MAGNA CARTA — GOLDEN BULL

(INTELLECTUAL CONNECTIONS BETWEEN ENGLAND AND HUNGARY IN THE TWELFTH AND THIRTEENTH CENTURIES)

by

Alexander Fest

The opinion ruling today with regard to the Golden Bull — the prime source of Hungarian public law — is that alike in form and in spirit it came into being quite independently of the English Magna Carta, and that practically no serious connection can be shown to have existed between the England and the Hungary of those days. Recently, it is true, tentative attempts have been made to show that the origin of certain conceptions in the Golden Bull transplanted to Hungary from a foreign atmosphere is to be traced, if only in an indirect way, to the development of English law and the English Constitution; but these attempts — notwithstanding many striking observations — have proved unable to weaken the general historical and legal opinions and views.

This very important question — as to whether there is any causal connectionby between the Magna Carta and the Golden Bull, the two oldest forms of constitution in Europe — has not yet, it would seem, been definitively solved, — particularly when we attempt to reconcile the general opinion with all we know about the contemporary intellectual connections between England and Hungary. In the present essay I would confine myself exclusively to the narrow path — here and there interrupted and broken — marked by the intercourse between England and Hungary in my effort to find the connecting link between the two famous charters of liberty; and if a collation of the scarce and isolated data and an estimation of their value, together with a demonstration of the logical interconnection of the facts, serves to facilitate the building of the bridge spanning the distance between the Golden Bull and the Magna Carta, we shall expect historical science to answer the question whether it considers the plane of contact between Hungary and England broad enough to justify our presuming an influx of the English spirit in far-distant Hungary? And then will ensue of itself s solution of the much-disputed question as to whether the resemblance between the two ancient Constitutions is a mere freak of chance, — two similar but completely independent expressions of a great intellectual movement — or whether we must really look for the influence of the English mind in the form and substance of our ancient Constitution?

*

In February, 1199, Pope Innocent III. wrote letters to the Bishop of Győr and the Abbot of Bakony (Zirc) dealing with an "unheard-of forgery" committed in Rome, in the Papal Library, by Master L. of Tarvis. The forgery had been reported to the Pope, who commissioned the Bishop of Győr and the Abbot of Zirc to take the evidence under oath of Master P., Provost of Esztergom, and Master Robert "the Englishman", who were both familiar with the matter (or even accomplices of the forger), and find out by whose orders or advice and by whose aid the crime had been committed. At the same time the Pope begged King Imre to assist in the work of taking the evidence of the said persons.

Who was this "Magister Robertus Anglicus"? No such name is to be found in our records. But the Chronicle of Albericus, Cistercian of Trois Fontaines — to which we shall return later — also speaks of "magister Robertus", containing the following record: "—Anno 1227. In Hungaria Robertus vir bonus et religiosus de Leodiensi dyocesi natus, factus fuerit archiepiscopus Strigoniensis." If the "Magister Robertus Anglicus" mentioned by Pope Innocent III. is the same as the "magister Robertus" of Albericus — as I myself, independently of the researches of others, believe to be not only probable but quite certain, — then by the aid of our records we can follow the career of "magister Robertus" step for step as he rose to the highest Church dignity. According to a deed dating from the days of Andrew II. in 1207 he was Provost of Székesfehérvár and royal chancellor. His advancement was a rapid one. He would seem to have enjoyed, not only the special favour of his king, but also the confidence of the Pope. In 1209 he was Bishop of Veszprém and as such played an important role not only in the ecclesiastical but also in the political life of Hungary. In 1212 he was in Rome, having been delegated by King Andrew II. to further the conclusion of an agreement between the Archbishops of Esztergom and Kalocsa. In 1215 he was at the Lateran Synod together with John, Archbishop of Esztergom, and

creative commons A digitális változat a MEK Egyesület (http://mek.oszk.hu/egyesulet) megbízásából, az ISZT támogatásával készült.

Uriah, Head Abbot of Szentmárton; while in 1216 the Bishop of Veszprém obtained permission from the Pope to crown the Queen of Hungary, — a circumstance to which he would seem to have attached great importance, seeing that in 1220 he appealed to Pope Honorius III. for a confirmation of the right. In 1218 or 1219 he was again in Rome. In a letter written in March, 1218, the Pope summoned him to his presence; and Robert obeyed the summons, though from the letters it is impossible to ascertain the exact time of Robert's journey to Rome. When, after the death of Bernard, Archbishop of Spalato, Guncellus was elected to take his place, the Pope entrusted the Bishop of Veszprém — our Robert — with the work of investigating the previous life and reputation of Guncellus, also sending the pallium to the new archbishop by Robert. And, just as he enjoyed the confidence of Popes Innocent III. and Honorius III., Robert must also have enjoyed the special favour of the Hungarian king, who sent the Bishops of Veszprém and Győr to accompany his brother-in-law — Berthold, Archbishop of Kalocsa, younger brother of Gertrude — on his pilgrimage in foreign countries. All these merely desultory moments show clearly that this Robert, Bishop of Veszprém, a prelate of high authority possessing exceptional scholarship and erudition and very highly connected abroad, was the confidant of the Pope and the Hungarian king too. The events of his term of office as Archbishop of Esztergom are familiar from history, — the conversion of the Cumanians, the story of the interdict, his journey in Transylvania, and other moments in his long life which are however not in place in this essay.

What do we know of the origin of Robert, Bishop of Veszprém and later Archbishop of Esztergom? This question is still obscure, for — as may be seen from what has been said above — there is a difficulty which we are quite unable to bridge over. The only record telling us of the origin of Robertus is the Chronicle of the Cistercian Albericus of Trois Fontaines. There we are told that he came from Lüttich ("de Leodiensi'dyocesi natus"). The wellknown letter of Pope Innocent III. dated 1199, on the other hand, calls him "magister Robertus Anglicus". Thi contradiction is self-evident. If our Robert was really "Anglicus", he could not have been born in Lüttich. This epithet points to an English origin; it was in general use at this period particularly by English "clerks" studying in Paris. It would be exceptionally strange if this epithet were used to designate, not the land of birth, but the place of education. How is the contradiction to be explained? We have records of frequent connections between England and Flanders from the eleventh century; and we know of Flemish settlements in England — — or more particularly in Wales — in the days of Henry II.: but to explain our Robert as having been a Flemish settler in Britain would be very forced and improbable. Nor is there more ground for the supposition that Robert was perhaps educated in an English university (of course it could only have been Oxford), and that that was why he was called "Anglicus". At the period in question the schools of Oxford were far behind those of Paris in fame and in number of students; and the English themselves — particularly well-to-do young nobles — failed to find satisfaction in Oxford, Paris thus becoming the traditional and well-frequented Alma Mater of the English of those days. Pope Innocent's letter speaking of Robert as "Anglicus", there can be no doubt whatsoever that he was an Englishman; for he was known in Rome, where he had been a visitor to the Papal Library in the company of Master P., Provost of Esztergom. That the word "Anglicus" refers to the English origin of Robert, cannot possibly be called in question. For why else should he have been called "Anglicus"?

Starting from the presumption that the epithet "Anglicus" is more authentic evidence of the origin of Robert than Albericus's Chronicle, we would fain discover the cause of the chronicler's error, — though we know how often the persons recording the events of the Middle Ages were led astray by the multiform geographical terms and in particular by the names of towns. The suggestion of Robert having been born in Lüttich may perhaps be attributed to the deficient geographical knowledge of the chroniclers or to mistakes occurring in their works. Otherwise it would be extremely difficult to understand the numerous contradictions in respect of geographical terms found in the chronicles. However, the name "leodiensis" itself was very likely to give rise to a confusion. There are many similar names of towns recorded in the annals of this period, — e. g. Leodonium vicus, today Lons-le-Sonnier, in France; the ancient form of the name of the town of Leeds (Loiden. dioc.) in Yorkshire, as also the Abbey of Ludens, where we find a Cistercian monastery, as we do in medieval Leeds. Then, again, in Middle English the word "leod" forms the first part of numerous compound substantives. But, however that may be, it is much easier to understand a chronicler making a mistake than to doubt the authenticity of a Papal letter which may claim to be regarded as a deed. We repeat: Robert was known personally in Rome, as we see from the breach of rules committed in the Papal Library; so — on the basis of what is the more authentic record — we must regard him as really "Anglicus" or English in origin.

Our supposition is founded, not only on what has been said above, but also on the historical background of which we have attempted to give a brief outline. Though we know of no English "clerk" having settled in Hungary during the Middle Ages, it is remarkable that we should find an "Anglicus" who rose by degrees to the highest dignity in the Church in Hungary just at the period when the Margaret who hadbeen educated and crowned as Queen of England was Queen of Hungary. This is no mere coincidence. I believe I am not mistaken in presuming that Robertus Anglicus, the young Paris Magister, was a member of the brilliant and numerous suite which followed Margaret. We have seen that even in the third year of her widowhood, when she was already preparing to go to distant Hungary, Margaret was surrounded by Normans and Englishmen. Is it not natural to suppose that there should be also an English "clericus familiaris" in the Court of the former Queen of England? and why should this rôle not have fallen to the share of our mysterious Robertus Anglicus? If we inquire after

creative commons A digitális változata a MEK Egyesület (http://mek.oszk.hu/egyesulet) megbízásából, az ISZT támogatásával készült.

Robertus Anglicus in the Court of the King of Hungary, in the days of Béla III., we find that he was in Esztergom in 1199, when he received the letter from the Pope, while during his term of office as Provost of Székesfehérvár and Chancellor he was once more in the Court of the King of Hungary (from 1207 to 1209); then follows the oft-repeated career of the "clericus familiaris", — bishopric and prelatic power. That he continued later on also to maintain his connections with the Court, is shown by the deeds of Béla IV. It was the aged Archishop Robert — then a man of great authority — who baptised Béla's son Stephen. Robert was familiar with three generations of the royal house, whom he served and often directed.

We shall not inquire — nor would it be possible to do so — as to the part played by the Bishop of Veszprém in the drafting of the Golden Bull. At this period the later Archbishop of Esztergom was undoubtedly one of the most influential members of the Hungarian episcopacy. As Church dignitary and broad-minded stateman he must surely have followed the events in England too. Whatever the old epithet "Anglicus" may mean, we may be quite sure that it suggests at least a personal interest in the stormy atmosphere which in England lowered over the struggles between the king and his archbishop. In Rome he had an opportunity to inform himself personally — doing so indirectly of course also through the legates sent from and to Rome — of what was happening in London and at Canterbury. It is difficult to imagine that this experienced "Anglicus" stateman should have known nothing of the conflict raging round the Magna Carta or of the famous charter of liberty itself. In 1215 he took part in the Lateran synod in Rome. Another visitor to Rome at this time — a visitor who stayed there for months — was Langton, Archbishop of Canterbury, author of the Magna Carta. At the synod — as we have seen — an upheaval was caused by the English question too, by the war which had just broken out afresh between the king and his archbishop. Is it possible that Robert should have known nothing of these things? and is it not possible that our "Anglicus" prelate and John, Archbishop of Esztergom, made the personal acquaintance of the celebrated Archishop of Canterbury?

According to Fraknói, Robert "played a considerable part in the work of calling the Golden Bull into existence". If retrogressive deductions have any foundation, this statement may be accepted. We know that the Archishop of Esztergom had the Golden Bull renewed; and we know also thet he made Béla IV. swear to observe the provisions of the Golden Bull: — "Noveritis nos litteras juramenti domini Bele regis super forma compositionis servande inter venerabilem dominum Jacobum prenestinum electum, Apostolicae sedis legatum et dominum Andream, Illustrissimum regem, patrem nostrum, quondam facto, et *nuper solempni sacramento et aurea bulla firmate,* juravimus in hunc modum . . ."

In his eyes the Golden Bull must have borne same character as a source of law as the Magna Carta did in those of the Archbishop of Canterbury. We cannot draw a parallel; and we can hardly talk of "the Langton of the Golden Bull": but that he must have been one of the principal factors responsible for the drafting of the Golden Bull, does not seem too bold a conclusion to draw from all we know of Robertus "Anglicus".

Before summarising the points established above, we would refer to one more little known moment of the Anglo-Hungarian connections. In 1220, fifty years after the murder of Thomas à Becket, there was a grand celebration in Canterbury of interest to the whole Christian world: the mortal remains of the famous Archbishop were laid to rest in a spot of a more dignified character than that to which they had previously been consigned. From contemporary records we are fully familiar with the exceptional dimensions of the celebration. So many pilgrims visited the place that there was not a single room to be had even in the neighbouring villages. Thousands of devout pilgrims bivouacked in tents or in the open air. Large numbers — secular and ecclesiastical persons alike — went to England from the Continent too. One of the English chronicles mentions specially three of the high Church dignitaries who undertook the long journey in order to be present at the celebration in memory of the great dead, — the Papal Legate Pandulph, whose work in connection with the Magna Carta conflict is well known, William, Archbishop of Rheims, and a Hungarian archbishop. This datum, of great interest in itself too, is to be found in the Chronicle of Walter of Coventry, a compilation from older records which however contains material not in other sources relating to certain periods (1170—77 and 1201—25) and for that reason constitutes a valuable supplement to the chronicles of those days.

Walter of Coventry tells us that the Hungarian archbishop was present at the world-famed celebration organised by Stephen Langton in Canterbury. He was the guest of the author of the Magna Carta two years prior to the issue of the Golden Bull, and was in the English archiepiscopal city at the same time as the Papal Legate Pandulph, who advised King John to issue the Magna Carta and then — as already related — took a copy of the great charter of liberty to Rome: can we then doubt that, even if he had not done so previously, on this occasion the Hungarian archbishop made himself familiar with the Magna Carta, during the course of his personal intercourse with Stephen Langton, its author?

* * *

We have shown that our prelates — John, Archbishop of Esztergom, Robert, Bishop of Veszprém, and Uriah, Head Abbot of Szentmárton — must have had an opportunity, at the Lateran synod, five years prior to the issue of the great English charter of liberty, to obtain information relating to the struggles leading up to the Magna Carta and to the famous charter of liberty itself. The Crusades — the protracted siege of Damietta — a few years later provided a renewed opportunity for intercourse between a Hungarian prelate (Thomas, Bishop of Eger) and English barons; and that fact also makes it indubitable that Hungarians were familiarised with the substance and spirit of the Magna Carta. A year later the journey to England of a Hungarian archbishop created and strengthened ties of friendship with the author of the Magna Carta in Canterbury, the famous scene of the strenu-

creative commons A digitális változat a MEK Egyesület (http://mek.oszk.hu/egyesulet) megbízásából, az ISZT támogatásával készült.

ous struggles between Church and State . . . Of the three prelates concerned in the Golden Bull we know from what has been said above that they most certainly had an opportunity to familiarise themselves with and to study the English charter of liberty, the classical corner-stone of English constitutionalism. Is it conceivable that while drafting and discussing the Golden Bull these three prelates should not have thought of the English charter of liberty, or that when codifying the constitutional liberties of Hungary certain ideas should not have been transplanted from the Magna Carta? Then again there were certain connections by marriage between the Árpád Dynasty and the House of Plantagenet (we must not forget that Andrew II.'s step-mother had previously been Queen of England), while the "clerks" returning home from Paris brought back with them elements, not only of the French spirit, but — though certainly to a lesser extent — of the spirit of the English people too. In view of these powerful and productive influences is it not natural that we should trace the new ideas of the Golden Bull — particularly the *jus resistendi* — to an origin in the West? or would it be an anachronism to speak of the English spirit manifested in the Golden Bull? Again, who was better fitted to introduce the new spirit — in any case not altogether unfamiliar to Hungarians — than the prelate who was English by origin, the profoundly erudite and highly cultured "Robertus Anglicus"?

I believe the data put forward by me will throw a certain light on a much-discussed question of an age so rich in ideas and cultural influences. And the light of detailed research encourages and perhaps entitles us to guess the existence of an intellectual life deeper and more kaleidoscopic than that previously known to us. To us ages wrapped in the obscurity of distance are like the world of metaphysics, — richer and more mysterious than we imagine them to be. Maybe Hamlet's words might be applied to these ages: —

"There are more things in heaven and earth, Horatio,
Than are dream'd of in your philosophy."

POLITICAL MOSAIC

THE HUNGARIAN FOREIGN MINISTER SPEAKS OF GENEVA, OF HIS AIMS AND RESULTS

On his way back from Geneva Kálmán Kánya, Hungarian Foreign Minister, received a correspondent of the "*Reichspost*", the official organ of the Austrian Government, and made a very interesting statement concerning what had happened in Geneva.

"My object in going to Geneva" — he said — "was *not to play the man of terror and oppose every proposal for a compromise of however judicious a character.* My object was, on the contrary, *to do everything in my power on behalf of the Hungarian Government to avert the danger of war, which is generally believed to have been present.* As to who harboured warlike intentions, *I should prefer for the moment not to make any detailed statement.* The only object I had in view in Geneva was *to enforce the peaceful policy of the Hungarian Government in the Marseilles dispute too.* Naturally there were limits to our readiness to accept a compromise. These limits were fixed by our unalterable determination *not under any circumstances to acquiesce in any settlement of the affair not in harmony with the honour of the Hungarian people.* I believe I may without exaggeration establish the fact that *my conduct in Geneva was fully in keeping with these fundamental principles.* I refrained from every action calculated to hurt Yugoslavia. But I did everything to prevent the attainment of the *real political aims latent in the campaign of incitement which had been carried on against us for weeks.*

"As concerns the results of the discussions I may briefly sum them up as follows:

"1. *The exertions made by our enemies to bring us to our knees in the revision question, proved abortive:*

"2. *Hungary was not subjected to any reprimand* — as indeed we should naturally never have allowed her to be:

3". *In its resolution the Council of the League of Nations refrained from all idea of interference in the domestic affairs of Hungary.*

"It is extremely noteworthy also that *both countries — both Yugoslavia and Hungary — have by the resolution of the Council of Nations been called upon* to refrain in the future from all hostile acts whatsoever likely in any way to interfere with friendly relations between the two countries. It is superfluous to stress particularly that *this summons refers primarily to the expulsion of Magyars from Yugoslavia*".

Foreign Minister *Kánya* then protested against the misinterpretations published in certain organs of the international Press when commenting on the Geneva resolution. And in conclusion he said:

"Hungary *will* in the future too *endeavour to attain her national aims exclusively by peaceful means.* I should like to express the hope that *Yugoslavia*

creative commons A digitális változat a MEK Egyesület (http://mek.oszk.hu/egyesulet) megbízásából, az ISZT támogatásával készült.