

I. INTRODUCTION

Hungarian is one of those languages whose sounds are difficult to represent in the Latin alphabet without some ingenuity. Perhaps this explains in part why it was not until the early modern period that the written Hungarian language came to the fore after relatively modest beginnings in the Middle Ages. It is therefore all the more striking that, uniquely among the medieval laws of Hungary, the Golden Bull issued by Andrew II in 1222 was translated into Hungarian as early as the latter half of the sixteenth century.¹ Although the motives for and circumstances of the translation are unknown, there can be little doubt that the special attention given to the Golden Bull reflected its exceptional status as a “general decree” (*generale decretum*)² that continued to regulate the most important rights of the Hungarian nobles.

Interest has waned little since that time, although today the Golden Bull tends to be considered a historical reference point rather than a subject for academic study. This in turn is rooted in what amounts to a consensus among historians that the issues surrounding the Golden Bull have already been adequately explained. Reaching this consensus, however, was no straightforward matter. Indeed, analysis of the Golden Bull led, in earlier periods, to the most varied and often contradictory interpretations. Some historians saw in the emergence of the Golden Bull the victory of Prince Béla’s backers, who were opposed to the king’s policy of donating lands to supporters.³ Others, however, viewed the decree as representing the triumph of the beneficiaries of that same policy.⁴ Indeed, while in the opinion of one historian the measures stemming from the Golden Bull represented a consolidation of royal power,⁵ an alternate view was that they had placed limits on the king.⁶ Today, the general opinion of historians is that Andrew II issued the Golden Bull before the end of May 1222 in response to an opposition movement triggered by the gross excesses of his land grants.⁷ This movement was backed by confidants of Andrew’s elder brother, Emeric, who had reigned as king until his death in 1204. It also enjoyed the mass support of the *servientes regales* (royal servants), who feared for their independence in view of the increasing power of the major landowners that was an outcome of the land grants. The

¹ Dóry, “Az aranybulla XVI. századi magyar fordítása”, pp. 448–454.

² Cf. *Tripartitum*, p. 57. (Partis I, tit. 9).

³ Horváth, *Magyarország történelme*, vol. I, pp. 515–518.

⁴ Szántó, “Az Aranybulla keletkezése”, pp. 158–171.

⁵ Marczali, *Magyarország története az Árpádok korában*, p. 408.

⁶ Schiller, “Az aranybulla”, p. 38, cf. also Szántó, “Az Aranybulla keletkezése”, p. 163.

⁷ See e.g. Kristó, *Le temps des Arpads*, p. 130, Engel, *The Realm of St Stephen*, pp. 93–94, Rady, *Nobility, Land and Service in Medieval Hungary*, p. 39, Rady, “Hungary and the Golden Bull of 1222”, pp. 87–108.

movement also had the support of the Church, which disapproved of many aspects of the king's policies. Faced with the victory of this movement in the spring of 1222, Andrew II had no choice but to remove his own confidants from various offices, subsequently awarding key positions in the royal council to the leaders of the malcontents, who then pressured the king into issuing the Golden Bull. In consequence, the text of the Bull reflected the main demands of the movement. As well as remedying general grievances, it included provisions countering the king's former policies and setting out the rights of the *servientes regales*. However, shortly after the proclamation of the Golden Bull, its main proponents lost their positions of influence and the king's old supporters were reinstated to the principal offices of government. This turn of events did not, however, deter the backers of the Golden Bull. Indeed, with the support of the *servientes regales* the movement underwent a revival, leaving Andrew II with no option but to concede. Ultimately, the ruler resolved the political turmoil by once again reorganizing the royal council and granting the major offices to nobles who had played no part (or no more than a minor part) in the earlier political struggles.

The foundation stone for the above reconstruction of events was laid by János Karácsonyi and László Erdélyi. Even today, Karácsonyi's interpretation of the political historical developments in 1222 is considered authoritative in many respects.⁸ Yet the sources at his disposal were rather scanty, the primary one being the Golden Bull itself, none of whose seven original copies have survived but whose text is known to posterity by way of a copy⁹ made around 1318 and thanks to the 1351 law of Louis the Great (and its transcriptions).¹⁰ Today's historians have at their disposal a critical edition of the text of the Golden Bull,¹¹ as well as an English translation.¹² Both of these are accessible on the Internet,¹³ rendering their republication here superfluous. In the course of his research on the Golden Bull, Karácsonyi also relied upon the surviving royal charters from 1222 as well as Pope Honorius III's bulls and letters relating to Hungary, in particular his letter of 15 December 1222. Like other Hungarian historians before him,¹⁴ Karácsonyi detected in this letter a direct reference to the movement that had pressed for the adoption of the Golden Bull.

⁸ Karácsonyi, *Az aranybulla keletkezése és első sorsa*, pp. 3–30.

⁹ Esztergomi Prímási Levéltár, *Acta Radicalia*, V, 1, its photocopy: *DF*, no. 248 769, cf. Knauz, "Aranybulla", pp. 205–218.

¹⁰ *DRH 1301–1457*, pp. 124–140.

¹¹ Érszegi, "Az Aranybulla", pp. 6–19.

¹² *LMKH*, pp. 34–37.

¹³ https://library.hungaricana.hu/hu/view/FEJM_FMTE_06/?pg=6&layout=s (critical edition), https://digitalcommons.usu.edu/lib_mono/4 (English translation).

¹⁴ Cf. e.g. Knauz, *II. Endre szabadságlevelei*, p. 17 (note 2).

For his part, Erdélyi's main contribution to the clarification of the issues surrounding the Golden Bull was his finding or discovery – which ran contrary to the view of earlier historians, who had regarded the “*servientes*” mentioned in the Golden Bull as the lower echelon of nobles – that in early thirteenth-century Hungarian society the *servientes regales* constituted a social stratum that was distinct from the nobility of the period and that this group had formed the basis of the movement compelling the king to issue the Golden Bull.¹⁵ Based on Karácsonyi and Erdélyi's findings, Bálint Hóman, an influential Hungarian historian in the first half of the twentieth century, attributed the issuance of the Golden Bull to pressure from a movement backed by the *servientes regales* and “led by a group of barons” opposed to the policies of the king.¹⁶ In essence, the Marxist historians who monopolized Hungarian historiography from the late 1940s onwards espoused the same argument,¹⁷ and there was little change in the general perception even after 1990 when history-writing in Hungary was released from the ideological shackles.

A more intractable question concerns the possibility that the Golden Bull was modelled on a foreign statute. In this regard, it is worth quoting in full the introduction to the Golden Bull issued in Andrew II's name: “Since the liberties established by Saint Stephen the king in favour of the nobles of our realm as well as of other persons have been diminished in many respects by the authority of certain kings, some of whom in personal anger took vengeance, others of whom paid heed to the false counsel of wicked and self-seeking men, these same nobles have repeatedly importuned our serenity and that of their kings, our predecessors, with numerous petitions and entreaties for reform of our kingdom. We therefore desire to fulfil their requests in all respects, as we are obliged to do, especially because between them and us this circumstance has often led to no inconsiderable bitterness, which ought rightly to be avoided for the better preservation of the royal dignity which can be done better by no one other than by them. We grant both to them and to other men of our kingdom the liberty given by the holy king, and we salubriously ordain what further pertains to the reformation of the state of our kingdom”.¹⁸ This objective clearly links the Golden Bull of Hungary with many other

¹⁵ Erdélyi, “Anonymus korának társadalmi viszonyai”, pp. 195–197, Erdélyi, “Árpádkori társadalomtörténetünk legkritikusabb kérdései”, (VI), pp. 39–63, Erdélyi, “Az aranybulla társadalma”, pp. 82–108.

¹⁶ Hóman – Szekfű, *Magyar történet*, vol. I, pp. 490–491 (the relevant part is by Hóman).

¹⁷ See e.g. Molnár, *A magyar társadalom története*, p. 84, Kristó, *Az Aranybullák évszázada*, pp. 58–60.

¹⁸ The Golden Bull of 1222: “Quoniam libertas tam nobilium regni nostri, quam etiam aliorum instituta a sancto Stephano rege per aliquorum regum potentiam ulciscencium aliquando iram propriam aliquando etiam attentantium consilia falsa hominum iniquorum vel sectantium propria lucra fuerat in quam plurimis diminuta, multociens ipsi nobiles nostri serenitatem nostram et predecessorum nostrorum regum suorum precibus et instantia multa pulsaverunt super reformatione regni nostri. Nos igitur eorum petitioni satisfacere cupientes in omnibus, ut tenemur, presertim, quia inter nos et eos occasione hac iam sepius ad amaritudines non modicas est processum, quod, ut regia honorificencia plenius conservetur, convenit evitari, hoc enim per nullos alios melius fit, quam per

thirteenth-century European statutes,¹⁹ but another important element in the Bull narrows the circle: at the end of the text, there is a closing provision which, in the event of an infringement of the provisions thus introduced, authorizes the ecclesiastical and secular dignitaries and a limited number of the lords “to resist and speak against” Andrew II or his successors.²⁰ Following this line of thought, Hungarian historians have formulated three possible major influences. The first is that of Aragon,²¹ although it was only decades after 1222 that the (purportedly) analogous Aragonese laws were adopted. (For this very reason, a reverse scenario has been raised, according to which the Golden Bull of Hungary influenced developments in Aragon,²² doing so by way of the Hungarians who arrived in Aragon with Andrew II’s daughter Yolande, who became wife to King James I of Aragon.) The second possible influence on the Golden Bull is that of the *Assizes of Jerusalem* – the legal treatises containing the laws of the Kingdom of Jerusalem, which were subsequently employed in other Crusader states.²³ The third influence, one that was formulated very early on, is the *Magna Carta*, the charter of English liberties granted by King John in 1215.²⁴

Yet in none of these cases have researchers in philology succeeded in demonstrating textual similarities between the potential models and the Golden Bull. In other words, the three rival suggestions must rely exclusively on relational facts and on the assumptions arising from those facts. Still, even in the case of the least plausible derivation, namely the Aragonese one, it cannot be denied that the wife of King Emeric (Andrew II’s elder brother) was Constance of Aragon, and that several of the people who arrived in Hungary in her entourage subsequently settled in the country.²⁵ In turn, the *Assizes of Jerusalem* might have become familiar to Andrew during his Crusade to the Holy Land in 1217–1218. And concerning a possible link with the *Magna Carta*, based on recent research it would appear that relations between England and Hungary were more vibrant in the early thirteenth century than has previously been supposed.²⁶ Even so, the possibility or feasibility of acquiring knowledge of customs in distant countries is

eos, concedimus tam eis, quam aliis hominibus regni nostri libertatem a sancto rege concessam ac alia ad statum regni nostri reformandum pertinentia salubriter ordinamus”, *LMKH*, p. 35.

¹⁹ Rady, “Hungary and the Golden Bull of 1222”, p. 88.

²⁰ The Golden Bull of 1222 (*LMKH*, p. 37).

²¹ Marczali, *Magyarország története az Árpádok korában*, pp. 406–407, Hóman – Szekfű, *Magyar történet*, vol. I, p. 497 (the relevant part is by Hóman), Győry, *Gesta regum*, p. 110.

²² Cf. Vajay, “*Dominæ reginæ milites*”, p. 69.

²³ Divéky, *Az arany bulla és a jeruzsálemi királyság alkotmánya*, pp. 4–21.

²⁴ Szalay, *Magyarország története*, vol. I, p. 294, Fest, “*Magna Carta – Aranybulla*”, pp. 277–293, 45–67, Fest, “*Párhuzam*”, pp. 109–139.

²⁵ Zsoldos, *The Árpáds and Their Wives*, pp. 196, 116–117, Zsoldos “*Els Nagymartoni*”, pp. 179–182.

²⁶ Solymosi, “*Magyar főpapok angliai zarándoklata*”, pp. 541–568, Rady, “*Hungary and the Golden Bull of 1222*”, pp. 88–89, Bácsatyai, “*II. András angliai követei*”, pp. 621–632.

no proof that such customs were actually transposed to Hungary. Yet evidently thirteenth-century Hungary did not exist in a vacuum isolated from the rest of Europe. In this regard, it can be stated that the text of the Golden Bull reflects the influence of both Roman and canonical law.²⁷ Under the circumstances, one may posit that in the Hungary of 1222, England's *Magna Carta* could well have been held up as an example of how to calm tempers and settle the relationship between a ruler and his subjects, especially given that the ruler was determined to offer unusually strong guarantees concerning the fulfilment of the obligations.²⁸ If this was the case, which is not impossible but far from certain,²⁹ then the example of the *Magna Carta* would have been particularly useful to Andrew II (more so than to any of his contemporaries in Hungary).

This possible link, however, has little in common with the popular belief in Hungary – which was raised in the nineteenth century almost to the level of a national myth – that a firm relationship existed between the Golden Bull and the *Magna Carta*. The belief was nurtured by Hungary's nineteenth-century modernizers, who viewed England as a model country or exemplar and who thus sought out and emphasized historical parallels between the two countries. The reformers of the first half of the nineteenth century saw in the Golden Bull the main bastion of the “thousand-year-old Hungarian constitutionalism”. However, this was also true of their opponents, those seeking to preserve the traditional structures. The situation has remained so ever since: even today, proponents of the most diverse political ideologies look to the Golden Bull for (historical) verification of their views.³⁰

Consistency is notably lacking from historical consciousness in Hungary, and this deficiency reflects in part the presence of the aforementioned national myths. Indeed, at times it seems as though there is a wilful intention to juxtapose irreconcilably contradictory elements. For instance, Hungarian historical consciousness has idealized forceful kings like Stephen I, Béla IV or Matthias Corvinus even while paying tribute to the doctrine of the Holy Crown, which stems in large part from the writings of nineteenth-century jurists and restricts the power of the ruler by endowing the Crown with legal personality and an almost divine status. Diets and assemblies like the one mentioned by the Hungarian chronicler *Anonymus* in his account of the Magyar conquest, which has been used to explain the origin of the name Ópusztaszer,³¹

²⁷ Murarik, *Az ősiség alapintézményeinek eredete*, pp. 185–186, Geric, “Az Aranybulla ellenállási záradékának értelmezéséhez”, pp. 99–108.

²⁸ Cf. Laszlovszky, “Magna Carta és Aranybulla”, p. 221.

²⁹ Cf. Engel, *The Realm of St Stephen*, p. 95.

³⁰ Cieger, “A pecsét sok oldala”, pp. 403–413.

³¹ *Anonymus*, c. 40: “in illo loco dux [sc. Arpad] et sui nobiles ordinaverunt omnes consuetudinarias leges regni et omnia iura eius, qualiter servirent duci et primatibus suis vel qualiter iudicium facerent pro quolibet crimine

probably never took place or, if they did so, were most certainly done away with by Stephen I, who “emulating both ancient and modern caesars” laid down for his people “how they should lead an upright and blameless life”.³² Seen in this light, it is somewhat ironic that Hungary’s main celebration of the Festival of Saint Stephen (Stephen I was canonized in 1083) is held each year at Ópusztaszer. The Golden Bull of 1222 is customarily celebrated as a sort of medieval ‘constitution’, yet its promulgator, Andrew II, is given no accolades, for he is seen as a “weak [...] man”³³ whose actions were driven by “delinquent recklessness”.³⁴ One can even read that as ruler “he squandered the authority of the kingdom”.³⁵

Gaining a more realistic impression of Andrew II would, however, require only a little effort on our part. Indeed, it would suffice to abandon the one-sidedness that has characterized Hungarian history-writing ever since the mid-nineteenth century. At the same time, we should avoid swinging the pendulum too far in the opposite direction and returning to the distorted enthusiasm of the seventeenth-century poet Baron Péter Révay de Szklabina et Blathnicza.³⁶ Evidently, judicious discernment is our best option: an “operetta king”³⁷ would not have been capable of sitting on the throne of the Árpáds for thirty years, as Andrew II did. Moreover, as we shall see, it was at times a most uncomfortable seat: a reign spanning three decades necessarily includes both successes and failures.

A more accurate and realistic picture of Andrew II and the Golden Bull is both possible and desirable. The need, however, is for a restorer rather than a painter. Since the motifs and the colours are present in the sources, our task is to bring them to the surface.

commisso [...] et locum illum, ubi hec omnia fuerunt ordinata, Hungarii secundum suum idioma nominaverunt Scerii eo, quod ibi ordinatum fuit totum negotium regni”, *SRH*, vol. I, p. 83, *Anonymus and Master Roger*, p. 87.

³² Sancti Stephani decretorum, Liber primus, praefatio (*LMKH*, p. 1).

³³ Marczali, *Magyarország története az Árpádok korában*, p. 389.

³⁴ Balics, *A római katolikus egyház története Magyarországon*, vol. II/1, p. 253.

³⁵ Szűcs, *Az utolsó Árpádok*, p. 145.

³⁶ II. András “velut bonus populi pastor, iuste et quiete domi regnavit, foris pugnavit fortiter, expeditione et recuperatione sanctae terrae et urbis ad seram posteritatem clarissimus. Et qui coronae pietate subditorumque charitate atque benevolentia motus (ut uno verbo omnia comprehendam) Hungariae libertatem auxit nobilitatemque insignibus donavit privilegiis, in quae cuncti Hungarorum reges peculiari more iurare solent”, Révay, *De sacrae coronae regni Hungariae*, p. 27.

³⁷ Marczali, *Magyarország története az Árpádok korában*, p. 386.