

The Laws of King Stephen I Book One

Preface to the royal law

The work of the royal office, subject to the rule of divine mercy, is by custom greater and more complete when nourished in the Catholic faith than any other office. Since every people use their own law, we, governing our monarchy by the will of God and emulating both ancient and modern caesars, and after reflecting upon the law, decree for our people too the way they should lead an upright and blameless life. Just as they are enriched by divine laws, so may they similarly be strengthened by secular ones, in order that as the good shall be made many by these divine laws so shall the criminals incur punishment.

Thus we set out below in the following sentences what we have decreed. Here are the chapters of this book.

1. The state of ecclesiastical things.
2. The powers of the bishops over church goods and their accord with laymen.
3. What sort of person may be a witness and accuser of clerks.
4. Similarly on the same.
5. The work of priests.
6. Royal concession for the free disposition of goods.
7. The preservation of royal goods.
8. The observance of the Lord's day.
9. More on the same.
10. The observance of Ember days.
11. The observance of Friday.
12. Those who die without confession.
13. The observance of Christianity.
14. On homicide.
15. Those who kill their wives.
16. Drawing the sword.
17. On perjury.
18. On manumission.
19. Gathering at church and those who mutter and chatter in church during mass.
20. Inadmissability of accusations and testimony of bondmen or bondwomen against their masters or mistresses.
21. Those who procure liberty for bondmen of others.
22. Those who enslave freemen.
23. Those who take the warriors of another for themselves.
24. Those who take guests of another for themselves.
25. Those who are beaten while looking for their own.

26. Widows and orphans.
27. The abduction of girls.
28. Those who fornicate with bondwomen of another.
29. Those who desire bondwomen of others as wives.
30. Those who flee their wives by leaving the country.
31. Theft committed by women.
32. Arson of houses.
33. On witches.
34. On sorcerers.
35. The invasion of houses.

1. The state of ecclesiastical things.

Should anyone, swollen with haughty pride, hold the house of God in contempt, or mistreat the possessions consecrated to God and placed for His service under protective royal immunity, or presume to injure them, let him be excommunicated as an invader and desecrator of the house of God. It is fitting that he should also feel the indignation of his lord, the king, whose good will be disparaged and whose good order subverted. Therefore the king commands that the immunity which he has granted be preserved unimpaired by everyone subject to him. He gives no assent nor should assent be given to foolish assertions that possessions ought not to be given to the church, that is, to the Lord of Lords. Rather they receive the protection of the king in the same way as his own inheritance. He gives even more attention to them, for, just as God is greater than man, the affairs of God take precedence over the possessions of mortals. Thus the man who glories more in his own than in the things of the Lord is badly deceived. The divinely ordained defender and keeper of the things of God ought not only to preserve them with diligent care, but also increase them, and those things which we have called the more important should be defended and increased even more than his own things. If anyone, therefore, should be so foolhardy as to try through the devices of his own wickedness to turn the king away from right purpose, and it should appear that no remedies can be effectively applied, even though he may be temporarily necessary, he should be cut off by the king and cast away just as according to the Gospel: If your foot, or your hand, or your eye offend you, cut it off, or pluck it out, and cast it from you.

2. The powers of the bishops over church goods and their accord with laymen.

It is our will that bishops have the power to oversee, rule, govern, and dispose of church goods according to the authority of the canons. It is our will that laymen should be obedient in their service to the bishops ruling the churches and defending widows and orphans, even as they be obedient in holding to their Christianity. The ispánok and judges should mete out justice according to the precepts of divine law in concert with the prelates. Just law should in no way be perverted by lies or false witness, by perjury or bribes.

3. What sort of person may be a witness and accuser of clerks.

The witnesses and accusers of clerks should be without infamy, having wives and sons, and in all ways

professing Christ.

4. Similarly on the same.

No one should accept the testimony of a layman against a clerk. No one should presume to try a clerk in public, unless in church.

5. The work of priests.

Be it known to you, brethren, that the priest works more than any one of you. Each of you bears his own burden, but he bears his own and the burden of all others. Therefore, as he labors for you, so you should work for him with all your strength, even, if necessary, laying down your lives for him.

6. Royal concessions of free disposition of goods.

We, by our royal authority have decreed that anyone shall be free to divide his property, to assign it to his wife, his sons and daughters, his relatives, or to the church; and no one should dare to change this after his death.

7. The preservation of royal goods.

It is our will that just as we have given others the opportunity to master their own possessions, so equally the goods, warriors, bondmen, and whatever else belongs to our royal dignity should remain permanent, and no one should plunder or remove them, nor should anyone dare to obtain any advantage from them.

8. The observance of the Lord's day.

If a priest or ispán, or any faithful person finds anyone working on Sunday with oxen, the ox shall be confiscated and given to the men of the castle to be eaten; if a horse is used, however, it shall be confiscated, but the owner, if he wishes, may redeem it with an ox which should be eaten as has been said. If anyone uses other equipment, this tool and his clothing shall be taken, and he may redeem them, if he wishes, with a flogging.

9. More on the same.

Priests and ispánok shall enjoin village reeves to command everyone both great and small, men and women, with the exception of those who guard the fire, to gather on Sundays in the church. If someone remains at home through their negligence let them be beaten and shorn.

10. The observance of Ember days.

If someone breaks the fast known to all on Ember days, he shall fast in prison for a week.

11. The observance of Friday.

If someone eats meat on Friday, a day observed by all Christianity, he shall fast incarcerated during the day for a week.

12. Those who die without confession.

If someone has such a hardened heart – God forbid it to any Christian – that he does not want to confess his faults according to the counsel of a priest, he shall lie without any divine service and alms like an infidel. If his relatives and neighbors fail to summon the priest, and therefore he should die unconfessed, prayers and alms should be offered, but his relatives shall wash away their negligence by fasting in accordance with the judgment of the priests. Those who die a sudden death shall be buried with all ecclesiastical honor, for divine judgment is hidden from us and unknown.

13. The observances of Christianity.

If someone neglects a Christian observance and takes pleasure in the stupidity of his negligence, he shall be judged by the bishops according to the nature of the offense and the discipline of the canons. If he rebelliously objects to suffer the punishment with equanimity, he shall be subject to the same judgment seven times over. If, after all this, he continues to resist and remains obdurate, he shall be handed over for royal judgment, namely to the defender of Christianity.

14. On homicide.

If someone driven by anger and arrogance, willfully commits a homicide, he should know that according to the decrees of our council he is obliged to pay one hundred ten gold pensae, from which fifty will go to the royal treasury, another fifty will be given to relatives, and ten will be paid to arbiters and mediators. The killer himself shall fast according to the rules of the canons.

More on the same.

If someone kills a person by chance, he shall pay twelve pensae and fast as the canons command.

The killing of slaves.

If someone's slave kills another's slave, the payment shall be a slave for a slave, or he may be redeemed and do penance as has been said. More on the same. If a freeman kills the slave of another, he shall replace him with another slave or pay his price, and fast according to the canons.

15. Those who kill their wives.

If an ispán with a hardened heart and a disregard for his soul – may such remain far from the hearts of the faithful – defiles himself by killing his wife, he shall make his peace with fifty steers to the kindred of the woman, according to the decree of the royal council, and fast according to the commands of the canons. And if a warrior or a man of wealth commits the same crime he shall pay according to that same council ten steers and fast, as has been said. And if a commoner has committed the same crime, he shall make his peace with five steers to the kindred and fast.

16. Drawing the sword.

In order that peace should remain firm and unsullied among the greater and the lesser of whatever station, we forbid anyone to draw the sword with the aim of injury. If anyone in his audacity should put this prohibition to the test, let him be killed by the same sword.

17. On perjury.

If a powerful man of stained faith and defiled heart be found guilty of breaking his oath by perjury, he shall atone for the perjury with the loss of his hand; or he may redeem it with fifty steers. If a commoner commits perjury, he shall be punished with the loss of his hand or may redeem it by twelve steers and fast, as the canons command.

18. On manumission.

If anyone, prompted by mercy, should set his male and female slaves free in front of witnesses, we decree that no one out of ill will shall reduce them to servitude after his death. If, however, he promised them freedom but died intestate, his widow and sons shall have the power to bear witness to this same manumission and to render agape for the redemption of the husband's soul, if they wish.

19. Gathering at church and those who mutter or chatter in church during mass.

If some persons, upon coming to hear the divine service, mutter among themselves and disturb others by relating idle tales during the celebration of mass and by being inattentive to Holy Scripture with its ecclesiastical nourishment, they shall be expelled from the church in disgrace if they are older, and if they are younger and common folk they shall be bound in the narthex of the church in view of everyone and punished by whipping and by the shearing off of their hair.

20. Inadmissibility of accusations and testimony of bondmen or bondwomen against their masters or mistresses.

In order that the people of this kingdom may be far removed and remain free from the affronts and accusations of bondmen and bondwomen, it is wholly forbidden by decree of the royal council that any servile person be accepted in accusation or testimony against their masters or mistresses in any criminal

case.

21. Those who procure liberty for bondmen of others.

If anyone thoughtlessly brings the bondman of another, without the knowledge of his master, before the king or before persons of higher birth and dignity in order to procure for him the benefits of liberty after he has been released from the yoke of servitude, he should know that if he is rich, he shall pay fifty steers of which forty are owed to the king and ten to the master of the bondman; but if he is poor and of low rank, he shall pay twelve steers of which ten are due to the king and two to the master of the bondman.

22. Those who enslave freemen.

Because it is worthy of God and best for men that everyone should conduct his life in the vigor of liberty, it is established by royal decree that henceforth no ispán or warrior should dare to reduce a freeman to servitude. If however, compelled by his own rashness he should presume to do this, he should know that he shall pay from his own possessions the same composition, which shall be properly divided between the king and the ispánok, as in the other decree above. Similarly on the same. But if someone who was once held in servitude lives freely after having submitted to a judicial procedure held to consider his liberty, he shall be content with enjoying his freedom, and the man who held him in servitude shall pay nothing.

23. Those who take the warriors of another for themselves.

We wish that each lord have his own warriors and no one shall try to persuade a warrior to leave his long-time lord and come to him, since this is the origin of quarrels.

24. Those who take guests of another for themselves.

If someone receives a guest with benevolence and decently provides him with support, the guest shall not leave his protector as long as he receives support according to their agreement, nor should he transfer his service to any other.

25. Those who are beaten while looking for their own.

If a warrior or a bondman flees to another and he whose warrior or man has run away sends his agent to bring him back, and that agent is beaten and whipped by anyone, we decree in agreement with our magnates that he who gave the beating shall pay ten steers.

26. Widows and orphans.

We also wish widows and orphans to be partakers of our law in the sense that if a widow, left with her

sons and daughters, promises to support them and to remain with them as long as she lives, she shall have the right from us to do so, and no one should force her to marry. If she has a change of heart and wants to marry and leave the orphans, she shall have nothing from the goods of the orphans except her own clothing.

More about widows.

If a widow without a child promises to remain unmarried in her widowhood, she shall have the right to all her goods and may do with them what she wishes. But after her death her goods shall go to the kin of her husband, if he has any, and if not, the king is the heir.

27. The abduction of girls.

If any warrior debased by lewdness abducts a girl to be his wife without the consent of her parents, we decree that the girl should be returned to her parents, even if he did anything by force to her, and the abductor shall pay ten steers for the abduction, although he may afterwards have made peace with the girl's parents. If a poor man who is a commoner should attempt this, he shall compensate for the abduction with five steers.

28. Those who fornicate with bondwomen of another.

In order that freemen preserve their liberty undefiled, we wish to warn them. Any transgressor who fornicates with a bondwoman of another, should know that he has committed a crime, and he is to be whipped for the first offense. If he fornicates with her a second time, he should be whipped and shorn; but if he does it a third time, he shall become a slave together with the woman, or he may redeem himself. If, however, the bondwoman should conceive by him and not be able to bear but dies in childbirth, he shall make compensation for her with another bondwoman.

The fornication of bondmen.

If a bondman of one master fornicates with the bondwoman of another, he should be whipped and shorn, and if the woman should conceive by him and dies in childbirth, the man shall be sold and half of his price shall be given to the master of the bondwoman, the other half shall be kept by the master of the bondman.

29. Those who desire bondwomen of others as wives.

In order that no one who is recognized to be a freeman should dare commit this offense, we set forth what has been decreed in this royal council as a source of terror and caution so that if any freeman should choose to marry a bondwoman of another with her master's consent, he shall lose the enjoyment of his liberty and become a slave forever.

30. Those who flee their wives by leaving the country.

In order that people of both sexes may remain and flourish under fixed law and free from injury, we establish in this royal decree that if anyone in his impudence should flee the country out of loathing for his wife, she shall possess everything which was her husband's, and no one shall force her into another marriage. If she voluntarily wishes to marry, she may take her own clothing leaving behind other goods, and marry again. If her husband, hearing this, should return, he is not allowed to replace her with anyone else, except with the permission of the bishop.

31. Theft committed by women.

Because it is terrible and loathsome to all to find men committing theft, and even more so for women, it is ordained by the royal council, that if a married woman commits theft, she shall be redeemed by her husband, and if she commits the same offense a second time, she shall be redeemed again; but if she does it a third time, she shall be sold.

32. Arson of houses.

If anyone sets a building belonging to another on fire out of enmity, we order that he replace the building and whatever household furnishing were destroyed by the fire, and also pay sixteen steers which are worth forty solidi.

33. On witches.

If a witch is found, she shall be led, in accordance with the law of judgment into the church and handed over to the priest for fasting and instruction in the faith. After the fast she may return home. If she is discovered in the same crime a second time, she shall fast and after the fast she shall be branded with the keys of the church in the form of a cross on her bosom, forehead, and between the shoulders. If she is discovered on a third occasion, she shall be handed over to the judge.

34. On sorcerers.

So that the creatures of God may remain far from all injury caused by evil ones and may not be exposed to any harm from them – unless it be by the will of God who may even increase it – we establish by decree of the council a most terrible warning to magicians and sorcerers that no person should dare to subvert the mind of any man or to kill him by means of sorcery and magic. Yet in the future if a man or a woman dare to do this he or she shall be handed over to the person hurt by sorcery or to his kindred, to be judged according to their will. If, however, they are found practicing divination as they do in ashes or similar things, they shall be corrected with whips by the bishop.

35. The invasion of houses.

We wish that peace and unanimity prevail between great and small according to the Apostle: Be ye all of one accord, etc., and let no one dare attack another. For if there be any ispán so contumacious that after the decree of this common council he should seek out another at home in order to destroy him and his goods, and if the lord of the house is there and fights with him and is killed, the ispán shall be punished according to the law about drawing the sword. If, however, the ispán shall fall, he shall lie without compensation. If he did not go in person but sent his warriors, he shall pay compensation for the invasion with one hundred steers. If, moreover, a warrior invades the courtyard and house of another warrior, he shall pay compensation for the invasion with ten steers. If a commoner invades the huts of those of similar station, he shall pay for the invasion with five steers.

The Laws of King Stephen I Book Two

1. The royal contribution to a church.

Ten villages shall build a church and endow it with two manses and the same number of bondmen, a horse and mare, six oxen, two cows, and thirty small animals. The king shall provide vestments and altar cloths, and the bishop the priests and books.

2. Successors to royal grants.

We have agreed to the petition of the whole council that everyone during his lifetime shall have mastery over his own property and over grants of the king, except for that which belongs to a bishopric or a county, and upon his death his sons shall succeed to a similar mastery. Nor should an accused suffer damage to his goods for any reason, unless he plotted the king's death or the betrayal of the kingdom, or fled to a foreign land. In this case his goods devolve to the king. Yet if anyone should be found guilty according to law of plotting the king's death or the betrayal of the kingdom, he shall be subjected to capital punishment but his goods shall remain secure and his innocent sons undisturbed.

3. Slaves and the killers of slaves.

If someone's slave kills another's slave, the master of the killer shall compensate the master of the victim with the price of the slave, if he can, but if not, the slave shall be sold after forty days and his price divided.

4. The liberation of the same.

If the master wants, he may either free the slave who killed a freeman by paying one hundred ten steers, or he may hand him over.

5. The freedom of bondmen.

If someone wants to procure the freedom of bondmen of other masters, he may pay for as many bondmen as there are, from which two parts go to the king, the third to the master of the men. The king shall give a third of his part to the count.

6. Theft by bondmen.

If a bondman commits a theft once, he shall make restitution and pay compensation for his nose with five steers, if he can, otherwise it shall be cut off. If having lost his nose he steals again, he shall pay composition for his ears with five steers, if he can, otherwise they shall be cut off. But if he steals a third time, he shall lose his life.

7. Theft by freemen.

If a freeman commits a theft, we decree that he make composition by this law: if he does it once, he shall redeem himself, if he can, otherwise he shall be sold; if after having been sold he commits a theft, he shall be subject to the law of slaves. On the same. If he commits a second offense, he shall be subject to the same law; if a third time, he shall be sentenced to death.

8. The king's composition.

If an ispán cheats the king of his portion, he shall make restitution and pay double as compensation.

9. Unjust appeal.

If a warrior, scorning the just judgment of his ispán appeals to the king, seeking to prove the injustice of the ispán, he will owe ten pensae of gold to the ispán.

10. Violence by an ispán.

If on any pretext an ispán takes something unjustly from a warrior he shall make restitution and also pay the same amount out of his own resources.

11. Payment for a lie.

If a warrior says that his freely given gift was taken from him by force, and in so doing tells a lie, he shall be deprived of it and, in addition, pay the same amount.

12. Judgment of the sword.

If anyone kills a man by a sword, he shall be put to death by the same sword.

13. The maiming of parts of the body. If anyone maims another in any way with a drawn sword, either in the eye, or on the foot, or on the hand, he shall suffer the same injury to his own body.

14. On flatterers. If someone spreads false testimony or connivingly intrigues against others and asks them to remain silent about it so the cunning of the devil may cause divisions among them, he shall pay double composition of a lying tongue for the crime of lying. If he has connivingly intrigued with only one person, he shall be deprived of his tongue.

15. The testimony of a thief shall not be accepted.

If any of those people who are popularly called udvarnok commits a theft, he shall be judged according to the law of freemen, but his testimony shall not be accepted among freemen.

16. Wounds inflicted by the sword.

If anyone wounds another with a sword and the victim emerges from this wounding safe and sound, the wounder shall pay the composition for homicide.

17. Drawing of the sword without wounding.

If anyone filled with rage draws a sword but does no injury, he shall pay one half the composition for homicide for the drawing alone.

18. The testimony of bondsmen put in charge of a royal residence or castle.

If a bondman is appointed to administer a royal residence or castle, his testimony shall be accepted among the ispánok. Similarly, if a bondman kills his master, or a warrior his ispán.

19. Conspiracy against the king and the kingdom.

If anyone has conspired against the king or the kingdom, he shall have no refuge in the church. And if anyone conspired in any way against the king's person or dignity, or attempts to conspire, or knowingly sympathizes with those attempting to conspire, he shall be anathematized and cut off from association with the faithful. And if someone knew anyone of this sort and can prove it but does not speak out, he shall be subject to the same judgment.

20. On tithes.

If in a year God has given ten parts to anyone, he shall give one-tenth to God. If anyone evaded rendering his tithe, he shall pay nine. And if anyone shall have stolen the tithe reserved for the bishop, he shall be judged as a thief, and the entire composition shall belong to the bishop.

21. The intrigues of the ispánok.

If anyone deceitfully says to any ispán or other loyal persons, "I heard the king speak of your ruin," and he is found out, he shall be put to death.