

HUNGARY AND THE GOLDEN BULL OF 1222*

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The Golden Bull was issued by Andrew II in the spring of 1222.¹ It is the first of five charters of liberty published by the kings of Hungary in the thirteenth century and is the most celebrated.² It has since the eighteenth century often been compared to Magna Carta, as showing a constitutional kinship between Hungary and England.³ Despite its subsequent reputation, however, the Golden Bull is not mentioned in any of the Hungarian chronicles of the Middle Ages; nor does it feature in foreign accounts and correspondence. Although the charters subsequently granted in 1231, 1267, 1290 and 1298 built on its provisions and even borrowed from its text, they made no explicit reference to it. Moreover, despite the Golden Bull's alleged circulation in seven copies, none of the originals has been found, even though one of these should according to the terms of its issue have been sent to the pope. Unlike the charter of 1231, which

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¹ It was probably issued in early April. See Attila Zsoldos, "II. András Aranybullája", *Történelmi Szemle* 53 (2011): 1–38 (4–5). The definitive Latin text of the Golden Bull was published with an introduction by Géza Érszegi, "Az aranybulla", *Fejér Megyei Történeti Évkönyv* 6 (1972): 5–26. This is reproduced in Lajos Besenyi, Géza Érszegi, Maurizio Pedrazza Gorlero, eds, *De Bulla Aurea Andreae II Regis Hungariae MCCXXII* (Verona, 1999), 23–9, and in János M. Bak et al, eds and trans., *Decreta Regni Mediaevalis Hungariae-The Laws of the Medieval Kingdom of Hungary*, vol. I–V (Bakersfield, CA, Idyllwild, CA, Los Angeles, CA, Salt Lake City, UT, Budapest 1989–2012, hereafter *DRMH*), vol. I (2nd ed.), 32–35. We retain in our account the conventional numbering of the articles, although these are in fact eighteenth-century innovations.

² The texts of these charters are given in *DRMH*, I², 32–51.

³ Discussed by Martyn Rady, "England and Hungarian Jurisprudence: Questions of Public and Private Law", in László Péter, Rady, eds, *British–Hungarian Relations since 1848* (London, 2004), 315–27 (315–319).

was copied several times into the papal registers, no evidence survives in Rome either of the Golden Bull or of its text.⁴

Until the nineteenth century, the oldest extant version of the Golden Bull was thought to be the transcript contained in Louis I's great privilege of 1351.⁵ Since, however, the content of Hungary's medieval laws and the provenance of its parts were for a long time contested, some commentators proposed that the Golden Bull was actually the invention of humanist historians.⁶ In the 1820s, however, a copy of the Golden Bull sealed in 1318 by four of the kingdom's leading prelates came to light, although it took some time to work out what it was.⁷ Subsequent publication of the correspondence of Honorius III spoke further to its authenticity. Although not mentioning the Golden Bull by name, the pope's letter to the bishop of Eger, composed in December 1222, related a report that the king had been stormed by a crowd and been presented with unwelcome demands, including the replacement of his government.⁸ No one would now regard the texts of 1318 and 1351 (they hardly differ) as anything other than genuine reiterations of the original text of a charter given in 1222. Necessarily, however, the version that is on display in the Esztergom cathedral museum, beside which the judges of Hungary's Constitutional Court now take their oaths of office, is not the original, but the copy made in 1318. To the disappointment of visiting schoolchildren, it is sealed not with gold, but with lumps of wax.

The Golden Bull is one of a number of charters published in thirteenth-century Christendom that sought to constrain the royal power. It may thus be compared to the Magna Carta of 1215, the imperial *Statutum in favorem principum* of 1232, the French Statute of Pamiers of 1212, the miscellaneous collection known as the Assizes of Jerusalem, the Aragonese *fueros*, and so on. We can cite much in the way of contacts between Hungary and all of these places. Andrew II's sister-in-law was, for instance, Constance of Aragon and we know that some of her retinue subsequently settled in Hungary.⁹ Links with

⁴ *DRMH*, I², 102.

⁵ *Ibid.*, II, 8–13.

⁶ Nándor Knauz, "Aranybulla", *Magyar Történelmi Társulat* 10 (1861): 203–18 (205); Andor Csizmadia, *Adam Franz Kollar und die ungarische rechtshistorische Forschung* (Vienna, 1982), 22. See also, Andor Csizmadia, "Previous Editions of the Laws of Hungary", in *DRMH* I², xvii–xxxiii (xxix).

⁷ Knauz, "Aranybulla", 207.

⁸ Augustin Theiner, *Vetera Monumenta Historica Hungariam sacram illustrantia*, vol. I (Rome, 1859), 35–36.

⁹ Simon de Kéza, *The Deeds of the Hungarians*, eds and trans. László Veszprémy, Frank Schaer (Budapest and New York, 1999), 168–73 (ch. 91). See also, Hans Wagner, ed., *Urkundenbuch des Burgenlandes*, vol. I, (Graz, Cologne, 1955, hereafter *Urkundenbuch des Burgenlandes*), no. 155; Imre Szentpétery, Ivan Borsa, eds, *Regesta regum stirpis Arpadianae critico-diplomatica. Az Árpád-házi királyok okleveleinek kritikai jegyzéke*, vol. I–II, (Budapest, 1923–1987, hereafter RA), vol. I, no 393.

England were also strong. Several of the English lords who extracted the Magna Carta from King John fought a few years later in the Fifth Crusade beside a Hungarian force led by same Bishop Thomas of Eger to whom Pope Honorius would write in December 1222.¹⁰ A Hungarian archbishop, almost certainly John of Esztergom, was along with at least one other Hungarian prelate present in Canterbury in 1220 for the translation of St Thomas, and the Becket cult was popular in Hungary.¹¹ Notwithstanding these and other connections, we cannot demonstrate a textual link between the Golden Bull and any of its European counterparts. The same applies to the international legacy of the Golden Bull. In the 1355 Treaty of Buda and the Košice privilege of 1374, Louis I promised rights that were broadly analogous to those contained in the Golden Bull to the Polish nobility, whose support he needed to make good the Angevin dynastic claim to the Polish throne. The Golden Bull was subsequently inscribed in the Polish Land Rolls (*Matriculae Regni Poloniae*). There is no evidence, however, of any textual connection between the Golden Bull and such monuments of Polish liberty as *Neminem captivabimus*, *De non praestanda obedientia*, and *Nihil novi*.¹²

In view of the difficulties involved in establishing textual links, historians have generally shied away from positing a direct relationship between the Golden Bull and other charters of liberty, proposing instead that the Golden Bull arose out of broadly analogous assumptions and of conditions that were implicit within the developing feudal order.¹³ J. C. Holt has thus written of

¹⁰ Sándor Fest, *Magna Carta – Aranybulla (Szellemi érintkezések angolok és magyarok között III. Béla és II. Endre korában)* (Budapest, 1934), 4–14. Lists of Hungarian and Anglo-Norman participants in the Fifth Crusade are given in Attila Bárány, József Laszlovszky, Zsuzsanna Papp, eds, *Angol-magyar kapcsolatok a középkorban*, 2 vols (Máriabesnyő, 2008–2011), vol. I, 213–215.

¹¹ William Stubbs, ed., *Memoriale fratris Walteri de Coventria*, vol. II (London, 1873), 245; György Györffy, “Thomas Becket and Hungary”, *Angol Filológiai Tanulmányok* 4 (1969): 45–55 (49–51); Anne Duggan, *Thomas Becket* (London, 2004), 235–236; Anne Duggan, “The Cult of St Thomas Becket in the Thirteenth Century”, in Meryl Jancey, ed., *St Thomas Cantilupe, Bishop of Hereford* (Hereford, 1982), 21–44 (27–28); Kay Brainerd Slocum, *Liturgies in Honour of Thomas Becket* (Toronto, 2004), 115–6, 151. Hungary had two archbishoprics, at Esztergom and Kalocsa. The visitor to Canterbury is less likely to have been Archbishop Ugrin Csák of Kalocsa. He had only recently been appointed to office (1219) and his sphere of responsibility looked southwards, towards the Balkans. The Becket cult was also especially strong in Esztergom. See László Solymosi, “Magyar főpapok angliai zárandoklata 1220-ben”, *Történelmi Szemle* 55 (2013): 527–40 (527, 536), who additionally demonstrates the presence in Canterbury of Bishop Desiderius of Cenad (Csanád) and, possibly also, of Bishop Alexander of Oradea (Várad).

¹² Adorján Divéky, *Az arany bulla hatása a lengyel jogra* (Budapest, 1942), 5–14; Dániel Bagi, “Nagy Lajos lengyelországi uralmának megítélése a lengyel történetírásban”, in Péter Hanák, Mariann Nagy, eds, *Hid a századok felett. Tanulmányok Katus Lajos 70. születésnapjára* (Pécs, 1997), 45–59 (47–55).

¹³ Gejza Ferdinándy, *Az arany bulla. Közjogi tanulmány* (Budapest, 1899), 52; Henrik Marczali, *Magyarország története az Árpádok korában. A rendi alkotmány kezdetei* (Budapest, 1896), 77–8.

the flowering of charters of liberty in Europe during the High Middle Ages, including in Hungary: ‘These liberties were cognate. There is no need to explain the many similarities between them as derivatives from some basic grant or legal code [...] The liberties of the twelfth and thirteenth centuries were no infection spreading from one country to another; they were part of the very atmosphere.’¹⁴ Or, as another historian has put it, with specific reference to the Golden Bull and Magna Carta, ‘As both charters were the products of societies with institutions based on customary systems of privileges and mutual fidelity, it is not surprising that there should be some similarities.’¹⁵

The difficulties with this approach are twofold. First, it supposes common circumstances, which is by no means obvious. Although never a ‘crypto-Sultanate and nomadic despotism decked out in Christian clothing,’ Hungary was far from being a developed feudal monarchy with a strong governmental apparatus, a burgeoning administration and an advanced understanding of communal rights.¹⁶ Legalliteracy was, moreover, a relatively recent phenomenon. It is partly for this reason that the written remains of this period are so slender – for the reign of Andrew II, seldom more than a dozen or so royal charters survive for any one year.¹⁷ Secondly, having proposed the existence of broadly analogous institutions, historians are apt to read across from one charter to the other, introducing elements that were never there or that only came into play much later. This particularly affects the way in which historians have interpreted Hungary’s Golden Bull and the so-called resistance clause, commonly given as Article 31, which is contained in the eschatocol.

In what follows, we will first examine the composition of the Golden Bull and the discrepancies in its text, particularly as they relate to the regnal year

The older literature is reviewed in Bálint Hóman, Gyula Szekfű, *Magyar történet*, 3rd edition, vol. I (Budapest, 1935), 655. See also, József Gerics, “Von den Universi servientes Regis bis zu der Universitas Nobilium Regni Hungariae”, *Album Elemér Mályusz. Studies presented to the International Commission for the History of Representative and Parliamentary Institutions* (Brussels, 1976), 97–108 (99).

¹⁴ J. C. Holt, *Magna Carta*, 2nd edition (Cambridge, 1992), 80–81.

¹⁵ László Péter, “*Ius resistendi* in Hungary”, in Péter and Rady, *Resistance, Rebellion and Revolution in Hungary and Central Europe: Commemorating 1956* (London, 2008), 41–55 (43). See also, Elemér Hantos, *The Magna Carta of The English and of The Hungarian Constitution: A comparative view of the law and institutions of the early middle ages* (London, 1904), 149.

¹⁶ As argued by Pál Engel, *The Realm of St Stephen: A History of Medieval Hungary, 895–1526* (London, New York, 2001), 95; also, Gyula Kristó, *Histoire de la Hongrie médiévale. Le Temps des Árpáds* (Rennes, 2000), 132. The quotation is from Josef Deér, “Der Weg zur Goldenen Bulle Andreas’ II. von 1222”, *Schweizerische Beiträge zur Allgemeinen Geschichte* 10 (1952): 104–138 (111).

¹⁷ The royal charters issued during the Árpád period are calendared in RA. Those given during Andrew II’s reign, including forgeries later issued in his name, are itemized in RA, I, nos 217–566.

and the dignitary list given in the eschatocol. We will build here on the work of János Karácsonyi and on the important revision to his conclusions, published recently by Attila Zsoldos.¹⁸ Unlike previous commentators, however, we will argue that the Golden Bull is actually a composite document. At its heart lies a petition which was then converted into a privilege by the royal chancellery. Besides adding the usual material found in the introduction or *protocollum* of royal charters, the chancellery also included a lengthy *narratio* and, at the end of the petition's text, the eschatocol. The petition and the material added by the chancellery related, however, to two different constituencies. On the one side, there were the so-called *servientes regis*, who were the authors of the petition, and, on the other, a number of the kingdom's great lords, with whom the material added by the chancellery is mainly concerned. Examination of the Golden Bull's structure and composition serves to expose the separate political forces behind its publication and, as we will show, provides important clues to the way in which its content should be viewed.

Composition

The Golden Bull is written in the manner of a privilege, in good chancellery Latin. Considerable difficulties, nevertheless, arise in respect of its composition, which was not straightforward. After the brief formalities of the *protocollum* and the usual royal style, a lengthy *narratio* follows, which recalls the reduction of the liberties of the kingdom's nobles that had been given them in the eleventh century by St Stephen.¹⁹ For this, King Andrew blamed his predecessors and the counsel of wicked and self-seeking men, but noted that rancour also attached to his own relations with the nobles. Accordingly, he had consented to their entreaties and granted to them 'the liberty given by the holy king' and 'all else that pertains to the reformation of the state of our kingdom.' This first part of the Golden Bull is addressed, therefore, to the kingdom's noblemen, a term that was more literary than legal, but which was generally applied at this time to the kingdom's elite of large landowners.²⁰ Preeminent within this group were the king's principal office holders, who are referred to in the Golden Bull by an originally Turkic title, *iobagiones*, which we translate as 'retainers.'²¹

¹⁸ János Karácsonyi, *Az aranybullá keletkezése és első sorsa* (Budapest, 1899); Zsoldos, "II. András Aranybullája".

¹⁹ On the *narrationes* of Hungarian royal charters, see more generally Gyula Kristó, *Középkori históriák oklevelekben* (Szeged, 1992), 14–29.

²⁰ Zsolt Hunyadi, "Maiores, Optimates, Nobiles: Semantic Questions in the Early History of the Hungarian Nobility", *Annual of Medieval Studies at CEU*, 1996–1997 (1998), 204–211 (206–208).

²¹ The word conceals the title of *beg* or chieftain, rendered as *bäg* or *bäg-lär* on the Orkhon inscription. See *Encyclopaedia of Islam*, vol. I (London, Leiden, 1960), 1159. The first reference to a

What follows, however, is a series of articles that mainly address not the nobles of the kingdom but another group, called the *servientes regis*.²² This part of the privilege, the *dispositio*, includes a range of provisions touching upon their affairs – that the *servientes* might gather at the royal assembly held every year at Székesfehérvár on St Stephen's feast day; that they were jurisdictionally subject to the ruler; that they were exempted from certain taxes; had defined military obligations; might leave their property to whomever they wished; were not obliged to give hospitality to royal officers or pasturage to the royal pigs; should not have their fields given over by churchmen to the king's horses under the pretext of tithe, and so on.²³ Even those articles that do not refer directly to the *servientes* might nonetheless be thought of sufficiently general application to be of benefit to them – that the coinage not be debased; that the salt trade be regulated; that outlaws not be shielded; that the tithe be paid in kind and so on. Only a very few articles deal specifically with the rights and duties of others – that no senior royal retainer or *iobagio* hold more than two offices; that warriors attached to royal castles be preserved in their freedoms; and that noblemen should not be executed without the king's knowledge.

The eschatocol follows. It establishes that seven copies be made, itemizing each recipient. Once more, however, the subject of the text changes, moving back from *servientes* to nobles. It is the nobles who together with the king are required to keep to the terms of the privilege, and are placed under the supervision of the palatine in this matter.²⁴ It is the nobles also, who along with the bishops and the king's main officers have the right to enforce the privilege: 'We have also decreed that if we or any of our successors at any time should seek to oppose the terms of this settlement, both the bishops and other retainers (*iobagiones*) as well as the nobles of the realm, singularly and in common, shall by this authority have the right in perpetuity to resist and speak against us and

high officer of the king holding the title of *iobagio* is from 1172 – László Erdélyi, ed., *A Pannonhalmi Szent-Benedek-Rend története*, 12 vols (Budapest, 1902–1916), vol. I, 604. See also Attila Zsoldos, *A szent király szabadjai. Fejezetek a várjobbágyság történetéből* (Budapest, 1999), 25.

²² Some historians have argued that the *nobiles* and *servientes* mentioned in the Golden Bull were in fact identical, most recently János Varga, *A királyi serviens* (Budapest 2006), 26–30. Varga relies on the same arguments and the same clutch of forgeries and interpolated texts as were discredited a century ago by László Erdélyi, "Anonymus korának társadalmi viszonyai", *Történeti Szemle* 3 (1914): 190–211 (195–202); Erdélyi, "Árpád-kori társadalomtörténetünk legkritikusabb kérdései", *Történeti Szemle* 3 (1914): 517–61 (522–523), and *Történeti Szemle* 5 (1916): 39–63 (39–47).

²³ Article 21 on bishops, horses and the tithe is straightforward, but has been made unconvincingly complicated by László Juhász, "Az Aranybulla 21. cikke megromlott szövegének helyreállítása", *Filológiai Közöny* 4, no. 1 (1958): 99–103 (101).

²⁴ The advisory role accorded to the palatine is unusual, but it is hard to see that he is here being promoted to the role of an Aragonese *justizza*.

our successors without the stain of faithlessness.’ The eschatocol concludes with the name of the chancellor who had drawn up the instrument, a list of current dignitaries and year of issue. The dignitary list, however, gives no secular officers, but only the names of ten prelates.²⁵ The king’s regnal year is odd.²⁶ We will return to these points, but first we need to conclude our account of the Golden Bull’s formal composition and structure.

What we have is a charter made up of several parts. The main body of the text, the *dispositio*, has all the characteristics of a petition. Indeed, this was the usual way that legislation was made both in the thirteenth century and later. It would also comport with the account given in the correspondence of Honorius III of the storming of the king by a crowd, who sought to extract concessions from him.²⁷ In its original form, we may guess that the petition referred to the king in the third person. In publishing it with the royal seal, the chancellery converted *rex* to the royal *Nos*, but failed to spot every occasion on which it should do so (articles 4, 7, 29). We may suppose that the petition was the work of the *servientes regis*, who constituted its main beneficiaries. Possibly, the text was augmented by other parties prior to publication. It was certainly dressed up by someone versed in the language of canon law.²⁸ We cannot exclude that Andrew II adjusted some of its terms, although the text was surely so potentially damaging to the royal financial administration that we must rule out the idea that it was ‘his bull.’²⁹ The petition, having been received and emended, was then topped and tailed by the chancellery. A *narratio* was added, which referred not to the *servientes* but to the nobles of the kingdom. Possibly it was culled from another charter. The chancellery regularly borrowed passages in this way, without much discrimination, and the themes of bad counsel and ill will are a feature of other charters published during Andrew’s reign.³⁰ The chancellery also added an eschatocol, including here the so-called resistance clause. As it stands, the resistance clause is weak, falling far short of the Magna Carta’s

²⁵ After 1192, the chancellery used dignitary lists in place of witness lists. See Árpád Nógrády, “Magistratus et Comitatus Tenentibus.” II. András kormányzati rendszerének kérdéséhez”, *Századok* 129 (1995): 157–94 (157).

²⁶ On the dignitary list and regnal year in Hungarian charters more generally, see László Solymosi, *Írásbeliség és társadalom az Árpád-korban* (Budapest, 2006), 21.

²⁷ Theiner, *Vetera Monumenta*, I, 36.

²⁸ József Gerics, “Az aranybulla ellenállás záradékának értelmezéséhez”, in Iván Bertényi, ed., *Ünnepi Tanulmányok. Sinkovics István* (Budapest, 1980), 99–108 (100–101).

²⁹ Cf. Zsoldos, “András II. Aranybullája”, 37.

³⁰ Richard Marsina, “Die Arengen in ungarischen Urkunden bis zum J. 1235”, *Folia Diplomatica*, 1 (1971): 215–225; Georgius Fejér, ed., *Codex diplomaticus Hungariae ecclesiasticus ac civilis*, vol. III/1 (Buda, 1829, hereafter CD), 121, 255–7; Gusztáv Wenzel, ed., *Árpád-kori új okmánytár*, vol. VI, (Pest, 1867, hereafter AUO), 400 (RA, I, nos 272, 317, 354).

threat ‘to distrain and distress us in every way [...], namely by seizing castles, lands and possessions.’ Nor does it establish an enforcement mechanism in the manner of Magna Carta’s twenty-five barons. One possible explanation is that the chancellery put in the resistance clause to avoid including something else, which was in fact frequently appended to royal charters. This was an anathema or excommunication clause, threatening any violation of the terms of a privilege with the most extreme sanction available to the church. Indeed, it was this more fearsome instrument that was appended in place of the resistance clause to the Golden Bull’s immediate successor, the privilege published by Andrew II in 1231.³¹ It was also appended in the same year as the Golden Bull in Andrew’s charter laying down the relationship of the clergy to secular courts.³²

The Hungarian chancellery was a sloppy office that even managed on occasions to mistake the number of the reigning monarch.³³ It is unlikely, however, that the omission of secular office-holders from the dignitary list and the muddling of the regnal year in the eschatocol are careless errors. Just a few sentences before, when listing who should be given a copy of the Golden Bull, the king’s first officer, the palatine, is mentioned, but with the description *qui pro tempore fuerit*, ‘the future incumbent.’ The conclusion is pretty much inescapable – there was no government at the time that the Golden Bull was issued. If we look through the dignitary lists given in the handful of charters published during 1222, we will moreover notice that there were over the course of the year no less than three governments, each headed by a separate palatine, and with a different list of royal officers.³⁴ Something was going on that suggests that the affairs of the realm were not in order. In respect of the regnal year, we may obtain a hint at what was causing the commotion. It is here that the story of Andrew II begins to intersect with that of England’s King John. In place of little Arthur, duke of Brittany, we have in Hungary the case of little Ladislas, who had an equally villainous uncle in the person of Andrew, and in place of King Richard the Lion Heart, we have Ladislas’s father, King Imre or Emeric, who was Andrew II’s elder brother.³⁵

³¹ *DRMH*, I², p. 39.

³² Richard Marsina, ed., *Codex Diplomaticus et Epistolaris Slovaciae 805–1235* (Bratislava, 1971, hereafter *CDES*), 199.

³³ *Urkundenbuch des Burgenlandes*, nos 197–198 (1233).

³⁴ Karácsonyi proposed the existence of four separate governments in the course of 1222. See Karácsonyi, *Az aranybulla keletkezése*, 20–22. Zsoldos convincingly demonstrates that there were only three, “II. András Aranybullája”, 31–33, headed respectively by Nicholas, son of Barc; Theodor, son of Wetich; and Gyula of the Kán kindred. See also Attila Zsoldos, *Magyarország világi archontológiája 1000–1301* (Budapest, 2011), 18.

³⁵ Arthur of Brittany (1187–1203) was the son of John’s elder brother, Geoffrey of Brittany. He was reputed to have been murdered by John.

Andrew II and the 'New Arrangements'

Despite the reputation he obtained by actually visiting the Holy Land and so fulfilling an oath previously laid upon his father, Andrew II was not a good man. Following the death of his father, Béla III, in 1196, Andrew had waged almost continuous war upon his elder brother, carving out for himself a dukedom in the south of the kingdom in which he maintained an independent power, even minting his own coinage. Upon his brother's death in 1204, Andrew seized power, disregarding the rights of inheritance that attached to Imre's infant son, Ladislas III, even though the child had been previously crowned at his father's behest in order to ensure his succession. Ignoring several papal pleas that he behave properly towards his nephew, Andrew chased Ladislas and his mother, Constance of Aragon, out of the kingdom, seizing their private assets. Nevertheless, it was only after Ladislas's premature death in 1205 that Andrew was formally crowned in the coronation city of Székesfehérvár, from the occasion of which he henceforth counted his regnal year.³⁶

The decade that followed saw repeated conflict between Andrew and the kingdom's churchmen, the plundering of Hungary by the relatives of Andrew's Bavarian queen, Gertrude of Andechs-Merania, the gradual ousting from influence of the men who had previously served Imre, and the breakdown of trust between Andrew and many of his leading subjects. For reasons that remain uncertain, the palatine was murdered in 1209 and the queen herself assassinated in 1213. It speaks of the poverty of the king's reputation that the killing of Queen Gertrude was sanctioned by the archbishop of Esztergom, who reputedly delivered the famously ambiguous words to the conspirators, 'Do you shrink from killing the Queen? It is right to do so. If others agree, I will not stand in the way.'³⁷ As it turned out, the king's vengeance was restrained and many of those implicated in the murder remained in office. Andrew remarried, into the line of the Latin emperors of Constantinople, and now began to imagine a new career for himself.³⁸

³⁶ György Székely, Antal Bartha, *Magyarország története. Előzmények és magyar történet 1242-ig*, vol. II (Budapest, 1984, hereafter *Magyarország története*), 1258–1272.

³⁷ *Reginam interficere nolite timere bonum est, et si omnes consenserint, ego solus non contradico*: *Chronica Albrici Monachi Trium Fontium* in *Monumenta Germaniae Historica. Scriptores*, vol. XXIII, 898. As Matthew Paris pointed out, the meaning of the first clause depends upon whether *bonum* governs *timere* or *interficere*. See Paris, *Chronica Majora*, ed. H. R. Luard, vol. III (London, 1876), 51; also Paris, *Historia Anglorum*, ed. Sir Frederic Madden, vol. II (London, 1866), 234. For the background, circumstances and subsequent depiction of Gertrude's murder, see now Judit Majorossy, "A királynét megölni nem kell félnetek jó lesz [...]" *Merániai Gertrúd emlékezete, 1213–2013* (Szentendre, 2013).

³⁸ On Andrew II's relations with the emperor of Constantinople, Robert de Courtenay, see now Attila Bárány, "Courtenay Róbert latin császár Magyarországon", in Attila Györkös, Gergely Kiss, eds, *Francia-magyar kapcsolatok a középkorban* (Debrecen, 2013), 153–181.

He had always pursued an active foreign policy, intervening in Galicia–Volhynia (in present-day Ukraine) and in the northern Balkans, but now the prospect of an eastern crown beckoned.³⁹ With this vain hope in his mind, Andrew prepared to join the Fifth Crusade. His stay in the Holy Land was short and fruitless, lasting just a few months over the winter of 1217–18. Andrew used the opportunity to amass trophies and organize the marriages of his children. While he was abroad, there was an attempted putsch in Hungary that was put down by Andrew's regent, Archbishop John of Esztergom – the same churchman who had previously stood aside from Gertrude's murder and would a few years later be probably a visitor to Canterbury.⁴⁰

Following his return to Hungary from the Holy Land in 1218, there was a sudden alteration in the way the chancellery dated Andrew's reign. Instead of commencing the years of his rule in 1205, when Andrew had been crowned, royal letters now began to add an additional year, implying that the king had begun ruling in the spring of 1204.⁴¹ By this adjustment, Andrew effectively wrote out of the historical record both the reign of little Ladislas and the last months of his brother's rule. There can only be one plausible explanation for this – that Andrew was voiding the charters published by Imre or given in Ladislas's name in the eighteen months or so before his own accession. This conjecture would fit with the knowledge we have of Andrew overlooking donations made by his brother, either seizing lands for himself or allocating them to new owners.⁴² It draws attention, moreover, to the most notorious aspect of Andrew's reign – his policy towards property and what Andrew called the 'new arrangements' (*nove institutiones*) or 'general distribution' (*generalis distributio*), whereby he handed out huge tracts of royal estate to his followers.⁴³

All Hungarian rulers gave away land. Mostly, however, their gifts were modest and usually confined to territory on the frontier. The alienation of property by Andrew was quite different in scale, involving large swathes of countryside that had hitherto provided the backbone of the kingdom's organization of earthen castles, garrison troops and royal serving peoples and provisioners.⁴⁴ The main beneficiaries were, in the first instance, the relatives of Queen Gertrude and, subsequently, the clique of office holders who gathered in the royal court. In order to bolster the support available to him, Andrew

³⁹ Theiner, *Vetera Monumenta*, I, 4–5.

⁴⁰ AUO, VI, 399. Discussed in, Zsoldos, "II. András Aranybullája", 22–23.

⁴¹ The regnal year used in royal charters during Andrew II's reign is exhaustively reviewed by Karácsonyi, *Az Aranybulla keletkezése*, 5–20.

⁴² CD, III/1, 255–7; RA, I, nos 269, 272; *Urkundenbuch des Burgenlandes*, no. 116.

⁴³ RA, I, no 320; CD, III/1, 255.

⁴⁴ *Magyarország története*, 1277–80.

augmented the number of court dignitaries, adding new titles. Royal offices were tied to conglomerations of counties, the revenues of which were intended to support the holder in the performance of his duties. The extent to which the royal domain was being apparently squandered by Andrew not only alarmed his son and heir, Béla, who even at a tender age realized that his patrimony was being diminished, but also prompted several letters of admonition from Honorius III that talked of Andrew violating the promise he had given at his coronation not to reduce the 'rights of the kingdom.' It was possibly Honorius's intervention in either or both of 1220 and 1225 that resulted in the Hungarian coronation oath subsequently including a 'non-alienability' clause.⁴⁵

It is common enough to disparage Andrew II for wastefulness. He was, however, no fool. In other aspects of his fiscal policy, he showed acumen, centralizing the salt trade to boost his revenues, granting upon payment exemptions from the burden of exchanging old coin for new, and imposing permanent taxes, including a customs levy on the border.⁴⁶ In explaining Andrew's gifts of royal estate, historians have inclined to believe his own words – that the measure of kingship was the limitlessness of the ruler's generosity, and other such tropes.⁴⁷ Such is, however, to confuse virtue with expediency. What lay behind the wholesale alienation of royal estate were military need and the urgent requirement to update the kingdom's army. Upon Andrew's accession, the forces available to the ruler were not much different from what they had been several centuries before – a core of mainly foreign horsemen, who attended the king in the manner of a *družina* or *Gefolgschaft*; Asiatic light cavalry who had been settled in the kingdom, mainly to see off raiders from the east; and warriors attached to the kingdom's earthen castles who mustered under local captains.⁴⁸ The warriors, who subsisted off small plots, were not numerous and so at time of war the manpower of the castles had to be supplemented by the local population.⁴⁹ This was emphatically not an army of mounted knights, capable of shock

⁴⁵ Emma Bartoniek, "A koronázási eskü fejlődése 1526-ig", *Századok* 51 (1917): 5–44 (7–9); James Ross Sweeney, "The Decretal Intellecto and the Hungarian Golden Bull of 1222", *Album Elemér Mályusz. Studies presented to the International Commission for the History of Representative and Parliamentary Institutions* (Brussels, 1976), 89–96. See also, János M. Bak, *Königtum und Stände in Ungarn im 14.–16. Jahrhundert* (Wiesbaden, 1973), 19.

⁴⁶ László Blazovich, "The Origins of the Golden Bull", in *De Bulla Aurea*, 181–190 (186); András Kubinyi, "Königliches Salzmonopol und die Städte des Königreichs Ungarn im Mittelalter", in Wilhelm Rausch, ed., *Stadt und Salz* (Linz, 1988), 213–232 (213–217); *Magyarország története*, 1278–1280.

⁴⁷ Marsina, "Die Arengen in ungarischen Urkunden", 218–23.

⁴⁸ Martyn Rady, "The Slavs, Avars and Magyars", in Anne Curry, ed., *The Cambridge History of Warfare*, vol. II, forthcoming.

⁴⁹ Gyula Kristó, *Az Árpád-kor háborúi* (Budapest, 1986), 198–200.

assaults and bound by a chivalric ethos. It was mostly only good for defensive work and harrying, or for forays into the Balkans and onto the western steppe. For this reason, campaigning abroad was frequently preceded by the urgent recruitment of foreign warriors and mercenaries.⁵⁰

The land that Andrew dispensed to his followers was seldom given on explicit conditions. Nevertheless, a powerful understanding informed the donations that he made. The land that the king gave was bestowed freely as a gift, in perpetuity, and as a *remuneratio* for faithful service. It was given in the expectation that it would inspire others, as well as the recipient himself, to further acts of valorous endeavour on the royal behalf. The relationship between king and subject was not meanly contractual, but comprehended in terms of affection, which implied a limitless duty on the side of both parties.⁵¹ In this respect, it was typical of the obligations attending lordship elsewhere in Europe, which spoke of commitments being comprehended *propter amorem* or *pro drudo*.⁵² Even grants of land, conveyed exclusively for military purpose, such as the cession of the Transylvanian Țara Bârsei (Burzenland) to the Teutonic Knights in 1211, laid no specific obligations on the recipients other than the hope that the kingdom be extended by their efforts.⁵³

Other charters conveying grants of land, or confirming their possessors in them, adopted an even more expressive vocabulary. This was particularly the case when the beneficiary stood outside the ranks of the king's leading men and was receiving a gift for the first time. On account of his courage, therefore, a warrior of Pressburg (Bratislava), Zerzowoy, was given by King Imre in 1197 the land he held of the castle, removed from its jurisdiction, and admitted to the membership and *libertas* of the royal court.⁵⁴ A few years later, a certain Johannes Latinus of Transylvania was granted exemptions on his property and similarly made a member of the court. The charter explained that Johannes and his heirs might forever have the right to keep company there, in return for which they were expected to serve the king at time of war.⁵⁵ Other charters of

⁵⁰ Elemér Mályusz, "A magyar köznemesség kialakulása", *Századok* 76 (1942): 272–305, 407–434 (290).

⁵¹ Péter Váczy, "A királyi serviensek és a patrimonális királyság" *Századok* 51–22 (1927–1928): 243–90, 351–414 (276–277); Martyn Rady, *Nobility, Land and Service in Medieval Hungary* (Basingstoke, New York, 2000), 36–7.

⁵² Magnus Ryan, "Succession to Fiefs: A *Ius Commune feudorum*?" in John W. Cairns and Paul J. du Plessis, eds, *The Creation of the Ius Commune: From Casus to Regula* (Edinburgh, 2010), 143–158 (149); Frederic L. Cheyette, *Ermengard of Narbonne and the World of the Troubadours* (New York, 2001), 233–234.

⁵³ Franz Zimmermann, Carl Werner, eds, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. I (Hermanstadt, 1892, hereafter *Ub.*), 11.

⁵⁴ *CDES*, 96–97.

⁵⁵ *AUO*, I, 91–92 (1204).

this type refer to the recipient enjoying access to the royal *domus* and *familia*.⁵⁶ By his faithfulness and the rewards he received in recompense, the beneficiary thus became a part of the king's household, with the right to enter his hall and mingle there freely. In time of conflict, he was expected to come to the king's aid, furnishing troops from the land he had been given as a reward for past service, and he might expect that his succour be in turn acknowledged with further demonstrations of royal largesse.⁵⁷ Historians are fond of describing the retinues that the kingdom's lords gathered in the thirteenth century from their estates as 'private armies'.⁵⁸ These contingents should more properly be seen as the manifestations of fidelity that those in the king's household were bound at time of war to bring to their royal father.

The alienation of royal estate was not, therefore, a sign of Andrew's irresponsibility, but arose from the contemporary understanding of faithfulness and from the way that this affected military obligation. Even though the pace of alienation slowed under Andrew's successor, his initiatives still resulted in the transformation of the Hungarian army. By the 1260s, roughly half the royal host was provided by the retinues of the kingdom's great men and it consisted increasingly of heavy cavalry. Around this time, their description in the sources changed from *loricati* to *pancerati*, which suggests a transition from leather cladding to chain mail, although for many the cost of metal armour must surely have been prohibitive.⁵⁹ The system of military recruitment promoted by Andrew II was, nevertheless, retained by Hungary's Angevin rulers, who mainly relied in their wars on the *banderia* of mounted knights that rode to war under the standards of the kingdom's great lords. Their retinues were clearly large, at times sucking in several thousand or more small landowners who began themselves to conceive of their bond to their lords as marked by the same interplay of affection, duty and reward as also governed their master's relationship to the king.⁶⁰

As elsewhere in Europe, land and service were conjoined in Hungary through the notion of fidelity that bound lord and subject in a personal relationship of succour and reward. It is in this context that we should view the resistance clause included in the eschatocol of the Golden Bull. Although later understood in this way, the resistance clause was not an invitation to

⁵⁶ Váczy, "A királyi serviensek", 261–264.

⁵⁷ Ibid, 272.

⁵⁸ See thus Gyula Kristó, *Az Árpád-kor háborúi*, 205.

⁵⁹ László Veszprémy, "Páncél és páncélosok említései a krónikákban és oklevelekben", *Hadtörténelmi Közlemények* 108, no 4 (1995): 3–11 (9).

⁶⁰ Attila Zsoldos, "The First Centuries of Hungarian Military Organization", in László Veszprémy, Béla K. Király, eds, *Millennium of Hungarian Military History* (Boulder, CO & Highland Lakes, NJ, 2002), 3–25 (20–21).

insurrection and to the setting aside by *diffidatio* of the fealty that was properly due to the king. In fact, it constituted the reverse of this. However much the nobles, either as individuals or as a group, might oppose the king should he act in contravention of the Golden Bull, the stain of faithlessness should not attach to them. In other words, they should not as a consequence of their actions be cut off from the rewards and largesse that flowed from the king to his faithful servants. The resistance clause is in this respect misnamed. It was a statement that the kingdom's noblemen were still faithfully committed to the king even though they should act against him, not that they might withdraw their allegiance from him with impunity. It was a fidelity clause, or, since fidelity was so bound up with the concept of reward, a clause intended to guarantee their continued remuneration.

The 'Imre Faction' and the Servientes

The royal reward was, nevertheless, discretionary. In the distribution of the royal largesse, not everyone was a winner. Some were overlooked; others were plundered, and their lands redistributed to others, whose fidelity was deemed more precious. Among the losers were the former supporters of King Imre. We may track the careers of several of their number and observe the way they either fell from the lists of royal officers in the years following Andrew's accession, or else played only an intermittent part in government. None, it would seem, made it into the core of household officers that increasingly dominated the king's inner counsels.⁶¹ Possibly it was members of this disaffected group that were behind the putsch that was mounted while Andrew was away on crusade. Possibly also, they rallied around Andrew's son, Béla, promoting him as a rival focus of authority and allegiance, even to the extent of obtaining his coronation in 1214 as *iunior rex*. In this respect, the clause in the Golden Bull permitting transfer from the royal court to Béla's is suggestive of the young king's influence.⁶² The part played by Imre's supporters in the events that led to the issue of the Golden Bull is, however, indicated by one detail in its text – the regnal year given in the final sentence of the charter.

As we have already noted, from 1218 royal charters altered Andrew II's regnal year, dating the start of his reign in 1204 rather than 1205. By this, Andrew was able to invalidate donations given in the eighteen months before his accession. The Golden Bull, however, returned to the older practice observed before 1218 of dating Andrew's reign from 1205, and it is unusual in this respect. There is only one other charter issued in the course of 1222 or, indeed, later that keeps

⁶¹ Zsoldos, "II. András Aranybullája", 18–20.

⁶² Ibid, 6–8.

the same dating of the regnal year as the Golden Bull.⁶³ We cannot establish with any certainty in which month this second charter was issued. Unlike the Golden Bull, it does, however, provide a list of secular office holders. As far as we can make out, almost all of these were former office holders under Imre or their close kinsmen, whose careers had been eclipsed in the subsequent period, including most obviously the new palatine, Theodor, son of Wetich.⁶⁴ In short, the party that had gathered around Imre, and had been worsted by Andrew in the civil conflict within the royal house, were back and looking to recover their lands, by reactivating the charters that the change in the regnal year had voided. By re-dating Andrew's rule to 1205, the Golden Bull served their interests, and in the wake of its issue they formed the king's new government.

In fact, the 'Imre government' lasted only a couple of months. It was replaced by the king – possibly at the St Stephen's Day assembly or even before – and a regime made up of loyalists to Andrew was installed. The new government was headed by Gyula of the Kán kindred, who had previously served Andrew over several decades.⁶⁵ Replacement of the 'Imre government' allowed the king to ignore the terms of the Golden Bull that had forced from him. Only a year later, in defiance of the Golden Bull, he gave away the county of Keve – in contravention of the article in the Golden Bull prohibiting the alienation of whole counties – and, further ignoring its terms, he continued to employ Muslims and Jews in the kingdom's financial administration, thereby earning the Pope's renewed displeasure and his own eventual excommunication.⁶⁶ After a few years, he resumed the debasement of the coinage.⁶⁷

The supporters of Imre were one group who had lost out in the distribution of the royal largesse that attended Andrew's 'new arrangements.' A second group were the castle warriors and serving peoples, whose lands and livelihoods were threatened by the alienation of the royal domain upon which they had hitherto subsisted. Although the property of the warriors was generally spared from donation, their way of life was jeopardised by the emphasis now placed on the establishment of knightly retinues.⁶⁸ As the land belonging to the serving peoples who had economically sustained the castles was given away, the

⁶³ *Ub.*, I, 18 (RA, I, no 380).

⁶⁴ Their careers are reviewed in Karácsonyi, *Az aranybulla keletkezése*, 23–24; Zsoldos, "II. András Aranybullája", 6.

⁶⁵ Zsoldos, *Magyarország világi archontológiája*, 305–306.

⁶⁶ Tibor Antal Horváth, Lajos Huszár, "Kamaragrófok a középkorban", *Numizmatikai Közlöny* 54–55 (1955–1956): 21–33 (22); more generally, Nora Berend, *At the Gate of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000–c. 1300* (Cambridge, 2001), 120–129; György Györffy, *Az Árpád-kori Magyarország történeti földrajza*, vol. III (Budapest, 1987), 317–319.

⁶⁷ Bálint Hóman, *Magyar pénztörténet 1000–1325* (Budapest, 1916), 304–307, 442.

⁶⁸ Zsoldos, *A szent király szabadjai*, 78–80.

entire structure of the castle organization began to falter. It was manifested in the many surviving cases of serving people seeking to alter their status in order to protect their lands from encroachment.⁶⁹ We also know of castle lands being invaded illegally by avaricious landowners, who took advantage of the larger redistribution of property to augment their own holdings.⁷⁰

Paradoxically, however, the castle warriors found a supporter in the king. Andrew II's 'new arrangements' were predicated on the men to whom he had given land manifesting their renewed faithfulness to him by providing him with retinues at time of war. Invariably, the numbers that they mustered were less than the king might have hoped, not because of laziness or bad will, but because recruitment at this time was generally an uncertain business.⁷¹ During the second decade of the century, Andrew started to take warriors who had previously served in the kingdom's castles under his protection. They were lifted out of the 'servitude of the castle' and made into royal servants, who henceforth performed their military duties under the royal standard (*sub vexillo regio*) rather than in the local units fielded by the castles. The name by which they were known – the first unequivocal reference is from 1212 – was *servientes regis*, and it is their petition that the Golden Bull communicates.⁷²

In the years immediately preceding the Golden Bull, the pace of preferment increased. Andrew was gathering to himself a royal retinue, almost his own 'private army', on which he could rely for numbers. In so doing, Andrew effectively wrecked much of what remained of the old castle system, for the lords who had previously the county contingents were now robbed of their military muscle. In the majority of cases, the *servientes* were confirmed in the lands that they already held as warriors, but a few received additional land grants of land, either by way of reward or so that they might discharge their military duties more fully. Sometimes, they bought more land or sold what they had been given for profit.⁷³ It is likely that the ranks of the *servientes* were swollen by warriors and others, who simply took on the title, without a royal charter formally admitting them to the status of a royal *serviens*. This certainly happened in the decades that followed. Where, however, written evidence remains of individual

⁶⁹ János Karácsonyi, Samu Borovszky, eds, *Regestrum Varadinense examinum ferri candentis* (Budapest, 1903, hereafter *Regestrum Varadinense*), 172, 181, 194, 197, 235, 270–273, 283, 297; CDES, 183.

⁷⁰ *Regestrum Varadinense*, 237, 269, 271, 273, 283, 296.

⁷¹ The point is well made by László Veszprémy, "Servientes, sergaints. Katonai reformok a 12–13. századi Magyarországon és Európában", in Gyöngyi Erdei and Balázs Nagy, eds, *Változatok a történelemre. Tanulmányok Székely György tiszteletére* (Budapest, 2004), 151–155 (154).

⁷² AUO, VI, 355 (1212). For the first grant of the title with a conveyance of land, see RA, I, 336 (1217).

⁷³ RA, I, no 244; CDES, 181, 247, 253, 283.

preferment, it displays the same language of fidelity and reward as had been employed in previous grants of royal land. The *serviens* was given land, or confirmed in his possession of it, in token of his faithfulness and in the expectation that it would inspire him to further acts of valorous endeavour. He was bestowed with the permanent and 'golden liberty' of royal service, by virtue of which he was taken into the king's *familia* and into his hall, 'and he and his descendants will ever more be deemed to be of our home and household.'⁷⁴ Few of the *servientes* could in reality have taken advantage of this opportunity, for their lands were scattered across the kingdom. Their membership of the royal household and family was in this sense fictive, conveyed in the language of personal kingship. Nonetheless, in time of war, the *serviens* was expected to join the royal host, fighting under the king's command and in his personal retinue.

In respect of their proximity to the ruler, the personal service they discharged and remuneration they were owed, the status enjoyed by the *servientes* was at least rhetorically close to the position held by the established lordly elite of noblemen. From the 1240s, therefore, they increasingly assumed the title of noble, even though seldom possessed of the same land, resources and political influence.⁷⁵ By the 1260s, the identification of *nobiles* with *servientes* was complete. The royal charter of 1267 thus refers to the petition 'of all the nobles of the kingdom of Hungary, who are called royal *servientes*.'⁷⁶ Thereafter, the term of *servientes* gradually fell into abeyance, to be superseded entirely by the name of *nobiles*. To compensate for this dilution in the meaning of nobility, the lordly elite increasingly adopted the additional titles of *barones* and *magnates*, thus differentiating themselves from the mass of middling and poor noblemen.⁷⁷ Nevertheless, because both lords and common noblemen shared the same, unmediated relationship to the ruler, it was later possible to posit that they were legally possessed of the same status, enjoying *una eademque libertas*.⁷⁸

Quite how the *servientes* were drawn into the conflict between Andrew II and the 'Imre party' must remain uncertain. Notwithstanding later references in charters of preferment to the *servientes* as a *collegium* and *coetus*, they were surely as a group too politically immature and geographically dispersed to have acted in concert. The suspicion must therefore arise that they were manipulated

⁷⁴ Váczy, *A királyi serviensek*, 263. See also, Péter Váczy, *A szimbolikus államszemlélet kora Magyarországon* (Máriabesnyő, Gödöllő, 2004), 11–18, 30–31 (first published in 1932).

⁷⁵ The precise point at which *nobilis* and *serviens* became identical is contested. Some of the literature is reviewed in János Varga, *A keltjobbágyfiúk legendája. Forrástanulmány az Árpád-kori társadalom történetéhez* (Budapest, 2009), 23–25. The process of assimilation is described by Ilona Bolla, *A jogilag egységes jobbágyosztály kialakulása Magyarországon* (Budapest, 1983), 67.

⁷⁶ *DRMH*, I², 40.

⁷⁷ Mályusz, "A magyar köznemesség kialakulása", 277.

⁷⁸ Martyn Rady, "Stephen Werbőczy and his *Tripartitum*", in *DRMH*, vol. V, xxvii–xlv (xxxviii).

to intervene, either by the ruler or by the 'Imre faction' or by the young King Béla. It is in this last respect suggestive that during the 1220s Béla also ceded a succession of charters, raising the recipients to the rank of *servientes*.⁷⁹ The petition of the *servientes*, which lies at the heart of the Golden Bull, nevertheless discloses the way that they sought to expound their relationship to the king. First, at the king's annual assembly, 'all the *servientes* who wish shall freely gather there.' Since this assembly also functioned as a court of law, the *servientes* were here asserting the right of being judicially subject only to the king or his deputy, the palatine, and no longer, as the Golden Bull expressly laid down, to the authority of the lords of the castles. Secondly, despite the mayhem caused by Andrew II's 'new arrangements', there was no attempt to rein in the pace of alienation, save the article forbidding the grant of whole counties.⁸⁰ Plainly, the *servientes* did not wish to impede the flow of royal munificence, in which they might expect to have a share. Thirdly, the *servientes* were anxious lest their fidelity to the ruler be interpreted in such a way as to drain their resources, seeking in particular not to be drawn into fighting abroad. In respect, however, of campaigns within the kingdom, 'all are obliged to go, without exception.' Most of all, however, the *servientes* sought to free themselves of the burdens that had previously attached to their status as castle warriors – their jurisdictional subordination to the lords of the counties, their obligation to provide hospitality or grazing land, the precarious hereditability of their property – and to affirm the immediacy of their relationship to the king.

Later History

In the century following its issue, all mention of the Golden Bull disappeared. Although Andrew II continued to promote the interests of the *servientes*, the provisions of the Golden Bull were too constraining and their political implications too radical. As in the case of King John and Innocent III, Andrew had the support of Pope Honorius III, who considered the Golden Bull to have been forcibly extracted from the ruler as well to contain clauses damaging to the church. It is possibly for this reason that it was never registered in the papal curia.⁸¹

⁷⁹ RA, I, nos 569, 570, 574, 575.

⁸⁰ The county of Esztergom had been alienated in 1215 to the archbishop. The charter recording this (RA, no 300) is now thought to be genuine. See Kristó, "II. András király 'új intézkedései'", 274. The dwarf county of Locsmánd (Lutzmannsburg) was also alienated by Andrew II around this time. See Gyula Kristó, *A vármegyék kialakulása Magyarországon* (Budapest, 1988), 278–279.

⁸¹ Géza Érszegi, "A History of the Genesis of the Golden Bull", in *De Bulla Aurea*, 191–201 (194). This presupposes, however, a degree of organization in the papal chancery that cannot yet be demonstrated. See Jane E. Sayers, *Papal Government and England during the Pontificate of Honorius III (1216–1227)* (Cambridge, 1984), 58–66.

Nevertheless, recollection of the Golden Bull could not be effaced. The charter of 1267, published jointly by Béla IV and his son, followed the arrangement of the Golden Bull, repeating its concessions, often verbatim. Importantly, the charter of 1267 built on the Golden Bull by declaring the principle that the annual assembly be attended by representatives of the counties, and this clause was subsequently expanded in 1290 to permit their scrutiny of royal appointments. The charter of 1298, which is mostly concerned with the restoration of order, was even issued in the assembly's name, as the product of the nobility's consultations, although with the consent of the king and his barons. In short, the development of representative institutions in Hungary shows a line that can be tracked back through 1267, the supposed 'birthdate of the Hungarian corporative diet', to 1222 and the Golden Bull.⁸² Perhaps indeed, as Henrik Marczali slyly observed, the whole history of Hungary's constitution was, like Bishop Stubbs's observation on Magna Carta, a commentary on the Golden Bull.⁸³

Hungary's fourteenth-century Angevin rulers were averse to sharing power with representative bodies, and the further development of parliamentary practice would have to wait in Hungary until the fifteenth century. It was under these circumstances of adversity that the Golden Bull was expressly recalled, yielding the 1318 copy. In that year, four prelates sealed a copy of the charter of 1222, presenting it to the Angevin ruler, Charles Robert, in the hope that he would acknowledge the royal obligation to convene an assembly (or recognize the decisions of one that had been called in his absence).⁸⁴ Their selection of the Golden Bull for this purpose may have been on account of the resistance clause included within it, which they deemed an inducement to royal compliance.⁸⁵ As it turned out, Charles Robert did not confirm the copy of the Golden Bull that had been presented to him. Nevertheless, in 1351 his son and successor, Louis the Great, republished and confirmed its text, considering it a convenient summary of the nobility's privileged status. He did, however, alter the terms of its clause relating to the free inheritance of noble property.⁸⁶

From this point onwards, the Golden Bull was regarded as emblematic of noble liberty. In 1384 and again in 1397, the Golden Bull was republished – on the first occasion through the reissue of Louis's charter of 1351; and on the second in a revised form that sought to update its contents. In 1440, the Golden

⁸² The quotation is from György Bónis, "The Freedom of the Land in Medieval Hungarian Law", *Anciens Pays et assemblées d'états* 53 (1970): 94–116 (107).

⁸³ Marczali, *Magyarország története az Árpádok korában*, 79.

⁸⁴ Érszegi, "Az aranybulla," 5.

⁸⁵ Alajos Degré, "Az ellenállási jog története Magyarországon", *Jogtudományi Közlöny* 35 (1980), 366–371 (367–368).

⁸⁶ *DRMH*, II, 8–9.

Bull was included in a *libellus*, which otherwise contained the texts of the laws of 1298 and 1351 as well as a short compendium of customary regulations.⁸⁷ These were confirmed by Wladislas I several days after his coronation. Matthias Corvinus, on the occasion of the coronation diet held in 1464, also expressly agreed to uphold the terms of the Golden Bull.⁸⁸ Matthias's successor, Wladislas II, similarly committed himself after being crowned in 1490 to maintain the terms of the Golden Bull. On the occasion of his wife's coronation in 1521, Louis II, who had been crowned as an infant in his father's own lifetime, likewise promised to uphold the Golden Bull's contents.⁸⁹ From the sixteenth century onwards, the text of the Golden Bull was included in successive editions of the kingdom's laws, as the only surviving piece of thirteenth-century legislation.⁹⁰

The Golden Bull was additionally used by the lawyer and politician, Stephen Werbőczy, to lend the semblance of antiquity to what he claimed were the inviolable privileges of the Hungarian nobility. In the influential law code known as the *Tripartitum*, which he published in 1517, Werbőczy described the Golden Bull and the rights it conveyed as ones that 'the Hungarian people to the present day exalt to the stars as if they were holy decrees.' Quite erroneously, Werbőczy also claimed that Hungary's kings swore to observe the Golden Bull during their coronations, before the Holy Crown was put on their heads.⁹¹ This was never the case, although later commentators, relying on Werbőczy, often presumed otherwise.⁹² Werbőczy also drew attention to the resistance clause in the Golden Bull, declaring that it gave the Hungarian nobility 'ever more the liberty to resist and oppose the king without taint of infidelity.' In fact, the resistance clause had never been previously invoked to justify insurrection, notwithstanding the inventiveness by which some Hungarian rebels sought to justify their actions. As a consequence of its inclusion within the *Tripartitum*, however, the so-called *ius resistendi* became part of the rhetoric of rebellion, being variously deployed in the seventeenth century, and indeed later, to justify uprisings against Habsburg rule.⁹³ In 1687, Leopold I obliged a

⁸⁷ Ibid., 14–15, 21–23, 90.

⁸⁸ Érszegi, "Az aranybulla", 9.

⁸⁹ Bartoniek, "A koronázási eskü", 41–3.

⁹⁰ Mihály Párniczky, János Bályka, *A magyar Corpus Juris (Az első kiadások forrásai)* (Budapest, 1936), 43–74.

⁹¹ *Tripartitum*, I.9 [6] (*DRMH*, V, 57).

⁹² Kees Teszelszky, *Az ismeretlen korona. Jelentések, szimbólumok és nemzeti identitás* (Budapest, 2009), 250

⁹³ Péter, "Ius resistendi in Hungary", 46–53; Martyn Rady, "Bocskai, Rebellion and Resistance in Early Modern Hungary", in Péter and Rady, *Resistance, Rebellion and Revolution*, 57–66 (65–66); Elemér Balogh, "The Place of the Golden Bull in Hungarian Constitutional History", in *De Bulla Aurea*, 203–224 (223–234).

cowed Hungarian diet to declare the resistance clause invalid.⁹⁴ Paradoxically, the Golden Bull was always thereafter referred to in the coronation oath, in respect of the *neo-rex*'s statement that, while respecting the historic laws and rights of the kingdom, he was no longer bound by the resistance clause included in the Golden Bull. Presumably, therefore, the rest of the Golden Bull was still binding, even though its contents were by this time thoroughly anachronistic. Reference to the Golden Bull was retained in the royal oath right through to the coronation in 1916 of Hungary's last king.⁹⁵

Conclusion

The Golden Bull thus managed the same trajectory as the Magna Carta, moving over time from a piece of legislation to the status of symbolic artefact.⁹⁶ It originated, however, in a petition submitted to the king by the royal *servientes*, a group that had only recently been called into existence by Andrew II's policies. The petition was presented on the occasion of a crisis in royal government that had been provoked by supporters of the previous king. The content of the petition sought to put an end to some of the abuses that afflicted the *servientes* and to enlarge the rights that attached to them by virtue of their new status. To these clauses were added several more that promoted the interests of the kingdom's great men, particularly those who had formerly been in the circle of King Imre. The Golden Bull thus regulated relationships in much the same manner as other charters of liberty granted elsewhere in Europe at this time. The intellectual underpinning of the Golden Bull was, however, quite different. The interest of the *servientes* was to preserve the land and resources in which they had been confirmed and to maintain their right of proximity to the ruler, in the expectation that their faithfulness be met with a fresh flow of royal munificence. The resistance clause tacked onto the end of the charter aimed at the same, to ensure that noble opposition to the ruler did not have as its consequence a distancing from the royal person and from his largesse.

The Golden Bull conveys freedoms, rights and rules, and may thus be considered a charter of liberty, analogous to Magna Carta and any of the other great privileges of the thirteenth century. Its contribution to the development of representative government also bears in several respects a resemblance to Magna Carta's; likewise, its posthumous reputation. The purpose of the Golden Bull was, however, less to constrain the ruler as to express in written form the rights

⁹⁴ The text is most conveniently available in C. A. Macartney, *The Habsburg and Hohenzollern Dynasties in the Seventeenth and Eighteenth Centuries* (London, New York, 1970), 85–86.

⁹⁵ The text of the coronation oath is recorded in Law 3 of 1917. The Golden Bull did not, however, feature in the oaths of the Regent and National Leader.

⁹⁶ Nicholas Vincent, *Magna Carta: A Very Short Introduction* (Oxford, 2012), 102.

that belonged to the *servientes* and which were the mark of their status. It is the petition of the *servientes* that the Golden Bull conveys and it is their concerns that it primarily reflects. Preeminent among these was the continued connection between fidelity, service and reward, and the immediacy of the bond that united the *servientes* to the ruler. With the subsequent transformation of the *servientes* into the kingdom's common nobility, proximity to the monarch continued to be understood as one of the distinguishing marks of noble status. Its manifestation was the land that the nobleman held of the ruler, which celebrated the fidelity that his forbears had shown and which continued to bind its possessor in a bond of affection to the monarch. The interconnectedness of ruler and nobility achieved its later formulation in Werbőczy's account: all nobility derives from the king, 'and these two by virtue of some reciprocal transfer and mutual bond between them, depend upon each other so closely that neither can be separated and removed from the other and neither can exist without the other.'⁹⁷ It is this principle that the Golden Bull expounds.

UNGARIA ȘI BULA DE AUR DIN 1222

Rezumat

Bula de Aur ungară din 1222 este un document compozit, realizat într-un moment de criză în guvernarea regatului. Esența ei rezidă într-o petiție. Aceasta a fost transformată într-un privilegiu de către cancelaria regală care i-a adăugat elemente noi, incluzând așa-numita clauză de opoziție. Petiția și revizuirea cancelariei se raportează la două grupuri electorale diferite, anume *servientes regis* și, respectiv, o parte dintre nobilii regatului sau mari seniori care își însușiseră de curând puterea. În secolele următoare promulgării sale, Bula de Aur a fost uitată, dar a devenit ulterior simbol al libertății aristocrate. Clauza sa de opoziție a căpătat o semnificație aparte printr-o relectură din secolul al XVI-lea, în baza căreia referința la Bula de Aur a fost, mai târziu, inclusă în jurământul de încoronare ungar.

⁹⁷ *Tripartitum*, I. 4 [7] (*DRMH*, V, 51).