Medieval Studies, vol. 22, 2018 / Studia z Dziejów Średniowiecza, tom 22, 2018

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The origins of the primatial authority of the archbishops of Esztergom in Hungary (eleventh–fourteenth centuries)[1]

Keywords: archbishops of Esztergom, Hungary, ecclesiastical hierarchy, sources and theories, primate

Introduction

In the hierarchy of the Roman Catholic Church the primate is a jurisdictional rank between the pope and one or more metropolitan archbishops. It would be rather difficult to define the exact role or enumerate the powers of the primates in general as their prerogatives differ widely in different eras, and besides canon law, they are heavily influenced by papal or royal privileges and regional customs. A future summary of the medieval history of the primates would, therefore, require the independent analysis of every single national primacy that has ever existed in western Christianity during this period.

The present study analyses the process how the archbishops of Esztergom consolidated their dominant position in the ecclesiastical hierarchy of the medieval Kingdom of Hungary. Although the dignity of the Primate of Hungary was only conferred to the archbishops

[1] The present study is based on the paper presented at the graduate conference 'Középkorral foglalkozó doktoranduszok konferenciája' [PHD Conference for medievalists] in Budapest, 19.05.2017 at the Eötvös Loránd University. The paper is also published in Hungarian: T. Lados, 'Megjegyzések az esztergomi érsekek prímási joghatóságának korai történetéhez,' in: *Micae mediaevales VII.: Fiatal történészek dolgozatai a középkori Magyarországról és Európáról*, eds. Cs. Farkas, A. Ribi, K.Gy. Veres, Budapest 2018. pp. 103–120.

at the end of the fourteenth century, several sources indicate that many of their powers existed centuries before the official papal appointment to primate.

After a short review of the institution's history in the Early and High Middle Ages, based on the jurisdictional conflicts between the two Hungarian archbishops, I present the powers and privileges that belonged to the prelate of Esztergom. Finally, based on the results of previous studies and the critical analysis of primary sources—among them a document that has never been discussed before in Hungarian historiography—I reconstruct the early stages of the evolution of the primatial role of the Archbishop of Esztergom.

The institution of primates in the Western Church in the Middle Ages

The first mentions of the institution of the primates come from late Antiquity, when the Bishop of Carthage bore the dignity of Primate of Africa in the third and fourth centuries.[2] Yet the roots of the medieval institution can be traced back to the Carolingian Age rather than early Christianity.

As the Western Roman Empire gradually disintegrated, the supra-episcopal hierarchy of the Church became more and more established.[3] Isidore of Seville in the seventh century had already distinguished four hierarchical ranks (bishops, metropolitans, archbishops, and patriarchs) of the episcopal office.[4] Although the exact meaning of these categories was a strongly debated topic among medieval canonists, these four ranks were transferred to classical canon law as Gratian accepted the Isidore system without any alteration.[5]

The medieval office of primate was born in the ninth century when the Pseudo-Isidorian Decretals revived this dignity. It identified primates as patriarchs, and it stressed that the two offices differ only

[2] Sz.A. Szuromi, *Egyházi intézménytörténet* [Institutional history of the Church], Budapest 2003, pp. 28–30.

[3] L. Mezey, 'Az esztergomi érsekség primáciává fejlődése (1000–1452)' [The development of the Archbishopric of Esztergom to a primacy (1000–1452)], *Vigilia*, 41, 1976, no. 6. p. 369.

[4] *Isidori Hispalensis Episcopi Etymologiarum sive Originum libri XX*, ed. W.M. Lindsay, Oxford 1911, Etym. 7, 12, 4–7.

[5] *Corpus Iuris Canonici I.,* ed. A. Friedberg, Graz 1959 (hereafter: CIC), pp. 67–69.

in name.[6] By inserting a new jurisdictional rank between the metropolitan archbishops and the pope, the Pesudo-Isidorian Decretals' intention was to reduce the power the archbishops had over their suffragan bishops.[7]

The powers of the primates before Gratian can be summarized as follows. The primate had precedence over one or more archbishops in the country and the dignity usually belonged to the archbishop of the royal seat (like Canterbury, Toledo, or Reims). Their most important privilege was to consecrate and crown the king of the country, while their ecclesiastical jurisdiction was provided by their appointments as papal legates.[8]

In the following centuries the evolution of the institution was determined by the Pseudo-Isidorian Decretals. In the twelfth century Gratian summarized the regulations concerning the primates,[9] which provided rich material for debate among his commentators.

The debates concerning the primates in the classical period of canon law are thoroughly summarized in a recent study by Cardinal Péter Erdő, the current Archbishop of Esztergom-Budapest.[10] Gratian's commentators emphasized that the foundation of a new primacy could have happened as a renewal of a previously defunct primacy or as the creation of a new primate without any antecedent. Requirements for a new creation included the multitude of believers (ensured by population growth or the Christianization of a pagan ethnic group). It was also essential that the seat of the new primate had to be in a city and that his title had to be connected to an independent country. The dignity of primate was always conferred by the pope.[11]

The powers and rights of the primates could be classified as general powers (these were possessed by every primate according to canon law)

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[6] *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. P. Hinschius, Lipsiae 1863, pp. 79–80.

[7] Sz.A. Szuromi, *Törekvés a régi egyházi kánonok összegyűjtésére, mint a középkori egyetemes kánonjog-gyűjtemények sajátossága (8–12. század)* [Intention to collect the ancient canons as the peculiarity of medieval canonical collections (eighth–twelfth centuries)], Budapest 2009, pp. 34–36.

[8] L. Mezey, 'Az esztergomi érsekség…,' pp. 371.

[9] CIC I. pp. 349–351.

[10] P. Erdő, 'A primáciák a nyugati Egyházban (Egy elméleti fejlődés emlékei a középkori kánonjogtudományban' [Primacies in the Western Church. Memories of the Theoretical Development in the Medieval Discipline of Canon Law], in: idem, *Jog az Egyház hagyományában és életében* [Law in the Tradition and Life of the Church], Budapest 2016, pp. 167–192.

[11] Ibidem, pp. 173–190, 192.

and particular privileges. The latter belonged only to a given primate and originated from a local custom or the special endowment of a king or the pope.[12]

The precedence of the Archbishop of Esztergom in the Hungarian ecclesiastical hierarchy

In the early thirteenth century a series of jurisdictional conflicts arose between two Hungarian archbishops, namely the Archbishop of Esztergom and the Archbishop of Kalocsa. The history of this conflict provides a unique opportunity to define the specific rights and privileges that ensured the dominant role of Esztergom in the ecclesiastical hierarchy of Hungary.

The jurisdictional conflict between the two Hungarian archbishops began after King Géza II's 15-year-old son, Stephen III, ascended to the throne in 1162. The uncles of the child king, princes Ladislaus and Stephen challenged his right to the crown. With the support of Byzantine Emperor Manuel I, they easily overpowered Stephen III, but their legitimacy remained weak. Archbishop Lucas of Esztergom, as a staunch supporter of the young king, refused to crown the usurpers. Later, when Stephen III died childless in 1172, Archbishop Lucas also refused to crown Béla III as he feared that the prince, who was educated in the Byzantine court, would be a supporter of the Orthodox Church. Thanks to Lucas's contumaciousness—he even disobeyed orders from the pope to perform the coronation—the usurpers, followed by Béla III, had no choice but to turn to the Archbishop of Kalocsa, who was more than happy to oblige these wishes and perform the coronations himself. In response, Lucas excommunicated Archbishop Andrew of Kalocsa and later refused to revoke this even after Pope Alexander III explicitly ordered him to do so.[13]

Even though the Archbishop of Kalocsa performed three subsequent coronations, the right to crown the King of Hungary remained firmly the privilege of the Archbishop of Esztergom. Béla III himself issued a charter on the occasion of his coronation in 1173 declaring that his coronation by the Archbishop of Kalocsa was only the outcome

[12] Ibidem, pp. 173–175.

[13] W. Holtzmann, 'XII. századi pápai levelek kánoni gyűjteményekből' [Twelfth century papal charters from canonical collections], *Századok*, 93, 1959, pp. 412.

of extraordinary circumstances and future Kings of Hungary should be always crowned by the Archbishop of Esztergom.[14]

This privilege of Esztergom was later affirmed by the Holy See multiple times. These bulls of Popes Alexander III and Clement III are unfortunately lost, but they are mentioned by Pope Celestine III in 1191. At the request of Archbishop Job of Esztergom, Celestine affirmed once again his right to the coronation and the bull also proclaimed that among the Hungarian prelates only the Archbishop of Esztergom had jurisdiction over the members of the Royal House and the Royal Court and only he had the power to adjudicate them in spiritual matters or to excommunicate them.[15]

During the reign of Emeric (1196–1204), a serious conflict emerged between the king and Archbishop Job of Esztergom. Archbishop John of Kalocsa saw this conflict as an opportunity and attacked the privileges of Esztergom. His actions are reported by Pope Innocent III when he reprimanded the Archbishop of Kalocsa in a letter issued in 1203. According to the pope, on one occasion when the Archbishop of Esztergom was celebrating mass, John entered the church making a great noise and blessing the congregation himself. Later, he sent two of his suffragan bishops to consecrate a church belonging to the Archbishop of Esztergom, and he frequently celebrated masses in pallium in these kinds of churches, and he even had a prelatial cross carried before him.[16] In another bull issued in 1203 Innocent III gave a detailed enumeration of the privileges of Esztergom and also specified what kind of churches those were in which John performed his previous actions.[17] These churches in question were so-called *exempt* royal churches. Their privilege made them exempt from the ecclesiastical jurisdiction of the bishop, or, in this case, the Archbishop of Kalocsa, in whose diocese their churches were located. They belonged directly to the archbishop of Esztergom, visited his councils, and paid their tithes to him. These bulls of Innocent III therefore show that the Archbishop of Kalocsa tried to enforce his jurisdiction over these royal churches.

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[14] *Monumenta ecclesiae Strigoniensis I–III*, eds. F. Knauz, L.C. Dedek, Esztergom 1874–1924, (hereafter: MES) I, pp. 178.

[15] Ibidem, pp. 141–142

[16] *Codex diplomaticus Hungariae ecclesiasticus ac civilis I–XI,* ed. G. Fejér, Buda 1829–1844. (hereafter: CD) II, pp. 419–420.

[17] MES I, pp. 166–167.

The turning point of the conflict came in 1205 when Archbishop John of Kalocsa was elected by the cathedral chapter to be the next Archbishop of Esztergom. The suffragan bishops of the province of Esztergom fiercely protested this choice and even produced another candidate in the person of Bishop Kalán of Pécs. Their repugnance towards John was caused by his former political views, as he—according to the bishops—was convinced that 'Kalocsa is an equal of Esztergom.'[18] Nevertheless, the pope finally confirmed the election of John, who became the Archbishop of Esztergom.[19]

The concerns of the bishops proved to be valid. In the See of Kalocsa John was followed in 1206 by Queen Gertrude's energetic brother, Berthold. The new Archbishop of Kalocsa—supposedly with the support of the Queen and maybe King Andrew II—facilitated a compromise between the two archbishoprics which was very favourable to Kalocsa. According to this agreement, the privilege of Esztergom to levy tithes on the income of the royal mint and his right to the *first* coronation of the king was confirmed. On the other hand, it was established that, if the Archbishop of Esztergom refused to perform the coronation or he was incapacitated, the Archbishop of Kalocsa would be entitled to crown the king in his absence. It was also declared that the second, so-called festive coronation of the king belonged equally to the two archbishops. Furthermore, the Archbishop of Esztergom renounced any ecclesiastical jurisdiction he had in the territory of the province of Kalocsa while the spiritual jurisdiction over the members of the Royal family and court was given to that bishop or archbishop whose diocese the royals or the members of the court were located in during a given time. The agreement was short-lived, as it was annulled by the pope in 1212 in order to defend the right and privileges of Esztergom.[20] Yet, it clearly shows a change in the balance of power among Hungarian prelates.

In 1218 Berthold was appointed by Pope Honorius III to be the next Patriarch of Aquileia. In Kalocsa he was followed by Ugrin who was the last Archbishop of Kalocsa able to defy the privileges of Esztergom. He convinced the pope to issue a bull in 1219 which stressed

[18] Ibidem, pp. 175–177.

[19] Ibidem, pp. 180–181.

[20] CD III/1, pp. 129–134. See also: G. Kiss, 'Az esztergomi érsek királyi egyházak feletti joghatóságának kialakulása a 11–13. században' [The development of the authority of the Archbishop of Esztergom over the royal churches in the 11th to 13th centuries], *Századok*, 145, 2011, pp. 281–282.

the equality of the two Hungarian archbishops[21] and also prohibited the Archbishop of Esztergom from celebrating masses in royal churches situated in the province of Kalocsa.[22] Finally, the bull gave the right to Kalocsa to collect the tithes of these royal churches.[23]

The achievements of Ugrin were not lasting as is proven by the fact that in 1246 the provost of the collegiate chapter of Arad (which was a royal church that time) was obliged to pay homage to the Archbishop of Esztergom in spite of the fact that his church was located in the province of Kalocsa.[24]

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In summary, we can conclude that that the dominant role of Archbishop of Esztergom among Hungarian prelates was assured by several components. The metropolitan possessed the right to consecrate and crown the king, and he also exercised ecclesiastical jurisdiction over the members of the royal family and the court throughout the country. The jurisdiction over all of the royal churches also belonged to the See of Esztergom—even those that were situated in the territory of the province of Kalocsa. Furthermore, the archbishop levied tithes on royal incomes, mint income, and the possessions of the royal churches mentioned.

In the late twelfth and early thirteenth centuries the subsequent archbishops of Esztergom successfully defended their prerogatives against the archbishops of Kalocsa. The outcome of the conflict proved to be an important milestone in the evolution of the Hungarian Church. The consolidation of Esztergom's dominant position determined the hierarchical structure,[25] and therefore laid the foundation for the evolution of the Primate of Hungary.

A long-standing consensus in Hungarian historiography is that this process came to an official end in the final decade of the fourteenth

[21] 'imperium non habeat par in parem' – CD III/1, pp. 282.

[22] Ibidem, pp. 281–282.

[23] *Vetera monumenta historica Hungariam sacram illustrantia maximam partem nundum edita ex tabulariis Vaticanis deprompta, collecta ac serie chronologica disposita ab Augustino Theiner*, Tom. I–II, Róma 1859–1860, (hereafter: Theiner) I, pp. 21–22.

[24] G. Kiss, 'Az esztergomi érsek…,' pp. 284–286; L. Koszta, 'Adalékok az esztergomi és a kalocsai érsekség viszonyához a XIII. század elejéig' [The relation of the archdiocese of Esztergom to that of Kalocsa up to the beginning of the 13th century], *Magyar egyháztörténeti vázlatok*, 3, 1991, pp. 81.

[25] G. Kiss, 'Az esztergomi érsek…,' pp. 287–291.

century. In 1393 Pope Boniface IX, for the first time in history, conferred the title of primate and the dignity of papal legate to Archbishop John of Kanizsa. On the other hand, the beginning of the evolution of the primacy of Esztergom is a much more complicated issue.

The foundation of the Hungarian Church by St. Stephen I followed predominantly German examples. As is well-known, the German ecclesiastical hierarchy was heavily influenced by the Pseudo-Isidorian Decretals in this period, and it can be safely asserted that the birth of the Hungarian Church was also indirectly affected by its conceptions.[26] Based on the aforementioned contents of these Decretals, it is clear that Archbishopric of Esztergom was an eligible candidate for the rank of primate. The newly Christianized country gave the required multitude of believers, the monarchy ensured the required political organisation, while the town of Esztergom—as a princely, then a royal residence of the Árpáds—provided the proper seat to a potential Primate of Hungary. Yet, it is quite certain that the Archbishop of Esztergom was never elevated to the rank of primate during the reign of Stephen I for one very simple reason. Although the See of Kalocsa was also founded by the first Hungarian king, in the beginning it was only a bishopric and only later did it become a metropolitan archdiocese. Therefore, in the absence of a second metropolitan see, there would have been no reason to establish a primatial level in the ecclesiastical hierarchy.[27]

Consequently, the question of the Hungarian Primate arises only after the Bishop of Kalocsa was elevated to the rank of archbishop. When this elevation occurred, whether the newly created Archbishop of Kalocsa possessed metropolitan authority over any suffragan bishops, or if initially it was only a so-called autocephalic archbishopric, which means that it had no suffragan bishops, are all points of debate.[28] It is certain though that the prelates of Kalocsa acquired the dignity of archbishop at the latest in the middle of the eleventh

[26] Sz.A. Szuromi, *Törekvés*…, pp. 371–372.

[27] L. Mezey, 'Az esztergomi érsekség…,' pp. 371–372.

[28] The different views concerning these questions were exhaustively summarized by G. Thoroczkay, 'Viták keresztтüzében – A kalocsai érsekség korai történetének kutatása Katona Istvántól napjainkig' [In the crossfire of debates – The historiography of the early history of the Archbishopric of Kalocsa from István Katona to the present day], in: idem, *Ismeretlen Árpád-kor, Püspökök, legendák, krónikák,* Budapest 2016, pp. 209–217.

century,[29] while they had suffragan bishops at the latest by the end of the twelfth century.[30]

The ceremonial precedence of Esztergom over Kalocsa is evident throughout the eleventh to fourteenth centuries; in both the narrative sources and the texts of charters one finds numerous passages that reinforce this sentiment. During the reign of Coloman the Learned (1095–1116), Bishop Hartvik was appointed by the king to write a new legend about the life of St. Stephen I, the founder of the kingdom. Hartvik's work, which combined two earlier legends about Stephen and became the 'official biography' of the late king, clearly reflects King Coloman's political agenda. The narrative says Stephen founded the Archbishopric of Esztergom 'as the metropolitan see and teacher of the other churches.'[31] In a letter of 1214, Andrew II informs Pope Innocent III that, during his crusade to the Holy Land, his children will be placed under the guardianship of the Archbishop of Esztergom, who is 'higher in dignity than anyone else'.[32] The precedence of Esztergom is also emphasized in two letters from Béla IV to Pope Innocent IV in 1252, in which the king urges the pope to 'elevate' Benedict Archbishop of Kalocsa to the vacant see of Esztergom since the Archbishop of Esztergom is 'the first among the prelates and the secular nobles' of the country.[33] The letter of Andrew III in 1290 repeats the words of Hartvik,[34] while Charles I in 1317 refers to Esztergom as the 'mother of the other Hungarian churches.'[35] In 1369, the poetic phrasing of Louis I tells us that Esztergom 'shines above his kingdom's other churches like a rose among the lilies.'[36] This metaphor actually draws

[29] Ibidem, pp. 210–211.

[30] In the list of Béla III's (1172–1196) incomes, the suffragan dioceses of the Archdiocese of Kalocsa are enumerated for the first time – *III. Béla emlékezete* [Remembering Béla III], eds. Gy. Kristó, F. Makk, Budapest 1981, pp. 81–82.

[31] 'Strigoniensem ecclesiam metropolim et magistram ceterarum fore constiuit,' in: *Scriptores rerum Hungaricarum tempore ducum regumque stirpis Arpadianae gestarum I–II,* ed. E. Szentpétery, Budapest 1999, pp. 411–412.

[32] 'dignitate ceteris preeminet' – *Magyarország prímása. Közjogi és történeti vázolat I–II* [The Primate of Hungary. An outline of public law and history I–II], ed. J. Török, Esztergom 1859, (hereafter: Török) II, pp. 18–19.

[33] 'exaltare … primos inter ecclesiasticos et saeculares principes' – ibidem, pp. 30–31.

[34] 'sacro sanctam matrem nostram Strigoniensem Ecclesiam, ceterarum ecclesiam Regni Hungariae Metropolim, et magistram…' – ibidem, pp. 38–39.

[35] 'Ecclesiam Strigoniensem matrem videlicet Ecclesiarum aliarum Hungaricarum' – ibidem, pp. 42–44.

[36] 'quae sicut Rosa inter Lilia, inter ceteras Ecclesias Regni nostri praefulget rubinosa' – ibidem, pp. 47–48.

a parallel between the Patriarch of Constantinople and the Archbishop of Esztergom.[37]

As it is clearly demonstrated by the jurisdictional conflict of the two Hungarian archbishoprics, this precedence of Esztergom was more than mere ceremonial priority. From the point of view of the archbishops of Kalocsa, Esztergom's jurisdiction over the travelling royal court and the royal churches was a brutal violation of their metropolitan rights. The absence of the tithes of the royal churches seriously reduced their incomes, while the coronation right of the rival archbishop meant that Kalocsa could never be more than a 'second fiddle' among Hungarian prelates.

That the conflict began when Kalocsa attacked Esztergom's prerogatives proves these prerogatives existed long before the last decades of the twelfth century. The archbishops of Kalocsa did not try to appropriate these privileges for themselves, but they attempted to dismantle and reform an already existing hierarchical structure by abolishing the prerogatives of Esztergom and assuring their equal position in the Hungarian Church.

Although there is no information about an official papal appointment as primate before the aforementioned case of John of Kanizsa in 1393, it seems that the archbishops of Esztergom assumed the role of 'quasi-primate' in Hungary at least from the middle of the twelfth century. The passages cited from narrative sources and royal charters and letters prove that 'public opinion' also reckoned them as such, while jurisdictional conflicts highlighted that the prelates also accepted the dominant position of them.

Sources and theories concerning the early (pre-1393) existence of a Primate of Hungary

From time to time theories arise in Hungarian historiography that certain archbishops of Esztergom bore the title of primate long before it was bestowed upon John of Kanizsa. Therefore, it is important to analyse the sources that seem to support these theories.

First, the charter issued by Archbishop Felician of Esztergom in 1134 narrates how Ladislaus I founded the Diocese of Zagreb when the 'primacy of the See of Esztergom was governed by Archbishop

[37] L. Mezey, 'Az esztergomi érsekség…,' pp. 372.

Acha'.[38] This passage is interpreted by László Szegfű in the most recent translation as 'the primatial seat of Esztergom,'[39] although earlier Szentirmai stressed that the term *primatus* meant only 'metropolitan authority' in the eleventh century and dismisses the idea of a Primate of Hungary in this era.[40] Although it is beyond question, that the institution of the primacy and its canonical terminology was far from elaborated in the late eleventh and early twelfth centuries,[41] it is also certain that, just as the Pesudo-Isidorian Decretals, the Decretum Gratiani and its commentators in the twelfth century also made a clear distinction between the primatial and the metropolitan jurisdictions.

Keeping in mind that the contemporary work of Hartvik also contains a passage about the metropolitan jurisdiction of the See of Esztergom, the term *primatus* could easily be interpreted as another example of the dominant position the prelate of Esztergom held in the ecclesiastical hierarchy of Hungary. In this case, the passage can be translated as 'the first rank See of Esztergom was governed by Archbishop Acha.' If the phrasing of the charter is indeed to demonstrate the precedence of Esztergom, it could also be indirect proof that the Archbishops of Kalocsa already possessed metropolitan jurisdiction over one or more suffragan bishops in the 1130s. If Kalocsa was an autocephalic archdiocese without any suffragan bishops, as theorised by László Koszta,[42] there would be no point to emphasize the precedence of Esztergom.

Although the interpretation of the charter of 1134 is still quite ambiguous, in 1239 Béla IV clearly named the Archbishop of Esztergom the primate of his kingdom.[43] Szentirmai also dismisses

[38] 'Strigoniensis ecclesiae primatum Acha gubernante' – Gy. Györffy, *Árpád-kori oklevelek* [Charters from the Arpadian Age], Budapest 1997, pp. 49–50.

[39] *Írott források az 1050–1116 közötti magyar történelemről* [Written sources on the Hungarian history from 1050 to 1116], eds. F. Makk, G. Thoroczkay, Szeged 2006, pp. 319–323.

[40] A. Szentirmai, 'The Primate of Hungary,' *The Jurist*, 21, 1961, p. 28, no. 7. – Szentirmai's other argument about the dubious authenticity of this passage (he knew it only through a copy issued in the fifteenth century) is invalid as the passage can also be found in the aforementioned original charter of 1134.

[41] W. Plöchl, *Geschichte des Kirchenrechts I–II*, II, Wien–München 1953, pp. 124–125.

[42] L. Koszta, *A kalocsai érseki tartomány kialakulása* [The Developement of the Archdiocese of Kalocsa], Pécs 2013.

[43] 'Sancta Strigoniensis Ecclesiae locum primatis in regno nostro tenere dignoscatur' – Török II, pp. 28–29.

the authenticity of this source as the passage in question only survived in a false charter created in the fifteenth century.[44] However, László Mezey draws attention to another original charter issued by Charles I in 1332 which transcribes the text of another document issued by Béla IV in 1256 that also labels the Archbishop as a primate who is above every cathedral and every church of the whole kingdom.[45]

If the authenticity of these sources is accepted, then they prove that the dominant role of the Archbishop of Esztergom was already consolidated by the middle of the thirteenth century. Of course, from a strict canonical point of view, it still does not prove the existence of the Primate of Hungary, as there is no trace of an official appointment to primate and papal legate from the Roman Curia.

At the same time, there are sources that clearly show the intention of subsequent archbishops to acquire such an appointment. During the jurisdictional conflict of Esztergom and Kalocsa, Archbishop Job of Esztergom actually petitioned Pope Innocent III to designate him as papal legate. His aspiration was not successful, because in 1203 King Emeric himself protested this plan in a letter to the pope.[46] However, it is clear that if the Archbishop of Esztergom had been appointed papal legate to the whole Kingdom of Hungary, it would have meant the *de facto* recognition of his dominant role—his quasi-primacy—in the Hungarian ecclesiastical hierarchy by the Curia.[47]

These same intentions may have motivated the actions of Archbishop Robert of Esztergom a few decades later. Pope Gregory IX appointed Robert papal legate to Cumania to administrate missionary work there and convert the Cumans to Christianity.[48] A few years later, Robert excommunicated Andrew II and stated that his position as papal legate gave him the jurisdiction to do so. In 1232 Pope Gregory IX ordered him to revoke the excommunication and reminded Robert of the fact that his appointment to papal legate was only effective in the territory of Cumania, but not in Hungary.[49] Therefore it is evident that Robert went one step further than Job in actually exercising

[44] A. Szentirmai, 'The Primat…,' pp. 33–34.

[45] 'Ecclesia Strigoniensis [...] super omnes Ecclesias Cathedrales totius Regni Hungariae velut omnium Ecclesiarum primas sit decorata' – Török II, pp. 46–47.; L. Mezey, 'Az esztergomi érsekség…,' pp. 371–373.

[46] MES I, pp. 167.

[47] L. Koszta, *A kalocsai érseki*…, pp. 79.

[48] Theiner I, pp. 86–87.

[49] Ibidem, pp. 105.

the jurisdiction of a papal legate in the Kingdom of Hungary, even though he had no right to do so.

For a very long time, Hungarian historiography held the theory that the first formally appointed papal legate and Primate of Hungary was, in fact, Archbishop Lodomer of Esztergom in the final decades of the thirteenth century. The foundation of this theory was a papal bull issued by a certain Pope Boniface in the first year of his pontificate. The document affirms the superior rights of the Archbishop of Esztergom over all Hungarian churches. It also contains an enumeration of these churches, and, among them, Kalocsa, too.[50] As the first historians examining the charter presumed that the document was issued by Pope Boniface VIII in 1295, it would have meant that the papal privilege was actually the confirmation of the primatial rights of Archbishop Lodomer. According to the mid-eighteenth century historian, Károly Péterffy, Lodomer was appointed to Primate of Hungary by Philip, Bishop of Fermo and papal legate to Hungary in 1279, during the Council of Buda.[51]

Although this theory even had supporters in the twentieth century, it has since been proven to be entirely false thanks to the fact that the legation of Philip of Fermo and the tenure of Lodomer as archbishop are both quite well documented. The papal bull of Nicholas III, which contains the appointment of Philip and lists his responsibilities and assignments, does not mention anything about a papal intention to create a Primate of Hungary,[52] nor is there any trace of such an appointment to primate among the decrees of the Council of Buda.[53] The papal bull of 1279 that elevated Lodomer from the Episcopal See of Várad to Archbishop of Esztergom also survives, and it does not say a word about any kind of primatial appointment.[54] Finally, it has been clarified that the papal charter about archbishop rights was seriously misdated. In fact, it was issued a century later, by Pope Boniface IX in 1389, and its recipient was not Lodomer, but John of Kanizsa, who rose to the dignity of primate a few years later.[55]

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[50] Török II, pp. 41–42.

[51] K. Péterffy, *Sacra Consilia Ecclesiae romano-catholicae in Regno Hungariae celebrata Ab Anno Christi MXVI. usque ad Annum MDXLVI*, Bratislava 1741, pp. 95.

[52] Theiner I, pp. 327–328; *Kun László emlékezete* [Remembering Ladislaus the Cuman], ed. Gy. Kristó, Szeged 1994, pp. 113–117.

[53] Ibidem, pp. 141–184.

[54] MES II, pp. 112.

[55] Ibidem, pp. 110; J. Karácsonyi, A *magyar prímási méltóság keletkezésének ideje* [The date of the formation of the dignity of Primate of Hungary], *Religio*, 65, 1906, pp. 216–217.; A. Szentirmai, 'The Primat…,' pp. 28, no. 7.

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The last source of this investigation, nevertheless, draws attention to the person of Lodomer once again. During the 1290s a unique document was produced before the ecclesiastical court of Esztergom which sheds new light on the position of the archbishop and which has never been discussed by any previous studies on this topic.

The so-called tithe dispute of Sasad is considered to be the longest lawsuit in Hungarian legal history running from the High Middle Ages to 1840. In fact, it was a series of legal conflicts, that kept restarting again and again among different parties throughout the centuries. The first period of this lawsuit was in the thirteenth century, which is traditionally referred to as the tithe dispute of Kelenföld[56] or 'Little Pest,'[57] It began in 1236 when Béla IV of Hungary donated the ecclesiastical tithes of the royal parish of Kelenföld and its two daughter churches in Sasad and Örs to the Cistercian monastery of Bélakút.

Throughout the thirteenth century the subsequent diocesan bishops of Veszprém, whose diocese these churches were located in, were determined to appropriate, or from their point of view reclaim, these tithes. Their constant efforts produced 22 charters related to the lawsuit, which provide a unique opportunity to examine the strategies and assets an ecclesiastical institution could use in a legal conflict. Although the chain of the events of the tithe dispute have already been reconstructed in previous studies,[58] these inquiries do not analyze the legal aspects of the trial. The source material contains a petition from 1297 created by a certain Peter precentor, who served as the attorney of the bishop of Veszprém during the final stages of the trial. In this petition Peter narrates the events of the lawsuit step by step, highlights the procedural errors committed by Archbishop Lodomer as adjudicator, and, finally, he answers excessively the accusations

[56] V. Pataki, *A péterváradi ciszterciek a középkori Kelenföldön* [The cistercians of Petrovaradin in the medieval Kelenföld], in: *A Ciszterci Rend Budapesti Szent Imre Gimnáziumának Évkönyve. Az 1941—42. iskolai évről,* ed. F. Brisits, Budapest 1942, pp. 26.

[57] M. Jankovich, 'Buda-környék plébániáinak középkori kialakulása és a királyi kápolnák intézménye' [Medieval formation of the parishes in the Buda-area and the institution of the royal chapels], *Budapest régiségei*, 19, 1959, pp. 81–84.

[58] V. Pataki, *A péterváradi ciszterciek*…, pp. 19–55.

and argumentations of the monks. His claims and arguments are supported by 55 various regulations from Roman and canon law.[59]

One of the most interesting parts of this petition is the short passage in which Peter narrates how the case came before the ecclesiastical court of the Archbishop of Esztergom. In summary, after peaceful negotiations failed, the Abbot of Bélakút suggested asking the Archbishop of Esztergom to adjudicate. The Bishop willingly complied because, as Peter writes, the Archbishop of Esztergom is the 'general ordinary and spiritual adjudicator of the whole Kingdom.'[60]

The words of Peter clearly express that the Archbishop of Esztergom was considered to be the highest ranking prelate of the country regarding both the power of order and the power of jurisdiction. The importance of this passage is increased by the fact that its phrasing is not the product of the politically motivated Royal Chancery, but the personal world view of a contemporary lawyer who was also an expert of canon law. Even though Lodomer—in the absence of a papal appointment—was not the official Primate of Hungary, the passage demonstrates the earliest known specific example of the supreme role of the Archbishop of Esztergom manifested in practice. Furthermore, this supreme role seems to have survived even after Lodomer's death in 1298, because two decades later, in 1318, the Synod of Kalocsa was presided over by Archbishop Thomas of Esztergom, even though Archbishop László of Kalocsa was also present.[61]

The primacy of Esztergom in the Late Middle Ages

The evolution of the Primate of Hungary reached its last stage at the end of the fourteenth century. The aforementioned, previously misdated bull of Pope Boniface IX affirmed the rights of the Archbishop

[59] *Budapest történetének okleveles emlékei. Monumenta diplomatica civitatis Budapest,* I, eds. D. Csánky, A. Gárdonyi, Budapest 1936, pp. 314–319.

[60] 'Sic igitur pater abbas et conventus premissis ammonitionibus domini mei iustis et legitimis de consilio etiam peritorum saluti sue consulentes, recognoscentesque se minus legitime et iniuste supradictam decimationem forsitan possedisse, accedentes ad dominum meum humiliter et devote petierunt, ut ipsum factum decimationis iudicio vel arbitrio ac ordinationi venerabilis patris domini Lodomerii archiepiscopi Strigoniensis committere dignaretur. Predictus autem dominus meus, tanquam zelator iustitie, ipsorum petitionibus paternali annuit cum favore, quod *per predictum dominum archiepiscopum, tamquam per generalem totius regni ordinarium et in spiritualibus cognitorem*, supradicta utrarumque partium dubietas sopiretur' – ibidem, pp. 316.

[61] Török II, pp. 44–45.

of Esztergom over the Archbishop of Kalocsa in 1389. A few years later, he also formally bestowed the dignity of primate and papal legate on the archbishop in 1393.[62] This appointment had two important restrictions. First, the dignity of primate was only conferred to the person of John of Kanizsa, and not his successors, while his papal legation was limited to the ecclesiastical province of Esztergom.

At the request of King Sigismund of Luxemburg, the pope extended the primacy to John's successors, and also extended his legation to the province of Kalocsa in 1395. It is important to note that the latter privilege was once again bestowed only upon the person of the archbishop and not on his successors.[63]

In 1452 Pope Nicholas V renewed the appointment of the archbishop to Primate of Hungary and extended privileges over the exempt churches of the kingdom. He also granted the primate the right to have a prelatial cross carried before him, to judge in first instance, and the power to inflict censures. Although in 1454 the pope revoked most of these privileges at the request of King Ladislaus Posthumus, in 1513 Cardinal Thomas Bakocz convinced Pope Leo X to reinstate Esztergom its former rights by revoking the decree of 1454. The rights and powers of the primate were also extended with the jurisdiction over the Benedictine and Franciscan nuns in Hungary and the right to grant the beneficies of the suppressed orders. After 1513 the court of the primate had the right to receive appeals against the rulings of the episcopal courts, while the primate had the authority to submit the cases he heard in the second instance directly to the Holy See.[64]

Conclusion

The origins of the primatial authority exercised by the Archbishop of Esztergom in Hungary dates to the foundation of the state by Stephen I. The newly created archbishopric fulfilled almost every requirement of being a primate at the turn of the millennium. At the same time, the structure of the Hungarian Church was still in its early stage. As the bishops of Kalocsa were only elevated to the rank of archbishops in the middle of the eleventh century, in the absence of a second metropolitan seat, there would have been no reason to establish

[62] Ibidem, pp. 54.
[63] A. Szentirmai, 'The Primat…,' pp. 34–36.
[64] Ibidem, pp. 36–38.

a primatial level in the ecclesiastical hierarchy at the foundation of the Archdiocese of Esztergom.

Nevertheless, the archbishops of Esztergom acquired all the important privileges that usually belonged to primates at that time, especially the right to crown the kings of Hungary. The outcome of the jurisdictional conflict between the two archbishops at the beginning of the thirteenth century demonstrates that the structure of the Hungarian Church was inherently hierarchical and its supreme position was fulfilled by the Archbishop of Esztergom.

Although the formal dignities of primate and papal legate were only conferred to John of Kanizsa in 1393, the Archbishop of Esztergom assumed the prerogatives and the role of a 'quasi-primate' long before that. Since the authenticity of the charters issued by Béla IV are ambiguous, the passage from the petition of 1297 that is presented in this essay is the first clear and authentic expression of this role.