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THE PERSON BEHIND THE SPIRIT AND CONCEPT OF THE GOLDEN BULL OF HUNGARY (1222)*

In memoriam of a patriotic Hungarian noble statesman, Cletus from the clan Beyl, bishop of Eger on the octocentenary of the promulgation of the Golden Bull

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„Given by the hand of Cletus, chancellor of our court and provost of the church of Eger, in the year of the Incarnation of the Word one thousand two hundred twenty-two"
(Golden Bull of 1222)

1. Introduction

Hungary celebrates this year the 800th anniversary of the promulgation (1222) of the Golden Bull of Hungary sealed by King Andrew II of Jerusalem (1205–1235), one of the greatest ruler of the country. During the middle ages the Apostolic Kingdom of Hungary, founded by King Saint Stephen (1000–1038), was one of the most powerful realms in the Christian World. The edict had been serving as the most important and emblematic document of the historical constitutional system of Hungary until the revolution of 1848 which brought fundamental changes. Although the charter of rights issued by King Andrew II shows perfectly the specialities of the Hungarian Theory of State (Theory of the Holy Crown),[1] and it was object of various (comparative) researches before, however it is still unclear under what influence the document was written. At the end of the 19th century the majority of the historians and jurists

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1 Timon, Ákos: *A Szent Korona elmélete és a koronázás*. Budapest, Stephaneum, 1920.

rejected the former theory that the English Magna Carta[2] (1215) could have served as an example, and some of them professed that the Arogonese system – later it was recorded in writing as Privilegio General de Aragón[3] (1283) – was the main source.[4] In the 1930s Adorján Divéky brought a new theory[5] that all three charters in question might have been under the influence of the constitution of the Kingdom of Jerusalem.[6] Although the historians could not come up with offer a different vision until nowadays,[7] some new aspects have been published recently.[8] Its author, the Royal Chancellor Cletus, later bishop of Eger also remained out of picture, however he probably could be the key to answer the question. The full text of the Latin and English version of the Golden Bull just as the complete Laws of the Medieval Kingdom of Hungary (1000–1526) and the *Tripartitum*[9] (1514) – the famous work of Werbőczy – are available online.[10] The present study tries to offer a vision of the importance of the person and the personality of the author of the Golden Bull of 1222.

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2 Andrássy, Gyula: *A magyar állam fönmaradásának és alkotmányos szabadságának okai*. Budapest, Franklin, 1901.; Hantos, Elemér: *The Magna Carta of the English and of the Hungarian Constitution: A Comparative View of the Law and Institutions of the Early Middle Ages*. London, 1904.; Fest, Sándor: Magna Carta – Aranybulla (Szellemi érintkezések angolok és magyarok között III. Béla és II. Endre korában). *Budapesti Szemle,* 235. évf., 683. sz. (1934) 41–63.

3 Jestis Lalinde Abadia: *Los derechos individuales en el „Privilegio General" de Aragón*. Madrid, 1980.; Esteben Sarasa Sánchez: *El Privilegio General de Aragón. La defensa de las libertades aragonesas en la Edad Media*. Zaragoza, 1983.

4 Ferdinandy, Gejza: *Az Arany Bulla*. Budapest, MTA, 1899.; Karácsonyi, János: *Az aranybulla keletkezése és első sorsa*. Budapest, MTA, 1899.; Schiller, Bódog: Az arany bulla. In: Szász, József (ed.): *Politikai Magyarország. I. Magyarország története az arany bullától 1795-ig.* Budapest, Anonymus, 1912. 33–68.; Schiller, Bódog: Az arany bulla a magyar állam alaptörvénye. A későbbi századok. In: Szász, József (ed.): *Politikai Magyarország. I. Magyarország története az arany bullától 1795-ig*. Budapest, Anonymus, 1912. 89–96.

5 Divéky, Adorján: Az Arany Bulla és a Jeruzsálemi Királyság alkotmánya. Értekezések a történeti tudományok köréből*,* XXXV. évf., 1932/1.

6 Tobias Osterhaug: *A Political History of the Kingdom of Jerusalem 1099 to 1187 C.E*. Western Washington University, 2014.

7 Kristó, Gyula: *Az Aranybullák évszázada*. Budapest, Gondolat, 1976.; Érszegi, Géza: *Az Aranybulla*. Budapest, Helikon, 1990.

8 Zsoldos, Attila: II. András Aranybullája. *Történelmi Szemle,* LIII. évf., 2011/1. 1–38.; Solymosi, László: Magyar főpapok angliai zarándoklata 1220-ban. Történelmi Szemle*,* LV. évf., 2013/4. 527–540.; Martyn Rady: Hungary and the Golden Bull of 1222. *Banatica (Resita),* Vol. 24., Iss. 2. (2014) 88–108.; Zsoldos, Attila: *The Golden Bull of Hungary*. Budapest, Research Centre for the Humanities, 2022.; Zsoldos, Attila (ed.): *Aranybulla 800.* Budapest, Országház Könyvkiadó, 2022.

9 Martyn Rady: *Customary Law in Hungary. Courts, texts and the Tripartitum*. New York, Oxford University Press, 2015.

10 Mikó, Gábor: *A középkori Magyar Királyság törvényei és a Corpus juris Hungarici*. Budapest, BTK, 2021.; János M. Bak: *Online Decreta Regni Mediaevalis Hungariae. The Laws of the Medieval Kingdom of Hungary*. Budapest, Central European University, 2019. https://tinyurl.com/2p8769xa (hereinafter: Bak op. cit.)

2. Cletus from the clan Beyl – a patriotic bishop of Eger

As the Golden Bull itself refers to that, it was "given by the hand of Cletus, chancellor of our court and provost of the church of Eger, in the year of the Incarnation of the Word one thousand two hundred twenty-two". The bishopric of Eger, founded also by King St Stephen in 1004, was the greatest and the second richest ecclesiastical beneficium[11] in Hungary, the bishops of Eger were important figures in the political life of the country until the revolution of 1848.[12] The city was one of the favourite places of King Emeric (1196–1204) – the elder brother and predecessor of King Andrew II –, he died there as a guest of Bishop Katapán II.[13] It seems to be sure that Cletus was a member of the ancient clan Ug (also known as clan Bél/Beyl), the territory that was located about 30 km far from the city of Eger, at that time part of Borsod County.[14]

The date of birth of Cletus is unknown but he had to be born before the end of the 12th century as he was nominated – as a well-educated person – the royal chancellor by King Andrew II in 1219.[15] It is a fact that Cletus was a jurist *(doctor utriusque juris),* although there is no any certain information about his *Alma Mater*, it seems he had been educated in the University of Paris. Why? Several predecessors of Cletus in the bishopric of Eger – like Lucas Bánffy[16] (1156–1158), Peter II[17] (1181–1197), maybe Katapán II[18] (1198–1217) and Thomas[19] (1217–1224) – were also educated there.[20] At that time Hungary and France were allies, the French and Hungarian dynastic, political

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11 Kovács, Béla: *Az egri egyházmegye története 1596-ig*. Eger, 1987. 148.

12 Sugár, István: *Az egri püspökök története*. Eger, 1984.

13 Sugár (1984) op. cit. 60.

14 The clan Ug (also known as clan Bél/Beyl because of the white limestone of the Bélkő hill) occupied the beautiful but uninhabited territory in front of the Bélkő hill during the re-conquest of the homeland in the 9th century. Numerous families came from the clan like the Béli, Molnosbéli, Szentmártoni, Bekölczey, Mikófalvi, Sajónémeti Bekény, Sajónémeti Ugffy etc., and it seems to be sure that Cletus was also a member of this clan. Let see: Borovszky, Samu: *Borsod vármegye története a legrégibb időktől a jelenkorig*. Budapest, MTA, 1909. 27.

15 Zsoldos, Attila: *Magyarország világi archontológiája (1000–1301)*. Budapest, MTA TTI, 2011. 108.

16 Sugár (1984) op. cit. 48. Lucas (Lukács in Hungarian) was the member of the clan Tomaj – his later relative Denis from the clan Tomaj was count palatine during the first period (1235–1241) of the reign of King Béla IV (1235–1270) –, he was one of the first students in the University of Paris founded in 1150. After his education there he returned to Hungary and was elected bishop of Eger by the cathedral chapter. In 1158 he was elected and nominated archbishop of Esztergom and became one of the most influent and emblematic figures in the Hungarian politics.

17 Sugár (1984) op. cit. 56. Peter II was also educated in Paris in the 1160s after he came back to Hungary he served as royal notary at the court of King Béla III (1172–1196). He is the author of the famous Gesta Hungarorum, which was the first extant Hungarian book about history. Later he was elected bishop of Eger by the cathedral chapter in 1181.

18 Sugár (1984) op. cit. 59. Katapán was the royal chancellor between 1190 and 1198, later was elected bishop of Eger by the cathedral chapter in 1198.

19 Sugár (1984) op. cit. 62. We know that Thomas had title *magister*, so he had to be educated in university, he was the royal chancellor between 1209 and 1217.

20 Bónis, György: *A jogtudó értelmiség a Mohács előtti Magyarországon*. Budapest, Akadémiai, 1971.; Bónis, György: *A jogtudó értelmiség a középkori Nyugat- és Közép-Európában*. Budapest, Akadémiai,

or cultural relations were really strong, the orthography of the 12th and 13th centuries in Hungary shows French effect.[21] The relation between King Géza II of Hungary (1141–1162) and King Louis VII of France (1137–1180) became familiar during the Second Crusade (1147–1150) which crossed through Hungary, the baptism godfather of King Stephen III of Hungary (1162–1172) was King Louis VII of France, the first wife of King Béla III of Hungary (1172–1196) was Princess Agnes of Châtillon (†1184) daughter of Reynald of Châtillon Prince of Antioch, the second was Margaret of France (†1197) sister of King Philip II of France (1180–1223).[22] Knights Templar came to Hungary, lands and privileges were granted to them by the Hungarian monarchs, especially during the reign of Emeric and Andrew II.[23] The universities of Italy became popular for Hungarians at the second half of the 13th century, we know that the Royal Chancellery was created in 1181 by Chancellor Adorján, educated in Paris, later the forms of the diplomas were regulated by Chancellor Katapán, also a former student of the University of Paris.[24] So it seems very likely that Cletus was sent to Paris with the help of the bishop of Eger (Peter II or Katapán II) at the end of the 12th century or the very beginning of the 13th century where he became a doctor of law. The well-educated Cletus returned to Hungary before 1217 as the Cathedral Chapter of Eger was convoked by himself at the same year as the provost of the church of Eger to elect the successor of the late Bishop Katapán II (†1217).[25] Thomas, the provost of the church of Fehérvár and the royal chancellor[26] (1209–1217) had been elected, but a few weeks later he left to the Holy Land with the Fifth Crusade (1217–1221) led by the Hungarian monarch.[27] The participation of Bishop Thomas in the Crusade might have related with the fact that near to Eger (Felnémet) was a Templar Friary – the Templar Cross and the Holy Grail symbols are still intact on the wall of the chancel –, seems to be sure that its prior was the bishop of Eger itself. One of the seven original copies of the Golden Bull was

1972.; Kiss, Gergely: A 11–13. századi magyar főpapok francia kapcsolatai. In: Györkös, Attila – Kiss, Gergely (ed.): *Francia–magyar kapcsolatok a középkorban*. Debrecen, 2013. 341–350.

21 Prokopp, Mária: Francia–magyar művészeti kapcsolatok III. Béla udvarában, Esztergomban. In: Györkös–Kiss op. cit. 291–314.; Bácsatyai, Dániel: A 13. századi francia–magyar kapcsolatok néhány kérdése. *Századok,* 151. évf., 2017/2. 237–278.

22 Jim Bradbury: *Capetians: Kings of France, 987–1328*. Hambledon Continuum, 2007.; Jim Bradbury: *Philip Augustus: King of France, 1180–1223*. Routledge, 2016.

23 Falus, Orsolya: *Ispotályos keresztes lovagrendek az Árpád-kori Magyarországon*. Doktori értekezés. Pécs, 2014. 103.

24 Bónis (1971) op. cit. 22.

25 Kandra, Kabos: *Adatok az egri egyházmegye történetéhez. Az egri nagyprépostok és káptalan az Árpádok korában*. Eger, 1887. 493.

26 Zsoldos (2011) op. cit. 107. The royal chapter was created by King Béla III in 1181, at that time it played a key role in the central administration of the realm, let see: Kubinyi András: Királyi kancellária és udvari kápolna Magyarországon a XII. században. In: Kubinyi, András (ed.): *Főpapok, egyházi intézmények és vallásosság a középkori Magyarországon*. Budapest, Magyar Egyháztörténeti Enciklopédia Munkaközösség, 1999. 7–68.

27 Borosy Tamás: A keresztes háborúk és Magyarország. *Hadtörténelmi Közlemények,* 109. évf., 1996/2. 11–54.; E. J. Mylod – Guy Perry – Thomas W. Smith – Jan Vandeburie (ed.): *The Fifth Crusade in Context: The Crusading Movement in the Early Thirteenth Century*. Routledge, 2016.

sent to the Knights Templar,[28] which shows perfectly their high prestige in Hungary. We know it well that French people came to Felnémet during the reign of King Géza II, maybe under Bishop Lucas Bánffy.[29] At the end of the 12th century and the beginning of the 13th century the Papacy put the rulers of Hungary under permanent pressure to participate in a crusade, finally Andrew II decided to lead the campaign.[30] It is well known that it was the only crusade where the Christian (Hungarian) army did not take part in (m)any fights in the Holy Land, but the long journey was important for Hungary. It is known that King Andrew II was accompanied by the Knights Templar of Hungary to the Holy Land. Andrew II started to use the title king of Jerusalem and promised to finance the defence of crusader castles like Akkon, Krak des Chevaliers and Margat in the Holy Land.[31] Andrew's second wife was Princess Yolanda of Courtenay daughter of emperor of the Latin Empire of Constantinople,[32] on the way home Andrew agreed with the Emperor of Nicaea that Princess Maria Laskarina should have married his son, Prince Béla.[33]

Although King Andrew had come back to Hungary in 1218, Bishop Thomas and Chancellor Ugrin Csák returned just a year later. The nomination of Cletus as the royal chancellor by King Andrew II in 1219 had been done with the influence of Bishop Thomas at the royal court, the former chancellor – Ugrin Csák (1217–1219) – was elected (and nominated) archbishop of Kalocsa.[34] Bishop Thomas (†1224) became the Primate of Hungary for a short term and Cletus was elected the bishop of Eger by the cathedral chapter which was confirmed by both the monarch and the pope.[35]

This practice – the election, the act of approval both by the king and the pope – was a regulated process from the end of the 12th century to ensure the harmony and to keep off the discord between them.[36] Despite of the papal regulation, the practice was not free from the discord in Hungary, but the investiture controversy had never been a fundamental conflict between the Papacy and Hungary like it was with Germany.[37] Such as the right of patronage *(jus patronatus)* in Hungary was practiced by the monarch as "the pope retains no jurisdiction in the donation of ecclesiastical benefices

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28 *Golden Bull* (1222) art. 31. In: Bak op. cit.

29 Vágner Lászlóné (szerk.): *750 éves Felnémet*. Eger, Felnémeti Civil Kerekasztal, 2011.

30 Veszprémy, László: Szent László keresztes hadjárata és a XII. századi keresztes szentek. *Hadtörténelmi Közlemények,* 133. évf., 2020/4. 776–804.; Barabás, Gábor: *A pápaság és Magyarország a 13. század első felében. Pápai hatás – együttműködés – érdekellentét*. Pécs, Pécsi Történettudományért Kulturális Egyesület, 2015. 133–139.

31 Borosy op. cit. 43.

32 Bárány, Attila: II. András és a Latin Császárság. *Hadtörténeti Közlemények,* 126. évf., (2013 /2. 461–480.; Bárány, Attila: Courtenay Róbert latin császár Magyarországon. In: Györkös–Kiss op. cit. 153–180.

33 Borosy op. cit. 42.

34 Kandra (1887) op. cit. 494.

35 Sugár (1984) op. cit. 69.

36 Fraknói, Vilmos: *A magyar királyi kegyúri jog Szent Istvántól Mária Teréziáig*. Budapest, MTA, 1895.

37 Barabás (2015) op. cit. 196.

in this kingdom other than his authority to confirm them".[38] It was acknowledged by the Council of Constance (1417) in a separate letter of privilege[39] of course the (customary) law protected the interests of the monarch in Hungary:

> „Since the granting of ecclesiastical benefices, together with that of the goods and property rights pertaining to the churches of God, is known to belong to our prince and king, all ecclesiastics of whatever order, grade, or rank who administer and own castles, fortified houses, strongholds, cities, towns, villages, estates, and deserted lands or any other property rights in this renowned kingdom of Hungary, are always accordingly obliged to swear an oath of fidelity to the lawfully crowned king and prince of this renowned kingdom of Hungary, just like any lay person of the realm, notwithstanding the special liberty of their dignity and exemption."[40]

Cletus as the bishop of Eger had enormous prestige countrywide, when the cathedral chapter of Esztergom elected both the bishop of Csanád and the bishop of Nyitra for the vacant primate chair (1225) irregularly, Cletus was asked by Pope Honorius III to be the judge in this case.[41] Cletus asked the pope to give him an exemption of the regulars of the Third (1179) and Fourth (1215) Lateran Councils[42] to cede more and certain income in the favour of the poor members of the cathedral chapter of Eger, although the petition was refused by the Holy See.[43] He invited Franciscans from Italy and founded a monastery for them at the centre of the bishopric, which was the first one in Hungary.[44] He restored the original function of the Hospital Saint Jacob in Eger, to take care and look after the poor and ill people of the region.[45] Cletus met the French Abbot General of the Cistercians at the Hungarian royal court,[46] and after he decided to found (1232) a Cistercian monastery in Bélháromkút *(de Beel trium fontium),* the centre of the ancient domain of his clan, where he invited friars from France.[47] The right of patronage was

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38 Werbőczy, István: Tripartitum. (1514) In: Bak op. cit. 1385.

39 Mályusz, Elemér: *A konstanzi zsinat és a magyar főkegyúri jog*. Máriabesenyő-Gödöllő, Attraktor, 2005.; Péter Tusor: *The Papal Consistories and Hungary in the 15th and 16th centuries. To the history of the Hungarian Royal Patronage and Supremacy*. Budapest–Róma, MTA-PPKE 'Lendület' Egyháztörténeti Kutatócsoport, 2012.

40 Werbőczy. (1514) In: Bak op. cit. 1388.

41 Sugár (1984) op. cit. 69.

42 Danica Summerlin: *The Canons of the Third Lateran Council of 1179. Their Origins and Reception*. Cambridge University Press, 2021.; Atria Larson – Andrea Massironi (ed.): *The Fourth Lateran Council and the Development of Canon Law and the Ius Commune*. Multilingual edition. Brepols Publishers, 2019.

43 Barabás (2015) op. cit. 212.

44 Kovács (1987) op. cit. 109.

45 Sugár (1984) op. cit. 72.

46 Almási, Tibor: Egy ciszterci bíboros a pápai világhatalom szolgálatában. Pecorari Jakab bíboros magyarországi legációja. *Magyar Egyháztörténeti Vázlatok*, 1993/1–2. 129–141.

47 Gergelyffy, András: *Bélapátfalva*. Budapest, Képzőművészeti Alap Kiadóvállalata, 1960. 25. In the 1230s six new cistercian monasteries were founded in Hungary, let see: Koszta, László: Ciszterci rend

practiced by the community of the clan,[48] as it was confirmed later by Pope Gregory IX[49] (1240) and – after the Mongol invasion – by Pope Innocent IV[50] (1253) and by the general assembly of the Borsod county.[51] He was again the key figure during the negotiations at the renewal of the Golden Bull (1231) under the pressure of the Papacy,[52] and again with the papal legate at the drafting of the Concordat of Bereg (1233) in which King Andrew II swore (again and again) that he would respect the privileges of the Church in the country.[53]

A few years later Hungary suffered the Mongol invasion[54] (1241–1242), although King Béla IV (1235–1270) could escape from the catastrophic battle of Muhi[55] (1241) – located in Borsod County –, the majority of the Hungarian political figures, like Prince Coloman, Ugrin Csák archbishop of Kalocsa, or Denis Bánffy, the count palatine of the country died.[56] After the invasion, Hungary was in ruins, the Mongols came to

története Magyarországon a kolostoraik alapítása idején. *Magyar Egyháztörténeti Vázlatok,* 1993/1–2. 118.

48 Kollányi, Ferencz: *A magán kegyúri jog hazánkban a középkorban*. Budapest, MTA, 1906.

49 Georgius Fejér: *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. Tomi IV. Vol. 1. Buda, 1829. 189.: "Quum igitur vener frater noster Cletus, Episcopus Agriensis, sicut accepimus, vestrae sacrae religionis obtentu, cuius obseruantiae ad honorem diuini nominis laudabiiiter desudatis, decimas quorumdam praediorum, terrarum et vinearum eiusdem monasterii, existentium in dioecesi Agriensi, quae quinquagesimam partem decimarum, ad ipsum pertinentium, non excedunt, pro sustentatione vestra, de assensu capituli sui, monasterio vestro liberalitate pia et prouida in perpetuum duxerit concedendas, prout in ipsius litteris, confectis exinde, plenius dicitur contineri; nos, vestris precibus inclinati, quod per eundem super hoc pie ac prouide factum est, auctoritate apostolica confirmamus, et praesentis scripti patrocinio communimus."

50 Gusztáv Wenzel made a mistake about the papal bull which was issued in 1253 (and not in 1208) as the text mentions the founder as „bonae memoriae Cletus Episcopus Agriensis", let see Wenzel, Gusztáv: Árpádkori új okmánytár. Codex diplomaticus Arpadianus continuatus. I. 1001–1235. Pest, 1860. 99.: "nos vestris precibus inclinati, quod per eundem super hoc pie et provide factum est, autoritate Apostolica confirmamus et praesentis scripti patrocinio communimus."

51 Borovszky (1909) op. cit. 27.

52 Kristó (1976)op. cit.

53 Almási, Tibor: A beregi egyezmény megkötésének diplomáciai mozzanatai. *Acta Historica*, 1986. 31–40.; Romhányi, Beatrix: A beregi egyezmény és a magyarországi sókereskedelem az Árpád-korban. In: *Magyar Gazdaságtörténeti Évkönyv*. Budapest, 2016. 265–301.

54 József Laszlovszky – Stephen Pow – Beatrix Romhányi – László Ferenczi – Zsolt Pinke: Contextualizing the Mongol Invasion of Hungary in 1241–42: Short- and Long-Term Perspectives. *Hungarian Historical Review,* Vol. 7., no. 3. (2018) 419–450.; B. Szabó, János: A muhi csata (1241. április 11.). *Korunk,* 30. évf., 2019/3. 15–25.

55 Laszlovszky, József – Stephen Pow – Pusztai, Tamás: A Muhi csata és az 1241-es tatárjárás. Új régészeti és történeti megközelítések. *Magyar Régészet Online Magazin,* 2016 tél, 27–36.

56 János M. Bak – Géza Pálffy: *Crown and Coronation in Hungary 1000–1916 A.D.* Budapest, MTA BTK, 2020. 161. "King Béla IV sent his wife and children, together with the Hungarian crown – by that time most likely an irreplaceable sign of power – to the western border of the country, to Sopron. From there the royal couple first took the crown to Zagreb in May 1241, then continued to Dalmatia in the beginning of September. […] After the Mongols, who had persuaded Béla to Dalmatia, left Hungary in March 1242, the king returned to Hungary, but his family and the crown remained in Klis until September 1242", let see more at Zsoldos, Attila: A magyar korona menekítése a tatárjárás idején

Hungary through the Verecke Pass, so the north-eastern part of the country – the bishopric of Eger was one of the most affected area –, Eger itself was raid and burn down totally by the Mongol hoards before the battle of Muhi.[57] According to the new researches we know that nearly half of the inhabited places were destroyed by the invading hoards, around 20–25% of the total population was killed, mostly in lowland areas, especially in the Great Hungarian Plain, where the destruction was 90–100%.[58] This genocide – as it turns out from the chronicles of Master Rogerius and Thomas of Split[59] (as eyewitnesses) – was the vengeance against the Hungarians for their massive resistance during the invasion, as the new results of the recent excavations also proved it.[60] The news of the invasion in Central Europe (it affected Poland and Bohemia also) were spread throughout the continent, despite of that neither the powerful Holy Roman Emperor Frederick II (1220–1250), nor other powers, like the Papacy, France or England, did not send effective aid to Central Europe.[61] Although King Béla IV in the hour of need – surrendering the dogma of sovereignty of more than 350 years – offered the Kingdom of Hungary as an imperial fief to the emperor, *"facta est Hungaria libera sub tributo",* it was totally useless, Hungary was left alone against the pagan hoards, *"Hungaria plena populo sedet sola"* – wrote Rogerius.[62] King Béla IV escaped through the territory of the clan Beyl from the battle of Muhi. We know that the domain of the clan *(apud monasterium de Beyl)* was the witness of a warfare between the Hungarians and the Mongols, as the king narrated it later in a letter of donation.[63] We certainly know that Cletus survived the devastation – he might have been saved by Knights

(1241–1242). In: Géza Pálffy (szerk): *A Szent Korona hazatér. A magyar korona tizenegy külföldi útja (1205–1978).* Budapest, MTA BTK TTI, 2018. 73–88.

57 Rogerius siralmas éneke. In: Szabó, Károly: *Magyarország történetének forrásai Magyarország alapításától a XVI-dik századig*. Pest, 1861. 25. "a tatárok Eger városát földúlták, s a városiak és mások közül, kik a város védelmére összegyültek volt, némelyeket megégetvén, másokat kardra hányván, a püspök és egyház kincseit zsákmányul onnan elhordták vala".

58 János B. Szabó – József Laszlovszky – Balázs Nagy – Dorottya Uhrin: The Mongol Invasion of Hungary (1241–42) and its Eurasian Context. In: Ildikó Csepregi – Kyra Lyublyanovics (ed.): *Annual of Medieval Studies at CEU* 26. Budapest, Central European University, 2020. 223–233.

59 Tibor Almási: The Carmen Miserabile: some issues concerning the transmission of the text. *Chronica. Annual of the Institute of History, University of Szeged,* Vol 3., 2003. 84–93.

60 Rosta, Szabolcs –Székely, György V. (ed.): *„Carmen miserabile". A tatárjárás magyarországi emlékei*. Kecskemét, 2014.; Wolf, Mária: A tatárjárás. Régészeti adatok a tatárjárás történetéhez. *Archaeologiai Értesítő,* 143. (2018) 117–150.

61 Szűcs, Jenő: A kereszténység belső politikuma a XIII. század derekán. IV. Béla király és az egyház. *Történelmi Szemle,* 21. évf., 1978/1. 158–181.; Bárány, Attila: A tatárjárás híre Nyugat-Európában. *Hadtörténeti Közlemények,* 133. évf., 2020/3. 486–527.

62 Rogerius op. cit. 2.

63 Kondorné Látkóczki, Erzsébet: *Árpád-kori oklevelek a Heves Megyei Levéltárban*. Eger, 1997. 11. "quod cum fídelis noster magister Alexander filius Georgii comitis a primevis pueritie sue temporibus grata nobis semper et omni acceptione digna impendisset fídelitatis obsequia, et maximé in pestifero Tartarorum adventu dubiis fortune casibus se exponens in prosequendo nostro mandato apud monasterium de Beyl per impios Tartaros fuisset graviter vulneratus, nec propter illorum ac vulneris formidinem se a nostro servitio retraxisset, postmodum lateri nostro continuatis servitiis eminentibus adherendo ubique locorum offíciosum se penes nos exhibens et fidelem".

Templar from Eger[64] – and accompanied the monarch to the Adriatic Sea, as we can read in the letter of privilege of the bishopric of Eger confirmed later by King Stephen V (1270–1272).[65] After the Mongols had left the country in 1242, Cletus returned to Eger and began to rebuild the bishopric – the new monastery of the clan in Bélháromkút was defended successfully by the members of the clan[66] – the last source (a papal bull) that mentions him as bishop of Eger was dated in December 1245.[67] The place of his burial is unknown, the Monastery founded by him in Bélháromkút (today: Bélapátfalva) will be totally renovated by 2024.

3. Cletus from the clan Beyl – the author of the Golden Bull (1222)

As I mentioned before we do not know exactly under what influence was the *Golden Bull* of Hungary written. There are some theories about the possible external influence. It is a fact that the wife of King Emeric of Hungary (†1204) was Constance of Aragon, she came to Hungary with Aragonese knights and prelates.[68] Ladislaus III succeeded his father in 1204 while Prince Andrew became the tutor of his nephew and regent of the country, but soon took over all regal authority while Ladislaus and Constance were not more than his prisoners. Constance managed to escape to Vienna with his son, where they found refuge, it seems to be probable that the Holy Crown was stolen and taken to Austria by Queen Constance. The Holy Crown was the irreplaceable sign of power and sovereignty of the Kingdom of Hungary, Prince Andrew was ready to lead a military campaign against his cousin Duke Leopold VI of Austria.[69] The child died unexpectedly in Vienna, the Holy Crowns was given back to the Hungarians and Andrew was crowned king of Hungary at the same year (1205). It is said that many of the supporters of late King Emeric opposed the reign of King Andrew, and these opposite barons – Aragonese knights and prelates – might have had influence at the drafting of the Golden Bull in 1222.

The majority of the Hungarian prelates participated at the Fourth Council of Lateran (1215) in Rome where they met Stephen Langton archbishop of Canterbury, so they

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64 King Béla IV was accompanied by Knights Templar, let see: Falus op. cit. 104.

65 Kondorné Látkóczi (1997) op. cit. 35. "Demum cum Cletus episcopus predecessor eiusdem cum inclito principe matre pacis karissimo patre nostro Béla rege maritimas füge presidio partes Tartaris victoriam obtinentibus attigisset, et tribus annis cum eodem Béla rege residentiam exularem peregisset, posthoc Tartaris recedentibus cum rege Béla Hungariam remeasset, et idem rex Béla páter noster karissimus unicuique quantum potuisset perditas libertates et privilegia restaurasset, et specialiter ecclesie Agriensi, tamquam sue proprie et suorum successoribus nutrici speciali, tandem mortuo Cleto episcopo quidam conditionarius ecclesie predicte, videlicet Sámuel filius Sybini collectis omnibus ipsis privilegiis, que per Belam regem fuissent restaurata, conbussisset et in cineris favillam reddidisset".

66 Borovszky (1909) op. cit. 38.

67 Sugár (1984) op. cit. 73.

68 Szabados, György: Aragóniai Konstancia, az első magyar házassági szerződés királynéja. *Acta Universitatis Szegediensis: Acta historica* 122. (2005) 31–41.

69 Zsoldos, Attila: Az Árpádok koronája először külföldön (Bécs, 1205). In: Pálffy, Géza (szerk.): *A Szent Korona hazatér. A magyar korona tizenegy külföldi útja (1205–1978).* Budapest, MTA BTK TTI, 2018. 49–70. 59.

might have had information from the first hand about the Magna Carta recently issued by King John of England.[70] Two years later Hungarian prelates and barons left to the Holy Land with the Fifth Crusade, King Hugh I of Cyprus (and titular king of Jerusalem) also joined them, so the Hungarians might have had information about the constitution of Jerusalem from most authentic person.[71] Cletus should have had many information from Bishop Thomas and Archbishop Ugrin Csák about the customary law and the constitution of Jerusalem after they came home.[72]

Hungarian prelates – the archbishop of Esztergom and the bishop of Csanád – travelled to England (1220) to participate at the reburial of Saint Thomas Becket of Canterbury in the 50th jubilee year of his death.[73] Accordingly we can notice that the most emblematic figures at the making of the Golden Bull of Hungary had direct contacts with the English, Aragonese and French people (from Jerusalem) just a few years before the drafting of the famous edict, personal relations from the Holy Land, from England, and from the Papacy. Despite of that, the text of the Golden Bull shows typical Hungarian specialities! How?

We can notice that all the figures who were mentioned by the text itself, had direct or indirect contact and knowledge at least with one of the three constitutional/political systems. Cletus – the author of the text – might have had the most relevant information about them, at the same time we can not say with the same certainty that those systems would have affected the thinking of Cletus or his colleagues during the making of the document. Why? Since all words of the text show the strong and direct relation with the ancient customs, the customary law, the laws of King Saint Stephen, therefore it was coherent with the constitutional system of Hungary. Cletus as the royal chancellor might have read all the documents of the state and maybe the *Gesta Hungarorum* written by his predecessor Peter II. As I said before it seems to be sure that Cletus was sent to Paris by Peter II bishop of Eger – he is known as the famous Anonymus (Master P.), the author of the ancient chronicle of the Hungarians called *Gesta Hungarorum* – who had been studying there also.[74] Cletus might have read the Gesta written by his predecessor Peter II at the chancellery, where he might have read all documents of state, diplomatic issues or letters of the royal family etc. So we can notice that the most emblematic provisions of the text written by Chancellor Cletus show direct relation with the first source of the historical constitution, the famous Blood Oath[75] (884):

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[70] Solymosi, László: Magyar főpapok angliai zarándoklata 1220-ban. *Történelmi Szemle,* LV. évf., 2013/4. 536. Namely: John Archbishop of Esztergom, Berthold Archbishop of Kalocsa, Katapán bishop of Eger, Peter of Győr, Robert of Veszprém, Jacob of Vác, Simon of Várad and Desiderius of Csanád.

[71] Divéky (1932) op. cit. 14.

[72] Divéky (1932) op. cit. 17.

[73] Solymosi (2013) op. cit. 535.

[74] Martyn Rady: The Gesta Hungarorum of Anonymus. Notary of King Béla: A Translation. *The Slavonic and East European Review,* Vol. 87., No. 4. (2009) 681–727.

[75] Timon, Ákos: *Magyar alkotmány és jogtörténet. Tekintettel a nyugati államok jogfejlődésére*. Budapest, Grill, 1919. 46.

> "That as long as they live and their descendants live, their leader will always be from Álmos' lineage. That all wealth acquired by them will be divided between them. That the nobles who have chosen Álmos as their leader by their own will, and their descendants, will always be included in the leader's council and will bear the country's offices. If someone of their descendants would ever be disloyal to the leader or would incite disagreement between the leader and his kin, then he should have his blood spilt, just as the leaders' blood was let from their body when they swore their oath to Chieftain Álmos. If a descendant of Álmos or the other leaders would violate the terms of this agreement, he should be forever cursed."[76]

We should bear in mind that Cletus had been serving as chancellor for years before he wrote the Golden Bull, so he might have had a lot of information about the most important documents of the realm, the laws of King St Stephen (†1038), King Andrew I (†1060), King St Ladislaus (†1095), King Coloman the Bookish (†1116), the old chronicles (mostly the *Gesta Hungarorum* written by his own patron, Anonymus), the letters of the members of the royal family, etc. Knowing that fact, it is logical that the Golden Bull written by him was totally consistent with the spirit of the Blood Oath, the laws of King St Stephen, especially as the text itself speaks about the restoration of the "liberties established by St. Stephen the king". Although the Hungarian nobles put King Andrew II under pressure, the document did not humiliate the realm, as it was issued as a letter of privilege – as if the edict would have been the will of the monarch –, and not a treaty between the monarch and the estates like the Magna Carta was.[77] The document is interpreted as a letter of privileges of the royal servants (servintes regales). "Based on the sources, today's historians are convinced that the term servientes regales was not used before the 1210s in the sense that became customary during the reign of Andrew II. Apparently, the first time that it was used with the new meaning was in a charter issued by Archbishop John of Esztergom in 1212."[78]

The document itself is a limitation to the power of the king,[79] – which has never been the symbol of the sovereignty as the laws of King St Stephen distinguished between the

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[76] Juhász, Ladislaus (ed.): Anonymus: *Gesta Hungarorum*. Budapest, Királyi Magyar Egyetemi Nyomda, 1932. 5. "Ut isti principales persone, qui sua libera voluntate Almum sibi dominum elegerant, quod ispi et filii eorum nunquam a consilio ducis et honore regni omnino privarentur. Quidquid boni per labores eorum acquirere possent, nemo eorum expers fieret. Ut siquis de posteris eorum infidelis fieret contra personalem ducalem et discordiam faceret inter ducem et cognatos suos, sanguis nocentis fuderetur, sicut sanguis eorum fuit fusus in iuramento, quod fecerunt Almo duci. Ut, siquis de posteris ducis Almi et aliarum personarum principalium iuramenti statua ipsorum infringere voluerit, anathemati sibiaceat in perpetuum".

[77] Andrássy op. cit. 143.

[78] Zsoldos (2022) op. cit. 61.

[79] Ferdinandy, Gejza: *A koronázás és közjogi jelentősége*. Budapest, Athenaeum, 1893. 2. 212–234., Ferdinandy, Gejza: *A királyi méltóság és hatalom Magyarországon*. Budapest, 1895.

monarch and realm[80] *(rex et regnum)* –, and declared the participation of the nation in the most important political decisions, mentioning the royal council as council of the realm *(consilio regni)* and the annual assembly of Fehérvár *(festo sancti regis).* The concept comes from the ancient theory and custom, the relation between the two factors of the state (king and the nation) was adjusted easily, but mutually to the reality.[81] The spirit of the Golden Bull served as a guarantee to conserve the constitutionalism in the country for centuries.[82] Undoubtedly it was the safeguard of the (legal) unity of the nation[83] *(una et eadem libertate)* and did not let the state and society fall apart, as it happened in the western feudal systems mainly in France and in Germany.[84] Werbőczy deduced in his famous work *(Tripartitum)* all the liberties from the text of the Golden Bull.[85] So the Golden Bull prevented the emergence of the feudalism in Hungary successfully, as it prohibited the privatization of the public offices or dignities, "we shall not bestow whole counties or any other dignities as estates or possessions in perpetuity".[86]

> "The granting of lands to barons and the awarding of privileges and lands to royal dignitaries had indeed turned the system upside down, a system whose oldest elements dated to the reign of Stephen I. The king's sharing of income with the ispán in a ratio of two thirds and one third, can be traced to the laws subsequently adobted in the eleventh century and relating to incomes and goods, as it also does in a royal income list that has survived from Béla III's reign and in the Golden Bull of 1222".[87]

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80 Márkus, Dezső (ed.): *Corpus Juris Hungarici (1000–1526).* Budapest, Franklin, 1899. (hereinafter: *CJH. I.*) art. LI of the second book of King St Stephen.

81 Zlinszky, János: Történeti alkotmányunk fejlődése. *Magyar Szemle,* 11. évf., 2002/3–4. 32.

82 C. Tóth, Norbert: A „korai rendiség" és a „rendi állam" között – országgyűlések 1301–1440 között. In: Dobszay, Tamás – H. Németh, István – Pap, József – Szíjártó, M. István (szerk.): *Rendi országgyűlés – polgári parlament. Érdekképviselet és törvényhozás Magyarországon a 15. századtól 1918-ig.* Budapest–Eger, 2020. 9–23.; Fazekas, István – Gebei, Sándor – Pálosfalvi, Tamás: *Rendi országgyűlések a Magyar Királyságban a 18. század elejéig.* Budapest, Országház Könyvkiadó, 2020.; Bónis, György: *Hűbériség és rendiség a középkori magyar jogban*. Budapest, 1948.

83 *Golden Bull* (1222) art. 2. In: Bak op. cit.; Decretum Unicum of King Louis I of Hungary 11 December 1351. In: Bak op. cit. 268.; Werbőczy (1514) In: Bak op. cit. 1379. [1] „all lords prelate, rectors of churches, barons, and other magnates, nobles, and notables of this kingdom of Hungary, enjoy, nevertheless, by reason of their nobility and temporal goods one and same prerogative of liberty, exemption, and immunity; nor has any lord more nor any nobleman less liberty". Let see: Illés, József: *Bevezetés a magyar jog történetébe. A források története*. Budapest, 1910. 163.

84 Illés op. cit.168.; Timon (1920) op. cit. 7.

85 Werbőczy (1514) In: Bak op. cit. 1384.; Liktor, Zoltán Attila: „Ülj törvényt, Werbőczi": A Tripartitum a jogalkotás és jogalkalmazás tükrében. 500 éves a magyar nemesség „bibliája" – Gondolatok Werbőczy István szellemi hagyatékához. *Forum Publicationes Doctorandorum Juridicorum,* 7. (2017) 143–161.

86 *Golden Bull* (1222) art. 16. In: Bak op. cit.; Andrássy op. cit. 143.

87 Zsoldos (2022) op. cit. 55.

Although the influence of the western feudal law affected the legal system of the country, mostly during the Habsburg period[88] (1526–1848), like the appearing of the hereditary noble titles (baron, count, duke) among the aristocracy,[89] the hereditary or perpetual dignities[90] in some counties or the majorat itself,[91] it had not affected the Hungarian public law much, the order of succession of the throne[92] was accepted by the Diet of Pozsony (1687) under strict constitutional guarantees. So first of all, the articles of the Golden Bull wanted to restore the ancient rights (liberties) of the nation, secondly to terminate the crescent influence of the feudalism coming from the West at the beginning of the 13th century.[93]

The concept tried to defend the interest of the Hungarian nation, "possessions shall not be granted outside of the realm; if some have been given or sold, they shall be returned to the inhabitants of the realm for a reimbursement".[94] It was declared that "if foreigners, indeed honorable men, come to the kingdom, they shall not be raised to dignities without the consent of the kingdom",[95] which norm had an important relevance during the Habsburg period.[96] At the same time the document also required the full respect of the privileges and rights of other communities of the realm "castle-warriors shall be preserved in the liberties established by the holy king. Similarly foreign guests of whatever nationality shall be preserved in the liberties originally granted to them".[97] So it is evident that the autonomy and the privileges of the Transylvanian Saxons in Hungary were expressed and recognised by King Andrew II within two years (*Diploma Andreanum*, 1224), which was the first one in Europe.[98]

> "The guests – usually hospites in the Latin used in Hungary during the period – had been present in Hungary ever since the fundation of the Kingdom of Hungary under Stephen I, in whose laws they featured. The laws adopted during the reign of Coloman provide further information about them. For instance, in one the laws it was stated that the free guests were Slavs and other

88 Sára, János: *A Habsburgok és Magyarország (950–1918)*. Budapest, Athenaeum 2000, 2001.

89 Schiller, Bódog: *Az örökös főrendiség eredete Magyarországon*. Budapest, 1900.

90 Hajnik, Imre: *Az örökös főispánság a magyar alkotmánytörténetben*. Budapest, MTA, 1888.

91 Márkus, Dezső (ed.): *Corpus Juris Hungarici (1658–1740).*Budapest, Franklin, 1900. (hereinafter *CJH. II.*) art. 9 of 1687., art. 50 of 1723.; Peres, Zsuzsanna: *A családi hitbizományok megjelenése Magyarországon*. Pécs, 2014.;

92 *CJH. II.* art. 1–3 of 1687., art. 1–2 of 1723.; Csekey, István: *A magyar trónöröklési jog.* Budapest, Athenaeum, 1917.; Liktor, Zoltán Attila: A trónbetöltés rendje a Magyar Királyságban a XVI–XVII. században az Oñate-egyezség (1617) tükrében. *Iustum Aequum Salutare,* XVI. évf., 2020/1. 163–192.

93 Ferdinandy (1899) op. cit. 37.

94 *Golden Bull* (1222) art. 26. In: Bak op. cit.; Baross, János: *Idegenek birtokszerzése*. Budapest, Pátria, 1900.

95 *Golden Bull* (1222) art. 11. In: Bak op. cit.;

96 Baross op. cit. 9.

97 *Golden Bull* (1222) art. 19. In: Bak op. cit.;

98 Vogel, Sándor: A szászok megtelepedése és kiváltságaik a Magyar Királyságban és az Erdélyi Fejedelemségben. *Honismeret,* XXIX. évf., 2001/3. 96–104.

> outsiders […] who work in the fields of others. Evidently, the guests were new arrivals who had been settled on the lands of secular landowners".[99]

The right to property was also declared, "no one shall at any time be deprived of possessions acquired by honorable service",[100] the right of disposing about the domain of the clan[101] – as a new right – was permitted by the Golden Bull, but it never became a common practice, so it was abolished (1351) during the glorious reign of King Louis I of Anjou (1342–1382).[102] So in the main focus of the concept was to grant the respect of the rights and liberties of the nation, but responsibility was also required by the document, "if any count does not honorably conduct himself according to the character of his comital office or brings ruin to those attached to his castle, and if this is proven, he shall make good the damage and be dishonorably deprived of his office in front of the whole kingdom".[103] The guarantees of the independence of justice was also part of the constitutionalism in Hungary from the very beginning, the laws of Saint Stephen and Saint Ladislaus required it.[104] "Our judge royal shall be able to judge all while he resides in our court and shall have the right to pass sentence anywhere in cases initiated at the court, but when he stays on his estates he shall not be able to dispatch bailiffs or cite parties to a suit".[105] Finally the document gave the right of resistance to the whole nation:

> „We have also decreed that if we or any of our successors at any time should seek to oppose the terms of this settlement, both the bishops and other baronial retainers as well as the nobles of the realm, singularly and in common, both present and future generations, shall by this authority have the right in perpetuity to resist and speak against us and our successors without the charge of high treason".[106]

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99 Zsoldos (2022) op. cit 81.

100 *Golden Bull* (1222) art. 17. In: Bak op. cit.

101 *Golden Bull* (1222) art. 4. In: Bak op. cit. "If a serviens regis should die without a son, his daughter shall receive a quarter of his possessions, but he shall dispose of the rest as he wishes. And if, prevented by death, he shall not have been able to make disposition, those relatives closer to him shall obtain [the possessions]. If he shall have no relatives at all, the king shall obtain them".

102 Decretum of King Louis I (1351) In: Bak op. cit. 277. "We accept, approve, and confirm the abovementioned letter of the lord king Andrew II, our dearest ancestor and predecessor, validated with his golden bull, untouched by any doubt and, transcribed word for word, inserted in this charter with all the liberties contained in it, with the sole exception of the above-mentioned one paragraph to be excluded from this privilege, namely, that contrary to the clause according to which "noble men, dying without heirs should be able and allowed in life and death to give, grant, sell, or alienate their estates to churches or to others whom they wish," they should in fact have no right at all to do so, but the property of these same nobles should descend to brothers, collateral relatives, and clansmen by right and according to law, pure and simple, without anyone's objection". Let see: Gosztonyi, Miklós: *Ősiség*. Pest, 1847.

103 *Golden Bull* (1222) art. 14. In: Bak op. cit.

104 Second Decree of Saint Stephen art. 44, the third decree of Saint Ladislaus art 15. In: Bak op. cit.

105 *Golden Bull* (1222) art. 9. In: Bak op. cit.

106 *Golden Bull* (1222) art. 31. In: Bak op. cit.

Although the famous right of resistance had been abolished at the Diet of Pozsony[107] (1687), the Golden Bull "which decree every Hungarian king is wont to swear on oath to observe before the Holy Crown is placed on his head",[108] remained the most symbolic and important document of the constitutional system of Hungary until the beginning of the 20th century.[109] Despite of the acceptance of the primogeniture and the succession of the throne, all the monarchs had to confirm the privileges, among them the Golden Bull during the inauguration ceremony.[110] The importance of the Golden Bull was expressed from the beginning, King Charles of Anjou made various copies, King Louis of Anjou confirmed it in his decree.[111] Queen Mary of Anjou[112] (1384) and later King Mathias Hunyadi[113] (1464) also confirmed it in their decrees, and Werbőczy's *Tripartitum* said that King Andrew "established excellent decisions and splendid decrees, particularly concerning the immunity prerogatives and liberties of the nobility: these the Hungarian people to the present day exalt to the stars as if they were holy decrees".[114]

5. Summary

It is possible that the Hungarian nation acted under the influence of the international political progress to achieve a kind of letter of privilege – although the newest researches proved that the king was able to take advantages of the document –, but the spirit of the Golden Bull was totally consistent with the spirit of the former Hungarian laws and customs. The fact that Cletus spent years in the chancellery must have had a key role in that process. The Golden Bull written by Chancellor Cletus and issued by King Andrew II is a unique document in Europe, it proved to be not only the fundamental privilege of the constitutional system of Hungary, but the guarantee of the sovereignty of the country too. The text is marked by the principles such as the constitutionalism, the rule of law, the inviolability of property, the limited royal power or the political and legal responsibility of public administration. On the occasion of 800th anniversary of the promulgation we should commemorate with dignity on the well-educated Hungarian patriotic statesman, Cletus from the clan Beyl, royal chancellor and bishop of Eger.

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107 *CJH. II.* art. 4 of 1687.; Baranyai, Béla: *Hogyan történt az 1687/88. évi 1–4. törvénycikk szerinti törvényszöveg becikkelyezése*? Budapest, 1934.

108 Werbőczy (1514) In: Bak op. cit. 1384.

109 Art. 2–3 of 1917.; Maczó, Ferenc: *Az utolsó magyar királykoronázás – IV. Károly király és Zita királyné koronázási ünnepsége Budapesten 1916 végén*. Budapest, MTA BTK, 2018.

110 *CJH. II.* art. 1 of 1687, art. 2 of 1715.

111 Foreword of the laws of 1351 In: Bak op. cit.

112 Laws of 1384 In: Bak op. cit.

113 Art 1 of Laws of 1464. In: Bak op. cit.

114 Werbőczy (1514) In: Bak op. cit. 1476.