

## DECRETA S. STEPHANI REGIS

(1000–38)

[LIBER PRIMUS]

*Vide praefatiunculam et notas infra paginas 77–81.*

### Prefatio regalis decreti

Regnante divina clementia opus regalis dignitatis alimonia katholice fidei effectum amplius ac solidius alterius dignitatis operibus solet esse. Et quoniam unaqueque gens propriis utitur legibus, idcirco nos quoque dei nutu nostram gubernantes monarchiam, antiquos ac modernos imitantes augustos, decretali meditatione nostre statuimus genti, quemadmodum honestam et inoffensam ducerent vitam, ut sicut divinis legibus sunt ditati, similiter etiam secularibus addicti, ut quantum boni in his divinis ampliuntur, tantum rei in istis multentur. Que autem decrevimus, in sequentibus subnotavimus lineis.

### Capitula huius libri:

- I. De statu rerum ecclesiasticarum.
- II. De potestate episcoporum super res ecclesiasticas eorumque conveniencia cum laicis.
- III. Quales esse debeant testes et accusatores clericorum.
- IV. Item de eodem.
- V. De labore sacerdotum.
- VI. De concessione regali propriarum rerum.
- VII. De retentu regali rerum.
- VIII. De observatione dominici diei.
- IX. Item aliud.
- X. De observatione quatuor temporum.
- XI. De observatione sexte ferie.
- XII. De his, qui sine confessione moriuntur.
- XIII. De observanda christianitate.
- XIV. De homicidiis.
- XV. De his, qui suas uxores occidunt.
- XVI. De evagatione gladii.
- XVII. De periuris.
- XVIII. De libertis.
- XIX. De conventu ad ecclesiam et de his qui murmurant, vel locuntur in ecclesia hora misse.

## THE LAWS OF KING STEPHEN I

(1000–1038)

[BOOK ONE]

*For prefatory and explanatory notes, see below, pages 77–81.*

### 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.
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17. On perjury.
18. On manumission.
19. Gathering at church and those who mutter and chatter in church during mass.

XX. De non recipiendis servis vel ancillis in accusatione et testimonio super dominos suos vel dominas.

XXI. De his, qui alienis servis libertatem acquerunt.

XXII. De his, qui liberos in servitutem redigunt.

XXIII. De his, qui alterius milites sibi tollunt.

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XXV. De his, qui flagellantur sua querentes.

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XXVIII. De fornicationibus cum ancillis alterius.

XXIX. De his, qui petunt sibi ancillas alienas in uxores.

XXX. De his, qui extra regnum suas fugiunt uxores.

XXXI. De furto mulierum.

XXXII. De incendiis mansionum.

XXXIII. De strigis.

XXXIV. De malefecis.

XXXV. De invasione domorum.

#### I. De statu rerum ecclesiasticarum.<sup>1</sup>

Quisquis fastu superbie elatus domum dei ducit contemptibilem et possessiones deo consecratas atque ad honorem dei sub regia immunitatis defensione constitutas inhoneste tractaverit, vel infringere presumpserit, quasi invasor et violator domus dei excommunicetur. Decet enim et, ut indignationem ipsius domini regis sentiat, cuius benivolentie contemptor et constitutionis prevaricator extitit. Nichilominus tamen rex sue concessionis immunitatem ab omnibus ditionis sue illesam conservari pricipiat. Assensum vero non prebeat improvide affirmatibus non debere esse res dominicas, id est domino dominantium traditas. Ita sunt sub defensione regis, sicuti proprie sue hereditatis. Magisque advertat, quia quanto deus excellentior est homine, tanto prestantior est divina cause mortalium possessione. Quocirca decipitur, quisquis plus in propriis quam in dominicis rebus gloriatur. Quarum divinarum rerum defensor et custos divinitate statutus diligenti cura non solum eas servare, sed etiam multiplicare debet, magisque illa, que diximus prestantiora, quam sua defendere oportet et augmentare. Si quis igitur insanus inopportunitate improbitatis sue regem a recto proposito pervertere temptaverit, nullisque remediis mitigari posse visus fuerit, obsequiis aliquibus transitoriis sit necessarius, abscidendus ab eo prociendusque est iuxta illud evangelicum: Si pes, manus vel oculus tuus scandalizat te, amputa vel erue eum et proice abs te.<sup>2</sup>

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.<sup>1</sup>

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.<sup>2</sup>

II. De potestate episcoporum super res ecclesiasticas eorumque convenientia cum laicis.<sup>3</sup>

Volumus, ut episcopi habeant potestatem res ecclesiasticas providere, regere et gubernare atque dispensare secundum canonicam auctoritatem. Volumus, ut et laici in eorum ministerio obediant episcopis ad regendas ecclesias, viduas et orphanos defensandos et ut obedientes sint ad eorum christianitatem servandam. Consentientesque sint comites et iudices<sup>4</sup> presulibus suis ad iustitias faciendas iuxta precepta legis divine. Et nullatenus per aliquorum mendacium vel falsum testimonium neque periurium vel premium lex iusta in aliquo depravetur.

III. Quales debeant esse testes et accusatores clericorum.<sup>5</sup>

Testes autem et accusatores clericorum sine aliqua sint infamia,<sup>6</sup> uxores et filios habentes et omnino Christum predicantes.

IV. Item de eodem.

Testimonium laici adversus clericum nemo recipiat. Nemo enim clericum in publico examinare presumat, nisi in ecclesia.<sup>7</sup>

V. De labore sacerdotum.

Scitote fratres cuncti, quod supra omnes vos laborat sacerdos. Unusquisque enim vestrum suum fert laborem proprium, ille vero et suum et singulorum. Et ideo sicut ille pro omnibus vobis, ita et vos omnes pro eo summo opere laborare debetis in tantum, ut si necessitas fuerit, animas vestras pro eo ponatis.<sup>8</sup>

VI. De concessione regali propriarum rerum.

Decrevimus nostra regali potentia, ut unusquisque habeat facultatem sua dividendi, tribuendi uxori, filiis, filiabus atque parentibus sive ecclesie,<sup>9</sup> nec post eius obitum quis hoc destruere audeat.

VII. De retentu regali rerum.

Volumus quidem, ut sicuti ceteris facultatem dedimus dominandi suorum rerum, ita etiam res, milites,<sup>10</sup> servos<sup>11</sup> et quicquid ad nostram regalem dignitatem pertinet, permanere immobile et a nemine quid inde rapiatur, aut subrahatur, nec quisquam in his predictis sibi favorem acquirere audeat.

VIII. De observatione dominici diei.

Si quis igitur presbiter vel comes sive aliqua alia persona fidelis die dominica invenerit quemlibet laborantem, sive cum bubus, tollatur sibi bos, et civibus<sup>12</sup> ad manducandum detur. Si autem cum equis, tollatur equus, quem dominus bove redimat, si velit, et idem bos manducetur, ut dictum est. Si quis aliis instrumentis, tollantur instrumenta et vestimenta, que si velit, cum cute redimat.<sup>13</sup>

IX. Item aliud.

A sacerdotibus vero et comitibus commendetur omnibus villicis,<sup>14</sup> ita ut illorum iussu omnes concurrant die dominica ad ecclesiam, maiores ac minores,<sup>15</sup> viri ac mulieres, exceptis, qui ignes custodiunt. Si quis vero non observationis causa remanebit per illorum negligentiam, vapulent ac depilentur.

2. The powers of the bishops over church goods and their accord with laymen.<sup>3</sup>

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<sup>4</sup> 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,<sup>5</sup> having wives and sons, and in all ways professing Christ.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup>

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;<sup>9</sup> 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,<sup>10</sup> bondmen,<sup>11</sup> 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<sup>12</sup> 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.<sup>13</sup>

9. More on the same.

Priests and *ispánok* shall enjoin village reeves<sup>14</sup> to command everyone both great and small,<sup>15</sup> 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.

X. De observatione quatuor temporum.<sup>16</sup>

Si quis quatuor temporum ieiunia cunctis cognita carnem manducans violaverit, per spatium unius ebdomade inclusus ieiunet.

## XI. De observatione sexte ferie.

Si quis in sexta feria ab omni christianitate observata<sup>17</sup> carnem manducaverit, per unam ebdomadam luce inclusus ieiunet.<sup>18</sup>

## XII. De his, qui sine confessione moriuntur.

Si quis tam perdurato corde est, quod absit ab omni christiano, ut nolit confiteri sua facinora secundum suasum presbiteri, hic sine omni divino officio et elemosinis iaceat, quemadmodum infidelis. Si autem parentes et proximi neglexerint vocare presbiteros et ita subiacet absque confessione morti, ditetur orationibus ac consoletur elemosinis, sed parentes lavent negligentiam ieiuniis, secundum arbitrium presbiterorum. Qui vero subitanea periclitantur morte, cum omni ecclesiastico sepeliantur honore, nam divina iudicia occulta nobis sunt et incognita.

## XIII. De observanda christianitate.

Si quis observatione christianitatis neglecta et negligentie stoliditate elatus, quod in eam commiserit, iuxta qualitatem offensionis ab episcopo per disciplinas canonum iudicetur.<sup>19</sup> Si vero rebellitate instructus rennuerit sibi impositum eque sufferre, iterum eodem iudicio restringatur et etiam usque septies. Tandem super omnia si resistens et abnuens invenitur, regali iudicio, scilicet defensori christianitatis,<sup>20</sup> tradatur.

## XIV. De homicidiis.

Si quis ira accensus aut superbia elatus spontaneum commiserit homicidium, sciat se secundum nostri senatus<sup>21</sup> decretum centum et X daturum pensas auri.<sup>22</sup> Ex quibus quinquaginta ad fiscum regis deferantur, alie vero L parentibus dentur, X autem arbitris et mediatoribus condonentur,<sup>23</sup> ipse quidem homicida secundum institutionem canonum ieiunet.<sup>24</sup>

Item aliud.

Si quis autem casu occiderit quemlibet, XII auri pensas persolvat et sicut canones mandant, ieiunet.

Item de homicidiis servorum.

Si alicuius servus servum alterius occiderit, reddatur servus pro servo, aut redimatur et penitentiam, quod dictum est, agat.

Item aliud.

Si vero liber alicuius occiderit servum, reddat alium servum vel pretium componat et secundum canones ieiunet.

## XV. De his, qui suas uxores occidunt.

Si quis comitum obduratus corde neglectusque anima, quod procul sit a cordibus fidelitatem observantium, uxoris homicidio polluetur, secundum decretum regalis senatus cum quinquaginta iuvencis<sup>25</sup> parentibus mulieris concilietur et ieiunet secundum mandata canonum. Si autem miles vel alicuius vir ubertatis eandem culpam inciderit, iuxta eundem senatum solvat

10. The observance of Ember days.<sup>16</sup>

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,<sup>17</sup> he shall fast incarcerated during the day for a week.<sup>18</sup>

## 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.<sup>19</sup> 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.<sup>20</sup>

## 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<sup>21</sup> he is obliged to pay one hundred ten gold *pensae*,<sup>22</sup> 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.<sup>23</sup> The killer himself shall fast according to the rules of the canons.<sup>24</sup>

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<sup>25</sup> 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

parentibus X iuencos ieiunetque, ut dictum est. Si vero vulgaris<sup>26</sup> in eodem crimine invenietur, cum quinque iuencis cogitas reconcilietur et subdatur predictis ieiuniis.<sup>27</sup>

XVI. De evagatione gladii.

Ut pax firma et incontaminata per omnia maneat, tam inter maiores natu quam inter minores, cuiuscunque conditionis sint, interdiximus omnino, ut nullus ad ledendum aliquem evaginet gladium. Quod si quis posthac stimulis sue audacie tactus temptaverit, eodem iuguletur gladio.

XVII. De periuris.

Si quis valentium fide commaculatus, corde pollutus iuramento confracto periurio addictus invenietur, perditus manu periurium luat, aut cum quinquaginta iuencis manum redimat. Si vero vulgaris periurius exteterit, manu amputata punietur aut XII iuencis redimetur et ieiunet, ut canones mandant.<sup>28</sup>

XVIII. De libertis.

Si quis misericordia ductus proprios servos et ancillas libertate feriaverit cum testimonio, decrevimus, ut post obitum eius nemo invidia tactus in servitute eos audeat reducere. Si autem libertatem promiserit et morte impediens non testificatus fuerit, habeat mulier illius vidua et filii potestatem hanc eandem libertatem testificari et agapen<sup>29</sup> facere pro redemptione anime sui mariti qualitercunque velit.

XIX. De conventu ad ecclesiam et de his, qui murmurant vel locuntur in ecclesia hora misse.

Si qui ad ecclesiam venientes ad audiendum officium et ibidem hora sollempnitatis missarum inter se murmurant et ceteros inquietant exponentes fabulas otiosas et non intendentes divinas lectiones cum ecclesiastico nutrimento, si maiores sunt, increpati cum dedecore expellantur de ecclesia, si vero minores<sup>30</sup> et vulgares, in atrio ecclesie pro tanta temeritate coram omnibus ligentur et corripiantur flagellis et cesura capillorum.

XX. De non recipiendis servis vel ancillis in accusationem vel testimonium super dominos vel dominas.

Ut gens huius monarchie ab omni incursu et accusatione servorum et ancillarum remota et quieta maneat, secundum decretum regalis concilii penitus interdictum est, ut nullius causa culpe aliqua servilis persona contra dominos vel dominas in accusationem vel in testimonium recipiatur.

XXI. De his, qui alienis servis libertatem acquirunt.

Si quis inprovidus alienum servum sine conscientia sui senioris ante regem vel maiores natu et dignitate duxerit, ut soluto servitutis iugo levitam libertatis sibi acquirat, sciat se, si dives est, quinquaginta iuencos redditurum, ex quibus quadraginta debentur regi, X vero seniori servi, si vero pauper et tenuis, XII iuencos, ex quibus X regi, duo seniori servi.

same crime he shall pay according to that same council ten steers and fast, as has been said. And if a commoner<sup>26</sup> has committed the same crime, he shall make his peace with five steers to the kindred and fast.<sup>27</sup>

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.<sup>28</sup>

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*<sup>29</sup> 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<sup>30</sup> 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.

XXII. De his, qui liberos in servitutem redigunt.

Quoniam igitur dignum deo est et hominibus optimum, unumquemque sue industria libertatis vite cursum ducere, secundum regale decretum statutum est, ut nemo comitum vel militum posthac liberam personam servituti subdere audeat. Quod si elationis audacie sue stimulatus presumpserit, sciat se totidem ex proprio compositurum, que vero compositio inter regem et comites dividatur, ut cetera.

Item de eodem.

Sed si quis actenus in servitute retentus pro libertate sui tuenda iudicium legale faciens securus extiterit,<sup>31</sup> tantummodo libertate fruatur et ille, a quo in servitute tenebatur, nichil reddat.

XXIII. De his, qui alterius milites sibi tollunt.

Volumus, ut unusquisque senior suum habeat militem, nec aliquis alter illum suadeat antiquum deserere seniore et ad se venire, inde enim litigium habet initium.

XXIV. De his, qui hospites<sup>32</sup> alterius sibi tollunt.

Si quis hospitem cum benivolentia accipit et nutrimentum sibi honeste inpendit, quamdiu secundum propositum nutritur, non deserat suum nutritorem, nec ad aliquem alium suam deferat hospitalitatem.<sup>33</sup>

XXV. De his, qui flagellantur sua querentes.

Si cuius miles aut servus ad alium fugerit, et his cuius miles vel servus fuga lapsus est suum miserit legatum ad reducendos eos et is legatus ibidem a quoquam percussus et flagellatus extiterit, decernimus nostrorum primatuum conventu, ut ille percussor X solvat iuencos.

XXVI. De viduis et orphanis.

Volumus quidem, ut et vidue et orphani sint nostre legis participes tali tenore, ut si qua vidua cum filiis filiabusque remanserit atque nutrire eos et manere cum illis, quamdiu vixerit, promiserit, habeat postestatem a nobis sibi concessam hoc faciendi et a nemine iterum cogatur in coniugium. Si vero mutato voto iterato nubere voluerit et orphanos deserere, de rebus orphanorum nichil omnino sibi vendicet, nisi tantum sibi congrua vestimenta.<sup>34</sup>

Item de viduis.

Si autem vidua sine prole remanserit et se innuptam in sua viduitate permanere promiserit, volumus, ut potestatem habeat omnium bonorum suorum et quidquid velit inde facere, faciat. Post obitum autem eius eadem bona ad suos redeant parentis mariti, si parentes habet, sin autem, rex sit heres.

XXVII. De raptu puellarum.

Si quis militum in pudicia fedatus, puellam aliquam sine concessione parentum sibi in uxorem rapuerit, decrevimus puellam reddi, etiamsi ab illo aliqua vis sibi illata sit, et raptor X solvat iuencos pro raptu, licet postea reconcilietur parentibus puelle. Si vero pauper quis hoc vulgaris agere agreditur, componat raptum V iuencis.<sup>35</sup>

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<sup>31</sup> 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<sup>32</sup> 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<sup>33</sup> 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.<sup>34</sup>

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.<sup>35</sup>

## XXVIII. De fornicatoribus cum ancillis alterius.

Ut liberi suam custodiant libertatem incontaminatam, volumus, illis ponere cautionem. Quisquis transgrediens fornicatur cum ancilla alterius, sciat se reum criminis et pro eodem crimine inprimis decoriari. Si vero secundo cum eadem fornicatus fuerit, iterum decorietur ac depiletur. Si autem tertio, sit servus pariter cum ancilla, aut redimet se. Si autem ancilla conceperit de eo, et perare non potuerit, sed in partu moritur, componat eandem cum altera ancilla.

## De servorum fornicatione.

Servus quoque alterius, si cum ancilla alterius fornicatur, decoretur ac depiletur. Et si ancilla de eo conceperit et in partu moritur, servus venundetur ac dimidia pars pretii senior ancille detur, altera pars vero seniori servi remaneat.

## XXIX. De his, qui petunt sibi ancillas alienas in uxores.

Ut nemo eorum, qui libero censentur nomine, cuiquam quid iniurie facere audeat, terrorem et cautionem inposuimus, quia in hoc regali concilio decretum est, ut si quis liber connubium ancille alterius sciente domina ancille elegerit, perdita libertatis sue industria, perpetuus efficiatur servus.

## XXX. De his, qui extra regnum suas fugiunt uxores.

Ut gens utriusque sexus certa lege et absque iniuriis maneat et vigeat, in hoc regale decretum statutum est, ut si quis protervitate peditus propter abhominatorem uxoris patriam effugerit, uxor cuncta, que in potestate mariti habebantur, possideat, dum velit expectare virum, et nemo in aliud coniugium cogere presumat. Et si sponte nubere velit, liceat sumptis congruis sibi vestimentis et dimissis ceteris bonis ad connubium ire. Et si vir hoc audito redierit, ne liceat sibi aliam ducere preter suam, nisi cum licentia episcopi.

## XXXI. De furto mulierum.

Cum igitur cunctis horrendum et omnibus abhominabile sit virilem sexum repertum furtum fecisse, et magis magisque sexum femineum, secundum regalem senatum decretum est, ut si aliqua mulier maritata furtum commiserit, a marito redimetur, et si secundo eandem culpam inciderit, similiter redimetur, si vero tertio, venundetur.

## XXXII. De incendiis mansionum.

Si quis per inimicitias alterius edificia igne cremaverit, decrevimus ut et edificia restituat, et quidquid suppellectilis arsum fuerit, et insuper XVI iuvenços, qui valent XL solidos.<sup>36</sup>

## XXXIII. De strigis.

Si qua striga inventa fuerit, secundum iudicalem legem ducatur ad ecclesiam et commendetur sacerdoti ad ieiunandum fidemque docendam. Post ieiunium vero domum redeat. Si secundo in eodem crimine invenietur,

## 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*.<sup>36</sup>

## 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

simili ieiunio subiciatur, post ieieunium vero in modum crucis in pectore et in fronte atque inter scapulas incensa clave ecclesiastica<sup>37</sup> domum redeat. Si vero tertio, iudicibus<sup>38</sup> tradatur.

#### XXXIV. De maleficis.

Ut creatura dei ab omni lesione malignorum remota et a nullo detrimentum sui passura maneat, nisi a deo, a quo et augmentatur, secundum decretum senatus statuimus magni cautionem terroris veneficis ac maleficis, ut nulla persona maleficio aut veneficio quemquam hominem subvertere a statu mentis aut interficere audeat. Ast si quis vel que posthac hoc presumpserit, tradatur in manus maleficio lesi, aut in manus parentum eius secundum velle eorum diiudicandum. Si vero sortilegio utentes inveniuntur, ut faciunt in cinere, aut his similibus, ab episcopis flagellis emendentur.

#### XXXV. De invasione domorum.

Volumus, ut firma pax et unanimitas sit inter maiores et minores<sup>39</sup> secundum apostolum: omnes unanimes estote et cetera,<sup>40</sup> nec aliquis alium invadere audeat. Nam si quis comitum post diffinitionem huius communis concilii tam contumax extiterit, ut alium domi querat ad perdendum eum atque sua dissipare, si dominus domi est et secum pugnaverit vel interfecerit, luat secundum legem de evagatione gladii confectam.<sup>41</sup> Si autem comes ibidem occubuerit, sine compositone iaceat. Si vero ille non supervenerit, sed suos milites miserit, centum iuvcis componat invasionem. Si vero miles quis curtim vel domum alterius militis invaserit, X iuvcis componat invasionem. Si vulgaris quidem alterius sui similis mansiunculas invaserit, V iuvcis solvat incursionem.

Explicit liber primus.

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.<sup>37</sup> If she is discovered on a third occasion, she shall be handed over to the judge.<sup>38</sup>

#### 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<sup>39</sup> according to the Apostle: Be ye all of one accord, etc.,<sup>40</sup> 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.<sup>41</sup> 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.

End of the first book.



**DECRETA S. STEPHANI REGIS**  
**(1000–1038)**  
[LIBER SECUNDUS]

*Vide praefatiunculam et notas infra paginas 81–82.*

**I. De regali dote ad ecclesiam.**

Decem ville<sup>1</sup> ecclesiam edificent, quam duobus mansis totidemque mancipiis dotent,<sup>2</sup> equo et iumento, sex bubus et duabus vaccis, XXX minutis bestiis. Vestimenta vero et cooperatoria rex provideat, presbiterum et libros episcopi.

**II. De successoribus regalium beneficiorum.**

Consensimus igitur petitioni totius senatus, ut unusquisque propriorum<sup>3</sup> simul et donorum regis dominetur, dum vivit, excepto, quod ad episcopatum pertinet et comitatum,<sup>4</sup> ac post eius vitam filii simili dominio succedant. Nec pro ullius causa reatus detrimentum bonorum suorum patiatur quis, nisi consiliatus mortem regis aut traditionem regni fuerit, vel in aliam fugerit provinciam. Tunc vero bona illius in regiam veniant potestatem. Ast si quis in consilio regie mortis aut traditionis regni legaliter inventus fuerit, ipse vero capitali subiaceat sententiae, bona vero illius filiis innocentibus inremota sint remanentibus salvis.

**III. De servis et servorum occisoribus.**

Si alicuius servus servum alterius occiderit, senior homicide medietatem servi componat seniori interfecti, si potest, sin autem peracta una quadragesima venundetur servus et pretium dividatur.<sup>5</sup>

**IV. De liberatione eiusdem.<sup>6</sup>**

Servum liberari homicidam, si seniori placuerit, cum centum et X iuencis aut redimat, aut tradat.

**V. De libertate servorum.**

Si quis alienis servis libertatem acquirere nititur, quot servi erint, totidem mancipia solvat, ex quibus due partes regi, tertia seniori servorum. Rex autem ex sua parte tertiam tribuat comiti.

**VI. De furto servorum.<sup>7</sup>**

Si quis servorum semel furtum commiserit, reddat furtum, et componat nasum V iuencis, si potest, sin autem abscidatur. Si absciso naso iterum commiserit furtum, componat aures V iuencis, si potest, sin autem abscindantur. Si idem tertio furtum commiserit, careat vita.

**VII. De furto liberorum.**

Si quis liberorum furtum commiserit, hac lege componere decrevimus. Si

**THE LAWS OF KING STEPHEN I**  
**(1000–1038)**  
[BOOK TWO]

*For prefatory and explanatory notes, see below, pages 81–82.*

**1. The royal contribution to a church.**

Ten villages<sup>1</sup> shall build a church and endow it with two manses and the same number of bondmen,<sup>2</sup> 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<sup>3</sup> and over grants of the king, except for that which belongs to a bishopric or a county,<sup>4</sup> 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.<sup>5</sup>

**4. The liberation of the same [slaves].<sup>6</sup>**

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.<sup>7</sup>**

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

semel, redimat se, si potest, sin autem venundetur. Si autem idem venundatus furtum commiserit, legibus servorum subiaceat.<sup>8</sup>

Item de eodem.

Si secundo,<sup>9</sup> simili legi subiaceat, si vero tertio, dispendio vite diiudicetur.

VIII. De compositione regis.

Si quis comitum partem regis defraudaverit, reddat fraudem et duplo componat.

IX. De iniusta appellatione.

Si quis militum iudicium a suo comite recte iudicatum spernens, regem appellaverit, cupiens comitem suum reddere iniustum, sit debitor decem pensarum auri suo comiti.<sup>10</sup>

X. De violentia comitis.

Si quis comitum inventa aliqua occasione quid iniuste militi abstulerit, reddat, et insuper ex proprio tantum.

XI. De solutione mendacii.

Si quis autem militum, suum spontaneum donum dicens sibi vi ablatum, mendax extiterit, ex hoc careat et insuper tantumdem solvat.

XII. De iudicio gladii.

Si quis gladio hominem occiderit, eadem gladio iuguletur.<sup>11</sup>

XIII. De debilitatione membrorum.

Si quis autem gladio evaginato alium quemlibet debilitaverit, vel in oculo, vel in pede, vel in manu, consimile dampnum sui corporis patiat.

XIV. De adulatoribus.

Si quis falsum testimonium vel adulationis sermonem contra aliquos protulerit, tacereque eos deprecatus fuerit, ut astutia diaboli ad invicem eos separet, solvat duas compositiones fallacis lingue pro reatu mendacii. Si uni soli adulatus fuerit, privetur lingua.<sup>12</sup>

XV. Ne furis testimonium recipiatur.

Si quis illorum, qui vulgo *udvornich*<sup>13</sup> vocantur, furtum commiserit, lege<sup>14</sup> liberorum diiudicetur, testimonium autem eorum inter liberos non recipiatur.<sup>15</sup>

[XVI.] De gladii vulneratione.

Si quis vero gladio vulneraverit aliquem et vulneratus de eodem vulnere sanus et incolumis evaserit, homicidii compositionem vulneris illator componat.

[XVII.] De gladii evaginatione sine vulnere.

Si quis furore repletus evaginaverit gladium et tamen non leserit, pro sola evaginatione mediam homicidii compositionem absolvat.

[XVIII.] De testimonio servorum<sup>16</sup> regali curie vel civitati<sup>17</sup> prepositorum.

Si quis servorum curti regali aut civitati preficitur, testimonium eius

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.<sup>8</sup>

On the same.

If he<sup>9</sup> 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*.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

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

If any of those people who are popularly called *udvarnok*<sup>14</sup> commits a theft, he shall be judged according to the law of freemen,<sup>14</sup> but his testimony shall not be accepted among freemen.<sup>15</sup>

[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<sup>16</sup> put in charge of a royal residence or castle.<sup>17</sup>

If a bondman is appointed to administer a royal residence or castle, his

inter comites recipiatur. Item si servus seniore, si miles suum comitem interfecerit.<sup>18</sup>

[XIX.] De conspiratione regis et regni.

Si quis in regem aut in regnum conspiraverit, refugium nullum habeat ad ecclesiam.<sup>19</sup> Et si quis contra regis salutem aut dignitatem quolibet modo aliquid conspiraverit aut conspirare aliquid temptaverit, seu temptanti sciens consenserit, anatematizetur et omnium fidelium communione privetur. Et si quis huiusmodi aliquem noverit et probare valens non edicaverit, predictae subiaceat dampnationi.

[XX.] De decimatione.<sup>20</sup>

Si cui deus decem dederit in anno, decimam deo det. Et si quis decimam suam abscondit, novem solvat.<sup>21</sup> Et si quis decimationem episcopo separatam furatus fuerit, diiudicetur ut fur ac huiusmodi compositio tota pertineat ad episcopum.

[XXI.] De versutia comitum.

Si quis versutiis alicui comitum vel alteri persone fideli dixerit: audi vi regem ad perditionem tui loqui et hic inventus fuerit, pereat.

testimony shall be accepted among the *ispánok*. Similarly, if a bondman kills his master, or a warrior his *ispán*.<sup>18</sup>

[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.<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup> 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.