# Power, Land, and Second-Best Constitutionalism: Hungary

## Introduction

Hungary possessed a parliamentary tradition in the early medieval period that has earned it a place among the constitutional regimes of Europe. The similarities with England were noted already in the nineteenth century,[[1]](#footnote-1) but, until the work of Thomas Ertman, they had not received systematic treatment.[[2]](#footnote-2) As with accounts on Western European constitutionalism, the geopolitical environment has loomed large in the explanation of Hungarian parliamentary institutions. Here, instead, I will focus on internal, especially judicial, structures to explain outcomes over time, which varied on a number of dimensions. As I show, these outcomes were predicated on conditions very similar to those of England. That this capacity varied over time, both in strength and in scope, explains the critical ways in which Hungarian constitutionalism ultimately faltered.

Hungary had an early concentration of land in the hands of the king, after the conquests of the tenth century, and a subsequent division into administrative units, counties, that lasted throughout the period examined (and beyond). Moreover, as in England, “all land was held of the ruler, originating in an act of donation and ennoblement. Thus, upon the expiry of the nobleman’s line or his conviction for perfidy, his property reverted to the ruler.”[[3]](#footnote-3) This was a widespread phenomenon in Central Europe. Land relations were at the foundation of constitutional practice here as well: the mass assemblies known from the middle of the fifteenth century in Hungary, at the time of the succession crisis, as well as in Poland and Bohemia, brought together “tenants-in-chief,” as the right to give counsel emanated from landholding.[[4]](#footnote-4) Land-holders were the key actors in all periods of constitutional activity.

However, in some key instances, powerful members of the nobility developed land rights that escaped the usual constraints set by rulers and thus became de facto independent, a practice that had predictable outcomes for the subsequent distribution of power: greater autonomy for that elite group. As a result, that group escaped the control of the crown, which is necessary for the long-term survival of constitutional structures. To counteract these centrifugal tendencies, a new class of royal “servants” was created by the crown; these were conditionally tied through land grants and were less powerful than the independent higher nobility. It is with these groups that “constitutional” patterns of interaction emerged, in response to their demands, especially for protection against the stronger nobility—a triadic pattern that strongly resembles the one observed in Russia, examined in Chapter 13. This discrepancy accounts for the lower levels of constitutionalism and institutional robustness observed in Hungary compared to England.

Rather than present a narrative account by tracing the development of Hungarian institutions in a chronological manner, I will explain a series of notable ‘highs’ and ‘lows’ in parliamentary incidence. An early period of relatively frequent parliamentary meetings, at the start of the eleventh century, is followed by an even more advanced form of “constitutional” demands by the new “servant” classes, in 1222 and 1267, very similar to the English granting of Magna Carta. A decline of parliament followed in the 1300s, and finally a resurgence after 1444, under the leadership of a dominant nobility.[[5]](#footnote-5) Variation in the key variables I have outlined in my account help explain these developments; combinations of the same variables at different “values” (e.g. royal control of land, but no conditionality, or conditionality, but only with respect to weaker members of the nobility) lead to divergent outcomes, but in predictable directions.

The main conclusion is that whenever we observe “constitutional” moments, whenever some social groups succeed in imposing “limitations” on the crown, those groups are always ones that are tied through some form of dependence to the crown; they are also taxed. Similar patterns are observed in Castile, between the crown and the *caballeros villanos*, and in Russia, between the prince and the *dvoriane*. Since these groups are not, as a rule, the most powerful ones, they lacked the power to make parliament the main instrument of royal governance; the latter only occurred when the high nobility was also taxed—as my argument posits.

I will now look at these four different stages in more detail: the early appearance of a parliament in the eleventh century, the two “constitutional” moments of 1222 and 1267, the decline of parliamentary traditions in the 1300s, and the resurgence of parliament after 1444.

### Royal Control of Land and the Emergence of Parliament in the Eleventh Century

As I have suggested, the early stage of Hungarian state building shows concentration of land, a relatively homogeneous administrative system, and a fairly regular parliament. Stephen, king of Hungary (1000-1038) claimed direct control over approximately three quarters of the land of the kingdom.[[6]](#footnote-6) He and his successors divided the kingdom into 45 counties (*megyék*), later increased to 72.[[7]](#footnote-7) This system of counties remained a core institutional feature of the Hungarian kingdom for the next five centuries, structuring provincial power relations and providing a relatively homogeneous administrative system. At the head of each county was the count (*ispán*)*,* who was a royal governor, with military and jurisdictional authority, as well as the right to appropriate one third of the local income, like early English earls—the rest was sent to the king.[[8]](#footnote-8)

The Hungarian parliament, in its early stages, is considered to have grown out of the “days of the law” at Székesfehérvár, an assize (judicial session) meeting held once a year, under the jurisdiction of the king.[[9]](#footnote-9) But the function of these assemblies was primarily judicial, rather than legislative. The latter function was instead carried out by the royal council, which was attended by the highest nobility, the *ispáns,* and the bishops, once a year, at Esztergom.[[10]](#footnote-10) Members of the royal council were present at the major decisions issued by Hungarian kings throughout the twelfth century, as recorded in surviving charters and decretals.[[11]](#footnote-11) The remarkable spate of legislation from the eleventh century and later ensured the gradual transformation of Hungarian society from one composed of semi-nomadic steppe people to settled agriculturalists “with rights and duties like those of the rural population of contemporary England or Northern Italy.”[[12]](#footnote-12)

Moreover, during this period, royal will over such an extensive territory was reasonably well enforced, though this is often attributed to sheer brutality. The fear inspired in the nobility by the Hungarian kings is well attested in medieval sources, like Otto of Freising. The Hungarian nobles were claimed to “obey their prince so unconditionally that they would consider it a crime not only to rouse his anger with open resistance, but even to offend him with hidden whispering.”[[13]](#footnote-13) But this is little different from the tactics of William the Conqueror, who was also known for his merciless cruelty. “This man […] felt that the death penalty was too lenient and ordered blinding and emasculation instead…”[[14]](#footnote-14)

Royal capacity should rather be, at least in part, attributed to the remarkable resources available to the crown, mainly through precious metals. Silver was a major source of wealth from the eleventh century, though reliable estimates are lacking. Contemporary accounts present an image that is probably inflated, although recent historical re-assessment of the sources suggest they were still very high by European standards. Under Béla III (1173-1196), royal income appears to have been higher than that of either English or French kings: about 23 tons of silver, as opposed to 9 tons for the English king in 1130 and 17 tons in France in 1202/3 (Table 1).[[15]](#footnote-15) *Per capita* revenue estimates are hazardous because Hungarian population in this period can only be estimated conjecturally. Placing the population at about 2 million[[16]](#footnote-16) gives 11 kg. of silver per thousand of population in Hungary, versus 5 kg. in England and 2 kg. in France.[[17]](#footnote-17)

But this was not the only source of royal revenue. About half of the total came from the coinage and the renewal of money and most of the remainder from tolls, ferries and markets, and from the county tax and the county “gift” that was due to the king. Only ten percent of revenues originated in the salt monopoly in the early period, as opposed to later.[[18]](#footnote-18)

Table : Estimated Revenues of Hungarian Crown, in kgs. of silver

|  |  |
| --- | --- |
| Year | Total Revenues |
| 1190 | |  | | --- | | 22,995[[19]](#footnote-19) | |
| 1320 | 7,716[[20]](#footnote-20) |
| 1420 | 11,748 |
| 1475 | 27,881 |

*Source:* (Bonney 1995); http://www.le.ac.uk/hi/bon/ESFDB/ORM/hund001.txt with adjustments from (Barta and Barta 1999).

Strong concentration of land, and high level of resources thus, allowed a fairly uniform system of administration and royal control over local power-holders, who were obligated to attend parliament regularly.

### Conditional Land Holding, the Servitor Class, and ‘Second-Best Constitutionalism’ in the Thirteenth Century

The two “constitutional” moments of 1222 and 1267 have elicited most comparisons with the English developments of the same period.[[21]](#footnote-21) They are examples of what I call “second-best constitutionalism,” namely a pattern where the crown, unable to control the most powerful members of the aristocracy, the barons, distributes lands to new groups instead, typically in exchange with military service and loyalty. The constitutional moments involve this class of subjects: they made strong demands to limit royal powers and jurisdiction, but also to limit the powers of members of the higher nobility—resulting in charters that acquired great symbolic significance.

#### Conditional Land-Holding, Servitor Class, And Rights: the Golden Bull of 1222

The group requesting the charter of 1222 was a lesser nobility, the *servientes regis*, that was the creation of the crown. It served to counterbalance the higher nobility that resulted from the extensive social program king Andrew II (1205-35) had been forced to institute, to much social discontent, known as the “New Institutions.”[[22]](#footnote-22) The program consisted of a series of land grants to the higher nobility in return for military service, to modernize the army in the wake of foreign expeditions. Crucially, land was granted “forever” (*perpetuo iure*) and unconditionally, as an allod (*haereditas*), so grants to the higher nobility did not create a feudal system of conditional land-holdings.[[23]](#footnote-23) These perpetual grants generated local, centripetal forces, out of the direct control of the king. Moreover, the high nobility, on account of its military service, was exempt from taxation.[[24]](#footnote-24)

During the thirteenth century, the higher nobility consolidated its autonomy by claiming control over the office of the *ispán*, or count (though some measure of control over their power was initially retained by not making offices such as the *ispánate* hereditary).[[25]](#footnote-25) In this way, increasing concentrations of power emerged at the local level outside direct royal control.[[26]](#footnote-26) Gradually, a small group of “counts,” around sixty to seventy in total, emerged, distinguished by their rights of immunity and freedom from royal authority.[[27]](#footnote-27) This powerful group, however, left many of the inhabitants, including the unfree, in a worsened condition, pushing them to request the direct help of the king through personal subordination. The reaction of the freemen to the increase of local baronial power thus created a counter-tendency back towards the king.

The new group of lower nobility created by the king, the *servientes regis*, became dependent on him via military service.[[28]](#footnote-28) They obtained a new rank as royal servants by charter (although some simply presumed the status), placing them under the king’s direct jurisdiction, rather than that of the *ispán*. As freed persons, they henceforth belonged to the “royal household,” a fictional entity bringing together those personally tied to the king through ties of fidelity (*fidelitas*). Their previous status was either freemen or castle-warriors, i.e. military men charged with protecting county castles. Their ties with the king were not as articulated as those in the feudal systems of the West, nor were they specifically tied to land, but they were still conditional and hierarchical compared to those of the high nobility. It was this social group, the new *servientes* *regis,* that instigated the “constitutional” charter of 1222 (and a similar group in 1267).

Indeed, the articles of the Golden Bull of 1222 deal mostly with the grievances and petitions submitted by these new groups.[[29]](#footnote-29) Moreover, and again consistent with my argument, the articles responded to demands that were fundamentally judicial in nature: that justice be delivered regularly, so annual meetings of the court were to be held in Székesfehérvár “to hear cases”; that the king protect the *servientes* against the magnates and remove them from the jurisdiction of the *ispán* (for capital punishment cases they were subject to the count palatine, a high royal official); that *servientes* had the right to name heirs by will and that their lands would only revert to the crown in the case of no relatives at all; that they were not obliged to follow the king on military expeditions abroad.

The Bull also exempted the *servientes* from two taxes, the *collecta* and the freeman’s penny (art. 3), but the king still received two-thirds of the castle dues, as well as some other taxes, such as tolls and the ox-tax (art. 34). Moreover, one of the Bull’s demands was that lands not be granted in perpetuity, as this allowed their holders to develop independent power in the localities, making them threatening to the lower nobility.[[30]](#footnote-30) Perpetual grants led to centripetal tendencies and to autonomous centers of power out of the direct control of the king. Like Magna Carta, the Golden Bull is thus essentially a document making judicial demands, either for protection, duties, status or inheritance: out of 31 articles, only two deal with taxation, and a third just stipulated that taxes should be paid in kind, not in silver.[[31]](#footnote-31)

The critical difference here with the English case, regarding institutional outcomes, is that the powerful local magnates had little incentive to support constitutional measures or regular assemblies for the consolidation of jurisdictional or other rights, as the king lacked the power to compel them. Absent the support of the “greatest part,” and indeed often in conflict of interest with them, the lesser nobility was isolated in its demands from the king and thus less able to obtain regular institutional interaction, despite such explicit requests as the ones that culminated in the Golden Bull of 1222.

The evidence for parliamentary meetings in this period is scant; scholars mainly assume that they had been held since the time of Stephen, but that they had been neglected in the period preceding the issue of the Golden Bull.[[32]](#footnote-32) Arguments from silence are always precarious, but what the evidence does support is a pattern of constitutional steps taken in response to social actors dependent on central authority.

The main alternative explanation for the difference between English and Hungarian constitutional practices is the geopolitical one: namely, that the absence of “sustained geopolitical stimulus” in Hungary during this period prevented the creation of a state infrastructure, which in England had occurred in the century prior to Magna Carta in 1215, as argued by Ertman.[[33]](#footnote-33)

But most of the warfare engaged before 1215 in England was small scale, beyond the borders of the kingdom, typically in France. For instance, the Anglo-French War of 1159-89 only involved an aborted confrontation between Henry II and Louis VII in Normandy, as Henry ordered retreat rather than confronting his feudal superior; it also involved a suppression of a rebellion and a dynastic confrontation. Only the war of 1202-4 with the French required a major commitment, but this was not more intense than Hungarian military involvement. Hungarian kings were involved in many wars during the twelfth and early thirteenth centuries: in the Crusades, in Russia, against the Byzantine Empire, the Balkans, especially Croatia, Venice, and in Galicia. Although we lack evidence to assess their intensity compared to English conflicts, no warrant exists is judging the overall military pressures to have been lighter.[[34]](#footnote-34)

If external factors did not differ significantly, the greater capacity of the English king to engage the highest levels of the nobility instead seems better able to explain divergence in patterns and outcomes in the first Hungarian constitutional moment.

#### Conditional Land Holding, County Courts, and Parliaments: The Reconfirmation of the Golden Bull in 1267.

The same dynamic underlies the second constitutional moment, after 1267. Parliamentary meetings continued to be sparse until the last quarter of the thirteenth century, as institutional life suffered two major setbacks: apart from the “New Institutions,” the lavish grants of land by Andrew II (1205-35) referred to above that created an independent baronial class, Hungary was devastated by the Mongol invasion in 1241, which is estimated to have reduced the population by as much as 20 percent.[[35]](#footnote-35) Both dynamics led to an important program of social rebuilding and military reformation, which created new social groups vying for royal support and local power. These groups are key for explaining the second “constitutional” moment of the thirteenth century, the reconfirmation of the Golden Bull in 1267.

A new group of royal servants was introduced to counter the barons created by the New Institutions, through the military and social reforms undertaken by Béla IV (1235-70). They were soldiers, recruited into the royal army, and granted land in the provinces and noble status. They began to claim jurisdictional authority by participating in the county courts under four judges/sheriffs (the *iudices servientium-szolgabirók*).[[36]](#footnote-36) The court powers of enforcement remained limited, however. Béla IV remedied this by “unifying the judiciary powers of the *ispáns* and sheriffs and creating county courts with enforcing powers.”[[37]](#footnote-37)

The creation of this new servitor group, therefore, was critical for the restructuring of county activity at the behest of the crown. The role of the crown is typically obscured by the common description of the process as the transformation of the royal into the “noble county.”[[38]](#footnote-38) Ostensibly, the county was now under the control of this new nobility of military origin, which also had the collaboration of other sections of the lower nobility, the old *servientes* (royal servants), who were by now considered noble. But the county still remained an organ of royal government, however, as seen by Béla’s stipulation that each county send two or three representatives to the royal legislative assembly in 1267 (though he only did so after much pressure). Moreover, given the lower nobility’s dependence on the crown, the transformation resembles the English pattern of ‘self-government at the king’s command,’ only without the high nobility, the barons.

County courts were all important in county life, with judges elected by and from among the lesser nobility (the *iudices servientum*) adjudicated, typically on property rights claims.[[39]](#footnote-39) Service here was as binding as it was in England: once elected, judges had to serve for a year unless they could proffer a valid reason.[[40]](#footnote-40) The burden was considerable, as the court met twice a month, with penalties for non-attendance.[[41]](#footnote-41)

County courts were further integrally bound with the county assemblies (*congregationes*). These were held multiple times per year, with judicial affairs as their main function. Assemblies were convened at the order of a royal official and the right to free assembly at the county level was asserted in the 1298 national parliament.[[42]](#footnote-42) Moreover, as in England, participation was also obligatory, a heavy burden given that county assemblies were held once or sometimes twice a month.[[43]](#footnote-43) This nucleus of royally-sanctioned collective activity provided the infrastructural basis that enabled later episodes of parliamentary activity.

Eventually, elected representatives from the counties were also admitted into the royal council, which, until then was only open to prelates and barons.[[44]](#footnote-44) In the 1298 national meeting, it was decreed that the council would be composed of two bishops, only two barons (the highest level of the aristocracy), and two elected lesser nobles. Critically, again, this new and fledgling representative element consisted of a social group that the king was better able to control and which had obtained its property and status through royal grant in exchange for service. This type of collective action, within the frame of the royal council, also generated the first instance of corporate expression by the nobility, through the use of the term “*universitas nobilium Ongarorum, Siculorum*.”[[45]](#footnote-45)

However, the newer group was the driver in the parliamentary activity observed in the late thirteenth century, described in contemporary documents as parliaments.[[46]](#footnote-46) As before, however, that it was separate from the most powerful sections of the nobility, indeed in conflict of interest with them, undermined the consolidation of *central* representative institutions as overarching instruments of governance. This repeats the earlier pattern leading to the Golden Bull of 1222.[[47]](#footnote-47) The royal servants, not the high nobility, were the active force in the assemblies held after 1277. The assemblies of 1290 and 1298, called by Andrew III (1290-1301), involved again the lower nobility and clergy, not the members of the aristocracy controlling fortresses.[[48]](#footnote-48)

Baronial strength thus rose during the thirteenth century, whilst local county institutions became regularized through the conscripted services of the lower nobility. After the death of the last king of the Árpádian dynasty, Andrew III, a period of crisis followed as a result of conflicts over succession.[[49]](#footnote-49) The Árpádian was replaced by the Angevin dynasty, which reigned until 1386, starting with the king who prevailed in this crisis, Charles I (1308-1342) followed by his son Louis I the Great (1342-82). The next section will explain the paradox of infrastructural consolidation with an early suppression of assemblies—placing the institutional foundations, however, for the efflorescence of assemblies after the 1380s.

### Royal Strength, Infrastructural Growth, and Parliamentary Decline in the Fourteenth Century

The third period of the Hungarian case that requires explanation is the fourteenth century. Assemblies were held until about 1323, but were then went into abeyance until 1387. This decline of constitutional practices occurred, at a time, however, when crown strength increased. This is not a challenge to the logic of my argument, since the claim is about necessary conditions: royal strength is not sufficient to generate parliamentary activity. Assemblies could cease for a number of factors. A potential reason for the abrupt ceasing was that in 1320 Hungary experienced what can be described as a “resource curse,” with the discovery of the largest European gold mines, accounting for three quarters of European production.[[50]](#footnote-50) This was added to an already large production of silver, with Hungarian mines produced 15 tons of silver in 1320, whereas Charles IV of France had 40 tons, when the population ratio was 1 to 5.[[51]](#footnote-51)

Nonetheless, as with modern studies of the resource curse, a sudden windfall is not sufficient to undermine constitutional practices: if infrastructural control had been strong, a new resource could have supplemented revenue, it need not have displaced it.[[52]](#footnote-52) But in early fourteenth century Hungary, infrastructural power was not high. Although royal strength was increasing *relatively* to the past and control over land was being consolidated, the kings were still unable to control the most powerful nobles. Nor was there any systematic pattern of taxation encompassing the higher strata. As a result, the key factor observed in the English case for the establishment of a regular, effective parliament—taxation of the most powerful—was lacking. Royal strength was adequate, however, to homogenize the realm to a certain degree, less than what was observed in England, but significant enough to provide the foundations for the parliamentary resurgence of the next century; it was also building on the advances of the late thirteenth century at the county level.

In what follows, I show how the Angevin rulers restored claims to land, revitalized county institutions, and how they negotiated power with the upper and lower strata of the nobility. Although these processes only generate broad-based parliamentary activity until 1323, they consolidated the institutional infrastructure that proved critical for the later moments of constitutional activity.

#### Land

Charles (1301-42) restored royal power, as did his successor, Louis I (1342-1382), by reclaiming lands that had been granted away by previous rulers and by curbing the powers of the barons, especially through legal reform.[[53]](#footnote-53) In the early part of Charles’ reign, however, the campaign against the barons entailed civil war, during which the king coopted the lower nobility and the church in order to prevail, defeating the oligarchs by engaging them individually.[[54]](#footnote-54)

These offensives reversed the balance of power in castle control, with more than half of all castles under royal control; no more than 10 castles were under any one aristocrat whilst Charles had about 100.[[55]](#footnote-55) All lands not controlled by the Church or the nobility were claimed as royal by Charles I, a campaign continued by Louis I. As a result, 23% of the kingdom’s land came under royal control, plus the free and mining towns and some further conquered provinces, with a total as much as one third of the kingdom.[[56]](#footnote-56) The Angevin kings further denied the barons the right to use two of the main instruments of baronial military and judicial power, banners and seals, from the 1330s.[[57]](#footnote-57)

Royal power was asserted over inheritance as well, as the right of inheritance of all royal grants was restricted in 1343, returning all such grants to royal control if the holder had no male heir—rejecting the right of inheritance of extended kin that had been granted in the Golden Bull of 1222.[[58]](#footnote-58) Royal reach was further extended after 1370, when Louis asserted the “king’s right” (*jus regium*) on all lands for which title could not be proven—a far-reaching decision, given the scarcity of written titles at that time and place. This seriously affected the interests of many landholders and was not resolved until 1410, when the mechanism of transferring to the occupant “latent royal rights” was introduced.[[59]](#footnote-59) Crucially, however, these measures affected mostly the lower nobility, as the older and more established nobility remained outside the control of the crown.

In a further step to undermine the privileged position of the higher nobility, in 1351, Louis I granted the same liberties and rights of inheritance to all nobles as had been granted in the Golden Bull of 1222, thus further collapsing the distinction between the two ranks of nobility, higher and lower.[[60]](#footnote-60) The one exception to the renewal of rights was the introduction of a more restrictive clause on the law of escheat.

#### Counties and Collective Organization

The oligarchs were defeated and internal control was established under Charles I, ensuring a period of domestic stability.[[61]](#footnote-61) Royal authority was thus reasserted in the first phase of the Angevin dynasty, especially at the level of the county. Royal policy operated at the expense of the barons, by encouraging assembly meetings for the inhabitants of counties “of any rank and status.” The judicial authority of the count was also strengthened, with the local nobility serving as fellow magistrates, displaying again the interconnection of political and judicial structures. The judicial homogenization of the realm was furthered by the count’s seal becoming valid throughout the country.[[62]](#footnote-62)

However, the increasing importance of the count was transformed and subordinated when Louis I, Charles’ successor, embarked on a process of centralization. At the judicial level, from 1350, all cases for property rights were moved to central, i.e. royal, law courts. Even heavier blow was granting the landlords within a county the right to convict and punish criminals—until then it was the count and noble magistrates who had this exclusive right, the *ius gladii* (Engel 2001, 180). The count was also denied the right to have a seal, which weakened his jurisdictional authority. At the administrative level, by the 1360s, Louis centralized county powers by concentrating the *ispanate* of two or more counties under one person, answerable to the royal court, so that the government of the entire country was administered by ten or twelve *seigneurs de bannerets* (Eszláry 1963a, 294). Finally, some activities of the county assemblies were taken over by the general eyre of the palatine and his staff, already from 1342, thus becoming “the only local forum where the county gentry could meet a person who represented supreme authority.”[[63]](#footnote-63) In all, a greater centralization of power occurred, with local judicial and assembly institutions more tightly integrated under royal authority.

#### Parliament and Second-Best Constitutionalism

The conditions under Charles I—the reclamation of land and the strengthening of county institutional activity—parallel those outlined earlier for the early period of English institutional development, during which royal control of land enabled the creation of regular local and central institutions. This might lead us to expect that, just as in England, in Hungary assemblies would take place.

Indeed, until 1323, assemblies were held, but under the format of “second-best constitutionalism,” where a ruler who cannot control the highest sections of the nobility allies with new groups that emerge either from military circumstances or from administrative reform. The powers of enforcement over this lower nobility bear striking similarities to those in England.

Representation was, here as well, clearly an obligation;[[64]](#footnote-64) it was also costly, time-consuming, and tiring. So although in 1267 the number of nobles was limited to two or three per county, in 1318 Charles reverted to the ancient custom of summoning all nobles (Eszláry 1963a, 86). To ensure attendance, Charles had to undertake the protection and immunity of representatives, so he promised the *salvus conductus* (safe passage) under penalty of excommunication if he failed. The operation of parliament was of major importance, with an impact felt throughout the localities: all local court business was suspended for the duration of parliament, a rule upheld until 1848 (Eszláry 1963a, 97). However—and this reflects the lower levels of royal control in the Hungarian case, compared to England—representatives of the low nobility had no full powers (*plena potestas*) when deliberating in the Diet, they were obligated to represent the views of the county.[[65]](#footnote-65)

Further, the nobility was formally exempt from taxation—this was one of the four liberties of the nobility,[[66]](#footnote-66) although in practice taxation was imposed on their subjects. Also great variability of taxation on nobility existed according to period.[[67]](#footnote-67) After 1336, the nobility became liable to some taxes, except for the *collecta*, the extraordinary royal tax, but including the *lucrum camerae*, the “chamber’s profit,” i.e. the minting tariff.[[68]](#footnote-68)

After assemblies stopped being summoned, the royal council became the key organ of governance.[[69]](#footnote-69) In theory, decision-making was shared by the monarch and the council, the latter consisting of ‘prelates and barons’, i.e. lay and ecclesiastical dignitaries of the kingdom. However, important modifications occurred after 1323, with many counts, except for a few of the most important ones, losing the rank of baron and a total of about twelve officials being chosen from the royal household instead, with another fourteen prelates.[[70]](#footnote-70)

A further rupture occurred after an assembly in 1351, however, when Louis I renewed the Golden Bull and the tax exemption of the nobility.[[71]](#footnote-71) Assemblies were not held again for three decades after 1352.[[72]](#footnote-72) Nobles were not taxed, so a critical precondition was not there, but the decline is not easy to explain the end of assemblies. On the other hand, geopolitical factors from 1323 onwards and the need for taxation cannot explain variation either: military pressures were constant; only in two years between 1316 and 1340 did Charles not raise the general levy for war. Louis, moreover, engaged in war in Naples and the Balkans, in the 1340s and 50s.[[73]](#footnote-73)

### Aristocratic Constitutionalism: Noble Strength, Crown Weakness, yet Regular Parliaments, 1380s-1450s

The important and extensive judicial reforms carried out by the two Angevin kings, Charles and Louis, provide a key to explaining the final developments in the Hungarian kingdom in the later period, before the defeat by the Ottomans in 1526: the remarkable efflorescence of parliamentary meetings after 1385, and especially after 1444.

In this period, meetings became regular, even annual. This is commonly explained as a response to crisis, as there was civil war between 1382-97 and 1440-45.[[74]](#footnote-74) Important privileges were gained; for instance, no taxes were generally approved without approval by the lower nobility after 1453.[[75]](#footnote-75) The early period followed on the institutional reforms of the Angevins and, although royal power was weakened, it was still considerable. However, the late period, after the 1440s, was also one of crown weakness. It was also a period of intense geopolitical competition and crisis, with the subsequent division of the country after 1526. A pattern of strong parliamentary activity with weak royal power is thus observed in this period.

Two questions need to be addressed: first, how parliaments started meeting more regularly after the 1380s, and how they were even further consolidated after the 1440s when, at the same time, royal power was fluctuating sharply, and the baronial class displayed semi-sovereign status. My argument posits that parliamentary activity should be preceded by infrastructural growth, especially in judicial activity, both at the center and in the localities, under royal control and predicated on the distribution of land. Compellence of the nobility is also a necessary condition for systematic constitutional practices. Indeed, the intense local collective activity that was prepared in the county revitalization under the Angevins created institutional pathways that could survive over time, even after central powers decreased. Noble collective action absent a strong enforcing central authority gives rise to aristocratic constitutionalism. However, with central authority being weak, such a system was not a self-sustaining equilibrium and it eventually collapsed under geopolitical pressures—this is the pattern also observed in the Italian city-states, but also in Poland.

I first describe the trends in land distribution and in the organization of the judicial system at the end of the fourteenth century and I then examine the variation in parliamentary activity in light of shifts in royal power and taxation patterns.

#### Land Reclamation in the late 1300s

King Sigismund (1387-1437) inherited a kingdom in which the local oligarchies were weakened and a dependent aristocracy mostly controlled the counties. Yet his territorial holdings indicate weaker control compared to his Angevin predecessors.[[76]](#footnote-76) Of 230 major castles and estates, only 47 were under royal control in 1407 and of the approximately 22,000 villages, only 5% remained in Sigismund’s hands, down from 15% under the Angevins.[[77]](#footnote-77) The first two decades of rule thus displayed great weakness.[[78]](#footnote-78)

Accordingly, Sigismund engaged in a campaign to reclaim land appropriated by the barons.[[79]](#footnote-79) Legal mechanisms were a major tool. The laws of 1397 enabled the repossession of mortgaged fortresses or royal gifts without compensation to those who had remained loyal to the king (the *fideles*) and dispossessed those who had broken the king’s peace. Sigismund was able to confiscate for instance 8 fortresses and more than 200 villages held by the richest lords of the country, the three Lackfi.[[80]](#footnote-80) Land grants also became smaller, thus retaining greater control over the distribution of power.[[81]](#footnote-81)

From the 1400s, he had achieved a relative level of control over the most powerful barons, whom he had united in a formal league, the Order of the Dragon, and increasingly subdued.[[82]](#footnote-82) Henceforth, the power of barons was predicated not on royal office, but on landholdings and wealth.[[83]](#footnote-83) This control was institutionalized through a dual system of military conscription: the *banderia*, the provision of retainers by the great lords, and the *militia portalis*, whereby landowners were obliged to furnish troops for the royal army according to the number of peasants they had.[[84]](#footnote-84)

#### Judicial and County Reform in the 1380s

The reform of justice followed the reclamation of land, as another aspect of the policy intended to strengthen the counties so as to counterbalance the barons. [[85]](#footnote-85) Judicial proceedings took place in county meetings, which were a regular affair, occurring monthly, occasionally twice a month.[[86]](#footnote-86) Noble participation in county meetings was critical to this reform and it was thus made obligatory, with fines for non-attendance.

County courts, the *sedes judiciaria* (i.e. seat of law, *sedria* in short), functioned in each of Hungary’s counties from the early fourteenth century. They were presided by the vice-*ispán* and administered by magistrates, the ‘the judges of the nobles’ (*iudices nobilium*), who were elected in the assembly.[[87]](#footnote-87) Service was obligatory with heavy fines lacking a legitimate excuse.[[88]](#footnote-88)The operation of the courts was tied into the county assemblies that were held every three years or so, under the royal palatine. Their jurisdiction increasingly grew. In one of the major innovations, county courts acquired the right to deliver punishment, not just to perform inquiries. They also gained authority to judge all cases of violent trespass, one of the most serious and consequential offenses, including when they involved the great lords of the county. Courts were also involved in critical administrative processes. They engaged in tax collection, as well as to distrain the property of defaulters.[[89]](#footnote-89) But they were also tasked with preparing the registers that were necessary for the mobilization of the *militia portalis*, the landlord-supplied troops.[[90]](#footnote-90)

The major way in which the county increased in infrastructural significance, however, was by making its court the court of appeal for every noble in the county, “whatever status and dignity he may belong to.”[[91]](#footnote-91) This entailed a structural transformation of the definition of the county itself, as it was now defined in terms of the noble estates it claimed under its jurisdiction, not in terms of ancient borders dating to the eleventh century.

From 1385, the corporative character of the county began to take roots on the institutional basis created by the Angevins. Four nobles were summoned from each county for the central royal assembly, establishing a representative practice that aggregated the county into one political unit.[[92]](#footnote-92) The integration with judicial activities we’ve seen in England was important here, as the county assembly would serve as witness to the trials of the most serious cases, from 1409.[[93]](#footnote-93)

“It was only under Sigismund that the long process began, in the course of which the counties, assuming ever more responsibilities, were slowly transformed into the local organs of central administration.”[[94]](#footnote-94)

### Taxation and Representation

#### Parliament under Royal Strength, 1387-1437

As we have seen in other parts of the book, where rulers were better able to tax the highest nobility is where we should expect to see greater parliamentary activity. This was the case at the end of the fourteenth century, as well as during the fifteenth. Critically, the nobility continued to tax itself, in response to external pressure, even as crown power declined. Without pre-existing patterns of obligation, however, this would not have occurred; absent central authority, moreover, it did not last long.

After the 1380s, the high nobility had to raise very frequent taxes for wars, on peasants on their landed property, as well as the ecclesiastical tithe.[[95]](#footnote-95) As the high nobility was also ceding the tax levied on peasants working their land, they had additional incentives to participate in the process that established those tax rates.[[96]](#footnote-96) It was often the barons themselves who raised the taxes from their populations, not least in response to the Ottoman danger.[[97]](#footnote-97) They attended the central assembly in person.

However, parliamentary activity was not predicated on taxation—taxes preoccupied the assemblies only occasionally. During the fifty-year reign of Sigismund (1387-1437), extraordinary taxation was only raised nine times.[[98]](#footnote-98) Assemblies that also required representation from the towns were called into the 1430s, but consent was asked instead for regulating the coinage and the campaign against the Hussites, whilst the king was abroad. When taxation was imposed, as against heretics, it was collected by county, by mobilizing the resources of counts, who employed officers to supervise collection.[[99]](#footnote-99)

County infrastructure was critical in sustaining the central representative machine, as well as its integration of royal governance. County organization is reflected in the use of plenipotentiary powers, the same legal mechanism identified as critical for the emergence of representation in the English case. Such powers were granted to representatives via the law of 1397 and continued to provide strict guidelines about representative’s mandates into the nineteenth century.[[100]](#footnote-100) The county organization of the high nobility was a visible element of the regime, prefiguring and enabling the aristocratic constitutionalism that dominated in the fifteenth century. Noble participation in county meetings was obligatory, with fines for non-attendance, as also seen in England. There were even penalties for inappropriate behavior, from the 1430s.[[101]](#footnote-101)

Sigismund held assemblies, but governed by decrees promulgated at royal councils; nonetheless he made much of the participation of the common nobility in such decisions. From his time, legislative power had to be shared with the nobility.[[102]](#footnote-102) But successfully imposed obligation was critical for undergirding Hungarian constitutional practices. The consolidation of county practices and jurisdiction in particular lay at the foundation of the parliamentary efflorescence in the period that followed, compensating for the weakening of central authority.

#### Parliament under Royal Weakness, 1437-1458

After the death of Sigismund, a succession crisis was resolved through election, again demonstrating the superior sovereign powers of the upper social groups compared to their Western European, especially English, equivalents. It was also a period of intense military pressures, primarily from the Ottoman threat.

Yet this was also a period of intense parliamentary activity, with *congregationes generales* almost every year, and with the nobles having the right to attend personally.[[103]](#footnote-103) These were large affairs when important decisions were taken, with thousands of noblemen attending.[[104]](#footnote-104) All levels of the nobility, from barons and magnates to the lower nobles (except those having less than 20 peasants on their land) were obliged to attend these assemblies according to decrees. As a result of these numbers, however, cities realized it was not worth their expense as their vote counted little, and urban representation slowly declined. In any case, urban representatives were only entitled to “hear and report,” they did not have legislative powers.[[105]](#footnote-105)

Taxation, as in all other periods, was not the central concern of these assemblies. At the Diet of 1439, taxation was not mentioned; the subject was the campaign in the east, for which the barons had to participate with their retinue, the *banderia,* and the rest of the nobility in person.[[106]](#footnote-106) Further, when taxes were granted, it was typically after deliberations had ended and the Diet had dissolved, i.e. without the participation of the majority, as occurred in 1448 and 1449. But consent was becoming increasingly important: at the diet of 1435, the king had to promise that the tax would not become permanent without the consent of the barons, prelates, cities and all *regnicolae* of the realm.[[107]](#footnote-107) By 1453, the gentry regarded the parliamentary vote as a condition of taxing.[[108]](#footnote-108)

This period therefore corresponds to the classic conventional view of bottom-up organization, with elite groups initiating and sustaining taxation and representative practices, accepting a heavy set of obligations, in the face of heavy military pressures, and with the concession of the right to consent to taxation as the gradual development of this dynamic. But in every aspect, the parliamentary activity that took place would have been impossible without the prior institutionalization of the county, the practice of representation predicated on the court and assembly structures at the local level, all under a royal authority, Sigismund, capable of compelling even the most powerful actors that was traced in the previous section. Also, the fact that most taxes were paid by the peasants and enforced by the lords, but not by the lords directly out of their personal surplus, was a typical syndrome of a weakened executive, the same pathology that undermined collective action in the next phase.

#### Parliament under Royal Strength, Weakness, and Collapse, 1458-1526

Later powerful kings like Matthias Corvinus (1458-1490), did eventually re-acquire authority over the major barons of the realm. Matthias achieved major reforms in the judicial system, especially in establishing a central royal court of justice with competence throughout the kingdom.[[109]](#footnote-109) Judicial reform centered around one central court of justice with competence throughout the kingdom, instead of courts of royal presence.[[110]](#footnote-110) He reimposed control and made his kingdom “the leading power of central Europe,” through internal consolidation.[[111]](#footnote-111)

The habitual alliance with the middle nobility against the greats was a key strategy in the reassertion of control by Mathias. Many assemblies were held, to which the middle nobility could only send representatives, partly because of considerations of cost—a practice, which, however, entailed the continuing integration of that nobility into the local, county structures that elected them. The high nobility continued to attend in person.[[112]](#footnote-112) The strength of the tie between crown and middle nobility and of royal capacity is again visible in the ascription of full powers to the representatives to representatives: plena potestas was a principle applied at many points, although variation existed.[[113]](#footnote-113) But taxation was not the critical mechanism: the lower nobility carried less of the tax burden in the 1490s and early 1500s, and so it had to be threatened through a series of statutes with severe sanctions for failure to attend.[[114]](#footnote-114) Judicial and foreign policy concerns were key instead.

This strong leadership by Mathias reinforced the center-periphery integration around the county that was critical for the self-organization and collective action of the nobility in later periods of weakened central rule—following the pattern we observed already and which ultimately reflects dynamics similar to those of cities, examined in the previous chapters.

Under weak monarchs between 1471 and 1526,[[115]](#footnote-115) assemblies were held with even more frequency, two or three time per year.[[116]](#footnote-116) Despite weak central authority, local mobilization to address both internal and external pressures, especially the threat of the Ottomans, was very strong. But a system of compellence was already in place. Direct participation of the middle nobility became again the practice, rather than through representatives, after the death of Mathias, and in 1498, high fines were introduced for absence form sessions that applied even to the highest nobility: prelates and barons had to pay 800 and low nobility 400 gold florins.[[117]](#footnote-117) As time passed, it was the upper levels of the nobility that dominated, with lower orders gradually phased out. Economic impoverishment gradually undermined representative practices, as by 1526, a great number of nobles found it too costly to attend. Finally the personal presence of the lower nobility was phased out by the 1550s.[[118]](#footnote-118)

Observed outcomes are the result of the formation of a collective identity, consolidated not least by the right to elect the king, which led these barons to assume responsibility for the governance of the realm, especially in the face of external threat. In this, late Hungarian developments, like the Polish ones, begun to resemble in some ways the dynamics of city-states: a small group of closely related actors participated in the election and choice of ruler, and they assumed responsibility for the defense of the realm. As in these similar cases, the nobility here also imposed upon itself the burden of self-taxation.

As in every other case of city-states, however, this common front of action was dependent on the process of centralization that had already occurred and that was pursued by kings to the degree possible in each period. The organization of the counties had provided a fairly homogeneous realm of like units that could be submitted to a relatively uniform and hence efficient system of taxation—the streamlining of the judicial system and the gradual absorption of local units of government under a central structure fostered common interests, and this brought the higher sections of the nobility closer together, to the extent that private rivalries did not become dominant.

Once the collective action problem of the nobility has been solved, as it had been in the preceding period from the 1380s onwards under a strong king (Sigismund), later concerted action even under weak kings is not surprising, nor contradictory. It is path-dependent on prior institutional consolidation. This is also what we observed in the English case from the middle of the thirteenth century on: a major baronial revolt occurred in the 1250s and 60s, forcing concessions from the king, and again in the 1310s, and indeed at other points as well—but in all cases, these incidents followed a prior period of strong institutional consolidation. Indeed, these are the moments scholars typically focus on when arguing in favor of the bargaining model between strong social actors collectively organized against a weak central authority.

The main problem, however, is that this configuration, as salient as it may seem, does not offer a stable or self-sustained equilibrium. With crown weakness, the solution to the collective action problem is unstable: the nobility ultimately fails at crucial moments to agree on a common front of action, leading to a collapse of the regime. For instance, early in Sigismund’s reign there was a crisis, and the king was taken hostage by the opposing barons; yet, they were unable to come to an agreement on who to select as an alternative king, and were finally forced to release him.[[119]](#footnote-119) More ominously, after the death of Matthias Corvinus, the barons allowed the once formidable Black Army, the national Hungarian force, to be destroyed, because it threatened their own forces. This left the defenses of the country to crumble, leading to decreasing capacity to face the Ottoman threat, which culminated in the crushing defeat of 1526 at Mohacs.[[120]](#footnote-120) The conclusion here is that though collective action can continue after the decline of an enforcing power, it seems prone to eventually reproduce the pathologies that prevented it from emerging spontaneously in the first place.

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1. Smith (1850). “It has often been pointed out, especially by Hungarians, that there is a certain analogy between English and Hungarian constitutional history;” Coolidge (1910, 360), Schiller (1908). [↑](#footnote-ref-1)
2. Ertman (1997). Such similarities are only valid at the macro level. Closer historical scrutiny always reveals important differences; Rady (2014). [↑](#footnote-ref-2)
3. Rady (2015, 87). [↑](#footnote-ref-3)
4. “One of the outstanding features of medieval Central European society as a whole is that its nobility stood for the most part in a direct relationship to the king, not holding their property at one or several removes from the ruler by process of subinfeudation and thus not dividing their fealty. As a consequence, all nobles might be deemed to have the right to attend the ruler and have their counsel heard, although this privilege was in practice reserved to the better-off noblemen, the so- called proceres, and later exercised through deputies;” Rady (2015, 76) [↑](#footnote-ref-4)
5. The end of the period I cover is in 1526, when the Ottomans defeated the Hungarians, and a period of foreign “occupation” begun, leading eventually to a union with the Habsburg Empire. [↑](#footnote-ref-5)
6. Eszláry (1959, 150), Molnár (2001, 32). Engel affirms that “beyond doubt in Stephen’s time, the king and his family became by far the greatest landowners of the kingdom. They retained for their own use huge and contiguous domains, as well as many villages dispersed throughout the kingdom;” Engel (2001, 80). By the end of the twelfth century, the king was still thought to control “more than half of the country”; Makkai (1990a, 20).

   That much of the royal demesne consisted of forest, here as elsewhere in Europe, does not detract from its commercial and jurisdictional value: forests were hunting grounds, and as such had high value, and fines for trespassing were also a source of judicial revenue. This is seen most clearly in England. There, the issue was of such importance that, after the revolt against King John in 1215, the barons also extracted the little-known Charter of the Forest in 1217. In addition, five clauses of Magna Carta itself concerned the forests (c. 44, 47, 48, 52, 53). The continuing importance of the Charter of the Forest is seen by the fact that it was also confirmed in subsequent confirmations of the main document, as in 1297. For the text of the charter, see Stubbs (1913, 344ff). The importance of the royal forests is discussed in Hudson (2012, 455-94), Young (1979), Grant (1991), Petit-Dutaillis (1915), Bartlett (2000, 170). Where major royal forests existed, kings were likely to establish a royal residence, which they would frequently visit in their itinerations; “counties without royal Forest, like the south-eastern counties, East Anglia, or the south-west, had no royal residences;” Bartlett (2000, 139). [↑](#footnote-ref-6)
7. Eszláry (1959, 152), Engel (2001, 41), Makkai (1990a, 17). [↑](#footnote-ref-7)
8. Engel (2001, 40, 73), Engel (2001, 19-22, 27). A third seems to be a recurring fraction in the distribution of profits in the period. English earls also retained a third of the income produced in their honours, called the “third penny” Bartlett (2000, 152, 209). [↑](#footnote-ref-8)
9. Bónis (1965, 289), Eszláry (1959, 108-9). [↑](#footnote-ref-9)
10. Eszláry (1959, 154-5), Engel (2001, 40). [↑](#footnote-ref-10)
11. For instance, a donation by king Béla II in 1137 was granted with the will and consent of the whole kingdom (*totius regni voluntate et consilio*), and prefaced by the list of the lay and ecclesiastical lords who were witnesses to the donation; Eckhardt (1939, 213). See also Bak (1999). [↑](#footnote-ref-11)
12. Bak (1999, xxxv). [↑](#footnote-ref-12)
13. Engel (2001, 51), Eszláry (1959, 98). [↑](#footnote-ref-13)
14. van Caenegem (1988, 9). [↑](#footnote-ref-14)
15. Makkai (1990a, 19). These figures are based on a document of King Béla III, which was considered relevant enough to be copied in a sixteenth century English manuscript. They had long been considered improbable by historians, but the latest critical examination of the figures revised the original amounts downwards only by about 30 percent; Barta and Barta (1999). This still left the Hungarian king with much higher amounts than his European peers, bearing in mind that the French kingdom at the time was only a fifth of the area of Hungary; Barta and Barta (1999, 34). [↑](#footnote-ref-15)
16. Compared to about 3.5 around 1550; Rady (2000, 156). [↑](#footnote-ref-16)
17. Using the revenue figures in Barta and Barta (1999, 35) and population figures from McEvedy and Jones (1978). [↑](#footnote-ref-17)
18. Engel (1990, 61-4). [↑](#footnote-ref-18)
19. The figure for 1190 has been adjusted following the revisions in Barta and Barta (1999). [↑](#footnote-ref-19)
20. Others place the figure much higher, at 15,000 kgs of silver, compared to 40,000 of the French king Charles IV (1322-8); Molnár (2001, 46). [↑](#footnote-ref-20)
21. Rady (2014). [↑](#footnote-ref-21)
22. Eszláry (1959, 187), Engel (2001, 91-3), Rady (2000, 33), Makkai (1990a, 24). [↑](#footnote-ref-22)
23. Engel (2001, 93), Molnár (2001, 32), Fügedi (1986, 43), Sugar*, et al.* (1990, 44). [↑](#footnote-ref-23)
24. However, these rights were not formally confirmed until the mid-fourteenth century, and they were to be gradually eroded through developments outlined further down in my account; Rady (2000, 144-6). [↑](#footnote-ref-24)
25. Eszláry (1963b, 292, 331). [↑](#footnote-ref-25)
26. Rady (2000, 33-5). [↑](#footnote-ref-26)
27. Eszláry (1963b, 294). [↑](#footnote-ref-27)
28. Holub (1958, 94-5), Rady (2015, 71-5). [↑](#footnote-ref-28)
29. Engel (2001, 93-5), Rady (2014). [↑](#footnote-ref-29)
30. Makkai (1990b, 25). [↑](#footnote-ref-30)
31. The text of the Bull is translated in Bak (1999, 32-5). [↑](#footnote-ref-31)
32. Bak (1999, 96), Bónis (1965, 289), Eckhardt (1939). [↑](#footnote-ref-32)
33. Ertman (1997, 180). [↑](#footnote-ref-33)
34. Kohn (2007) gives the following wars for England: Anglo-French War of 1109-13, the Anglo-French War of 1116-19, the Anglo-French War of 1123-35, the English Dynastic War of 1138-54, the Battle of the Standard, Henry II's Campaign in Wales in 1157 and 1165, and the Anglo-French War of 1159-89. For Hungary, it lists the Crusades and the Hungarian Venetian War of 1171. For Hungary, see Sugar*, et al.* (1990, 18-19, 23-24). [↑](#footnote-ref-34)
35. Engel (2001, 98-100, 102), Makkai (1990a, 25-8). [↑](#footnote-ref-35)
36. Engel (2001, 120-1) [↑](#footnote-ref-36)
37. Makkai (1990a, 30). [↑](#footnote-ref-37)
38. Eszláry (1959, 262-71), Engel (2001, 120-1). [↑](#footnote-ref-38)
39. Eszláry (1959, 267-9), Engel (2001, 120-1). [↑](#footnote-ref-39)
40. Eszláry (1963b, 227-8). [↑](#footnote-ref-40)
41. Eszláry (1963b, 233). [↑](#footnote-ref-41)
42. Eszláry (1959, 269-71). [↑](#footnote-ref-42)
43. Eszláry (1963b, 232). [↑](#footnote-ref-43)
44. For these developments, see Makkai (1990a, 28-30), Engel (2001, 120, 103-7), Barta and Pamlényi (1975, 65-66), Rady (2000, 40-44). A similar type of relation emerged with warriors who were granted land in return for military service, called conditional nobles (*nobiles praediales*), especially on the borderlands, but these do not appear to have been represented at the center; even as late as the eighteenth century, they were still petitioning for recognition as nobles; Rady (2000, 79-95). [↑](#footnote-ref-44)
45. Eckhardt (1939, 215-6), Eszláry (1959, 193-4, 231, 270). [↑](#footnote-ref-45)
46. The terms used were *parlamentum publicum, parlamentum generale, congregation totus*; see Eszláry (1959, 227). Two important Diets followed in 1290 and 1298, the latter well-known because of its statutes; see Bak (1999, 42-51), Holub (1960, 351). [↑](#footnote-ref-46)
47. “In 1267, during the course of an otherwise little-known assembly at Esztergom, ‘the nobles of all Hungary, who are called royal servants’ forced Béla IV and his son to issue a charter confirming their most important liberties, which were in fact almost identical to those laid down in different words by the Golden Bull of 1222”; Engel (2001, 120). [↑](#footnote-ref-47)
48. Fügedi (1986, 54) and Eckhardt (1939, 215-6). [↑](#footnote-ref-48)
49. The Árpádian dynasty had ruled Hungary since St. Stephen (997-1038). [↑](#footnote-ref-49)
50. Engel (2001, 155), Molnár (2001, 4). [↑](#footnote-ref-50)
51. Molnár (2001, 46). [↑](#footnote-ref-51)
52. Herb (2005), Haber and Menaldo (2011). [↑](#footnote-ref-52)
53. Molnár (2001, 42-5). [↑](#footnote-ref-53)
54. Engel (2001, 124-4), Sugar*, et al.* (1990, 34-53). [↑](#footnote-ref-54)
55. Fügedi (1986, 54, 82). [↑](#footnote-ref-55)
56. Engel (2001, 149). [↑](#footnote-ref-56)
57. Engel (2001, 131, 142). [↑](#footnote-ref-57)
58. Engel (2001, 178), Rady (2015). Though he generously allowed that daughters could be “promoted to a son” so that they could inherit, through the legal device of the *praefectio in filium.* [↑](#footnote-ref-58)
59. Engel (2001, 149). [↑](#footnote-ref-59)
60. Engel (2001, 180), Eszláry (1963b, 311). [↑](#footnote-ref-60)
61. Sugar*, et al.* (1990, 42). [↑](#footnote-ref-61)
62. Engel (2001, 179) [↑](#footnote-ref-62)
63. Engel (2001, 179). [↑](#footnote-ref-63)
64. Eszláry (1963a, 86). [↑](#footnote-ref-64)
65. Eszláry (1963a, 94). [↑](#footnote-ref-65)
66. The other three liberties were the nobleman’s freedom from arrest; his right to be impleaded only before the king; Rady (2015, 83). [↑](#footnote-ref-66)
67. Eszláry (1963a, 334), Pamlényi (1975, 74). [↑](#footnote-ref-67)
68. Eszláry (1963a, 334). [↑](#footnote-ref-68)
69. Engel (2001, 141-2). [↑](#footnote-ref-69)
70. Holub (1960, 352). [↑](#footnote-ref-70)
71. Rady (2000, 146). The nobility was, however, still obliged to allow the periodic debasements of the coinage by the king; ibid. [↑](#footnote-ref-71)
72. Sometimes historians assert that assemblies were not held when societal representation was absent, although more restricted councils did occur; however, none seem to have been held in this period, with bishops complaining to the pope in 1338; see Bónis (1965, 292), Holub (1960, 352). [↑](#footnote-ref-72)
73. Engel (2001, 142), Sugar*, et al.* (1990, 39-42 ), Engel (2001, 157-69). Then from the 1380s, the Ottoman threat emerged Bak (1990, 55-2). [↑](#footnote-ref-73)
74. Bak (1990, 66). [↑](#footnote-ref-74)
75. Voting on taxation was consolidated in the period between 1437 and 1457; see Mályusz (1965). [↑](#footnote-ref-75)
76. Eszláry (1963a, 300). [↑](#footnote-ref-76)
77. Bak (1990, 55) [↑](#footnote-ref-77)
78. Bak (1992, xxx). [↑](#footnote-ref-78)
79. Engel (2001, 220). [↑](#footnote-ref-79)
80. Eszláry (1963a, 297), Eszláry (1963a, 298). [↑](#footnote-ref-80)
81. Engel (2001, 217) [↑](#footnote-ref-81)
82. Engel (2001, 204, 215). [↑](#footnote-ref-82)
83. Bak (1992, xxxii). [↑](#footnote-ref-83)
84. Rady (2000, 152, 150). [↑](#footnote-ref-84)
85. The policy had two major goals: the modernization of the court of ‘special presence’ and the “abolition of universally hated institution that was referred to as the king’s ‘personal presence,’” which was an instrument of royal discretion paralleling the function of equity in English law; Engel (2001, 220). [↑](#footnote-ref-85)
86. Eszláry (1963a, 232). [↑](#footnote-ref-86)
87. Rady (2000, 164), Engel (2001, 120). [↑](#footnote-ref-87)
88. Eszláry (1963b, 227). [↑](#footnote-ref-88)
89. Rady (2000, 168). [↑](#footnote-ref-89)
90. Engel (2001, 219). [↑](#footnote-ref-90)
91. Engel (2001, 222). It was only made a court of final appeal in the law of 1405. [↑](#footnote-ref-91)
92. Bónis (1965, 290). [↑](#footnote-ref-92)
93. Engel (2001, 220). [↑](#footnote-ref-93)
94. Engel (2001, 219). [↑](#footnote-ref-94)
95. Eszláry (1963a, 335). The nobles were only taxed directly once and Sigismund had to promise not to repeat it (personal communication, Martyn Rady). The tithe was paid until the law of 1439, although elsewhere the end date is placed in 1405 Sugar*, et al.* (1990, 44). [↑](#footnote-ref-95)
96. Mályusz (1965, 65). “Comme le seigneur était convaincu de ce que le profit du travail de ses serfs lui appartenait intégralement, et que c’était uniquement par sentiment d’équité qu’il ne se l’appropriait pas tout entière, il estimait à juste titre que c’était lui qui cédait la taxe à l’État. Voilà ce qui explique son désir d’intervenir dans toute question relative à la raison et au moment de la diminution de ses revenus, d’être consulté préalablement et d’être libre de s’y consentir”; Mályusz (1965, 73). [↑](#footnote-ref-96)
97. Mályusz (1965, 56-61). [↑](#footnote-ref-97)
98. The first one, in 1387, was raised on peasants and cities. The second tax of 1394 was raised by the magnates, invoking as pretext the defense of the country against the Turks, and levied on the king’s tenants and all feudal property holders; Mályusz (1965, 56). It was not collected by the king’s agents, but by two prelates and two lay magnates. Three years later, another tax was raised, this time in collaboration with the king, but before the meeting of the Diet. Apart from one more tax in 1399, for the next fifteen years the only tax raised was the *lucrum* *camerae*. In 1415, a general tax was raised in the absence of the king, who was at Constance. Government was in the hands of the archbishop of Esztergom and the palatine royal, assisted by the magnates; it is they who again invoke the Turkish threat, prefiguring the high capacity for collective action we observe later; Mályusz (1965, 57). [↑](#footnote-ref-98)
99. In 1434; Mályusz (1965, 59-61). [↑](#footnote-ref-99)
100. Holub (1958, 106-7). [↑](#footnote-ref-100)
101. Eszláry (1963a, 232). [↑](#footnote-ref-101)
102. Eszláry (1963a, 78). [↑](#footnote-ref-102)
103. Eszláry (1963a, 78). [↑](#footnote-ref-103)
104. Bak (1992, xxxviii). Some estimates place them at 9,000; Eszláry (1963a, 88). [↑](#footnote-ref-104)
105. Holub (1958, 99). [↑](#footnote-ref-105)
106. Mályusz (1965, 61). [↑](#footnote-ref-106)
107. Mályusz (1965, 59-61). [↑](#footnote-ref-107)
108. Mályusz (1965, 66-7), Bónis (1965, 298). [↑](#footnote-ref-108)
109. Engel (2001, 302). [↑](#footnote-ref-109)
110. Engel (2001, 302). [↑](#footnote-ref-110)
111. Engel (2001, 299-300). [↑](#footnote-ref-111)
112. Eszláry (1963a, 87). [↑](#footnote-ref-112)
113. Eszláry (1963a, 94). [↑](#footnote-ref-113)
114. This happened in 1492, 1498, 1518, and 1525, during the years of dissolution under the Jagellonian kings; see Bónis (1965, 294). [↑](#footnote-ref-114)
115. Vladislas II (1471–1516) and Louis II (1516–1526). [↑](#footnote-ref-115)
116. See Holub (1960, 352). [↑](#footnote-ref-116)
117. Eszláry (1963a, 88). [↑](#footnote-ref-117)
118. Eszláry (1963a, 89), Eszláry (1963a, 88). [↑](#footnote-ref-118)
119. Engel (2001, 206). [↑](#footnote-ref-119)
120. Engel (2001, 358-9). [↑](#footnote-ref-120)