidem monasterio subiectis sacerdotem excommunicare vel abbatem vel monachos ad synodum suam vocare. Decime vero Sumoniensis territorii, quas ex concessione predicti [regis monas]terium vestrum per quadraginta annos tenuit, et aliæ concessiones, quas pro tuitione patrie, pro statu regni, pro augmento fidei Beato Martino concessit, firme vobis et [monasterio vestro] et illibate permanent. Ad hec mitram, virgam pastorem, anulum et alia insignia, que a quadraginta annis retro abbates monasterii vestri, qui pro tempore fuerunt, habuisse noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obeunte vero te nunc loci ipsius abbate vel quocumque successorum tuorum nullus qualibet subreptionis astutia seu violentia preponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Deum et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum liceat prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere aut quibuslibet vexationibus fatigare, set omnia integra et illibata serventur eorum pro quorum gubernatione ac sustentatione concessa sunt, usibus omnimodis profutura, salva sedis apostolicæ auctoritate. Si qua igitur in futurum ecclesiastica secularisve persona hanc nostre constitutionis paginam sciens contra eum temere venire temptaverit, secundo tertiove commonita, nisi reatum suum digna satisfactionem correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate compescat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine districtæ ultioni subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatenus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniant. Amen. Amen. Amen. [...]

O: *PBFL Capsarium n. 27. (Capsa 68. A. – Df 206824)*

E: *PRTI, pp. 606-607.*

7.

05-01-1181, Tusculanum

[...] sancte memorie rex Stephanus monasterium Sancti Martini de Pannonia donaverit libertate; et que illi temporibus felicis recordationis Paschalis pape et nostro privilegia Apostolica Sedes indulserit [...] libertatem, quem rex prefatus concessit et Sedes Apostolica confirmavit [...] observetis.

O: *PBFL Capsarium n. 29. (Capsa 35. A. – Df 206826)*

E: *PRTI, p. 609.*

8.

12-01-1181, Tusculanum

Alexander episcopus servus servorum Dei, dilectis filiis Similis abbati monasterii Sancti Martini super Pannoniam siti eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum. Effectum iuxta postulationibus indulgere, ut vigor equitatis, et ordo exigit rationis, presertim quando petentium voluntatem et pietas adiuvat et veritas non relinquit. Eapropter, dilecti in Domino filii, vestris postulationibus clementer annuimus et prefatum monasterium Sancti Martini in monte supra Pannoniam siti, in quo divino estis obsequio mancipati, sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus inprimi siquidem statuentes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse

dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium inpresentiarum iuste et canonice possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimentenda vocabulis: locum ipsum, in quo prescriptum monasterium constructum est, cum omnibus pertinentiis suis; in episcopatu Vespreniensi ecclesiam Sancti Martini in villa Keurushyg constitutam, in villa Tardi ecclesiam Domini Salvatoris, in villa Toppei ecclesiam Sancte Marie cum universis pertinentiis suis, in episcopatu Geuriensi ecclesiam Sancti Martini in Sabaria et ecclesiam Sancti Willibaldi, ecclesiam Sancte Marie Capelle, ecclesiam Sancte Marie in Fizio, ecclesiam Sancti Adalberti in Wasciana cum omnibus earum pertinentiis, in archiepiscopatu Strigoniensi ecclesiam Sancte Marie in Wagni cum omnibus pertinentiis suis; oratorium in villa porcorum custodium in silva Selyz, oratorium in Digna. Ad hec iuxta vestigia antecessoris nostris Paschalis pape, secundum, quod a beate memorie Stephano rege statutum est, presenti privilegio statuimus, ut nulli regum, nulli comitum, episcoporum, aut cuiquam alii de rebus, que iam dicto monasterio collate sunt et commisse vel in posterum rationabiliter conferentur, minuere liceat vel auferre seu ablatas retinere. Liceat etiam vobis personas a seculo fugientes, liberas et absolutas ad conversionem recipere et eas absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in eodem loco professionem fas sit absque licentia abbatis sui, nisi obtentu arcioris religionis, de eodem loco discedere, discedentem vero absque communium litterarum cautione, nullus audeat retinere. Crisma vero et oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum et clericorum vestrorum qui ad sacros ordines fuerint promovendi, a diocesano suscipietis episcopo si quidem catholicus fuerit et gratia atque communionem apostolice sedis habuerit et ea gratis et absque parvate aliqua vobis voluerit exhibere, alioquin liceat vobis quemcumque malueritis adire antistitem, qui nimirum nostra fultus auctoritate, quod postulat, indulgeat. Monachos etiam et sanctionales eidem monasterio subiectas sine cuiusquam prohibitione vobis regulariter liceat iudicare. Baptismum quoque per ecclesias illas fieri concedimus, in quibus ex more soliti estis antiquitus facere. Nulli quoque episcoporum in iam dicto monasterio liceat ordinationes facere, seu publicas missas celebrare, nisi ab abbate invitatus fuerit vel in ecclesiis eidem monasterio subiectis sacerdotem excommunicare vel abbatem ad synodum vocare. Sed ea libertate gaudeat, quam monasterium Cassinense gaudere dinoscitur. Decime vero Symigiensis territorii, quas monasterium vestrum per quadraginta annos pacifice tenuit, et concessiones, quas predictus rex Stephanus pro tuitione patrie, pro statu regni, pro augmento fidei Beato Martino concessit, firme vobis et monasterio vestro et illibate premaneant. Ad hec mitram, virgam pastoralem, anulum et alia insignia, que a quadraginta annis retro abbates monasterii vestri, qui pro tempore fuerunt, habuisse noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obetunte vero te nunc eisdem loci abbate vel tuorum quolibet successorum nullus ibi qualibet surreptionis astutia sine violentia preponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Dei timorem et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum fas sit prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere seu quibuslibet vexationibus fatigare, set omnia integra conserventur eorum pro quorum gubernatione ac sustentione concessa sunt, usibus omnimodis profutura, salva sedis apostolice auctoritate. Si qua igitur in futurum ecclesiastica secularive persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove commonita, nisi reatum suum digna satisfactione correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine divine ultionis subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatinus et hic fructus bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniant. Amen. Amen. Amen. [...]

C: Liber Ruber n. 42., 81–84. (Df 208291)

E: PRTI, pp. 610–611.

9.

08-05-1187, Verona

Urbanus episcopus servus servorum Dei, dilectis filiis Similis abbati monasterii Sancti Martini super Pannoniam siti eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum. Effectum iusta postulationibus indulgere, ut vigor equitatis, et ordo exigit rationis, presertim quando petentium voluntatem et pietas adiuvat et veritas non relinquit. Eapropter, dilecti in Domino filii, vestris postulationibus clementer annuimus et prefatum monasterium Sancti Martini in monte supra Pannoniam siti, in quo divino estis obsequio mancipati, sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus imprimi siquidem statuentes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium inpresentiarum iuste et canonice possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimentenda vocabulis: locum ipsum, in quo prescriptum monasterium constructum est, cum omnibus pertinentiis suis; in episcopatu Vespreniensi ecclesiam Sancti Martini in villa Keurushyg constitutam, in villa Tardi ecclesiam Domini Salvatoris, in villa Toppei ecclesiam Sancte Marie cum universis pertinentiis suis, in episcopatu Geuriensi ecclesiam Sancti Martini in Sabaria et ecclesiam Sancti Willibaldi, ecclesiam Sancte Marie Capelle, ecclesiam Sancte Marie in Fyzig, ecclesiam Sancti Adalberti in Wassian cum omnibus earum pertinentiis, in archiepiscopatu Strigoniensi ecclesiam Sancte Marie in Wag cum omnibus pertinentiis suis; oratorium in villa porcorum custodium in silva Selyz, oratorium in Digna. Ad hec iuxta vestigia antecessoris nostris Paschalis pape, secundum, quod a beate memorie Stephano rege statutum est, presenti privilegio statuimus, ut nulli regum, nulli comitum, episcoporum, aut cuiquam alii de rebus, que iam dicto monasterio collate sunt et commisse

vel in posterum rationabiliter conferentur, minuere liceat vel auferre seu ablatas retinere. Liceat etiam vobis personas et seculo fugientes, liberas et absolutas ad conversionem recipere et eas absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in eodem loco professionem fas sit absque licentia abbatis sui, nisi obtentu arcioris religionis, de eodem loco discedere, discedentem vero absque communium litterarum cautione, nullus audeat retinere. Crisma vero et oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum et clericorum vestrorum qui ad sacros ordines fuerint promovendi, a diocesano suscipietis episcopo si quidem catholicus fuerit et gratia atque communionem apostolice sedis habuerit et ea gratis et absque parivate aliqua vobis voluerit exhibere, alioquin liceat vobis quemcumque malueritis adire antistitem, qui nimirum nostra fultus auctoritate, quod postulatur, indulgeat. Monachos etiam et sanctimoniales eidem monasterio subiectas sine cuiusquam prohibitione vobis regulariter liceat iudicare. Baptismum quoque per ecclesias illas fieri concedimus, in quibus ex more soliti estis antiquitus facere. Nulli quoque episcoporum in iam dicto monasterio liceat ordinationes facere, seu publicas missas celebrare, nisi ab abbate invitatus fuerit vel in ecclesiis eidem monasterio subiectis sacerdotem excommunicare vel abbatem ad synodum vocare, sed ea libertate gaudeat, quam monasterium Cassinense gaudere dinoscitur. Decime vero Symigiensis territorii, quas monasterium vestrum per quadraginta annos pacifice tenuit, et concessiones, quas predictus rex Stephanus pro tuitione patrie, pro statu regni, pro augmento fidei Beato Martino concessit, firme vobis et monasterio vestro et illibate permaneant. Ad hec mitram, virgam pastoralem, anulum et alia insignia, que a quadraginta annis retro abbates monasterii vestri, qui pro tempore fuerunt, habuerunt, sicut ea de auctoritate apostolica habuissent noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obeunte vero te nunc eidem loci abbate vel tuorum quolibet successorum nullus ibi qualibet surreptionis astutia seu violentia proponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Dei timorem et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum fas sit prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere seu quibuslibet vexationibus fatigare, set omnia integra conserventur eorum pro quorum gubernatione ac sustentatione concessa sunt, usibus omnimodis profutura, salva sedis apostolice auctoritate. Si qua igitur in futurum ecclesiastica secularisve persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove commonita, nisi reatum suum digna satisfactione correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine divine ultionis subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatinus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniunt. Amen. Amen. Amen. [...]

O: PBFL Lad. 1. n. 3. (Capsa 45. Q. – Df 206828)

E: PRTI, pp. 612-613.

10.

11-03-1189, Lateran

Clemens episcopus servus servorum Dei, dilectis filiis Petro abbati monasterii Sancti Martini super Pannoniam siti eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum. Religiosis votis annuere et ea operis exhibitione complere officium nos invitat suscepti regiminis et ordo videtur exigere caritatis. Dignum est etiam et omnino conveniens, ut obtentu karissimi in Christo filii nostri B(e)le illustris Ungarie regis, qui pro vobis sollicitate satis nos et attente rogavit, per indulgentiam apostolice sedis vestrum monasterium speciali debeat prerogativa gaudere. Eapropter, dilecti in domino filii, preciens eiusdem regis, cui sicut catholico principi et Christianissimo regi, secundum Deum pro suo devotionis fervore prompta volumus voluntate deferre clementer (inducti) et officii nostri debito provocati monasterium vestrum, in quo estis divino obsequio mancipati, sub Beati Petri et nostra protectione suscipimus et presentis scriptis privilegio communimus, statuentes, ut quascumque possessiones, quecumque bona idem monasterium in presentium concessione pontificum, largitione regum, vel principum, seu oblatione fidelium legitime possidet, aut in futurum iustis modis prestante Domino poterit adipisci, firma vobis vestrisque successoribus et illibata permaneant. Libertates quoque et iura dignitates predicti monasterii a Sancte Stephano rege eidem monasterio concessas et ab aliis etiam regibus indultas, usque ad tempus illustris Geysse regis servatas, ratas habemus et firmas, easque salvis Romane ecclesie et legatorum eius institutionibus perpetuis temporibus illibatas manere sancimus. Decimas etiam, quas a quadraginta annis retro prescriptum monasterium (inconcusse) possedisse dinoscitur, vobis et eidem monasterio auctoritate apostolica confirmamus. Illud autem privilegii presentis auctoritate statuimus, ut nemini liceat abbatem vel monachos eiusdem monasterii suspendere, interdicere aut excommunicare vel ad speciales synodos convocare, nisi Romano pontifici vel legato ab eius latere destinato. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum, qui ad sacros ordines fuerint promovendi, a quo vultis, recipiatis episcopo, si quidem catholicus fuerit et gratiam sedis apostolice atque communionem habuerit. Cum autem generale interdictum fuerit terre, liceat vobis clausis ianuis, exclusis excommunicatis et interdictis, non pulsatis campanis suppressa voce divina officia celebrare. Decernimus ergo, ut nulli omnino hominum fas sit prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere seu quibuslibet vexationibus fatigare, set omnia integra conserventur eorum pro quorum gubernatione ac sustentatione concessa sunt, usibus omnimodis profutura, salva sedis apostolice auctoritate. Si qua igitur in futurum ecclesiastica secularisve persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove commonita, nisi reatum suum digna satisfactione correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine divine ultionis subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatinus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniunt. Amen. Amen. Amen. [...]

C: *Liber Ruber n. 44., 88–90. (Df 208291)*

T: 1. *Andrew II: [1225] (PBFL Capsa 31. G. – Df 206867); 2. chapter of Győr: 22-01-1322 (PBFL*

Capsa 36. Jj. –

Df 206829)

E: *PRT I, pp. 613-614.*

11.

1199

[...] Cum dilecti filii S. Abbas de Feldvar et magister Obertus nuntius venerabilis fratris nostri Quinqueecclesiensis episcopi pro questione quae veritur inter eundem episcopum et ipsum abbatem, ad nostram praesentiam accessissent, [...] et supradictus Quinqueecclesiensis episcopus ad monasterium suum hospitandi causa venisset, privilegium quod clare memorie B. quondam rex Ungariae super ecclesiae suae libertate concesserat, quam a iurisdictione prorsus episcopi exemptam esse proponit, et pecuniam, quam paraverat ad expensas itineris illi abstulit violenter, ipsumque in quodam claustro Cisterciensis ordinis carceri mancipavit, ne posset vel ad regem ire, vel Romanam ecclesiam visitare. Subsequently vero cum ad abbatiam suam eum dictus episcopus remisisset, et coram rege proposita super querimonia, fuisset incitatus se privilegium eius et pecuniam accepisse, dictus abbas, ut suis et ecclesiae suae gravaminibus provideret, vocem ad nos appellationis emisit et festum sancti Lucae proxime praeteritum appellationi praefixit, quam appellationem licet episcopus ipse admiserit et promiserit se venturum in termino constituto post multos dies in eum excommunicationis sententiam promulgavit. E contrario praefatus magister Obertus respondit, quod memoratus episcopus pro eo, quod dictus abbas super falsitate duorum privilegiorum apud eum accusatus fuerat et convictus et crimen suum ore proprio manifeste confessus, eum non appellentem, nec contradicentem deposuit et misit ad monasterium de Sicodora ad poenitentiam peragendam, de quo cum fuisset egressus poenitentia non peracta, monasterium de Felduar invasit per potentiam laicalem et ecclesiam quandam ad ipsum episcopum pertinentem parochianis propriis spoliavit, clericos eius eiciens domibus propriis verberando. Super quibus cum pluries citatus fuisset, quia contumax apparebat, episcopus cum excommunicationis subiecit. Sed ipse post excommunicationem divina officia celebrare et bona monasterii violenter rapere ac dilapidare praesumpsit. Cum igitur praedictus cardinalis nobis haec omnia retulisset, de consensu partis utriusque negotium ipsum vestro ducimus examini committendum et memoratum abbatem ad maiorem cautelam de benignitate sedis apostolicae fecimus iuxta formam ecclesiae a vinculo excommunicationis absolvi. Verum quia idem abbas ex duplici causa se proposuit iniuste gravatum, quoniam et propter monasterii libertatem illius iurisdictioni non suberat et propter appellationis remedium ab eo tutus esse debebat, cum super his nobis plena fides facta non fuerit, discretioni vestrae per apostolica scripta mandamus, quatenus inquisita super praemissis et aliis si qua forte alterutra (?) partium duxerit proponenda, diligentius veritate si legitime vobis constiterit de libertate monasterii memorati praefato episcopo super hoc silentium componatis, ad ablatorum restitutionem et privilegii maxime auctorita ipsum apostolica per censuram ecclesiasticam sublato appellationis obstaculo compellentes et reformantes in flatum debitum, quicquid post recessum abbatis circa monasterium inveneritis immutatum. Alioquin dictum monasterium in Quinqueecclesiensi diocesi sit constructum, ad exhibendam eidem episcopo debitam reverentiam compellatis et sententiam depositionis quam idem episcopus in praefatum abbatem asseruit protulisse, nisi post appellationem ad nos legitime interpositam vel ex alia causa constiterit inique prolatam, sicut rationabiliter lata est, appellatione remota faciatis inviolabiliter observari. Si vero post appellationem ad nos interpositam iam dictum episcopum in memoratum abbatem condemnationis et excommunicationis sententiam inveneritis in contemptum sedis apostolicae dictavisse, ipsum tamdiu nuntietis ab officio pontificali suspensum, donec super hoc per nos aliud fuerit ordinatum. Nullis literis (!) obstantibus praeter assensum partium si quae apparuerint a sede apostolica impetratae. [...]

O: *Arch. Vat., Reg. Vat. Vol. 4. Anni III. ep. 528.*

E: *HEQ II, pp. 306-309; FEJÉR II, pp. 353-355; MREVI, p. 8-9.*

12.

08-11-1202, Lateran

Innocentius episcopus servus servorum Dei, venerabilibus fratribus archiepiscopis et episcopis in regno Ungariae constitutis salutem et apostolocam benedictionem. Significavit nobis carissimus in Christo filius noster H. rex Ungarorum illustris, quod regales praepositurae, sicut ad eum temporalibus, sic ad nos in spiritualibus nullo pertinent mediante, unde petebat, ut electus canonice praepositus ad nos in propria persona, vel per nuncium cum litteris suis assensus accederet confirmationem electionis suae a sede apostolica obtenturus. Nos autem sic iura nostra volentes illibate servare, quod et vestra serventur illibata, fraternitati vestrae per apostolica scripta mandamus, atque praecipimus, quatenus ad praeposituras ipsas, sicut ad nos asseruntur sine medio pertinere, manus illicitas nulatenu extendatis, et ius eorum temeritatis ausu nullus usurpet, quia quum iura vestra vobis velitis illibata servari, indignus esset pariter absurdum, si ea, quae ad nos pertinet, turbaretis. [...]

E: *FEJÉR II, pp. 392-393; MESI, p. 166.*

13.

28-02-1203, Lateran

Innocentius episcopus servus servorum Dei carissimo in Christo filio H. regi Ungariae illustri salutem et apostolicam benedictionem. Regalis magnificentia nuper nobis per suas littera supplicavit, ut quum regales praepositurae, quae sunt in Hungaria, sicut ad te in temporalibus nullo pertineant mediante, statueretur dignemur, ut novus praepositus ad sedem apostolicam infra annum vel in propria, vel per idoneum nuncium cum litteris regalis assensu accedat, confirmationis gratiam obtenturus. Nos ergo tuis precibus inclinati, praesertim cum consonet canonicis institutis, praesentium auctoritate statuimus, ut quicumque de ceteris ad regimen praepositarum illarum, quae ad nos in spiritualibus nullo pertinent mediante, fuerint evocati ad apostolicae sedis praesentiam infra annum in personis propriis, vel per idoneos nuncios, cum litteris regalis assensu, accedant pro confirmationis munere obtinendo, ita quod interim in spiritualibus non ministrent. Qui si forte infra praedictum terminus venire

neglexerint, ex tunc praeposituris illis se noverint spoliandos. [...]

E: *FEJÉR II*, p. 404; *RA n. 203*.

14. 05-05-1203, Palestrina

Innocentius episcopus servus servorum Dei venerabili fratri Strigoniensi archiepiscopo salutem et apostolicam benedictionem. Iustus petentium desideriis dignum est nos facilem praebere consensum; et vota, quae rationis tramite non discordant effectu prosequente complere. Ius, quod a bonae memoriae Alexandro papa, praedecessore nostro, et inclite recordationis Bela Ungarorum rege, ac ecclesia Colocensis, videlicet, ut Ungarici reges ab archiepiscopis Strigoninensibus semper debeant coronari, Strigoniensi metropoli fuit manifeste recognitum, sicut in eorum authenticis [litteris] continetur; et felici recordationis Clemens et Coelestinus, praedecessoris nostri suis litteris confirmarunt. Ius quoque, quod habes in conferendis ecclesiasticis sacramentis regibus, et reginis Ungariae, ac haeredibus eorundem, et iurisdictionem ecclesiasticam, quam in praepositos, et officiales regiae domus habes, quam et idem praedecessor noster Coelestinus ecclesiam tuam habere decrevit, iurisdictionem etiam, quam obtines in abbatibus et praeposituris regalibus, ecclesiae Strigoniensi per Ungariam ubicunque subiectis, decimas insuper primitias et incensum, quae de camera regis ecclesiae memoratae debentur, sicut omnia de ratione, vel consuetudine ad ecclesiam tuam pertinere noscuntur, tibi et successoribus tuis apostolica confirmamus. [...]

O: *Esztergomi Primási Levéltár AEV n. 6. (1764, Roma)*

E: *FEJÉR II*, pp. 416-417.; *MES I*, pp. 166-167.; *CD Strig. I*, p. 14.

15. 05-05-1203, Palestrina

[...] quod cum in ecclesia, que spectat ad ispum [sc. Archiepiscopum Strigoniensem] benedictionem post missam dare cepisset, tu [sc. archiepiscopus Colocensis] in non modicum clamorem prorumpens, in ipsius iniuriam et grauem populo benedictionem dedisti. Preterea contra voluntatem suam consecrationis munus in ecclesia, pertinente ad ipsum, duobus episcopis impendisti et per alias ecclesias suo provincie, ad Strigoniensem ecclesiam pertinentes, sollempniter crucem ante te faciens deportari, palleatus missam contra voluntatem suam, sicut asserit, celebrasti...

O: *Esztergomi káptalan magánlevéltára, Lad. 44. fasc. 1. n. 4. (Df 237277)*

E: *FEJÉR II*, p. 419; *CD Strig. II*, pp. 11-12.; *MES I*, p. 165.

16. 05-05-1203, Palestrina

Innocentius episcopus servus servorum Dei venerabili fratri ... Strigoniensi archiepiscopo salutem et apostolicam benedictionem. Quum olim carissimus in Christo filius noster H. rex Ungarorum illustris nobis tam per nuncios suos, quam litteras regias intimasset, quod abbatiae quaedam et prepositurae regales ad eum in temporalibus et ad nos in spiritualibus nullo mediante pertinerent, ad petitionem eius ipsi scripsimus in hac forma: (Innocentius episcopus servus servorum Dei carissimo in Christo filio H. regi Ungariae illustri salutem et apostolicam benedictionem.) Regalis magnificentia nuper nobis per suas littera supplicavit, ut quum regales praepositurae, quae sunt in Hungaria, sicut ad te in temporalibus nullo pertineant mediante, statuere dignaremur, ut novus praepositus ad sedem apostolicam infra annum vel in propria, vel per idoneum nuncium cum litteris regali assensu accedat, confirmationis gratiam obtenturus. Nos ergo tuis precibus inclinati, praesertim cum consonet canonicis institutis, praesentium auctoritate statuimus, ut quicumque de ceteris ad regimen praepositarum illarum, quae ad nos in spiritualibus nullo pertinent mediante, fuerint evocati ad apostolicae sedis praesentiam infra annum in personis propriis, vel per idoneos nuncios, cum litteris regalis assensus, accedant pro confirmationis munere obtinendo, ita quod interim in spiritualibus non ministrent. Qui si forte infra praedictum terminus venire neglexerint, ex tunc praeposituris illis se noverint spoliandos. Tu vero, ad apostolicam sedem consequenter accedens, in nostra et fratrum nostrorum proposuisti praesentia viva voce, quod in abbatibus et praeposituris regalibus ad te, ac Strigoniensem ecclesiam iurisdictione ecclesiastica pertinebat. Volentes igitur tibi, et eidem ecclesiae posterum praecavere, praesentium auctoritate decernimus, ut occasione litterarum, quas primo direximus circa praeposituras regales, ecclesiae Strigoniensi per Ungariam ubicunque subiectas, nullum tibi, vel successoribus tuis praedictum generetur. [...]

E: *FEJÉR II*, p. 420; *MES I*, p. 166.

17. [1204]

Innocentius, etc. Olim nobis regalis magnificentia per suas litteras supplicavit, ut quum regales praepositurae, quae sunt in Ungaria, sicut ad te in temporalibus, sic ad nos in spiritualibus nullo mediante mediante, statuere dignaremur, quatenus novus praepositus ad sedem apostolicam infra annum, vel in persona propria, vel per idoneum nuncium, cum litteris regalis assensus accederet confirmationis gratiam obtenturus. Nos ergo tuis precibus inclinati, statuimus, ut quicumque de cetero ad regimen praepositarum illarum, quae ad nos in spiritualibus nullo pertineant mediante, fuerint evocati ad apostolicae sedis praesentiam infra annum in personis propriis, vel per idoneum nuncium, cum litteris regalis assensus, accedant pro confirmationis munere obtinendo, ita quod interim in spiritualibus non ministrent. Qui si forte infra dictum terminum venire neglexerint, ex tunc praeposituris illis se noverint spoliandos. Consequenter autem bonae memoriae [ob] Strigoniensis archiepiscopus ad praesentiam nostram accedens, in nostra et fratrum nostrorum praesentia proposuit viva voce, quod in abbatibus et praeposituris regalibus ad eum et Strigoniensem ecclesiam iurisdictione ecclesiastica pertinebat. Unde pebeban constitutionem praescriptam, tamquam per subreptionem illicitam revocari. Nos autem viam mediam eligentes, provida deliberatione decrevimus, ut occasione litterarum, quas primo direximus circa praeposituras et abbatias [regales], ecclesiae Strigoniensi per Ungariam ubicunque subiectas, nullum ei, vel successoribus suis praedictum generetur. Regalem igitur excellentiam volumus non latere, quod nec per secundas litteras iuri tam nostro, quam regio, nec per primas ipsius archiepiscopi et Strigoniensis ecclesiae iustitiae derogatur; quum in primis constitutum

fuerit de illis, quae in spiritualibus ad nos nullo mediante pertinere noscuntur, in secundis vero de his, quae Strigoniensi ecclesiae esse subiectae.

O: *FEJÉR II*, pp. 423-424; *MESI*, pp. 171-172.

18.

09-09, 1204

[...] Venientes ad apostolicam sedem dilecti filii, H. G. A. et B. monachi sancti Egidii de Ungaria, nobis lacrymabiliter intimarunt, quod eorum abbate defuncto, alium sibi, secundum antiquum et approbatum morem sui monasterii, elegerunt, quod hactenus tam abbates, quam monachos consuevit habere Latinos; tu, fili carissime, quod cum devotione ac reverentia retulerunt, regium sibi noluisse prebere consensus, affirmans, quod in alium, quam Ungarum minime consentiret, Venerabilis autem frater noster [Bernardus] Spalatensis archiepiscopus, hoc attendens, ad praesentiam tue serenitatis accessit, et monasterium ipsum velociter impetravit, de quo, si verum est, valde miramur, quia, licet professione sit monachus et natione Latinus, cum tamen pontificis gerat officium, abbatibus non debuit ministerium usurpare, presertim et in aliena diocesi et per laicalem potestatem; qui non multo post, cum servis monasterii memorati monachos universos super thesauro monasterii apud regiam celsitudinem graviter accusavit, sed ipsi, voluntatem presentientes illius, statim, ipso presente, cuidam homino tuo, quem ipse secum adduxerat, et multis aliis bonis viris, thesaurum ecclesie non solum integrum assignarunt, sed etiam augmentatum. Verum idem archiepiscopus, voluntatem suam cupiens adimplere, opportunitate captata, in eos armata manu irruit violenter, et quosdam ex ipsis manu propria flagellavit, quosdam vero coniecit in vincula, cunctisque penitus destituit, monachos Ungaros pro sua instituit voluntate, appellationi non deferens, quam idem monachi super tanto gravamine ad sedem apostolicam emiserunt, terminum in assumptione beatae Marie proximo prefigentes. Quia vero nec novum est, nec absurdum, ut in regno tuo diversarum nationum conventus uni domino sub regulari habitu famulentur, licet hoc unum sit tibi Latinorum coenobium, cum tamen ibidem sint multa Grecorum; serenitatem regiam rogamus attentius et monemus, quatenus in statum debitum revocato, quod non tam proprio motu, quam alieno consilio diceris concessisse, non impediatis, nec impediri permittatis, quominus predicti monachi, secundum consuetudinem hactenus observatam, assumant sibi personam idoneam per electionem canonicam in abbatem. Nos enim, venerabili fratri nostro [Simoni] Waradiensi episcopo et dilectis filiis ... abbati de Buccano, et ... preposito Strigoniensi, damus firmiter in mandatis, ut inquisita diligentius veritate, si rem invenerint taliter processisse, nisi predictus Spalatensis archiepiscopus ad commonitionem eorum excessum suum per ipsum curaverit emendare, ipsi ei pro tanta presumptione canonicam poenam infligant, et eo a prelibato monasterio prorsus excluso, faciant illud iuxta formam prescriptam, appellatione postposita, ordinari. [...]

E: *FEJÉR I*, p. 446.

19.

15-05-1209, Lateran

Innocentius episcopus servus servorum Dei dilectis filiis ... abbati monasterii sancti Benedicti de Grana eiusdemque fratribus tam presentibus, quam futuris regularem vitam profectis in perpetuum memoriam religiosam vitam eligentibus apostolicum convenit adesse presidium, ne forte cuiuslibet temeritatis incursum aut eos a proposito revocet, aut robur, quod absit, sacre religionis infringat. Eapropter dilecti in domino filii vestris postulationibus clementer annuimus et prefatum monasterium sancti Benedicti de Grana, in quo divino mancipati estis obsequio, sub beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus. Inprimis siquidem statuentes, ut ordo monasticus, qui secundum Deum et beati Benedicti regulam in eodem monasterio institutus esse dinoscitur perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium inpresentiarum iusta ac canonice possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium seu aliis iustis modis prestante domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimenda vocabulis: ... ecclesias sancte Marie de Sytôua et sancti Egidii prope monasterium ... Decimas aratorum monasterii et hominum suorum ubique existentium; capellam sancti Martini de Odort, ... predium Gesteuge et quartam partem decimarum trium capellarum. Sanè novalium vestrorum, quo propriis manibus aut sumptibus colitis, sive de vestrorum animalium nutrimentis nullus a vobis decimas exigere vel extorquere presumat. Liceat quoque vobis clericos vel laicos, liberos et absolutos a seculo fugientes, ad conversionem recipere et eos absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in vestro monasterio professionem fas sit absque abbatis sui licentia, de eodem loco descendere, discedentem vero absque communium litterarum vestrarum cautione nullus audeat retinere. Obeunte vero te nunc eiusdem loci abbate vel tuorum quolibet successorum, nullus ibi qualibet subreptionis astutia seu violentia preponetur, nisi quem fratres communi consensu, vel fratrum maior pars consilii sanioris secundum Deum et approbata vestri ordinis instituta providerint eligendum. Decernimus ergo, ut nullus omnino hominum fas sit prefatum domum temere perturbare, aut eius possessiones auferre, vel ablatas retinere, minuire, seu quibuslibet vexacionibus fatigare; sed omnia integre conserventur eorum pro quorum gubernatione ac sustentatione concessa sunt usibus omnimodis profutura, salva sedis apostolice sedis. Ad indicium autem huius a sede apostolica percepte libertatis, unam unciam auri nobis nostrisque successoribus annis singulis persolvetis et diocesani episcopi canonica iustitia. ... Amen

O: *Df 248966*

E: *FEJÉR III/1*, p. 93; *AUO XI*, pp. 102-105; *MESI*, pp. 190-192.

20.

26-01-1210

Innocentius -- Abbati et conventui Simighensi -- [...] Quum a nobis petitum, quod iustum est et honestum, tam vigor aequitatis, quam ordo exigit rationis, ut id per sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter dilecti in Domino filii vestris iustis postulationibus grato concurrentes assensu personas vestras et Monasterium Simigense in quo Divino estis mancipati

obsequio, sub B. Petri et nostra protectione suscipimus et praesentis scripti patrocinio communimus. Libertates et immunitates a regibus et principibus monasterio vestro concessas, dignitates quoque ac antiquas et rationabiles consuetudines obtentas et hactenus observatas auctoritate vobis apostolica confirmamus. Ad iudicium huius nostre protectionis et confirmationis perceptae, fertonem auri gratis oblatum, nobis et successoribus nostris annis singulis persoluetis.

E: FEJÉR III/1, pp. 97-98; MREVI, p. 19.

21.

[after 26-01-1210]

In episcopatu Vesprimiensi [...] Simigiense monasterium debet fertonem, aut duas uncias auri in rigello ad pondus Ungarie.

E: MREVI, p. 6.

22.

1212

Innocentius episcopus servus servorum Dei dilectis filiis abbatibus, prepositis et aliis exemptarum ecclesiarum prelatiis in Vesprimiensi diocesi constitutis salutem et apostolicam benedictionem. Volentes ... Vesprimiensi episcopo in iure suo, sicut tenemur, adesse, auctoritate vobis presentium districtius inhibemus, ne sacros ordines, christa et alia ecclesiastica sacramenta, que suscipere debeatis ab ipso, quamdiu gratiam apostolice sedis habuerit et ea vobis gratis et sine pravitate aliqua voluerit exhibere, ab aliis episcopis recipere presumatis, nisi hoc forte alicui vestrum ex speciali sedis apostolice privilegio sit indultum, neque contra tenorem privilegiorum vestrorum in prejudicium Vesprimiensi ecclesie usurpare vobis aliquod temere attemptetis. Alioquin noveritis nos dilectis filiis ... Sancti Gotardi et ... de Sekodor abbatibus Quinqueecclesiensis et Geuriensis diocesis et archidiacono de Cheringrad Wacensis nostris dedisse litteris in mandatis, ut vos ab huiusmodi presumptione, sicut iustum fuerit, appellatione remota, compescant. [...]

O: Veszprémi káptalan hiteleshelyi levéltár, Bullae 5. (Df 230073)

E: MREIV, 305.

23.

03-03-1212, Lateran

Innocentius, etc. [...] Nos autem intellectis per venerabilem fratrem nostrum Hugonem Hostiensem episcopum, quem partibus concessimus auditorem, que proposita fuerant coram eo, obiectiones propositas ab episcopo contra privilegia predictorum Paschalis pape ac sancti regis Stephani, quibus abbas sufficienter respondit, invalidas esse decrevimus, ut eis non obstantibus privilegia ipsa valida reputentur, si autenticum predicti regis tale repertum fuerit, quale nobis rescriptum ipsius sub bulla karissimi filii nostri [Andree] Hungarorum regis illustris exstitit presentatum. Quantum tamen ad fundendam intentionem abbatis preficatur, oportuno tempore decernemus; interim autem nihil circa statum monasterii super perceptione decimarum, quas idem monasterium possidet immutetur. Crisma vero, oleum sanctum, consecrationes altarium, seu basilicarum, ordinationes clericorum qui ad sacros ordines fuerint promovendi, clerici ecclesiarum, vel capellarum ipsius monasterii, que sunt in Vesprimiensi diocesi constitute, a Vesprimiensi episcopo postulabunt, si quidem catholicus fuerit et gratiam atque communionem apostolice sedis habuerit, et ea gratis et sine pravitate aliqua voluerit exhibere, alioquin ab alio, quem maluerint, catholico presule suscipiendi ea liberam habeant facultatem, sicut in privilegiis predicti Paschalis et bone memorie Alexandri pape predecessorum nostrorum prespeximus contineri; non obstante privilegio felicis memorie Clementis pape, qui mentionem non fecit de predictis predecessorum suorum privilegiis, sed de privilegio sancti Stephani regis, cui quantum ad hoc capitulum, pre sepefacto Romanos pontifices extitit derogatum, presertim cum ipse Clemens privilegium illud concesserit salvis institutionibus non solum Romane ecclesie sed ipsius etiam legatorum; nec obstante prescriptione, quam idem abbas in suum subsidium opponebat, quia si consummata erat prescriptio, quando abbas sancti Martini ab Alexandro papa privilegium impetravit, iuri prescriptionis renunciasse videtur, presertim coram nobis privilegio illo sit usus, quod sue intentioni, quantum ad hunc articulum, contradicit; si vero nondum consummaverat prescriptionem, sed erat prescribendo post impetratum huiusmodi privilegium, bonam fidem non habuit, et ideo secundum canones non prescripsit. [...]

O: Arch. Vat., Reg. Vat. Vol. VIII, fol. 84.

E: MREVI, p. 23-26.

24.

01-02-1216

[...] a Vesprimiense ecclesia presentantur omnia ecclesiastica sacramenta [...] illud idem de abbatiis et praeposituris regalibus observetur, sicut et hactenus observatum. [...] Adiciamus quoque, ut abbates, monachi abbatiarum Cisterciensis Ordinis secundum suorum privilegiorum tenorem tenorem recipiant omnia ecclesiastica sacramenta [ab episcopo Vesprimiense] super quod Strigoniensis [archiepiscopus] nullatenus opponat.

E: MESI, pp. 209-210.

25.

13-06-1216, Peruggia

Innocentius episcopus servus servorum Dei dilectis filiis Vrie abbate monasterii Sancti Matini super Pannonia, eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum. Effectum iusta postulationibus indulgere, ut vigor equitatis, et ordo exigit rationis, presertim quando petentium voluntatem et pietas adiuvat et veritus non relinquit. Eapropter, dilecti in Domino filii, vestris postulationibus clementer et prefatum monasterium Sancti Martini in monte supra Pannoniam situm, ad ius et proprietatem apostolice sedis nullo pertinens mediante, in quo divino estis obsequio mancipati, *(ad exemplar felicis memorie Paschalis, Alexandri et Clementis predecessorum nostrorum) sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus inprimi siquidem statuentes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur.

Preterea quascumque possessiones, quecumque bona idem monasterium inpresentiarum iuste et canonice possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimenda vocabulis: locum ipsum, in quo prescriptum monasterium constructum est, cum omnibus pertinentiis suis; in episcopatu Geuriensi Sancti Martini in Sabaria, Sancti Willibaldi, Sancte Marie de Capelle, Sancte Marie in Fuzigteu, Sancti Adalberti in Wosian et Sancte Crucis in Heremo ecclesias cum pertinentiis earundem; in archiepiscopatu Strigoniensi ecclesiam Sancte Marie cum pertinentiis suis in loco qui dicitur Wag et Sala; in episcopatu Vesprimiensi Sancti Marini in Keurishig, Sancti Salvatoris in villa Tord, Sancti Martini in villa Tepei, Sancti Ladizlai in villa custodum porcorum, Sancti Martini in Dina, Sancti Ladizlai in Almas ecclesias cum pertinentiis earundem; possessiones etiam, quas habetis in villis videlicet Ruozti, Torian, Huiloc, Milaca, Saag, Senian, Helbeu, Chonuch, Echy, Hecce, Zazlou, Wainuc, Fizegteu, Olup, Luzan, Fermeu, Fys, Curthou, Zaua, Sala, Wosian, Vene, Sancte Crucis, Lazi, Crailca, Seuleus, Dina, Temerd, Fonold, Zidihc, Tepei, Merene, Cutus, Higmogos, Colon, Copulchi, Sciguetfeu, Tuncz, Baluans, Bagaad et villa Bata cum pertinentiis suis et Bodrod et partem quam habetis in silva Seliz iuxta villam custodum porcorum. Libertates quoque iura et dignitates a Sancto Stephano vel ab aliis reprobis pie a[c] provide monasterio vestro concessas ratas habemus et firmas, easque salvo ecclesie Romane ac legatorum eius institutionibus illibatas maner sanctimus, decimas etiam, quas a XL annis retro predictum monasterium inconcuse possedisse dignoscitur bona fide, vobis et eidem monasterio auctoritate apostolica confirmamus. Liceat quoque vobis personas liberas et absolutas e seculo fugientes ad conversionem suscipere et eas absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in eodem loco professionem fas sit absque licentia abbatis sui, nisi obtentu arcioris religionis, de eodem loco discedere, discedentem vero absque communium litterarum cautione, nullus audeat retinere. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum, qui ad sacros ordines fuerint promovendi, a quocumque malueritis, recipiatis episcopo, si quidem catholicus fuerit et gratiam sedis apostolice atque communionem habuerit. Cum autem generale interdictum fuerit terre, liceat vobis clausis ianuis, exclusis excommunicatis et interdictis, non pulsatis campanis suppressa voce divina officia celebrare. Monachos vero et moniales eidem monasterio subditos sine cuiusquam prohibitione vobis regulariter liceat iudicare. Baptismum quoque in ecclesiis vestris fieri concedimus, in quibus consuerit fieri ab antiquo. Insuper auctoritate apostolica inhihemus, ne quis archiepiscopus vel episcopus ad monasterium vestrum accedat causa ordines vel missas publicas celebrandi, nisi fuerit ab abbate invitatus. Precipimus autem, ne quis populus ad monasterium vestrum vel eis ecclesias accedere aut eius beneficia, que voluerint ex caritate largiri, prohibere presumat, sed ea monasterium ipsum gaudeat libertate, qua gaudet Cassinense sicut a predecessoris nostris eidem monasterio est indultum. Ad hec mitram, virgam pastoralem, anulum et alia insignia, que a quadraginta annis retro abbates monasterii vestri, qui pro tempore prefuere ex concessione Romanorum pontificum habuisse noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obeunte vero te nunc eidem loci abbate vel tuorum quolibet successorum nullus ibi qualibet surrectionis (!) astutia seu violentia preponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Dei timorem et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum fas sit prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuire seu quibuslibet vexationibus fatigare, set omnia integra conserventur eorum pro quorum gubernatione ac sustentione concessa sunt, usibus omnimodis profutura. Salva sedis apostolice auctoritate ac in ecclesiis non exceptis diocesanorum episcoporum canonica ratione. Si qua igitur in futurum ecclesiastica secularisve persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove communita, nisi reatum suum digna satisfactione correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine districte ultioni subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatinus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniunt. Amen. Amen. (Amen.) [...]

T: Andrew II [1225] (PBFL Capsarium n. 67. (Capsa 31. G.) – Df 206867)

C: Liber Ruber n. 51, pp. 123–127. (Df 208291)

E: PRT I, pp. 640–642.

*O only in the Liber Ruber!

26.

18-12-1220, Lateran

Honorius episcopus etc. ... venerabili fratri Vesprimiensi episcopo, salutem, etc. Ea que concordia vel iudicio terminantur, firma debent et illibata consistere, et ne in recidive conventionis scrupulum relabantur, apostolico convenit presidio communiri. Ex parte suiquidem tua fuit nobis humiliter supplicatum, ut diffinitivam sententiam, quam venerabilis frater noster P[elaginus] Albanensis episcopus apostolice sedis legatus, et dilectus filius S[tephanus] basilice Duodecim Apostolorum presbyter cardinalis quos bone memorie I[nnocentius III] papa predecessor noster tibi et venerabili fratri nostro ... Strigoniensi archiepiscopo concesserat auditores, super iure coronationis et inunctionis reginarum Ungarie, abbatibus et preposituris regalibus Vesprimiensi diocesis et rebus aliis pro te contra eundem archiepiscopum retionabiliter promulgarunt, apostolico dignemur munimine roborare. Nos igitur tuis iustis precibus inclinati, sententiam ipsam iustitia exigente prolatam, auctoritate apostolica confirmamus, et presentis scripti patrocinio communimus. [...]

O: Df 3115

E: MREVI, p. 51.

27.

[1225]

Sanctissimo in Christi patri ac domino H[onorio] divina favente gratia sacrosancte Romane ecclesia

antisti, Andreas, eadem gratia suus devotus filius, Rex Hungarie, tam debitum, quam devotum famulatum in omnibus. Noverit vestre sanctitatis paternitas, quod cum ecclesia Beati Martini de Sacro Monte Pannonie, que antiquitus combusta a funditus destructa fuerat et per Vriam eiusdem ecclesie abbatem reedificata fuerit, idem ad consecrationem illius ecclesie Briccium Waciensem episcopum et ad celebrationem festi consecrationis invitasset et cum alias michi ex officio debito incumbere interesse debere, quia iure patronatus fungor in ea, sicut in omnibus aliis ecclesiis abbatiarum regalium ite illuc accedandi arripere, et dum in quadam villa, que vocatur Hre, cum domino legato Aconcio existerem, abbas iam dictus illuc accedens coram domino legati tria privilegia sua, primum sancti regis Stephani et alia dua predecessorum vestrorum, scilicet Clementis et Innocenti, in quibus iura et libertates ecclesie sue continebantur, fecit publicari, ne propter ignoranciam diocesanus episcopus crederet sibi fieri iniuriam. In quibus privilegiis continebantur, quod oleum et chrisma et consecrationes altarium seu basilicarum a quocumque mallet episcopo reciperet. Episcopus autem diocesanus nichilominus se opposuit et allegavit pro se ius commune et iniuriam sibi fieri dixit in eo, quod non deberet fieri consecratio per alium, nisi per ipsum. Abbas ex adverso respondit, hoc ne esse verum, nec cessavit uti iure suo dicens, quod iuris executio nemini facit iniuriam. Et per supradictum episcopum B[riccium] Waciensem et Iacobum Ntriensem et episcopum Scenensem ecclesiam suam fecit consecrari. Et quia privilegia iam dicta ad presentiam vestre sanctitatis debebant propter hoc et propter alias causas deferri, timens propter distantiam et periculum viarum amissionem privilegiorum, tenorem eorundem de verbo ad verbum transcriptum sub aurea bulla mea et sigillis supradictorum trium episcoporum roboratum ad maiorem fidem vobis faciendam ad vos destinavi. Quorum tenor talis est. Primum annotatione felicis memorie Innocentii de supradicto privilegio Sancti Stephani: [1] Innocentius episcopus ... Cum inter vos ... cuius tenor est talis: [2] In nomine Domini Dei summi Stephanus superna providentia clementia Ungarorum rex. ... [1002] [1] Nulli ergo ... [28-07-1215] [3] Clemens episcopus ... Religiosis votis annuere ... [11-03-1189] [4] Innocentius episcopus ... Effectum iusta postulantis ... [-13-06-1216]

O: *PBFL Capsarium n. 67. (Capsa 31. G. – Df 206867)*

E: *PRTI, pp. 653–655. (1222)*

28.

13-02-1225, Lateran

Honorius episcopus servus servorum Dei venerabilis fratribus ... Strigoniensi et ... Colocensi archiepiscopis et eorum suffraganeis salutem et apostolicam benedictionem. [...] dilectis filiis ... de Warad et de Buls abbatibus Quinceeclesiensis et Cenadiensis diocesis nostris dantes litteris in mandatis, ut apud monasterium de Modocha Colocensis diocesis hoc anno convocantes capitulum, abbates et priores, non habentes abbates proprios, tam exemptos, quam non exemptos Strigoniensis et Colocensis provinciarum, qui non consueverunt huiusmodi celebrare capitulum, venire ad illud [...] volumus et mandamus, [...] ut si visitatores, qui fuerint in eodem ordinati capitulo, aliquos exemptos inveniunt deponandos, id apostolica sedi non differant nunciare, in ceteris iuxta forma sepedicti concilii processuri [...] Quocirca fraternitati vestre per apostolica scripta mandamus, quatenus rectores monasteriorum vestrorum, quos visitatores predicti vobis a suis locis denuntiaverint amovendos, singulum vestrum in sua diocesi, sublato cuiuslibet contradictionis obstaculo, non differant amovere. Alioquin poteritis non inmento formidare, quod minus iurisdictionis vobis relinquetur in eis, quam habuistis hactenus et habetis. [...]

O: *PBFL Capsa 35. O. (Df 206878)*

E: *PRTI, pp. 663–667.*

29.

26-05-1225, Tivoli

Honorius episcopus servus servorum Dei dilectis filiis Vrie abbate monasterii Sancti Martini super Pannonia, eiusque fratribus tam presentibus quam futuris regularem vitam professis in perpetuum, salutem et apostolicam benedictionem. Effectum iusta postulationibus indulgere, ut vigor equitatis, et ordo exigit rationis, presertim quando petentium voluntatem et pietas adiuvat et veritus non relinquit. Eapropter, dilecti in Domino filii, vestris postulationibus clementer annuimus et prefatum monasterium Sancti Martini in monte supra Pannoniam situm, ad ius et proprietatem apostolice sedis nullo pertinens mediante, in quo divino estis obsequio mancipati, ad exemplar felicis recordationis Innocentii pape predecessoris nostris sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus. In primis siquidem statuantes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium in presentiarum iuste et canonicè possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis, vestrisque successoribus et illibata premaneant. In quibus hec propriis duximus exprimens vocabulis: locum ipsum, in quo prescriptum monasterium constructum est, cum omnibus pertinentiis suis; in episcopatu Ieuriensi Sancti Martini in Sabaria, Sancti Villibaldi, Sancte Marie de Capelle, Sancte Marie in Fuzigteu, Sancti Adalberti in Vosiam et Sancte Crucis in Heremo ecclesias cum pertinentiis earundem; in archiepiscopatu Strigoniensi ecclesiam Sancte Marie cum pertinentiis suis in loco qui dicitur Wag et Sala; in episcopatu Vesprimiensi Sancti Martini in Queurshug, Sancti Salvatoris in villa Tord, Sancti Martini in villa Tepei, Sancti Ladizlai in villa custodum porcorum, Sancti Martini in Dina et Sancti Ladizlai in Almas ecclesias cum pertinentiis earundem; partem quoque, quam habetis in villa et terram de Nema cum ecclesia Omnium Sanctorum, villam Renke et de Chichou, de Gamas, de Sochorou et de Carlt predia. Possessiones etiam, quas habetis in villis videlicet Ruzeti, Toriam, Huiloc, Milaca, Saag, Ielben, Chonuch, Echy, Heccc, Zaslou, Weynuc, Fizegteu, Olup, Luean, Teeneu, Fus, Curthou, Zava, Sala, Vosian, Vene, sancte Crucis, Lacz, Crailca, Seuleus, Dina, Temerd, Fonold, Zidhic, Tepei, Merene, Cutus, Colon, Higmogos, Copulchi, Sciguetteu, Tunez, Baluans, Bagaad et villa Bata cum pertinentiis suis et Bodrod et partem quam habetis in silva Seliz iuxta villam custodum porcorum. Libertates quoque iura et dignitates a Sancto Stephano vel ab aliis regibus pie ac provide monasterio

vestro concessas ratas habemus et firmas, easque salvis ecclesie Romane ac legatorum eius institutionibus illibatas manere sanctimus. Decimas etiam, quas a quadraginta annis retro predictum monasterium inconcusse possedisse dignoscitur bona fide, vobis et eidem monasterio auctoritate apostolica confirmamus. Liceat quoque vobis personas liberas et absolutas e seculo fugientes ad conversionem suscipere et eas absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in eodem loco professionem fas sit absque licentia abbatis sui, nisi obtentu arrioris religionis, de eodem loco discedere, discedentem vero absque communium litterarum cautione, nullus audeat retinere. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes monachorum, qui ad sacros ordines fuerint promovendi, a quocumque malueritis, recipiatis episcopo, si quidem catholicus fuerit et gratiam sedis apostolice atque communionem habuerit. Cum autem generale interdictum fuerit terre, liceat vobis clausis ianuis, exclusis excommunicatis et interdictis, non pulsatis campanis suppressa voce divina officia celebrare. Monachos vero et moniales eidem monasterio subditos sine cuiusquam prohibitione liceat vobis regulariter iudicare. Baptismum quoque in ecclesiis vestris fieri concedimus, in quibus consuerit fieri ab antiquo. Insuper auctoritate apostolica inhihemus, ne quis archiepiscopus vel episcopus ad monasterium vestrum accedat causa ordines vel missas publicas celebrandi, nisi fuerit ab abbate invitatus. Precipimus autem, ne quis populus ad monasterium vestrum vel eis ecclesias accedere aut eius beneficia, que voluerint ex caritate largiri, prohibere presumat, sed ea monasterium ipsum gaudeat libertate, qua gaudet Cassinense sicut a predecessoris nostris eidem monasterio est indultum. Ad hec mitram, virgam pastorem, anulum et alia insignia, que a quadraginta annis retro abbates monasterii vestri, qui pro tempore prefuere ex concessione Romanorum pontificum habuisse noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obente vero te nunc eisdem loci abbate vel tuorum quolibet successorum nullus ibi qualibet surrectionis (!) astutia seu violentia preponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Dei timorem et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum fas sit prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere seu quibuslibet vexationibus fatigare, set omnia integra conserventur eorum pro quorum gubernatione ac sustentione concessa sunt, usibus omnimodis profutura, salva sedis apostolice auctoritate ac in ecclesiis non exemptis diocesanorum episcoporum canonica ratione. Si qua igitur in futurum ecclesiastica secularisve persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove communita, nisi reatum suum digna satisfactione correxit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine districte ultioni subiaceat. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatinus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterna pacis inveniant. Amen. Amen. (Amen.) [...]

C: *Liber Ruber* n. 50, pp. 119–123. (Df 208291)

E: *PRT I*, p. 670 (from *Liber Ruber*); *THEINER I*, p. 56.

30.

19-04-1230, Lateran

Gregorius episcopus servus servorum Dei dilectis filiis ... abbatibus monasterii sancti Mauricii in Bocon silva Pannoniorum siti, eiusque fratribus tam presentibus, quam futuris regularem vitam professis in perpetuum. Religiosam vita eligentibus apostolicum adesse convenit presidium, ne forte cuiuslibet temeritatis incursus aut eos a proprio revocet, aut robur, quod absit, sacre religionis infringat. Quapropter, dilecti in Domino filii, vestris iustis postulationibus clementer annuimus et monasterium sancti Mauricii in Bocon silva Pannoniorum situm, in quo divino estis obsequio mancipati, sub Beati Petris et nostram protectionem suscipimus et presentis scripti privilegio confirmamus. Inprimis siquidem stantes, ut ordo monasticus, qui secundum Deum et beati Benedicti regulam in eodem loco institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascunque possessiones, quocumque bona idem monasterium in presentiarum iuste et canonicè possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis vestrisque successoribus et illibata permaneant. In quibus hec propriis duximus exprimenda vocabulis. Locum ipsum, in quo prefatum monasterium situm est, cum omnibus pertinentiis suis, ibidemque capella Sancte Marie supra rupem sancti Gerardi et supra ortum Soruul et Marie Magdalene; in episcopatu Geuriensi capellas Sancti Crucis sub monte Mancii, capellam Omnium sanctorum in Cuppan; in episcopatu Vesprimiensi capellam beati Marci evangeliste in Endred, capellam Sancti Stephani regis in Borsot; in episcopatu Varadiensi capellam Salvatoris mundi secus fluvium Krisium cum omnibus pertinentiis earum, cum pratis, vineis, terris, nemoribus, usucapiis et pasuis, in bosco et plano, in aquis et molendinis, in vis et semitis et omnibus aliis libertatibus et immunitatibus suis. Sane omnium prediorum vestrorum et hospium infra metas vestras constituitorum de omnimoda cultura sive de vestro et animalium nutrimentis nullus episcopus decimas exigere vel extorquere presumat. Liceat quoque vobis clericos vel laicos liberos et absolutos e seculo fugientes ad conversionem recipere et eos absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum, post factam in monasterio vestro professionem, fas sit sine abbatis sui licentia de eodem loco, nisi arrioris religionis obtenta discedere, discedentem vero absque communium litterarum cautione nullus audeat retinere. Cum autem generale interdictum terre fuerit, liceat vobis clausis ianuis, exclusis excommunicatis et interdictis, non pulsatis campanis, suppressa voce divina officia celebrare, dummodo causam non dederitis interdicto. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes clericorum, qui ad sacros ordines fuerint promovendi, a diocesano suscipiatis episcopo, siquidem catholicus fuerit et gratiam atque communionem sacrosanctae Romanae sedis habuerit et ea vobis voluerit sine pravitate aliqua exhibere, alioquin ad quem malueritis, catholicum adeatis episcopum, qui nimirum nostra fultus auctoritate, quod postulat indulget. Sepulturam quoque ipsius loci liberam esse decernimus, ut eorum devotioni et extreme voluntati, qui se illic deliberaverint sepeliri, nisi forte excommunicati vel interdicti sint aut

publici usurarii, nullus obsistat, salva tamen iustitia illarum ecclesiarum, e quibus mortuorum corpora assumuntur. Obeunte vero te, nunc eiusdem loci abbate vel tuorum quolibet successorum, nullus ibi qualibet subreptionis astutia seu violentia preponatur, nisi quem fratres communi consensu vel fratrum pars maioris et sanioris consilii secundum Deum et Beati Benedicti regulam providerint eligendum. Prohibemus etiam, ut nullus episcopus audeat in iam dicto monasterio, aut capellis eidem subiectis missas publicas celebrare, aut ordines facere, nisi ab abbate eiusdem loci fuerit invitatus, nec clericos aut presbiteros illius loci iudicare, excommunicare, aut ad sinodum vocare. Libertates quoque et immunitates a predecessoribus nostris Romanis pontificibus monasterio vestro concessas, nec non libertates et exemptiones secularium exactio[n]um a regibus et principibus vel aliis fidelibus, specialiter a beata memorie rege Stephano rationabiliter vobis indultas auctoritate apostolica confirmamus [et] presentis scripti privilegio communimus. [...] Decernimus ergo, ut nulli omnino hominum liceat prefatum monasterium temere perturbare, aut eius possessiones auferre, vel ablatas retinere, minuere, seu quibuslibet vexationibus fatigare, sed omnia integra conserventur eorum, pro quorum gubernatione ac sustentatione concessa sunt usibus omnibus profutura. Salva sedis apostolice auctoritate. Ad hec mitram, virgam pastorem, usum anuli vobis, vestrisque successoribus concessimus. Si qua igitur in futurum ecclesiastica, secularisve persona hanc nostre constitutionis paginam sciens contra eam temere venire temptaverit, secundo tertiove communita, nisi reatum suum congrua satisfactione correxerit, potestatis honorisque sui dignitate careat, reamque se divini iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore ac sanguine Dei et Domini Redemptoris nostri Jesu Christi aliena fiat, atque in extremo examine districte subiaceat ultioni. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Jesu Christi, quatinus et hic fructum bone actionis precipiant et apud districtum iudicem premia eterne pacis inveniant. Amen. Amen.

O: *PBFL Capsa 49. QQQ (Df 208423)*

E: *PRT VIII, pp. 278-280.*

31. 28-02-1231, Lateran
[...] Iurisdictionem etiam, quam obtines in abbatibus et preposituris regalibus ecclesie Strigoniensis per Ungariam ubicumque subiectis [...]
O: *Arch. Vat., Reg. Vat. Anni IV. ep. 121.*
E: *THEINER I, p. 93.*

32. 07-05-1231, Lateran
Gregorius episcopus servus servorum Dei dilecto filio ... abbati monasterii Sancti Martini de Pannonia salutem et apostolicam benedictionem. Ex parte tua, filii abbas, fuit nobis propositum, quod nonnulli monachi eiusdem monasterii, quod immediatate apostolice sedis subest, pro iniectione violentia manuum in seipsos in canonem inciderunt sententie promulgate, quidam vero symoniacum habuerunt ingressum in monasterio memorato, quorum aliqui absolutio[n]is beneficio non obtento celebrare divina et ad sacros ordines sunt promoti. De ipsorum itaque salute sollicitus, postulasti, ut cum eos venire ad sedem apostolicam oporteret, et metuas, ne vagarentur veniendo ad ipsam et salutis, cuius causa venient, incurrerent detrimentum, cum ipsis agere misericorditer dignemur. Nos autem plenam de discretione tua fiduciam obtinentes, considerantes quoque, quod religionis favore agendum est mitius cum eisdem, devotioni tue presentium auctoritate concedimus, ut huiusmodi manuum iniectionibus, nisi eorum difficilis fuerit et enormis excessus, propter quem merito ad sedem apostolicam sint mittendi, possis iuxta formam ecclesie absolutio[n]is beneficium impetrari, facturus cum symoniacis, prout in constitutione generalis concilii continetur. Super eo vero, quod dicti excommunicati per simplicitatem et iuris ignorantiam celebravere divina et sacros ordines receperunt, iniuncta eis penitentia competenti cum ipsis tibi liceat, prout secuti eorum expedire cognoveris, dispensare. Si autem prefati excommunicati scienter in contemptum ecclesiastice discipline talia presumpserunt, eis per biennium ab ordinum executione suspensis et iniuncta penitentia competenti cum eis postmodum, si fuerint bone conversationis et vite, auctoritate nostra dispensare valeas, sicut videris expedire. [...]

O: *PBFL Capsa 40. Z. (Df 206911)*

E: *PRT I, p. 703.*

33. 23-06-1232, Spoleto
Gregorius episcopus servus servorum Dei. Dilectis filiis Vrie abbati Sancti Martini supra Pannoniam eiusque fratribus tam presentibus, quam futuris, regularem vitam professis in perpetuum. Effectum iusta postulantes indulgere tam vigor equitatis, quam ordo exigit rationis, presertim quando petentium voluntates et pietas adiuvat et iusticia non relinquit. Eapropter, dilecti in Domino filii, vestris postulacionibus libenter annuimus et prefatum monasterium Sancti Martini supra Pannoniam situm ad ius et proprietatem apostolice sedis nullo pertinens mediante in quo divino estis mancipati, ad exemplar felicitis recordacionis Innocencii et Honorii predecessorum nostrorum sub Beati Petri et nostra protectione suscipimus et presentis scripti privilegio communimus. Inprimis siquidem statuentes, ut ordo monasticus, qui secundum Deum et Beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascumque possessiones, quecumque bona idem monasterium inpresenciarum iuste ac canonice possidet, aut in futurum concessione pontificum, largicione regum vel principum, oblatione fidelium seu aliis iustis modis prestante Domino poterit adipisci, firma vobis vestrisque successoribus et illibata permaneant. In quibus hec propriis duximus exprimentia vocabulis: locum ipsum, in quo prefatum monasterium situm est, cum omnibus pertinenciis suis; in episcopatu Iauriensis Sancti Martini in Sabaria, Sancti Willibaldi, Sancte Marie de Capella, Sancte Marie in Fyzegtu, Sancti Adalberti in Wosyan et Sancte Crucis in Heremo ecclesias cum pertinenciis earundem; in archiepiscopatu Strigoniensi ecclesiam Sancte Marie cum pertinenciis suis in loco qui dicitur Wag et Sala; in episcopatu Vesprimiensi Sancti Martini in villa Keurushyg, Sancti Salvatoris in villa Tord, Sancti Martini in villa Tepei, Sancti Ladizlai in villa custodum porcorum, Sancti Martini in Digna et Sancti Ladizlai in Almas ecclesias cum pertinenciis earundem. Possessiones etiam, quas habetis in villis

videlicet Ruozti, Torian, Vyloch, Milacha, Saag, Semian, Jelbeu, Chonoch, Echii, Hecche, Ballov, Veynu, Fyzegtu, Olup, Luzan, Tecneu, Curthou, Boua, Sala, Vosian, Vene, Fus, Sancte Crucis, Lazi, Craifcha, Seuleus, Digna, Temurd, Fonold, Fidhig, Tepei, Merene, Cutus, Cholon, Higmogos, Copolchi, Sciguethfeu, Tunez, Baluans, Bagaad et villas Batha cum suis pertinenciis et Bodrog et partem quam habetis in silva Selez iuxta villam custodum porcorum, partem quoque, quam habetis in villa et terra de Nema cum ecclesia Omnium Sanctorum, villam de Renke et de Chichou et de Gamas, de Socrou, et de Carl predia, capellam Sancti Iacobi in nemore de villa Wicha cum terra ad quatuor aratra et silva cum duodecim mansionibus civilium de comitatu Symigiensi et terciam partem tributis et decimam totius comitatus Symigiensis et terciam partem tributis totius comitatus Poseniensis et villam Vduorch civilium de Nitra cum terra et silva ad duodecim aratra et cum viginti mansionibus et villam de Bille civilium de Fulugageur cum terra ad duodecim aratra cum molendinis et arundinetis circa fluvium Fygeg (Fyzeg?) cum duodecim mansionibus. Libertates quoque iura et dignitates a Sancto Stephano vel ab aliis regibus pie ac provide monasterio vestro concessas, ratas habemus et firmas easque salvis Ecclesie Romane ac legatorum eius institutionibus illibatas manere sanctimus (sic). Decimas etiam, quas a quadraginta retro annis predictum monasterium inconcusse possedisse dinoscitur iusto titulo, bona fide vobis et eidem monasterio auctoritate apostolica confirmamus. Liceat quoque vobis personas liberas et absolutas e seculo fugientes ad conversionem suscipere et eas absque contradicione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum post factam in eodem loco professionem fas sit absque abbatis sui licencia, nisi arcioris religionis obtentu de eodem loco discedere. Discedentem vero absque communionis litterarum vestrarum cautione, nullus audeat retinere. Crisma vero, oleum sanctum, consecraciones altarium seu basilicarum, ordinaciones monachorum et clericorum vestrorum, qui ad sacros ordines fuerint promovendi, a quocumque malueritis episcopo recipiatis, si quidem catholicus fuerit et gratiam sedis apostolice atque communionem habuerit. Cum autem generale interdictum terre fuerit, liceat vobis clausis ianuis, exclusis excommunicatis et interdictis non pulsatis campanis suppressa voce divina officia celebrare. Monachos vero et moniales eidem monasterio subiectos sine cuiusquam prohibicione liceat vobis regulariter iudicare. Baptismum quoque in ecclesiis vestris fieri concedimus, in quibus consuevit fieri ab antiquo. Insuper auctoritate apostolica inhibemus, ne quis archiepiscopus vel episcopus ad monasterium vestrum accedat causa ordinis vel missas publicas celebrandi, nisi ab abbate fuerit invitatus. Precipimus autem, ne quis populum ad monasterium vestrum vel eius ecclesias accedere aut eius beneficia, que voluerint ex caritate largiri, prohibere presumat, sed ea monasterium ipsum gaudeat libertate, qua gaudet monasterium Cassinense, sicut a predecessores nostris eidem monasterio est indultum. Ad hec mitram, virgam pastorem, anulum et alia insignia, que a quadraginta annis retro abbatibus monasterii vestri, qui pro tempore prefuerunt, ex concessione Romanorum Pontificum habuisse noscuntur, vobis et monasterio vestro auctoritate apostolica confirmamus. Obeunte vero te nunc eiusdem loci abbate vel tuorum quolibet successorum nullus ibi qualibet subreccionis astucia seu violencia preponatur, nisi quem fratres communi consensu vel fratrum pars consilii sanioris secundum Deum et Beati Benedicti regulam providerint eligendum. Decernimus ergo, ut nulli omnino hominum liceat prefatum monasterium temere perturbare aut eius possessiones auferre vel ablatas retinere, minuere seu quibuslibet vexacionibus fatigare, sed omnia integra conserventur eorum, pro quorum gubernacione ac sustentacione concessa sunt, usibus omnimodis profutura, salva sedis apostolice auctoritate ac in ecclesiis non exemptis diocesanorum episcoporum canonica racione. Si qua igitur in futurum ecclesiastica secularive persona hanc nostre constitutionis paginam sciens contra eam venire temptaverit, secundo temere commonita, nisi reatum suum congrua satisfacione correxerit, potestatis honorisque sui dignitate careat, reamque se divino iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu Christi aliena fiat, atque in extremo examine districte subiaceat ulcioni. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Iesu Christi, quatenus et hic fructum bone actionis percipiant et apud districtum iudicem premia eterne pacis inveniunt. Amen. Amen.

C: *Liber Ruber* n. 55, pp. 141-145. (Df 208291); T: *Andrew II: 1234* (PBFL Capsa 68. F. – Df 206946)
E: *FEJÉR VII/1*, pp. 238-239 (1234!); *PRT I*, p. 71.

34.

20-11-1235

Gergorius episcopus [servus servorum Dei] venerabilibus fratribus episcopis et aliis ecclesiarum prelati et dilectis filiis clericis provincie Strigoniensis salutem [et apostolicam benedictionem]. Ad obedientiam et reverentiam debitam vestris superioribus exhibendam devotionem vestram apostolicis litteris tanto sollicitius invitamus, quanto fortius ad id teneri vos novimus etiam tacentibus per vos ipsos. Hunc est, quod universitatem vestram monendam duximus attente et hortandam mandantes, quatenus venerabilis fratrem nostrum Strigoniensem archiepiscopum, cum ad vos causa visitationis accesserit, benigne recipere ac honeste tractare curetis, in hiisque ad correctionem pertinent, officii sui debitum exercere ipsum libere permittentes, alioquin sententiam, quam idem rite tulerit in rebelles, ratum habebimus. [...]

E: *THEINER I*, p. 140; *AUO II*, p. 32.; *MESI*, p. 313.

35.

26-02-1241, Lateran

Gregorius episcopus servus servorum Dei venerabili fratri ... archiepiscopo Strigoniensi salutem et apostolicam benedictionem. Sua nobis carissimus in Christo filius noster ... Ungarie rex illustris, petitione monstravit, quod in monasteriis Strigoniensis provincie, ordinis sancti Benedicti, ad tua iurisdictionem immediate spectantibus, in quibus idem rex ius obtinet patronatus, quae aliquando flores et fructus produxerant honestatis, usque adeo excreverunt tribuli vitiorum, quod monachi, habitantes in ipsis tamquam scurrae vagantes, regularis refuge discipline vitam ducunt omnimode dissolutam, se hostes nature nefando carnis vitio statuentes, frena monachalis modestie totaliter relaxando, in omnem sui desiderii libertatem, propter quod in contentum habentur ab omnibus et derisum, dum fideles, qui bona dictis monasteriis contulerunt, orationum sperantes suffragiis inibi habitantium relevari nunc spe preconcepta frustrantur, nulla spe sibi reposita, ut eadem monasteria ulterius in suo possint ordine reformari. Quum igitur instantia nostra cotidiana sit omnium ecclesiarum

cura sollicita, mandamus, quatenus personaliter accedens ad monasteria supradicta, eisdem officium visitationis impendens, corrigas et reformes in ipsis iuxta dicti ordinis instituta tam in capite, quam in membris, quae correctio et reformationis officio noveris indigere. Si vero non possint de dicto ordine aliquatenus reformari, illa de Cisterciensi seu Premonstratensi ordine reformare procures, contradictores per censuram ecclesiasticam auctoritate nostra appellatione postposita compescendo. [...]
O: *Arch. Vat., Reg. Vat. anni XIV. epist. 228.*
E: *THEINER I, p. 179.*

36. **18-01-1247, Lyons**
Cupientes igitur Ecclesiam Monasterii vestri ad Romanam Ecclesiam nullo medio pertinentis ob Beati Martini merita [...] frequentari [...]
O: *PBFL. Capsa 35. G. (Df 207013)*
E: *AUO II, p. 196, with some differences; PRT II, p. 285.*

37. **21-01-1247, Lyons**
[...] Gratum Deo exhibemus famulatum, si personas et loca religiosa pro illius reverentia non solum diligere, set defensare niteremur. Licet igitur virorum ecclesiasticorum credamus te tamquam catholicum principem amatorem [esse], tamen dilecti filii ... abbas et conventus monasterii Sancti Martini de Pannonia, quod ad Romanam ecclesiam nullo medio pertinet, te sibi favorabiliorem sentiant nostris monitis et precibus excitatum, regalem excellentiam rogamus et monemus actente, quatinus ipsos et dictum monasterium habens pro divina et apostolica sedis ac nostra reverentia propensius commendatos, non permittas eos, quantum in te fuerit ab aliquibus indebite molestari, ita quod ipsi protectione regia gaudeant se munitos esse et tu per secularem potentiam, seculorum Domino placeas, nosque devotionem tuam merito commendamus. [...]
O: *PBFL. Capsa 40. N. (Df 207014)*
E: *AUO II, p. 197. (wrong); PRT II, pp. 285–286.*

38. **07-08-1247, Lyons (A)**
Innocentius episcopus servus servorum Dei dilectis filiis ... abbati et conventui monasterii sancti Martini de Pannonia, Jauriensis diocesis, salutem et apostolicam benedictionem. Ex parte venerabilis fratris nostri ... archiepiscopi Strigoniensis nobis est oblata querela, quod cum ipse ac predecessores eius consuerint in monasterio vestro tamquam metropolitanus processionaliter recipi et in eodem monasterio cum palleo celebrare, vos spiritu rebellionis assumpto, ei super hoc iniuriosi estis plurimum et molesti. Volentes igitur, ut corrigatis excessum huiusmodi per vos ipso, universitatem vestram rogamus attentius et monemus, per apostolica vobis scripta mandamus, quatinus eundem archiepiscopum cum ad monasterium vestrum accesserit, prout consuevistis hactenus, processionaliter admittentes, eum celebrare ibidem cum palleo libere permittatis. Alioquin dilectis filiis ... abbati et priori de Pelys, Cisterciensis ordinis, Vesprimiensis diocesis, et ... preposito ecclesie Agriensi litteris nostris iniungimus, ut partibus convocatis, audiant causam et appellatione remota, canonico fine decident, quod decreverint, per censuram ecclesiasticam firmiter observari. [...]
O: *EPLAEV n. 11a. (Df 248968)*
E: *FEJÉR IV/1, p. 463; MES I, p. 368.*

39. **07-08-1247, Lyons (B)**
Innocentius episcopus servus servorum Dei dilectis filiis ... abbati et priori de Pelys, Cisterciensis ordinis, Vesprimiensis diocesis, et ... preposito ecclesie Agriensis salutem et apostolicam benedictionem. Ex parte venerabilis fratris nostri ... archiepiscopi Strigoniensis nobis est oblata querela, quod cum ipse ac predecessores eius consuerint in monasterio sancti Martini de Pannonia, Jauriensis diocesis, tamquam metropolitanus processionaliter recipi et in eodem monasterio cum palleo celebrare, ... abbas et conventus ipsius monasterii spiritu rebellionis assumpto, ei super hoc iniuriosi estis plurimum et molesti. Volentes igitur, ut corrigant excessum huiusmodi per se ipsos, dictos abbatem et conventum rogandos, duximus attentius et monendos, ut eundem archiepiscopum cum ad monasterium vestrum accesserit, prout consueverunt hactenus, processionaliter admittentes, eum ibidem cum palleo libere celebrare permittant. Quocirca discretioni vestre per apostolica scripta mandamus, quatinus si dicti abbas et conventus mandatum nostrum super hoc neglexerint adimplere, vos partibus convocatis, audiatis causam et appellatione remota, fine canonico terminetis, facientes, quod decreveritis, per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati, si se gratia, odio, vel timore subtraxerint, per censuram eandem, cessante appellatione, cogatis veritati testimonium perhibere. Quod si non omnes hiis exequendis potueritis interesse, duo vestrum ea nichilominus exequantur.
O: *EPLAEV n. 11b. (Df 248968)*
E: *FEJÉR IV/1, pp. 464–465; MES I, pp. 368–369.*

40. **[1252]**
Nos Stephanus [de Vancha], Dei gratia archiepiscopus Strigoniensis, etc. significamus omnibus per presentes litteras, quod in synodali nostra congregatione in die festi Sancti Luce evangeliste universis abbatibus, prepositis et clero nostre dyecesis solemniter celebrata, vir religiosus frater Blasius abas (!) monasterii de Zala de medio aliorum surgens querulosa et lamentabili voce nobis et universis abbatibus atque clericis retulit in hunc modum, [quod] venerabilis in Christo pater dominus Zlaudus episcopus Wesprimiensis [...] Quibus sic auditis iam dictus venerabilis pater dominus Zlaudus episcopus Wesprimiensis similiter in eadem nostra congregatione coram nobis astans, contra eundem abbatem respondit [...] Datum tertio die congregationis nostre annotate [...]
O: *Esztergomi Prímási Levéltár AEV n. 10. 77. (Df 249066)*
E: *PRT VII, pp. 460–461.*

- 41. 19-12-1252, Perugia**
 Innocentius episcopus, etc. Dilectis filiis conventui monasterii Sancti Martini de Pannonia ad Romanam ecclesiam nullo medio pertinentis, ordinis sancti Benedicti Iauriensis diocesis salutem et apostolicam benedictionem. Electione, que per vos de dilecto filio Favo, quondam abbate monasterii Waradiensis ordinis sancti Benedicti, Quinqueecclesiensis diocesis, in vestro monasterio, tunc abbas destituito regimine, celebrata fuerat, ipsius electionis duntaxat vitio per sedis apostolice iudicium irritata, nos postmodum attendentes, quod vos vestra direxeratis desideria in eundem tamquam in virum, per cuius credebatis industriam vos et idem monasterium salubriter gubernari, considerantes etiam laudabile testimonium, quod de ipso super meritis vite et conversatione honesta a fide dignis accepimus, ipsum prefato monasterio vestro prefecimus in abbatem. [...]
O: Arch. Vat., Reg. Vat. Anni X. ep. 298.
E: THEINER I, p. 214; HEQ VII, p. 279; FEJÉR IV/2, pp. 129–130; PRT II, p. 289.
- 42. 08-10-1256, Anagni**
 Alexander episcopus, servus servorum Dei, dilectis filiis ... abbas et conventui monasterii Sancti Martini supra Pannoniam ad Romanam ecclesiam nullo medio pertinentis, ordinis Sancti Benedicti, Jauriensis diocesis, salutem et apostolicam benedictionem. [...]
O: PBFL Capsa 35. I. (Df 207039)
E: AUO II, pp. 274–275; PRT II, p. 296.
- 43. 10-10-1256, Anagni**
 Alexander episcopus, servus servorum Dei, dilectis filiis ... abbas et conventui monasterii Sancti Martini supra Pannoniam ad Romanam ecclesiam nullo medio pertinentis, ordinis Sancti Benedicti, Jauriensis diocesis, salutem et apostolicam benedictionem. Exhibita nobis tua petitio continebat, quod nonnulli monasterii monachi eiusdem et conversi pro violatione iniectioe violentia manuum in se ipsos et quidam pro detentione proprii, alii etiam pro denegata tibi et predecessoribus tuis obedientia seu conspirationis offensa in excommunicationis laqueum inciderint, quorum monachorum quidam divina celebrarunt officia et receperunt sacros ordines sic ligati. Quare super his eorum providere soluti a nobis humiliter postulasti. De tua itaque circumspectione plenam in Domino fiduciam obtinentes, presentium tibi auctorita (!) concedimus, ut eosdem excommunicatos hac vice huiusmodi excommunicationum sententiis absolvas iuxta formam ecclesie vice nostra, iniungens eis, quod de iure fuerit iniungendum, proviso, ut manuum iniectores, quorum fuerit gravis et enormis excessus, mittas ad sedem apostolicas absolvendos cum illis autem, qui absolutiois beneficio non obtentu facti immemores vel iuris ignari receperunt ordines vel divina officia celebrarunt, iniuncta eis pro modo culpe penitentia competenti, eaque peracta, liceat tibi de misericordia, que superexaltat iudicio, pro eorum salutem expediri videris, dispensare. Si vero prefati excommunicati non tantum in contemptum clavium scienter talia presumpserunt, eis per biennium ab ordinum executione suspensis et imposita eisdem penitentia salutari, eos postmodum, si fuerint bone conversationis et vite, ad gratiam dispensationis admittas. Proprium autem, si quid habent dicti monachi et conversi, facias in tuis manibus resignari in utilitatem ipsius monasterii convertendum. [...]
PBFL Capsa 41. B. (Df 207038)
PRT II. 296–297.
- 44. 10-10-1256, Anagni**
 Alexander episcopus, servus servorum Dei, dilectis filiis ... abbas et conventui monasterii Sancti Martini supra Pannoniam ad Romanam ecclesiam nullo medio pertinentis, ordinis Sancti Benedicti, Jauriensis diocesis, salutem et apostolicam benedictionem.
O: PBFL. Capsa 40. F. (Df 207037)
E: AUO VII, p. 435; PRT II, pp. 297–298.
- 45. 05-10-1261, Viterbo**
 [...] Querelam dilectorum filiorum ... abbas et conventus monasterii Sancti Martini supra Pannoniam ad Romanam Ecclesiam nullo medio pertinentis Ordinis Sancti Benedicti recepimus continentem [...] *PBFL Capsa 36. O. (Df 207065)*
AUO III. 7. (wrong); PRT II. 313.
- 46. 05-10-1261, Viterbo**
 [...] Querelam dilectorum filiorum ... abbas et conventus monasterii Sancti Martini supra Pannoniam ad Romanam Ecclesiam nullo medio pertinentis Ordinis Sancti Benedicti recepimus continentem [...] *O: PBFL Capsa 40. W. (Df 207064)*
E: AUO III, p. 8 (wrong); PRT II, p. 314.
- 47. 05-10-1261, Viterbo**
 [...] Querelam dilectorum filiorum ... abbas et conventus monasterii Sancti Martini supra Pannoniam ad Romanam Ecclesiam nullo medio pertinentis Ordinis Sancti Benedicti recepimus continentem [...] *O: PBFL Capsa 41. D. (Df 207063)*
E: AUO III, p. 9; PRT I, pp. 313–314.
- 48. 08-05-1262**
 Nos frater ... abbas et conventus monasterii Sancti Aniani de Tychon, ordinis Sancti Benedicti, Vesprimiensis diocesis, significamus universis quibus expedit presencium per tenorem, quod licet a synodo venerabilis patris episcopis Vesprimiensis exempti simus privilegio speciali, in festo tamen adventus Beati Michaelis archangeli, quo dictus episcopus suam consuevit synodum celebrare, ad

petitionem et instanciam prepositi, archidiaconorum et capituli Vesprimiensis Wesprimium accessimus, unacum ipsis predictae synodo assidentes. [...]

O: *Veszprémi káptalan levéltára, Wesprem. Ecclesia n. 10. (Df 200658)*

E: *HO V, pp. 34-35; PRT X, pp. 524-525.*

49.

11-01-1267, Viterbo

Clemens episcopus servus servorum Dei dilectis fillis ... abbatibus monasterii de Tichon eiusque fratribus tam presentibus, quam futuris religiosam vitam professis in perpetuum. Religiosam vita eligentibus apostolicum adesse convenit presidium, ne forte cuiuslibet temeritatis incursum aut eos a proprio revocet, aut robur, quod absit, sacre religionis infringat. Eapropter, dilecti in Domino filii, vestris iustis postulationibus clementer annuimus et monasterium de Tychon, Vesprimiensis diocesis, in quo divino estis obsequio mancipati, sub Beati Petri et nostra protectionem suscipimus et presentis scripti privilegio communimus. Inprimis siquidem statuentes, ut ordo monasticus, qui secundum Deum et beati Benedicti regulam in eodem monasterio institutus esse dinoscitur, perpetuis ibidem temporibus inviolabiliter observetur. Preterea quascunque possessiones, quecumque bona idem monasterium inpresentiarum iuste et canonice possidet, aut in futurum concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis iustis modis prestante Domino poterit adipisci, firma vobis vestrisque successoribus et illibata permaneant. In quibus hec propriis duximus exprimenda vocabulis. Locum ipsum, in quo prefatum monasterium situm est, cum omnibus pertinentiis suis. Cellam monachorum, que Vruzku vulgariter nominatur, cum terris, vineis, possessionibus et omnibus pertinenciis suis. Sancti Mychaelis, Sancti Dominici, Sancte Marie Magdalene et Sancte Elysabeth capellas cum omnibus pertinenciis earundem. *Castrum ipsum monasterii necnon⁵⁴ villam Apathy et insulam, que appellatur Tyhan, cum omnibus pertinenciis suis. Portum super lacum, qui Balatyn nominatur, usum piscandi, quem in eodem lacu habetis. Villas novam et predium quod vocatur Ozofev; terras et possessiones, quas habetis in villa Kuesd; predium de Eurmenus, terras sitas in villa Vdvory; predia que Derveche, de Vasy, de Pylip et de Vrskaal vulgariter nominantur cum omnibus pertinenciis eorumdem. Villam de Thovsoch dicitur; terras et possessiones, quas habetis in villa Berend. Villam Scevleus nominatum, sitam iuxta locum, qui dicitur Apachasumlo; terras et possessiones, quas habetis in villa Scevleus apud Vesprem; predium, quod Popsuka vul[gariter] appellatur; et ius patronatus, quod in ecclesia Sancti Mychaelis loci eiusdem habetis. Predium, quod de Vylach cum iure patronatus, quod in capella Sancti Margarethe sita in eodem predio optinetis. Predia de Keyk et de Araach vulgariter nominata; insula[m], que appellatur Losta, cum omnibus pertinenciis suis. Villam, possessiones et terras de Tyruk. Villam et predium de Somthod, predium de Zarasth, predium et villam de Gesnov vel Apaty iuxta Fycog, predium de Telky; terras et possessiones, quas habetis in villa Chopulch et Lapa; predium de Gamas, villam Dob; terras et possessiones, quas habetis in villa Sag iuxta Iotha, de Chychol et de Kup; predia, villa, Mortus iuxta Buchak, predium Vrkuha et terras, quas habetis in villa Barand iuxta Tholna, et villam de Fod; villam et predium de Besenev in partibus Budrig cum iure patronatus, quod ibidem in capella Sancte Marie habetis. Lacum Mortuum cum omnibus terris, ad ipsum pertinentibus. Homuke-ut terras et possessiones, que vocantur Colun. Annum reditum denariorum in portibus et mercatis de Tolna et de Pest; et mille zuanos salis, quos in Alba singulis annis percipitis a salinariis de Zalach. Terras quoque et possessiones, quas beate memorie rex Vngarie, Andreas, vobis et monasterio vestro commisit intoitu pietatis, ac quicquid iuris in Strigoniensi, Vesprimiensi, Colochensi, Quinqueecclesiensi et Chanadiensi diocesis optinetis, cum terris, pratis, vineis, nemoribus, usugiis et pascuis, in bosco et plano, in aquis et molendinis, in viis et semitis et omnibus aliis libertatibus et immunitatibus suis. Sane novalium vestrorum, que propriis manibus, multis sumptibus colitis, de quibus aliquis hactenus non percepit, sive de vestrorum animalium nutrimentis nullus a vobis decimas exigere vel extorquere presumat. Liceat quoque vobis clericos vel laicos liberos et absolutos e seculo fugientes ad conversionem recipere et eos absque contradictione aliqua retinere. Prohibemus insuper, ut nulli fratrum vestrorum, post factam in monasterio vestro professionem, fas sit sine abbatis sui licentia, nisi arcioris religionis obtentu, de eodem loco discedere, et absque communi litterarum vestrarum cautione nullus audeat retinere. Cum autem generale interdictum terre fuerit, liceat vobis clausis ianuis, excommunicatis et interdictis exclusis, non pulsatis campanis, suppressa voce divina officia celebrare, dummodo causam non dederitis interdicto. Crisma vero, oleum sanctum, consecrationes altarium seu basilicarum, ordinationes clericorum, qui ad sacros ordines fuerint promovendi, a diocesano suscipiatis episcopo, si quidem catholicus fuerit et gratiam et communionem sacrosancte Romanae sedis habuerit et ea vobis voluerit sine pravitate aliqua exhibere. Prohibemus insuper, ut infra fines parrochie vestre, si eam habeatis, nullus sine assensu diocesani episcopi et vestro capellam seu oratorium de novo construere audeat, salvo privilegio pontificum Romanorum. Ad hec novas et indebitas actiones ab archiepiscopis, episcopis, archidiaconis seu decanis aliisque omnibus ecclesiasticis secularibusve personis a vobis omnino fieri prohibemus. Sepulturam quoque ipsius loci liberam esse decernimus, ut eorum devotioni et extreme voluntati, qui se illic sepeliri deliberaverint, nisi forte excommunicati vel interdicti sint aut publici usurarii, nullus obstet. Salva tamen iustitia illarum ecclesiarum, e quibus mortuorum corpora assumuntur. Decimas preterea et possessiones, ad ius ecclesiarum vestrarum spectantes, que a laicis detinentur, redimendi et legitime liberandi de manibus eorum et ad ecclesias, ad quas pertinent, revocandi libera sit vobis de nostra auctoritate facultas. Obente vero te, nunc eiusdem loci abbate vel tuorum quolibet successorum, nullus ibi qualibet surreptionis astutia seu violentia preponatur, nisi quem fratres communi consensu vel fratrum maior pars consilii sanioris secundum Deum et Beati Benedicti regulam providerint eligendum. [...] Preterea omnes libertates et immunitates a predecessoribus nostris Romanis pontificibus monasterio vestro concessas, necnon libertates et exemptiones secularium exactionum a regibus et principibus vel aliis Christi fidelibus rationabiliter vobis indultas auctoritate apostolica confirmamus

⁵⁴ The text between *...* is not mentioned by Lodomér archbishop's transcription (6-11-1297)!

presentis scripti privilegio communimus. Decernimus ergo, ut nulli omnino hominum liceat prefatum monasterium themere perturbare aut eius possessiones auferre vel ablatas retinere, minuire, seu quibuslibet vexationibus fatigare, sed omnia integra conserventur eorum, pro quorum gubernatione ac sustentatione concessa sunt usibus omnibus profutura, salva sedis apostolice auctoritate et diocesani episcopi canonica iusticia. Si qua igitur in futurum ecclesiastica, secularisve persona hanc nostre constitutionis paginam sciens contra eam themere venire temptaverit, secundo tertiove commonita, nisi reatum suum congrua satisfactione correxerit, potestatis honorisque sui careat dignitatem, (!) reamque se divini iudicio existere de perpetrata iniquitate cognoscat et a sacratissimo corpore ac sanguine Dei et Domini redemptoris nostri Jesu Christi aliena fiat, atque in extremo examine districte subiaceat ulcioni. Cunctis autem eidem loco sua iura servantibus sit pax Domini nostri Jesu Christi, quatinus et hic fructum bone actionis precipiant et apud districtum iudicem premia eterne pacis inveniant. Amen. Amen. Amen. [...]

O: *PBFL Tihan Fasc I., n. 9. (Df 208831)*

E: *FEJÉR VI/2, p. 87; AUO III, pp. 140-144, PRT X, pp. 525-528.*

50.

03-08-1272

Gregorius episcopus servus servorum Dei venerabilem fratri episcopo Vesprimiensis salutem et apostolicam benedictionem. Inter ceteras sollicitudinis apostolice curas, hec debet esse non minima, ut in locis cultui sacre religionis ascriptis censuram morum reformare curemus, quam illi plurimum peccatis, exigentibus inhonestant, qui cum spiritu ceperint carne secundum apostolum consumantur. Accepimus sane quod *monasterium de Ticon ordinis sancti Benedicti tue diocesis, ita tibi quod nulli alii subiectum*. Abbate, monachis et aliis quibuscumque personis est totaliter destitutum, et adeo etiam in spiritualibus et temporalibus deformatum quo de suo non potest ordine reformari. Nos igitur porrectis nobis super hoc ex parte carissimi in Christo filii nostri illustris regis Ungarie eiusdem monasterii patroni precibus inclinati, fraternitate tue per apostolica scripta mandamus, quatenus si est ita et tibi constiterit quod predictum monasterium non possit in suo ordine reformari, ipsum de personis Cisterciensis ordinis auctoritate nostra reformare procures et regularibus eiusdem Cisterciensis ordinis institutionibus informare. Contradictore per censuram ecclesiasticam appellatione postposita compescendo. [...]

O: DL 981

E: *KOVÁCS 1978, p. 90.*

51.

03-09-1276, Székesfehérvár

[P]etrus Dei gracia episcopus Wesprimiensis et magister Paulus prepositus ac capitulum eiusdem loci omni Christi fidelibus ... salutem ... Ad noticiam ... cupimus venire, quod ... honorabilis ecclesia Strigoniensis, nostra metropolis ... exigente diri temporis pravitate ... ad exinanicionem virtutis extreme ... malignorum incursum miserabiliter est producta, propter quod nos eidem ecclesie, tamquam capiti nostro precipuo ... duas villas nostras Germen vocatas ... cum decimis etiam omnibus duarum parrochiarum, scilicet de Bylle et de Cholnuk, Weprimiensis diocesis ac capellis ipsarum villarum cum lege iurisdictionis et diocesana prorsus exemptis, et in ius Strigoniensis ecclesie pleno iure transfusis, que quidem ville et iura ipsi ecclesie Strigoniensi sunt in proximo continua et vicina, cessimus ... ab ea irrefragabiliter possidenda in perpetuum mero iure. Dominus autem Benedictus, Dei gracia sancte Strigoniensis ecclesie electus eiusdemque loci comes perpetuus, de prepositi et capituli sui ... beneplacito, consilio et assensu, afflictioni et desolacioni nostre et ecclesie Wesprimiensis, quas unacum ipsis sustinimus, condolentes, e converso eidem ecclesie nostre Tychiniensium ecclesiam, Wesprimiensis diocesis, ad Strigoniensem ecclesiam immediate in spiritualibus et temporalibus pertinentem et ecclesie nostre Wesprimiensis continguam, conterminam et proximo et vicinam, cum omnibus suis iuribus, possessionibus, vineis, lacubus, passagiis seu tributis ipsi ecclesie Wesprimiensis ... in consolacionem tam nostre, quam ipsius Tychinoensis ecclesiarum, cum potissime in Tychoniensi ecclesia memorata, subiecta novissima pauperitatis, iam laudes divine fere omnino organa sint suspensa, realiter cessit, dedit, assignavit et tradidit, nullo sibi iure alio ibidem penitus reservato, nisi quod in aliis ecclesiis collegiatis, Wesprimiensis sedi immediate subiectis, sibi iure metropolitico dinoscitur vindicare, perpetuo possidendam, ita quod prelati dicte ecclesie Tychoniensis, qui pro tempore in ipsa ecclesia per nos fuerit institutus, in signum subiectionis ad synodum archiepiscopi Strigoniensi una nobiscum accedere teneatur, recepturus ibidem cum reverentia ipsius archiepiscopi statuta salubria et mandata; et quod tunc in signum subiectionis pristina cereum decem marcas cere ponderantem, ad honorem maioris altaris ecclesie Strigoniensis dare debeat et offerre. Et ... nos et ecclesias nostras ... in possessione omnium predictorum vicissim et mutuo induximus et induci fecimus pacifice et quiete. [...]

O: *EPL Acta radicalia Q Fasc. I., n. 11. (Df 248527)*

E: *FEJÉR V/2, p. 367; MES II, pp. 59-60; PRT X, pp. 537-538.*

52.

27-06-1297, Orvieto

[...] Dilectorum filiorum ... abbatis et conventus monasterii Sacti Martini de Sacromonte Pannonie ad Romanam Ecclesiam nullo medio pertinentis [...] Quare dicti abbas et conventus super hoc as remedium apostolice recurrentes, nobis humiliter supplicarunt, ut, cum ipsi propter potentiam et malitiam ipsorum nobilium et aliorum non sperent coram eorum ordinariis super hiis posse assequi iustitie complementum, providere eis super hoc de oportune provisione remedio digneremur. Nos itaque, qui occurrere gravaminibus subditorum et ipsorum quieti consulere delectamur, eisdem abbati et conventui adesse in hac parte favorabiliter cupientes, de tua circumspectione confisi, fraternitati tue per apostolica scripta mandamus [...]

O: *PBFL Capsa 39. N. (Df 207113)*

E: *AUO X, pp. 273-274; PRT II, pp. 345-346.*

53. **06-11-1297**
[...] Nosque attendentes et considerantes, petitionem eiusdem abbatis in hac parte iuri consonam et consantaneam rationi, ipsas litteras sacrosancte Romane ecclesie sumpni pontificis, Celestis videlicet pape III-ti [...] de verbo ad verbum nostris inseri et transcribi fecimus presentibus litteris et nostro sigillo consignari.

O: *PBFL Tyhan fasc. I., n. 9. (Df 208839)*

E: *FEJÉR VI/2, p. 87; PRT X, p. 543. (Without the pope's diploma)*

54. **11-12-1308, Buda**
[...] filii universis vassalis monasterii Sancti Martini de Sacro Monte Pannonie ad Romanam ecclesiam nullo medio pertinentis [...] adhibemus, ut huiusmodi ecclesiis et monasteriis et precipue ad Romanam ecclesiam nullo medio pertinentibus [...] Sane monasterio Sancti Martini de Sacromonte Pannonie ad eandem ecclesiam nullo medio pertinente ordinis Sancti Benedict per obitum bona memorie fratris Jacobi, electi in abbatem ... decanus et conventus eiusdem monasterii ... Johannem, tunc monachum et procuratorem eiusdem monasterii ... in suum et ipsius monasterii abbatem personaliter elegerunt, ipseque nobis huiusmodi electionis decretum infra tempus a iure statutum personaliter presentare curavit petentes humiliter, ut electionem ipsam confirmare canonice dignaremur [...] sibi que postmodum fecimus per venerabilem in Christo patrem ... episcopum Quinqueecclesiensem munus benedictionis impendi [...]

O: *PBFL. Capsa 45. H. (Df 207122)*

E: *AOkmt. I, pp. 159–162; MV II, pp. 177–178 (wrong); PRT II, pp. 354–355.*

55. **31-07-1319, Avignon**
[...] monasterii Sancti Martini de Sacro Monte Pannonie ad Romanam ecclesiam nullo medio pertinentis [...]

O: *Arch. Vat., Solutiones Servitorum Communium, 1316–1323, Tom. 5. Fol. 109–110.*

E: *PRT II, pp. 358–359.*

56. **14-02-1320, Avignon**
[...] Sane dilecti filii conventus monasterii Sancti Martini de Sacromonte Pannonie ad Romanam ecclesiam nullo modo pertinentis, ordinis sancti Benedicti, lauriensis diocesis, nobis significarunt, quod Nicolaus, qui pro abbate dicti monasterii se gerebat, per secularis potestatis abusus in abbatem ipsius monasterii se procuravit intrudi, dictumque monasterium absque auctoritate sedis apostolice, ad quam pro confirmatione electionis sue, si electo dicti posset, infra tempus a iure statutum et post venire vel mittere non curavit, per septem annos in anime sue perniciem et grave dictorum conventus et monasterii preiudicium atque damnum detinuit occupatum, possessiones, vineas, tributum et nonnulla alia iura et bona dicti monasterii alienare et dissipare temere presumendo, quoque relaxatis habens effectibus impudicus, quandam mulierem nunc laicalem viventem, monachalem virilem habitum deferentem, secum dampnabiliter tenuit, cum qua per castellanos Vetericastro et de Laurino eiusdem diocesis tribus vicibus fuisse dicitur publice deprehensus. Quatuor quoque calices et crucem auream cum gemmis preciosis, viaticum auream integrum ornatum pretiosum, et duo decreta, et duo brevioria de camera monasterii prefati subtraxit, et ab eodem monasterio furtive recedens ad partes remotas et adeo incognitas transmigravit, quod infra fines regni Ungarie per dictum conventum diligentissime perquisitus non potuit reperiri, propter quod dicti conventus attendentes, quod idem Nicolaus ad regime ipsius monasterii canonicum non habuerat ingressum, sed ipsum per abusum potentie secularis tenerat occupatum, securitate et oportunitate captata, vocatis et presentibus omnibus, qui voluerunt, debuerunt et potuerunt commode interesse, die ad eligendum prefixa insimul convenerunt, et tandem in huiusmodi electionis negotio per viam scrutini procedentes assumpserunt duo de dicto conventu fidedignos, qui sua et singulorum vota diligenter inquirerent et, invenirent, in scriptis redacta publicarent fideliter et communi, quibus iuxta formam huiusmodi procedentibus in hac parte compertum extitit, quod omnes de dicto conventu in dilectissimum filium Nicolaum abbatem monasterii de Dombo dicti ordinis, Colocensis diocesis, virum sicut asseritur providum et discretum, litterarum scientia predictum, ac in spiritualibus et temporalibus circumspertum, direxerunt unanimiter vota sua, ac dilectus filius Thomas decanus dicti monasterii sancti Martini, qui erat unus de scrutatoribus supradictis, suo et sui college nomine, ac de mandato singulorum de dicto conventu prefatum Nicolaum abbatem de Dombo in dicti monasterii sancti Martini abbatem elegit, dictus abbas de Dombo ad magnam dicti conventus instanciam electioni huiusmodi de se facte consensit, ac demum tam prefati conventus per procuratorem eorum, quem propter hoc cum decreto electionis huiusmodi ad nostram presentiam destinarunt, quam dictus Nicolaus abbas de Dombo, qui propter hoc personaliter ad sedem eandem accessit, nobis humiliter supplicarunt, ut electionem predictam confirmare de benignitate sedis apostolice dignaremur. Quamvis igitur status eiusdem monasterii sancti Martini, qui propter oportuni pastoris carentiam naufragatur, officii nostri, debitum sollicite et instanter invitet, ut ipsius indempnitibus salubriter occurramus: quia tamen de premissis contra dictum Nicolaum absentem prope dictis actis noticiam non habemus, fraternitati tue, de qua plenam in domino fiduciam gerimus, tenore presentium committimus et mandamus, quatenus si quod de huiusmodi intrusione et occupatione et absolute premittitur, veritate fulcitur, prefatum Nicolaum abbatem eiusdem monasterii de Dombo, si personam suam idoneam fore repereris et aliud sibi canonicum non obsistat, prefato monasterio sancti Martini, non obstante quocumque defectu, si quis fuisset in electione predicta, vel quod in veniendo personaliter ad sedem eandem vel illuc mittendo procuratorem seu excusatorem idoneum, statuta super hoc a iure tempora non servavit, auctoritate nostra preficias in abbatem, curam et administrationem ipsius monasterii sancti Martini sibi in spiritualibus et temporalibus commitendo, ei, quod si forte hactenus benedictus non extitit, benedictionis munus vel te vel per alium impensurus, ac faciens ei a suis subditis obedientiam et reverentiam debitam exhiberi, recepturus postmodum ab eodem nostro et ecclesia Romana nomine sub forma, quam tibi sub bulla

nostra mittimus interclusam, fidelitatis solite iuramentu, contradictores per censuram ecclesiasticam appellatione postposita cpmpecendo. Formam autem iuramenti, quod ipse prestabit, nobis per eius patentes litteras suo sigillo signatas proprium nuntium quamtocius destinare procure. [...]

O: *Vatikáni Levéltár, Reg. Vat. Anni IV. ep. 975.*

E: *THEINER I. 464.; MES II. 770–771.; PRT II. 360–361.*

57. **28-04-1320, Avignon**
[...] dilectis filiis ... abbati et conventi monasterii Sancti Martini de Sacromonte Pannonie ad Romanam ecclesiam nullo medio pertinentis [...]

O: *PBFL Capsa 39.T. (Df 207127)*

E: *AOkmt. I, pp. 558–559; PRT II, p. 361.*

58. **22-06-1332, Avignon**
[...] dilectis filiis ... abbati et conventi monasterii Sancti Martini de Pannonia, ad Romanam ecclesiam nullo medio pertinentis [...]

O: *PBFL Capsa 35. P. (Df 207140)*

E: *FEJÉR CD VIII/3, pp. 631–634; PRT II, pp. 370–372.*

59. **24-06-1332**
[...] abbas et conventus monasterii de Sacromonte Pannonie, ad Romanam ecclesiam nullo medio pertinentis

O: *PBFL Capsa 32.T. (Df 207141)*

E: *AOkmt II, pp. 607–608; PRT II, p. 372.*

60. **14-04-1333, Avignon (A)**
[...] abbati monasterii Sancti Martini de Sacromonte Pannonie, ad Romanam ecclesiam nullo modo pertinentis ...ut circa monasteriorum ... que pastorum destituta solatio Romane ecclesie nullo modo sunt subiecta ... monasterio Sancti Martini de Sacromonte Pannonie, ad Romanam ecclesiam nullo modo pertinentis ...

O: *PBFL Capsa 45. W. (Df 207144)*

E: *PRT II, pp. 376–377.*

61. **14-04-1333, Avignon (B)**
[...] abbati monasterii Sancti Martini de Sacromonte Pannonie, ad Romanam ecclesiam nullo modo pertinentis

O: *Arch. Vat., Joannis XXII. Regesta Bull. Vol. 105. Ann. 17. Past. II. ep. XV.*

E: *PRT II, pp. 377–378.*

62. **26-06-1333, Rome**
[...] abbas et conventus monasterii Sancti Martini de Sacro Monte Pannonie, ad Romanam ecclesiam nullo modo pertinentis [...]

O: *PBFL Capsa 36. E. (Df 207145)*

E: *PRT II, pp. 378–379.*

63. **18-04-1351, Veszprém**
Nos frater Augustinis, Dei [et apostolice] sedis gratia episcopus ecclesie Distillariensis, per venerabilem virum Johannem eadem gratia ele[ctum et con]firmatum ecclesie Wesprimiensis, ad officia episcopalia in sua prefata ecclesia et sua d[ioecesi] deputatus, significamus tenore presentium quibus expedit universis, quod cum nos in presenti festivitate paschali in dicta Wesprimiensis ecclesia officia et ministeria episcopalia exerceremus, secundo die predicti festi Pasche Domini religiosus et Deo amabilis vir frater Georgius, miseratione divina abbas monasterii Beati Mauricii de Beel per reverendum dominum N[icolaum] eadem gratia confirmatum et consecratum archiepiscopum Strigoniensem confirmatus, ad nostram veniens presentiam litteras eiusdem domini Nicolai archiepiscopi patentes nobis exhibendo presentavit, in quibus apparebat [lu]culenter, ut a quocunque idem dominus G[eorgius] abbas vellet, sua auctoritate, recepto [prius] iuramento iuridico, posset consecrari, supplicans nobis humiliter, ut [huius]modi su[am consecrationem] facere dignaremur. Nos igitur invocata Spiritus Sancti gratia [missa in eadem ecclesia Wesprimiensis sol]lemniter per nos personaliter celebrata, coram toto clero dicte ecclesie Wesprim[ensis] ceremoniis pontif[icis] et orationibus ad hoc aptis et ordinatis rite peractis, recepto nichilominus [ab eo] iuramento publice, cum devotione, qua licuit, consecravimus eundem, danto sibi iuxta sanctiones canonum omnia insignia pastoralia, ut pote infulam, baculum, annulum et cerotekas, ut sue exemptionis privilegium postulabat. In cuius rei testimonium presentes concessimus nostri sigilli appositione communitas. [...]

O: *PBFL Capsa 55. J. (Df 207209)*

E: *PRT VIII, p. 328.*

64. **07-07-1354, Villanova**
[...] abbati monasterii Sancti Mauricii de Beel, ad Romanam ecclesiam nertinentis [...]

O: *Arch. Vat., Reg. Vat. Vol. 225. Ann. II. lib. I. fol. 53.*

E: *PRT VIII, pp. 331–332.*

65. **1397**
[...] Beneficia et dignitates extra ecclesiam sed subjectae. [...] Abbatiae. Item abbatiae Pechwaradiensis. Saxardiensis. De Batha. De Simigio. De Zala. De Beel. De Fewldwar. De Zobor. De sancto Benedicto. De Kolosmonostora in partibus Transylvania. De sancto Iogh [...]

Bonifacius [...]. Et si quibuslibet personis ecclesiasticis ex iniuncto nobis apostolice servitutis officio assister defensionis presidio teneamur, ad illorum tamen iurium et privilegiorum conservationem prestantius intendere nos convenit, qui in partem sollicitudinis assumpti potioris sunt dignitatis titulo insigniti. Dudum siquidem ad nostram notitiam deducto, quod de antiqua et approbata et hactenus pacifice observata consuetudine Pechwaradiensis et Saxardiensis ac de Batha et de Feldvar, nec non de Kolosmonostora, ac sancti Andree de iuxta Wisegrad, et sancti Gerardi de Cenadino et Thyhoniensis ac Symigensis, nec non Zalladiensis et sancti Jok ac de Beel nec non de Sambok, et de Chuth ac sancte Crucis de Lelez, ac de Jazow et sancti Stephani de Promontorio Waradiensis, sancti Benedicti et Premontratis ordinum monasteria, nec non Demesiensis et Tituliensis ac Orodienensis et Vetero-Budensis ac Cibinensis collegiatarum ecclesiarum prepositure, nec non sancte Petri martiris nec non sancti Gerardi de Suburbio opidi Budensis alias Novimontispestiensis et Pestiensis ac Vaciensis et de Kesceu ac de Urs prope Budam ac de Kamariensis et de Wissagrad ac de Segesdino ac de Wyhel et de Lampertzaza ac de Zeuleus et de Aranyas ac de Berech et de Nemti parochiales ecclesie ac Cibiensis predictae et Brassoviensis ecclesiarum decanatus, Quinqueecclesiensis, Vesprimiensis, Agriensis, Waradiensium Transilvane, Colocensis, Cenadiensis et Jauriensis diocesum, cum certis parichialibus ecclesiis et plebanis ac decanatus, quorum nomina persentibus litter haberi volumus pro expressis, in dicta Transilvana olim Argensi [!] diocesi et alias ubilibet consistentibus, predictis decanatus immediate subiectus, sub omnimoda iurisdictione in spiritualibus Archiepiscopi Strigoniensis, pro tempore existentis, pleno iure fore dinoscebatur, et quod prelati ac persone monasteriorum, prepositurarum, decanatum et ecclesiarum predictorum nullam aliam preter ipsum Archiepiscopum in eorum superiorem habere et recognoscere et eidem Archiepiscopo tmaquam immediato superiori et nulli alteri obedientiam et reverentiam debitas exhibere ac ad synodum aiusdem Archiepiscopi, quotiens illa per ipsum Archiepiscopum celebrari contingeret, accedere et pro procuratoribus legatorum ac provisionibus nuntiorum Sedis Apostolice persolvendis ac aliis oneribus supportandis contributionem debitam facere consueverant, et quod tam venerabilis frater noster Johannes, quam predecessores seu Archiepiscopi Strigonienses, qui fuerunt pro tempore, in pacifica possessione, vel quasi, iuris exercendi superioritatem et iurisdictionem huiusmodi in monasteria, preposituras, decanatus et alia predicta eorumque personas et loca a tanto tempore fuerant, cuius contrarii memoria non exstabat. Nos consuetudinem eandem, sicut ab olim laudabiliter introducta et ex tunc pacifice observata consistebat, et quecumque inde secuta rata habentes et grata ea auctoritate apostolica ex certa scientia per alias nostras litteras confirmavimus et ipsarum litterarum nostrarum scripti patrocinio communivimus, suppletes omnes defectus, si qui forsitan intervenisset in eisdem, prout in ipsis litteris plenius continetur. Cum autem sicut accepimus, ab aliquibus asseratur, nos aut aliquem predecessorum nostrorum Romanorum pontificum ad alicuius seu aliquorum instantiam vel preses importunas aliqua ex monasteriis, preposituris, decanatus et ecclesiis, prefatis seu personis huiusmodi a iurisdictione et potestate Archiepiscopi Strigoniensi pro tempore existentis, huiusmodi extimisse et etiam liberasse vel imposterum eximere et etiam liberare et contra premissa vel alioquid ipsorum aliquas litteras apostolicas concessisse ac etiam emanasse seu delegasse, nos eidem Johanni et successoribus suis Archiepiscopis huiusmodi super hiis providere volentes, motu proprio, non ad alicuius super hoc [...] instantiam [...] omnes et singulas huiusmodi exemptiones monasteriorum, prepositurarum, decanatum, ecclesiarum, prelatorum et personarum predictorum ac concessionem quascumque, si que a nobis, sive predecessoribus nostris huiusmodi aut de mandato nostro vel predecessorum nostrorum in genere vel in specie [...] emanaverint, vel etiam emanari contingerent [...] ac etiam littera quascumque, si que super exemptionibus [...] conferte [!] appareant revocamus, cassamus et irritamus [...] preinde ac si [...] littere huiusmodi a nobis minime emanasset [!] et insuper, ut prelati et persone huiusmodi in premissis se erga dictum Johannem Archiepiscopum et successores suos huiusmodi eo fidelius et devotius gerere, ipsique Johannes Archiepiscopus et successores huiusmodi iurisdictionem eo quietius exercere possint, quo maiori fuerint libertate muniti, prelatos, personas, monasteria, personas [!], decanatus et ecclesias antedicta cum omnibus bonis spiritualibus et temporalibus, que in presentiarum obtinent, et in futurum, dante Domino, iustis modis poterint adipisci, ab omni iurisdictione dominio, potestate, subiectione et visitatione Archiepiscoporum, Episcoporum et aliorum Ordinariarum et iudicium quorumcumque, preterquam dicti Johannis et successorum suorum Archiepiscoporum Strigoniensium, pro tempore existentium, auctoritate apostolica tenore presentium motu simili totaliter de novo eximimus et perpetuo liberamus ac sub eorundem Johannis Archiepiscopi et successorum protectione suscipimus ac exemptos, immunes atque liberos, ipsique Johanni Archiepiscopo et successoribus suis huiusmodi et nulli alteri volumus immediate subiacere. Ita, quod Archiepiscopi, Episcopi vel iudices supradicti aut alia quavis persona ecclesiastica vel mundana quamcumque prefulgeat dignitate, preter Johannem et successores suos Archiepiscopos huiusmodi in eos ac bona predicta, utpote prorsus exempta, non possint excommunicationis, suspensionis, et interdicti sententias promulgare, aut alias etiam ratione delicti vel contractus aut rei, de qua ageretur in iudicio vel extra, ubicumque committatur delictum, vel iniatur contractus, aut res ipsa consistat, iurisdictionem seu potestatem aliquem [!] exercere omnes et singulos processus ac excommunicationum, suspensionum et interdicti sententias, quos et quas etiam forsitan pretextu exemptionum supradictarum vel alias contra huiusmodi nostre revocationis et exemptionis tenorem promulgari contigerit vel fuerint promulgati seu promulgati, irritos et inanes ac etiam ex nunc irritum et inane, si secus super hiis a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari. [...]

Die Quellen des Kaschauer Privilegs*

Die erste ungarisch-polnische Personalunion haben zwei zeitgenössische Quellen überliefert. Die eine von ihnen ist die Chronik des unter Kasimir dem Großen (1333-1370) tätigen polnischen königlichen Vizekanzlers, Jan von Czarnkow,¹ während die andere selbst von Ludwig von Anjou (1342-1382) in Kaschau (ung. Kassa, slow. Košice) im Jahre 1374 erlassen wurde, und in der Geschichtsschreibung als Kaschauer Privileg bekannt ist.

In dem vorliegenden Aufsatz soll versucht werden, die möglichen Quellen dieser Urkunde festzustellen. Das Kaschauer Privileg wurde am 17. September 1374 erlassen. Es ist eines der wenigen in Polen entstandenen Urkunden aus dem 14. Jahrhundert, die in Originalfassung überliefert sind.² Eine Fotokopie dieses Originalen befindet sich in Budapest im Landesarchiv.

Das Privileg spielt eine zentrale Rolle in der Bewertung der Geschichtsschreibung über die Tätigkeit von Ludwig dem Großen als König von Polen, und diese Bewertung ist nicht unbedingt besonders günstig. Bereits Józef Szujski, einer der emblematischen Historiker der Jahrhundertwende hat das Privileg als „*Fundament aller polnischen Freiheitsrechte*“ genannt. Als grundsätzlicher Meilenstein in der Beziehung zwischen königlicher Macht und Ständen bezeichnete es Michał Bobrzyński.³ Andere haben in ihm entweder die für den ganzen Adel gegebenen Privilegien gesehen,⁴ während wieder andere die Schwächung der königlichen Macht ihm beigemessen haben.⁵ Als ständisches „Grundgesetz“ definiert das Kaschauer Privileg eine andere Richtung der Literatur,⁶ wieder andere verbinden mit ihm mit der Regelung der Thronfolge in Polen.⁷ Die rechtsgeschichtliche Forschung nennt es das erste

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¹ J. SZLACHTEWSKI [ed.], *Joannis de Czarnkow Chronikon Polonorum*, in: *Monumenta Poloniae Historica*, Tom 2, Lwów, 1872, 621-753.

² Biblioteka Czaretoryskich, Diplomata. Siehe als Maßgebende Edition: L. ZAKRZEWSKI [ed.], *Codex diplomaticus Maioris Poloniae (Kodeks Dyplomatyczny Wielkopolski)*, Tomus III, Poznań, 1879 (im weiteren: KDW III), 1709.

³ M. BOBRZYŃSKI, *Dzieje Polski w zarysie I-III*, Kraków, 1919 (im weiteren: BOBRZYŃSKI I), 197.

⁴ K. TYMIENICKI, *Polska w średniowieczu*, Warszawa, 1961, 147.

⁵ H. ŁOWMIAŃSKI [ed.], *Historia Polski*, Tom 1, część 1, do roku 1405., o. D., o. O. (im weiteren: ŁOWMIAŃSKI), 558-559

⁶ Es wird der Untergang der königlichen Macht, das Vorrücken des Adels stark betont von: S. HÜPPE, *A lengyel alkotmány története* [Geschichte der polnischen Verfassung], Budapest, 1894 (im weiteren: HÜPPE 1894), 26., es wird die Gleichsetzung von König und Adel erörtert von St. KUTRZEBA, *Grundriss der polnischen Verfassungsgeschichte*, Berlin, 1912 (im weiteren: KUTRZEBA 1912), 26-27; vgl. noch H. SAMSONOWICZ, *Historia Polski do roku 1795*, Warszawa, 1990² (im weiteren: SAMSONOWICZ 1990), 93.

⁷ So z.B. bereits Z. WOJCIECHOWSKI, *L'état polonais au Moyen âge. Histoire des institutions*, Paris, 1949 (im weiteren: WOJCIECHOWSKI 1949), 114; J. KRZYŻAKOWNIA – J. OCHMAŃSKI, *Władysław II Jagiełło*, Wrocław-Kraków, 1990 (im weiteren: KRZYŻAKOWNIA-OCHMAŃSKI 1990), 137: „Um die Thronfolge gewährleisten zu können, musste Ludwig die Unterstützung des ganzen Adels erreichen“; J. WYROZUMSKI, *Historia Polski do roku 1505*, Warszawa, 1979 (im weiteren: WYROZUMSKI 1979), 240.: „Der Adel als Stand hat große Begünstigungen bekommen, nachdem er als Thronrecht seiner Töchter anerkannte.“; Die vollständige Steuerfreiheit scheu in ihm M. TYMOWSKI – J. KIENIEWICZ – J. HOLZER, *Historia Polski*, Wrocław, 1988, 79.

Landesprivileg für Polen,⁸ und viele machen auf seine schädlichen Eigenschaften aufmerksam.⁹

Auch die ungarische Geschichtsforschung hat sich in dieser Angelegenheit geäußert. Bereits A. Pór definierte diese Urkunde als „Großprivileg Polens“,¹⁰ andere legen wieder Wert auf die landesweite Kompetenz seiner Bestimmungen,¹¹ I. Bertényi, der gewandte Kenner der Geschichte des 14. Jahrhunderts stellte das Wesen des Privilegs in der Minderung der Verpflichtungen der königlichen Macht gegenüber¹² einer anderen Ansicht nach war es ein adelig-ständisches Dokument, das „...als Grundgesetz der adeligen Demokratie im Rechtsbewusstsein der Herrscherklasse vorhanden war.“¹³

Hingegen hat bereits Adam Vetulani darauf aufmerksam gemacht, dass das Privileg – unrichtig – nur als Gegenstand des öffentlichen Rechts betrachtet werde, und hat sich auf die vielen anderen Bestimmungen des Privilegs aufmerksam gemacht,¹⁴ wobei er betonte, die staatsrechtlich schädlichen Eigenschaften des Privilegs seien nur in der Jagellonischen Epoche nachzuweisen.¹⁵ J.S. Matuszowski hat die staatsrechtlich gesinnten und anderen Artikel des Privilegs gesondert behandelt,¹⁶ während R. Grodecki das Privileg als notwendige Folge der gesellschaftlich-wirtschaftlichen Entwicklung des 14. Jahrhunderts bewertet hat.¹⁷

Seit langem gibt es Diskussion in der Forschung, welche die möglichen historischen Quellen des Kaschauer Privilegs sein können. In dieser Hinsicht sind es zwei, einander vollkommen gegensätzlichen Auffassungen der Literatur bekannt. Die polnische rechtshistorische Schule betrachtet das Kaschauer Privileg als unabtrennbares Bestandteil der polnischen rechtsgeschichtlichen Entwicklung, und geht davon aus, dass dieses Privileg nur eine Stufe der polnischen Verfassungsentwicklung bedeutet,¹⁸ und will nur einen Unterschied den früheren Privilegien

⁸ St. KUTRZEBA, *Historia ustroju Polski w zarysie. Korona*, Warszawa, 1949, 160; J. BARDACH [ed.], *Historia Państwa i prawa Polski*. Tom 1, do połowy XV. Wieku, Warszawa, 1963² (im weiteren BARDACH), 422.

⁹ J. SERCZYK, „Chłopi polscy w pierwszym okresie feudalizmu (do 1454 roku)” in: *Z dziejów chłopów polskich*, Warszawa, 1968 (im weiteren: SERCZYK 1968), 60.; „Das Privileg war sehr schädlich für Polen, insbesondere wegen der Steuerangelegenheiten.”

¹⁰ A. PÓR – Gy. SCHÖNHERR, „Az Anjou-ház és örökösei” [Die Anjou-Dynastie und ihre Erben] (1301-1439), in: Szilágyi Sándor [Hrsg.], *A magyar nemzet története* [Geschichte der ungarischen Nation], Bd. III., Budapest, 1895 (im weiteren: PÓR 1895), 299.

¹¹ Gy. KRISTÓ – P. ENGEL – A. KUBINYI, *Magyarország története* [Geschichte Ungarns] 1301-1526, Budapest, 1998 (im weiteren: KRISTÓ-ENGEL-KUBINYI), 90; Die Einbüßung der Verpflichtungen der Krone gegenüber betont BERTÉNYI I., *A 14. század története* [Geschichte des 14. Jahrhunderts], Budapest, 2000 (im weiteren: BERTÉNYI 2000), 160.

¹² I. BERTÉNYI, *Nagy Lajos király* [König Ludwig von Anjou], Budapest, 1989 (im weiteren: BERTÉNYI 1989), 104.

¹³ P. HORVÁTH, *Egyetemes jogtörténet* [Allgemeine Rechtsgeschichte], Budapest, 1994 (im weiteren: HORVÁTH 1994), 147.

¹⁴ A. VETULANI, „Ustrój władzy państwowej” in: *Dziejów Polski plaski i cienie*, Warszawa, 1968, 52-83, (im weiteren: VETULANI 1968), 62-64.

¹⁵ EBENDA, 65.

¹⁶ J. St. MATUSZEWSKI, *Przywileje i polityka podatkowa Ludwika Węgierskiego w Polsce*, Łódź, 1983 (im weiteren: MATUSZEWSKI 1983), 13-15.

¹⁷ R. GRODECKI, „Działalność gospodarcza Kazimierza Wielkiego” in: DERS., *Polska Piastowska*, Warszawa, 1969, 435-578, (im weiteren: GRODECKI 1969), 575.

¹⁸ O. BALZER, *Historia porównawcza praw słowiańskich*, Lwów, 1900, (im weiteren: BALZER 1900), 35-39; O. BALZER, *Sprawozdania Twarzystwa Naukowego we Lwowie*, XI/2, 62-63., (im weiteren: BALZER 1931), 63.; P. SKWARCZEŃSKI, *Z badań nad przywilejami ziemskimi*

gegenüber anerkennen, indem das Kaschauer Privileg als Gesamtpolnisches Privileg betrachtet.¹⁹

Dem gegenüber hat eine andere Gruppe der Forschung eine ungarische Herkunft des Privilegs betont.²⁰ Diese Auffassung geht davon aus, dass das Kaschauer Privileg unmittelbar auf das 1355 in Buda (Ofen) erlassene sogenannte Ofner Privileg zurückgeht, bzw. auf beide hätte die von Ludwig von Anjou 1351 teilweise erneuerte ehemalige Goldene Bulle von Andreas II (1205-1235) gewirkt, deren Bestimmungen als „Verfassung“²¹ grundlegendes adeliges Recht in Polen eine Rezeption gefunden hätten, und von nun an für den ganzen Adel maßgebend gewesen seien.²²

Die Betonung der Zusammenhänge zwischen der ungarischen und polnischen Rechtsentwicklung kann nach gewissen Voreignissen aus dem 19. Jahrhundert²³ mit einer Richtung der Forschung in der Zwischenkriegszeit verbunden werden. Die stärksten Vertreter dieser Ansicht war in Ungarn A. Divéky, in Polen Jan Dąbrowski. Beide Gelehrte, besonders dennoch Divéky sind davon ausgegangen, dass einige Artikel der in den Gesetzen von Ludwig von Anjou 1351 erneuerten Goldenen Bulle sowohl im Ofner, als auch im Kaschauer Privileg wiedergefunden werden können.

Laut Divékys Feststellungen soll ein Artikel des Ofner Privilegs, in dem Ludwig versprach, im Falle seiner Inthronisierung in Polen keine neuen Steuersätze zu ziehen, beziehungsweise ein anderer Artikel des Ofner Privilegs mit zwei Artikeln der im Jahre 1351 erneuerten Goldenen Bulle übereinstimmen.²⁴

Ofner Privileg

"...nullas collectas seu exactiones nos et nostri successores, nostri et eorumdem regiminis in predicto regno tempore exigi faciemus a regnicolis prenotatis, quas recolende memorie dominus pater ipsius domini regis aut idem dominus rex, aliquibus ex causis ultra consuetam et

Gesetze aus 1351

Item nullam collectam, nec liberos denarios colligi faciemus.

budzińskim i koszyckim, Lublin, 1936, (im weiteren: SKWARCZEŃSKI 1936), 39-40.; BARDACH, 482.

¹⁹ SKWARCZEŃSKI 1936, 40; BARDACH, 422.

²⁰ A. PÓR, „Magyar-ruthén érintkezések a XIV-ik században” [Ungarisch-ruthenische Beziehungen im 14. Jh.], *Századok* 1904, 935-949, (im weiteren: PÓR 1904), 935; A. MURARIK, *Az ősiség alapintézményének eredete* [Herkunft der Grundinstitution der Avitizität], Budapest, 1938, (im weiteren: MURARIK 1938), 191; A. DIVÉKY, *Az arany bulla hatása a lengyel jogra* [Einfluss der Goldenen Bulle auf das polnische Recht], (Értekezések a történeti tudományok köréből, XXVI/2.) Budapest, 1942 (im weiteren: DIVÉKY 1942); J. DĄBROWSKI, *Ostatnie lata Ludwika Wielkiego w Polsce 1370-1382*, Kraków, 1918 (im weiteren: DĄBROWSKI 1918), 136-137; K. KORANYI, „Złota Bulla Andrzeja II a przywilej koszycki z roku 1374” *Sprawozdania Towarzystwa Naukowego we Lwowie* XI (1931/2), 61-62. (im weiteren: KORANYI 1931), 61; St. GRODZISKI, „Polska i Węgry – uwagi o podobieństwie ustrojowym” in: *Polska i Węgry w kulturze i cywilizacji europejskiej*, Kraków, 1997, 73-82 (im weiteren GRODZISKI 1997), 81.

²¹ PÓR 1904, 935. : „Die Versammlung von Kaschau im Jahre 1374 hat der polnischen Natione eine der ungarischen ähnliche Verfassung gegeben...”

²² EBENDA, 4.

²³ J. SZUJSKI, *O młodości naszego cywilizacyjnego rozwoju. Opowiadania i rozstrząsania historyczne*, Warszawa, 1882, 406-407; St. SMOLKA, *Rok 1386*, Kraków 1886, 62.

²⁴ DIVÉKY 1942, 6.

solitam libertatem ab eisdem regnicolis, et presertim prelatiis et personis ecclesiasticis eorumque villis, populis seu incolis, nobilibus ac eorum villis et populis, seu civitatensibus regni eiusdem cuiuscunque status et condicionis exigi seu extorqueri fecissent; sed hiis contenti erimus, que ipsi solvere consueverunt ab antiquo, vel que ad cameram regiam seu ius regale constiterit pertinuisse seu constabit."

Ofner Privileg

Item si per regnum illud quocunque tempore nos procedere contingat, descensus super prelatos, ecclesias, monasteria, eorumque populos supradictos, seu regni antedicti nobiles et eorum iobagiones, populos, vel inquilinos, non faciemus contra eorum voluntatem, nec aliquid occasione descensus exigi faciemus ab eisdem; quod si alias pro faciendo descensu divertere non possemus, extunc pro nostris sumtibus et pecuniis nos procurari in victualibus et aliis necessariis faciemus²⁵

Gesetze aus 1351

Super praedia servientum nec domos, nec villas descendemus, nisi vocati. Super populos etiam ecclesiarum ipsorum nullam penitus collectam faciemus²⁶

Ferner dachte er eine textuale Verbindung zwischen dem Art. 7 der erneuerten Goldenen Bulle bzw. dem Ofner und Kaschauer Privileg entdeckt zu haben. In den zitierten Artikeln wird geregelt, dass der König in den Feldzügen, die ins Ausland geführt werden, verpflichtet ist, die den Adligen angebrachten Schäden zu ersetzen.²⁷

Kasachauer Privileg

Demum, si nostro et nostrorum successorum regiminis tempore pro aliqua expeditione facienda ultra fines eiusdem regni procedere nos expediat, vel eosdem nobiscum vel sine nobis cum inimicis quibuscunque in eadem expeditione conflictum seu bellum facere et inire contigerit, et aliqui ex ipsis in eodem conflictu capti fuerint et detenti dampnaque parva vel magna perceperint, ipsis in rebus et personis plenariam satisfactionem imendemus.²⁸

Ofner Privileg

„Caeterum si in nostri et successorum regiminis tempore, pro aliqua expeditione facienda, ultra fines regni procedere nos contingat et expediat vel eosdem, de damnis, si quae regnicolae ejusdem regni in eadem expeditione nobiscum aut aliquo nostrorum successorum existentes, i nostris aut ipsorum servitiis subierint, plenarie eisdem satisfactionem impendemus et ipsi iidem impendere teneantur“²⁹

Gesetze aus 1351

„Si autem rex extra regnum exercitum ducere voluerit, servientes cum eo ire non teneantur, nisi pro pecunia ipsius. Et post reversionem iudicium exercitus super eos non recipiet. Si vero ex adversa parte exercitus venerit super regnum, omnes universaliter ire teneantur. Item si extra regnum exercitus ducere voluerimus et cum exercitu iuerimus, omnes, qui comitatus habent pro pecunia nostra nobiscum ire teneantur.“³⁰

²⁵ KDW III, nr. 1328.

²⁶ D. MÁRKUS [Hrsg.], *Magyar Törvénytár I, 1000-1526* [Corpus Iuris Hungarici], Budapest, 1899, (im weiteren: MT), 132.

²⁷ DIVÉKY 1942, 6-7.

²⁸ KDW III, 1709

²⁹ KDW III, 1328.

³⁰ MT I, 134.

Schließlich fand Divéky zwischen dem Art. 11 der erneuerten Goldenen Bulle und dem Kaschauer Privileg auch einen Zusammenhang, Diese Artikel regelten die Landesämter.³¹

Kaschauer Privileg

*"Item promittimus, quod tales honores et dignitates, utpote Panatinatus, Castellanatus, Judicia et Succamerariatus officia, et his similia, qui vel quae usque ad vitam conservari consueverunt, aliis quibuspiam hominibus extraneis hospitibus non conferemus, nisi talibus, qui sint regnicolae terrarum ejusdem Regni, in quibus hujusmodi dignitates, vel honores consistunt, quas etiam dignitates et omnia officia ac singula volumus in eorum iuribus prout fuerunt tempore Serenissimorum Principum Dominorum Vladislai avi, et Casimiri avenculi nostrorum Regnum Poloniae conservare plenarie."*³²

Gesetze aus 1351

*Si hospites, videlicet boni homines ad regnum venerint, sine consilio regni ad dignitates non promoveantur.*³³

Divéky hat darüber hinaus mehrere weitere Analogien zwischen der Goldenen Bulle und dem polnischen Recht beschrieben. Da dürfen seiner Meinung nach ein Artikel des Privilegs von Czerwińsk (1422), wo geregelt wurde, dass Adlige ohne Gerichtsurteil nicht gefangen genommen werden dürfen,³⁴ ferner das Auftauchen des Widerstandsrechts in Polen (1501) ebenso aufgrund der Goldenen Bulle erlassen worden sein.³⁵

Unseres Erachtens sollte man in der Frage, ob die polnische Rechtsentwicklung tatsächlich in einer derartig engen Verbindung mit dem ungarischen Recht stand, und ob ein Einfluss des ungarischen Rechts auf die polnischen Ereignisse zu betrachten ist, mit etwas Sorgfalt voranzugehen.

Einerseits ist festzustellen, was womit zu vergleichen ist. Da das Kaschauer Privileg das einzige Dokument ist, das von Ludwig von Anjou als König von Polen erlassen wurde, muß man unseres Erachtens diese Urkunde als eventuelle Trägerin ungarischer Rechtsquellen betrachten. Daher müssen die zitierten Beispiele sowohl aus dem 15., als auch dem 16. Jahrhundert außer Acht gelassen werden. Andererseits wäre zu klären, welche ungarischen Rechtsquellen als eventuelle Quellen ins Wort kommen.

Wie darauf bereits hingewiesen wurde, bezeichneten sowohl die betroffenen ungarischen, als auch die polnischen Gelehrten die von Andreas II im Jahre 1222 erlassene und von Ludwig 1351 teilweise erneuerte Goldene Bulle als Quelle der polnischen Ereignisse.

Die neuere Forschung hat bereits standfest nachgewiesen, dass die sogenannte erste Goldene Bulle (1222) in Gegensatz zu den Bestrebungen, sie in verschiedenen ausländischen Vorbildern zu suchen,³⁶ der

³¹ DIVÉKY 1942, 7-8.

³² KDW III, 1709.

³³ MT I, 136.

³⁴ DIVÉKY 1942, 11.

³⁵ EBENDA, 13.

³⁶ Unter anderem hat A. Divéky in einem seiner früheren Arbeiten die Goldene Bulle mit der Verfassung des Königreiches von Jerusalem verglichen. Vgl.: A. DIVÉKY, *Pochodzenie węgierskiej Złotej Bulli i jej wpływ na prawo polskie*, Kraków, 1938.

innenpolitischen Zwietracht unter König Emerich und Andreas II entspringen,³⁷ und organisch mit den Bestrebungen verbunden sind, die nach dem Lateraner Konzil (1215) das Säkularrecht einzelner Länder mit römisch-kanonistischer Terminologie beschrieb.³⁸ Es ist ebenso seit langem bekannt, dass es zwischen den päpstlichen Bullen von Honorius II. und der ersten Goldenen Bulle eine Beziehung gibt.³⁹ Was die subjektive Geltung der Goldenen Bulle anbelangt, ist mehrfach geklärt worden, dass 11 von den 31 Artikeln der ersten Goldene Bulle mit dem Stand der königlichen Diener (*servientes regis*) befasst hat, ihre Privilegien wurden davon in 10 Artikeln umschrieben.⁴⁰ Sie *servientes regis* haben ihre Forderungen damals noch als „lärmende Masse“ betont.⁴¹ Die Goldene Bulle musste bereits 1231 erneuert werden. Im Laufe dessen wurden 12 Artikeln der „alten“ Goldenen Bulle nicht mehr in die neue Urkunde übernommen, und auch der Inhalt der übernommenen Artikel wurde geändert, wobei auch neue Forderungen entstanden. 1267 wurde die Goldene Bulle wieder erneuert. In diesem Dokument sind die Forderungen der früheren Bullen und die Behebung der aktuellen innenpolitischen Probleme (vor allem die Politik von Béla IV. (1235-1277) nach dem Mongolensturm) vermischt vorhanden.⁴²

Die Bewegungsfeder der ersten (und auch der anderen) Goldenen Bulle sind also in der geschichtlichen Wahrheit Ungarns im 13. Jahrhundert zu suchen.

Wenn dennoch als Grundlage der Einwirkung des ungarischen Rechts auf die polnischen Gesetze die Tatsache der Personalunion (1370-1382) angenommen wird, muß man unbedingt von der Gesetzgebung von Ludwig (1351) ausgehen. Bekanntlich musste Ludwig 1351, angeblich als Folge der des militärischen Scheiterns in Neapel Landtag einberufen, wo er als erster der ungarischen Könige die erste, archaische Goldene Bulle aus dem Jahre 1222 bestätigen musste.⁴³ Die Konfirmierung war dennoch nicht vollständig vollzogen, die freie Verfügung über den Besitztümern wurde aufgehoben,⁴⁴ und führte vollkommen neue Maßnahmen ein, wie die Verpflichtung des Eintreibens der Nona von den Leibeigenen zugunsten des Grundherrn, das Prinzip der einen und derselben Nobilität, wodurch die Adligen in Slawonien dieselben Privilegien besitzen konnten,

³⁷ Vgl.: Gy. KRISTÓ, *Az aranybullák évszázada* [Das Jahrhundert der Goldenen Bullen], Budapest, 1976 (im weiteren: KRISTÓ 1976), 62-65.

³⁸ Siehe dazu in der Literatur: J. GERICS, *A korai rendiség Európában és Magyarországon* [Frühes Ständewesen in Europa und Ungarn], Budapest, 1987.

³⁹ Gy. BÓNIS, „Decretalis Intellecto (III. Honorius a koronajavak elidegeníthetlenségéről)” [Honorius III über die Unveräußerlichkeit der Kronengüter], *Történelmi Szemle* 17 (1974), 24-31.

⁴⁰ I. Petrovics in Gy. KRISTÓ (Hrsg.), *Korai magyar történelmi lexikon (9-14. század)* [Lexikon für die frühere Geschichte Ungarns (9.-14. Jh.)] Budapest, 1994 (im weiteren: PETROVITS 1994), 55-56.

⁴¹ J. KARÁCSONYI, *Az Aranybulla keletkezése és első sorsa* [Entstehung und erster Werdegang der Goldenen Bulle], (Értekezések a történelmi tudományok köréből, 18.) Budapest, 1899, 7; J. SZÜCS, „Az 1267. évi dekretum és háttere. Szempontok a köznemesség kialakulásához” [Das Dekret vom Jahre 1267 und sein Hintergrund. Gesichtspunkte zur Entstehung des mittelständischen Adels], in: E. H. BALÁZS – E. FÜGEDI – F. MAKSAY (Hrsg.), *Mályusz Elemér emlékkönyv* [Festschrift Elemér Mályusz], Budapest, 1984, 341-394. (im weiteren: SZÜCS 1984), 342.

⁴² SZÜCS 1984, 343-344.

⁴³ PETROVITS 1994, 56.

⁴⁴ PETROVITS 1994, 56.

wie die anderen Adligen im Land, hat Maßnahmen hinsichtlich den Leibeigenen getroffen, indem die Besitztümer des kleineren Adels den Großbesitzümern gegenüber beschützte⁴⁵ und den freien Umzug der Bauern gewährleistete.⁴⁶

Daraus folgt, dass im Mittelpunkt der Gesetzgebung als Gesamtwerk von Ludwig nicht die Erneuerung der Goldenen Bulle steht, sondern seine neuen Maßnahmen.

Im Gegensatz zu dem inhaltlichen Wesen der ersten Goldenen Bulle und der Gesetze von Ludwig steht im Mittelpunkt des Kaschauer Privilegs die Thronfolge in Polen, wie dies in der Literatur im allgemeinen betont wird. Die Bedingungen der Thronfolge regulierte vor 1374 das Ofner Privileg. Dies wurde 1355 aus dem Grunde erlassen, weil Kasimir der Große während seines Litauenfeldzuges schwer erkrankte, und da er sein Ende zu kommen glaubte, die Thronfolge als politisches Problem plötzlich akut wurde.⁴⁷ In Ofen ist ein vierköpfiges Gremium im Namen der Einwohner von Polen bei Ludwig eingetroffen, wo der ungarische König in einer Urkunde sich äußerte, unter welchen Bedingungen er den Thron besetzen würde.⁴⁸ Das Ofner und das Kaschauer Privileg regeln die Thronfolge mit den nachstehenden Abweichungen:

Ofner Privileg

"Demum, si quod absit nos aut dominum Iohannem ducem, nepotem nostrum, absque herede masculini sexus decedere contingat, extunc omnia pacta, concenciones, dispositiones, ordinaciones, iuramenta fidelitatis et homagii ac obligamina quelibet, confecta super sacramento regni Polonie supradicti, que nos aut nostros et ipsius heredes contingebant, eo ipso annullentur, irretentur et viribus maneanit caritura, nec alii successores nostri, preterquam heredes memorati horum pactorum occasione aliquid iuris in eodem valeant ulterius vendicare; sed regnicole ipsius regni Polonie super ipsis liberi sint penitus et exempti ac per omnia expediti."⁴⁹

Kaschauer Privileg

"...demum baronum, militum, nobilium et aliorum omnium consensu et voluntate accedente, filias nostras, non extante prole masculina, sibi in dominos et heredes regni predicti benivole acceptaverunt, quas fieri nostros successores et coronam regni Polonie ipsas volunt et voluerunt obtinere. Tamen in eo casu, quo filium vel filios divina nobis providente clemencia habuerimus, unum ex eisdem masculum, illis autem deficientibus, unam ex nostris filiabus nunc natis et extantibus ac in futurum nascituris, quem vel quam nos vel excellentissime domine regine, mater et consors nostre carissime, ipsi assignabimus et assignabunt, illum vel illam habeant pro herede, prout eisdem per barones, nobiles, proceres, civitatenses et singulos inhabitantes regni Polonie fit et facta est de nostra voluntate obligacio homagialis, tanquam vero principi et nostro successori."⁵⁰

Die Frage der Thronfolge erscheint also als politische Frage zuerst im Ofner Privileg, und wurde unseres Erachtens aufgrund dieser Urkunde 1374 modifiziert. Der Inhalt änderte sich im Kaschauer Privileg.

⁴⁶ I. SZABÓ, „Az 1351. évi XVIII. Törvénycikk” [Der Artikel XVIII 1351], in: DERS., *Jobbágyok-parasztok* [Leibeigene-Bauern], Budapest, 1976, 123-136 (im weiteren: SZABÓ 1976), 132.

⁴⁶ I. SZABÓ, „Az 1351. évi jobbágytörvények” [Die Leibeigenengesetze des Jahres 1351], in: DERS. *Jobbágyok-parasztok* [Leibeigene-Bauern], Budapest, 1976, 137-166 (im weiteren: SZABÓ 1976a), 160.

⁴⁷ GRODECKI-ZACHOROWSKI-DĄBROWSKI II, 76; DĄBROWSKI 1922, 13; KNOLL 1986, 108-110.

⁴⁸ GRODECKI 1971, 507-508; WYROZUMSKI 1982, 207.

⁴⁹ KDW III, 1328

⁵⁰ KDW III, 1709

Diesbezüglich kann dennoch keine Übernahme aus irgendwelchen ungarischen Gesetzen nachgewiesen werden.

Der nächste wichtige Artikel des Kaschauer Privilegs ist mit den Steuern in Zusammenhang. Wie bereits darauf hingewiesen wurde, soll hier laut A. Divékys Vorstellungen eine Übernahme aus den ungarischen Gesetzen erfolgt sein. Man könnte dennoch gewissen Zweifel daran hegen, ob eine derartige Übernahme wirklich möglich wäre. Im von Divéky zitierten Beispiel wird nämlich ein Artikel des Ofner Privilegs mit einem der erneuerten Goldenen Bulle verglichen (siehe oben), das Kaschauer Privileg wird überhaupt nicht ins Betracht gezogen. Darüber hinaus gibt es sehr grobe Unterschiede im zitierten Text. Im Ofner Privileg wird ausdrücklich betont, dass der König Steuersätze *ultra consuetam et solitam libertatem* eintreiben würde, dennoch auf diejenigen – heißt es in der Urkunde – die *ab antiquo* geleistet werden, würde der König nicht verzichten. Unseres Erachtens ist also der ursprüngliche Stand der Steuerangelegenheiten des Ofner Privilegs zu entnehmen. Die Bestimmungen von 1355 werden wieder 1374 wesentlich geändert. Das Kaschauer Privileg beinhaltet nämlich zwei Bestimmungen. Einerseits werden gewisse Leistungen vollkommen abgeschafft, während im anderen Teil des Textes über die Bemessung einer zwei Groschen Wert betragenden Summe zugunsten der königlichen Macht gelesen werden kann.

Das Problem der ganzen Steuerfrage liegt also in den Ereignissen der Zeitperiode zwischen 1355 und 1374, und wiederum scheint die Urquelle der Problematik das Ofner Privileg zu sein.

Ofner Privileg

"...nullas collectas seu exactiones nos et nostri successores, nostri et eorumdem regiminis in predicto regno tempore exigi faciemus a regnicolis prenotatis, quas recolende memorie dominus pater ipsius domini regis aut idem dominus rex, aliquibus ex causis *ultra consuetam et solitam libertatem* ab eisdem regnicolis, et presertim prelati et personis ecclesiasticis eorumque villis, populis seu incolis, nobilibus ac eorum villis et populis, seu civitatibus regni eiusdem cuuscunque status et conditionis exigi seu extorqueri fecissent; sed hiis contenti erimus, que ipsi solvere consueverunt *ab antiquo*, vel que ad cameram regiam seu ius regale constiterit pertinuisse seu constabit."⁵¹

Kaschauer Privileg

"...civitates, castra, possessiones, oppida et villas, incolas villarum totius regni Polonie inhabitantes ipsorum baronum et nobilium omnium absolvimus, liberamus et exemimus ab omnibus et singulis collectis, dacionibus, contributionibus, exactionibus sive tributis, tam generalibus quam specialibus, quocunque nomine censeantur, et ab omnibus serviciis, laboribus, vexacionibus, angariis et preangariis in rebus et personis committendis, pure et simpliciter solutos et absolutos esse volumus et exemptos; sed hiis tantum volumus esse contenti, quod duo grosso usualis monetae in dicto regno currentis, quorum quadraginta octo marcam Polonicalem facient, de quolibet manso vel sorte locatis et possessis, singulis annis nobis et nostris successoribus in festo beati Martini confessoris in signum summi domini et recognitionem corone regni Polonie exsolvantur."⁵²

Es scheint ebenso der nächste, zum Vergleich verwendete Artikel problematisch zu sein. In diesem Artikel werden die Verpflichtungen des

⁵¹ KDW III, 1328

⁵² KDW III, 1709

Adels für Kriegsfälle umschrieben. Wenn die oben erörterte Theorie zuträfe, sollte hier ebenso eine unmittelbare Übernahme aus den ungarischen Gesetzen folgen. Dennoch sieht man zwischen den ungarischen und polnischen Quellenstellen große Unterschiede. Während das Ofner und das Kaschauer Privileg nur über die ins Ausland zu führenden Kriege sprechen, und im Mittelpunkt der Bestimmung die Behebung der durch diese Kriege angebrachten Schäden *in rebus et personis* steht, behandeln die ungarischen Gesetze getrennt die ins Inland und ins Ausland zu führenden militärischen Expeditionen, während kein Schadenersatz zugesprochen wird. Darüber hinaus ist die subjektive Geltung der ungarischen bzw. polnischen Gesetze unterschiedlich. Das Ofner und Kaschauer Privileg sprechen nur im allgemeinen über die Einwohner des Landes (*regnicolae*), die ungarischen Gesetze betreffen dennoch die *servientes*, und diejenigen, *qui comitatus habent*:

Auch beim nächsten, zum Vergleich verwendeten Artikel sind lieber die Unterschiede charakteristisch, als die Gleichheiten. In diesem Falle, wo es um die Einsetzung in die Landesämter geht, kann man in den ungarischen Gesetzen im allgemeinen lesen, dass ohne die Zustimmung des Rates des Königreiches die Ankömmlinge aus dem Ausland nicht beamtet werden dürfen. Im Gegenteil reguliert das Kaschauer Privileg die ganze Problematik wie folgt: diejenigen Ämter, die lebenslänglich auszuüben sind, dürfen keinem „Ausländer“ vergeben werden, nur solchen, die in den Regionen des Landes leben, wo diese Ämter ansässig sind, andererseits werden diese Ämter in den Berechtigungen gehalten, die sie früher genossen haben.

Darüber hinaus enthält das Kaschauer Privileg zahlreiche Bestimmungen, die in keinen ungarischen Gesetzartikeln aufzufinden sind. Daher kann zusammenfassend feststellen, wenn man aufgrund des Textes der ungarischen bzw. polnischen Gesetze Übereinstimmungen finden wollte, sieht man so was nur bei Aufhebung der Verpflichtung des *descensus*. Das ist dennoch nur eine nebensächliche Angelegenheit im Kaschauer Privileg.

Als Abschluss des vorliegenden Aufsatzes ist zu bemerken: unseres Erachtens entstand das Kaschauer Privileg aufgrund der polnischen innenpolitischen Probleme, ebenso, wie die ungarischen Gesetze auf die innengeschichtlichen Ereignisse Ungarns reflektierten. Diese Fragen, wie die Thronfolge, Steuerangelegenheiten usw. dürfen bereits früher, noch während der Regierungszeit von Kasimir dem Großen vorhanden sein, und wurden schriftlich zum ersten Male 1355, im Ofner Privileg zum Ausdruck gebracht. Daher scheint das Kaschauer Privileg nur eine Quelle, nämlich das Ofner Privileg zu haben, dessen gewisse Bestimmungen – ebenso im Verhältnis zur indessen veränderten innenpolitischen Situation – 1374 abgeändert wurden.

Das Kaschauer Privileg aus dem Jahre 1374

In nomine domini amen. Cum gesta principum debeant inviolabiter futurorum memorie enodari et confirmationes libertates communitates privilegia instrumenta ratificationes perpetuis temporibus perhennari. Proinde Nos Lodovicus dei gracia Hungarie Polonie Dalmatie etc. rex ad universorum tam presencium quam futurorum noticiam volumus devenire, quod ex puro animo et sinceris affectibus regnum nostrum Polonie in bono statu et robore permanere ahelantes, licet aliis nostris promissionibus instrumentorum seu privilegiorum nobilibus nostris Regni Polonie fuisset obligati, quod decedentibus nobis de hac luce masculinam prolem nostram tantum et non femininam deberent habere et sibi recipere nostrum in heredem et successorem regni Polonie, demum baronum militum nobilium et aliorum omnium consensu et voluntate accedente, filias nostras non extante prole masculina sibi in dominos et heredes benivole acceptaverunt atque receperunt, quas fieri nostros successores et coronam regni Polonie volunt et voluerunt obtinere. Extunc in eo casu quo filium vel filios divina nobis providente clemencia habuerimus unum ex eisdem mascululum, illis autem deficientibus unam ex nostris filiabus nunc natis et extantibus ac in futurum nascituris que vel qua nos vel excellentissime domine regine, mater et consors carissime, ipsis assignabimus et assignabunt, illum vel illam habeant pro herede et successore nostro et ipsi regnicole assumere teneatur et habere, prout eisdem per barones, nobiles, proceres, civitatenses et singulos inhabitantes regni Polonie fit et facta est de nostra voluntate obligacio homagialis, tanquam vero principi et nostro successori. Ipso vero vel ipsa, quod absit in vita deficiente prole sua non extante, alter filius noster vel filia nostra habet succedere in regno Polonie supradicto, et sibi similiter obligacio homagialis et promissio fit et facta est, exnunc prout extunc, et extunc prout exnunc recipient in principem, heredem et legitimum successorem; et deinde vel abinde successores eorundem vel earundem locum regiminis habent obtinere in regno Polonie prenotato. Sed quia corona regni eiusdem per has successiones posset aliquomodo dividi, rumpi vel quovismodo violari, promittimus bona fide, absque omni dolo cuiuslibet fraudis, sub sacramento fidei nostre, ipsam coronam regni Polonie salvam et integram ac illibatam conservare, et nullas terras vel partes earum ab ipsa alienare vel minuere, sed eam augere et recuperare, veluti in coronacione nostra sumus et fuimus obligati nostris iuramentis. Et quia predicti regni nobiles affectum ad nos habentes specialem, quod eciam prolem nostram femineam veluti masculinam eis in principem et dominum ut predicatur acceptaverunt, ideo, ob merita fideliaque servicia facta et voluntates unjversitatis ipsorum, que nobis et nostris pueris utriusque sexus facto fideli homagyo prestiturunt et in posterum loco et tempore fidelia servicia sunt parati dante Domino exhibere, eos speciali favore prosequentes, civitates, castra, possessiones, oppida et villas, incolas villarum tocium regni Polonie inhabitantes ipsorum baronum et nobilium omnium absolvimus, liberamus et exemimus ab omnibus et singulis collectis, dacionibus, contribucionibus, exactionibus sive tributis, tam generalibus, quam specialibus, quocunque nomine censeantur, et ab omnibus serviciis, laboribus, vexacionibus, angariis et preangariis in rebus et personis committendis, pure et simpliciter solutos et absolutos esse volumus et exemptos, sed hiis tantum volumus esse contenti, quod duo grossi usualis monete in dicto regno currentis, quorum quadraginta octo marcam Polonicalem facient, de quolibet manso vel sorte locatis et possessis, singulis annis nobis et nostris successoribus in festo beati Martini confessoris in signum summi dominii et recognitionem colrone regni Polonie exsolvantur, eo expresso, quod si insultus hostium in dictum regnum invalesceret, tunc nobiles ipsius regni ad repellendum eorum seviciam occurant cum omnimoda eorum potestate. Demum, si nostro et nostrorum successorum regiminis tempore pro aliqua expeditione facienda ultra fines eiusdem regni procedere nos expediat, vel eosdem nobiscum vel sine nobis cum inimicis quibuscunq; in eadem expeditione conflictum seu bellum facere et inire contigerit, et aliqui ex ipsis in eodem conflictu capti fuerint et detenti dampnaque parva vel magna perceperint, ipsis in rebus et personis plenariam satisfactionem impendemus. Item, si aliquod castrum vetus reparacione indigeat, tunc, tempore pacis burgravius seu possessor et conservator illius castri tenebitur reparare. Oriente autem guerra et discordia, castra nostra in confinibus regni nostri Polonie sita et existencia, homines illorum districtuum, ubi ipsa castra sita existunt, coadiuvare ad reparacionem et reformationem teneantur. Si autem aliquod castrum pro defensione et utilitate ipsius regni nos cum consilio et consensu eorundem baronum construere voluerimus, tunc ad eius constructionem iidem regni proceres tenentur coadiuvare. Si vero sine scitu et consilio eorundem nobilium et procerum edificare voluerimus, tunc hoc nostris sumptibus et expensis faciemus. Item promittimus et assumimus, quod tales honores et dignitates, utpote palatinatus, castellanias, iudicia et subcamerariatus officia et hiis similia, qui vel que usque vitam conservari consueverunt, aliis quibuspiam hospitibus extraneis non conferemus, nisi talibus, qui sunt regnicole terrarum eiusdem regni, in quibus huiusmodi dignitates vel honores consistunt. Quas eciam dignitates et omnia officia ac singula, volumus in eorum iuribus, prout fuerunt tempore serenissimorum principum dominorum Vladislai avi et Kazimiri avunculi nostrorum regum

Polonie conservati, plenarie conservare. Insuper promittimus, quod nullum baronem, militem seu nobilem, vel alium quemcunque cuiuscunque condicionis existat extraneum hospitem seu alienigenam, praeterquam natione Polonum, in capitaneum, in vulgo starosta dictum, proficere debemus, nisi talem, qui sub eadem corona et de gente polonica sit oriundus, dummodo non descendat de stripe ducali. Ceterum promittimus, quod nullum castrum seu fortalitium dicti regni Polonie alicui duci vel principi aut descendenti de genere ducalium regendum et tenendum commitemus, pro tempore vel in evum. Deinde spondemus, quod castra et civitates sepe dicti regni de quibus honores et iudiciales sedes procedunt, hec videlicet Cracovienses, Biecz, Zandocz, Wizlicia, Waynicz in terra Cracovie, Zandamerie, Zavizost, Liublyn, Zeczehov. Lukow, Radon in terra Zandamiriensi, ac castrum Lancicie in terra Lanciensi, item in terra Siradiensi Siradia et Peterko, item in terra Cuyavie Brezt, Cruspicia et Wladizlavia, item in Polonia Maiori Poznania, Medzerecz, Izbansyn, Kalis, Nakel, Konyn et Pezdri nuncupata, nulli alteri, nisi terrigenis seu capitaneis in eodem regno consistentibus conferemus. Alia autem castra quecunque, hospitibus vel aliis quibuscunque voluerimus, nos et nostri successores habebimus et habebunt liberam conferendi facultatem: decernentes, quod ipsi burgravii seu rectores castrorum et homines ipsorum coram capitaneis, iudicibus, subiudicibus regni predicti, qui pro tempore fuerint, citati compareant et respondeant de se querulantibus, prout ceteri nobiles et homines quicunque regni redicti, dummodo causa ulcionem sanguinis non requirat, cuius cognicionem pro nobis et nostris successoribus specialiter reservamus. Preterea, si per regnum illud quocunque tempore nos et successores nostros procedere contingerit, descensus super barones, milites, nobiles ipsorumque populum, kmethones vel iobagiones non faciemus contra ipsorum voluntatem, nec aliquid occasione dicti descensus exigi faciemus ab eisdem; quod si alias pro faciendo descensu divertere non possemus, extunc pro nostris sumptibus et pecunia nos procurari in victualibus et aliis necessariis faciemus. Insuper omnes barones, magnates, nobiles, civitates, opida [sic], villas, possessiones eorumque populum et kmethones, in eorum libertatibus pollicemur et spondemus conservare, neque eos contra illas intendimus aggravare vel per quempiam pacemur aggravari. Omnes autem alias litteras, ordinationes, pacta, instrumenta et munimenta data et concessa per nos et predecessores nostros, parte ex una, ac predictos barones et nobiles regni Polonie predicti, parte ex altera, que successionem filiarum nostrarum directe vel indirecte in dicto regno fieri excludebant, de consensu eorundem baronum, militum et nobilium dicti regni Polonie cassamus, vacuumus, annullamus, cassas, vacuas et irritas nunciamus volentes ipsas carere omni robore firmitatis, presentibus solummodo perpetuis temporibus valituris. In quorum omnium premissorum evidens testimonium firmitatemque perpetuam, presentes concessimus litteras nostras pendentis et autentici sigilli nostri simplicis munimine roboratas. Datum et actum Cassovie decimo septimo die mensis Septembris, Anno domini millesimo trecentesimo septuagesimo quarto, regni autem nostri anno tricesimo tercio.¹

¹ KDW III, 1709.

Matthias von Gatalócz Propst von Pécs/Fünfkirchen (1428–1437)

Die pröpstlichen Benefizien der Kapitel betrachtend kann man feststellen, daß die Propstei des Domkapitels von Fünfkirchen (Pécs) eine der vermögendsten in dem mittelalterlichen ungarischen Königreich war.¹ Das Jahreseinkommen des Kapitels belief sich auf etwa 300 Gulden. Mit einer gleichwertigen Summe konnten der Propst von Stuhlweißenburg (Székesfehérvár) und der von Ofen (Óbuda) rechnen, und nur die Pröpste des Kathedalkapitels von Erlau (Eger) und Gran (Esztergom) bekamen einen höheren Jahresbetrag.² Da das Fünfkirchener Domkapitel mit 40 Domherren zu den Institutionen mit größerem Personalstand gehörte, bedeutete das für die an der Spitze der Einrichtung stehenden Person ein ziemlich großes Prestige. Mit vollem Recht kann man sagen, daß diese Pfründe eine wichtige Station auf dem zum Bischofsstuhl führenden Weg sein konnte. Diesen Weg beschritt auch Matthias von Gatalócz, der am Ende seiner kirchlichen Laufbahn den Posten des Diözesanbischofs von Veszprém (Veszprém) bekleidete. In dieser Studie versuchen wir seine lange und erfolgreiche Laufbahn kurz darzulegen.

Matthias stammte aus einer slawonischen kleinadeligen Familie,³ derer Namensgeber, eine gewisser *Gathal*, wahrscheinlich zu Beginn des 14. Jhs. lebte.⁴ Obwohl sein Geburtsjahr leider nicht genau bekannt ist, kann er vermutlich um die Mitte der 1380-er Jahre geboren sein. Über seine Familie liegen ebenfalls nur wenige Angaben vor. Der Name seines Vaters war Gregor. Er hatte mindestens einen Bruder, namens Ladislaus.⁵

Eberhard Bischof von Agram (Zágráb) (1397–1406, 1409–1419) und der Getreue des Königs Sigmund (1387–1437) nahmen ihn in ihren Schutz, und Matthias konnte wahrscheinlich mit ihrer Protektion bereits in seiner Jugendzeit am Königshof Einlaß finden.⁶ Während der Amtszeit des

¹ Im Mittelalter existierten 15 Dom- und 29 Kollegiatkapitel in Ungarn. J. KÖBLÖS, 'Káptalan' In: Gy. KRISTÓ (Hrsg.), P. ENGEL, F. MAKK (Hrsg.), *Korai magyar történelmi lexikon. 9–14. század*, Budapest, 1994, 323–324.

² Die Dotation des Dompropstes von Erlau betrug jährlich 480, des Propstes von Gran aber ungefähr 400 Gulden. E. MÁLYUSZ, *Egyházi társadalom a középkori Magyarországon*, Budapest, 1971 (im weiteren: MÁLYUSZ 1971), 85.

³ „*Ex utroque parente de nobili genere*“ steht in einer Urkunde aus dem Jahr 1412. *Zsigmond-kori oklevéltár*, I–VII. Hrsg.: E. MÁLYUSZ, I. BORSA, Budapest, 1951–2001, (im weiteren: ZSO) III, 659–660. N^o 2849.

⁴ Gy. BÓNIS, *A jogtudó értelmiség a Mohács előtti Magyarországon*, Budapest, 1971 (im weiteren: BÓNIS 1971), 107; E. FÜGEDI, „A XV. századi magyar püspökök“ *Történelmi Szemle* 1965/4, 477–498 (im weiteren: FÜGEDI 1965.), 488, und E. FÜGEDI, *Kolduló barátok, polgárok, nemesek. Tanulmányok a magyar középkorról*, Budapest, 1981, 89–113; 110.

⁵ FÜGEDI 1965, 488.

⁶ BÓNIS 1971, 107. Eberhard war Bischof von Agram: 16. 08. 1397 – 08. 11. 1406. und 19. 08. 1409 – 01. 11. 1419. Inzwischen stand er auf der Spitze der Diözese von Várad: 19. 11. 1406 – 20. 09. 1409. P. ENGEL, *Magyarország világi archontológiája (1310–1457)*, I–II, Budapest, 1996 (im weiteren: ENGEL 1996), I/77, 79–80.

Hauptkanzlers Eberhard (1404–1419) betätigte sich Gatalócz möglicherweise in der Kanzlei, aber auch dafür liegen keine Daten vor.⁷

Seine erste bekannte kirchliche Würde ist das Lektorat des Domkapitels von Bács aus dem Jahr 1401.⁸ Er leitete nicht nur die Kanzlei der Dokumentarstelle von Bács, sondern auch die dort tätige Kathedralschule bis zum Jahr 1428.⁹ Zur Besetzung dieser Posten mußte er neben seiner persönlichen Beziehung zu Eberhard begabt und erstrebend qualifiziert sein. Es besteht große Wahrscheinlichkeit, daß Matthias in der Agramer Domschule gelernt hatte, und es ist auch nicht unvorstellbar, daß er bereits früher ein Benefiziat im Domkapitel von Agram bekommen hatte. Auf jeden Fall steht fest, daß er im Jahr 1410 im erwähnten Kapitel der Inhaber eines Domherrenstuhles (*stallum*) war.¹⁰

Matthias wurde nicht nur von Eberhard, sondern auch von seinen Neffen unterstützt. In erster Linie wurde er von Johann von Alben (Medve) Bischof von Fünfkirchen (1410–1421) und später von Agram (1420–1433), protegiert, so war es sozusagen selbstverständlich, dass er eine Kanonikerpfründe im Pécs-er Domkapitel erhielt.¹¹ Obgleich wir es erst mit einer Urkunde aus dem Jahr 1412 beweisen können, verfügte er über wahrscheinlich bereits einige Jahre früher über eine Pfründe in Fünfkirchen.¹² Die erwähnte Urkunde informiert uns auch über seine weiteren Benefizien. In diesem Zeitpunkt war er nämlich der Rektor der Kapelle *Chorpus Christi* in Fünfkirchen (*sine cura, extra muros Quinqueecclesiensis*), außerdem erhielt er von Papst Johann XXIII. (1410–1415) das Propstamt an der Agramer Kathedrale.¹³ In einer anderen an demselben Tag ausgefertigten Urkunde steht, daß der Heilige Vater ihm neben der Dompropstei auch ein Kanonikat an der Agramer Kathedrale übertrug.¹⁴ In diesem Jahr hatte er also folgende kirchliche Pfründen: die Propstei der Kathedrale von Agram, das Lektorat des Domkapitels Bács, je

⁷ Eberhard war zwischen 07. 11. 1404 und 01. 09. 1419 der Hauptkanzler (*summus cancellarius*). ENGEL 1996, I/89.

⁸ Meiner Meinung nach mag er zu jener Zeit (05. 05. 1401) etwa 16–18 Jahre alt gewesen sein. *Monumenta Vaticana Historiam Regni Hungariae Illustrantia. Vatikáni magyar okirattár*; I/1–6, Budapest, 1881–1909, (im weiteren: Mon. Vat.) I/3, 328–329, N° CCCXCVI. Selbst ein Minderjähriger konnte sowohl Kanonikerpfründen als auch Bischofs- oder sogar Erzbischofsstühle erwerben, wie das die folgenden Beispiele beweisen: 1393: Jakob, ein Kleriker aus der Diözese von Fünfkirchen, war 12 Jahre alt (*in duodecimo sue etatis*), als er eine Pfründe im Domkapitel von Agram bekam. Mon. Vat. I/3, 215–216, N° CCXLII.; 1508: Franz Perényi wurde in seinem 8. Lebensjahr als Bischof von Siebenbürgen eingesetzt, dann saß er 6 Jahre später bereits im Bischofsitz Várad. MÁLYUSZ 1971, 176–177; 1486: König Matthias (1458–1490) ernannte Hyppolyt von Este, den Neffen seiner Gattin, zum Erzbischof von Gran. Hippolit war im Jahr 1479 geboren. E. P. KOVÁCS, „A Szentszék, a török és Magyarország a Hunyadiak alatt (1437–1490)“ in: I. ZOMBORI (Hrsg.), *Magyarország és a Szentszék kapcsolatának 1000 éve*, Budapest, 1996, 97–117, 112.

⁹ R. BÉKEFI, *A káptalani iskolák története Magyarországon 1540-ig*, Budapest, 1910, 67; FÜGEDI 1965, 488.

¹⁰ J. BRÜSZTLE, *Recensio universi cleri dioecesis Quinqueecclesiensis*, I–IV, Quinqueecclesiensis, 1874–1880, I/532.

¹¹ Johann von Alben stand zwischen 13. 04. 1410 und 13. 07. 1421 der Diözese von Fünfkirchen vor. Sein jüngerer Bruder Heinrich folgte ihm auf dem Bischofsstuhl der Diözese Pécs (1421–1444). ENGEL 1996, I/89.

¹² 29. 10. 1412 ZSO III/659–660, N° 2849.

¹³ ZSO III/659–660, N° 2849. Der Papst Johannes XXIII. (1410–1415) war der Gegenpapst, deswegen wählte Giuseppe Roncalli denselben Namen im Jahr 1958. H. SCHREIBER, *Geschichte der Päpste*, Augsburg, 1995, 342.

¹⁴ ZSO III/660, N° 2850.

ein Kanonikat mit Benefizien (*prebenda*) in den Domkapiteln von Bács, Pécs und Zagreb bzw. die Direktion einer Kapelle in Fünfkirchen. Durch die sechs vorgenannten Pfründen bezog Matthias jährlich über 300 Gulden.¹⁵

Es fällt auf den ersten Blick auf, daß er sehr gerne kirchliche Benefizien ansammelte. Die Kumulation der kirchlichen Pfründen (*cumulatio beneficiorum*) war im allgemeinen in der Geschichte der mittelalterlichen Kirche gar nicht ungewöhnlich, deshalb stellte sein Vorgehen keinen Sonderfall dar.¹⁶ Er diente bereits im Jahr 1412 als *prothonotarius* an der königlichen Kanzlei,¹⁷ und der König Sigismund honorierte den Dienst der Angestellten der Kanzlei sehr gerne mit kirchlichen Benefizien, in erster Linie in den Domkapiteln Fünfkirchen und Agram.¹⁸

In der Großkanzlei betätigte er sich im vorerwähnten Amt zwischen 1412 und 1423, während die Hauptkanzler seine Protektoren waren.¹⁹ Offensichtlich war Matthias nicht nur ein zuverlässiger, loyaler Mann in ihrer Gefolgschaft, sondern mit Gewißheit ein hervorragender Fachmann. Über seine Universitätsausbildung stehen keine Informationen zur Verfügung, so kann man darauf schließen, daß er nur die oben genannte Domschule absolviert hatte. Während seiner Tätigkeit in der Kanzlei erlernte er den amtlichen Geschäftsgang und das Gewohnheitsrecht des Landes. Mit der Hilfe dieser Kenntnisse und mit seinen persönlichen Beziehungen konnte er seine amtliche und kirchliche Laufbahn vervollständigen.

Im Jahr 1424 betätigte er sich als Vizekanzler der Geheimkanzlei (*vicecancellarius minoris secreti sigilli*).²⁰ Der Herrscher war mit seinem Dienst auch zufrieden. Eine Donationsurkunde aus dem Jahr 1426 beweist, daß er den König in den verschiedenen Feldzügen und auf seinen diplomatischen Reisen begleitete, weiterhin erwies er sowohl dem

¹⁵ Insgesamt handelte es sich um 82 Silbermark (=328 Gulden) pro Jahr. Diese Summe setzte sich wie folgt zusammen: das Lektoramt + das Bács- und das Pécs-er Kanonikat mit Benefizien + die Pfründe der Kapelle = 42 Mark (=168 Gulden), die Kanonikerpfründe von Zagreb = 10 Mark (=40 Gulden), die Propstei von Zagreb = 30 Mark (120 Gulden). ZSO III/659–660, N° 2849–2850.

¹⁶ Von den unzähligen Fällen erwähnen wir einige Beispiele in Beziehung mit dem Domkapitel Fünfkirchen. Der Kardinal Wilhelm von Iudice (†1374), Neffe des Papstes Klemens VI. (1342–1352) hatte in Ungarn gleichzeitig 14 Benefizien, darunter die Dompropstei von Fünfkirchen. [E. MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyűri jog*. (Értekezések a történeti tudományok köréből, Új sorozat 9.) Budapest, 1958, 130; MÁLYUSZ 1971, 70; Mon. Vat. I/1, 453, 470, 483, 493; Gy. TIMÁR, „Pécs egyházi társadalma Károly Róbert korában” in: *Baranyai Helytörténetírás 1981*, Pécs, 1982, 13–56, 34.] Peter von Montilio (†1368) war der päpstliche Kaplan, weiterhin stand er im Dienst des Bischofs Fünfkirchen und im Dienst des Kardinals Wilhelm. Er besaß folgende Benefizien: die Kollegiatpropstei Pozsega, ein Kanonikat in Fünfkirchen und eines Zagreb. [L. KOSZTA, „A pozsegai társaskáptalan tagjai a XIV. sz. közepéig” *Aetas* 1991/3–4, 40–58, 51; Mon. Vat. I/1, 494, 500; A. THEINER, *Vetera monumenta historica Hungariae illustrantia*, I–II, Romae, 1859–1860, II/1, 6;] Johann Usk (Aussig) diente Kaiser Sigismund als Diplomat. Mit der Beihilfe des Herrschers bekam er mehrere Pfründen, zum Beispiel die Propstei des Domes von Pécs (1402–1428). [BÓNIS 1971, 96–97; T. FEDELES, „Két pécsi prépost a 15. század első feléből” *Pécsi Szemle* 2002/nyár, 21–27, 21–24. (im weiteren: FEDELES 2002)]

¹⁷ Vgl. BÓNIS 1971, II. Tafel

¹⁸ BÓNIS 1971, 111.

¹⁹ Eberhard: 1404–1419, Johann: 1420–1433. ENGEL 1996, I/89, BÓNIS 1971, II. Tafel

²⁰ BÓNIS 1971, 108, und II. Tafel

königlichen Paar als auch den Vornehmen (*proceres*) verschiedene Dienste. Für diese erhielt er 11 Grundbesitze im Komitat Veróce.²¹

Im Jahr 1432 reiste er mit der königlichen Botschaft nach Rom, um über das Konzil von Basel zu verhandeln.²² Im nächsten Jahr fand die Kaiserkrönung von Sigmund in der Ewigen Stadt statt, und Matthias nahm an diesem Ereignis auf jeden Fall teil.²³

Nach dem Tod des Kanzlers Johann von Alben ergriff er die Leitung der beiden Kanzleien und stand bis 1437 an der Spitze dieses Amtes.²⁴ Nach der Reform der Kanzleien im Jahre 1435 leitete er die Gerichtstätigkeit der Geheimniskanzlei (*personalis presntia regia*) als Hauptkanzler (*summus cancellarius*). Seine vorerwähnten gerichtlichen Aufgaben ermöglichten es ihm nicht, im Jahr 1436 mit Kaiser Sigmund nach Böhmen mitzufahren.²⁵

Nach diesem kurzen Abriß seiner erfolgreichen amtlichen Laufbahn im Zeitalter von König Sigmund wollen wir uns wieder seiner kirchlichen „Karriere“ zuwenden.

Nach dem Tod Eberhards (1419) trat im Bistum Zagreb eine ungefähr zwei Jahre dauernde Sedisvakanz ein.²⁶ In dieser Periode wurde die Diözese von den Vikaren geleitet. Die finanziellen Angelegenheiten wurden von Thomas Ebresi (*vicarius in temporalibus*) erledigt, aber Matthias betreute die geistliche Sphäre (*vicarius in spiritualibus*).²⁷

Im Jahr 1428 wurde ihm die durch den Tod des Propstes Johann Uski vakant gewordene Propstei der Kathedrale von Fünfkirchen übertragen. Im nächsten Jahr wurde Matthias durch den Heiligen Stuhl in seinem Amt bestätigt.²⁸ Man kann somit aussagen, daß er diese Pfründe offenbar für seine zuverlässige und einwandfreie amtliche Arbeit von dem König erhalten hatte. In jener Zeit hatte er eine mehr als 25-jährige amtliche Tätigkeit hinter sich und er war schon über Vierzig. Man darf wohl auch nicht vergessen, daß ein Vierzigjähriger im Mittelalter schon ziemlich alt war.²⁹ Mit vollem Recht konnte er mit einem höheren

²¹ BÓNIS 1971, 108.

²² V. FRAKNÓI, *Magyarország egyházi és politikai összeköttetései a Szent-székkal a konstanzi zsinattól a mohácsi vészig*, II, Budapest, 1902 (im weiteren: FRAKNÓI 1902), 12.

²³ 31. 05. 1433: FRAKNÓI 1902, 18.

²⁴ 25. 07. 1434 – 05. 11. 1437: ENGEL 1996, I/89; vgl. BÓNIS 1971, II. Tafel

²⁵ E. MÁLYUSZ, „A magyar rendi állam Hunyadi korában” *Századok* 1957/5–6, 46–123, 592–602, 579.

²⁶ 08. 09. 1419 – 13. 07. 1421: ENGEL 1996, I/80.

²⁷ ENGEL 1996, I/80, Eine von Vikar Matthias ausgefertigte Urkunde stammt aus dem Jahr 1420, Magyar Országos Levéltár, Mohács előtti Gyűjtemény, Diplomatikai Fényképgyűjtemény 230998.

²⁸ Die Urkunde des Bischofs von Agram: 09. 01. 1428: „[...] dilecto Nobili Vito [...] in ipsa nostra Zagrabienis Ecclesia promotionem facere gratiosam, Preposituram ipsius Nostrae Zagrabienis Ecclesiae, quam Venerabilis Vir Dominus Matthias nuper obtinebat, & legitime possidebat ad praesens per assecutionem Prepositurae Quinque-Ecclesiensis Ecclesiae, & translationem sui in eadem, seu alias quomodo de Jure vacantem[...]” J. KOLLER, *Historia episcopatus Quinqueecclesiarum*, III, Posonii, 1784, 337–340. Das Diplom von Martin V. (1417–1431) 21. 10. 1429: „[...] preposituram ecclesiae Quinqueecclesiensis (300 fl.), vacans per obitum Johannis de Uster conferre Mathie de Gathalowetz [...]” P. LUKCSICS, *XV. századi pápák oklevelei*, I–II, Budapest, 1931–1938 (im weiteren: LUKCSICS), I, 243, N^o 1313.

²⁹ „Die durchschnittliche Lebenserwartung eines Neugeborenen lag – wie in Europa bis ins 19., anderswo bis ins 20. Jahrhundert – bei höchstens 35 Jahren; [...] Wer [...] die ersten zehn Jahren, überstanden hatte, konnte durchschnittlich vierzig bis fünfzig Lebensjahre

kirchlichen Amt rechnen. Obgleich der Propst des Pécs-er Domkapitels auch nicht zur Elite der kirchlichen Gesellschaft gehörte, hatte er ein größeres Prestige und ein höheres Jahreseinkommen als der Besitzer der Propstpfründe des Domkapitels von Zagreb.

Will man seine finanzielle Lage rekonstruieren, kann man grundsätzlich von einem Anstieg seiner Einnahmen ausgehen. Seine neue Pfründe brachte 300 Gulden pro Jahr ein, und diese Summe erreichte mit seinen weiteren Benefizien jährlich mindestens 500 Gulden.³⁰

Die nach seinen neuen Benefizien an die Römische Kurie zu zahlende Annate wurde im Jahr 1430 entrichtet.³¹ Bis zum Jahr 1437 stand Gatalócz an der Spitze des Domkapitels Fünfkirchen, wie das auch mittels Urkunden zu beweisen ist.³²

Seine Amtspflichten beriefen ihn oft nach Ofen, deshalb konnte er sich nicht am Ort seiner kirchlichen Pfründe aufhalten. Blättert man die sogenannten Supplikationsregesten durch, findet man seine Bittschriften, in denen er beim Papst um Freistellung von der Residenzpflicht ansuchte.³³

Matthias unterstützte auch begabte und zuverlässige junge Männer, denn er mußte für den Berufsnachwuchs an Fachleuten für die Kanzleien sorgen. In der Geheimkanzlei wurden Stephan Büki, Gregor Németi und Johann Vitéz seine Mitarbeiter. Büki gehörte seiner Gefolgschaft an, Németi war doch sein Kanonikergenosse im Domkapitel Fünfkirchen und beide wirkten als Prothonotar in den Jahren 1433–1439.³⁴ Sein aus dem Komitat Körös stammender Neffe war der künftige Erzbischof von Gran (1465–1471), Johann Vitéz, der zunächst als Notar der Kanzlei arbeitete und anschließend zum Prothonotar bestellt wurde.³⁵

Matthias von Gatalócz war ein geweihter Priester (*presbiter*), deshalb widmete er auch den zur geistlichen Sphäre gehörenden Angelegenheiten Aufmerksamkeit. Aus dem Jahr 1431 sind seine Bittschreiben bekannt, in denen er um die vollständige Absolution und die Erlaubnis des Tragaltarhabens anhielt.³⁶ Während seines römischen Aufenthaltes (1433) wandte er sich mehrmals an die päpstliche Kurie. Im Zentrum dieser Suppliken stand die dem Heiligen Kreuz geweihte Pfarrkirche von *Gathalucz* auf dem Gebiet der Diözese Agram. Für diese Kirche erbat Matthias verschiedene Privilegien: Ablassprivileg, die

erhoffen [...] Ein Vierzigjähriger war alt." A. BORST, *Lebensformen im Mittelalter*, Berlin, 1999², 125–126.

³⁰ LUKCSICS, I, 243, N° 1313.

³¹ Im Namen von Matthias wurde von *Michael de Leweld* bezahlt. J. KÖRMENDY, *Annatae e regno Hungaria provenientes in Archivio Secreto Vaticano 1421–1536. A magyarországi egyházmegye javadalmainak annátái*, (Magyar Országos Levéltár kiadványai II. Forráskiadványok 21.) Budapest, 1990; vgl. *Monumenta romana episcopatus Vespriemensis – A veszprémi püspökség római oklevéltára*, I–IV. Budapest, 1896–1907 (im weiteren: Mon. Vesp.), IV/433, N° CCLLIX.

³² T. FEDELES, „A pécsi székeskáptalan személyi összetétele a hiteleshelyi oklevelek tükrében (1354–1437)“ in: M. FONT (Hrsg.), *Pécs szerepe a Mohács előtti Magyarországon* (Tanulmányok pécs történetéből 9.) Pécs, 2001, 103–137, 105–106.

³³ 20. 10. 1421: LUKCSICS, I, 117, N° 427; 10. 05. 1423: LUKCSICS, I, 140, N° 588; 10. 12. 1424: „[...] *de facultas percipiendi fructuum beneficiorum suorum, si in illis etiam non possit personalem residentiam facere.*“ LUKCSICS, I, 163, N° 760.

³⁴ BÓNIS 1971, II. Tafel; FEDELES 2002, 26–27; MÁLYUSZ 1957, 584.

³⁵ BÓNIS 1971, 145–150. und II-III. Tafel; MÁLYUSZ 1957, 584; MÁLYUSZ 1971, 202.

³⁶ 23. 01. 1431: LUKCSICS, I, N° 1451, 1452, 1453.

Erlaubnis für die Lieferung der Reliquien und die Genehmigung der vollständigen Absolution von zehn Christen.³⁷

Nach dem Tod des Kaisers Sigmund rückte er endlich in die Reihe der Präläten vor, weil Gatalócz vom König Albert (1437–1439) zum Bischof von Waizen (Vác) eingesetzt wurde. Obwohl er bereits im Jahr 1436 von Sigmund zum Vorsteher desselben Bistums ernannt worden war, erhielt er die päpstliche Benennung erst beinahe zwei Jahre später.³⁸ Es scheint vermutlich, dass er im Jahr 1437 auf seine kleineren kirchlichen Benefizien verzichtet hat, obwohl hierüber nur wenige Informationen vorliegen.³⁹

Zwischen 1438 und 1439 hatte er noch seine Ämter in den Kanzleien bekleidet, dann befasste er sich nur mehr mit den Angelegenheiten seiner neuen Diözese.⁴⁰ Papst Eugen IV. (1431–1447) versetzte ihn im Jahr 1440 in den Veszprémer Bischofssitz.⁴¹

In seinen letzten Jahren wird er oft krank gewesen sein, weil er 1452 die Bitte an den Heiligen Stuhl, wegen seiner Altersschwäche einen Koadjutorbischof an seine Seite zu bestellen.⁴² Matthias starb im Jahre 1457.⁴³

Seine Laufbahn betrachtend kann man feststellen, daß er ein typischer Repräsentant für die aus dem niederen Adel stammenden Kirchenmänner mit entsprechenden Protektoren war, die ihre Karrieren mit einem niederen Posten in einer Kanzlei begannen und im Laufe der Jahre immer höhere Stellen erhalten haben. Diese Leute leisteten dem Herrscher hervorragende Dienste, der ihnen zu kirchlichen Pfründen verhalf.

Für Matthias von Gatalócz war die Propstei im Domkapitel Pécs die letzte Station vor dem Bischofshut.

Aus dem 15. bzw. 16. Jh sind mehrere Pröpste von Pécs bekannt, die diese Benefizien ebenfalls ihren Dienstleistungen am Königshof verdankten. Ihre Laufbahn endete in überwiegender Mehrheit der Fälle ähnlich der Karriere von Matthias an der Spitze eines Bistums oder Erzbistums.⁴⁴

³⁷ 10. 06. 1433: „[...] *pro facultate reliquias deportandi* [...]“ LUKCSICS, II, N° 159; 31. 07. 1433: „[...] *pro facultate, ut decem Christianos de parochiali ecclesiae Sancte Crucis de Gathaloucz, Zagrabiensis diocesis, ab omnibus peccatis absolvere possit.*“ LUKCSICS, II, N° 283; 23. 09. 1433: „[...] *pro indulgentia ecclesiam [...] visitantibus cecedenda supplicatur, conficiendae cum expressione etiam in festivitibus Exaltationis et Inventionis Sancte Crucis* [...]“ LUKCSICS, II, N° 312..

³⁸ 14. 11. 1436: ENGEL 1996, I/75; 08. 01. 1438: LUKCSICS, II, N° 522.

³⁹ 27. 12. 1437: „[...] *canonicatus et prebendae ac praepositurae ecclesiae Quinqueecclesiensis (150 fl), vacantium per promotionem Mathiae Gregorii de Gathaloutz ad ecclesiam Waciensem* [...]“ LUKCSICS, II, N° 520.

⁴⁰ ENGEL 1996, I/89; BÓNIS 1971, III. Tafel

⁴¹ 09. 05. 1440: Mon. Vesp., III, N° CLXXXVI und CLXXXVII.

⁴² 1452. 06. 05.: „[...] *Mathie episcopo Vespreniensis Nicolaus Bodo, prepositus B. Marie de Albaregali Vespreniensis diocesis, ad supplicationem dicti episcopi et eius capituli datus est in coadiutorem propter senium et impotentiam prefati episcopi* [...]“ Mon. Vesp., III/143, N° CCXLII. Ein Jahr früher (1451. 01. 14.): „*Supplicatio Mathie episcopo Vespreniensis, qui nimio etatis senio confractus est, de facultate eligendi confessorem.*“ Mon. Vesp., III/139, N° CCXXXVIII.

⁴³ Mon. Vesp., III, N° CCLVI; FÜGEDI 1965, 488.

⁴⁴ Albert Hangácsi, Johan Beckensloer, Georg Handó, Stefan Brodarics, Ladislaus Macedonia

The “Declaration” of King James I (1622)

Seven years after the “Addled Parliament” which was in session for two months only, on 3rd January 1621 King James I summoned Parliament again. This article of mine treats the King’s work published early in 1622 and bearing the title “*His Maiesties Declaration Touching his proceedings in the late Assemblie and Conuention of Parliament*”. When Parliament reconvened in 1621 the Palatinate Crisis, bad harvests, and the monopolies were the most controversial issues.¹ In the same Parliament Lord Chancellor Sir Francis Bacon was impeached after he had been sued by some, including notably Sir Edward Coke and Lionel Cranfield. Bacon was charged with abuse of power. Finally, on the initiative of the House of Commons, the Lords bereft him of office.² Suitable as this story might be for those maintaining the old whig idea of a House of Commons and a parliamentary opposition anxious for the trustworthiness of the “ministers”, there is general understanding in historiography³ that reality appears to be much more ordinary. There was a mutual hatred between the Lord Chancellor and Coke, who was admitted back to the Privy Council in 1617,⁴ and Cranfield, who was elevated to the office of the Lord Treasurer as the Earl of Middlesex in 1621 and was to face an impeachment in 1624 himself,⁵ became an ardent opponent of Sir Francis because of the issue of the financial reforms.⁶ Nonetheless, this Parliament did not have a bad start for the Treasury: the MPs voted two subsidies, about £ 140,000.⁷ In return, the monarch abolished altogether eighteen monopolies in mid-summer⁸ which was an episode of the interval between the first session finishing on 4th June and the second convening in November the same year.⁹ During the summer the Palatinate Crisis was embraced. As in 1620 and later, James, the “*Rex Pacificus*” was very slow to support Frederick, his son-in-law. King James would have liked to see the earlier *status quo* secured. This would have implied that Frederick resigns the Bohemian throne and the Emperor reaffirms him in the possession of the Rhineland-Pfalz. The MPs, however, insisted on having a say in both the royal marriages, the various plans involving the Catholic Spaniards and French, and foreign policy. Needless to say, the considerations were overwhelmingly confessional in character. This religious aspect must not be neglected even if revisionist historians dismiss the notion of the taking of the initiative of the House of Commons inasmuch the MPs would have

¹ S. J. HOUSTON, *James I*, London, 1995, p. 77. (See hereafter: HOUSTON 1995)

² *Ibid.*, p. 79.

³ B. COWARD, *The Stuart Age. England 1603-1714*, London, 1994, p. 154. (See hereafter: COWARD 1994)

⁴ *Ibid.*, p. 154.

⁵ HOUSTON 1995, p. 95.

⁶ COWARD 1994, p. 154.

⁷ *Ibid.*, p. 153.

⁸ *Ibid.*, p. 155.

⁹ HOUSTON 1995, p. 80.

wanted to voice their opinion in fields traditionally viewed by the ruler as parts of his prerogative.¹⁰

Seemingly, whig historians can easily find proofs of their theory of the “big clash” in the fact that it was James who eventually tore off the page of the Commons’ Journal with his own hand that contained the Protestation of the Commons denying the right to free speech to be a royal favour. Should one expect the King to have moved this unanimously towards confrontation in the last period of his life? It would be a major error if we saw this theatrical episode as a sign of arrogance or “absolutist” practice. What we have to take into account is the text of the “*Declaration*” itself: the King enumerates the prerogatives. It is a matter of the balance of common law and prerogative rights. A.G.R. Smith is right in attributing the debates of “free speech” in the 1621 Parliament to the equilibrium maintained by the common law in full accord with the law of nature.¹¹

Whenever Parliament was opened the Speaker of the Commons solemnly asked the monarch to reinforce the privileges of the House. The most significant among these was the right of free speech.¹² Free speech became a positive law only with the Bill of Rights.¹³ In reality, down to 1689 it had indeed been a matter of royal pleasure.¹⁴ As J. H. Hexter puts it, before 1689 the right of free speech of the MPs had always been conceived in a way that the unconditional presence of free conscience could co-exist with forbidding to make inept statements due to misled conscience.¹⁵

In the Parliament of 1621 the majority of MPs was certain that their privileges did not derive from royal favour but from ancient liberties. The opposite view of James I was not only coherent with the principle that all the privileges of the realm go back to the royal order¹⁶ but also with the practice that the Speaker of the Commons begged the King to confirm the liberties. However, these two seemingly confronting views can be understood as two modes of interpretation of one principle.

The real disagreement was not about prerogatives and privileges. The House of Commons accepted the former since they were accepted in natural and common law alike. The monarch respected the privileges and indeed, out of the same consideration. The privileges safeguarded by common law and royal prerogatives were the two pillars of the “balance” mentioned by Smith. They were the indispensable elements of the “Jacobean consensus” of revisionist historiography, two spheres which conditioned each other. It was in the content of “free speech” as a privilege where opinions really differed. Or, to put it the other way round, it was in the content of prerogatives. When James enumerates the latter he says that these are by no means contained in the privileges, i. e. they cannot be disputed freely. When he removed that page from the Commons’ Journal,

¹⁰ Ibid, p. 81.

¹¹ A. G. R. SMITH, “Constitutional Ideas and Parliamentary Developments in England 1603-1625” in: A. G. R. SMITH (ed.), *The Reign of James VI and I*, London, 1973, p. 176.

¹² R. LOCKYER, *James VI and I*, London-New York, 1998, p. 63. (See hereafter: LOCKYER 1998)

¹³ K. MACKENZIE, *The English Parliament*, London, 1968, p. 38.

¹⁴ Ibid, p. 36.

¹⁵ J. H. HEXTER (ed.), *Parliament and Liberty from the Reign of Elisabeth to the English Civil War*, Stanford, 1992, p. 44.

¹⁶ P. R. CAMPBELL, *Louis XIV*, London, 1995, p. 8.

he did not act in the heat of passion.¹⁷ Contrary to all appearance, the emphasis of his deliberate action was not on the origin of privileges. What contradicted his conviction was that the Commons had discussed matters which he identified as royal prerogatives. After all, James was positive that the prerogatives were fully respected by English law, what is more, in England they have always received their actual meaning in the common law. Once the prerogatives are attacked by the MPs, the House of Commons perverts its very right of existence, i. e. the English legal system. All this is a harmful and dangerous “novelty”, therefore it violates the spirit of common law. The King regularly identifies the deliberate perverters as “novelists”. They are destructive to both the natural co-existence and co-operation between King and his subjects and the common law. Here he mentions Sir Edward Coke by name.¹⁸ Viewed from this angle, there is really not much difference between “*The Trew Law of Free Monarchies*” and the “*Declaration*”: it is not a profound ideological conflict but revolt and deliberate destruction. This conspicuously fits into the revisionist theory that consent was finally made impossible by the deliberate acts of some interest groups under Charles I. As for King James, he surely did not fight the irreversible wheel of history like Don Quijote, neither did he view the metamorphosis of time with anger, fear or perplexity, nor did he act with cold head and cynicism. All he wanted to achieve was a clear differentiation: what belongs to equity cannot belong to its framework, the common law. Matters fit for courts of equity ought not to be discussed by common law courts. This is the point. Similarly, what is regarded by common law as royal prerogative, cannot be ranked among the privileges of the Commons. Therefore, nobody dare claim that these can be disputed freely. If, to make matters worse, some people even put it down in writing that these are privileges, this is totally unacceptable. A page like this boldly confronts both common and, finally, natural law, so it has no place in the Commons’ Journal. To prove this James issued his “*Declaration*” in which he limits his interest to one question only: he defines the prerogatives.

In order to comprehend the direct precedings it needs to be mentioned that when Parliament convened in January 1621 the MP Sir Robert Phelips made a reference to “*The Form of Apology and Satisfaction*” of 1604 in which the Commons maintained that they had their privileges since “time out of mind”.¹⁹ This writ was submitted to the monarch neither in 1604, nor later.²⁰ Nevertheless, in the period of heated debates over the Palatine Crisis an allusion to the “*Apology*” implied that Parliament has a right to voice their opinion in matters of war and peace. In December 1621, during the second session the Commons drew up two petitions. In both the right to debate foreign affairs freely was underlined. The King answered both of them and, among other things, the “*Declaration*” contains these answers.

¹⁷ LOCKYER 1998, p. 69.

¹⁸ J. P. SOMMERVILLE (ed.), “King James VI and I: Political Writings” in: *Cambridge Texts in the History of Political Thought*, Cambridge University Press, Cambridge, 1994, p. 261. (See hereafter: *King James VI and I*)

¹⁹ LOCKYER 1998, p. 64.

²⁰ *Ibid*, p. 57.

In the “*Declaration*” James explains the dissolution of Parliament by claiming that the summoning, prorogation and dissolution of it equally belong to the “*arcana Imperij*”, “that forbidden Arke of Our absolute and indisputable Prerogative”.²¹ He is happy to say that in the beginning, when Parliament reconvened in November the MPs were willing to vote contributions “to the recouery of Our Childrens ancient inheritance”.²² Shortly after this, however, “some discontented persons”, in pursuit of their own interest violated the unity and „fell to dispute [...] the match of Our dearest sonne the Prince”, as well as wars with foreigners, i. e. matters that are „Our high Prerogatives”.²³ These are “matters wherewith neuer any Parliament had presumed to meddle before, except they had bene thereunto required by their King”.²⁴ It is appalling that while no subject is denied the right to decide freely whom to choose as a spouse of his child, some mean to bereave the King of the same right.²⁵ What is more, they feature their crude intervention as a humble petition.²⁶ Here the King inserts the text of the answer to the first petition. This answer was issued “at Our Court at Newmarket, the third day of December, 1621”²⁷ and addressed to the Speaker of the House. Its central assertion is that “some fiery and popular spirits” did not hesitate „to debate and argue publikely in matters farre beyond their reach or capacitie”.²⁸ In the future, noone shall dare to intervene into “mysteries of State”.²⁹ This is a recurring expression in King James’ works and here undoubtedly denotes the prerogatives. These are the summoning and dissolving of Parliament, dynastic policy as well as matters of war and peace. These three remain throughout the “*Declaration*” and no others are joined to them.³⁰

James I inserts the full text of his considerably longer answer to the second petition of the Commons, too. This was necessary because his first answer did not reach its end. Rather, instead of making good use of the short time until Christmas,³¹ some “captious and curious heads”³² persuaded the MPs whereby “Our Royall Prerogatives were inuaded and assailed”.³³ On 11th December 1621 the King made it clear again that intervention into the dynastic policy and foreign affairs equals the usurpation of “Our Prerogative Royall”,³⁴ the assailment of “Our most

²¹ *King James VI and I*, p. 250.

²² *Ibid.*, p. 251.

²³ *Ibid.*, p. 252.

²⁴ *Ibid.*, p. 252.

²⁵ *Ibid.*, p. 252.

²⁶ *Ibid.*, p. 252.

²⁷ *Ibid.*, p. 253.

²⁸ *Ibid.*, p. 252.

²⁹ *Ibid.*, p. 253.

³⁰ It is to be noted here that in January 1621 James I commissioned the English envoy to the United Provinces to achieve the prohibition of the one-page newsletters, the *corantos* sent from the Netherlands to England. This *corantos* were namely bold enough to discuss the matters of state. Cf. J. FRANK, *The Beginnings of the English Newspaper 1620-1660*, Harvard, 1961, p. 6.

³¹ *King James VI and I*, p. 254.

³² *Ibid.*, p. 254.

³³ *Ibid.*, p. 254.

³⁴ *Ibid.*, p. 256.

undoubted and regall Prerogatiue”.³⁵ These questions are simply not fit for the tongue of Parliament³⁶ as, to give a blow to Puritans and Catholics in political theology, “the Puritan Ministers in Scotland” err in believing that everything is within their sphere of jurisdiction.³⁷ Similarly, Bellarmine and his partisans make an impossible papal claim when supporting the thesis of the *ad finem spiritualem*.³⁸ James believes that the practice of the Commons to ignore the royal prerogative is a dangerous novelty that can only be compared to the false teaching of the Pope about the power of the keys.³⁹ Also, the MPs, who are “the Representatiue body of Our people”,⁴⁰ are like Jesuits⁴¹ when they indirectly incite the subjects to revolt by welcoming the rule of James’ son-in-law, Frederick in Bohemia. James makes it clear: the actions of his son-in-law have nothing to do with religion,⁴² moreover, they only serve to make a bad impression of Protestantism⁴³ and contribute to the anti-Protestant policies in Catholic countries.⁴⁴ In the eyes of James the usurpation of “The Crownes of Bohemia and Hungaria” are completely unacceptable.⁴⁵ This is a true reflection of the spirit of his other works, too. The error of James concerning Hungary parallels other contemporary cases which reveal similar lack of information and ignorance in diplomacy. In 1657, for instance, King Louis XIV wrote a letter to Tsar Michael although the latter died in 1645.⁴⁶ It also occurred that the Pope believed that Norway belonged to Sweden, not to Denmark.

James I does not call religious policy a prerogative,⁴⁷ this “properly belongs to Parliament”.⁴⁸ However, the practical aspects of religion mainly touching foreign affairs and royal marriages do constitute an integral part of his prerogative.⁴⁹ These cannot be judged by those who do not have an insight into the matters of state.⁵⁰ Parliament, however, has a very important task which must never be neglected. This is legislation.⁵¹ The

³⁵ Ibid, p. 256.

³⁶ Ibid, p. 257.

³⁷ Ibid, p. 257.

³⁸ Ibid, p. 257.

³⁹ Ibid, p. 257.

⁴⁰ Ibid, p. 255.

⁴¹ Ibid, p. 258.

⁴² Ibid, p. 257.

⁴³ Ibid, p. 258.

⁴⁴ Ibid, p. 258.

⁴⁵ Ibid, p. 258.

⁴⁶ W. KIRCHNER, *Commercial Relations between Russia and Europe 1400 to 1800*, Bloomington, 1966, p. 91.

⁴⁷ Contrary to general assumption, not even on the basis of the Act of Supremacy (1534) was it possible to conclude that religious matters constituted parts of the prerogative. Cf. J. C. SPALDING (ed.), “The Reformation of the Ecclesiastical Laws of England 1552” in: C. SPALDING (ed.), *Sixteenth Century Essays and Studies*, Vol. XIX, 1992, p. 24.

⁴⁸ *King James VI and I*, p. 260.

⁴⁹ Ibid, p. 260.

⁵⁰ Ibid, p. 260. In this vein King James wrote a poem in February 1622 in which he maintained that it was not allowed for Parliament to discuss the prerogatives. Cf. J. CRAIGIE (ed.), „Last Poems of James VI” *Scottish Historical Review* 29, 1950, p. 137.

⁵¹ *King James VI and I*, 1994, p. 261.

King advises the MPs to show diligence in this field.⁵² This can hardly be called an absolutist piece of advice.

Similarly, in his short letter written on 16th December and inserted here, idleness in making laws⁵³ and the deliberate mixing up of prerogatives and privileges is the main charge of the King against the troublemakers in the Commons. In this letter he gives Lord Chancellor Sir George Calvert the commission to inform the House of Commons that he will never tolerate any “Antimonarchicall words”⁵⁴ but he will always respect the privileges of Parliament put down in laws and respected by his predecessors.⁵⁵ He promises he will instruct his royal posterity to do the same.⁵⁶

The following day, on 17th December the monarch sent a letter to Sir Thomas Richardson, the Speaker of the Commons. In this he threatened with dissolving Parliament in case the MPs show further „slacknesse”.⁵⁷ On 18th December, while the King and the Commons were exchanging short messages again, some “mutinous and discontented spirits” recurrently addressed the question of privileges.⁵⁸ As it is known, the same day witnessed the insertion of the aforementioned “*Protestation*” into the Commons’ Journal. This James calls in the “*Declaration*” exceedingly dangerous as it “might serue for future times to inuade most of those Rights and Prerogatiues annexed to Our Imperiall Crowne”.⁵⁹ On the following day he prorogued and on 6th January, 1622 he dissolved Parliament. His councillors and judges were present⁶⁰ when the Stuart ruler removed the text of the “*Protestation*” from the Commons’ Journal as early as 30th December.⁶¹

⁵² Ibid, p. 261.

⁵³ Ibid, p. 262.

⁵⁴ Ibid, p. 263.

⁵⁵ Ibid, p. 263.

⁵⁶ Ibid, p. 263.

⁵⁷ Ibid, p. 264.

⁵⁸ Ibid, p. 266.

⁵⁹ Ibid, p. 266.

⁶⁰ LOCKYER 1998, p. 69.

⁶¹ *King James VI and I*, 1994, p. XXXI.

Contract Theory and the Westernization of Russian Ideology of Power under Peter the Great

I. Contract theory in Western Christendom

There are few concepts so crucial to Western thought about politics as the concept of social contract. It has accompanied the history of Western society from the late 11th century to our present time. Indeed, it is not only an academic concept, but also part of contemporary Western political rhetoric.¹ In fact, the term “social contract theory” is somewhat misleading, and it is better to speak of social contract theories, or rather simply, contract theories or contractarianism.

Historically, though not logically, the earliest type of contract is the so-called contract of government that in its early version appeared in the late 11th century during the Investiture Contest. It is concerned with the relation between ruler and subjects and it means that the state, “in the sense of the government” is based on a contract binding both parties, the ruler and the people.² People promise obedience to the ruler, while he in turn promises them protection and good government, “but if he misgoverns the contract is broken and allegiance is at an end”.³ Consequently in this case the people have the right to resist.

It is possible, of course, to go further and search for the beginning of an organized society as many thinkers have done. This led them – provided they had a contractarian mind – to suppose another type of contract (the contract of society) which can properly be called a social contract “in the strict sense of the word «social»”.⁴ It means that the state “in the sense of a political community, and as an organized society” is the result of the contract of individuals organizing themselves into a society.⁵ This type of contract, explicitly based on natural law or rather on natural rights, logically precedes the contract of government but chronologically appeared in the first half of the 17th century.

There is a third type of contract – half way between those mentioned above – which made its first appearance in the early 14th century and shares the characteristics of both the contract of government and the contract of society. This is the so-called “original contract” which is essentially a contract of government made by the people with their first ruler.⁶ This type of contract “was not only the definition of the conditions of

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¹ M. LESSNOFF (ed.), *The Social Contract*, London, 1990, (*Introduction*, pp. 1-26) p. 1. (See hereafter: LESSNOFF 1990)

² E. BARKER (ed.), *Social Contract*, Oxford, 1960, (*Introduction* pp. vii-xiv) p. xii (see hereafter: BARKER 1960)

³ J. W. GOUGH, *The Social Contract*, (second edition) Oxford, 1957, p. 3. (see hereafter: GOUGH 1957)

⁴ BARKER 1960, p. xii.

⁵ *Ibid.*, p. xii.

⁶ GOUGH 1957, pp. 3, 39.

government but also an account of its inauguration, and in this respect it would resemble the social contract proper”⁷.

One problem with contractarianism is classification, since the typology outlined above by no means embraces all the nuances of the contractarian authors and sometimes it is hard to squeeze an author into these categories. Another problem is the different conclusions drawn from the idea of contract.⁸ Up to the beginning of the 17th century contract theory in politics was invoked, by and large, to justify resistance to rulers whose deeds were considered unlawful: “But soon after came the great exception – Thomas Hobbes.”⁹ For our topic the “contract of government” and the “original contract” have relevance. The intellectual base of the “contract of government” can be traced to several sources¹⁰:

1. the Roman Law maxim of Ulpian, the *lex regia* (which claims that the people transferred all power to the *princeps*);
2. passages of the Bible which refer to covenants between rulers and the people of Israel;
3. St. Augustine who wrote in his “Confessions” that “the general contract (*pactum*) of human society is to obey their kings”;
4. the fundamental belief in natural law.¹¹

But it can be argued that the most important factor leading to the emergence of the contract of government was feudalism,¹² as the feudal bond was a contractual relationship between the vassal and his lord based on mutual protection and fidelity. Indeed, “feudal society was governed by the law of contract”.¹³ Feudal concepts were living ideas, an “operative political thought”¹⁴ – hence the most immediate source of the contract of government. The theory of contract of government was expounded by St. Thomas Aquinas and through him it “became the general property of the Middle Ages”.¹⁵ Indeed, by the Late Middle Ages the idea of contract “was, to a significant degree, inherent in the whole political theory and practice”, and amidst the confessional conflicts of the 16th and 17th centuries the Calvinists and Jesuits produced a veritable flow of literature on contract theory.¹⁶ It prepared the way for the emergence of the “social contract” in the 17th century.

II. The lack of a contract theory in pre-Petrine Russia

The theory of contract of government rested on the concept of popular sovereignty. Divine origin of power and popular sovereignty, however, are not necessarily contradictory principles. In the West they could coexist, because they were not conceived as being mutually exclusive but as being complementary: the power of the ruler was derived from God not directly

⁷ Ibid, p. 3.

⁸ V. MEDINA, *Social Contract Theories*, London, 1990, p. 5.

⁹ LESSNOFF 1990, p. 10.

¹⁰ GOUGH 1957, pp. 22-24, 27-28.

¹¹ BARKER 1960, p. x.

¹² GOUGH 1957, pp. 32-33.

¹³ W. ULLMANN, *Medieval Political Thought*, London, 1975, p. 147.

¹⁴ C. J. NEDERMAN – K. L. FORHAN (ed.), *Medieval Political Theory: A Reader*, London, 1993, (Introduction p.10.)

¹⁵ BARKER 1960, pp. ix, x-xi.

¹⁶ A. N. MEDUSHEVSKIJ, *Demokratiya i avtoritarizm: Rossijskij konstitucionalizm v sraunitelnoj perspektive*, Moscow, 1998, pp. 16-17. See also: GOUGH 1957, p. 36.

but through the people. In Russia the two principles, divine grace and popular sovereignty, were considered mutually exclusive ones from Kievan times. Power could only come from God and from Him alone without constitutive intermediaries, such as the Church or the people.

Furthermore, until the late 17th century the following perception of power predominated: power was not conceived in abstract but in extremely concrete terms¹⁷, i.e. until the *smuta* there was no distinction between power as such and the “concrete” person who wielded it. In other words, divine origin of power was equated with the divine appointment of the ruler.¹⁸ This view had its origin in Byzantine tradition which taught that rulers were appointed to rule by God, that is rulers were put on their throne by God through divine providence. According to Byzantine theory, when an emperor was elected by the senate, the army and the people, they simply “revealed and implemented the will of God and the Holy Spirit”.¹⁹ The idea of the ruler’s divine appointment remained the fundamental principle of the Russian ideology of power until the 20th century: therefore, it has a similar continuity to that of the contract theory in the West. It is clearly expressed by two proverbs recorded in the 19th century, though the ideas they contained had been commonplaces of ideology for centuries. These proverbs summarized the deeply rooted popular belief on power which coincided with the official proclamations: “God gives power to whomsoever he will”; “The Tsar has been stood [on his post] by God.”²⁰ These proverbs owed their origin to the Book of Daniel: “... the most High ruleth in the kingdom of men, and giveth it to whomsoever he will, and setteth up over the basest of men.” (Daniel, 4: 17.)

Understandably this perception of power left little or no room for the idea of political contract.

Consequently, in the conceptual framework of divine ordination and divine providence tyranny posed no great problem: the tyrant in the Kievan period was, by and large, the scourge of God sent by Him to punish the people for their sins.²¹ This perception of tyranny though not unknown in the West, was overshadowed from the 12th century onwards by ideas of “suitability” and “unsuitability” when the notion of kingship as a public office, instituted for the common good of the people, definitely triumphed. This perception of rulership emerged in Russia only during the reign of Fedor Alekseevich (1676-1682) and this fact is of utmost importance for our topic. Indeed, the “idea that the relationship between the ruler and ruled is to be conceived as in essence one of contract” was “closely allied with the axiom that the benefit of the subjects is the purpose of the institution of the ruler”.²² This axiom, formulated in the 7th century by Isidore of Seville, was to become “canonical”, and was frequently cited by later authors.²³

¹⁷ M.A. DYAKONOV, *Vlast' moskovskikh gosudarej*, St. Petersburg, 1889, (see hereafter DYAKONOV 1889) p. 39; M. V. SAKHMATOV, *Opiti po istorii drevne-ruskikh politicheskikh idej*, Prague, 1927, (see hereafter: SAKHMATOV 1927) vol. 1, p. 272.

¹⁸ DYAKONOV 1889, p. 39; SAKHMATOV, p. 272.

¹⁹ D. M. NICOL, “Byzantine Political Thought” in: J. H. BURNS, (ed.) *The Cambridge History of Medieval Political Thought*, Cambridge, 1988, pp. 51-79, p. 63.

²⁰ V. V. DAL', *Poslovitsy russkogo naroda* (3rd edition) Moscow, 1957, pp. 247, 244.

²¹ Under the influence of Joseph of Volokolamsk a new conception of tyranny gained ground in the 16th century: the tyrant was seen as a tormentor.

²² J. M. KELLY, *A Short History of Western Legal Theory*, Oxford, 1992, pp. 96-97.

²³ *Ibid*, p. 95-96.

There was one organ in the Rus', the *veche*, which could have generated a contract theory, since it elected princes and made contracts (*ryady*) with them, and sometimes even deposed them. But the contracts lacked a theoretical base: there was no mention of the idea that the power of the prince was based on contract. Since the Church held on to the principle of divine appointment, the *veche* as the source of power with the right to depose rulers did not fit into this framework. The Church thus reconciled the existence of the *veche* with the divine appointment of the ruler in the following manner: the popular assembly was no more than one of the means articulating divine ordination.²⁴ No wonder that "the relationship of the *veche* and the prince was not discussed at all in the political literature" of the Rus'.²⁵

According to Lotman "contractarian mind" in Russia was regarded as pagan, and "contract was perceived as a thing wholly human («human» in the sense, that it is contrary to «divine»".²⁶ Thus human relations based on contract were given "a negative evaluation quite early".²⁷ Popular sovereignty and popular will were considered evil things by the clergy because of the sinful nature of man from the time of the Rus'.²⁸ This attitude was expressed by Ivan IV when he stated that he came to his throne "by Divine will, and not by the ever-seditious wish of mankind" (*po Bozh'yu izvolen'yu, a ne po mnogomyateznomu chelovechestva khoteniyu*).²⁹ In 16th-century Muscovy a ruler whose power was limited by a contract was called *uryadnik*³⁰, a term derived from the word *ryad*, and was disdained by the grand princes. The Muscovite ideal was expressed in the title of *gosudar'* which can best be translated as "unlimited lord" or "unlimited ruler". The difference between an unlimited and a contractarian ruler was spelled out clearly in 1532 when an embassy arrived in Moscow from India. The Moghul ruler, Babur, wanted to establish "amicable and brotherly" relations with the grand prince, Basil III. The latter, however, refused to consider Babur's wishes. The reason for the unfriendly decision was explained to Babur's embassy in these words: the grand prince "does not know his [i.e. Babur's] state (*gosudarstvo*); it is not known [either] whether he is an unlimited lord or a contractarian ruler of that state (*gosudar' ili gosudarstvu tomu uryadnik*)".³¹

Not only the antithesis between the human and the divine, which emanated from the premise of the sinful nature of man, but also the lack of

²⁴ Only the Novgorodian Chronicles held a different view, namely that the prince's power was derived indirectly from God, because he got it through the *veche*, the will of which in itself was an enough source of power. SAKHMATOV 1927, vol.1, pp. 97, 108.

²⁵ V. E. VALDENBERG, *Drevnerusskie ucheniya o predelakh tsarskoj vlasti*, Petrograd, 1916, p. 132. Also G. VERNADSKY, *Kievan Russia*, New Haven, 1948, p. 289.

²⁶ Yu. M. Lotman's words quoted in: B.V. ANAN'ICH, *Vlast' i reformy v Rossii*, St. Petersburg, 1996, p. 15.

²⁷ Ibid, p. 15. V. Kivelson, on the contrary, claims: "The idea that Russians saw contracts as evil does not apply in the commercial sphere, where law codes protect the idea of contract from the Russkaia Pravda on, and Muscovite litigation is full of suits over failure to fulfil contractual duties." (I am grateful to V. Kivelson for her comments on the preliminary version of this paper. Quotation is from her comments.)

²⁸ DYAKONOV 1889, p. 45.

²⁹ D. S. LIKHACHEVA — Ya. S. LUR'E (ed.), *Poslaniya Ivana Groznogo*, Moscow-Leningrad, 1951, p. 213.

³⁰ R. PIPES, *Russia under the Old Regime*, London, 1974, p. 77.

³¹ The translation is mine, based on the Russian text quoted by Pipes (p. 323 en. 25) in his abovementioned work.

legal science (study of Roman and Canon Laws) contributed to the fact that Russian bookmen, on the whole, were not familiar with the concept of natural law before the late 17th century. By contrast, in the West, “there was always a close and intimate connection” between the idea of contract in general and the idea of natural law.³² An autochthon development of contractarian thought in Russia was thus hindered. Those factors mentioned as conducive to its emergence in the West were clearly missing. It is of the utmost importance in this context that Russia knew no feudalism of any kind in the legal-institutional sense. And also we have to add the lack of such a conflict as the Investiture Contest between the Russian rulers and the Orthodox Church. (The conflict between patriarch Nikon and tsar Alexis in the 17th century was just slightly similar to this phenomenon.) In the West, however, there was a great deal of “Papism” in the contract of government³³, because of the hierocratic doctrine (that is the Pope’s right to depose rulers and absolve people from their allegiance to the ruler). The relation between the rulers and the Church in Russia – generally but misleadingly described in historiography by the term “caesaropapism” – though not without frictions, was based on the Byzantine principle of “symphony” of powers. The Russian Orthodox Church went much further on the question of obedience to rulers and denied the people’s right to active resistance. The message of the Russian Orthodox Church was that “humility, obedience, and acceptance of fate were the finest adornments” of Orthodox Christians.³⁴ Having considered all these factors we can understand why Russian bookmen did not think of a contractarian interpretation of those Biblical passages which referred to covenants between the rulers and the people of Israel – despite of the deep belief in the idea of Rus’ as New Israel. Last but not least, a further advantage of the Latin West should be emphasized, the fact that the language of the Vulgate was very close to the language of Roman Law. It had far reaching implications: the Vulgate made, among others, contractarian associations much easier. When the Bible “was read by a medieval jurist or even a well-educated clerical writer, it could yield legal meanings and associations that would never have been apparent to Muscovite readers at all”³⁵ Besides, the Russians did not have a full translation of the Bible until the end of the 15th century.

What about borrowing from the West? Although Church-Slavonic language separated Russia from the Latin West this fact, in itself, did not mean an unbridgeable gap. Hostility to the Latin Church, which markedly sharpened from the 13th century onwards, however, widened the gap. Despite of all these, western influences certainly reached Russia even before the middle of the 17th century, but the anti-Latin attitude of the Russians fostered by the Church was deeply rooted by the 16th -century. Russian sayings bear witness to the deep anti-Latin attitude: “Go to the Latins!” (with the meaning: “Go to the Devil!”); “I wish you were of Latin faith” (with the meaning: “I wish you were damned”).

³² BARKER 1960, p. x.

³³ *Ibid.*, p. viii.

³⁴ J. P. LE DONNE, *Absolutism and Ruling Class. The Formation of the Russian Political Order 1700-1825*, Oxford, 1991, p. 143.

³⁵ D. ROWLAND, “Ivan the Terrible as a Carolingian Renaissance Prince”, in: N. S. KOLLMANN – D. OSTROWSKY – D. ROWLAND (eds), *Rhetoric of the Medieval Slavic World. Essays Presented to Edward L. Keenan on his Sixtieth Birthday by his Colleagues and Students*, (Harvard Ukrainian Studies 1995), pp. 694-606., p. 598.

III. Contract theory in Petrine Russia

Yurij Krizhanich, a Croatian priest who went to Russia in the mid-17th century was, perhaps, the first man in Russia, but not the first Russian, to be sure, to make use of the theory of contract (namely the idea resembling the original contract), combined with the notion of the people's well-being³⁶, in discussing ruling power:

"In other respects, we are obliged to care for the general well-being of the people (*obshchego narodnogo dobra*) and to avoid the division of the kingdom. To quiet our conscience it will be sufficient for us to observe and keep the general contract accepted by the entire people (*smotrit' i derzhatse obshchego ot vsego naroda uchinenogo dokonchaniya*). That is (to say), our father of blessed memory did not deprive anyone of his patrimony but accepted this realm on behalf of himself and his descendants for eternity by the free and concordant election and contract of the people (*ot narodnogo, Wolynogo, i zgodnogo obraniya i dokonchaniya*). We conform ourselves to this election, and on this contract endorsed by God and the people (*i na tom Bozhiem vsego naroda zgodnom dokonchaniyu*), and on this legal foundation we determine and reaffirm our rights, full royal authority and dignity, and the well-being and common benefit of the entire people (*vsego naroda obshchuyu pol'zu i pospeshenie*), and the immutable unity of the kingdom."³⁷

Krizhanich's work, which may have been influenced by Hobbes, was printed in a limited edition and copies of his book were to be found in the libraries of some key political figures of the 1670s and 1680s, for instance, tsar Alexis and V. Golitsyn, the advisor of tsar Fedor.³⁸ But in spite of the presence of the book in the libraries of such prominent people no conclusive proof has been found that it directly influenced Russian rulers.³⁹ The appearance of Western concepts in Russia such as the common good and contract was an evidence of Russia's Westernization. This process in the field of ideology started in the middle of the 17th century. G. Weickhardt in his discussion of 17th-century Russian political thought was of the opinion that some authors (including Krizhanich) and even the framers of the *Ulozhenie* held that "the ruler and the laws derived their legitimacy from a contract or from popular consent".⁴⁰ In case of Krizhanich it is justified to speak of a contract. I agree, however, with M. Poe that Krizhanich cannot be considered a "representative of *Muscovite* political thought".⁴¹ What concerns contractarianism in Muscovy advocated by Weickhardt and some other authors I completely agree with M. Poe's refutation of this belief: "There was certainly some sense in which all Muscovites believed the ruler was beholden to the people. But to speak of a «contract» is to ignore the informal framework of Muscovite political culture and, more importantly, the indisputable fact that no Muscovite

³⁶ Cf. Kelly's statement, fn. 22.

³⁷ Yu. KRIZHANICH, *Politika* Moscow, 1965, p. 275. In the translation I drew on J. M. LETICHE – B. DMYTRYSHYN, *Russian Statecraft: The Politika of Iurii Krizhanich*, Oxford, 1985, (see hereafter: LETICHE – DMYTRYSHYN 1985) p. 225.

³⁸ LETICHE-DMYTRYSHYN 1985, pp. xiv-xv.

³⁹ *Ibid*, p. xiv.

⁴⁰ G. G. WEICKHARDT, "Political Thought in Seventeenth-Century Russia" *Russian History* 21 (1994), p. 337.

⁴¹ M. POE, "What Did Russians Mean When They Called Themselves «Slaves of the Tsar»?" *Slavic Review* 1998, pp. 585-608, p. 607. fn. 129.

ever composed a contractarian political philosophy that explicitly bound the activities of the tsar to the will of the people.”⁴²

By the time of Peter’s accession the role of the ruler was redefined. His most important task was no longer the protection of Orthodoxy but the promotion of the common good: “terrestrial well-being, rather than salvation” became the “stated objective of Russian statecraft”.⁴³ It is important to note that in the beginning Western ideas did not come to Russia directly from Western Europe but via the Ukraine, through the Ukrainian intellectuals. Feofan Prokopovich was the greatest representative of this process. He was the rector of the Kievian Academy and an indispensable state servant of Peter who summoned him to the capital in 1716. Peter commissioned him to create a new Westernized political ideology which he accomplished with great success.

A milestone in the creation of this new ideology was Prokopovich’s sermon delivered in St. Petersburg in 1718 on Palm Sunday. It bears the title: “*Slovo o vlasti i chesti tsarskoj, yako ot samogo boga v mire uchinena est’...*” (“Sermon on Royal Authority and Honour: How It Is Established in the World By God Himself...”) ⁴⁴ The sermon was printed in pamphlet form in August 1718⁴⁵, as during Peter’s reign special emphasis was laid on printing. The printed word was to spread new ideology.⁴⁶ One pillar of the argument in the sermon is natural law and the original contract emanating from it:

“And behold, might there not be in the number of natural laws this one, too, that there are to be authorities holding power among nations?... This thought does not occur to many men. Why not? Because living safely under such guardians, they do not reason about their good position (*dobro*), for they are used to it. Yet if anyone were to try to live with men outside such a system, he would at once become aware how bad (*nedobro*) is without authority. We have the tale of Vejdevut, the first leader of the Prussians and Zhmuds. His people not being under any authority, when they had suffered many an ill from outsiders and from each other, were forced to ask him, as an intelligent man, for advice for their own improvement. Vejdevut addressed them thus: «If men», he said, «you were not stupider than your own bees, it would be well with you.» They asked in what way they were stupider than bees. «In that», he said, «the bees, these small and speechless insects, have a king while you, men, have none.» They burst into applause at the advice and that very hour urged him to become their ruler... For we hold it certain that supreme authority receives its beginning and cause from Nature itself. If from Nature, then from God Himself, the Creator of Nature. For if the origin of primary authority comes from man’s condition and agreement (*pervyya vlasti*

⁴² Ibid, p. 607. fn. 129.

⁴³ D. J. BENNET, Jr., *The Idea of Kingship in 17th-Century Russia* (Ph. D. diss. Harvard University, 1967) pp. 2-3. Quoted in A. M. VERNER, *The Crisis of Russian Autocracy*, Princeton, 1990, p. 74.

⁴⁴ The text is from I. P. EREMIN (ed.), *Sochineniya Feofana Prokopovicha*, Moscow, 1961, pp. 76-93. I used H. G. LUNT’s translation “Sermon on Royal Authority and Honour”, in: M. RAEFF (ed.), *Russian Intellectual History*, New York, 1966, (see hereafter: LUNT 1966) pp. 14-30. For the better understanding I inserted some keywords of the original text. (First comes the reference to the original text (*Slovo*), then reference to Lunt’s translation and his comments.)

⁴⁵ LUNT 1966, p.14.

⁴⁶ G. MARKER, *Publishing, Printing and the Origins of Intellectual Life in Russia 1700-1800*, Princeton, 1985, p. 25.

nachalo i ot chelovecheskogo sosloviya i soglasiya proishodit), yet because the natural law written on man's heart by God demands a powerful protector for itself, and conscience (which itself is also the seed of God) urges him to seek the same thing as well, therefore we cannot help but call God Himself the cause of the authority of governments.⁴⁷

The quote reflects an ambiguity concerning God's role in the formation of government: despite of the last sentence it seems to be rather reduced. We have the feeling that God is just the final cause of government, because contract is not linked to direct divine intervention, divine providence. But, in fact, the author's argument is overwhelmingly based on the traditional Byzantino-Russian view of power advocating divine ordination (see the title itself); the ideas of natural law and contract are subordinated to this view. It becomes particularly clear when, referring to the Biblical passages, the author draws the conclusion that they "suffice as perfect proof that powers of government are the work of God Himself".⁴⁸ To quote just the most important passage: "Daniel speaks to the ear of this world: «Let the living know that the most High ruleth through the kingdom of men, and giveth it to whomsoever he will». (Dan. 4:17)⁴⁹ This passage was, of course, a commonplace by then in Russian works touching on matters of power. We can also find the two Biblical passages which had been crucial to Muscovite ideology of power in the 16th-17th centuries and existed in proverbial form in the 17th century⁵⁰:

«The king's (*tsar*) heart is in the hand of the Lord, as the rivers of water: he turneth it whithersoever he will». (Prov. 21:1)⁵¹; "For everyone knows that holy saying of Peter: «Fear God. Honour the king». (I. Pet. 2:17)⁵²

Furthermore, it was not a coincidence that the sermon was delivered on Palm Sunday, the feast of Jesus Christ's entrance to Jerusalem. In the 16th-17th centuries the two "most noteworthy public religious ceremonies in Moscow" involving the *tsar* and the metropolitan/patriarch were the Palm Sunday ritual and the Epiphany ritual i.e. the Blessing of Water.⁵³ The focus of the Palm Sunday ritual was a procession in which the *tsar* walked on foot leading the metropolitan's/patriarch's "disguised horse" by the rein with one hand while holding a branch of a willow in the other.⁵⁴ At the heart of this ritual lay the *tsar*'s humility, who "in humble imitation of Christ's earthly ministry" led his Russian Orthodox subjects towards salvation.⁵⁵ The ritual was confined to Moscow by synodal decree after 1678.⁵⁶ It is not of great significance in the present context whether Peter deliberately abolished this ritual in 1697, or simply abandoned it (the *tsar* was not in Moscow at Easter in the years

⁴⁷ *Slovo* p. 82; LUNT 1966, pp.19-20. This reference to Vejdevut was taken by Prokopovich from a 16th-century (1582) chronicle account. LUNT 1966, p. 20, fn. 3.

⁴⁸ *Slovo*, p. 85; LUNT 1966, p. 22.

⁴⁹ *Slovo*, p. 83; LUNT 1966, p. 21.

⁵⁰ For the question of Muscovite ideology as reflected in proverbs see E. SASHALMI, "16th-17th-Century Muscovite Ideology of Power in European Perspective" in: Gy. SZVAK (ed.), *The Place of Russia in Europe/ Mesto Rossii v Evrope*, Budapest, 1999, pp. 166-172.

⁵¹ *Slovo*, p. 83; LUNT 1966, p. 21.

⁵² *Slovo*, p. 86; LUNT 1966, p. 23.

⁵³ M. S. FLIER, "Breaking the Code: The Image of the *Tsar* in the Muscovite Palm Sunday Ritual" in: M. S. FLIER — D. ROWLAND (eds), *Medieval Russian Culture* vol. 2, Berkeley-Los Angeles, 1994, pp. 213-242. p. 241.

⁵⁴ *Ibid*, pp. 214, 231-232.

⁵⁵ *Ibid*, pp. 230, 242.

⁵⁶ *Ibid*, p. 241.

1697-1700).⁵⁷ Whatever the truth is, the memory of the ritual must have lingered on even in the newly established capital, and one of the main purposes of the sermon was to remind the subjects of the similarities between Christ and the tsar. Nowhere it is expressed with greater force than at the end of the sermon where Peter is called Christ by Prokopovich: "...we have not recognized many of Thy good deeds, shown forth to us in Peter; we confess therefore that we are unworthy and have been ungrateful... Lord save Thine christ (*spasi khrista svoego*) and hear him from Thy holy heaven. Lord, save the Tsar and hear us!"⁵⁸ This issue is a further proof of the combination of old Muscovite ideas with newly received western notions.

Petrine political ideology is usually labelled in historiography as being absolutist and "*Pravda voli monarshej vo opredelenii naslednika derzhavy svoej*" ("The Law of the Monarch's Will in Designating the Heir to His Realm"-1722) attributed to Feofan Prokopovich,⁵⁹ is considered to be the most important treatise of this new ideology. The purpose of the treatise was primarily to justify Peter's law on succession (issued in the same year) proclaiming that the ruler could designate anyone to succeed him.⁶⁰ In the treatise, the legitimacy of the ruler's practically unlimited power⁶¹ is based on two sources of unequal importance: the traditional Byzantino-Russian view on power in its pure form on the one hand, and the idea of the original contract on the other. But their relationship here is spelled out more unequivocally than in the 1718 sermon. It must be stressed is, the original contract is not a contract in its own right, for the idea of the original contract is reconciled with the providential view of power. In the *Pravda voli monarshej* we have the plain traditional statement with traditional references to the Bible: "...every ruler, whether he received his sceptre by inheritance or by election, receives it from God: for it is by God that kings reign and princes decree justice (*Proverbs,8*); power is given to them by the Lord and strength from the Most High (*The Wisdom of Solomon, 6*); The most High ruleth in the kingdom of men, and giveth it to whomsoever he will, (*Daniel,4*)."⁶²

Then, before the description of the contract, we find the following proposition:

"...every form of government and hereditary monarchy itself owes its beginning to the first agreement of this or other people (*ot pervogo v sem*

⁵⁷ L. HUGHES, *Russia in the Age of Peter the Great*, New Haven, London, 1998, pp. 274-275.

⁵⁸ *Slovo*, p. 93; LUNT 1966, p. 30.

⁵⁹ We do not need to discuss here the question of authorship, because it is not an important issue for the task we have undertaken. For this problem see the "Introduction" in A. LENTIN'S book: *Peter the Great: His Law on Imperial Succession. The Official Commentary*, Oxford, 1996, (see hereafter: LENTIN 1966) pp. 57-62. What is of great significance is the fact "that the book was commissioned and approved by Peter", and hence it "represents a learned elaboration of his own general views". Ibid, pp. 61-62.

⁶⁰ For the publication and history of the treatise see LENTIN 1966, pp. 65-69, and MARKER 1985, pp. 26, 39. The most thorough discussions of the work in Russian and English are: G. GURVICH, *Pravda voli monarshej Feofana Prokopoviicha i eya zapadnoevropejskie istochniki*, YUREV 1915. and Lentin's "Introduction". The latter one is the best treatment of the subject in any language.

⁶¹ For the question whether the new Petrine ideology was really absolutist or not see Lentin's "Introduction" and my conference paper: E. SASHALMI, "Some Remarks on the Typology of Official Petrine Political Ideology", in: Gy. SZVÁK (ed.), *Mesto Rossii v Eurazii / The Place of Russia in Eurasia*, Budapest, 2001. pp. 233-243.

⁶² The translation of the text, with some minor modifications, is taken from Lentin's book. LENTIN 1996, pp. 174-177.

ili onom narode soglasiya), the will of which always and everywhere operates under the most wise divine providence.”⁶³

Next comes the description of the contract itself:

“Thus we can describe in these words what the people’s will (*volya narodnaya*) was at the beginning of the elective monarchy: *unanimously (soglasno) we all want, says the people (narod) to the first monarch, that you rule over us for our common benefit (k obshchej pol’ze nashej) while you are alive; and we all renounce our will and submit to you, without retaining any kind of freedom for ourselves in things of general concern: but only until your death; after your death we shall be again in the possession of our will to decide whom to give the highest power over us, considering merit and according to our consent.* In an hereditary monarchy, however, such was the people’s will (*volya narodnaya*) to the first monarch, even if it was not expressed by word, but by deed: *unanimously we all want you to rule over us for our common benefit (k obshchej nashej pol’ze) for ever, that is until your death; for the time after you, you yourself leave an hereditary ruler for us; and we, having once renounced our will, shall never use it either before or after your death; but we are obliged to obey you and your successors after you by a sworn promise, and we bind our heirs by the same obligation.*”⁶⁴

The claim that the renunciation of will was irrevocable is elaborated at length on the basis of the above-mentioned reconciliation of original contract with divine providence:

“It should also be understood, that the will of the people (*narodnaya volya*) both in an elective and in an hereditary monarchy exists not without immediate divine providence (as was mentioned above), but its operation is moved by divine signal; for the Holy Writ clearly teaches, as we saw it fairly well above, that *there is no power but of God.* Hence all duties, both those of the subjects (*poddannyh*) towards their ruler and those of the ruler in respect of his subjects’ common good (*k dobru obshchemu poddannyh*) derive not solely from the will of the people (*ot edinoj voli narodnoj*), but also from the will of God (*ot voli bozhiej*)... Even if the people obstinately desired to repeal its own will at a [later] time (which would be a great inconstancy and the monarchy could never be hereditary in this case), it cannot repeal the divine will, which moved the will of the people, and itself acted in concert with it in the establishment of that monarchy and in the election of the first monarch, as was amply shown above. Rather the people must endure its monarch’s unsuitability and wickedness whatsoever (for the Holy Ghost too commands obedience *not only to the good and gentle but also to the froward*); unless, at the election of the first monarch, certain contracts (*dogovory*) were laid down with his consent or were confirmed by him on oath, whereby it was stipulated that if the monarch did not fulfil them, he would be deposed; such a monarchy, however, would not be a true monarchy, and would indeed be subject to continual misfortunes (for it would be open to wicked men to misrepresent even the monarch’s good deeds), and it is certainly not the kind of monarchy on which our present discourse is.”⁶⁵

Here we do not have the feeling of ambiguity concerning God’s role: God is obviously not only the final cause of the government, but also has a direct role in its formation. (The Byzantine heritage – see the

⁶³ Ibid, pp. 204-205.

⁶⁴ Ibid, pp. 206-207.

⁶⁵ Ibid, pp. 208-213.

interpretation of the emperor's election by the people – is striking.) Probably that is the reason why contract (though it is an original contract) is not deduced explicitly from natural law reasoning; there is merely a reference to the will of people. Unlike in the 1718 sermon the terms of the contract are spelled out here, and the original contract made under divine supervision empowers the ruler to do practically everything whatsoever pleases him.⁶⁶ What we encounter here is a modern version of the old idea of God acting through the people.⁶⁷ This age-old idea received a fresh impulse in 17th-century Russia with the election of Mikhail Romanov. “Official publicity as well as popular formulations stressed that Mikhail Romanov was chosen «by God and all the people».”⁶⁸ For in the “non-institutional political culture” of Muscovy “popular will and organizational procedure”, that is election by the *zemskij sobor*, were merely seen as “vehicles expressing God's will”, which, in the last resort, was the only source of legitimacy.⁶⁹ During Peter's rule the idea was modified, since it was clothed in a Western garb: principles of natural law, common good, and original contract – principles that the old idea had previously lacked – were integrated into the reasoning. The Byzantine influence is more striking in the *Pravda voli monarshej* because of the reference to direct divine intervention. *Pravda voli monarshej*, was not the only one among the official documents containing the idea of direct, but hidden divine intervention in the establishment of political power. This idea can be found in Buzhinskij's panegyric sermon (1723) written for Peter's 52nd birthday: “Powers preselected by God have something of divine and God's secret agreement in them, the mysterious motion of divine cooperation (*Predizbrannye bogom vlasti imut v sebe nechto bozhestvennoe i tajnoe Bozhie soglasie, tainstvennoe bozhestvennogo sodejstvija dvizhenije*).”⁷⁰

The following question inevitably comes to one's mind: Why was it important for the ideologists of the Petrine state and for Peter himself to introduce the concepts of natural law and contract, and to build a Westernized political ideology on them? It immediately raises another question: What form of natural law and contract? Natural law, as Raeff remarked, came in Russia essentially in “German Protestant rather than in French or English garb”.⁷¹ While English and French natural law greatly stressed the rights of the individual, German Protestant natural law stressed “service” in the sense of “calling”, and obedience to the existing powers.⁷² Here we have the clues to the answer: service/calling and obedience. To serve the state was perceived by Peter as his calling, the reason for his own (and also his subjects') existence. For him to serve the state meant to reform Russia and this task required the obedience of his subjects under any circumstances. Consequently, when contract theory

⁶⁶ Ibid, pp. 222-223.

⁶⁷ I made this statement in my Ph. D. dissertation: E. SASHALMI, *Autocracy or Absolutism? Continuity and Change in Russian Ideology of Power from Joseph of Volokolamsk to the Death of Peter the Great*, (in Hungarian) Debrecen, 1997, p. 113. It was good to be reassured later by reading the same in D. OSTROWSKY, *Muscovy and the Mongols: Cross Cultural Influences on the Steppe Frontier 1304-1589*, Cambridge, 1998, pp. 216-217.

⁶⁸ V. A. KIVELSON, *Autocracy in the Provinces: The Muscovite Gentry and Political Culture in the Seventeenth Century*, Stanford, 1996, p. 13.

⁶⁹ Ibid, p. 13.

⁷⁰ G. BUZHINSKIĬ, “Propovedi” in: *Uchennye zapiski Jur'evskogo universiteta 1900*, No. 3, p. 501.

⁷¹ M. RAEFF, *The Origins of the Russian Intelligentsia*, New Jersey, 1966, p. 155.

⁷² Ibid, p.155.

built on natural law emerged in Russia, it was used to stress the importance of service (duties) and rebuke resistance to the ruler. Contract in Petrine Russia was not based on mutual rights and duties; it was based on mutual service and helped to justify the unlimited nature of the tsar's (or emperor's) power in the name of the common good. It is no wonder that Peter displayed a great interest for the works of Grotius and Pufendorf⁷³ who used contract theory to justify the subjects' obedience.

The appearance of contract theory in official ideology was part of Russia's westward intellectual turn. At the same time, however, it was a "response to the challenges which Western ideas were posing to the Muscovite autocracy".⁷⁴ Besides the religious challenge, that is the Church's claim of independence of the secular power, there was also a secular challenge, that is the idea of contract in its traditional interpretation which allowed the right of resistance.⁷⁵ It was manifested in the governmental crisis of 1730 when the throne was offered to princess Anne provided she accepted the "conditions" of the Supreme Privy Council: "In the letter accompanying the «conditions» the council defined power as resting originally in the people and used the reasoning of the political contract to explain the present challenge to autocracy."⁷⁶ The last point of the "conditions" contained the right of resistance: "In case I have failed to fulfill or carry out any of these promises, I will be deprived of the crown of Russia."⁷⁷ It was thus necessary for the ideologists of the Petrine state to buttress the power of the monarch with "a supplementary legitimation",⁷⁸ – supplementary to the old Byzantino-Russian principles of ruling. Natural law and contract provided the means for this. They not only strengthened the traditional theocratic justification of power but also gave it a Western façade.

⁷³ E.V. ANISIMOV, *Vremya Petrovskikh reform*, Moscow, 1989, pp. 41-42.

⁷⁴ S. BENSON, "The Role of Western Political Thought in Petrine Russia" *Canadian-American Slavic Studies* VIII:2 (Summer, 1974), pp. 254-273, p. 254.

⁷⁵ *Ibid*, p. 254.

⁷⁶ *Ibid*, pp. 261-262.

⁷⁷ Quoted in E. ANISIMOV, *Rossiia bez Petra*, St. Petersburg, 1994, p. 181.

⁷⁸ A. B. ZAJCHENKO, "Teoriya prosveshchennogo absolyutizma v proizvedeniyakh Feofana Prokopovicha" in: *Iz istorii russkogo prava*, Moscow, 1984, pp. 76-83, p. 80.

The Country Nobody Wanted: Some Aspects of the History of Transilvanian Principality

The Principality of Transylvania as an independent political unit appeared for the first time, in Abraham Ortelius's world map, published in 1570 and entitled "Theatrum Orbis Terrarum". This date coincides with the date of the treaty of Speyer concluded between the Habsburg Empire and the ruler of Transylvania. It was the first treaty in which Maximilian II, King of Hungary and Holy Roman Emperor, recognized the independence of Transylvania though still considered it as being part of the Kingdom of Hungary.

Prelude to the treaty of Speyer (1570)

In 1526 the forces of the Kingdom of Hungary were fatally defeated by the Ottoman Turks in the battle at Mohács. The young king of Hungary died in the battle and with him died half of the magnates and the bishops of the kingdom, who had governed the country. The memory of the battle is very much alive in Hungarian national consciousness.

After the battle of Mohacs, it took three decades for the territories which later became known as the Principality of Transylvania to step on a new historical path. The distinct historical evolution of the Eastern part of the country was facilitated by the election of two kings in 1526, that of Ferdinand of Habsburg and Janos Szapolyai, the voievoda of Transylvania, who was the leader of the Hungarian anti-Habsburg nobility. This election and the resulting civil war between the competing factions divided the allegiance of the nobility and gave an opportunity to the Sultan to interfere in Hungarian politics on the side of Szapolyai. Szapolyai's death in 1540, and the Habsburgs' attempt to capture the country provoked an Ottoman campaign, led by Suleyman the Magnificent, which resulted in Ottoman occupation of Buda, the capital of the Medieval Kingdom of Hungary. Whereas the central parts of the country soon became integrated into the administrative system of the Ottoman Empire, the Western and Northern parts remained under Habsburg rule.

The territories to the East of the Tisza river, including Transylvania, were given by the Sultan to Szapolyai's widow and his infant son, who was elected as king of Hungary right after the death of his father by the Hungarian estates. Under the pressure of circumstances the eastern parts of the medieval Kingdom broke away from the rest of the country. Accepting the protectorate of the Ottoman Empire they stepped on a different historical path. The history of the Principality of Transylvania lasted almost 150 years. It existed because the rivalry between the Habsburg and the Ottoman Empires, created a favourable political situation as neither of them could or wanted to incorporate Transylvania

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into their respective administrative structures. When this state of affairs changed at the end of the seventeenth century, the principality as a semi-independent political unit ceased to exist.

During this 150-year period Transylvania followed its own path and developed institutions different from the rest of the Kingdom of Hungary, often called "Royal Hungary". It had important consequences, which could explain the interest of 20th-century historians in questions related to the Principality of Transylvania. Recently the subject has entered its renaissance.

With the growing interest in the theme, an approach is being crystallized in recent years, which maintains that the Principality of Transylvania was a historical dead end, and that only the historical evolution of Royal Hungary under the Habsburgs led to Europe, and represented the organic evolution of Hungarian institutions and society.

I am deeply concerned that such an approach in contemporary Hungary is strongly influenced by recent daily political implications, and reads back contemporary notions about the place of Hungary in Europe into the sixteenth century. Before returning to this issue in my conclusions I would like to make you acquainted with three questions posed by recent Hungarian historiography with regard to the history of Transylvania.

The issue of beginnings

Recent Hungarian scholarship has shown (the works of Elemér Mályusz, Gábor Barta, Zsolt Trócsányi, Zsigmond Jakó, Katalin Péter) that the principality grew out not of the separate governmental structure represented by the institutions of the medieval voevodaship, but came into existence in the decades of the 1550s-1560s as a continuation of royal institutions and power characteristic of the Kingdom of Hungary. In making their claims they point to the similarities between the Diet and governmental institutions of the medieval Kingdom of Hungary and that of the Principality of Transylvania.

It cannot be denied that, geographically Transylvania was different from the middle region of the country, and this distinct and distant area functioned as a specially administered region within the framework of the Kingdom of Hungary. It was governed by an appointed representative of the king, called voevoda, who, as a consequence of the devolution of royal authority, possessed almost full power over the territory, except for the royal prerogatives. As the power of the voevoda reached its zenith by the end of the 15th century the separation of the province from the central regions increased accordingly.

Apart from the above geographical factors, the uniqueness of the political structure of medieval Transylvania was also conditioned by the social structure of this faraway region. Besides the Hungarian nobility there were two social groups with special privileges and territorial autonomy in Transylvania: the German-speaking Saxons and the Hungarian-speaking Szeklers. The existence of these archaic social groups further contributed to the differences between Transylvania and the rest of Hungary. These archaic organizations began to disintegrate only in the second half of the 15th century and the process lasted until the end of the 16th century.

Contrary to the general belief these archaic structures did not facilitate the establishment of a new political entity. The Saxons, for instance, supported not separation but the incorporation of the eastern parts of the country into the Kingdom under Habsburg rule. After a failed attempt in the 1550s the Habsburgs had to give up their aspirations, and accept the separation of the territory from the rest of the Kingdom. When in 1556, Izabella and her sixteen-year-old son, elected king of Hungary, returned from their exile in Krakow, they were accepted by the Hungarian nobility of the region as legitimate heirs of the crown of Szapolyai. Consequently, when the administrative system was created by Izabella and her advisors, the only model available for them was that of the administrative structure of the medieval Kingdom of Hungary. The administrators of the new country were the members of the court of Szapolyai, who remained on Izabella's side and returned with her from exile.

In the formation of the principality the Ottoman Empire played crucial role. Gyula Szekfű, the most influential historian of the interwar period, held the view that the principality was conceived in the power vacuum created by the rivalry between the two competing empires whose spheres of interest clashed in the territory of Hungary.

This view has been accepted by many historians and it resulted in the following consensus: the new state was born at the edge of the two great empires. As for the Ottomans, Transylvania was not strategically important for the Sultans for their main political rival were the Habsburgs. As on other frontier regions, the Ottomans were satisfied with the territories' vassal status.

The Habsburg Empire likewise was unable to annex the province because of the inertia of distance, and because of the sheer political consideration, that Transylvania's geographical position was not useful as a barrier protecting the Habsburg hereditary lands. Though the Habsburgs always considered Transylvania as an integral part of the Crown of Hungary, they could not back their pretension by military might for a long time.

Relations of Transylvania with the Ottoman Empire

The Ottoman Empire was surrounded by dependent satellite or vassal states whose degree of dependence on the Porte varied from region to region. There was a debate about the nature of Transylvania's dependence; it was discussed whether it could be called a vassal state of the Porte.

Throughout its existence, in Ottoman documents the principality was referred to as part of the Ottoman Empire possessing "special status." This special status deserves to be explained at length. In Transylvania the election of the prince was essentially the right of the Diet. He was not merely appointed by the Sultan. But it should be added that the Sultan demanded a notification about the intentions of the Diet concerning the person of the future prince and had the right to approve the choice of the Transylvanian estates. This sultanic document, confirming the election of the Diet, was known as the *ahdname*, in which the Sultan made clear the conditions of ruling. It included: the recognition of the Sultan's

overlordship; maintenance of peace and tranquility with Wallachia and Moldavia; due payment of the yearly tax, called haracs; prohibition of a foreign policy harmful to the interests of the Sultan. The last point was regularly expressed in the formula that the prince "should be the friend of our friends, and the enemy of our enemies". The conditions clearly reflect that the Porte was concerned with foreign policy only and left the domestic affairs of the principality to the discretion of the princes.

This freedom in internal affairs was characteristic of the whole period of the principality's existence. In addition, we have to mention that whenever the Ottomans were involved in wars elsewhere, there was a chance for a more active foreign policy, and the princes took advantage of the opportunities during the reign of Gábor Bethlen and the Rakóczi dynasty, in the first half of the seventeenth century.

The dependence of the neighboring Romanian principalities was much stronger. Let me just mention that the Romanian voevodas were appointed by the Sultan, and were frequently replaced by him with candidates offering a higher tribute. Their close relatives were often held as quasi-hostages in Constantinople. The Porte also interfered in their domestic affairs.

Consequences of the Tripartit Divison of Hungary

The Ottoman occupation of Hungary's central regions and the ensuing brake up of the country was a great blow to the Hungarians of the 16th century. Throughout the 16th century leading Hungarian magnates were preoccupied with the unification of the country at all price for they did not want to accept the real situation.

However, by the beginning of the 17th century, this standpoint completely faded away, and Hungarians living in Royal Hungary and Transylvania accepted the division. In the Diet of 1620, the Transylvanian estates declared that they belonged to the same Transylvanian state, and had common interests which often were different from those of Rohay Hungary. By this time, the Principality of Transylvania appeared in international politics as a separate political unit. During the Thirty Years' War it was a country to be counted on in case of an anti-Hapsburg Protestant coalition.

The new political weight of the principality also influenced the thinking of the estates of Royal Hungary. Opposing the centralizing policy of the Hapsburgs they soon realized that could rely on Transylvania as an ally in defence of the rights and privileges. Politicians in Royal Hungary and the princes of Transsylvania made a virtue out of necessity, and tried to use the state of mutual dependence to their profit.

The expulsion of the Ottoman Turks, however, remained the final, though distant goal. Consequently, on both sides constant efforts were made to awaken the conscience of Europe to form a holy league against the infidel Ottomans.

In 1663 the Chancellor of Transylvania made the following statement: "Transylvania is located in that part of Europe the integrity of which is closely connected with the security of other European countries. The ruin of Transylvania would result in the ruin of neighbouring nations." It expressed the new perception of political relations among the

countries which once had formed the community known as the *Respublica Christiana*.

By the late 17th century the old concept of the *Respublica Christiana*, that is the concept of the Christian Commonwealth was fading and gave way to the concept of Europe: the latter meant a pragmatic, non-religious treatment of political affairs, the existence of sovereign states in this part of the world, and the operation of the principle of the balance of power among the states as a guideline. Yet, at the end of the century, the old principle, the cooperation of Christians against a common enemy, still could produce at last a great joint venture of all Christian nations in Europe. The Holy League was finally created in 1684. It led to the expulsion of the Ottomans from most of Hungary which was confirmed by the treaty of Karlowatz in 1699. By then, the Principality of Transylvania came to an end. In 1690 it was integrated into the Hapsburg Empire in the form of a governorship: it means that its distinct history and character was to linger on. It was in accordance with the interests of the Hapsburgs that Transylvania was linked to the Empire not as an integral part of the territorially almost restored Kingdom of Hungary, but as a separate administrative unit, directly subordinated to Vienna. It was the operation of the ageold principle of "divide et impera". The preservation of Transylvania's distinctiveness was thus a matter of policy.

It is also true, that the existence of a separate principality over one-and-the-half centuries, could also be used by the Habsburgs as an excuse to treat Transylvania differently from the rest of Hungary in the 18th century and in most part of the 19th.

Conclusion

The imperial efforts of the Hapsburgs and Ottomans often neutralized one another thereby creating new chances and opportunities, a "third way", that is the possibility of an independently conducted policy for Transylvania. In the 16th-17th centuries these chances were exploited by the great princes of Transylvania: the Báthories, Gábor Bethlen, or the Rákóczi. Realising the opportunities, the international conflicts in Europe created, they intended to turn Transylvania into a dynastic monarchy. This hope never became a reality, yet the Transylvanian Principality existed for a century and a half as a semi-autonomous state. It was a country nobody wanted to have in the middle of the sixteenth century. Nevertheless, in the 17th century the Principality was accepted by the whole nation as a political formation playing a significant role in the survival of Hungarians. Consequently, it cannot be said that the principality was a false track. Undoubtedly, in economic, social, and administrative aspects Transylvania was less developed than the western regions of the country, and also retained her feudal structure in a characteristically archaic form. Yet, the constant danger provoked a concentration of power in both politics and economy. This enabled the Principality to be featured as an asylum whereby the survival of the Hungarian state could be safeguarded.

On the other hand, the independence and separation of the Principality served for the Hapsburg Empire as a ground to create a provincial administration in the 18th-19th centuries, thus prolonging the separation of the region from Hungary. After the expulsion of the

Ottomans the leading politicians of the Habsburg government implemented the theory of “divide et impera” in the integration of Hungary into the empire. The maintenance of the separation of Transylvania was therefore a conscious political decision.

The Transylvanian Principality cherished the legacy of the medieval Kingdom of Hungary in many respects. Playing off one power against the other, the Principality tried to preserve this legacy within the context of the Habsburg-Ottoman rivalry and that of the Thirty Years’ War. This way the existence of the Principality was an adequate response to the challenge of the era. The Principality fulfilled her role, therefore it would be futile and ahistorical to hold 16th-17th -century politicians responsible for certain negative phenomena of the 19th-20th centuries.

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Die Rolle des „Orta Madschars“ von Péter Perényi bis Emmerich Thököly Zur Methode der türkischen Eroberungen Richtung Westen*

Géza Perjés, der die Theorie des „Aktionsradius“ über die Bewegungsschranken des Osmanischen Heeres und die des „ungarischen Pufferstaates“ aufstellte, warf bei der Betrachtung der aus Anlass der Befreiung Wiens vor 300 Jahren veröffentlichten umfangreichen Fachliteratur folgende Frage auf: „Was für ein Ziel verfolgten die Osmanen mit dem Feldzug im Jahre 1683 und warum richteten sie wieder einen Ansturm gegen Wien, unter dessen Mauern Suleiman der Prächtige (1520-1566) 1529 einen Misserfolg erlitten hatte?“¹ Als Fazit stellte er enttäuscht fest: „Die Geschichtsschreibung konnte auf diese Frage bis heute keine geeignete Antwort geben.“² Zur gleichen Zeit äußerte sich auch der bekannte österreichische Turkologe Karl Teply ziemlich skeptisch: „Die Frage, aus welchen Gründen sich Kara Mustafa entschloss, Wien zu belagern, kann allem Anschein nach kaum mehr beantwortet werden“.³

Aus dem krausen Gespinnst der sich seit Jahrhunderten angehäuften Meinungen lässt sich nur schwer irgendeine Wahrheit herausfiltern. Einige erklärten die Beweggründe zu diesem Feldzug mit subjektiven Faktoren: mit dem heftigen Machthunger⁴ und der Geldgier⁵

* Der Aufsatz ist auf ungarisch erschienen: P. FODOR – G. PÁLFFY – I. GY. TÓTH (Hrsg.), *Gedenkschrift Ferenc Szakály*, Budapest, 2002. S. 415-422.

¹ G. PERJÉS, Mi indította Kara Musztafát Bécs ostromára? Bécs 1683. évi ostromának előzményei, [Warum wollte Kara Mustafa Wien erobern? Die Vorgeschichten die Belagerung Wiens 1683], *Katolikus Szemle* 35/3 (1983), (im weiteren: PERJÉS 1983) S. 243.

² G. PERJÉS, Bécs török ostroma 1683-ban [Die Türkenbelagerung Wiens im Jahre 1683], *Új Tükör* 1983/3, (im weiteren: PERJÉS 1983a) S. 11.

³ K. TEPLY, Das österreichische Türkenkriegszeitalter, in: *Die Türkenkriege in der historischen Forschung*. (Forschungen und Beiträge zur Wiener Stadtgeschichte, 13) Wien, 1983, (im weiteren: TÜRKENKRIEGE) S. 19, und seine Besprechung von József ZACHAR, *Hadtörténelmi Közlemények* 32/2 (1985) S. 470-472.

⁴ Das Werk eines Zeitgenossen, M. FOSCARINI, *Historia della Republica Veneta*. Venezia, 1696 wird zitiert von M. JÁSZAY, *A kereszténység védőbástyája olasz szemmel. Olasz kortárs írók a XVI-XVIII. századi Magyarországról* [Die Vermauer des Christentums mit italienischen Augen. Italienische zeitgenössische Schriftsteller über Ungarn im XVI.-XVIII. Jahrhundert], Budapest, 1996, (im weiteren: JÁSZAY 1996) S. 236; D. M. VAUGHAN, *Europe and the Turk. A Pattern of Alliances 1350-1700*, Liverpool, 1954, S. 268, schreibt sogar, daß der Ehrgeiz von Kara Mustafa keine Grenzen kannte und der Großwesir nicht nur behauptete, daß er sein Pferd im Dom von Sankt Peter anbinden, sondern „... nach der Eroberung von Wien sein Herr zum Rhein führen und dort das Herr von König Ludwig XIV. (1661-1715) besiegen werde.“

⁵ J. ZACHAR, Európa és az oszmán kérdés 1500-1800, (Nemzetközi hadtörténelmi konferencia. Bécs, 1983. június 7-10.) [Europa und die Osmanenfrage 1500-1800 (Internationale militärhistorische Tagung, Wien, 7-10. Juni 1983)], *Hadtörténelmi Közlemények* 30/4 (1983), S. 702; A. SZILÁDY – S. SZILÁGYI (Hrsg.), *Török-magyarkori államokmánytár. VI. 1678-1685*. (Török-magyarkori történelmi emlékek 1.: Okmánytár, 8) Pest, 1871, (im weiteren: SZILÁDY – SZILÁGYI 1871) S. 380-381.

des Großwesirs, sowie mit seiner Zuneigung zu der Frau des Paschas von Ofen.⁶ Andere führten, sich der Realität annähernd, die Weltherrschaftsgelüste des Osmanischen Reiches,⁷ seine Staatsraison, die es zum ständigen Krieg drängte,⁸ sowie die Lösung seiner Finanzkrise mit Blitzkriegen⁹ als mögliche Gründe an. Wieder andere mochten in dem sich in nebelhafter und mystischer Ferne befindenden „kizil elma“ (= „Goldener Apfel“) die Erklärung gefunden haben. Dieser Legende lag natürlich eine Realität zugrunde. Darin kamen die Expansionsbestrebungen des jungen osmanischen Staates zum Ausdruck, wodurch es Byzanz, die Hauptstadt des Oströmischen Reiches, als den „goldenen Apfel“, der die Weltherrschaft der Christenheit symbolisierte, errang. Später trat diese Bedeutung in den Hintergrund und als „kizil elma“ wurden die neuen Eroberungsziele auf dem Gebiet des Weströmischen Reiches bezeichnet. Diese waren Belgrad, Ofen, Wien, Rom, Köln und sogar ein solches ungreifbares fernes Ziel, das die Endstation der gewünschten Eroberungen hätte sein können.¹⁰

Die Historiker, die sich mit den politischen Verhältnissen unter den Habsburgern, den Osmanen und Ungarn im 17. Jahrhundert ausführlicher befassten, stießen immer auf mehrere rationale Beweggründe. Es wurde vor allem auf die Wirkung der Erfolge von Emmerich Thököly hingewiesen, die er in seinem Kampf um die Glaubensfreiheit der Protestanten und die Rechte der Stände bzw. des Adels gegen Leopold I. errang. Denn dabei kamen deutlich die militärische Schwäche und das Unvorbereitetsein Wiens zum Vorschein, was wohl als Ermunterung für die Thököly unterstützende osmanische Macht aufgefasst werden kann. Und offenbar begünstigte die Uneinigkeit unter den Staaten Westeuropas ebenfalls den Angriff Richtung Wien.¹¹

⁶ D. ANTISARI, *Il Leopoldo o vero Vienna liberata. Poema eroico*. Ronciglione, 1693, wird zitiert von M. Jászay, JÁSZAY 1996, 269.

⁷ P. FODOR, *Magyarország és a török hódítás* [Ungarn und die türkische Eroberung], Budapest, 1991, (im weiteren: FODOR 1991) S. 148; PERJÉS 1983a, S. 11.

⁸ *Politisches doch unforgreifliches Bedenken über den bevorstehenden Türken-Krieg*. O.O., 1683, S. 142-143. Wolfenbüttel, Herzog August Bibliothek, QuN. 763 (2).

⁹ Z. ABRAHAMOWICZ, Neuere und neueste polnische Literatur über den Krieg und Frieden Polens mit den Türken und Tataren vom 13. bis zum 18. Jahrhundert, in: *TÜRKENKRIEGE*, S. 71.

¹⁰ Aus der umfangreichen Literatur zu der „kizil elma“-Legende sei nur auf einige Werke hingewiesen: R. F. KREUTEL, *Im Reiche des Goldenen Apfels. Des türkischen Weltenbummlers Evlija Çelebis denkwürdige Reise in das Giaurenland und in die Stadt und Festung Wien anno 1665*, (Osmanische Geschichtsschreiber, 2) Graz, 1957, S. 9.; E. EICKHOFF, *Venedig, Wien und die Osmanen. Umbruch in Südosteuropa 1645-1700*, München, 1970, S. 362.; K. TEPLY, *Türkische Sagen und Legenden um die Kaiserstadt Wien*, Wien, 1980, S. 34.; G. DÜRIGL, *Wien, 1683. Die zweite Türkenbelagerung*, Wien-Köln-Graz, 1981, S. 18.; G. GERHARTL, *Belagerung und Entsatz von Wien 1683*, (Militärhistorische Schriftenreihe, 46) Wien, 1983², S. 4-5. Eine ausführliche Beschreibung dieser Frage ist zu finden bei: FODOR 1991, S. 131-137., 147.

¹¹ E. ZÖLLNER, *Ausztria története* [Die Geschichte Österreichs], Budapest, 1998, S. 194.; B. KÖPECCI, *Bécs ostroma, a Thököly-felkelés és Európa* [Die Belagerung Wiens, der Thököly-Aufstand und Europa], in: K. BENDA, – Á. R. VÁRKONYI, (Hrsg.), *Bécs 1683. évi török ostroma és Magyarország* [Die Türkenbelagerung Wiens 1683 und Ungarn], Budapest, 1988, S. 11., 27.; D. ANGYAL, *Késmárki Thököly Imre 1657-1705* [Emmerich Thököly von Késmárk 1657-1705], (Magyar történeti életrajzok, 15) II. Budapest, 1889, (im weiteren: ANGYAL 1889) S. 17.; A. KÁROLYI, *Tököli a legújabb megvilágításban* [Tököli in der neusten Beleuchtung], (über

Der wichtigste Faktor wurde von den Historikern jedoch erst in der letzten Zeit entdeckt. Es wurde erkannt, dass die Politik des Osmanischen Reiches bei weitem nicht durch Improvisation, sondern durch effektive Zielstrebigkeit und Planmäßigkeit gekennzeichnet war, was sich aus der jahrhundertelangen strategischen Überlegenheit, der wirtschaftlichen und politischen Fortschritte und aus dem durchorganisierten Staatsapparat, der das Funktionieren des Heeres ermöglichte, ergab.¹² Den Führern des Osmanischen Reiches war es seit der Regierungszeit von Suleiman I. eindeutig bewusst, dass ihre Herrschaft in Ungarn ohne die Eroberung Wiens, d. h. ohne Sieg über die auf die ungarische Krone beharrenden Habsburger, nicht ungestört aufrechterhalten bleiben kann.¹³ Als erstes militärisches Ziel wurde daher die Eroberung Wiens gesetzt. An der zweiten Stelle stand die schrittweise Unterwerfung des Ungarischen Königiums, das sich von der Adria bis zum Maramarosch-Gebirge erstreckte. Die umgekehrte Reihenfolge wurde jedoch auch nicht ausgeschlossen. Die vierte Möglichkeit bestand in der gleichzeitigen Durchführung der zwei Aufgaben. In der Verwirklichung ihrer strategischen Überlegungen kam einem Gebiet des Ungarischen Königiums, das sich von Wien am weitesten und zu Siebenbürgen am nächsten befand, nämlich Oberungarn, die Hauptrolle zu. Die Osmanen versuchten 150 Jahre lang, von der Regierungszeit von Suleiman I. bis zum großen Unternehmen Kara Mustafas, ihre Konzeption Schritt für Schritt, immer den gegebenen militärischen und politischen Möglichkeiten entsprechend, zu verwirklichen.

Der erste, von den Historikern gar nicht erforschte Versuch kann in die 30er Jahre des 16. Jahrhunderts datiert werden. Der Protagonist war Péter Perényi, einer der Oligarchen in den Jahren nach Mohács. Er wollte sich nach der doppelten Königswahl mit der Beiseitstellung von Ferdinand I. und mit der Einschränkung der Macht von Johann Szapolyai in Siebenbürgen als einziger ungarischer Herrscher Suleiman unterwerfen.¹⁴ Sein Vasallenkönigtum hätte sich auf den von Ferdinand I. nicht besetzten Landesteil erstreckt, als Unterstützung boten sich seine Grundbesitze an, die sich in den nördlichen Komitaten, wie in Heves,

das Werk von O. KLOPP, *Das Jahr 1683 und der folgende grosse Türkenkrieg bis zum Frieden von Carlowitz 1699*, Graz, 1882) *Budapesti Szemle* 35/79 (1883), S. 7-8.

¹² G. PERJÉS, *Az oszmán birodalom európai háborúinak katonai kérdései (1356-1699)* [Die militärische Fragen der europäischen Kriegen des Osmanischen Reiches], *Hadtörténelmi Közlemények* 14/2 (1967), S. 351., 353., 364.; PERJÉS 1983, S. 246.

¹³ S. L. TÓTH, *Színán nagyvezír tervei 1593-94-ben* [Die Plänes von Großvesir Sina im Jahre 1593-94], *Hadtörténelmi Közlemények* 29/2 (1982), (im weiteren: TÓTH 1982) S. 170., 172.; FODOR 1991, S. 149-150., 152. Die Bedeutung der Eroberung Wiens wird von Evlia Cselbi klar ausgedrückt, da er als goldener Apfel nicht nur das „kizil emla“ des Deutsch-römischen Reiches, sondern auch Ungarns bezeichnet. Ebd.

¹⁴ F. FORGÁCH, *Emlékirat Magyarország állapotáról Ferdinánd, János, Miksa királysága és II. János erdélyi fejedelemsége alatt* [Denkschrift über die Verhältnisse Ungarns unter dem Königium Ferdinand, Johann, Maximilian und dem siebenbürgischen Fürstentum Johann II.], (Olcsó Könyvtár) (im weiteren: FORGÁCH) Die Herauswahl, die Textbearbeitung, die Zusammenstellung der Anmerkungen sowie der Nachwort sind Péter Kulcsár zu verdanken. Übersetzt von István BORZSÁK. Budapest, 1982, S. 328.; W. BETHLEN, *Historia de rebus Transsylvanicis*. I. Szeben, 1782, S. 165-166.; F. SZAKÁLY, *Vesztóhely az út porában. Gritti Magyarországon 1529-1534* [Ein Richrplatz auf dem Wegstaub.Gritti in Ungarn 1529-1534], Labirintus, Budapest, 1986, S. 132-133.

Borsod, Gömör, Zemplén und Ung befanden, mit mehreren Hunderten Pforten, zahlreichen Marktstellen, Schlössern und Festungen, unter anderem mit den strategisch wichtigen Burgen von Sárospatak und Erlau.¹⁵ Perényis Angebot stand nur eine Zeit lang mit dem Willen Suleimans I. im Einklang. Der Großherr, der auch Wien erfolglos belagert hat, entschied sich, Ofen und den mittleren Teil des Landes seinem Reich anzugliedern und Siebenbürgen, von Ungarn abgetrennt, zu seinem Steuerzahler zu machen. Was die westlichen und nördlichen Teile des Ungarischen Königreichs, Transdanubien und Unter- und Oberungarn, die unter der Herrschaft von Ferdinand I. geblieben sind, betraf, wurden sie de facto in den Händen der Habsburgischen Herrscher gelassen, de jure betrachtete er sie als sein Eigentum. Perényi jedoch spielte in der politischen Strategie Suleimans bald keine Rolle mehr, da Ferdinand ihn einkerkern ließ. Aber der nördliche und nordöstliche Teil Ungarns als geopolitisches Sprungbrett Richtung Westen verblieb als immer wiederkehrender Gedanke im Kopf der Pforte. Hundert Jahre lang, beginnend vom Ende des 16. Jahrhunderts, unterstützten die Osmanen konsequent einerseits die Fürsten Siebenbürgens, die infolge ihres Kampfes um die Wiedervereinigung des Landes und um die ständischen Rechte in ihre Schranken verwiesenen wurden, andererseits die an der Pforte ausgewählten potentiellen Vasallenherrscher in Ungarn, um mit ihrer Hilfe den Einfluss der Osmanen auf weitere Gebiete des Ungarischen Königreichs zu erweitern.

Am Anfang des fünfzehnjährigen Krieges setzte sich Sinan Pascha zwei Ziele: das Minimum war die Eroberung des ganzen Ungarischen Königreichs und das Maximum die Eroberung Wiens. Dementsprechend bereite er seinen Plan an zwei Fronten mit einer doppelten Rollenverteilung vor. Dem Landesrichter István Báthori von Ecsed bot er im August 1593 das Gebiet von der mährischen Grenze bis zum Fürstentum Siebenbürgen, d.h. Unter- und Oberungarn, unter dem Namen „Kaschauer Woiwodschaft“ mit dem Sitz der oberungarischen Grenzhauptmannschaft zusammen an. Die in direkter Nähe Wiens liegenden Komitate in Transdanubien wollte er einem anderen Magnaten, Ferenc Nádasdy, zur Verfügung stellen. Außerdem setzte er ihm auch die böhmische Krone in Aussicht.¹⁶ Einige Wochen später rückte Hassan, der Pascha von Temeschwar, unter Einwilligung des Großwesirs mit der zweiten Variante heraus. Er machte dem Magnaten in Oberungarn und dem ehemaligen Grenzobristen der bergstädtischen Grenzhauptmannschaft (1582-1589), Ferenc Dobó das folgende Angebot: *„István Báthori wird von uns die böhmische Krone zugeteilt, was leicht zu verwirklicht sein*

¹⁵ FORGÁCH 1982. S. 329-330.; S. PAPP, Die diplomatische Bemühungen der Habsburger um Siebenbürgen in den Jahren 1551 und 1552, *Wiener Zeitschrift für die Kunde des Morgenlandes* 89 (1999), S. 109-133.; I. LUKINICH, *Erdély területi változásai a török hódoltság korában 1541-1711* [Die Gebietsveränderungen Siebenbürgens in der Türkenzeit 1540-1711], Budapest, 1918, S. 20.; M. DÉTSHY, *Sárospatak vára és urai 1526-tól 1616-ig* [Burg Sárospatak und seine Herren], (A Sárospataki Rákóczi Múzeum Füzetek, 28), Sárospatak, 1989, S. 3-6.

¹⁶ TÓTH 1982. S. 168.; Országos Széchényi Könyvtár Kézirattár (im weiteren: OSZK Kt), *Litterae Turcicae*, Fol. Hung. 934., fol. 21-22.; Zitiert von: G. PÁLFFY, *A tizenhatodik század története* [Die Geschichte des sechzehnten Jahrhunderts] (Magyar Századok, 6.), Budapest, 2000, S. 47.

wird, wie Ihr das sehen werdet. Eurer Hoheit werden wir die Kaschauer Woiwodenschaft geben.“ Hassan machte es Dobó ebenfalls klar, dass es sich dabei nicht um einen souveränen Staat, sondern um eine Vasallenprovinz handeln würde, die jährlich 20000 Teller Steuer zu bezahlen hätte.¹⁷ Im Gegensatz dazu wäre Transdanubien, ins Osmanische Reich integriert worden, was späteren Ereignissen vorbehalten sein sollte.¹⁸ Die ungarischen Herren aber wollten am Anfang des Befreiungskrieges nicht recht anbeißen, außerdem blieb der Vorstoß des türkischen Heeres Richtung Westen bei Raab stecken. Die Verwirklichung des Planes von Sinan und Hassan wurde so auf „bessere Zeiten“ verschoben.

In der ersten Hälfte des 17. Jahrhunderts bewahrte die Pforte den mit Wien 1606 unterzeichneten Frieden und führte keinen Feldzug gegen Ungarn. Die Fürsten von Siebenbürgen kämpften jedoch mit Unterstützung der Osmanen einen jahrzehntelangen Kampf gegen die Habsburger um die ständischen Rechte und die Glaubensfreiheit, sowie um die Wiedervereinigung des Landes. Parallel dazu erstreckten sie ihre Macht auf die nördlichen Gebiete des Ungarischen Königiums. Stephan Bocskai und Gabriel Bethlen erwarben mit der Einwilligung Konstantinopels den Titel eines Ungarischen Fürsten, was zur Zeit Bocskais die lebenslange Herrschaft über vier und unter Bethlen über sieben oberungarische Komitate (namentlich Bereg, Ugocsa, Szabolcs, Szatmár und Borsod, Abauj, Zemplén) mit dem Sitz in Kaschau bedeutete. Der Nachfolger Bethlens, Georg Rákóczi I., besaß noch einige Jahre (1645-1648) diese Komitate, ohne über den Titel eines Ungarischen Fürsten zu verfügen. Siebenbürgen bezahlte für diese „Neugewinnung“ der Pforte jährlich 20000 Teller.¹⁹

Die wachsende Bedeutung dieser sieben Komitate ist an der Tatsache zu erkennen, dass sie ab den 30er und 40er Jahren des 17. Jahrhunderts in den osmanischen Quellen als ein unabhängiger „Staat“ unter dem Namen „Orta Madschar“ erwähnt werden. Diese Bezeichnung ist ohne Zweifel auf geographische Grundlagen zurückzuführen, da es das zwischen Unterungarn und dem Fürstentum Siebenbürgen eingeschlossene Gebiet bedeutete.²⁰ Es wurde jedoch damit auch die dort

¹⁷ J. BLASKOVICS, Az „Orta Madzsar“ (Orta Macar) és Erdély történetére vonatkozó okiratok I. Rákóczi György fejedelem korából [Die Schriften über die Geschichte des „Orta Madzsar“ (Orta Macar) und Siebenbürgens I. Aus der Zeit von Fürst Georg Rákóczi I.], in: *Borsod-Abauj-Zemplén Megye Levéltári Évkönyve* 6, 1990, S. 263. (im weiteren: BLASKOVICS 1990); S. TAKÁTS, Dobó Ferenc generális [General Ferenc Dobó], in: Ders., *Régi magyar kapitányok és generálisok* [Ehemalige Hauptleute und Generale], Budapest, 1928², S. 387-388.; TÓTH 1982, S. 169-170.

¹⁸ Nach der Eroberung von Raab und Pápa durch die Türken (1594) wurden gleich die zwei bis zum 1598 bestanden neuen Vilajets errichtet. G. DÁVID, A Dél-Dunántúl közigazgatása a török korban [Die Verwaltung Südtransdanubiens in der Türkenzeit], *Zalai Múzeum* 4, (1992), S. 57., 61.

¹⁹ Siehe die wegen der Steuer des „Orta Madschars“ an Georg Rákóczi I. gerichteten Briefe: BLASKOVICS 1990. S. 270-293.: I-X.

²⁰ BLASKOVICS 1990, S. 260.; V. KOPČAN, Zur historischen und geographischen Abgrenzung der osmanischen Bezeichnung „Orta Macar“ (Mittelungarn), *Asian and African Studies* 27, (1981), (im weiteren: KOPČAN 1981) S. 87.; Ders., K osmanskému pomenovaniu Tökölyho kniežatstva „Stredné Uhorsko“ (Orta Madžar), *Nové Obzory* 27, (1985), (im weiteren: KOPČAN 1985) S. 161.; L. FEKETE, A hódoltság-kori törökség Magyarországra vonatkozó földrajzi ismeretei [Die geographische Kenntnisse der Türken bezüglich Ungarns im 16.-17.

lebende Bevölkerung bezeichnet.²¹ Außerdem verfügte es, wie wir gesehen haben, auch über eine politische Bedeutung, da Istanbul die an den Osmanen orientierten und von ihnen unterstützten oder ausgenützten antihabsburgischen Bewegungen, die seit der Regierungszeit von Suleiman I. stattgefunden haben, damit verband.²²

Die Kraft des angehäuften „Sprengstoffes“ wollte Pascha Ahmed Köprülü 1663 in eine bestimmte Richtung lenken. Infolge der Huldigungsbereitschaft der protestantischen Adeligen des „Orta Madschars“ plante er die Errichtung einer, der Pforte Steuer zahlenden „protestantischen Republik“ mit dem pfälzischen Kurfürsten Ludwig Karl (1648-1680) an der Spitze, der von den Rebellierenden unterstützt wurde. Der Kandidat wies jedoch das Angebot zurück.²³ Aus diesem Grunde ließ Köprülü nach der Eroberung von Neuhäusel (25. September 1663) mit Husein, dem Pascha von Ofen, einen Brief anfertigen, in dem er die Stände Unterungarns zur Huldigung aufforderte. Dadurch wollte er die zwei nördlichen Landesteile miteinander verbinden.²⁴ Etwas Ähnliches plante er für ganz Ungarn mit seinem eigenen Königskandidaten, Michael Apafy I., dem Fürsten von Siebenbürgen.²⁵ Das Angebot fand ein geringes Echo, da sich die Mehrheit der Ungarn große Hoffnungen auf die europäische Koalition, die Rheinische Allianz, machte, die sich bereit erklärte, Truppen gegen die Osmanen nach Ungarn zu schicken. Im nächsten Jahr erlitt der nach Wien ziehende Großwesir von den Alliierten bei Szentgotthárd eine Niederlage. Leopold betrachtete jedoch den Krieg als beendet und schloss mit der Pforte den Frieden von Vasvár. Der Plan von Ahmed Köprülü über die Besetzung des ganzen Ungarischen Königiums und die Eroberung Wiens wurde in die unsichere Zukunft verschoben.

An der Wende der 50er und 60er Jahre des 17. Jahrhunderts bildete sich ein Machtvakuum auf dem Gebiet des „Orta Madschars“ heraus. Es stellte sich heraus, dass die Habsburger es gar nicht oder nur

Jahrhundert], I, *Hadtörténelmi Közlemények* 31/1-2 (1930), (im weiteren: FEKETE 1930) S. 4-6., 8.

²¹ L. FEKETE, (Red.), *Türkische Schriften aus dem Archive des Palatins Nikolaus Esterházy 1606-1645*. (Schriften des Palatins Nikolaus Esterházy) Budapest, 1932, (im weiteren FEKETE 1932) XLIX, S. 449.; KOPČAN 1981. S. 90-91.

²² FODOR 1991, S. 154.

²³ Der Bericht des Wiener Nuntius, Karl Caraffa, datiert am 20. Okt. 1663; A. LEVINSON, Nuntiaturreportage vom Kaiserhofe Leopolds I. (vom Februar 1657 bis zum Dezember 1699), *Archiv für österreichische Geschichte* 103/2 (1913), S. 578-579., 761.; T. VANYÓ, *A bécsi nunciások jelentései Magyarországról 1666-1683* [Die Berichte der Wiener Nuntzien über Unarn 1666-1683], Pannonhalma, 1935, S. 15.

²⁴ V. KOPČAN – J. BLASKOVICS, *Érsekújvár (Nové Zámky) a török megszállás alatt 1663-1685* [Neuhäusel unter der türkischen Dauerbesetzung 1663-1683], Nové Zámky, 1985, S. 3.

²⁵ I. HALMAY, I. *Apafi Mihály erdélyi fejedelemsege* [Die siebenbürgische Fürstentum Michael Apafis I.], Szeged, 1934, S. 37.; M. MATUNÁK, *Érsekújvár a török uralom alatt 1663-1685* [Neuhäusel unter der türkischen Dauerbesetzung 1663-1683], Nyitra, 1901, S. 48-51.; S. SZILÁGYI, (Hrsg.), *Erdélyi Országgyűlési Emlékek történeti bevezetésekkel* [Siebenbürgische Landtagsakten mit historischen Einleitungen], XIII (1661-1664), (Monumenta Hungariae Historica III: Monumenta Comititalia B: Monumenta comitialia regni Transsylvaniae, XIII), Budapest, 1888, S. 45-46.; P. N. PÜSPÖKI, *Inter Scyllam et Charybdim. Három adalék a török szövetség eszméjéhez a vasvári béke korában (1661-1670)* [Drei Daten zur Idee des türkischen Bündnissen in der Zeit des Friedensvon Vasvár 1660-1670], *Studia Nova* 1 (1994), S. 61.; KOPČAN 1985, S. 161-162.; KOPČAN 1981, S. 89-90.

schwer verwalten konnten und dass das schwächer gewordene Siebenbürgen, dem wegen der Ungehorsamkeit von Georg Rákóczi II. die Zügel durch die Osmanen kurz gehalten wurden, unfähig war, es unter seine Macht zu bringen. In dieser Situation schien der Pforte das Auftreten des jungen, ambitionösen Emmerich Thököly, der ab 1678 auf dem „Niemandland“ einen erfolgreichen Kampf gegen die Habsburger führte, vielversprechend zu sein. Sultan Mehmed IV. (1648-1687) und sein Großwesir Kara Mustafa hielten 1682 die Zeit für gekommen, um zu versuchen, nach Ahmed Köprülü einen vom Gebiet des Ungarischen Königreichs abgetrennten Vasallenstaat zu errichten.²⁶ Thököly verwirklichte die an ihn geknüpften Hoffnungen, da er die nordöstlichen Komitate, die nach dem Tode von Georg Rákóczi den Habsburgern zurückgegeben wurden, errang. Außerdem breitete er seinen Einfluss auf weitere neue Gebiete aus. Dies waren Gründe genug, dass die Pforte ihn zum König des „Orta Madschars“ ernannte. Die Ahdname wurde von Pascha Ibrahim am 17. September 1682 übergeben. Der Vertragsbrief gewährte den Ungarn ihre ständischen Rechte und, mit der Bestätigung der Pforte, für die Zeit nach Thökölys Tod die „freie“ Königswahl. Der neue Vasallenstaat war verpflichtet, dem Sultan gegenüber Treue und Gehorsamkeit zu zeigen, jährlich 40000 Taler Steuer zu zahlen und im Kriegsfall Hilfstruppen zu schicken.²⁷

In der Ahdname wurden Thököly keine Gebiete zugewiesen. Bei der Übergabe der Urkunde riss jedoch Ibrahim eine Stück Erde aus dem Königreich Leopolds I. heraus und schenkte es dem neuen Herrscher, der sich einfach „Fürst von Oberungarn“ nannte.²⁸ Dieser symbolische Akt diente als Aufmunterung für die Eroberung neuerer Gebiete, was Thököly auch in die Tat umsetzte, da er den Feldzug im späteren Herbst 1682 mit der Erwerbung von 13 Komitaten in Oberungarn beendete. Der Sitz des neuen Fürstentums des bereits in vier Teile zerrissenen Ungarns wurde wiederum Kaschau.

Im nächsten Jahr bemühten sich Kara Mustafa und Emmerich Thököly um die Erweiterung des „Orta Madschars“. ²⁹ In der Zeit, als der

²⁶ Als Erster hatte László Benczédi erkannt, daß die 13 oberungarischen Komitate eine motivierende Rolle bei dem Verlauf der Ereignisse in den Jahren 1682-1683 gespielt haben. L. BENCZÉDI, *A Thököly felkelés társadalmi és politikai alapjai* [Die gesellschaftliche und politische Grundlagen des Thököly-Aufstand], *Valóság*, 1979/5, S. 17.; KOPČAN 1985, S. 162.; FEKETE 1932, L-LI.

²⁷ V. RENNER, (Hrsg.), *Türkische Urkunden den Krieg des Jahres 1683 betreffend nach den Aufzeichnungen des Marc Antonio Mamucha della Torre*, Wien, 1888. S. 16-20.; *Régi magyar levelestár (XVI-XVII. század)* [Alte ungarische Briefe (XVI.-XVII. Jahrhundert)], II. Veröffentlicht von Emil HARGITTAY, Budapest, 1981, S. 444-447.; OSZK Kt. Fol. Hung. 1150.; fol. 12-14.; I. NAGY, *Egykorú emlékirat Thököly Imréről* [Zeitgenössische Denkschrift über Emmerich Thököly], *Századok* 10 (1876), S. 663-664.; FEKETE 1930, S. 8.; T. MACK BARKER, *Double Eagle and Crescent. Vienna's Second Turkish Siege and Its Historical Setting*, New York, 1967, S. 139., 411.; Anm. 19.; KOPČAN 1981, S. 92.; N. JORGA, *Geschichte des Osmanischen Reiches*, IV. (bis 1774), Gotha, 1911, S. 187.

²⁸ B. HÖMAN – Gy. SZEKFI, *Magyar történet* [Ungarische Geschichte], IV, Budapest, 1935², S. 206.; G. OREL, *Thököly diplomatája 1681 júniustól 1686-ig* [Die Diplomatie Thökölys vom Juni 1681 bis zum 1686], Budapest, 1906, (im weiteren: OREL 1906) S. 22-23.

²⁹ Den Anhängern Thökölys waren die Absichten ihres Herren bekannt, da auf dem Landtag in Kaschau im Januar 1683 mehrmals darauf hingewiesen wurde. ANGYAL 1889, S. 7-8., 63-65.; B. MAJLÁTH, *A felső vármegyei rendek kassai gyűlésének actái 1683-ból* [Die Landtagsakten zu Kaschau der oberungarischen Stände aus dem Jahre 1683], II, *Történelmi*

Großwesir mit seinem Heer nach Wien zog und die Stadt zwei Monate lang belagerte, eroberte Thököly mit Truppen aus Kuruzzen, Osmanen und Tataren einen großen Teil Unterungarns und versuchte, Preßburg für sich zu gewinnen, was erfolglos blieb. Die ungarischen Magnaten, die mit dem Frieden von Vasvár unzufrieden waren und sich gegen Leopold I. wandten, erwiesen sich diesmal als Partner. Mit ihrer Huldigung wurde auch Transdanubien zum Teil des „Orta Madschars“, dessen Gebiet anfänglich auf vier, dann auf sieben, schließlich auf 13 Komitate erstreckte und im Sommer 1683 das ganze Ungarn umfasste.³⁰ Dieses geopolitische Gebilde veränderte sich flexibel, wobei es sich den Möglichkeiten und militärischen Erfolgen der Osmanen anpasste.

An der Weiterentwicklung des raschen Erfolgs beteiligten sich auch die erwähnten ungarischen Magnaten. Der Grenzhauptmann Transdanubiens, Kristóf Batthyány und sein Sohn, Ádám, der Landesrichter Miklós Draskovich, die drei Nádasdy-Brüder (István, Ferenc und Tamás) und andere nahmen an den militärischen Aktionen gegen das benachbarten Mähren, Nieder-Österreich und die Steiermark aktiv teil.³¹ Der mit Thököly zusammengestimmte Angriff auf der 400 km langen Frontlinie, die sich vom Fluß March bis zu der Mur erstreckte, lässt darauf schließen, dass die Obrigkeiten der Pforte bis zum August 1683 die Konzeption der Erweiterung des „Orta Madschars“ innerhalb des Königiums überschritten hatte. Die militärische Leitung der Osmanen wollte zu jener Zeit nicht mehr nur Unter- und Oberungarn sowie Transdanubien erobern, – vorübergehend mit Emmerrich Thököly oder Pál Esterházy selbst, dem sie den Titel des Königs³² ebenfalls angeboten hat, an der Spitze – , sondern zusammen mit Wien die ganze Donau-Monarchie der Habsburger.

Dies stimmte mit den Zielsetzungen Thökölys überein, dem das Erringen der Herrschaft über das ganze Ungarische Königium vorschwebte. In bezug auf seine weiteren Möglichkeiten irrte er sich jedoch gewaltig. Die Eroberung Wiens hätte zwar die Ungestörtheit seines Landes von den Habsburgern gesichert, aber es wäre, durch den Verlust seiner Eigenart als Pufferstaat, als neuer Vilajet mit den österreichischen Erbländern zusammen ins Osmanische Reich eingegliedert worden. Die grundsätzliche Veränderung des ursprünglichen „Orta Madschars“ war im Sommer 1683, als es sich mit ganz Ungarn, ja sogar mit den Gebieten bis

Tár 1883, S. 552.; L. SZALAY, *Magyarország története. V. A lincai békekötéstől a karloviczig. 1646-1699* [Die Geschichte Ungarns. Bd. V. Vom Frieden von Linz bis zum Frieden von Karlowitz 1646-1699], Pest, 1857, S. 240-241.; OREL 1906, S. 29.

³⁰ F. FIRNHABER, Diarium, was sich vom 7. Juny anno 1683 biss zu end der belagerung Wienns bey der türkischen armee zugetragen, *Archiv für Kunde österreichischer Geschichtsquellen* 3 (1850), S. 504.; F. THEUER, *Verrat an der Raab. Als Türken, Tataren und Kuruzzen 1683 gegen Wien zogen*, Salzburg-Stuttgart-Zürich, 1977², (im weiteren: THEUER 1977) S. 126.; SZILÁDY – SZILÁGYI 1871, S. 366.

³¹ THEUER 1977, passim. (Der Band verfügt zwar über keine Fussnoten und muss deswegen mit Kritik betrachtet werden, es enthält jedoch zahlreiche Hinweise auf das Verhalten der Magnaten von Transdanubien, die mit Quellen belegt werden können.) vgl. noch K. THALY, *Az 1683-iki táborozás történetéhez* [Zur Geschichte des Feldzuges im Jahre 1683], (Ertekezések a történelmi tudományok köréből, XI/4) Budapest, 1883, S. 1-45.

³² J. ESZTERHÁZY, *Az Eszterházy család és oldalágainak leírása* [Die Familie Eszterházy und die Beschreibung ihres Nebenzweige], Budapest, 1901, S. 113.; THEUER 1977, S. 40-41.

Wien zusammenschmolz und seine Aufteilung unter den botmäßigen ungarischen Magnaten geplant wurde, abzusehen.³³ Es war offensichtlich, dass die Aufrechterhaltung des „Orta Madschars“, dessen Gebiet zwar größer, aber auf Vasallenprovinzen aufgesplittert war, nur solange im Interesse des Osmanischen Reiches stand, bis es die mit den Habsburgern unzufriedenen Ungarn hinter ihm wusste und sich dadurch Wien annähern konnte. Der grundsätzliche Inhalt der Konzeption einer Eroberung Ungarns veränderte sich von Suleiman dem Prächtigen bis zur Zeit Mehmed IV., bzw. von Johann Szapolyai bis Emmerich Thököly nicht, er wurde nur den Umständen angepasst.

Die Frage ist, inwieweit die Protagonisten unserer Untersuchung, Stephan Bocskai, Gabriel Bethlen und Georg Rákóczi I. die Gefährlichkeit des türkischen Planes bzw. die historische Falle, in die sie in unverschuldeter Weise tappten, erkannten, als sie das Ungarische Königtum durch Komitate verkleinerten, und damit behilflich waren, den Weg für Kara Mustafa und Emmerich Thököly zu den habsburgischen Erbländern frei zu machen. Falls sie davon etwas ahnten, konnte dennoch keiner von ihnen den Ausgang ihrer Entscheidung voraussehen. Sie arbeiteten an einer Variante der Wiedervereinigung des Landes, die sich aber, wie die Geschichte gezeigt hat, als falsch erwies. Außerdem bewegten sie sich in einem *circulus vitiosus*, in dem die Hauptregel des Osmanischen Reiches galt: „Wenn der Fuß des Pferdes eines Padischachs ein Land beehrt und beglückt, jenes Land gehört ihm.“³⁴

³³ J. J. VARGA, A túlélés és az árulás mezsgyéjén [Auf dem Grenzrain des Überlebens und des Verrates], in: Zs J. ÚJVÁRY, (Hrsg.), *Ezredforduló – századforduló – hetvenedik évforduló. Ünnepi tanulmányok Zimányi Vera tiszteletére* [Jahrtausendwende – Jahrhundertwende – Siebzigste Jahreswende, Festschrift Vera Zimányi], Piliscsaba, 2001, S. 486-504.

³⁴ FODOR 1991, S. 145-146.

Gastfreunde oder Kriegsfeinde? Das Bild der Osmanen in der ungarischen Historiographie des 19. und 20. Jahrhunderts*

„Ich nehme von Euch Abschied, bitte, bereut es nicht, Ihr sollt es nämlich wissen, daß der Türk kein Freund von mir ist“¹ – schrieb János Török 1541 in einem Brief an die polnische Königstochter und Witwe von János Szapolyai, Isabella, nach seinem Parteiwechsel, bereits als Anhänger König Ferdinands I. Er äußerte sich als Augenzeuge einer der wichtigsten Epochen der ungarischen Vergangenheit. 1541 zerfiel das bereits zweigeteilte Ungarn in drei Teile und die Osmanen errichteten in der Mitte des ehemaligen, mittelalterlichen Königreichs Ungarn den ersten Sancak und begannen mit dem Ausbau ihrer Herrschaft in Ungarn.² Ähnlich wie János Török, dessen Name auf Deutsch paradoxer Weise eigentlich Türke heißt, hofften viele Ungarn, mit Hilfe der Habsburger die Ausbreitung des osmanischen Eroberungsgebietes verhindern und die Osmanen aus Ungarn endgültig vertreiben zu können.³ Aus diesem Grund ist es kein Wunder, daß János Török in seinem Brief ausdrücklich betont, daß er – im Gegensatz zu Isabella – die Osmanen nicht mehr als sogenannte „Gastfreunde“ betrachtet. Seine Hoffnung auf die habsburgische Hilfeleistung bei der Vertreibung der Osmanen blieb jedoch 150 Jahre lang unerfüllt.⁴

Da es nur eine Vergangenheit gibt, die auf verschiedene Weise ausgelegt werden kann,⁵ wird die von János Török erlebte Vergangenheit

* Der Text des vorliegenden Aufsatzes wurde am 18. Nov. 2001 in Warschau auf der Tagung „Bilder in der Historiographie des 19. und 20. Jahrhunderts“ vorgetragen. Die weiteren Forschungsarbeiten erfolgten durch die Unterstützung der Stiftung OTKA (T 043432). Trotz der Umarbeitung soll der vorliegende Aufsatz als eine Skizze eines großen Themas angesehen werden.

¹ „Én búcsúmat veszem, kérlek, ezt ne bánjad, az terek énnékem, nem barátom, ezt tudjad.“ Zitiert nach: B. HÓMAN – Gy. SZEKFÜ, *Magyar történet*, 3. Budapest, 1935, (im weiteren: HÓMAN – SZEKFÜ 1935) S. 111.

² Zu der Geschichte Ungarns in der besprochenen Epoche ausführlicher siehe: G. ÁGOSTON, *A hódolt Magyarország*, o.O., 1992, S. 39-60.; G. BARTA, *Vajon kié az ország?* Budapest, 1988; DERS., *Az erdélyi fejedelemség születése*, 2. Aufl., Budapest, 1984.; P. FODOR, *Magyarország és a török hódítás*, Budapest, 1991; F. SZAKÁLY, A magyar állam összeomlása, in: *1000 év a hadak útján. Nagy Képes Milleniumi Hadtörténet*, Budapest, 2000, S. 97-103.

³ Zu den verschiedenen Ansichten der Ungarn bezüglich ihres Verhältnisses zu den Habsburgern und zu den Osmanen im 16. und 17. Jahrhundert siehe: K. BENDA, *Habsburg-abszolutizmus és rendi ellenállás a XVI-XVII. században*. Budapest, 1976.; F. SZAKÁLY, *Mi számított a XVII. századi hódoltságban törökösségnek?* in: *A török orientáció a XVII. századi magyar politikában. Tudományos emlékülés. 1983. március 25-26.* P. NÉMETH (Hrsg.), Vaja, 1985, S. 52-62.

⁴ Erst infolge des letzten großen Türkenkrieges am Ende des 17. Jahrhunderts (1683-1699) wurde fast ganz Ungarn von den Osmanen befreit. Vgl. F. SZAKÁLY, *Hungaria liberata. Die Rückeroberung von Buda im Jahr 1686 und Ungarns Befreiung von der Osmanenherrschaft (1683-1718)*, Budapest, 1987.

⁵ Nach Keith Jenkins sind Vergangenheit und Geschichte nicht identisch. Solange es nur eine einzige Vergangenheit gibt, können darüber mehrere Diskurse existieren und mehrere „Geschichten“ geschrieben werden. Über die Ansichten von Keith Jenkins ausführlicher

nicht mehr genau rekonstruiert werden können. Damit ist es zu erklären, daß die ungarischen Historiker von dieser Vergangenheit verschiedene „Geschichten“ geschrieben und dadurch unterschiedliche Bilder über die Osmanen geschaffen haben. Da die Vergangenheit als Geschichte immer von dem Blickpunkt des jeweiligen Historikers aus betrachtet wird, muß untersucht werden, welche Beweggründe bei der Schaffung der historischen Werke und der „Türkenbilder“ eine Rolle gespielt haben. Der Historiker des 19. und 20. Jahrhunderts wurde einerseits von seiner eigenen Persönlichkeit, andererseits von seiner Gegenwart, das heißt den historischen Ereignissen und den herrschenden Ideologien seiner Zeit beeinflusst, wodurch seine Wertordnung und sein Weltbild entstanden.⁶ Demnach können wir in der ungarischen Historiographie des 19. und 20. Jahrhunderts mehrere Epochen unterscheiden. Es muß jedoch darauf hingewiesen werden, daß das Türkenbild der Historiker der einzelnen Epochen nicht einheitlich ist, sie vertreten zur gleichen Zeit unterschiedliche Auffassungen, und bei einigen Historikern kommt es sogar zur Wandlung ihres Türkenbildes.

Bevor wir uns der Darstellung der einzelnen Epochen zuwenden, sollen zuerst die gemeinsamen Charakteristika des „Türkenbildes“ angeführt werden. Hierbei handelt es sich in erster Linie um terminologische Probleme, die von den Historikern bis heute nicht vollständig bewältigt werden konnten. Die Osmanen, die den mittleren Teil Ungarns mehr als 150 Jahre lang besetzten, gehörten einem anderen Kulturkreis an und ihre Kultur, Religion, ihre Sitten, Institutionen wurden bereits von den Zeitgenossen als fremd empfunden und manche Historiker haben diesbezüglich auch heute noch Verständigungsprobleme. Der ungarische Historiker Ferenc Salamon äußerte sich 1887 diesbezüglich wie folgt: „(...) die mohammedanischen und osmanischen Institutionen (...) sind in ihren meisten und wesentlichsten Teilen allen christlichen Zivilisationen so fremd, daß man bei ihrer Untersuchung das Gefühl hat, man wäre in einem zweiten China.“⁷

Schon die Bezeichnung der Fremden aus der unbekanntem Welt des Ostens war problematisch. Im zeitgenössischen Europa wurden diese Fremden und ihr Reich mit der ethnischen Bezeichnung als „Türken“ bzw. als „Türkisches Reich“ oder sogar als „Türkei“ benannt.⁸ Die meisten

siehe: G. GYÁNI, *Emlékezés, emlékezet és a történelem elbeszélése*, Budapest, 2000, (im weiteren: GYÁNI 2000) S. 14.

⁶ Nach Michel Foucault ist jeder wissenschaftlicher Diskurs – dementsprechend auch die Historiographie –, eine geistige Konstruktion, die unter den Umständen der Gegenwart des Historikers, den Erwartungen dieser Gegenwart entsprechend mit Hilfe des zu jener Zeit zur Verfügung stehenden mentalen Inventars geschaffen wird. vgl. M. FOUCAULT, *Power/Knowledge. Selected Interviews and Other Writings 1972-1977*, New York, 1980, S. 109-134

⁷ „[...] a mohamedán és oszmán intézmények [...] olyan idegenek azok legtöbb és épen leglényegesebb részében minden keresztény civilizációtól, hogy az ember közepettök némileg egy második Chinában érzi magát magát.“ Vgl. F. SALAMON, *Magyarország a török hódítás korában*, Budapest, 1887 (im weiteren: SALAMON 1887).

⁸ In den edierten europäischen Quellen kommen ausschließlich diese Bezeichnungen vor. An dieser Stelle sei nur auf einige Beispiele verwiesen: *Georgius de Hungaria, Tractatus de moribus conditionibus et nequicia Turcorum*, Roma, 1480; Ungarische Übersetzung: *Kimondhatatlan nyomorúság: Két emlékirat a 15-16. századi oszmán fogságról*. hrsg. und übersetzt von Erik FÜGEDI, Budapest, 1976, S. 5-148.; L. TARDY, *Rabok, követek, kalmárok az*

ungarischen Historiker haben dies unkritisch übernommen, erst in der letzten Zeit läßt sich eine neue Tendenz beobachten. Pál Fodor und Gábor Ágoston machen in ihren in den letzten Jahren veröffentlichten Abhandlungen⁹ darauf aufmerksam, daß nicht nur die Gleichsetzung des multilingualen, mehrere Religionen, Kulturen und Völker in sich vereinigenden kosmopolitischen Weltreiches mit „Türken“ inkorrekt ist, sondern auch seine politische Bezeichnung, bei der es sich um einen europäischen, ethnolinguistischen Begriff handelt. Als Identitätsmarkierer für die Bewohner dieses Reiches fungierte mehr als sechshundert Jahre lang der Name ihres Staatsgründers Osman. Deswegen repräsentieren die europäischen Begriffe „Türken“ oder „Türkei“ keine direkten Entsprechungen der dynastischen Bezeichnungen „Osmanli“ und „Osman eli“.¹⁰ Bei einigen Historikern lassen sich innerhalb ein und desselben Werkes unterschiedliche dynastische und ethnische Bezeichnungen beobachten, aber das Osmanische Reich wird meistens aus europäischer Perspektive begriffen.¹¹ Dies läßt sich damit erklären, daß die ungarischen Verfasser mit Phänomenen konfrontiert wurden, für die es in Europa keine Entsprechungen gab. Für die Bezeichnung dieser osmanischen Phänomene boten sich mehrere Varianten an. Nur in seltenen Fällen wurden die Bezeichnungen aus der Osmanli-Sprache übernommen und entsprechend erklärt.¹² In den meisten Fällen unternahm man den Versuch, die unbekannteren Phänomene mit den eigenen Denkkategorien zu erklären, wobei man die fremden Begriffe oft einfach mit europäischen Begriffen ersetzte. So sind zum Beispiel die Beglerbeys zu Gouverneuren

oszmán birodalomról, Budapest, 1977, 50-143.; J. BARANYAI DECSI, Török császárok krónikája, in: *Régi magyar költők tára I*, hrsg. von B. STOLL, Budapest, 1959, 86-102.

⁹ Vgl.: P. FODOR, Török és oszmán: az oszmán rabszolgaélet azonosságutatójáról, *Történelmi Szemle*, 37/4 (1995), (im weiteren: FODOR 1995) 367-383.; G. ÁGOSTON – T. OBORNI, *A tizenhetedik század története*, Budapest, 2000, (im weiteren: ÁGOSTON – OBORNI 2000) S. 16-19.

¹⁰ „Osman eli“ ist bei weitem kein einheitlicher Begriff, ursprünglich bedeutete es „das Land der Osmanen“. Obwohl der Begriff später mehrere Bedeutungswandlungen erfuhr, wurde damit immer das von der Osmanischen Dynastie beherrschte Gebiet bezeichnet. Das Wort „Osmanli“ wurde ursprünglich für die Bezeichnung der Anhänger und Untertanen der Osmanischen Dynastie verwendet. Auch die Bedeutung dieses Begriffes veränderte sich in den späteren Jahrhunderten. Zu den angesprochenen Bedeutungswandlungen ausführlicher siehe: I. M. KUNT, Ottoman Names and Ottoman Ages, *Journal of Turkish Studies* 10 (1986), S. 227-234.; N. ITZKOWITZ, *Ottoman Empire and Islamic Tradition*, Chicago-London, 1972, S. 59-61.; FODOR 1995, S. 367-375.

¹¹ Parallel dazu sei auf die Beschreibung des Orientalismus von Edward Said hingewiesen. Said ist der Meinung, daß das Bild des Orients in der europäischen Kultur nicht von seinen eigenen grundlegenden Charakteristika bestimmt ist und demzufolge auch nicht diese widerspiegelt. „Der Orient“, den wir kennen, wurde nämlich anhand von den erworbenen Informationen durch den Okzident mit Hilfe der jeweiligen Sprache „geschaffen“. Der europäische Mensch behandelt den Orient mit all seinen Phänomenen als ein System, dessen Kategorien mit den Charakteristika der Menschen aus dem Orient übereinstimmen sollten, jedoch stattdessen den eigenen Denkkategorien und Denkgewohnheiten entsprechen. Dies trifft auch auf die Osmanen zu, da sie Teile der Welt des Orients sind. vgl. E. SAID, *Orientalismus*, Budapest, 2000, S. 72-81.

¹² Das ist vielmehr bei den neueren Werken zu beobachten. z.B.: ÁGOSTON – OBORNI 2000; K. HEGYI, *Török berendezkedés Magyarországon*, Budapest, 1995.

oder die Spahis zu Rittern geworden, wodurch die ursprüngliche Bedeutung der Wörter meistens verloren ging.¹³

Die Begegnung mit fremden Kulturen führt zwangsläufig zur Entstehung von Bildern, die entweder positiv oder negativ besetzt sind.¹⁴ Der Zielsetzung dieses Aufsatzes entsprechend stellt sich die Frage, welche „Osmanenbilder“ in der ungarischen Historiographie des 19. und 20. Jahrhunderts geschaffen wurden. Bei der Beantwortung dieser Frage müssen mehrere Faktoren berücksichtigt werden. So wie im 16. und 17. Jahrhundert, gab es auch im 19. und 20. Jahrhundert in Ungarn kein einheitliches Bild von den Osmanen. Die konkrete Situation in Ungarn und die Eigenschaften der ungarischen Gesellschaft zu jener Zeiten bestimmten, ob die Osmanen als „Gastfreunde“ oder als „Kriegsfeinde“ bezeichnet wurden. Neben den innenpolitischen Verhältnissen spielte auch die außenpolitische Orientierung Ungarns im 19. und 20. Jahrhundert eine wichtige Rolle. Je nachdem, wer für den größten und gefährlichsten Feind Ungarns gerade gehalten wurde und was für eine Beziehung diese Feinde zu den Osmanen hatten, wurden pro- oder anti-osmanische Meinungen formuliert. Diese Dualität scheint das grundlegende Charakteristikum des „Türkenbildes“ der ungarischen Historiographie und unterscheidet es vom Türkenbild der österreichischen Geschichtsschreibung, wo die Osmanen fast ausschliesslich als „Kriegsfeinde“ beschrieben werden.¹⁵ Um die Hypothese der Dualität als grundlegendes Charakteristikum des ungarischen „Türkenbildes“ belegen zu können, sollen nun die einzelnen Epochen der ungarischen Historiographie des 19. und 20. Jahrhunderts und die Auffassungen der in ihnen wirkenden Historiker dargestellt werden. Im Rahmen dieses Aufsatzes können weder die einzelnen Epochen ausführlich noch das „Türkenbild“ aller Historiker der jeweiligen Epoche dargestellt werden. Es werden nur die Hauptcharakteristika hervorgehoben und die jeweils repräsentativsten Vertreter angeführt.

Die erste und längste Epoche umfaßt die Zeit des 19. Jahrhunderts bis zum Ende des Ersten Weltkrieges. Das ist das Zeitalter der Entstehung beziehungsweise Konsolidierung des ungarischen Nationalstaates, als die „gesteuerte“ Darstellung der Geschichte politischen Interessen diente und

¹³ Auf die Gefahren der zweiten Alternative machte bereits Ferenc Salamon aufmerksam. Vgl. SALAMON 1887, Vorwort.

¹⁴ Sybil Wagener weist darauf hin, daß jede Begegnung mit einem Fremden und so auch mit fremden Kulturen kritisch ist. Aber nicht jeder Fremde sei ein Feind, da der Umgang mit einem Fremden traditionell durch das Gastrecht geregelt ist. „Fremder“ und „Gast“ sind im Griechischen dasselbe Wort (*xenos*). Die Zweideutigkeit entfaltet sich erst im Lateinischen aus der Wurzel *hos-*: *hospes* (Gast, Gastgeber), *hostes* (der Feind). vgl.: S. WAGENER, *Feindbilder. Wie kollektiver Hass entsteht*, Berlin, 1999, (im weiteren: WAGENER 1999) S. 33-34. Das indogermanische Wort „ghostis“ (der Fremde) hat ebenfalls eine polyseme Bedeutung. Es wurde sowohl zur Bezeichnung eines Feindes bzw. Kriegsfeindes als auch eines Gastes oder Gastfreundes verwendet. „ghostis, lat. *hostis*, Fremdling, **Feind**, **Kriegsfeind**, lat. *Hospes*, Fremder, Fremdling, **Gast**, **Gastfreund**“. vgl. KLUGE, *Etymologisches Wörterbuch der deutschen Sprache*, 23. erweiterte Auflage, Berlin-New York, 1999, S. 300.

¹⁵ An dieser Stelle sei es nur auf einige bedeutende Werke verwiesen; K. VOCELKA, Das Türkenbild des christlichen Abendlandes in der frühen Neuzeit, in: *Österreich und die Osmanen. Prinz Eugen und seine Zeit*, Wien, 1988, S. 20-31.; K. TEPLY, *Das österreichische Türkenkriegszeitalter*, Wien, 1983; E. ZÖLLNER, *Geschichte Österreichs. Von den Anfängen bis zur Gegenwart*, 8. Aufl., 1990.;

eine gesellschaftliche Rolle erfüllte.¹⁶ Die Geschichtsschreibung wurde damals als eine „nationale“ Wissenschaftsdisziplin betrachtet und hatte die Aufgabe, ein neues historisches Gedächtnis zu schaffen, um damit die Existenz des ungarischen Nationalstaates legitimieren zu können. Die Konstruktion der nationalen Geschichte dieser Art erwuchs aus dem Bedürfnis, die ununterbrochene Existenz des Staates der ungarischen Ethnie durch Jahrhunderte aufweisen zu können.¹⁷ Da dies im 16. und 17. Jahrhundert zur Zeit der Osmanischen Herrschaft in Ungarn nicht der Fall war, bedurfte besonders diese Epoche einer größeren Zuwendung. Gleichzeitig lieferte sie ein wichtiges Element der nationalen Identität: ein seit Jahrhunderten tradiertes Feindbild von den Osmanen.¹⁸

Bis zur Mitte des 19. Jahrhunderts dominierten in der ungarischen Historiographie jene negativen Vorstellungen über die Osmanen, die aus der „Turcica-Literatur“ des 16. und 17. Jahrhunderts¹⁹ hervorgingen. Dieses Feindbild wurde in den 20er und 30er Jahren des 18. Jahrhunderts zu einem festen Bestandteil des ungarischen Nationalbewußtseins, was durch die Stimmung der europäischen Öffentlichkeit gegenüber den Osmanen zur Zeit des griechischen Freiheitskampfes wesentlich gestärkt wurde.²⁰

Nach 1848/49 herrschte jedoch eine hauptsächlich „pro-türkische“ Atmosphäre, obwohl auch „anti-türkische“ Meinungen präsent waren.²¹ Die „türkenfreundliche“ Atmosphäre war dem Zusammenwirken mehrerer Faktoren zu verdanken. In der ungarischen Öffentlichkeit erfolgte die Wandlung der früheren Bilder über die Osmanen und über die Habsburger. Die Letzteren wurden für die meisten Ungarn zu Feinden und

¹⁶ Dies gilt allgemein für die Historiographie der im 19. Jahrhundert entstehenden Nationalstaaten. vgl. H. WHITE, *A történelem terhe*, Budapest, 1997, S. 205-248.; und ausführlicher DERS., *Metahistory. The Historical Imagination in Nineteenth-Century Europe*, Baltimore, 1973; Auch Ferenc Glatz weist auf den engen Zusammenhang zwischen Historiographie und den jeweiligen politischen Interessen in Ungarn besonders im 19. und 20. Jahrhundert hin. vgl.: F. GLATZ, *Történetíró és politika. Szekfü, Steier, Thim és Miskolczy nemzetről és államról*, Budapest, 1980, (im weiteren: GLATZ 1980) S. 7-8.

¹⁷ Das ist für alle Nachfolgestaaten des ehemaligen Habsburgerreiches charakteristisch, da sie mehrere Jahrhunderte hindurch über keine eigene Staatlichkeit verfügten. Vgl. GYÁNI 2000, S. 33-37.

¹⁸ Hans Jürgen Puhle ist der Meinung, daß es „ohne Feindbild keine Nation gibt“. Zitiert nach: GYÁNI 2000, S. 44.; Feindbilder haben nämlich eine integrative Wirkung. Ihre wichtigste Funktion ist die Stärkung des Wir-Gefühls von Gruppenmitgliedern, die ein schwaches Ich-Gefühl haben. Das ist für die ungarische Nation als soziale Gruppe in der von uns besprochenen Epoche besonders charakteristisch. Zur Funktion der Feindbilder ausführlicher siehe: W. KOLLER, Stereotypes und Stereotype. Sozialpsychologische und linguistische Aspekte, *Muttersprache* 108/März (1998), S. 1-16. und WAGENER 1999.

¹⁹ Dabei handelt es sich hauptsächlich um Reisebeschreibungen, Flugblätter, Flugschriften bzw. um Berichte von ehemaligen Kriegsgefangenen im Osmanischen Reich, die ein eindeutig negatives Bild über die Osmanen vermitteln. vgl.: K. GÖLLNER, *Turcica. Die europäischen Türkendrucke*, I, Bucuresti-Berlin, 1961; G. BAYERLE, *Hungarian Narrative Sources of Ottoman History, Archivum Ottomanicum* 9 (1984), S. 5-26.

²⁰ J. HÓVÁRI, *Adalékok a magyarországi török hódoltság történetének historiográfiájához, Keletkutatás*, 1987/tavaszi, (im weiteren: HÓVÁRI 1987) S. 138.

²¹ Ob die Historiker eine pro-, oder eine antitürkische Meinung formulierten, hing unmittelbar mit ihrer Beurteilung der Herrschaft der Habsburger in Ungarn zusammen, was gleichzeitig die Verfolgung einer politischen Linie bedeutete. Besonders die Historiker der dualistischen Monarchie konnten nur ganz selten in dieser Hinsicht „objektiv“ bleiben. vgl. GLATZ 1980, S. 170-171.

die Osmanen zu Freunden. Zu dieser Wandlung haben die politischen Ereignisse in den Jahren 1848/49 wesentlich beigetragen, als der Freiheitskampf der Ungarn von den Habsburgern blutig niedergeschlagen wurde. Die führenden Persönlichkeiten dieses Freiheitskampfes fanden danach im Osmanischen Reich ein neues Zuhause und standen unter der Obhut der ehemaligen „Erbfeinde der Christenheit“.²² Nach dem Ausgleich von 1867 vertraten die Ungarn und die Habsburger wieder gemeinsame Interessen, was auch mit dem Auftreten eines neuen, gemeinsamen Feindes zu erklären ist. In der Außenpolitik der dualistischen Monarchie wurde auf die Freundschaft mit den Osmanen großer Wert gelegt, was als eine Reaktion auf die panslawistischen Bestrebungen Rußlands auf dem Balkan zu bewerten ist.²³

In den wissenschaftlichen Diskursen erscheint zu dieser Zeit die sogenannte „Ugor contra Türk“ – Diskussion über die Abstammung der Ungarn. Der größte Befürworter der türkischen Abstammung der Ungarn, Armin Vámbéry,²⁴ vertrat interessanterweise eine „antitürkische“ Auffassung. Dem Beispiel der englischen und französischen Orientalisten folgend, betonte er die Superiorität der westlichen, das heißt europäischen Zivilisation.²⁵ Andererseits war er der Meinung, daß die Entstehung des ungarischen Volksgeistes beziehungsweise des ungarischen Nationalbewußtseins in die Zeit der türkischen Herrschaft in Ungarn zu datieren ist,²⁶ was den Erwartungen des ungarischen Nationalstaates durchaus entsprach.²⁷

Unter den Historikern ist der Verfasser der ersten Monographie über die osmanische Herrschaft in Ungarn, Ferenc Salamon, hervorzuheben.²⁸ Eines seiner wichtigsten Ergebnisse war die Rekonstruktion des sogenannten „Kondominiums“, das heißt der gemeinsamen Herrschaft der Ungarn und der Osmanen auf türkischem Herrschaftsgebiet in Ungarn.²⁹ Außerdem wurden durch seine Forschungsergebnisse über das osmanische Rechts-, Verwaltungs-, und Steuersystem in Ungarn die früheren Kenntnisse wesentlich erweitert und

²² Dazu ausführlicher siehe: I. HAJNAL, *A Kossuth-emigráció Törökországban*, Budapest, 1927.

²³ Vgl. HÓVÁRI 1987, S. 138-139.; G. ÁGOSTON, *The Image of the Ottomans in Hungarian Historiography*, Vortrag an der Annual Ertegin Conference, Princeton University, Department of Near Eastern Studies, 23. October 1999. (im weiteren: ÁGOSTON 1999) Das Manuskript wurde mir von meinem Professor, Gábor Ágoston, zur Verfügung gestellt, wofür ich mich auch an dieser Stelle bedanken möchte.

²⁴ Sein 1882 publiziertes Werk mit dem Titel „A magyarok eredete“ und die darin formulierte These über die türkische Abstammung der Ungarn hatte in Istanbul bei der Osmanli-Intelligenz, die den Zusammenschluß der turanischen (türkischen) Völker propagierte, einen großen Anklang gefunden. Vgl. *Vámbéry Armin emlékezete*, Keleti Értekezések 2., hg. von P. FODOR, Budapest, 1986, S. 7-50.; und J. M. LANDAU, Arminius Vámbéry: Identities in Conflict, in: *The Jewish Discovery of Islam*, ed. by M. KRAMER, Tel Aviv, 1999, S. 95-101.

²⁵ R. SIMON, *Goldziher Ignác*, Budapest, 2000, (im weiteren: SIMON 2000) S. 177-203.

²⁶ Vgl.: Á. VÁMBÉRY, *A magyarság keletkezése és gyarapodása*, Budapest, 1895, S. 345-347.

²⁷ Außerdem eignete sich die These über die türkische Abstammung der Ungarn dazu, den Eroberungscharakter der ungarischen Nation und die bedeutende Rolle, die sie in der Weltgeschichte gespielt hatte, hervorheben und dadurch die Superiorität der Ungarn gegenüber der im Lande lebenden Nationalitäten beweisen zu können. Vgl. P. GUNST, *A magyar történetírás története*, Budapest, 2000, (im weiteren: GUNST 2000) S. 208.

²⁸ SALAMON 1887.

²⁹ HÓVÁRI 1987, S. 139-140.

modifiziert. Die meisten seiner Thesen behielten bis heute ihre Geltung.³⁰ Er schuf ein differenziertes Bild über die Osmanen: sie besitzen bei ihm sowohl positive, als auch negative Eigenschaften.

Sein Zeitgenosse Sándor Takács war eindeutig ein „Freund der Osmanen“. Da er den österreichisch-ungarischen Ausgleich zurückwies, waren für ihn die Habsburger die Feinde. Er projizierte sogar seine antihabsburgische Perspektive in das 16-17. Jahrhundert.³¹ In seinen zahlreichen Werken beschrieb er das Leben des von den Osmanen besetzten Landesteils viel zu idealistisch.³² In seinen Darstellungen über die Kämpfe der Ungarn gegen die Habsburger und die Osmanen wird das heroische Zeitalter der mittelalterlichen Ritter wieder lebendig.³³

Die Wandlung des „Türkenbildes“ ist bei Ignác Acsády zu beobachten. In seinen früheren Werken erscheinen die Osmanen noch als „Erbfeinde der Christenheit“, wobei er mit großer Sympathie über die Herrschaft Ferdinands I. schreibt.³⁴ Parallel zur Wandlung seiner politischen Auffassungen verändert sich sein früheres „Türkenbild“ und den Habsburgern wird die Rolle eines Kriegsfeindes zugewiesen.³⁵ Acsády betonte in seiner für die Millenniumsfeier im Jahre 1896 angefertigten „Geschichte der ungarischen Nation“³⁶ die religiöse Toleranz der Osmanen anderen Religionen gegenüber und wies zum Beispiel darauf hin, daß die ungarische Bevölkerung unter den Plünderungen der christlichen Söldner genau soviel leiden mußte, wie unter den Raubzügen der Osmanen. Die von Acsády geschaffenen zwei Feindbilder erfüllten jedoch die gleiche Funktion: sie hatten das Identitätsgefühl des ungarischen Nationalstaates zu stärken und seine Existenz zu legitimieren.

Nach dem Ende des Ersten Weltkrieges und dem Vertrag von Trianon gelangte Ungarn in eine völlig neue Situation. Die Monarchie wurde aufgelöst und Ungarn wurde zwar wieder zu einem autonomen Staat, verlor aber zwei Drittel seines früheren Gebietes und mehr als die Hälfte seiner Einwohner.³⁷ Diese Katastrophe, die bereits damals mit der Katastrophe von Mohács (1526) verglichen wurde, hinterließ ihre Spuren auch in der ungarischen Geschichtsschreibung, in der damit eine völlig neue Epoche beginnt. Die Historiker, die ebenfalls schockiert waren, hatten wiederum die Aufgabe, ein neues „historisches Gedächtnis“ für Ungarn nach Trianon zu erarbeiten, um die kontinuierliche Existenz der

³⁰ Vgl.: F. SZAKÁLY, *Magyar adóztatás a török hódoltságban*, Budapest, 1981, S. 10-19.

³¹ ÁGOSTON 1999, S. 3.

³² S. TAKÁCS, *Rajzok a török világból*, I-III, Budapest, 1928.

³³ M. NAGY, *Takács Sándor emlékezete*, Budapest, 1937, S. 38-40.

³⁴ Dies kommt besonders in seinem 1888 veröffentlichten Werk „Magyarország pénzügyei I. Ferdinánd uralkodása alatt 1526-1564“ zum Ausdruck. vgl. Z. HORVÁTH, *Acsády Ignác*, im Druck, S. 8. Das Manuskript hat mir Zita Horváth zur Verfügung gestellt, wofür ich mich an dieser Stelle bedanken möchte.

³⁵ Die Wandlung ist bei ihm seit dem Ende der 70er Jahre des 19. Jahrhunderts zu beobachten. Gleichzeitig betonte er die Hegemonie der Ungarn gegenüber den Nationalitäten. Ebd., S. 5-7.

³⁶ I. ACSÁDY, *Magyarország három részre oszlásának története 1526-1608* (=Magyar Nemzet Története V.) hg. von S. SZILÁGYI, Budapest, 1897.

³⁷ Zur Geschichte Ungarns in der besprochenen Epoche siehe ausführlicher: M. ORMOS, *Magyarország a két világháború korában, 1914-1945*, Debrecen, 1998; I. ROMSICS, *Hungary in the twentieth Century*, Budapest, 1999.

ungarischen Staatlichkeit beweisen zu können.³⁸ Der neue ungarische Nationalstaat versuchte nämlich, eine eigene Identität aufzubauen, um sich dadurch legitimieren zu können, was mit Hilfe von Feindbildern am leichtesten zu erreichen war.

Der einflußreichste Historiker der Zwischenkriegszeit war der eifrige Katholik und treue Anhänger der Habsburger Gyula Szekfü. Das von ihm geschaffene „Türkenbild“ war jenes Feindbild, mit dessen Hilfe sich der neue Staat zu legitimieren versuchte. Szekfü machte die Osmanen für Trianon verantwortlich. In seiner „Ungarischen Geschichte“ (1935) folgt er ähnlich wie Vámbéry dem Beispiel der Orientalisten des 19. Jahrhunderts und behauptet, daß die Osmanen zu einem unteren Grad der kulturellen Entwicklung gehörten³⁹ und deshalb „hätten die Ungarn ihre Seele ausreißen müssen, wenn sie statt des Westens den Osten gewählt hätten“.⁴⁰ Nach Szekfü war die Orientierung Ungarns nach Westen unentbehrlich und die einzige Alternative dafür boten die Habsburger,⁴¹ was auch der These der „offiziellen“ Propaganda über die „christlich-germanische Kulturgemeinschaft“ entsprach.⁴² Szekfü warf den Osmanen vor, am wirtschaftlichen und gesellschaftlichen Untergang, an der Verwüstung des ganzen Landes, sogar an klimatischen Veränderungen Schuld zu haben und machte sie für die von ihm angenommene Bevölkerungsabnahme sowie für die Veränderung des Verhältnisses zwischen der ungarischen und nicht-ungarischen Bevölkerung verantwortlich.⁴³ Trotz der politischen Wende nach dem Zweiten Weltkrieg wurden seine Thesen auch später rezipiert und akzeptiert. Szekfü wurde natürlich bereits von seinen Zeitgenossen kritisiert,⁴⁴ die Kritiker hatten jedoch nie so einen großen Einfluß wie er.

Lajos Fekete, der Gründer der osmanischen Paläographie in Europa, vertrat zum Beispiel eine pro-osmanische Auffassung. Er arbeitete mehrere Jahre in den Archiven Istanbuls und sammelte dort die Quellen über die osmanische Herrschaft in Ungarn. 1943 wurde von ihm der erste *defter* veröffentlicht,⁴⁵ wodurch sich in der ungarischen „Turkologie“ eine neue Forschungsrichtung etablierte.⁴⁶ Seine deutschsprachigen Werke über die osmanische Paläographie⁴⁷ werden an den Universitäten

³⁸ Unter den neuen Umständen waren die früheren Konzeptionen nicht mehr gültig. Auch die Ziele der nationalen Bestrebungen haben sich verändert. Die Leitfaden der Politik in der Zwischenkriegszeit waren die Revision und der damit verbundene Neonationalismus. vgl.: GLATZ 1980, S. 18-19.; GUNST 2000, S. 225-227.; I. ROMSICS, *Trianon és a magyar politikai gondolkodás, 1920-1953*, Budapest, 1998.

³⁹ HÓMAN – SZEKFÜ 1935, S. 101-102.

⁴⁰ DERS., S. 107.

⁴¹ Dies erklärt sich aus seiner bedingungslosen Treue zu den Habsburgern, die er als legitime Nachfolger der ungarischen, „nationalen“ Könige betrachtete. Vgl.: GLATZ 1980, S. 213.

⁴² Vgl.: J. SZÜCS, *A magyar nemzeti tudat kialakulása*, Budapest, 1997, S. 341.

⁴³ HÓMAN – SZEKFÜ 1935, S. 402-499.

⁴⁴ Zu seinen Kritikern gehörten unter anderem Sándor Domanovszky und Elemér Mályusz. Dazu ausführlicher siehe: GUNST 2000, S. 239-240.

⁴⁵ L. FEKETE, *Az esztergomi szandzsák 1570. évi adóösszeírása*, Budapest, 1943.

⁴⁶ HÓVÁRI 1987, S. 142.

⁴⁷ Vgl.: L. FEKETE, *Die Siyaqat-Schrift in der türkischen Finanzverwaltung*, Budapest, 1955; DERS., *Einführung in die osmanisch-türkische Diplomatie der türkischen Bottmäßigkeit in Ungarn*, Budapest, 1926.

Deutschlands und Österreichs immer noch benutzt.⁴⁸ Seine Synthesen stellten die negativ konnotierten Auffassungen über die osmanische Herrschaft in Ungarn in Frage, die zu seiner Zeit dominierten. Trotz allem konnte er in Ungarn keine so große Wirkung ausüben, wie Szekefi. Seine Arbeit wurde in den 80er und 90er Jahren durch die dritte Generation der Osmanisten fortgesetzt.

Die dritte Epoche beginnt mit der politischen Wende nach dem Zweiten Weltkrieg, die für die ungarische Historiographie wiederum eine neue Situation schuf. Die Aneignung der marxistischen Ideologie und deren Verbreitung wurde auch für die Historiker eine Pflicht.⁴⁹ Während die Regierung zwischen 1948 und 1953 die Errichtung des Sozialismus unter Beibehaltung der nationalen Traditionen beabsichtigte,⁵⁰ wollte sich die neue Regierung nach 1956 auf eine andere Weise legitimieren: durch die Vernichtung des historischen Gedächtnisses der Nation, das heißt durch eine kollektive Amnesie.⁵¹ Aus diesen Gründen ist es kein Zufall, daß für die ungarische Turkologie der 50er und 60er Jahre die quellenkundliche beziehungsweise philologische Orientierung charakteristisch war. Die Veröffentlichung von Quellen oder von Aufsätzen über die türkische Linguistik und Paläographie wurden für harmlos gehalten.⁵² Das Bild der Osmanen wurde von den Historikern der marxistischen Ideologie entsprechend dargestellt, wobei betont wurde, daß in den Kämpfen gegen die Osmanen Soldaten bäuerlicher Abstammung die wichtigste Rolle gespielt haben.⁵³ Sowohl die Osmanen als auch die Habsburger wurden als „Kriegsfeinde“ betrachtet, unter deren Herrschaft die Ungarn gelitten hätten, wobei die Habsburger die schlimmeren Feinde waren. Dabei folgte man der Terminologie des 19. Jahrhunderts.

Weiter oben wurde angedeutet, daß die Arbeit von Lajos Fekete in den 80er und 90er Jahren von der dritten Generation der Osmanisten fortgesetzt wurde. Im Gegensatz zu den zwei früheren Epochen, in denen die Osmanen hauptsächlich als „Kriegsfeinde“ beschrieben wurden, lassen sich seit dem Ende der 70er Jahre ganz neue Tendenzen beobachten. Dank der fruchtbaren Zusammenarbeit der Osmanisten Gábor Ágoston, Klára Hegyi, Pál Fodor und Géza Dávid mit anderen Historikern⁵⁴ kam es zur Wandlung des alten „Türkenbildes“. Unter den Nicht-Osmanisten ist der Name von F. Szakály hervorzuheben, der die Geschichte der unter osmanischer Herrschaft stehenden Gebiete anhand ungarischer Quellen untersuchte, wobei er auch die Ergebnisse der Osmanisten berücksichtigte. Seine Synthesen über das ungarisch-osmanische Kondominium, über die Sozial- und Wirtschaftsgeschichte des von den

⁴⁸ ÁGOSTON 1999, S. 5.

⁴⁹ Vgl. GUNST 2000, S. 250-258.;

⁵⁰ Damals hat man noch die besonders große Bedeutung der historischen Tradition für die ungarische politische Kultur erkannt. Vgl. GYÁNI 2000, S. 46.

⁵¹ DERS., S. 48.

⁵² ÁGOSTON 1999, S. 6.

⁵³ GUNST 2000, S. 252.

⁵⁴ ÁGOSTON 1999, S. 9-11.

Osmanen besetzten Landesteils⁵⁵ und die Ergebnisse der Osmanisten trugen wesentlich dazu bei, daß fast alle Thesen Szekfü`s widerlegt wurden. Die neuen Fakten sprechen für sich selbst: Es gab keine starke Bevölkerungsabnahme, keinen gesellschaftlichen und wirtschaftlichen Untergang und Ungarn wurde durch die Osmanen weder zu einer Wüste noch zu einem unbewohnten Urwald verwandelt.⁵⁶ Obwohl ein Historiker im Jahre 2000 immer noch der Meinung war, daß Ungarn ohne die Mitwirkung der Habsburger dem „Kulturkreis des Ostens, das heißt einem primitiven Grad der kulturellen Entwicklung“ angeschlossen worden wäre⁵⁷, haben die meisten Historiker ein wesentlich differenziertes Bild der Osmanen. Im Gegensatz zu János Török, könnten sie Isabella schreiben, daß der „Türk“ sowohl ihr „Gastfreund“ als auch ihr „Kriegsfeind“ ist.

⁵⁵ An dieser Stelle kann es nur auf einige seiner zahlreichen Werke verwiesen werden: F. SZAKÁLY, *Magyar intézmények a török hódoltságban*, Budapest, 1997; DERS., *Gazdasági és társadalmi változások a török hódítás korában*, Budapest, 1994.

⁵⁶ Vgl. G. DÁVID, *Magyarország népessége a 16.-17. században*, in: J. KOVACSICS (Hrsg.), *Magyarország történeti demográfiája, 896-1995*, Budapest, 1997, S. 141-171; F. SZAKÁLY, *Zur Kontinuitätsfrage der Wirtschaftsstruktur in den ungarischen Marktflecken unter der Türkenherrschaft*, in: *Die wirtschaftlichen Auswirkungen der Türkenkriege. Die Vorträge des 1. Internationalen Grazer Symposions zur Wirtschafts- und Sozialgeschichte Südosteuropas* (5. bis 10. Oktober 1970), Hrsg. O. PICKL, Graz, 1971, S. 235-272; DERS., *Die Bilanz der Türkenherrschaft in Ungarn*, in: *Acta Historica Academiae Scientiarum Hungaricae* 34 (1988), S. 63-77.

⁵⁷ G. PÁLFFY, *Az új védelmi rendszer kiépítése*, in: Á. RÁCZ (Hrsg.), *Nagy Képes Milleniumi Hadtörténet: 1000 év a hadak útján t*, Budapest, 2000, S. 114.

BOOK REVIEW

MÁRTA FONT

Koloman the Learned, King of Hungary

Szegedi Középkorász Műhely
Szeged, 2001, 110 p

Scholars studying the early (11th-12th-century) history of the Hungarian Kingdom (which was introduced into the community of Christian nations in 1001, when Stephen I (later known as St Stephen) was crowned king of Hungary) have to face a difficult task in comparison with those scholars, who do research on the history of Western monarchies. The most important difficulty is the scarcity of native sources: donation charters, laws, chronicles etc. The second problem is, that the exact date of composition of the first Hungarian chronicle is still not known. Furthermore, Hungary was comparatively poor in chronicle-writing, for this genre was always strongly connected with the royal court. (Consequently, it reflected the court view.) While the Anglo-Saxon Chronicle for example has gone to us in many versions, and it is not a difficult task for the historian to reconstruct the reign of William Rufus and Henry I (Koloman's (1095-1116) contemporaries) on the basis of these sources, the historian aiming to reconstruct the reign of an early Arpadian ruler is by far not so fortunate.

Therefore any approach to a topic like this must begin with a very critical treatment, a nuanced pondering of native narrative sources. In addition to that, new perspectives are necessary to produce a reliable monograph on early Hungarian rulers. Last, but not least, a broad knowledge of the historical context is indispensable to find the possible connections with the contemporary history of other countries. The author is equipped with the skills necessary to map the reign of Koloman, and to provide academic readership with an insight into Hungary's place in Christian Europe.

To write a monograph on the reign of Koloman is a fortunate choice. To begin with, his name was very unusual in the Arpadian dynasty. And this is the first, but not the only puzzle solved by the author. The choice of names always had deeper meaning in case of royals syblings. The author conclusively claims that the choice was possibly motivated by the cult of a local saint in the neighbourhood of Hungary, in Lower Austria: Koloman was an 11th-century Scottish missionary in Lower Austria, "who was impeached (unjustly) for spying, and martyred...in the last third of the eleventh century, and was to be honoured as a saint in the place of his sufferings".

The life of Koloman the Learned had unusual twists: to mention just the most important one, he was educated to become a priest (hence is the origin of his nickname), for originally he was not designated to rule. Furthermore, he was one of the few rulers whose laws we know. The importance of his reign is enhanced by the fact that he linked Croatia to Hungary: in 1102 he had himself crowned King of Croatia (which brought him into conflict with Venice), and for more than 800 hundred years there existed a personal union between the two countries.

His reign coincided with a turbulent period in Western Christendom: the first phase of the Investiture Contest, the First Crusade, and the ensuing first great *pogroms* against the Jews. For him these events were not merely contemporary phenomena, but vital issues he had to deal with. Since there was a debate about his succession, and Koloman's succession was supported by the pope, no wonder that he allied himself with the papacy and not with the emperor. He had problems

with the Crusaders who went through Hungary, and he even had to fight them when they entered and left the country. He gave shelter to the Jews who had fled to Hungary after the first persecutions. Consequently, he had to issue laws to regulate their status: they were allowed to settle only in the centers of bishoprics, but in contrast to many Western territories they were allowed to buy land, though they could have only pagan serfs. Their trade was also regulated. Muslim tradesmen were also frequent in Hungary who settled along the trade routes with Byzantium. Koloman's family connections are also eloquent. He married three times. Of his first wife we know almost nothing, except her name. His second wife was a Byzantine princess. His third wife came from the lands of the *Rus*: she was the daughter of Vladimir Monomakh. But Koloman soon repudiated her and sent her back to Kiev where she gave birth to a child. This child, named Boris, later claimed the throne of Hungary. By comparing the texts of the Hungarian and the First Russian Chronicle, the author draws the conclusion that, contrary to the claim of the Hungarian Chronicle, Boris was not an illegitimate child of Koloman.

The book highlights the role of Hungary as a "bridge" between "West" and "East", between Western Christianity and Orthodoxy (the lands of Kievan Russia and Byzantium). Since the book is wider in its scope than the title would suggest, and treats the topic from the perspective of 11th-12th-century Hungary, it fills an important gap by publicizing Hungarian History abroad. For a great debt of Hungarian historiography is the scarcity of works written on Hungarian History in Western languages. The book is warmly recommended not only for academic readership, but anyone interested in Hungarian History.

Endre Sashalmi

GÁBOR ÁGOSTON – TERÉZ OBORNI

**A 17. század története
(Geschichte des 17. Jahrhunderts)**

Pannonica
Budapest, 2000, 268 p.

Aus Anlass der Millenniumfeier wurde bei dem ungarischen Verlag Pannonica eine Reihe mit dem Titel „Ungarische Jahrhunderte“ veröffentlicht. Die Absicht der Herausgeber war, mit Spezialisten der jeweiligen Epochen über die einzelnen Jahrhunderte der ungarischen Geschichte eine Synthese anzufertigen. Der von Gábor Ágoston und Teréz Oborni verfasste Band ist einer der bedeutendsten Bände dieser Reihe und behandelt die Geschichte Ungarns im 17. Jahrhundert. Die verschiedenen Fachbereiche der Verfasser – Teréz Oborni ist eine anerkannte Forscherin der Geschichte Siebenbürgens im 16. und 17. Jahrhundert und Gábor Ágoston ist einer der besten Osmanisten –, ihre Sprachkenntnisse, ihre Bewandtheit in der Quellenkunde und ihre langjährige Forschungsarbeit in ungarischen, europäischen und türkischen Archiven haben wesentlich dazu beigetragen, dass die Geschichte Ungarns im 17. Jahrhundert aus mehreren Perspektiven bzw. Unter mehreren Aspekten beschrieben werden konnte. Die verschiedenen Interessen der Verfasser erwiesen sich eher als fruchtbar, trotz ihres unterschiedlichen Blickwinkels ist es Teréz Oborni und Gábor Ágoston gelungen –

den Erwartungen der Herausgeber entsprechend –, ein einheitliches Werk zu schaffen.

Im Gegensatz zur langjährigen Tradition der ungarischen Historiographie, die fast ausschließlich der politischen Geschichte Aufmerksamkeit geschenkt, die Geschichte Ungarns in der Frühen Neuzeit aus größeren europäischen Zusammenhängen herausgerissen und nur aus ungarischer Perspektive beschrieben hatte, waren die Verfasser bestrebt, bestimmte Entwicklungstendenzen und Phänomene in den zwei Jahrhunderten des Türkenkriegszeitalters aufzuzeigen und in unter Betrachtung der Vorgänge in Europa und im Osmanischen Reich bzw. im Vergleich zu denen zu interpretieren, wobei der Akzent natürlich auf das 17. Jahrhundert gelegt wurde. Dieses im Vorwort formulierte Ziel zu verwirklichen, war keine leichte Aufgabe.

Die Geschichte des dreigeteilten Ungarns gehört zu den polemischsten Bereichen der ungarischen Geschichte, in bestimmten Fragen gibt bis heute keinen Konsens unter den Historikern. Außerdem ist das 16. Jahrhundert viel besser erforscht, als das darauffolgende. Besonders im Bereich der Sozial- und Wirtschaftsgeschichte mangelt es an neuen Forschungsergebnissen. Außerdem verfügt man z.B. wenig Kenntnisse darüber, was die Siedlungsstruktur und über die klimatischen Verhältnisse der damaligen Zeit angeht. Trotz allem bietet das Werk von Teréz Oborni und Gábor Agoston – dank ihrer eigenen Forschungen –, viele neuen Ergebnisse und eine neue Betrachtungsweise, die die bisherigen Auffassungen wesentlich modifizieren. Sie betonen jedoch ausdrücklich, dass ihr Buch nur eine mögliche und nicht die einzige Interpretation der ungarischen Vergangenheit des 17. Jahrhunderts vermittelt.

Das Buch hat einen klaren Aufbau und besteht aus zwölf grossen Kapiteln. Die Verfasser selbst weisen im Vorwort darauf hin, dass in einem zusammenfassenden Werk nicht alle möglichen Aspekte berücksichtigt bzw. Der Analyse unterzogen werden können. An dieser Stelle soll auch nur auf einige Erscheinungen und Phänomene hingewiesen, die im vorliegenden Werk aus einer neuen Perspektive beschrieben wurden.

Auf dem Gebiet des ehemaligen Ungarischen Königreichs stießen sich im 16. und 17. Jahrhundert die zwei Grossmächte der damaligen Zeit zusammen. Obwohl beide nur über einen Teil des dreigeteilten Ungarns verfügten, betrachteten sowohl die Habsburger als auch die Osmanen das ganze Land als ihr Eigentum. Am Anfang des 17. Jahrhunderts ergab sich eine merkwürdige Situation, denn keine der beiden Grossmächte konnte die andere besiegen. Ihre Bestrebungen neutralisierten sich, was für die Ungarn, deren Traum die Wiedervereinigung und Errichtung der Autonomie des Landes war, einen größeren Bewegungsraum schuf. Die Reichweite dieses Bewegungsraumes war jedoch für die Stände der jeweiligen Landesteile ganz unterschiedlich. Die Beschreibung der verschiedenen Verwaltungsstrukturen und Besteuerungsmethoden in den einzelnen Landesteilen zeugt davon, dass es weder der Habsburgischen noch der Osmanischen Administration gelang, in den unter ihrer Herrschaft stehenden Teilen Ungarns, all ihre Ziele zu verwirklichen und damit das Land vollständig in ihr Reich zu integrieren. Das Fürstentum Siebenbürgen, obwohl es ein Vasalle des Osmanischen Reiches war, ging seinen eigenen Weg und die Bewahrung seiner mittelalterlichen Verwaltungsstruktur verkörperte in den Augen der Zeitgenossen die Kontinuität des ungarischen Staates.

Die Geschichte Ungarns im 17. Jahrhundert wurde bisher immer fast ausschliesslich als Geschichte des „Verfalls“ beschrieben. Aus dem vorliegenden Werk geht jedoch eindeutig hervor, dass sich „der Verfall“ nicht nur auf Ungarn beschränkte, sondern es eine allgemein europäische Erscheinung des 17. Jahrhunderts war. Außerdem erwies sich die Leistungsfähigkeit der ungarischen Gesellschaft und Wirtschaft als viel stärker, als bisher angenommen. Die Verfasser widmen ein ganzes Kapitel der Darstellung der Veränderung der demographischen

und ethnischen Verhältnisse, wobei verschiedene Faktoren in Betracht gezogen werden. Demnach gab keine katastrophale Bevölkerungsgabnahme – wie früher behauptet wurde –, trotz der andauernden Kriege kam es bis zum Ende des Jahrhunderts sogar zu einem Bevölkerungswachstum von 3,3 auf 4 Millionen. Nicht nur die langen Kriege, sondern auch die sich ständig wiederkehrenden Seuchen, das ungünstige Klima, die schlechten hygienischen Verhältnisse erschwerten das Leben des Menschen der damaligen Zeit. Dies war jedoch ebenfalls nicht ungarnspezifisch, sondern war für ganz Europa charakteristisch. Auch in der Entwicklung der Wirtschaft lassen sich die negativen europäischen Tendenzen beobachten. Obwohl sich die ethnischen Verhältnisse zuungunsten der Ungarn veränderten und die ursprüngliche Siedlungsstruktur verschwand, zeugt die immer zunehmende Autonomie der Komitate, der Städte und Marktflecken von der Leistungsfähigkeit der ungarischen Gesellschaft, die dazu wesentlich beitrug, dass die Osmanen am Ende des 17. Jahrhunderts mit Unterstützung der Habsburger und anderer europäischen Staaten beinahe aus ganz Ungarn vertrieben werden konnten.

Es könnten noch zahlreiche weitere Beispiele aufgezählt werden. Hier wurde nur auf die Wichtigsten hingewiesen. Zum Schluss kann es festgestellt werden, dass eine Synthese dieser Art, die bei der Beschreibung der ungarischen Verhältnisse auch grössere Zusammenhänge berücksichtigt, bisher ein Desiderat der Forschung war.

Zsuzsa Barbarics

Paradisum plantavit
Bencés monostorok a középkori Magyarországon
Benedictine Monasteries in Medieval Hungary

Kiállítás a Pannonhalmi Bencés Főapátságban

2001. március 21-től november 11-ig

Exhibition at the Benedictine Archabbey of Pannonhalma

21 March – 11 November 2001

Edited by Imre TAKÁCS
Pannonhalma, 2001, 752 p.

Cinq années après la commémoration du millénaire de l'archiabbaye de Pannonhalma qui fut couronnée par la publication d'une oeuvre collective en trois volumes,* la première des abbayes bénédictines hongroise organisa une exposition offrant au public tout un horizon culturel et architectural.

Le volume présente se répartit en cinq chapitres contenant 15 études. Le premier chapitre est consacré au antécédents et les premiers temps du monachisme bénédictin hongrois. Béla Miklós Szóke reprit en question la continuité (?) de l'ancienne centre ecclésiastique de Mosaburg de l'époque carolingienne et de l'abbaye de Zalavár. Basé sur les résultats de fouilles archéologiques récentes, il omet l'hypothèse d'une continuation directe et sans interruption entre l'église paroissiale du IX^e siècle et la fondation du premier roi

* Pannonhalma ezer éve 996-1996 [Millénaire de Pannonhalma 996-1996], Imre TAKÁCS (éd.), I-III, Pannonhalma, 1996. Cf. les notes critiques de Dominique LOGNA-PRAT et Gergely Kiss, „Millénaire du royaume hongrois et de l'abbaye de Pannonhalma” *Revue Mabillon* NS 9 (t. 170), 1998, pp. 264-267.

hongrois (1019). Kornél Szovák résuma brièvement le monachisme bénédictine des premiers siècles (XI^e-XIII^e siècles), passant en revue l'esprit (d'origines lotharingienne et de Gorze) des premiers bénédictins, les chartes de fondation, les motifs et les exigences des fondateurs et des croyants. Szilveszter Sólomos OSB a peint le portrait des premiers bénédictins en Hongrie dont plusieurs sont arrivés de l'étranger avec une vision de mission (St. Wolfgang, St. Bruno de St.Gallen). Un autre groupe de ceux-ci furent élevés au sommet de la hiérarchie de l'église hongroise, plusieurs reçurent le titre de l'archevêque d'Esztergom (Asztrik, Domonkos) ou d'autres évêchés (St. Gérard, Maurus).

Le deuxième chapitre est consacré à la vie culturelle et aux scriptoria des bénédictins hongrois, en exposant le sort et l'effectif des bibliothèques (Miksa Bánhegyi OSB) et les activités des loca credibilia (Kornél Szovák). Trois auteurs – dans le cadre du troisième chapitre évoquant la vie artistique des abbayes bénédictines – prennent en considération tels et tels monuments artistiques : les activités des ateliers des monastères, l'effet byzantin sur les icônes de l'abbaye St. Georges de Dombó, ainsi que les valeurs artistiques des briques de pavé de Bakonybél. Cette série est continuée dans le chapitre suivant (les objets de la liturgie) qui englobe les miniatures, la peinture, ainsi que les objets liturgiques de premier ordre.

Le cinquième chapitre consacré à l'architecture est bien innovatif. Les articles généraux et les présentations ponctuelles des restes archéologiques des abbayes importantes permettent à avoir une vue globale sur l'architecture, le métissage des styles. Reconstructions, descriptions brèves offrent une vision claire portant sur l'ancien état des édifices.

Il faut mentionner des études de Levente F. Hervay, en fonction d'une sorte de conclusion à la fin du volume, qui d'une part établit le bilan du monachisme bénédictin hongrois, d'autre part offre une catalogue forte minutieuse des abbayes, des prières et des celles. Cette catalogue est mal complétée par la publication des „textes majeurs” des chartes concernant les bénédictins hongrois (au total 14, des XI^e-XIII^e siècles), qui, malheureusement n'englobe point l'époque tardive, c'est-à-dire les XIV^e-XVI^e siècles.

Rare exception des publications hongroise, le dernier tiers du volume est occupé par la version anglaise des études présentées. En dernier lieu est une riche bibliographie complètement mise au jour.

Gergely Kiss

HARALD ZIMMERMANN

A középkori pápaság

*(Ungarische Übersetzung des Werkes „Das Papsttum im Mittelalter”,
übersetzt von Daniel Bagi, mit Vorwort von László Katus)*

Books in Print, Budapest 2003, 240 S.

Im Januar 2003 ist in Budapest die ungarische Übersetzung des Buches über das mittelalterliche Papsttum von Prof. Dr. Dr. h.c. mult. Harald Zimmermann erschienen.

Der Autor des Werkes, Ehrendoktor der Universität Pécs gilt als allgemein anerkannter Kenner der Geschichte des mittelalterlichen Papsttums, der über dieses in Deutschland 1981 erschienenen Buch hinaus auch mit grundlegenden Urkundenstudien zur Papstgeschichte beigetragen hat.

Das Papsttum im Mittelalter untersucht die Geschichte des mittelalterlichen Papsttums hinsichtlich der päpstlichen Geschichtsschreibung.

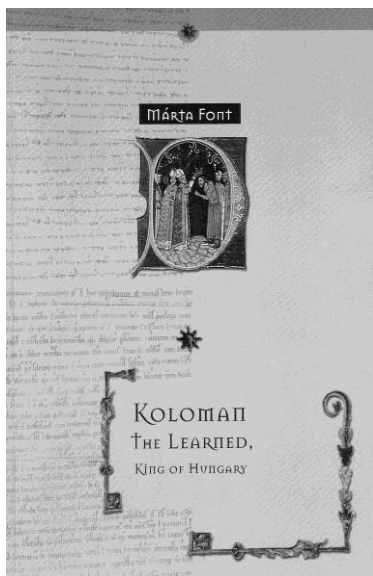
Wie der Autor im Vorwort des Buches darauf hinweist, wollte er aufgrund des *Liber pontificalis*, des Papstbuches, das im Mittelalter die quasi-offizielle römisch-päpstliche Historiographie verkörperte die Geschichte der Päpste und des Papsttums vorstellen. Daher ist festzustellen, dass das Buch sowohl als Monographie über das Papsttum, als auch als quellenkritische Studie gut anzuwenden ist.

Die Veröffentlichung in ungarischer Sprache war aus mehreren Gründen notwendig. Nach dem 2. Weltkrieg wurde die Mediävistik an sich sehr vernachlässigt, geschweige von Geistes- und Kirchengeschichte. Eben deshalb mangelt es noch immer an Büchern auf dem Markt, wo ein derartiges Thema dermaßen zusammengefasst bearbeitet wird, und sowohl für das breitere Publikum, als auch die Studenten zur Verfügung steht.

Den Wert der ungarischen Veröffentlichung erhebt noch weiter die sachgemäße Übersetzung von Daniel Bagi, und die schöne Druckausfertigung des Verlags Books in Print.

Bálint Radó

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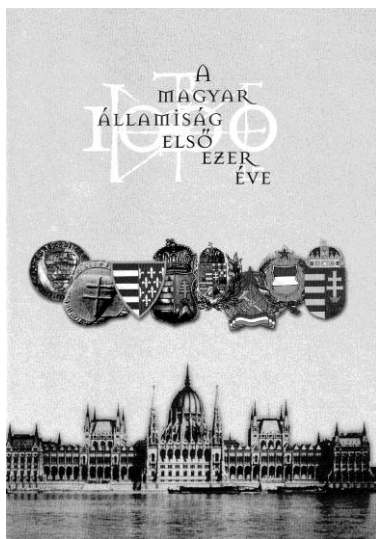


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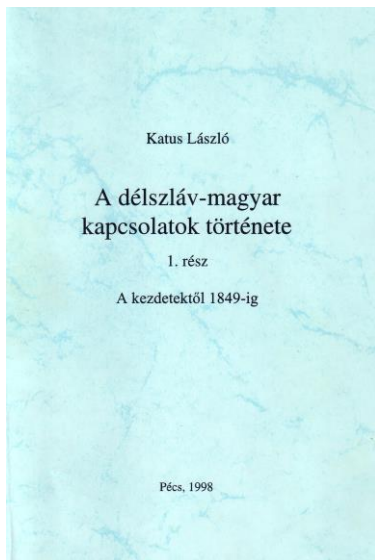


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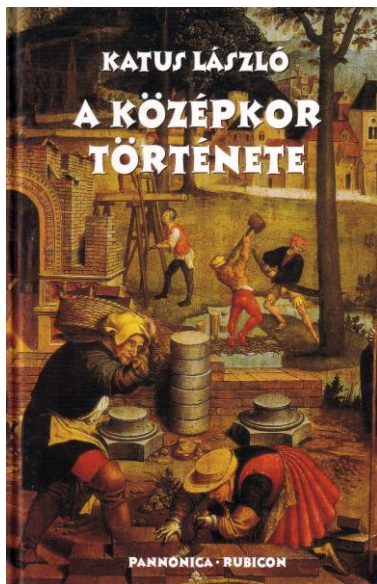
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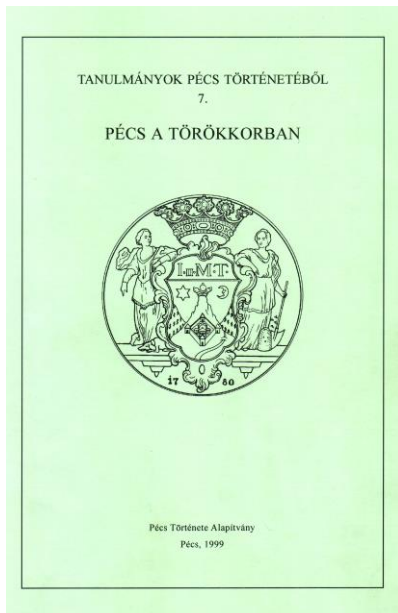
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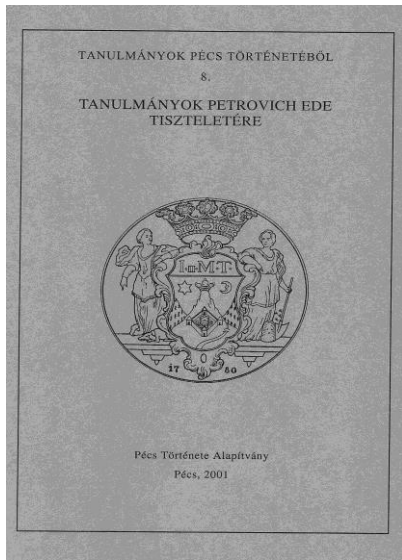
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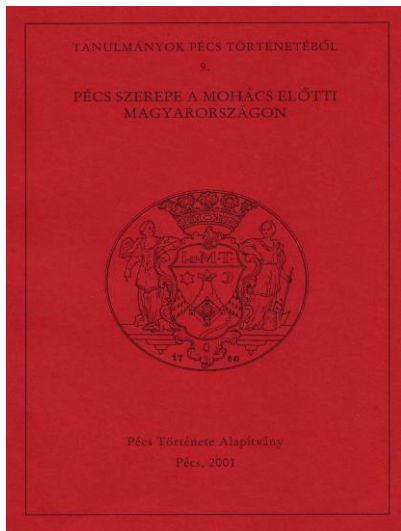
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