



## THE HUNGARIAN GOLDEN BULL – AN 800-YEAR-OLD MEDIEVAL CHARTER OF FREEDOM

The Golden Bull, issued 800 years ago, in 1222, by King Andrew II (reigned 1205-1235), undoubtedly brought about very important reforms in the medieval Kingdom of Hungary. The importance of the decree, named after its gold seal, is reflected in the material of the seal: while the seal was indeed a common formal accessory for medieval documents, the gold seal was always intended to distinguish certain documents from others. Its importance was also underlined by the fact that it was produced in seven copies, each of which was given to a custodian of the text of the Golden Bull (the Pope, the Johannites, the Templars, the King, the Esztergom Chapter, the Chapter of Kalocsa and the Nádor i.e. the Palatine). Five ecclesiastical and two secular powers were to have custody of the original text of the Golden Bull. Despite this, only copies of the text have survived.

Even without a detailed analysis of the content, we can feel the temperament, the psychology, and the power of the legal document. “We are also resolved that neither we nor our successors shall capture *servients* (a wealthy commoner serving the king) or cause his ruin for the sake of some powerful lord, unless he has been previously summoned to trial and convicted by a court of law.” If the king intends to take an army outside the country, the *servients* must go with him only at his expense. The monarch undertook not to collect a war related tax from them after their return. The situation would be different if the enemy came to the country: then they would all have to go to fight jointly and

Veress, E. (2023) ‘The Hungarian Golden Bull – an 800-year-old medieval charter of freedom’ in Balogh, E. (ed.) *Golden Bulls and Chartas: European Medieval Documents of Liberties*, pp. 9–14. Budapest – Miskolc: Ferenc Mádl Institute of Comparative Law – Central European Academic Publishing. [https://doi.org/10.47079/2023.eb.gbac.1\\_1](https://doi.org/10.47079/2023.eb.gbac.1_1)

severally. No one should ever be deprived of his possessions acquired by honest service. If a *comes comitatus* does not behave honestly according to his own lordship, or destroys his people, he shall, if he is found to do so, be dishonourably deprived of his office before the whole country, with the restitution of the property taken. If a man is condemned by a court of law, he shall not be defended by any of the mighty. Neither shall any tax be levied on the estates of *servients*, and they don't have to pay neither the denarii of freemen. Similar provisions make up this charter of liberty.

It is clear that an order of the exercise of sovereign power was laid down in the Golden Bull. One interpretation is that the weak, vulnerable king, cornered by the nobility, is forced to make concessions. The ruler had given up some of his power, forced to compromise. This interpretation was the dominant one in historiography under the Soviet-style dictatorship, since it fitted very well into the class-warrior logic of Marxist historiography. (Even in this period, the interpretation was not exclusive, since, for example, the émigré Irodalmi Újság, published in Paris on 1 May 1962, recorded in an anonymous analysis that “Andrew II, proclaimed as a weak king, was one of the main promoters of the social consciousness of Hungarian state life. His comprehensive conception of Balkan and Eastern policy, the economic reorganization of the country, the shift from crop to cash economy, the conscious prevention of feudal stratification, and finally the Golden Bull, present him as an undeservedly belittled figure of a personality of ability and action far beyond his years.”)

This alternative understanding has become dominant: it is not a question of a cornered ruler, but of a strong king who reforms and modernizes the state, who expands his power base through his actions, and who rewards his followers. This is necessary, since he won his throne after power struggles with his predecessor and his brother King Emeric, and finally became king by setting aside Emeric's underage son, Ladislaus III. Emeric's former supporters, at least some of them, remained opponents of Andrew II. On several occasions, they tried to organize a claim to the throne against Andrew II, even using Andrew's minor son, Béla. They were opposed by a middle class of peers, the *servients*, and Andrew II wanted to secure their status. The *servients* were a special

class, as I have mentioned, of wealthy common freemen serving the king, who were later absorbed into the nobility. Many of the provisions of the Golden Bull referred to their status (11 of the 31 articles of the decree were about the servants) and their protection, so it is clear that the king wanted to make a ‘gesture’ towards them, to stabilize their position, because they were one of the bases of the ruler’s power. Another reason for issuing the Golden Bull was that the king’s political and economic reforms (basically, limiting the powers of the *comes comitatus* and strengthening the royal power) also needed to gain a social base.

Andrew II was a king who did not abdicate his power, but exercised it precisely in the direction he thought right. This interpretation is supported by the text of the Golden Bull itself: the aim of the decree is to ensure that the nobles who support the king “enjoy their freedom, and, for this reason, that they will always be supporters of us and our successors, and not refuse the services due to the royal crown”.

But if this second approach is correct, we would normally expect a legal document of short duration, linked to the political situation of the moment. This was not the case with the Golden Bull: it was constantly applied, interpreted and reinterpreted, i.e. it became an integral part of the Hungarian constitutional tradition. The *Tripartitum* (1514), the great collection of customary law, gave the Golden Bull a special place in its compendium. Elements of the Golden Bull that have survived over the centuries include personal liberty, exemption of nobles from taxation and the resistance clause.

Even in one of the successor states of the Hungarian Kingdom – which was divided into three parts in the decades following the Battle of Mohács (1526) for centuries –, in the Principality of Transylvania, the obligation to respect the Golden Bull was a special, prominent part of the princely oaths or election conditions (*conditio*) (from the late 1500s to the late 1600s).

Later, during the Habsburg absolutism, the text of 1222 was also used against the rulers: “We decree that if we or any of our successors should ever wish to oppose this decree, by virtue of this charter, without any fault of disloyalty, all the bishops and other lords and nobles of our country, all and every one of them, present and future, may resist and oppose us and our successors for ever. “This is the famous resistance clause.

In the medieval context, it meant something different (much less) than in later reinterpretations, which sought to derive from this provision a realistic limit to the monarch's power. In the Middle Ages, it was more a promise of self-limitation of power than a text that actually restricted the king and created a real right of subjective resistance. Later, however, this text meant something else: a basic noble right (*jus resistendi*) was derived from it. In 1684, for example, Emeric Thököly called the right of resistance the "soul and summit of Hungarian freedom", which he said "perfectly washes away the stain of rebellion". It is no coincidence that the Habsburgs, as kings of Hungary deleted the resistance clause from the Golden Bull in 1687. Later, for example, in Ferenc Rákóczi's proclamation of 1703, the abolition of the resistance clause was already seen as proof of the Habsburg unlimited desire for power and arbitrariness.

The Golden Bull is one of the basic legal documents of the medieval Hungarian Kingdom, but it cannot be taken out of the general context of the period. The present volume discusses, for example, the Decree of Leon (1188) and the Magna Carta (1215), which may have influenced the Hungarian decree. There are some thematic and partial content similarities between the three documents, but this may also be the result of the "zeitgeist".

The Hungarian dynasty of the House of Árpád had a connection with the Iberian peninsula. András II's predecessor, his brother, was King Emeric. Emeric's wife was Constance of Aragon. Constance had to leave the country after her husband's death because of her unsuccessful attempts to secure the kingship of her 4-6 year old son, Ladislaus III, precisely against Andrew II. The young child, Ladislaus III, died during this power struggle (1205), and the claim to the throne was extinguished (Constance later, in 1209 became the wife of the German-Roman Emperor Frederick II, and died in 1222, the year the Golden Bull was issued). What is significant is that, when she married Emeric in 1198, she came to Hungary with a large domestic entourage, and there must have been ecclesiastical or secular persons in her court who knew, for example, the Decree of Leon, and could have transmitted its spirit and technique of this medieval letter of liberty. Also the marriage of Violant, daughter of Andrew II, to King James I (the Conqueror) of Aragon (1235) is also indicative of the connections of the time (the influence of

the Hungarian Golden Bull on later Aragonese regulation has also been theorized).

There was also an opportunity to learn about the Magna Carta. For example, in 1215, shortly after the publication of the Magna Carta, the Fourth Lateran Council took place, where many opportunities for contact and consultation arose between the English and Hungarian prelates. Or, in 1220, the reburial of Thomas Becket, Archbishop of Canterbury, which was a significant event of the time, was attended by two Hungarian church leaders, who also had the opportunity to learn about the Magna Carta.

But the parallels between these charters of freedom are both vague, the differences are numerous, the intensity of the effect may be minimal, and there is no concrete pattern-tax relationship between these documents. It is more likely that there was an interaction between the flow of state philosophies and legal techniques, on the one hand, and the local political situation, on the other, that gave rise to medieval charters of liberty, and that differences predominate alongside similarities.

The present volume also examines the international context of the Golden Bull, its antecedents and the subsequent documents of a similar nature in some states, without claiming to be exhaustive. However, the exploration of possible parallels is not a side issue. The volume, using the method of legal historical research, pursues a twofold aim: on the one hand, it pays homage to the Hungarian Golden Bull, an 800-year-old legal document, and on the other, it seeks to provide an accurate, novel and interesting scholarly vision of the medieval letters of freedom.

It should also be pointed out that the original text of the Golden Bull and its layers of interpretation are part of the Hungarian historical constitution (in Hungary, a written constitution was adopted only under the Soviet-style dictatorship, in 1949). The preamble of the Fundamental Law in force today states that “we shall respect the constitutional traditions of our historical constitution” and Article R states that the Fundamental Law shall be interpreted in accordance with the constitutional traditions of the historical constitution. So there is still a layer of the Golden Bull that is in force, that can be considered legitimate from today’s point of view, and that has been perpetuated as a value in the development of the law and state. Of course, we are not talking about

all the provisions of the Golden Bull, but only those that are valid in the context of the rule of law.

This book also marks the beginning of a new series of volumes in the English language that will explore the lessons to be learned from the history of law and that aim to preserve the heritage of our legal culture.

*Emőd Veress*

