

TRACES OF BYZANTINE INFLUENCE IN MEDIÉVAL HUNGARIAN LAW

At first sight it might seem a futile attempt to seek traces of Byzantine influence in medieval Hungarian law.¹ Especially considering the fact that the legal system in question is that of a country whose first king, St. Stephen I – as it is generally believed – led his people from the steppe of Asia to the Western world; Saint Stephen who was baptized by Adalbert, bishop of Prague; the king, who was given his crown by Pope Sylvester II, and who married the daughter of Henry II, Duke of Bavaria and called his nation's missionaries from the West.

However, our historical picture of the times of the first millennium is certainly roughly outlined. It is not necessary to give details here of the various effects coming from both the West and the East which influenced Saint Stephen's kingdom, neither is it necessary to provide a summary of the factors that attached medieval Hungary to the Eastern church, to Byzantine politics and to material culture of the Eastern Empire.²

Nevertheless, if we try to find the traces of Byzantine influence in medieval Hungarian law, we have only a few fixed points. The sources of 11th and 12th century Hungarian legal system are scarce. The decrees of St. Stephen, St. Ladislav and Koloman the Book-lover, the synodic resolutions of the Hungarian church inform us only to a limited extent of medieval legal customs which existed in times past. These sources only show little impact of Byzantine culture at first sight, for example St. Ladislav's 2nd decree which mentions Byzantine money, the *nomisma*, when it prescribes the punishment of the nobleman's helpers with no property who trespass onto another nobleman's residence with a fine of 55 *byzantinus*.³

A large number of deeds only appear from the 13th century in which Hungarian customary law of certain fields are reflected. However, Byzantine legal sources which were to some extent known by other, mostly Slavic people and countries – for example

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1 This short summary can't go beyond the limits of a general summary of the topic I have already treated in detail in my doctoral dissertation; therefore it follows to a great extent the theses of my dissertation (Komáromi 2007).

2 For a general overview on Hungary's relation to Byzantium see Moravcsik 1953.

3 Sancti Ladislai regis decretorum liber secundus 11: "...alii vero, qui cum illo erant, liberi reatum suum LV bizanciis redimant..." Závodszy 1904, 169.

such comprehensive works as the *Ecloge* of Leo III the Isaurian, the Farmer's Law, or later law books of the Macedonian Renaissance like the *Procheiros Nomos* of Leo VI the Wise, or the canonical collections of the Eastern Church – all these are not even mentioned in Hungary, we don't even know whether some of them entered the territory of the country or not. The only source which proves some knowledge of Byzantine canon law by its mere existence is the founding letter of the Veszprém-valley monastery, it is a quite unique, actually an exceptional document.⁴

When in the beginning of the year 2000 I decided to conduct doctoral research on the Byzantine influence in medieval Hungarian law, I knew only that the question was not examined in a comprehensive manner. Nevertheless, during the collection of materials, I occasionally found ideas which made Byzantine influence concerning certain legal customs or regulations of special institutions probable. The rules regarding the celibacy of clerics, the regulation of fasting, the corporal punishments, the practice of the authentication of deeds at "*loca credibilia*" – these are only some examples where former researchers have already raised the question of Byzantine influence.⁵

Among the factors that transmitted Byzantine culture, the presence of the Eastern Church in Hungary played a primary role. Therefore it is not surprising that the question of Byzantine influence was mainly raised in the field of canon law. Among the first to be mentioned are certain regulations of the Council of Szabolcs (also known as the 1st decree of St. Ladislav 1092) and the 1st Council of Esztergom (around 1100).⁶ These two councils allowed priests to live together with their first, lawfully wedded wives (can. 3 and 31).⁷ The strong expectation of the early Western Church required that ordained clergymen of marital status live a life of abstinence. From the 11th century it was explicitly prescribed that married clergymen leave their wives.⁸ The Eastern Church however continued to function on a basis confirmed in the end of the 7th century in the Council in Trullo (can. 13),⁹ according to which the continuation of the first, legal marital relationship was permitted – with the exception of the marital status of bishops. The decisions of Szabolcs and Esztergom were brought about taking the latter into consideration. The resemblance between Hungarian council decisions and the canons

4 For bibliography and text see Györffy 1992, 81–85.

5 With references see hereafter.

6 A Byzantine impact was already supposed by Schwarz 1740, 67–68; Karácson 1888, 52–59; Békefi 1896, 197–198; Závodszy 1904, 58–61. and 101; Juhász 1930, 319–320; Mosolygó 1941, 74; Moravcsik 1947, 338; Moravcsik 1953, 64; Szentirmai 1961, 77–79; Timkó 1971, 405; Pirigy 1990, 45; Sweeny 1991, 273; Zlinszky 1996, 274.

7 *Sancti Ladislai regis decretorum liber primus c. 3*: "Presbiteris autem, qui prima et legitima duxere coniuga, indulgentia ad tempus datur propter vinculum pacis et unitatem sancti spiritus, quousque nobis in hoc domini apostolici paternitas consilietur." *Synodus Strigoniensis prior c. 31*: "Presbiteris uxores, quas in legitimis ordinibus acceperunt, moderacius habendas provisiva fragilitate indulsumus." Závodszy 1904, 158, 201.

8 For a historical overview see Boelens 1968.

9 For the text see Joannou I, 1, 140–142.

of the Council in Trullo infer that at the time of setting Hungarian norms mentioned, directives of the Eastern Church were embraced.

Other canons of the two Hungarian councils mentioned also support the idea of the adoption of the Byzantine model; these prohibit any eventual marital bond of unmarried ordained priests, remarriage of priests, marriage with widows or unwanted wives, cohabitation of clergymen with maids, they also state celibacy of the bishop. Each of these norms has their parallel regulations among the canons of the Council in Trullo.¹⁰ Finally in 1112, the 2nd Council of Esztergom adopted the official position of the Western Church when it prescribed that bishops may ordain clergymen only if they engaged themselves to celibacy and married priests are not allowed to serve the Lord's table if they and their wives don't pledge themselves to abstinence (can. 9–10).¹¹

Another regulation of the Council of Szabolcs which can supposedly be traced back to the practice of the Eastern Church is the canon concerning the beginning of Lent. The 31st canon of the Council imposed sanctions namely upon "Latins" who do not follow the lawful tradition of the Hungarians.¹² This canon ordained – corresponding to the "lawful Hungarian tradition" – that meat was to be abandoned on the Monday of the first week of Lent whereas the aforementioned "Latins" abandoned meat only on Wednesday.¹³ To begin fasting on Monday is originally a custom of the Byzantine Church.¹⁴ Most territories that followed the Eastern Church Lent began on the Monday following the seventh Sunday before Easter, abandoning of meat foods began – in compliance with rules of pre-lent – one week beforehand (on the eight week before Easter – also called Butter Week). The Western Church on the other hand began Lent on Wednesday of the seventh week before Easter. One could conclude that the Council decision mentioned reflects eastern traditions, as it sets the beginning of Lent on Monday. Nevertheless, abandoning of meat on the seventh week before Easter does not resemble the Byzantine custom of starting on Butter Week (on the eight week before

10 Syn. Strig. prior c. 32 – Concilium Quinisextum c. 6; S. Ladis. decr. lib. primus c. 1, Syn. Strig. prior c. 56–57, 71, Colomanni regis decretorum liber primus c. 67 – Conc. Quinisextum c. 3; S. Ladis. decr. lib. primus c. 2, Syn. Strig. prior c. 58 – Conc. Quinisextum c. 3, 5; Syn. Strig. prior c. 11, 33 – Conc. Quinisextum c. 48.

11 Synodus altera sub Colomanno rege celebrata c. 9: "Ut nullus episcoporum aliquem promoveat clericorum ad diaconatum vel ultra, nisi prius continenciam voverit, et si uxorem habuerit, ex eius fiat consensu idem promittendis." C. 10: "Ut nullus coniugatus presbiter aut diaconus altari deserviat, nisi prius uxori concedenti et continenciam voventi locum separatum, et necessaria vite temporalis provideat, et secundum apostolum habens, quasi non habentem se esse intelligat." Závodszyky 1904, 208.

12 A Byzantine influence was already assumed by Schwarz 1740, 69–70; Moravcsik 1953, 63–64; Szentirmai 1961, 81–82; Pirigyi 1990, 46–47.

13 S. Ladis. decr. lib. primus c. 31: "Latini, qui Hungarorum consuetudini legitime consentire noluerint, scilicet, qui postquam Hungari carnes dimiserunt, ipsi iterum in secunda et tertia feria comederint, si se nostre consuetudini meliori non consenserint, quocumque volunt, eo vadant. Pecuniam vero, quam hic acquisierunt, hic relinquunt, nisi forte resipuerint et carnes nobiscum dimiserint." Závodszyky 1904, 163.

14 For the history of Lent in both Western and Eastern Europe see Funk 1897.

Easter). Furthermore, beginning Lent on Monday was not exclusively a custom of the Eastern Church: Thietmar of Merseburg (975–1018), a Saxon chronicler mentions that Polish people were forbidden to eat meat after Septuagesima, the ninth Sunday before Easter: accordingly, eating meat was prohibited from the ninth Monday before Easter. It was supposedly Bolesław I Chrobry, the first king of Poland (992–1025) who prescribed this strict regulation.¹⁵ In my opinion the Polish example which also originates from the general Western tradition, does not exclude the possibility of a Byzantine impact on the regulation in Hungary, which is referred to in the canon of Esztergom as a lawful custom of the Hungarians. Nevertheless, an independent evolution of the Hungarian tradition can also be assumed.

As a next example of Byzantine traces in medieval Hungarian law we must mention the rules concerning the establishment and the dissolution of marital bond.¹⁶ The 16th canon of the 2nd Council of Esztergom regulates form and content of church marriages. It assesses that for a marriage to be valid, the couple should be wed in a church, in the presence of a priest, in the assistance of apt eyewitnesses, under a symbol of engagement, in the consent of both halves.¹⁷ This detailed regulation concerning formal and material requirements of the coming into existence of marriages goes beyond the requirements of relative contemporary western canon law which only acquired its final form after the 1215 Council of Lateran and later on in the Council of Trident.¹⁸ Byzantine law on the other hand had already set its requirements when the Esztergom canon came into existence. The 89th decree of Leo the Wise prescribed namely in 895 that marriages shall be established by ecclesiastical collaboration and sanctification.¹⁹ The *Procheiros Nomos* stated further at the beginning of the 10th century that the presence of witnesses is also indispensable for the establishment of marital bonds.²⁰ Beyond this, the Eastern Church expected that the spouses express their intention to contract marriage before their parish priest and at least two witnesses.²¹ Therefore it may be assumed that 12th century Hungarian regulation goes back to the contemporary Byzantine tradition.

As for the dissolution of marital bonds the 1st Council of Esztergom adopted rules which deserve our attention. The 55th canon of the Council ordered namely that the husband could abandon his wife and marry another woman if he could prove the adultery of his wife. In case however, the accusation turned out to be unfounded, the wife

15 Halmágyi 2011, partly based on Roman Michałowski's study [The Nine-week Lent in Boleslaus the Brave's Poland. A Study of the First Piasts' Religious Policy. *Acta Poloniae Historica* 89 (2004) 5–50.] I hereby express my thanks to Miklós Halmágyi for calling my attention to the Polish example.

16 The Byzantine influence was already supposed by Szentirmai 1961, 79–81.

17 Syn. altera sub Colom. rege celebr. c. 16: "Placuit sancte synodo, ut omnis coniugalís desponsacio in conspectu ecclesie, presente sacerdote, coram idoneis testibus, aliquo signo subarracionis ex consensu utriusque fieret, aliter non coniugium, sed opus fornicarium reputetur." Závodszyky 1904, 208.

18 For a detailed examination of western canon law see Freisen 1893, 120 ff.

19 Noailles–Dain 1944, 297.

20 Proch. IV. 27. Zepos–Zepos 1931, II. 128.

21 Zhishman 1864, 684–686.

could abandon her husband and contract another marriage.²² The same was allowed for a wife whose husband sold himself as slave in order to get rid of his wife.²³ The curiosity of these regulations is that they allowed the annulment of marital bonds.²⁴ The long held view of the Western Church was that a couple once bound in a valid marriage cannot be separated.²⁵ It is possible however, under certain special circumstances for the married partners to live separately, but the bond is nevertheless valid until one of them deceases. Although subjects did not always comply in practice – due to the influence of secular law –, the basic rule of the inseparable bond of marriage was unanimously placed into effect in ecclesiastical practice as of the middle of the 11th century; this is also reflected in certain compilations of contemporary canon law of the time.²⁶ On the other hand however, the Eastern Church – primarily due to the influence of secular law and especially to the 22th and 117th novel of Justinian – permitted the two partners not only to live separately, but also to annul their marital bond in the presence of lawful cause for divorce. (In this case the guiltless spouse could marry again but the guilty spouse had to wait five years until contracting a new marriage.)²⁷ The 117th novel of Justinian explicitly states that it is a ground for divorce if the husband accuses his wife falsely of adultery,²⁸ as does the 55th canon of the 1st Council of Esztergom. Therefore it can be presumed in this case as well that Hungarian regulations at the turn of the 11th and 12th century reflect the practice of the Eastern Church.

There are of course also numerous fields in medieval Hungarian legal system where a Byzantine influence cannot be extensively verified. For example regarding medieval Hungarian criminal law the possibility of a legal transfer from Byzantium to Hungary was repeatedly formulated in special literature,²⁹ however the similarities between the two legal systems are rather general than concrete. Both systems bear for instance characteristic traits of ecclesiastical influence (this is especially apparent in crimes against

22 Syn. Strig. prior c. 55 par. 2: "Si quis uxorem suam adulteram probaverit, si voluerit, ducat aliam; illa vero, si nobilis est, sine spe coniugii peniteat; si plebeia, sine spe libertatis venundetur. Quod si probare non poterit, idem iudicium maritus paciatur, et illa, si voluerit, maritetur. Eodem modo, qui cum alterius uxore, vel que cum marito alterius peccat, iudicetur." Závodszy 1904, 203.

23 Ibid. par. 5: "Si quis uxorem fugiens, se sponte debitorem fecerit, unde se expedire nolit propter odium, quod in uxorem habet, semper in servitute permaneat. Et si umquam liber videatur, iterum venundetur, uxor vero eius, cui velit, nubat." Závodszy 1904, 204.

24 The Byzantine impact was in this case supposed by Karácson 1888, 90–91; Szentirmai 1961, 81 and Zlinszky 1996, 274.

25 For a historical overview see Freisen 1893, 769–802.

26 Geffcken 1894, 80–82.

27 Zhishman 1864, 102–104, 802–804. Nov. 22, 15, 3 and 22, 16pr. For the text of the novel see Schöll-Kroll 1959.

28 Nov. 117, 9, 4.

29 Moravcsik 1953, 103; Jánosi 1996, 52; Zlinszky 1996, 274.

religion, religious ethics, and the Church,³⁰ also in the right to “*asylum*”³¹). The difference between intentional and unintentional crimes is occasionally identified in both systems.³² Moreover, when determining a fine, the individual’s financial situation and position held were taken into consideration both in Byzantium and medieval Hungary.³³ Occasionally punishment of premeditation and attempt are mentioned, as well.³⁴ Parallelisms can also be found in crime-punishment systems of Hungary and Byzantium (death punishments: beheading or hanging; corporal punishment: e.g. the cutting off of the hand, nose and tongue, blinding, flagellation; humiliating punishment: cutting of the hair).

A closer connection between the two systems can be found in the following cases: treason (under penalty of death and forfeiture of property, excluded the right to asylum);³⁵ false prosecution (the false prosecutor was punished with the same punishment as was prescribed for the accused person for the crime in question);³⁶ homicide by way of sword (also the perpetrator was executed by sword);³⁷ abduction of young girls (the perpetrator was obliged to give back the girl to her parents or fiancé even if she was violated);³⁸ stealing committed by clergymen (the perpetrator was degraded).³⁹ These parallelisms between the two legal systems do not give reason to conclude (neither to exclude) that Byzantine law was adopted in Hungary; nonetheless, the specification of punishments for certain crimes can be traceable to the own deliberation of the Hungarian legislator as well.

30 In medieval Hungarian law e.g. ecclesiastical punishment for people who fail to call a priest to the dying person or who break other religious norms (*Sancti Stephani decretorum liber primus* 12–13); ecclesiastical penitence (among others) in case of various forms of homicide and perjury (*ibid.* 14–15, 17); ecclesiastical authority passes judgement on feticide, abduction of women and adultery (*Colom. reg. decr. lib. primus* 58–59, 61) – Závodszy 1904, 145–146, 191. Some examples from Byzantine law: flagellation and banishment for people who raise a hand against a priest (*Eclage* 17, 4); blinding, beating, cutting of the hair and banishment for stealing from the church (*ibid.* 17, 15); cutting of the nose for people fornicating with a nun (*ibid.* 17, 23); other regulations concerning sexual crimes (*ibid.* 17, 19–39) – Burgmann 1983, 226–239.

31 *S. Steph. decr. lib. secundus* 17 (exceptionally disallowing the right of asylum for conspirators against the king) – Závodszy 1904, 155; for Byzantium: *Eclage* 17, 1; also in Byzantine law conspirators were excluded from the right of asylum – Zachariä 1955³, 328.

32 In medieval Hungarian law e.g. intentional and unintentional homicide and the burning down of houses were distinguished (*S. Steph. decr. lib. primus* 14 and 32); in Byzantine law quite similarly in case of starting a fire (*Ecl.* 17, 41) and different kinds of homicide (*Ecl.* 17, 45, 47–49).

33 In medieval Hungarian law e.g. in case of killing the wife (*S. Steph. decr. lib. primus* 15), perjury (*ibid.* 17), unauthorized dismissal of slaves (*ibid.* 21), abduction of girls (*ibid.* 27) and attack against another’s house (*ibid.* 35); from Byzantium we have only a few examples: theft (*Ecl.* 17, 11), fornication with another’s woman slave (*ibid.* 17, 22), seduction of girls (17, 29).

34 *S. Steph. decr. lib. secundus* 17 – *Ecl.* 17, 3: conspiracy against the king and emperor, respectively.

35 *S. Steph. decr. lib. secundus* 2 and 17; *Codex Iustinianus* 9, 8, 5 pr. (= *Basilica* 60, 36, 19 pr.). (For the latter see Krüger 1959 and Scheltema–van der Wal–Holwerda 1955–88.)

36 *Syn. Strig. prior c.* 54 and 55 par. 2 – *Eclage* 17, 51 and 27.

37 *S. Steph. decr. lib. primus* 16, *lib. secundus* 12–13 – *Eclage* 17, 46.

38 *S. Steph. decr. lib. primus* 27 and *Syn. Strig. prior c.* 55 par. 4 – *Synod of Ancyra c.* 11 (For the latter see Joannou 1962, I, 2, 64–65.)

39 *Syn. Strig. prior c.* 60 – 25th apostolic canon (Joannou 1962, I, 2, 19.)

Byzantine impact was also repeatedly suggested in the establishment of the royal court's written administration⁴⁰ and the practice of the authentication of private deeds.⁴¹ These hypotheses gain special importance by the fact that both the structure of the royal chapel and the practice of the so-called "*loca credibilia*" (places of authentication) made considerable progress during the reign of king Béla III, who was educated in Constantinople as selected heir of Manuel I Komnenos. It might be true that Béla, having been raised in the imperial court, learned the importance of written administration, and based on his experience there he served its development in the Hungarian royal court as well upon his return to Hungary. However, the structure and practice of the royal chapel of the King Béla III-era does not resemble the Byzantine chancellery.⁴² Béla's chancellors were namely instructed abroad (mostly in Paris) and also their deeds bear the signs of western formulas.⁴³

The so-called *loca credibilia* were ecclesiastical chapters and monastic convents who issued private deeds and authenticated them as a trustworthy ecclesiastical community with their seal,⁴⁴ they followed a conduct that can also be found in Byzantium and likewise in Western European institutions. A similar practice is reflected for example in deeds of *tabelliones* confirmed by members of the clergy,⁴⁵ further in the authentication of deeds by honourable members of the church in Byzantium, in the office of the *chartophylax*, the head of the patriarch's chancellery in Constantinople⁴⁶ and in the practice of the *officialis*, a leading official of West European ecclesiastical courts.⁴⁷ However, all these possible Eastern or Western patterns lack an essential attribute which is characteristic of Hungarian practice: the authentication by a community of clergymen. Byzantine or Western clericals collaborated only as witnesses beside the maker of the document; their participation was rather occasional and – beside the regular activity of mostly secular public notaries – exceptional. Therefore, contemporary Hungarian places of authentication seem to be rather a result of indigenous conditions and antecedents. Notably these ecclesiastical communities already collaborated in earlier times as well in judicial proceedings as authentic witnesses in ordeals and evidences and issued records about procedural actions. This might be the reason why private individuals ask them to put down in writing and authenticate their everyday legal transactions.⁴⁸

40 Kumorovitz 1993, 50; Kumorovitz 1963, 397; Zlinszky 2002a, 951.

41 Mezey 1974, 332; following Mezey: Wolf 1973, 508.

42 For basic information on the structure and functioning of the Byzantine central administration see Dölger–Karayannopoulos 1968; Oikonomidès 1976; Oikonomidès 1985; for the administration of the patriarchate see Bréhier 1970, 501–511; Darrouzès 1970 and Beck 1977, 98–120.

43 Szentpétery 1930, 64–65; Bónis 1971, 22; Kubinyi 1975, 115–117; Hajnal 1921, 135 and appendix VII. (12. A + B), VIII. (13. A + B); Hajnal 1943, appendix V. 5. and VIII. a).

44 For the development and practice of the Hungarian places of authentication see Érdújhelyi 1899; Eckhart 1914 and Szentpétery 1930, 121–138.

45 Saradi-Mendelovicj 1988, esp. 168 ff.

46 Darrouzès 1970, 508–524.

47 Balogh 2000, 36–55; Giry 1925, 837–841.

48 Szentpétery 1930, 121–122.

And finally, there are further findings of general parallelisms between Hungary and Byzantium in the field of medieval public law and the political system. Delegation and scope of royal power, the role of noblemen, people and church in the process of transferring supreme power to the new emperor, the unlimited right of the ruler to inaugurate and instruct office-holders, the right of resistance of the subjects, the lack of hereditary dignitaries and of western type of feudal system⁴⁹ – all these are general similarities, however, without coming to the conclusion that the Hungarian political system was influenced by the Byzantine Empire's constitutional system in this respect.⁵⁰ Similarities can occur accidentally as well and many political ideas, formalities and institutions which were present in medieval Hungary might be traceable to former Hungarian traditions from times of the nomadic life or to similar western phenomena coming to Hungary with the conception of the Christian kingdom.

And this is the basic problem of searching for Byzantine traces in medieval Hungarian law and political system. A statement that assesses Byzantine influence and goes further than just mere similarity can only be credible in case the Western and Eastern models do not coincide, and the Hungarian solution is deemed to be closer to the latter. The relatively limited number of such unambiguous cases where Hungarian regulation or practice can convincingly be explained by a Byzantine impact is not only to be explicated by stating that the Byzantine Empire only had inconsiderable influence on Hungary. I am inclined to think that many sources which would have been suitable to prove the Byzantine impact on Hungarian law did not remain to posterity and also the later predominantly Latin church has thrown out records and relics of the 11th and 12th century which reminded of former Greek components of the country's culture.

49 A Byzantine impact was suggested in this field by Király 1929, 231–232, 344, 347–348; Zlinszky 1996, 269–270, 273–274; Zlinszky 2002a, 949–950 and Zlinszky 2002b, 33–36, 38–39.

50 For the Byzantine “*translatio imperii*” see Sickel 1898; Treitinger 1938, esp. 18–19, 82–83 and Beck 1966; for the Byzantine emperor's right to inaugurate office-holders: Treitinger 1938, 216–219; for the right of resistance: Karayannopoulos 1956, 377–382 and Beck 1966, 41–48; for the lack of western type of feudal system in Byzantium and for the peculiar Byzantine „feudalist” institutions: Vasiliev 1933; Dölger 1960 and Schreiner 2002, 274–276, 280–281.

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A BIZÁNCI HATÁS NYOMAI A KÖZÉPKORI MAGYAR JOGBAN

A tanulmány – a szerző 2008-ban megvédett doktori értekezésére alapozva – a középkori magyar jogra gyakorolt bizánci hatás kérdéseit taglalja.

A bizánci kultúrát Magyarországra közvetítő tényezők közül a legfontosabb szerepet a keleti egyház játszotta. Nem meglepő tehát, hogy a bizánci hatás nyomai leginkább középkori magyarországi kánonjogunkban fedezhetők fel. A szabolcsi zsinat (1092) és az I. esztergomi zsinat (1100 körül) azon szabályai például, amelyek megengedték, hogy a papok együtt éljenek első, törvényesen elvett feleségükkel, nagy valószínűséggel a 7. század végi trullloszi zsinatra vezethetők vissza. Szintén a keleti egyház hatásának gyanúját veti föl a szabolcsi zsinat azon előírása, amely büntetést rendel azon „latinokra”, akik nem követvén a magyarok törvényes szokását, nem hagyják el a húsételeket már a hamvazószerda előtti hétfőn, mivel a bizánci egyház szokása szerint a húsételek tilalma a húsvét előtti nyolcadik hét hétfőjén kezdődött. A II. esztergomi zsinat (1112) egyes szabályai, amelyek az egyházi házasságkötés formájára és tartalmára vonatkoznak, szintén bizánci hatásra utalnak, amint az I. esztergomi zsinat azon rendelkezése is, amely megengedte a házassági kötelék felbontását.

Több párhuzam fedezhető fel a középkori bizánci és magyar büntetőjog között is, e hasonlóságok azonban nem bizonyítanak bizánci jogból való átvételt. A magyar udvari írásbeliség, valamint a hiteles helyek gyakorlata kapcsán többször felvetett bizánci hatás gyanúja sem igazolható fennmaradt forrásainkból. A bizánci és magyar közjogi berendezkedés közötti párhuzamok ugyancsak nem vezetnek arra a következtetésre, hogy a magyar gyakorlat bizánci hatásra alakult ki.