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PARS PRIMA

SECTIO MEDIAEVALIS

III.



*Dissertationes historicae collectae per
Cathedram Historiae Medii Aevi Modernorumque Temporum
Universitatis Quinqueecclesiensis*

*A Pécsi Tudományegyetem Középkori és Koraiújkorai Történeti
Tanszékének Történeti közleményei*

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IN MEMORIAM GYULA KRISTÓ (1939-2004)

*Exegi[t] monumentum
aere perennius...*

Anfang dieses Jahres erlitt die ungarische und internationale Wissenschaft einen unersetzlichen Verlust: Am 24. Januar starb Gyula Kristó, eine Koryphäe der Universität Szeged, hochgelehrter Lehrer ganzer Generationen von Historikern, ein unermüdlicher Erforscher des ungarischen Mittelalters, an schwerer Krankheit.

Seine quantitativ wie qualitativ außerordentliche Tätigkeit umfasst die ungarische Geschichte vom Uralgebirge bis Mohács, mit der Arpadenzeit im Zentrum. Er war ein wahrer Meister der auf Quellen begründeten mikrophilologischen Analyse, die die Basis seiner weitblickenden Theorien bildeten.

Er zeichnete sich durch ein unglaubliches Wissen, außerordentliche Erudition, einen nicht alltäglichen Fleiß und eine einfühlsame Humanität seinen Kollegen und Studierenden gegenüber aus. Er war nicht nur mit seinem engeren Wissenschaftsbereich vertraut, er war sozusagen auf allen Gebieten bewandert. Seine wissenschaftlichen Ergebnisse haben einen interdisziplinären Wert. Er las und sprach mehrere Sprachen und hielt an maßgebenden Konferenzen in Ungarn wie im Ausland Vorträge, die immer einen großen Widerhall hatten. Darüber hinaus betreute er gewissenhaft seine Studierenden und schuf eine Schule für die Mittelalterforschung. Dank seiner Tätigkeit wurde Szeged eines der maßgebenden Zentren der Mittelalterforschung in Europa. Er rief die Szegeder Werkstatt für Mittelalterforschung ins Leben und leitete sie bis zu seinem Tod. Im letzten Band des *Mittellateinischen Jahrbuches* veröffentlichte Gyula Kristó einen Artikel über die Tätigkeit eben dieser Arbeitsgemeinschaft. Das internationale Interesse an seiner beispielhaften wissenschaftlichen Arbeit zeigen seine ins Deutsche, Französische oder Englische übersetzten Bücher wie z. B. *Die Arpadendynastie...* Die Szegediner Universität verdankt ihr weltweites wissenschaftliches Gewicht nicht zuletzt seiner Tätigkeit. Zahlreiche hinterlassene Schriften werden im Ausland auch in Zukunft Anspruch auf wissenschaftliches Interesse hegen. Gyula Kristó hatte neben all diesem auch noch die Kraft, wichtige Ämter zu bekleiden: In den 80er Jahren war er Dekan der Philosophischen Fakultät und Rektor der Universität, er war Herausgeber wichtiger Zeitschriften, Mitglied in Fachgremien sowie Betreuer zahlreicher Dissertationen usw. Ab 1998 war er Mitglied der Ungarischen Akademie der Wissenschaften. Als Anerkennung seiner Arbeit ehrte man ihn mit zahlreichen Auszeichnungen. Für seine jahrzehntelange Treue zur Stadt und Universität erhielt er auch den Ehrenbürgertitel von Szeged. Ausserdem hat er noch den Ehrentitel: *doctor honoris causa Universitatis Quinqueecclesiensis* (Fünfkirchen,

Pécs) für seine Hilfe, die er bei der Gründung vom Lehrstuhl für Mittelalterforschung an der Universität von Pécs geleistet hatte, bekommen.

Über sein eine ganze Bibliothek ausfüllendes Schaffen könnte man eine umfassende Monographie schreiben. Seine beispiellose Leistung kann auch zahlenmäßig belegt werden: Er war Verfasser oder Mitautor von 101 Büchern, Herausgeber von 25 Bänden, die Zahl seiner sonstigen Schriften liegt bei 600, die er in zwölf Sprachen publizierte. Darunter ragen die Bände der von ihm initiierten Reihe *Urkundensammlung aus der Anjou-Zeit* hervor. Ein Zeichen seiner vielseitigen Tätigkeit ist, dass er neben Monographien, Studien, Lexika auch Quellensammlungen, Übersetzungen und Textausgaben publizierte. So veröffentlichte er im Jahre 1985 beim Akademie Verlag z.B. die kritische Ausgabe der für die europäische Mittelalterforschung unverzichtbaren Chronik von Thuróczy, deren Mitautorin die Verfasserin dieser Zeilen war. Daneben hatte er noch Kraft, Lehrbücher für Studierende zu schreiben.

In den fünf Jahren seiner Mitgliedschaft in der Ungarischen Akademie der Wissenschaften publizierte er 33 Bücher und zahlreiche Studien und hinterließ seinen Mitarbeitern und Schülern mehrere angefangene oder zum größten Teil abgeschlossene Arbeiten.

Sein wissenschaftliches Selbstverständnis verband die ciceronische Auffassung *historia – lux veritatis* mit dem petrarkischen Prinzip der Humanisten *ad fontes*: Seiner Auffassung nach führt der wahre Weg zur Erkenntnis der Geschichte über die Fakten, und die Fakten basieren auf den Quellen.

Sein Andenken, sein geistiges Erbe wird von seinen Kollegen, Schülern, Freunden und Verehrern pietätvoll bewahrt.

Erzsébet Galántai

Verzeichnis der wichtigsten in Fremdsprachen übersetzten Monographien von Gyula Kristó

- ❖ Johannes de Thurocz: *Chronica Hungarorum II. Commentarii 1-2*. Composuit: Elemér Mályusz adiuuante *Julio Kristó*. Bibliotheca Scriptorum Medii Recentisque Aevorum Series Nova VIII., IX. Akademie Verlag, Budapest, 1988. 603,500...S.
- ❖ Die Arpadendynastie. Die Geschichte Ungarns von 895 bis 1301. Budapest, Corvina 1993. 310 S.
- ❖ Die ersten Könige Ungarns. Die Herrscher der Arpadendynastie. Herne. Verlag Tibor Schäfer 1999. 481 S. (Mitautor: Ferenc Makk).
- ❖ Die Geburt der ungarischen Nation. Studien zur Geschichte Ungarns. 4. Herne. Verlag Tibor Schäfer 2000. 201 S.
- ❖ Early Transylvania. (895-1324). Ludicus. Budapest, 2003. 264 S.
- ❖ Histoire de la Hongrie Médiévale. I. Le temps des Arpads. Presses Universitaires de Rennes 2000. 224 S.
- ❖ Hungarian history in the ninth century. Szegeder Werkstatt für Mittelalterforschung. Szeged, 1996. 229 S.

ZOLTÁN VÁRADY

Summary of the epigraphic examinations performed on stone-carved inscriptions made in the Medieval Transdanubia



Abstract

The Romanesque inscriptions (with Antiqua letters then more and more Uncials) have appeared at about 1000 A.D. in Hungary. This style has lasted until the middle of the 13th century. The early Gothic style (with the domination of Uncials) appears just after the mid-point of the 12th century and also lasts until the middle of the 13th century. Gothic maiuscula characters were first found in Transdanubia on stones carved in the first half of the 14th century, but the oldest such inscription found could be dated 1289 in Hungary. The end of its use dated about 1400. The first relic proving the apparition of the new style of Gothic minuscule in Hungary is a tombstone fragment found in Buda, traced back to 1366. The period of the carved Gothic minuscule writing ended at the middle of the 15th century, although some late provincial versions made in 1524 or later.

The first known stone-carved inscription done in humanistic capitals dates from 1467. The different versions of this type are also observed and persist until 1539–40 or longer, i.e. to the historical end-mark of the area.

Key words

Medieval Hungarian history or archaeology, medieval epigraphy

The first stone-carved inscriptions made in Transdanubia during the Middle Ages were done – as overall in Hungary – in the period after 1000 A.D., foundation year of the Hungarian Kingdom, the first known written records being created in the period of the Romanesque architecture. The Zalavár-stones,¹ which could be traced back as being carved in the 11th century, show the classical forms of the Romanesque characters, except for “C”, “G” and “N”, and the inward inclination of the legs of “M”. Only the letter “C” was carved in an angular shape.

¹ T. BOGYAY, “Szt. István korabeli oltártöredékek Zalavárról a Vas vármegyei múzeumban,” *Dunántúli Szemle* VIII (1941), 88–93 (Hereafter BOGYAY 1941); G. ENTZ, “Un chantier du XI^e siècle à Zalavár. (XI. századi kőfaragóműhely Zalaváron),” *Bulletin du Musée Hongrois des Beaux Arts* 24 (1964), 17–46, 109–124 (Hereafter ENTZ 1964); *Árpád-kori kőfaragványok. Katalógus*, eds: M. TÓTH and E. MAROSI (Székesfehérvár: 1978), 69, 72–73 (Hereafter *ÁK-Kat.*); I. VALTER, *Romanische Sakralbauten Westpannoniens* (Eisenstadt: 1985), 17; S. TÓTH, “A keszthelyi Balatoni Múzeum középkori kőtára,” in *Zalai Múzeum* 2. (Zalaegerszeg: 1990), 149, 150, 164, 165. (Hereafter TÓTH 1990)

The European fashion of the time,² to use tied letters (ligatures), enclaves and to cross the legs of the vicinal letters is not characteristic.

The tombstone fragment found in Veszprém,³ put to the turn of the 11/12th centuries, shows just antiqua characters, like the fragment of a bishop's chair armrest found in Esztergom,⁴ traced back to about 1200, and the fragment of an altar wing found in Nagylózs,⁵ believed to be created in the first decades of the 13th century.

Given that some uncial characters also appear in the inscriptions originating from the Romanesque age,⁶ our next group consists of the inscriptions, where along with the unequivocal domination of the antiqua, only a few uncial letters can be found. Such are the stone fragment of Zalaapáti,⁷ traced back to the 11th century, containing a single uncial "V", the "Jakob-stone" and related fragments found in Pécs,⁸ dated back to the 12th century, showing uncial "H" and "M" letters, and the altar donation plate of King Imre, to the Zirc Abbacy,⁹ carved at the turn of the 12/13th centuries, showing a single uncial "I". The group closes with the "Gaudeat-stone" found in Buda, usually dated back to the second half of the 13th

² R. M. KLOOS, *Einführung in die Epigraphik des Mittelalters und der frühen Neuzeit* (Wissenschaftliche Buchgesellschaft, Darmstadt: 1980), 124. (Hereafter KLOOS 1980)

³ I. ÁDÁM, *A veszprémi székesegyház* I. (Veszprém: 1912), 125-126, 129 (Hereafter ÁDÁM 1912); S. TÓTH, "Veszprémi középkori sírkőtöredékek," *Veszprém Megyei Múzeumok Közleményei* 2 (1964), 181 (Hereafter TÓTH 1964); *Lapidarium Hungaricum (Magyarország építészeti töredékeinek gyűjteménye) 1.*, ed. M. HORLER (Budapest: Országos Műemlékvédelmi Hivatal 1988), 415-416.

⁴ H. HORVÁTH, *Középkori budai fejek* (Budapest: 1941), 79; E. MAROSI, "Einige stilistische Probleme der Inkustationen von Gran," *Acta Historiae Artium Academiae Scientiarum Hungariae* XVII (1971), 192-198; *ÁK-Kat.* 196-197; I. HORVÁTH – M. H. KELEMEN – I. TORMA, *Komárom megye régészeti topográfiája 1. Esztergom és a dorogi járás* (Budapest: 1979), 104 (Hereafter HORVÁTH – KELEMEN – TORMA 1979); E. MAROSI, *Die Anfänge der Gotik in Ungarn. (Esztergom in der Kunst des 12-13. Jahrhunderts)*, (Budapest: 1984), 36. (Hereafter MAROSI 1984a)

⁵ I. FELD, "A nagylózsi temetőkápolna és építéstörténete," *Soproni Szemle* (1981:4), 305.

⁶ KLOOS 1980, 124.

⁷ ENTZ 1964, 115; TÓTH 1990, 149, 163.

⁸ A. IPOLYI, *A középkori szobrászat emlékei Magyarországon. Kisebb munkái* (Budapest: 1873) (Hereafter IPOLYI 1873); I. HENSZLMANN, *Magyarország ókeresztény, román és átmeneti stílus emlékeinek rövid ismertetése* (Budapest: 1876), 68; P. GERECZE, "A pécsi székesegyház régiségei," *Archaeológiai Értesítő* XV (1895), 134, 345-348, 356-357, 361; O. SZÓNYI, *A pécsi püspöki múzeum kőtára* (Pécs: 1906), 3, 211-212, 216-217, 221 (Hereafter SZÓNYI 1906); T. GEREVICH, *Magyarország románkori emlékei (Magyarország művészeti emlékei I.)* (Budapest: 1938), 169 (Hereafter GEREVICH 1938); E. VERNEI-KRONBERGER, *Magyar középkori síremlékek* (Budapest: 1939), 111 (Hereafter VERNEI-KRONBERGER 1939); *Magyar művelődéstörténet*, ed. S. DOMANOVSKY (Budapest: Magyar Történelmi Társulat 1939) II. 492; D. DERCSENYI, *A pécsi kőtár* (A Janus Pannonius Múzeum Füzetek 1 (1962)), 16; D. DERCSENYI, *Románkori építészeti Magyarországon* (Budapest: 1974), 190 (Hereafter DERCSENYI 1974); *ÁK-Kat.* 1978, 143-144, 156; MAROSI 1984a, 67; *Pannonia Regia. Művészet a Dunántúlon 1000-1541*, eds. Á. MIKÓ – I. TAKÁCS (Budapest: Magyar Nemzeti Galéria 1994), 145-147.

⁹ F. RÓMER, *A Bakony. Természettajzi és régészeti vizsgálat* (Győr: 1860), 151 (Hereafter: RÓMER 1860); K. HORVÁTH, *Zirc története* (Veszprém: 1930), 6; I. GENTHON, *Magyarország művészeti emlékei I. Dunántúl* (Budapest: 1959), 441 (Hereafter GENTHON 1959); M. DAX – I. ÉRI – S. MITHAY – S. PALÁGYI – I. TORMA, *Veszprém megye régészeti topográfiája 4. A pápai és a zirci járás* (Budapest: 1972), 266-267 (Hereafter DAX – ÉRI – MITHAY – PALÁGYI – TORMA 1972); MAROSI 1984a, 123.

century, i.e. the times after the Tartar invasion.¹⁰ In this text, just the letters “E” and “V” were carved in uncial shape.

Contemporary to the above stone relics, the items of the group characterised as early Gothic were created, where the uncial shapes are more frequent.

Let us mention the border stone of Vörs,¹¹ traced back to the period 1165-1172, i.e. the time of King István III., and the decorative and solemn inscriptions carved onto the Porta Speciosa in Esztergom,¹² carved during the last years of reign of King Béla III., i.e. about 1190. Rather similar to the Porta Speciosa inscriptions – with respect to decorativeness and tractation of the characters – are the inscriptions on the tombstone of the canon Vilmos of Esztergom¹³ and the tomb cover stone of Apollinaris in Székesfehérvár,¹⁴ both dated to the beginning of the 13th century, even if massive increase of the proportion of uncial characters is not seen.

The knight tombstone fragment found in Pilisszentkereszt,¹⁵ and traced back to about 1230, also contains the uncial versions of several letters, sometimes together with their antiqua pair (“T”, “U”), sometimes without such pairs (“E”, “H”).

The Romanesque inscriptions have appeared at about 1000 A.D. in Hungary, as well as in other parts of Europe. However, - as the above mentioned stone-carved inscriptions indicate – this style has lasted in Hungary until the middle of the 13th century, i.e. some hundred years longer than in Europe.¹⁶ The early Gothic style appears just after the mid-point of the 12th century, more exactly in 1165 – again at

¹⁰ *Magyar Művelődéstörténet* I. Ed. S. DOMANOVSKY (Budapest: 1939), 199, 624; L. GEREVICH, “Budapest művészete a későbbi középkorban a mohácsi vészig,” in *Budapest története* t. II. (Budapest: 1975), 240.

¹¹ Hpl. (=J. HAMPEI), “Két Árpád-kori feliratos emlék,” *Archaeológiai Értesítő* X (1890), 127-132, 127-130; BOGYAY 1941, 88-93; GENTHON 1959, 367; TÓTH 1990, 151, 166.

¹² GEREVICH 1938, 1180; GENTHON 1959, 91; J. H. KOLBA, “Románkori feliratos sírkölap,” *Folia Archaeologica* XIV (1962), 114 (Hereafter H. KOLBA 1962); DERCSENYI 1974, 13, 193; E. MAROSI, “Az esztergomi Porta Speciosa ikonográfiájához,” in *Észmetörténeti tanulmányok a magyar középkorról* ed. Gy. Székely (Budapest: 1984), 346-351 (Hereafter MAROSI 1984b); MAROSI 1984a, 32, 36, 166-167, 169; E. MAROSI, “Esztergomi stílusrétegek 1200 körül,” in *Pannonia Regia. Művészet a Dunántúlon 1000-1541*, eds. Á. MIKÓ – I. TAKÁCS (Budapest: 1994), 154-158; *Pannonia Regia. Művészet a Dunántúlon 1000-1541*, eds. Á. MIKÓ – I. TAKÁCS (Budapest: 1994), 159-165.

¹³ J. N. MÁTHES, *Veteris arcis Strigoniensis monumentorum ibidem erutorum, aliarumque antiquitatum hithographicis tabulis ornata descriptio* (Strigoniæ: 1827), 60-61 (Hereafter MÁTHES 1827); IPOLYI 1873, 185-186; VERNEL-KRONBERGER 1939, 13; GENTHON 1959, 91; H. KOLBA 1962, 114, 118; HORVÁTH-KELEMEN-TORMA 1979, 106; MAROSI 1984a, 36; P. LÓVEI – L. VARGA, “Síremlékek,” in *Magyarországi művészet 1300-1470 körül I-II.* ed. E. MAROSI (Budapest: 1987), 340 (Hereafter LÓVEI – VARGA 1987); I. TAKÁCS, “Esztergomi síremléktöredékek a 13. századból,” *Ars Hungarica* XVI (1988:2), 122-123, 130-131. (Hereafter TAKÁCS 1988)

¹⁴ H. KOLBA 1962, 111-123; P. LÓVEI, “The sepulchral monument of Saint Margaret of the Árpád dynasty,” *Acta Historiae Artium Academiae Scientiarum Hungariae* XXVI (1980), 213 (Hereafter LÓVEI 1980); MAROSI 1984a, 223; TAKÁCS 1988, 127-128.

¹⁵ L. GEREVICH, *A pilisi ciszterci apátság* (Szentendre: 1984), 15; TAKÁCS 1988, 125; *Pannonia Regia. Művészet a Dunántúlon 1000-1541*, eds. Á. MIKÓ – I. TAKÁCS (Budapest: 1994), 256-257.

¹⁶ KLOOS 1980, 124-125.

the same time as throughout in Europe – but lasts until the middle of the 13th century, i.e. some 50 years longer than in the regions westward from Hungary.¹⁷

Gothic maiuscula characters were first found in Transdanubia on stones carved in the first half of the 14th century. The only relic to be precisely dated is the tombstone¹⁸ of Miklós, son of viceroy (governor of Croatia) Miklós, carved in Segesd in 1346. Elsewhere in Hungary, this style appeared much earlier, e.g. on a tombstone fragment¹⁹ found in Buda, traced back to 1289.

The Gothic maiuscula style becomes rather widespread from the middle of the 14th century on. One typical example is the tombstone plate in Visegrad,²⁰ bearing the year 1360, where a provincial version of this letter style appears. The same provincial version of the Gothic maiuscula letters was found on a tombstone in Taliándörögd²¹ also traced back to the period around 1360. To this period can be traced back a tombstone fragment found in Nagymaros,²² too.

The Siegfried-tombstone in Pannonhalma²³ is however unbroken and richly decorated, besides its origin is undoubtedly and precisely identifiable, as the year 1365 stands figured on it. Years are also carved on the tombstone of Gutatöttös²⁴ (1370) and the Pál-tombstone of Bata²⁵ (1377).

¹⁷ KLOOS 1980, 125, 131.

¹⁸ P. ENGEL – P. LÓVEI – L. VARGA, “Gótikus sírkövek Máriavölgyről és Segesdről,” *Művészettörténeti Értesítő* 30 (1981), 142-144; P. ENGEL – P. LÓVEI – L. VARGA, “Zsigmond kori bárói sírköveinkről,” *Ars Hungarica* XI (1983), 21; P. ENGEL – P. LÓVEI – L. VARGA, “Grabplatten von ungarischen Magnaten aus dem Zeitalter der Anjou-Könige und Sigismund von Luxemburg,” *Acta Historiae Artium Academiae Scientiarum Hungariae* XXX (1984), 43-44; P. LÓVEI, “Hindu-arab számjegyek a 14. századi Magyarországon,” *Matematikai Lapok* 33 (1986), 25-26; LÓVEI - VARGA 1987, 334-335; *Lapidarium Hungaricum. Magyarország építészeti töredékeinek gyűjteménye. I. Általános behzettekép* Ed. M. HÖRLER (Budapest: 1988), 159. (Hereafter LAHU)

¹⁹ K. H. GYŰRKY, “Feliratos sírkő 1289-es évszámmal a budai domonkos kolostorból,” *Budapest Régiségei* XXVI (1984), 247-252; LÓVEI-VARGA 1987, 334, 339.

²⁰ LÓVEI - VARGA 1987, 335.

²¹ K. ÉRY – A. KRALOVÁNSZKY, “Taliándörögd, Szt. András-templom,” *Régészeti Füzetek* 29 (1976), 88; LÓVEI - VARGA 1987, 334-335, 463.

²² I. GENTHON, *Magyarország műemlékei* (Budapest: 1951), 347. (Hereafter GENTHON 1951); *Magyarország Műemlékei Topográfijája V.* (Budapest: 1958), 562-563; LÓVEI - VARGA 1987, 461.

²³ IPOLYI 1873, 187; B. CZOBOR, *Egyházi emlékeink a XIV. századból. Magyarország történeti emlékei az 1896-os eszteréki kiállításon I.* (Budapest: 1896), 169 (Hereafter CZOBOR 1896); P. GERECZE, “Szobrászati emlékek Magyarországon,” in *Magyarország az eszteréki évben V.* ed. S. Matlekovits (Budapest: 1898), 71 (Hereafter GERECZE 1898); K. DIVALD, *Magyarország művészeti emlékei* (Budapest: 1927), 108 (Hereafter DIVALD 1927); *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), I. 1939, 359; VERNEI-KRONBERGER 1939, 23; D. DERCSÉNYI, *Nagy Lajos kora* (Budapest: [1941]), 108 (Hereafter DERCSÉNYI 1941); L. VARGA, “Szobrászat,” in *Művészet I. Lajos király korában 1342-1382. Katalógus* eds. E. MAROSI – M. TÓTH – L. VARGA (Budapest: 1982), 267 (Hereafter VARGA 1982); LÓVEI - VARGA 1987, 335, 463, 466; E. MAROSI, (ed.) *Magyarországi művészet 1300-1470 körül I-II.* (Budapest: 1987), 137. (Hereafter MAROSI 1987)

²⁴ E. KOZÁK, “A gutatöttösi rk. templom feltárása,” *Archaeológiai Értesítő* 103 (1976), 103-104; LÓVEI - VARGA 1987, 337-338.

²⁵ L. HÖKE, “Bata, Czikkádor, Földvár, Madocsa, Szekszárd monasteriológiájához,” *Magyar Sion* (1869), 346; P. SÖRÖS, *Az elenyészett bencés apátságok* (=L. ERDÉLYI – P. SÖRÖS (eds.), *A pannonthalmi Szt.-*

This letter type was used on the cover plate of a sarcophagus²⁶ presumed to have housed the corpse of King Lajos I., (the Great), probably carved in the period 1370-1380. The tombstone of Zacharias of Como,²⁷ found in Buda, carved in maiuscula letters in relief, was probably made even later, around 1400.

The Gothic maiuscula style period started²⁸ in Europe at about 1230, whereas in Hungary the oldest such inscription found could be dated 1289. Some delay in adoption of this style vs. Europe is thus probable, whereas the end of its use is roughly simultaneous.²⁹

The first relic proving the apparition of the new style of Gothic minuscule style in Hungary is a tombstone fragment found in Buda,³⁰ traced back – with some uncertainty – to 1366.

Next comes the double tomb memorial Salamoni Bereck from Győr,³¹ on which the year 1364 is figured, although it was probably carved only in 1367.

Benedek-rend története XII/B. (Budapest: 1912), 122; VERNEI - KRONBERGER 1939, 64; M. KÓNYI – J. HOLUB – J. CSALOG – D. DERCSÉNYI, “A bátai apátság temploma,” *Tolna megye múltjából 5. füzet* (Pécs: 1940), 60; GENTHON 1951, 425; GENTHON 1959, 34; Z. VÁRADY, “A bátai sírkő és epigráfiai összefüggései,” *Béni Balogh Adám Múzeum Évkönyve* XII Ed. F. VADAS (Szekszárd: 1984), 105-121; LÓVEI - VARGA 1987, 335, 462; LAHU 1988, 375.

²⁶ IPOLYI 1873, 189; A. MAROSI, “Székesfehérvár művészeti emlékei,” in *Magyar Művelődéstörténet VI.* ed. S. DOMANOVSKY (Budapest: 1930), 409, 418; *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), 159; VERNEI-KRONBERGER 1939, 21-22; DERCSÉNYI 1941, 110-111; D. DERCSÉNYI, “A székesfehérvári bazilika kőfaragványai,” in *Emlékkönyv Gerevich Tibor születésének 60. évfordulójára* (Budapest: 1942), 38-39 (Hereafter DERCSÉNYI 1942); D. DERCSÉNYI, *A székesfehérvári bazilika* (Budapest: 1943), 56, 98-100, 124 (Hereafter DERCSÉNYI 1943); GENTHON 1959, 352; S. TÓTH, “Veszprémi középkori sírkőtöredékek,” *Veszprém Megyei Múzeumok Közleményei* 2 (1964), 168; P. LÓVEI, “A székesfehérvári Anjou-sírkápolna művészettörténeti helye,” in *Művészet I. Lajos király korában 1342-1382. Katalógus* eds. E. MAROSI – M. TÓTH – L. VARGA (Budapest: 1982), 200-201 (Hereafter LÓVEI 1982); VARGA 1982, 268; A. KRALOVÁNSZKY, “A székesfehérvári Anjou-sírkápolna,” in *Művészet I. Lajos Korában 1342-1382* ed. E. MAROSI – M. TÓTH – L. VARGA (Budapest: 1982), 165; E. SZAKÁI, “A székesfehérvári Anjou-síremlékek és I. Lajos király sírkápolnája,” in *Művészet I. Lajos Korában 1342-1382* ed. E. MAROSI – M. TÓTH – L. VARGA (Budapest: 1982), 195; ENGEL – LÓVEI - VARGA 1983, 29-32; LÓVEI - VARGA 1987, 464, 466; É. KOVÁCS, “Tárgykultúra és kisművészetek a 14-15. századi Magyarországon,” in *Magyarországi Művészet 1300-1470 körül* ed. E. MAROSI (Budapest: 1987), 217; *Pannonia Regia. Művészet a Dunántúlon 1000-1541*, eds. Á. MIKÓ – I. TAKÁCS (Budapest: 1994), 274-275.

²⁷ J. SZENDREI, “A budavári Domokos-templom kiásatása,” *Archaeológiai Értesítő* XXII (1902), 399 (Hereafter SZENDREI 1902); GY. FORSTER, “A budavári Halászbástya és a domokos-szerzetesek templomának romjai,” in *Magyarország Műemlékei I.* ed. Gy. FORSTER (Budapest: 1905), 154, 162 (Hereafter FORSTER 1905); H. HORVÁTH, “A székesfővárosi múzeum középkori lapidariuma a Halászbástyán,” *Magyar Művelődéstörténet VIII.* ed. S. DOMANOVSKY (Budapest: 1932), , 116 (Hereafter HORVÁTH 1932b); H. HORVÁTH, *A Fővárosi Múzeum kőemléktárának leíró lejtroma* (Budapest: 1932), 16 (Hereafter HORVÁTH 1932c); H. HORVÁTH, *Buda a középkorban* (Budapest: 1932), 28 (Hereafter HORVÁTH 1932d); VERNEI - KRONBERGER 1939, 29; D. RADOCSAY, “Les principaux monuments funéraires médiévaux conservés à Budapest,” in *Mélanges offerts à Szabolcs de Vajay* (Braga: 1971), 477. (Hereafter RADOCSAY 1971)

²⁸ KLOOS 1980, 131.

²⁹ KLOOS 1980, 132-133.

³⁰ RADOCSAY 1971, 470.

Precise dating is however possible for the tombstone of the king's painter János,³² (1370) and the tombstone of Ónodi Cudar László in Pannonhalma³³ (1372).

This latter one is important, due to the fact, that the tombstone of his predecessor, the abbot Siegfried, head of the same Abbacy, also precisely known as being carved in 1365, was still carved in Gothic maiuscula style.

This is a proof for the hypothesis that the Gothic minuscule style has become fashionable in Hungary in the period 1365-1370, as shown by relics in Transdanubia and in Buda.

The identification of the reasons for this sudden change needs some more research.

In the following decade a larger number of inscription-bearing stones mark the widespread use of this letter type, such as a stone fragment in Buda (1372),³⁴ a tombstone fragment in Székesfehérvár (1373),³⁵ as well as the tombstones of Pauher Henrik (1373),³⁶ Tamás, son of Miklós (1375),³⁷ Bernard (or Bene) of Florence (1376),³⁸ as well as the tombstone of an unknown defunct in Buda (1380)³⁹ and of Nádasdi János in Szentgotthárd⁴⁰ (1380). From this time on, the

³¹ RÓMER 1860, 631; IPOLYI 1873, 186-187; CZOBOR 1896, 169; E, VARJU, "A győri székesegyház középkori sírkövei," *Archaeológiai Értesítő* XVII (1897), 338-339 (Hereafter VARJU 1897); VERNEI-KRONBERGER 1939, 22; LÓVEI - VARGA 1987, 463, 592.

³² HORVÁTH 1932d, 87; HORVÁTH 1932c, 15; VERNEI-KRONBERGER 1939, 18; DERCSÉNYI 1941, 53, 106; H, HORVÁTH, "Budai művészsírkövek a 14. században in *Arpádhalázi Szent Margit síremléke és egyéb tanulmányok* (Budapest: 1944), 15-115; RADOCSAY 1971, 470-471.

³³ IPOLYI 1873, 187; CZOBOR 1896, 169-170; GERECZE 1898, 71; DERCSÉNYI 1941, 108-109; VERNEI-KRONBERGER 1939, 23; I, TAKÁCS, "Czudar László síremléke a pannonhalmi bazilikában," *Művészet* XXII:6 (1981), 44-45; VARGA 1982, 271; LÓVEI - VARGA 1987, 464-466.

³⁴ RADOCSAY 1971, 471.

³⁵ A. MAROSI, "Adatok Székesfehérvár köemelekeihez," *Székesfehérvári Szemle* II (1932), 49; VERNEI-KRONBERGER 1939, 64; DERCSÉNYI 1941, 107; DERCSÉNYI 1942, 37; DERCSÉNYI 1943, 97; TÓTH 1964, 169; LÓVEI 1980, 123; LÓVEI 1982, 183, 189; VARGA 1982, 267; ENGEL - LÓVEI - VARGA 1984, 39; P. ENGEL - P. LÓVEI - L. VARGA, "Főnemesi sírkövek a Zsigmond kori Magyarországon," in *Művelődéstörténeti tanulmányok a magyar középkorról* ed. E. FÜGEDI (Budapest: 1986), 211 (Hereafter ENGEL - LÓVEI - VARGA 1986); LÓVEI - VARGA 1987, 461; LAHU 1988, 230-231.

³⁶ FORSTER 1905, 152; HORVÁTH 1932b, 113-114; HORVÁTH 1932c, 14; H. HORVÁTH, *Budai kőfaragók és kőfaragó-jeleik*. (Budapest: 1935), 36; VERNEI-KRONBERGER 1939, 20; DERCSÉNYI 1941, 107; RADOCSAY 1971, 471.

³⁷ SZENDREI 1902, 399; FORSTER 1905, 152; HORVÁTH 1932d, 11; HORVÁTH 1932b, 99, 113; HORVÁTH 1932c, 14; VERNEI-KRONBERGER 1939, 20; DERCSÉNYI 1942, 37; RADOCSAY 1971, 471.

³⁸ SZENDREI 1902, 399; FORSTER 1905, 152; HORVÁTH 1932d, 10; HORVÁTH 1932b, 98, 113; HORVÁTH 1932c, 13-14; VERNEI-KRONBERGER 1939, 19-20; DERCSÉNYI 1941, 106; D, RADOCSAY, "Dalles funéraires armariées à Buda et à Cassovie du moyen-âge," *Archivum Heraldicum* 1966, 51; RADOCSAY 1971, 472; LÓVEI - VARGA 1987, 834.

³⁹ K. H. GYÜRKY, "Das mittelalterliche Dominikanerkloster in Buda," *Fontes Archaeologici Hungariae* (Budapest: 1981), 137.

⁴⁰ M. ZLINSZKYNÉ STERNEGG, "Gótikus és reneszánsz címeres-kövek a szentgotthárdi plébániatemplomban," *Művészettörténeti Értesítő* XV (1966), 261-262 (Hereafter ZLINSZKYNÉ 1966); M. ZLINSZKYNÉ STERNEGG, "A szentgotthárdi ciszterci apátság története és művészeti emlékei (1183-1878) in *Szentgotthárd helytörténeti, művelődéstörténeti, behásméretű tanulmányok* (Szombathely: 1981), 370

Gothic minuscule style enjoys wide popularity, although only a limited number of relics could be exactly dated. The foundation stone of the Corpus Christi Chapel in Esztergom⁴¹ was carved in 1384, Kraft Berchtold's tombstone in Buda⁴² in 1392 and palatine Lackfi István's tombstone in Keszthely⁴³ in 1397.

The popularity of the Gothic minuscule style lasted throughout the 15th century, too.

Around the turn of the 14/15 centuries were carved the tombstones of Benedek's son in Buda,⁴⁴ of Tomaji Pál⁴⁵ in Lesencetomaj and of the canon György⁴⁶ in Pécs. The year 1414 is marked on the tombstone of Frenizlin⁴⁷ in Buda. The tombstone of Alsáni Bálint⁴⁸ in Pécs carries the year 1408, the one of vaivode (governor of Transylvania) Marcali Miklós⁴⁹ in Székesfehérvár the year of 1414.

(Hereafter ZLINSZKYNÉ 1981); VARGA 1982, 267; LÓVEI - VARGA 1987, 461; MAROSI 1987, 147; LAHU 1988, 391-392.

⁴¹ MÁTHES 1827, 82; HORVÁTH - KELEMEN - TORMA 1979, 105; L. ZOLNAY, *A középkori Esztergom* (Budapest: 1983), 102.

⁴² HORVÁTH 1932d, 88; H. HORVÁTH, "A középkori Pest-Budának helyszínén maradt emlékek" *Magyar Művelődéstörténet* VIII. ed. S. DOMANOVSKY (Budapest: 1932), 360, 376 (Hereafter HORVÁTH 1932a); HORVÁTH 1932c, 14; VERNEI-KRONBERGER 1939, 28; RADOCSAY 1971, 472.

⁴³ P. GERECEZ, "A MOB rajztárának jegyzéke," in *Magyarország Műemlékei* I. ed. Gy. FORSTER (Budapest: 1905), 429; R. BÉKEFI, *A Balaton környékének egyházai és várai a középkorban* (Budapest: 1907), 233 (Hereafter BÉKEFI 1907); B. DORNAY - J. VIGYÁZÓ, *Balaton és környéke részletes útikalauzsa*. (Budapest: 1934), 240-241 (Hereafter DORNAY - VIGYÁZÓ 1934); VERNEI-KRONBERGER 1939, 21; GENTHON 1959, 158; T. KÖPPÁNY - P. PÉCZELI - K. SÁGI, *Keszthely*. (Budapest: 1962), 29; ENGEL - LÓVEI - VARGA 1986, 217-218; LÓVEI - VARGA 1987, 587.

⁴⁴ SZENDREI 1902, 400; FORSTER 1905, 154, 166; HORVÁTH 1932d, 26; HORVÁTH 1932c, 15; VERNEI-KRONBERGER 1939, 29; RADOCSAY 1971, 477.

⁴⁵ DORNAY-VIGYÁZÓ 1934, 231; VERNEI-KRONBERGER 1939, 29; A. RADNÓTI - L. GERÓ, *A Balaton régészeti és történeti emlékei* (Budapest: 1952), 128-129; GENTHON 1959, 185; ENGEL - LÓVEI - VARGA 1983, 24; LÓVEI - VARGA 1987, 588.

⁴⁶ IPOLYI 1873, 186.; SZÓNYI 1906, 238-241; O. SZÓNYI, "A pécsi dómmúzeum," in *Magyar Művelődéstörténet* VI. ed. S. DOMANOVSKY (Budapest: 1929), 508-536 (Hereafter SZÓNYI 1929); VERNEI-KRONBERGER 1939, 25; LÓVEI - VARGA 1987, 592.

⁴⁷ HORVÁTH 1932d, 88, 104; HORVÁTH 1932a, 360, 376-377; HORVÁTH 1932c, 15; VERNEI-KRONBERGER 1939, 28-29; RADOCSAY 1971, 477-488.

⁴⁸ GERECEZ 1898, 49, 71; A. ÁLDÁSY, *Alsáni Bálint bíbornok* (Magyar történelmi életrajzok, Budapest: 1903), 134; SZÓNYI 1906, 241-244; SZÓNYI 1929, 532-536; HORVÁTH 1932d, 27; *Magyar Művelődéstörténet* II ed. S. DOMANOVSKY (Budapest: 1939), 540; VERNEI-KRONBERGER 1939, 25-26; LÓVEI - VARGA 1987, 591; MAROSI 1987, 137; *Művészet Zsigmond király korában (1387-1437)* III. *Katalógus* eds. L. BEKE - E. MAROSI - T. WEHLI (Budapest: 1987), 302. (Hereafter ZSK-kat. 1987)

⁴⁹ P. GERECEZ, "A műemlékek helyrajzi jegyzéke és irodalma," in *Magyarország műemlékei* II. ed. Gy. FORSTER (Budapest: 1906), 307; HORVÁTH 1932b, 115; MAROSI 1932, 49; H. HORVÁTH, "Zsigmond király és kora," in *Székesfehérvár Történeti Monográfiái* VIII-IX (1937), 155; VERNEI-KRONBERGER 1939, 30; DERCSENYI 1942, 39-40; DERCSENYI 1943, 58, 102, 122; GENTHON 1959, 352; ENGEL - LÓVEI - VARGA 1983, 29-30; ENGEL - LÓVEI - VARGA 1984, 47; ENGEL - LÓVEI - VARGA 1986, 219-220; LÓVEI - VARGA 1987, 587.

The inscriptions attesting the construction of the Csesznek castle were made⁵⁰ in 1424. Tombstone fragments of Hédervári Katalin in Buda and Visegrád bear the year mark⁵¹ 1426, that of Szerdahelyi Péter in Pécsvárad,⁵² 1428. More recent is the tombstone of bishop Henrik of Pécs⁵³ from the year 1445. There are no relics, which could be precisely traced back to the following decades. The next known inscription is carved on the tombstone fragment of an unknown defunct in Buda,⁵⁴ bearing the year-mark 1491, however in Arabic figures. This group closes with two Transdanubian relics: the window frame stone from the Simontornya castle⁵⁵ (1508) and the tomb cover plate of canon Zathai János in Somogyvár⁵⁶ (1524), showing a provincial version of the letter type.

The relief version of the Gothic minuscule appears some time in the first period of the 15th century.

The tombstone of the royal treasurer Kanizsai Miklós in Zalaszentgrót⁵⁷ dates from 1404 or the immediately subsequent years, the memorial of vaivode Stiborici I. Stibor in Székesfehérvár⁵⁸ bears a fragmentary date of 1414. Miklós, bishop of Cereta died⁵⁹ in Győr, in 1428; at about the same year are dated the tombstone

⁵⁰ B. DORNYAY, *Bakony* (Budapest: 1927), 229; GENTHON 1959, 281; M. HÉJJ, "Gótikus faragványok a cseszneki várból," *Folia Archaeologica* XI (1959), 135-139, table XV, 1-3; MAROSI 1987, 127, Figure 975; LAHU 1988, 154-155.

⁵¹ GERECE 1906, 642; GENTHON 1951, 268; S. DERCSÉNYI – M. HÉJJ, *Magyarország műemlékei topográfijája V. Vas megye műemlékei I-II.* (Budapest: 1958), 450; ENGEL – LÓVEI – VARGA 1983, 40-41; ENGEL – LÓVEI – VARGA 1984, 55-56; ENGEL – LÓVEI – VARGA 1986, 226; LÓVEI-VARGA 1987, 461, 588; LAHU 1988, 159.

⁵² ENGEL – LÓVEI – VARGA 1983, 22, 24; LÓVEI – VARGA 1987, 335.

⁵³ IPOLYI 1873, 192; SZŐNYI 1906, 244-246; VERNEI-KRONBERGER 1939, 26-28; LÓVEI – VARGA 1987, 592; LAHU 1988, 172-173; ZSK-kat. 1987, 302.

⁵⁴ HORVÁTH 1932c, 30; VERNEI-KRONBERGER 1939, 42; RADOCSAY 1971, 483.

⁵⁵ GENTHON 1959, 292; M. HORLER, "Módszertani adalékok a magyar későközépkori építészet kutatásában," *Építés-Építészettudomány* XI (1979), 43; M. HORLER – M. TABAJDI, *A simontornyai vár* (Szekszárd: 1987), 12, 18, 26; LAHU 1988, 372-373.

⁵⁶ P. GERECE, "A somogyvári Szent Egyed monostor-templom maradványai," *Archaeológiai Közlemények* XX (1897), 148; DORNYAY - VIGYÁZÓ 1934, 62; G. ENTZ – L. GERŐ, *A Balaton-környék műemlékei* (Budapest: 1958), 167; GENTHON 1959, 149; J. BALOGH, "Kora-renaissance és késő renaissance," in *A magyarországi művészet története* eds. D. DERCSÉNYI – A. ZÁDOR (Budapest: 1973), 209, 335. (Hereafter BALOGH 1973)

⁵⁷ F. RÓMER, *Kinizsi Pál sírköve* (Győri történelmi és régészeti füzetek 2.) (Győr: 1863), 41; GERECE 1906, 1040; DORNYAY-VIGYÁZÓ 1934, 364; GENTHON 1959, 437; J. NÉMETH, *Zala megye műemlékei* (Zalaegerszeg: 1977), 101; ENGEL – LÓVEI – VARGA 1983, 28; ENGEL – LÓVEI – VARGA 1984, 46-47; ENGEL – LÓVEI – VARGA 1986, 218-219; LÓVEI – VARGA 1987, 587; L. VÁNDOR, *Nagykanizsa története a bonfoglalástól 1690-ig* (Nagykanizsa: [1988]), 47.

⁵⁸ DERCSÉNYI 1942, 40; DERCSÉNYI 1943, 59-59, 102-103; VERNEI-KRONBERGER 1939, 32-33; L. GEREVICH, "Budapest művészete az Árpád-korban," in *Budapest története I.* (Budapest: 1973), 281; ENGEL – LÓVEI – VARGA 1983, 31; ENGEL – LÓVEI – VARGA 1984, 47-48; ENGEL – LÓVEI – VARGA 1986, 220-221.

⁵⁹ VARJU 1897, 339-441; VERNEI-KRONBERGER 1939, 27; LÓVEI – VARGA 1987, 463, 696.

fragment of the royal doorkeeper Kanizsai István, found in Csorna⁶⁰ and the tombstone of Szécsi Miklós in Szentgotthárd.⁶¹ The baptising well of Ásványráró⁶² is dated 1430, the so-called Châtillon shield-bearing fragment in Buda,⁶³ 1433. The tombstone fragments of count Frangepán János⁶⁴ found in Buda and Sárospatak originate from 1436. Dobói Miklós, abbot in Pannonhalma, died 1438-1439, his tombstone must have been made in those years.⁶⁵ The tombstone of Garai Ilona, wife of Szécsi Miklós attest⁶⁶ a death year of 1441. Here comes an interruption of several decades, as the next relics to be traced back exactly are the tombstone of Dobringer Miklós⁶⁷ in Buda (1462) and the tombstone of Dénes,⁶⁸ archbishop in Esztergom, son of the above mentioned Szécsi-couple, dated 1465.

The tombstone of Gergellaki Bertalan⁶⁹ bears the date 1469. On the side plate of the memorial of Vitéz János, archbishop of Esztergom,⁷⁰ the year of death

⁶⁰ E. TOMPOS, "Sopron címeres műemlékei," *Arrabona* 18 (1976), 148; ENGEL – LŐVEI – VARGA 1983, 28-29; ENGEL – LŐVEI – VARGA 1984, 47; ENGEL – LŐVEI – VARGA 1986, 219; LŐVEI – VARGA 1987, 588.

⁶¹ ZLINSZKYNÉ 1966, 259-260; ZLINSZKYNÉ 1981, 370-373, 376; I. VALTER, "Szentgotthárd története a mohácsi vészig," in *Szentgotthárd helytörténeti, művelődéstörténeti, helyismereti tanulmányok* (Szombathely: 1981), 68 (Hereafter Válder 1981); ENGEL – LŐVEI – VARGA 1984, 58; ENGEL – LŐVEI – VARGA 1986, 230; LŐVEI – VARGA 1987, 588; LAHU 1988, 391-392.

⁶² *Magyarország Városai és Vármegyéi* 14. ed. J. SZIKLAY – S. BOROVSKY (Budapest: 1908), 5-21, 19-20 (Hereafter MVV); GENTHON 1959, 17.

⁶³ SZENDREI 1902, 400; FORSTER 1905, 120, 154; HORVÁTH 1932b, 114, 122; HORVÁTH 1932c, 15; HORVÁTH 1937, 156; VERNEI-KRONBERGER 1939, 30, 32, 39; RADOCSAY 1971, 478; V. GERVERS – MOLNÁR, "Sárospataki síremlékek," *Művészettörténeti Füzetek* 14 (1983), 116. (Hereafter GERVERS – MOLNÁR 1983)

⁶⁴ VERNEI-KRONBERGER 1939, 43; M. CSÁNKY, "Közlemények a Nemzeti Múzeumból," *Széphimnusz* II (1941), 37; RADOCSAY 1971, 480; GERVERS-MOLNÁR 1983, 21; ENGEL – LŐVEI – VARGA 1986, 217-218.

⁶⁵ P. SÖRÖS – T. REZNER: *A pannonhalmi főapátság története* III. (Budapest: 1905), 47-48.

⁶⁶ I. VALTER, "Előzetes beszámoló a szentgotthárdi ciszterci monostor ásatásáról," *Archaeológiai Értesítő* 102 (1975), 91; VALTER 1981, 68; ZLINSZKYNÉ 1981, 373, 376; ENGEL – LŐVEI – VARGA 1983, 44-45; ENGEL – LŐVEI – VARGA 1984, 58; ENGEL – LŐVEI – VARGA 1986, 230-231; LŐVEI – VARGA 1987, 588, 695; LAHU 1988, 392.

⁶⁷ VERNEI-KRONBERGER 1939, 64; RADOCSAY 1971, 480.

⁶⁸ MÁTHES 1827, 101-102; IPOLYI 1873, 185, 191, 194; GERECE 1898, 71; DIVALD 1927, 106, 109; *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), 403, 655; VERNEI-KRONBERGER 1939, 37; HORVÁTH 1941, 8; GENTHON 1959, 91; HORVÁTH – KELEMEN – TORMA 1979, 106; Á. MIKÓ, "Jagello-kori reneszánsz sírköveinkről," *Ars Hungarica* XIV (1986) 102; (Hereafter MIKÓ 1986) LŐVEI – VARGA 1987, 699; MAROSI 1987, 138.

⁶⁹ H. HORVÁTH, "Il Rinascimento in Ungheria," *Annuario* III (1939), 100; VERNEI-KRONBERGER 1939, 37-38; H. HORVÁTH, "König Mathias und die Kunst *Ungarische Jahrbücher* XX (1940), 211; HORVÁTH 1941, 29; RADOCSAY 1971, 480-481.

⁷⁰ MÁTHES 1827, 101-102; IPOLYI 1873, 194; GERECE 1898, 71; MVV 1901, 479; MVV 1908, 320; *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), 465; VERNEI-KRONBERGER 1939, 37; J. BALOGH, *Az esztergomi Bakócz-kápolna*. (Budapest: 1955), 17 (Hereafter BALOGH 1955); HORVÁTH – KELEMEN – TORMA 1979, 106; *Mathias Corvinus und die Renaissance in Ungarn 1458-1541. Schallaburg. Ausstellungskatalog*. (Wien: 1982), 139-140. (Hereafter Kat.Schall. 1982)

(1472) is marked in Arabic figures. The tombstone of an unidentified defunct⁷¹ in Pula bears the year 1474. In this decade were carved the tombstones of Bodó Miklós in Székesfehérvár⁷² and of Nádasdi Darabos György in Szentgotthárd,⁷³ died after 1467.

Another tombstone fragment of an unknown defunct in Buda⁷⁴ was dated to the 1480's. The tombstone of provost Szántói Ambrus in Esztergom⁷⁵ is marked 1483 in Arabic figures. On the tombstone fragment of an unknown master builder in Buda, the date 1488 in Arabic figures can be read.⁷⁶

The tombstone of master Márton and his wife in Tata was carved in an unusual provincial version of the style, with a date of 1492 in Arabic figures.⁷⁷ A tombstone fragment in Veszprém, attributed to Vitéz János junior,⁷⁸ bears a date of 1499, which cannot be confirmed by its character shapes.

Some German tongue inscriptions found along the western border of Hungary show character shapes of the Gothic minuscule, or Fraktur. Traceable examples of Hungarian relics showing inscriptions in this style are the keystone of the St. Michael church in Sopron⁷⁹ (1482), the tombstone on Nathaniel Kramberger⁸⁰ (1510) and the Jurisich-tombstone⁸¹ in Kőszeg (1538).

The Gothic minuscule, letter-type was developed in Europe from the earlier Carolingian minuscule, first appearing on tombstones from the early 14th century,⁸² such as the one of archbishop Simon de Bucy in Paris (1304) or archbishop Peter von Aspelt in Mainz (1320). At the beginning of its widespread use, upper-case

⁷¹ I. ÉRI – M. KELEMEN – P. NÉMETH – I. TORMA, *Veszprém megye régészeti topográfijája 2. Veszprémi járás* (Budapest: 1969), 182 (Hereafter ÉRI – KELEMEN – NÉMETH – TORMA 1969).

⁷² TÓTH 1964, 174-176; LÓVEI - ENGEL 1983, 1-8; LÓVEI - VARGA 1987, 699; MAROSI 1987, 138, 676.

⁷³ IPOLYI 1873, 194; GERECEZE 1906, 1040; VERNEI-KRONBERGER 1939, 70; GENTHON 1959, 347; ZLINSZKYNÉ 1966, 262; VALTER 1981, 69; ZLINSZKYNÉ 1981, 376; LAHU 1988, 391-392.

⁷⁴ TÓTH 1964, 180; RADOCSAY 1971, 481.

⁷⁵ MÁTHES 1827, 21-22; VARJU 1897, 342; VERNEI-KRONBERGER 1939, 42; GENTHON 1959, 91-92; HORVÁTH – KELEMEN - TORMA 1979, 93.

⁷⁶ HORVÁTH 1932d, 24; HORVÁTH 1932b, 112; HORVÁTH 1932c, 12; HORVÁTH 1935, 20, 42-43; VERNEI-KRONBERGER 1939, 42; RADOCSAY 1971, 482.

⁷⁷ E. RÉVHELYI, *A tatai piarista rendház és műzeuma* (Budapest: 1938), 24; GENTHON 1959, 386; TÓTH 1964, 169; LAHU 1988, 301.

⁷⁸ ÁDÁM 1912, 120-121; S. TÓTH, "A veszprémi székesegyház középkori kőfaragványai," *Veszprém Megyei Múzeumok Közleményei* 1 (1963), 141; TÓTH 1964, 177-178, 183; ÉRI – KELEMEN – NÉMETH - TORMA 1969, 231; I. ÉRI *Veszprém* (Budapest: 1972), 15; P. NAGYBÁKAY, "Beriszló Péter veszprémi püspök címeres köve," *Veszprém Megyei Múzeumok Közleményei* 13 (1978), 128 (Hereafter NAGYBÁKAY 1978); T. KOPPÁNY, "A Közép-Dunántúl reneszánsz építésze," *Ars Hungarica* XII (1984), 191. (Hereafter Koppány 1984)

⁷⁹ I. HENSZLMANN, *Magyarország címeres stílű műemlékei* (Budapest: 1880), 41; HORVÁTH 1935, 59, 75; MAROSI 1987, 171.

⁸⁰ E. CSATKAI, *Sopron és környéke műemlékei* (Budapest: 1956), 419; GENTHON 1959, 320; TOMPOS 1976, 147-148.

⁸¹ L. BARCZA, "A kőszegi Szent Jakab templom," *Vasi Szemle* III (1936), 374-381; GENTHON 1959, 171.

⁸² KLOOS 1980, 136.

letters were still used, but these gradually disappeared until the middle of the 15th century. Mostly Gothic maiuscula were used as capital letters. Later, in the 16th century, the upper-case characters of the Fraktur type were in use.⁸³

There is some similarity in Hungary to the European trend; upper-case characters are rarely used in Gothic minuscule stone-carved inscriptions. On one of the earliest relics, the Salamoni Bereck tombstone, Gothic maiuscula were used as the capital letters “A” and “J”.⁸⁴ In a somewhat unusual way, the “Z” character of the name on the Frenizlin-tombstone (Buda, 1404) is a maiuscula.⁸⁵ Next in time, Gothic maiuscula were found in the Csesznek building inscription for capital “A” and “S” (1424) “N”, “G”, “H” and “P” uncials were used as initials on the front stone of the castle’s entrance gate.⁸⁶ Capital “A” characters were found on the tombstone of Szerdahelyi Péter (1428), Henrik bishop of Pécs (1445) and Zathai János (1524); this latter one also shows capital “H”, “J” and “N” letters.⁸⁷

Among the relief-type inscriptions, Gothic maiuscula type capitals were used for “J” and “R” on the tombstone⁸⁸ of Vitéz János (1472), for “H” and “J” on the tombstone⁸⁹ of the Szécsi couple, for “A” and “C” on tombstone⁹⁰ of Frangepán János, all of them decorative version of the Gothic maiuscula. Capital “A” and “D” were carved onto the tombstone of Dobringer Miklós (Buda, 1462), the latter being a version of the antiqua type.⁹¹

The first letter of the console inscription in Siklós⁹² is also a maiuscula type “A”. Only the starting “S” is maiuscula type on the tombstone of Gergelláki Bertalan, on the Buda fragment from 1480 and on the tombstone of Szántói Ambrus⁹³ (1483). This latter relic also shows a “Z” maiuscula, as the first character of the name. Capital “C”, “H”, “P”, “M”, “N”, “R” and “V” were used on the tombstone of master Márton (1492) roughly the ones from the maiuscula alphabetic set.⁹⁴ Upper case Fraktur “A”, “P”, “G”, “P” and “V” characters were used on the tombstone of Nathaniel Kramberger⁹⁵ (1510). The Jurisich-tombstone (1538) shows⁹⁶ upper case Fraktur characters for the letters “A”, “C”, “E”, “F”, “G”, “H”, “P”, “L”, “O”, “R” and “V”. The widespread use of the

⁸³ KLOOS 1980, 137.

⁸⁴ See note n. 31.

⁸⁵ See note n.47.

⁸⁶ See note n. 50.

⁸⁷ See note n. 52, 53, 56.

⁸⁸ See note n. 70.

⁸⁹ See note n. 61, 66.

⁹⁰ See note n. 64.

⁹¹ See note n. 67.

⁹² E. SZAKÁL, “Gótikus erkély a siklósi várban,” *Műemlékvédelem* X (1966), 84-86; MAROSI 1987, 674; LAHU 1988, 176.

⁹³ See note n. 69, 74, 75.

⁹⁴ See note n. 77.

⁹⁵ See note n. 80.

⁹⁶ See note n. 81.

Fraktur type is related to the extension of literacy, and apparition of the cursive letters shapes.

The Fraktur type letters were developed starting from the Gothic minuscula, via the bastarda type, and first appeared at the beginning of the 16th century.⁹⁷ Around the middle of the 16th century, in the German-speaking regions, e.g. the Munich area, Fraktur type letters have become of general use instead of Gothic minuscula, whereas in other areas Renaissance writing is adopted.⁹⁸ As seen above, the relics of Fraktur writing are of roughly the same age in western Hungary, as the German-speaking areas.

The period of the carved Gothic minuscula writing ended at the middle of the 15th century, although some late versions were found especially in provincial areas, made in 1524 or later.

The turn of the 14/15th centuries sees the apparition of the relief-type Gothic minuscula writing, rather fashionable in Hungary in the period between 1400 and 1440. After a pause of several decades, this writing appears again and is found from 1460 until the end of the reign of King Matthias (1490).

The German-tongue inscriptions also appear from 1460 on, in the western regions of Hungary, first as Gothic minuscula, from 1510 on as Fraktur type. The Fraktur type letters however did not become of widespread use in Hungary, instead the humanistic (classic) capitals started to be used from the times of King Matthias, and rapidly became popular.

This timely evolution is completely according to European history; e.g. the period of the Gothic minuscula is dated 1394 and until 1520 or so in the neighbouring Lower Austrian region, too.⁹⁹

The first known apparition of the humanistic capitals can be exactly dated, as the year 1467 is figured on the half-pillar head of Vetési Albert.¹⁰⁰

Further early inscriptions using this letter type, where date years could be found, are the stone carving with Aragonese-shield¹⁰¹ from Esztergom (1482), and the carving with Báthory-shield¹⁰² from Nógrád (1483) beside the relics bearing

⁹⁷ KLOOS 1980, 139, 141. 142; H. H. HORNUNG, *Die Inschriften Nieder-österreichs* (Die Deutschen Inschriften Bd. 10., Wiener Reihe 3. Bd.) (Stuttgart: 1966), 157-158. (Hereafter HORNUNG 1966)

⁹⁸ R. M. KLOOS, *Die Inschriften der Stadt und des Landkreises München*. (Die Deutschen Inschriften Band 5, Münchener Reihe Bd. 1.) 1958. 101, 126-127; KLOOS 1980, 143;

⁹⁹ H. H. HORNUNG, 1966. 231, 158-159.

¹⁰⁰ GERECEZ 1906, 1017-1018; BÉKEFI 1907, 50-52; *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), 567; J. GUTHEIL, "Mátyás korának veszprémi emlékei," *Dunántúli Szemle VII* (1940), 124, 127 (Hereafter GUTHEIL 1940a); J. GUTHEIL, *Publicationes Veszpremienses 4*. (Veszprém: 1940), 11 (Hereafter GUTHEIL 1940b); GENTHON 1959, 419; TÓTH 1963, 140; Kat.Schall. 1982, 561; MK-kat. 1983, 71; KOPPÁNY 1984, 184-186; MAROSI 1987, 127, 137, 676.

¹⁰¹ MÁTHES 1827, 65; J. BALOGH, *A magyarországi művészet története I. Korai renaissance* (Budapest: 1961), 286 (Hereafter BALOGH 1961); Kat.Schall. 1982, 617; Á. MIKÓ, "Ippolito d'Este esztergomi érsek udvara és a reneszánsz kófaragás Magyarországon," *Ars Hungarica XV* (1988:2), 133.

¹⁰² *Magyarország Művészeti Topográfijája III* 1954, 308; J. BALOGH, *A művészet Mátyás király udvarában I-II*. (Budapest: 1966), I. 299, II. 230 (Hereafter 1966); R. F. TÓTH, *Renaissancebankumst in Ungarn* (Budapest: 1981), 217 (Hereafter F. TÓTH 1981); LAHU 1988, 310.

only building dates. Art history considerations correlate many other stone carving relics to the period 1480-1500.

Precise dating was possible for the fragments of a humanistic tombstone in Buda¹⁰³ (1494) and of the tombstone of an unknown lady of honour in Esztergom¹⁰⁴ (1495).

Further dated relics are the Monelli-tombstone¹⁰⁵ (1496), the tombstone of Gosztonyi András in Esztergom¹⁰⁶, the tombstone of Vémeri Zsigmond¹⁰⁷ (1500). The foundation stone of the Bakócz-chapel in Esztergom is marked¹⁰⁸ 1506; the fries inscription¹⁰⁹ of the same chapel, as well as the memorial of Garázda Péter¹¹⁰ were possibly carved in 1507. The tabernacle of the town of Pest,¹¹¹ in the parish church, also dates from 1507. The year 1508 is figured on the tombstone of the master tailor Albert.¹¹²

Later relics with inscriptions in this type of writing are the tombstone of Egervári Bereck¹¹³ in Egervár, Beéri István and Egervári Veronika in

¹⁰³ HORVÁTH 1932c, 29; RADOCSAY 1971, 483.

¹⁰⁴ HORVÁTH – KELEMEN – TORMA 1979, 149; Kat.Schall. 1982, 678-679; *Mátyás király és a magyarországi reneszánsz 1458-1541*. (Magyar Nemzeti Galéria kiállítása 1983. febr. 24-jún. 26) ed. Gy. TÖRÖK (Budapest: 1983), 78; Á. MIKÓ, "Két világ határán (Janus Pannonius, Garázda Péter és Megyericsi János síremléke)," *Ars Hungarica* XI (1983), 50 (Hereafter Mikó 1983); J. BALOGH, *Kolozsvári kőfaragó műhelyek. XVI. század* (Budapest: 1985), 15; MIKÓ 1986, 99; LAHU 1988, 121.

¹⁰⁵ J. SZENDREI, "Monelli Bernát síremléke 1496-ból," *Turul* 61 (1927), 73-76; H. HORVÁTH, *Budapest művészeti emlékei*, (Budapest: 1938), 26, 75; VERNEI-KRONBERGER 1939, 44; L. GEREVICH, "Gótikus házak Budán," Budapest Régiségei XV (1950), 206-208; L. GEREVICH, "Johannes Florentinus und die panonische Renaissance," *Acta Historiae Artium Academiae Scientiarum Hungariae* VI (1959) 328; BALOGH 1966, I. 298; RADOCSAY 1971, 483; Kat.Schall. 1982, 679-680; MK-kat. 1983, 78.

¹⁰⁶ MÁTHES 1827, 22; VERNEI-KRONBERGER 1939, 42; HORVÁTH 1938, 39, 101; BALOGH 1955, 36, 40; GEREVICH 1959, 313; GENTHON 1959, 92; K. H. GYÜRKY, "Die St. Georg-Kapelle in der Burg von Veszprém," *Acta Archaeologica* 15 (1963), 384; BALOGH 1966, 132, 299; J. BALOGH, "Későrenaissance kőfaragványok I.," *Ars Hungarica* 2 (1974), 42; J. BALOGH, *Die Anfänge der Renaissance in Ungarn, Mathias Corvinus und die Kunst*. Graz, 1975, 192; HORVÁTH – KELEMEN – TORMA 1979, 93; MIKÓ 1986, 99.

¹⁰⁷ A. KUBINYI – J. ALTMANN, "Nepoznati zagrebački biskup: Sigismund Vémeri (1500)," *Posebni otkriće bogoslovska smotra, Zagreb* XLV (1975), 127-138; NAGYBÁKAY 1978, 125-126; MIKÓ 1983, 51.

¹⁰⁸ MÁTHES 1827, 95; BALOGH 1955, 71; HORVÁTH – KELEMEN – TORMA 1979, 105; Kat.Schall. 1982, 669-670; MK-kat. 1983, 77.

¹⁰⁹ BALOGH 1955, 65; GENTHON 1959, 91; F. TÓTH 1981, 218-219.

¹¹⁰ VERNEI-KRONBERGER 1939, 41; BALOGH 1955, 36, 40; GEREVICH 1959, 313, 328; BALOGH 1966, 299; BALOGH 1974, 42; BALOGH 1975, 192; HORVÁTH – KELEMEN – TORMA 1979, 93, 97; Kat.Schall. 1982, 614; MIKÓ 1983, 49; MIKÓ 1986, 99-100.

¹¹¹ HORVÁTH 1932c, 34; F. TÓTH 1981, 219; Kat.Schall. 1982, 606; MK-kat. 1983, 73.

¹¹² I. HORVÁTH, "IV. Béla király sírja nyomában," *Dunakanyar tájékoztató* 1980.1. 88-89; Kat.Schall. 1982, 681; MK-kat. 1983, 78.

¹¹³ MVV 1898, 31-32; L. ÉBER, *Egervári Bereczkék síremléke*. Archaeológiai Értesítő XXXV (1915), 290-291; *Magyar Művelődéstörténet* II. Ed. S. DOMANOVSKY (BUDAPEST: 1939), 413; VERNEI-KRONBERGER 1939, 51; GENTHON 1959, 77; Kat.Schall. 1982, 691-692; MK-kat. 1983, 79; MIKÓ 1986, 100.

Zalaszentgrót¹¹⁴ (both dated 1515), the Szentléleki-tombstone in Csatka¹¹⁵ (1516). The year 1519 is figured on the tabernacle of Pomáz,¹¹⁶ 1521 on the foundation body of the ornamental well in Városlőd,¹¹⁷ 1526 in a doorframe frontal stone from Devecser.¹¹⁸ Art historical considerations place creation of the doorframe arch with the Bakics-shield in Márévár¹¹⁹ to 1527-1533. The year 1540 can be read on a well brim in Pécs,¹²⁰ and the captains from Visegrád, imprisoned in the “truncated tower” of Buda castle, made their wall carving¹²¹ in 1541.

After 1500, increased use was made of ligatures and enclaves. A first example thereof is the tombstone of Perneszi Pál's wife in Porva.¹²² Further such relics are the tombstone of viceroy Myslenovith in Nagyvázsöny¹²³ (1512), of the Semjén-brothers in Nagykapornak¹²⁴ (about 1520), and the inscription on the Perényi-bastion in the Siklós castle, where the year 1540 is figured.¹²⁵

Provincial versions of the humanistic capitals have appeared as early as the beginning of the 16th century. The gate-shield inscription of the church in Decs shows¹²⁶ the year 1515.

Along with other regions, in Hungary too, an early version of the humanistic capitals was found, which can also be considered as being an alternative version.

¹¹⁴ RÓMER 1863, 40; GERECE 1906, 1040; GENTHON 1951, 520; GENTHON 1959, 437; Kat.Schall. 1982, 99.

¹¹⁵ DORNYAY 1927, 85-86; VERNEI-KRONBERGER 1939, 44; J. BALOGH, *Az erdélyi renaissance*, (Kolozsvár: 1943), 212; GENTHON 1959, 56; GEREVICH 1959, 312-313; Kat.Schall. 1982, 686-687; MK-kat. 1983, 78; KOPPÁNY 1984, 198.

¹¹⁶ GENTHON 1959, 272; Kat.Schall. 1982, 655; MK-kat. 1983, 68; BALOGH 1985, 45, 175, 361.

¹¹⁷ ÉRI – KELEMEN – TROMA 1969, 207; KOPPÁNY 1984, 190, 201; LAHU 1988, 412.

¹¹⁸ KOPPÁNY 1984, 207-208.

¹¹⁹ M. G. SÁNDOR, “A baranyai művészet a reneszánsz stílusáramlatában,” *A Janus Pannonius Múzeum Évkönyve* 25 (1981), 118-125 (Hereafter G. SÁNDOR 1981); Kat.Schall. 1982, 571-572; MK-kat. 1983, 72; M. G. SÁNDOR, *Reneszánsz Baranyában* (Budapest: 1984), 37-38, 76, 148-149. (Hereafter G. SÁNDOR 1984)

¹²⁰ SZŐNYI 1906, 247.

¹²¹ A. KUBINYI, “Rabok feliratai a budai Csonkatoronyban,” *Budapest Régiségei* XVIII (1958), 519-5220, 523; D. DERCSÉNYI – M. HÉJJ – GY. RÓZSA, *Visegrád*, (Budapest: 1958), 459; BALOGH 1966. I, 54; A. KUBINYI, *Budapest története a későbbi középkorban Buda elcséig (1541-ig)* (Budapest története II. eds. L. GEREVICH – D. KOSÁRY) (Budapest: 1975), 228; A. Kubinyi, “Epigráfia,” in *A történelem segédanyagai* ed. I. KÁLLAY (Budapest: 1986), 46 (Hereafter KUBINYI 1986).

¹²² BÉKEFI 1907, 236-237; DORNYAY 1927, 219-220; VERNEI-KRONBERGER 1939, 41-42, 44; BALOGH 1955, 36; GENTHON 1959, 273; DAX – ÉRI – MITHAY – PALÁGYI – TORMA 1972, 218; NAGYBÁKAY 1978, 124-125; MIKÓ 1983, 51; KOPPÁNY 1984, 192; MIKÓ 1986, 99.

¹²³ VERNEI-KRONBERGER 1939, 46; ÉRI – KELEMEN – NÉMETH – TORMA 1969, 137.

¹²⁴ T. BOGYAY, “A kapornaki egykori bencés apátság XII. századi bazilikája,” *Történetírás* II (1938), 153-161; L. NAGYFALUSI, *A kapornaki apátság története I-II* (Kalocsa: 1941-1942), 103, 118-119; GENTHON 1959, 216; NAGYBÁKAY 1978, 125; Kat.Schall. 1982, 686; MK-kat. 1983, 78; MIKÓ 1983, 51; KOPPÁNY 1984, 216 (date after 1541); MIKÓ 1986, 101. (date between 1526 and 1530)

¹²⁵ G. SÁNDOR 1984, 62.

¹²⁶ SZŐNYI 1906, 247-249; J. BALOGH, “A késő-gótikus és a renaissance-kor művészete,” in *Magyar Művelődéstörténet* II ed. S. DOMANOVSKY (Budapest: 1939), 564-566; DERCSÉNYI 1962, 18-19; G. SÁNDOR 1981, 112; Kat.Schall. 1982, 569; MK-kat. 1983, 71; G. SÁNDOR 1984, 17, 71.

The epitaph of Vitéz János (1472) is written¹²⁷ in these characters in a relief form¹²⁸, whereas – as mentioned above – the lateral plate of the tomb bears relief inscriptions made in Gothic minuscule.

This series of relics continues with the ornamental well in Visegrád, decorated with the coat-of-arms of the Hunyadi family, traced down by the art historians¹²⁹ to 1483.

The inscriptions found on the doorframe fragment and frontal window beam¹³⁰ of the Simontornya castle are related to the construction work done here in 1508-1509. The window inscription was done in Gothic minuscule, whereas the text on a nearby plate is written in humanistic capitals. This remarkable example of joint use of several letter types is considered as proof of the European culture of the owner, his sensibility to fashion trends.

To this group of inscription is related the text on the Madonna of Báthori András,¹³¹ dated 1526, where also the characters of the early humanistic capital alphabet were used.

The creation of the humanistic (or Renaissance) capitals was performed in Italy, both in its early version as in the classical version inspired by the ancient Roman characters.¹³² In the German-speaking areas the humanistic capital characters appeared only toward the end of the 15th century, and had only limited use. Along with the early version of the humanistic capitals, the Gothic minuscule and its successive versions continued to be in use.

The first known inscriptions in humanistic capitals are in Mainz, Munich and Heidelberg, traced back to the period 1484-1508.¹³³ In Hungary, however, the Italian version of the humanistic capitals was used already in 1467, on the half-pillar head of Vetési Albert.¹³⁴

Within the humanistic capitals style, the inscriptions showing excessive use of ligatures and enclaves, along with provincial tractation are separate sub-groups.

¹²⁷ É. KOVÁTS, "A gutatöttösi rk. Templom feltárása," *Archaeológiai Értesítő* 103 (1976) 77, 99, 256, 416; GENTHON 1959, 66; A. CSERNA – J. KACZIÁN, *Egyed Antal összerúása és korrajz Tolna vármegyéről* (Szekszárd: 1986), 67, 69.

¹²⁸ MÁTHES 1827, 101, 102; IPOLYI 1873, 194; GERECE 1898, 71; MVV 1901, 479; MVV 1908, 320; *Magyar Művelődéstörténet II* ed. S. DOMANOVSKY (Budapest: 1939), 465; VERNEI-KRONBERGER 1939, 37; BALOGH 1955, 17; HORVÁTH – KELEMEN - TORMA 1979, 106; Kat.Schall. 1982, 139-140.

¹²⁹ DERCSENYI – HÉJJ - RÓZSA 1958, 578; DERCSENYI - HÉJJ 1958, 440-445; GENTHON 1959, 427; E. Szakál, "Mátyás király oroszlanos díszkútjának rekonstrukciója," *Művészettörténeti Értesítő* 8 (1959) 232-250; BALOGH 1966. I, 245-247, II, 312-319; BALOGH 1975, 112; Kat. Schall. 1982, 383; MK-kat. 1983, 67; BALOGH 1985, 217-218; MAROSI 1987, 676; LAHU 1988, 332; G. BUZÁS, "The Royal Palace at Visegrád," *The Hungarian Quarterly* 35 (1994:Summer), 108.

¹³⁰ HORLER 1979, 43; LAHU 1988, 372-373.

¹³¹ J. BALOGH, "La madone d'André Báthory," *Bulletin du Musée des Beaux Arts* 1947, 8-14; Kat.Schall. 1982, 584-586; MK-kat. 1983, 72, 125.

¹³² KLOOS 1980, 153, 158.

¹³³ KLOOS 1980, 159.

¹³⁴ See note n. 100.

These inscriptions were in widespread use in Transdanubia at the beginning of the 16th century.

The group termed as early humanistic capitals deserves special attention. These early shapes, showing Gothic reminiscences were used as a transitory writing until the middle of the 15th century. Majuscules were shaped according to models used in the 12-13th centuries.¹³⁵ After the year 1419, this type also shows some Byzantine influence, above all in the German-speaking areas. It was also in use in the Transalpine areas, mostly as a transition form between the Gothic maiuscula and the classical humanistic capitals. The early humanistic capitals have also become popular in the Netherlands, by their use in the paintings of the van Eyck brothers.¹³⁶ Early humanistic capitals were used in Italy on tomb memorials of popes and other prominent clergymen, starting from 1427 in Siena, Florence and Rome. Starting from 1430, this writing was used in mural pictures and also in carved inscriptions in Basel and Ulm.

In Germany, especially in the Swabian and Bavarian painting, the popularity of the early humanistic capitals is possibly due to the alphabet published by Sigmund Gotzkircher in 1435-1436. This type was in use until the years of the decade starting with 1520.¹³⁷ In Hungary, they were widely used in the early years of the 16th century, and – while the pure classical version of the humanistic capitals stood under the direct influence of the Italian writing – the early version was most probably transmitted from the German-speaking areas. The characters found on some Hungarian memorials of clergymen are very similar to those carved on tombstone of clergymen in Basel and Ulm.¹³⁸

Summarizing the data gathered on humanistic capitals, it can be stated that their apparition in Hungary can be traced back to the time when King Matthias was crowned (1464). The first known stone-carved inscription done in humanistic capitals dates from 1467. The so-called early version of the humanistic capitals has also become fairly widespread; its first known example dates from 1472. In the years of the turn between the 15th to 16th century the inscriptions showing excessive use of ligatures and enclaves and the provincial, rustic version of the humanistic capitals are also observed. This latter type seemingly disappears after 1520, the other forms of humanistic capitals, however, persist until 1539-1540, i.e. almost to the historical end-mark of the era (1541 – the Turkish occupation of Buda, the Hungarian capital).

From this time, along with the advance of the Renaissance style in the northern and western parts of Hungary as well as in Transylvania, the humanistic capital writing becomes the generally used standard in Hungary, still characteristic of our culture today.

¹³⁵ KLOOS 1980, 153; KUBINYI 1986, 55;

¹³⁶ KLOOS 1980, 154; P. LÓVEI, “Sírkövek, sírkőtöredékek,” in *Váradi töredékek* ed. T. KERNY (Budapest: 1989), 171. (Hereafter LÓVEI 1989)

¹³⁷ KLOOS 1980, 154-156, 171.

¹³⁸ KLOOS 1980, 154-155; LÓVEI 1989, 174.

DÁNIEL BAGI

**Bemerkungen zu „Bazoarium“ in der Gesta von Gallus
Anonymus
Eine neue Hypothese**



Abstract

Bazoarium in der Gesta von Gallus Anonymus - Forschungsstand - Rolle von König Peter von Venedig in der Gesta - Beziehung von Kasimir dem Erneuerer und Peter von Venedig - Historische Beurteilung des Kapitels I. 18 - Neue Hypothese in Zusammenhang mit der Entstehung der Bemerkung über Bazoarium im Werk

Key words

Mittelalterliche Geschichtsschreibung, Gesta von Gallus Anonymus, Bazoarium, Kasimir der Erneuerer, Peter von Venedig, Poland, Ungarn

In der ungarischen Geschichtsschreibung ist seit langem bekannt, dass die erste polnische Geschichtssynthese, die zwischen 1113-1115/16 entstandene Gesta des bis heute unbekanntes Gallus Anonymus¹ viele Angaben von der ungarischen Geschichte aufgezeichnet hat.² Besonders wertvoll sind die Informationen des Geschichtsschreibers über ungarische Könige, wie Koloman den Bücherfreund (1095-1116), Ladislaus I. (1077-1095), Peter von Orseolo (1038-1041 bzw. 1046) und Stefan den Heiligen (1000-1038). In dem vorliegenden Aufsatz soll König Peter, bzw. eine der am meisten diskutierten Probleme der Gesta, die Frage von Bazoarium näher untersucht werden.

Im Gegenteil zu Koloman und Ladislaus, die Gallus Anonymus wegen der zeitlichen Nähe persönlich oder beinahe persönlich bekannt haben darf, und ihre Gestalten in breiterer Fassung tradiert hat, hinterließ über König Peter nur weniger Angaben, und die von ihm bewahrten Informationen sind auch sehr

¹ *Galli Anonymi chronicae et gesta ducum sive principum Polonorum*, ed. K. MALECZYŃSKI (Monumenta Poloniae Historica ns. 2) Cracoviae, 1952 (im weiteren: Gallus); Siehe noch die neue Edition des Werkes bei: J. M. BAK – U. BORKOWSKA – G. CONSTABLE – G. KLANICZAY (Hrsg.): *Gesta Principum Polonorum – The Deeds of the Princes of the Poles. Translated and annotated by Paul W. Knoll and Frank Schaer, with a preface by Thomas N. Bisson*, (Central European Medieval Texts, 3) Budapest – New York, 2003 (im weiteren: GpP)

² Vgl.: D. BAGI: Szent István és Szent László Gallus Anonymus gestájában. Megjegyzések a III. könyv 25. fejezetéhez, *Századok* 139 (2005), S. 291-334.

dürftig. Vom Nachfolger von Stefan dem Heiligen hielt der Autor für wichtig, folgendes aufzuzeichnen:

Nachdem Mieszko, der nach dem Tod von König Boleslaw nur kurz lebte, gestorben war, hinterließ das Kind Kasimir mit seiner kaiserlichen Mutter. Seine Mutter hat ihn zwar frei erzogen, und hat das Land - soweit es von einer Frau zu erwarten war – mit Ehre regiert, trotzdem haben die Verräter sie aus dem Land verjagt, und hielten ihren Sohn, um den Betrug zu verschleiern, bei sich gehalten. Soweit er erwuchs, und zu regieren anfang, haben die Bösen, damit er sich wegen der seiner Mutter zuteil gewordenen Unbilligkeiten an ihnen nicht Rache nimmt, gegen ihn revoltiert, und haben ihn dazu gezwungen, nach Ungarn zu gehen. Weil zu dieser Zeit Ungarn von Stefan dem Heiligen regiert wurde, der erst dann hat das Land mit Wort und Zwang bekehrt, und der mit den Böhmen, dem bösesten Feind der Polen Frieden und Freundschaft gehalten hat, und ihretwegen solange er lebte, Kasimir nicht freiließ.

Als er von dieser Welt abging, hat Peter von Venedig den Thron besetzt, der angefangen hat, eine Kirche dem Heiligen Peter in Bazoarium zu bauen, die bis heute kein König in dem Ausmaß, wie man sie zu bauen anfang, nicht beenden konnte. Als die Böhmen auch von ihm verlangt haben, er solle in dem Falle, wenn er die von den Vorgängern geerbte Freundschaft mit ihnen aufrechterhalten wolle, Kasimir nicht freilassen, er will ihnen in königlicher Stimme folgende Antwort gegeben haben: „Soweit im Gesetz verankert wird, dass der König von Ungarn der Pförtner des böhmischen Fürsten ist, werde ich tun, was ihr von mir verlangt.“³

Und mit dieser Entrüstung hat er der böhmischen Gesandtschaft entgegnet, unbeachtet ihre Feindseligkeit oder Freundschaft, hat Kasimir hundert Pferde und ebenso viele Krieger gegeben, die mit ihm gehalten haben, und hat ihm nicht verboten, dahinzugehen, wohin er will.³

Diese Erzählung von Gallus Anonymus soll aus zwei Gesichtspunkten bewertet werden, die – angesichts des Ganzen der Gesta – voneinander kaum zu trennen wären. Der eine ist die Zeichnung des Staatsmannsporträts von König Peter, bzw. die Natur der Beziehungen zwischen Kasimir dem Erneuerer und ihm,

³ Gallus I., c. 18: „*Mortuo igitur Meschone, qui post obitum regis Boleslawi parum vixit, Kazimirus cum matre imperiali puer parvulus remansit. Que cum libere filium educaret et pro modo femineo regnum honorifice gubernaret, traditores eam de regno propter invidiam eiecerunt, puerumque suum secum in regno quasi deceptionis obrumbraculum tenuerunt. Qui cum esset adultus etate et regnare cepisset, maliciosi veriti, ne matris iniuriam vindicaret, in eum insurrexerunt, eumque in Ungariam secedere coegerunt. Eo namque tempore sanctus Stephanus Ungariam gubernabat, eamque tunc primum ad fidem minus et blanditis convertibat; qui cum Bohemcis, Polonorum infestissimus inimicis, pacem et amicitiam retinebat, nec eum liberum, quoadusque vixit, eorum gratia dimittebat. Quo de hac vita migrante, Petrus Veneticus Ungarie regnum recepit, qui ecclesiam sancti Petri de Bazoario inchoavit, quam nullus rex ad modum inchoationis usque hodie consumavit. Hiv Petrus etiam rogatus a Bohemcis, ne Kazimirum dimitteret, si cum eis amicitiam ab antecessoribus receptam retinere vellet, voced regali respondisse fertur: Si lex antiqua diffinierit, quod Ungarorum rex Bohemicorum ducis carcerarius fuerit, faciam que rogatis. Et sic Bohemorum legationi cum indignatione respondens, eorumque amicitiam vel inimiciam parvipendens, datis Kazimiro C equis totidemque militibus, qui eum secuti fuerant, armis et vestibus preparatis eum honorifice dimisit, nec iter ei, quocumque vellet ire, denegavit.*“

der andere ist die Frage einer der am meisten diskutierten Ortsbezeichnungen der Gesta,

Was die Beurteilung der Person von König Peter anbelangt, sei bereits hier zu betonen, dass die Beschreibung von Gallus Anonymus einzelartigen Wert hat. Bekanntlich hat die ungarische Geschichtsschreibung von Peter eine ganz andere Tradition geschaffen:

„Nachdem Peter zu König wurde, hat er sein für die königliche Majestät eigenes gutwilliges Verhalten vollkommen verworfen, und mit teutonischer Wut hat er Ungarns Nobilitäten ignoriert, die Güter des Bodens hat er gemeinsam mit den als Wildtiere brüllenden Teutonen und den als plappernde Schwalben plaudernden Lateinern mit geschwollenen Augen und ungenügsamem Herzen aufgefressen, die Befestigungen, Wachposten und Burgen hat er der Bewachung der Teutonen und Lateiner anvertraut. Peter war ja selbst überaus genussüchtig, und zu jenen Zeiten konnte niemand der Ehre der Gattin, oder der Unbefangenheit seiner Tochter oder Schwester wegen der Schikanen des königlichen Trosses sicher sein, die sie unbestraft vergewaltigen durften. Nachdem also die Obersten von Ungarn die Not des Volkes gesehen haben, die den Menschen in Gottes Entgegensetzung angebracht wurde, haben mit gemeinsamer Entscheidung den König gebeten, seinen Leuten zu befehlen, mit der gottlosen Gemeinheit aufzuhören. Aber der des eitlen Hochmutes geschwollene König hat den verdammten Gestank des in ihm angehäuften Giftes freigelassen, indem er folgendes sagte: ‚Soweit ich bei meiner Besinnung bin, werde ich alle Posten von Richtern, Unterrichtern, Kapitänen, Dorfobern, ferner von allen Obersten und Mächtigen in Ungarn durch Teutonen besetzen, das Land von Hungaria werde ich mit Gastansiedlern durchströmen, und das ganze Land gebe ich in die Macht der Teutonen‘ Und der fügte noch hinzu: ‚Diese Bezeichnung, Hungaria, ist ein Derivat des Wortes Angaria, daher haben sie zu dienen.‘⁴

Die ungarische Geschichtsschreibung war immer in der Hinsicht geteilt, inwiefern der Bericht der Ungarischen Chronikkomposition für wenigstens annähernd wahres Bild über Peter gibt. Gy. Györffy hat den König in seiner klassischen Monographie auch verurteilt, und hat ihm – im Grunde genommen

⁴ *Chronici Hungarici compositio saeculi XIV*, in: *Scriptores rerum Hungaricarum. Edendo operi praefuit E. SZENTÉPTEY*, I-II, Budapest, 1937-1938 (im weiteren: SRH) c.71, SRH I., 323-324.: „Postquam autem Petrus factus est rex, omnem regie serenitatis benignitatem abiicit et Teutonico furore sevens nobiles Hungariae aspernabatur, bona terre superbo oculo et insatiabili corde cum Teutonicis beluina feritate rugientibus et cum Latinis yruindinum garrulitate murmurantibus devorabat, munitiones, presidia et castella Teutonicis et Latinis custodienda tradebat. Erat enim ipse Petrus nimium lascivus, nullusque eo tempore tutus esse poterat de pudicitia uxoris suae vel filiae suae sororis virginitate propter insultum satellitum regis, qui eas impune violabant. Videntes igitur principes Vngariae mala gentis suae, quae contra Deum (*) eis inferebantur, communicato consilio rogaverunt regem, ut praecipere suis a tam detestabili opere desistere. Rex autem faustu superbie inflatus pestiferum preconceptum veneni fetorem in propatulum effudit, dicens: »Si aliquamdiu sanus fuero, omnes iudices, tam clarissimos et spectabiles quam pedaneos, centuriones et etiam decuriones ac villicos omnesque principes et potestates in regno Hungariae Teutonicos constituam, et terram eius hospitibus implebo et eam universaliter in potestatem Teutonicorum redigam«. Et dicebat: »Hoc nomen Hungaria derivatum est ab angaria, ideo ipsi debent angariari«. Hec itaque fuerunt fomenta discordiae inter Petrum regem et Hungaros.“

aufgrund der Chronik – vorgeworfen, er habe das Lebenswerk von Stefan dem Heiligen zerstört.⁵ Hingegen haben A. F. Gombos und besonders Gy. Kristó haben darauf aufmerksam gemacht, dass die weniger befangenen, vor allem ausländischen zeitgenössischen Quellen ein viel mehr objektiveres Bild über den König geben, während die ungarische Chronik – im Interesse der Nachfolger von Vazul, die ab Andreas I. ununterbrochen regiert haben – tendenziös die Reputation von Peter degradiert hat.⁶ Daher wird der Wert der von Gallus Anonymus gegebenen Charakterisierung von Peter erhöht, dass die Entstehung der Gesta beinahe zeitgenössisch ist mit der ersten Redaktion der ungarischen Chronik, was auch belegen kann, dass über Peter gleichzeitig zwei abweichende Beurteilungen entstanden.

Obwohl der Quellenwert dieser Charakterisierung von König Peter höchstens für die Wende des 11-12. Jh. relevant ist, und die großzügige Behandlung von Kasimir allein bei Gallus Anonymus aufbewahrt wurde, verbirgt sich hinter dieser Passage der Gesta ein tatsächlich existierendes Problem der Mitte des 11. Jh. Bekanntlich hat Polen nach der so genannten Merseburger Vereinbarung seine traditionell auf Boleslaw I. den Tapferen zurückgeführte Unabhängigkeit verren. Das Land wurde praktisch unter Mitwirkung von Kaiser Konrad aufgeteilt, und nach dem Tode von Mieszko II. ist eine politische Krise in Polen zu bemerken, deren Höhepunkt der Heidenaufstand und ein böhmischer Angriff bedeutet haben, infolge dessen die Böhmen auch Gnesen besetzt haben und die Reliquien des Hl. Adalberts nach Prag mitgenommen haben.⁷ Die einzige Hoffnung des Throns blieb Kasimir, der – wie es sich von dem zitierten Text herausstellt – nach Ungarn fliehen musste. Ob die bei Gallus Anonymus beschriebene Hilfeaktion von König Peter in der Wirklichkeit geschah, wissen wir nicht, dennoch sei gleichzeitig hinzugefügt, dass die Geschichte im Gedächtnis des polnischen Hofes aufbewahrt wurde, und dazu beigetragen haben darf, dass zu Beginn des 12. Jh. die Verewigung von Peter in der Gesta notwendig wurde, und zwar in einer Form, dass auch ein hinsichtlich der polnischen Geschichte irrelevanter ihm zugeschriebener Kirchenbau aufgezeichnet wurde.

Die zu Ehre des Hl. Peter in Bazoarium gebaute Kirche beschäftigt die Geschichtsschreibung seit langem. J. Katona, der in seiner *Historia* bereits die Ungarn betreffenden Angaben von Gallus Anonymus zu nutzen versuchte, hat die Tradition gegründet, die Bazoarium später mit Pécs (Fünfkirchen) in Verbindung brachte.⁸ Obwohl Katona Bazoarium mit Pécsvárad identifizierte, fanden seine

⁵ GY. GYÖRFFY: *István király és műve*, Budapest 1977, S. 379, bzw. S. 571-572.

⁶ F. A. GOMBOS: Történetünk első századaiból. Eszrevételek az Ostarrichi 976-iki keleti határvonalához, az 1030-iki német-magyar háborúskodáshoz és Péter uralkodásához, *Századok* 45 (1911), S. 497-512., bzw. S. 569-585., besonders S. 508-512. und S. 570-572.; GY. KRISTÓ: Megjegyzések az ún. pogánylázadások kora történetéhez, in: DERS.: *Tanulmányok az Árpád-korról*, Budapest 1983, S. 93-131., besonders S. 101-102.

⁷ Gallus I., c. 19.: „*Eo tempore Bohemi Gneszen et Poznan destruxerunt, santique corpus Adalberti abstulerunt.*”

⁸ J. KATONA: *Historia critica regum Hungariae stirpis Arpadianae ex fide domesticorum et exterorum scriptorum*, T. 1, *complectens res gestas Sancti Stephani, Petri, Samuelis Abae*, Pestini, 1779, S. 590.

Vorstellungen sowohl in einem Teil der ungarischen, als auch der polnischen Geschichtsschreibung guten Anklang. Gy. Pauler setzte sich schon eindeutig dafür ein, dass sich hinter Bazoarium Pécs versteckt, wobei er eine Verbindung mit der Aufzeichnung der Ungarischen Chronik gefunden hat, wo berichtet wird, dass König Peter in der von ihm gegründete Basilika von Pécs beigesetzt wurde.⁹ Aufgrund des Textes der Chronik schien logisch zu sein, dass Gallus Anonymus über diese, zu Ehre des Hl. Peter gebaute Kirche geschrieben hat. Im weiteren hat der Verbreitung der Ansicht, die Bazoarium mit Pécs identifizierte, sehr viel geholfen, dass K. Maleczyński, der kritische Editor der Gesta – in Einklang mit M. Plezia, der vor der Edition eine Monographie der Gesta gewidmet hat – in der kritischen Ausgabe für Pécs Stellung nahm.¹⁰

Andere Vertreter der polnischen Geschichtsschreibung haben sich dennoch nach eigenartigen Interpretationsversuchen gestrebt. T. Tyc löste die Bedeutung von Bazoarium als Vasvár (Castrum Ferrerum, Eisenburg) im Komitat Vas auf. Grundlage dafür war, dass er zwei ungarische Ortschaften miteinander verwechselte. Gallus Anonymus berichtet sehr ausführlich über die Pilgerfahrt von Bolesław III. Schiefmund in Ungarn, wo der polnische Fürst auch das Grab des Hl. Ägidius in Somogyvár (Simigium) aufsuchte. Tyc identifizierte Simigium dennoch nicht mit Somogyvár, sondern Sümeg im Komitat Veszprém, und daher hat er von Anfang an unrichtig darauf geschlossen, dass die geographische Nähe von Vasvár zu Sümeg für Gallus Anonymus ermöglichte, die von König Peter gebaute Kirche persönlich zu sehen.¹¹ Mit einer anderen Möglichkeit der Identifikation experimentierte R. Grodecki, der in Borsod an der Theiss Bazoarium gefunden haben will.¹²

Neben diesen zwei Ansichten, deren Unrund am besten beweist, dass weder Vasvár, noch Borsod mit Peter in Zusammenhang gebracht werden kann, hat sich G. Labuda mit einer ganz anderen Konzeption gemeldet. In einem Aufsatz hat er versucht, Bazoarium mit Vác (Waitzen) zu identifizieren, wobei er teils Angaben der Ungarischen Chronik benutzt hat,¹³ teils dennoch sprachwissenschaftliche Argumentation eingesetzt hatte: er hat eine Wortableitung Bazoarium-Vazoarium-Vác angeboten.¹⁴ Man soll gleich hinzufügen, dass man sich mit seinen Feststellungen nicht einverstanden sein kann, da die zitierte Chronikpassage später, aus tendenziösen Gründen entstand,¹⁵ und die sprachwissenschaftliche Argumentation kaum anzunehmen wäre, da Vác in keinen Quellen in der Form

⁹ SRH I, S. 342-343.

¹⁰ M. PLEZIA: *Kronika Galla na tle historiografii XII. wieku*, Kraków, 1947, S. 189; *Gallus I*, c. 18, Anm. 11.

¹¹ T. TYC: *Z dziejów kultury w Polsce średnio-wiecznej*, Poznań, 1924, S. 121

¹² *Anonim tyczy Gall: Kronika polska*, Przełożył R. GRODECKI. Kraków, 1923, S. 2.

¹³ SRH I, S. 388.

¹⁴ G. LABUDA: Bazoar w kronice Galla. Próba identyfikacji, *Studia Historyczne* 12 (1969), 161-170., Vgl. dasselbe in ungarischer Sprache: DERS.: Bazoar Anonymus *Gallus* krónikájában. Azonosítási kísérlet, *Szászudok* 104 (1970), S. 173-177., S. 176-177.

¹⁵ Vgl.: J. GERICS: Kálmán-kori krónikáink és legendáink koronafogalmához. In: É. H. Balázs – E. Fügedi – F. Maksay (Hrsg.): *Mályusz Elemér emlékkönyv*. Budapest, 1984, S. 131-140. bes. S. 132-135.

von Vazoar oder Bazoar vorkommt, konnte Labuda im Zeitpunkt der Veröffentlichung seines Aufsatzes noch nicht wissen, dass eine Richtung der späteren ungarischen Forschung den Beginn des Baus der Basilika von Vác ebenso mit Peter verbinden wird.¹⁶

Zweifelsohne ist festzustellen, dass den größten Aufruhr um die enigmatische Ortschaft herum ein Aufsatz von D. Borawska ausgelöst hat. Ihre Theorie, obwohl ihre Richtigkeit unseres Erachtens in Zweifel gestellt werden kann, ist von wissenschaftshistorischer Bedeutung, weil sie abweichend von den früheren Vorstellungen Bazoarium überhaupt nicht in Ungarn suchte, sondern in Venedig, und identifizierte Bazoarium nicht mit einer Ortsbezeichnung, sondern dem Namen einer Familie.¹⁷

Mit einem anderen, dennoch Ungarn ebenso ignorierenden Lokalisierungsversuch meldete sich M. Bednarz, der Bazoarium in Jerusalem, auf dem Mons Caprarius gefunden zu haben dachte.¹⁸

Gemeinsamer Zug dieser Feststellungen ist die Ignorierung selbst des Textes der Gesta. Gallus schreibt eindeutig über König Peter als König von Ungarn, und die ganze Passage geht um die ungarische Tätigkeit des Nachfolgers von Stefan dem Heiligen, was eine nicht mit Ungarn verbundene Theorie über Bazoarium ziemlich fraglich macht.

Hingegen hat J. Karácsonyi bereits 1897 zum Ausdruck gebracht, dass man hinter Bazoarium Buda (Ofen), die Präpositur von Altofen zu ahnen hat, deren Bau die Ungarische Chronik Stefan dem Heiligen beigemessen hat. Karácsonyi bemerkte zuerst, dass Buda in den mittelalterlichen arabischen Quellen Badoar genannt wird. Daher hat er dem Bericht der Ungarischen Chronik über die Gründung der Präpositur von Buda gründliche Kritik erteilt,¹⁹ und im weiteren stellte er fest, dass allein Gallus Anonymus den Namen des richtigen Gründers der Kirche, d. h. den von König Peter aufrechterhalten hat.²⁰ Seine Argumentation hat

¹⁶ GY. KRISTÓ: *A vármegyék kialakulása Magyarországon*, Budapest 1988, 429; Siehe noch in Zusammenhang damit: L. KOSZTA: A váci püspökség alapítása, *Századok* 135 (2001), S. 363-375., bes. S. 366.

¹⁷ D. BORAWSKA: Gallus Anonim czy Italus Anonim?, *Przegląd Historyczny* 56 (1965), S. 111-124., hier S. 114-115. und S. 119.

¹⁸ M. BEDNARZ: Sanctus Petrus de Bazoario w Kronice Galla Anonima, *Studia Historyczne* 14 (1971), S. 429-430.

¹⁹ Vgl.: SRH I, S. 316-317.: „Deinde sanctus rex venit in civitatem, que Vetus Buda vocatur una cum filio suo Sancto Emerico et regina. Et cum ibi non invenisset aliquod piuum opus in Christo, in quo possit laudari Creator omnium, statim sanctissimus rex de thesauro predicti Kean ducis Bulgarorum et Sclavorum, quem occiderat, cepit in medio civitatis edificare grande cenobium in honore apostolorum Petri et Pauli, ditando illud multis preclis et simili libertate Romane ecclesie fulciendo, in memoriam et honorem curie Romane, quam corporaliter visitarat. Dum igitur edificaretur, magistri lapicide de Grecia ducti erant et sanctissimus rex cum regina ratione devotionis ibidem degabant. Regina autem cruces, tabulas et ornamenta procurabat. Quia vero illud grande opus inceptum multos annos conduxerat, ideo vivente Sancto Stephano rege illud cenobium non potuit consumari, sed volente Deo post multum temporis sanctissimus rex Ladislaus, nepos eusdem Beati Stephani, illud opus consumavit, ut scilicet possit adimplere votum proavi sui, sicut inferius plenius declaribatur.”

²⁰ J. KARÁCSONYI: Péter király és az ó-budai prépostság, *Századok* 32 (1897), S. 291-297.

viel später T. Lewicki von ihm unabhängig, ebenso aufgrund von arabischen Quellen belegen können, der wie Karácsonyi die Wortänderung Badoar-Bazoar in den Mittelpunkt seiner Argumentation stellte, aufgrund wessen er darauf schloss, dass Gallus unter Bazoarium Buda verstanden haben kann.²¹ Nachdem überzeugend nachgewiesen werden konnte, dass die Eintragung der Ungarischen Chronik über die Gründung der Ofner Kirche von Stefan dem Heiligen einer späteren, im 13. Jh. durchgeführten Interpolation von Magister Ákos von Ákos zu verdanken ist,²² und da die Parallele Badoar-Bazoar auch durch das Geschichtswerk von Anonymus nachgewiesen werden kann,²³ fand die Identifizierung von Bazoarium mit Buda sowohl in die ungarische,²⁴ als auch die polnische Geschichtsschreibung²⁵ ihren Weg.

Unabhängig davon, dass die Übereinstimmung von Bazoarium mit Buda nicht bestritten werden kann,²⁶ bedarf die Problematik von Bazoarium notwendig Fragestellungen, deren Beantwortung wegen der wenigen Quellenangaben nur in Form von hypothetischen Feststellungen erfolgen kann.

Insofern Gallus Anonymus tatsächlich die noch nicht beendete Kirche in Buda gesehen hat, trägt seine Information einen überaus großen Wert, da in der mittelalterlichen ungarischen Geschichtsschreibung eine große Unsicherheit zu bemerken ist, mit wem die Errichtung dieser Kirche verbunden werden kann. Außer der oben erwähnten Interpolation von Magister Ákos sei hier eine andere (offenbar auch spätere) Eintragung des Kapitels 124. der Ungarischen Chronik erwähnt, laut deren Géza I. (1074-1077) die Kirche bauen ließ.²⁷ Das gibt auch ein Indiz dafür, dass wegen der im allgemeinen ungünstigen Beurteilung der Regierung von Peter für die späteren Fortsetzer der Chronik keine Lehnen vorhanden waren, anhand deren sie den Bau der Kirche hätten mit Peter verbinden können. Im Lichte dessen ist noch mehr interessant, woher Gallus Anonymus über die Bautätigkeit von Peter erfahren haben darf?

²¹ T. LEWICKI: Bazoarium w Kronice Galla-Anonima, *Onomastica* 13 (1968), S. 164-171., bes. S. 170-171.

²² E. MÁLYUSZ: *Az V. István-kori gesta*, Budapest, 1971, 18; *Johannes de Thurocz Chronica Hungarorum. II. Commentarii I-II. Composuit Elemér Mályusz adjuvante Julio Kristó*, Budapest, 1988 (im weiteren Commentarii), S. 278.

²³ P. *Magistri, qui Anonymus dicitur, Gesta Hungarorum. Praefatus et textumque recensuit* AE. JAKUBOVICH. *Annotationes exegeticas adiecit* D. PAIS, SRH I., S. 35.

²⁴ Vgl.: GY. GYÖRFFY: Budapest története az Árpád-korban, in: L. GEREVICH (Hrsg.): *Budapest története I. Budapest története az őskortól az Árpád-kor végéig*, Budapest, 1973, S. 217-350., S. 267.; V. BERTALAN – J. ALTMANN: A középkori Óbuda, in: Cs. KISS – F. MOCSY: *Óbuda évszázadai*, Budapest, 1996, S. 139-200.

²⁵ M. PLEZIA: Nowe studia nad Gallem-Anonimem, in: *Mente et litteris. O kulturze i społeczeństwie wieków średnich*, Poznań, 1984, S. 111-121., bes. S. 111.

²⁶ Hingegen setzte sich – unseres Erachtens unbegründet, ohne Rücksicht auf die Feststellungen der Literatur ein: GpP S. 77., Anm. 3.

²⁷ SRH I., S. 395.: „*Rex igitur Geysa fundavit ecclesiam Vacensem et dotavit eam prediis multis et possessionibus. Non solum ecclesiam illam, verum etiam Budensem, cui constituit tributum de Pesth et tres villas in Simigjo ac ornamenta pretiosa.*”

In dieser Angelegenheit dient selbst die Gesta mit wertvollen Informationen, indem da berichtet wird, dass die Kirche „bis zum heutigen Tage“ (*usque ad diem hodiernam*) nicht vollständig beendet wurde. Wenn man der Bemerkung von Gallus glauben kann, kann man darauf schließen, dass die Kenntnis von Bazoarium auf einer ganz frischen, mit der Entstehung der Gesta zeitgenössischen Information ruht. Frage ist also, woher diese Nachricht für Gallus bekannt wurde?

Vor der historischen Forschung steht schon seit langem klar, dass der Autor der Gesta auf dem polnischen Fürstenhof mit den zur Fassung seines Werkes wichtigsten Hinweisen versorgt wurde, da darf er auch die dynastischen Traditionen der Piasten kennengelernt haben. Es hegt auch daran kein Zweifel, dass Gallus Anonymus diesbezüglich von einem der engsten Vertrauensmänner von Boleslaw III. Schiefmund, Kanzler Michael von Adwaniec unterrichtet wurde.²⁸ Die Rolle in der Entstehung des Werkes betont nämlich selbst Gallus: er erwähnt den Kanzler in der Epistel des Ersten und Zweiten Buches, wobei er sich selbst im Ersten Buch *scriptor*, ihn aber *opifex* des Werkes nennt.²⁹ Unseres Erachtens ist es nicht auszuschließen, dass die Kenntnis von Bazoarium ebenso aufgrund einer vom Krakauer Hof stammender Information ruht.

Es ist wohlbekannt, dass die geistig-ideale Zusammenfassung des Inhaltes der Gesta im Kapitel 25 des Dritten Buches zu lesen ist. Neben vieler, überaus wichtiger Feststellungen des Autors über die Gründe und Notwendigkeit des Unterganges von Zbigniew, dem Halbbruder von Boleslaw III. Schiefmund hat dieses Kapitel die Pilgerfahrt des Fürsten nach Ungarn aufrechterhalten. Gallus Anonymus berichtete ausführlich über die Ungarnreise von Boleslaw, und außer der Angabe konkreter Reiseziele, d. h. Somogyvár und Székesfehérvár (...iter peregrinationis ad Sanctum Egidium sanctumque regem Stephanum... consumavit),³⁰ hat auch bemerkt, dass der Fürst Bischofssitze, Abteien und Präposituren besucht hat., und manchmal dies in der Begleitung von König Koloman erfolgte.³¹

Aufgrund dieser Angabe der Gesta ist hinzunehmen, dass die Informationen über König Peters Bautätigkeit auch als Folge der Pilgerfahrt in Krakau bekannt geworden sind. Das weist auch darauf hin, dass über König an der Wende des 11-

²⁸ Für die guten Beziehungen der Piasten und der Adwaniec-Familie siehe: PLEZIA, Kronika Galla, S. 40-41.; T. GRUDZIŃSKI: Ze studiów nad kroniką Galla. Rozbiór krytyczny pierwszej księgi, *Zapiski Towarzystwa Naukowego w Toruniu*, 17 (1951:3-4), S. 69-113., 20 (1954), S. 29-100., 23 (1957), S. 1-58, hier (1951) S. 81-112.; J. BIENIAK: Polska elita polityczna XII wieku (Część II. Wróżda i zgoda), in: S. K. KUCZYŃSKI (ed.): *Splachństwo Polski średniowiecznej*, t. 3, Warszawa, 1985, S. 2-49., bes. S. 25-28., S. 32., sowie Anm. 67. Vgl. noch GpP, S. XXXI. Hingegen dennoch: J. ADAMUS: *O monarchii Gallowej*, Warszawa, 1952, S. 37., S. 53. und bes. S. 79.

²⁹ Gallus I, epistola: „...necnon etiam cooperatori suo venerabili cancellario Michaeli, ceptique laboris opifici...“ Ebenda, II. epistola: „...cooperatori imitande religionis Michaeli cancellario...“

³⁰ Gallus III., c. 25.

³¹ Ebenda, III., c. 25: „Ad quocumque locum episcopalem, vel abbaciam, vel prepositurum dux septentrionalis veniebat, episcopus ipsius loci, vel abbas, vel prepositus vel ipse rex Ungarorum Colummannus aliquociens obviam Boleslawo cum ordinata processione procedebat.“

12. noch vielleicht in der lokalen oder regionalen Tradition bekannt war, dass er die Kirche in Buda gebaut hat. Kann sein, dass die Umgebung von Boleslaw unmittelbar von Koloman darüber erfahren hat, weil wie Gallus darüber berichtet, nicht auszuschließen ist, dass sich Koloman und Boleslaw außer ihrer Begegnung am Grab des Heiligen Stefan noch mehrmals getroffen haben.

Aber wenn ja auch in Form von einer Hypothese scheint notwendig zu sein, näher nachzugehen, ob der Informator von Gallus Anonymus unabhängig von der Richtigkeit der Übereinstimmung von Bazoarium mit Buda, wirklich die in Buda gebaute Kirche gesehen haben kann.

Wenn man den Text der Gesta für maßgebend hält, und in diesem Falle scheint es erforderlich zu sein, ist aufgrund des Berichtes die Folgerung gezogen werden, dass König Peter mit den Bauarbeiten angefangen hat (*inchoavit*), aber bis heute, d. h. bis zur Entstehungszeit des Ersten Buches der Gesta kein König in dem Maße oder in dem Ausmaß beendet hat, wie man es begonnen hat (*ad modum inchoationis*). Der Text kann auch so verstanden werden, dass der Vermittler der Information ein Gebäude vor sich hatte, das noch nicht fertig war. Den halbfertigen Zustand der Kirche in Buda ist durch nicht schriftliche, sondern materielle Quellen zu belegen, aufgrund deren nicht auszuschließen ist, dass man die Kirche im 12. Jh. noch immer baute,³² aber es widerspricht dieser Vermutung die Kenntnis, laut deren die Beendigung der Kirche mit Ladislaus dem Heiligen zu verbinden ist, der eine jährliche Geldsumme der Ofner Kirche zur Verfügung stellte,³³ was darauf hinweist, dass die Beendigung der Kirche ihm zu verdanken ist.³⁴

Neben dem Text der Gesta und der zitierten Urkundenpassage ist auch die Frage bemerkenswert, warum für Gallus Anonymus wichtig wurde, über eine Kirchengründung in seiner Gesta, in der er die erinnerungswürdigen Taten von Boleslaw III. verewigen wollte. Hinsichtlich der Konstruktion der Gesta vertritt nämlich diese Bemerkung von Gallus Anonymus einzigartigen Wert, weil er sehr wenige ähnliche Taten von Herrschern aufgezeichnet hat, und man füge noch hinzu: es geht hier nicht um die Kirchengründung des Protagonisten des Werkes, Boleslaw III., oder eines seiner Ahnen, sondern eines der Nebenfiguren der Erzählung. Unseres Erachtens liegt der Grund des Interesses an der Bautätigkeit von König Peter daran, dass sich der Auftraggeber der Gesta wegen des anderen, mit Peter verbundenen Ereignisses, d. h. der Freilassung von Kasimir dem Erneuerer für den ehemaligen ungarischen König an sich interessiert hat. Kasimir der Erneuerer spielt wichtige Rolle unter den würdigen Vorfahren von Boleslaw

³² M. TÓTH – E. MAROSI (ed.): *Árpád-kori kőfaragványok. Katalógus*, Székesfehérvár, 1978, S. 129.

³³ Vgl.: *Diplomata Hungariae Antiquissima aecedunt epistolae et acta ad historiam Hungariae pertinentia volumen I ab anno 1000 usque ad annum 1131 edendo operi* G. GYÖRFFY, Budapest, 1992, S. 105.: „...rex Ladislaus ad usum fratrum Bodensis ecclesie scilicet CCCLX pensas singulis annis de sua camera ordinaverat...“. Siehe die Urkunde vollständig bei: G. FEJÉR: *Codex Diplomaticus Hungariae ecclesiasticus ac civilis*, II, Budae, 1823, S. 129.

³⁴ *Commentarii*, S. 276; Es wird ebenso Ladislaus als Abschließer der Arbeiten betrachtet von: E. FÜGEDE: *Topográfia és városi fejlődés a középkori Óbudán, Tamulmányok Budapest Múltjából* 13 (1959), S. 7-56., S. 20.

III. Er hat nämlich die Ordnung nach dem Heidenaufstand wiederhergestellt. Die Bedeutung dieses politischen Werkes, bzw. die Erinnerung der in Ostmittel-Europa im 11. Jh. nicht unbekanntenen heidnischen Reaktion³⁵ darf zu Beginn des 12. Jh. noch wach sein, und Gallus Anonymus wollte auch nicht versäumen, über die schädlichen Folgen der Rebellion zu berichten.³⁶

Gallus Anonymus wollte durch die Schilderung der politischen Taten von Kasimir dem Erneuerer für die Gegenwart Vorbild geben, was auch sehr charakteristisch durch einen in den Mund des Fürsten gegebenen Satz nachvollzuziehen ist. Laut der Erzählung von Gallus Anonymus will Kasimir seiner Mutter, die ihn abreden wollte, nach Polen zurückzukehren, weil das Volk da noch im Unglauben irre, und ihn sogar der Kaiser durch Donationen zum Bleiben anregen wollte, folgendes geantwortet haben: „*Keinerlei mütterliches oder Onkelschaftserbe kann man ehrenvoller besitzen, als das väterliche.*“³⁷ Die zeithistorische Bedeutung dieses Satzes ist klar und deutlich. Kasimir der Erneuerer gehörte zu den Vorfahren von Boleslaw III., die das *Regnum* von Boleslaw I. dem Tapferen weitergebaut haben, und die für wichtig gehalten haben, die „väterliche Erbschaft“ zu pflegen. König Peter hat also durch seine, in der Gesta aufgezeichnete, in der Hoftradition bewahrte, Kasimir gegenüber bewiesene großzügige Handlung für Gallus Anonymus zum Weiterbauen des politischen Werkes von Boleslaw I. beigetragen. Für Boleslaw III. war natürlich die Bewahrung der Gestalt von Kasimir dem Erneuerer wichtig, und daher wurde Gallus Anonymus diese in der Hoftradition bewahrte Geschichte bekanntgegeben. Der Fakt, dass die Kirchengründung von Peter in der Gesta eingetragen wurde, weist darauf hin, dass sich Boleslaw III. über die dynastischen Gesichtspunkte hinaus für König Peter interessiert hat. Man kann daher nicht ausschließen, dass er im Laufe seiner Pilgerfahrt in Ungarn auch hinsichtlich des aus der eigenen Hoftradition bekannten Königs orientieren wollte. Es ist nicht unvorstellbar, dass er während der Reise die vielleicht noch in Bau befindliche Kirche gesehen hat. Es ist dennoch weiterhin fraglich, warum Boleslaw eben diese Kirche beobachtet haben soll, deren Gründer man damals in Ungarn nicht zu hoch geschätzt hat?

Wie bereits darauf hingewiesen wurde, hat Gallus Anonymus in seinem Bericht über die Pilgerfahrt Boleslaws erwähnt, dass der Fürst auch bischöflichen Sitze (*locus episcopalem*) aufgesucht hat. Obwohl man vom Text nichts näheres erfährt, um welche Zentren es sich handelte. Wenn man dennoch die Hauptreiseziele des Fürsten in Betracht zieht, ist das von Somogyvár nicht fern liegende Pécs nicht auszuschließen, wo König Peter bestattet wurde. Als wichtiger Faktor dieser Argumentation sei hier erwähnt, dass die Basilika von Pécs laut

³⁵ Vgl.: CH. LÜBKE: Das „junge Europa“ in der Krise: Gentilreligiöse Herausforderung um 1000, *Zeitschrift für Ostmitteleuropaforschung* 50 (2001), 4., S. 475-496., S. 477., und bes. Anm. 6; DERS.: *Das östliche Europa*, München, 2004.

³⁶ *Gallus I.*, c 18-21.

³⁷ Ebenda, 1., c. 19: „*Nulla hereditas avunculorum vel materna iustus vel honestus possidebitur quam paterna.*“

Informationen der Ungarischen Chronik im Jahre 1064 abgebrannt hat,³⁸ und die bauhistorischen Forschungen über Pécs belegen, dass der Wiederaufbau im 12. Jh, noch im Gange war,³⁹ die Beschreibung also, dass die Kirche in Bazoarium von Peter begonnen wurde, aber noch nicht beendet ist, ist für Pécs charakteristisch.

Unseres Erachtens ist nicht auszuschließen, dass Boleslaw III. sich in Ungarn nach König Peter erkundigt hat. Höchstwahrscheinlich wurde er über die Kirchengründungen von Peter unterrichtet. Entweder hat Boleslaw und seine Umgebung die Kirche in Buda gesehen, oder wurden darüber zur Kenntnis gesetzt, dass der Gründer dieser Präpositur auch Peter ist. Da Gallus Anonymus eindeutig darüber schreibt, dass Boleslaw bischöfliche Sitze aufgesucht hat, ist nicht auszuschließen, dass er auch Pécs aufgesucht hat, wo der für ihn wichtige König beigesetzt wurde. Gallus Anonymus hat die notwendigen Informationen zur Fassung seiner Gesta aus der Umgebung von Boleslaw erhalten, und ist leicht vorstellbar, dass sein Informator, oder er selbst die zwei, von Peter gegründete Kirchen so verwechselt haben, dass die in Pécs gesehene, wegen der Abbrennung noch halb fertige Kirche mit der in den ausländischen Quellen üblichen Bezeichnung von Buda identifiziert hat, weil der Gründer und das Patrozinium in beiden Fällen übereinstimmen.



³⁸ SRHI, S. 363.

³⁹ TÓTH-MAROSE: *Árpád kori...*, S. 137.

GERGELY KISS

Regnum et communitas regni: représentations de la 'patrie' dans la littérature légendaire hongroise et dans les chroniques*



Abstract

The present paper assume the manifestations in the main narative sources (legends and cronicles) of two crucial terms of the medieval „state” and society notions, 'patria' and 'regnum' as well. The manifestations and an essay of reconstruction of their relations and their connotations are presented in the Annexe.

Key words

Patria, regnum, communitas regni, nation, medieval statchood, medieval social history in Hungary

La production de l'historiographie hongroise, concernant les représentations de la 'patrie', tenu compte de celle de l'Europe Occidentale, semble être faible. L'insuffisance des recherches générales et spéciales (p. ex. études de cas) a produit que des études comparatives ne sont pas disponibles. Seul quelques chercheurs se sont intéressés à ce problème, en espérant de retrouver le caractère 'national' de la Hongrie médiévale. On doit ici référer aux études de József Deér, de Jenő Szűcs, de József Perényi et de Gyula Kristó.¹ Cependant, les conceptions de ces

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¹ J. DEÉR, Közösségérzés és nemzettudat a XI-XIII. századi Magyarországon [Sentiment de communauté et esprit national en Hongrie aux XI^e-XIII^e siècles], dans *A gróf Klebelsberg Kuno Magyar Történetkutató Intézet Évkönyve IV.*, Budapest, 1934, 93-111.; J. DEÉR, A magyar nemzeti öntudat kialakulása [La formation de l'identité nationale hongroise], *Magyarságtudomány* 2 (1936), 1-34.; J. DEÉR *Pogány magyarság, keresztény magyarság* [Hongrois païens, Hongrois chrétiens], Budapest, 1938.; J. SZŰCS, „Nationalität” und „Nationalbewußtsein” im Mittelalter. Versuch einer einheitlichen Begriffssprache. *Acta Historica Academiae Scientiarum Hungaricae* 18 (1972), 1-38, 245-266; J. SZŰCS, *Nemzet és történelem. Tanulmányok* [Nation et état. Études], Budapest, 1974.; J. SZŰCS, *A magyar nemzeti tudat kialakulása. Két tanulmány a kérdés előtörténetéből* [La formation de l'esprit national hongrois. Deux études des antécédents], (I. ZIMONYI, (éd.), Magyar Őstörténeti Könyvtár 3.) Szeged, 1992; J. PERÉNYI, A magyar „nemzeti öntudat” fejlődése a 11-13. században [L'évolution de „l'identité nationale” hongroise aux XI^e-XIII^e siècles], *Nemzetiség a feudáliszmus korában. Tanulmányok.* (Értekezések a történeti tudományok köréből. Új sorozat 64.) Budapest, 1972.; Gy. KRISTÓ, *A magyar állam megszületése* [La naissance de l'état hongrois], (Szegedi Középkortörténeti Könyvtár 8.) Szeged, 1995 (dans ce qui suit :

chercheurs ne s'efforçaient pas *explicitement* à accueillir les manifestations des termes représentant la 'patrie', plutôt à construire un modèle théorique. (Seul le dernier de ces chercheurs, Gyula Kristó avait l'intention de présenter les manifestations du terme 'patria' dans les sources de l'époque Arpadienne.²)

Un grand défaut, donc, de l'historiographie hongroise est le manque des recherches *systématiques* de l'usage et surtout de la signification des termes suivants: *regnum*, *patria*. Une telle étude a été réalisée pour la 'patria', référant l'Europe Occidentale, par Thomas Eichenberger.³ Les recherches hongroises ont emprunté, en cas échéant, ses résultats.⁴

L'étude présente n'assume point, bien entendu, de résoudre ce problème. Il est évident pourtant, qu'on ne peut pas se prononcer sur la signification et le contenu de ce terme 'patria' sans avoir parcourir les sources narratives. Je dois préciser ici que l'étude complète des chartes de l'époque Arpadienne reste en grande partie hors de l'analyse.

Au niveau des sources narratives j'ai analysé les textes suivants⁵ :

Légendes :	Chroniques :	Autre :
<i>Legenda maior S. Stephani regis</i> (avant 1083),	<i>Anonymi (P. magistri) Gesta Hungarorum</i> (vers 1210),	<i>Libellus de institutione morum</i> (avant 1031)
<i>Legenda minor S. Stephani regis</i> (vers 1083),	<i>Magistri Rogerii Carmen Miserabile</i> (1242-1243),	
<i>Legenda ab Hartvico episcopo conscripta</i> (vers 1100),	<i>Simonis de Keza Gesta Hungarorum</i> (1282-1285),	
<i>Legenda s. Emerici ducis</i> (vers 1100),	<i>Chronici Hungarici compositio saeculi XIV.</i> (avant 1358)	
<i>Legenda S. Ladislai regis</i> (début du XIII ^e s.),		
<i>Legenda maior S. Gerardi episcopi</i> (XIV ^e s.)		

Ces sources englobent l'ensemble de la période Arpadienne et peuvent montrer d'une façon représentatives la relation entre l'usage et la signification des deux termes 'regnum' et 'patria' – au moins au niveau des sources narratives.

KRISTÓ 1995); Gy. KRISTÓ, *A magyar nemzet megszületése* [La naissance de la nation hongroise], (Szegeci Középkortörténeti Könyvtár 12.) Szeged, 1997 (dans ce qui suit : KRISTÓ 1997).

² Il a cherché à retrouver le terme 'patrie', comme équivalent de 'regnum' (royaume): KRISTÓ 1995, 50-52. Plus tard, lors de la présentation de la naissance de la nation hongroise il a recueilli les manifestations du terme 'patria' représentant la patrie : KRISTÓ 1997, 225-228.

³ T. EICHENBERGER, *Patria. Studien zur Bedeutung des Wortes im Mittelalter (6-12. Jahrhundert)*, (Nationes 8.) Sigmaringen, 1991.

⁴ Cf. : KRISTÓ 1995, 50-51; KRISTÓ 1997, 225-226.

⁵ Les références citées ici furent publiées dans : *Scriptores rerum Hungaricarum tempore ducum regumque stirpis Arpadianae gestarum*. Edendo operi praefuit Emericus SZENTPÉTERY, I-II, Budapestini, 1937-1938, (dans ce qui suit : SRH) *Libellus* : II, 611-628. (J. BALOGH, éd.); Légende majeure, mineure de saint Etienne, la compilation de l'évêque Hartvic : II, 363-440. (E. BARTONIEK, éd.); Légende de saint Emeric : II, 441-460. (E. BARTONIEK, éd.); Légende majeur de saint Gérard : II, 461-506. (I. MADZSAR, éd.); Légende de saint Ladislai : II, 507-528. (E. BARTONIEK, éd.); Anonymus : I, 13-118. (E. JAKUBOVICH, éd.); Rogerius : II, 543-588. (L. JUHÁSZ, éd.); Simon de Keza : I, 129-194. (S. DOMANOVSKY, éd.); *Chronici Hungarici compositio saeculi XIV* : I, 217-507. (S. DOMANOVSKY, éd.).

L'Annexe I contient la représentation textuelle des deux termes, formée à la base des sources-mêmes, l'Annexe II montre l'usage des termes correspondant à leurs significations. Enfin, l'Annexe III permet d'avoir une vue sur les relations des sources narratives.

I. Regnum

Le terme *'regnum'* était, d'après le témoignage des sources narratives, le plus répandu à l'époque étudiée (XI^e-XIII^e siècles) pour désigner territorialement les cadres de l'installation d'un peuple – soit barbare ou chrétien –, d'une monarchie chrétienne. Les deux cas correspondent étroitement, car, dans le premier, le *'regnum'* est le territoire étant sous la domination du peuple entier ou de la tribu dirigeante (s'il y a question des barbares!), dans le deuxième, il précise le terrain qui reconnaît l'autorité d'un seul souverain (*rex*). Il n'est pas étonnant donc que dans le premier cas on trouve souvent comme synonyme le terme *'terra'*, en revanche, dans le deuxième on se sert plutôt des notions suivantes: *'monarchia'*, *'patria'* et d'une façon isolée *'respublica'*. Les différentes traductions réfèrent explicitement cette variabilité : dans le premier l'on a l'habitude de prendre le terme *'pays'* ou bien *'terre'*, dans le deuxième c'est généralement le terme *'pays'* ou bien *'état'*.⁶

Le *'regnum'* désigne l'ensemble du territoire du peuple ou du roi qui peut être mis en opposition à une entité territoriale contraire à l'autorité de ce premier. Il n'est pas étonnant donc l'usage de ce terme dans la Composition de chronique du XIV^e siècle, c. 65. : „*Universorum regni eius [sc. Gyula] latissimum et opulentissimum monarchie Hungarie adiunxit. ... Dicitur autem regnum illud Hungarice Erdehv...*”⁷ Le territoire („l'état tribal”) de Gyula, celui-ci seul représentant de l'autorité en Transylvanie à l'époque de saint Etienne, a pu recevoir le „titre” *'regnum'* de la part du chroniqueur. Le roi Etienne l'a privé, vers 1003, de sa puissance et des territoires, la Transylvanie a été intégrée dans le royaume. Ce dernier est désigné ici par le terme *'monarchia'* qui a la fonction de montrer clairement les différences qualitatives (supériorité) entre les deux entités.

Cependant, le *'regnum'*, conformément à ce qui a été dit sur la territorialité, est à la fois un terme politique. Il représente non seulement l'étendue territoriale, mais l'autorité du chef de tribu, du roi. On pense ici aux constructions fort répandues dans les textes qui juxtaposent au *'regnum'* l'adjectif possessif *'suum'*. Dans ce cas la formule „*regnum suum'*” désigne non seulement (et surtout pas) le territoire, mais plutôt le pouvoir. La même peut être dit de l'usage du pronom possessif *'eius'*. Le caractère politique est encore plus renforcé dans le cas où le *'regnum'* est associé à une insigne de pouvoir („*diadema regni'*”, „*corona regni'*”), ou bien lorsque la source réfère à l'exercice du pouvoir (p. ex. „*gubernaculum regni'*”).

Tenu compte des références analysées et distribuées, cet usage politico-territorial semble être durable, constant dans la période analysée. Le terme *'regnum'* est présent dans les sources cités à 243 lieux. Il se répartit différemment parmi elles,

⁶ KRISTÓ 1995, 47–53.

⁷ SRHI, 315.

mais un pourcentage pourrait être insignifiant étant donné que les textes ne sont pas à comparer d'une façon quantitative. Il est clair que le contenu du terme balançait entre la signification territoriale et politique. Il est évident que le terme 'regnum' étant *tout seul* dans le texte réfère plutôt à la signification territoriale. *Composé* – constitué d'un adjectif possessif, d'un pronom possessif, d'une insigne de pouvoir ou bien d'une notion de son exercice – le 'regnum' devient plutôt „politique”. Je pense utile de parler ainsi d'un „regnum territorial” et d'un „regnum politique”.

La signification politique du terme 'regnum' n'est pas cependant homogène qui me permet de préciser ce qui est dit la-dessus. Le premier élément stable est le roi, bien entendu. L'autre, le „peuple” est déjà plus hétérogène. Les sources le désignent souvent sous le terme „*populus regni*”. Mais qui est-ce qui constitue ce peuple? Les références montrent une variété assez riche: „*populus regni*”, „*tam nobiles, quam ignobiles*”, „*principes, comites, milites*”, „*optimates*”, etc. Du point de vue de l'exercice du pouvoir le peuple „entier”, ainsi que les „*ignobiles*” sont moins importants aux rédacteurs des textes. Cependant les „*principes, comites, milites*”, et les „*optimates*” ont un rôle primordial. Ceux sont eux forment l'élite politique et qui est ainsi l'élément de base du „regnum politique”. Elle semble être homogène, car les références citées la mentionnent sans aucune distinction sociale lors des actes de l'exercice du pouvoir.

Pourtant, à la fin du XIII^e siècle (1282–1285), l'un des chroniqueurs, Simon de Keza a établi une construction spéciale concernant les éléments constitutifs de ce „regnum politique”. Pour éclairer ce problème, il est utile à parcourir une citation de son oeuvre intitulée „Gesta Hungarorum” :

„...*Huni ... in unum congregati, capitaneos inter se, scilicet duces vel principes praefecerunt. ... Constituerunt quoque inter se rectorem ... qui communem exercitum indicaret, dissidentium lites sopiret, castigaret malefactores, fures ac latrones. Ita quidem, ut si rector idem immoderatam sententiam definiret, communitas in irritum revocaret, errantem capitaneum et rectorem deponeret, quando vellent. Consuetudo etenim ista legitima inter Hunos sive Hungaros usque ad tempora ducis Geyse, filii Tocsun inviolabiliter extitit observata. Antequam ergo baptizati fuissent Hungari et effecti Christiani, sub tali voce praefrones in castris ad exercitum Hungaros adunabant: „Vox Dei et populi Hungarici, quod die tali unusquisque armatis in tali loco praecise debeat comparere communitatis consilium praecipitumque auditurus.” Quicumque ergo edictum contempserit praetendere non valens rationem, lex Scitica per medium cultro huius(modi) detrimcabat, vel exponi in causas desperatas, aut detruhi in communium servitutem. Vitia itaque et excessus huius(modi) unum Hungarum ab alio separavit, alias cum unus pater et una mater omnes Hungaros procreavit, quomodo unus nobilis, alter inobilis diceretur, nisi victus per tales casus criminis haberetur.”⁸*

Le point de départ de cette analyse est l'identification des *Huns* et des *Hungari* établie par Simon de Keza. Dans cette conception les deux peuples sont identiques. La citation insérée traite le régime politique, ainsi que la société des Huns-Hongrois.

⁸ SRH II, 147–148.

L'élément de base est la *communitas* qui établit des capitaines (*capitanei, duces, principes*) et des juges (*rectores*). L'auteur cherche à retrouver la raison les différences sociales présentes à son époque. La communauté doit toujours se réunir en forme d'une assemblée de l'armée. Ceux qui s'absentent sans aucune raison acceptable trouvent trois types de punition : exécution, perte du statut civil, servitude de la communauté. Enfin, écrit Simon de Keza, c'est la raison de la présence des différences sociales existantes.

Au niveau du régime politique, la communauté a un rôle primordial. Aucune décision ne peut pas être faite sans consensus du roi (Attila pour les Huns, prédecesseurs des Hongrois, et Árpád pour les Hongrois) et de la communauté. Cette dernière est décisive, elle n'est plus subordonnée au pouvoir „royal” qui est déjà une nouveauté remarquable par rapport aux références des époques antérieures. La communauté, en forme d'un corps politique, a le pouvoir de créer des institutions politiques (*capitanei, duces, principes, rector*), de rassembler le conseil de la communauté – évidemment pour décider leurs propres affaires. Il est logique qu'elle possède le droit de changer le statut civil des membres de la communauté. Toute cette structure fait allusion aux institutions corporatives, fort répandues à l'époque de Simon de Keza. Sa formation, liée à la France et l'Italie du Nord, lui a permis de transmettre des modèles par lesquels il a pu dessiner le régime politique hongrois contemporain qui prenait ses racines dans les changements et les nouveautés socio-politiques de la deuxième partie du XIII^e siècle.

Les sources antérieures au texte de Simon de Keza ont décrit l'exercice du pouvoir, c'est-à-dire le fonctionnement du 'regnum' comme un processus où la relation du souverain et du 'peuple' est une sorte de subordination : „*populus regni*”, „*populus regi subditus*”. Dans cette structure le 'peuple' a transmis le pouvoir au souverain et a renoncé à l'exercer directement. L'oeuvre de l'auteur anonyme désigné par le sigle „*P. dictus magister*” – dit „*Anonymus*” dans l'historiographie hongroise – est un point de transition. C'était lui qui a décrit l'histoire du peuple hongrois en focalisant à l'occupation du bassin des Carpathes. Il a donné un cadre politique très fort à ce processus : les Hongrois, arrivés dans le bassin, ont établi les frontières de „l'état” („*metas regni Hungarie*”, „*firmatis obstaculis constituerunt terminos regni Hungarie*”). Il n'est pas sans intérêt de voir rapidement que les éléments constitutifs du 'regnum politique' sont d'un part le souverain (p. ex. Árpád) et les grands („*principales personae*”). Ces derniers décident des fois à leur propre gré, établissent les frontières, lancent des campagnes militaires.⁹ P. ex. : C. 22. : „*Zobolsu, Thosu et Tubutum initio consilio constituerunt, ut meta regni ducis Arpad esset in porta Mezesina.*”¹⁰; C. 23. : „*Thosu et Zobolsu nec non Tubutum ... plures dies ibi manserunt, donec confinia regni firmaverunt obstaculis firmissimis.*”¹¹

La conception de Simon de Keza dépasse largement la théorie d'Anonymus. La communauté (l'ancien peuple) exerce directement et presque uniquement le

⁹ Cf. : KRISTÓ 1997, 221–222.

¹⁰ SRHI, 64.

¹¹ SRHI, 64.

pouvoir. Si on prend en considération les moments de décisions décrits dans son *Gesta Hungarorum*, on retrouve le processus suivant: la communauté *et* (ensuite) le souverain sont la sources des actes. En premier lieu, c'est la *communitas regni* qui est décisive.

Comme cela a été dit plus haut, la théorie de Simon de Keza est non seulement une conception politique, mais un reflet social. Elle s'est inscrite étroitement aux changements politico-sociaux de la deuxième partie du XIII^e siècle. Le cœur du problème était la transformation de la notion de la noblesse. Elle désignait même au tournant du XII^e et du XIII^e siècle l'élite sociale qui participait au fonctionnement du 'regnum'. La Bulle d'Or de 1222 et sa rénovation en 1231 contenait – entre autres – les droits et les obligations des *servientes regis* qui devaient au roi surtout des services militaires. Plusieurs indices montrent qu'eux – qui s'identifiaient volontiers aux *nobles* et désignant ainsi non seulement l'élite sociale –, ils ont participé activement au fonctionnement de l'administration des comitats (p. ex. en 1269 dans le comitat de Zala: „*universi nobiles de comitatu Zaladiens?*”). L'année 1267 est fort importante de ce point de vue. Cette année l'administration royale a avoué l'identification des *servientes regis* et les *nobiles regni* (!) et élargi ainsi le sens de la noblesse: „*Servientes regis qui nobiles regni Hungarie dicuntur*”. (L'ancienne élite désigné *nobiles* s'est servi à cette époque de la notion *barones!*) Ce décret de 1267 a prescrit la congrégation (le 20 août, à Székesfehérvár [Alba Regia]) de deux *nobles* par comitats pour pouvoir prononcer leurs plaids. Cette même année les nobles ont convoqué, près d'Esztergom, une congrégation (*communis congregatio*) qui a représenté déjà les *nobiles regni*. Le décret de 1290/1291 a répété la prescription de 1267, et, dans les années 1290, sous le règne d'André III (1290–1301) la présence des nobles, en forme de *communitas*, était partie intégrale de l'exercice du pouvoir.¹²

Simon de Keza, en se basant sur les changements sociaux et politiques de son époque, bien informé, étant donné qu'il était *fidelis clericus Ladislai regis* (Ladislav IV, 1272–1290) a créé une théorie politico-sociale pour les raisonner. Dans ce sens, correspondant aux événements cités ici, il a changé fondamentalement la signification du terme „regnum politique”, car la *nobilitas*, en formant une communauté (*communitas*) est devenue non seulement un élément, mais plutôt le composant décisif de celui-ci.

La composition de chronique du XIV^e siècle a beaucoup utilisé le texte de Simon de Keza. Pourtant, cette théorie fort complexe n'a pas survécu dedans, la Chronique est revenue plutôt à l'usage traditionnel (souverain et *populus subditus*) du terme 'regnum'.

II. Patria

Les manifestations du terme 'patria' sont plus limitées que celles du 'regnum'. La représentation monte à 24, cependant plusieurs sources sont privées d'elles. Voici les textes analysés :

¹² Cf. : J. GERICS, *A korai rendiség Eurózában és Magyarországon*, Budapest, 1987, 250-296.

Légendes :

Legenda maior S. Stephani regis (avant 1083),
Legenda minor S. Stephani regis (vers 1083),
Legenda ab Hartvico episcopo conscripta (vers 1100),
Legenda maior S. Gerardi episcopi (XIV^e s.)

Chroniques :

Anonymi (P. magistri) Gesta Hungarorum (vers 1210),
Simonis de Keza Gesta Hungarorum (1282–1285)

Autre :

Libellus de institutione morum (avant 1031)

Dans l'historiographie hongroise, les recherches portant sur les significations de ce terme portent des défauts remarquables. Seul Gyula Kristó a essayé de regrouper les manifestations de ce terme. En se basant sur la monographie d'Eichenberger,¹³ il a analysé les significations du terme 'patria'. Ces recherches avaient le point de départ, conformément aux résultats d'Eichenberger, le „fait” qu'aux XI^e–XII^e siècles le terme désignait le *pays* ou la *région de naissance*, il avait donc une connotation fort local, mais il a changé de contenu au XIII^e siècle, lorsqu'il a eu un élargissement territorial et correspondu déjà au royaume. En plus, près de cet élargissement, il a reçu un caractère „national”. Pour éclairer ce dernier, Kristó s'est servi des chartes des années 1270.¹⁴

D'après le témoignage des sources citées dans l'Annexe I la transition du *local* au *royaume* ne peut pas être marquée d'une façon mécanique. Les références montrent une multiplicité des significations. Les sources légendaires usent le terme 'patria' dans le sens pays (regnum au niveau territorial). Seul les constructions „*tuenda patria*”, „*defenditur patria*” peuvent former des exceptions :

- 1) *Legenda maior Sancti Stephani regis*, c. 1. : “*Non remansit patria neque natio, ubi quorundam miserationis Christi non fuisset assumptio.*”¹⁵;
- 2) *Legenda maior Sancti Stephani regis*, c. 14. : “*Contra quem [sc. Conradum imperatorem] rex [Stephanus] consultum habens episcoporum et principum, ad tuendam patriam armatos totius Ungarie contraxit*”¹⁶;
- de même : 3) *Legenda ab Hartvico episcopo conscripta*, c. 16. : “*Contra quem [sc. Conradum imperatorem] rex [Stephanus] consultum habens episcoporum et principum, ad tuendam patriam armatos totius Ungarie contraxit*”¹⁷;
- 4) *Legenda minor Sancti Stephani regis*, c. 2. : “*Sancta dei ecclesia in pace collocata et ex Romana auctoritate iuste ordinata, gens Byssenorum ... patrie eius confinia demoliri aggressa est. ... Rex ... cum ergo circa mediam horam diei sopori indulgeret ... videbatur assantibus personaliter inimicis patrie loqui et quasi eos terrendo proferre...*”¹⁸

On peut y insérer une représentation du *Libellus de institutione morum*, c. VII. : *De magnitudine consilii* : “*Consilio quidem constituuntur reges, determinantur regna, defenditur patria...*”¹⁹

¹³ EICHENBERGER, *op. cit.*

¹⁴ KRISTÓ 1997, 225–228.

¹⁵ SRH II, 378.

¹⁶ SRH II, 389 ; cf. : KRISTÓ 1997, 227.

¹⁷ SRH II, 423.

¹⁸ SRH II, 397.

¹⁹ SRH II, 625 ; cf. : KRISTÓ 1997, 226.

Dans le premier la traduction, en se servant du mot 'pays', peut être valable. En revanche le deuxième et le troisième nous informent de la *tuitio* de la 'patria' qui peut être traduit et par le terme 'patrie' et par le 'pays', car il ne peut pas être décidé le contenu sentimental (national) de cette manifestation. La 'patria' surgie dans la quatrième porte deux significations : la première réfère plutôt la signification 'pays', la deuxième (*inimicis patrie*) porte quelque connotation émotionnelle qu'on peut traduire par l'usage du terme 'patria'. Mais, de la même manière celui du 'pays' peut être raisonné.

Les autres sources (Anonymus et Simon de Keza) témoignent d'un usage similaire du terme 'patria'. Anonymus, lorsqu'il l'emploie, c'est avec surtout la signification d'un 'pays' qu'il le fait. Dans les chapitres 14, 16, 20, 38, 42, 44, donc six sur huit, les 'patries' désignent telle ou telle région du point de vue géographique. Cependant le contexte affirme qu'il s'agit ici des entités politiques que l'auteur anonyme a conçues comme des 'pays' subordonnés à la dominations des Arpads et non pas comme des régions géographiques. Je ferais allusion aussi l'usage intéressant du verbe *repatriare* qui désigne toujours 'revenir dans le pays'. Simon de Keza s'est servi (6 cas) de la signification 'pays' du terme 'patria'.

Le caractère régionale du terme 'patrie' n'a pas trouvé chemin dans les sources narratives. Gyula Kristó, dans son oeuvre consacrée à la naissance de la nation hongroise a établi une série de critères par lesquels il a présenté ce processus. Le dernier critère a été le terme 'patria'. Il a affirmé que l'usage de la 'patrie', dans le sens „lieu/région de naissance” – dit en hongrois actuel „patrie étroite” – avait été le premier. Mais l'usage de cette signification ne peut pas être approuvé dans les sources, comme on l'a vu. Seul quelques diplômes réfèrent cette connotation:

- 1) 1235 : diplôme : “*coram multis nobilibus patriae*”²⁰;
- 2) 1237 : diplôme : “*nobilibus illius patriae tam maioribus quam minoribus*”²¹;
- 3) vers 1248 : diplôme “*iuxta mores patriae*”²²;
- 4) 1261 : diplôme du roi Béla IV. : “*comes patriae*”²³

Dans les années 1270 – affirme Kristó – se surgissent les références qui témoignent d'un usage nouveau de la 'patria'. Cette fois-ci, le caractère émotionnel, ou bien national est clair, car à la notion de la patrie s'ajoute la fidélité (*fidélitas*). Il présente 5 exemples pour approuver cette affirmation:

- 1) 1271 : donation du roi Étienne V (1270–1272) à Laurent, ban de Szörény : ce dernier combattant “*pro ... conservacione patrie sue ... pro patrie*”²⁴;

²⁰ L. ERDÉLYI – P. SÖRÖS (eds.), *A pannonhalmi Szent-Benedek-rend története*, I-XII/B, Budapest, 1902-1916, (dans ce qui suit : PRT) I, 747.

²¹ PRT I, 757.

²² PRT I, 748.

²³ *Regesta regum stirpis Arpadianae critico-diplomatica. Az Árpád-házi királyok okleveleinek kritikai jegyzéke*. I-II/1. Ed. SZENTPÉTERY E., Bp., 1923-1943. - - - II/2-4. Manuscriptis Emericus SZENTPÉTERY adhibitis et completis criticis digessit I. BORSA. SZENTPÉTERY I. kéziratának felhasználásával szerk. BORSA I., Budapest, 1961-1987. (dans ce qui suit : RegArp) nr. 2123.

²⁴ Cité par : KRISTÓ 1997, 227.

- 2) 1272 : diplôme du roi Etienne V : Henri ban “*deserta patriâ*” a trahi les forteresses royales²⁵;
- 3) 1274 : diplôme du roi Ladislas IV (1272–1290) : Köveskúti György combattait “*dulcedine natalis patrie ... pro patriâ*”²⁶;
- 4) 1278 : diplôme du roi Ladislas IV : grâce de nobilité à Jaan qui a été mortellement vulnéré près de Győr en combattant “*pro defensione patriâ*”²⁷;
- 5) 1298 : diplôme du roi André III : Radizlaus a participé à la campagne de Rhin “*propria patria procul habitâ*”²⁸

Ces manifestations peuvent, bien entendu, indiquer le contenu „national” du terme *patria*, en tous cas, comme l’oeuvre de Simon de Keza nous en informe, il a été usé même à la fin du XIII^e siècle avec une signification de ‘pays’ ou ‘regnum territorial’.

Le terme du ‘*patria*’ a conservé donc sa signification, je dirais traditionnelle, de ‘pays’ qui était équivalent à l’usage du sens territorial du terme ‘regnum’.

²⁵ *Hazaï okmánytár. Codex diplomaticus patris.* Ed. I. NAGY – I. PAÚR – K. RÁTH – D. VÉGHÉLY D., I-V. Győrött, 1865-1873. A. IPÓLYI – I. NAGY – D. VÉGHÉLY D., VI-VIII. Budapest, 1876-1891. (dans ce qui suit : HO) VI, 184. cité par KRISTÓ 1997, 227-228.

²⁶ *Árpádkori új okmánytár. Codex diplomaticus Arpadianus continuatus.* Ed. G. WENZEL, I-XII. Pest, Budapest, 1863–1874. (dans ce qui suit : ÁÚO) XII, 104. cité par KRISTÓ 1997, 228.

²⁷ HO. VI, 231. cité par KRISTÓ 1997, 228.

²⁸ ÁÚO XII, 619. cité par KRISTÓ 1997, 228.

ANNEXE I
 'Regnum', 'patria'
 Représentation textuelle

I. *Regnum*

1. *Legenda maior Sancti Stephani regis, c. 1.* : “*Quidam eorum regna cum regibus, quidam principatus cum principibus ... ad christiane religionis cultum perduxerunt ...*”²⁹
2. *Legenda maior Sancti Stephani regis, c. 5.* : “*Regno denique Pannonico beati invenis nutu adtendente pacem cum exterorum provinciarum populis fideliter statutam corroboravit ...*”³⁰
3. *Legenda maior Sancti Stephani regis, c. 9.* : “*Ad consortium verum regni, precipua causa sobolis propagande, [rex Stephanus] sororem Romane dignitatis augusti, videlicet Heinrici, qui ob mansuetudinem morum pius est appellatus, Gillam [sc. Gisèle] nomine sibi in matrimonio sociavit, quam unctione crismali perunctam gestamine corone sociam esse notificavit.*”³¹
4. *Legenda maior Sancti Stephani regis, c. 10.* : “*Erat vir [Stephanus] iste fidelis, in omnibus actibus suis deo perfecte deditus, per votum et oblationem semet cum regno suo sub tutela perpetue virginis dei genitricis Marie precibus assiduis conferens, ...*”³²
5. *Legenda maior Sancti Stephani regis, c. 14.* : “*Regredientibus adversariis, ubi sanctus respectu miserationis dei se visitatum intelligens, Christo sueque genitrici terre prostratus gratias egit, cuius se cum regni provisione tutamini precibus assiduis commendavit.*”³³
6. *Legenda maior Sancti Stephani regis, c. 14.* : “*Imperator [sc. Conradus] vero ... seque debinc ab invasione regni eius timore iudicis eterni detentus abstinuit.*”³⁴
7. *Legenda maior Sancti Stephani regis, c. 15.* : “*Hunc igitur fore superstitem, hunc regni eiusdem votibus omnibus preesse desideravit.*”³⁵
8. *Legenda minor Sancti Stephani regis, c. 2.* : “*Qui [Geisa] cum iam senesceret ... filio, arce regni sublimando, uxorem nobilissimam ex latissima Romanorum prosapia derivatam duxit.*”³⁶
9. *Legenda minor Sancti Stephani regis, c. 2.* : “*Post cuius obitum Stephanus adhuc puer favore principum et plebis in regni solium laudabiliter proventus ...*”³⁷
10. *Legenda minor Sancti Stephani regis, c. 8.* : “*Presidente in regni solio Ladislaavo pie memorie rege, episcopi et abbates et qui preerant sancte ecclesie, animadvertentes sanctitatem eius [sc. Sancti Stephani regis] signis testantibus, communi decreto triduanum ieiunium indixerunt afflictionem ...*”³⁸
11. *Legenda ab Hartvico episcopo conscripta, c. 10.* : “*Ad consortium verum regni, precipua causa sobolis propagande, [rex Stephanus] sororem Romane dignitatis augusti, videlicet Heinrici, qui ob mansuetudinem morum pius est appellatus, Gillam [sc. Gisèle] nomine sibi in matrimonio sociavit, quam unctione crismali perunctam gestamine corone sociam esse constituit.*”³⁹

²⁹ SRH II, 378.

³⁰ SRH II, 381.

³¹ SRH II, 384.

³² SRH II, 385.

³³ SRH II, 390.

³⁴ SRH II, 390.

³⁵ SRH II, 391.

³⁶ SRH II, 394.

³⁷ SRH II, 394.

³⁸ SRH II, 400. Le terme ‘regnum’ a été remplacé par la ‘respublica’ dans l’oeuvre de l’évêque Hartvic: *Legenda ab Hartvico episcopo conscripta*: “*rex Ladislaus, qui tunc rempublicam aministrabat ...*” SRH II, 433.

³⁹ SRH II, 416.

12. Legenda ab Hartvico episcopo conscripta, c.11. : *“Erat vir [Stephanus] iste fidelis, in omnibus actibus suis deo perfecte deditus, per votum et oblationem semet cum regno suo sub tutela perpetue virginis dei genitricis Marie precibus assiduus conferens”*⁴⁰
13. Legenda ab Hartvico episcopo conscripta, c. 16. : *“Regredientibus adversariis, ubi sanctus respectu miserationis dei se visitatum intelligens, Christo sueque genitrici terre prostratus gratias egit, cuius se cum regni provisione tutamini precibus assiduus commendavit.”*⁴¹
14. Legenda ab Hartvico episcopo conscripta, c. 16. : *„Imperator [sc. Conradus] vero ...seque debinc ab invasione regni eius timore iudicis eterni detentus abstinuit.”*⁴²
15. Legenda ab Hartvico episcopo conscripta, c. 19. : *“Hunc sibi fore superstem, hunc regni heredem votis omnibus desideravit.”*⁴³
16. Legenda ab Hartvico episcopo conscripta, c. 18. : *“... ut quia regnum suum omnium hospitem parens [sic, patens] asilum esse volebat, ...”*⁴⁴
17. Legenda ab Hartvico episcopo conscripta, c. 22. : *“Regina celi, reparatrix inclita mundi, tuo patrocinio sanctam ecclesiam cum episcopis et clero, regnum cum primatibus et populo subpremis precibus committo, quibus ultimum vale dicens manibus tuis animam meam commenda.”*⁴⁵
18. Legenda sancti Emerici ducis, c. 7. : *“regi Latisclavo ...universisque episcopis et principibus regni ... notificaverunt.”*⁴⁶
19. Legenda sancti Ladislai regis, c. 4. : *“Electus ... princeps ... perniciosus regni civibus cum rege eorum Salomone sepius triumphans ...”*⁴⁷
20. Legenda sancti Ladislai regis, c. 4. : *„cum consensu principum et consensu totius Ungarie ... regni gubernacula suscepit ...”*⁴⁸
21. Legenda sancti Ladislai regis, c. 4. : *„felicis regnum tali rectore decentium”*⁴⁹
22. Legenda sancti Ladislai regis, c. 4. : *„Regni quippe gubernaculum non solum honori sibi erat, sed oneri.”*⁵⁰
23. Legenda maior Sancti Gerardi episcopi, c. 5. : *“...dabo tibi in regno meo ubique potestatem predicandi...”*⁵¹
24. Legenda maior Sancti Gerardi episcopi, c. 9. : *“Nunc enim voluntatis mee fuit, ut XIIIim episcopatus, quos in regno meo statuere decreveram ...”*⁵²
25. Legenda maior Sancti Gerardi episcopi, c. 9. : *“Post quem Petrus in regem coronatus est, cui cum omnes regni principes fidelitatem sub iureiurando spondissent ...”*⁵³
26. Legenda maior Sancti Gerardi episcopi, c. 9. : *„Qui cum ad sedem Moriensem ... venisset ... mittens principes et episcopos ad beatum pontificem, ut per manus ipsius imponatur dyadema regni super caput eius, ipsum beatum Gerbardum cepit imitare.”*⁵⁴

Libellus de institutione morum,

1. C. IV. : De honore principum et militum : *“Illi [sc. principes, comites, milites] enim sunt regni propugnaculum, defensores inbecillum, expugnatores adversariorum augmentores marciarum. ...”*⁵⁵

⁴⁰ SRH II, 417.

⁴¹ SRH II, 424.

⁴² SRH II, 424.

⁴³ SRH II, 427-428.

⁴⁴ SRH II, 427.

⁴⁵ SRH II, 431.

⁴⁶ SRH II, 459-460.

⁴⁷ SRH II, 517-518, 519.

⁴⁸ SRH II, 517-518, 519.

⁴⁹ SRH II, 517-518, 519.

⁵⁰ SRH II, 517-518, 519.

⁵¹ SRH II, 488.

⁵² SRH II, 492.

⁵³ SRH II, 500.

⁵⁴ SRH II, 500.

2. C. IV. : De honore principum et militum : „*Si eris ... iracundus, superbus, invidus, impacificatus ... fortitudo militum habitudo erit regalium dignitatum et alienis tuum tradetur regnum. ...*”⁵⁶
3. C. IV. : De honore principum et militum : „*Hoc timens ... dirige vitam ..., ut regnum per omnia sit pacificum*”⁵⁷
4. C. VI. : De detentione et nutrimento hospitem : “... *hospites ... omnia regna ornant ...*”⁵⁸
5. C. VI. : De detentione et nutrimento hospitem : „*Nam unius lingue unisque moris regnum inbecille et fragile est*”⁵⁹
6. C. VI. : De detentione et nutrimento hospitem : „*Quod ne fiat, tuum quotidie auge regnum, ut tua corona ab hominibus habeatur augusta.*”⁶⁰
7. C. VII. : De magnitudine consilii : “*Consilio quidem constituuntur reges, determinantur regna, defenditur patria ...*”⁶¹
8. C. VIII. : De executione filiorum : “*Grave enim tibi est huius climatis tenere regnum, nisi imitator consuetudinis ante regnantium extiteris regum.*”⁶²

Anonymus (vers 1210)

1. Prologus : “*reges Hungarorum ... quot regna et reges sibi subiugaverunt ...*”⁶³
2. Prologus : „*Per gratiam cuius [sc. S. Manae] reges Hungarie et nobiles regnum habebant ...*”⁶⁴
3. C. 1. : “*Item Scithici Alexandrum Magnum ... qui multa regna pugnando sibi subiugaverat, ipsum etiam turpiter fugaverunt.*”⁶⁵
4. C. 4. : “... *et omnia negotia regni eo tempore faciebant consilio et auxilio ipsius [ducibus Scithiae]*”⁶⁶
5. C. 6. : “... *ipsi [principales personae] et filii eorum nunquam a consilio ducis et honore regni omnino privarentur.*”⁶⁷
6. C. 8. : “... *regnum Ruthenorum ... dux de Hyeu [Kiev] omnibus primatibus ...*”⁶⁸
7. C. 8. : „*magis vellent mori in bello, quam amitterent regna propria ...*”⁶⁹
8. C. 8. : „*ipsum etiam Scithici Alexandrum Magnum ... qui multa regna pugnando sibi subiugaverat, ipsum etiam turpiter fugaverunt ...*”⁷⁰
9. C. 11. : “*Dux vero Lodomeriensis et sui primates ... ad confinium regni ... processerunt.*”⁷¹
10. C. 18. : “... *missus est Borsu filius Bunge ... qui confinia regni conspiceret ...*”⁷²
11. C. 18. : „*et in loco convenienti castrum construeret causa custodie regni.*”⁷³
12. C. 22. : “*Zobolsu, Thosu et Tubutum initio consilio constituerunt, ut meta regni ducis Arpad esset in porta Mezesina.*”⁷⁴

⁵⁵ SRH II, 623, 624.

⁵⁶ SRH II, 623, 624.

⁵⁷ SRH II, 623, 624.

⁵⁸ SRH II, 625.

⁵⁹ SRH II, 625.

⁶⁰ SRH II, 625.

⁶¹ SRH II, 625.

⁶² SRH II, 626.

⁶³ SRH I, 33, 34.

⁶⁴ SRH I, 33, 34.

⁶⁵ SRH I, 36.

⁶⁶ SRH I, 39.

⁶⁷ SRH I, 41.

⁶⁸ SRH I, 42, 44.

⁶⁹ SRH I, 42, 44.

⁷⁰ SRH I, 42, 44.

⁷¹ SRH I, 47.

⁷² SRH I, 58.

⁷³ SRH I, 58.

⁷⁴ SRH I, 64.

13. C. 23. : “*Thosu et Zobolsu nec non Tubutum ... plures dies ibi manserunt, donec confinia regni firmaverunt obstaculis firmissimis.*”⁷⁵
14. C. 34. : “*... ut tertia pars de exercitu cum incolis ... facerent in confinio regni munitiones fortes ...*”⁷⁶
15. C. 34. : “*... ne aliquando Boemy vel Polony possent intrare ... in regnum eorum.*”⁷⁷
16. C. 37. : “*et firmatis obstaculis constituerunt terminos regni Hungarorum usque ad Boronam et ... Saruuur.*”⁷⁸
17. C. 38. : “*Interea dux Salanus ... timuit ... ne eum expellerent de regno suo.*”⁷⁹
18. C. 40. : “*... dux et sui nobiles ordinarunt omnes consuetudinarias leges regni ...*”⁸⁰
19. C. 40. : “*ordinatum fuit totum negotium regni.*”⁸¹
20. C. 46. : “*... quia omnia bona aliorum regnorum circumiacentium dederat deus in manus eorum.*”⁸²
21. C. 50. : “*... dux Arpad et sui nobiles cum tertia parte exercitus sui ... Sclauorum et Pannonicorum gentes et regna vastaverunt et eorum regiones occupaverunt. ...*”⁸³
22. C. 50. : “*Ubi cum radicati fuissent et fere omnia viciniora regna sibi subiugassent.*”⁸⁴
23. C. 51. : “*... Mememorout ... audiverat eorum [sc. Carinthinorum Moroanensium] regnumque Pannoniorum occupasse.*”⁸⁵
24. C. 51. : “*per eosdem nuntios victus et prostratus totum regnum ... dare non dubitaret.*”⁸⁶
25. C. 51. : “*Dux vero Arpad ... filiam suam [sc. filiam Mememorout] in uxorem Zulte accepit cum regno ...*”⁸⁷
26. C. 52. : “*Dux vero Arpad et omnes sui primates ... cum diversis militibus circumiacentium regnorum ... hudebant ...*”⁸⁸
27. C. 52. : “*Mememorout ... sine filio mortuus est et regnum eius totaliter Zulte generi suo dimisit in pace.*”⁸⁹
28. C. 53. : “*... omnes primates regni sui ...*”⁹⁰
29. C. 53. : “*quosdam rectores regni sub duce prefererunt ...*”⁹¹
30. C. 53. : “*... Alios autem constituerunt ductores exercitus, cum quibus diversa regna vastarent ...*”⁹²
31. C. 55. : “*... et regnum Lahariense igne et gladio consumpserunt.*”⁹³
32. C. 56. : “*... sciebant, quod Hungarii essent insuperabiles ... et plurimis regnis deus pere eos furoris sui flagella propinasset.*”⁹⁴
33. C. 56. : “*Botond ... et Urcun ... superatis omnibus gentibus prememoratis felici victoria fruentes ad propria regna revertuntur.*”⁹⁵
34. C. 56. : “*Tunc Hoto [Otton] rex Teothonicorum ... cum omni robore regni sui ... multos ex eis interfecit.*”⁹⁶

⁷⁵ SRH I, 64.

⁷⁶ SRH I, 76.

⁷⁷ SRH I, 76.

⁷⁸ SRH I, 79.

⁷⁹ SRH I, 80.

⁸⁰ SRH I, 83.

⁸¹ SRH I, 83.

⁸² SRH I, 94.

⁸³ SRH I, 99–100, 101.

⁸⁴ SRH I, 99–100, 101.

⁸⁵ SRH I, 103, 105.

⁸⁶ SRH I, 103, 105.

⁸⁷ SRH I, 103, 105.

⁸⁸ SRH I, 105, 106.

⁸⁹ SRH I, 105, 106.

⁹⁰ SRH I, 107.

⁹¹ SRH I, 107.

⁹² SRH I, 107.

⁹³ SRH I, 110.

⁹⁴ SRH I, 111, 112–113.

⁹⁵ SRH I, 111, 112–113.

⁹⁶ SRH I, 111, 112–113.

35. C. 56.: „*Botond et Vrcon ... spolia diripiunt et exinde ad propria redeunt regna cum magna victoria.*”⁹⁷
36. C. 57.: „*De constitutione regni.*”⁹⁸
37. C. 57.: „*Dux vero Zulta ... fixit metas regni Hungarie.*”⁹⁹
38. C. 57.: „*collocavit etiam Bissenos non paucos habitare pro defensione regni sui, ut ne aliquando in posterum furibundi Theotonici propter iniuriam sibi illatam fines Hungarorum devastare possunt.*”¹⁰⁰
39. C. 57.: „*... eodem modo ex parte Polonorum ... sicut primo fecerat regni metam Borsu filius Bunger.*”¹⁰¹
40. C. 57.: „*... Zulta filium suum Tocsum fecit ducem ac dominatorem super totum regnum Hungarie.*”¹⁰²

Magister Rogerius: Carmen miserabile

1. Prologus: „*Epistola magistri Rogerii in Miserabile Carmen super destructione regni Hungarie per Tartaros facta editum ad reverendum dominum Iohannem Pestbeniensis ecclesie episcopum feliciter inapit.*”¹⁰³
2. C. 4.: „*... rex [Béla IV] cum regni principibus et nobilibus venit Albam Regiam civitatem.*”¹⁰⁴
3. C. 6.: „*... rex [Béla IV] contra regni consuetudinem ... ordinavit.*”¹⁰⁵
4. C. 9.: „*Si rex ... suscipiens gubernacula regni sui.*”¹⁰⁶
5. C. 9.: „*[principes et nobiles] coram (=coronam) regni et Hungariam dare promittebant.*”¹⁰⁷
6. C. 11.: „*... pene totum regnum Hungarie deformatum.*”¹⁰⁸
7. C. 12.: „*... quam plures alii per maiores et nobiles regni fuerunt batizati.*”¹⁰⁹
8. C. 25.: „*Igitur duce Austrie recedente maxime cum maior regni exercitus advenisset.*”¹¹⁰
9. C. 38.: „*... Cadan rex ... destruxit ... regnum Rascie.*”¹¹¹

Simonis de Keza Gesta Hungarorum

1. C. 2.: „*[prefatae nationae] quot etiam regna occupaverint ...*”¹¹²
2. C. 6.: „*[Huni] ... Scithiae regno explorato cum pueris et armentis ipsam patriam intravere permansuri.*”¹¹³
3. C. 6.: „*Regnum itaque ipsum dum adissent, Alpuzros et Prutenos in eo invenerunt habitantes.*”¹¹⁴
4. C. 6.: „*quibus deletis et expulsis usque hodie illud regnum pacifice dinoscuntur possidere.*”¹¹⁵
5. C. 6.: „*Gentes siquidem in eo regno procreatae omnia amplectuntur.*”¹¹⁶
6. C. 6.: „*Scithico quoque regno.*”¹¹⁷
7. C. 6.: „*de oriente iungitur regnum Iorianum.*”¹¹⁸

⁹⁷ SRH I, 111, 112–113.

⁹⁸ SRH I, 113–114.

⁹⁹ SRH I, 113–114.

¹⁰⁰ SRH I, 113–114.

¹⁰¹ SRH I, 113–114.

¹⁰² SRH I, 113–114.

¹⁰³ SRH II, 551.

¹⁰⁴ SRH II, 555.

¹⁰⁵ SRH II, 556.

¹⁰⁶ SRH II, 557.

¹⁰⁷ SRH II, 558.

¹⁰⁸ SRH II, 559.

¹⁰⁹ SRH II, 559.

¹¹⁰ SRH II, p. 567.

¹¹¹ SRH II, 584.

¹¹² SRH I, 142.

¹¹³ SRH I, 145–146.

¹¹⁴ SRH I, 145–146.

¹¹⁵ SRH I, 145–146.

¹¹⁶ SRH I, 145–146.

¹¹⁷ SRH I, 145–146.

¹¹⁸ SRH I, 145–146.

8. C. 6.: „*usque regnum Susdaliae est desertum silvestre humano generi immeabile*”¹¹⁹
9. C. 6.: „*Saiticum enim regnum comprehensione una cingitur*”¹²⁰
10. C. 6.: „*sed in regna tria dividitur principando, scilicet in Barsatiam, Denciam, et Mogoriam.*”¹²¹
11. C. 8.: „*... alius in Saitia derelictis, qui eorum regnum ab hostibus custodirent.*”¹²²
12. C. 8.: „*... tetrarcha Macritius ... audito, quod Humi ... de die in diem lacerarent regnum eius [sc. Pannoniam, Panfiliam, Frigiam, Macedoniam, Dalmatiam].*”¹²³
13. C. 8.: „*cum alumnis regni sui ... ad Romanos suos nuncios destinavit.*”¹²⁴
14. C. 10.: „*Nationes ideoque regnorum diversorum ad ipsum [sc. regem Attila] de finibus orbis confluebant.*”¹²⁵
15. C. 10.: „*Tabernacula etiam variam variis modis regnorum diversorum habere consueverunt operata.*”¹²⁶
16. C. 11.: „*Ditricus de Verona ... suggessit regi [Ethela], ut invadere debeat regna occidentis.*”¹²⁷
17. C. 11.: „*Ab illo itaque die elevatum est cor Hunnorum et regis Ethelae, timorque percussit orbem terrae et plura regna hoc audito sensu ac tributo eis servierunt.*”¹²⁸
18. C. 22.: „*... Hunnorum nobilitas ipsum [Chaba] contemnebat, asserentes eum non verum esse alumnus regni Saitiae, sed quasi missitalium exterarum nationis.*”¹²⁹
19. C. 24.: „*... Hunni sive Hungari denuo ingressi in Pannoniam transierunt per regna Bessorum, Alborum Cumanorum.*”¹³⁰
20. C. 44.: „*[rex Stephanus] stavit pompis huius saeculi deposito regni diademate renunciare Deique solius servitio.*”¹³¹
21. C. 44.: „*... coronam vero regni Emerico duci, suo filio se daturum disposuit.*”¹³²
22. C. 44.: „*... dolore urgebatur... maxime eapropter, ut de suo sanguine dignus nullus esset regni corona sublimari.*”¹³³
23. C. 45.: „*... omnis populus regni planxit tam sanctissimum regem [Stephanum].*”¹³⁴
24. C. 45.: „*Regina vero Kysla [Gisèle] ... Petrum Venetum ... regem fecit super Hungaros, ut pro libitu posset motus suae voluntatis perficere, regnumque Hungariae amissa libertate Teutonicis subderetur.*”¹³⁵
25. C. 46.: „*... Petrus ... regni nobiles contemnebat.*”¹³⁶
26. C. 46.: „*Videntes igitur principes et nobiles regni mala gentis suae, quae fiebant contra legem.*”¹³⁷
27. C. 46.: „*Si aliquandiu sanus ero [sc. Petrus rex], ... terram (que) Hungariae regni hospitibus adimplens in dominium tradam Teutonicis.*”¹³⁸
28. C. 48.: „*... Obligatus enim erat [sc. imperator Henricus III] ei [sc. Petro rege], ut ipsum in regnum iterato collocaret.*”¹³⁹

¹¹⁹ SRH I, 145–146.

¹²⁰ SRH I, 145–146.

¹²¹ SRH I, 145–146.

¹²² SRH I, 148–149.

¹²³ SRH I, 148–149.

¹²⁴ SRH I, 148–149.

¹²⁵ SRH I, 151.

¹²⁶ SRH I, 151.

¹²⁷ SRH I, 152, 155.

¹²⁸ SRH I, 152, 155.

¹²⁹ SRH I, 163.

¹³⁰ SRH I, 164–165.

¹³¹ SRH I, 172, 173.

¹³² SRH I, 172, 173.

¹³³ SRH I, 172, 173.

¹³⁴ SRH I, 173.

¹³⁵ SRH I, 173.

¹³⁶ SRH I, 173, 174.

¹³⁷ SRH I, 173, 174.

¹³⁸ SRH I, 173, 174.

¹³⁹ SRH I, 175.

29. C. 51.: “*Caesar [Henricus III] vero obtenta victoria descendit Albam civitatem, ubi Petri restituit regnum...*”¹⁴⁰
30. C. 52.: “*Rege ergo Petro et Hungaris, qui eum in regnum reducerant...*”¹⁴¹
31. C. 52.: “*Qui [sc. Cumani] cum eos [sc. Andreas et Levente] perimere agitent, credentes ipsos exploratores regni sui...*”¹⁴²
32. C. 53.: “*[Hungari] in unum convenerunt consilioque habito communiter pro filiis Zarladislai transmittunt, ut ad regnum remearent.*”¹⁴³
33. C. 54.: “*...Andreas aeo potior in regni solium sublimatur.*”¹⁴⁴
34. C. 57.: “*Cum igitur Andreas diadema regni suscepisset...*”¹⁴⁵
35. C. 57.: “*...Caesar ... a rege Andrea et Hungaris veniam caepit postulare, quod ... nec ipse, nec ipsius successores contra regnum Hungariae hostili manu in Hungariam introirent.*”¹⁴⁶
36. C. 59.: “*[rex] Bela ... bizantiosque currere fecit per districtum regni sui...*”¹⁴⁷
37. C. 60.: “*In praelio autem ... etiam maior pars de militia regni perit.*”¹⁴⁸
38. C. 64.: “*Iste [rex Kalomannus] quoque in regnum Dalmatiae misso exercitu occidi fecit regem Petrum...*”¹⁴⁹
39. C. 64.: “*Hoc ergo facto et regno Dalmatiae conquestato...*”¹⁵⁰
40. C. 67.: “*...Ladislaus dux [II., 1162–1163] sibi usurpat regnum et coronam anno medio.*”¹⁵¹
41. C. 72.: “*Istius quidem in diebus [anno 1241] Tartari de tribus partibus regni in Hungariam adeunt.*”¹⁵²
42. C. 72.: “*Ubi fere tota regni militia est deleta...*”¹⁵³
43. C. 74.: “*...Ladislaus tertius [recte: IV, 1272–1290] ... enim puerulus in regni solium Domino disponente coronatur.*”¹⁵⁴
44. C. 74.: “*...Andreas, Salamon, Ladislaus et alii regni Hungariae nobiles...*”¹⁵⁵
45. C. 74.: “*scuta et vexilla in Albensi ecclesia, sede regni ... suspensa...*”¹⁵⁶
46. C. 84.: “*Post haec intrat Olivrius et Ratoldus ... de regno Apulorum...*”¹⁵⁷
47. C. 91.: “*Quia vero generatio saepedicta in regno Ispanie plura castra possidet...*”¹⁵⁸
48. C. 93.: “*Myurk... cum Venceslao et Iacobo fratribus suis ... regni Hungariae novi sunt incolae...*”¹⁵⁹
49. C. 94.: “*Intraverunt ... ex omni extera natione... qui servientes regibus vel caeteris regni dominis ex ipsis pbeuda acquirendo nobilitatem processu temporis sunt adepti.*”¹⁶⁰
50. C. 95.: “*Quia vero regnum erat amplissimum...*”¹⁶¹
51. C. 96.: “*...potiores regni...*”¹⁶²

¹⁴⁰ SRH I, 177.

¹⁴¹ SRH I, 177.

¹⁴² SRH I, 177.

¹⁴³ SRH I, 177.

¹⁴⁴ SRH I, 178.

¹⁴⁵ SRH I, 178, 179.

¹⁴⁶ SRH I, 178, 179.

¹⁴⁷ SRH I, 180.

¹⁴⁸ SRH I, 181.

¹⁴⁹ SRH I, 64–65.

¹⁵⁰ SRH I, 64–65.

¹⁵¹ SRH I, 183.

¹⁵² SRH I, 184.

¹⁵³ SRH I, 184.

¹⁵⁴ SRH I, 185, 186.

¹⁵⁵ SRH I, 185, 186.

¹⁵⁶ SRH I, 185, 186.

¹⁵⁷ SRH I, 190.

¹⁵⁸ SRH I, 191.

¹⁵⁹ SRH I, 192.

¹⁶⁰ SRH I, 192.

¹⁶¹ SRH I, 193.

¹⁶² SRH I, 193.

52. C. 96. : “...de suis captivis plures regni nobiles habuissent...”¹⁶³
 53. C. 96. : “palatino regni...”¹⁶⁴
 54. C. 96. : “ecclesias regni sui”¹⁶⁵
 55. C. 96. : “praeter illos, quos regni nobiles ecclesias dimiserant possidere.”¹⁶⁶

Chronici Hungarici compositio saeculi XIV,

1. C. 65. : “Universonum regni eius [sc. Gyula] latissimum et opulentissimum monarchie Hungarie adiunxit.”
 2. C. 65. : „Dicitur autem regnum illud Hungarice Erdeehv...”¹⁶⁷
 3. C. 69. : “Cum itaque sanctissimus pater sanctissimo filio curiam administrationis et gubernandi regni sollicitudinem intenderet committere, beatus dux Emericus propria morte preventus est. ...”¹⁶⁸
 4. C. 69. : „quia nullus videbatur de consanguinesi suis ydoneus ad hoc, ut eo mortuo regnum in fide Christi conservaret, ...”¹⁶⁹
 5. C. 70. : “et omnis populis regni, tam nobiles quam ignobiles, simul in unum dives et pauper planxerunt super morte sanctissimi regis. ...”¹⁷⁰
 6. C. 70. : „et regnum Hungarie amissa libertate Teutonicis subderetur et regina Keysla ...”¹⁷¹
 7. C. 70. : „in regno impedimento posset explere.”¹⁷²
 8. C. 71. : “omnesque principes et potestates in regno Hungarie Teutonicis constitutum ...”¹⁷³
 9. C. 72. : “querebant si aliquem de regali progenie in regno tunc invenire possent,”¹⁷⁴
 10. C. 72. : „qui ad gubernandum regnum esset ydoneus ...”¹⁷⁵
 11. C. 72. : „Cumque neminem talem in regno invenire potuissent ...”¹⁷⁶
 12. C. 72. : „Wisce ... Toyzlau ... Pezli qui libertatis gentis sue querebant, et regnum regali semini restituere fideliter nitebantur ...”¹⁷⁷
 13. C. 73. : “Aba ... misit nuncios ad cesarem pro eo quod Petrum de regno expulerat ...”¹⁷⁸
 14. C. 73. : „Rex Aba hiis auditis intellexit, quod cesar intenderet Petro regnum restituere.”¹⁷⁹
 15. C. 74. : “Obligatus enim erat Petro promissione, quod ei regnum restitueret.”¹⁸⁰
 16. C. 75. : “[Aba] nobiles enim regni contempnens, habens semper rusticis et ignobilibus commune.”¹⁸¹
 17. C. 76. : “conquerentes et dicentes, quod ipsi essent predones et latrunculi regni Hungarie.”¹⁸²
 18. C. 77. : “cesar ... Alban venit ... que est principalis sedes regni Hungarie.”¹⁸³
 19. C. 78. : “reversus est cesar in Hungariam cui Petrus rex in ipsa sancta sollempnitate regnum Hungarie cum deaurata lancea tradidit.”¹⁸⁴

¹⁶³ SRH I, 193.

¹⁶⁴ SRH I, 193.

¹⁶⁵ SRH I, 193.

¹⁶⁶ SRH I, 193.

¹⁶⁷ SRH I, 315.

¹⁶⁸ SRH I, 319.

¹⁶⁹ SRH I, 319.

¹⁷⁰ SRH I, 322–323.

¹⁷¹ SRH I, 322–323.

¹⁷² SRH I, 322–323.

¹⁷³ SRH I, 324.

¹⁷⁴ SRH I, 325–326.

¹⁷⁵ SRH I, 325–326.

¹⁷⁶ SRH I, 325–326.

¹⁷⁷ SRH I, 325–326.

¹⁷⁸ SRH I, 326.

¹⁷⁹ SRH I, 326.

¹⁸⁰ SRH I, 328.

¹⁸¹ SRH I, 329.

¹⁸² SRH I, 330.

¹⁸³ SRH I, 333.

20. C. 79. : „*Bela ... dicebat : «tamen pugnabo regni vestri commodo et honore domini ducis.»*”¹⁸⁵
21. C. 81. : „*Eo tempore quidam magnates Hungarie desolationem regni gementes et liberationem Hungarie a tyrannide Petri cupientes*”¹⁸⁶
22. C. 81. : „*et regnum generi Sancti Stephani regis ... restituere laborabant*”¹⁸⁷
23. C. 81. : „*Visca, Bua et Bulna ... cogitabant qualiter regnum regio semini possent restituere*”¹⁸⁸
24. C. 81. : „*et Andreum, Belam atque Leuentam contra Petrum regem in regnum reducere.*”¹⁸⁹
25. C. 81. : „*deicentes eis, quod ... universum regnum eis sicut regali semini libenter obsequeretur.*”¹⁹⁰
26. C. 86. : „*Leuente vero in eisdem diebus mortuus est, qui si diutius vixisset et regni potestatem obtinisset, sine dubio totam Hungariam paganisma ydolatria corripuisset.*”¹⁹¹
27. C. 88. : „*[rex Andreas] Tu sis michi heredes, tu in regnum succedas ...*”¹⁹²
28. C. 88. : „*Post hec autem rex et frater eius Bela habitis consilio diuiserunt regnum in tres partes ...*”¹⁹³
29. C. 88. : „*Hec igitur prima regni huius diuisio seminarium fuit discordie et guerrarum inter duces et reges Hungarie.*”¹⁹⁴
30. C. 91. : „*Simulabat enim, quod pro perditione regni hoc faceret [sc. coronatio Salomonius, filius regis Andreas], quia imperator filiam suam filio suo Salomoni non dedisset, si non eum coronaret.*”¹⁹⁵
31. C. 92. : „*Dicunt alii, quod Bela duce et filiis eius, Geycha scilicet et Ladizlao cunctisque regni optimatibus consentientibus Salomon unctus esset in regem. ...*”¹⁹⁶
32. C. 92. : „*tempus oportuum esset regnum acquirere ...*”¹⁹⁷
33. C. 92. : „*Ego coronavi filium meum ... causa ... perditione regni.*”¹⁹⁸
34. C. 92. : „*Si vis regnum, accipe coronam ...*”¹⁹⁹
35. C. 93. : „*ex his, qui in regno remanserant, plurimi ad duces Belam confluerunt.*”²⁰⁰
36. C. 94. : „*[rex Béla] tenuit autem regnum pacifice ...*”²⁰¹
37. C. 96. : „*Piissimus autem rex Bela completo regni sui anno tertio ...*”²⁰²
38. C. 96. : „*propter quasdam regni necessitates et ibi migravit a seculo.*”²⁰³
39. C. 97. : „*Rex autem Salomon ... rogavitque eum [sc. imperator] ut regnum Hungarie sibi restitueret.*”²⁰⁴
40. C. 97. : „*Desiderius episcopus ... mitigavit animam Geyse ducis, ut Salomoni quamvis iuniori regnum cum pace redderet.*”²⁰⁵
41. C. 97. : „*Ubi rex Salomon ... assistentibus regni proceribus ... est coronatus.*”²⁰⁶

184 SRH I, 334.

185 SRH I, 335.

186 SRH I, 336–337.

187 SRH I, 336–337.

188 SRH I, 336–337.

189 SRH I, 336–337.

190 SRH I, 336–337.

191 SRH I, 344.

192 SRH I, 345.

193 SRH I, 345.

194 SRH I, 345.

195 SRH I, 352.

196 SRH I, 353.

197 SRH I, 353.

198 SRH I, 353.

199 SRH I, 353.

200 SRH I, 356.

201 SRH I, 358.

202 SRH I, 360.

203 SRH I, 360.

204 SRH I, 361–362.

205 SRH I, 361–362.

206 SRH I, 361–362.

42. C. 100. : "*Andreas primo in Hungariam reversus est ... propter hoc, quod ipse regnum posset optinere.*"²⁰⁷
43. C. 110. : "*sic nec vos in eodem regno conregnare potestis.*"²⁰⁸
44. C. 114. : "*Et cum hec audierint [sc. dux Ladislaus et Lampertus] regnum intrare non audebunt.*"²⁰⁹
45. C. 120. : "... certus sum, quod nobis victoria donabitur et Salomon exul fugiet debellatus extra regnum."²¹⁰
46. C. 120. : "*Regnum vero et coronam tibi tradetur a Domina.*"²¹¹
47. C. 124. : "*Tunc Geysa dux magnus compellentibus Hungaris coronam regni suscepit.*"²¹²
48. C. 126. : "*Rex autem Salomon conquerebatur cesari de amissione regni dicens,*"²¹³
49. C. 126. : "*quod de regno suo violenter esset expulsus.*"²¹⁴
50. C. 126. : "*Tua quippe Hungaria, tuum regno in quo me regem constituisti*"²¹⁵
51. C. 126. : "*me regnante optima regni illius tue maiestati gratanter offerebantur ...*"²¹⁶
52. C. 126. : "*iniuriam super hostes tuos et regnum tibi vendices.*"²¹⁷
53. C. 127. : "... talibus militibus repugnantibus non recuperabis regnum."²¹⁸
54. C. 129. : "*Confirmatumque est regnum in manu Geysae regis...*"²¹⁹
55. C. 130. : "*Dicebat se peccasse, quia regnum legitime coronati regis occupaverat,*"²²⁰
56. C. 130. : "*promisitque regnum redditurum Salomoni cum pace firma hoc modo,*"²²¹
57. C. 130. : "*quod ipse coronam iure teneret cum tertia tamen parte regni, que ducatu appropriata erat.*"²²²
58. C. 130. : "*Salomon quoque duas partes regni coronatus teneret, quas prius detinebat.*"²²³
59. C. 130. : "*In primo anno regni sui validissima fames regnum Hungarie afflixit.*"²²⁴
60. C. 131. : "*Ladislaum ... ad suscipiendum regni gubernaculum concorditer elegerunt,*"²²⁵
61. C. 131. : "... ut si firma pax inter eos esse posset, regnum Salomoni redderet et ipse ducatum haberet."²²⁶
62. C. 131. : "... Postquam autem divina dispensatione regni gubernacula suscepit, ..." ²²⁷
63. C. 133. : "*Optimates autem regni futura pericula bellice cladis aute precavantes*"²²⁸
64. C. 133. : "*non patiebantur regnum partiri cum Salomone*"²²⁹
65. C. 133. : "*Si vero Salomon conversus fuisset, veraciter regnum plenarie sibi restituisset, ipse ducatum elegisset.*"²³⁰
66. C. 137. : "...quidam de Cumis nomine Copulch ... Ultrasilvanum regnum depreдавit ..." ²³¹

207 SRH I, 365.

208 SRH I, 376.

209 SRH I, 380.

210 SRH I, 388.

211 SRH I, 388.

212 SRH I, 394.

213 SRH I, 398.

214 SRH I, 398.

215 SRH I, 398.

216 SRH I, 398.

217 SRH I, 398.

218 SRH I, 399.

219 SRH I, 400.

220 SRH I, 403.

221 SRH I, 403.

222 SRH I, 403.

223 SRH I, 403.

224 SRH I, 403.

225 SRH I, 403-405.

226 SRH I, 403-405.

227 SRH I, 403-405.

228 SRH I, 407, 408.

229 SRH I, 407, 408.

230 SRH I, 407, 408.

231 SRH I, 412.

67. C. 140. : “*Qui [sc. Almus] sincera simplicitate ductus honoravit fratrem suum Colomanum, preferendo sibi coronam regni...*”²³²
68. C. 143. : “*Exercitum autem contra eos [sc. peregrinos Iesu Christi] misit, ut ad regnum introire non permitterent...*”²³³
69. C. 150. : “*Sed obsecrator timens Deum et regni sterilitatem castravit catulum cuius testiculos tulit regi...*”²³⁴
70. C. 158. : “*Antequam vero rex Belam scivisset, coniuraverat regnum, ut post regem filius sororis sue Sophie, nomine Saul regnaret.*”²³⁵
71. C. 159. : “*Sed cum esset [rex Stephanus II] in articulo mortis, monachalem habitum relicto regno suscepit anno regni sui X-o VIII-o et sepultus est Varadini.*”²³⁶
72. C. 160. : “*... dum rex sedisset super solium regni sui...*”²³⁷
73. C. 161. : “*... per nuncios invitabant Borith adulterum, ut veniret et eorum adiutorio regnum sibi vendicaret...*”²³⁸
74. C. 161. : “*... Rex ... et consilium eius ... statuerunt, ut ibidem interficerent proditores, ne forte si diutius different, traditores transferrent se ad Borith, et hoc regni ne verteretur in periculum...*”²³⁹
75. C. 161. : “*... Utilis est domino tuo Borich regnum habere...*”²⁴⁰
76. C. 161. : “*... hoc adimplere non simulavit, putans enim de vituperatione regis regnum habere.*”²⁴¹
77. C. 161. : “*... Non decet vos contra iustitiam querere regnum homini adulterino, nos enim scimus,*”²⁴²
78. C. 161. : “*... quod de iure regnum habere debeat Bela,*”²⁴³
79. C. 161. : “*... et ipse regnat cum consensu totius regni.*”²⁴⁴
80. C. 164. : “*Dedit enim Dominus regnum Geytbe puero suo.*”²⁴⁵
81. C. 166. : “*Corrardus Cesar ... a regno Hungarie pecuniam non modicam extorsit...*”²⁴⁶
82. C. 166. : “*... ut si ipse [Borich] regnum intrare posset...*”²⁴⁷
83. C. 170. : “*Post hoc expulsus est [sc. Stephanus II] de regno...*”²⁴⁸
84. C. 175. : “*Regnum autem suum reinvenit [sc. rex Andreas II.] in prospero statu.*”²⁴⁹
85. C. 177. : “*Tartari ... regnum Hungarie invaserunt.*”²⁵⁰
86. C. 181. : “*Oldamir dux Cumanie ... volens hostiliter regnum invadere Hungarorum...*”²⁵¹
87. C. 185. : “*Illo tempore biga ... a regni incolis curru regis Ladizlai ducebatur...*”²⁵²
88. C. 186. : “*Cuius Andree regis et ortum et originem videamus, qua ratione meruerit coronam regni Hungarie accipere.*”²⁵³

²³² SRH I, 419–420.

²³³ SRH I, 421.

²³⁴ SRH I, 430.

²³⁵ SRH I, 444.

²³⁶ SRH I, 445.

²³⁷ SRH I, 447.

²³⁸ SRH I, 448–451.

²³⁹ SRH I, 448–451.

²⁴⁰ SRH I, 448–451.

²⁴¹ SRH I, 448–451.

²⁴² SRH I, 448–451.

²⁴³ SRH I, 448–451.

²⁴⁴ SRH I, 448–451.

²⁴⁵ SRH I, 453.

²⁴⁶ SRH I, 457–459.

²⁴⁷ SRH I, 457–459.

²⁴⁸ SRH I, 462.

²⁴⁹ SRH I, 466.

²⁵⁰ SRH I, 468.

²⁵¹ SRH I, 471.

²⁵² SRH I, 474.

²⁵³ SRH I, 475, 476.

89. C. 186. : „*Cum autem rex Ladislaus fuisset occisus, a baronibus regni Andreas dux feliciter coronatur.*”²⁵⁴
90. C. 188. : “*Postea mortuo rege Andrea [III.] barones regni eodem anno in duas partes celerius dividuntur. . .*”²⁵⁵
91. C. 188. : „*ad regem Venczelaum, ut regni susciperet gubernacula Hungarorum,*”²⁵⁶
92. C. 188. : „*ne regni liberi libertatem amitterent in susceptione per ecclesiam dati regis.*”²⁵⁷
93. C. 189. : “*... rex Venczlaus ... circa Pesth Ladizlaum filium suum cum corona regni accipiens ...*”²⁵⁸
94. C. 189. : „*in suum regnum in pace revertitur.*”²⁵⁹
95. C. 190. : “*...archiepiscopos et episcopos universos regni Hungarie ac viros religiosos communiter excommunicatos. . .*”²⁶⁰
96. C. 191. : “*Interdum vero filii HERRICI et quiddam alii nobiles Otthonem ducem Bauarie subintroducunt in regnum Hungarie.*”²⁶¹
97. C. 191. : „*Qui veniens et coronam regni a Venczlaio ablatam petivit ...*”²⁶²
98. C. 191. : „*miserabili fortuna sibi occurrente de regno expellitur Hungarorum.*”²⁶³
99. C. 194. : “*frater Gentilis ... constitutione terribili promulgata nobiles regni anathematis vinculo immodavit.*”²⁶⁴
100. C. 194. : „*Ladizlaum vero voyuodam Transilvanum specialis excommunicatione feriens, eo quod coronam regni ... retinebat. . .*”²⁶⁵
101. C. 206. : “*Cum autem huiusdem temporibus regnum Hungarie pacis optate tranquillitate gauderet. . .*”²⁶⁶
102. C. 209. : “*...rex exercitum congregasset ...quia ad confinia regni sui ...*”²⁶⁷
103. C. 209. : „*in diversas expeditiones contra adversarios eiusdem regni quamplurimos destinaverat pugnatores. . .*”²⁶⁸
104. C. 211. : “*... alii nobiles plurimi de regno.*”²⁶⁹
105. C. 212. : “*... omnes nobiles sui regni. . .*”²⁷⁰

²⁵⁴ SRH I, 475, 476.

²⁵⁵ SRH I, 479–480.

²⁵⁶ SRH I, 479–480.

²⁵⁷ SRH I, 479–480.

²⁵⁸ SRH I, 481.

²⁵⁹ SRH I, 481.

²⁶⁰ SRH I, 482.

²⁶¹ SRH I, 483, 484.

²⁶² SRH I, 483, 484.

²⁶³ SRH I, 483, 484.

²⁶⁴ SRH I, 486.

²⁶⁵ SRH I, 486.

²⁶⁶ SRH I, 493.

²⁶⁷ SRH I, 496.

²⁶⁸ SRH I, 496.

²⁶⁹ SRH I, 502.

²⁷⁰ SRH I, 504.

II. *Patria*

1. Legenda maior Sancti Stephani regis, c. 1. : “*Non remansit patria neque natio, ubi quorundam miserationis Christi non fuisset assumptio.*”²⁷¹
2. Legenda maior Sancti Stephani regis, c. 4. : “*Igitur iubente principe [sc. Géza] fit ubique congregatio gentis indomite, per sanctum episcopum [sc. S. Adalbertum] fiunt orationes continue, convertuntur et baptizantur alumpni patrie, statuuntur multis in locis ecclesie.*”²⁷²
3. Legenda maior Sancti Stephani regis, c. 14. : “*Contra quem [sc. Conradum imperatorem] rex [Stephanus] consultum habens episcoporum et principum, ad tuendam patriam armatos totius Ungarie contraxit.*”²⁷³
4. Legenda minor Sancti Stephani regis, c. 2. : “*Sancta dei ecclesia in pace collocata et ex Romana auctoritate iuste ordinata, gens Byssenorum ... patrie eius confinia demoliri agressa est.*”²⁷⁴
5. Legenda minor Sancti Stephani regis, c. 2. : “*... Rex ... cum ergo circa mediam horam diei sopori indulgeret ... videbatur assantibus personaliter inimicis patrie loqui et quasi eos terrendo proferre.*”²⁷⁵
6. Legenda ab Hartvico episcopo conscripta, c. 3. : “*Igitur iubente principe [sc. Géza] fit ubique congregatio gentis indomite, per sanctum episcopum [sc. S. Adalbertum] fiunt et per suos exortationes continue, convertuntur et baptizantur alumpni patrie, statuuntur multis in locis ecclesie.*”²⁷⁶
7. Legenda ab Hartvico episcopo conscripta, c. 16. : “*Contra quem [sc. Conradum imperatorem] rex [Stephanus] consultum habens episcoporum et principum, ad tuendam patriam armatos totius Ungarie contraxit.*”²⁷⁷

Libellus de institutione morum,

1. C. VII. : De magnitudine consilii : “*Consilio quidem constituuntur reges, determinantur regna, defenditur patria ...*”²⁷⁸

Anonymus

1. C. 14. : “*Dux autem Arpad audita legatione Salani superbi ducis ... et ... eos repatriare precepit.*”²⁷⁹
2. C. 16. : “*Omnd et Ketel ... repatriare ceperunt ...*”²⁸⁰
3. C. 16. : “*Arpad ... legatos Salani ducis ... repatriare dimisit.*”²⁸¹
4. C. 20. : “*Dux autem Menumorout ... tertia die repatriare precepit.*”²⁸²
5. C. 37. : “*Et propter hoc factum timuerunt eos [duces Arpadii] omnes homines illius patrie et omnes nobiles filios suos eis in obsides dederunt. et omnes nationes illius terre se subiugaverunt sibi usque ad fluvium Wag.*”²⁸³
6. C. 38. : “*Dux Salanus et sui nobiles into consilio miserunt legatos ad ducem Arpad dicendo, ut eorum terra dimitteret et ad natale solum repatriare inciperet.*”²⁸⁴
7. C. 42. : “*Hinc vero egressi [sc. Lelu, Bulsu atque Botond] usque ad mare pervenerunt et omnes nationes illius patrie dominatui Arpad ducis Hungarorum ... subiugaverunt.*”²⁸⁵

²⁷¹ SRH II, 378.

²⁷² SRH II, 380.

²⁷³ SRH II, 389 ; cf. : Kristó 1997, 227.

²⁷⁴ SRH II, 397.

²⁷⁵ SRH II, 397.

²⁷⁶ SRH II, 405.

²⁷⁷ SRH II, 423.

²⁷⁸ SRH II, 625 ; cf. : Kristó 1997, 226.

²⁷⁹ SRH I, 53–54.

²⁸⁰ SRH I, 57.

²⁸¹ SRH I, 57.

²⁸² SRH I, 60.

²⁸³ SRH I, 78–79.

²⁸⁴ SRH I, 80–81.

²⁸⁵ SRH I, 87.

8. C. 44. : “... omnes habitatores illius patrie a Morisio usque ad fluvium Temes sibi subiugaverunt...”²⁸⁶
9. C. 44. : “Othum descendit, dux illius patrie”²⁸⁷
10. C. 45. : “... populus ille ... Sobamogera ... in Grecia remansit et ideo dicitur est soba secundum Grecos, id est stultus populus, quia mortuo domino suo [sc. Zuard] viam non dilexit redire ad patriam suam.”²⁸⁸

Simonis de Keza Gesta Hungarorum

1. C. 5. : “Regio quidem Meotida Perside (Persidis) patriae est vicina...”²⁸⁹
2. C. 6. : “[Huni] ... Scithiae regno explorato cum pueris et armentis ipsam patriam intravere permansuri.”²⁹⁰
3. C. 8. : “... alii in Scithia derelictis, qui eorum regnum ab hostibus custodirent...” “... tetrarcha Macritius ... audito, quod Huni ... de die in diem lacerarent regnum eius [sc. Pannoniam, Panfiliam, Frigiam, Macedoniam, Dalmatiam], cum alumnis regni sui ... ad Romanos suos nuncios destinavit...” “Ex parte etenim Romanorum in praedictis patriis imperabat.”²⁹¹
4. C. 10. : “Sed etiam sua maristalla ... equis diversarum patriarum replebatur...”²⁹²
5. C. 60. : “Tandem vero inter Salomonem, Ladizlaum et Geicham gravis discordia suscitatur, alumni patriae inter se dividuntur.”²⁹³
6. C. 83. : “Post istos Altman intrat de Fridiburg ... ex patria Turingorum...”²⁹⁴

Chartes

1. 1235 : diplôme : “coram multis nobilibus patriae”²⁹⁵
2. 1237 : diplôme : “nobilibus illius patriae tam maioribus quam minoribus”²⁹⁶
3. vers 1248 : diplôme “iuxta mores patriae”²⁹⁷
4. 1261 : diplôme du roi Béla IV. : “comes patriae”²⁹⁸
5. 1271 : donation du roi Etienne V (1270–1272) à Laurent, ban de Szörény : ce dernier combattait “pro ... conservacione patrie sue ... pro patrie”²⁹⁹
6. 1272 : diplôme du roi Etienne V : Henri ban “deserta patria” a trahi les forteresses royales³⁰⁰
7. 1274 : diplôme du roi Ladislas IV (1272–1290) : Köveskúti György combattait “dulcedine natalis patrie ... pro patrie”³⁰¹
8. 1278 : diplôme du roi Ladislas IV : grâce de nobilité à Jaan qui a été mortellement vulnéré près de Győr en combattant “pro defensione patrie”³⁰²
9. 1298 : diplôme du roi André III : Radizlaus a participé à la campagne de Rhin “propria patria procul habita”³⁰³

²⁸⁶ SRH I, 90.

²⁸⁷ SRH I, 90.

²⁸⁸ SRH I, 93.

²⁸⁹ SRH I, 144.

²⁹⁰ SRH I, 145.

²⁹¹ SRH I, 148–149.

²⁹² SRH I, 151.

²⁹³ SRH I, 180.

²⁹⁴ SRH I, 189.

²⁹⁵ PRT I, 747.

²⁹⁶ PRT I, 757.

²⁹⁷ PRT I, 748.

²⁹⁸ Reg Arp nr. 2123.

²⁹⁹ Cité par : Kristó 1997, 227.

³⁰⁰ HO, VI, 184. cité par Kristó 1997, 227–228.

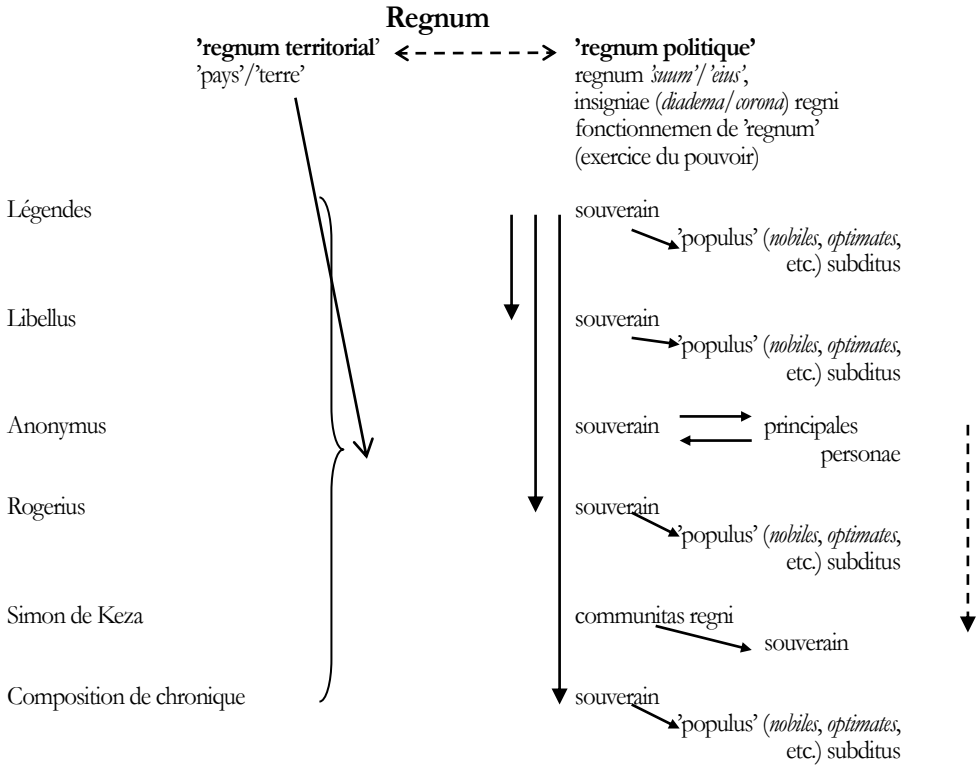
³⁰¹ ÁÚO XII, 104. cité par Kristó 1997, 228.

³⁰² HO, VI, 231. cité par Kristó 1997, 228.

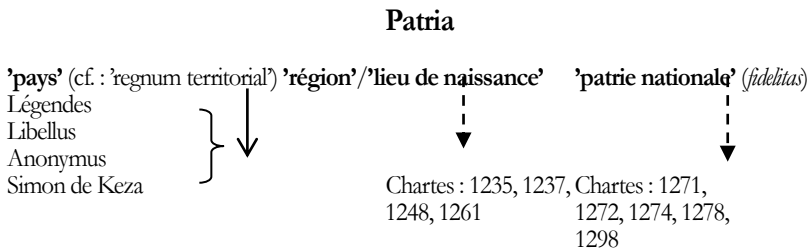
³⁰³ ÁÚO XII, 619. cité par Kristó 1997, 228.

ANNEXE II
 'Regnum', 'patria'
 Changements de signification

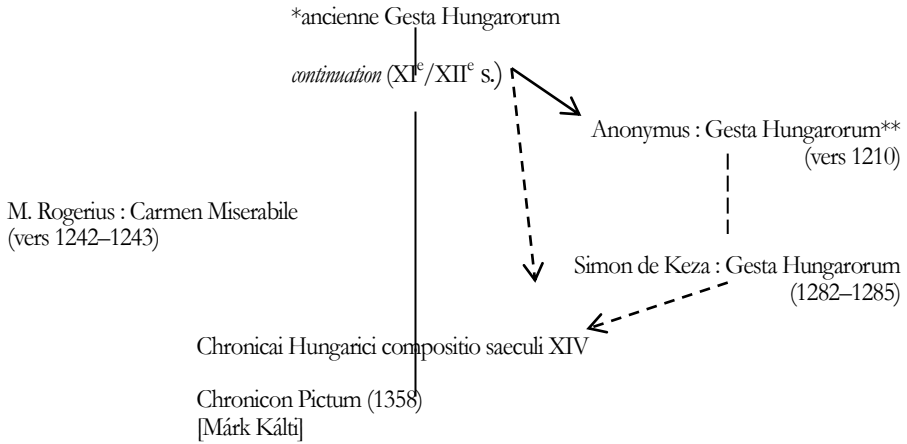
Regnum



Patria



ANNEXE III
Filiation des sources narratives : chroniques
(esquisse)



* oeuvre disparue

** Simon de Keza a utilisé l'oeuvre d'Anonymus, mais la tradition ultérieure n'a pas connu Anonymus (le texte s'est surgi en 1666, la première édition a été faite en 1746!)



MÁRTA KONDOR

**Centralization and the Importance of Legatine Activity under
the Pontificate of Alexander III (1159-1181)
Case Study on the Archbishopric of Spalato***



Abstract

By the end of the eleventh century the Church, leaving behind its provincial epoch, became a centralized institution, a Papal Church – which certainly helped the Holy See to develop into a dangerous rival of the imperial “model” of lay power. Although the faithful in the West were subjected to the authority of the pope, enormous geographical distances and political conflicts made it difficult for the curia to enforce this authority on its subjects. The papal legates offered not only the opportunity of continuous correspondence but they, as representatives of the pope, were also important means of the centralized government. The present paper aims at studying the role of papal legates through a case study on the archbishopric of Spalato in the time of Pope Alexander III (1159-1181).

Key words

centralization, legates, Spalato, Pope Alexander III

Both the traditional High Middle Ages (1050-1300)¹ and the “Hochmittelalter” dating (1050-1250) take the middle of the eleventh century as a starting point of a new era. It is not the schism of 1054, however, that makes the time around 1050 ideal as a starting point of an epoch. The schism did not cause radical or final geographic changes, since after 1054, as well as earlier in other territories, Western Christendom continued to expand its borders to the north and east, and also on the Iberian-peninsula. Nor in an ideological sense was this break between the east and west a turning point. Although Bartlett, saying that “the Christendom that became newly aware of itself in the eleventh, twelfth and thirteenth centuries was not the Christendom of Constantine, but an assertively western or Latin

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¹ R. W. SOUTHERN, *Western Society and the Church in the Middle Ages* (London: 1990) calls the period of 1050-1300 the Age of Development; M. BARBER, *The Two Cities. Medieval Europe 1050-1320* (London: 1993).

Christendom,² seems to suggest that there was some change in the self-definition of the west by the eleventh century, Ullmann has pointed out that the “ideological conflation of *Romanitas* and *Christianitas*”³ is observable as early as the time of Charlemagne.⁴ This means that *Christianitas* was identified with the West much earlier than the mid-eleventh century.

“The papacy had enjoyed a position of prestige and centrality in Western Europe since the very birth of official Christianity under Constantine”⁵ and the city of Rome had an outstanding liturgical role;⁶ often, however, other regions or “institutions” proved to be influential on Western Christendom. In a spiritual sense Irish and Anglo-Saxon monks became the cultural-spiritual leaders of Western Christianity from the fifth to the seventh centuries, and later the Frankish Empire and the “official imperial policy” gave impetus to the strengthening of the Church. Nor were the monastic reform movements of the tenth and eleventh centuries (Cluny, Gorze, Hirsau) centred on Rome or directed by the curia. “The directive role” the papacy exercised “from the eleventh century onwards”⁷ in the Church as well as in Western Christendom was the result of a series of changes inside the Church.

In the course of the about 150 years that passed between 1073, when Gregory VII was elected to the Papal See, and 1216, when Innocent III died, the Church underwent a period of significant reorganization. The Western Church acquired many of the characteristics of a secular state – it developed into something of a monarchy. Rufinus, the twelfth-century canonist, in his opening speech at the Third Lateran Council (March 1179), characterized the papal government with the following words:

There are many things to wonder at in the sight of an assembly of such noble fathers, and as I look I see this blessed gathering of prelates as presenting the image of a magnificent city, where there is the king,

² R. BARTLETT, *The Making of Europe. Conquest, Colonization and Cultural Change 950-1350* (London: 1994), 254. (Hereafter BARTLETT, *The Making*.)

³ W. ULLMANN, *The Growth of Papal Government in the Middle Ages. A Study in the Ideological Relation of Clerical to Lay Power* (London: 1955), 61. (Hereafter ULLMANN, *The Growth*.)

⁴ Actually, the identification of “Roman” and “Christian” goes back to the fourth century, when – as a result of Constantine’s conversion – “Christianity and the Empire became indissolubly united.” (R. A. MARKUS, “The Latin Fathers,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 93.) By then, the Empire was certainly the Roman Empire; by the time of Charlemagne, however, it meant the Frankish Empire, as the idea of the *renovatio imperii romani* made this to become the heir of the Roman – even though Byzantium heavily argued this theory up to the fourteenth century. (D. M. NICOL, “Byzantine Political Thought,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 58-60.)

⁵ BARTLETT, *The Making*, 243.

⁶ B. SCHIMMELPFENNIG, “Die Bedeutung Roms in päpstlichen Zeremoniell,” in *Rom im hohen Mittelalter: Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert* (Sigmaringen: 1992), 47-61.

⁷ BARTLETT, *The Making*, 20.

nobles, consuls and also the crowd of people. Is not the chief pontiff the king? The nobles or magnates are his brothers and flanks, the lord cardinals; the archbishops are the consuls; and we other bishops and abbots are not ashamed in so noble city to take the place of people.⁸

The most important phenomena that reflect this “monarchic” character of the Church are connected to different aspects of government. In this period Rome (1) put further emphasis on the governing (sovereign) character of the pope; it developed (2) a judicial-legislative and (3) a financial system of its own, (4) it restructured the bureaucratic system supporting and serving the different branches of government, and (5) the main political directives of the curia were also established.

1. The undebatable supreme position of the pope in the Church was supported by the doctrine of papal primacy,⁹ while the frequent use of some terms referring to him as *gubernator* and *index totius ecclesiae*¹⁰ emphasized the “secular” aspect of his leadership, which slowly gained more and more significance. From the time of Alexander III not only his letters and decretals that are good sources

⁸ G. MORIN, “Le discours d’ouverture du concile général du Latran (1179),” *Memorie della pontificia Accademia Romana di Archeologia* III.2 (1928): 116-117. Translation by C. MORRIS, *The Papal Monarchy: the Western Church from 1050-1250* (Oxford: 1991), 205. (Hereafter MORRIS, *The Papal Monarchy*.)

⁹ The roots of the theory of papal primacy were the ideas emphasizing the superiority of Rome over other churches, by the means of terms *vicarius Christi* and *princeps apostolorum*, Pope Leo I (440-461) was the first to use the simile of *caput-membra* for this relation. Moreover, another formula favoured by Leo, *indignus haeres beati Petri*, suggested that the pope had a dominant role in judicial affairs because he had “succeeded to the same legal powers as St. Peter.” J. CANNING, *A History of Medieval Political Thought* (London: 1996), 31. (Hereafter CANNING, *A History*.) A few centuries later, Nicholas I (858-867) stressed the leading position and outstanding power of Rome and the pope as *vicarius Petri*. Gregory VII (1073-1085) also adopted this idea (“Although not claiming the vicariate of Christ for himself, Gregory nevertheless in his function as vicar of St. Peter applies to himself the same fullness of power with which St. Peter was credited.” ULLMANN, *The Growth*, 280), and finally the theory became an important element of medieval canon law. Another idea supporting and giving impetus to the development of papal primacy theory came from Pope Gregory I (590-604). He claimed that the power of binding and loosing was given exclusively to St. Peter, so he is reasonably called *princeps apostolorum*. First of all, the reform papacy managed to emphasize this doctrine and tried to take the opportunities provided by the theory. However, the theory of papal primacy – referring to St. Peter – became fully developed by adopting the idea of *plenitudo potestatis*, which by the thirteenth century meant “the fullness of Christ’s jurisdictional power given to St. Peter.” (CANNING, *A History*, 32.) In the end, the primacy (and authority) of the Roman pontiff became obvious and undebatable in matters concerning faith (the doctrine of papal infallibility) and the liturgy, in questions related to the canonization of saints and synodal decisions and in the field of ecclesiastical justice (*index totius ecclesiae*). See I. S. ROBINSON, “Church and Papacy,” in *The Cambridge History of Medieval Political Thought c. 350-c.1450*, ed. J. H. BURNS (Cambridge: 1988), 277-280. (Hereafter ROBINSON, “Church and Papacy”); Canning, *A History*, 29-38.

¹⁰ According to Gratian, “Sola enim Romana ecclesia sua auctoritate valet de omnibus iudicare; de ea vero nulli iudicare permittitur.” The development of this view led to the point that the pope was considered not only the defender (*defensor*) of the Christian law, but also its creator. ROBINSON, “Church and Papacy,” 286-288.

for the study of the twelfth century political thought, but other contemporary works such as Rufinus' *De bono pacis* and his opening speech at the Lateran Council or Boso's *Vita Alexandri*¹¹ that are also clear reflections of the papal ideology.

2. By the beginning of the thirteenth century Rome had developed an elaborated, autonomously functioning judicial and legislative system, independent and clearly separated from any secular influence. Canon law developed: sources were organized systematically, law collections were created, and skilled jurists were trained to apply the law.¹² Not only were the elective system and the rules of canonical elections settled, but the work of Church officials was also regulated.

The papacy was also concerned to emphasize and affect the exclusive authority of its own jurisdiction over clerics and ecclesiastical issues. This was not an easy task. In some places, such as northern Europe, where neither the royal power nor ecclesiastical authority was strong and a clear distinction between the clerical and secular was not crucial, it was difficult to make people, even clerics, understand the importance of this issue.¹³ In the empire, on the other hand, where both were well developed, the clerical and secular authorities were each unwilling to let the other gain influence easily.

3. The system of finance was another issue.¹⁴ At the end of the eleventh century (from the time of Urban II, 1088-1099) the papacy had introduced the system of asset management used in Cluny, and probably the Clunian monk Peter was appointed as the first chamberlain (*camerarius*). The so-called *Liber censuum*, compiled around 1192 by Cencio Savelli, later Pope Honorius III (1216-1227), shows the Apostolic Chamber in its fully developed form. The weak points of the system, however, became apparent from time to time, and while the curia was able to improve the central administrative aspects (by compiling registers), the collection of the incomes and their transmission to Rome remained a basic problem.

¹¹ "Recognoscente itaque toto mundo ipsum pontificem Christi vicarium et beati Petri catholicum successorem..." Boso, "Vita Papae Alexandri III," in *Liber Pontificalis. Texte, Introduction et Commentaire*, vol. 2., ed. L. DUCHESNE, 397-446 (Paris: 1892), 403. (Hereafter *Liber Pontificalis* II); and the legates of Emperor Frederick speaking in the consistory in the peace negotiations: "Dominus noster imperator ... misit nos cum plenitudine potestatis ad presentiam vestram, instanter postulans ut verbum illud concordie ac pacis... auctore Domino compleatur. Notum est enim et indubitatum quod ab initio nascentis Ecclesie omnipotens Deus in orbe duo esse voluit quibus principaliter mundus hic regeretur, sacerdotalis dignitas et regalis potestas." *Liber Pontificalis* II, 434.

¹² J. A. BRUNDAGE, *Medieval Canon Law* (London: 1995).

¹³ Alexander III warns his subjects in Scandinavia with the following words: "... nec eum [scilicet Stephanum archiepiscopum] aut alium quemlibet Ecclesie praelatum coram laicis accusare, seu ad saeculari iudicio trahere praesumatis" *Opera omnia Alexandri III. Romani pontificis opera omnia: id est epistolae et privilegia, ordine chronologico digesta; accedunt variorum ad ipsum epistolae*, Patrologiae cursus completus, series latina, ed. J. P. MIGNE, vol. 200 (Paris: 1955) (hereafter PL 200), coll. 610, no. 634, and "Accedit ad haec quod clerici sive ipsi adversus laicos, sive laici adversus eos, litigantes experiri voluerint laicorum iudicia subire, et secundum ipsorum instituta sive leges agere vel defendere se coguntur" (PL 200 coll. 855, no. 979).

¹⁴ On papal finance, see W. E. LUNT, *Papal Revenues in the Middle Ages* (New York: 1934); I. S. ROBINSON, *The Papacy, 1073-1198. Continuity and Innovation* (Cambridge: 1993), 244-291. (Hereafter ROBINSON, *The Papacy*)

4. The bureaucracy needed to fulfil the requirements of these new systems was also created. The systematic organization of the *Curia Romana* started in the eleventh century as a result of the centralization efforts of the papacy. Among its many different departments (congregations, tribunals, offices) the Apostolic Chamber (*Camera Apostolica*) and the Papal Chancery (*Cancellaria Apostolica*) were of crucial importance at the end of the twelfth century.

The term *cancellaria* was used in the curia only after the 1170s.¹⁵ The basis for an independent department dealing with issuing papal documents was laid down by John of Gaeta, cardinal-deacon and chancellor, at the end of the eleventh century. However, the second half of the twelfth century witnessed some changes worth noting: the number of charters issued by the chancery grew dramatically, trained jurists appeared among the employees of the chancery, and several technical innovations were implemented in this period.¹⁶ To what extent these changes were the result of papal activity is difficult to decide. However, "it is hard to deny that some popes, such as Alexander III and Gregory VIII, as well as Innocent III played the role of *spiritus movens*."¹⁷

The lifelong positions of chamberlain and chancellor – who was otherwise the principal advisor of the pope¹⁸ – were by no means negligible. Writing about Hadrian IV, Morris says: "Some historians have seen him as tough and inflexible, but others as a relatively mild man whose policy was fashioned by some authoritative advisors, notably Roland,¹⁹ who was already papal chancellor at the time of Hadrian's accession, and Boso, the papal chamberlain."²⁰ Besides Roland (Alexander III) four of the twelfth-early thirteenth century chancellors later became popes (Gelasius II, Lucius II, Gregory VIII and Honorius III).

Concerning the chancery, one further interesting episode demonstrates the growing importance and power of the departments of the papal bureaucratic network. Alexander III did not appoint a chancellor between 1159 and 1178, and Innocent III kept the chancellor's office vacant for another eighteen years between 1187 and 1205.²¹ It is difficult to say whether these popes, who knew well the

¹⁵ P. RABIKASKAS, "Die Arbeitsweise der päpstlichen Kanzlei (Ende 12.-Anfang 13. Jahrhundert)," *Archiv für Diplomatik* 41 (1995): 264. (Hereafter RABIKASKAS, "Die Arbeitsweise.") It was called *scrinium*, the original meaning of which had been archive.

¹⁶ *Ibid.*, 263-271.

¹⁷ *Ibid.*, 271.

¹⁸ ROBINSON, *The Papacy*, 93-98.

¹⁹ Later Pope Alexander III.

²⁰ MORRIS, *The Papal Monarchy*, 190.

²¹ "Es ist bemerkenswert, dass gerade die Päpste, die vorher Kanzler waren, das Kanzleramt lange unbesetzt ließen. Dies geschah beim Kardinal Roland (Bandinelli), der als Alexander III. achtzehneinhalb Jahre lang (Sept. 1159 - Febr. 1178) keinen Kanzler ernannte. Der endlich von ihm erhobene Kardinal Albert (de Morra) waltete dann seines Amtes, bis er selber zum Papst (Gregor VIII.) gewählt wurde. Von da an blieb das Kanzleramt wieder achtzehn Jahre lang (1187-1205) unbesetzt. ... Auch Innocenz III. kam in den ersten fast acht Jahren seines Pontifikats ohne Kanzler aus, bis er dann im Dezember 1205 seinen Verwandten, den Kardinaldiakon Johannes von St. Maria in Cosmedin, zum Kanzler ernannte." RABIKASKAS, "Die Arbeitsweise," 266.

mechanisms of the papal chancery (especially Alexander III), considered this function dangerous for their governing power or whether the reason behind this phenomenon was financial.²²

5. In the eleventh century Rome left the epoch when it was ruled by Roman nobility (the Crescentius family) and the emperor.²³ The ecclesiastical (Gregorian) reform movement, the success of which depended largely on the power and position of the pope, aimed to free the Church from secular influence. In the framework of this “desecularization,” besides the inner purification of the Church (celibacy and the prohibition of nepotism and simony), the Holy See started to form its own political directives, independent of the influence of any secular power. The two main directions of this policy were the strengthening of the papal position in the lands already belonging (or which had once belonged) to Latin Christendom (such as Spalato), and the further expansion of the Western Church by converting people who were not yet Christian.

As a result of these developments the Church, leaving behind its provincial epoch,²⁴ became a centralized institution, a Papal Church.²⁵ Moreover, “with control over its clergy, the papacy became an awesome, centralized bureaucratic powerhouse, an institution in which literacy, a formidable tool in the Middle Ages, was concentrated.”²⁶ And since Christian (Roman) religion, and therefore the Roman Church was the most important unifying factor in the West (*Latinitas-Christianitas*), the centralization of the Church led to some integration of Western Christendom. The terms “Latin” and “Latin Christendom” also gained meaning “in the late eleventh century, as the Spanish Mozarabic rite was replaced by the Roman and the Slavonic liturgy was suppressed in Bohemia.”²⁷ This statement is even more significant if we recall Bartlett’s definition of Western Christendom, according to which it was “rite and obedience”:²⁸ rite in the sense of liturgical

²² “Geleitet wurde die Kanzlei weiterhin vom Kanzler; doch konnte dessen Funktion – vielleicht aus Finanzgründen – auch vom Papst ausgeübt werden, vor allem wenn dieser wie Alexander III. und Gregor VIII. selbst vorher Kanzler gewesen war.” B. SCHIMMELPFENNIG, *Das Papsttum: von der Antike bis zur Renaissance* (Darmstadt: 1996), 180.

²³ H. ZIMMERMANN, *Das Papsttum im Mittelalter: eine Papstgeschichte im Spiegel der Historiographie* (Stuttgart: 1981), 100-108.

²⁴ G. TELLENBACH, *The Church in Western Europe from the Tenth to the Early Twelfth Century* (Cambridge: 1993), 185.

²⁵ Karl Heussi qualifies the period between 900-1300 AD as the “Rise and Bloom of Papal Church” (“Aufstieg und Höhe der Papstkirche”). K. HEUSSI, *Kompendium der Kirchengeschichte* (Tübingen: 1949), 183-240.

²⁶ E. GRANT, *God and Reason in the Middle Ages* (Cambridge: 2001), 23.

²⁷ BARTLETT, *The Making*, 19.

²⁸ *Ibid.*, 243.

uniformity and obedience meaning that the faithful in the West were subjected to the authority of the pope.²⁹

Western Christendom in the second half of the twelfth century was an immense and, at least in the plans of the Holy See, constantly growing territory. At the same time, according to the aims of the papacy, Rome itself intended to control its world entirely. The realization of this plan, however, was not so simple; besides the sometimes enormous geographical distances, political conflicts caused further difficulties. The pope and the curia did not have a stable base in Rome, and moreover, during the pontificate of Alexander III it was forced to reside in different parts of Italy and southern France. It was not moveable enough, however, and – largely due to its constant financial problems³⁰ – it did not have a chance to visit all the lands belonging to its sphere of interest. The papal legates offered the opportunity of continuous correspondence; they, as representatives of the pope, were also important means of the centralized government.³¹ Alexander III refers to them with the following words:

*Cum autem longe positus per nos ipsos paternam impendere diligentiam non possumus, dignum est ut vires apostolicas [sic] illis committamus qui specialius nobis conjuncti sunt, et quorum prudentiam sumus et fidem experti.*³²

These legates took an active part in papal diplomacy by carrying messages, collecting information, and conducting negotiations. According to the classification of legates, a distinction was made between *legatus natus*, *legatus missus* and *legatus a latere*. The legates of lower rank, usually equal to that of a bishop or papal chaplain, were the *legati missi*, the less important envoys; the cardinal legates were the *legati a latere* commissioned with the more important issues; both were sent out from Rome. Finally, the native prelates of a church province, who combined the office of a bishop or archbishop and the papal plenipotentiary of a legate, were called the *legati nati*. In the second half of the twelfth century, however, this classical form of

²⁹ It must be noted, however, that by the centralization of the church and strengthening of Rome's position the papacy became the rival of the empire and their controversy caused the political break-up of the Western Christendom.

³⁰ "The numerous begging letters to French churchmen (notably to Archbishop Henry of Rheims) describe the financial straits of the Alexandrine curia." ROBINSON, *The Papacy*, 247.

³¹ "Les légats sont les instruments essentiels de l'autorité pontificale et de la centralisation administrative de l'Église." M. PACAUT, "Les légates d' Alexandre III (1159-1181)," *Revue d'Histoire Ecclésiastique* 50 (1955): 835. (Hereafter PACAUT, "Les légates.") "It was the reform papacy which had developed the legation into one of the most important instruments of papal government. ... These cardinal legates were the principal link between the papacy and those regions which the curia never visited: Spain, England, Scandinavia, eastern Europe and Outremer. ... The political and diplomatic skills of their legates made a significant contribution to the victory of Innocent II in the 1130s and Alexander III in the schism of 1159-1177." ROBINSON, *The Papacy*, 92.

³² PL 200, coll. 1273, no. 1467; "ut vices illis apostolicas committamus" in T. SMIČIKLAS, *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, vol. 2. *diplomata saeculi 12. continens (1101-1200)* (Zagreb: 1904), 168, no. 66. (Hereafter CDC II.) Most probably *vires* (*vices*) should be understood here as "men". Mixing-up the words *vis* and *vir* is not exceptional in Medieval Latin.

the “emissary-system” had not yet crystallized.³³ Pacaut distinguishes only two types of legates in the time of Alexander III: the *legati nati* and the *legati a latere*. The permanent legates “sont seulement des ‘correspondants’ chargés de contrôler et d’informer,” while “les légats *a latere* sont des exécutants ayant pour fonction d’imposer et de trancher.”³⁴ At the same time, in Robinson’s understanding “the third category of the Decretalists, the *legatus natus*, was missing from the eleventh and twelfth-century scene. Certainly we can identify numerous legates who were “natives” in their legatine provinces and who combined a permanent papal legation with the office of bishop or archbishop; and historians have often regarded these as the forerunners of the thirteenth-century *legati nati*.”³⁵

At this point Wilhelm Janssen agrees with Robinson stating that there is no continuity between the eleventh-century native “Vices-Träger” and the *legati nati*.³⁶ He also claims that “by the second quarter of the twelfth century the type of *legatus Romanus* did not form a separate group of legates”³⁷ and in the legal sense we cannot speak about two groups of legates before the 1150s.³⁸ On the contrary, Willibald M. Plöchl says that the distinction between apostolic vicars (Vikare des apostolischen Stuhls) and Roman legates (römische Legaten) already existed in the time of Gregory VII,³⁹ and he also assumes some connection between the institution of *legati nati* and that of the standing apostolic vicars.⁴⁰

Contemporary terminology also reflects a “provisional state” of the development of the legatine system. Bosso had already used the phrase *utile consilium pape visum est ut aliquos ... ex latere suo destinare deberet*⁴¹ when he was talking about Alexander’s legates. In the papal letters written to Spalato, however, none of the five cardinals or subdeacons, Julius and Peter,⁴² Albert,⁴³ Raymund of Capella⁴⁴ and Theobald⁴⁵ were referred to as *legati a latere* by expression.⁴⁶ Moreover, the earliest

³³ PACAUT, “Les légates,” 838., and also ROBINSON, *The Papacy*, 147-149.

³⁴ PACAUT, “Les légates,” 826.

³⁵ ROBINSON, *The Papacy*, 149.

³⁶ W. JANSSEN, *Die päpstlichen Legaten in Frankreich vom Schisma Anakelets II. bis zum Tode Coelestins III (1130-1198)* (Cologne: 1961), 171. (Hereafter JANSSEN, *Die päpstlichen Legaten*.)

³⁷ *Ibid.*, 170.

³⁸ *Ibid.*, 171-172.

³⁹ W. M. PLÖCHL, *Geschichte des Kirchenrechts. Vol. 2 Das Kirchenrecht der abendländischen Christenheit 1055 bis 1517* (Wien: 1962), 108.

⁴⁰ *Ibid.*, 110.

⁴¹ *Liber Pontificalis* II, 403, but also *Liber Pontificalis* II, 415: “utile tamen visum est ut pontifex ... episcopum et cardinalem ... de latere suo ... ad eiusdem imperatoris praesentiam destinaret.”

⁴² PL 200 coll. 122, no. 49.

⁴³ PL 200 coll. 461, no. 461.

⁴⁴ PL 200 coll. 1129, no. 1303 and coll. 1143, no. 1317.

⁴⁵ PL 200 coll. 1273, no. 1467.

⁴⁶ The term *legatus a latere Romani pontificis* occurs only in two Alexandrine letters: PL 200 coll. 151, no.76 and PL 200 coll. 1094, no. 1268.

letter does not use the term *legatus* at all, but mentions the two papal emissaries from Italy, Julius and Peter, only by name.⁴⁷

Besides the envoys sent by the curia archbishops Gerard of Spalato (1167-1175) and Rayner (1175-1180) were also *apostolicae sedis legati*. The case of Gerard adds further information to the development of the legatine system, and supports the statement that in practice the different – i.e. “classical” – categories of legates were separated clearly no sooner than by the first half of the thirteenth century.⁴⁸

Pacaut had already drawn the attention to the special status of the archbishops of Milan and Salzburg stating that they had a considerably greater legatine power than they should have had as *legati nati*.⁴⁹ Janssen in his work on papal legates in twelfth-century France writes that by the time of Hadrian IV and in the second half of the twelfth century two groups of legates can be distinguished: the *legati a latere*, in other words the cardinal-legates and the “archbishop-legates.” These archbishop-legates, however, cannot be simply identified with the *legati nati*, but the latter should rather be considered as a “phenomenon of the decline” (Verfallerscheinung) of archbishop-legates.⁵⁰

Eleventh Century (Gregory VII)		Twelfth Century (Hadrian IV)		Thirteenth Century
<i>Legati a latere</i>	–	<i>Legati a latere</i>	–	<i>Legati a latere</i>
11 th century native “Vices-Träger”		Archbishop-legates	→	<i>Legati nati</i>
				<i>Legati missi</i>

Figure 1. The Development of Legatine System according to Janssen.

Just like these prelates, Gerard combined the legatine title and the office of an archbishop; he was not, however, a native of Spalato or Dalmatia. He came from

⁴⁷ For the activity of Julius and Petrus see W. OHNSORGE, *Die Legaten Alexanders III. im ersten Jahrzehnt seines Pontifikats (1159-1169)* (Vaduz: 1965), 110-116. (Hereafter OHNSORGE, *Die Legaten Alexanders*.)

⁴⁸ PACAUT, “Les légates,” 838.

⁴⁹ *Ibid.*, 826.

⁵⁰ Although not referring to them as archbishop-legates, Robinson also described this group of papal emissaries. He states that the twelfth-century legates, who have been falsely identified by some historians as “the forerunners of the thirteenth-century *legati nati*,” were “in fact legates of a type unknown to the later Middle Ages, created by the needs of the reform papacy and transformed by the changing of circumstances of the twelfth century into less powerful but still influential papal representatives.” They “were more numerous, more active, more powerful” than their thirteenth-century colleagues, and “their legatine title was far from being honorific.” ROBINSON, *The Papacy*, 149.

Italy: he was born in Verona, by 1167 he was *curie capellanus*,⁵¹ and as such he was delegated and consecrated by Alexander to the see of Spalato. In this sense his case (and that of Rayner) is unique, as the archbishop-legates were normally natives in their province.⁵²

Gerard was the addressee of five papal letters sent to the Dalmatian coast. His reign in Spalato was not without problems, however – at the beginning of the 1170s he left for Italy and he never returned. He must have had close contacts with the pope, or at least he was an ardent supporter of reform ideas represented by Alexander III. Although his letters to the high pontiff are not available, it is clear from the pope's answers⁵³ that Gerard wanted to put these ideas concerning marriage, simony etc. into practice at any price. After he came into conflict with bishop Mireus of Senj (1150-1185) (who did not give Gerard the necessary respect and had to be warned by Alexander to obey his prelate⁵⁴), and had problems in the town itself, the pope advised him to be patient.⁵⁵

*Intellectis anxietatibus et sollicitudinibus tuis, quibus vehementer urgeris super conservandis iusticiis ecclesie tue, satis inde tuam sumus prudentiam admirati, eo quod nimis repente super episcopatu et aliis ceperis questiones movere, cum deceat episcopum usque ad annum ita omnia videre, tamquam non videat, et simplicitate dissimulare, que alias essent durius requirenda. Quapropter monemus prudentiam tuam ... ut presentiarum his supersedeas, statum terre et qualitates et mores hominum plenum cognoscere studeas, et paulatim rationes ecclesie tue diligenter inquiras.*⁵⁶

The other three letters addressed to Gerard⁵⁷ have a topic related to jurisdiction, such as the one sent to Rayner in 1177.⁵⁸ As has been already mentioned above, the development of a centralized government was strongly related to a system of law and jurisdiction that was theoretically well defined and functioning in practice. For the curia, jurisdiction was a way to enforce the authority of the Papal See on its subjects. The “obedience”-element (i.e. obedience to one authority, the pope) of Bartlett's definition also reveals the importance of this issue: where the Holy See could enforce its jurisdictional rights through legates or

⁵¹ Thomas Archidiaconus, *Historia Saloniata*, ed. F. RAČKI, Monumenta Spectantia Historiam Slavorum Meridionalium Scriptores 26. (Zagreb: 1894) (hereafter *Historia Saloniata*) 68, cap. 20.

⁵² In Alexander's letters there are sixteen archbishop-legates mentioned, and Gerard is the only one, who had not had any contacts with his future diocese and had not fulfilled any tasks in the region previously.

⁵³ PL 200 coll. 627, no. 661 and coll. 632, no. 669.

⁵⁴ CDC II 121, no.116.

⁵⁵ In Steindorff's understanding the pope warned Gerard as he did not perform his duties. L. STEINDORFF, *Die dalmatinischen Städte im 12. Jahrhundert* (Cologne: 1984), 107. (Hereafter STEINDORFF, *Die dalmatinischen Städte*.)

⁵⁶ PL 200 coll. 632, no. 669.

⁵⁷ PL 200 coll. 524, no. 533, coll. 633, no. 671 and coll. 1129, no. 1303.

⁵⁸ PL 200 coll. 1143, no. 1317.

archbishops/bishops, the subjects obeyed the central authority (pope) meaning that they accepted it.

The personal character of twelfth-century popes, many of whom were educated in law, gave further emphasis to this jurisdictional aspect of papal government. The efforts to give a precisely defined legal status to everything and to enforce the already established laws resulted in an enormous number of judicial cases, difficult to deal with one by one in the curia. This situation was even worse when the problems emerged in places far from the residence of the Holy See; in this case the process of curial decision was quite slow. The legates, who were mobile but at the same time directly responsible to the pope, and most of whom were trained in law, would have been ideal tools in the hands of Rome to solve this problem.

The idea that the pope was *index totius ecclesiae*, the supreme judge, was not only an important element of the theory of papal primacy, but also part of Canon Law since Gratian. In a letter to the clergy of the church of Uppsala⁵⁹ the manifestation of this idea can be found in the following form: *Archiepiscopi persona nullius examini praeterquam Romani pontificis noscitur subjacere*. From the point of view of the legates, to act effectively presupposed that their decisions were considered lawful. For this, they had to have the necessary right and authority from the pope. Although the expressions *auctoritate nostra*⁶⁰ and *auctore Domino*⁶¹ appear in the letters in connection with the legates' decisions, it was not an easy question, as the theory of *plenitudo potestatis*, which in its classical form was formulated by Bernard of Clairvaux, tended to exclude everyone from sharing any rights with the pope. (This terminology derived from a letter of Pope Leo I, which dealt with the status of the papal vicar in Thessalonica, and Leo I used it "to indicate how the delegated and therefore partial authority of a papal vicar, that is legate, differed from the pope's, which was full in relation to it."⁶²)

It is clear that the legates belonged to the privileged category of – according to Bernard of Clairvaux – “those who have received power over others,”⁶³ since Gregory VII had already stated that “the legate presides over all the bishops in a council even though he is inferior in rank and he can pass sentence of

⁵⁹ PL 200 coll. 609, no. 634.

⁶⁰ “Ideoque universitati vestrae per apostolica scripta mandamus eum sicut legatum sedis apostolicae curetis honeste recipere, et ad vocationem ipsius humiliter accedentes, quae pro statu Ecclesiae, vel salute fidelium auctoritate nostra decreverit, suscipiatis firmiterque servetis.” (PL 200 coll. 1273, no.1467.)

⁶¹ “Sententiam quam canonicè idem legatus dictaverit nos auctore Domino ratam habebimus, nec patiemur levitate qualibet immutari?” (PL 200 coll. 1273, no.1467); but also about Peter of Narni (PL 200 coll. 122, no. 49): “quam idem archiepiscopus in illum propter hoc canonicè promulgaverit, nos auctore Deo ratam et firmam habebimus.”

⁶² CANNING, *A History*, 32.

⁶³ “According to your canons, some are called to share of the responsibilities, but you are called to the fullness of power. The power of others is confined within definite limits, but your power extends even over those who have received power over others.” Bernard, *De consideratione* II.8.16. Translation from ROBINSON, “Church and Papacy,” 282.

excommunication against them.⁶⁴ They had the right and duty to settle disputes, and it is also clear that their decisions had to be obeyed:

... speramus quod eadem causa sub examine suo dignum debeat effectum sortiri. ... Mandamus ... quod ipse inde statuerit, suscipias firmiter et observes.⁶⁵

The term *potestas*, however, is not mentioned explicitly in connection with legates, which means that their important role in practice was not reflected by the official terminology.

On the other hand, the envoys were given precise instructions concerning their legations.⁶⁶ The letter complaining about the capture of Raymund of Capella⁶⁷ mentions some *litteras* of the pope,⁶⁸ while another, dealing with litigation of the archbishop of Spalato and Zara concerning the right over the bishopric of *Fura* (Lesina), says *eidem subdiacono dedimus in mandatis*.⁶⁹ The rest of this second letter describes the steps of the judicial process, which reflects the existence of an elaborated system under the supreme jurisdiction of the pope. After listening to the reasons and excuses (*rationes et alligationes*), hearing witnesses (*testes*), studiously putting down the testimonies of the witnesses (*juratorum depositiones studiose conscribere*) the legate had to send the whole material to the pope (*nobis*), including the terms asked by the parties when they appeared before the Apostolic See (*terminum competentem quo debeant ... apostolico se conspectui presentare*).

Even from these Alexandrine letters the superior and privileged position of the *legati a latere* over other clergymen and their close relation to the pope as *viri apostolici* is obvious. The papal “propaganda,” however, was shockingly accurate not to mention any terms (for example, *plena potestas*) or emphasize any aspects of the legates’ activity that could threaten or cause even the smallest harm to the theory of papal primacy.⁷⁰ Janssen found a charter in France, in which the archbishop-legate Peter of Lyon (1131-1139) decisions were strengthened by “*apostolica potestas*.”⁷¹ As the primacy-theory and the sharp distinction between *auctoritas papae* and *potestas regis* dominated the political thought in Alexander’s time, in his letters

⁶⁴ Gregory VII, *Dictatus Papae* 4. Translation from ROBINSON, “Church and Papacy,” 283.

⁶⁵ PL 200 coll. 1143, no. 1317.

⁶⁶ PACAUT, “Les légates,” 826.

⁶⁷ PL 200 coll. 1129, no. 1303.

⁶⁸ “... et ei quidquid habebat in navi valens ultra sexaginta marcas argenti et litteras etiam nostras et illas etiam quas praefatus rex nobis mittebat.” It is not quite clear what these “litteras nostras” were, but since Raymund was on his way back from Sicily, we can infer that it was not the letter addressed to the king.

⁶⁹ PL 200 coll. 1143, no. 1317.

⁷⁰ Nonetheless, it is worth noting – especially if we bear in mind the privileged position of legates – that the term *plena potestas eligendi archiepiscopum* does appear in another letter (CDC II, no. 156) in connection with *clerici et laici*.

⁷¹ JANSSEN, *Die päpstlichen Legaten*, 172.

there are certainly no traces of such phenomenon. The term *subministro nostro*⁷² reflects this dual character of the legatine position: although the legates' relation to the pope was unusually close, since they – as his *ministri* – supported him, administered him and stood for him, they were very clearly *subjected* to him and his decisions.

Returning to the Dalmatian region, three letters deal with cases belonging to the judicial-executive⁷³ authority of the Spalatian archbishop-legate and once a *legatus a latere* was entrusted with proceeding in a debate. In the first case (1167-1169) some men from Šibenik (*homines de Sevenico*) did not hesitate to deprive a certain man named Gottfrid, the son of Bonumir from Siponto, of his properties.⁷⁴ Gerard, the archbishop of Spalato and apostolic legate, was ordered to warn the men to give back his *res* and, in the case that they refused to do that, to excommunicate them.

About ten years later a similar crime was committed against the papal legate Raymund of Capella. Some pirates from Šibenik robbed him on his way back from William, the king of Sicily.⁷⁵ Raymund suffered great losses, as the list of the stolen things he compiled shows.⁷⁶ After Alexander heard about the conflict, he wrote a letter (23rd July 1177) to archbishop Rayner of Spalato (1175-1180) and bishop Michael of Trogir (1177-1206) ordering them to warn the pirates and the other robbers, together with the *comites* of Šibenik (Nestros and Perlat,⁷⁷ or Nestos and Poalat⁷⁸) to give back everything they had taken from the legate. In case they refuse to do that the prelates should excommunicate the pirates and all the people who were by that time on the board of the ship. Moreover, if the people guilty of the crime hesitated to hand over their spoils in ten days, the performance of all church ceremonies (except infant baptism and penitence) should also be prohibited in Šibenik, as the ship most probably belonged to the town.

Studying the two cases it is noteworthy how vehemently the pope protected his legate. The crime was the same: in the case of Gottfrid *homines de Sevenico Goffrido ... violenter et furtim res suas auferre non dubitarunt*, while the pirates *quidquid habebat in navi ... ei (Raymundo) turpiter et inboneste auferre minime dubitarunt*. In both cases Gerard was ordered to warn the accused to give back everything they had stolen (*ut ea quae ... abstulerint ... eidem proposita cunctatione remittant / ut tam litteras quam etiam ablata ... sine diminutione et dilatazione ... restituant*). The pirates, however, had to pay extra compensation to the legate for his losses derived from the crime (*cum expensis quas propter hoc facere coactus est*), and also the town of Šibenik was ordered to hand over to Raymund everything they possessed from the legate's property (*quidquid de his ad*

⁷² PL 200 coll. 1143, no.1317.

⁷³ Executive in the sense of imposing penalties.

⁷⁴ PL 200 coll. 524, no. 533.

⁷⁵ PL 200 coll. 1129, no. 1303.

⁷⁶ CDC II 146, no.143.

⁷⁷ PL 200 coll.1129, no. 1303.

⁷⁸ CDC II 145, no. 142.

suas manus devenit). The possible sanction in both cases was the excommunication of the criminals, but once again in the case of Raymund the town and the community were also threatened with a form of interdict.

*Quod si infra congruum terminum a te sibi praefixum facere forte renuerint, eos usque ad dignam satisfactionem excommunicationis vinculo non differas immodare.*⁷⁹

*Si vero ad commonitionem commendati vestram id non fecerint, eosdem et omnes qui tunc in praedicta Sagettia fuerunt, contradictione et appellatione cessante, publice accensis candelis auctoritate nostra excommunicetis, et si nec infra decem dies resipuerint, in civitate Sevenici, si eius fuit ipsa Sagettia, omnia divina, praeter baptismum parvulorum et poenitentiam prohibeatis officia celebrari. Illos autem qui in praedictum subdiaconum nostrum violentas manus injecerunt sublato appellationis remedio publice excommunicatos sine dilatione denunciatis.*⁸⁰

Archbishop Gerard had to deal with a debate between L. [Lampridius] *Scardonensis episcopus* and the *dilecti filii militiae Templi* (1169), too.⁸¹ At the time of Gregory VII the monastery of Vrana *cum omnibus mobilibus suis et immobilibus* was donated to the Roman Church by Demetrius (perhaps Zvonimir), *Dalmatiae Croatiaeque dux*. This led to a debate over the status of monastery: the bishop and the Templars argued whether it fell under the bishop's authority or not.⁸²

Then, in 1177 papal legate Raymund de Capella got the task to handle the litigation between the archbishopric sees of Spalato and Zara.⁸³ According to a charter issued by Pope Anastasius IV⁸⁴ in 1154 Zara was raised to the rank of a metropolitanate and as such the dioceses of Absor (Osor), Arbe (Rab), Veglia (Krk) and Fara/Lesina (Hvar) were subjected to it.⁸⁵ Although Anastasius donated

⁷⁹ PL 200 coll. 524, no. 533.

⁸⁰ PL 200 coll. 1129, no. 1303.

⁸¹ Since the fifth century clerics were judged on ecclesiastical courts and since the twelfth century the judicial authority of ecclesiastical courts extended to all the cases, in which a cleric was involved as one of the parties. (G. BÉLI, *Magyar jogtörténet* (History of the Hungarian Law and Jurisdiction) (Budapest-Pécs: 2000), 249.) Besides, "resolving disputes among the bishoprics" was an important task of the metropolitan. J. DUSA, *The Medieval Dalmatian Episcopal Cities. Development and Transformation* (New York: 1991), 56. (Hereafter DUSA, *Medieval Dalmatian*.)

⁸² PL 200 coll. 633, no. 671.

⁸³ In the other case in which the archbishop of Spalato was also involved the pope ordered the archbishop of Zara to proceed. In 1160, after Spalato enacted a statute according to which "nulli de civitate ipsorum liceat aliquas possessiones vel bona immobilia ecclesiae alicui donare vendere seu legare" (Gy. FEJÉR, *Codex diplomaticus Hungariae ecclesiasticus ac civilis*, vol. 2. (Buda: 1829), 159. (Hereafter FEJÉR, *Codex II.*)), Lampridius was instructed to excommunicate the officials and put the town under interdict. By that time archbishop Absolon of Spalato (1158-1161) stayed at the Hungarian king's court (FEJÉR, *Codex II.*, 156-157).

⁸⁴ CDC II 76-79, no. 78.

⁸⁵ On the origins of Zara-Split controversy according to Thomas see *Historia Salonitana* 62-63, cap.19; on the dioceses Absor, Arbe and Veglia *Historia Salonitana* 66, cap.20.

these dioceses *in perpetuum* to Zara, a few years later Spalato argued Zara's right to Fara. In 1177 Raymund got the task to deal with the case⁸⁶ but only in 1181, another papal legate, Theobald made the final decision. He decided for Spalato, as the representatives of Zara did not attend him to support their argument with suitable evidences (*ad diem et terminum denunciatum prefatus clerus nec venisset nec responsalem misisset*⁸⁷). When pope Coelestin III confirmed the rights and possessions of the Spalatian archbishop and sent the pallium to Peter (1188-1196) in 1192, he again listed the bishopric of Fara among dioceses belonging to the metropolitan see of Spalato.⁸⁸

Besides these judicial cases the Spalatian citizens received two "letters of recommendation" on behalf of papal legates Julius, Peter⁸⁹ and Theobald.⁹⁰ On the basis of these documents, however, nothing special can be said about the legates or their position. They are characterized by the same words (*litteratus, honestus, providus, discretus*) as other prelates, for instance Peter of Narni (1161-1166)⁹¹ or archbishop Michael of Ragusa (1153-1188).⁹²

A papal legate plays the central role in the last case, which, although not of judicial character, can be connected to the eleventh-twelfth century centralization efforts of the curia. It is the matter of bishop/archbishop elect.

The election of Pope Alexander III and the schism is a well-studied topic, not to be dealt with here in detail.⁹³ The rules of the election of bishops, as well as that of the pope, were included in the *Corpus Iuris Canonici* in the form settled in the Third Lateran Council (1179).⁹⁴ Bearing these facts in mind, the case of Albert of Morra, later pope Gregory VIII (1187), appears to be handled by Alexander III in a strange way.

In 1166, after the death of Peter of Narni (1161-1166), the metropolitan see of Spalato became vacant.⁹⁵ The citizens elected Albert of Morra, staying there⁹⁶ as

⁸⁶ CDC II 147, no. 144.

⁸⁷ CDC II 178, no.176. By that time Zara caused some problems for the papacy as well, as archbishop Theobald "refused to offer proper allegiance" to the patriarch of Grado, while his successors, Damian (1183-1185) and Petrus (1187-1193), did not request the pallium from their primate at all (DUSA, *Medieval Dalmatian*, 64.)

⁸⁸ CDC II 251-253, no. 237.

⁸⁹ PL 200 coll. 122, no. 49.

⁹⁰ PL 200 coll. 1273, no. 1467.

⁹¹ PL 200 coll. 122, no. 49.

⁹² CDC II 118, no.112.

⁹³ Besides the general works of Zimmermann, Schimmelpfennig, Morris, Robinson, see H. JEDIN, ed, *Handbuch der Kirchengeschichte. Band III/2. Die mittelalterliche Kirche: Vom Hochmittelalter bis zum Vorabend der Reformation (1124-1517)* (Freiburg: 1985), 77-83; J. LAUDAGE, *Alexander III. und Friedrich Barbarossa* (Cologne: 1997); W. MADERTONER, *Die zwiespältige Papstwahl des Jahres 1159* (Wien: 1978); M. MEYER, *Die Wahl Alexander III. und Victor IV.: 1159. Ein Beitrag zur Geschichte der Kirchenspaltung unter Kaiser Friedrich* (Göttingen: 1871); M. PREISS, *Die politische Tätigkeit und Stellung der Cisterzienser im Schisma von 1159 – 1177*, (Berlin: 1934); R. SOMMERVILLE, *Pope Alexander III and the Council of Tours (1163)* (Berkeley, Los Angeles: 1977).

⁹⁴ *Corpus Iuris Canonici, Decretales Gregorii IX I.6.6.; Corpus Iuris Canonici, Decretales Gregorii IX I.6.7.*

⁹⁵ *Historia Salonitana* 67, cap. 20.

papal legate in 1166 and 1167, archbishop, but “he – because the pope was not willing to confirm him – rejected the election.”⁹⁷ From Alexander’s letter dated 31st August 1167, it is not quite clear why he rejected politely but clearly Albert’s petition to confirm him as the archbishop of Spalato.

*...super eo quod nobis significasti quod clerus et populus Spalatensis te in pastorem suum voluerunt assumere, tibi voluntatem nostram et animum aperimus, quod si etiam tu velles, et major pars fratrum nostrorum instaret, nulla ratione consentiremus, nec unquam possemus induci, quod a nobis absentes, a quibus ita pure et sincere diligeris, et tam charus acceptusque haberis.*⁹⁸

Another source, Thomas the Archdeacon refers to the disagreement between the clergy and citizens in connection with Albert’s election:

*Factum est autem, ut eo tempore congregaretur clerus spalatine ecclesie pro archiepiscopo eligendo. Et tandem premissis tractatu de electione cuiusdam in archiepiscopum, ut moris est, omnium vota in personam eiusdem cardinalis concorditer convenerunt. ... protinus Johannes comes, coadunata populari multitudine ... veniunt ad eundem legatum ... Et tunc concinari incipiunt dicentes, quod alias eum diligerent, et vellent per omnia revereri; sed non consentiunt, ut eorum archiepiscopus efficiatur.*⁹⁹

Kornél Szovák says that after the death of Géza II (1141-1162) Alexander’s positions in Hungary weakened significantly.¹⁰⁰ The situation in Dalmatia was even worse: as a result of Manuel’s continuous attacks and conquests he could hardly enforce his authority on the region. Moreover, “the situation in Dalmatia worsened as the see of the archbishop became vacant in 1167 and Spalato elected the papal legate Albert of Morra ... archbishop, but he – because the pope was not willing to confirm him – rejected the election. Finally, the situation was solved in a way that between 1167 and 1180 the archbishop of Spalato was the permanent legate of the Holy See in Dalmatia”.¹⁰¹

Taking these facts into consideration it is even more difficult to find an explanation for Alexander’s step. We have to suppose that Albert was elected canonically – Alexander’s letter supports this argument, as according to that Albert

⁹⁶ “Hic cum non modicam fecisset moram Spalati residendo, effectus erat familiaris omnibus et amicus.” *Historia Salonitana* 67, cap. 20.

⁹⁷ K. SZOVÁK, “Pápai-magyar kapcsolatok a 12. században” (Papal-Hungarian Connections in the Twelfth Century) in: *Magyarország és a Szentszék kapcsolatának ezer éve*, ed. I. ZOMBORI (Budapest: 1996), 36. (Hereafter SZOVÁK, “Pápai-magyar kapcsolatok.”).

⁹⁸ PL 200 coll. 461, no. 461.

⁹⁹ *Historia Salonitana* 67-68, cap. 20.

¹⁰⁰ SZOVÁK, “Pápai-magyar kapcsolatok,” 35.

¹⁰¹ *Ibid.*, 36.

was elected “by the clergy and people.”¹⁰² With his confirmation Alexander could have solved the problem of the vacant see, moreover, Albert could have been the ideal representative of the papal authority in Spalato: he had close contacts with the Holy See but he knew the political-ecclesiastical circumstances of the town as well. Why did Alexander reject the confirmation then?

It is possible that his answer was rather a political-diplomatic reaction to those internal conditions in Spalato Thomas described. In 1167 Byzantine control was already established in the city and – although he was busy in dealing with the papal-imperial conflict and the schism – probably the pope did not want to give up his positions on this part of the Dalmatian coast. The fact that after Manuel had taken control of the city Alexander did not incorporate the bishoprics of Nin, Senj¹⁰³ and Krbava in the church province of Zara shows that he intended Spalato to play an important role in the curial policy. Therefore in this fragile situation it would not have been a wise decision to make somebody an archbishop against the will of the citizens. (Interpreting Alexander’s “*clerus et populus*” as a reflection of Spalato’s inner conditions – as Ohnsorge does¹⁰⁴ – this explanation might be argued, since then no controversy between the clergy and laity can be revealed. In my opinion, however, these words are rather an expression of twelfth century political thought, used not only by the papal curia but also in Coloman’s Dalmatian privileges¹⁰⁵ and in Thomas’ work.¹⁰⁶)

A further solution for Alexander’s negative answer would be Albert’s legatine title or his non-Dalmatian origin. Both suggestions can be argued, however, as Gerard and Rayner, the next archbishops of Spalato were also from Italy and they bore the legatine title as well.¹⁰⁷

The next thing that comes to mind is that Albert was inappropriate for a position like this. This is not likely, either; probably, he fulfilled the “official

¹⁰² For *clerus* and *populus* see below.

¹⁰³ See the above mentioned letter of Alexander, dated from 30th January 1168-1170, in which he warns bishop Mireus of Senj to show loyalty and proper obedience towards archbishop Gerard of Spalato. (CDC II 121, no. 116)

¹⁰⁴ OHNSORGE, *Die Legaten Alexanders*, 120. “So kam es, daß der Klerus nach langer Vakanz des Erzstuhles im Sommer 1167 Albert zu seinem künftigen Oberhaupte wählte. Auch die Laienschaft war damit durchaus einverstanden.“

¹⁰⁵ In general, the Hungarian kings accepted the special rights of the Dalmatian towns and in 1108 Coloman confirmed the previous privileges of Trogir, Zara and Spalato. According to the results of recent research, these documents, providing a broad frame of self-government exceptional in southeastern Europe at that time, are authentic and from the same period. The privilege of Trogir, the entire text of which has survived, says “Who is elected by the clergy and people I ordain bishop and comes.” L. KÁTUS, *A délszláv-magyar kapcsolatok története* (History of Southern Slav-Hungarian Relations) (Pécs: 1998), 17.

¹⁰⁶ M. KONDOR, *Uppsala and Spalato – Parallels and Differences between Two Archbishoprics on the Rims of Western Christendom in the Time of Pope Alexander III (1159-1181)*. Manuscript, 9.

¹⁰⁷ Although one can suppose that in spite of the large number of archbishop-legates, it was not common to make a papal legate an archbishop in a foreign country. There is no evidence, however, of such a canonical prohibition, or any examples for the possible existence of such a “custom.”

requirements,¹⁰⁸ and it is hard to imagine that he was lacking in personal skills if we consider his later career as a legate in France,¹⁰⁹ as papal chancellor, and finally as pope.¹¹⁰ Still, we have to infer that the cause of rejection lies largely in Albert's person and in the letter the real cause is revealed. The pope needed him for his plans (*nec unquam possemus induci, quod a nobis absenteris*) – although presumably less because of his good character (*a quibus ita pure et sincere diligeris, et tam charus acceptusque haberis*), than because of his talent (*injunctae tibi legationi prudenter et studiose intendas, ut Ecclesia Romana de diligentia et studio tuo laetum incrementum recipiat*).¹¹¹ This means that Albert's application for the archiepiscopal see was refused because of the “higher” general interests of the papacy (pope) – in spite of his canonical election.

How did the legatine activity in Spalato fit into the “general trends” then? The relative large number of legates who spent some time in Spalato demonstrates that the papal Church intended to use the legatine institution as a crucial means of control and correspondence. On the other hand, it also shows the importance of the Dalmatian region in curial policy – especially after Manuel gained territories in the area and he took control of the city. Between 1159 and 1163 the first *legati a latere* were destined to the Hungarian court and their stop in Spalato was a short-term stay. Julius and Peter, just as Albert a few years later (1165-1166), fulfilled diplomatic tasks in Hungary. Although not in Hungary, Raymund also performed a diplomatic legation when he had the affair with the pirates. These facts correspond with the general trends in the sense that the twelfth-century *legati a latere* dealt rather with politics and diplomacy instead of jurisdiction and the implementation of church reforms.¹¹² Most probably the importance of this political-diplomatic activity of the legates made Alexander III unwilling to confirm Albert's election for the Spalatian metropolitan see.

There is no doubt the Dalmatian coast was of politically outstanding importance for the Holy See. Venice, Byzantium and Hungary, Rome's rivals but at the same time its potential allies against the Empire sought for the control of the coastal towns. The Hungarian authority was driven back by the mid 1160s and while the North (Grado, Zadar) was controlled by Venice Byzantium gained footholds in the South (Ragusa, Spalato). The conquests of Manuel threatened with the strengthening of the Eastern Church and the spread of Greek rite¹¹³ in

¹⁰⁸ Which were laid down officially only later, in the Third Lateran Council – although we have to take into consideration what Vauchez quoted from Grosjean in connection with canonization: the law was “what Alexander III believed to be law, possibly unwritten, but still law in force.” A. VAUCHEZ, *Sainthood in the Later Middle Ages*. (Cambridge: 1997), 26.

¹⁰⁹ After Becket's death, to negotiate with Henry II at Caen. *Liber Pontificalis* II, 425.

¹¹⁰ Gregory VIII, although only for 8 weeks in 1187.

¹¹¹ Albert of Morra was born in Campagna, studied in France and became “canonicus” in the monastery of St. Martin in Laon. Hadrian IV appointed him cardinal, he was chancellor from 1178 and pope in 1187.

¹¹² JANSSEN, *Die päpstlichen Legaten*, 181.

¹¹³ CDC II 110, no. 104. (In connection with Arbania.)

the Adriatic. In this situation the best means to keep the Roman positions and to exercise papal authority in the area was a “curial” archbishop (of Italian origin) in the see of Spalato.¹¹⁴ Moreover, Gerard and Rayner – as representatives of Spalato – performed or could have performed some kind of diplomatic tasks on Rome’s (Western Church’s) behalf in/with Byzantium. While Gerard refused to go to and take the oath of fidelity to Manuel,¹¹⁵ Rayner – at the behest of the citizens of Spalato – travelled to Constantinople¹¹⁶ and with Byzantine help he was able to regain some possessions of the Church of Spalato in the Narentan area.¹¹⁷

The legatine activity in Spalato supports Robinson’s statements that by the 1150s the *legati a latere* were considered as more efficient means of papal government than their native colleagues¹¹⁸ and that the idea according to which the *legatus a latere* is superior to the (future) *legatus natus* already existed by the mid-twelfth century. Five (Julius, Peter, Albert, Raymund and Theobald) of the seven legates were *legati a latere*, and the two archbishop-legates (Gerard and Rayner) were neither natives of Dalmatia nor had they had any positions in the region before.¹¹⁹ Most probably the reason for this deflection from the “classical” type of archbishop-legates lies in the above mentioned special circumstances of Spalato. These archbishop-legates were the “executive” delegates of Rome, maintaining judicial functions as well. Especially Gerard’s intense correspondence with Alexander proves that he first of all carried out the papal orders. Although in the case of Rayner we rather lack source evidence, we can suppose that he played a similar role.

Gerard’s and Rayner’s examples suggest that the archbishop-legates were by no means negligible for twelfth-century legatine activity. The archbishop-legates, however, do not seem to have the same position all over the Western Christendom. Gerard – although entrusted with “traditional” metropolitan tasks¹²⁰ – was designated to the metropolitan see by the high pontiff. He maintained intense correspondence with the pope and he always acted according to his orders. Moreover, to some extent the archbishops of Spalato could (have) act(ed) in the field of diplomacy as well. In this sense they had some characteristics of the *legati a latere*. At the same time there’s no evidence that in France, for instance, the archbishop-legates were intended to play such a diplomatic role¹²¹ – the *legati a latere* performed that instead of them. In Northern-Europe archbishop Eskil of Lund

¹¹⁴ See also STEINDORFF, *Die dalmatinischen Städte*, 108.

¹¹⁵ *Historia Salonitana* 68-69, cap. 20.; D. FARLATI, *Illyricum Sacrum* (Venice: 1751-1819), 191-192.

¹¹⁶ *Historia Salonitana* 73, cap. 21.

¹¹⁷ STEINDORFF, *Die dalmatinischen Städte*, 108.

¹¹⁸ ROBINSON, *The Papacy*, 160.

¹¹⁹ Between 1156 and 1175 Rayner was the bishop of Cagli.

¹²⁰ DUSA, *Medieval Dalmatian*, 56.

¹²¹ JANSSEN, *Die päpstlichen Legaten*, 156-169. They fulfilled the “normal” metropolitan tasks of imposing penalties, conducting synods, solving disputes among clerics, witnessing contracts and issuing charters. The peace negotiations in which they sometimes intermediated took place on local level. The archbishop-legate (William of Embrun) sent to the Iberian lands in 1151 performed an investigation in the simony-case of bishop Bernhard of Urgel.

could be the representative of a third “type” of archbishop-legates. He was not necessarily involved in diplomatic matters and although he is mentioned in some papal letters¹²² there are no missives suggesting that he dealt with jurisdictional issues or he actually exercised papal authority in his province. He could be, therefore, an early representative of the “fallen” archbishop-legates.

Answering the question of whether the case of the Spalatian archbishops between 1167 and 1180 was unique – Rome’s necessary accommodation and answer to the challenge of the special Dalmatian circumstances –, or there were parallel phenomena in the Western Christendom requires further research on archbishop-legates’ activity and relations to the Holy See.

¹²² PL. 200 coll. 428, no. 415; coll.429, no. 416; coll. 607-608, no. 632; coll. 849, no. 974.

List of the letters mentioned in the article¹

oll.	etter no. in PL 200	ate	Addressee	Legate mentioned	Matter
22	9	161	Clergy and people of Spalato	Julius (Episcopus Praenestinus) Peter (S. Eustachii diaconus cardinalis)	The pope recommends the legates
61	61	167	Albert (S. Laurentii in Lucina presbyterus cardinalis)		The pope declines to confirm Albert's election as archbishop
24	33	167-1169	Gerard (archbishop of Spalato)		A "civil" case between Gottfrid of Siponto and some men from Sibenik
27	61	168-1170	Gerard (archbishop of Spalato)		Advice (how to govern the archbishopric wisely)
32	69	168-1170	Gerard (archbishop of Spalato)		Advice (how to govern the archbishopric wisely)
33	71	169	Gerard (archbishop of Spalato)		Litigation between the Templars and the bishop of Scardona
129	303	177	Gerard (archbishop of Spalato) Michael (bishop of Trogir)	Raymund (subdiaconus)	Raymund was captured by pirates; the pope orders Gerard to excommunicate them
143	317	177	Rayner (archbishop of Spalato)	Raymund (subdiaconus)	Litigation between the archbishops of Spalato and Zara
273	467	180	Archbishops, bishops, <i>comes</i> , barons, clergy and people of Dalmatia	Theobald (subdiaconus)	The pope recommends Theobald

¹ The table contains only Alexander III's letters sent to Spalato.

Мирослав ВОЛОШЧУК

**ВАССАЛЬНАЯ ЗАВИСИМОСТЬ ДАНИИЛА
РОМАНОВИЧА
ОТ БЕЛЫ IV (1235 – 1245 гг.): АКТУАЛЬНЫЕ ВОПРОСЫ
РЕКОНСТРУКЦИИ РУССКО-ВЕНГЕРСКИХ
ОТНОШЕНИЙ ВТОРОЙ ЧЕТВЕРТИ XIII в.**



Abstract:

Автором прослеживаются галицко-венгерские отношения середины XIII-ого в. Автор приходит к выводу о вассальном положении князя Даниила Романовича от венгерского короля Белы IV в упомянутые годы. С этой точки зрения объясняются – местами переоцениваются – события и некоторые поступки князей. Автором сделаны и шаги для использования латыноязычных источников и венгерской исторической литературы.

Key words:

Галицко-Волынская Русь, Венгерское королевство, князь Даниил, король Бела IV

Военно-политические и дипломатические взаимоотношения венгерских королей с восточнославянскими правителями IX–XIII вв. представлены сложной и противоречивой историей. Исследователи XIX – начала XXI вв. собрали значительный массив фактического материала, высказали немало разнообразных интерпретаций и концепций выше указанных отношений. В целом, современной историографии известны главные теории развития русско-венгерских связей и в значительной степени, поверхностно касаясь проблемы, кажется, что она исчерпана для дальнейшего изучения.

Однако, анализируя существующие комментированные издания и оригиналы летописей Руси и западноевропейских хроник (в первую очередь венгерских и германских), становится понятным, что большое количество эпизодов исследуемых связей вообще никогда не поднималось на уровне написания специальных статей.

Одной из центральных проблем является вассалитет князя Даниила Романовича (1238 – 1264 гг., как галицко-волынский князь, а от 1253 г. – король “всей Руси”) от венгерского короля Белы IV (1235–1270 гг.). Невзирая на достаточно большое количество существующих документальных сообщений (летописи, хроники, буллы и др.),

эпизодические упоминания о данной теме учеными различных эпох и исторических школ, она не стала предметом особого внимания. Именно это принудило нас высказать собственное мнение относительно указанного периода отношений Арпадов с восточнославянскими князьями.

Источники в исследуемом вопросе вынуждают сконцентрировать внимание на сообщении об участии Даниила 14 октября 1235 г. на коронации Белы IV, которая предусматривала три обязательных атрибута: акт должен был происходить в Секешфехерваре, также обязательным было участие архиепископа Эстергома, который должен был возложить на голову монарха Святую Корону. Сам Даниил, как свидетельствует предание, в этой церемонии вел королевского коня.

Так, на страницах “Композиции венгерских хроник” середины XIV в. секешфехерварского хрониста Марка Кальти по данному поводу указывается: “Rex Bela post eum filius eius coronatus est pridie Idus Octobris feria prima qua cantatur: Da pacem Domine, in cathedrali ecclesia Beati Petri Albe, quam ipse consecrari fecit, Colomano duce fratre eiusdem ensem regalem ad latus ipsius honorifice tenente, Daniele vero duce Rutenorum equum suum ante ipsum summa cum reverentia ducente”¹.

События коронации Белы отображены в хронике Генриха из Мюгельна, который работал над ней в 1358 – 1361 гг.: “In des selben kronung stund herczog Coloman, sein pruder, und hielt im das kundlich swert czu der rechten hant, und der herczog Daniel von Reussen furt das ros vor dem kunge. Der selb kunig Bela was gewaldig funf und dreyssig jar”².

Эпизод коронации Белы IV в неизменном виде вошел в труд “Chronica Hungarorum” Яноша Туроци (1435–1488/89 гг.)³.

В XIX в. венгерские археографы, ссылаясь на хроники XIV в., также вспомнили о сказании коронации Белы, несколько сократив его содержание: “Post paucos a patris obitu dies, ne, simora longior intercederet, rerum novarum studiosi aliquid molirentur, Albam contendens, consueto more, Colomanno fratre ensem praeferente a) & Daniele Russorum Duce equum ducente b) coronatus est”⁴.

Важными для нашего исследования являются артикулы Золотых булл короля Эндре II (1205–1235 гг.) за 1222 и 1231 гг.,⁵ которые регламентировали общественные отношения в стране, в том числе между представителями правящей династии и ее подчиненными, а также касались внешней политики королевства. Следовательно, в западноевропейских

¹ *Scriptores rerum Hungaricarum*. I-II. ed. SZENTPÉTERY, E. Budapestini 1937-1938. (далее: SRH) I. 467.

² SHR II. 207.

³ Johannes de THUROCZ: *Chronica Hungarorum*. I. Textus. Ed. GALÁNTAI, E. et KRISTÓ, J. Budapest 1985. 137.

⁴ *Historia Regum Hungariae cum notitiis praeviis*. Budae: 1801. 234.

⁵ *Decreta Regni Medievalis Hungariae*. I. 1000–1301. eds. BAK, M.J., SWEENEY, J.R., DOMONKOS, L.S. Idyllwild, California 1999. (далее: DRMH) 32-39.

источниках наиболее ранним сообщением об участии Даниила Романовича в коронации Белы является эпизод приведенный в труде М.Кальти. Достоверности данных этого хрониста относительно исследуемых вопросов присущая определенная дискуссионность. Это объясняется тем, что автор приступил к написанию своего произведения в 1358 г. во времена правления Лайоша Анжуйского (1342 – 1382 гг.), также включив туда исторические сведения об угах от наиболее давних времен до 1330 г. Учитывая то, что в хронике вошли ранние протографы XI–XII вв.,⁶ а сам Кальти походил с места коронации всех венгерских королей начиная от второй половины XI в., информацию, приведенную хронистом, следовало бы считать достоверной.

Однако, стоит помнить, что данный труд появился во времена активного продвижения венгерских и польских влияний на территорию Галицкой и Волынской земли в середине – второй половине XIV в. Поэтому в то же время можно и допустить, что это сознательный фальсификат, созданный по заказу правящей династии, призванный дополнительно аргументировать существующие во времена Арпадов (895–1301 гг.) права на данные земли, и что именно с ранних венгерских источников информация о коронации Белы, а также не до конца понятное участие в ней Даниила была переписана другими авторами.

Однако в нашем распоряжении есть также цикл русских летописей (в первую очередь – Ипатьевская), где исследуемая проблема косвенно нашла отображение, в то же время объясняя особенности отношений Даниила Романовича и Белы IV после 14 октября 1235 г.

В частности, по мнению современного украинского историка Н.Ф. Котляра, который является автором последнего комментируемого издания Галицко-Волынской летописи,⁷ между концом 1236 – первой половиной 1237 гг. “Даниль ...шелъ бяше съ братомъ своимъ въ Угры къ королевы: бѣ ибо звалъ его на честь. В то же время пошелъ бяше Фридрихъ царь на герцика войною, и всхотѣста иди Даниль съ братомъ Василкомъ герцикови в помощь”.⁸ [подчеркивание здесь и далее – М.В.]

В данном случае нас интересует словосочетание “звалъ его на честь”. Понятие “честь” в летописи можно найти еще один раз – в эпизоде, где освещаются последствия посещений Даниилом Романовичем в декабре 1245 – январе 1246 гг. ставки хана Бату – Сарая. Летописец в отчаянии

⁶ ШИШАРИН, В.П.: Древнерусское государство западно- и восточноевропейских средневековых памятниках. In: *Древнерусское государство и его международное значение*. Под ред. Пацуто, В.Т. и Черетина, Л.В. Москва 1965. 420-452. здесь: 430.

⁷ КОТЛЯР М.: *Галицко-Волынский літопис*. Дослідження. Текст. Коментар. Київ 2002. (далее: КОТЛЯР, Літопис) 396.

⁸ *Полное собрание русских летописей*. (далее: ПСРЛ) СПб. 1908. II. 776.; КОТЛЯР, Літопис 228.

указывал, что “злѣе злая честь Татарска”⁹ выше описывая унижение галицко-волинского князя от монгол.

Заметим, что проблему вассального подчинения князя Даниила Бела IV или хотя бы вероятность такого акта, историки в комплексе практически не рассматривали. Мы владем только отдельными выжимками из трудов ученых, в которых прямо, или, как правило, косвенно, имеются комментарии относительно взаимоотношений Арпадов и Романовичей в 1235–1238 гг.

Автор одного из первых фундаментальных, специальных и в то же время противоречивых трудов по истории Руси и России В.Татищев проблемы участия волинского князя в коронации Бела не касался, хотя под 6741 (1233) сообщал, что “Даниил Романович, имея в Галиче с королем венгерским войну тяжелую и победив угров в горах, учинил с ними мир. Отрекся король по грамоте Мстислава от Галича”.¹⁰ Это, фактически, прямой намек на нормализацию отношений с Эндре II, но не с его сыном, который в октябре 1235 г. унаследовал Корону.

Н.Карамзин, оценивая события 14 октября 1235 г., высказывал четкое мнение о вассалитете Даниила от Бела в 1235 г. Первый, по его словам, вел королевского коня, что “было тогда знаком подданства”.¹¹

Украинская историческая наука, в частности галицкие краеведы-историки А.Петрушевич и И.Шараневич касались вопроса взаимоотношений Романовичей с черниговскими князьями и герцогом Австрии (1235–1237 гг.), констатировала нежелание Бела видеть в Галиче “сильную власть”, однако относительно вассалитета, или его отсутствия речь не шла.¹² Так, И.Шараневич считал, что в 1235 г. Даниил искал “помочи въ Уграхъ” в борьбе за Галич. В то же время детального анализа своих размышлений автор не приводит.¹³

Диаметрально противоположной позиции в данном вопросе придерживался Н.Дашкевич. В своем труде “Княжение Даниила Галицкого по русским и иностранным известиям” он высказал мнение, что участие Даниила в коронации Бела считалось вассалитетом. Исследователь констатировал, что во время торжеств никаких соглашений с Романовичами не заключалось, ибо Бела IV в борьбе за Галич поддерживал Ростислава.¹⁴

⁹ ПСРА II. 805.

¹⁰ ТАТИЩЕВ, В.: *История Российская*. Москва 2003. II. 541.

¹¹ КАРАМЗИН, Н.М.: *История Государства Российского*. Москва 1988. IV. 163.

¹² ПЕТРУШЕВИЧ, А.: Обзор важнейших политических и церковных происшествий в Галицком княжестве с половины XII до конца XIII в. In: *Литературный сборник издаваемый общесвом Галицко-русской матици*. (далее: *Галицкая матица*) Львів 1854. 31.

¹³ ШАРАНЕВИЧ, И.: *История Галицко-Володимирской Руси от найдавнішихъ времен до року 1453*. Львів 1863. 84.; Он же: Исследования на поли отечественной географии и истории. In: *Галицкая матица*, Львів 1869. 90.

¹⁴ ДАШКЕВИЧ, Н.: *Княжение Даниила Галицкого по русским и иностранным источникам*. Кіів 1843. 8.

О попытке Даниила возратить в 1235 г. Галич указывал М. Грушевский.¹⁵ Он не отбрасывал возможности участия князя в коронации, что, по его мнению, обозначало определенное верховенство Бела относительно вольнского князя. Романович осуществил свою поездку с намерениями установить добрососедские отношения и отдавался под протекцию короля с тем "...чтобы сделать конец вмешательству Венгрии в галичские дела".¹⁶ Взгляды М. Грушевского разделяла Н.Полонская-Василенко, заметив, что "новый король Бела IV не проявлял интереса к Галиции, а Даниил, желая мира, даже подвергся был под его протекцию. Но король поддержал кандидатуру Михаила Всеволодович на галичский престол".¹⁷

В советской исторической науке проблема русско-венгерских отношений второй четверти XIII в. стала предметом обзора И.Коломийца, который заметил, что "1234 – 1235 годы проходили в напряженной борьбе Романовичей и черниговских князей, которых "по соглашению" поддерживал Бела".¹⁸ Однако более детального объяснения этого договора автор не навел, как и не высказал своего мнения относительно отношений Даниила с Белой после 1235 г. Значительно глубже анализируемую тему изучал В.Пашуто. В частности, на страницах работы "Очерки по истории Галицко-Вольнской Руси" ученый указывал, что в 1235 г. Даниил ездил к Беле, чтобы тот не вмешивался в галичские дела. Автор считал, что только после возможного участия Даниила на стороне австрийского герцога в войне с уграми, король предложил Романовичам какой-то договор, из-за которого тот отказался поддержать Фридриха Бабенберга (1230–1246 гг.) и в 1238 г. захватил Галич.¹⁹

Участие вольнского князя в коронации Бела IV, а также визит к венграм "на чьсть", то В. Пашуто оценивал положительно. Он считал, что пребывание в Венгрии в 1237 г. показало дипломатическую активность Романовичей, которые не позволили Арпадам вмешиваться во внутренние дела Галичской земли вплоть до нашествия монгол.²⁰

Современная украинская историография также не считает изучение вопроса вассалитета Даниила Романовича актуальным. Отсюда и очень небольшое количество концепций касательно исследуемых событий. Ужгородский историк И. Лихтей, рассматривая обстоятельства зарождения

¹⁵ ГРУШЕВСКИЙ, М.: Хронологія подій Галицко-Вольнської літописи. Ін: *Записки НТШ*. ХІІ. Львів 1901. (далее: ГРУШЕВСКИЙ, Хронологія) 25-26.

¹⁶ ГРУШЕВСКИЙ, М.: *Історія України-Русі*. ІІІ. Київ 1993. (далее: ГРУШЕВСКИЙ, История) 52-53.

¹⁷ ПОЛОНЬСКА-ВАСИЛЕНКО, Н.: *Історія України*. Київ 1995. ІІ. 197.

¹⁸ КОЛОМЕЦ, И.Г.: Борьба південно-західних руских князівств проти експансії угорських феодалів XI – XIII ст. Ін: *Наукові записки УЗДУ Ужгород* 1949. ІІ. 22.

¹⁹ ПАШУТО, В.Т.: *Очерки по истории Галицко-Вольнской Руси*. Москва 1950. (далее: ПАШУТО, Очерки) 217.

²⁰ ПАШУТО, В.Т.: *Внешняя политика Древней Руси*. Москва 1968. (далее: ПАШУТО, Внешняя) 257-258.

союза Фридриха Бабенберга и волынского князя в середине 30-х гг. XIII в., констатировал участие последнего во время коронации Белы. Однако автор не навел собственного взгляда на данную проблему, а согласился с точкой зрения М Грушевского.²¹ В контексте анализа “Дорогичинского инцидента” 1237 г., военных походов Романовичей против племен литовцев и ятвягов, о визите “на честь” к королю эпизодически вспоминал О. Масан.²²

Более глубоко данный вопрос изучал Н. Котляр. В одном из своих первых трудов, посвященных Галицко-Волынской летописи (1993), он указывал, что Даниил был приглашен “на честь” к Беле после налаживания отношений с Фридрихом австрийским. По мнению историка, Даниил решил противопоставить венгерскому королю союз с австрийским герцогом. Это была дипломатическая победа над Белой, которая, по словам автора, “почему-то не нашла отражения в Повести о возвращении Даниилом галичского стола. Можно думать, что королю Венгрии пришлось хорошо заплатить за отказ Даниила от союза с Австрией... Вероятно, что когда Даниил посетил Венгрию, между ним и королем было подписано какое-то соглашение, за которым Бела IV обязывался не вмешиваться в волыньские и галичские дела”.²³

Интересные мысли по данной теме Н. Котляр высказал и в исследовании биографии Даниила Романовича (2001). Он писал, что после захвата Галича в 1235 г. черниговскими князьями, “старшему Романовичу пришлось оставить галичский престол и поехать ... в Венгрию”. Автор объяснял это тем, что к власти пришел Бела, с которым Даниила связывала детская дружба. В детстве он воспитывался при венгерском королевском дворе. Н. Котляр считает, что Бела был меньше заинтересован в присвоении Галичской земли. Автор, неизвестно на какие источники ссылаясь, описывал, что “Бела охотно вспоминал о детских развлечениях”, но в решающий момент поддержал Михаила Всеволодовича. Однако Даниил решил заключить союз с Бабенбергами. Поэтому Бела пригласил обеих Романовичей “на честь” и заключил вероятно с ними какое-то соглашение, очевидно о нейтралитете касательно русских земель. Так думать автора побуждало то обстоятельство, что король длительное время не вмешивался в галичские и волыньские дела.²⁴

В последнем комментируемом издании Галицко-Волынской летописи (2002) Н. Котляр заметил, что дипломатические мероприятия Даниила в Венгрии осенью 1235 г. не имели успеха, ибо король поддержал его

²¹ ДИХТЕЙ, И.: Австро-угорско-чешские противостояния 30–50-х рр. XIII ст. In: *Carpatica* 21 (2003), 119-120; Он же: Борьба Даниила Романовича и Пшемисла Отакара II за австрийские спадщину. In: *Король Данило і його місце в українській історії*. Львів 2003. 76.

²² МАСАН, О.: Добрижинский Орден (до истории дорогичинского инциденту 1237 року). In: *Питання стародавню та середньовічної історії, археології і етнології*. Черновці 1996. 49.

²³ КОТЛЯР, Н.: Літопис. 68.

²⁴ КОТЛЯР, М.: *Данило Галицький*. Київ 2001. 84-85.

соперника Михаила черниговского.²⁵ Тот, по мнению историка, “не имел корней в Галиции” и не мог быть популярным среди мелких феодалов и народа. Поэтому взять Галицкую землю под Михаилом или его сыном было бы неизмеримо легче, чем под Даниилом. Приводя разные историографические суждения по поводу событий 1235–1238 гг., ученый считал, что “...Беле пришлось хорошо заплатить за отказ Даниила от союза с Австрией. Вероятно, во время пребывания в Венгрии было подписано какое-то соглашение между королем и вольным князем, по которому Бела обязывался прекратить помощь Михаилу и Ростиславу и, вообще, не вмешиваться в галицкие дела”.²⁶

Интересные наблюдения относительно исследуемых вопросов высказал представитель украинской диаспоры В.Издьо, который допускал, что Бела после 1235 г. не поддержал Даниила потому что был еще жив Коломан “галицкий король”. В 1236 г. когда Даниил прибыл “на честь” в Венгрию, между ним и Белой был заключен договор, согласно которому Бела был вынужден разорвать союз с черниговскими князьями. Однако венгерский король, по мнению автора, рассматривал договор, как временное явление.²⁷

В трудах современного российского ученого О. Майорова бытует мнение, что Даниил все же был вассалом Бела, согласившись на такой статус в обмен на королевскую помощь в борьбе за Галич. Помешал реализации этих планов Михаил Всеволодович, который быстрее занял поднепровскую столицу.²⁸

Исследователь считает, что “старший Романович, как и его отец, в полной мере мог формально признать себя вассалом нового венгерского короля”. О.Майоров выяснил цель поездки вольного князя к Беле осенью 1235 г. По его мнению, она состояла в получении венгерской военной помощи против черниговских правителей. Точку зрения о получении Даниилом гарантий невмешательства во внутренние дела Галицкой земли историк категорически отбрасывает.²⁹

Зарубежная историография, в первую очередь венгерская, еще в XIX в. также отстаивала мнение о безусловной, вассальной подчиненности вольного князя от венгерского короля. Однако ученые не предоставили комплексного видения данной проблемы. Предложенные эпизодические взгляды имеют место в работе Д.Паулера.³⁰

На современном этапе венгерские ученые пересматривают некоторые предубежденные оценки русско-венгерских отношений эпохи

²⁵ КОТЛЯР, Літопис 220.

²⁶ Ibidem 228.

²⁷ ИЗДЬО, В.П.: *Українська держава в XIII столітті*. Івано-Франківськ 1999. 194.

²⁸ МАЙОРОВ, А.В.: *Галицко-Волынская Русь. Очерки социально-политических отношений в домонгольский период. Князь, бояре, община*. СПб. 2004. 36.

²⁹ Ibidem 588.

³⁰ PAULER, Gy.: *A magyar nemzet története az Árpád-házi királyok alatt*. I-II. Budapest 1893. II. 189.

Средневековья, которые наблюдались в работах XIX–XX вв. В частности, довольно успешно в данном направлении работает М. Фонт. Однако и данная исследовательница в некоторых своих работах только констатирует факт участия Даниил в коронации Бела, в то же время не приводя особого анализа данного исторического факта. На основании изучения Ипатьевской летописи М. Фонт указывает о присутствии в 1235 г. Романовичей при дворе Бела, но о цели поездки информации не подает.³¹

Одним из немногих в польской историографии исследуемой темы коснулся Б. Владарский в своем труде “Польша и Русь (1194–1340)”. Он отстаивал мнение, что Даниил в борьбе за Галич пытался “найти себе нового короля Бела IV, к которому тот выехал и участвовал в торжествах интронизации”.³² В Галиче пребывала значительная венгерская залога, которая должна была обеспечить не только власть Ростислава Михайловича, но и венгерские влияния. Поэтому участие Даниила в интронизации Бела, по словам автора, не принесло успеха.³³

Учитывая имеющиеся в наличии источники и существующий массив научных исследований касательно вассальной подчиненности Даниила Романовича от короля Бела IV, мы считаем, что данная проблема отображена достаточно поверхностно, а потому нуждается в дополнительной специальной разработке. По нашему мнению, не понятной остается мотивация участия вольнского князя у интронизационных торжествах представителя династии Арпадов и позиция последнего в австро-галичских отношениях второй половины 30-х гг. XIII в. К тому же вообще не рассматривалась хронология данного подданства, не привлекался актовой материал Венгерского королевства для более глубокого выяснения условий вассалитета и его последствий для обеих правителей особенно на фоне татарского лихолетья первой половины 40-рр. XIII в.

Эти противоречивые и часто непонятные вопросы стали предметом исследования данной статьи.

Хронологические рамки работы охватывают период от 14 октября 1235 – 17 августа 1245 гг., где нижней границей является подчинение Даниила Романовича Беле во время коронации последнего. Верхняя граница – битва вольнских князей и их союзников с войсками венгерского бана Фили, сына князя Михаила Всеволодовича Ростислава и краковско-сандомирского правителя Болеслава Стыдливого под Ярославом. Победа Романовичей, по нашему мнению, завершила этап вассальной подчиненности Даниила.

Одним из главных признаков европейского Средневековья стали так называемые вассально-сюзеренные связи, которые выступали фундаментом внутривластной и социальной стабильности большинства государств,

³¹ FONT, Márta: Ungarn, Polen und Galizien-Wolhynien im ersten Drittel des 13. Jh. In: *Studia Slavica Hungariae* 38 (1993):1-2. 27-39. здесь: 36.

³² WŁODARSKI, B.: *Polska i Rus (1194–1340)*. Warszawa 1966. 108.

³³ *Ibidem* 112.

взаимопонимания между различными станами и прослойками общества и т.п.

На территории, подвластной династии Арпадов вассально-ленные отношения имели свои значительные особенности. В отличие от немецких земель, в Венгрии все землевладельцы с мелких до крупных считались вассально-подчиненным королю и должно было в его пользу выполнять военную службу. До 1222 и 1231 гг. регламентация этих обязанностей не имела четкой формы и трактовалась королем произвольно. Однако с появлением соответствующих Золотых булл содержание отношений Арпадов с подчиненными существенно изменилось.³⁴

Существенные изменения имели место во внешнеполитических связях королевства, поскольку артикулы №7 от 1222 г. и №8 от 1231 г. констатировал, что когда "...мы будем воевать за пределами страны, мелкие землевладельцы (*servientes regis*) не обязаны выступать с нами. Только иппаны и солтисы, йобагионы королевских крепостей, а также те, которые согласно должности относительно этого обязаны и те, кому мы предоставили наибольшие владения".³⁵ Это касалось и Галичской земли, за контроль над которой король Эндре II (1205–1235) вел длительную борьбу на протяжении всего своего правления с представителями черниговских Ольговичей и вольнских Романовичей.³⁶ Особенно серьезными неприятелями для Арпадов были последние, которые, имея незначительные династические права на Галич (бракосочетание Даниила с дочерью Мстислава Удачного Марией в 1217 г. позволило легитимно претендовать на местный престол), регулярно сопротивлялись венгерским влияниям в Поднепровье.

Противостояние за галичские владения приобрело апогея в первой половине 30-х гг. XIII в., когда на протяжении 1232–1234 гг. венгерский принц Эндре в последний раз от имени правящей династии правил в Галиче. Его враг Даниил Романович в начале 1234 г. сумел выгнать венгерские отряды с Поднепровья, а сам Эндре умер в осаженной столице. Однако и вольнский князь не задержался здесь надолго, поскольку вследствие боярского заговора в начале осени 1235 г. Галицией овладели черниговские правители Михаил Всеволодович с сыном Ростиславом – от 1228 г., судя из Ипатьевской летописи – союзники Арпадов.

В контексте борьбы за Галич существование такого длительного контакта между главными неприятелями Даниила и Василька вынуждало последних искать новых путей доступа к территории Поднепровья и, как мы считаем, даже путем заключения вассального договора с новым венгерским королем Белой IV.

³⁴ DRMH 32-39.

³⁵ *Ibidem* 37.

³⁶ ПСРА II. 732.; *Ioannis Dlugossii Annales seu Cronicae incliti regni Poloniae. Libri V-VI. Varsaviae 1973., VI. 205.; МАЙОРОВ ук. соч. 370-560.*

Причинами такого поиска, на наш взгляд, было и то, что Романовичи осознавали необходимость присутствия своей власти в Галиции не меньше, чем их соперники. Важность использования экономического ресурса (особенно соли) и торговых путей давало немалые прибыли, открывало новые направления экспортирования товаров Буто-Днестровской речной артерией. Параллельно имела место невозможность далее вести равную борьбу с Арпадами, войско которых в конце XII – первой половине XIII вв. было одним из наиболее сильных в Центральной Европе. Если учесть, что венгерская знать была заинтересована в проникновении на Поднестровье, даже несмотря на условия уже упоминавшегося артикулы Золотой буллы, тогда становится понятным, что вольинские властители имели немного шансов силой вернуть себе желаемые земли в ближайшее время. Периодически Даниил был вынужден сопротивляться военным нападениям со стороны поляков, литовских племен, половцев и других русских князей. Это распыляло и ослабляло его войско, о чем свидетельствовало хотя бы отсутствие сил для удержания Галича в первой половине 1235 г. после успешной для себя кампании 1234 г.³⁷

Поскольку Романовичи не имели особо на кого опираться в борьбе за галичские владения, то по нашему мнению, понятным является визит Даниила в Секешфехервар и его участие 14 октября 1235 г. в коронации Бельи IV. Ни один из существующих документов не отображает деталей торжеств, кроме указания, что они происходили в соборе святого Петра (*In cathedrali ecclesia Beati Petri Albe*). Каким образом проходил сам процесс помазания на королевство неизвестно, хотя понятным есть присутствие во время данного акта нескольких лиц: эстергомского епископа, брата Бельи – Кальмана и Даниила. Они “с большим уважением” сопровождали нового монарха из церкви (*Colomano duce fratre eiusdem ensem regalem ad latus ipsius honorifice tenente, Daniele uero duce Rutenorum equum suum ante ipsum summa cum reuerentia ducente*).³⁸ Составлял ли вольинский князь в пользу сына Эндре II оммаж и фуа, как обязательные атрибуты вассального подчинения, неизвестно, однако выполнение маршальской службы при выходе из собора заставляет нас думать именно так. При подобных обстоятельствах в 1177 г. в венецианском соборе Святого Марка немецкий император Фридрих I Барбаросса (1152–1190) признавал над собой сюзеренитет папы Александра III (1159–1181) и выполнял такую же маршальскую функцию.³⁹

Таким образом, анализ непосредственных обстоятельств участия вольинского князя в торжествах коронации Бельи IV не является достаточно убедительным отображением вассального подчинения первого венгерскому монарху. Однако цикл внешнеполитических кампаний и визитов

³⁷ КОТЛЯР Літопис, 220.

³⁸ SRH I. 467.

³⁹ ЗИНЧЕНКО, А.: *История дипломатии*. Винница 2002. 214.

Романовичей в Венгрию на протяжении 1235–1241 гг. свидетельствует, что Арпады владели определенным сюзеренитетом над Даниилом, причем не гарантировали никакой военной поддержки в борьбе за Галич, как об этом указывали отдельные историки.⁴⁰ В частности, судя из источников, в ближайшие полтора года деятельности волинских правителей на территории Поднестровья, в их распоряжении не было ни одного венгерского подразделения.⁴¹

Более логичным, как мы считаем, есть мнение М. Грушевского и В. Папуто⁴² о временном невмешательстве в галичские дела. Длительность такого нейтралитета, по нашему мнению, определена не была, поскольку в самой Галиции продолжала править благосклонная уграм группа нобилитета и союзники Белы с династии Ольговичей. Невзирая на то, что они оставались фактическими властителями края, король продолжал использовать в своем титуле приставку “*rex Galitiae et Lodomeoniae*”.⁴³ Не отрекался своих прав относительно Галича и Кальман, коронованный диадемой на рубеже 1214–1215 гг. по инициативе своего отца Эндре II и папы Иннокентия III (1198–1216) как “*rex Galitiae*”.⁴⁴

В данном случае нерешенной остается проблема содержания соглашения Арпадов с черниговскими князьями, которые с сентября 1235 г. контролировали Галич и не ощущали в данном регионе ни прямого, ни косвенного сопротивления со стороны боярской верхушки. На первый взгляд это было довольно непонятно, ибо среди галичского нобилитета еще сохранялась память о злоупотреблении властью и, как следствие, казни черниговских Игоревичей в 1210 г.⁴⁵ В данном историческом контексте напрашивается мнение об определенных экономических договоренностях Белы, местной поднестровской знати и Ростислава Михайловича; а также возможно определенный уровень подчинения последнего относительно венгерского монарха.⁴⁶

Оценивая характер зависимости Даниила от короля Белы IV, следует учесть один из обязательных атрибутов вассальных полномочий – военную службу в пользу сюзерена. После возвращения князя из Венгрии, войска

⁴⁰ ШАРАНЕВИЧ ук. соч. 84.; Майоров ук. соч. 36.

⁴¹ ПСРА II. 774-776.

⁴² ГРУШЕВСКИЙ История III. 52-53.; ПАПУТО Очерки. 217.

⁴³ *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. Ed. Fejér, Georgius (далее: CD) I-XI. Budaе 1829-1844. здесь: IV/1. 156, 215.

⁴⁴ *Długoszy* VI. 204.; *Kronika Polska Marjina Kromera biskupa Warmińskiego*. Sónok 1857. I. 376-377.; ЧУБАТЫЙ, М.: Західна Україна и Рим у XIII ст. у своїх змаганнях до церковної унії. *Записки НТШ СХХІІІ-СХХІV*. Львів 1917. 19.

⁴⁵ ПСРА IX. Москва 2000. (reprint) 63.

⁴⁶ Не понятно, почему Ростислав Михайлович, возвращаясь во второй половине 1238 г. с похода на литовцев и узнав о потере Галича, отправился именно к Беле, а не к своим польским родственникам (ПСРА II. 783), которые географически находились ближе. По нашему мнению, такое решение было продиктовано некоторыми обязательствами касательно Арпадов, о которых исторические документы не свидетельствуют.

Романовичей как вспомогательные силы Короны святого Иштвана не упоминаются в ни одном из известных нам источников. Князья сосредоточили свою дипломатическую и внешнеполитическую деятельность в других направлениях. Кроме двух конфликтов с черниговскими правителями за Галич, Даниил и Василько на протяжении конца 1235 – начала весны 1237 гг. провели несколько военных кампаний против болоховских князей, поляков, литовских и половецких племен, которые периодически опустошали приграничные земли Владимиро-Волынского княжества.⁴⁷

Только на рубеже 1236–1237 гг. имеется первое сообщение летописца, что “Даниль же в то время шель бяше съ братомъ своимъ въ Угры къ королевы: бѣ ибо звалъ его на честь”.⁴⁸ Отдельные историки (В. Папуго и Н. Котляр) настаивали на мнении, что это был исключительно дружеский шаг со стороны Бела, причем старший Романович в результате дипломатических переговоров даже сумел получить в свою пользу какие-то уступки в дальнейшей борьбе за Галич. Однако, на наш взгляд, визит к Арпадам был прямым проявлением выполнения вассальных обязанностей в период заострения отношений между сеньором Даниила – Белой IV и австрийским герцогом Фридрих Бабенбергом. Летописец, который об уровне подчинения Романовича должен был знать, очевидно сознательно не внес более детального описания о посещении князем короля. Единственный факт, который привлек его внимание – намерение волынских властителей “идти ...герцикови в помощь”,⁴⁹ фактически нарушая нормы вассального права относительно своего сюзерена.

В исторической литературе (упоминавшиеся В. Папуго и Н. Котляр) бытует мнение, что этим решением Даниил принудил Бела пересмотреть свое отношение к нему лично и к его претензиям на Галич, в частности; и пойти за определенные уступки. О. Майоров отстаивает точку зрения, что Романовичи на протяжении 1237 г. вообще осуществили два визита в Венгрию, а поэтому, по его мнению, летописную версию данных событий следует внимательно распределять. Первое посещение, по словам историка, было выполнено в начале весны, когда князья не должны были останавливаться в Венгрии, а шли на помощь герцогу Фридриху, с которым еще от 1235 г. завязли дружеские отношения. Однако во второй раз они посетили Арпадов летом, отправляясь “на честь” к Беле. Цель данного визита – подтверждение договора, который Даниил заключил раньше с союзником угров Михаилом Всеволодовичем, получив от него Перемышль; а также волынский властитель, по словам автора, домогался “отказы венгерского короля от дальнейшего вмешательства в галичские дела”.⁵⁰

⁴⁷ ПСРА II. 774-776.

⁴⁸ КОТЛЯР Літопис. 228.

⁴⁹ Ibidem.

⁵⁰ МАЙОРОВ ук. соч. 596-597.

Хронология событий предложенная российским ученым является важной, поскольку в значительной степени объясняет уровень и характер вассального подчинения Даниила. Допуская, что сначала весной 1237 г. “всхотѣста иди Даниль съ братомъ Василкомъ герцикови в помощь”, а уже впоследствии, летом того же года, старший Романович отправлялся “на честь”, неисследованным, в контексте данной проблемы, остается целый пакет взаимосвязанных вопросов. При оценивании интерпретации летописных событий О. Майоровым, не до конца понятным является выбор путей, которыми двигались полки Романовичей на помощь союзным Бабенбергам и причины отступа на Русь. Очевидно, владея каким-то военным контингентом, волынские князья направлялись через ближайшие, хорошо известные и в то же время вражеские галичские земли; попав, таким образом, во владение Арпадов, где, как указывал летописец, имели встречу с королем. Какое место в этих событиях занимали галичские бояре и сам Ростислав, к сожалению, неизвестно. Учитывая наличие конфликтов с Даниилом на протяжении нескольких предыдущих месяцев (весны лета 1236 г.), с их стороны стоило бы ожидать не совсем лояльного отношения к маршруту дружины Романовичей через Поднестрие. Однако в летописи нет ни одного указания на какие-то противоречия.⁵¹ Нелогичным выглядит и дальнейшее поведение князей, которые преодолев такое большое расстояние, отказались от предоставления помощи Бабенбергам.

Мы не отбрасываем хронологии, предложенной О. Майоровым, однако понимаем события, приведенные летописцем, по-другому. Ключевым вопросом в данной сложной международной ситуации остается мотивация отказа Романовичей оказать помощь своим австрийским союзникам и позиция галичского нобилитета в процессе продвижения через подвластные ей земли вражеских вооруженных сил.

Если придерживаться позиции В. Пашуто и Н. Котляра о том, что Даниил был целиком самостоятельным в своих внешнеполитических действиях, тогда непонятно, почему волынские князья не продолжили поход против императора Фридриха II (1212–1250) и как, при такой независимости в действиях, мог венгерский монарх “възбранившю има”.⁵² Убеждение Н.Котляра об откупе со стороны Белы⁵³ также не является убедительным, ибо более естественном и понятным следствием подобных желаний был бы арест, или убийство Романовичей, которые, судя из документов, пребывали во владениях Арпадов.

Более логичной для нас является версия того, что военные контингенты Даниила и Василька, в качестве вассально-подданных, двигались к Венгрии, чтобы объединиться с королевскими отрядами и при необходимости общими силами отразить наступление врага. Продвижение во владения

⁵¹ ПСРА II. 776.

⁵² КОТЛЯР Літопис. 228.

⁵³ Ibidem.

Арпадов (как мы допускаем, через галицкие земли) было беспрепятственным потому, что Михаил Всеволодович, Ростислав и местное боярство получили по данному поводу соответствующие инструкции со стороны венгерского монарха, будучи от него в той, или иной, не до конца понятной нам зависимости. Именно же пребывание Романовичей во владениях Белы и детали встречи с ним является, на наш взгляд, наиболее загадочным моментом летописного эпизода. Каким образом, при каких обстоятельствах Даниил решил изменить политическую ориентацию и поддержать Фридриха Бабенберга, мы считаем, осознать практически невозможно. Однако понятно, что такой шаг вольнского правителя символизировал расторжение вассального соглашения с венгерским королем и, как следствие, начало военных действий Арпадов против князя. Именно это, по нашему мнению, стало предметом разговора Белы IV и Даниила, после чего “Королевы же, възбранившю има [помогать герцогу Австрии – *М.В.*], възвратистася въ землю свою”.⁵⁴

Пребывание на Руси во второй половине весны – первой половине лета 1237 г. Романовичи использовали ради очередного заострения отношений с галицкими властителями. В частности в летописи речь идет о том, что “Алту же наставшю, събрашася [Романович. – *М.В.*] идоста на Галичь на Михаила и на Ростислав, затворила ибо ся бяста в градъ и вверху, множество бяше в него, и възвратившися воеваста около Звинигорода”.⁵⁵ Очевидно, что военные силы Даниила с предыдущего похода в Венгрию вернулись без потерь, а поэтому вольнские князья могли успешно начать кампанию, нанеся серьезный материальный ущерб Галицкой земле. М. Грушевский, Б. Влодарский, Н. Полонская-Василенко, Н. Котляр и некоторые другие историки,⁵⁶ непременно ассоциировали присутствие в осажденном Галичи венгров с определенным войском, хотя в летописи на это нет ни конкретного указания, ни намек. Даже если согласиться с таким мнением, имеющиеся в наличии источники не дают четкого ответа на вопрос, были ли это королевские контингенты, или наемники из соседних закарпатских комитатов.

Невзирая на то, что поднестривская столица не попала в руки Даниила, давление на галицкие владения со стороны уцелевших войск владимировольнского князя было ощутимо, что и символизировало примирение обеих сторон и переход под патронат Романовичей Перемышля.⁵⁷ Этот летописный сюжет также не лишен ряда загадок, поскольку не понятно, почему Михаил Всеволодович и Ростислав решили отдать своему неприятелю земли, которые не имели общей границы с вотчинными

⁵⁴ ПСРА II. 776.

⁵⁵ *Ibidem*.

⁵⁶ Грушевский История. III. 53.; Włodarski op. cit. 112.; Полонская-Василенко ук. соч. II. 197.; Котляр Данило. 85.; Котляр Літопис. 224.

⁵⁷ ПСРА II. 776.

владениями Даниила и Василька. Еще более противоречивым за своей информативностью является согласие последних на такое приобретение. Учитывая геополитическое расположение города и его окраин, а также анализируя закономерности и особенности противостояния местной перемышльской знати и мещан со своими галицкими и волинскими соперниками,⁵⁸ говорить о логичности и желательности установления власти Романовичей в данном регионе не приходится. Алогичным в контексте закрепления здесь власти последних есть и факт наличия в Перемышле на протяжении XI–XIII ст. существенных венгерских влияний, что на уровне археологических исследований было доказано польскими учеными А. Коперским, М. Парчевским и Г. Закржевской.⁵⁹

Поэтому, на наш взгляд, переход указанного города во владения Даниила на данном этапе его отношений с черниговскими властителями и венгерским монархом не следует считать важным успехом волинских князей. В контексте военно-политических отношений, которые имели место в этом противоречивом регионе между выше названными сторонами, включение отрезанного населенного пункта (каким был Перемышль относительно вотчины наследников Романа – Владимирско-Волинского княжества) в состав подчиненных Даниилу территорий больше напоминало ленное предоставление со стороны Белы. К такому мнению мы приходим на основании летописной версии описываемых событий. Какими полномочиями относительно Перемышльской земли к тому времени владел Михаил, автор не сообщает,⁶⁰ а поэтому, как мы считаем, данная территория могла и не находиться под его полной протекцией. Отсюда – не исключенным является участие Арпадов в передаче города и окраин волинским правителям.

Таким образом, следующий визит Даниила к королю “на честь”, который вероятно имел место в первой половине осени 1237 г. и лишний раз подтверждал его вассальную подчиненность от венгерского правителя, является целиком закономерным. Сравнивая данный летописный эпизод с обстоятельствами поездки старшего Романович в декабре 1245 – январе 1246 г. в ставку хана Бату – Сарай и, как следствие, оценками этого визита автором источника (“злѣ злая честь Татарска”),⁶¹ становится понятным, что посещение Арпадов не было ничем другим, как очередным выполнением вассальных обязанностей. О. Майоров объяснял присутствие волинского князя при дворе венгерского монарха намерениями легитимировать переход

⁵⁸ МАЙОРОВ ук. соч. 168-171.

⁵⁹ KOPERSKI, A. – PARCZEWSKI M.: Das Altungarische Reitergrab von Przemyśl (Südostpolen). In: *Acta Archaeologica Academiae Scientiarum Hungaricae*. 30 (1978):1-2. 213-231.; ZAKRZEWSKA, G.: Die Knochenreste eines Pferdes aus dem altungarischen Grab in Przemyśl. In: *Acta Archaeologica Academiae Scientiarum Hungaricae*. 30 (1978):1-2. 235-241.

⁶⁰ ПСРА II. 775-777.

⁶¹ Ibidem 805.

Перемышля под свою протекцию. Мы не отрицаем данной версии, однако считаем, что инициатором такого перехода мог быть и сам Бела, который видел постепенное преимущество Даниила в борьбе с черниговскими правителями, а поэтому, на фоне своих экономических интересов в Галиции, начал больше протезировать первому.

Поддержка Романовичей со стороны Арпадов в противостоянии с Михаилом и его сыном сыграла ключевую роль во второй половине 1238 г., когда первые сумели закрепить за собой и Галич, а Ростислав, отправившись в Венгрию, не получил там от Белы никакой поддержки. Это обозначало изменение формы отношений не только между черниговскими князьями и Даниилом, но и между волынскими правителями и Арпадами. На наш взгляд, последние осознавали, что нет смысла сопротивляться территориальному расширению земель Романовичей, среди которых старший был вассалом Белы IV. Параллельно король хранил среди местного нобилитета немалый авторитет, который особенно проявился в 1240–1241 гг. после побега некоторого количества галичского боярства перед нашествием татар в земли Короны.⁶² Поэтому, на наш взгляд, со стороны венгров не было потребности в очередной раз обострять отношения между восточнославянскими властителями в районе Поднестровья (вторая половина 1238 г.), особенно на фоне вторжения монгол в границы Волжской Булгарии и северо-восточной Руси (1235–1238 гг.). Об этом при дворе венгерского монарха было подробно известно из писем хана Батыея.⁶³

Следующим этапом демонстрации вассально-сюзеренных отношений Даниила и Белы, по нашему мнению, был период 1240–1245 гг., а именно – от нашествия кочевников в Центральную Европу до Ярославской битвы 17 августа 1245 г. Вторжение отрядов Чингизидов в земли Рязанского, Коломенского, Муромского, Владимиро-Суздальского княжеств и их опустошения на протяжении 1236–1238 гг. вызвало серьезный резонанс среди правителей Галичской и Волынской земель, поведение которых в 1239–1241 гг. удостоверяло вассальное подчинение от венгерского монарха.

В частности, Михаил Всеволодович весной 1239 г. “...бѣжа по сыну своемъ передъ татары въ Угры”. Летописец зафиксировал, что он пребывал при дворе Арпадов достаточно длительное время (несколько месяцев), предлагая Беле женить своего сына с его дочерью Анной, о чем свидетельствует следующий сюжет источника (“Король же не вдасть дѣвки

⁶² FONT, M.: Einige Repräsentanten des Kleinadels im polnisch-ungarischen Grenzgebiet im 13. Jh. und die Zukunft ihrer Familie. In: *Specimina nova dissertationum ex Instituto Historico Universitatis Quinqueecclesiensis de Iano Pannonio nominatae. Pars prima*. XI. (1995) 237-250. здесь: 240.

⁶³ SRH II. 541. (Relatio fratri Riccardi); АННИНСКИЙ, С.А.: Известия венгерских миссионеров XIII–XIV вв. о татарах и Восточной Европе. In: *Исторический архив* III (1940) 71-113.

своей Ростислав. Идоста Михаилъ и Ростислав къ усви своему в Ляхы и къ Кондратови...”).⁶⁴

В данном контексте нас интересуют мотивы договоренности черниговских князей с венгерским монархом, которая предусматривала не только династический, но и, очевидно, в контексте борьбы за Поднестровье, военно-политический аспект. Учитывая, что от второй половины 1238 г. Бела ощутимо расширил патронат над Ростиславом и возможно даже предоставил в его временное ленное распоряжение отдельные домениальные владения (как это было после 1241–1242 гг.),⁶⁵ на наш взгляд, целесообразно говорить о попытке Михаила уровнять, или даже повысить статус собственного сына претендента на галицкий престол, перед другим вассалом короля – Даниилом.⁶⁶ Хотя последний владел династическими правами относительно Галича, черниговские князья понимали необходимость дополнительного подкрепления собственных претензий через легитимный брачный договор с Арпадами.

Похожая ситуация имела место в 1214–1215 гг., когда Эндре II и краковско-сандомирский правитель Лешек Белый (1202–1227 гг. с перерывами), на фоне разделения Галицкой земли, с целью легитимации прав на Поднестровье, оженнили своих детей Кальмана и Саломею, соответственно. Данное брачное соглашение, а также идея коронации сына венгерского короля получили одобрение со стороны галицкого боярства и папы Иннокентия III.⁶⁷ Аналогичными были события борьбы за Галич на протяжении 1226 г., в результате которых другой сын венгерского короля Эндре взял в жены дочь Мстислава Удатного и при содействии бояр в 1232 – 1234 гг. был правителем региона.⁶⁸

Об особом статусе вассальной зависимости Ростислава Михайловича от Арпадов дополнительно свидетельствует факт отказа последних на заключение брака. Венгерский историк М. Вертнер писал, что венгры хорошо заботились о сохранении “чистоты природы” своей династии,⁶⁹ а поэтому не спешили родниться с, как они считали, неровными себе. Если допустить, что переговоры о браке происходили на фоне захвата в октябре 1239 г. вотчины Ольговичей г. Чернигова кочевниками, тогда решение Белы IV выглядит целиком логичным. О падении столицы княжества Михаил, скорее всего, знал, поскольку после посещения Венгрии отправился “...къ

⁶⁴ ПСРА II. 783.

⁶⁵ CD V /1. 55.

⁶⁶ Внешнюю политику Короны четко регламентировали постановления булл Эндре II от 1222 и 1231 гг. Так в артикулах №11 от 1222 и №11 от 1231 Золотых булл констатировалось: “Иноземной знати, которая прибывает в страну, конечно, если она не желает стать ее жителями, не предоставляются должности, потому что они выносят из страны богатство”. См. DRMH 33, 38.

⁶⁷ ЧУБАТИЙ ук. соч. 19.

⁶⁸ ПСРА II. 750.

⁶⁹ WERTNER, M.: *Die Allianzen der Arpaden. Politisch-genealogische Studie*. Wien 1887. 7.

уєви своєму в Ляхы и къ Кондратови”, где и пребывал вместе с сыном до середины 1240 г. Можно согласиться и с Н.Котляром, который выдвинул предположение, что восточнославянские правители все же имели намерения найти поддержку в борьбе за Галич.⁷⁰

Таким образом, можно констатировать, что на протяжении 1239 г. Ростислав относительно Белы сохранял некоторые вассальные обязательства, которые пытался разорвать при поддержке своего отца путем заключения династического и, очевидно, военно-политического договора с Арпадами. Его надежды претерпели неудачу, поскольку противоречили личным интересам венгерского короля и международной обстановке в районе Поднестровья. Известно, что со второй половины 1239 г. Романовичи начали увеличивать свое внешнеполитическое присутствие на Руси, присоединив зимой того же года в состав своих владений г. Киев.⁷¹

Расширение полномочий Даниила и Василька в соседних княжествах и землях никоим образом не отразились на уровне вассальной подчиненности старшего Романовича от Белы IV. Об этом свидетельствуют особенности их взаимоотношений на протяжении 1239–1241 гг. Галицко-волынский князь в это время осуществил важный визит к Арпадам, который имел две фазы и предусматривал коренное изменение геополитической ситуации в Центрально-Восточной Европе. Однако в существующей исторической литературе, на наш взгляд, этот вопрос получил недостаточно полноценное освещение.⁷² Детального анализа требуют целые блоки проблем, начиная от изучения хронологии пребывания Романового сына в Венгрии, завершая спецификой переговоров с местным королем, подсчетом приблизительной численности восточнославянской дипломатической делегации и выяснением особенностей борьбы обеих правителей с кочевниками в 1241–1242 гг.

⁷⁰ КОТЛЯР Літопис. 237.

⁷¹ ГРУШЕВСКИЙ История. 56.

⁷² АННИНСКИЙ ук. соч.; БАБЕНКО, Р.: *Взаємовідносини Золотої Орди і Південно-Західної Русі в XIII ст.* Київ 2004.; Он же: *Прикардонні землі Південно-Західної Русі і Золотої Орди (друга половина XIII ст. – перша половина XIV ст.)*. In: *Історія України в школі* III (2000) 6-12.; ВЕРНАДСКИЙ, Г.: *Монголы и Русь*. Тверь–Москва 1997.; ГОЛОВКО, А.Б.: *Держава Романовичів та Золота Орда* (40 – 50-pp. XIII ст.). In: *Український Історичний журнал* (УІЖ) IV (2004) 3-16.; ГУМИЛЕВ, Л.Н.: *Древняя Русь и Великая степь*. Москва 1989.; ЖДАН, М.: *Другий напад татарів на Україну (1238–1241)*. In: *Визвольний шлях VII-VIII* (1965) 775-787.; КАРГІЛОВ, В.В.: *Монголо-татарське вшествие на Русь*. Москва 1966.; ЛЕДЕРЕР, Э.: *Венгерско-русские отношения и татаро-монгольское нашествие*. In: *Міжнародні зв'язки Росії до XVII в.. Сб. статей*. Москва 1961. 181-202.; Она же: *Татарське нашествие на Венгрию в связи с міжнародними подіями епохи*. In: *Acta Historica Academiae Scientiarum Hungariae*. II (1953) :1-2ю 1-45.; ОСИПІАН, О.: *Нове джерело з історії монгольського походу країни Центрально-Східної Європи (1236–1242 рр.)*. In: *Україна в Центрально-Східній Європі (з найдавніших часів до кінця XVIII ст. IV)*. Київ 2004. 331-347.; *Татаро-монголы в Азии и Европе. Сборник статей*. Ред. ТИХВИНСКИЙ, С.А. Москва 1977.; *A tatárjárás Magyarországon és a nemzetközi politika*. Ed. L. ZICHY. Budapest 1952.; SENG, T.: *IV Béla külpolitikája és IV. Ince pápához intézett tatár-levele. Századok*. 121 (1987) 584-611.

Известно, что Даниил “...Бхаль бяше ...Оутры ко королевы”, еще не зная “...прихода поганыхъ Татаръ на Кыевъ”.⁷³ В следующем эпизоде источника понятно, что предметом обсуждения было вероятное бракосочетание его сына с дочерью венгерского монарха (“...хотя имѣти с нимъ любовь сватьства...”).⁷⁴ Из вышеприведенных цитат вытекает, что инициатором поездки в Венгрию, очевидно, был Романович, ибо именно он выступал наиболее активным участником переговоров. Не исключено, что галицко-волынский князь пытался избавиться от вассальной подчиненности сбоку Белы, через заключение равноправного династического союза на фоне недавних собственных внешнеполитических приобретений и вторжения монгол в границы Юго-Западной Руси, о которых он конечно же знал. Однако эта версия развития событий, предложенная большинством исследователей, на наш взгляд, требует более детального подтверждения.

Визит мог предусматривать и выполнение определенных вассальных обязательств, поскольку князь со своим сыном достаточно длительное время не покидал границ Короны. Именно нелогичная длительность пребывания восточнославянский властителя и его окружения в пределах Венгрии, на фоне монгольской угрозы, является первым заданием, которое следует выяснить в данном эпизоде исследование. Понятно, что Даниил появился при дворе Белы до “...прихода поганыхъ Татаръ на Кыевъ”, а поэтому можно считать, что начало визита пришлось на сентябрь – октябрь 1240 г. В то же время сообщение летописи о взятии ханом Бату Киева (“...взemiша град Киев и слышавшу ему о Данииле, яко во Угрехъ естъ”) и цитата об отъезде Романовича из владений Арпадов (“множество бѣжаци оу безбожны Татаръ”)⁷⁵ дает основания датировать приблизительное время отъезда из владений Короны январем, или началом февраля 1241 г. Следовательно, наиболее достоверный срок пребывания самого князя на территории Короны составлял приблизительно 4-4,5 месяца.

После возвращения старшего Романовича, судя из летописи, Лев, с частью галицких бояр и сопроводительного войска продолжал оставаться в Венгрии еще на три месяца – до апреля 1241 г.⁷⁶ Поскольку источники не сообщают о нескольких приездах Даниила к Беле IV от октября 1240 до апреля 1241 г., можно констатировать, что визит был только один. Таким образом, общая длительность присутствия галицко-волынской делегации в Венгрии превышала полгода. Учитывая реальную угрозу со стороны татар, это было слишком долго, ибо в то же время лишало возможности Романовичей выделить достаточно времени для фортификации

⁷³ ПСРА II. 786.

⁷⁴ ПСРА II. 787.; КОТЛЯР Лїтопис. 241.

⁷⁵ ПСРА II. 786-787.

⁷⁶ ПСРА II. 786-788.

подвластных земель, подготовки войска, снаряжения, привлечения вероятных союзников и др.

В целом, посольство восточнославянских правителей было достаточно численным, включая, как свидетельствует Ипатьевская летопись, двух князей, несколько бояр, дружинников (как личных ленников Даниила и Льва) и, скорее всего, военное окружение галицкого нобилитета.⁷⁷ Поэтому можно допустить, что количество участников достигало даже несколько сот персон. В условиях обычного дипломатического визита старшего Романовича, о котором писали ученые второй половины XIX – начала XX вв.,⁷⁸ такой состав его участников нам кажется слишком большим. Более реальной причиной посещения было обсуждение между обоими монархами вопроса об общей обороне владений Арпадов, причем Даниил, что очевидно, должен был выполнять обычную для себя функцию вассала Бела и, соответственно, защитника его восточных земель.

Однако старший Романович, как мы допускаем, во время переговоров выступил инициатором изменения характера взаимоотношений с венгерским королем, предложив ему династический союз и военно-политический договор на равноправных основаниях. К такому развитию переговоров галицко-волинский князь, по-видимому, был готов предварительно, поскольку Лев сопровождал его в этой поездке и оставался в Венгрии к апрелю 1241 г.

Следующей проблемой, которую следует раскрыть – это мотивы и причины распределения сил восточнославянских князей в январе-феврале 1241 г. в период вторжения кочевников в границы Волинской и Галицкой земель. Историки данным вопросам не уделяли особого внимания, хотя детальный анализ существующих источников, а главным образом, Ипатьевской летописи, требует зафиксировать следующие наблюдения.

Даниил в результате визита к Беле, хотел “имѣти с нимъ любовь сватьства...”, однако, по указаниям документа, понятно, что “...не бы любви, межи има”.⁷⁹ В этом контексте логичный вопрос и возражение вызывает реплика автора летописи о том, что Романович оставил Льва в Венгрии, поскольку не хотел отдать его в руки неверных галичан.⁸⁰ С другого сообщения того же автора известно, что в апреле 1241 г. сын Даниила “...вишедшоу... изъ Оугоръ с бояры Галичкыми и приѣхъ во Водаву ко оуцѣ”.⁸¹ Следовательно, летописец сам себе отрицает и не исключено, что

⁷⁷ Ibidem.

⁷⁸ ГОЛОВКО ук. соч. 4.; СТАХІВ, М.: Корона Данила и татары. In: *Analecta OSBM*. Roma II/2. (1954):1-2. 138-139.; ПАЛАУЗРВ, С.Н.: *Ростислав Михайлович, ржкхий удельный князь на Дунае в XIII в.* СПб. 1851. 12.

⁷⁹ ПСРА II. 787.; КОТЛЯР Літопис. 241.

⁸⁰ ПСРА II. 787.

⁸¹ ПСРА II. 789.

именно такая форма подачи информации была запланирована предварительно.

На наш взгляд, переговоры о возможном династическом союзе могли иметь место и после отъезда старшего Романовича. Их инициаторами и продолжателями, как мы считаем, были влиятельные галицкие бояре, которые остались возле Арпадов и, что важно, еще в 20–30-х гг. XIII в. часто выступали посредниками в заключении похожих соглашений между русскими князьями и венгерскими правителями.⁸² Участие самого Льва в вероятном обсуждении данного вопроса, на наш взгляд, исключается, поскольку он, по свидетельству летописи, в августе 1245 г. был еще юношей.⁸³ Исследование М. Баумгартена и Л. Войтовича показывают, что сын Даниил родился около 1228 г.,⁸⁴ а поэтому на момент ведения переговоров ему исполнилось не более 13-14 лет. Понятно, что за таких условий, на фоне нападения монгол, поднестривская знать выступала главным защитником интересов земли, своих лично, ибо стремилась сберечь собственные имения; а поэтому гипотетически также была заинтересованной в заключении соответствующего союза. Однако, за отсутствия надлежащего количества документов, мы исключительно допускаем такой ход переговоров.

При анализе событий, которые имели место во владениях Арпадов, непонятным, после отъезда оттуда, остается поведение старшего Романовича. На протяжении первых зимних и весенних месяцев 1241 г. галицко-волынский властитель осуществил ряд изнурительных визитов в отдельные польские и русские земли. Динамика этих поездок (начало 1241 г. из Венгрии на Русь к Холму; далее, где-то в феврале 1241 г. – в Краковско-Сандомирское княжество Судомиру, откуда – во владения брата мазовецкого князя Конрада – Болеслава, где от него на короткое время получил в кормление г. Вышгород. В марте 1241 г. Даниил отбыл к г. Дорогочину; в течение марта апреля 1241 г. – к Владимиру и Берестью; в апреле 1241 г. князь отправился в малопольский г. Володаву, откуда окончательно выехал в Галицию к г. Синеводско),⁸⁵ по нашему мнению, не просто свидетельствует о желании Даниила избежать столкновения с войсками ханов, на что намекал автор летописи,⁸⁶ а о намерении, возможно даже при согласии, или за приказом короля, организовать общее угро-руско-польское войско, которое бы смогло дать генеральный бой монголам. Именно о таком задании свидетельствует посещение северных территорий Центрально-

⁸² ТАТИЩЕВ ук. соч. 485.; *Vetera Monumenta Historica Hungariam sacram Illustrantia*. Ed. THEINER, A. Romae 1859. I.1.; ПСРА II. 750.

⁸³ ПСРА II. 804.

⁸⁴ ВОЙТОВИЧ, Л.: Друга галицка династія. Загадки і проблеми досліджен. In: *Pamięć stoltit V*. (2002) 39.; BAUMGARTEN N.: *Généalogies et mariages occidentaux des Ruricides Russes. Du X^e au XIII^e siècle*. Roma 1928.

⁸⁵ ПСРА II. 786-789.

⁸⁶ ПСРА II. 786.

Восточной Европы, которые частично лежали в стороне от путей продвижения татар на запад и где можно было бы завербовать необходимые силы. Этому содействовали существующие семейные отношения Арпадов с польскими князьями и соответствующая вассальная подчиненность Даниила.

Однако в это же время отдельные монгольские отряды, судя с хроники Рогерия, в начале 1241 г. вышли к Карпатам, преодолели на перевалах сопротивление королевского войска и вторглись во владения Арпадов.⁸⁷ Именно здесь 11 апреля 1241 г. в бой с кочевниками “на рѣцѣ Солонои” вступили главные силы венгерского короля.⁸⁸ В столкновении с татарами Бела “...потерял ...большую часть своего войска [и – М.В.] начал убежать”.⁸⁹ Поскольку документы не подают никаких сообщений об участии в битве восточнославянской знати, мы считаем, что Лев со своим окружением покинул лагерь Бела IV еще до стычки с татарами и, по словам летописца, где-то в апреле 1241 г. “...приѣхъ во Водаву ко оуцѣ”.⁹⁰

Не исключено, что Даниил, пребывая за границами владений Короны, мог еще надеяться в позитивное для себя завершение переговоров о браке Льва с дочерью Бела и равноправный военно-политический союз. Только с приездом своего сына и очевидного обсуждения ситуации, которая сложилась за предыдущие месяцы, князья решили не помогать Арпадам в борьбе с монголами.

Таким образом, приходится констатировать, что в первой четверти 1241 г. военные подразделения вассала венгерского короля – старшего Романовича участия в обороне территорий своего сеньора не брали. Такой шаг стал решающим в процессе дальнейшего разрыва сюзеренных отношений и их глубокого заострения в следующие три года. Поведение галицко-волинского правителя противоречило артикулу №7 Золотой буллы 1222 г. и №8 от 1231 г. Эндре II, где констатировалось: “Если войско выступает против нашей страны, все вместе и каждый отдельно обязан стать на защиту родины. Если войско, которое идет против нас, отступит, мы должны его разбить до конца”.⁹¹ Нарушение классического вассального долга со стороны Даниила вынуждала Белу отреагировать на такое изменение отношений с восточнославянским князем, однако на протяжении весны 1241 – лета 1242 гг. этому помешало вторжение монголов в земли Короны.

Таким образом, на конец 1241–1245 гг. припадает заключительный период сюзеренно-вассальных отношений галицко-волинского правителя и

⁸⁷ SRH II. 561. (Rogerii Carmen Miserabile)

⁸⁸ ПСРА II. 787., IV. 36. (Новгородские и псковские летописи. СПб. 1848.)

⁸⁹ “Великая Хроника” о Польше, Руси и их соседях XI – XIII вв. Изд. Щабелева, Москва 1987. (далее: ВХП) 155.

⁹⁰ ПСРА II. 789.

⁹¹ DRMН 33, 37.

венгерского монарха, которые, *de facto*, уже тогда были лишены жизнеспособности. Однако дальнейшее рассмотрение этой проблемы, на наш взгляд, невозможно без детального анализа участия в борьбе за Галич указанного времени Ростислава Михайловича и его отца.

Известно, что после изгнания из Венгрии (“Король же не вдасть дѣвки своя Ростислав”),⁹² Михаил с сыном приблизительно до середины 1240 г. пребывали при дворе своего родственника Конрада – князя мазовецкого, откуда, в результате инициируемых ими же переговоров (“Присла ибо Михаилъ послы къ Данилау и Василю”),⁹³ отправились во владение Романовичей. О детальном характере соглашения между правителями в известных нам источниках речь не идет, однако, судя из следующих данных летописи, понятно, что черниговские князья получили в кормление некоторые галицко-волынские территории. Так “Даниль... обѣща ...Кыевъ Михайловы, а сынови его Ростиславу вдасть Лупескъ...”.

Однако, после отказа отъехать к Киеву (“...за страхъ татарьскый”), Михаил Всеволодович получил пожалование в пределах Галицкого княжества. Об этом указывает наличие в его владениях “...овец довольно...”.⁹⁴ Поскольку, за исследованиями современных украинских этнологов, наиболее типичным краем для культивирования овец было Прикарпатье и Карпаты,⁹⁵ можно констатировать, что именно некоторые из этих земель находились в подчинении князя. Выше приведенное указание документа позволяет допустить, что эти территории оказались в пользовании Михаила между концом мая – началом сентября 1240 г., когда овцы выгонялись на полонину и их количество можно было наблюдать воочию.⁹⁶ Не исключено, что волынский летописец был осведомлен с местной традицией.

Мнение о контроле черниговским правителем именно галицких земель дополнительно подтверждается анализом следующего летописного сообщения, в котором вспоминается такой населенный пункт как Коломыя. Источник констатирует, что отдельные представители местного нобилитета, в частности Доброслав Судич и Григорий Василькович приблизительно на середину 1241 г. “...Бакату все Понизье прія, безъ княжя повеленій, ...горную страну Премьшальскую мысляше одрѣжати...”, а также предоставили ряд волостей черниговским боярам.⁹⁷ Летописец, описывая спор Данилового посла-стольника Якова Марковича с Доброславом, словами первого засвидетельствовал, что “велищїи князи дрѣжати... сею

⁹² ПСРА II. 783.

⁹³ КОТЛЯР Лїтопис. 237.

⁹⁴ Тїdem 238.

⁹⁵ ТЫВОДАР, М.П.: *Традиційне скотарство Українських Карпат другої половини ХІХ– першої половини ХХ ст.* Київ 1994. 1-3.

⁹⁶ ВОРОПАЙ, О.: *Звичай нашого народу. Етнографічний нарис.* Київ 1991. II. 92.

⁹⁷ КОТЛЯР Лїтопис. 243-244.

Коломию”.⁹⁸ Среди известных на то время “великих князей” в юго-западных княжествах Руси были только два – Даниил и Михаил.

Поэтому мы и приходим к промежуточному выводу, что указанная большая передгорная прикарпатская территория (какая, по нашему мнению, включала Коломию и прилегающие населенные пункты, известные соляными залежами) могла находиться под контролем сына Всеволода Черного и его близкого окружения. Констатация влияний князя в Понизье также вытекает из слов автора источника, который указывал, что Ростислав в конце 1241–начале 1242 г., на этапе восстановления борьбы за Галицию, получил здесь значительную поддержку среди различных прослоек населения.⁹⁹

Не исключено, что в процессе обсуждения между Даниилом и черниговским князем вопроса о предоставлении последнему некоторых территорий в кормление, определенное место занимала “венгерская проблема”. Коломыйская волость, которая своими западными границами частично входила в Понизье, параллельно была приграничной территорией с северо-западными околицами Короны, поддерживая с ними тесные экономические связи. Одна из версий названия города (сегодня районный центр Ивано-Франковской области, Украина) удостоверяет его происхождение от имени “галицкого короля” Кальмана.¹⁰⁰

На этапе правления последнего в Галичине (1214–1221 г. с перерывами) известный своими соляными залежами край и один из самых больших в нем населенный пункт, могли стать прямым доменом правящей династии. С разработки польского ученого А. Йодловского известно, что калушско-коломыйские соляные рудники (при установлении в Поднестровье власти венгров) составляли практически единое географическое целое с трансильванскими залежами данного сырья, и залежами сосредоточенными в комитате Марамарош.¹⁰¹ Существование в распоряжении Арпадов соляной палаты, которая приносила немалые прибыли правящей династии, констатируется артикулами №24 и 25 Золотой буллы 1222 г. Эндре II, а дальнейшая его заинтересованность в торговле солью фактически подтверждена артикулом №18 обновленной Золотой буллы 1231 г.¹⁰²

С выше приведенных фактов можно сделать предположение о том, что желание получить новые соляные залежи и их активное использование в своих целях среди венгерской феодальной верхушки хранилось и в конце 30-х – начале 40-х гг. XIII в., при условиях реальной угрозы со стороны

⁹⁸ Ibidem 244.

⁹⁹ ПСРА II. 792.; ГРУШЕВСКИЙ История. III. 56.

¹⁰⁰ ПАРТИЦКИЙ, О.: *Старина история Галичини*. Львів 1894. I. 346.; WAJGL L.: *Rys miasta Kołomyj*. Kołomyja 1877. 1-2.

¹⁰¹ JODŁOWSKI A. *Technika produkcji soli na terenie Europy w pradziejach i we wczesnym średniowieczu. Studium archeologiczne*. Warszawa 1976. 45.

¹⁰² DRMH 33, 38.

кочевников. Не зная этой черты внешнеполитической стратегии Бела и его предшественника относительно Поднестровья Даниил и Михаил, как самые главные претенденты на галицкий престол, на наш взгляд, не могли. Старший Романович, будучи на середину 1240 г. вассалом короля, должен был осознавать особый интерес последнего относительно богатых на соль приграничных восточнославянских земель. Поэтому их передача в пользование черниговских феодалов, очевидно предусматривала здесь соответствующее ослабление торговых прав и привилегий со стороны “королевских людей” и церковных структур Венгрии, которые духовенство, в частности, получило согласно договору Эндре II и папского легата, заключенного в 1233 г. в комитате Берг.¹⁰³

Не исключено, что при содействии черниговских князей Романовичи пытались создать определенную оппозицию венгерским влияниям в Галиции, которые имели место на рубеже 30–40-х гг. XIII в. и не позволяли самому Даниилу избавиться от вассальной зависимости от Бела IV. Его доброжелательное поведение с Михаилом и Ростиславом в собственных землях, а также немедленный (в сентябре – октябре 1240 г.) визит в Венгрию с целью заключения описанного выше династического союзнического военно-политического договора с Арпадами позволяет выдвигать именно такое предположение. Однако, недлительное (несколько месяцев) пребывание князя Михаила во владениях Романовичей засвидетельствовало его диаметрально противоположные намерения относительно Поднестровья, обусловив переориентацию на свою сторону “останок галичан” и духовенства, в частности – епископа Артемия.¹⁰⁴ Такое изменение взглядов лидера местного клира могло некоторым образом зависеть от заключения выше описанного соглашения 1233 г., а также от лояльного отношения черниговских властителей к католицизму.

После неожиданного отъезда сына Всеволода Черного к Конраду в конце 1240 г., прохождения через Поднестровье войск монгольских ханов в декабре 1240 – марте 1241 гг. и побега некоторых местных бояр в Венгрию, юго-восточная часть Галицкой земли, потеряв номинального правителя, могла перейти в пользование упомянутых Доброслава, Григория и приближенных князя Михаила, которые косвенно выступали защитниками интересов последнего. За своим социальным статусом черниговский нобилитет пребывал на низшей, в сравнении с местной знатью, ступени, поскольку лично зависел от своего сюзерена. В то же время галицкая феодальная элита в отношениях с представителями правящих династий следовала принципу “*primus inter pares*”.¹⁰⁵ Однако понятно, что обе группы

¹⁰³ *История Венгрии*. I–III. сост. Исламов, Т.М. - Пушкарц, А.И. - Шумшарин, В.П. Москва 1971–1972. здесь: I. 130. (написано Шумшариным)

¹⁰⁴ ПСРА II. 792–794.

¹⁰⁵ Войтович, Л.: Князьська верста в галицькій землі. In: *IV Міжнародний конгрес українств*. Одеса-Київ-Львів 1999. 80.

знати поддерживали черниговских властителей. К этому мнению мы пришли на основании анализа летописной версии о обновлении Ростиславом Михайловичем на рубеже 1241–1242 гг. своей борьбы за Галич именно по Понизья.¹⁰⁶

Понятно, что его деятельность не противоречила внешнеполитической стратегии Арпадов. Такой взгляд автора статьи базируется на дальнейшем рассмотрении данного противостояния. Летописная версия событий, которая является основной при исследовании данного эпизода отношений Даниила с Белой и его восточнославянскими союзниками для большинства ученых, констатирует, что в середине – второй половине 1241 г. “Ростиславъ събралъ князи болоховьскыи и останокъ галичантъ, прииде ко Бакотъ”.¹⁰⁷ При их содействии он сумел на короткое время овладеть Галичем, где на протяжении конца 1241 – весны 1242 г. пользовался поддержкой боярина Володислава и епископа Артемия. Однако успешные мероприятия Романовичей против союзных татарам болоховских князей и контрнаступление на столицу Поднестровья принудили черниговского правителя отступить из занятых территорий. Возвращение монгол в середине – второй половине 1242 г. с Венгрии и стычка, которая имела место между отрядами Ростислава и кочевников в Борку, принудила молодого князя “...бѣжа... Оугры”.¹⁰⁸

Не выясненными остаются причины побега именно во владения Белы. После того, как Бату “...пробыл в ...[Венгерском – М.В.] королевстве год или больше, совершив жестокою резню в народе и нечестивое разорение городов”,¹⁰⁹ Арпады пребывали далеко не в наилучшей международной обстановке, будучи вынуждены почти полностью восстанавливать свои территории. Обращение черниговского князя с помощью к уграм не менее странное еще и потому, что совсем недавно (в октябре 1238 г.) Ростислав вместе со своим отцом, по неконструктивному (с точки зрения Белы IV) предложению породниться, был выгнан из Венгрии. Если при этом учесть, что по состоянию на середину 1242 г. сын Михаила Всеволодовича превратился в обезземеленного князя, такового, что, по сравнению с 1238 г., вообще мало что имел с движимого и недвижимого имущества, тогда, на первый взгляд, целиком неоправданным выдается решение венгерского монарха принять его с достаточно значительными почестями.

В частности венгерские дипломы свидетельствуют, что Ростислав получил в жалование восточные комитаты Абауйвар, Саболч и Земплин.¹¹⁰ Учитывая постановления артикул Золотых булл 1222 и 1231 гг., становится понятным, что молодой князь за своим статусом превратился в ишпана

¹⁰⁶ ПСРЛ II. 793.

¹⁰⁷ Ibidem 791.

¹⁰⁸ ПСРЛ II. 794.

¹⁰⁹ ВХП 155.

¹¹⁰ CD V/1. 55.

Венгерской Короны, причем за артикулом №11 указанных документов был обязан участвовать во всех внешнеполитических акциях своего сюзерена.¹¹¹

Поэтому на данном этапе анализа исследуемой проблемы важным аспектом является характеристика причин, которые обусловили восстановление контактов между Арпадами и князем-беглецом. На наш взгляд, кратковременное держание Михаилом Всеволодович пограничных с Венгрией богатых на залежи соли и другого стратегического сырья земель нормализовало отношения с Арпадами, а особенно – с венгерским нобилитетом, который имел здесь свои интересы. На фоне периодических намерений Даниила Романовича избавиться от вассальной подчиненности со стороны Бель, подобные мероприятия сближали короля с черниговскими властителями, даже несмотря на заострение отношений между ними в 1238–1240 гг. Благодаря успешной политике Михаила его сын Ростислав в конце 1241 – первой половине 1242 гг. получил среди галицкой и болоховской знати необходимую поддержку в борьбе за Поднестровье; а после поражения без проблем был принят Белой IV.

Фактически от конца 1242 – начала 1243 гг. последнее противостояние за Галич проходило на фоне, во-первых, прямого участия Арпадов, которые пытались наказать своего галицко-волинского вассала за несоблюдение соответствующего обета и в очередной раз установить в регионе свою административно-политическую власть; во-вторых, жажды венгерского нобилитета возобновить контроль над экономически важными для себя восточнославянскими землями.

Такой подход автора базируется на основании исследования летописей, а также грамот, обнаруженных венгерским археографом Г. Феером и подробно выученных историком А. Годинкой.¹¹² Подтверждает нашу позицию и первая часть артикула №14 Золотой буллы 1231 г.¹¹³ Это значило, что Бела по собственному желанию не мог организовать достаточно серьезного войска, поскольку был ограничен привилегиями и полномочиями венгерских феодалов. Однако сами бароны были заинтересованы в реанимации своих влияний в Галиции и это достаточно хорошо летописец отобразил фразой “Ростиславъ, же моливъ уторъ много”¹¹⁴. В данном случае интересы Арпадов и подчиненной им феодальной верхушки совпадали, поскольку тяжело объяснить, почему на

¹¹¹ DRMН №11. 38.: “Иноземной знати, которая прибывает в страну, если она не хочет стать ее жителями, не предоставляются должности, потому что они выносят из страны богатство” №14.: “О новых правилах для знати и других касательно воинской повинности: а) Если мы будем воевать за пределами страны, знать не обязана выступать с нами; б) Только иппаны и солтисы, йобанионы королевских крепостей, а также те, которые согласно должностей относительно этого обязаны и те, кому мы предоставили наибольшие владения”

¹¹² CD IV/1. 396.; HODINKA, A.: *Az orosz évkönyvek magyar vonatkozásai*. Budapest 1916. 284.

¹¹³ DRMН №14. 38.

¹¹⁴ КОТЛЯР, Летопис 249.

рубеже 1242–1243 гг., после предыдущего отказа “...король Оуторьский вдавь дочіррь [Ростиславу – М.В.]”¹¹⁵

По нашему мнению, Бела пытался дополнительно подкрепить династические претензии на Галицию через соответствующий брак своей дочери и представителя дома Ольговичей, которые владели правами относительно владений Ростиславовичей и активно пытались их реализовать в конце XII – первой половине XIII вв. Намерения Арпадов были целиком логичными, поскольку на 1243 г. среди живых уже не было братьев действующего монарха – “галичского наместника” Эндре и “галичского короля” Кальмана, которые умерли в 1234 и 1241 гг. соответственно. В прошлом, при поддержке папства, венгерского нобилитета и баронов, они владели необходимыми основаниями относительно установления своей власти в Поднестровье. В результате возвращения монголов в причерноморские и прикаспийские степи, на середину 1242 г. венгры частично потеряли контроль над Галицкой землей.

Поэтому неслучайно, после прибытия во владения Арпадов, черниговский князь довольно быстро сумел заручиться всесторонней поддержкой короля и венгерских баронов, а в июле-августе 1245 г., при их содействии и участии, возглавил одно из подразделений войска, которое выступало против Романовичей.¹¹⁶ Понятно, что, будучи вассалом короля, сын Михаила Всеволодовича не мог инициировать данный поход, однако оставался заинтересованной персоной в его организации и проведении, ибо выступал главным претендентом на галицкий престол.

Судя из документов, в состав войска, которое выступало в Галицию, кроме утров, входили польские подразделения князя Болеслава Стыдливового и отряды некоторых бояр – сторонников Арпадов. Лидерами кампании были венгерский бан Филя, Ростислав Михайлович, сандомирский воевода Флориан Авданец, а также отдельные представители галицкой знати во главе с Володиславом Юриевичем. Однако это в ни коем случае не обозначало, как считало большинство историков (И. Шараневич, М. Грушевский, В. Пашуто, Б. Владарский, В. Грабовецкий, Н. Котляр и др.), что наступление на владение Романовичей было масштабным. В результате татарских побед 1240–1242 гг. в Центрально-Восточной Европе, лучшие войска местных правителей были уничтожены. Обновить резервы позволяла

¹¹⁵ ПСРА, II (795).

¹¹⁶ В данном случае мы согласны из аргументацией Н.Котляра, о том, что походов со стороны возглавляемого Ростиславом венгерского войска в Галицию в 40-х гг. XIII в. могло быть не два, а один. Кроме наведенных ученым доводов, от себя добавим, что после монгольских побед в Центрально-Восточной Европе и полного опустошения Венгрии на протяжении 1241–1242 гг. вряд ли местные феодалы два раза подряд за короткий период времени могли и хотели бы организовать и провести кампании против Романовичей. Считаем, что после одного поражения следующего похода бы просто не было, даже несмотря на все существующие среди венгров экономические и политические интересы. (КОТЛЯР Літопис. 250.)

исключительно мобилизация низших прослоек общества, а поэтому неслучайно Ростислав около Перемышля “собравше смерды многы пыпыць и собрания...”¹¹⁷

Детальный анализ событий, которые развернулись вблизи Ярослава 17 августа 1245 г. и принесли победу Даниилу, удостоверяют, что численность угро-польских отрядов была незначительной. Силы галицко-волинских князей также не отличались особой мощностью. Об этом свидетельствует летописец, который описывал восхваление Ростислава перед боем и его намерения атаковать Романовичей даже десятью воинами.¹¹⁸ Также известно, что в ходе битвы “Даниль ...посла 20 мужей избранныг на помощь” дворскому Андрею,¹¹⁹ очевидно понимая, что такого количества вольнян достаточно, чтобы удержать позицию, которую занимал последний напротив основных венгерских сил.

С вышеприведенных эпизодов понятно, что данная военная экспедиция со стороны Арпадов была незначительной. Наказание старшего Романовича за несоблюдение вассальной присяги могло произойти, как мы считаем, при участии небольшого количества войска. Это было объективно, ибо союзники не имели возможности мобилизовать больше сил из-за отсутствия в собственных владениях достаточного количества мужского населения в целом, и квалифицированных воинов, в частности.

Вместе с тем, детальный анализ развертывания наступления и особенно – боя под Ярославом убеждает нас в том, что сам Ростислав играл в кампании далеко не главную роль и даже не состоял во главе войска. Его функции ограничивались статусом претендента на галицкий престол. Реализацию наказания Даниила судя по всему должен был выполнить Филя.

В ходе Ярославского боя бан пребывал в последних рядах, держал хорутвь и постоянно регулировал направление движения своего войска. На его персоне со стороны галицких и волинских полководцев было сосредоточено главное внимание. В частности, в ходе столкновения отрядов Даниила со силами угров галицко-волинский князь вместе с боярином Шелвом и стольником Яковом Марковичем лично пытался убить Филю. Аналогичную неудачную попытку осуществил Лев. Только после того, как “Филя гордыи ять бы съ Андрѣем дворскимъ” старший Романович собственноручно его заколол.¹²⁰ На фоне обычного пленения, например, польского военачальника Флориана, такое решение выглядит несколько странным. Именно поэтому мы предполагаем, что венгерский бан в результате проведения похода должен был выполнить особую миссию – наказание Даниила за несоблюдение вассального обета. Понятно, что кроме

¹¹⁷ ПСРА II. 797.; *Архів Юго-Західної Росії, издаваний комісією для розбору древніх актів*. Київ 1886. VII/1. 20-21.

¹¹⁸ ПСРА II. 800.

¹¹⁹ КОТЛЯР Літопис. 255.

¹²⁰ ПСРА II. 804.

того он был заинтересованным лицом касательно расширения влияния Венгрии на восток. Князь об этом должен был знать, а поэтому решил лишить жизни того, кто составлял угрозу для его личной безопасности; а также безопасности и целостности его земель.

Таким образом, на основании проведенного анализа существующих сведений источников и имеющейся историографии, можем сделать вывод, что на протяжении 1235–1245 гг. Даниил *de facto* считался вассалом короля Белы IV. Данная форма подчиненности прошла определенную эволюцию, в которой можно выделить три ключевой этапа.

Первая стадия развития указанных отношений проходила от октября 1235 – до конца 1239 гг. Под давлением внутренне и внешнеполитических обстоятельств осенью 1235 г. старший Романович отправился в Венгрию на коронацию нового монарха Белы в Секешфехервар, во время которой принял сюзеренитет последнего. Данное решение возникло в результате объективного поражения волынских князей от союзников Арпадов – черниговских князей в борьбе за Галич и соответственно – их несостоятельностью самостоятельно овладеть Поднестровьем.

Вследствие успешных военных кампаний и дипломатических шагов Даниила против Михаила Всеволодовича и его сына Ростислава в Галиции (1237–1238 гг.), а также ее перехода под протекцию Романовича, форма зависимости последнего от Белы не претерпела никаких изменений. Король оставался сюзереном своего восточнославянского вассала.

Второй этап подчиненности Даниила от венгерского правителя пришелся на 1239–1242 гг. На фоне монгольской угрозы и усиления влияния волынских правителей в Поднестровье и Киевском княжестве, старший Романович пытался ослабить зависимость от Арпадов путем выдвижения проекта бракосочетания дочери Белы и своего сына Льва. Выше описанные планы князь стремился реализовать в ходе своего визита в Венгрию, который в целом продолжался с конца 1239 – до апреля 1241 гг. В то же время, по нашим предположениям, пребывание галицкого властителя было инициируемо венгерским монархом и предусматривало обеспечение обороны восточных земель королевства от кочевников. Однако несогласие Белы заключить желаемый для Романовичей династический брак повлекло за собой расторжение вассально-сюзеренных связей между обеими сторонами, инициатором чего был Даниил.

Последний этап развития отношений Арпадов и галицко-волынских князей, на фоне *de jure* существующей вассальной подчиненности старшего Романовича, имел место в 1242–1245 гг. Возвращение монголов в причерноморские и прикаспийские степи после опустошения Центрально-Восточной Европы создало для Белы возможность наказать непокорного вассала, путем организации против него очередного военного похода при участии в ней одного из легитимных претендентов на галицкий престол – Ростислава Михайловича.

Планирование нападения и организация войска, во главе которого выступил бан Филя, происходила на протяжении 1243–1245 гг., а сама кампания припала на лето 1245 г. Результатом небольшой за численностью участников военной экспедиции было поражение королевских войск и их союзников от Даниила и Василька 17 августа 1245 г. под Ярославом, что окончательно лишило старшего Романовича какой-либо вассальной подчиненности со стороны Белы IV. За короткое время между обеими сторонами были налажены равноправные, династические, союзнические военно-политические отношения, которые продолжались от 1248 – к середине 60-х гг. XIII в.



BÁLINT RADÓ

Sovereignty in the Political Thought of James VI, King of Scots



Abstract

Contrary to a common understanding shared by many historians the Scottish-English ruler King James (VI) and I was not an ardent defender of absolutism. It was only in his very first work written to refute and refuse the political ideas of especially his tutor, George Buchanan as well as the group known for contemporaries as “monarchomachi” (a term coined by William Barclay) that the King of Scots represented absolutist views in the Bodinian sense of the word. One should not neglect the fact that in order to be an absolutist political theoretician one must claim that the monarch is the exclusive maker of all the laws in his or her realm. This was maintained by James in “The Trew Law of Free Monarchies” but in none of his other works and speeches did he express himself in this vein. This holds as much true of the “Basilikon Doron” as his parliamentary speeches in London or his polemical writings against the Neo-Thomist Jesuits. Nevertheless, he remained within the tradition of the divine right of kings throughout his life. My contribution to this volume observes “The Trew Law” and proves that absolutism and divine right were in fact combined by the royal author in the above mentioned treatise.

Key words

Political thinking, political theology, absolutism

The Scottish King James VI had written two works on political theory before he united the crowns of England and Scotland in his own person in 1603. The *Basilikon Doron*, the earliest version of which appeared in Middle Scots and can be found among the royal manuscripts of the British Museum Library in James’ own handwriting, was anglicized in 1599 and originally published in not more than seven copies.¹ D. H. Willson claims that it was Sir James Sempill who showed the work to some ministers of the Scottish *Kirk*.² He also maintains that Sempill helped King James with writing the book.³ Since the ministers disapproved of the work at their a council in Fife in 1599, James changed his mind and had his book openly published in Edinburgh in 1603 after having attached a second introduction to it with the title “*To the Reader*”. Within a couple of days Elizabeth I died and

¹ J. WORMALD “James VI and I, Basilikon Doron and The Trew Law of Free Monarchies: The Scottish Context and the English Translation,” in L. L. PECK (ed), *The Mental World of the Jacobean Court*, (Cambridge: 1991), (36-55.) 50.

² D. H. WILLSON “James I and His Literary Assistants,” in D. H. WILLSON (ed) *Huntington Library Quarterly* 8, (1944-45), (35-57.) 38.

³ *Ibid*, 38.

James sent a copy of the new publication to London. The Venetian envoy Scaramelli reported that in some of the London publishing houses the *Basilikon Doron* was prepared for printing as soon as the news of the death of the Queen arrived.⁴ Lockyer even argues that the printing started a few days before the death of Queen Elizabeth.⁵ Anyhow, the book was addressed to the elder son of King James, Henry. It is a *speculum principis* which was rendered fairly soon into Latin, French, Italian, Spanish, Flemish, German, Swedish, and Welsh.⁶ Wormald, however, does not mention the Hungarian translation which appeared in Oppenheim in 1612 most probably based on one of the Latin translations.⁷ The other work which King James VI wrote on political thinking in Scotland bears the title *The Trew Law of Free Monarchies: or the Reciprooke and Mutvall Dvetic Betwixt a Free King, and His Naturall Subjects* in 1598. The first publication of the work appeared anonymously, better to say under the pen-name “C. Philopatris”. The place of publication was Edinburgh, the year 1598. To mention some other details of the fate of the work it is significant that at least four new editions appeared in London in 1603, the first of which must have been the one of April, right after the death of Queen Elisabeth I.⁸ The work of James was published in his lifetime, in February 1617. The title of this volume which collected the King’s writings was *Workes*. It is remarkable that the title-page has 1616. However, even prior to this, it had been widely known that the author of *The Trew Law* was nobody else but the ruler. This is namely revealed to anybody who reads it with attentive eyes. Also, the work was published by the King’s official publisher, Robert Waldegrave. This fact alone would have dismissed any doubts concerning the authorship. What is more, as Wormald points out, although she knows instead of at least four editions of only three which appeared in London in 1603, in two editions the King’s name was not even concealed.⁹ *The Trew Law* had very little success,¹⁰ especially if compared to the *Basilikon Doron*.¹¹ My first aim is to examine the very text as a source.

If one takes *The Trew Law* by King James in his or her hand, on the very first page one can find an “*An Advertisement to the Reader*”, as the first subtitle itself indicates. In this part King James refers to his writing as a “*Pamphlet*”, and indeed,

⁴ J. DOELMAN “A King of Thine Own Heart: The English Reception of King James VI and I’s *Basilikon Doron*” in *The Seventeenth Century* Vol. IX. No. 1. Spring (1994), (1-9) 1.

⁵ R. LOCKYER “James VI and I” (London – New York: 1998), 35.

⁶ WORMALD 1991, 51.

⁷ György Szepesi Korotz addressed his “Királyi ajándék” (“Royal Gift”) to István Homonnai, Cf. M. TARNÓC (ed) *Magyar gondolkodók. XVII. század* (Budapest: 1979), 50.

⁸ A. YAMADA, “The Printing of King James I’s *The True Lawe of Free Monarchies* with special reference to the 1603 editions,” *Poetica* 23 (1986), (74-80.) 74.

⁹ J. WORMALD 1991, 51.

¹⁰ *Ibid.*, 51.

¹¹ *Ibid.*, 51.

he makes use of the term twice.¹² What is perhaps the most striking here is the careful and humble tone which is not unusual in introductions but rather strange in the case of monarchs. It is namely this tone in which the author begs the pardon of his readers, his “*deare countrymen*” in advance for all the mistakes which he committed while writing the work.¹³

As it is well known George Buchanan was the leading tutor of James. J. H. Burns sees in *The True Law* the counterpart of Buchanan’s *De iure regni apud Scotos*,¹⁴ and in fact he must be right in this. The overwhelming majority of the Protestant Reformers interpreted the 13th verse of the Epistle to the Romans by Saint Paul in a way that not even the lesser magistrates do “use the sword in vain”. The people, provided that their ruler has degenerated into a tyrant, can turn to these lesser magistrates for aid.¹⁵ It is not a revolt against the Lord, what is more, it counts as a Christian duty, if an ill person asks a doctor for help in search for a cure of the illness otherwise allowed by God by His inscrutable will. The English John Ponet, Christopher Goodman¹⁶ and William Wittingham¹⁷ departed from the traditional Biblical fundamentals and maintained that the tyrant could not have been ordered by God. As for the Huguenots they first represented very reserved views and understandably, only went over to the idea of an actual popular sovereignty after 1572 (Hotman as well as Beza and Mornay). It is true, most of them interpolated the Calvinian covenant theology which is to be discussed in brief later on. Contrary to Hotman’s “historical reasoning” that often echoed Seyssel, Beza and Mornay arrived at the Neo-Thomist way of natural law reasoning. The only difference was that unlike Neo-Thomists they wrote that the people did not alienate their power but only delegated it (*delegatio*) to the ruler.¹⁸ George Buchanan, who had spent quite a long period of time in France did not share the traditional Thomist view according to which people in the state of nature lived in an “association”, notwithstanding without positive laws. Buchanan turned instead of Aristotle and St. Thomas to a Stoic view characteristic of Cicero as well and conceived of the natural state of humanity as a world of solitary, wandering wild “creatures”. Accordingly, Buchanan stated that the people have not arrived at the

¹² The remark made by J. H. Burns on the genre of *The True Law* is undoubtedly correct: he claims that the work can best be described by the word “pamphlet” but even within this genre it is special as it is very brief (J. H. BURNS, *The True Law of Kingship. Concepts of Monarchy in Early Modern Scotland* (Oxford: 1996), 231). *The True Law* fits G. Orwell’s definition that the pamphlet is a brief, polemical writing meant to address a wider public (G. ORWELL, - R. REYNOLDS (eds), *British Pamphleteers. Vol. I. From the Sixteenth Century to the French Revolution* (London: 1948), 7), the author of which likes to hide himself behind anonymity, thereby further increasing the popularity of his work. (Ibid, 8.)

¹³ SOMMERVILLE 1994, 62.

¹⁴ BURNS 1996, 232.

¹⁵ SKINNER 1978 (2), 213.

¹⁶ Ibid., 222.

¹⁷ Ibid., 225.

¹⁸ Ibid., 332.

political community for their own benefit and out of their nature as “social beings,” i. e. in a natural way but God gave them that gift in a direct way.¹⁹

Returning to *The Trew Law* one will be aware of a key expression that the King resorts to several times when he writes about the ideological strengthening of the subjects. This, in fact, was present in the very first sentences of the “*Advertisement*”: “*the trew grounds*”.²⁰ Without the adverb “*trew*” it reappears once more in the “*Advertisement*”.²¹ The expression “*trew grounds*” is inherently linked with the “*Trew Law*” of the main title which give(s) the reliable fundament onto which the King as a loving father intends to erect the duty of his children, the subjects, the very obedience of the subjects. These grounds serve as exclusive measures for all those subjects who mean to remain on the road of truth and faithfulness.

If the treacherous and misleading reasoning and examples of the “monarchomachs” are always compared by the people with the fundaments to be built by the King in this work of his, no one can ever miss the target. “*So shall ye, by reaping profit to your selues, turne my paine into pleasure.*”²² The “*Advertisement*” ends like this: “*I end, with committing you to God, and me to your charitable censures*”²³. This is the mutual, organic, and, in a sense almost family-like co-operation that King James will repeat as an end to his writing as well. This is the “medicine” for the false prophets’ futile and “*deceivable*”²⁴ concepts. “*This is how the qualitie [...] (‘of every action’)*,”²⁵ i. e. the fruits of the tree can be revealed by which the tree itself can be judged - just to make use of a Biblical allusion that cannot have been alien either to James or his time.

As it appears in *The Trew Law*, the correct “*knowledge of their God*” and the obedience of the subjects are juxtaposed and closely interrelated. We may say that in the eyes of James the two are inseparable like the two stone tablets of Moses: the first informs about the Commandments related to the Lord, the second to the neighbours. In light of the Gospel the two “systems of direction” are even closer to each other. Here one evidently has to do with the due faithfulness of the subjects towards their sovereign that King James consequently renders with the term “*allegance*” all the work through. It needs to be seen clearly, that the contemporaries understood the fifth Commandment – certainly fifth in the Protestant enumeration – in a fairly wide sense. They meant by it far more than the due respect to the actual parents. They included the obedience of the servants towards their masters and, what must interest us most with regard to our investigation, the obedience and respect to state authority, the ruler, and the government. G. J. Schochet underlines that Martin Luther and John Calvin had the

¹⁹ R. TUCK, *Natural rights theories. Their origin and development* (Cambridge: 1981), 43.

²⁰ SOMMERVILLE 1994, 62.

²¹ *Ibid.*, 62.

²² *Ibid.*, 62.

²³ *Ibid.*, 62.

²⁴ *Ibid.*, 63.

²⁵ *Ibid.*, 62.

same concept of the Commandment in question, what is more, the overwhelming majority of the ministers of the English Dissenters, Puritans as well.²⁶ In England, six years after the writing of *The Trew Law*, in 1604 a joint work of John Dod and Robert Cleaver appeared under the title “*A Plaine and Familiar Exposition of the Ten Commandments*”. In this political obedience and duties of the subjects were derived from the fifth Commandment. This was in full accord with the official standpoint and teaching of the Church of England.²⁷ The argumentation was that just as the King was no father to his people by blood, so the master is not a father to his assistant either, yet the duty of obedience binds the latter just as much as the children by blood. Everything goes back to the Biblical notion of “me and the people of my house”. The patriarchal family which included all the servants as well and was “governed” by authoritarian methods was not merely the ideal preached from the height of the pulpit but the actual reality of everyday life.

In 1615 James, now already as King to both England and Scotland ordered that the tract bearing the title *God and the King* and appearing anonymously though in all likelihood written by Richard Mocket from Oxford be printed and studied in schools and at universities alike. This work elaborated the relevant questions of the catechism of the Anglican Church in detail and elucidated the political duties and obedience of the subjects.²⁸ Moreover, James made it compulsory that there be one copy of it in all households of England and Scotland. In 1616, the royal command was reinforced by newer measures of the Privy Council and the General Assembly of the Kirk.²⁹ The afterlife of the tract is especially interesting and revealing; in the early Restoration Period Charles II had it published anew and repeated the order of his grandfather of “blessed memory” on the title-page of the new edition in the same vein.³⁰ In another work of his Schochet makes us aware that the aforementioned Commandment not only had general and deeply rooted political implications but it was not limited to one single form of government and to the due obedience thereunto. Contemporaries meant by it the political, and definitely other, higher authorities. A good example for this is that in the Commonwealth era in most of the catechisms the word “King” was replaced by the word “magistrate”.³¹

King James starts *The Trew Law* by identifying the main reasons which made him write his work. He abhors rebellion and especially, when the partisans of turmoil and destruction incite the crowd to revolt. His royal anger is clearly not directed against the distracted stratum of subjects but against those who treacherously intend to persuade the people to disobey their ruler. A good parallel

²⁶ G. J. SCHOCHET, ‘Patriarchalism, Politics and Mass Attitudes in Stuart England’, *The Historical Journal* XII (1969), 424.

²⁷ *Ibid.*, 417.

²⁸ *Ibid.*, 433.

²⁹ *Ibid.*, 435.

³⁰ *Ibid.*, 435.

³¹ SCHOCHET *Patriarchalism, in Political Thought. The Authoritarian Family and Political Speculation and Attitudes Especially in Seventeenth-Century England* (Oxford: 1975), 15.

can be drawn here with the Book I written by Hooker where he writes that it is always easy for anyone to persuade the masses that they are not governed as efficiently as they ought to be.³²

Herewith I would like to emphasize two aspects again. One of these is that James was an ardent defender of the true *science royalle* which enabled Kings to have an insight into the *arcana imperii*. As such, he is consequent in denying that anyone, however clever and educated he might be (as Buchanan for example undoubtedly was), possesses enough knowledge of his own which makes it possible for him to claim even more wisdom than the King's own and thereby he could make utterances in the matters of state as an unquestionable authority. What is more, the knowledge of however many of the "wise men" cannot be greater and more reliable for the people than that of the sovereign who knows the content of the *arcana imperii*. It is very important urgently to note that all these did not exclude for James the possibility or perhaps even necessity of counselling the ruler. In advance, let me quote only one but characteristic example from *The Trew Law*. The King calls Parliament, here we witness a special feudal principle and approach, "*the head Court of the king and his vassals*"³³. What we have to bear in mind is that James was consequent in the theory of divine right: as the ruler's power is directly derived from God, God endowed him with a knowledge which was nobody else's own, the *science royalle*. If it were otherwise there would not be much sense in claiming that "*Tones thunder-claps light oftner and sorer vpon the high & stately oakes, then on the low and supple willow trees; and the highest bench is sliddriest to sit vpon*"³⁴ And indeed, these are the words with which in *The Trew Law* King James summarizes the just strictness of the Almighty towards him. This explains to us why the author has an antipathy against those who think themselves capable of instructing the people. James must have acknowledged that these destructive persons possess sufficient training to make it much easier for them to cause trouble. This knowledge, this sophistication, all the classical education of Buchanan and his accomplices, however, can never equal the "knowledge" of the ruler that directly derives from his power given to him by the Lord. When interpreting the relevant teachings of bishop Bossuet Plamenatz is very right in saying that by all these one ought not to understand the intellectual greatness or any kind of special and natural wisdom of the ruler that would elevate him above others.³⁵ It is only God to whom the King can and should be grateful for the "knowledge" as a wise "insight" into the matters of state. It is the Lord's special gift and grace which gives the sovereign the *scientia* needed to fulfill his role as *speculator*. Their excellence, to employ the words of Plamenatz again, is not the excellence above others of an aristocracy in Aristotelian

³² L. KONTLER, *Az állam rejtelmei. Brit konzervativizmus és a politika kora újkori nyelvei* (Budapest: 1997), 74.

³³ SOMMERVILLE 1994, 74.

³⁴ *Ibid.*, 83.

³⁵ J. PLAMENATZ, *Man and Society. A Critical Examination of Some Important Social and Political Theories from Machiavelli to Marx: I: Machiavelli Through Rousseau* (New York-San Francisco: 1963), 191.

terms by means of personal greatness³⁶, natural or acquired right, perhaps personal merit but exclusively a gift which God by His inscrutable celestial wisdom guarantees for those whom He selected as His servants and tools in this world to rule over others. This surplus in grace, the wise handling of the talents will be the basis on the Last Day of Judgement when the Lord calls them to account. This will be in full accord with the Biblical principle: the one who received more will have to account for more, too. The idea of the *science royalle* could be witnessed in the case of medieval charismatic rulers as well.

Here the whig and Marxist misunderstandings regarding the question of the accountability to God become evident. Anyone who is just a bit familiar with the confessional, spiritual, and conscientious debates, clashes, often armed conflicts of the 16th and 17th centuries is very unlikely to earnestly believe that the martyrs on both sides were ready to accept all kinds of miseries, punishments or even martyrdom just because they belonged to opposite groups of an era that could be depicted with a “feudal – anti-feudal” scheme. Similarly: can one really assume that it was out of mere insincerity or an attempt to hide his effort to introduce tyranny that a ruler who believed in divine right absolutism stressed his exclusive accountability to the Lord for his deeds and rule from Whom only his reign had derived? It is my deep conviction that an approach like this must go back to a serious miscomprehension of the period in question.

There is a further element which I deem worthy of investigation when discussing the way of reasoning of King James as he dismisses the acts of the political writers inciting to rebellion. This is nothing else but the view being fully compatible with the concept of “the Great Chain of Being” which says that the revolt of the crowds treacherously misled by the “Sirenes” against their King will sooner or later lead to the complete fall and destruction of the rebels themselves: James’ purpose with *The Trew Law* is evidently didactic, one might say enlightening in character. It is for the sake of this common and reasonable interest of all, for the welfare of the state and all the people living therein he is compelled “to break silence”³⁷, thereby elucidating for the people “the ground from whence these your many endlesse troubles haue proceeded”³⁸. We could think that now, after the laying of “the trew grounds”, after the admonition and information of the subjects he would be just as strict in his tone towards them as to himself, saying that the people can have no more excuse, after all, he has made it clear to them how treacherous the inciters are and what dangers and consequences a rebellion would have. He could follow a similar way of reasoning to the question of his personal accountability: as he, being the elect of the Lord, has received the *science royalle* necessary for ruling and God therefore has all right in making him answerable for this, so the people, having been made familiar with his writing, do know “the trew grounds”, so not even the subjects can hope for a yielding Judgement in future. However, here and at this

³⁶ Ibid., 191.

³⁷ SOMMERVILLE 1994, 63.

³⁸ Ibid., 63.

point King James shows no sign of a logical strictness of the kind whatsoever. His tone can be called expressively “friendly” and “peaceful”. As a good shepherd he protects his flock and does all he can to keep away the wolves. His only desire is to save not himself but his people from the horrible and destructive effects for the whole political community a rebellion would surely have. It can clearly be seen that only on the basis of these ideas of his King James could hardly be ranked among the partisans and supporters of an absolute monarchy by divine right. By dismissing and forbidding the revolt he is not doing more than many of his English contemporaries as I have tried to show before. This latter feature of James’ reasoning stands in close relation to the concept of the “very and true Commonweale” of the political writers of the Tudor era.³⁹

As, however, I have already alluded to it, from another perspective James writes about much more in *The Trew Law* than the unjust and incorrect nature of any active disobedience and revolt to the ruler. In order to be able to prove this it is advisable and at the same time necessary to investigate into “*the trew grounds*”, the laws to which the King keeps making references and onto which he intends to build his kingdom, the state.

In advance, one has to know that in the work one can find no other divisions indicated by the author but the “*Advertisement*” and the main text. If, however, we read the entire text it will be conspicuous that it can yet be divided into three main units of ideas. In the very first one King James discusses the duties of the sovereign towards his people. One should not be taken by surprise at this expression. James himself writes of “*The Princes dutie to his Subjects*”.⁴⁰ Here the governmental duties of the King are meant. There is a substantial difference between the duty towards somebody and the need to be answerable to somebody. In the latter case, only God can be thought of. The second unit in the work treats the co-operation of King and his subjects from the very opposite direction. Here the duties of the latter are enumerated. The last, the third unit, as it will be shown, is the place where the King refutes the ideas proposed by his opponents. The very fact itself, however, that James VI discusses these at all, which is actually understandable and justifiable, reveals some inconsistency by the author as he denied in both the “*Advertisement*” and at the beginning of the main text that he would not waste time on “*refuting the adversaries*”.⁴¹ As it seems, political and didactic consideration proved to be stronger than consequent behaviour. This he himself may have felt because at the end of the second paragraph of the main text he makes an allusion to “*the most waighty and appearing incommodities that can be objected*”.⁴² One has to do James justice, however, in the sense that he really refrains from

³⁹ R. Cust identifies the standpoints of most of the early Stuart authors on political theory as a set of ideas excluding the possibility of a revolt against higher authority. Cf. R. CUST, “News and Politics in Early Seventeenth-Century England” *Past and Present* 112 (1986), (60-90) 78.

⁴⁰ SOMMERVILLE 1994, 64.

⁴¹ *Ibid.*, 62.

⁴² *Ibid.*, 64.

attacking any of his political enemies or opponents in political theory by name. In these terms he followed his declared aim according to which he would not attack their persons “*salthly*”⁴³, otherwise it would generate debates among the authors and the “*sound instruction of the trentth*”⁴⁴ would degenerate which is “*the onehy marke*”⁴⁵ of his writing. We have to give credit to the works of James not merely because he says “*I protest to him that is the searcher of all hearts*”⁴⁶ but also because the entire body of *The Trew Law* and its tone is best proof that James did not mean it to become a work to attack but instruct. On the other hand, the writing does not want to become an academic treatise about the nature of government. Just to sum it up once more let me quote one of the sentences of the “*Advertisement*”: “*For my intention is to instruct, and not irrital*”.⁴⁷ We can really maintain that James did all he could to avoid the latter.

What then are actually “*the trew ground*”, what does “*The Trew Law*” of the title of the work mean? One has to mention it in advance that James conceived of this “*Trew Law*” as a trinity, naming three aspects of it. In the work discussed he identifies three pillars as the corner-stones and sources of the government of the realm: “*First then, I will set downe the trew grounds, whereupon I am to build, out of the Scriptures, since Monarchie is the trew paterne of Diuinitie, as I haue already said: next from the fundamental Lawes of our owne Kingdome, which nearest must concerne vs: thirdly, from the law of Nature, by diuers similitudes drawne out of the same*”.⁴⁸

The first corner-stone of Jacobean political theory is the Bible. It is just natural in the confessional age and is treated in my article “*King James’ Concept of Power in His Work Bearing the Title “The Trew Law of Free Monarchies”*” to appear in the journal *Majestas* in Mainz in 2006.

In the eyes of King James the second in the rank of the pillars of monarchy are the so-called “*fundamental Lawes*” of the realm. One must keep in mind that James basically identifies the fundamental laws of the country with the King’s coronation oath: “*And this oath in the Coronation is the clearest, ciuill, and fundamentall Law, whereby the Kings office is properly defined*”.⁴⁹ Let us now have a closer look at what James enumerates as the points of the coronation oath. I have to call attention to the fact that the order and sequence of things is especially significant here. In the first place for example King James, unlike Jean Bodin,⁵⁰ mentions the maintenance of religion as a royal duty: “*And therefore in the Coronation of our owne Kings, as well as of euery Christian Monarche, they giue their Oath, first to maintaine the Religion presently professed within their countrie, according to their lawes, whereby it is established, and to punish all those that*

⁴³ Ibid., 64.

⁴⁴ Ibid., 64.

⁴⁵ Ibid., 64.

⁴⁶ Ibid., 64.

⁴⁷ Ibid., 62.

⁴⁸ Ibid., 64.

⁴⁹ Ibid., 65.

⁵⁰ At the same time, along with Bodin James claims as well that the coronation oath is the very sign that the King is not automatically bound by the laws of his predecessor.

*should presse to alter, or disturbe the profession thereof.*⁵¹ The maintenance and defence of the established religion, the function as a *defensor fidei* (despite all the incompatibility with the original title given by the Pope) which was accepted by James as well who came to the throne of England half a decade after writing *The Trew Law* must have been a clear and conspicuously evident consequence of the divine right concept of a King who has received all his authority from the Almighty Lord alone. Nonetheless, this can hardly be connected to the divine right reasoning alone. James being a convinced Calvinist, notwithstanding entering into debate with the Calvinists every so often on matters of ecclesiology, was not a person who could have shared the views of the French *politiques*. The same holds true of his stance towards the opinions of Machiavelli or Guicciardini when they discussed the “benefits for the state” of Christianity as a state religion or of Botero when he described the relative advantages of Christianity. With the marriage of James to Anna of Denmark in 1589 a court of a “mixed” religious atmosphere in all respects evolved in London. At the same time, the King did all he could to uphold the spotless purity of faith, as his religious poems so strikingly reveal. This was dictated both by his conscience and the pragmatic nature of political common sense. This is why we can mostly expect him to represent views close to the great English spiritual contemporary of his, Richard Hooker. As the latter clearly elaborates it in his main work, *The Laws of Ecclesiastical Polity*, it is forbidden because it is destructive to attack the state and the government in matters of religion, thereby confusing and breaking the unity highly esteemed by the King as well. It is not surprising that of all the points of the fundamental laws vowed by the King on the occasion of his coronation James looks upon the spotless unity and undisturbed flourishing of the country’s established religion as the most crucial one and therefore names it in the first place. The mode of approach is typically medieval and traditional but it cannot be alien either to the “confessional” era of James or his personal religious conviction and his practical reasons based on his own experiences.

As among the Biblical quotations we find the guarding of “the peace of the people” and the service of the welfare of them, here we read about a royal protection from outer and inner enemies and a service of the welfare and well-being of the people. What in the first unit sounds like that the Prince’s welfare serves the benefit of the people, reads like this in the second completed by the already familiar strict Jacobean warning to himself: the prince has to see in advance and has to avoid “*all dangers that are likely to fall vpon the people*”.⁵² The prince has to take more care of his people “*then for himselfe*”.⁵³ It is just more than clear that the ruler was ordered by God and that he is His lieutenant. Both unmistakably indicate, to make use of the expression coined by Endre Sashalmi, the “*eo ipso theological*

⁵¹ SOMMERVILLE 1994, 64-65.

⁵² *Ibid.*, 65.

⁵³ *Ibid.*, 65.

language” of divine right.⁵⁴ The parallelism between God and the King can be called another characteristic phenomenon of the same language. Similarly to God the Father the prince is a “loving Father” of the people. What is more, what we read in the enumeration of the elements of the coronation oath constituting the fundamental law as “careful watchman”⁵⁵, we find in the form of “good Pastour”⁵⁶ among the paraphrases of Biblical citations. This is nothing else but one of the most significant self-identifications of Jesus Christ in the Gospel according to St. John.⁵⁷ In this context I have to quote the main work of E. H. Kantorowicz who elucidates the importance of the parallelism between Christ and “christ” when he treats the person of the Byzantine Basileios: “*The One Who is God and Anointed by nature, acts through his royal vicar who is ‘God and Christ by grace’, and who in officio figura at imago Christi at Dei est*”.⁵⁸ If we take into account that James discusses in both the above mentioned units the royal “character” and tasks related to the coronation oath, a ceremony an integral part of which had been the anointing throughout the centuries, the importance of the parallelism becomes even more striking. Furthermore, King James, being a “good Biblical prince” (it is definitely not mistaken to resort to this expression borrowed from Transylvanian history) will surely not forget what Jesus Christ, the Anointed of God the Father said of himself: “*For even I, the Son of Man, came here not to be served but to serve others, and to give my life as a ransom for many*”⁵⁹. How then could a King, an “anointed in small letters” utter of himself other words than the ones we have already seen: the King has to care more for his people than for himself, “*knowing himself to be ordained for them, and they not for him*”⁶⁰?! It is a Biblical self-humiliation like the one of Gottfried Bouillon when he declined to call himself King of Jerusalem in the city of Christ Who had been crowned with thorns. Instead, he adopted the title of “the Keeper of the Holy Sepulchre”.⁶¹ I find that the utterances of James above serve as further good data concerning the exclusive accountability to God which was a general absolutist principle. Also, they show how this principle was turned into practice. The King is definitely bound by, to use another theological expression the adaptionist concept of his office: By the grace of God he is anointed and “lieutenant” of and over the people, as James summarizes it. Where James demonstrates the office of the King by the Holy Writ, there, as we have seen, on the basis of the Book of Psalms he

⁵⁴ E. SASHALMI, *Autokrácia vagy abszolútizmus? Fohyamatosság és változás az orosz hatalmi ideológiában Joszif Voloekijtól Nagy Péter haláláig*, (Debrecen: 1997), 72.

⁵⁵ SOMMERVILLE 1994, 65.

⁵⁶ *Ibid.*, 64.

⁵⁷ John 10,11.

⁵⁸ E. H. KANTOROWICZ, *The King's Two Bodies. A Study in Medieval Political Theology* (Princeton: 1957), 48.

⁵⁹ Mark 10,45.

⁶⁰ SOMMERVILLE 1994, 65.

⁶¹ E. SIBYLLE – G. RÖSCH, *Kaiser Friedrich II und sein Königreich Sizilien* (Sigmaringen: 1995), 134.

describes the Kings as people who are called “Gods”, “because they sit on the throne of God on earth?”.⁶²

According to King James the second fundamental pillar of government is constituted by the fundamental laws manifested in the coronation oath. It is not to be treated here what was meant in general by the fundamental laws of the kingdom, the *lois fondamentales* in France. It remained always unclear, especially outside France, what was actually meant by the *leges fundamentales*.⁶³ All the same, taking into account of what has been said so far it cannot be surprising that James gives the maintenance of the established religion of the country the first place and, accordingly, he also makes mention of the corporal benefit of the subjects. Despite all the coherences it means a new element if compared to the part resorting to the Biblical quotations that the Kings had to vow “to maintaine the whole country, and every state therein, in all their ancient Priviledges and Liberties”.⁶⁴ This indicates that this is already and unmistakably the terrain of law. James VI virtually adjusts himself to the notions of the already discussed *utilitas publica*, *bonum commune*, and *necessitas* when he writes about the furthering of the welfare and the benefit of the people “not onely in maintaining and putting to execution the olde lovable lawes of the country, and by establishing of new (as necessitie and euill manners require but by all meanes possible)”⁶⁵ diverting all the dangers that might hit the subjects.

It would not fit into this article to give a detailed evaluation of what James I might have meant by “fundamental laws”. He wrote *The Trew Law* as James VI “only”, so it is not my task here critically to analyse the relations between the Jacobean concept of the fundamental laws of the realm and the English common law. Scholars have widely disagreed on the question of these relations, here I cannot survey the views of all of them. The thing I need to make perfectly clear is that I certainly cannot agree with the standpoint of J. W. Gough who claims that King James must have had some kind of contract in mind between the sovereign and his people which he identified with his coronation oath⁶⁶ and eventually this he would have considered equal with the fundamental law. With regard to this I have to point out the following. First of all, Gough committed the mistake that he conceived of the views concerning the “fundamental laws” of the Scottish King writing *The Trew Law* and of the English King James I delivering his speeches in the London parliament as constant in the two different contexts. Thus he contradicted the title of his own book (a title clearly referring to England), although he himself made the readers aware of the danger of confusing the two contexts.⁶⁷ He is certainly right inasmuch James defined in *The Trew Law* the

⁶² SOMMERVILLE 1994, 64.

⁶³ It is well known that in 18th-century Hungary the rulers layed an oath on the fundamental laws of the realm.

⁶⁴ SOMMERVILLE 1994, 65.

⁶⁵ *Ibid.*, 65.

⁶⁶ J. W. GOUGH, *Fundamental Law in English Constitutional History* (Oxford: 1961), 53.

⁶⁷ *Ibid.*, 51.

coronation oath of the King as the fundamental laws, this I have also emphasized above by quoting a key remark made by James, yet it is exactly *The Trew Law* which furnishes the best possible proof that James never accepted the idea of a contract between King and the people: “*As to this contract alledged made at the coronation of a King, although I deny any such contract to bee made then, especially containing such a clause irritant as they alledge*”.⁶⁸ Definitely, Gough is also right in saying that the King wanted to avoid even the slightest hint to any kind of tyrannical rule⁶⁹ but it can by no means be maintained that James intended to reach this purpose by any kind of identification⁷⁰ of the fundamental laws and the “original contract” made between the sovereign and his people at the coronation. I am much more in support of the view proposed by W. H. Greenleaf who wrote that “*James, like any other order theorist, would not admit the doctrine that a contract was at the basis of government and society. [...] James’s position was the usual one adopted by defenders of absolute monarchy that the king should ideally obey the law of God and the fundamental laws of the realm but that, if he broke his promise to do so, this gave no warrant at all to his subjects to restrain or unseat him for only God could do this: ‘the cognition and reuenge must onely appertaine to him’*”.⁷¹ I find that in these lines Greenleaf asserted what was really significant. Even the choice of his words is entirely correct and in full accord with the text of James: contrary to Gough, he does not employ the expression “contract” avoided by James but he refers to the original word “promise”. This is of crucial importance to which we will return soon. What can and must be noted right here is that James, the Calvinist absolutist found the Calvinist covenant theory implying a promise at hand. The word “promise” was much more often used by classical theoreticians of Huguenot resistance ideas than the word “contract”. James must have been familiar with this language going back to Calvin. All that James is doing here is that he gives it a “twist” and does not employ it for the justification of resistance but for the sake of the contrary.

One has to investigate the third element of Jacobean governmental “pillars”, which is nothing else but the law of the nature. These are the words with which James introduces the part where he derives from and elucidates by the natural law “*the trew grounds*”: “*By the Law of Nature the King becomes a naturall Father to all his Lieges at his Coronation*”.⁷² As we will see, at first reading we cannot claim that the arguments, reasoning, and relevant parallelisms of the royal author are too difficult or complicated to understand. This we have to deem as natural if we consider the purpose of the writing and the readers addressed i. e. the subjects of James in general. It was perhaps J. P. Sommerville who underlined it in the most determinate and clearest way that especially during the 17th century the use of analogies and Biblical quotations became less frequent in the writings of absolutist

⁶⁸ SOMMERVILLE 1994, 81.

⁶⁹ GOUGH 1961, 48.

⁷⁰ *Ibid.*, 54.

⁷¹ W. H. GREENLEAF, *Order, Empiricism and Politics. Two Traditions of English Political Thought 1500-1700* (Oxford: 1964), 66.

⁷² SOMMERVILLE 1994, 65.

thinkers whereas they were much more inclined to refer to reason.⁷³ Thereby we have reached the question to be examined here which is the relation of human reason and natural law. In order to be able to comprehend the ideas put forward by King James VI in *The Trew Law* in all their aspects, it seems to be necessary to make a short trip to the world of the *lex naturalis* and within a brief survey to clarify its place, role, and, especially, its roots in legal philosophy. This is even more justifiable as thereby it will become evident that even if many of the absolutist authors employed legal reasoning, with special respect to the argumentation by natural law which was connected to the Bodinian concept of sovereignty, in a new and modern sense for the defence of absolute royal power, the idea and theory of the law of nature itself was by no means new in origin but rather went back to the Antiquities. On the other hand, we have to make it clear that it was actually the opponents and enemies of the absolutists, so among others of King James in political idea who kept resorting to the natural law reasoning. These were the Puritans and the “Papists”, who are not to be discussed here. It is true though that they came to fully different conclusions in political theology than James whereas they set out from the same premises. It is true in spite of the fact that they often strikingly differed in their theology, although sometimes only as far as language was concerned.

St. Augustin always understood natural law as an organic part of the strictly Christocentric *weltanschauung*. Therefore in the Augustinian system the natural state of humans equals the state of innocence, i. e. a state prior to original sin, the state of Creation. In this humans did not know death as “the pay of sin”. This implies that according to the approach of St. Augustin all that we discern and find in us, is actually unnatural as it is not in full accord with God’s original, creative will. As opposed to this, the concept of natural law which goes back to Aristotle can be labelled much less speculative and rather empirical. What is natural here follows the tendencies that we experience in nature. Aristotle said that in nature everything had a definite purpose. This is the teleological, one might say “practical” Aristotelian concept of the law of nature which from the early 13th century onwards, through the works of the Parisian Guillaume d’Auxerre and especially St. Thomas of Aquinas, the one who “baptized” Aristotle, gained more and more ground in the way of thinking of the Christian West and became known as Thomism in the history of philosophy. G. H. Sabine is though right in asserting that the work written before the “rediscovery” of the ancient Greek philosopher, the *Policraticus* written by John of Salisbury in 1159 is the most striking proof that there had been a number of elements reinforced by Aquinas present in Western European political philosophy even before the 13th century⁷⁴, nonetheless, the approach of St. Thomas is rightly called revolutionary. He was the one who rendered nature in its “everyday”, a not Augustinian speculative, sense its own justification. By claiming

⁷³ J. P. SOMMERVILLE, “Absolutism and Royalism,” in J. H. BURNS – M. GOLDIE (eds), *The Cambridge History of Political Thought 1450-1750* (Cambridge: 1990), 347-373. 352.

⁷⁴ G. H. SABINE, *A History of Political Theory* (New York: 1937), 246-247.

that “*gratia non tollit naturam, sed perficit*” he set the scholastic frameworks for the Biblical foundations not only for Catholic theology (frameworks valid down to our days) but thereby he asserted that divine grace had a kind of reinforcing, complementary but, let us clearly underline, therefore by no means “devalued” role. Quite on the contrary, he emphasized the uniqueness of grace. This way he opened the road for the acknowledgement of the dignity of natural human reason, of human political communities which evolve on an ascending basis, and in general, of the “*scientia politica*” of political science. In the Aristotelian Thomist teleological naturalism both society itself and government are natural for humans and indeed, for pagans and Christians alike. Divine grace which is manifested by and in Jesus Christ can evidently not be contradictory to, as “*He created everything there is. Nothing exists that he didn't make*”⁷⁵, natural law as it is planted and inscribed at the bottom of the heart of all human beings by God the Creator. This law of nature is therefore the law and will of God relating to humans, His intention displayed in the moral laws of the Ten Commandments and conscience. Due to and after original sin it is only possible to reach salvation by soteriological means. This became possible in Christ and this is about what Revelation, the *lex digna* relates. This, however, does not mean at all that the spirit of *lex naturalis*, the spirit, and not the letters, of Law is no longer valid. Quite the contrary is true: “*I did not come to abolish the law of Moses or the writings of the prophets*”⁷⁶. Thereby human conscience was elevated as the truth of Christ present at the bottom of all humans from birth on. Yet human nature which has become frail has to be made remember this again and again. “*In humans the fact is already present that at the deepest level of their spirit, as a mystery, God is hidden, Who loves them*”.⁷⁷ Conscience is given to everyone by the Creation. In Catholic theology conscience distinguishes between good and bad and does not explicitly, but even more so implicitly, deal with the Word of God which offers salvation. The latter, being the grace of God, is certainly indispensable for attaining all that is either transcendently and immanently good. After all, “self-merit” without grace has been discredited by original sin once and for all. Yet, according to what has been said so far, next to the “theological” ones the four cardinal or “political” deserts have received justification ever since Macrobius distinguished them. They can even be viewed as means of choosing the road eventually leading to salvation: “*Actus virtutis politicae non est indifferens, sed est de se bonus, et si sit gratia informatus, erit meritorius*”.⁷⁸

Similarly to conscience, human “common sense” is of ontological character as well. This was also often identified with natural law. A thoroughgoing investigation of the assertions in political theory of Neo-Thomist Jesuits opposing the views of James I on the basis of principles derived from natural law ought to be a matter of discourse within the frameworks of a chapter on James’ pamphlets.

⁷⁵ John 1,3.

⁷⁶ Matthew 5,17-18.

⁷⁷ H. BÜCHELE, *Keresztény hit és politikai ész* (Budapest-Luzern: 1991), 235.

⁷⁸ W. ULLMANN, *Principles of Government and Politics in the Middle Ages* (London: 1961), 248.

Here we have to emphatically underline that absolutist theorists in the early modern times shared the same premises ensuing from natural law their opponents in political theory, the proponents and defenders of the right to resistance did. Out of these premises the most general one was the deeply rooted belief in the necessity of government.⁷⁹ On the basis of natural law argumentation humans are social and political beings and the state, contrary to the view of St. Augustin, is not a necessary bad thing but is simply necessary, even if one might think of its coercive methods necessitated by human frailty bad. The evolution of the state is a natural procedure and is in accord with human “inclination”. Once God has entrusted people with some wordly purposes and tasks, people need to employ the most efficient means to reach these ends. Human reason is one of the most significant gifts of God to enable humans to recognize and make use of these means. Provided that they follow their natural reason, humans can realize a lot of their wordly happiness which is God’s will. This is just as much true of the non-Christian world as of the Christian. It is justified to say that through St. Thomas Catholic theologians and philosophers preceded the Protestants in laying the fundamentals of natural law reasoning in all respects.⁸⁰ At the same time it would definitely be incorrect to think of the idea of the *ius naturale* as an exclusive sphere of Catholic theology even if the original reluctance of Protestants to emphasize the dignity of human reason is an undoubtable fact.⁸¹ Sommerville takes care to underline that it was not merely the Anglican but also the Puritan writers who shared the majority of ideas related to natural law.⁸² “*In fact Protestants believed that corruption had not entirely obliterated man’s ability to distinguish between good and evil*.”⁸³ Here I need to refer to d’Entrèves as well who maintains that natural law reasoning is so important in Catholic theology that it significantly contributes to ecumenical dialogue that Protestant theologians are continuously getting rid of their fears and uneasy feelings of the idea of the *lex naturalis*.⁸⁴

Sommerville writes about the conviction of the necessity of the state and the government going back to natural law principles that although Protestant writers on political theory mainly connected coercive government to the state after original sin, at the same time they asserted that government existed even in Paradise.⁸⁵ The decisive majority of Catholic and Protestant authors actually agreed that even prior to original sin there had been some need of a co-ordinated direction but it was

⁷⁹ J. P. SOMMERVILLE, *Politics and Ideology in England, 1603-1640* (London-New York: 1986), 17.

⁸⁰ It must be noted, however, that as the Neo-Thomists revived though the paradigm of natural law but failed to combine it with a criticism (only denial) of the Scotist-sceptical tradition, modern natural law is already a Protestant product.

⁸¹ J. TORRANCE, “Interpreting the Word by the Light of Christ or the Light of Nature? Calvin, Calvinism, and Barth,” in R. V. SCHNUCKER (ed.), *Calviniana. Ideas and Influence of Jean Calvin* (Sixteenth Century Essays and Studies X) (University of Missouri, Columbia: 1988), 256.

⁸² SOMMERVILLE 1986; 15.

⁸³ *Ibid.*, 16.

⁸⁴ A. P. D’ENTRÈVES, *Natural Law: An Introduction to Legal Philosophy* (London: 1972), 154.

⁸⁵ SOMMERVILLE 1986, 18.

only the corruption of human nature which made it necessary to threaten those with punishments who did not conform to the commands of the magistrates.⁸⁶ What was of crucial importance was the concept that in order to make people subject to positive laws a system of norms was needed which was independent of human laws. This, Sommerville writes analyzing the views proposed by the learned English common lawyer John Selden, could not be anything else but the law of nature which was made and inscribed in all people by God Himself.⁸⁷ The relations between the absolute ruler and the *ius divinum* and the *ius naturale* on the one hand (*sub lege, legibus alligatus*), and the *lex humana*, or as it was also called, the *lex civilis* or *ius positivum* on the other (*legibus (ab)solutus*) cannot be discussed in detail here. One must assert that the “laws”, human measures contradictory of natural law were void. No injustice can be codified. The role of human positive laws is then to validate *in foro externo* the higher law which by virtue of their conscience all people without regard to their religion are *in foro interno* familiar with.⁸⁸ Natural law is *intellectus*, i. e. inherently true and reasonable and simultaneously, *voluntas*,⁸⁹ i. e. in accord with and deriving from God’s will.⁹⁰ Both aspects underline that the *lex naturalis* is a veritable law.

Let us now return to the ideas related to natural law of the defenders of absolute royal power. One does not only have to bear in mind that absolutist authors claimed that the ruler was bound by natural laws intrinsically equivalent with divine law but also that, similarly to the proponents of resistance theories, the absolutists, too, mostly derived their own governmental principles from natural law. Sommerville writes about this question this way: “Nevertheless, it was not upon the revealed will of God, expressed in the Bible, but upon the law of nature, inscribed in the heart of everyone and discoverable by reason, that government was based”.⁹¹ This on the one hand means that, as we have just seen, government is natural, necessary and realizable for Christians and non-Christians alike, and on the other, as I have also pointed out, Biblical, theological arguments had a distinguished, though rather “honorary” place in the political thinking of absolutist authors such as King James VI. The real fundament of reasoning was constituted by the legal approach. This made both the concept of the natural law in the Aristotelian sense as it found its way back to Western thought from the 13th century onwards and the Roman law indispensable. Of the former J. P. Sommerville believes that an understanding of Stuart political thinking is completely impossible without a proper knowledge of the concept of

⁸⁶ Ibid., 18.

⁸⁷ Ibid., 19.

⁸⁸ SKINNER 1978 (2), 148.

⁸⁹ The Jesuit Francisco Suárez was the one who deemed the will of the legislator especially important. On this basis for instance he denied that the *lex aeterna* was an actual law as God evidently does not make law for himself. Cf. K. HAAKONSSON, *Natural Law and Moral Philosophy. From Grotius to the Scottish Enlightenment* (Cambridge: 1996), 16.

⁹⁰ SKINNER 1978 (2), 149.

⁹¹ SOMMERVILLE 1986, 12.

natural law.⁹² “*The concept of the law of nature was crucial in the thought of the absolutist.*”⁹³ The arguments for absolute royal power were merely reinforced by the Holy Writ. The *ultima ratio* was the law of nature. “*The key piece of reasoning for absolutism ran like this. By nature man needs to live in society. But society cannot survive unless it is directed by a sovereign governor. So nature requires sovereignty. It was the law of nature, then, which made governors absolute sovereigns. Since God was the author of nature, and since natural law was a subdivision of God’s law, it followed that rulers derive their sovereign power from God alone.*”⁹⁴

Now I take into account all the places of *The Trew Law* where James mentions the terms “*nature*”, “*natural*”, or their derivatives. In the first place the subtitle of the work itself must be remembered where we find the expression “*naturall Subjects*”⁹⁵. As it is known, the author repeats this at the beginning of the main text. Not in the order they are mentioned but grouping them according to their contents let me quote the following structures of words: “*their native King*”,⁹⁶ “*their native and righteous king*”,⁹⁷ “*native country*”,⁹⁸ “*my native countrie*”,⁹⁹ “*naturall Father*”,¹⁰⁰ “*naturall love*” (of the Father towards his children),¹⁰¹ “*naturall zeale*”,¹⁰² “*naturall zeale and duety*”¹⁰³ (this expression appears twice, for the second time followed by the words “*native country*”), and “*naturall kingdome*”¹⁰⁴. Besides these we find the following: “*the Law of Nature*” (it appears altogether four times in the work),¹⁰⁵ “*the corruption of his owne nature*” (i. e. Saul’s),¹⁰⁶ “*by the course of nature*”,¹⁰⁷ “*is naturall to all creatures to crane*”,¹⁰⁸ “*monstrous and unnaturall*”,¹⁰⁹ “*monstrous and unnaturall rebellions*”,¹¹⁰ “*unnaturally follow this example, to be endued with their viperous nature*”¹¹¹.

Evaluating the evident “*naturalism*” of King James in *The Trew Law* F. D. Wormuth and M. A. Judson emphasized that the structures including the attribute “*natural*” are just as much characteristic of the work as the language of divine right

⁹² Ibid., 12.

⁹³ Ibid., 12.

⁹⁴ Ibid., 47.

⁹⁵ Ibid., 63.

⁹⁶ Ibid., 72.

⁹⁷ Ibid., 82.

⁹⁸ Ibid., 78.

⁹⁹ Ibid., 63.

¹⁰⁰ Ibid., 65.

¹⁰¹ Ibid., 77.

¹⁰² Ibid., 63.

¹⁰³ Ibid., 78.

¹⁰⁴ Ibid., 83.

¹⁰⁵ Ibid., 65.

¹⁰⁶ Ibid., 67.

¹⁰⁷ Ibid., 77.

¹⁰⁸ Ibid., 79.

¹⁰⁹ Ibid., 77.

¹¹⁰ Ibid., 83.

¹¹¹ Ibid., 77.

itself.¹¹² What can be the significance of this “naturalism”? What actually can the expression “*naturall Father*”, “*native King*” or “*naturall Subject*” mean? It is my deep conviction that these adjectival constructions served to help James express the virtually important, strong, and inseparable connection between the sovereign and his people. In what is to follow I intend to give a detailed account of the medieval legacy of this.

One has to remember that on the basis of the law of nature King James calls the sovereign the “*naturall Father*” of the vassals. To understand this one needs to know the correct meaning of the attribute “*naturalis*” going back to the verb “*nascor, nascere*” within the system of relations of vassalage. The word “*naturalis*”, “*natural*” was used in the 11th and 12th centuries in the context of vassalage. The link between vassal and his *dominus* was deemed natural in case this link was hereditary and legitimate. In the 13th century this word started to be used to describe the links between the sovereign and the people. “*The strength of the majority of later medieval European states was that they appeared natural to their inhabitants*”.¹¹³

In my view, the expression “*naturall Subjects*” in the subtitle of *The Trew Law* is understood correctly if it is emphasized that those who were born in(to) a given kingdom were looked upon as natural subjects. The natural subject was someone who was born into the *regnum*, therefore he was loyal and evidently and naturally obedient to the *rex*. The law of nature prescribes for everybody that they be loyal to the community conceived of as the *communitas perfectissima*, the *regnum* as well as to its natural governor, the monarch. This is in close connection with the already examined concept that it is according to human nature, what is more, it inevitably follows from it, that humans live in communities the most advanced of which is the political community, the state. In completely extreme cases those living outside the state were not even considered human. It was the view of St. Thomas of Aquinas that a virtuous subject must not even refrain from deposing himself to life danger for the sake of the defence of the community natural for him, i. e. the native country. Henry of Ghent compared those “giving their life for their friends”¹¹⁴ to the sacrifice of Christ on the Cross. Following the pattern when at the time of the crusades taxes were collected *pro defensione (necessitate) Terrae Sanctae*, it soon became customary to levy taxes *pro defensione (necessitate) regni*. Especially in France, from the mid-13th-century on this was done *ad defensionem (tutionem) patriae*, or, as it was formulated under Philip (IV) the Fair, *ad defensionem natalis patriae*.¹¹⁵ According to the outcry of the Virgin of Orleans all who waged war against the holy kingdom of France were fighting against King Christ.¹¹⁶

¹¹² M. A. JUDSON, *The Crisis of the Constitution. An essay in Constitutional and political thought in England 1603-1645* (New Brunswick: 1949), 189.

¹¹³ B. GUENÉE, *States and Rulers in Later Medieval Europe* (Oxford, 1985), 64.

¹¹⁴ KANTOROWICZ 1957, 244.

¹¹⁵ *Ibid.*, 236.

¹¹⁶ *Ibid.*, 255.

B. Guenée enumerates authoritative medieval examples for illustrating the content and significance of the expression “*naturalis*” and its derivatives. Gerald of Wales, who died in 1220, described the Welshmen as “the natural inhabitants” of their country. In the middle of the 13th century the Dominican doctors at the University of Paris defined the notion of the *fraternitas naturalis* that meant the bonds among the inhabitants of a given kingdom and, at the same time, prevented them to ally themselves with anybody else living outside the realm.¹¹⁷ At the turn of the 13th and 14th centuries the French made a distinction between those who were born within the *regnum* and those who came from outside (*de foris venientes*). The latter were also alluded to by the word “*extranei*”. Earlier, this expression had been used also in cases when somebody came from another province or town.¹¹⁸ From the turn of the century on, however, expressively “foreigners” were meant by the term who could by no means counted among the natural subjects.

Guenée’s further strong claim is that by the beginning of the 14th century “national feeling” has appeared. Although it has evidently nothing to do with the modern sense of the word, nevertheless it was there in its germs as early as the 14th century. In 1328, after the extinction of the Capet dynasty the English King Edward III claimed the throne of France for himself. What he alluded to was heritage via the female line. This was definitely a nonsense in France according to the *Lex Salica*. Furthermore, Guenée adds, he was unacceptable for the French because “he was simply English”.¹¹⁹ Philip of Valois, who came to the crown as Philip VI thereby founding the Valois dynasty, however, could become King in France because he was born in the kingdom – as an English chronicle also concedes and relates.¹²⁰

On the basis of what has been said above we know more about the essence of the relations between a “natural King” and his “natural subjects”. A person who was born in(to) the realm is the natural subject of a King born in(to) the same kingdom. Thus the former has a natural obedience and obligation towards the latter who is his natural sovereign. This is comparable to the meaning of the term “*naturalis*” employed in the 11th and 12th centuries in the arguments for the bonds in vassalage. As James emphasizes it many times in *The Trew Law* both the natural subject and the natural King are due to express a “*natural zeal*” towards their “*native countrie*”, a term itself derived from the same stem as the word “*naturalis*”. This natural and therefore very close link is formed by the law of nature. James does not only make use of the expression “*native King*” but also of “*naturall Father*”, the two being virtually equal. This is why this link has its strength by natural law in a constitutive way. It is by the law of nature that it becomes legitimate. At the same time, as James puts it¹²¹, this link turns into a visibly strong relation at the time of

¹¹⁷ GUENÉE 1985, 64.

¹¹⁸ *Ibid.*, 64.

¹¹⁹ *Ibid.*, 64.

¹²⁰ *Ibid.*, 64.

¹²¹ *Ibid.*, 65.

“Coronation”. One might say that the act of crowning as well as the coronation oath already discussed in the vein of James, i. e. the fundamental laws having the strength of natural law play the declarative role.

The King inherits the *regnum* in a natural way, by his birth. Along with it, however, he also inherits all the natural subjects of his born in(to) the same kingdom. By the law of nature the “natural”, legitimate subjects are part of the heritage of the “natural”, lawful King along with the kingdom. So the subjects are inherited subjects. As I have already pointed out, it was inheritance and legitimacy which together meant and safeguarded that this link between monarch and his people be “*naturalis*”, natural, exactly in full accord with what has been maintained about the relations in vassalage in the 11th and 12th centuries. As in vassalage, so far James inheritance and legitimacy were equal with the natural link. In the former one has to do with the connections between *dominus* and *homo*, in the latter with those between *rex* and *subiectus*. The King and the people are each other’s natural partners. Both have their natural obligations, too. In the part discussed here James investigates the position and the obligations of the ruler. These obligations, just as much as those of the subjects, originate and evidently follow from natural law. It is exactly this argument by the law of nature, or legal arguments in general which form the core of James’ reasoning. This becomes really clear in the part where natural law is treated as the third pillar of government. Taking into consideration the essential identity of natural and divine laws one has nothing to be surprised at that the enumeration of the royal tasks on the basis of the law of nature widely coincides with the Biblical arguments and quotations. What one must bear in mind is that the gravity of argumentation is on the legal-philosophical reasons and not on the Biblical citations. “*The Bible was quoted by authors like James in order to underline their arguments, arguments which were proved by law, especially by natural law*”.¹²² Notwithstanding the title, in his main work “*Politique tirée ...*”. Bossuet does not take his chief arguments from the Holy Scriptures but from the law of nature. What Aristotle has said was reinforced by the Holy Spirit - the argument runs.¹²³ It is well known that the bishop was an emblematic figure of absolutism by divine right. The fact that even in his case theological arguments only have the role of reinforcement next to a legal-philosophical language and way of thinking is of crucial importance. A thoroughgoing examination of the written works and speeches of King James (VI) I will have the conclusion that he borrowed his chief reasons from the law of nature. One must not be misled by the expression “absolute monarchy by divine right.” The already mentioned conviction has to be maintained at all rate that without a legal-philosophical system of arguments there could be no word of divine right absolutism. It is not to be discussed here why and in what sense it is more correct to use the term “absolutism by divine right” instead of the formula “divine right of kings”. It must be referred to the fact that just because a political author held absolutist views it did not at all automatically mean

¹²² SASHALMI 1997, 75.

¹²³ PLAMENATZ 1963, 118.

that the same author was also a representative of divine right theory. Absolute monarchy by divine right can be looked upon as only one, though undoubtedly widely spread version of the various theories of absolutism. The most striking feature of absolutism is that the sovereign is above positive law. It is possible for him or her exactly because he or she was bound by the law of nature. Yet, even if we revert the formula we do not necessarily arrive at a correct conclusion: a theoretician of the “divine right” was not automatically an absolutist thinker at the same time¹²⁴. As I have demonstrated above, besides the divine right of kings a number of other “divine rights” were known, all that referred to others. It is another question that the majority of divine right absolutist authors, including King James, accepted for example the divine right of the bishops. What is more, as it is well known, he was even an ardent defender of that.

On the basis of natural law anything needs to be condemned that contradicts nature, natural inclination, one might say, common sense (in the present case the common, reasonable interest of King and subjects). For the subjects the King is “natural and lawful”. As the expression “*natiue King*” also emerges, the term “natural” could actually be rendered as “born in(to) the realm”. Obedience to a King like this is a natural obligation. We have seen how closely and intrinsically the notion of obligation was connected to the meaning of “*naturalis*”. It can therefore be no mere chance that King James devotes the very end of the last but one paragraph of the work to the “*dutifull subjects*”.¹²⁵ What is more, the last two words of *The Trew Law* are essentially the same: “*obedient subjects*”.¹²⁶ After this, James did not attach anything else to the work but the letters “*FINIS*” at the bottom of the page. Obedience, the loyalty of the subjects as it emerges from the connotations of “*naturalis*” is of utmost importance for James. This is the common and basic interest of everyone as it necessarily follows from the law of nature. It is actually not the task of the King to declare a revolt unnatural. This is done by the *lex naturalis* itself.

In the light of what has been said of the *ius naturale* as well as of the role the word “*naturalis*” played in classical medieval thinking about vassalage, I deem it justified to assume that King James’ parallelisms between King and father as well as the structures including the attribute “natural” reveal more of the essence of the author’s argumentation than what is evident of the parallelisms at their first and superficial reading.

It is to be taken into account that the core of the early modern version of divine right is tangible in the medieval divine right theory which has been completed by the idea of hereditary monarchy. It is known that throughout the centuries the principles of election and inheritance rather completed than excluded one another.¹²⁷ It is also important that in France and in England alike it was from

¹²⁴ G. BURGESS, *Absolute Monarchy and the Stuart Constitution* (New Haven-London: 1996), 99.

¹²⁵ *Ibid.*, 84.

¹²⁶ *Ibid.*, 84.

¹²⁷ GUENÉE 1985, 67.

the 70s of the 13th century on that it became a practice for rulers to count the years of the rule automatically from the death of their predecessor, their father and not from their own coronation or anointing. The importance of this was that quite simply and naturally (sic!), they became Kings by birthright. “*In places where election disappeared and hereditary right was affirmed, the coronation gradually lost its constitutive force*”.¹²⁸ In the centuries of the late Middle Ages coronation gradually lost some of its former significance although exactly in France the vicissitudes of the Hundred Years’ Wars slowed down this process in a sense. Let us just think of how strongly Joan of Arc insisted on the coronation ceremony in Reims. “*In the later Middle Ages it was no longer the coronation, rarely an election, but almost always clearly defined hereditary right that now made a legitimate king*”.¹²⁹ Moreover, a formula is known from England from the year 1307 which says that Edward II is “*already king of England by inheritance and descent*”¹³⁰. Accordingly, he started his reign on the day following his father’s death. This practice survived some two centuries. In the mid-16th century even this interregnum of one single day vanished.

By discussing the principle unavoidably ensuing from the law of nature that the “natural” King who was born in(to) the kingdom both in terms of *regnum* and *officium* inherited his land and the people, the subjects of it in a natural way I virtually demonstrated the corner-stone of the new, early modern version of divine right. However, in *The Trew Law of Free Monarchies* we read about much more than the appearance of a modernized version of divine right. Here it is the *a priori*, general legal-philosophical argumentation which is decisive. This entails that the author introduces himself as a King who is above human positive laws which therefore do not bind him. He is *legibus solutus*. This is already the world of the absolute monarchy based on divine right. James even refers to himself with the expression “*free and absolute Monarchie*”¹³¹. In what comes below I will primarily have to ponder over the meaning of the attribute *free*, in search of an answer to the question whether it could mean more than that the kingdom is not elective but hereditary. Are we justified in saying that the “free” monarchy and monarch are synonyms of the “absolute” monarchy and monarch? So as to be able to find a reliable answer to this one has to examine the standpoint of King James concerning the obligations of the subjects. This seems to be even more practical because by enumerating the duties of the “natural subjects” James actually reveals to us the nature of the rule of the sovereign as well as its possible restrictions. We might basically assert that whereas in the first part he treats the King’s obligations, in the second he discusses the nature of the King’s reign.

Now we have to turn to the second great structural unit of *The Trew Law* in which King James elucidates the duties of the subjects towards him. He introduces this unit by these words: “*As to the other branch of this mutuall and reciproock band, is the*

¹²⁸ Ibid., 68.

¹²⁹ Ibid., 68.

¹³⁰ Ibid., 68.

¹³¹ Ibid., 64.

duety and alleageance that the Lieges owe to their King: the ground whereof, I take out of the words of Samuel, dited by Gods Spirit, when God had given him commandement to heare the peoples voice in choosing and anointing them a King."¹³² This means that James makes it perfectly clear in advance that he understands by the duties of the subjects nothing but the "*duety and alleageance*" towards their King. It is reasonable to get to know more about the quotation from the Old Testament to which James here alludes and the text of which he inserts word by word. This is the 8th part of the First Book of Samuel from verse 9 to verse 20 continuously. In the first unit James has already referred to this place once, as I pointed out there.

In the above mentioned part of the First Book of Samuel we can read that after Samuel had grown old and his sons whom he had designated as judges over the people had not followed his righteous way, the elders of Israel went to Samuel and asked him for a King. As "*Samuel was very upset with their request*"¹³³, he turned to the Lord in prayer Who, however, gave him the command to fulfill the wish of the people, after all, they did not rebel against Samuel but against God with their dissatisfaction. Nonetheless the Lord also prescribed for Samuel the task to let the people know what kinds of rights and power the would-be King would have. Samuel acted accordingly, depicting the power of the King with rather horrifying pictures. The King would have full right of disposition of the sons and daughters of Israel as well as of their movable and immovable properties. However, not even these harsh words prevented the Jews from persisting in their original pursuit: "*Nay, but there shalbe a King ouer vs. And we also will be like all other Nations, and our King shall iudge vs, and goe out before vs, and fight our battels.*"¹³⁴

As it can be seen, James VI inaugurates the obligations of the subjects by quotations from the Holy Writ, not unlike in the case of the royal duties. The problem that emerges here, i. e. why God's order elected a King for Israel in the person of Saul who then diverged from the righteous way, James explains to the readers this way: Saul was selected by God with respect to his virtues and abilities for leadership "*whereas his defection sprung after-hand from the corruption of his owne nature*".¹³⁵ God was ready to fulfill the wish of the people, in spite of the fact that by their wish they had renounced Him to a certain extent. It was only God Who could give them Saul even if they had asked him for themselves. This point is decisive in divine right theory: the ruler's power comes directly from God. James underlines this in the following versions: "*the election of that King lay absolutely and immediately in Gods hand*";¹³⁶ "*by God*";¹³⁷ "*For as ye could not haue obtained one without the permission and ordinance of God, so may yee no more, fro bee be once set ouer you, shake him off*

¹³² SOMMERVILLE 1994, 66.

¹³³ 1 Samuel 8,6.

¹³⁴ SOMMERVILLE 1994, 66. Cf. 1 Samuel 8,19-20.

¹³⁵ SOMMERVILLE 1994, 67.

¹³⁶ Ibid., 67.

¹³⁷ Ibid., 67.

without the same warrant";¹³⁸ and, finally, "be that bath the only power to make him, bath the onely power to vnmake him"¹³⁹. It is obvious that to revolt against the King would imply a disregard for the will of God. James makes the "rights" of the subjects as clear as possible: "and ye onely [to] obey, bearing with these straits that I now foreshew you".¹⁴⁰ With these words the author gives voice to an old conviction of his: the subjects can never exercise active resistance against the ruler.

King James VI found the aforementioned part of the First Book of Samuel "so pertinent of our purpose"¹⁴¹ that he not merely inserted it into his text word by word but he repeated first verse 9, then verses 11-15, verse 18, and finally verses 19-20 once more. One has to say that in these parts he gives us paraphrases of the Biblical text and he recapitulates the related arguments. His aim is to show "the obedience that the people owe to their King in all respects".¹⁴² Actually, what he describes is virtual tyranny, thereby underlining that revolts are not even allowed in the case of tyrannical rule. He, however, implicitly lets us know that he, the King of Scots himself is far from any intention to strive for any kind of tyranny. The method he chooses is that he calls tyrannical rule which ignores the principle of "iustice and equitie"¹⁴³ a mockery of natural law: "So as inuerting the Law of nature, and office of a King, your persons and the persons of your posteritie, together with your lands, and all that ye possesse shal serue his priuate vse, and inordinate appetit".¹⁴⁴ We know that it is only the tyrant who thinks that he is not bound by the *ius naturale*. Someone who neglects the law of nature, trespasses against the whole community, actually contempting common sense. It is of special importance that the tyrannical rule outlined by James can be understood as both the subversion of "the Law of nature, and office of a King".¹⁴⁵ As the political community is natural to humans, so is its leadership, the office of the King. This in turn means again that active resistance against the King would equal the negligence of the commands dictated by natural law. As a consequence I can assert that King James decisively refutes tyranny which ignores the *lex naturalis* and its majesty. Nonetheless, in perfect accord with the general absolutist principles on government he clarifies that actual resistance, i. e. rebellion as the active form of resistance cannot even be lawful against the rule of a tyrant.

In the work King James practically resorts to the terms "subjects" and "vassals" as synonyms and he uses them interchangeably.¹⁴⁶ Throughout *The Trew Law a*

¹³⁸ Ibid., 68.

¹³⁹ Ibid., 68.

¹⁴⁰ Ibid., 68.

¹⁴¹ Ibid., 66.

¹⁴² Ibid., 68.

¹⁴³ Ibid., 68.

¹⁴⁴ Ibid., 69.

¹⁴⁵ Ibid., 69.

¹⁴⁶ D. Potter writes this about the Kings of France: "The king of France was first of all a seigneur supported by vassals who in the fourteenth and fifteenth centuries were slowly transformed into 'subjects'. In fact, the king remained 'seigneur naturel' of the French and the relations between government and governed were conceived in the form of a feudal

“line of vassalage”, a kind of argumentation going back to the relations of vassalage can be detected. It is a well known fact that the essence of vassalage indispensably involves a reciprocity and mutual link which is mentioned by James in the subtitle of the work as well. Vassalage as it appeared in Western Europe at the end of the early Middle Ages was indeed based on an agreement, a contract between *dominus* and his vassal. This was an obviously mutual relation which put the idea of taking responsibility for the other partner into the foreground. In spite of all contrary claims, by means of this medieval practice based on Christian principles vassalage contributed very much to the evolution of modern constitutional views as well. It is true even if B. Tierney is right in his assertion that one can find a similar establishment in Japan, too. Nevertheless, no constitutional thinking developed there. It is indeed Tierney who attributes a decisive role to Christianity in the evolution of the latter.¹⁴⁷

Let us now return to the idea of vassalage itself that King James is at least as consequent in referring to as to the “*naturall*” links “*by birth*” between the sovereign and his subjects. Vassalage and the system of connections it implies, even if it can be inherited, does not originally stem from birth but is based on the voluntary contract of the two partners. From this point of view we have to say that similarly to the alteration on the original meaning of reciprocity James VI fundamentally modified the original meaning of vassalage, too. Yet I have to note that in one certain respect King James was “professional” in all the places where in his work he referred to himself as the chief “*ouer-lord*” of the realm and to the subjects as his “*vassals*”. The theory and practice that the oath of fidelity as well as vow of fidelity (which differed from the former inasmuch it was an ecclesiastic liturgical element) were essentially identical with the oath of allegiance of the subjects went back to Charlemagne, who made vassalage the fundament of statehood. In terms of this James had all reason to identify “*subiectus*” and vassal. He had all right to maintain that in Scotland “*the King is Dominus omnium bonorum, and Dominus directus totius Dominij, the whole subiects being but his vassals, and from him bolding all their lands as their ouer-lord, who according to good seruices done vnto him, chaungeth their boldings from tacke to fen, from ward to blanch, erecteth new Baronies and vniteth olde, without aduice or authoritie of either Parliament or any other subalterin iudiciall seate*”.¹⁴⁸ The twofold structure of a traditional strain of thought as well as of novelty is clearly manifested in these lines. In the argumentation on political thinking of King James the idea of divine right on the one hand and vassalage on the other can be viewed as a continuation of the traditional line in “political science”. However, it must definitely be regarded as the appearance of modernity that the concept of sovereignty clearly emerges in the citation above as well. It is true even if there is no doubt that the forrunner of sovereignty linked to the name of Jean Bodin has its roots in the Antiquities, in

*obligation. Feudal law remained a powerful instrument for the demonstration of superiority in the sixteenth century.” Cf. D. POTTER, *A History of France, 1460-1560. The Emergence of a Nation State* (London: 1995), 30.*

¹⁴⁷ B. TIERNEY, *Religion, Law and the Growth of Constitutional Thought 1150-1650* (Cambridge: 1982), 8.

¹⁴⁸ SOMMERVILLE 1994, 73.

Ulpian's formula and argument. At all rate, it is obvious that for James the concept of vassalage is decisive as it can be witnessed in his remark on Parliament: the Parliament "*is nothing else but the head Court of the king and his vassals*".¹⁴⁹ This is a good reflection of the standpoint that Parliament has a jurisdictional role. However, we have to see as well that King James attributes full and real Bodinian sovereignty to the ruler whose will is truly law. After all, in Parliament "*the lawes are but craued by his subjects, and onely made by him at their rogation, and with their aduice*".¹⁵⁰ Then he goes on saying perhaps even more characteristically: "*For albeit the king make daily statutes and ordinances, enioyning such paines thereto as hee thinkes meet, without any aduice of Parliament or estates; yet it lies in the power of no Parliament, to make any kinde of Lawe or Statute, without his Scepter be to it, for giuing it the force of a Law*".¹⁵¹ With regard to the expressions "*with their aduice*" and "*without any aduice*" James contradicted himself, yet it is obvious that the Parliament alone can never make laws. Basically, it only has a right comparable to *consilium* in vassalage provided that the ruler is in need of it at all. Gy. T. Szántó correctly remarks that James was deeply convinced: "*in his countries he was the sole source and defender of law*".¹⁵² I may refer here to the opinion of Jean Bodin as well who held that legislation was the most important preliminary condition, the *sine qua non* of sovereignty ("*maiestas*" in his words of 1576): the sovereign's first feature is that he gives laws to all in general and to individuals in particular.

Going a bit further in the text of *The Trew Law* we can have a clear idea of how James VI viewed the "contract" he kept referring to: "*As to this contract alledged made at the coronation of a King, although I deny any such contract to be made then, especially containing such a clause irritant as they alledge; yet I confesse, that a king at his coronation, or at the entry to his kingdome, willingly promiseth to his people, to discharge honorably and trewly the office giuen him by God ouer them [...] I thinke no man that hath but the smallest entrance into the ciuill Law, will doubt that of all Law, either ciuil or municipal of any nation, a contract cannot be thought broken by the one partie, and so the other likewise to be freed therefro, except that first a lawfull triall and cognition be had by the ordinary Iudge of the breakers thereof: Or else euery man may be both party and Iudge in his owne cause; which is absurd once to be thought. Now in this contract (I say) betwixt the king and his people, God is doubtles the only Iudge, both because to him onely the king must make count of his administration (as is oft said before) as likewise by the oath in the coronation, God is made iudge and reuenger of the breakers: For in his presence, as only iudge of oaths, all oaths ought to be made. Then since God is the onely Iudge betwixt the two parties contractors, the cognition and reuenge must onely appertaine to him: It followes therefore of necessitie, that God must first giue sentence vpon the King that breaketh, before the people can thinke themselues freed of their oath*".¹⁵³ I have deemed it reasonable to insert this quotation here for it throws some light upon the essence of James' views on a "contract". On the one hand we have to note that he is very good at reasoning

¹⁴⁹ Ibid., 74.

¹⁵⁰ Ibid., 74.

¹⁵¹ Ibid., 74.

¹⁵² Gy. T. SZÁNTÓ, *Anglikán reformáció, angol forradalom* (Budapest, 2000), 192.

¹⁵³ SOMMERVILLE 1994, 81.

when he expounds the ancient legal “axiom” according to which nobody can be a judge in his own case. How then could the people, the subjects judge whether their ruler has violated the “contract”? In this case the people themselves would act as judges in their own debated case which would amount to a legal absurdity! The right to make judgements is the exclusive sphere of the Almighty. This right cannot be taken away from Him by the people. Moreover, James reinforces his way of reasoning with the help of a further clever move! He asserts that not even the sovereign, the other partner can renounce that “agreement” in case the people have rebelled against him, saying that now he is entitled to make them perish all.¹⁵⁴ How then could the people make judgement in a reverse case?!

The quotation above, however, has a further, perhaps even more important lesson. The essence of this is that with the coronation oath discussed before an actual contract between the sovereign and his people *is* made, nonetheless all this happens in the majestic presence of the Lord. This is a contract which is practically not made between the partners but before God and *to* God, *to* the only legitimate judge and witness of the contract! If we recapitulate the idea of vassalage, this is then not similar to the ceremony of *homagium* but the oath of fidelity which is taken before the altar or in the presence of a relic! This is the core of Jacobean “contractual” thought. As in many other respects, he thoroughly and wittingly modifies the original meaning and content of the given expression.

A further aspect cannot be ignored here either. This is the Calvinian-Calvinist covenant theory already mentioned which is intrinsically linked to the so-called federal or covenant theology. As it also appears from the *Vindiciae, contra tyrannos*, the classical Huguenot work on the theory of resistance, within this tradition it is not the contract but the covenant which is the key notion. The sovereign and the community alike are joined to God separately by two covenants. The role of God is the *stipulatio*, upon His stipulation the ruler promises to keep the people in the true faith. The people likewise make the promise to sustain the true faith. All this was likened to the case when the creditor insisted on a guarantor because of the unreliable debtors.¹⁵⁵ Should either the prince or the people fail to keep their promise, the other partner will have to bear the negative consequences of this, too.¹⁵⁶ It is obvious that this cannot mean a contractual relationship, after all, that would imply a mutual obligation which is impossible in the case of God. This relationship cannot be mutual. James must have been familiar with the idea of the Calvinist covenant which implied for him the same though separate promises to God. Even within the scope of this way of thinking one can assert that the promise eventually is made to God. King James certainly does not derive from this the possibility of resistance to the ruler which is a further sign of his originality. As a Calvinist he employs a tradition but he adapts it to his own needs.

¹⁵⁴ *Ibid.*, 82.

¹⁵⁵ G. GARNETT (ed.), *Vindiciae, contra tyrannos: or concerning the legitimate power of a prince over the people, and of the people over a prince* (Cambridge: 1994), XXV.

¹⁵⁶ *Ibid.*, XXV.

In the part of the work of James VI where he refutes the opponents of the political theological views proposed by him, on one occasion he returns to that aforementioned part where he discussed the wish of the people of Israel to have a King of their own and, consequently, their resignation from their rights of freedom. In the argument of the Scottish King the people may by no means reclaim those “privileges” which they have already given up. It is nothing else but the classical case of the finite and irrevocable alienation of power! James argues, in fact, convincingly that not even the prince can take back those privileges which he or his predecessors have already given up. How then could the people do the same? This is the real “mutual” link and “reciprocity” which is so conspicuous in the subtitle of the work! In a certain aspect, both the King and the people have bound themselves. The difference is that in the case of the former only God can be thought of as a judge, after all, the King actually took his coronation oath not merely in the presence of God but *to* God.

King James’ assertion is also worth considering that though the sovereign binds himself, this he does only “*of his good will, and for good example-giving to his subjects*”¹⁵⁷. This holds equally true of the observance of abstinence from meat in the Lenten Period (an abstinence originally not annulled by either the Scottish or the English Reformation) and the measures controlling the various types of guns and the right to carry them. “*So as I have abreadie said, a good King, although hee be above the Law, will subiect and frame his actions thereto, for examples sake to his subiects, and of his owne free-will, but not as subiect or bound thereto.*”¹⁵⁸ Nothing can be more obvious that this is the totally clear and evident appearance in King James’ work of the ancient *lex digna* which does not in the least alter the principle of *princeps legibus (ab)solutus est!* At the same time, it might mean that, just like in Bodin’s view, the King cannot violate a valid law but he has the authority to annul it and make a new instead of it. Thus he stands above positive law.

As the argument of the Scottish King goes all that was forbidden for the Jews is likewise prohibited for “*all Christian and well founded Monarchies*”¹⁵⁹ as well, after all, the latter have to be built on the model of the “*Kingdome and Monarchie*”¹⁶⁰ of the Jews as the Kingdom of Israel and its laws were founded by the Almighty God Himself. And rebellion was expressively prohibited by God for the Jews, even rebellion against a possible tyrannical rule. In James’s view there can hardly be a greater tyranny than the one depicted by Samuel before the people of Israel based upon the words of God. Nevertheless, King James continues, “*we neuer reade, that euer the Prophets perswaded the people to rebell against the Prince, how vicked soeue he was.*”¹⁶¹ The royal author enumerates concrete examples from the Holy Writ to demonstrate that neither the Old, nor the New Testament know the idea of an

¹⁵⁷ SOMMERVILLE 1994, 75.

¹⁵⁸ *Ibid.*, 75.

¹⁵⁹ *Ibid.*, 70.

¹⁶⁰ *Ibid.*, 70.

¹⁶¹ *Ibid.*, 70.

active resistance against the ruler. King James gives Samuel, David, and Elijah much more credit before their people than to “*any of our seditious preachers in these daies of whatsoever religion.*”¹⁶² Here he is willing to concede that his tone is ironical: the great figures of the Old Testament never exploited their influence to inspire the people to revolt while “*eüher in this country*”¹⁶³ (i. e. in Scotland) or in France many “*busied themselves most to stir vp rebellion vnder cloake of religion.*”¹⁶⁴ That certain “robe of religion” which is so familiar from Marxist historiography is in James’ work clearly Hookerian in character. It is also obvious whom he meant by these people: Catholic theoreticians but even more so the Dissenters who enlarge completely indifferent religious questions just with the intention to subvert order in the state. This was the view of Hooker and this is the opinion of James, too. We can say without hesitation that in order to express this view James did not even necessarily have to be a divine right absolutist thinker, as evidently Richard Hooker was no representative of this strain of thought. Furthermore, King James refutes the view that one can still find in the Bible “*extraordinarie examples of degrading or killing of kings*”¹⁶⁵. He namely means that on this basis all the other obvious sins and vicious things like murder, stealing, telling lies etc. that are really frequently alluded to on the pages of the Scriptures would be allowed as they can be found in the Bible. The truth is, that these are there to deter people, to demonstrate sin as such. The same can be said of all kinds of revolts. Christ commands to render unto Caesar what is Caesar’s – the author continues his argumentation. A rebellion is out of question even in the case of the Lord’s elect people, how then could anyone else take the liberty to do the same? James says that the King is “*Gods Lieutenant in earth,*”¹⁶⁶ whose commands need to be followed without condition but the ones directly against God, i. e. the ones aimed at violating the *lex divina* and/or the *lex naturalis*. Not even in this case, however, does remain any other choice but the silent suffering of the martyrs of early Christianity. It is evident that in case of passive disobedience a prince who has turned into a tyrant will surely persecute the people. In times like this the people have to be especially zealous in their prayers for the conversion of the sovereign. If this still does not follow, the people have to be ready to accept sufferings and even martyrdom. It is conspicuous that James’ above mentioned standpoint which sounds so horribly to modern ears is identical with the original concepts of Luther, Melanchthon, Jonas, and Spalatin. That was the time when in their eyes the sovereigns were still “gods”. Luther himself, the great Reformer openly admired Emperor Charles V. We know, however, that late in October 1530, in the Torgau Palace the representatives of the freshly declared (and later several times to a lesser extent modified) Augsburg Confession, under the compulsion of the circumstances abandoned their original views on the question

¹⁶² Ibid., 71.

¹⁶³ Ibid., 71.

¹⁶⁴ Ibid., 71.

¹⁶⁵ Ibid., 71.

¹⁶⁶ Ibid., 72.

of obedience to political authority. King James did not resort to recalling his teachings of this kind but in his speeches in the London Parliament his tone was completely different. Here we have to make clear that James, although he must have backed the aforementioned, strict and original standpoint of Protestants he formed his words in a bold way, even if not as the first in the history of political thought. At any rate, it is sure that he envisaged both divine and natural laws as binding him as I have already tried to prove it. His political practice then leaves no doubt about this whatsoever. Still, in *The Trew Law* he sums up the duties of the people as subjects in these words: “*Thou shalt not rayle vpon the Iudges, neither speake euill of the ruler of thy people*”.¹⁶⁷

We have seen that in the system of arguments of King James Biblical parables and parallelisms, the language G. Burgess dubbed as “theological”¹⁶⁸ is though always in the first place as far as its dignity is concerned but in terms of significance it can merely be estimated as the second. This is more than evident in the part where the duty of “*allegiance*” of the subjects towards their prince is discerned. Here, namely, we first find a number of citations from the Holy Writ, all that we have already met. Then James draws a bold caesura and declares that to his own country, Scotland, the patterns of the Scriptures cannot be applied.¹⁶⁹ What we witness here is that that Biblical words strengthen, reinforce, and illustrate royal power (this is why the King inserted them into his work), but as far as the beginnings of the Scottish Kingdom are regarded, that happened in a totally different way than in the case of Old Testament Jews where the people asked for a King for themselves. Although James acknowledges that in the first period in many states in “*diuers commonwealths and societys of men choosed out one among themselves, who for his vertues and valour, being more eminent then the rest, was chosen out by them, and set vp in that roome, to maintaine the weakest in their right, to throw downe oppressours, and to foster and continue the societie among men: which could not otherwise, but by vertue of that vnitie be wel done*”¹⁷⁰. These general statements on the office of the King are fundamentally identical with the royal role that James has already detailed, without regard to its origin. Yet in his country as in many others the kingdoms “*had their beginning in a farre contrary fashion*”.¹⁷¹

What did actually happen in Scotland? This is the way James describes the beginnings of the Scottish Kingdom: “*For as our Chronicles beare witness, this Ile, and especially our part of it, being scanty inhabited, but by very few, and they as barbarous and scant of ciuilitie, as number, there comes our first King Fergus, with a great number with him, out of Ireland, which was long inhabited before vs, and making himselfe master of the countrey, by his owne friendship, and force as well of the Ireland-men that came with him, as of the countrey-men*

¹⁶⁷ Ibid., 71. Cf. 2 Moses 22, 28.

¹⁶⁸ G. BURGESS, *The Politics of the Ancient Constitution. An Introduction to English Political Thought, 1603-1642* (London: 1992), 130.

¹⁶⁹ SOMMERVILLE 1994, 73.

¹⁷⁰ Ibid., 72-73.

¹⁷¹ Ibid., 73.

that willingly fell to him, hee made himselfe King and Lord, as well of the whole landes, as of the whole inhabitants within the same".¹⁷² This is a sheer and clear definition of the conquest theory. James embeds his evident legal argumentation into a (disputable) historical relation. The very fact of the conquest itself has legitimated the rules of the Kings of Scots, his ancestors. This conquest therefore has a legitimating effect on his own reign as well. To use the words of J. G. A. Pocock James had to prove that the laws were made "at a time when there was already a king", "and who sanctioned them was certainly the king".¹⁷³

Pocock elaborated on this while treating "the ancient constitution and the feudal law" of England, i. e. when he was in search of the roots of English common law. What interests us here in this Scottish context is that James attacks and refutes the belief that the laws had preceded the Kings by means of an outspoken "*legisdatio*", a "royal giving of laws" which can be very well linked to a certain time. The supporters of the *mos docendi Gallicus* led by Francois Hotman stressed the importance of feudal law and an independent French legal historical evolution going back to the times of the Gaul, thereby trying to push back the overwhelming dominance of Roman law which they deemed was anachronistic. It was the French absolutist thinkers who represented views strongly opposing feudal law.¹⁷⁴ In our case, however, the Scottish King James VI wittingly connects the above mentioned feudal reasoning and the conquest of Fergus normally linked to the 5th century A. D.: by this conquest the King of Scots became the chief "overlord" of the entire country and the subjects became his vassals. Indeed, as we have seen, this happened in the most natural way, by means of birth into the kingdom. As a matter of fact, everybody who was born in Scotland after this conquest, was and is subject to the natural government of the prince who had become King as a result of the conquest by Fergus.

One can meet the concept of *necessitas* where in the view of James Fergus and his descendants coming to the rule in this way gave newer a newer laws to the "Barbarians" who had lacked all kinds of laws before. This "*legisdatio*" namely happened "as the occasion required".¹⁷⁵ First of all, however, Fergus, "the wise king"¹⁷⁶ had to face the task of establishing the "estate and forme of government".¹⁷⁷ James makes an allusion to "the rolles of our Chancellery", "which containe our eldest and fundamentall Lawes"¹⁷⁸ and which clearly prove that "The kings therefore in Scotland were before any estates or rankes of men within the same, before any Parliaments were holden, or lawes made: and by them was the land distributed (which at the first was whole theirs)".¹⁷⁹ The latter

¹⁷² Ibid., 73.

¹⁷³ J. G. A. POCKOCK, *The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century* (Cambridge: 1957), 16.

¹⁷⁴ SKINNER 1978, 264; 268.

¹⁷⁵ SOMMERVILLE 1994, 73.

¹⁷⁶ Ibid., 73.

¹⁷⁷ Ibid.,

¹⁷⁸ Ibid., 73.

¹⁷⁹ Ibid., 73.

statement is in accord with the idea of the patrimonial kingdom. James obviously puts the emphasis on the assertion that in Scotland “*kings were the authors and makers of the Lawes, and not the Lawes of the Kings*”.¹⁸⁰ In my estimation the statement made by J. Wormald that in *The Trew Law* King James “*rewrites Scottish history*”¹⁸¹ is a correct one. He ignores the history of those forty Scottish Kings who are mentioned in the “*Veremundus*” written by Hector Boece, rector of Aberdeen University, a friend of Erasmus and a contemporary of John Mair. In the views of Boece and those of the tutor of James, Buchanan these Kings have all been dethroned one by one. Instead of these rulers James emphasizes the person of Fergus, King of Dalriada. It is true, nothing could be farther afield from King James’ mind than to accept that the monarch can be deposed by the people, what is more, they could even have him executed. James must have been depressed enough by the horrible experiences he made in his childhood. That was the time when regents in turn were assassinated in Scotland. George Buchanan’s frightening stories and teachings must have contributed to this state of mind of James when the former terrified his pupil by telling him what kind of future awaits those rulers who are “disobedient” to the subjects. Buchanan even claimed that it was “Scottish custom”. J. Wormald’s psychological explanation is remarkable¹⁸² which I can evaluate as most likely. According to this James in *The Trew Law* sort of “psychologically got rid of” all the nightmarish experiences of his childhood as well as what Buchanan had taught him. These were in sharp contrast both with the contents of the other books he discovered in his own library with great relief and joy such as the *Institut du Prince* of Guillaume Budé or the *République* by Jean Bodin and his own deep conviction and the desire of his heart. I may add: finally, at last, he was able to “absolve” his mother in himself, a mother who had been decried as a vicious arch-enemy.

To achieve all this, however, the idea of the absolute monarchy by divine right was indispensable. Seemingly, we find an incongruence between this theory and the Fergus-story that has just been related. The latter, namely, evidently fits into the row of historical conquest theories. Accordingly, in his reasoning James fully omits from the Roman principle of the *lex regia* the idea that the people delegate their power to the ruler. This is true of popular sovereignty, too. What remains is the second element that can be derived from the *lex regia*: the idea that the will of the ruler is law. This is justifiable on the basis of Ulpian’s sentence “*Quod principi placuit legis habet vigorem*”. In Scotland, however, as James tells us, there was a conquest, so royal will evidently has the strength of law by this conquest. The royal descendants inherit the throne, the realm, and all the natural subjects 2born into” it from Fergus. It is the natural duty of these subjects to obey their natural lord and King. Here James actually resorts to the old and practical papal terminology: in the case of the Pope, too, the *voluntas principis* was the sole fountain of the laws, the principles

¹⁸⁰ Ibid., 73.

¹⁸¹ WORMALD 1991, 45.

¹⁸² Ibid., 43.

governing Church discipline and practice. He is the only person “from whom” the laws originate in the Church. The Pope is a veritable *princeps legibus solutus*. Likewise in Scotland, all the laws “flow” from the will and insight of the absolute ruler, “*Kings were the actual law-givers*”.¹⁸³ The ancestors of James came to the throne by conquest. The throne which was acquired by conquest James inherited in a natural, i. e. true, righteous, and legitimate way. This has the consequence that all the sphere of authority that belonged once the Fergus belongs now to him alone. We could see that even in the case of Old Testament Israel the delegation of power was irrevocable for once and for all. In the primitive history of the Scots, moreover, one finds something completely different. Here the conquest made King Fergus absolute lord over all his subjects without any regard to popular will. Besides these, James does not forget to mention that, whereas in England William the Conqueror “*changed the Lawes*”¹⁸⁴, i. e. the laws that had already existed (in full contrast with the myth of an ancient English constitution that was maintained and reinforced by the “Bastard”, a view proposed by English common lawyers), Fergus, coming from Ireland found a Barbarian country, so he was the very first to give laws to the Scots, thereby civilizing them. To illustrate the legal continuity between King Fergus and King James VI let me quote here James’ opinion: “*And it is here likewise to be noted, that the duty and allegiance, which the people sweareth to their prince, is not only bound to themselves, but likewise to their lawfull heires and posterity, the lineall succession of crowns being begun among the people of God, and happily continued in diuers christian common-wealths*”.¹⁸⁵ It is another clear allusion to the people of the Old Testament. At the same time it is a natural and obvious basis of argumentation especially for a Protestant Christian ruler. It was primarily true in a period when towards the end of his reign, the Separatist “Pilgrim Fathers” led by their governor William Bradford and sailing to the New World in 1620 as well as the Congregationalist Puritans commanded by John Winthrop, who envisaged the “city upon a hill”, i. e. Boston were all eager to realize the “New Jerusalem”, the “New Israel”. Although it is difficult to assume that James shared the ecclesiological views of even the latter, more moderate group, allusions to the Old Testament and patterns and parallelisms taken from it form not only a characteristic feature of Protestantism in the confessional era but also very well exemplify the identity of “Old England” as God’s newly chosen people, as the new “Elect”. When preparing the work James definitely only possessed the throne of Scotland, nonetheless, the parallelisms above can hardly have sounded strange and weird in the ears of the English subjects a couple of years later. This is not irrelevant from the point of view of the reception of the work in England.

I have already argued that in James’ political thinking this legal aspect, this obvious act of wide-ranging consequences is much more important than the Biblical references in themselves. Thus we can hope to bridge the gap between the

¹⁸³ SOMMERVILLE 1994, 73.

¹⁸⁴ Ibid., 74.

¹⁸⁵ Ibid., 82.

aforementioned, seemingly contradictory facts of the conquest on the one hand and divine right kingship on the other. In this respect it is over-important for us to make clear that there is a fundamental difference between how political authority is acquired and how it is made legitimate. In brief one might say that the right to the throne of a ruler who came to the crown by conquest can easily be the result of divine will as well. What is more, in the way of thinking of the contemporaries it was in all likelihood the definite manifestation of it. The difference can be found between the right to rule and the actual source of power. And indeed, “*Obey the government, for God is the one who put it there*”¹⁸⁶. This verse of the Epistle to the Romans was a key Biblical quotation of especially Protestant political thought in the 16th century. Moreover, Jesus Christ tells Pilate: “*You would have no power over me at all unless it were given to you from above*”¹⁸⁷. Evidently, King James was also acquainted with the fact that the Roman governor did not receive his office directly “from above”. “*The title unto an authority is not without the meanes of man, but the authority itself is immediately from God*”¹⁸⁸. It is to be underlined that it is inevitable for both divine right and divine right absolutism that the power of the ruler be directly from God. If this condition is met, it is far less important how one actually comes to power! This can even be election as it was shown by King James by the pattern of the Old Testament “election of a ruler”. Nonetheless, the King was given even to the people of Israel by the Lord, and indeed, in a direct way. The means by which one comes to power, however, can likewise be a conquest as well. “*The idea that conquest, at least in a just war, gives the victor absolute sovereignty over the vanquished was widely accepted on both sides of the Channel. Since the conqueror could put the defeated population to death, the argument ran, it was only reasonable that he acquire absolute rights over it if he chose to spare it*”¹⁸⁹. The statement made by László Kontler according to which “*It, however, becomes evident already in this work that Fergus himself and conquest in general do not have much to do with buttressing royal authority*”¹⁹⁰ can only be shared inasmuch one is really in search of the source of an origin of power and not the way one comes to it. The method, the way in *The Trew Law* namely is unequivocally the conquest, after all, James underlines that in Scotland the foundation of the monarchy did not follow the Old Testament “pattern”.¹⁹¹ However, the above mentioned opinion proposed by Kontler is by all means acceptable for other works of James or rather, it is true even here if we take the origin of royal power “from above” into consideration. Kontler, who had no intention to evaluate this work, does not discuss this distinction, although by making use of the term “buttressing” he must have meant the question of the origin, too. No parallel at all, however, can be drawn between

¹⁸⁶ Romans 13; 1.

¹⁸⁷ John 19; 11.

¹⁸⁸ SOMMERVILLE 1990, 357.

¹⁸⁹ *Ibid.*, 364.

¹⁹⁰ KONTLER 1997, 94.

¹⁹¹ SOMMERVILLE 1994, 73.

“*the establishment of the Jewish monarchy*”¹⁹² and the kingdom of James. As I have tried to demonstrate, Biblical quotations have the role to illustrate and reinforce. Legitimation itself is rendered by a legal argumentation. In order to have this, James in *The Trew Law* relied on the conquest theory. What is decisive, however, is that even the conquest was permitted by God. As in the case of an elected monarchy the choice of the people designates a certain person to kingship yet the only source and animator of royal power itself is undoubtedly the Creator, so a conquest, too, designates a person to a position, nevertheless, his *officium* and *potestas* is by God alone.

We would commit a mistake if we forgot to make mention here of the policy James followed concerning the canon of 1606. In 1606, at the Council of Canterbury upon urge of Bishop Overall the formula was agreed upon that a government instituted and strengthened successfully by a rebel could hardly have come into existence without the permission of the Lord, therefore, the subjects are to obey a *de facto* ruler of this kind as well.¹⁹³ It can easily be understood that James, who at that time was King of England as well, must have found this argumentation extraordinarily dangerous and suppressed the so-called Convocation Book right at once. The conquering Fergus of *The Trew Law* made no reappearance here at all. One has to know that in 17th-century England for a long time it was a ground for heated debates to decide the question how long a period of time had to pass ere a rule established by conquest could be looked upon as legitimate and not as a usurpation.¹⁹⁴ In 1645 William Brall wrote that it was not merely by reason of divine approval of a successful conquest that the conqueror had to be obeyed but also by the simple fact that he guarantees the safety of the people.¹⁹⁵ In the conviction of Hadrian Saravia and Dudley Digges when William the Conqueror came to England he retained for himself the *dominium directum* and the subjects were only granted the *dominium utile*.¹⁹⁶ This distinction between *proprietas* and *possessio* known from Roman law is in accordance with King James’ standpoint he elaborated in *The Trew Law*, as we have seen. What is more, this view of his he supports with a further example: he refers to “*the Law of our boordes*”.¹⁹⁷ The King is the proprietor of all the treasures found in the soil of Scotland. Furthermore, “*If a person, inheritour of any lands or goods, dye without any sort of heires, all his landes and goods returne to the king*”¹⁹⁸.

It is not merely Scotland, Fergus, and the power of the Scottish Kings James writes about in his work but also the situation in England following the conquest of the “*Bastard of Normandie*”¹⁹⁹. He maintains that William changed the laws of

¹⁹² KONTLER 1997, 94.

¹⁹³ J. N. FIGGIS, *The Divine Right of Kings* (Cambridge: 1922), 238.

¹⁹⁴ KONTLER 1997, 153-160.

¹⁹⁵ SOMMERVILLE 1990, 366.

¹⁹⁶ *Ibid.*, 367.

¹⁹⁷ SOMMERVILLE 1994, 74.

¹⁹⁸ *Ibid.*, 74.

¹⁹⁹ *Ibid.*, 74.

England, “*inverted the order of gouvernement, set downe the strangers his followers in many of the old possessours roomes*”²⁰⁰. He deems it important, however, to note that contrary to England and other countries it has never occurred in his country that there was a change in “*the blood Royall, and kingly house, the kingdome being reft by conquest from one to another*”²⁰¹. By claiming this he evidently intended to annul the tension between conquest theory and the idea of hereditary monarchy.

For King James both theories were equally significant. Fergus established his rule by his conquest, i. e. divine approval, he himself sits on the throne of Scotland as James VI by inheritance, descent, the principle of primogeniture. In fact, this is made possible by God alone as well, after all, had God not wanted his rule, he would not even have been born or would not have lived long enough to come to the throne. It is true, in his case, this happened as soon as when he was thirteen months old. Whatever the angle, everything can exist by the grace of God, Kings derive their power directly from Him. What is sure, James has a hereditary right to the crown of Scotland. We can add on the basis of the aforementioned things: he has a hereditary and lawful, therefore natural right to it. By God’s permission James “was born into” the kingship. For James the King’s right to his crown is just as much hereditary as the right of the eldest son of a possessor of a feudum militare – argued McIlwain.²⁰² Regarding the utmost significance of the principle of lawful inheritance and descent I have already quoted the King when he discussed “*the lineall succession of crowns*”. Here James makes clear the essence of his political theory: he denies that anybody – especially the Pope – can absolve “*ad fidem spiritualem*” the subjects from the oath of allegiance. This was later contested by his Jesuit adversaries. James namely writes this: “*So as no obiection either of heresie, or whatsoeuer priuate statute or law may free the people from their oath-giuing to their king*”²⁰³. He stresses that coronation itself is only of declarative nature: “*by birth, not by any right in the coronation*”²⁰⁴. Then he continues: “[...] *at the very moment of the expiring of the king the reigning nearest and lawful heire entreth in his place*”²⁰⁵. It is the Almighty Lord Who makes sure that there will always be an inheritor like this. “*The crowne ever standing full*” is a gift of God. This means that there is always a legitimate heir in the kingdom. On this basis James refutes with horror the “*the supertitious rebellion of the liguers*”²⁰⁶ in France, i. e. the policy of the Catholic League against the converted King Henry IV by which they thwarted that “*to the great desolation of their whole country their native and righteous king [from] possess[ing of] his crowne and naturall kingdome*”²⁰⁷.

²⁰⁰ Ibid., 74.

²⁰¹ Ibid., 74.

²⁰² C. H. McILWAIN (ed.), *The Political Works of James I* (Cambridge (Massachusetts): 1965 (First publication: 1918), XXXVII).

²⁰³ SOMMERVILLE 1994, 82.

²⁰⁴ Ibid., 82.

²⁰⁵ Ibid., 82.

²⁰⁶ Ibid., 82.

²⁰⁷ Ibid., 82.

James VI proves that his rule is natural and is by God: he inherited the throne legally and by lineal descent. This “naturalness” implies that he is the “*naturall Father*” of his “*naturall Subjects*”. Although James does not base his arguments in *The Trew Law* on the classical patriarchalist principles but, as I have mentioned, he frequently resorts to the analogy of the relations between the father and his children, he also refers to himself with the title “*Pater patriae*”. We should not forget that he signed the “*Advertisement*” with the word “*Philopatris*”, and indeed, with Greek letters. He is the “loving Father” and at the same time the one who loves his country. He exploits the former expression in the work several times. It is evident for him therefore to ask the question whether the revolt of the sons against their father can be deemed natural. His answer is a flat no, as the servant cannot depose his lord and the vassal his one either. Here we can see as well that in the eyes of James the reciprocity of vassalage disappears, despite the subtitle of the work. But “*for the people of a borrough cannot displace their Prouost before the time of their election*”²⁰⁸. Similarly, it is not possible for the flock to rebel against their minister or the disciples to revolt against their schoolmaster.²⁰⁹ James argues according to the order of nature, common sense, and the law of nature: if these elected magistrates of otherwise lower rank cannot be deposed freely by those whom they have to take care of, how then could “*the great Prouost*”, the King be bereft of his office?! All this would be possible only “*by inverting the order of all Law and reason*”²¹⁰. It is against common sense if the child rebels against his father, however bad a father he might be. James only identifies the vipers as creatures which constitute an exception to the rule in nature.²¹¹ “Viperous breed” are those who actively resist their King – could King James thunder in a Biblical vein. James is to be ranked among those authors who extend the relevance of the law of nature to animals as well. The Serpent, the snake, the condemned one that leads into temptation differs from what is natural. It does not fulfill the commands of nature, not unlike the rebellious subjects. As for the analogy of head and body I discuss it in my above mentioned article to appear in Mainz this year.

King James ends the treatise “*with the solution of foure principall and most weightie doubts*”.²¹² This part is the third great structural unit of *The Trew Law*. Out of the views of the opponents of his standpoint he first mentions that it is presumed by some that “*good Citizens*” have a “*naturall zeale and duety to [his] commonwealth*”, towards their country which demands that they do all they can to liberate their native country from under tyrannical rule.²¹³ In the first part of his answer to this he argues this way: “*First, it is a sure Axiome in Theologie, that euill should not be done that good may come of it: The wickednesse of the King can neuer make them that are ordained to be iudged*

²⁰⁸ Ibid., 76.

²⁰⁹ Ibid., 76.

²¹⁰ Ibid., 76.

²¹¹ Ibid., 77.

²¹² Ibid., 78.

²¹³ Ibid., 78.

by him, to become his Judge?”²¹⁴ Without mentioning the Apostle Paul he refers to his well-known Epistle to the Romans, where the Apostle maintains that it is only the prince – in James’ words – the magistrate who has the right and the duty to use the sword.²¹⁵ This is the classical principle of the *ius portandi gladium* which private persons, subjects never have anything to do with. In the second part of his answer James underlines that the leadership of even a ruler who has turned into a tyrant is better and more ordered than the anarchy which would follow from his deposition. This latter liberality is a sheer horror to James: “[...] no King being, nothing is vnlawfull to none”²¹⁶ He quotes the “*diuine Poet DV BARTAS*”;²¹⁷ i. e. Guillaume de Salluste, the French Huguenot, who said that “*Better it were to suffer some disorder in the estate, and some spots in the Common wealth, then in pretending to reforme, utterly to ouerthrow the Republicke*”²¹⁸.

As the third contrary opinion James mentions that throughout history many revolts ended successfully, so one might think of their divine approval. In his answer James acknowledges that “*the successe of battels*”²¹⁹ is in the hands of “*the God of Hosts*”.²²⁰ On this basis, however, one ought to believe in the just cause of the Philistines, who fought against the Jews and even got hold of the “*Arke of God*”.²²¹ What is more, theologians would not forbid duels provided that it was a real sign by God as to who fights on the just side. Here the King enters into a brief theological exposition the chief message of which is that in God’s presence not even the otherwise innocent party is veritably innocent. In a theological sense everybody is equally sinful. We can often read in the Old Testament Bible that in order to restrain His own people God sends other peoples against the Jews. After having punished Israel this way He “*cast[s] his scourge in the fire*”.²²² Likewise, God often punishes His “*Deputie*”, the King by means of inciting rebels against him whom He, however, eventually abandons as the tools of His anger.²²³

As regards the fourth and last contrary opinion related to a “presumed” mutual contract and agreement made between the King and his people at the time of the coronation, I have already treated it above in detail due to the logical order of the King’s arguments. Now, as a summary, I am about to face the task to answer the question about the use of the word “free”.

In the eyes of the Scottish King James VI there can be no word of a real contractual relation between the ruler and his people. Contract theories are usually exploited to justify resistance, James, however, evidently gives no active right to the

²¹⁴ Ibid., 78.

²¹⁵ Ibid., 78.

²¹⁶ Ibid., 79.

²¹⁷ Ibid., 79.

²¹⁸ Ibid., 79.

²¹⁹ Ibid., 80.

²²⁰ Ibid., 80.

²²¹ Ibid., 80.

²²² Ibid., 80.

²²³ Ibid., 80.

subjects to resist him, he redefines these theories. Although throughout the discussed work he calls his subjects vassals again and again, it is just the reflection of the aforementioned fact that from the Middle Ages onwards it was customary to conceive of the allegiance as something modelled on fidelity in vassalage. Nonetheless, it would be a futile attempt to search for an actual relation of contractual character between lord and vassal in the political theory of James. Unlike the vassals, the subjects can never denounce their mandatory allegiance towards their ruler. Although in James' understanding monarchy in Scotland began with a conquest, Kings, so he himself actually receive their power from God, therefore it is natural that they are only accountable to Him for their deeds. As to the strictness of this celestial giving of account, however, the author leaves no doubt about it as it has been shown on the basis of his closing sentences.

There is a hereditary and legitimate, thus very strong and natural relation between King and his subjects. That this relation is in accord with the order of nature, therefore it is right and "*trew*", recalls the idea that it gains its force from the will of God, after all, the law of nature and divine law are virtually identical. To these the monarch is definitely subject, which is not the case with positive laws. In this sense the ruler is both *legibus (ab)solutus* and *legibus alligatus*. This is one of the most important common corner-stones of the different theories of absolutism. According to James VI the ruler is "free" from positive laws, so he is "free" in his country. Also, he is "free" as regards other powers because his power is not dependent on any outer power as the exclusive source of his *potestas* is the Almighty Lord Himself. In order to enter his office as King he was in no need whatsoever of either the mediation of the people or the Pope or anybody else. This double "freedom" makes him really sovereign, and indeed, in the Bodinian sense of the word for he is the real lawmaker, the "speaking law". His subjects merely "crave" the laws and the Parliament, to which in this work of his James attributes a jurisdictional authority, has no right to make laws without the King's scepter.

My final answer to the question asked above is therefore that for James the word "*free*" means more than the exclusion of the principle of election. He undoubtedly says that "*I meane abvuis of such free Monarchies as our king is, and not of elective kings, and much less of such sort of governors, as the dukes of Venice are, whose Aristocratike and limited governement, is nothing like to free monarchies*".²²⁴ In my view in this sentence it is both important that the ruler has not come to the crown by an election and, simultaneously, that his power is not limited by positive laws. The principle of election as a means of coming to power would still be reconcilable with absolute royal power, what is more, with the eventual divine origin of power, too. A restricted royal government, however, i. e. one which is subject to human laws could not be absolute, and in consequence, "free". "*The Trew Law of Free Monarchies*" is a fundamental work of King James on political theory. The divine

²²⁴ Ibid., 76.

right as the basis of absolute royal power is the chief assurance and proof that the King of the Scots is truly “free”, he is responsible for his deeds only to God as the final, what is more, in the opinion of James VI, indirect source of all conceivable power. Thus, by having his authorization from the final Lawmaker in a direct way the ruler can be veritably sovereign, lawmaker, and “speaking law”, the last being an appearance of the notion of the *lex loquens* in the work. Provided that the subjects listen to the King and not to the “*Sirene songs*” the actual purpose and goal of the Creator, the entire nature, the Creation, and, therefore of King James comes true which is in full and perfect accord with the well understood interest of the people. This is nothing else but a reflection of celestial harmony on earth. As for the question why the *Basilikon Doron* was much better received in England than *The Trew Law* it will need another article.



ENDRE SASHALMI

**Some Remarks on “Proprietary Dynasticism”
and the Development of the Concept of State
in 17th-Century Russia
(Richard Pipes’ Interpretation of Muscovy and the European
Perspective)***



Abstract

H. H. Rowen termed “proprietary dynasticism” the early modern view that “public power was dynastic property”. Rowen’s work warns us not to read undue modernity into 17th-century Western monarchies, but at the same time challenges seriously R. Pipes’ contention that the patrimonial (concept of) state is a salient characteristic distinguishing Muscovite Russia from the West. I am convinced that the inclusion of “proprietary dynasticism” into historical analysis as an *aspect of its own right* will result in a better understanding of not only Western monarchies (as Rowen asserted) but also of Muscovite (and even Imperial) Russia. It should be viewed as a feature common to all monarchies. Then, not “proprietary dynasticism” itself, but its strength and endurance will be the distinguishing Russian characteristic. The strength of this view notwithstanding, important changes could and, indeed, did occur in the meaning of *gosudarstvo* in the 17th century. And contrary to Pipes’ assertion, *gosudarstvo* could be distinguished from the person of the ruler even before the mid-seventeenth century, i.e. before the westernization of Russian ideology.

Keywords

proprietary dynasticism, *gosudarstvo*, theory of state, the nature of Muscovite ideology, westernization of Russian ideology, Petrine concept of state

Foreword

Though the title mentions the name of Richard Pipes, the paper itself does not intend to be an account of reactions his well-known book evoked.¹ Pipes’ work is

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¹ R. PIPES, *Russia under the Old Regime*, (New York: 1974) For the most important objections see: M. SZEFTIEL, “Two Negative Reappraisals of Russian Pre-Revolutionary Development” *Canadian-American Slavic Studies* (1980:1), (74-87) and G. G. WEICKHARDT, “The Pre-Petrine Law of Property” *Slavic Review* (1993) (663-679). The debate went on with Pipes’ answer and Weickhardt’s reply to it. *Slavic Review* (1994) (524-538).

rather taken as a point of departure: not so much because of the influence his book has exerted, but because some of his statements are very relevant for the present study. My aim is to put forward a methodology which heavily draws on the conceptions of other authors. This methodology in some aspects might be reminiscent of V. Kivelson's thought-provoking article on Muscovite "Citizenship."² Kivelson tried to arrive at a synthesis between the despotic school and the revisionist school (labelled by her respectively as "the «hard» and «soft» interpretations") "through a new way of thinking about the problem of state and society in Muscovy."³ I also attempt a new way of thinking about the state, but from a different angle: I try to place the "hard" interpretation in a wider European context, by applying the concept of "proprietary dynasticism" to the West and Russia alike, complemented at the same time by an analysis of the development of the concept of state. This second issue was the subject of Kharkhordin's recent study⁴ which, for better or worse, became known to me, long after I had embarked on this work. My discussion of the development of the concept of state is more restricted in time and scope, and it is placed in a different context. Therefore, I hope my study will complement his excellent article which deserves to be called a "classic" discussion of the subject. Some of the obvious similarities are not so much due to borrowing from him as to the common source of inspiration; namely the direct influence of Skinner, whose ideas on the development of the concept of state I applied to Russia many years ago in my dissertation - though not in a thorough manner as done by Kharkhordin.

* * *

I.

N. M. Muravev, *Plan of a Constitution (1821)*

"The Russian people (*narod*) is free and independent; it is not, and it cannot be the belonging of any person and family." (I. Ch. 1.)

"Women do not inherit imperial power and do not transmit anyone the rights to inherit through marriage – the society (*obshchestvo*) of free people is not a patrimony (*otchina*) and cannot serve as a dowry. The Imperial title is established as hereditary for reasons of convenience, and not for the reason, that it is really [considered to be] a family property." (10. Ch. 111.)⁵

² V. A. KIVELSON, "Muscovite "Citizenship": Rights without Freedom" *The Journal of Modern History* (2002:September) (465-489).

³ *Ibid.*, 467.

⁴ O. KHARKHORDIN, "What is the State? The Russian Concept of *Gosudarstvo* in the European Context" *History and Theory* (2001:May) (206-240).

⁵ I. Ya. SHIPANOV - S. Ya. SHTRAJKH, *Izbrannye sotsialno-politicheskie i filosofskie proizvedeniya dekabristov* (Moscow: 1951) vol. I. 296, 320.

What is expressed here, is the condemnation of “proprietary dynasticism” by the Northern Society of Decembrists. Closely connected to this attitude is the objection raised against service, which was seen humiliating by the Decembrists; while freedom in the Western sense that is freedom expressed in terms of explicit rights was more than desirable. Commitments that (in lieu of a better wording) we can call “political” were, however, completely different in the 17th century, when “proprietary dynasticism” and universal service to the star were undisputed basic tenets of Muscovite society. What is the precise meaning of the term, “proprietary dynasticism”?

H. H. Rowen termed “proprietary dynasticism” the early modern view that “public power was dynastic property.”⁶ It means that rulers looked upon the conglomeration of their territories, which came to be called *their States* in the first half of the 17th century,⁷ as the patrimony of their dynasty. “Proprietary dynasticism” manifested itself in several ways: dynastic claims to territories/countries, (which eventually might result in dynastic wars) partitions of territories/countries among the members or among the different branches of the dynasty, the treatment of succession as a family business, that is as a part of private law, and finally the treatment of subjects and their goods as the property of the ruler/ dynasty.⁸ Louis XIV both in theory and practice boldly affirmed this view,⁹ the “principle of the ownership of the state.”¹⁰ Obviously, it is the last aspect which has the most immediate relevance, because treating the subjects and their goods as private property means that rulers conceived the realm as their domain. Louis XIV once said about rulers: “Everything which is within the limits of their states belongs to them...”¹¹

This sentence conveys the same meaning as the famous phrase attributed to him, *I am the State*. We should not concern ourselves here with the matter, whether or not he said this phrase, which was most likely apocryphal, for he undoubtedly expressed the same attitude in a writing the authenticity of which cannot be questioned. It is significant how he concluded his short writing bearing the eloquent title, *The Craft of Kingship* (1679): “When we have the state in mind, we are working for ourselves. The welfare of the one creates the glory of the other.”¹² Rowen summarised the Sun King’s political beliefs in the following words: “Although he accepted the principle of the abstract state, he hardly did so in its pure form; he was too committed to the unity of the idea of the state with the interest of his family and himself for that.”¹³

⁶ H. H. ROWEN, *The King’s State. Proprietary Dynasticism in Early Modern France* (New Brunswick: 1980), 169.

⁷ M. van CREVELD, *The Rise and the Decline of the State* (Cambridge: 1999), 126.

⁸ ROWEN, 18, 22.

⁹ *Ibid.*, 76.

¹⁰ *Ibid.*, 170.

¹¹ A. YANOV, *The Origins of Autocracy. Ivan the Terrible in Russian History* (Berkeley-London: 1981), 44.

¹² ROWEN, 79.

¹³ *Ibid.*, 76.

It is worth mentioning that very the same principle was expressed in Russia, in Emperor Paul's *Statute of the Imperial Family* (1797). Its first sentence reads: "The essential element... , the firm ground of the illustrious condition of any State is the increase of the ruling family."¹⁴ While statements of this kind were not unusual at all during the 17th century in the West, by the end of the 18th century they were becoming increasingly obsolete with the growing commitment to the principle which identified the king primarily as the servant of the state.

The above examples cast doubt on the plausibility of Pipes' interpretation of Russian history, for he contrasted Russia with the West, and in his interpretation the patrimonial (concept of) state is an exclusively Russian characteristic distinguishing Russia from the West.¹⁵ In a cursory comparison of Western and Russian concepts of state, Pipes referred to the "famous pronouncement" of Louis XIV to highlight the contrasting traditions. Of the "famous pronouncement" of the King (*I am the state*) he wrote, correctly, that it was "of doubtful provenance and probably apocryphal", but he claimed that it breathed "a sentiment so contrary to the entire western tradition."¹⁶ And he immediately added: "Far more characteristic, as well as being authentic, are the words uttered by Louis on his deathbed: «I am going away, but the state lives for ever»."¹⁷ While the first claim is erroneous, this latter one tells only half (or less than half) of the story.

The two perceptions, i. e. the one permeating the *Craft of Kingship*, and the other made by the dying king, should not be seen in isolation and conceived as mutually exclusive principles; rather they should be treated as interrelated, as two sides of a coin. I think the statement made by J. Collins in general for Old Regime France, holds true for the relation between "proprietary dynasticism" and the modern concept of state as well. He warned that we should not apply "*our* ideas of consistency to Old Regime France; to understand it, one must accept contradictions and inconsistencies, the social and political reality of a system of this *and* that, not this *or* that."¹⁸ Similarly, while underlying the importance of "allodial property notions" for early modern monarchies, Rowen made clear, that at the same time "the elements of the notion of an abstract, impersonal state (or suprapersonal) state, distinct from the person and will of the ruler, began to be sharpened and strengthened."¹⁹ According to Rowen, historians "have always almost treated proprietary dynasticism as an aberration, not the ordinary practice of the time."²⁰ He convincingly demonstrated through the example of the French

¹⁴ *Polnoe Sobranie Zakonov* no. 17. 906. 5 April, 1797. 525.

¹⁵ PIPES, XVII-XVIII.

¹⁶ *Ibid.*, 127.

¹⁷ *Ibid.*, 127. The more precise translation of the second part of the passage reads: "...the state remains for ever."

¹⁸ J. B. COLLINS, *The State in Early Modern France* (Cambridge: 1996), 4. fn. 3

¹⁹ ROWEN, 11

²⁰ *Ibid.*, 169.

Monarchy that this perception should be revised, and “proprietary dynasticism” should be treated as an important dimension of “Old Regime” monarchies.²¹

There is no need to argue further on that “proprietary dynasticism” as such *cannot in itself* constitute the basis of “Russian backwardness” or a peculiarity of its development. Therefore, Pipes’ statements concerning *gosudarstvo* will appear in a somewhat different light: “Although we translate *gosudarstvo* as «state» the more accurate equivalent would be «domain».”²² He justified his statement on the ground that until the middle of the 17th century, the “state” for the Russians “in so far as they thought of it at all”, meant the ruler, “his person, his private staff and his patrimony.”²³ In his view “the idea of state as an entity distinct from the sovereign entered Russian vocabulary in the seventeenth century.”²⁴ Ingerflom follows Pipes in claiming that “there is a consensus among historians” on “the lack of distinction between the spheres of *gosudar’* and that of *gosudarstvo*” and also on “the lack of a theory of state before the second half of the 17th century.”²⁵ In the centre of Ingerflom’s methodology lies the idea put forward J. Strayer. According to Strayer “a state exists chiefly in the hearts and minds of its people.”²⁶ Ingerflom claims that Strayer’s conception of state is useful for the analysis of the Russian case to prove the above statements.²⁷ While it cannot be denied that there was no state theory as such in Russia prior to the mid-17th century, it can be argued plausibly that it did not exist in the 18th century and in my view up to Speranskij.²⁸ With the exception of Krizhanich, who cannot be considered a representative of Muscovite thought on power, one can hardly mention anyone before Feofan Prokopovich producing a systematic treatise devoted solely to the discussion of the ruler’s power. Even this treatise (*The Law of the Monarch’s Will in Designating an Heir to His Realm*, 1722) was not, however, a theory of state²⁹ as the title itself shows, but it

²¹ *Ibid.*, 169.

²² PIPES, 78.

²³ *Ibid.*, 127.

²⁴ *Ibid.*, 127.

²⁵ C. INGERFLOM, “Oublier l’état pour comprendre la Russie?” *Revue des études slaves* (1993), (125-134) 129. In a later article Ingerflom returns to this problem and quotes the sentence from Pipes on the translation of *gosudarstvo* which I have referred to. “Entre le mythe et la parole: l’action. Naissance de la conception politique du pouvoir en Russie” *Annales* (1996:4), (733-757.) 735 fn. 7.

²⁶ *Ibid.*, 126. J. R. STRAYER, *On the Medieval Origins of the Modern State* (Princeton: 1970), 5.

²⁷ PIPES, 126-127.

²⁸ Kharkhordin claims, partly on the basis of the usage of the adjective *gosudarstvennyj*, that *gosudarstvo* came to mean an “apparatus of government independent of both the rulers and the ruled”, or “was very close to being seen as a governing body with specific features of its own” in the period from the early to the mid-18th century. KHARKHORDIN, 217, 224

²⁹ “While ostensibly branching out into political theory and absolutism... *Pravda voli monarshei* returns to its original starting point in Saint Paul [Romans 13], from which, in reality, it seldom strays far.” A. LENTIN, *Peter the Great: His Law on the Imperial Succession. The Official Commentary* (Oxford: 1996), 51.

was concerned with the ruler's unlimited power.³⁰ In my view the theory of state as such appeared in Russia only with Speranskij.

The lack of a theory of state and the lack of a distinction between *gosudar'* and *gosudarstvo* are, however, not the same thing. We shall see that contrary to Pipes' and Ingerflom's assertions, *gosudarstvo* could be distinguished from the person of the ruler even before the mid-seventeenth century, i.e. before the rapid westernization of Russian ideology. Kharkhordin is right to state that "the first and decisive distinction that led to the formation of the familiar triplet ruler/state/ruled in Russia, was the distinction between the ruler and the country."³¹ On the basis of Chernaya's article, he claims that "some leanings in this direction are found" under Alexis and the process was summarized by him as follows: "Personal service to the czar gradually came to be interpreted as service to the country, or better, to the fatherland, and this altered emphasis helped for the first time to separate state affairs from the personal affairs of the czar."³² In my view however, the distinction existed much earlier than it was supposed by previous historiography, and what happened from the mid-17th century was that the distinction became *more noticeable*, and probably for the first time in Russia, it *became conceptualized*.

I contend that the distinction between *gosudar'* and *gosudarstvo* became particularly clear for the first time during the *smuta*. Klyuchevskij was one of the first historians to notice this development. By then, the term *Moskovskoe gosudarstvo* "was an expression understandable to everyone".³³ What is more, contemporaries during the *smuta* could look upon the term as "something which was not only conceivable but really existing even without the ruler"; official documents during the interregnum were issued in the name "of the people of *Moskovskoe gosudarstvo*."³⁴ Recently Tolstikov has arrived at same conclusions and in an excellent article on the development of the concept of *gosudarstvo* made the following crucial statements.³⁵ From the turn of the 16th-17th centuries "*gosudarstvo* comes out of the shadow of *gosudar'*", and "while *gosudarstvo* is encountered more frequently" in the sources (especially in the form *Moskovskoe gosudarstvo* which came into frequent use immediately from the accession of Boris Godunov) "its meaning becomes more precise and undergoes a change."³⁶ From circa 1600 on the "inhabitants of the country could also be identified through the concept of *gosudarstvo*", that is not only

³⁰ For this see LENTIN pp, 36, 40. and E. SASHALMI, "Some Remarks on the Typology of Official Petrine Political Ideology" in Gy. SZVÁK (ed.) *The Place of Russia in Eurasia* (Budapest: 2001), (233-243.) 239, 240.

³¹ KHARKHORDIN 218.

³² *Ibid.*, 218.

³³ V. O. KLYUCHEVSKIJ, *Kurs russkoj istorii* (Moscow: 1988), vol. III. 63.

³⁴ *Ibid.*, vol. III. 63-64.

³⁵ A. B. TOLSTIKOV, Predstavlenie o gosudare i gosudarstve v Rossii vo vtoroj polovini XVI – pervoj polovini XVII veka *Chelovek v istorii. Slovo i obraz v srednevekovoj kul'ture. Odysseus/Odissej* (Moscow: 2002), (294-310.) This study has much in common with mine in some of the conclusions drawn and the sources used.

³⁶ *Ibid.*, 301, 302.

through the ruler (*gosudar'*) as his subjects what had been the case before.³⁷ And Tolstikov adds that the most "apparent and important changes can be observed" during the *smuta*, for the unprecedented historical circumstances strengthened "identification through belonging to *gosudarstvo*".³⁸

Moskovskoe gosudarstvo was clearly an object of loyalty, even if (or rather because) it had strong religious implications: it referred to the territory of true orthodoxy delineated by the political boundaries of Muscovy. The Russian worldview of that time held that Muscovy was the only territory of true Orthodoxy and vice versa.³⁹

I shall try to prove with the help of some *priказ* sources that at least in the chanceries, if not in the ecclesiastical sphere, a distinction between *gosudar'* and *gosudarstvo* existed right after the *smuta* in the decades between 1613 and the mid-century; that is in a much less troublesome period when Russia was again ruled by a legitimate tsar. There are sources distinguishing between the service rendered to the tsar and to *gosudarstvo*.⁴⁰ At the same time I would like to make clear: I do not mean to say, that this distinction was either clear-cut, or well-established, especially if Muscovy is compared with the West. These reservations notwithstanding, I still cannot accept the opinion of Ingerflom, that we should "forget the state" in order to understand 17th-century Russia – though I admit that *gosudarstvo* was not equivalent to that which the English word *State* meant for contemporaries.⁴¹ The importance attributed to *Moskovskoe gosudarstvo* in the period of the *smuta* and afterwards clearly contradicts Ingerflom's view, for (*Moskovskoe*) *gosudarstvo* was very much in the heart of 17th-century Muscovite chancery staff.

Furthermore, how should we treat the Sun King's assertion that his working for the *state* means working for himself? Should we "forget the state" in order to understand France as well? Definitely not. For in France "by the early seventeenth century the state was established as a fundamental legal concept", and the use of the *État* with capital letter reflected "its distinctiveness in French vocabulary."⁴² It is of great significance that the modern concept of state was born in the West in the 17th century. Indeed, by 1700 not the power of the ruler but the power of the state, i.e. not royal sovereignty, but the sovereignty of the state was the central issue of

³⁷ Ibid., 301-302.

³⁸ Ibid., 303.

³⁹ S. PLOKHY, *The Cossacks and Religion in Early Modern Ukraine* (Oxford: 2001), 296.

⁴⁰ I agree with Tolstikov that Chernaya was not correct in dating the appearance of this distinction to the second half of the 17th century. TOLSTIKOV 304.

⁴¹ The word "*State*" appears in recognisably modern sense with some frequency in privy council correspondence of the 1590s and royal proclamations of the 1620s used it with some familiarity." This modern sense in Braddick's view was that there existed "a network of offices wielding political power derived from a coordinating centre by formal means" and this network "was exclusive of other political powers within particular territorial bounds under the Tudor crown." M. J. BRADDICK, *State Formation in Early Modern England c. 1550-1700*. (Cambridge: 2000), 19, 20.

⁴² K. H. F. DYSON, *The State Tradition in Western Europe. The Study of an Idea and Institution* (Oxford: 1980), 27.

political philosophy.⁴³ Though not as a legal concept, but as an object of loyalty (*Moskovskoe gosudarstvo* also had an important role in contemporary Muscovite chancery rhetoric. A comparison of the development of the concept of state in Russia and in Western Christendom can be risky of course, as N. S. Kollmann rightly asserted⁴⁴ but if the traps of such a comparison are kept in mind, this method can be a productive one. A comparison and especially a comparison concentrating on the 17th century, in the last resort, is justified on the ground, that there was a conscious effort in Russia from the middle of the 17th century to assimilate Western notions of rulership.

I am convinced that the inclusion of “proprietary dynasticism” into historical analysis as an *aspect of its own right*, would result in a better understanding of not only France and other Western monarchies as Rowen asserted,⁴⁵ but also of Muscovite and Imperial Russia. Instead of treating it as a peculiar Russian feature, it should be treated as a feature common to all monarchies. Seen from this angle it can be a useful “neutral” aspect of a comparative analysis. If we abandon on the one hand the juxtaposition of “idealized images of a servile Muscovy to free Europe”,⁴⁶ suggested by Poe, and look upon “proprietary dynasticism” or the “patrimonial [concepts of] state” (this latter term is preferred by M. Poe to “despotism” on the ground of its neutrality)⁴⁷ as a shared characteristic on the other, as I have suggested, it will be possible to provide a more plausible interpretation of Russia’s past. “Proprietary dynasticism” should be treated on a comparative European continuum. To put it simply: if we get rid of the negative value judgements which the proprietary attitude evoked, then not “proprietary dynasticism” itself, but its strength will be a distinguishing characteristic of Russia. The strong belief in what Poe termed the tsar’s “nominal universal proprietorship.”⁴⁸ In the West there were just a few authors besides some rulers who would approve “universal royal ownership,”⁴⁹ while in Russia almost no one questioned it. In the West the general belief was that “property in a regime of universal royal ownership was insecure.”⁵⁰ Hence this claim was considered extreme, and was “never taken as an axiom and was always disputed both in theory and in practice.”⁵¹ On the contrary, as R.

⁴³ W. M. SPELLMANN, *European Political Thought 1600-1700* (London-New York: 1998), 135.

⁴⁴ N. S. KOLLMANN, “Concepts of Society and Social Identity in Early Modern Russia,” in H. S. BARON - N. S. KOLLMANN (eds), *Religion and Culture in Early Modern Russia and Ukraine* (De Kalb: 1997), (34-51) 43.

⁴⁵ ROWEN, 169.

⁴⁶ M. T. Poe, ‘*A People Born to Slavery*’. *Russia in Early Modern European Ethnography 1476-1748* (Ithaca: 2000), 225.

⁴⁷ *Ibid.*, 220.

⁴⁸ *Ibid.*, 222-223.

⁴⁹ *Ibid.*, 222.

⁵⁰ *Ibid.*, 222.

⁵¹ YANOV, 44. In his monumental work on the history of government S. E. Finer similarly points out the “Legalism” of the “Modern State” (1450-1750) in the West: “Lawboundedness, respect for private property, and passive citizenship [i.e. that “free men enjoy certain traditional rights to, notably life, liberty, and above all, property”] together imply that rulership was in some senses limited. This

Crummy noted, "Muscovite law did not recognize private property in any absolute sense."⁵²

The strength of the belief in the tsar's "nominal universal proprietorship" is supported by a wide range of sources. Foreign accounts of Russia like that of Olearius, bear witness to this: in the famous passage describing the Russians' belief in the tsar as a terrestrial deity and the executor of divine will, Olearius also mentions the commitment common among the Russians that all their goods belong to "God and the grand prince." The strength of the proprietary dimension in Muscovy in the 17th century is also confirmed by contemporary proverbs: "Everything is God's and the Sovereign's" (*Vse bozh'eogo i gosudarevo*). This pronouncement attributed to Ivan the Terrible was known as a proverb in the 17th century.⁵³ Indeed this is the very proverb which Olearius referred to in his description.

Furthermore I contend that the strength of "nominal universal proprietorship" is reflected in some treason cases. Perhaps, it seems odd at first sight to use treason cases for the study of the official view on "proprietary dynasticism." Treason cases, as in Lukin's book, are treated by many historians as a source for the study of popular beliefs about the tsar in general. We should not forget, however, that the cases were put down in writing by officials, and this fact in itself warns us not to treat these cases simply as a reflection of popular beliefs about the ruler: for we have to take into account the possibility of interpretation. At the same time, verdicts passed in the relevant cases reflect the official view. Two examples, quoted from Novombergskij collection will suffice to prove this contention.⁵⁴ These cases had already drawn the attention of other historians.⁵⁵

limitedness of government was strongly reinforced by two other legalistic characteristics, the first being that a distinction came to be drawn between public law and private law, between private ownership and state power, and the distinction re-surfaced between the private person of the monarch and the *res publica*, which came to be conceived as an abstract and faceless nomocracy." S. E. FINER, *The History of Government from Earlier Times* (Oxford: 1997), vol. III, 1298-1299.

⁵² R. O. CRUMMEY, "Seventeenth-Century Russia: Theories and Models," in H.-J. TORKE (ed.) *Von Moskau nach St. Petersburg. Das russische Reich im 17. Jahrhundert* (Wiesbaden: 2000), (113-131) 129. CrummeY, at the same time, accepts Weickhardt's argument, that "Muscovite law contained more stipulations protecting individual and clan property than Pipes admits." *Ibid.*, 129. fn. 67. "Strictly speaking, under English land law, a landowner's title to his land is still nominally subject to that of the ultimate notional owner, the sovereign. See Cheshire, *Land Law*." This comment by prof. Antony Lentin reveals the survival of antiquated notions in the West and at the same time confirms the usefulness of the European perspective.

⁵³ N. PUSHKAREV, *Obschestvenno-politicheskaia mysl' Rossi. Vtoraya polovina XVII veka* (Moscow: 1982), 88. For the problem of ideology as reflected in proverbs see E. SASHALMI, "16th-17th-Century Muscovite Ideology in European Perspective" in Gy. SZVÁK (ed.), *The Place of Russia in Europe* (Budapest: 1999), (166-172).

⁵⁴ N. NOVOMBERGSKIJ, *Slavo i delo gosudarevy. Protssesy do iz'daniya Ulozheniya Aleksieya Mikhajlovicha* (Moscow: 1911), No. 27. 28-30, No. 43. 49-50.

⁵⁵ A. L. YURGANOV, "Categories of Russian Medieval Culture," in N. S. KOLLIMANN (ed.), *Flirting with Postmodernism. Russian Studies in History* (1999-2000: Winter), 64-65. P. V. LUKIN, *Narodnye predstavleniya o gosudarstvennoj vlasti* (Moscow: 2000), 19-20.

In 1626/27 a tradesman from Mozhajsk herding the horses of musketeers asked one of the musketeers about the horses. The musketeer uttered the following words: “The land is the sovereign’s, and we and our horses are the sovereign’s as well.”⁵⁶ The tradesman was of different opinion for he replied: “This land is ours; the sovereign owns the land the meadows and the horses in Moscow.”⁵⁷ According to the verdict the tradesman was to be beaten “severely with bastinadoes and jailed for one week, so that in the future neither he nor others will utter such words.”⁵⁸ “Such cases, of course, were rare: the popular masses continued to believe that everything in the Russian state belonged to the tsar.”⁵⁹ Yurganov is right to say: “This mindset stabilized society.”⁶⁰ M. Poe holds the same opinion on the state of mind in Muscovy claiming that “nominal universal proprietorship secured property if only in a fictitious or psychological sense... In this way, «all that is mine is God’s and the tsar’s» could be understood... as a threat to possible felons.”⁶¹ Lukin also remarked on the occasion of the case cited that in popular belief the tsar was the proprietor of things and people in his realm.⁶² This attitude was, of course, very different from that which is reflected in a contemporary English saying used to condemn King Charles’s policy: “We know our houses as our castles.”⁶³

Belief in the “nominal universal proprietorship” of the tsar could produce funny and absurd statements as in the case when a prison guard was accused of having his beard compared to that of the sovereign’s. According to the investigation this charge was false. The drunken prisoner said to his guard: “Don’t swear at me, peasant, or I’ll tear your beard out.” But the guard’s answer was as follows: “You’d better not pull my beard, for I am the sovereign’s peasant, and my beard is the sovereign’s.” The guard was acquitted, “because the words he uttered were *entirely permissible* (although completely absurd from today’s viewpoint).”⁶⁴ Yurganov’s wording implies to me that my perception of the verdict as the official view is in accordance with his opinion.

On the occasion of this case Kivelson wrote that it reflected the salient feature of political self-identification in Muscovy: “The explicitly political relationship that Muscovite expressed most often and called on most strongly was a direct link upward to the sovereign.”⁶⁵ The idea of belonging to the ruler appeared not only in petition formulae but also in a “non-formulaic setting” as in this case: here the sense of belonging to the ruler “conferred on the person, and his beard, a

⁵⁶ The English translation of the passages is taken from YURGANOV, 64.

⁵⁷ *Ibid.*, 64.

⁵⁸ *Ibid.*, 65.

⁵⁹ *Ibid.*, 65.

⁶⁰ *Ibid.*, 65.

⁶¹ POE, 222-223.

⁶² LUKIN, 28.

⁶³ Better known today as “An Englishman’s home is his castle.”

⁶⁴ YURGANOV, 65.

⁶⁵ KIVELSON (2002), 469-470.

particular inviolability and entitled him to make certain claim to dignity and protection.⁶⁶ The summary of Kivelson’s conception on political self-identification is as follows: “Because the tsar stood for the polity, the powerful vertical relationship with the sovereign was inherently political and not just religious, devotional, or personal. Identifying oneself as belonging to the tsar was inherently a political act of identifying oneself with the Muscovite polity.”⁶⁷ This identification, however, could include reference not only to the ruler alone, but also to God and tsar/*gosudar’* as two co-equal powers. In a treason case of 1676 an icon painter gave the following answer when he was asked whose peasant he was: “[First of all] I am God’s and the great sovereign’s peasant, then I am the peasant of my lord, Fedor Grigorevich Pleshcheev.”⁶⁸ There is a contemporary proverb, “The soul belongs to God, the body belongs the sovereign, the back belongs to the (land)lord,”⁶⁹ expressing a somewhat similar belief. These examples illustrate how well-chosen the term coined by Poe, “nominal universal proprietorship” is.

Commenting on this last case Lukin made the same statement as Kivelson did in her explanation of the “beard case” quoted above: in Lukin’s view this case reflected the “thing most important for each man at any time – self-identification.”⁷⁰ Furthermore, it is noted by him that the well-established phrase, *Bog da gosudar’* reflected the belief in God and the ruler as two “highest values.”⁷¹ Since this belief was universal and not a peculiarity characteristic of the common folk only,⁷² the following statement seems to be justified:

I claim that the clue to the understanding of the tsar’s nominal universal proprietorship, is the deeply rooted belief reflected in the phrase *Bog da gosudar’*. To prove the direct relationship between the proprietary attitude and this phrase it is enough to recall Ivan the Terrible’s above-mentioned phrase, *Vse bozhego i gosudarevo*. Hence, it was the belief in God and tsar as two internally linked quasi-equal powers that lay at the heart of strong proprietary claims – a contention confirmed by Olearius. It could not be otherwise. Since “God and tsar stood together at the apex of the established order.”⁷³ Service to the ruler meant service rendered to God, and the tsar’s will was supposed to reflect God’s will.⁷⁴ Thus it was a logical consequence to perceive the ruler as a nominally universal proprietor. “When

⁶⁶ Ibid., 469, 470.

⁶⁷ Ibid., 470.

⁶⁸ Quoted by LUKIN, 32.

⁶⁹ SASHALMI (1999), 171.

⁷⁰ LUKIN, 32.

⁷¹ Ibid., 35.

⁷² Ibid., 29-35. Field treated the problem of associating God and the tsar as part of (or ground for) the belief in the “good tsar”. The reason that common people inclined to associate them was that “God and the tsar shared many attributes – might, justice, and remoteness” (“God is high up, the Tsar is far away” – said a 17th century proverb) and, of course, benevolence. D. FIELD, *Rebels in the name of the Tsar* (Boston: 1976), 12, 15, 19

⁷³ V. A. KIVELSON, *Autocracy in the Provinces. The Muscovite Gentry and Political Culture in the Seventeenth Century* (Stanford: 1996), 11.

⁷⁴ POE, 218-219.

Russians called the tsar *gosudar*,⁷⁵ they were reminded that he was master of Russia, just as God (*Gospod*) was master of all men.⁷⁶

The contention that the problem of proprietorship is closely linked to appeals to divinity, though not necessarily in a strong manner as it was the case in Russia, is supported by Western analogies which place this issue in a European context. Grégoire in his *De republica* (1596) wrote: “For since God has entrusted to the prince absolute power over the subjects, it is beyond doubt that their goods and persons are subject to him and that the distribution and ownership of possessions depend upon the prince’s power.”⁷⁷ As Burns clearly stated in his detailed and authoritative study on the problem of *dominium* in high and late medieval Western thought: “There is, on the one hand, the essentially juristic use of the term – above all in the law and legal theory of property relationships. On the other hand, equally evident on the face of the record, there is a theological sense in which the term is used above all with reference to the power of God, but used in such contexts as ensure its relevance at the same time to human situations and human societies. Neither of these ways of thinking about *dominium* was, so to say, fully autonomous: neither operated exclusively with its own material and its own terms of art.”⁷⁸ This *religiously conditioned proprietorism* justifies the comparison undertaken, even though the juristic aspect is irrelevant in Muscovy because of the lack of Roman law and legal theory. At the same time it does matter that in the West there was always a conceptual distinction between rulership and ownership from the 12th century on, at the latest, due to the impact of Roman law. This fact explains one of the major differences between Muscovy and the contemporary West: namely that *proprietary type of self-identification* was not characteristic of Western Christendom, rather an estate-based self-identification prevailed!

II.

My method which treats proprietary dynasticism on a “comparative continuum” also draws heavily on the ideas raised by J. H. Shennan.⁷⁹ Shennan, who compared 17th-18th -century France and Russia, was admittedly strongly influenced by Rowen.⁸⁰ Louis XIV is described by the author in the following categories: Louis as a “proprietary monarch,” an “administrative monarch,” the “chief justiciar” and

⁷⁵ Originally, and until the 17th century *gospodar*’ was the version which was used by the Russians in written language.

⁷⁶ KIVELSON (1996), 9. POE, 219.

⁷⁷ Quoted from *Religion, Law and Philosophy: Political Thought in Early Modern Europe, 1450-1750*. Project Documentation. Budapest Workshop: 1 October – 5 October, Central European University (CEU), Budapest. See the entry on “ownership of the realm.”

⁷⁸ J. H. BURNS, *Lordship, Kingship, and Empire. The Idea of Monarchy 1400-1525* (Oxford: 1988), 16-17.

⁷⁹ J. H. SHENNAN, *Liberty, Order in Early Modern Europe. The Subject and the State 1600-1800* (London-New York: 1986).

⁸⁰ For Shennan’s debt to Rowen see SHENNAN, 31. e.n. 8.

"God's lieutenant."⁸¹ These categories, however, were not used by the author for the analysis of the Russian notions of power. Shennan's categories, I think, can be reduced to three aspects of rulership: proprietary, office, and divine right respectively. These three aspects of kingship, *which strongly influenced each other*, are useful for a comparative analysis of the development of the concept of state in the West and Russia alike. A central role should be attributed to the office aspect, and its relationship to the two other ones should also be dealt with. This is the core of my method, and it is in the framework of the office aspect that Skinner's approach can be illuminating. To some extent the office aspect is, of course, present in Kharkhordin's approach, but if I am not mistaken in the interpretation of his article, he treats it more implicitly than explicitly.⁸² In my presentation, however, I attribute a crucial importance to the concept of kingship as an office. Why?

Though Shennan raises the doubt that in a comparison of France with Russia "we are not comparing like with like," the author's conclusion reads: "There was a fundamental difference between the two concepts of royal office which is best illustrated by reference to the contrasting legal traditions. Whereas in the West the king's office was inherited along with a host of legal obligations which to a considerable extent prescribed its holder's authority, in Muscovy the tsardom offered the incumbent unrestricted power."⁸³ Though Shennan is right to point out the differences in legal traditions, the major difference in fact, lay in the lack of the concept of office and the ensuing extremely personal(-theocratic) perception of power in Russia – a perception not altered fundamentally, despite of the events of the *smuta*.

Furthermore, legal tradition and the idea of office were strongly interwoven in the West as it is indicated, among others, by the coronation oath (introduced in the 9th century): the king's office was to keep everyone in his rights which he had to promise in the oath. The lack of the concept of office resulted in the lack of a coronation oath in Russia.⁸⁴ It is significant that such an oath, which in the West was introduced as a consequence of office theory⁸⁵ and had a long tradition by the 17th century, was not introduced in Imperial Russia either, despite of the emergence of the idea of rulership as a public office during Peter. The importance of

⁸¹ Ibid., 20-30

⁸² See KHARKHORDIN 210, 212 for the case of the West, and 218-220 for Russia. He speaks of the "vocation of princes" which entailed a "corresponding status appropriate to them," and of the duties imposed on the king by the *status regis*. Ibid., 210. In the Russian case he emphasizes the importance of change in the perception of service: the shift from service to the ruler, to service to *gosudarstva*. Kharkhordin does not explicitly mention the concept of *office* in his analysis, though remarks that Peter conceived himself "as a caretaker and curator," and emphasizes the novel concept of the common good. Ibid., 219- 220

⁸³ SHENNAN, 67.

⁸⁴ I am grateful to Prof. Richard Wortman who (in a personal discussion of this issue) confirmed my contention. He also remarked that the tsar's duties were pointing towards God, rather than towards the people. (Or, as one can add, towards an entity such as the crown as a legal fiction.)

⁸⁵ J. CANNING, *A History of Medieval Political Thought 300-1450* (London-New York: 1996), 59.

coronation oath and its connection with the idea of the king's office is underlined by the prominent divine right theorist James VI (I): for him "*this oath in the Coronation is the clearest, civill, and fundamentall Law, whereby the Kings office is properly defined.*"⁸⁶

In the West the idea of rulership as a public office was the most important force in counterbalancing the principle of proprietary dynasticism, which was "only one element in the picture" to be sure, and was "seldom set forth in abashed nakedness": "Its proponents in practice and theory almost always accepted the principle of service at the heart of the office theory of public power."⁸⁷ Furthermore, the modern concept of state grew out from this fundamental idea of Western political thought: the notion of rulership as a public office. It was this idea, presented in an influential manner by Isidore of Seville in the 7th century,⁸⁸ which in the later centuries (from the 12th to the 18th) "served to objectify the state,"⁸⁹ through the works of lawyers and philosophers. Hence is the central role of this aspect in my comparative analysis. Some attempts have been made in this direction by other historians, mostly by M. Cherniavsky. Referring to him R. Wortman noted: "Michael Cherniavsky observed that the sophisticated legal distinction between the immortal body politic and the mortal body of the ruler, a characteristic that was present to a greater or lesser degree in various Western states, never took hold in Russia."⁹⁰ But on a closer look, even Cherniavsky's treatment of this issue is more than controversial.⁹¹

⁸⁶ "True Law of Free Monarchies" J. P. SOMMERVILLE (ed.) *James VI and I. Political Writings* (Cambridge: 1994), 65. (The italics in the text are mine.)

⁸⁷ ROWEN 169-170.

⁸⁸ CANNING, 20.

⁸⁹ DYSON, 28. The concept of office, at the same time, was one of the sources of the idea of a contract between the people and the ruler. J. M. KELLY, *A Short History of Western Legal Theory* (Oxford: 1992), 96-97. The notion of political contract was practically unknown in pre-Petrine Russia. For a short comparative study of this notion in the West and Russia see my article E. SASHALMI, "Contract Theory and the Westernization of Russian Ideology under Peter the Great" *Specimina Nova. Pars prima Sectio Mediaevalis II*. (Pécs: 2003), 89-100.

⁹⁰ R. WORTMAN, *Scenarios of Power. Myth and Ceremony in Russian Monarchy* (Princeton: 1996), vol. I. 405.

⁹¹ Cherniavsky claimed: "the conception of a sharp distinction between the person and the office of the prince, between King and Crown, was attained by the sixteenth century, at the earliest, and then only in England." M. CHERNIAVSKY, *Tsars and People. Studies in Russian Myths* (New Haven-London: 1961), 44. Though Cherniavsky referred to Kantorowicz as the source of his statement, Kantorowicz's work, in fact, clearly contradicts Cherniavsky's argument for this distinction was clear-cut from the 13th century on, at the latest, and not only in England. Cherniavsky however, was not even consistent, for elsewhere he mentioned this distinction in connection with the 12th-13th centuries. *Ibid.*, 29, 33. On the top of that, just to undermine further his own argument, he wrote on Peter's perception of state: "in Russia (*as elsewhere*) the line between the ruler's «I am the first servant of the State» and «L'état c' est moi» could not be perceived." *Ibid.*, 85. And most significantly, according to Cherniavsky the most important question for Russia is not the one addressing the problem "why the Russians did not develop the concept of the abstract State to counterbalance the prince?" *Ibid.*, 44.

To understand how crucial the idea of the royal office was in the emergence of the modern concept of state, it is useful to give a short summary of this conceptual development, a development spanning many centuries. Two phases can be distinguished roughly.

The first phase of development was that by the 13th century the idea of office helped to conceptualize the notion of an "impersonal (suprapersonal)"⁹² or "transpersonal"⁹³ public power, the existence of which was "distinct from the person and the will" of the ruler.⁹⁴ This notion was embodied in terms such as *regnum, respublica, corona, corpus politicum (body politic)*. The notion of the impersonal crown (*corona*) in Hungary and England in the 13th century entailed that the kings had duties towards this immortal legal entity.⁹⁵ (At the same time, the fact that the ruler was called administrator of the polity (*administrator rei publicae*) is explained by the influence of the proprietary aspect on the office principle. The term *administrator* came from property law and this means that "property notions...permeated the office theory of kingship."⁹⁶)

The discourse on the transpersonal nature of public power in turn, led to the second stage: the emergence of the modern concept of *State (État)*. For in the period between the 13th-17th centuries, there was a fundamental shift in thinking about the ruler's duties, which can be summarized on the basis of Skinner in the following manner. From the ruler's duty to maintain *his (e)state (status regis)*, i.e. his legal position exercised by virtue of his transpersonal office for the preservation/promotion of the common good, (i.e. to keep the *status regni/status rei publicae* "in good condition"⁹⁷) political thinkers arrived at the idea of *the State*, the existence of an impersonal public power "above and distinct from both the ruler and his subjects" and constituting the "highest political authority over a given territory," which the ruler had to maintain.⁹⁸ The importance attributed to the *status regis* and *status regni/status rei publicae* explain why the derivatives of the Latin *status (État, Staat, State etc.)* became the most common designations of this impersonal public power. This is of great significance, since *status* and its derivatives as well, convey "the sense of ranking, order, establishment – in other words, a concept

⁹² ROWEN, 11.

⁹³ CANNING, 64-65.

⁹⁴ ROWEN, 11.

⁹⁵ E. H. KANTOROWICZ, *The King's Two Bodies. A Study in Medieval Political Theology* (Princeton: 1957), 345-356.

⁹⁶ ROWEN, 23. This idea is reflected in the formulation of a 15th-century Spanish jurist: "to the King is confined solely the administration of the kingdom, and not dominion over things, for the property and the rights of the State are public, and cannot be the private patrimony of anyone." Quoted by J. H. ELIOT, *Imperial Spain 1469-1716* (London: 1963), 84. See also the term *administration* in the quotation from King James at the end of the paper.

⁹⁷ KHARKHODIN, 210

⁹⁸ Q. SKINNER, *The Foundation of Modern Political Thought* (Cambridge: 1978), vol. I. ix-x. Kharkhordin's summary of these developments (on 209- 213) is based on Skinner's later study, entitled "The State." T. BALL - J. FARR - R. HANSON (eds), *Political Innovation and Conceptual Change* (Cambridge: 1989), esp. 164-167.

which implies law.”⁹⁹ These implications are, however, missing from the Russian word *gosudarstvo*,¹⁰⁰ in addition to that *gosudarstvo*, being the derivative of *gosudar’* had a strong personal connotation.

In the light of what has been written it seems quite plausible to draw the following conclusion: While not denying the existence of an earlier but very vague distinction between *gosudar’* and *gosudarstvo*, the emergence of a more significant stage of distinction was not the result of an intellectual reasoning on the relationship between the office and the officeholder, but rather the impact of political events: the *oprichnina* and mostly the interregnum of the *smuta*. The same statement holds true in the case of another term, *zemlya*, the *Land* or *country*. But in this case the distinction between *gosudar’* on the one hand, and an entity independent of him (“the country”) on the other, was more marked from the beginning for the following reasons. First, for the sheer reason that *zemlya*, unlike *gosudarstvo* is not the derivative of *gosudar’*. Second, because of the context in which *zemlya* was used: “Generally «the Land» was envisioned as being separate from the tsar, the privileged military ranks, and the apparatus of government. The usage of the term «Land» fairly explicitly distinguishes between the tsar’s realm and a perhaps vestigial public sphere; this distinction is evident since the mid-sixteenth century.”¹⁰¹ This separateness from the ruler and a certain sense of the “public” is amply documented by Kollmann, and the phrase “acting as all the Land” reflects in her opinion a certain “distinction between state and society.”¹⁰²

III.

It is high time now to answer the question: What was the meaning of *gosudarstvo* at the beginning of the 17th century? The works of A. Zoltán on the meaning(s) of *gosudarstvo* in the 15th-16th centuries and the developments leading to the changes in the meaning together with Kharkhordin’s comparative analysis between state and *gosudarstvo* (based on Zoltán’s and Skinner’s results) render the description of pre-17th- century trends meaningless.¹⁰³

Furthermore, S. Dixon laconically summarized almost all the meanings *gosudarstvo* had in the 17th century. In Muscovite Russia *gosudarstvo* “carried a number of different meanings” – it could “describe either the people or the territory governed by the tsar, sometimes both.”¹⁰⁴ These meanings are especially clear in

⁹⁹ PIPES, 78. fn. On this issue Pipes refers to L. SCHAPIRO, *Totalitarianism* (London: 1972), 129.

¹⁰⁰ *Ibid.*, 78.

¹⁰¹ KOLLMANN, 41. This meaning in the mid-16th century is also confirmed by the lament of a chronicler (quoted by Kharkhordin from Krom’s work), in which the boyars are accused that they “look after their own [welfare], rather than after that of the *gosudar’* or the land.” Kharkhordin, 219.

¹⁰² KOLLMANN, 42-43.

¹⁰³ A. ZOLTÁN, *Fejezetek az orosz szókincs történetéből. Iz istorii russkoj leksiki* (Budapest: 1987), (14-50) See also TOLSTIKOV 294-300.

¹⁰⁴ S. DIXON, *The Modernisation of Russia 1676-1825* (Cambridge: 1999), 190.

the form *Moskovskoe gosudarstvo*, the most widespread version used at that time. “In this sense, it is best translated as «realm» or «dominion».”¹⁰⁵ It could also mean part of the realm (*gosudarstvo Sibir*),¹⁰⁶ so it was often used in plural.

I shall try to demonstrate the meanings in an integrated manner by showing how *gosudarstvo* was used in an extremely important official document of the time. I think one of the best sources to demonstrate the meanings is the confirmation charter of Mikhail, compiled in 1613 mostly from sources dating from the very end of the 16th and the early 17th centuries.¹⁰⁷ *Moskovskoe gosudarstvo* (and to a lesser extent *gosudarstvo*) is used here astonishingly frequently. This source not only confirms the meanings given by Dixon, but also contains further ones inherited from earlier times: that is rule/rulership, domination, and what Kharkordin called the “feature or quality of being *gosudar*” (in other words, to be a ruler). (The Dictionary of Russian Language of XI-XVII Centuries could be useful for the purpose too, but the examples given there cannot, of course, be so focused chronologically and therefore integrated semantically as the passages quoted from one and the same document, the confirmation charter.)

For the sake of a demonstration it is enough to quote some parts of the short passage written on the reign of Vasilij Shujskij, where all these meanings are present! In addition to that, the fundamental notions of the derivation of the tsar’s authority are also given here.

The situation after the death of the First False Dmitrii is presented as follows: “and then all the metropolitans, the archbishops...and the whole illuminated church council (*sobor*), and the boyars... and all the people of the Muscovite state assembled, and having taken counsel like-mindedly, as a result of God’s holy will and also of the work of the Holy Ghost, they all unanimously confessed...that Vasililij Ivanovich should take the sceptre of tsardom and he should strengthen the true orthodox faith... since he is descended from the root of the great sovereigns, our Russian tsars and grand princes – that is from the kin of grand prince Rurik, and indeed from the kin of Augustus, the Roman Emperor.”¹⁰⁸ When Shujskij hesitated, he was convinced by the declaration: “the voice of the people is the voice of God.”¹⁰⁹ A further practical reason to convince him to accept the sceptre was as follows: “if he does not obey...all the neighbouring princes will notice that great Russia is without rule/domination” (*bez gosudarstva*).¹¹⁰ This plight, argues the source, is not only harmful, but also against tradition, for “the nations of Russia (*Rosijstii narody*) are not accustomed (*ne obykošha*) to not being ruled”

¹⁰⁵ Ibid., 190.

¹⁰⁶ Ibid., 190. Furthermore, it “could refer to frontier regions that retained cultural and political autonomies” such as *Novgorodskoe gosudarstvo*, *Kazanskoe gosudarstvo*. KOLLMANN, 41

¹⁰⁷ S. BELOKUROV, *Utverzhennaya gramota ob izbranii na gosudarstvo Mikhaïla Fedoroviča Romanova* (Moscow: 1906).

¹⁰⁸ Ibid., 32-33. fn 7.

¹⁰⁹ Ibid., 33. fn. 7.

¹¹⁰ Ibid., 33. fn 7.

(*bez gosudarstvenny byvati*).¹¹¹ Finally Shujskij agreed and accepted the throne. But the people of the Muscovite state changed their mind, when Sigismund aiming to seize the Russian throne sent a letter “to the boyars and to the whole Muscovite state (*k vsemu Moskovskomu gosudarstvu*) so that his son, prince Wladislav be the ruler in Muscovy/in the Muscovite state (*byt' na Moskovskom gosudarstve*), and be crowned for the Muscovite state” (*venchat'sya bylo na Moskovskoe gosudarstvo*).¹¹² The “people of Muscovite state (*lyudi Moskovskogo gosudarstva*)...gave credence to the letter and asked” Vasilij Shujskij “to end his rule” (*gosudarstvo svoe ostavit*), who agreed, and “for the tranquillity of Christendom gave up his rule” (*gosudarstvo svoe ostavit*).¹¹³ The real intention of Sigismund and the Poles however, was “to destroy the true orthodox uncorrupted Christian faith, and to establish firmly their Latin faith in the whole Muscovite state” (*vo vsem Moskovskom gosudarstve*).¹¹⁴ For *Moskovskoe gosudarstvo* was the only land of genuine orthodoxy. It is thus clear, that *Moskovskoe gosudarstvo* had patrimonial, patriotic and religious connotations.

What did the word *État* (written capitalized) mean in contemporary France? It was defined by Pierre Charron in 1595 in the following words: “a domination, an ordering involving command and obedience, and...the foundation, the internal link, and guiding spirit of human affairs; it is the bond within society which cannot exist without it, the vital essence which brings life to human and natural associations.”¹¹⁵ It is necessary to recall Dyson’s statement claiming that it was due to the “work of legists” that “by the early seventeenth century the state was established as a fundamental legal concept in France”: “The idea of the state connoted a territorial unit ruled by a single sovereign; the continuity of royal government and its vast apparatus of offices apart from the mortal life of the king; and a community enjoying a unity of sentiment as a consequence of living under a common sovereign. It was a permanent entity endowed with certain superior purposes. Nevertheless, there remained an ambiguity in the term which made it difficult to rid it of patrimonial implications.”¹¹⁶

The patrimonial character of *État* has been noted by many historians,¹¹⁷ therefore *État* is much better for the purpose of a comparison with Muscovy than the English *State* where this connotation was not so much pronounced. H. Zmora,

¹¹¹ Ibid., 33. fn. 7.

¹¹² Ibid., 35. Kharkhordin is probably right to remark, that the last part of the sentence can be better rendered as “be crowned for Muscovite rule.” Thus, the original meaning of *gosudarstvo* is preserved even then, when it is used with the adjective *Muscovite*. After reading my examples Kharkhordin drew the conclusion that the use of *gosudarstvo* was still ambiguous during the *smuta* and the period following the *smuta*. It is certainly the case but I think the ambiguity was reduced because the frequent usage of *Moskovskoe gosudarstvo* shifted the meaning towards the territorial aspect.

¹¹³ Ibid., 35-36.

¹¹⁴ Ibid., 36.

¹¹⁵ Quoted by DYSON, 27.

¹¹⁶ Ibid., 28-29.

¹¹⁷ DYSON, 29, D. KOLA, *Politicheskaya semantika «Etat» i «état» vo frantsuzskom yazyke*. O. KHARKHORDIN (ed.) *Ponyatie gosudarstva v chetyrekh yazykakh* (St. Petersburg-Moscow: 2002), 112-113. H. ZMORA, *Monarchy, Aristocracy and the State in Europe 1300-1800* (London-New York: 2001), 5.

writing about France, also mentions the "pronounced patrimonial character" of the early modern state, but besides the monarchical aspect of patrimonialism in the meaning of *État* the author identifies another one: "while the state was not yet impersonal, it did not appertain solely to the monarch; it did develop an existence inchoately distinct from the ruler, precisely because it was deeply penetrated by social interests and therefore not entirely distinct from some of the nominally ruled either."¹¹⁸

Zmora identifies these "social interests" as the "vested interests of office-holders who manned the state,"¹¹⁹ which means that Zmora's statement clarifies the second element in Dyson's definition.

Comparing the meanings of *gosudarstvo* with these statements it is apparent that the second element, the concept of "the king's body politic" which subsumed the king's office and other offices as well, is clearly missing from the concept of *gosudarstvo*. (The territorial aspect, the feeling of unity were, of course, present.) Furthermore, the lack of "dynastic officialdom" as "the venal-heredity," that is the practice of transmitting offices "like any other piece of real property" was called by R. Giese, ¹²⁰ had important consequences for Muscovy. The fact that the government apparatus in Muscovy had no hereditary claims to posts was one of the many reasons to explain why it was difficult, though not impossible, for officials to articulate interests distinct from that of the *gosudar'*: Hence the perception of *gosudarstvo* as belonging to the *gosudar'* was strengthened and the development of the distinction between them was retarded.¹²¹ What concerns the notion of "superior purpose" in Dyson's formulation, *Moskovskoe gosudarstvo*, similarly to the *État*, embodied superior purposes, but they were not secular. An important difference aptly formulated by N. S. Kollmann must be mentioned. Kollmann emphasises that "elite writers depict society as the Godly Christian community, not as a cohesive political unity of a common people."¹²² The ethico-religious perception of power can be well proven, among others, by the fact that the word *poddannij*, though it was known by the early 17th century, was rarely used before the late 17th century. Subject is "an abstract legal term"¹²³ (a Polish loanword), but the overwhelmingly dominating term was the (*pravoslavnyj khrisianin*)

¹¹⁸ ZMORA, 5.

¹¹⁹ *Ibid.*, 5.

¹²⁰ R. E. GIESEY, "From Monarchomachism to Dynastic Officialdom," in J. Pelensky (ed.), *State and Society in Europe from the Fifteenth to the Eighteenth Century* (Warsaw: 1981), 166

¹²¹ It is interesting to note Kharkhordin's contention, who thinks that there is a possible connection between the growth of bureaucracy and the development of the concept of state in Russia. In this respect he does not mention Western analogies and does not deal with the impact that venal-heredity exerted on the development of the concept of state in France. In his view it might not be accidental that the "antecedents of a modern bureaucratic apparatus formed" under Alexis "coincide with the first timid attempts at assertions working for the common good;" he especially underlines this connection for the Petrine era. KHARKHORDIN, 231-232

¹²² KOLLMANN, 38-39.

¹²³ D. ROWLAND, "The Problem of Advice in Muscovite Tales about the Time of Troubles" *Russian History/Histoire Russe* (1979:2), (259-283) 270.

Orthodox Christian. Indeed, most theorizing on power took place in the ecclesiastical circles.¹²⁴

IV.

A comparison of the development of the concept of state in the West and Russia might be done in ways other than those applied by Kharkhordin or by me on the previous pages. One approach which can be integrated into my analysis is provided by S. Dixon. This integration can be done all the more easily, because Dixon was apparently also influenced by Skinner. His penetrating survey on the problem of the concept of state in Russia between the early 17th and the early 19th centuries deserves special attention, though some of his statements can be debated. Of course, one cannot expect a very detailed discussion of this highly controversial issue from a chapter in a textbook covering a great time span indicated. Dixon claims that Muscovy did not know the concept of “an impersonal entity above and distinct from both the ruler and his subjects,” and the “abstract notion of loyalty to the «state»” did not exist.¹²⁵ To prove his statements, in a very original way, he set out to “investigate two related theoretical notions: treason (*izmena*) and the oath of loyalty (*prisiaga*) taken by Russian subjects to each new tsar on his accession.”¹²⁶ Thus his approach is based on the perception of treason and the nature, or in other words, the object of the subjects’ loyalty. Since treason was a category of political crime, Dixon traced the history of political crime covering the subject in a brief but illuminating manner from 1649 until 1825.¹²⁷ However, the only oath of allegiance given as an example was the one that officials had to swear from 1722.¹²⁸

I think Dixon’s method is very useful and I will apply it to the 17th century. The oath of loyalty of 1626/27 should be given special attention for the following reasons. It contains not only a general part, but also separate sections for different social groups of the court, and in addition to that it became a model for oaths of loyalty for the rest of the century.¹²⁹ Consequently, if there was a *prikaz* concept of *gosudarstvo* in the 17th century, this oath could reflect it. *Gosudarstvo* is used in the text many times and in contexts relevant for the purpose. In the general part of the text we find the following wording: “But if someone is not willing to serve Mikhail

¹²⁴ Similarly to Kharkhordin (KHARKHORDIN, 222. fn. 67.) I deliberately ignored any detailed discussion of theology of power in Muscovy in the present study, except for a short comparison between the divine right of kings and the divine right of tsars at the end of the article. Besides the various articles of D. Rowland, who, in Kivelson’s wording, “probably has done more than anyone else” for the understanding of Muscovite ideology, a very subtle treatment of Muscovite theology of power is provided by Rowland in his contribution to the project *Religion, Law and Philosophy*...

¹²⁵ DIXON, 189-190.

¹²⁶ *Ibid.*, 195.

¹²⁷ *Ibid.*, 195-197.

¹²⁸ *Ibid.*, 197.

¹²⁹ N. F. DEMIDOVA, *Sluzhbalaya byurokratiya v Rossii v XVII v. i ego rol' v formirovanii absolyutizma* (Moscow, 1987), 151.

Fedorovich, tsar and grand prince of Russia, or has affairs with traitors, or Tartars or Lithuanian and German people, then I have to fight against these people for my sovereign and for his state up to my death (*za gosudarya svoego i za ego gosudarstvo*).¹³⁰

In the oath composed for boyars and *okolnichie* the following obligation is encountered: “to serve my sovereign...in all matters...and want him, the sovereign, and his lands (*ego zemlyam*) good...without any evil intention...”¹³¹ Finally, the section composed for *dumnie dyaki* included the obligation: “neither to say any bad thing on the Muscovite state and all the great states of the Russian Tsardom to foreigners, nor to think such a thing, and not to want any kind of evil to the Muscovite state (*Moskovskomu gosudarstvu*) in any way.”¹³² Thus, at the very time of the notorious cases in which the tsar’s universal proprietorship was confirmed, there is an oath showing hints of an impersonal loyalty. Furthermore the oaths of loyalty, including the one quoted here, became the “main source on which the list of offences” in 17th-century penitential books were based, and curiously enough, these penitential books “paid little attention to wrongs against the Church.”¹³³ This fact also underlines the importance of chanceries in forming Muscovite notions on power.

Other contemporary sources can also be quoted to prove the existence of a distinction between the ruler and *gosudarstvo*. There is a formulary, dating from 1627 for the granting of *votchina* estates to those who performed great service during the 1617-18 campaign of Vladislav against Moscow. It is written that Mikhail “rewarded the person (who is named) for his true service (*za ego pryamuyu sluzhbu*) rendered to us and to the whole Muscovite state (*ke nam i ko vsemu Moskovskomu gosudarstvu*)” when Vladislav “came to our state, (*pod nashe gosudarstvo*) under the ruling town, Moscow.”¹³⁴ For Vladislav “wanted to take the Muscovite state (*Moskovskoe gosudarstvo*), and to ruin it to the ground, and to pollute the churches of God, and to trample upon our holy, true, pure, orthodox Christian faith, and to impose his damned heretic Latin faith” (*proklyatuyu ereticheskiyu latynskuyu vernu*).¹³⁵ But the named person was with the tsar in the besieged Moscow, “stood strongly for the orthodox Christian faith, and for the holy churches of God, and for us, the grand sovereign against Vladislav... and fought manly in the fights,” and “showed much of his service and justice (*mnoguyu svoju sluzhbu i pravdu*) to us and to the whole Muscovite state” (*ke nam i ko vsemu Moskovskomu gosudarstvu*).¹³⁶ *Moskovskoe*

¹³⁰ *Akty moskovskogo gosudarstva* (Moscow, 1890), vol. I. 217.

¹³¹ *Ibid.*, 217.

¹³² *Ibid.*, 218.

¹³³ B. N. FLORIA, “Penitential Formulas in the Relationship of Church and State in Russia in the Sixteenth and Seventeenth Century,” in N. S. KOLLMANN (ed.), *The Comparative Approach in Early Modern Russian History: Essays by B. N. Floria. Russian Studies in History* (2000-2001: Winter), 72-86 (85, fn. 26).

¹³⁴ N. B. MYULLER - N. E. NOSOVA (eds), *Zanokodatel'nye akty Russkogo gosudarstva vtoroj poloviny XVI – pervoj poloviny XVII veka* (Leningrad: 1986), 135

¹³⁵ *Ibid.*, 135.

¹³⁶ *Ibid.*, 135-136.

gosudarstvo obviously means the country/ the land of orthodox faith (which again confirms Kollmann's statement on the primary religious perception of the larger community).

The distinction between service done to the ruler and to the *gosudarstvo* is all the more important because these sources were written not during an interregnum. Though there is no separate oath taken to the *gosudarstvo*, as it would become a rule during Peter, it is apparent that not only the person of the ruler, but also *gosudarstvo* was an object of loyalty. While it is true that *Moskovskoe gosudarstvo*, or simply, *gosudarstvo* did not mean *state* in the western sense, it was, nevertheless, and could be distinguished from the person of the ruler. Hence the claim that the person of the tsar "defined both nation, in the premodern sense of polity or broadly inclusive political community, and state"¹³⁷ might not be true in every case.

There can be no doubt, that *in the chanceries* the distinction between the ruler and *gosudarstvo* existed. Therefore, we cannot agree with Chernaya who claimed that the idea of service to the *gosudarstvo* appeared in Russia only after (and as a consequence of) the emergence of the concept of common good in the late 17th century.¹³⁸

To pursue the investigation further, the Law Code of 1649 would seem to be an obvious source to be studied to trace the concept of *gosudarstvo* as it was understood in the *priказы*.

Political crime was defined in chapter 2 of the Code entitled *On the Sovereign's Honour, and How to Safeguard His Royal Well-Being (O Gosudarskoj chesti, i kak Ego Gosudarskoe zdorov'e oberegat')* and the term for political crime in the Law Code was *Gosudarevo delo ili slovo*. Dixon rightly emphasizes the significance of the title of the chapter, which does not mention *gosudarstvo* at all, but refers to the ruler's honour and health instead.¹³⁹ Dixon claims that the chapter on political crime "gave unprecedented prominence to treachery" and also that the "sole mention" of *gosudarstvo*, in the form *Moskovskoe gosudarstvo*, "employs the territorial sense."¹⁴⁰ Then he draws the conclusion: "A traitor thus betrayed not an impersonal abstraction, but the tsar in person typically by pledging allegiance to a rival individual...The only impersonal notion of treason known in Muscovy was apostasy, which survived along with personal betrayal into the Petrine period."¹⁴¹

It is of course, significant that the designation of the crime just mentioned is derived not from *gosudarstvo* but from *gosudar'*, which confirms the significance of personal implications, the importance attributed to the person of the ruler, and not to an impersonal/transpersonal entity. Indeed, it was only during Peter's time that

¹³⁷ KIVELSON (2002), 470.

¹³⁸ L. A. CHERNAYA, "Ot idei sluzheniya gosudaryu k idee sluzheniya otechestvu v russzkoj obshchestvennoj mysli vtoroj polovini XVII – nachala XVIII veka," in A. L. ANDEREEV - K. Kh. DELOKAROV (eds), *Obshchestvennaya mysl': issledovaniya i publikatsii. Vypusk 1.* (Moscow: 1989), (28-43.) 34.

¹³⁹ DIXON, 195.

¹⁴⁰ Ibid., 195.

¹⁴¹ Ibid., 195.

the term for political crime, known by then in the form *slovo i delo gosudarevo*, occasionally was referred to as *gosudarstvennoe prestuplenie*, i.e. *state crime*.¹⁴² But in fact, *gosudarstvo* is used in the Law Code both with and without the adjective *Moskovskoe* not only in chapter 2, but also in other passages. And while it is on the whole true that both versions convey predominantly the territorial meaning in the Law Code, it would be an error to draw the conclusion that the chapter deals with crimes directed exclusively against the ruler. While article 1 of chapter 2 refers to the crime against the sovereign's health, others contain some degree of abstraction. A slight shift from the territorial meaning can be noticed in articles 2-3.

§: 2 “Likewise, if in the realm of his tsarist majesty (*kto pri derzhave Tsarskogo Velichestva*), someone, desiring to seize possessions of the Muscovite state (*Moskovskim gosudarstvom zavladet*) and to become sovereign, (*i Gosudarem byt'*) begins to assemble an armed force to effect his evil intention; or if someone proceeds to make friends with enemies of [his] tsarist majesty, and to establish secret relations by [exchanging] advisory letters, and to render them aid in various ways so that those enemies of the sovereign, using his secret relationship with the enemy, may take possessions of the Muscovite state (*Moskovskim gosudarstvom zavladet*), or commit any other bad deed; and someone denounces his activity; and after that denunciation his treason is established conclusively: punish this traitor with death accordingly.”¹⁴³

§: 3 “If someone surrenders a town to an enemy of his tsarist majesty in an act of treason; or, someone receives foreigners into the towns of his tsarist majesty from other states (*iz inyh gosudarstv*) for the purpose of similarly committing treason; and it is established conclusively: punish such a traitor with death also.”¹⁴⁴

Yurganov states unambiguously: “The second chapter described the Russian tsar as the supreme head of the state. Articles 2, 3 and 4 dealt specifically with treason against the Muscovite state.”¹⁴⁵ Telberg claims that article 2 refers to actions aiming to seize the “totality of supreme rights,” “but not the supreme state power in general, rather the supreme power concentrated in the hand of the legitimate tsar.”¹⁴⁶ Though we should refrain ourselves from reading too much modernity into the text, the fact remains that article 2 does not refer to the person of the ruler. The shift towards abstraction in article 2 is due to the fact of borrowing. For articles 1-2, 12-13, 16 “were borrowed from Byzantine and Lithuanian law,” and article 2 is “a continuation of the *Litoskiei statut* 3.”¹⁴⁷ Similarly, a slight shift towards abstraction is reflected in the wording, “towns of his tsarist majesty,” in

¹⁴² W. F. RYAN, *The Bathhouse at Midnight. Magic in Russia* (1999), 413.

¹⁴³ R. HELLIE (ed., transl.), *The Muscovite Law Code (Uloženie) of 1649* (Irvine, California: 1988), 4.

¹⁴⁴ *Ibid.*, 4. Half of the translation is changed here!

¹⁴⁵ YURGANOV, 65.

¹⁴⁶ G. T. TELBERG, *Očerki političeskogo suda i političeskikh prestuplenij v moskovskom gosudarstve* (Moscow: 1912), 75-76.

¹⁴⁷ R. HELLIE, “The Origins of Denunciation in Muscovy” *Russian History/Histoire Russe* (1997: Spring-Summer), (11-26) 16.

article 3, which concerns the integrity of the rule of “his tsarist majesty” over the territory. Again, we should not exaggerate this wording, for *Velichestvo*, which later came to mean sovereignty (for Prokopovich) was not defined or expounded by anyone in Russia before Krizhanich.

To pursue further the analysis of the Code from the aspect of political crime the following problem deserves attention. Despite of the title of the chapter on political crime, the Law Code did not mention explicitly the most common type of political crime of the 17th century, namely the verbal offence of the ruler’s honour.¹⁴⁸ That is verbal offence of the tsar’s person, which included, (among others) indecent statements on his descent (the most serious of which concerned his title to the throne), his family, his behaviour, his governance etc.¹⁴⁹ Though statements connected with the tsar’s honour (and honour should be understood in very broad sense) were the most common and the most important type of political crime, 17th-century Muscovite judicial practice seems to have known the offence of the honour of *Moskovskoe gosudarstvo*. This “non-personal” perception of honour was in accordance with the terms of the oath of loyalty taken in 1626/1627, though in the oath the only section containing such clause was the one composed for *duma* clerks.

There is a case from 1646/47 which implies that the honour of *Moskovskoe gosudarstvo* was protected, for *Moskovskoe gosudarstvo* is used in this context.¹⁵⁰ A drunken man, a certain Ivan Dmitriev allegedly said “unseemly words (*nepodobnye slovesa*) about Moscow” which was the reason to initiate a treason case against him.¹⁵¹ When the investigation began the authorities two times referred to the charge as such: the named person “said unacceptable speeches (*neprigozhie rechi*) about *Moskovskoe gosudarstvo*.”¹⁵² Finally, it turned out that there were no unseemly words either about Moscow, or *Moskovskoe gosudarstvo*. Lukin remarked, in connection with a later case, (1692) that Moscow was often identified with the person of the tsar in the mind of the people of the 17th century, that is why cases in which Moscow was mentioned improperly were reported.¹⁵³ In these cases the “non-personal” became personal. But the present case shows that Moscow could be conceived in “non-personal” terms too, and references to the capital could be understood as references concerning *Moskovskoe gosudarstvo*, the honour of which was also protected.

The next step to be done is to compare the Western concept of political crime with the Muscovite one, a step missing from Dixon’s chapter.

Though in the 17th century the *state* was claiming for its place to be included in cases which were classified as political crimes, (Richelieu for example stated that

¹⁴⁸ TELBERG, 106, 113.

¹⁴⁹ Ibid., 106-110

¹⁵⁰ NOVOMBERGSKIĬ, No. 90. 152-154.

¹⁵¹ Ibid., 152.

¹⁵² Ibid., 152.

¹⁵³ LUKIN, 29.

“even the thought of a crime against the state should be punished”¹⁵⁴ it would be a long way before crimes *against the state as such* would be given priority in the broad list of crimes conceived as political. As Ingraham summarized: “before 1770 laws protecting political authority and sovereignty” were concerned with “betrayal of personal loyalty owed to the Head of the State, rather than the «State» itself,” with “injuries inflicted on the monarch personally or on members of his immediate familial or administrative household; insults to his personal dignity and authority.”¹⁵⁵ This highly personal perception of political crime is understandable in the light of the strength of the doctrine called, the divine right of kings. It flourished in the 17th century. And, as Strayer noted, loyalty to rulers reached its peak in the belief of the king’s divine right.¹⁵⁶ Therefore it is not accidental that “before the development of the conception of popular sovereignty in the second half of the eighteenth century, monarchs remained the primary objects of state crime in both political theory and judicial practice, despite the existence of sophisticated theories of state sovereignty at least since Machiavelli.”¹⁵⁷

Furthermore, crimes against religion, or the established Church, apostasy included, were often perceived as political crimes, hence apostasy was not void of personal implications either in Russia or in the West, especially when the ruler was the head of the Church. “The close association in the minds of contemporaries between spiritual and temporal authorities made it possible to treat the tsar’s opponents as enemies of the Orthodox faith in general.”¹⁵⁸ In England an Act of 1581 “made it treason to withdraw subjects from their obedience to the Queen or their membership in the Church of England,”¹⁵⁹ of which Elizabeth was the Supreme Governor, and held the title Defender of the Faith. Therefore, apostasy in Russia was not really an impersonal type of treason in a normal case, that is when Russia was ruled by a legitimate Orthodox tsar, the defender of true Orthodoxy (as it was represented by the religious practices and rites of *Moskovskoe gosudarstvo*).

To sum up: In comparison with Western Christendom, Russia was not so backward in the middle of the 17th century if the definition of political crime and the perception of loyalty are concerned. Yet, Russia was so to say, *a different world* if we examine political theory, not to mention the existence of state theory proper and political discourse. The use of each of these terms is misleading for Muscovy, because they are irrelevant. When the modern theory of state was provided by

¹⁵⁴ J. DALY, “Political Crime in Late Imperial Russia,” *The Journal of Modern History* (2002: March), (62-101.) 64-65.

¹⁵⁵ B. L. INGRAHAM, *Political Crime in Europe. A Comparative Study of France, Germany and England* (Berkeley-Los Angeles-London: 1979), 39.

¹⁵⁶ STRAYER, 108.

¹⁵⁷ DALY, 65.

¹⁵⁸ PLOKHY, 292.

¹⁵⁹ E. N. WILLIAMS, *Dictionary of English and European History 1485-1789* (London-New York: 1980), 126.

Hobbes and his fellows, Russian contemporaries of Western thinkers “were still preoccupied with the struggle between good and evil,” and the vocabulary they used was “predominantly Biblical in origin, the Old Testament, in particular, providing an abundant reservoir of apocalyptic imagery.”¹⁶⁰ All these reservations notwithstanding, they do not invalidate the existence of a distinction between *gosudar’* and *gosudarstvo* prior to the mid-17th century. Therefore, while not denying the impact that Western ideas exerted on the emergence of the new Petrine concept of state, it is possible to see their importance from a somewhat different angle. My contention is that the emergence of new political concepts in Russia after the 1660s was not an *ex nihilo* process, i.e. a process taking place simply *because of and as a consequence of* growing familiarity with Western ideas. Rather, this process happened *under the impact* of them. Western ideas helped to conceptualize already existing changes: changes in the meaning of *gosudarstvo*. Perhaps, this conceptual development is reflected in the more frequent use of the term *gosudarstvennye dela*, *dela gosudarstva*, i.e. *state affairs* in the second half of the century.¹⁶¹ An eloquent example in the Law Code: “On Sundays no one shall hold trials and work in the chancelleries. No business shall be conducted except the most essential State affairs (*samykh nuzhnykh gosudarstvennykh del*).”¹⁶² Indeed, the formulation is reminiscent of the idea of the reason of state, for urgent worldly obligations (service concerning state affairs) can overrule a religious duty, i.e. the observance of the Lord’s day.

The study of the official documents of the Razin revolt conveys the impression that the distinction between treason against the tsar and treason against *gosudarstvo* became a recurrent motif. Razin was charged with treason committed against both tsar and *Moskovskoe gosudarstvo*.¹⁶³

To remain with treason cases to indicate the change, the charges against Ivan Khovanskij and his son in 1682 are also eloquent. Ivan was accused of looting the treasury by giving money without an order: thereby he “made a great ruin to the

¹⁶⁰ DIXON, 190.

¹⁶¹ See A. E. PENNINGTON (ed.), *Grigorij Kotshikhin: O Rossii tsarstvomaniya Alekseya Mikhajlovicha. Text and Commentary* (Oxford: 1980), 140.

¹⁶² *Ulozhenie* X. 25. Translation, except for the term “state affairs”, is from Hellie’s work. Hellie translates *gosudarstvennye dela* as “affairs of the sovereign”, but the English equivalent is “state affairs”. The difference is crucial, and the appearance of the term *gosudarstvennye dela* is of great importance for the evolution of a distinction between the rights of the ruler, *gosudar’* and that of *gosudarstvo*. But the term was known before 1649: it was used in a political crime case, initiated in 1648 because someone in his sleep got “an instruction from God...on high state affairs” (*o gosudarstvennykh velikikh delakh*). NOVOMBERGSKIJ, No. 114, 187. Moreover, the term is encountered as early as 1613 in Mikhail Romanov’s confirmation charter. The “election” of tsar Mikhail was characterized as a “great state affair” (*bolshoe gosudarstvennoe delo*). BELOKUROV, 44. This early usage was also noted by Tolstikov who remarked that the adjective *gosudarstvennyj* became “visible” precisely from the 17th century, and he gave ample evidence for its use in the second half of the century. TOLSTIKOV, 304-305.

¹⁶³ *Krestyanskaya vojna pod predvoditelstvom Stepana Razina. Sbornik dokumentov* (Moscow: 1957), vol. II. 7-8, 9-10, 36-37, vol. III. 158.

whole State (*vsemu zhe Gosudarstvu*) and hardships to the people.¹⁶⁴ Furthermore with their service the father and his son "brought defamation and losses to the State (*Gosudarstvu prinoslil ponoshenie i ubytok*), but did nothing to promote the eternal praise of the name of their Great Sovereigns and the benefit of the whole State" (*vsemy Gosudarstvu pribyl*).¹⁶⁵ Finally Ivan's "evil intention against the power (*na derzham*) of the Great Sovereigns and against their health was unmasked" and his "treason and intention to take the Muscovite state became obvious."¹⁶⁶

Furthermore, *gosudarstvo* found its way to a literary genre, the language of which was more traditional than that of the chanceries, namely to panegyric literature. In a long panegyric written in 1687 to exhort the troops going for the campaign against the Crimean Tartars the author call them to fight "for the Orthodox faith," "for the sovereigns" and "for the whole state."¹⁶⁷

There were terms in 17th century Muscovy before the Westernization of thought on power, such as *zemlya*, *gosudarstvo*, and first of all probably *gosudarstvennye dela*, *dela gosudarstva* implying some kind of difference, if not between the "grand prince's authority and the powers of an abstract state,"¹⁶⁸ but between the ruler's authority and the powers of a vaguely understood impersonal body. Yet, it was not enough. Despite of the changes in the meaning of *gosudarstvo* the statement of M. Poe, that "no known Muscovite author of the era used one of these terms as the basis for a conceptual distinction between the office of the prince and the officeholder,"¹⁶⁹ holds true for the period until the end of the century. In the West an autochthonous office theory sharpened the existing distinction between *rex* and *regnum/respublica*. In Russia the formation of the triplet which I identify as *gosudar' / gosudar' pravite'lstviyushchij / gosudarstvo* was delayed, because the distinction between *gosudar'* and *gosudarstvo*, a distinction not so clear-cut as in the West, to be sure, was not accompanied by the clearly articulated idea of rulership as a public office serving the common good. Until Peter the Great we do not have statements similar to the one told by Margrave Christian Ernst of Bayreuth to Strasbourg University in 1659: "A good prince must always remember that the supreme law is the good of the state. The state is not to serve the ruler, but instead the prince must disappear within it [ganz im Staate aufgehen]."¹⁷⁰

¹⁶⁴ *Sobranie gosudarstvennykh gramot i dogovorov* (Moscow: 1828), vol. IV. 459.

¹⁶⁵ *Ibid.*, 460.

¹⁶⁶ *Ibid.*, 462.

¹⁶⁷ A. P. BOGDANOV - V. I. BUGANOV (eds.) *Pamyatniki obshchestvenno-politicheskoy mysli v Rossii konca XVII veka. Literaturnye panegiriki* (Moscow: 1983), 159.

¹⁶⁸ M. POE, "What Did Russians Mean When They Called Themselves 'Slaves of the Tsar?'" *Slavic Review* (1998), (585-608). Poe mentions *zemlya*, *kniazhenie* and *gosudarstvo*. 589. (Hereafter POE 1988)

¹⁶⁹ POE 1998, 589-590. Rowland writes similarly: "I know of only one attempt (by Ivan Timofeev) in Muscovite sources before 1630 to separate the corrupted person of the ruler from his incorruptible throne, and this suggestion was not pursued." D. ROWLAND, "Ivan the Terrible as a Carolingian Renaissance Prince," in N. S. KOLLMAN - D. OSTROWSKY - D. ROWLAND (eds.), *Rhetoric of the Medieval Slavic World. Essays Presented to Edward L. Keenan on his Sixtieth Birthday by his Colleagues and Students Harvard Ukrainian Studies* (1995), (594-606) 603.

¹⁷⁰ P. H. WILSON, *Absolutism in Central Europe* (London-New York: 2000), 54.

Indeed, as D. Rowland remarked, classical Muscovite ideology was unable to separate “the body politic from the body natural,”¹⁷¹ for this separation to which the concept of office was crucial. Consequently “the personal and political aspects of the ruler remained interwoven.”¹⁷² Hence the “moral personality of the ruler was the central issue” of Russian ideology before Peter,¹⁷³ which explains why a 6th-century Byzantine mirror of princes written by Agapetus had such a paramount importance in Muscovite (and to a certain extent also in Imperial) Russia. Nevertheless Dixon rightly claims that not so much the importance of Agapetus is striking in Muscovite ideology: “what is more immediately striking about both the form and the language in which Muscovites wrote about government is the degree to which philosophical abstractions remained foreign to them.”¹⁷⁴ The *status regis*, *status rei publicae*, *corona*, *common good* were among such legal-philosophical abstractions.

One of the earliest examples of the Russian triplet mentioned above is found in monk Avraamij’s missive written in 1696. The missive is generally regarded as a piece of criticism of Peter’s behaviour and governmental policy; a criticism based on the established notions of Muscovite ideology.¹⁷⁵ In a paper I argued that this statement was only partially true.¹⁷⁶ While there can be no doubt about the presence of these traditional elements in the missive, Avraamij’s writing rather shows the degree to which traditional ideology was infused with Western notions of rulership, notions that soon were to become the prominent and indispensable features of the new Petrine ideology. For the first time this was expressed in his manifesto of 16 April 1702: “It is well-known in all the lands of which the Almighty has placed under our rule that since our accession to this throne all our efforts and intentions have been aimed at ruling this State (*sim gosudarstvom upravlyat*) in such a manner that as a result of our concern for the common good (*vsobshchee blago*) all our subjects (*poddannye*) should attain an ever greater degree of well-being.”¹⁷⁷ This was precisely the position taken by Avraamij when he criticized Peter from the Western angle that is from a viewpoint based on Western notions of rulership. Avraamij accused Peter that he abandoned “any kind of government of his state (*vsyakoje pravlenie gosudarstva svoego*) and ordered to govern it by a ... bribe-

¹⁷¹ ROWLAND 1995, 603.

¹⁷² *Ibid.*, 603.

¹⁷³ P. BUSHKOVITICH, *Peter the Great. The Struggle for Power 1671-1725* (Cambridge: 2001), 441.

¹⁷⁴ DIXON, 190.

¹⁷⁵ Recently L. HUGHES, *Russia in the Age of Peter the Great* (New Haven-London: 1998), 450. P. Bushkovitch, the author of the most recent work on Peter, is of the same opinion: in his view the missive is “a typical product of Russian political thinking, it remained entirely in the moral realm: Peter did not pay enough attention to the church, he was stubborn and did not listen to the advice of his mother and wife, there was too much bribery in the chanceries.” BUSHKOVITICH, 188-189.

¹⁷⁶ For the question of Avraamij’s political ideas see my article E. SASHALMI, “Towards a New Ideology: Muscovite Notions of Rulership and Western Influences in Avraamij’s Missive (1696),” in Gy. SZVÁK (ed.), *Muscovy: The Peculiarities of its Development* (Budapest: 2003), (143-154) (Hereafter SASHALMI 2003)

¹⁷⁷ Quoted from HUGHES, 386 .

taker."¹⁷⁸ Furthermore, instead of appointing good officials to deal with things "necessary for his subject people of the whole state" Peter appointed bad ones who "ruin the state" (*gubyat gosudarstvo*).¹⁷⁹ The notion of common good, a rudimentary idea of natural law, and use of the word *subject* are also present in the missive.¹⁸⁰

All these developments notwithstanding, the crucial plain question "What is *gosudarstvo*?" was not raised, and there was no systematic investigation in the nature of *gosudarstvo* either in Muscovy or during reign of Peter the Great. This fact underlines the importance of scholarly discourse through the 13th-17th centuries on the office theory of kingship, which culminated in the birth of the modern concept of state.

In Russia the lack of office theory of rulership had the result that there was no organic link, that is a continuous age-old tradition between this idea and the emergence of the modern concept of state, which, unlike the term *state*, was borrowed from the West. Therefore, the concept of office, and the paramount importance attributed to *gosudarstvo*, now more clearly distinguished from both the ruler (*gosudar*) and the ruled, were emerging more or less simultaneously.

The examples quoted underline that in tracing the history of *gosudarstvo* the developments of the first half of 17th century must not be underestimated. From the middle of the century these changes were furthered by the conscious turn to the West. Then came the ruler's duty to serve the common good (of) *gosudarstvo* with the incomplete adoption of the Western idea of rulership as an office. Yet, as Dixon rightly points out, it was from circa 1700 that the "usefulness" of the changes, and that of "the new political vocabulary" "began to be fully exploited."¹⁸¹ Indeed from that time a noticeable change was under way: "The virtually synonymous concepts of «state» (*gosudarstvo*) and «country» or «fatherland» (*otechestvo*), expressions rare in Muscovite legislation, were constantly invoked by Peter as an autonomous object of allegiance distinct from the person of the tsar."¹⁸² (This virtual synonym meaning of the mentioned terms in 17th -century Russia is underlined by the most frequent use of *Moskovskoe gosudarstvo* which had a patriotic connotation.)

It would be erroneous, however, to read too much modernity to the Petrine concept of *gosudarstvo*,¹⁸³ but this question is beyond the scope of this article. Still, it is useful to quote S. Dixon who wrote of the period 1676-1825: "When speaking of the state we are really speaking of a dual conception of state and tsar. Neither is readily detached from the other, though their relative importance varied over

¹⁷⁸ Tetradī startsa Avraamiya N. A. BAKLANOVA (ed.), *Istoricheskij arkhiv* VI. (Moscow-Leningrad: 1951), 144.

¹⁷⁹ Ibid, 144, 145.

¹⁸⁰ SASHALMI 2003, 149, 153.

¹⁸¹ DIXON 192.

¹⁸² LENTIN 36.

¹⁸³ DIXON (191-195) and Kharkhordin (220-222) demonstrate it very remarkably.

time.¹⁸⁴ It would take us too far, to seek for the causes, but the use of old terminology was, of course, one reason,¹⁸⁵ for it was an old word, *gosudarstvo*, which was to express the new concept, and the word was not devoid of strong personal connotations. But equally important was, in my view, the lack of intellectual legacy, the tradition of scholarly discussion. No wonder that the adoption of the modern concept of state remained imperfect. Indeed, it had taken a long time before we encountered the first real scrutiny into the nature of state in 1809 by Speranskij. Thus, Dixon is right to say that the *modern* concept of state was not unknown to Muscovy,¹⁸⁶ but the “first and decisive distinction that led to the formations of the familiar triplet ruler/state/ruled in Russia,”¹⁸⁷ the distinction between the ruler and *gosudarstvo* definitely existed by the late 17th century and to some extent, even earlier, prior to the mid-17th century, together with the germ of loyalty to *gosudarstvo*.

V.

Although there can be no doubt about the emergence of the modern concept of state in 17th–century Western political theory, to look upon the 17th–18th centuries only from the isolated perspective of the modern concept of state, meanwhile neglecting other forces at work, (proprietary dynasticism included) would lead to a distorted perception of the past. From the 17th century onwards, the modern concept of state was struggling for its place, in the midst of the corporate order with “proprietary dynasticism” on the one hand, and the belief in the divine right of kings on the other. If the former might cause uproar among the great majority of political thinkers, (as I have mentioned) the latter was widely accepted by them: indeed the 17th century witnessed the peak of expositions of the belief in the divine right of kings.¹⁸⁸ Now we should examine the relationship between divine right and office principles.

¹⁸⁴ DIXON, 195.

¹⁸⁵ *Ibid.*, 193.

¹⁸⁶ *Ibid.*, 190

¹⁸⁷ KHARKHORDIN, 218

¹⁸⁸ Early modern divine right theory included the following principles: 1, monarchy is a divinely ordained institution and the best form of government; 2, the power of kings is received directly from God on the basis of descent, excluding any constitutive intermediaries (the Church or the people or secular institutions such as the parliament); 3, the order of succession is firmly fixed (by the principle of primogeniture) and unchangeable, though not necessarily laid down in statute law (fundamental law). In other words, not simply descent, but the degree of relation is crucial; 4, the right to the throne acquired thereby is indefeasible and the consecration of the king (unction and coronation) is merely declarative, not constitutive. 5, despite of the principle of heredity, the power of kings is derived directly from God, since He is the final cause of life and death, consequently it depends on Him when He takes the king from this world - an act, which automatically confers the title of king on the person who previously was just the heir to the throne; 6, God endows the king with a special ability (the notion of *arcana imperii*), the ability to interpret the needs of the realm entrusted to him by God; 7, the king is responsible for the government of the realm, he has to use his office for the common

It is of great significance, as I have referred to it shortly, that in the West early modern divine right theory (no matter whether its proponents were absolutist or not¹⁸⁹) contained the idea of office. King James VI (I) wrote: "Kings are called Gods by the propheticall King *David*, because they sit vpon God his Throne in the earth, and haue the count of their administration to giue vnto him. Their office is *To minister Iustice and Iudgement to the people...*"¹⁹⁰ For divine right theory, in some sense, was a compromise between proprietary dynasticism proper, and the principle of rulership as an office. Divine right of kings, in short, was the heredity of royal office - a further proof that the three aforementioned aspects of rulership intermingled with each other.¹⁹¹ There was, thus an ambivalence in the divine right of kings. Although it contained the idea of office, at the same time it elevated the person of the ruler high above every mortal. The king was "God on earth," not merely "one point of divine order" but he was "portrayed as the lone point of divine order within an otherwise chaotic and contingent temporal world."¹⁹² For inherent in divine right of kings was the emphasis on the special ability of the ruler to interpret the needs of his people, an ability he possessed as God's anointed.¹⁹³ And the "mystery of monarchy" inherent in divine right kingship, "inhibited too close an analysis of the fountain head of royal government;" with the weakening of the idea of divine right, however, "a more dispassionate scrutiny of the nature of royal authority" (or rather, scrutiny of the nature of the royal office) "became possible,"¹⁹⁴ which in turn contributed to the weakening of proprietary attitudes.¹⁹⁵ Thus, it took a long time before the modern concept of state finally triumphed over these two strongly entrenched notions: personal aspects of rulership remained strong because of the proprietary dimension and the belief in divine right. M. van Creveld claims that it was in the period between 1648 and 1789 that the "person of the ruler and his «state» were separated from each other until the

good, but because of the divine commitment he is accountable to God alone, the giver of his power, and not to the people; 8, as a consequence, the king cannot be deposed by anyone (Church, people, institutions), active resistance against him is a sin, and it is against God's command; 9, the king's command should be followed unless it is against divine law: in this case the example of Christian martyrs is to be followed; 10, the king's power is sacred; 11, the king is like God on earth. For a characteristic and short exposition of these principles, see the *True Law...* especially 72. J. N. FIGGIS, *The Divine Right of Kings* (Cambridge: 1914), 9-10.

¹⁸⁹ For the distinction between the divine right of kings and absolutism see G. BURGESS, *Absolute Monarchy and the Stuart Constitution* (London: 1992), 96-97. For the question whether 16th-17th-century Muscovite ideology was absolutist or not, see my article. SASHALMI 1998, 169-170.

¹⁹⁰ *True Law...*, 64. For the strength of the concept of office see also James's *Basiliikon Doron*: the second part of the work (called "book" by the author) has the following title: "Of a Kings Dvetic in His Office. The Second Booke" 19.

¹⁹¹ See the term *administration* in the passage quoted from King James, and the commentary written on it earlier on the basis of Rowen.

¹⁹² D. ENGSTER, *Divine Sovereignty. The Origins of the Modern State Power* (De Kalb: 2001), 9.

¹⁹³ *Ibid.*, 9, 121, 122.

¹⁹⁴ SHENNAN, 29-30.

¹⁹⁵ Compare it with BURNS' statements in fn. 72.

first became almost entirely unimportant in comparison with the second.”¹⁹⁶ The early modern concept of political crime, described on the basis of Ingraham, clearly confirms van Creveld’s view. These considerations also warn us not to exaggerate “Russian backwardness” but it would be an even greater mistake to forget about the enormous differences between Western Christendom and Russia. And if similarities and differences should be placed on a balance, I would definitely emphasize the importance of differences and throw my lot with the “hard” interpretation of Muscovy.

Finally, I will make a cursory comparison between the divine right of kings and the divine right of tsars. Despite of other claims, the view that the notion of divine right is appropriate in the analysis of Muscovite and Imperial Russia alike, can hardly be discarded: P. Dukes identifies the ideology of Romanovs as “basically divine right, but with a growing secular component – the «general good», and so on.”¹⁹⁷ A. Lentin similarly states: “The tsar of Muscovy had always been conceived of in divine right terms...and Peter adhered unhesitatingly to a tradition which sanctified his prerogatives.”¹⁹⁸ At the same time, “because in Russia and elsewhere, succession by primogeniture was understood as an integral part of divine-right monarchy, it was essential for Peter to demonstrate that the two were separable.”¹⁹⁹ This was the very reason for Peter to commission Feofan Prokopovich to compose the tract called *The Law of the Monarch’s Will in Designating an Heir to his Realm*.

The theme of divine right therefore deserves to be studied in a comparative manner. In accordance with the time span of the study, I concentrate on Muscovite divine right, while occasionally referring to Petrine divine right as it was expounded in the tract mentioned, *The Law of the Monarch’s Will*. In such a comparison it should be stated first, that Muscovite version of divine right, namely the divine right of tsars, was very different from the western one, the divine right of kings. Despite of that fact that the main source of divine right both in the West and Russia was the Bible, and its “*locus classicus*” was Paul’s Epistle (Paul: 13.) to the Romans.²⁰⁰ Therefore, to highlight the differences one must concentrate not only on the *origin* of power, but also on its *purpose*. This distinction (between “the *origin* of governmental power” and “the *purpose* of such power”) was developed and applied by J. Canning for the study of medieval Western political thought,²⁰¹ and his method is equally useful in a comparative approach. One more aspect, however must be added, and this is the way the ruler’s power operated. Before moving to the analysis of the issue with the help of these three aspects, some other preliminary remarks are necessary:

¹⁹⁶ VAN CREVELD, 127.

¹⁹⁷ P. DUKES, *The Making of Russian Absolutism 1613-1801* (2nd ed., London: 1990), 206.

¹⁹⁸ LENTIN, 32.

¹⁹⁹ *Ibid.*, 33.

²⁰⁰ *Ibid.*, 32.

²⁰¹ CANNING, 19.

1, Muscovite divine right, one the one hand was very simple. The ruler's authority "could be justified without the help of elaborate literary constructs, simply by referring to God, antiquity and local tradition."²⁰² The simplicity of Muscovite divine right, and the fusion of it with plain proprietorism is reflected here: "We are sovereigns (*gosudar'*) in our state (*na svoem gosudartve*) by divine will, and posses (*vladeem*) through our ancestors that which was given to us by God"²⁰³

2, Another difference was that despite of the firm roots of this doctrine in theology, divine right in the West also used *legal-political vocabulary* of which the *sovereign - subject* antithesis was crucial for the matter of obedience. The use of this vocabulary is not surprising given strength of what Kantorowicz called the "spiritual-secular hybridism," that is the "cross-relations" between the two spheres, the spiritual and the secular.²⁰⁴ In Muscovy the corresponding antithesis was expressed in religious terms: in the title of the tsar (the very term to express God-given authority) or *gosudar'*,²⁰⁵ and the term, orthodox Christian (*pravoslannyi khristianin*).

3, Closely connected to this problem is the matrix in which Western and Muscovite divine right was formed.²⁰⁶ Western kings had to defend themselves for centuries from the pretensions of the papacy and the empire, the two institutions with universal claims, and also from theories allowing the right of active resistance for the people. The early modern version of the divine right of kings had a strong anti-papal edge defending kings from the deposing power of the papacy which strongly vindicated this right in the era of intense religious conflicts. At the same time it could discard active resistance against the king coming from below.

Among the principles listed as characteristics of the divine right of kings points 1-5. are concerned with the *origin of power*. The most important differences in this respect are as follows:

1, To begin with, there was no discussion of the merits and shortcomings of the different forms of government and the virtues of limited or absolute monarchy. Autocracy was generally accepted: "Recalling that Russian autocracy had no real political theorist on the order of Bodin, James I, or Hobbes, one might even go further and suggest that the ideological hegemony of tsarism was so

²⁰² I. SEVČENKO, "Byzantium and the Eastern Slavs after 1453," *Harvard Ukrainian Studies* (1978), (5-25) 10. Milyukov had noted the same, mentioning references to God and the ancestors. P. MILYUKOV, *Russia and its Crisis* (New York: 1962), 400.

²⁰³ Quoted by L. N. PUSHKAREV, "Bogoizbrannost' monarkha v mentalitete russkikh pridvornnykh deyatel'ev rubezha novogo vremeni," in *Tsar i Tsarstvo v russkom obschestvennom soznanii* (Moscow: 1999), (59-69) 68.

²⁰⁴ E. H. KANTOROWICZ, "Mysteries of State. An Absolutist Concept and its Late Medieval Origins," in IDEM: *Selected Studies* (New York: 1965), (381-398) 381.

²⁰⁵ It is important to note here, that to translate *gosudar'* as sovereign is not a plausible choice, for it immediately conveys Western analogies. Following the conventions however, I translated it as sovereign. Furthermore, *gosudar'* has a religious implication because of the frequent use of *Bog da gosudar'*. See also fn. 70.

²⁰⁶ D. ROWLAND, "Did Muscovite Literary Ideology Place Limits on the Power of the Tsar (1540s-1660s)?" *Russian Review* 1990, (125-150) 129-130.

profound that even its basic precepts did not require explication.²⁰⁷ Therefore Muscovite ideology of power was *monolithic*, which clearly was not the case in the West where always rival theories of power existed and consequently Western political thought can be termed *pluralistic*. Divine right of kings was just one stream of thought, but indeed the most influential in the 17th century.

2, Succession in case of the divine right of the tsars was also based on descent. Therefore, to emphasize the relation of the Romanovs to the last members of the Rurik dynasty (Ivan IV and Fedor) – no matter how tenuous or distant in fact this relation was – and through them to distant forefathers, including even the fictive descent from Augustus was essential in 1613.²⁰⁸ Descent however, affected succession not in the same way as in Western hereditary monarchies. While in the West divine right favoured only one person, identified by the degree of descent, that is by primogeniture, in Muscovy it was rather the dynasty in general, which was in focus and not one person with indefeasible right to the throne. Thus, the hereditary principle was conceived in quite broad a manner, as in early medieval western monarchies before the development of the sharp distinction between elective and hereditary monarchies in the 12th- 13th centuries. Thus, in Muscovy (and in the early medieval West) hereditary principle was not narrowed down to *the degree* of descent, but it was *descent in general*, that is the sheer fact of having royal blood in one's veins, in other words, it was royal birth which mattered. But there was one peculiar feature in the Russian perception of the principle of heredity. Hereditary principle was considered to be “not simply superior to the elective principle, but as far superior to it as heaven is to the earth.”²⁰⁹ For an elected monarch is “installed by the will of God only indirectly, insofar as God has *allowed* it without positively *willing* it, the determination of who will be born as the heir to the throne is completely beyond the power of man, and so entirely within the power of God. The hereditary principle therefore ensures that the tsar will indeed be elected – but by God, not by man.”²¹⁰ This was the perception of Mikhail's “election” in 1613. In the West the order of succession could be enacted, as in the so-called *Salic Law* in France, which produced statements that the French throne was not hereditary, because it was the law, which identified the ruler and the line of succession. It is well-known that there was no statute law regulating succession in Muscovy. “Observance of primogeniture was a matter of custom rather than a constitution.”²¹¹ The succession of the eldest surviving son between 1502-1598 and from 1613 until 1682, was rather a convention than a custom to have the force of law. In the seventeenth century this

²⁰⁷ POE, 215, 224. For this issue see my article SASHALMI (1998).

²⁰⁸ Ch. L. DUNNING, *Russia's First Civil War: The Time of Troubles and the Founding of the Romanov Dynasty*. (2001), 443, 445. I. THYRET, *Between God and Tsar: Religious Symbolism and the Royal Women of Muscovite Russia* (DeKalb: 2001), 58-60. C. H. WHITTAKER, *Russian Monarchy. Eighteenth-Century Rulers and Writers in Political Dialogue*. (De Kalb: 2003), 27.

²⁰⁹ V. Moss, *Christian Power in the Age of Reason*, 304, www.romanitas/ru/eng/THEAGEOFREASON/htm.

²¹⁰ *Ibid.*, 304.

²¹¹ HUGHES, 8.

custom was neglected in 1682 when Peter was proclaimed “tsar” instead of his elder (though incompetent) half-brother (Ivan V), and the eventual proclamation of two tsars (Ivan V became the “first tsar” and Peter became the “second tsar”) was again not the principle of primogeniture at work, for primogeniture strictly applied excluded the possibility of two *tsars* even if numbered according to their birth.

Forty years later Peter could refer to the inheritance from father to the eldest son simply as “a bad custom,”²¹² when he abolished it in an edict (1722) expressing his disappointment with this tradition: he did not understand, as he wrote, why “this bad custom was so deeply rooted” in Russia.²¹³ Neither in 1682, nor in 1722 was there any public law institution which could have annulled the decisions. Russia was not France where the Sun King’s will (1714) in which Louis legitimized his bastards and thereby empowered them with the right to inherit the throne, (“after the Orleans and the Condés”) was declared null and void by the *parlement* shortly after the king’s death (1715).²¹⁴ As Dixon noted in connection with Peter’s edict: “the succession edict showed that the tsar still regarded the state as his own property, to dispose of as he thought fit just as he had disposed of Aleksei” in 1718.²¹⁵ Though Peter did not see himself as acting arbitrarily, but in effect acting as “the first servant of the state” for the “general good” of “the state” in both cases (in 1718 and in 1722).

3, God’s role in investing the ruler with power is more direct in the case of the tsars.

Here is the link to the other two aspects, the operation and the purpose of power (see points 6, 7 in the definition of Western divine right) which are treated together.

In the divine right of kings the ruler’s ability to interpret the needs of the realm is not necessarily identified with the idea of the king being constantly inspired by God and therefore reflecting His will, though these beliefs were present occasionally.²¹⁶ This belief however, was the standard commitment in the divine right of the tsars. What is more, and what should be emphasized in a comparative context, is the nature of the concept known as the “mystery of monarchy.” For this concept belonged, in the last resort, to the realm of law: it had its roots in legal

²¹² LENTIN, 128.

²¹³ *Ibid.*, 129.

²¹⁴ ROWEN, 90-91.

²¹⁵ DIXON, 13-14.

²¹⁶ At the end of the 16th century some ardent supporters of Henry IV came up with ideas, which were considered extreme. P. Constant (1598) claimed that human laws “found their inviolability in that divinity, with which they had been inspired by the king, their maker,” while David du Rivault (1596) “identified royal enactments with divine law itself, both in original source, and immediate effect.” W. F. CHURCH, *Constitutional Thought in Sixteenth-Century France* (Cambridge, 1941), 311. These authors, however, were by no means representatives of the mainstream of political thought. *Ibid.*, 312. Similarly, for Joseph of Volokalamsk human positive law made by the ruler did not differ too much from divine law.

science.²¹⁷ This concept was referred to variably by King James I as the “deepest mysteries of monarchy,” or the “deepest mysteries that belong to the persons or state of Kings and Princes who are Gods on earth,” and also as “my Prerogative or mystery of State,” “our government or the mysteries of State”, and finally the “mystery of the King’s power.”²¹⁸ If the legal implications are not clear enough, Kantorowicz’s statement makes them obvious: “There seems... little doubt it was from the stratum of the «Mysteries of Justice» – «Justice» standing in that period for «Government» or «State» – that James I’s concept of Mysteries of State arose.”²¹⁹

Having examined all these aspects, it is not so much striking to say that divine right in Muscovy was more profound than the authority of any western ruler, despite of the fact that the tsars did not claim to possess the miraculous ability to heal the scrofula, as the French and English kings did. Muscovite/Imperial divine right did not simply mean that the tsars based their rule on divine authority: it was “more than the «divine right of kings»,” for the tsar was “more than a ruler ordained by God” – he was God on earth for his people.²²⁰ Mironov writes: “the tsar was God’s direct lieutenant on earth” in contrast with Western kings “who were merely considered God’s anointed.”²²¹ The problem is with the term *lieutenant*. For lieutenantancy contains the idea of office, which is confirmed by the existence of a coronation oath. King James expounding the office of kings, drove the point home when remarked on the relations between the king and his peoples. The king was “ordained for them and they not for him; and therefore countable to that Great God, who placed him as his *lieutenant* over them... to procure the weale of both soules and bodies... And this oath in the Coronation is the clearest, ciuill and fundamentall Law, whereby the Kings office is properly defined.”²²²

As there was no office theory in Muscovy, Muscovite divine right, unlike Western one, did not contain the articulated idea of office. Rather, we can speak simply about the tsar’s *duties* instead – duties to be performed as God’s living image on earth and being constantly inspired by Him, rather than being God’s representative. And these duties were predominantly religious (maintenance and protection of Orthodoxy etc.) than secular. The idea that the tsar was God’s elect, and placed on the throne directly by Him, entailed that notion that through the person of the tsar (in the image of the tsar) God Himself, and not so much his representative/minister governed the realm, and the tsar’s will was the will of God.

²¹⁷ KANTOROWICZ 1965, 381, 382.

²¹⁸ *Ibid.*, 383

²¹⁹ *Ibid.*, 385

²²⁰ O. FIGES – B. KOLONITSKII, *Interpreting the Russian Revolution. The Language of symbols of 1917* (New Haven-London: 1999), 5.

²²¹ B. A. MIRONOV, *Sotsial’naya istoriya Rossii perioda imperii (XVIII- nachalo XX v)* (St. Petersburg: 1999), vol. II. 116. According to Collins the coronation ceremony of Louis XIV “offers an the ideal symbol of the nature of royal power.” “The king’s power emanates from God, although more in the sense of the king as God’s *anointed* rather than God’s *appointed* representative.” COLLINS, 80.

²²² *Trav Law*... 65.

While in western divine right God was remote, merely the final source of legitimacy, "the last word," or functionally a "rhetorical device," in the divine right of the tsars God was the *conditio sine qua non* of the doctrine.²²³ Muscovite ideology was "God-dependent" based on the assumption of "God's constant and direct intervention in the world."²²⁴ "Once we remove God and His relationship with tsar and subject, we are left without any coherent set of ideas at all."²²⁵ For without God Muscovite ideology "makes no sense."²²⁶ Here is the crucial conceptual difference between Western and Muscovite references to the ruler's God-like image.

The notion of office and the priority of worldly duties were, of course, assimilated into Russian divine right ("the growing secular component") but only in Petrine times and what is more significant, imperfectly. New official ideology, which I termed "divine right of the Russian Emperor" attributed great significance to these things, but no coronation oath was introduced! The notion of office in the divine right of kings set a limit to the king's power, royal office existed to serve the common good. In Petrine divine right the idea of office, the idea of being the first servant of the state, had the opposite purpose: to broaden the Emperor's power in the name of the common good (of the state). Therefore, along with the novel notion of common good, the traditional Biblical passages crucial to Muscovite and Petrine divine right alike, were now quoted in *Law of the Monarch's Will* "to expand the scope of the tsar's God-given authority, not to limit it within the confines of Muscovite tradition."²²⁷ This entailed a free decision on the issue of succession depending solely on the will of the ruler. Thus, Petrine divine right in contrast with Muscovite and Western divine right was designed to justify change and not to maintain tradition.

To draw the conclusion: It can be stated, that frequent references to *gosudarstvo*, (which are rare in the most important treatise of the new Petrine ideology!) references in which *gosudarstvo* is distinct from and higher than the tsar and his will, were merely lip-service in the documents of Petrine ideology. Under these circumstances *gosudarstvo* remained, as S. Dixon subsumed, not a "political agent on its own right, to which all subjects owed allegiance and which the tsar had himself a duty to maintain, but rather as an object, itself under the control of the tsar – it was «his» state he used as he pleased, the state which he upheld in order to maintain his own

²²³ D. ROWLAND 1990, 129-130, 152. For France see D. PARKER, *The Making of French Absolutism* (London: 1983). Parker claims that deification of the king served to make the illusion that the king was strong, for it was considered necessary by some people for the stability of government. 150.

²²⁴ ROWLAND 1979, 264-265.

²²⁵ *Ibid.*, 278-279.

²²⁶ *Ibid.*, 279.

²²⁷ LENTIN, 40. But in this tract the "defence of hereditary monarchy against elective monarchy" was also a central point of the argument, unlike in Muscovite sources where "the moral personality of tsar was the central issue". BUSHKOVITICH, 441.

position.”²²⁸ The location of the ruler’s authority not in the power of the state but in divine will and the work (the direct intervention) of the Holy Spirit, also remained in force. In other words, the ruler’s authority was based on the old idea of God acting through the people.²²⁹ “The voice of the people is the voice of God” – this was the very justification in Mikhail’s Confirmation Charter to discard all doubts concerning the legitimacy of his “election”. But while in 1613 he was God’s elect, in the sense that he had been “pre-selected by God” through birth, already in her “mother’s womb,” and the people in the assembly of 1613 merely were the medium for the expression of God’s will,²³⁰ in 1722 *The Law of the Monarch’s Will* claimed that the first ruler of the Russians (as any other first ruler of a given people) was elected by the people as a result of a contract completed under God’s direct supervision. The idea of God acting through the people was given a more elaborate, westernised form in the treatise:²³¹ it became interwoven with principles of natural law, common good, and original contract between the ruler and the people, i.e. with principles which the old idea lacked.²³²



²²⁸ DIXON, 190-191.

²²⁹ For this, and the continuity of Muscovite notions in the *Law of the Monarch’s Will* see D. OSTROWSKY, *Muscovy and the Mongols. Cross Cultural Influences on the Steppe Frontier, 1304-1589* (Cambridge: 1998), 216-217.

²³⁰ BELOKUROV, 56.

²³¹ See MIRONOV, vol. II. 127 and also my article: E. SASHALMI “Contract Theory and the Westernization of Russian Ideology of Power under Peter the Great”, in: *Specimina Nova Pars Prima Sectio Mediaevalis II*. Ed. M. FONT, (Pécs: 2003) (89-100), 99.

²³² See SASHALMI 2003, 99-100.

BOOK REVIEW

Nora BEREND

At the Gate of Christendom. Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000-1300.

Cambridge University Press, 2001.

The book of Nora Berend introduces medieval Hungary from a special point of view. With the exception of historians British and American readers are normally not aware of the fact that throughout her history Hungary has always been a „receptive country”, regularly giving home to settlers from whichever direction they have come. The term „receptive country” was coined by Erik Fügedi, who researched into the history of the German and Italian-Wallonian (known as latins in the Middle Ages in Hungary) settlers. E. Fügedi certainly had an easier task than N. Berend as he had respectable amount of sources to work with. The special position of medieval Hungary was due to the fact that prior to St. Stephen's state organization the Carpathian Basin as a geographical unit had never been subjected to any political centre. Both in the eyes of the Eastern Frankish Empire and Byzantium it was a „borderland” with sparse population. The Hungarians coming to the Carpathian Basin cannot have been very numerous either, although estimates vary: Gy. Györffy sets the number of people living in the Carpathian Basin after the Hungarian Conquest at 600.000 whereas Gy. Kristó only at 250.000.

Medieval Hungary was characterized by ethnic diversity, it was a meeting point of many cultures. Of all these N. Berend relates very little. The structure of her book implies as if in the period between 1000–1300 the animosity between Christians and pagans had been a constant phenomenon. This strange perspective is due to the lack of a comprehensive introductory chapter which could set the proper limits of the problem discussed. Some parts of the separate chapters (e.g. Medieval Hungary: pp. 17-23.; Christians and non-Christians: pp. 42-60.) provide information on medieval Hungary, though only sporadically and they do not describe the entire society. The readers do not receive an answer why Hungary was ready to settle down anybody, Christians and non-Christians alike. One does not gather the necessary information either that down to the appearance of Cumans Christian and non-Christian communities lived peacefully together. It is likely that the often quoted passage of the Admonitions of St. Stephen according to which “a country with one language and custom is weak and frail” has to be taken serious as a political programme. This evaded the author's attention although this can be the clue to understanding the survival of the medieval Hungarian Kingdom as well as the stability of royal power. It is a pity that these ideas only emerge on some pages (pp. 268-272.) in the Conclusion.

I was eager to find an explanation to the title of the book: At the Gate of Christendom. Before reading the book it evoked the suspicion that is identical with the notion of the „bulwark of Christendom” appearing after 1526. This notion is not unique as it emerged in other central European countries, too at the times of the wars against the Turks. In eastern Europe it was used to refer to the wars with the Mongols. This notion would have been displaced if adapted to Middle Ages. Fortunately, this is not the case in N. Berend's book. The term „Frontier of the Christendom” only means borderland and a certain interpretation of this in the book. N. Berend discusses the interpretations of the borders in European medieval scholarship in the Introduction (pp. 1-5.) as well

as the first part of Chapter One (Medievalists on the Frontiers, pp. 6-7). In some cases I disagree with the adaptation of the notion to medieval Hungary.

In my view Hungary cannot be called a „borderland” between 1000-1300. The author’s opinion is unclear what she means by „borderland” in medieval Hungary. It cannot have been the frontier of Christendom as Hungary was surrounded by Christian countries from almost all directions: in the west the Holy Roman Empire, in the south Byzantium and from the early 13th century on by the Bulgarian and Serbian Christian kingdoms. Pagans only lived in the area behind the southern and south-eastern parts of the range of the Carpathians. These were the Petchenegs and later, the Cumanians. From the early 13th century on this territory was the focus of missions from Hungary. First it was the German Knights then the Dominicans who dispatched missionaries to the region. I do not really see why Hungary was a borderland.

This lack of defining the borderland is a handicap of the entire book. After all, the frontiers of the country, the borders of administrative districts, the counties as well of estates could be meant by it alike. Duties for example were often paid at borderpoints of estates. These interpretations are not distinguished (pp. 24-28.) and therefore the author cannot define the term „gyepü”. The „gyepü” was a zone controlled by the King’s people which stretched inside the frontiers of the country. This zone was meant to control movements along the frontiers. This is why it had to do with the exercise of control over trade as the author notes (p. 27.). The extension of the „gyepü” and its endpoint were uncertain and changing as the medieval frontiers in general. The „marchia” is known as counties along the border but it induced long and unsettled debates among Hungarian historians.

The military defence of the borders is truly connected with alien ethnic groups. Thus N. Berend is right in underlining the significans of Moslems and Cumanians. Nevertheless, the some could be said of some western settlers. Let us just think of the short presence of the German Knights in the Barcaság (Burzenland) region as well as the duty of Transylvanian Saxons to send soldiers.

One could hardly agree with the author regarding the use of the term „frontier society” in the case of Hungary. Hungary was a Christian country following the year 1000. The borders of dioceses were formed, too. The received peoples must have been aware of the Christianity of Hungary. We have no evidence of the interaction of Christian and non-Christian groups. In my view the Christian elements prevailed. The sources reveal that Hungary was fairly tolerant for contemporary circumstances towards non-Christian elements yet it wanted to turn them into Christians. Let me add: it took one century to Christianize Hungarian society, too. Religions intolerance appeared towards Cumanians in the late 13th century. This, however, was a consequence of general papal-ecclesiastical efforts which set through all over Europe. In my estimation the author is completely right to treat this context in a separate chapter (Conflicts between the Pappacy and the Kings, pp. 149-189.).

In the 11-12th cc. The non-Christian groupss formed separate communities, just like other newcomers. The settlements of a bigger privileged non-Christian group (the Cumans) followed only the invasion of Mongols. Had the author been faithful to her remark made on page 73. („Non-Christians in Hungary constituted a minority in relation to the Christian population”), she would have had to abandon the term „frontier society”.

There is little or displaced mention of the fact that prior to the arrival of Mongols the Hungarian Kingdom had been successful in averting the attacks of Nomadic peoples along the eastern frontiers. On page 56. for instance the discussion of the Mongols follows right after the pagan revolts of 1046 and 1061.

The division of the topic into chapters as it is done by the author repetitions unavoidable. It is true, these repetitions are partly due to the recurrent emergence of the rare sources. The author should have made clear, too that in western Europe in the 10th – 13th cc. sources were much more abundant. In Hungary, however, we have to rely on relations as the production of documents only gained impetus in the 13th century. In the case of Cumanian laws the author is right in questioning the second one, after all, the original is missing and even the interpolated copy dates to the 18th century (see *Regesta Arpadiana*. Ed. SZENTPÉTERY, E. Budapest 1923-1930. II. p. 247. No. 3000.). It is a pity that the criticism of the author towards historical literature is less accurate, e.g. she uses the term Illustrated Chronicle in her reference to the SRH, although the work quoted makes use of the

formulation „a 14th-century chronicle composition” (p. 33. note 101.). The two are not only in name but also in content different. The SRH also contains the various readings available in the codices of the codex-family (see: Chonici Hungarici compositio saeculi XIV, in: *Scriptores Rerum Hungaricarum*. Ed. SZENIPÉTERY, E. Budapestini 1937-38. I. 239-505.).

Even if I do not always agree with the author's way of dividing the topic into chapters, I find the short and compact summary of the Conclusion an excellent solution. One can really fully agree with the N. Berend maintains here. Some of the Hungarian historians have already given voice to similar ideas (e.g. DEÉR, József: *Pogány magyarság – keresztény magyarság*. Budapest:1938.; KRISTÓ, Gyula: “Vallási türelem az Árpád-kori Magyarországon”, in: *A magyar művelődés és a kereszténység*. Ed. JANKOVICS, J., MONOK, I., NYERGES, J. II. Budapest – Szeged:1998. 485-496.) N. Berend defends her position even when she has to debate with a world-wide authority on medieval history (Bartlett, R.: *The Making of Europe*. see on p. 271.). Following the strict logic of this brief Conclusion may have resulted in a shorter book with fewer repetitions. I deem the author's aim to make readers familiar with as many Hungarian works as possible and not limiting her quotations to English, German or French works very important. After all, she would hardly have found a throughgoing book on the topic in a foreign language. Thus N. Berend gives a reliable coverage of Hungarian literature. Hopefully, some titles and authors will thereby make their way to the English-speaking public. This, however, is no substitute for the small amount of works on Hungarian history available in English. It is true, the comprehensive work of Engel, Pál on the Hungarian Middle Ages has recently been published (ENGEL, Pál: *The Realm of St. Stephen: A History of Hungary 895-1526*. London:2001.) Some years ago Kristó, Gyula's book on the 9th-century Hungarian history (KRISTÓ, Gyula: *Hungarian History in the Ninth Century*. Szeged:1996.) or an interpretation of the Chronicle by Kézai written by Szűcs, Jenő (SZÜCS, Jenő: “Theoretical Elements in Master Simon of Kéza's Gesta Hungarorum (1282-1285)”, in: *Simon of Kéza: The Deeds of the Hungarians*. CEU Budapest:1999.) appeared. Nora Berend's book was written on medieval Hungary, too, delineating the country's special position by means of focusing on an important question. The fact that it has been published in English is a pioneering act itself. It is a pity she has not illustrated her work with more maps as it would not have been difficult to find adaptable material.

It is to be underlined that Nora Berend has written an important contribution to the literature of medieval history. Hers is a book which all students dealing with the history of Central Europe should be familiar with. I recommend it as a textbook to all my colleagues interested in the period.

Márta Font

* * *

Gyula KRISTÓ

**A korai Erdély (895-1324)
(Siebenbürgen in der Frühzeit (895-1324))**

Szegedi Középkorász Műhely (Szegedi Középkortörténeti Könyvtár 18.)

Szeged, 2002

326 Seiten, 10 Karten

(ISBN 963 482 558 3)

Im hier besprochenen Werk stellte Herr Professor Gyula Kristó die frühe Epoche der Geschichte Siebenbürgens ab der ungarischen Landnahme bis zum ersten Viertel des 14. Jahrhunderts dar. Kristó hatte sich bereits in zahlreichen Studien und Monographien mit dem mittelalterlichen Siebenbürgen befasst, diese komplexe, interdisziplinäre Zusammenfassung entstand jedoch erst im Jahre 2002.

Das 326 Seiten starke Buch besteht aus fünf Kapiteln. Im Teil „Vorbemerkungen“ (5-53) legt der Verfasser seine Methoden und die verwendeten Quellen dar und versäumt es nicht, auf die Wichtigkeit der Objektivität der Forscher, die sich mit diesem Thema auseinandersetzen, hinzuweisen. An die Geschichte Siebenbürgens, meinte Kristó, dürfe man nicht unter aktualpolitischem Aspekt herangehen. Er lehnte nicht nur die „dakoromanische“ Kontinuitätstheorie ab, sondern wies auch auf die Fehler der ungarischen Historiker hin (9). Dem Werk liegen interdisziplinäre Methoden zugrunde, indem der Verfasser neben den schriftlichen Geschichtsquellen (Urkunden wie narrative Quellen) auch die Ergebnisse der Archäologie und der Linguistik verwendete. Der ungarische Name des Areals (Erdély) stammt aus einer früheren Epoche als das lateinische Transsylvanien. Im Jahr 1444 kam die rumänische Bezeichnung *Ardeal* das erste Mal vor. Das deutsche Siebenbürgen ist aus dem Namen *Cibinburg* (Szebenvár) abzuleiten. (25.) Der Begriff Siebenbürgen breitete sich erst allmählich auf dem gesamten Gebiet nur aus, und die westliche Kirchenorganisation spielte in diesem Prozess während des 11. Jahrhunderts eine entscheidende Rolle. Der Siebenbürgenbegriff schließt die sieben Komitate, den Sachsen- und den Szeklerboden, sowie die Komitate Kőzép-Szolnok und Kraszna in das so genannte Partium ein (27-28). Der Schilderung der geographischen Verhältnisse (28-38) folgt die politische und ethnische Darstellung des Gebiets (38-53). Vor der ungarischen Landnahme am Ende des 9. Jahrhunderts lebten größtenteils slawischsprachige Völker auf dem Gebiet. Siebenbürgen war auch von wenigen Awaren sowie von Bulgaren, die die Herrschaft in der Hand hielten, bewohnt, es ist dagegen ganz und gar auszuschließen, dass in Transsylvanien am Ende des 9. Jahrhunderts Rumänen gelebt hätten (53).

Im zweiten Abschnitt wird die Geschichte des 10. Jahrhunderts behandelt. Nach der Landnahme siedelten sich keine Ungarn in Siebenbürgen an. Die Landnehmer organisierten ein Doppelverteidigungssystem mit ständiger Wachmannschaft an der West- und Ostseite des Siebenbürgischen Mittelgebirges. Erst in den 50er und 60er Jahren des 10. Jahrhunderts kam eine zahlenmäßig stärkere ungarische Population im nördlichen Teil Siebenbürgens an (57-79). Siebenbürgen wurde von dem ersten Ungarnkönig Stephan dem Heiligen (997/1000-1038) dem Königreich Ungarn angeschlossen, nachdem er um 1003 seinen Onkel Gyula in Nord- und anschließend einen gewissen Keán in Südtranssylvanien besiegt hatte (80-99).

Das nächste Kapitel wird die Geschichte des 11-12. Jahrhunderts untersucht (100-156). Zur Vorgeschichte des Ausbaus der westlichen Kirchenorganisation gehört die Tatsache, dass vorher ein orthodoxes Missionsbistum in diesem Gebiet funktioniert hatte. Aus dem 11. Jahrhundert sind Namen byzantinischer Bischöfe bekannt. Es deutet auf das Missionsbistum an, dass die von Stephan dem Heiligen um 1003 gegründete Diözese nicht nach dem Bischofsitz sondern nach Siebenbürgens Gebiet benannt wurde. Ebenfalls eine Einwirkung der Ostkirche sich im Patrozinium der Diözese (Heiliger Michael) wider. Kristó meint, dass sich der Bischofsitz anfangs in Dobokavár befand und erst später, unter der Regierung von Ladislaus dem Heiligen (1077-1095), nach Gyulafehérvár (Karlsburg/Alba Iulia) verlegt wurde (106). Das Domkapitel von Siebenbürgen wurde im ausgehenden 11. Jahrhundert organisiert; sein Grundbesitz war - im Gegenteil der bischöflichen Domäne - in Südtranssylvanien konzentriert (113). Die Institutionen der Landesverwaltung (die Komitate und die Burgespanschaften) bildeten sich parallel mit der kirchlichen Organisation heraus. Nach dem Sieg über Gyula hatte Stephan im Norden das Komitat Doboka organisiert, aus dem während des 11-12. Jahrhunderts die Komitate Kolozs, Kraszna und Torda entstanden. Ähnlich geschah es auch in Südtranssylvanien. Aus dem Komitat Fehér bildeten sich die Komitate Küküllő (12. Jh.) und Hunyad (13. Jh.) heraus (126-128). Dem Territorium stand der Woiwode vor, der Posten ist im Jahr 1199 erstmals belegt (131). Wegen des Angriffs aus dem Osten strukturierte man das Grenzverteidigungssystem um, wobei den Grenzbürgen eine besondere Rolle zukam (142).

Neben der slawischen und ungarischen Bevölkerung tauchten in Siebenbürgen „neue Ansiedler“ auf: Sachsen, Szekler und Rumänen. Diesen Prozess kann der Leser im nächsten Kapitel kennen lernen (157-202). Während des 11. bzw. zu Beginn des 12. Jahrhunderts kamen neue Ansiedler aus den verschiedenen westeuropäischen Ländern nach Siebenbürgen, aber von bedeutenden Ansiedlungen kann erst ab der Regierung Géza II. (1141-1162) sprechen. Im Jahr 1206 kommt die allgemein gebräuchliche Bezeichnung Sachsen (*saxo*) zum ersten Mal vor. In der 30er

Jahren des 13. Jahrhunderts wird dieser Begriff zum Sammelnamen für die aus Westeuropa stammenden Bevölkerungsteile (S. 162). Die Sachsen haben sich in zwei Räumen angesiedelt: um Nagyszében (Hermannstadt/Cibiu) und in der Gegend der Stadt Radna. Im Jahr 1224 wurden die Privilegien der im Süden wohnenden Sachsen von König Andreas II. (1205-1235) beurkundet (*Andreamum*). Die Szekler waren ursprünglich Grenzverteidiger an der westlichen Landesgrenze (*Ország*). Sie siedelten sich um die Wende des 12./13. Jahrhunderts nach Siebenbürgen um. Ähnlich den Sachsen lebten die Szekler in einem geschlossenen Block in Südtransylvanien, und der Szeklergespan (*comes Siculorum*) war ihr Vorstand. (187-188). Die Rumänen (in der lateinischsprachigen Quellen: *Vlachii*, *Blachii*) kamen erstmals im Jahr 1166 bei dem byzantinischen Angriff nach Siebenbürgen. Der erste Beleg über die in Siebenbürgen, in erster Linie in Fogaras wohnenden Rumänen stammt aus dem Jahr 1207 (190-202).

Der Titel des letzten Abschnitts ist das „lange“ 13. Jahrhundert. Diese Zeit war für Siebenbürgen eine Periode des Umbruchs. Die weitere Entwicklung der Provinz wurde von den folgenden Ereignissen determiniert: von der Ansiedlung und der Vertreibung des Deutschen Ritterordens (Burzenland: 1211, 1225), dem Mongolensturm (1241) und dem Wiederaufbau. Die wichtigsten Aufgaben des Königs Béla IV. (1235-1270) bestanden in der Neubesiedlung und in der Errichtung von Steinfestungen. Zu einer der wichtigsten Perioden in der Entwicklung Siebenbürgens kam es während der Herrschaft des Herzogs Stephan (1257-1270), der später unter dem Namen Stephan V. Ungarn regierte (1270-1272). Im Jahre 1266 bezeichnete er das Territorium als Königtum (*regnum nostrum Transilvanum*) (203-230). Siebenbürgens Wirtschaft basierte in erster Linie auf Bodenschätzen wie Salz, Gold und Silber (S. 235-240). Kristó behandelt auch das Thema der Stadt- und Gesellschaftsentwicklung und liefert auch eine Beschreibung des Adels (S. 243-300). Zum Schluss folgt eine Darlegung der politischen Entfaltung zwischen 1288 und 1324 (300-321).

Die reich argumentierte und mit zehn Karten illustrierte Monographie kann als gründliche, gut aufgebaute und präzise verfasste Arbeit bewertet werden. Sie ist auch für die internationale Forschung problemlos zugänglich, zumal sowohl eine englische (*The Early Transsylvania 895-1325*. Budapest, Lucidus, 2003.) wie auch eine rumänischsprachige Ausgabe (*Ardealul timpului [895-1324]*. Szeged 2004. [Biblioteca de Istorie Medievala din Szeged 20.] vorliegen.

Tamás Fedeles

* * *

Tamás FEDELES

A pécsi székeskáptalan személyi összetétele a késő középkorban (1354-1526)
La composition du personnel du chapitre de cathédral de Pécs au Bas Moyen Age (1354-1526)

(Tanulmányok Pécs történetéből 17.)
 Pécs Története Alapítvány
 Pécs, 2006 [2005]
 481 p +7 cartes
 (ISSN 1219-4077)

Il n'est point facile à esquisser un tableau panoramique de la société ecclésiastique hongroise du Bas Moyen Age. Ni la période en question (les XIV^e-XVI^e siècles), ni le sujet n'a pas attiré l'intérêt des médiévistes hongrois. Seul quelques essais d'exposition d'une forme de résumé sont connus – dont les primordiales sont l'oeuvre classique d'Elemér Mályusz (*Egyházi társadalom a középkori Magyarországon* [La société ecclésiastique de la Hongrie médiévale], Budapest, 1971) et celle de József Köblös (*Az egyházi középréteg Mátyás és a Jagellók korában* [La classe moyenne de la société

ecclésiastique à l'époque de Mathias et des Jagellons] / Művelődés- és társadalomtörténeti tanulmányok nr. 12/ Budapest, 1994). Cette dernière a beaucoup inspiré l'auteur du livre à analyser.

L'oeuvre de Tamás Fedeles essaie – au moins dans la mesure du possible – de combler cette lacune. Il est vrai que l'activité du lieu authentique du chapitre de cathédrale de Pécs a été analysée par László Koszta (*A pécsi székeskáptalan hitelshelyi tevékenysége (1214-1353)* [*L'activité du lieu authentique du chapitre de cathédrale de Pécs (1214-1353)*] / Tanulmányok Pécs történetéből 4./ Pécs, 1998), cependant la composition du personnel a été peu atteint, et, pour la période ultérieure, aucune analyse systématique n'a été faite. Il est donc beaucoup à attendre pour l'oeuvre présente.

Le livre de Fedeles se constitue de deux unités. Dans la première il analyse, de plusieurs point de vues, la composition du personnel du chapitre, dans la deuxième il présente la biographie brève des 404 chanoines identifiés („Prosopographie”). Lors de ses analyses, l'auteur a suivi grosso modo les méthodes de József Köblös. Il présente les points de vue suivants : la structure du chapitre, la collation des bénéfices, l'introduction au chapitre, les devoirs et la mentalité de chanoines, la carrière ultérieure de chanoines outre le chapitre. Dans le chapitre 2, consacré à la structure du chapitre il a suivi une répartition „traditionnelle”. C'est-à-dire le sommet est réservé aux dignitaires (prévôt, lecteur, cantor, custos, prévôt du chapitre collégial de la cité), puis s'énumèrent les officiers du chapitre (doyen, archidiacones), ensuite les remplaçants et les autres officiers. À la fin de la queue se rangent les simples chanoines. Malgré cette structure unique pour le monde catholique, la présentation pose quelques problèmes. Les données de l'origine, de l'avancement – disons la carrière – sont prise bien avant le chapitre consacré aux problèmes de l'origine. Le chapitre suivant (3. La collation des bénéfices) est très bien écrit. Il nous permet d'avoir l'image générale sur la collation des bénéfices, faite soit par le pape, par le roi, ou bien par l'évêque de Pécs. Ici l'auteur a bien réussi à équilibrer les connotations controversées, c'est-à-dire les débats concernant le droit de patronage des rois hongrois renforcé et bien articulé au début du XIV^e siècle. Il s'agit là de la bulle connue sous le nom „bulle de Konstanz” (1417). Cependant le chapitre suivant (4. Introduction au chapitre) pose de sévères problèmes. Une partie des questions soulevées (p. ex. celle de l'origine) a été bornée dans le chapitre 2. En plus – d'après l'auteur-même l'origine n'a point déterminé l'entrée (possible) au chapitre de la personne en question. Le deuxième problème consiste dans le fait que les catégories de l'origine (aristocrates, noblesse (moyenne et petite), etc.) ne sont point définies. Seul exception est celle de l'aristocratie, mais les autres, soit nobles, citoyens ou paysans, ne sont point clairement décrits. Il manque aussi le résumé du 'poids de l'origine' – comme l'a fait József Köblös, la possibilité donc de bien mesurer le rôle de l'origine reste inachevée. Le sous-chapitre intitulé 'visite de l'université', plus correctement 'études universitaires' reste aussi infructueux. Bien que les études universitaires aient été détectées, ainsi que la durée et les grades reçues, l'auteur n'est pas capable de bien positionner le rôle des études. Dans la dernière partie du chapitre 4 on peut faire face au facteur primordial des possibilités de l'entrée au chapitre, qui est le groupe des relations personnelles. Il est banal à faire appel à leur efficacité. Sauf les relations „régionales” – qui disent le recrutement du chapitre de ceux qui vivaient dans l'entourage des biens du chapitre – les relations ecclésiastiques, la grâce (personnel) du souverain, le service du roi (ou de la reine), les relations familiaires (conçu comme une sorte de dérivée de la vassalité de l'Europe de l'Ouest) sont tous des relations personnelles... Les trois dernières chapitres de la première partie (5. Les devoirs des chanoines, 6. La mentalité des chanoines, 7. La carrière ultérieure des chanoines) sont bien conçus. Les données – et l'analyse de l'auteur – permettent ici à tirer les conclusions nécessaires : la cumulation de bénéfices, la dotation des investissements culturels (bibliothèques, cercle des littéraires humanistes, etc.) étaient réalisable aux chanoines de Pécs. Il est fort regrettable cependant qu'aucune conclusion générale n'a été tirée par l'auteur. La première partie est suivie par une bibliographie très riche et bien conçue. Les annexes proposent des résumés des analyses faites auparavant. Malheureusement leur structure rend difficile à bien suivre les conclusions faites à la fin des chapitres de la première partie.

La deuxième unité de l'oeuvre de Tamás Fedeles est consacré à la biographie des chanoines identifiés de Pécs, celle de 404 personnes. Cette prosopographie accentue bien les conclusions de la première partie, même si les hésitations – surtout au niveau de l'origine – sont bien détectables.

À la fin de la prosopographie, le lecteur peut avoir un résumé anglais qui – malheureusement – peut remplacer la conclusion générale manquée. En dernier lieu se trouvent les cartes illustrant l'origine des chanoines (celle des Hongrois /?/, la répartition dans le comtat de Baranya, ainsi que les lieux d'origines des étrangers), les universités visitées par eux, les autres bénéfices étrangères et hongroises prises par les chanoines de Pécs, et, enfin les biens du chapitre dans le comtat Baranya.

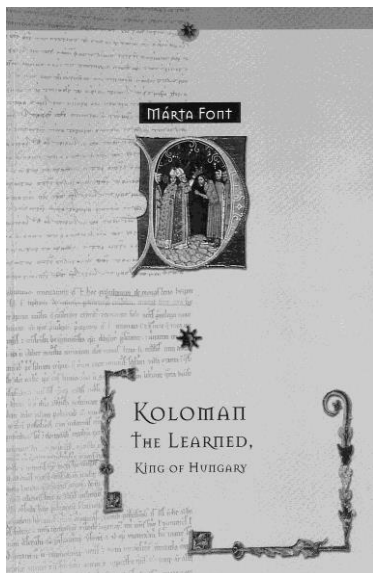
Quelle conclusion à en tirer? Les données servant à la base d'une telle analyse ont été bien regroupées. Il est très regrettable cependant que lors de l'analyse – faute d'une structure logique – elles ont été quelquefois peu exploitées pour pouvoir esquisser un tableau général d'une couche de la société ecclésiastique de la fin du Moyen Âge de la Hongrie.

Gergely Kiss

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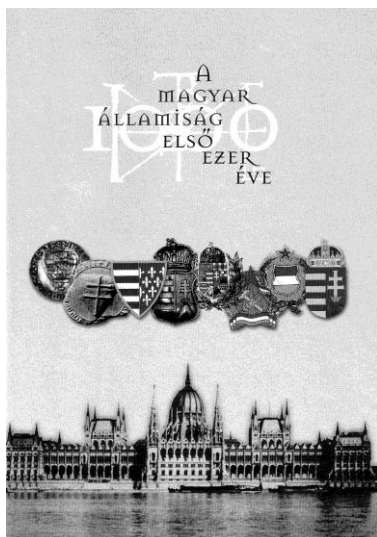
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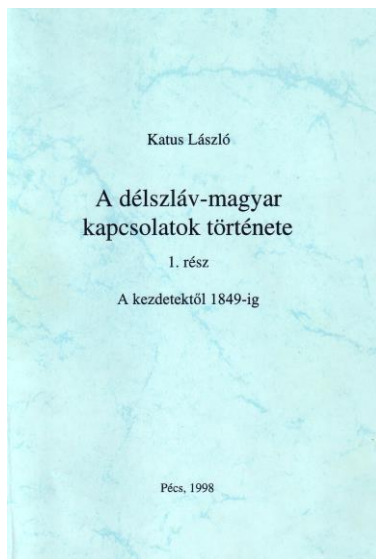
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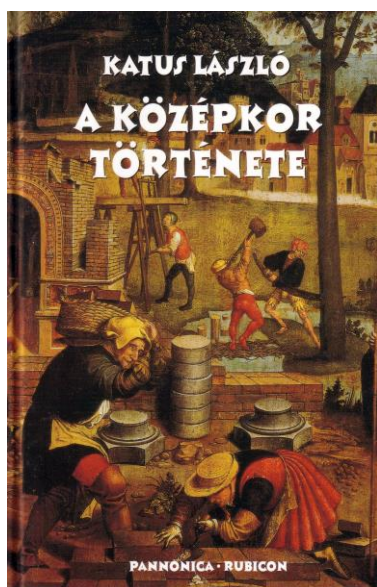
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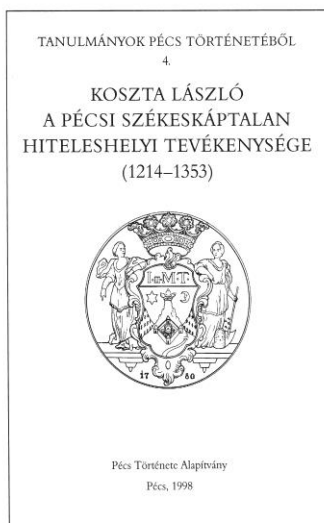
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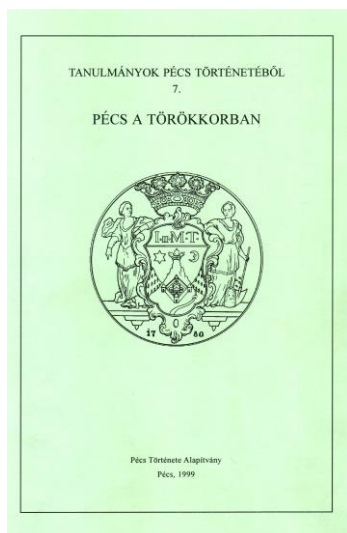
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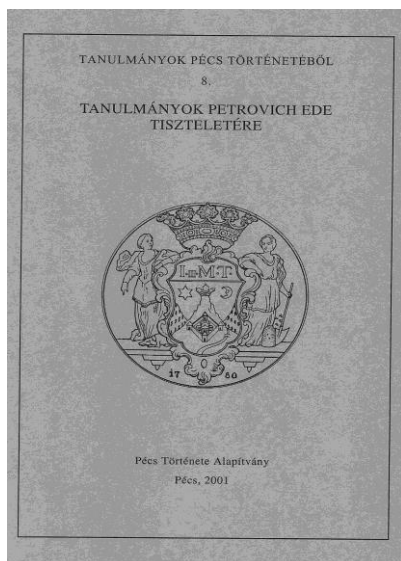


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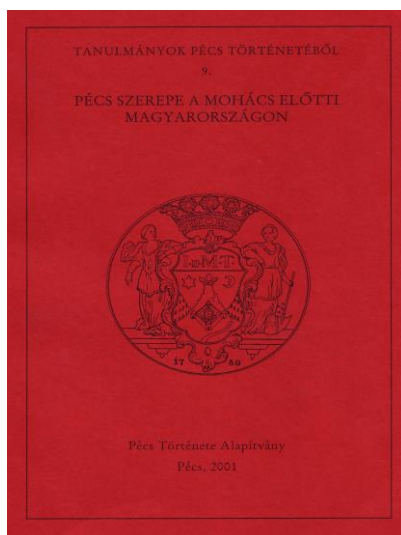
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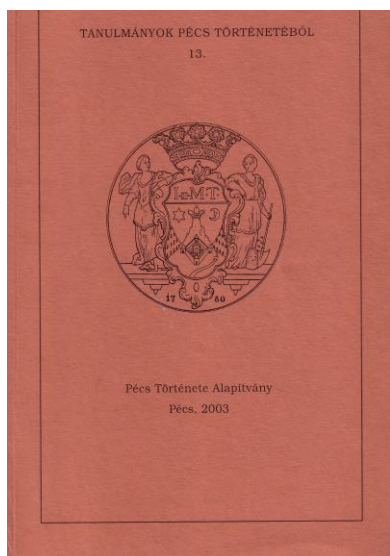


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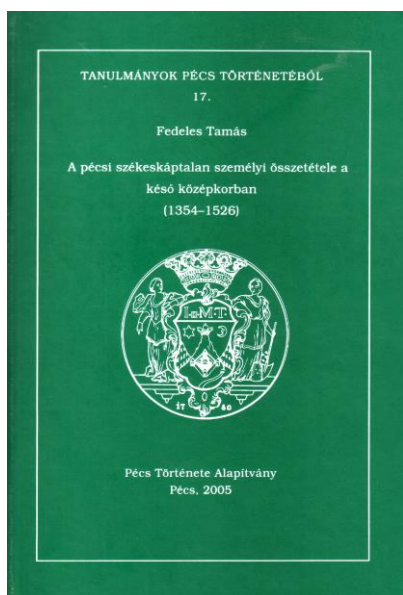
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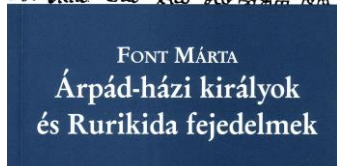
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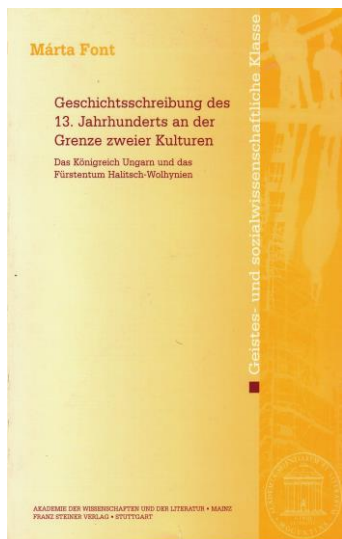


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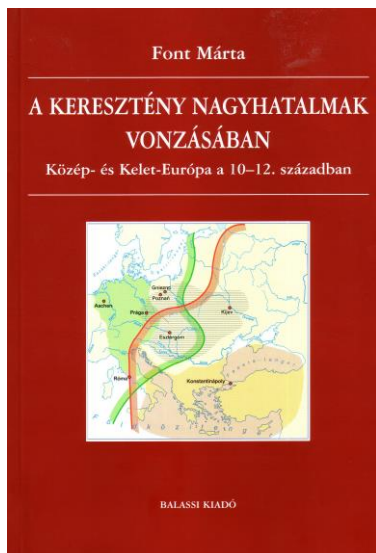


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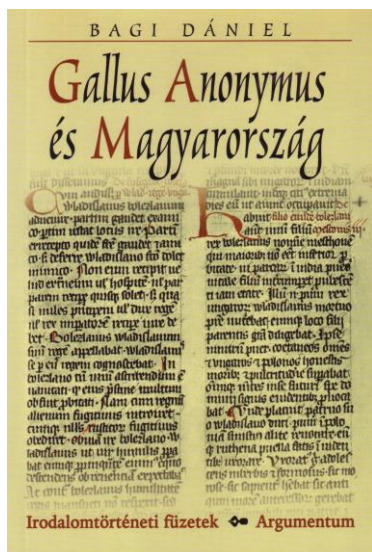


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