

THE INFLUENCE OF THE UNIVERSAL AND PARTICULAR CONCILIAR DISCIPLINE ON THE HUNGARIAN CONCILIAR LEGISLATION IN THE 11TH–13TH CENTURY*

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ABSTRACT

In the 11th century a fundamental problem arose from the independence of national councils: rulers exerted a serious influence on the convocation and course of the councils, on the promulgation of their decrees, as well as on their legal consequences in the society. Moreover, a number of councils – especially when the ruler was present at the sessions – adopted measures even in matters that belonged to the state. Good examples of such a situation in Hungary were the Council of Szabolcs (1092) and the First Council of Esztergom (1100). In the domestic practice, during the reign of King Coloman, the Second Council of Esztergom (1112) already showed us the ecclesiastical legislation as it gradually obtained independence, and also showed the acceptance of those reforms that were made under the increasing influence of the Holy See. Later on, legate Manfred actively contributed to the Third Council of Esztergom in 1169. The provisions of this council radically excluded the influence of secular power, thanks to the personal attendance of the Roman legate. The frequent presence of the papal legates – particularly in the 13th century – had a fundamental impact upon the Hungarian conciliar legislation and the ecclesiastical judicial practice, and also strengthened the papal privileges of the ecclesiastical institutions, to which many of the contemporary written documents bear witness.

Key words: Hungarian Conciliar Legislation, 11th–13th c., *Decretales Pseudo-Isidorianae*, *Decretum Burchardi Wormatiensis*, celibacy, simony, marriage, immunity of the Church, secular power

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INTRODUCTION

In the ecclesiastical structural system the institutional form of councils – which form has functioned from the 2nd century AD – was organized on the pattern of a *koinon*, that was known from ancient Greek law and which survived in the eastern part of the Roman Empire, respectively on the pattern of a civic assembly. Another secular administrative forum was the *concilia provinciarum* which had been summoned yearly in the western provinces of the empire. In councils it was the bishops of a given region who gathered together for discussing the more important matters of the Church.¹ Such important questions were the different false teachings, heresies, or questions of a liturgical kind (i.e. determining the date of Easter). After having obtained freedom in the empire more and more often were convoked the kind of councils that covered only one province (e.g., Africa, Gallia, Hispania), and sought for answers mainly for disciplinary or dogmatic problems. Councils convoked into Rome stood from the beginning in the center of interest, not only because of the political character of the city, but originating from the eminent place of the bishop of Rome, the Pope (i.e. primatus), and also from the problems discussed on these councils and from the composition of their participants. We also know of councils that covered more provinces. These provinces constituted not indispensably one administrative unit. There were councils that represented the whole eastern part of the empire, or the whole western part, as for example the Council of Arles, held in 314. Much later, at the very end of the reign of Charlemagne, we know of those five councils that were held in 813 (i.e. Arles, Chalon-sur-Saône, Mainz, Reims, Tours) as *super statu ecclesiarum corrigendo*, and which were dedicated to the harmonization of the reform arrangements in the empire.² The ecumenical council (*ἡ σύνοδος*) constituted the highest level in among the ranks of councils, which enacted normative rules concerning the entire Church. The college of bishops right up to date, not independently but together with the Pope of Rome, exercises its power over the whole Church, as supreme ecclesiastical authority, in a solemn way, via this institution.³ The first ecumenical councils were held in the eastern part of the Roman Empire, the Pope was not present personally but generally made himself represented via his legates. Nevertheless, the universal authority of a council and of its decrees depended

¹ About the institutional development of the councils, cf. P. Erdő, *Az ókeresztény kor egyházfegyelmé* (Ókeresztény írók 5), Budapest 1983, pp. 21–27.

² J. Imbert, *Les temps Carolingiens (741–891). L'Église: Les institutions* (Histoire du Droit et des Institutions de l'Église en Occident V/I), Paris 1994; Sz.A. Szuromi, *Egyházi intézménytörténet* (Bibliotheca Institutii Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae I/4), Budapest 2003, pp. 62–66.

³ *Conc. Vaticanum II*, Sessio V (21 nov. 1964) Const. dogmatica *de ecclesia* (Lumen gentium): *Conciliorum oecumenicorum decreta*, Bologna 1973³ (továbbiakban: COD) 849–900: LG 22b; *Nota explicativa praevia* 4; moreover *Christus Dominus* 4. Cf. P. Erdő, *Egyházjog* (Szent István Kézikönyvek 7), Budapest 2014⁵, pp. 280–281. On the interpretation of the 12th–14th century general councils, cf. H.J. Sieben, *Die Konzilsidee des lateinischen Mittelalters (847–1378)* [Konziliengeschichte B], Paderborn 1984, pp. 232–276.

fundamentally even then on the papal approval. There was no ecumenical council convoked in the 10th–11th century; the last one – the Fourth Council of Constantinople – took place in 869–870.⁴ Thus the first great unit of councils that were convoked in the West are those that were staged in the Lateran (Council of Lateran I–IV) between 1123 and 1215. The councils before the Fourth Lateran Council dealt basically with simony, *treuga Dei*, conditions of the administration of the sacraments, provision for ecclesiastical offices, celibacy, canonical election, taking usury, duel, some false teachings, papal elections, obtaining the episcopal degree of the holy orders, respectively with teaching in the cathedrals.⁵ Apparently, the ninth ecumenical council, that is, the Council of Lateran I was to be held only the year after the Concordat of Worms (1122).⁶ The voted conciliar decrees were presented to the Pope for approval. At the ecumenical councils vote belonged to the cardinals and the bishops, while abbots, prelates, and certain members of the Church possessed consultative right. Similarly, a consultative right belonged to those, who were in papal service, or religious commissioned by a bishop, furthermore secular monarchs, and lay people possessing particular prominent office.

In comparison with the ecumenical councils, with the legal force of them and of their decrees, regional councils could cover a diocese or a province, but they could cover a whole country, in which case they are called national councils.⁷ In the 11th century fundamental problem arose from the independence of national councils, because the rulers exerted a serious influence on the convocation of the councils, on their course, on the promulgation of their decrees, as well as on their legal consequences in the society. Moreover, a number of councils – especially, if the ruler also took part at the sessions – adopted measures even the matters belonging to the state. Good examples for such situation are in Hungary the Council of Szabolcs (1092) and the Council of Esztergom I (1100). In the domestic practice, during the reign of King Coloman, the Council of Esztergom II in 1112 – which was left to us via the law-book of King Coloman – yet shows us the ecclesiastical legislation as it gradually obtains independence, and also the acceptance of those reforms that were made under the increasing influence of the Holy See. We should also note that some councils of the Low Countries and Italy exerted a great influence on the whole European conciliar legislation, and the dissemination of ecclesiastical reforms. Here we would like explicitly to refer on two councils: the Council of Melfi in 1089 and the Council of Rome in 1099.⁸

⁴ COD 157–186.

⁵ Cf. M. Mollat, P. Tombeur, *Les conciles Latran I à Latran IV. Concordance, Index, Listes de fréquence, Tables comparatives* (Conciles Oecuméniques Médiévaux I), Louvain 1974.

⁶ COD 187–194.

⁷ P. Erdő, *Az egyházmegyei zsinat intézménye a történelemben* [in:] P. Erdő, *Egyházjog a középkori Magyarországon*, Budapest 2001, pp. 19–24, especially 19–22.

⁸ Sz.A. Szuroimi, *Az első három Esztergomi Zsinat és a magyarországi egyházfegyelem a XII. században*, “Magyar könyvszemle” 1999/4, 115, pp. 377–409, especially 379, 398.

I. HUNGARIAN COUNCILS AND CANONICAL COLLECTIONS IN THE 11TH–12TH CENTURY

In the 12th century the Gregorian reforms stroke roots definitively all over Europe. This was primarily due to those councils of great number that were held for the intention of the Pope, or many times in the presence of the personal emissary or legate of the Pope.⁹

Ten years after the death of Gregory VII (1073–1085), in 1095, Coloman (1095–1116) acceded to the throne, who was addressed a letter by Pope Urban II (1088–1099) yet on July 27th 1096.¹⁰ The Holy See, by favor of Abbot Odilo of Cluny, possessed detailed information about the new Hungarian king.¹¹ In light of this it seemed that in Hungary there can start off a transformation of a Gregorian mentality. The provisions of the Council of Esztergom I, however, not fully support this, because we meet even more conciliar canons, that represent a standpoint in opposition to the guidelines of the reform (i.e. celibacy, marriage).

The date of convocation of the First Council of Esztergom poses questions even up to date. There are convincing argument both for the year 1100,¹² that is supported by Levente Závodszy, and for the year 1104/1105, that was recently explicated by Gábor Thoroczky.¹³ A great part of the canons of the council stands in context with the councils of the 9th–11th centuries, held mainly in German regions (Council of Mainz in 813, Council of Mainz in 847, Council of Worms in 863, Council of Tribur in 895, Council of Bourges in 1031, Council of Piacenza in 1095, etc.), but we find also such canons (of ancient councils) that were taken over by the conciliar fathers definitely from circulating ecclesiastical canonical collections or such canons at least give witness of the knowledge of them (i.e. c. 55 and 70).¹⁴ However, the exact identification of the canonical collection(s) used at the contemporary Hungarian councils, presents a serious difficulty, because we have very defective knowledge of the canoni-

⁹ Cf. O. Delarc, *Saint Gregorie VII et la reforme de l'Eglise au XI^e siècle*, I–III, Paris 1889–1890; Sz.A. Szuromi, *Az első három esztergomi zsinat*, p. 89/note 9.

¹⁰ P. Jaffé, *Regesta pontificum romanorum ab condita Ecclesia ad annum post Christum natum MCXCVIII*, ed. secundum curaverunt S. Loewenfeld (JL: a. 882–1198), F. Kaltenbrunner (JK: ?–590), P. Ewald (JE: a. 590–882), Lipsiae 1885 (repr. Graz 1956), JL 5662.

¹¹ F. Baumgarten, *A Saint-Gielle-i apátság összeköttetései Magyarországgal*, “Századok” 1906, 40, pp. 389–411.

¹² L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények és zsinati határozatok forrásai*, Budapest 1904, p. 95; M. Jánosi, *Az első ún. esztergomi zsinati határozatok keletkezési problémái*, “Acta Universitatis Szegediensis. Sectio Historica” 1986, 83, pp. 23–30.

¹³ G. Thoroczky, *Megjegyzések a Hartvik-féle Szent István-legenda datálásának kérdéséhez* [in:] „Magyaroknak eleiről” *Ünnepi tanulmányok a hatvan esztendő Makk Ferenc tiszteletére*, ed. F. Piti, Szeged 2000, pp. 569–591, especially 575–576; cf. G. Thoroczky, *Még egyszer a Hartvik-féle Szent István-legenda datálásáról*, “Magyar könyvszemle” 2005, 121, pp. 213–218; G. Thoroczky, *Megjegyzések a Nyitrai és Pozsonyi Egyház korai történetéhez. Kálmán király I. törvénykönyve 22. cikkelyének szöveghagyományáról* [in:] G. Thoroczky, *Írások az Árpád-korról. Történeti és historiográfiai tanulmányok* (TDI Könyvek 9.), Budapest 2009, pp. 89–107.

¹⁴ Sz.A. Szuromi, *Az első három esztergomi zsinat*, p. 91.

cal literature that was used in Hungary before the *Decretum Gratiani* (1140).¹⁵ Nevertheless, we know that in this time in this region the following works were in general usage: the *Collectio Dionysio-Hadriana* from the 8th century,¹⁶ the *Decretales Pseudo-Isidorianae*, more than half of whose material is false and was composed between 847 and 852,¹⁷ and the *Decretum Burchardi Wormatiensis* that was made between 1008 and 1022.¹⁸ Our critical analysis of the text in recent years – taking into consideration also the content of the text of the appearing conciliar canons – makes the usage of the *Decretum Burchardi* probable from among the three mentioned collections, which is demonstrated well by the similarity of some significant canons of the Council of Esztergom I to the disciplinary material found in the *Decretum Burchardi Wormatiensis* (Can. 8 = BW 5. 46¹⁹; Can. 17 = BW 3. 37²⁰; Can. 19 = BW 2. 235²¹;

¹⁵ Recently cf. P. Erdő, *Codici medievali di diritto canonico in Ungheria* [in:] *Medieval Canon Law Collections and European ius commune* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/8), ed. Sz.A. Szuroomi, Budapest 2006, pp. 11–31.

¹⁶ A. Stickler, *Historia iuris canonici latini. I Historia fontium*, Torino 1950, pp. 107–108; J. Gaudemet, *Les sources du droit de l'Église en Occident du I^{er} au VII^e siècle*, Paris 1985, p. 136; P. Erdő, *Die Quellen des Kirchenrechts* (Adnotationes in Ius Canonicum 23), Frankfurt am Main 2002, pp. 72–73. Edition: PL LXVII, pp. 135–230.

¹⁷ A. Stickler, *Historia iuris*, pp. 131–140; P. Erdő, *Die Quellen des Kirchenrechts*, pp. 78–79; cf. H. Fuhrmann, *Einfluss und Verbreitung der pseudoisidorischen Fälschungen*, I–III (Monumenta Germaniae Historica, Schriften XXIV/1–3), Stuttgart 1972–1974, II, p. 334. Edition: *Decretales Pseudo-Isidorianae et Capitula Angliramni*, ed. P. Hinschius, Lipsiae 1863.

¹⁸ Cf. A. Stickler, *Historia iuris*, pp. 154–158; P. Erdő, *Die Quellen des Kirchenrechts*, pp. 88–90; H. Hoffmann, R. Pokorny, *Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen*, (MGH Hilfsmittel 12), München 1991; L. Will, *Die Rechtsverhältnisse zwischen Bischof und Klerus im Dekret des Bischofs Burchard von Worms. Eine kanonistische Untersuchung* (Forschungen zur Kirchenrechtswissenschaft 12), Würzburg 1992. Edition: PL CXL. 537–1090; cf. *Burchard von Worms, Decretorum Libri XX*, Hrsg. G. Franssen, Th. Kölzer, Aalen 1992.

¹⁹ *Conc. Strig. I*, Can. 8: Si quis descriptas festivitates non feriaverit, eadem lege iudicetur [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, 19]; cf. BW 5. 46: Si quis ebrietatem vel voracitatem eucharistiam evomuerit, XL dies poeniteat: clerici, vel monachi, seu diaconi, XL dies poeniteant, presbyteri, LXX dies, episcopi XC. Si pro infirmitatis causa evomuerit, VII dies poeniteat. (Penitentiale Bedae) [PL CXL. 761].

²⁰ *Conc. Strig. I*, Can. 17: Ecclesia non consecratur, si dos et terra prius non dantur [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 200; cf. *S. Ladislai Regis Decretum liber primus*, p. 5: *Quicumque ecclesiam deo edificaverit, et dotem nominaverit, nominatam vero non dederit, ad illud explendum transmissio nuncio prevaleat episcopale iudicium; cui si quis contradixerit, et contradicendo verberaverit, ipse regali iudicio subiaceat*. L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 159]; cf. BW 3. 37: *Placuit ut quoties ab aliquo fidelium ad consecrandas Ecclesias episcopus invitatur, non quasi ex debito munus aliquod a fundatore requiratur, sed si ipse quidem aliquid ex suo voto obtulerit, non respuatur. At tamen unusquisque episcopus meminerit ut non prius dedicerit Ecclesiam, nisi antea dotem basilicae et obsequium ipsius per donationem chartulae confirmatum accipiat. Nam non levior est ista temeritas si sine luminaribus vel sine substantiali sustentatione est eorum qui ibidem servituri sunt, quam si domus privata consecratur Ecclesia*. (Conc. Wormatiense [a. 863] c. 1) [PL CXL. 761].

²¹ *Conc. Strig. I*, Can. 19: *Nullus clericus de alio episcopatu vel provincia sine commendaticii litteris suscipiatur* [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 200]; cf. BW 2. 235: *Presbyter proprio loco dimisso ad alium migrans nequaquam recipiatur, nisi suae migrationis causam dixerit, et se innocenter vixisse in parochia in qua ordinatus est sub testibus probaverit: litteras*

Can. 27 = BW 8. 57²²; Can. 30 = BW 2. 21²³; Can. 55 = BW 9. 38²⁴; Can. 66 = BW 2. 160²⁵).

From the listed canons it is also unequivocal that not only the material of the councils of antiquity, but also the material of the mentioned councils of the early Middle Ages, as well as of the favored penitentials, exerted their influence on the Hungarian ecclesiastical discipline mainly through canonical collections. It is certain, that many traditional argument is in favor of the *Decretales Pseudo-Isidorianae*, a canonical collection, which influenced the contemporary sources and ecclesiastical political thinking, and about whose textual connections numerous domestic study has come out, due mainly to József Gerics.²⁶ Despite this, in the textual tradition of the Hungarian councils of the 11th–13th century we cannot find one detail that would show the direct usage of the pseudo-isidorian collection. This statement is true concerning also the text of the Council of Szabolcs in 1092.²⁷ On the other hand, in the investigation of canon 55 of the First Council of Esztergom – which refers explicitly to canon 11

etiam habebit in quibus sint nomina episcopi et civitatis plumbo impressa, quibus cognitis, et talibus inventis quibus fides adhiberi possit, recipiatur. (Conc. Cabilonense II [a. 813] c. 41) [PL CXL. 665].

²² *Conc. Strig. I*, Can. 27: Vita et virtus canonicorum secundum regula ipsorum ab episcopo disponantur [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 201]; cf. BW 8. 57: [...] *Tales omnino praecipimus, ut ubicunque inventi fuerint, episcopi sine ulla mora eos sub custodia constringant canonica, et nullatenus eos amplius ita errabundos et vagos secundum desideria voluptatum suarum vivere permittant. Sin autem episcipis suis canonice obedire noluerint, excommunicentur usque ad iudicium episcopi regionis illius.* [...] [Conc. Moguntinum (a. 847) c. 18] (PL CXL. 804).

²³ *Conc. Strig. I*, Can. 30: Nullus servus clericus ordinetur, nisi antea dominus eius plenam sibi dederit libertatem [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 201]; cf. BW 2. 21: *Ut nulli de servili conditione ad sacros ordines promoveantur, nisi prius a dominis propriis legitimam libertatem consequantur. Cuius libertatis charta ante ordinationem in ambone publice legatur, et si nullus contradixerit, rite consecrabitur. Porro servus non canonice consecratus, postquam de gradu deciderit, eius sit conditionis, cuius fuerat ante gradum.* (Conc. Triburiense [a. 895] c. 25) [PL CXL. 628].

²⁴ L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 204; cf. PL CXL. 820.

²⁵ *Conc. Strig. I*, Can. 66: *Ut omnes archidiaconi breviarium canonum habeant* [L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 205]; cf. BW 2. 160: [...] *Nulli sacerdoti suos liceat canones ignorare, nec quidquam facere quod Patrum possit regulis obviare. Quae enim a nobis res digna servabitur, si decretalium norma constitutorum pro aliorum libitu, licentia populis permessa, frangatur?* (Celestinus I [21 iul. 429] JK 371) [PL CXL. 652; cf. BW 2. 2: PL CXL. 625]. About this question cf. Sz.A. Szuromi, *Some Observations on BAV Pal. lat. 587 as Compared with Other Textual Witnesses of Ivo's Works* [in:] *Parare viam Domino. Commemorative Studies on the occasion of Rt. Rev. Polikárp F. Zakar OCist. s 75th Birthday* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/7), ed. Sz.A. Szuromi, Budapest 2005, pp. 179–203, especially 197–198.

²⁶ E.g., J. Gerics, *A Hartvik-legenda mintáiról és forrásairól*, “Magyar könyvszemle” 1987, 97, s. 175–188; J. Gerics, *Politikai és jogi gondolkodás Magyarországon VII. Gergely korában* [in:] J. Gerics, *Egyház, állam és gondolkodás Magyarországon a középkorban*, Budapest 1995, pp. 144–164; J. Gerics, E. Ladányi, *Források Szent István királyá avatásának történetéhez*, “Magyar könyvszemle” 2002, 118, pp. 213–224, especially 221. J. Gerics, E. Ladányi, *A Hartvik legenda keletkezési körülményei*, “Magyar könyvszemle” 2004, 120, pp. 317–324.

²⁷ Sz.A. Szuromi, *Az első három esztergomi zsinat*, p. 94; cf. idem, *A püspökökre vonatkozó egyházfegyelem sajátosságai a Decretales Pseudo-Isidorianae-ben*, “Kánonjog” 2003, 5, pp. 51–63, especially 55; idem, *Rules Concerning Bishops in the Decretales Pseudo-Isidorianae, Especially the Regulation on the Death of Bishops*, “Folia Theologica” 2004, 15, pp. 145–156, especially 149–150.

of the Council of Ancyra of 314²⁸ – the influence of the *Decretum Burchardi* appears unequivocally (i.e. Can. 55=BW 9. 38).²⁹

The usage of the *Decretales Pseudo-Isidorianae* is conventionally emphasized mainly in connection with the number of bishoprics founded in Hungary, and the see of Esztergom, which hierarchically stands as their head, as “Mater et caput,” and is endowed with *primatia*. Indeed, the primate office, that has equal rights with a patriarch, and was developed with new content in order to weaken the power of the metropolitan, became dispersed in Western Europe in the 9th century due to the pseudo-isidorian collection; but at the same time it exerted a serious influence upon the canonical material of those ecclesiastical canonical collections, that were subsequently compiled with a universal claim. On the ground of this we have been able to underpin with due arguments that – among many others – in the *Decretum Burchardi Wormatiensis* there can be found all those fundamental canons that are necessary for developing the new kind of content of the primate office (i.e. e.g., letter of Pope Clement I: BW 1. 155).³⁰ Therefore we can still hold as true that view that is connected with the pseudo-isidorian influence, which theory is most remarkably explained by József Gerics. Nevertheless, according to our standpoint, this influence can be attributed not to the immediate effect of the *Decretales Pseudo-Isidorianae*, but those false canons of this, that got into the subsequent – Burchard’s – collection.

II. QUESTIONS OF OBSERVING CELIBACY, OF THE FORM OF MARRIAGE, AND OF SIMONY

It is worthwhile to compare the disciplinary provisions of the Council of Esztergom in 1100 with those disciplinary provisions that were brought twelve years later at the same place in a subsequent council (i.e. Council of Eszterom II).³¹ Canons 11 and

²⁸ PL LXVII. 154.

²⁹ *Conc. Strig. I*, Can. 55: [...] *Si quis sponsam rapuerit alterius, si illa non consensit, reddatur proprio sponsa, Raptor vero, si nobilis est, compositionem canonicam faciat et sine spe coniugii peniteat; si non poterit compositionem dare, sine spe libertatis venundetur* [L. Závodszy, Szent István, Szent László és Kálmán korabeli törvények, p. 204]; cf. BW 9. 38: *Desponsatas puellas, et post ab aliis raptas, placuit erui, et eis reddi quibus ante fuerant desponsatae, etiamsi eis a raptoribus vis illata constiterit.* (Conc. Ancyranum [a. 314], c. 11) [PL CXL. 820]. BW 9. 36 is similar to this, i.e.: *De puellis raptis necdum desponsatis in Chalcedonensi concilio scriptum est: Eos qui rapiunt puellas sub nomine simul habitandi, cooperantes et conniventes raptoribus decrevit sancta synodus ut siquidem clerici sunt, decendant de gradu proprio: si vero laici, anathematizentur. Quibus verbis datur intelligi, qualiter huius mali auctores damnati sunt: quando participes consilium conniventes tanto anathemate feriuntur, et iuxta canonicam auctoritatem ad coniugia legitima raptas sibi iure vindicare nullatenus possunt.* (Conc. Cabilonense II [a. 813] c. 27) [PL CXL. 820]. Sz.A. Szuromi, *Az Ankyrai Zsinat kánonja az első két esztergomi zsinaton* [in:] P. Erdő, *Tanulmányok a magyarországi egyházjog középkori történetéről*, pp. 77–86, especially 84–85.

³⁰ Sz.A. Szuromi, *A püspökökre vonatkozó egyházfegyelem sajátosságai a Decretales Pseudo-Isidorianae-ben*, pp. 51–63.

³¹ *Conc. Strig. II*, Can. 58: *Similiter, si presbiter concubinam habuerit, deponatur.* L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 204.

31 of the council in 1100 prescribes absolute celibacy not for a priest, it calls upon the bishop only – if he was married, then with the consent of the wife – to observe separation, i.e. living separately from her.³² It is not accidental that scholars put these provisions by choice into connection with the canons of the Council of Trullo of 692³³ that were rejected by the West, but even up to date they form the foundation for the law of the Greek Eastern churches.³⁴ Actually, here the thing is nothing other than the application of that discipline, which appears in the ecclesiastical canonical collections, which is based on canon 33 of the Council of Elvira of around 300³⁵ (“It has seemed good absolutely to forbid the bishops, the priests and the deacons, i.e. all the clerics engaged in service at the altar, to have [sexual] relationship with their wives and procreate children; should anyone do so, let him be excluded from the honor of the clergy”), and which constitutes the common background of both the Eastern and Western discipline of celibacy.³⁶

Canon 9, 10 and 12 of the Council of Esztergom of 1112 yet followed the phrasing of the Gregorian reform councils (i.e. Council of Melfi in 1089, Council of Rome in 1099) and regards absolute celibacy as the measure for the priests; besides it also contains transitional rules for those priests,³⁷ who received priestly ordination corresponding still to the Council of Esztergom I.³⁸

Equally noteworthy is the comparison of the two councils regarding their provisions concerning marriage. While the Council in 1100, departing radically from the

³² *Conc. Strig. I*, Can. 11: *Ut hi, qui ad episcopatum promovendi sunt, si matrimonio legitimo iuncti sunt, nisi ex consensu uxorum, non assumatur.* L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 199.

³³ L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, pp. 101, 122; F. Gal-la, *A Cluny Reform hatása Magyarországon*, Budapest 1931, pp. 113–118; K. Juhász, *Das Tschannad-Temesvarer Bistum im frühen Mittelalter 1030–1307*, Münster in Westfalen 1930, pp. 319–321; J.R. Sweeney, *Gregory VII. The Reform Program, and the Hungarian Church at the End of the Eleventh Century*, “*Studi Gregoriani*” 1991, 14, pp. 265–275, especially 272–273.

³⁴ Cf. N. Durã, *The Ecumenity of the Council in Trullo. Withesses of the Canonical Tradition in East and West* [in:] *The Council in Trullo revisited* (Kanonika 6), ed. G. Nedungatt, M. Featherstone, Roma 1995, pp. 229–262.

³⁵ Sz.A. Szuromi, *A keleti egyházfegyelem befolyása a korai magyar zsinatokon* [in:] *Tanulmányok a magyarországi egyházjog középkori történetéről* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/3), ed. P. Erdő, Budapest 2002, pp. 143–153.

³⁶ Sz.A. Szuromi, *Egyházi intézménytörténet*, pp. 14–15.

³⁷ *Conc. Strig. II*, Can. 9: *Ut nullus episcoporum aliquem promoveat clericorum ad diaconatum vel ultra, nisi prius continentiam voverit, et si uxorem habuerit, ex eius fiat consensu idem promittentis.* – Can. 10: *Ut nullus coniugatus presbiter aut diaconus altari deserviat, nisi prius uxori concedenti et continentiam voventi locum separatam, et necessaria vite temporalis provideat, et secundum apostolum habens, quasi non habentem se esse intelligat.* – Can. 12: *Si presbiter altari deserviens concubinam habuerit, illa auferatur, ipse vero iuxta preceptum episcopi fructu peracto penitencie ad ministrandum altari restitatur ecclesie.* L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 208; cf. Mansi XX. 963.

³⁸ Sz.A. Szuromi, *Az első három esztergomi zsinat és a magyarországi egyházfegyelem a 12. században* [in:] *Tanulmányok a magyarországi egyházjog középkori történetéről*, pp. 87–142, especially 107–110.

disciplinary traditions,³⁹ made divorce and subsequent remarrying possible in case of adulterous leaving off and adultery (canon 55),⁴⁰ the II Council of Esztergom not only decisively took stand beside the traditional conviction of the Church (i.e. “[...] what God has joined together, let no man separate.” – Mt 19:6), but in canon 16 regulates the form of the celebration of marriage in details, which must be bound in the Church, in the presence of a priest, with some kind of sign of the consent of the parties to be married.⁴¹ The content of the canon is surprising also because the text holds desirable the fulfillment of the said criteria for the validity of marriage,⁴² although the form of marriage would be so meticulously regulated only at the Council of Trent (1545–1563), with its famous decree beginning with *Tametsi*.⁴³

Beyond the so far listed reforms, both councils contained more such provisions that enforced the Gregorian reform. Such are the provision against simony (that is, buying and selling spiritual goods, e.g., sacraments) and those canons that stepped up against the influence of a secular power, either canons 42–44, and 72⁴⁴ of the Council

³⁹ Cf. *Dico autem vobis, quia quicumque dimiserit uxorem suam, nisi ob fornicationem et aliam duxerit, moechatur: et qui dimissam duxerit, moechatur* (Mt 19,9) and: *Ego autem dico vobis: Quia omnis, qui dimiserit uxorem suam, excepta fornicationis causa, facit eam moechari: et qui dimissam duxerit, adulterat* (Mt 5,32).

⁴⁰ *Si qua mulier a viro suo fugerit, reddatur marito suo semel et bis: tertia vice, si nobilis est, adiciatur penitentia sine spe coniugii; si de plebe, venundetur sine spe libertatis. Si quis uxorem suam adulteram probaverit, si voluerit, ducat aliam; illa vero, si nobilis est, sine spe coniugii peniteat; si plebeia, sine spe libertatis venundetur. Quod si probare non poterit, idem iudicium maritus paciatur; et illa, si voluerit, maritetur. Eodem modo, qui cum alterius uxore, vel que cum marito alterius peccat, iudicetur. Si quis puellam rapuerit vel violaverit, si nobilis est, canonicè penitencie cum compositione subiaceat. Qui vero hoc persolvere non poterit, tonso capite secundum iudicium regis Ladislav venundetur. Si quis sponsam rapuerit alterius, si illa non consensit, reddatur proprio sponso. Raptor vero, si nobilis est, compositionem canonicam faciat et sine spe coniugii peniteat; si non poterit compositionem dare, sine spe libertatis venundetur. Si quis uxorem fugiens, se sponte debitorem fecerit, unde se expedire nolit propter odium, quod in uxorem habet, semper in servitute permaneat. Et si unquam liber videatur, iterum venundetur; uxor vero eius, cui velit, nubat. L. Závodszy, Szent István, Szent László és Kálmán korabeli törvények, pp. 203–204.*

⁴¹ *Conc. Strig. II, Can. 4: Ut si qua mulier a viro suo fugerit, reddatur ei, et quociens fugerit, restitatur ei, quia scriptum est, quod deus coniuxit, homo non separet. L. Závodszy, Szent István, Szent László és Kálmán korabeli törvények, p. 207; cf. c. 16: Placuit sancte synodo, ut omnis coniungalis desponsacio in conspectu ecclesiae, presente sacerdote, coram idoneis testibus, aliquo signo subarracionis ex consensu utriusque fieret, aliter non coniungium, sed opus fornicarum reputetur. L. Závodszy, Szent István, Szent László és Kálmán korabeli törvények, p. 208.*

⁴² Sz.A. Szuromi, *Az első három esztergomi zsinat*, pp. 122–123, note 38.

⁴³ See *Concilium Tridentinum, Sessio XXIV (11 nov. 1563) De reformatione circa matrimonium: COD 755–759; cf. V. Demars-Sion, Les mariages à la gaulmine ou les aléas du consensualisme matrimonial, « L'année canonique » 2000, 42, pp. 51–82, especially 57–58; P. Erdő, Le espressioni canoniche del matrimonio nella storia, “Folia Canonica” 1999, 2, pp. 31–51, especially 43–45; Sz.A. Szuromi, *An Outline of the History of Canonical Prescriptions Regarding Marriage in the Church*, “Folia Theologica” 2009, 20, pp. 215–228.*

⁴⁴ *Conc. Strig. I, Can. 72. Nullus clericus, nullus comes quemlibet clericum suscipiat ad divinum officium tenendum, nisi per manum sui parochiani episcopi. L. Závodszy, Szent István, Szent László és Kálmán korabeli törvények, p. 206.*

of Esztergom I,⁴⁵ or the unambiguous and concise summary of canon 11 of the Council of Esztergom II: “No lay person should possess ecclesiastical power.”⁴⁶

III. ACTIVITY OF A LEGATE AS DIRECT INFLUENCE OF THE HOLY SEE AT COUNCILS IN HUNGARY

Apparent is that radical development, which ran its course in the predominance of the Gregorian reforms during the short time between the I and II Council of Esztergom. Many scholars deemed to discover the reason of this in the change that happened in the relationship between the Holy See and the Hungarian Kingdom.⁴⁷ We know that Saint Ladislaus’s (1077–1095) political activity was in harmony with the intention of the Apostolic See. But later there occurred a break, because Urban II did not accept the Hungarian king’s conquests in Croatia, who turned, therefore, to Henry IV (1056–1106) for political support. After Ladislaus King Coloman succeeded him on the throne, who continued his father’s conquering endeavors, and – although he entered into a treaty of friendship with the Doge of Venice – in 1105 he conquered the Dalmatian cities and islands. According to some opinions, Coloman disarmed the papal opposition, that resulted, with his declaration in Guastalla, in which the king renounced his claim to practicing investiture.⁴⁸ However, the question is much more complex than this, and, in our opinion, the full predominance of the Gregorian reform at the Hungarian councils cannot be explained with a political turn.⁴⁹ Moreover, we must note, that not even the act of renunciation can be proved either from diplomatic sources or from subsequent Hungarian monarchic practice.⁵⁰ In fact, the change must be sought for in the relationship of the Holy See and Hungary, specifically in the activity of papal legates in Hungary. Sadly, available data concerning the activity

⁴⁵ *Conc. Strig. I*, Can. 42: *Nullus presbiter convencionem de missa pro oblacione faciat.* – Can. 43: *Nullus ecclesiam emere vel vendere presumat. Si quis ecclesiam venderit, aut presbiterum suum sine culpa abiecerit, delator illius culpe partem magistri illius eo anno accipiat.* – Can. 44: *Nullus de baptismo vel sepultura precium exigat.* L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, p. 202; cf. *History of the Church*, I, ed. H. Jedin, New York 1993, p. 682; W.M. Plöchl, *Geschichte des Kirchenrechts*, I, Wien–München 1962², p. 407.

⁴⁶ L. Závodszy, *Szent István, Szent László és Kálmán korabeli törvények*, 208; cf. Sz.A. Szuromi, *Az első három esztergomi zsinat*, pp. 126–127, note 38.

⁴⁷ Cf. *Handbuch der Kirchengeschichte*, III/1, Hrsg. H. Jedin, Freiburg–Basel–Wien 1985², p. 461; V. Fraknoi, *Magyarország egyházi és politikai összeköttetései a Római Szent-Székkal*, I, Budapest 1901, p. 31; Gy. Kristó, *A Kárpát-medence és a magyarság régmúltja (1301-ig)*, Szeged 1993, p. 151; F. Makk, *Magyar külpolitika (896–1196)*, Szeged 1993, p. 131; F. Makk, *Megjegyzések Kálmán külpolitikájához*, “Acta Universitatis Szegediensis. Sectio Historica” 1980, 67, pp. 21–31, especially 23.

⁴⁸ *Episcoporum, quam fecit rex Hungariae ad mandatum Papae. Denunciamus vobis, Pater venerende; nos legi divinae subditos, ac secundum eam vobis servire paratos: unde et investituram Episcoporum hactenus a maioribus habitam, iuxta admonitionem vestram, dimisimus, et si quem in electione huiusmodi minus canonice retractatum est, de caetero, Deo volente, cavebimus.* Mansi XX, pp. 1211–1212.

⁴⁹ Cf. Sz.A. Szuromi, *Az első három esztergomi zsinat*, pp. 116–121, note 38.

⁵⁰ Cf. *ibidem*, p. 121, note 38.

of the papal legates in Hungary are rather incomplete, but we know for certain that Cardinal Augustine visited Hungary yet in 1103, who made a decision in a matter between the bishop of Belgrade and a cloister.⁵¹ However, more important is for us the presence of Cardinal Kuno, who sojourned in Hungary as a papal legate in 1112 and took part at the Council of Esztergom II.⁵²

A similar situation is intimated by the Council of Esztergom III in the year 1169, with the difference that at this occasion, definitely, there was settled also an agreement with the Holy See.⁵³ The standpoint of historiography is not clear in relation of either the agreement, nor of a legate.⁵⁴ From the available data we can make it probable that the papal legate at the council was a certain Manfred, a deacon cardinal, who wore the title *ad Velum Aureum*, as we have explained it in details already in 1999.⁵⁵ His person cannot be identified with Cardinal Albert Morai, who often emerges in the sources, sojourned in the territory of Dalmatia between 1165 and 1167, and whose election to the primatial see of Spalato was declared null and void by Pope Alexander III (1159–1181).⁵⁶ In our opinion then, legate Manfred actively contributed to the Council of Esztergom III in 1169, where also the king and his leading men took part. Those provisions of the council, that radically excluded the influence of secular power, are due to the personal attendance of the legate. These provisions were separately summed up in the form of an agreement with the Holy See.⁵⁷

Besides the legates hitherto listed, a good few of legates sojourned in Hungary in the years of 1100:⁵⁸ Hugh (1112),⁵⁹ Theoderich (1115),⁶⁰ Egedius (1124),⁶¹ Daniel (1160),⁶² Petrus de Mizo and Julius (1160),⁶³ Walter (1175–1176), Theobald (1184–1186), Gregory (1188–1189), John (1190), Gregorius de Chrescensis (1192),⁶⁴ but we

⁵¹ Cf. V. Fraknói, *Magyarország egyházi*, I, p. 361, note 83.

⁵² *Ibidem*, I, p. 31; L. Balics, *A római katolikus egyház története Magyarországon*, II, Budapest 1888, p. 75.

⁵³ C. Péterfy, *Sacra concilia ecclesiae Romano Catholicae in regno Hungariae celebrata*, I, Posoniae 1742, p. 62.

⁵⁴ Cf. A. Kubinyi, *Királyi kancellária és udvari kápolna Magyarországon a XII. század közepén*, "Levéltári Közlemények" 1975, 46, pp. 59–121, especially 82, note 209; K. Szovák, *Pápai-magyar kapcsolatok a 12. században* [in:] *Magyarország és a Szentszék kapcsolatának 1000 éve*, ed. I. Zombori, Budapest 1996, pp. 21–46, especially 37.

⁵⁵ Sz.A. Szuromi, *Az első három esztergomi zsinat*, pp. 128–132, note 38; cf. L. Waldmüller, *Die Synoden in Dalmatien, Kroatien und Ungarn*, Paderborn–München–Wien–Zürich 1987, pp. 168–169.

⁵⁶ K. Szovák, *Pápai-magyar kapcsolatok*, p. 36.

⁵⁷ Sz.A. Szuromi, *Az első három esztergomi zsinat*, pp. 140–141, note 38.

⁵⁸ Cf. K. Szovák, *Pápai-magyar kapcsolatok*, pp. 29–40.

⁵⁹ L. Waldmüller, *Die Synoden in Dalmatien, Kroatien und Ungarn. Von der Völkerwanderung bis zum Ende Arpaden (1311)* [Konzilengeschichte A], p. 137.

⁶⁰ L. Waldmüller, *Die Synoden*, p. 137; cf. V. Fraknói, *Magyarország egyházi*, I, p. 31.

⁶¹ L. Waldmüller, *Die Synoden*, p. 167.

⁶² Cf. W. Holtzmann, *Papst Alexander III. und Ungarn*, "Ungarische Jahrbücher" 1927, 6, pp. 397–426, especially 406.

⁶³ L. Waldmüller, *Die Synoden*, p. 169.

⁶⁴ *Die Register Innocenz III* (Publikationen der Abteilung für historische Studien des Österreichischen Kulturinstituts in Rom II/I), I, Hrsg. O. Hagender, A. Haidacher, Graz–Köln 1964, p. 376.

know not of another council in the presence of papal legate in the 12th century. Then again in the 13th century there was present Cardinal Guido at the National Council of Esztergom in 1252,⁶⁵ held under the reign of Adalbert IV (1235–1270) after the Council of Lyon I (1245). He was acting at the time as legate of the territories of Germany, Hungary, and Poland. Similarly, council in the presence of papal legate was the Council of Buda in 1263, with the participation of legate Angelus authorized by Pope Urban,⁶⁶ as well as the National Council of Buda in 1279,⁶⁷ with the participation of legate Philip (Philipp de Fermo).⁶⁸ This latter council contributed with numerous canons to the adjustment of the domestic ecclesiastical discipline. The composition of the accepted canons is important also because we can find in them those fundamental emphases that characterized the universal conciliar legislation after the Council of Lateran IV. In the same time we can find among them also those topics that appeared among the accepted canons of the Council of Lyon II (1274), held not much earlier. From among its rich canonical material we would like to refer to the wearing of a tonsure⁶⁹ (which is regulated in the *Decretum Gratiani* with three canons,⁷⁰ and in the *Liber Extra* with two canons)⁷¹; to the prohibition for the clergy to visit public baths⁷² (which was in full harmony with that ecclesiastical disciplinary material on the obligations of the clergy, as well as on their worthy form of life, that was inserted into the canonical collections of the 11th–12th centuries)⁷³; to the prescription for the clergy to stay clear of military actions⁷⁴ (which can be found also in decree 18 of the Council of Lateran IV)⁷⁵; to the obligation of the clergy to pray the liturgy of hours⁷⁶ (its detailed description may be found in canons 100–105 of Book II of the *Decretum Burchardi*, and in the *Decretum Gratiani* we find orders on this in D. 91 c. 2⁷⁷)⁷⁸; to the defense of ecclesiastical property from getting into lay ownership⁷⁹; to the special obligation of the presbyters to promote the salvation of those faithful who are entrusted on

⁶⁵ C. Péterfy, *Sacra concilia ecclesiae*, pp. 87–90. About the date and peculiarities of this council cf. L. Waldmüller, *Die Synoden*, pp. 177–180.

⁶⁶ L. Waldmüller, *Die Synoden*, pp. 181–183.

⁶⁷ C. Péterfy, *Sacra concilia ecclesiae*, pp. 90–126.

⁶⁸ About the council in detailed cf. L. Waldmüller, *Die Synoden*, pp. 188–200.

⁶⁹ Can. 1: C. Péterfy, *Sacra concilia ecclesiae*, p. 107.

⁷⁰ D. 23 c. 22: I. Friedberg I. 85; D. 23 c. 32: Friedberg I. 87; D. 41 c. 8: Friedberg I. 150.

⁷¹ X 3.1.7-8: Friedberg II. 450.

⁷² Can. 5: C. Péterfy, *Sacra concilia ecclesiae*, p. 108.

⁷³ Cf. Sz.A. Szuromi, *Development of the Clerical Duties and Rights Based on the 11th–12th Centuries Canonical Collections*, “Folia Canonica” 2007, 10, pp. 137–150.

⁷⁴ Can. 7: C. Péterfy, *Sacra concilia ecclesiae*, p. 108.

⁷⁵ COD 244. Cf. Sz.A. Szuromi, *A temetésre vonatkozó egyházfegyelem a XII–XIII. században*, Budapest 2007, pp. 117–120.

⁷⁶ Can. 13: C. Péterfy, *Sacra concilia ecclesiae*, p. 109.

⁷⁷ Friedberg I. 317–318.

⁷⁸ Sz.A. Szuromi, *The Paleo-Christian Characteristics of the Catholic Priesthood and Their Effect on Medieval (9th–12th Century) Structures of Priestly Formation*, “Studia Canonica” 2013, 47, pp. 467–478.

⁷⁹ Can. 15: C. Péterfy, *Sacra concilia ecclesiae*, p. 109.

them⁸⁰; to the close-shut custody of the holy oils and of the Holy Eucharist⁸¹ (that was prescribed – in the footsteps of the particular orders of the 11th century⁸² – by twenty constitutions with binding force at the Council of Lateran IV,⁸³ and later got also into the *Liber Extra*⁸⁴); to the *privilegium forti*⁸⁵ (concerning which the universal norm was summed up besides the numerous canons of the *Decretum Gratiani*⁸⁶ also in canon 48 of the Council of Lateran IV⁸⁷ and the *Liber Extra*⁸⁸)⁸⁹; to the canon concerning devotion and authenticity of the saints' relics⁹⁰; to the leave of clerics bound to a permission of the ordinary⁹¹; to the adjustment of marital cases⁹²; as well as to the right of a patron⁹³, whose rigorous adjustment by constitution 32 of the Council of Lateran IV is a material of the *Liber Extra* (i.e. X 3.5.30).⁹⁴ This specification demonstrates well that the national council strove in the most diversified to regulate disciplinary way the daily life of the Catholic Church inserted into that framework that was created by the ecumenical councils. We should note that the following national council – the National Council of Pozsony in 1294⁹⁵ which was convoked after the Provincial Council of Esztergom (1292)⁹⁶ – was again held in the presence of the papal legate, this time Cardinal Gentilis. The distinctiveness of this council is revealed mainly in its detailed regulation of the royal right of immunity,⁹⁷ the ecclesiastical disciplinary

⁸⁰ Can. 20; *ibidem*, p. 111.

⁸¹ Can. 21; *ibidem*.

⁸² Cf. P. Browe, *Die Eucharistie als Zaubermittel im Mittelalter*, "Archiv für Kulturgeschichte" 1930, 20, pp. 134–154.

⁸³ In detailed cf. T. Izbicki, *Temeraria manus: Custody of the Eucharist in Medieval Canon Law* [in:] *Proceedings of the Thirteenth International Congress of Medieval Canon Law. Esztergom, 3 August – 8 August 2008* (Monumenta Iuris Canonici, C/14), eds. P. Erdő, Sz.A. Szuromi, Città del Vaticano 2010, pp. 539–552; Sz.A. Szuromi, *Az Eucharisztia őrzésének és tiszteletének egyházi előírásai a hatályos latin liturgikus fegyelemben*, "Teológia" 2011, 45, pp. 98–107.

⁸⁴ X 3.44.1; Friedberg II. 649.

⁸⁵ Can. 24; C. Péterfy, *Sacra concilia ecclesiae*, p. 112.

⁸⁶ C. 11 q. 1 cc. 1, 3, 9, 10, 37; Friedberg I. 627–637; cf. C. 11 q. 1 d.p.c. 47; Friedberg I. 641.

⁸⁷ COD 256–257; cf. X 2.28.61; Friedberg II. 437–438.

⁸⁸ X 2. 1. 4, 8, 17; Friedberg II. 240–246.

⁸⁹ About this question cf. J. Gaudemet, *Église et cité. Histoire du droit canonique*, Paris 1994, p. 522; Gy. Bónis, *Az egyházi bíraskodás fejlődése a Mohács előtti Magyarországon* [in:] *Szentszéki regeszták. Iratok az egyházi bíraskodás történetéhez a középkori Magyarországon* (Jogtörténeti tár I/1), Budapest 1997, pp. 621–658, especially 624–627. E. Balogh, *Középkori bajor egyházi bíraskodás* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/2), Budapest 2000, pp. 60–71; Sz.A. Szuromi, *An Outline of the Ecclesiastical Administration of Justice and Judicial Organization in the High Middle Ages*, "Rivista Internazionale di Diritto Comune" 2011, 22, pp. 279–292, especially 285–287.

⁹⁰ Can. 27; C. Péterfy, *Sacra concilia ecclesiae*, p. 112.

⁹¹ Can. 31; *ibidem*, p. 113.

⁹² Can. 39; *ibidem*, p. 115.

⁹³ Can. 51; *ibidem*, p. 118–119.

⁹⁴ Friedberg II. 478–479.

⁹⁵ L. Waldmüller, *Die Synoden*, pp. 203, 206.

⁹⁶ C. Péterfy, *Sacra concilia ecclesiae*, pp. 127–131; cf. L. Waldmüller, *Die Synoden*, p. 202.

⁹⁷ C. Péterfy, *Sacra concilia ecclesiae*, 156.

provisions in relation to the royal crown⁹⁸, as well as the questions in regard to the provision for the vacant episcopal sees.⁹⁹

In the light of all these facts, the frequent presence of the papal legates indisputably and decisively made its impact upon the Hungarian conciliar legislation and the ecclesiastical judicial practice, and also strengthened the papal privileges of the ecclesiastical institutions, about which more of the contemporary written monuments bear witness.¹⁰⁰

CONCLUSION

Compared with the arrangements of the Council of Szabolcs, the first two councils of Esztergom well demonstrate the development of ecclesiastical discipline during King Coloman in Hungary. Behind the text of domestic canons in the beginning of the reign of Coloman there appeared primarily not the principles of ecclesiastical reform, but rather and mainly the norms of those universal canonical collections that were in use in Europe, witnessing the use of the *Decretum Burchardi Wormatiensis*. Those councils, however, that were held in the presence of a legate – beginning with the work of the Council of Esztergom III – made the Gregorian reforms deeply rooted in Hungary, and thereby the domestic ecclesiastical discipline was able to exceed the level of those canonical collections that circulated all over Europe in the first part of the 12th century. Investiture meant a separate question, which the Hungarian monarchs were not willing to renounce, despite the provision of the Council of Esztergom III, and this would often cause debates also in the future between Hungary and the Holy See. The provisions of the National Council of Buda in 1279 eminently demonstrate the integral conformity of the Hungarian conciliar legislation and particular ecclesiastical discipline into the contemporary universal disciplinary framework of the Catholic Church.

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⁹⁸ Ibidem, pp. 157–160.

⁹⁹ C. Péterfy, *Sacra concilia ecclesiae*, pp. 160–166.

¹⁰⁰ Cf. e.g., Gy. Bónis, *Szentszéki regeszták. Iratok az egyházi bíráskodás történetéhez a középkori Magyarországon* (Jogtörténeti Tár 1/1), Budapest 1997, no. 15.

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