

THE INFLUENCE OF ETHNIC CUSTOMARY LAW ON THE LEGISLATION OF STEPHEN I: AN ETHNO-LEGAL ANALYSIS AND THE ROLE OF THE KING

VPLYV ETNICKÉHO OBYČAJOVÉHO PRÁVA NA ZÁKONODARSTVO ŠTEFANA I: ETNICKO-PRÁVNÁ ANALÝZA A ÚLOHA KRÁĽA

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ABSTRACT

This article examines the legal influence of ethnic legal traditions on the development of Hungarian law during the reign of King Stephen I. The extent of this influence is explored through an analysis of the social and political context, enabling a logical tracing of the cultural impact on Stephen I's legislation. Particular attention is paid to the Nitra Slavs; the author concurs with Jan Steinhübbel's view regarding the greater continuity of traditions that occurred under the Hungarian monarchy. To ensure a comprehensive understanding, the author analyses the influence and determines the role of Magyar legal traditions and the conditions under which they could spread and take root, drawing attention to the possibility of gradual assimilation and blending of legal traditions. The role of Roman law, which spread with Stephen I's adoption of Christianity, is examined. The Frankish influence is mentioned separately. The author concludes that Stephen I's legislation was an integral element of his open policy. The research demonstrates that both the king and the highest Hungarian nobility effectively and justifiably integrated Slavic administrative traditions and Western European legal standards into the framework of evolving Hungarian law.

ABSTRAKT

Tento článok skúma právny vplyv etnických právnych tradícií na vývoj uhorského práva počas vlády kráľa Štefana I. Rozsah tohto vplyvu je skúmaný prostredníctvom analýzy sociálneho a politického kontextu, ktorá umožňuje logické sledovanie kultúrneho dopadu na legislatívu Štefana I. Osobitná pozornosť je venovaná nitrianskym Slovanom; autor súhlasí s názorom Jana Steinhübbela na väčšiu kontinuitu tradícií, ku ktorým došlo za uhorskej monarchie. Pre zabezpečenie komplexného pochopenia autor analyzuje vplyv a určuje úlohu maďarských právnych tradícií a podmienky, za ktorých sa mohli šíriť a zakoreniť, pričom upriamuje pozornosť na možnosť postupnej asimilácie a prelínania právnych tradícií. Skúma sa úloha rímskeho práva, ktoré sa rozšírilo s prijatím kresťanstva Štefanom I. Samostatne je spomenutý franský vplyv. Autor dospel k záveru, že legislatíva Štefana I. bola neoddeliteľnou súčasťou jeho otvorenej politiky. Výskum ukazuje, že kráľ aj najvyššia uhorská šľachta efektívne a opodstatnene integrovali slovanské administratívne tradície a západoeurópske právne štandardy do rámca formujúceho sa uhorského práva.

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I. INTRODUCTION

Numerous scholarly sources are now available on the study of law during the reign of the first Hungarian king, Stephen I (c. 975–1038). Despite the diversity of approaches, a retrospective analysis of legal systems must be carried out systematically, taking into account not only individual factors but also all the significant foundations that formed the system. This approach is particularly relevant for the history of law, but it is important to adhere to a strict criterion: social, political, and cultural factors must be considered from a legal perspective.

Modern scholarship, notably represented by Pál Engel², Martyn Rady, and Nora Berend³, has moved away from viewing the legislation of Stephen I as a mere imitation of Western codes. Instead, they focus on its role as a pragmatic adaptation of Christian law to the specific social realities of the Carpathian Basin. In his fundamental work *King Stephen and His Work*, György Györffy argues that the administrative foundations of the kingdom were built upon a synthesis of existing social structures and new royal authority, effectively integrating local traditions into a centralized state framework. Scholars such as Attila Zsoldos and Gábor Thoroczkay acknowledge that while key administrative terminology - like *ispán* (derived from the Slavic *župan*) or *megye* (from *meja*)—has Slavic roots, the actual functions of these institutions were royal innovations. These were primarily modeled after Carolingian and Bavarian patterns to ensure effective governance. Furthermore, the research of László Veszprémy confirms that the formal legal content of Stephen's decrees was heavily rooted in Western canon law and Frankish capitularies. This indicates that while the “human substrate” and certain local titles remained, the legislative goal was the deliberate integration of the kingdom into the Latin Christian world through established European legal standards.

Since the *de jure* formation of the Hungarian Kingdom in 1001, the peoples inhabiting Pannonia were at the center of a developing Europe. By this time, the Magyar migration was gradually fading, and the necessary goal became the harmonious cultural and legal assimilation of Hungarian ethnicities into the established Slavic culture, with which the settlers had to cooperate closely. The indigenous population—Slavs (Nitra Slavs (Slovaks), Posava Slavs (Slovenes, Croats), Rusyns, and others)⁴—did not have to oppose the systematic settlement of Slavic lands, as the mutual benefit obtained by the parties formed a different ideological profile for the settlers^{5, 6}.

When comprehending historical and legal material, particularly inductive legal studies, it is important to consider each element. Even after in-depth research, it is impossible to say with certainty that the structure or elements of law are one way and not another. In science, as in life, everything is relative, and this “relativity” is especially important to consider in retrospective studies. I note that this study does not go beyond the traditional assumptions that 11th-century Hungarian law was culturally homogeneous or that King Stephen I's role in shaping Hungarian

² ENGEL, P. *The Realm of St. Stephen: A History of Medieval Hungary, 895–1526*. Translated by Tamás Pálosfalvi. London ; New York : I.B. Tauris, 2001, s. 30–36.

³ BEREND, N. – URBANČZYK, P. – WISZEWSKI, P. *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland, c. 900 – c. 1300*. Cambridge : Cambridge University Press, 2013, s. 147–153.

⁴ Thus, the legal status of the Slavic population was defined by their specific economic and administrative roles within the kingdom. While most Slavic groups provided the essential agricultural and artisan backbone of the state, others, such as the Rusyns, were specifically valued for their military and border-guarding contributions. This functional diversity allowed their various customary practices to be integrated into the early Hungarian state framework as recognized legal categories. GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994, s. 102–109. ISBN 0-88033-300-6.

⁵ Furthermore, from a political standpoint, the Slavic peoples did not have the opportunity to oppose the Hungarians, as they themselves suffered from German and Italian conquests.

⁶ ISLAMOV, T. M. – PUSHKASH, A. I. – SHUSHARIN, V. P. *A Brief History of Hungary*. Moscow : Nauka, 1991, s. 15–17.

law is unambiguous. In our opinion, these facts require not only ongoing research revision but also a methodological modernization, consisting of a more theoretically oriented approach. It can be said that this work is based on the opinions and theoretical positions of such renowned and distinguished scholars as János M. Bak, Harold J. Berman, György Bónis, Gábor Hamza, Alphons Lhotsky, and Percy Ernst Schramm.

The methodology of this study relies on general scientific and logical methods, enabling the formulation of key theoretical propositions. Induction serves as the primary structural tool, guiding the transition from specific legal facts to broader conclusions, while deduction is applied to analyze individual legal issues. A critical methodological component is the systematic analysis of historical sources and academic literature, which provides the empirical foundation of the research. Additionally, the comparative-legal method and analogy are employed to identify the distinctive features of the social, political, and legal phenomena examined in this article, specifically regarding the Hungarian and Slavic (Nitra Slavs) ethnic development in the 11th century.

The purpose of this article is to identify the socio-legal institutions of those ethnic groups that formed the basis for the formation of the law of Stephen I, and to demonstrate that the layer of Slavic cultural legal traditions (in particular, Slovak) was one of the foundations for the development of Hungarian statehood.

II. POLITICAL AND SOCIAL CONDITIONS IN THE FORMATION OF HUNGARIAN LEGISLATION

The coronation of Stephen I marked the starting point in the formation of the socioeconomic structure of the Kingdom of Hungary. By implementing a policy of centralization aimed at fiscal stability, strengthening the borders, and integration into the European economic system, the monarch laid the foundation for feudal relations. The establishment of counties became a key instrument for strengthening royal authority. Although this administrative-territorial division lacked a comprehensive legal framework at the time, its legal contours are clearly evident in Stephen I's decrees. A decisive factor in the political stability of the system was the principle of appointing *ispáns* (counts)⁷ solely by the monarch's will, rather than by patrimonial law. This measure minimized the risk of regional opposition and prevented internecine conflicts.

It is particularly important that King Stephen I took the state's geography into account and leveraged it into his policy. The Kingdom of Hungary was located in Pannonia and, moreover, was so surrounded by other nations that the connection between Central Europe and the Balkans, and onward to Anatolia and even Jerusalem⁸, passed through its territory⁹. Therefore, special

⁷ It is traditionally claimed that the administrative divisions that emerged in Hungary in the 11th century were adopted from the Franks and inherited from the Great Moravian tradition. This is convincing, but at the same time superficial, since traditional administrative divisions in the 11th century were not complex and did not require special organization – the elevation of urban and fortified settlements to the status of county capitals fulfilled the natural functions of tax collection, defense, and ecclesiastical division. For example, György Györffy and Gyula Kristó, among other authors, have argued that the *ispánate* system was, in one way or another, an adaptation of European experience. GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994, s. 102–109; KRISTÓ, G. *Hungarian History in the Ninth Century*. Szeged : Szegedi Középkorász Műhely, 1996, s. 172–201.

⁸ King Stephen I strategically leveraged Hungary's geography by establishing the safety and infrastructure necessary to reopen the pilgrimage route to Jerusalem in 1018. ADAMUS BREMENSIS. *Gesta Hammaburgensis ecclesiae pontificum*. Edited by Bernhard Schmeidler. Hannover : Hahnsche Buchhandlung, 1917, Lib. II, Cap. 54.

⁹ „...everyone from Italy and the Gauls who wished to go to the Holy Sepulchre at that time avoided the accustomed route by sea and travelled through the country of King Stephen...“. GLABER, R. *The Five Books of the Histories*. Edited and translated by

attention was paid not only to formal trade relations with states, but also to merchants, knights, and clergy—hospites who wished to exploit the newly formed Hungarian market and become part of the new nobility. This is an important factor that should be taken into account in the future, as 'hospites' contributed to the economic dynamism by introducing new goods, exchanging or selling them, etc.

As Bryan Cartledge has pointed out, the fledgling Hungarian Kingdom, similar to the Frankish Kingdom, was a “melting pot” of diverse nationalities.¹⁰ It can be argued that in the 11th century, the Hungarian ethnic dominance had not yet emerged, and the Kingdom itself represented a wide range of ethnic groups, among which the Slavs, particularly Nitra Slavs, were prominent. The development of Hungarian and future Slovak statehood was influenced not only by Hungarians and Slavs themselves, but also by “hospites” ethnic groups—Germans, Latins, Pechenegs, Jews, and others¹¹. Today, one can only admire how Stephen I, striving to satisfy military, political, and social needs, maintained a balance in national policy, which for many others proved to be a weakness.

III. THE INFLUENCE OF SLOVAK LEGAL TRADITIONS

The Slovaks¹², concentrated in the northern territories of the newly formed Hungarian Kingdom, represented a demographic and cultural segment that could not be ignored. Prior to the centralization of Hungarian authority, these Slavic groups fell under the jurisdiction of various regional powers, most notably Great Moravia and subsequently the Duchy of Bohemia. Despite these political shifts, the Slovak people maintained their identity, avoiding total assimilation. However, they lacked an independent socio-political organization of their own at that stage. It was only with the consolidation of the Magyar state that the Slavic populations of Pannonia gained the opportunity for centralized development within a powerful medieval kingdom—a political entity that remained unrivaled until the 16th-century Habsburg control in the Slavo-Hungarian regions.

Identifying specific Slavic cultural markers in Stephen I's law is difficult, as the Slavs did not constitute a single, unified people whose laws and traditions could be incorporated in a single law. Instead, they represented diverse communities distinguished by their cultural customs and traditions, particularly legal ones.¹³ This is reminiscent of the post-Carolingian French kingdom, where regulations varied from province to province. This is confirmed, for example, by the fact

John France. *The Life of St William*. Edited by Neithard Bulst and translated by John France and Paul Reynolds. Oxford : Clarendon Press, 1989, s. 96–97.

¹⁰ CARTLEDGE, B. *The Will to Survive: A History of Hungary*. London : C. Hurst & Co., 2011, s. 18–24.

¹¹ The 'Hospites' were welcomed by the Hungarian nobility and were granted land holdings, sometimes of strategic importance; however, their influence on the law was unique: they arrived with 'their own' law, which was traditionally confirmed by royal decree, and were able to live under a mixed legal system – personal 'ancestral' law combined with legal privileges granted by the king or his vassals. To this day, there are settlements in Hungary where the influence of the 'hospites' remains evident. PÉTER, L. *The Holy Crown of Hungary, Visible and Invisible*. In: LOJKÓ, M. (ed.). *Hungary's Long Nineteenth Century: Constitutional and Democratic Traditions in a European Perspective*. Leiden : Brill, 2012, s. 19–25. ISBN 978-90-04-22212-0. DOI: https://doi.org/10.1163/9789004224216_003.

¹² The use of the term “Slovaks” in this study is retrospective and is used to refer to the Slavic ethnic community of the northern counties of the Kingdom of Hungary. Although sources from the reign of Stephen I refer to these groups under the general exonym “Sclavi,” their territorial location within the borders of the former Principality of Nitra and the specificity of their socio-legal structure allow them to be viewed as the foundation upon which the formation of the Slovak people and their integration into the legal system of the early Hungarian state took place. STEINHÜBEL, J. *The Nitrian Principality: The Beginnings of Medieval Slovakia*. Leiden : Brill, 2021, s. 487–504. ISBN 978-90-04-43782-1. DOI: <https://doi.org/10.1163/9789004438637>.

¹³ BEREND, N. – LASZLOVSKY, J. – SZAKÁCS, B. Z. *The Kingdom of Hungary*. In: BEREND, Nora (ed.). *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*. Cambridge : Cambridge University Press, 2007, s. 331–333. ISBN 978-0-521-87616-2. DOI: 10.1017/CBO9780511496400.009.

that no single approach to understanding the role of various Slavic communities in the Kingdom of Hungary under Stephen I has yet come to dominate academic discourse. An analysis of contemporary researchers, such as Ján Steinhübel and Miroslav Lysý¹⁴, leads to the conclusion that it is not possible to assert a direct influence of the Slovaks specifically among all Slavs, since the county system was based on the traditional division of lands that had existed as far back as Great Moravia. This indicates that, firstly, the system of vármegye (comitatus)¹⁵ introduced by the Hungarians influenced the ethnic concentration of the population¹⁶; it can be argued that the formation of the county system (vármegye) was influenced by existing socio-economic and settlement patterns. Consequently, the territorial continuity of the Nitra region likely played a significant role in the cultural and ethnic consolidation of the Slovak group¹⁷. Secondly, this emphasises that Slavic law was not universal. Under Stephen I, the territorial demarcation of the Slavs was maintained and, despite their immediate proximity, their interaction was formalised - this indicates the original existence of cultural and, in particular, legal differences among the Hungarian Slavs¹⁸.

Particular attention should be paid to territorial factors, since, as in the Frankish states, the law underwent a natural transformation under the influence of the growing political role of the territories. This was a necessary process of transition from the personal principle of law to the territorial one. Being aware of the way of life in the northern Slavic lands¹⁹, Stephen I regarded the Slavic population as an important social stratum, since it was the settled Slavs who formed the basis of the tax base and the early state economy. Recognising the significance of these structures, Stephen I adapted the Slavic system of župans into a new administrative network of vármegye (comitatus). This decision not only ensured the stability of governance but also laid the foundations for the integration of various ethnic groups into the kingdom's unified political system.

Although we are unable to directly identify specific references to or influence of Slavic groups on Stephen I's legislation, and their existence is not reflected therein, the laws of the *Decretum Sancti Stephani Regis*²⁰ are formulated in a highly transethnic manner, confirming the territorial nature of law. It can be argued that the territorial principle of law can only develop in a context where the population of a state represents a diverse collection of peoples and tribes. In this case, Stephen I, as well as the emerging Hungarian nobility, represented by the Ishpáns, consciously created the territoriality of law. Moreover, *Legenda Maior Sancti Stephani* praises his kindness and benevolence toward the poor and his acceptance of people of different

¹⁴ LYSÝ, M. *Moravia, Mojmirovci a Franská ríša. Štúdie k etnogenéze, politickým inštitúciám a ústavnému zriadeniu na území Slovenska vo včasnóm stredoveku*. Bratislava : Atticum, 2014, s. 124–153. ISBN 978-80-971381-4-1.

¹⁵ Researchers also note the continuity of the system of counties that was formed under Stephen I, since such a system was borrowed from the Frankish Kingdom and Germany.

¹⁶ ENGEL, P. *The Realm of St. Stephen: A History of Medieval Hungary, 895–1526*. Translated by T. Pálosfalvi. London ; New York : I.B. Tauris, 2001, s. 70–72.

¹⁷ STEINHÜBEL, J. *The Nitrian Principality: The Beginnings of Medieval Slovakia*. Leiden : Brill, 2021, s. 441–445. ISBN 978-90-04-43782-1. DOI: <https://doi.org/10.1163/97890004438637>; KUČERA, M. *Slovensko po páde Veľkej Moravy: štúdie o hospodárskom a sociálnom vývine v 9.–13. storočí*. Bratislava : Veda, 1974, s. 112–118.

¹⁸ The author argues for the initial disunity of the Slavic groups in the territory of Pannonia, emphasizing the absence of ethnocultural ties between them and their development in the form of isolated settlements with deep dialectal differences. KRISTÓ, G. *Die Arpadendynastie: Die Geschichte Ungarns von 895 bis 1301*. Budapest : Corvina, 1993, s. 12–25. ISBN 963-13-3857-6.

¹⁹ THIETMARUS MERSEBURGENSIS. *Chronicon*. Liber IV, Cap. 59. Edit Robert Holtzmann. Monumenta Germaniae Historica. Scriptores rerum Germanicarum, Nova series, Tomus IX. Berlin : Weidmannsche Buchhandlung, 1935, s. 197.

²⁰ *Decretum Sancti Stephani Regis*. In: MÁRKUS, D. (ed.). *Corpus Juris Hungarici. Magyar Törvénytár: 1000–1526. évi törvényczikkek*. Budapest : Franklin-Társulat, 1899, 853 s.

languages and customs²¹. Even in the established counties, Slavic legal traditions did not disappear; on the contrary, they continued to be transmitted and applied, regulating general socio-economic relations. The role of customary Slavic law, including that of the Nitra Slavs, not only did not disappear but was consistently upheld over the centuries. It has survived to the present day in the form of Slovak cultural traditions and customs, thanks to the territorial principle of law established in the Kingdom of Hungary as early as the reign of Stephen I²².

IV. THE SPREAD OF MAGYAR LEGAL TRADITIONS

1. Political and legal conditions of interaction between the Magyars and the Slavs

Towards the end of the 9th century, the Magyars undertook their main crossing of the Carpathians: led by Árpád (the founder of the Árpád dynasty)²³, they settled in what had once been Moravian lands and consolidated their presence. This migration took place in Pannonia, a region already inhabited by Slavs but lacking strong monarchical authority. The Magyars consolidated their positions through military means, and by the mid-10th century the borders of the future Kingdom of Hungary had been established, with the Slavic communities remaining under Magyar control. Despite an initially aggressive policy towards them, after the Magyar tribes settled in the second half of the 10th century, socio-political and cultural contacts gradually began to develop. It is possible that during this period the Hungarian nobility recognised the advantages of ethnic pluralism.

As they migrated, the Magyars brought with them a harsh nomadic way of life and corresponding cultural and religious customs, which seemed alien to the indigenous Slavs, who had interacted with the Germans, Italians and other Christian peoples. It may be assumed that a social balance in relations between the Magyars and the Pannonian Slavs was achieved thanks to the initiative of the dominant Hungarians, who, recognising the Slavic people's considerable military and economic potential, created special cultural and legal conditions for their gradual integration into the emerging Hungarian state.

One cannot fail to notice the Slavic influence on the Magyars, which was manifested, above all, in the transmission of economic, geographical and general cultural knowledge about the Slavic lands and their traditions.²⁴ Traditionally, researchers have emphasised the coexistence of various Slavic communities with the Hungarians, and this cannot be doubted, as historical sources point to a Slavic integration into Hungarian society that, whilst perhaps inevitable, was nevertheless achieved by mutual agreement²⁵. Christianity played a significant role in establishing social interaction and legal regulation, as marital and family relations and general norms of behaviour were based on its legal dogmas. At the end of the 9th century, the Magyars arrived in Christian Pannonia as non-Christians, but by the end of the 10th century Prince Geza had been baptised, thereby initiating the Christianisation and ideological Europeanisation of the Hungarian people.

²¹ *Legenda Maior Sancti Stephani regis*. In: BARTONIEK, E. (ed.). *Scriptores Rerum Hungaricarum tempore ducum regumque stirpis Arpadianae gestarum*. Vol. II. Budapestini : Academia Litterarum Hungarica, 1938, s. 380–381.

²² DVORNIK, F. *The Slavs in European History and Civilization*. New Brunswick : Rutgers University Press, 1962, s. 145–146. ISBN 0-8135-0799-5.

²³ BRITANNICA EDITORS. Árpád dynasty. In: *Encyclopedia Britannica* [online]. 2014-12-10 [cit. 2026-03-22]. Dostupné online: <https://www.britannica.com>.

²⁴ On the first contacts and coexistence, see: ANONYMUS. *Gesta Hungarorum: Skutky Maďarov*. Preklad a zostavil Vincent MÚCSKA. Budmerice : Vydavateľstvo Rak, 2000, cap. 24, s. 57–59. ISBN 80-85501-17-1.

²⁵ KONTLER, L. *A History of Hungary: Millennium in Central Europe*. New York : Palgrave Macmillan, 2002, s. 42–44.

2. Legal result of interethnic interaction

For the Magyars, the 'Honfoglalás' implies not only political and military dominance in the region and control over key economic resources, but also the establishment of a cultural presence there. Even when discussing Magyar law, one cannot fail to mention the changes that occurred under the influence of the development of their statehood. Nomadic law was oral, and since the bearers of such a legal culture were always engaged in long-distance migrations, the law could not be tied to a specific land or be written down; consequently, it was oral in nature.²⁶ It was only with the coronation of Stephen I that the opportunity arose not only to formulate their own written law, but also, as was characteristic of Stephen I's policy²⁷, to adopt Western European legal experience, the source of which were the 'hospites' of Hungary.

Thus, in these same *Decretum Sancti Stephani Regis*, one can find Latin equivalents of Slavic concepts adopted by the Hungarians. For example, the term 'comes' (count) served as the official Latin designation for the Slavic socio-political institution of the 'župan' (ispán). In the legislation of Stephen I, this title denotes not a Western European feudal lord, but the head of a territorial district, whose administrative functions were entirely borrowed from the Pannonian Slavs. Similarly, the Latin term 'christianus' (Christian) in the legal framework of the Decrees became the equivalent of the Slavic 'khrestian' (keresztény), reflecting the specific nature of early Hungarian Christianisation. In the legislative acts of Stephen I, this term acquired a clear legal dimension: the status of 'Christian' imposed specific legal obligations on the subject, such as the payment of the church tithe, compulsory church attendance and a ban on working on Sundays. Through the Latin form christianus, the Slavic model of a believer's social responsibility entered Hungarian law, whereby violations of religious norms were punished not only by ecclesiastical but also by secular sanctions imposed by the royal authority. Thus, the legal category of 'Christian' in the Decrees served as a tool for integrating the nomadic Magyars into a settled administrative order modelled on the Slavic pattern²⁸.

Although the Magyars encountered various Slavic communities during their migration, historical documents, in particular the *Gesta Hungarorum*²⁹, *Chronica Hunnorum et Hungarorum*³⁰, and *Rerum Ungaricarum Decades*³¹, indicate a separate presence of Vlachs who inhabited the southeastern mountainous zones (Transylvania).³²

²⁶ On the nomadic rights of the Magyars, see: BÓNIS, G. *Középkori jogunk elemei: Római jog, kánonjog, szokásjog*. Budapest : Közgazdasági és Jogi Könyvkiadó, 1972, s. 13–25.

²⁷ In our view, Tomáš Gábriš rightly notes that the creation of legislative acts, both in the Kingdom of Hungary and in the Middle Ages as a whole, was becoming a more symbolic act of the monarch themselves. In the Hungarian context, this is confirmed by the historical documents left behind as a 'testament' by Stephen I himself. It is therefore important to consider that the law of Stephen I that has come down to us is particularly characterised by a symbolic and formalistic nature rather than a practical orientation. At the very least, this aspect should be the subject of a separate study. GÁBRIŠ, T. Conflict Resolution and Punishment in Hungarian Medieval Laws and in Practice. In: *Beiträge zur Rechtsgeschichte Österreichs*, 2013, roč. 3, č. 2, s. 403. DOI: 10.1553/BRGOE2013-2s403.

²⁸ GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994, s. 97–104.

²⁹ ANONYMUS. *Gesta Hungarorum: Skutky Maďarov*. Preklad a zostavil Vincent MÚCSKA. Budmerice : Vydavateľstvo Rak, 2000, cap. 24, s. 57–59. ISBN 80-85501-17-1.

³⁰ So, Simon Keza writes about the "Romans" who remained in Pannonia after Attila's death and became Vlach shepherds. DE KÉZA, S. *Gesta Hungarorum / The Deeds of the Hungarians*. Edited and translated by László Veszprémy and Frank Schaer. Budapest : Central European University Press, 1999, s. 24–31. ISBN 963-9116-31-9.

³¹ BONFINI, A. *Rerum Ungaricarum decades*. Tomus II. Ediderunt Iosephus Fögel, Beda Iványi et Ladislaus Juhász. Lipsiae : Teubner, 1936, s. 12–16.

³² The establishment of the county system under Stephen I created an administrative framework which, in the long term, enabled various ethnic groups, including the Vlachs, to integrate into the structure of the kingdom. Although the formal codification of 'Vlach law' (ius valachicum) in documents dates to later centuries, the roots of this distinct legal regime lie in the early period of coexistence between pastoral communities and Hungarian rule. Within the early system of counties, local administration often

Thus, the Magyar population found itself in a complex legal situation; however, the Hungarian nobility and the political principles of Stephen I were able to lay the foundations for favourable socio-legal conditions. It should be noted separately that Stephen I's law, as set out in the *Decretum Sancti Stephani Regis*, was not based on the personalist principle, whereby the legal order was linked to personal lineage (for example, as was the case with the Franks during the Carolingian period), but was founded on the territorial principle - administration - counties and class divisions. Although such a legal system had a number of systemic and inherent problems, it nevertheless marked a significant step forward in the development of Hungarian statehood and signalled the transition from a nomadic to a sedentary, state-based structure. Of course, in the process of the Hungarians' integration, their people faced a number of classic developmental challenges, in particular the aforementioned issue of social classes - it was necessary to organise society and create the legal, social and economic conditions that would enable the formation of the state's social framework, namely:

*Oratores*³³ - the Árpáds adopted Christianity, realising that integration into Europe was impossible without it;

Bellatores - Stephen I invited representatives of various distinguished and renowned European houses to his court - from Germany, France, Italy, etc.;

Laboratores - Stefan and his predecessors—either conquered territories or peacefully integrated Hungarian tribes into regions dominated by a Slavic population, resulting in an inter-ethnic alliance that endured for many centuries.

The establishment of political ties between the invading Magyars and the indigenous peoples was marked, above all, by the integration of the local nobility into the overall system of royal administration, in particular into the developing system of counties.³⁴ From the time of the Hungarian conquests and raids of the 10th century, the highest Slavic nobility had either been destroyed or had voluntarily submitted to Hungarian rule; however, the administration of the Slavs took place through the cooperation of Hungarian representatives and the middle Slavic nobility, which may have included representatives of the highest nobility who had been demoted by the Hungarians. The incorporation of the Slavic peoples into the Hungarian Kingdom could not take place without the destruction of the Slavic administrative structure, and the role of Slavic legal traditions also underwent a visible decline; nevertheless, they remained the primary regulator of daily life, the economy, and local Slavic administration in the counties remote from the capital. Thus, all the conditions were created for the formation of administrative and legal dualism; this manifested itself in the adoption of Slavic terminology in the spheres of land demarcation, witness testimony and grassroots communal administration, which enabled the new authorities to effectively collect taxes, administer justice, etc.

relied on traditional institutions. Elders or *kenez*, whose functions echoed Slavic communal traditions, could act as intermediaries between their groups and the royal administration (*ishpans*) to resolve fiscal and judicial matters. Such a governance structure, not aimed at immediate cultural assimilation, allowed the Vlach population to preserve their specific pastoral way of life and customary law. Under the unique conditions of the formation of Hungarian statehood under Stephen I, the foundations were laid for the coexistence of various identities within the state apparatus, which subsequently contributed to the preservation of the socio-cultural character of the Vlachs. It should be noted that the presence of the Vlachs, if it did not contribute to the formation of individual legal norms, then at least they were known about them.

³³ DUBY, G. *The Three Orders: Feudal Society Imagined*. Translated by Victor Goldhammer. Chicago : University of Chicago Press, 1980, s. 109–115. ISBN 9780226167725.

³⁴ ZSOLDOS, A. *The Árpáds and Their People: An Introduction to the History of Hungary from cca. 900 to 1301*. Budapest : Research Centre for the Humanities, 2020, s. 140–155. ISBN 978-963-416-226-1.

V. THE INFLUENCE OF ROMAN LEGAL TRADITIONS

Virtually all the peoples of Europe were subject to the influence of Roman law, but it reached some of them rather late, as was the case with Rus', for example.³⁵ With Stephen I's adoption of Christianity, a mutually beneficial partnership began between the Roman Church and Hungary; above all, Stephen became a recognised Christian monarch. Undoubtedly, the aim of the Christianisation of Hungary entailed, to a certain extent, the Latinisation of the Hungarian intelligentsia and nobility, and from the Church's perspective, adherence to the canonical norms of the Latin Church. Roman law manifested itself in this process through the adoption and copying not only of Roman ecclesiastical collections, but also, as is well known, of the capitularies of the Frankish kings; the church's normative acts contained not only rules governing church ministry but also Christian life, regulating marital and family relations and establishing dogmatic norms of morality and Christian ethics. Thus, for example, it was precisely during the Christianisation carried out by Stephen I that the Hungarians began the transition from polygamy to monogamy.

As mentioned above, Roman law found its way into Hungary through collections of Roman ecclesiastical laws and the capitularies of the Frankish kings; however, it can be assumed that, following the consolidation of Christianity in Hungary, the political and social conditions were created for the dissemination of Latin literature, including Christian works. Furthermore, one cannot overlook the trade links through which Roman law could have been 'imported' into both Hungary and neighbouring states. A personal factor may also have played a role here, as Stephen I's wife was Gisela of Bavaria, who may have drawn the Hungarian king's attention not only to Christian worship according to Roman and Western European canons, but also to Frankish (Germanic) law. One might agree with a similar view expressed by Gábor Barabás, who also specifically pointed to the possibility of missionary influence exerted by both German knights and clergy, as well as by Gisela herself.³⁶ This may have been a manifestation of the law of Charlemagne's Capitularies, the provisions of which, after 843, could have been culturally and politically adapted to the conditions of the East Frankish state.

G. Hamza pointed to the reception of Roman law in a 'Franconianised' form-through the capitularies of the Frankish kings.³⁷ Indeed, textual and comparative legal analyses show that many formulations and terms, not to mention the very structure of the *Decretum Sancti Stephani Regis*, bear direct similarities to the text and structure of the capitularies of Charlemagne and Louis the Pious. Thus, Roman law migrated from the Frankish tradition into the newly formed Hungarian law. It is important to note, however, that despite the Frankish origin of these texts, their essential core remained Roman, as the Carolingian capitularies themselves were based on Roman state-legal traditions, which operated in parallel with the Frankish collections of law.

For example, one of the clearest manifestations of civilized European law at that time was private property, which emerged after Stephen formulated his law books. With their enactment, nomads were able to develop their own private property, while still being protected by Hungarian law³⁸.

Thus, speaking about Roman law in the context of the formation of the Hungarian Kingdom under Stephen I, we could not help but pay attention to the Frankish influence, since it

³⁵ SAVIGNY, F. C. *Geschichte des römischen Rechts im Mittelalter*. 2. Ausg. Bd. 1. Heidelberg : Mohr, 1834, s. 2–5.

³⁶ BARABÁS, G. The Christianization of Hungary. In: DOBOSZ, J. – STRZELCZYK, J. – MATLA, M. (eds.). *Chrystianizacja „Młodszej Europy”*. Poznań : Wydawnictwo Naukowe UAM, 2016, s. 115–116. ISBN 978-83-232-3074-8.

³⁷ HAMZA, G. Szent István törvényei és Európa. In: *Magyar Tudomány*, 2001, roč. 108, č. 8, s. 916–918.

³⁸ GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994, s. 83–85.

was thanks to Frankish legal experience that Stephen carried out the legal Europeanization of Hungary.

VI. THE ROLE OF STEPHAN I THE SAINT IN THE DEVELOPMENT OF LAW

1. The role of the king in the consolidation of legal cultures

Certainly, Stephen I's role can be considered key in the sociopolitical processes under consideration, but it is not so much the individual himself that should be analyzed, but rather the title itself—its structural position and influence. After his coronation, Stephen I received recognition from the Christian church; in fact, he could remain a leader even without a crown, as his very descent from the Árpád family ensured his authority.

From a legal perspective, the Hungarian monarch, as the eminent György Györffy emphasized, facilitated not only political unification (which, without Stephen I's legislative activity, would likely have been temporary), but above all the formation of a legal order. Through it, Slavs, Magyars, Vlachs, Germans, and other could be legally integrated into the emerging kingdom.³⁹ Certainly, the royal title lent Stephen I's will not only authority but also legitimacy, finally cemented by papal recognition.

2. Legal synthesis carried out by Stephen I

Thanks to the political and legal control that Stephen I exercised by delegating powers to the *ispáns*, an initial legal balance was achieved. However, institutional stability required the legal order to be set down in writing. The *Liber I Decretum Sancti Stephani Regis*, issued after his coronation, laid the normative foundation for legal regulation during his reign.

It is important to emphasise that the consolidation of various legal cultures would have been impossible without administrative guarantees and respect for the rights of the Slavic and other peoples inhabiting the Kingdom of Hungary. It was precisely this territorial division that allowed unique local legal systems to be preserved.

The system of counties not only enhanced the efficiency of royal administration but also contributed to the preservation of ethnic groups and their traditional way of life. Particularly telling in this context are Stephen I's 'Instructions', in which his political creed is formulated: '*Nam unius linguae, uniusque moris regnum imbecille et fragile est*' ('A kingdom of a single language and a single custom is weak and fragile')⁴⁰.

In retrospect, Stephen I's actions appear to have been exceptionally rational decisions in the context of the 11th century, confirming his outstanding role as a statesman deserving of profound historical recognition.

VII. CONCLUSION

The legal system of Hungary during the reign of Stephen I was shaped at the intersection of various traditions. Slavic customary law, deeply rooted in local life, shaped administrative terminology and the rules governing economic activity, and was preserved at the level of communal self-government. Canon law became the most important instrument of social transformation; it not only influenced but also altered the population's legal consciousness, introducing new norms governing family and marital relations.

³⁹ GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994, s. 144–158.

⁴⁰ *Admonitiones Sancti Stephani regis*. In: SZENTPÉTERY, Imre (ed.). *Scriptores Rerum Hungaricarum tempore regum stirpis Arpadianae gestarum*. Vol. 2. Budapest : Academia Litterarum Hungarica, 1938, s. 624–625.

Hungarian law was not so much developed under Stephen I as completely restructured - Stephen's decrees clearly show that legal traditions were borrowed from the capitularies of the Frankish kings. This also demonstrates the Frankish continuity of Roman law in the Kingdom of Hungary, alongside the path of canonical borrowing.

Although the systematic influence of the Vlachs and the mass settlement of hospites date to later centuries, the first signs of interaction between various ethnic groups were already evident under Stephen I. It may be summarised that the legal system of Hungary under Stephen I did not constitute a chaotic application of customary law or a complex stratification of statutes, but rather the purposeful formation of an administrative structure aimed at establishing a legal balance. This is a significant achievement of Stephen I, which should be taken into account in historical and legal research.

Based on the results of this analysis, contemporary historical and legal scholarship, when addressing the emergence of Hungarian law and the formation of ethnic cultural and legal traditions, should not merely consider the uniqueness of the processes that took place in multiethnic Hungary—combining the two strands of Stephen I's statecraft, namely the utilisation of pan-European legal experience (Roman and Frankish) and the 'elevation' of nomadic Hungarian traditions to the royal level—but must also pay particular attention to the ethnic characteristics of early medieval Hungary, which, as we have established, carried greater significance than is generally acknowledged. A further issue in this debate is the identification of, and answer to, a fundamental question: at which level—ranging from everyday lifestyle to royal governance—did the unique legal traditions of ethnic groups in Hungary take shape? Given the sheer kaleidoscope of peoples in Hungary during that period, it can be summarised that this is a complex, multifaceted issue requiring further historical and legal research.

KEY WORDS

Saint Stephen I, customary law, legal traditions, ethnic legal traditions, Kingdom of Hungary, Slavs

KEÚČOVÉ SLOVÁ

Svätý Štefan I., obyčajové právo, právne tradície, etnické právne tradície, Uhorské kráľovstvo, Slovania

BIBLIOGRAPHY

1. ADAMUS BREMENSIS. *Gesta Hammaburgensis ecclesiae pontificum*. Edited by Bernhard Schmeidler. Hannover : Hahnsche Buchhandlung, 1917. LXXI, 353 s.
2. Admonitiones Sancti Stephani regis. In: SZENTPÉTERY, Imre (ed.). *Scriptores Rerum Hungaricarum tempore regum stirpis Arpadianae gestarum*. Vol. 2. Budapest : Academia Litterarum Hungarica, 1938, s. 611–627.
3. ANONYMUS. *Gesta Hungarorum: Skutky Maďarov*. Preklad a zostavil Vincent MÚCSKA. Budmerice : Vydavateľstvo Rak, 2000. 159 s. ISBN 80-85501-17-1.
4. BARABÁS, G. The Christianization of Hungary. In: DOBOSZ, J. – STRZELCZYK, J. – MATLA, M. (eds.). *Chrystianizacja „Młodszej Europy“*. Poznań : Wydawnictwo Naukowe UAM, 2016, s. 115–136. ISBN 978-83-232-3074-8.
5. BEREND, N. – URBAŃCZYK, P. – WISZEWSKI, P. *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland, c. 900 – c. 1300*. Cambridge : Cambridge University Press, 2013. 546 s. ISBN 978-0-521-78695-9. DOI: <https://doi.org/10.1017/CBO9780511813795>.

6. BEREND, N. – LASZLOVSZKY, J. – SZAKÁCS, B. Z. The Kingdom of Hungary. In: BEREND, Nora (ed.). *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*. Cambridge : Cambridge University Press, 2007, s. 319–368. ISBN 978-0-521-87616-2. DOI: 10.1017/CBO9780511496400.009.
7. BONFINI, A. *Rerum Ungaricarum decades*. Tomus II. Ediderunt Iosephus Fógel, Beda Iványi et Ladislaus Juhász. Lipsiae : Teubner, 1936. 294 s.
8. BÓNIS, G. *Középkori jogunk elemei: Római jog, kánonjog, szokásjog*. Budapest : Közgazdasági és Jogi Könyvkiadó, 1972. 350 s.
9. BRITANNICA EDITORS. Árpád dynasty. In: *Encyclopedia Britannica* [online]. 2014-12-10 [cit. 2026-03-22]. Dostupné online: <https://www.britannica.com>.
10. CARTLEDGE, B. *The Will to Survive: A History of Hungary*. London : C. Hurst & Co., 2011. 604 s. ISBN 978-1849041126.
11. DE KÉZA, S. *Gesta Hungarorum / The Deeds of the Hungarians*. Edited and translated by László Veszprémy and Frank Schaer. Budapest : Central European University Press, 1999. 240 s. ISBN 963-9116-31-9.
12. DUBY, G. *The Three Orders: Feudal Society Imagined*. Translated by Victor Goldhammer. Chicago : University of Chicago Press, 1980. 382 s. ISBN 9780226167725.
13. DVORNIK, F. *The Slavs in European History and Civilization*. New Brunswick : Rutgers University Press, 1962. 688 s. ISBN 0-8135-0799-5.
14. ENGEL, P. *The Realm of St. Stephen: A History of Medieval Hungary, 895–1526*. Translated by Tamás Pálosfalvi. Edited by Andrew Ayton. London ; New York : I.B. Tauris, 2001. 452 s. ISBN 978-1860640612.
15. GÁBRIŠ, T. Conflict Resolution and Punishment in Hungarian Medieval Laws and in Practice. In: *Beiträge zur Rechtsgeschichte Österreichs*, 2013, roč. 3, č. 2, s. 403–412. DOI: 10.1553/BRGOE2013-2s403.
16. GLABER, R. *The Five Books of the Histories*. Edited and translated by John France. The Life of St William. Edited by Neithard Bulst and translated by John France and Paul Reynolds. Oxford : Clarendon Press, 1989. 430 s. ISBN 9780198222415.
17. GYÖRFFY, G. *King Saint Stephen of Hungary*. Translated by Peter Doherty. Highland Lakes : Atlantic Research and Publications, 1994. 213 s. ISBN 0-88033-300-6.
18. HAMZA, G. Szent István törvényei és Európa. In: *Magyar Tudomány*, 2001, roč. 108, č. 8, s. 915–925.
19. ISLAMOV, T. M. – PUSHKASH, A. I. – SHUSHARIN, V. P. *A Brief History of Hungary*. Moscow : Nauka, 1991. 608 s. ISBN 5-02-009913-9.
20. KONTLER, L. *A History of Hungary: Millennium in Central Europe*. New York : Palgrave Macmillan, 2002. 527 s. ISBN 978-1403903167.
21. KRISTÓ, G. *Hungarian History in the Ninth Century*. Szeged : Szegedi Középkorász Műhely, 1996. 229 s.
22. KRISTÓ, G. *Die Arpadendynastie: Die Geschichte Ungarns von 895 bis 1301*. Budapest : Corvina, 1993. 310 s. ISBN 963-13-3857-6.
23. KUČERA, M. *Slovensko po páde Veľkej Moravy: štúdie o hospodárskom a sociálnom vývine v 9.–13. storočí*. Bratislava : Veda, 1974. 450 s.
24. *Legenda Maior Sancti Stephani regis*. In: BARTONIEK, E. (ed.). *Scriptores Rerum Hungaricarum tempore ducum regumque stirpis Arpadianae gestarum*. Vol. II. Budapestini : Academia Litterarum Hungarica, 1938, s. 377–392.

25. LYSÝ, M. *Moravia, Mojmirovci a Franská ríša. Štúdie k etnogenéze, politickým inštitúciám a ústavnému zriadeniu na území Slovenska vo včasnóm stredoveku*. Bratislava : Atticum, 2014. 374 s. ISBN 978-80-971381-4-1.
26. PÉTER, L. The Holy Crown of Hungary, Visible and Invisible. In: LOJKÓ, M. (ed.). *Hungary's Long Nineteenth Century: Constitutional and Democratic Traditions in a European Perspective*. Leiden : Brill, 2012, s. 15–112. ISBN 978-90-04-22212-0. DOI: https://doi.org/10.1163/9789004224216_003.
27. SAVIGNY, F. C. *Geschichte des römischen Rechts im Mittelalter*. 2. Ausg. Bd. 1. Heidelberg : Mohr, 1834.
28. STEINHÜBEL, J. *The Nitrian Principality: The Beginnings of Medieval Slovakia*. Leiden : Brill, 2021. 660 s. ISBN 978-90-04-43782-1. DOI: <https://doi.org/10.1163/9789004438637>.
29. THIETMARUS MERSEBURGENSIS. *Chronicon*. Edit Robert Holtzmann. Monumenta Germaniae Historica. Scriptores rerum Germanicarum, Nova series, Tomus IX. Berlin : Weidmannsche Buchhandlung, 1935. 638 s.
30. ZSOLDOS, A. *The Árpáds and Their People: An Introduction to the History of Hungary from cca. 900 to 1301*. Budapest : Research Centre for the Humanities, 2020. 266 s. ISBN 978-963-416-226-1.

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