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## LEGISLATION OF THE FOURTEENTH AND FIFTEENTH CENTURY

This volume contains *decreta* of the medieval kingdom of Hungary from the accession of Charles I in 1301 to the death of Ladislas V Postumus in 1457. During that century and a half, Hungary experienced the re-establishment of monarchical authority under rulers of the Angevin dynasty (1301-86) after a decade of anarchy. The long reign of Sigismund of Luxemburg (1386-1437) also began after years of succession struggles and was followed by the contested reigns of the Habsburg Albert I (1437-39), of the Jagiello Wladislas I (1440-44), and finally of the Habsburg Ladislas V (1452-57), which closed this turbulent period. The second quarter of the fifteenth century was characterized by near civil war, only temporarily halted by the regency of Janos (John) Hunyadi and by the actions of the ever more influential noble diet. In contrast to the political and economic stability of the fourteenth century, Hungary became increasingly overtaxed by the task of parrying Ottoman advance in the Balkans. By the mid-fifteenth century the Ottoman Empire has reached the border of the kingdom and threatened its integrity.<sup>1</sup>

Relatively few, but nonetheless important, legislative acts have come down to us from the Angevin era, whereas a considerable body of legal records survives from the later time of Sigismund and his successors. Many of these laws were passed by the “estates” without royal participation, that is, by general assemblies of the nobility occasionally augmented by certain clergy and burghers in the absence of the monarch. The growth of non-royal legislation obliges us to define the *decreta* in this volume somewhat differently from the laws of the Árpáadian epoch printed in the first volume of this series. All enactments of law, whether issued by the king, the reigning queen, or a particular institution acting in a sovereign capacity (the royal council, an ad-hoc council of magnates, a diet of one estate—the nobility—or more, or a regent installed by the community of the kingdom) must be regarded as valid legislation. Since the formal criteria of *decreta* were not yet definitely established before 1457, we have determined the character of legal documents, in keeping with modern scholarship, not by their external features but on the

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1 On the general history of the period, see *The Realm of Stephen: A History of Medieval Hungary 895-1526*, transl. T. Pálosfalvi, ed. A. Ayton (London-New York: I.B.Tauris, 2001) pp. 124–294. B. Hóman, *Gli Angioini di Napoli in Ungheria, 1290-1403* (Roma: Reale Accademia, 1938); Idem, “Hungary 1301-1490,” in *The Cambridge Medieval History*, J. B. Bury, ed., 7 (Cambridge: Cambridge Univ. Press, 1936), pp. 587-619 with bibliography on pp. 961-64; *Handbuch der Europäischen Geschichte*, Th. Schieder, ed. (Stuttgart: Klett, 1971-81) 2: 1062-72, 3: 1103-24; J. M. Bak, “Hungary,” in *Dictionary of the Middle Ages* 6 (New York: Scribner, 1985), pp. 344-48; D. Hay, *Europe in the Fourteenth and Fifteenth Centuries* 2nd ed. (London: Longman, 1988), pp. 214-51; *A History of Hungary* P. F. Sugár and P. Hanák, eds. (Bloomington: Indiana Univ. Press, 1989), pp. 34-70, all with bibliography. More extensive bibliography can be found in *Historische Bücherkunde Südosteuropa*, M. Bernath, ed. (München: Oldenbourg, 1980) 1: 842-1132.

basis of their general validity for the inhabitants of the kingdom.<sup>2</sup>

The territorial applicability of the laws extended to the regions of historical Hungary comprising the entire Carpathian Basin. The frontiers were little changed from the preceding century. However, Hungarian sovereignty in Dalmatia and in the banats of the northern Balkans was intermittent, and by 1457 most of these territories were lost either to Venice or to the Ottomans. In the following historical overview these gains and losses will be noted in their chronological context.

## **The Historical Background**

### *Interregnum and Angevin Rule (1301-82)*

When King Andrew III, the last male member of the Árpád dynasty died in 1301, several candidates who had been gathering supporters in the country well before the king's demise advanced their claims to the throne of Hungary. The struggle of these candidates and their partisans brought years of civil war, anarchy throughout the country, and growth in the local power of a handful of oligarchs. The majority of the great families first installed Wenceslas III, the son of the Bohemian King Wenceslas II and a descendant of the kings of Hungary, on the throne. However, his situation soon became so hopeless that he returned home<sup>3</sup> and transferred his claims, in 1305, to the Bavarian Prince Otto of Wittelsbach, a grandson of Béla IV.<sup>4</sup> After being crowned, he was soon captured by László Kán, the voivode of Transylvania, and was lucky to return to Bavaria alive in 1307. His departure left only one candidate on the scene, the most persistent of them all, Charles (often called Charles Robert) of Anjou-Naples, also a descendant of the Árpáds in the female line. Because the Angevins had raised their claim as early as 1290, Charles was already an experienced claimant when he finally achieved his goal. Entering Hungary in 1301, he was quickly crowned in a somewhat impromptu ceremony. To gain the support of the Hungarian lords, he needed crucial assistance from the Church. Cardinal Gentile de Montefiore, who came to Hungary in 1308 as papal legate, removed the last obstacles barring Charles's way to the throne. After a species of election took place at a diet held under the guidance of the legate, Charles was crowned a second time with a crown specially prepared and consecrated by the legate in 1309, and finally, on 27 August 1310, he was crowned a third time with the "Holy Crown of St. Stephen," which had lately been recovered from Transylvania where

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2 On this definition, see "Editor's Introduction," in *DRH 1301-1447*, pp. 15-18; cf. A. Wolf, "Die Gesetzgebung der entstehenden Territorialstaaten," in *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, H. Coing, ed. (München: Beck, 1973) 1:721-62.

3 On this episode, see J. M. Bak, "Die Armrelique König Stefans im Ornat Hönig Wenzels von Ungarn," in *Festschrift Percy Ernst Schramm zu seinem siebzigsten Geburtstag von Schülern und Freunden zugeeignet*, C.-P. Classen and P. Scheibert, eds. (Wiesbaden: Steiner, 1964) 1: 175-88.

4 On his adventure, see *Handbuch der bayerischen Geschichte*, M. Spindler, ed. (München: Beck, [1966]) 2: 110-16, with literature.

it had been kept by the voivode since 1307. At last the country had a legal king and the interregnum came to an end.<sup>5</sup>

The third crowning was the beginning of the establishment of a new dynasty. Charles still had to fight long and hard before the country had a real master. His most difficult task was to end the anarchy that had prevailed for decades and to liquidate the power structure of the oligarchy before it became fully institutionalized. From his southern stronghold in Temesvár (today: Timișoara) Charles directed campaigns in every direction, expanding his rule over the entire country. The reunification of the country ended in 1323 when Pozsony (today: Bratislava) opened its gates to the ruler. Only then could Charles claim to be in full political control of the country.

During the following years Charles concentrated his energies on consolidating his power. Although during the first years of his reign he proved to be a capable military leader, he was primarily a politician not a soldier. Charles accepted without a fight Venice's lordship over the Dalmatian cities which the Árpáds had long claimed and did not even attempt the subjugation of the recalcitrant lords of southern Croatia. He concluded an alliance with the ban of Bosnia and was satisfied with Bosnia's nominal homage. He conducted few Balkan campaigns, one of which allowed him to re-establish the Banate of Macsó (Mačva) in northern Serbia (1319), but another in Walachia resulted in a major defeat which further justified Charles's cautious policy.<sup>6</sup>

Charles worked for peaceful relations with his northern and Western neighbors. With the Polish kings Wladislaw I the Short (Lokietek) and his son Casimir III (the Great), he maintained a firm alliance into which he tried also to include the Luxemburg rulers of Bohemia. To bring about such an alliance, he assumed the role of mediator between the Polish and Bohemian kings in their competition for territories and legitimacy. The outstanding issues were settled in 1335 when the three rulers met in Visegrád where they signed a formal alliance on the basis of the status quo.<sup>7</sup>

When Charles died on 16 July 1342, he was succeeded by the eldest of his three sons, Louis I (the Great), born in 1326, who ruled until 1382.<sup>8</sup> The preference of the Hungarian

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5 The records of these events are published as *Acta legationis Cardinalis Gentilis, 1307-1311* in *Monumenta Vaticana historiam regni Hungariae illustrantia*, vol. I/2, A. Pór, ed. (Bp.: Franklin, 1885); on the "election" and coronation, see János M. Bak, *Königtum und Stände in Ungarn im 14.-16. Jahrhundert*. Wiesbaden: Steiner 1973. [Quellen und Studien zur Geschichte des östlichen Europa, hrsg. von Manfred Helmmann, 6], pp. 11-22.

6 See J. V. A. Fine, Jr. *The Late Medieval Balkans: A Critical Survey from the Late Twelfth Century to the Ottoman Conquest* (Ann Arbor: Univ. of Michigan Press [1987]), pp. 168-70, 184-87, 191-96, 230-36; J. R. Sweeney, "Walachia-Moldavia," in *The Dictionary of the Middle Ages* (New York: Scribner, 1989) 12: 497f.

7 See Paul W. Knoll *The Rise of the Polish Monarchy: Piast Poland in East Central Europe 1320-1370* (Chicago-London: Univ. of Chicago Press [1972]), pp. 65-82.

8 A summary biography of Louis by M. Ferdinandy, "Ludwig I. von Ungarn" can be now found in

nobility, who for so long wanted a warrior king and who saw in war and not in peace the road to glory was now fulfilled. Louis offered them the promise of the status of a great power based on an aggressive foreign policy and a regular second income from the loot of yearly campaigns. It is not surprising that the epithet, the Great, was added to his name soon after his death, and for centuries his reign lived in the nation's memory as a period of greatness.

The foundations of Angevin power had been laid so solidly by Charles that nothing could shake them until after Louis' death. From what can be gleaned from the sources, Louis was also free of financial worries. He certainly always had enough money for military ventures. The military balance sheet, however, showed more glory than profit. This negative feature is well illustrated by Louis's Neapolitan adventures, which were prompted by the fate of his brother Andrew, who was intended to inherit the paternal throne of Naples, but who was killed before he could do so. In 1352 Louis's two campaigns to Italy to punish his brother's murderers ended in failure.

Louis's wars directed against his southern neighbors to gain their allegiance to Hungary brought similarly meagre results.<sup>9</sup> In most of the twenty Balkan campaigns the king led his armies in person. With the exception of the short-lived "annexation" of Bulgaria (1365-69), the expeditions were intended to force the various rulers into accepting more or less formal positions of vassalage. Only the Croatian and Dalmatian wars brought tangible results. In 1345 Louis defeated the lords of the south whom Charles had not dislodged from their power, and all of Croatia was ruled once more by a Hungarian ban as in the days of the Árpáds. It was more difficult to acquire the port cities of the Adriatic. Finally, the second Venetian war brought success (1356-8): with the help of allies from northern Italy Louis achieved the submission to Hungary of a number of Dalmatian cities.<sup>10</sup>

During the last years of his life Louis was increasingly preoccupied with the question of succession. Louis had no sons, only three daughters. He hoped that one of them, together with her future husband, would succeed him on the throne. Many marriage alliances with France and Hungary's neighbors were explored, but finally a dynastic marriage with the Bohemian Luxemburgs was concluded. Markgrave Sigismund of Brandenburg, the son of the Emperor Charles IV and brother of King Wenceslas IV of Bohemia, became the fiancé of Mary and hence heir presumptive. In Poland, where Louis was crowned king in 1370, the younger daughter, Hedwig/Jadwiga, was accepted as her father's successor.<sup>11</sup>

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S. B. Vardy, G. Goldschmidt, L. S. Domonkos, eds., *Louis the Great, King of Hungary and Poland* (Boulder, Co.: East European Monographs, 1986), pp. 3-48.

9 For these see Fine, *Balkans*, pp. 339-41, 367-70, 395-96; F. Szakály, "Phases of Turco-Hungarian Warfare before the battle of Mohács (1365-1526)," *Acta Orientalia Acad. Sc. Hung.*, 33 (1979): 67-75.

10 Louis's Dalmatian campaigns and the conquest of Zara/Zadar are discussed by V. Brunelli, *Storia della città di Zara* 2nd. ed. (Trieste: Lint, 1974), pp. 483-89.

11 See now O. Halecki, *Jadwiga of Anjou and the Rise of East Central Europe*, Th. V. Gromada, ed. (Boulder, Co.-Highland Lakes, NJ: Social Science Monographs-Atlantic Research & Publications, 1991),

### *Economy and Society*

The six decades of stability under Charles and Louis constitute a period of apparent prosperity and economic development, at least in certain sectors of Hungary. The picture that emerges from our knowledge of Angevin Hungary presents a country that, in spite of great changes that took place in the late thirteenth century, nonetheless lagged behind contemporary Western and Central Europe in several respects. The most obvious features were the low density of the population (about 25 per square mile) and the low level of urbanization.<sup>12</sup>

The country's most significant source of income was its mineral wealth. Mining of salt and silver had developed in the twelfth and thirteenth centuries. Around 1320 one rich gold mine after another was opened and silver production also increased. Modern estimates place the annual yield of Hungarian mines at the middle of the century at 4,500 to 5,000 pounds of gold and 22,000 pounds of silver. Both the promotion of mining and the regulation of the country's monetary system were the work of Charles I. His monetary reform ended the anarchy in minting practices that had characterized the Árpád period. The king abolished the practice of issuing new money yearly, which went hand-in-hand with a forced return of the old coins to the treasury, and issued silver coins with a constant value. The treasury's resulting loss was compensated by the introduction of a new tax which retained its name from the old system of coin devaluation, the "chamber's profit" (*lucrum camerae*). It became henceforth a direct tax, collected from each peasant household. The second lasting aspect of Charles's reform was the introduction of a gold coin, the *florenus*, modeled on its Florentine namesake, the fineness and weight of which would remain unaltered for centuries.

In terms of social development, the process of transformation from the archaic structure to a typical medieval stratified society, which began in the thirteenth century<sup>13</sup> had ended in the mid-fourteenth. Two more or less homogeneous strata, the major components of Hungarian society for centuries, emerged: the nobility (*nobiles*) and the personally free tenant peasants (*jobagiones*) subject to seigneurial dues and jurisdiction.

The Hungarian nobility was in many respects similar to the élite elsewhere in medieval Europe but differed in certain particular features. Hungarian nobles enjoyed a privileged position: noble status was inherited at birth and was protected by law and custom. From the fourteenth century onward the noble was by definition a landowner,<sup>14</sup> Nobles did not pay taxes

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pp. 77-112.

12 See *Anonymi Descriptio Europae Orientalis anno MCCCVIII exarata*, O. Górká, ed. (Cracow: Academia Litterarum, 1916), esp. p. 49; cf. J. Deér, "Ungarn in der Descriptio Europae Orientalis," *WÖG* 45 (1931): 1-22.

13 See Bak-Sweeney, *Legislation in the Árpáadian age*. (Repr. in *Studies to the medieval laws of Hungary*).

14 See Gy. Bónis, *Hűbériség és rendiség a középkori magyar jogban* [Feudalism and Corporatism in Medieval Hungarian Law] (Kolozsvár: Erdélyi Tudományos Intézet, n.d. [1947]), pp. 139-45.

and troops could not be quartered on their property. They were also exempted from paying the tithe.<sup>15</sup> The nobility did not owe feudal service and were obliged to follow a call to arms only if the country was under attack and the king personally took command of a “general levy” (*generalis exercitus*). Regardless of their historical origin, the nobility claimed descent from the conquerors of Hungary and considered ancestral lands as its share of the Magyar-occupied country. Consequently, all noble land was considered free and could not be encumbered. The major differences between Hungarian and Western or Central European nobility were that the former included a much larger proportion of the population than in any other country (save Poland) and that the majority of Hungarian nobles consisted of families which in fact lived like peasants.<sup>16</sup>

This relatively numerous nobility<sup>17</sup> resulted from the gradual merger of three pre-existing social elements: the richest, the descendants of the *ispánok*, had been the élite of the early Árpád period; others were descendants of an armed population called “castle warriors” (*jobagiones castri*) in the eleventh century; but the bulk of the Hungarian nobility originated in that stratum of free Hungarian warriors who were called “royal servants” (*servientes regis*) and had come to be recognized as nobles in the later thirteenth century. The noble estate also included the lower ranked and less privileged nobles of Transylvania and Slavonia.<sup>18</sup> The centuries-long process of integration was finally legalised by Louis I in 1351 through the renewal of the Golden Bull of 1222. This re-issue contained the additional statement that all “true” nobles living in the country were entitled to the same freedoms (*sub una et eadem libertate gratulentur*). This maxim, of course, was neither a description of social reality, nor was it intended to be as all-embracing as later generations preferred to understand it. It was a legal fiction, but in the Middle Ages legal fictions had real implications. The claim to equal status at law and in politics was in later centuries a powerful slogan and program for the lesser nobility.<sup>19</sup>

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15 See the royal mandates referring to a lost decree from ca. 1405, Ferenc Döry, György Bónis, Vera Bácskai, eds., *Decreta regni Hungariae: Gesetze und Verordnungen Ungarns 1301–1445*, (Budapest: Akadémiai, 1978), p. 216, and the explicit renewal of this measure in 1439:28.

16 A few comparative studies discuss this matter; see, e.g., F. Maksay, *Les pays de la noblesse nombreuse* (Bp.: Akadémiai K., 1980).

17 The nobility was, nonetheless, a small segment of the total population, not more than 3-5 percent (according to fifteenth-century estimates).

18 See E. Fügedi, “The Aristocracy in Medieval Hungary: Theses” in *Kings, Bishops, Nobles and Burghers in Medieval Hungary: Selected studies*, J. M. Bak, ed. (London: Variorum Reprints, 1986) ch. 4, pp. 3-6; Elemér Mályusz, “Hungarian Nobles in Medieval Transylvania” In *Nobilities in Central and Eastern Europe: Kinship, Property and Privilege*. ed J. M. Bak, *History and Society in Central Europe II., Medium Aevum Quotidianum* 29 (1994): 25-53

19 As this law also makes clear, in the fourteenth century not all nobles were “true” nobles. For example, those who lived on estates owned by the Church and were obligated to serve in perpetuity as soldiers had the status of nobles, but were not counted among those who enjoyed all the rights and freedom of the nobility.

The development of a legally uniform dependent peasantry had also begun in the preceding century, when, after the devastation of the Mongol invasion and changes in agriculture, the status of “settlers” (*hospites*), foreign and domestic, was granted increasingly to former serfs and other unfree elements on royal and seigneurial estates. This process—called the “first emancipation of the peasantry”—began with transformations in agricultural production, in settlement patterns and in administration of landed estates. The servile labor on the extensively cultivated vast lands and grazing fields, organized into *predia*, came to be less valuable than the dues in kind and money from peasants settled in villages and cultivating the arable on their own. The person and the physical labor of the tenant tended to be irrelevant once the village community's dues were properly collected. Fourteenth- and fifteenth- century evidence suggests that boon-work was minimal, but with the slow growth of markets money payments could be levied from the tenants, whose movement from one estate to another was not viewed as a problem, .at any rate not in times of labor surplus.<sup>20</sup>

*The Angevin State and the Royal Court.*

The strength of the monarchy of the fourteenth century derived from a new cooperation between aristocracy and the crown. The immense energy expended by Charles I in the destruction of the oligarchy brought positive results. Conquered land became the king's and through these recovered royal estates he created a new ruling system. Whereas in the thirteenth century the royal domain diminished rapidly and constantly, in the fourteenth this process was reversed. The royal properties remained impressively extensive in comparison with even the largest private wealth. When Louis I died in 1382, the royal family owned 15 percent of the country's land. The royal castles, some 150 in all parts of the kingdom, guaranteed the stability of royal power, and the income derived from appurtenant estates was used to reward important royal officeholders.<sup>21</sup>

The élite of the court aristocracy consisted of the highest lay and ecclesiastical office holders: *praelati et barones regni*. Included in this group were the two archbishops and twelve bishops (sometimes more, including the Dalmatian sees); the chief justices of the realm (the count palatine, the judge royal, and the Master of the Treasury who, since the days of Charles I, was the chief judge of the chartered royal cities); the voivode of Transylvania, as well as the bans of the southern provinces of Slavonia, Croatia and Dalmatia, Macsó (Mačva), and Szörény (Severin); and, finally, the chief dignitaries of the royal household (*aula*)—the Master of the Horse, the butler, the steward, and the Master of the Doorkeepers. In a wider sense the officers of the queen's household and all those who were charged with the command of royal castles or

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20 See A. Komjáthy, “Hungarian *jobbágyság* in the Fifteenth Century,” *East European Quarterly* 10 (1976): 77-111; J. Held, *Hunyadi: Legend and Reality* (Boulder, Co.: East European Monographs, 1985), pp. 56-79.

21 See Erik Fügedi, *Castle and Society in Medieval Hungary (1000-1437)* transl. J. M. Bak. (Budapest: Akadémiai K., 1986), pp. 103-22.

administration of the more important counties were also considered to be barons.<sup>22</sup> It was this circle of men who constituted the king's council which decided all political issues and represented the country in foreign affairs.

The king's household, fairly informal under the Árpád rulers, became well organized under the Angevins and played an important role in the running of affairs. From the time of Charles it was called the *aula regia*, possessing a hierarchic organization that included knights, squires, and pages. They made up the ruler's immediate entourage and were always in attendance to carry out his orders.<sup>23</sup> The queen had her own court, organized along identical lines. The queen's household became particularly important during the reign of Louis I because the queen-mother, Elizabeth Piast, had great influence on him and thus on the country's affairs until her death in 1380.

An office at court and the administration of counties and castles was usually referred to as *honor*. Its character has been compared to that of early medieval (Carolingian) royal officials rather than to feudal arrangements typical of high medieval Europe. An honor was held "at the king's pleasure" (*ad beneplacitum regis*) and did not become hereditary. The holders of honors seem to have collected all the revenues of their office, administered justice in the king's name, and commanded the armies of the territory entrusted to them. The honors of the barons and the employment of lesser nobles in the frame of *familiaritas* were the pillars on which Angevin power rested. The noble who became the retainer (*familiaris*) of a great lord entered into his service only as a person. His possessions and his noble privileges were not involved.<sup>24</sup>

The same twin pillars supported the Angevin army. During the numerous wars of Louis the Great, the royal, baronial, and ecclesiastical units played the major role; those who fought in these units were *familiares*. Prelates and barons possessed the right and duty of commanding troops under their own banner (*vexillum* or *banderium*) in battle; whence the name: banderial system. The army was composed entirely of cavalry. Its core consisted of armored knights, but a major component was made up of lightly armed mounted archers. Special units were furnished by the free warrior settlers, the non-noble Cumans, Jazygians (*jászok*) and the Székely, the former borderguards of Transylvania. In the pursuit of loot and rewards numerous independent

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22 See Fügedi, "Aristocracy," p. 11; P. Engel, "Honor, vár, ispánság: Tanulmányok az Anjou-királyság kormányzati rendszeréről" [*Honor, Castle, Ispán: Studies on the Governmental System of the Angevin Monarchy*], *Száz.*, 116 (1982): 880-922, French summary p. 922..

23 See Á. Kurcz, *A lovagi kultúra Magyarországon a 13-14. században* [Knightly Culture in 13th-14th Century Hungary] (Bp. Akadémiai K., 1988) esp. pp. 121f.; E. Fügedi, "Tourniere im mittelalterlichen Ungarn" in *Das ritterliche Turnier im Mittelalter*, J. Fleckenstein, ed. (Göttingen: Vandenhoeck & Ruprecht, 1986), pp. 390-400.

24 On the *familiaritas* there is still no better summary in a foreign language than that of Gy. Szekfü, "Die Servienten end Familaren im ungarischen Mittelalter," *Ungarische Rundschau für historische und soziale Wissenschaften* 2 (1912): 524-57; see also Fügedi, *Castle*; pp. 78-80, 129-30; Briefly János M. Bak, "Feudalism in Hungary?" in: *Feudalism: New Landscapes of Debate*. Sverre Bagge, Michael H. Gelting, Thomas Lindkvist, eds. (Turnhout: Brepols, 2011) pp. 203-17

nobles also joined the royal army.

Although the administration of the country continued to depend mainly on orally transmitted orders and soldiers prevailed over clerks, the volume of written records increased significantly. Several tens of thousands of documents have survived from the fourteenth century, in sharp contrast to the few thousand from all previous centuries.<sup>25</sup> In the higher courts of law, especially, literacy became widespread in this period making legal procedure more professional and complicated. In 1342, Louis transferred to Visegrád those courts which had nation-wide jurisdiction: those of the palatine and the judge royal. In 1377, he created a third permanent court which operated in the name of the king in his “special presence” (*specialis praesentia regia*). It functioned under the supervision of the chancellor, now frequently referred to as archchancellor. In addition to the great seal of state entrusted to him, a secret seal was introduced by Charles I in a manner similar to that of many other rulers of Europe. In time, diplomas issued under the secret seal became true expressions of royal will. For a while, under Louis I, the royal signet ring was also used to authenticate documents. Around the secret seal a second chancellery was organized in 1374. Those serving in both chancelleries and the higher courts were recruited increasingly from the laity. They were usually not university graduates, but “practical lawyers,” trained in the local and higher courts and thoroughly familiar with the “custom of the realm.”<sup>26</sup>

#### *Sigismund of Luxemburg (1386-1437)*<sup>27</sup>

After the death of Louis I the succession was anything but smooth. Mary, betrothed to Sigismund of Luxemburg, was crowned soon after her father's death, but her husband, Sigismund, was not given any recognition. Prior to the coronation she had confirmed the privileges of the nobility (see below, 22 June 1384); and from now on this became the accepted practice at every inauguration. However, Mary's rule, or in reality that of her mother and her favorites, was challenged by the adherents of Charles of Durazzo, king of Naples. Charles, supported by the great lords of Croatia and Slavonia, above all by the Horváti clan, and by a great many lesser nobles who thought inheritance in the female line to be an anomaly, landed in Dalmatia to vindicate his claims. He was crowned king of Hungary as Charles II on the last day of 1385,

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25 A calendar of charters is at present being prepared under the editorship of Gyula Kristó and his team for the fourteenth century. Until it is finished, it is difficult to estimate the number of royal charters issued under the Angevins. The number of surviving royal charters in an annual average had risen to 75 under Andrew III (from ca. 20 p. a. in the preceding five decades). For the Anjou chancelleries this figure may very well go into the hundreds. Similar “jumps” were recorded for France and England in the late twelfth-early thirteenth centuries by M. Clanchy (*From Memory to Written Record* [London: Arnold, 1979], pp. 44 ff.).

26 See Gy. Bónis, *A jogtudó értelmiség a Mohács Magyarországon* [Professionals Learned in the Law in Pre-Mohács Hungary] (Bp.: Akadémiai K., 1971), pp. 21-29, cf. idem, “Men Learned in the Law in Medieval Hungary” *East Central Europe-L'Europe de centre-est*, 4, pt. 1 (1977): 183.

27 For the following see Elemér Mályusz, *Kaiser Sigismund in Ungarn 1386-1437*. Trans. A. Szmodits. (Budapest: Akadémiai., 1990), passim.

having forced the queens to acquiesce formally in his rule.

Years of civil strife followed. Only thirty-nine days after his coronation Charles was assassinated by the queens' men. Then the two royal ladies were taken captive, Palatine Nicholas of Gara was killed, and a few months later the queen mother was strangled by the rebels. The death of Charles and the capture of Mary turned the tide in favor of Sigismund. A group of great lords who had constituted themselves guardians of the realm, acting in the name of the *regnum*, and swearing to defend the interests of the kingdom even against its ruler (see below, 27 August 1386), offered the crown to the margrave. After signing an agreement with his followers, assuring them of a share of power in return for support, Sigismund was elected and crowned king. With the help of Venetian diplomacy, he soon secured the release of his wife. Theoretically he ruled "in concert" with her until her death in an accident in 1395.

For almost two decades Sigismund's hold on the kingship was tenuous at best. During the early years of the reign, still fighting for the throne and his wife's life, he could scarcely avoid giving away much of the royal domain. Through perpetual donations or mortgages (which were rarely redeemed) almost two-thirds of the castles and estates of the Angevins were transferred into the hands of the barons by the end of the century.<sup>28</sup>

Sigismund was the first of the kings of Hungary to contemplate seriously the defense of the realm against Ottoman advances. After the Turkish occupation of the southern Balkans, the first skirmishes between Ottoman and Hungarian troops were fought under the Angevins, but the magnitude of the danger was not clear until the defeat of Serbian and allied troops at Kosovo Polje in 1389. Following the traditions of Hungarian foreign policy and the mood in the country, Sigismund embarked on several offensive forays into the border areas in response to Ottoman incursions into Hungarian territory. In 1395 he called on the chivalry of Europe to confront the infidels. The defeat suffered by the crusaders at Nicopolis on 28 September 1396 cost the lives of many knights, while hundreds of thousands of ducats ended up in the Sultan's coffers as ransom for the notable captives.<sup>29</sup>

Although the defeat did not enhance the king's position at home, it gave him an occasion to propose serious reforms. Military reforms were enacted at a diet in Timișoara/Temesvár (October, 1397), to which, for the first time, so far as is known, the nobles sent regularly empowered deputies from every county. At the same diet Sigismund tried to build an alliance with the county nobles by confirming the privileges of 1222 and 1351 (omitting, however, the clause on the nobles' right of resistance) and by promising to dismiss his foreign counsellors, whom they resented. Their dislike was less motivated by "national" or "ethnic" motives than by

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28 See P. Engel, *Királyi hatalom és arisztokrácia viszonya a Zsigmond- korban* [Relationship of Royal Power and Aristocracy under Sigismund] (Bp.: Akadémiai K., 1977), p. 207, table I, where the author demonstrates that by 1407, from the approximately 150 royal castles of the Angevin era only 57 remained in the king's hand. It should be noted that a number of southern counties were not included in the survey.

29 See A. S. Atiya, *The Crusade of Nicopolis* (London: Methuen, 1934); Fine, *Balkans*, pp. 408-414, and 424-25; Szakály, "Phases," pp. 74f.

the fact that these men owed their position to the king's pleasure and not to noble family connections. In 1401 the king's own party rebelled and took Sigismund captive. Meanwhile a baronial council administered the realm in the name of the "Holy Crown of Hungary." This device proved useful in giving the magnates a legal base of power. It also indicates the progress made during the interregna and under a weak king toward an abstract notion of a state distinct from the person of the ruler. Before the "council of the realm" was able to agree to offer the crown to another prince, Sigismund negotiated his release, making an alliance with his captors and marrying Barbara of Cilli/Celje, daughter of the powerful Slavonian lord Count Hermann of Cilli/Celje.

The last major challenge to Sigismund's rule came from King Ladislas of Naples (1386-1414), the son of the hapless Charles of Durazzo, who in 1403 tried to renew his father's claim to Hungary. Supported by Rome, where Pope Boniface IX disapproved of Sigismund's leaning towards his Avignonese rival, he landed in Dalmatia accompanied by a papal legate and had himself crowned. He could count on a good number of dissatisfied Hungarian lords who had sworn an oath on the relics of St. Ladislas to abandon Sigismund, but the king's league was more powerful and swiftly restored order. Ladislas returned to Naples. His Hungarian followers were pardoned by the victorious king, although in subsequent years they lost their offices and most of their properties as well.<sup>30</sup>

Papal support for the pretender offered Sigismund an occasion to proclaim the supreme royal right of patronage in the Hungarian church and to prohibit appeals to Rome. This so-called *placetum regium* (see 6 April 1404) was the first step in gaining control of the wealthy Hungarian prelates. At the Council of Constance, a decade later, Sigismund negotiated an agreement with the college of cardinals confirming his rights over the Church. Although these were soon abrogated by the Holy See, future kings of Hungary wielded considerable *de facto* power in appointing their favorites to lucrative and influential prelatures.<sup>31</sup>

#### *Government and Reforms Under Sigismund*

Sigismund was finally in a position to stabilize his rule. In 1408 he united his faithful barons in a formal league, the Order of the Dragon. This knightly order, in the style of the chivalric age, was based on the new aristocracy—the great landowners whose power rested on extensive landed properties including several castles and thousands of tenant peasants. These aristocrats were henceforth regularly called barons, not because they held "baronial offices" (as their predecessors had under the Angevins), but merely because of their wealth and status. The domestic members of the Order of the Dragon held some 70 to 80 castles, far more than the

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30 See Bak, *Königtum*, pp. 35-37.

31 See E. Mályusz, *Das Konstanzer Konzil und das Patronatsrecht in Ungarn* (Bp.: Akadémiai K., 1959).

king.<sup>32</sup>

In the subsequent decades Sigismund issued important laws on criminal jurisdiction, coinage and trade, and confirmed the right of peasant tenants to change their lord. He attempted to strengthen the legal and economic position of the towns whose deputies he had consulted on several occasions (see the law of 15 April 1405). The increasing conflicts in Bohemia and Germany, however, often distracted Sigismund as his interests turned more to the west. For years the country was in reality reasonably well governed by the barons of his league. Sigismund's last decades were devoted more to European than to Hungarian matters. The impact on Hungary of the personal union with the Holy Roman Empire (1411-39) needs more study than it has hitherto received. The growing role of legally trained secretaries in the king's council and his secret chancellery, the attempt of Sigismund to centralize the administration of Hungary and his reliance on councilors from burgher and lesser noble backgrounds derive in part from non-Hungarian, Western models.<sup>33</sup>

Sigismund's interest in the cities may have been influenced by his experiences in much more urbanized Bohemia and Germany but was essentially due to his need for regular income and also, once most royal castles had been lost, for fortified bases. Hungary had very few cities in the early fifteenth century: contemporary reports speak of altogether twenty walled ones. These were in fact that handful of urban settlements which enjoyed the privileges of Buda (the only one with more than five thousand inhabitants) and were directly subject to the Master of the Treasury. Each of them was regarded as a corporation and granted equal standing with a nobleman. They were later to be called "royal free cities" and retained their legal, even if not always their economic, privileges into modern times. They included Pozsony (Pressburg, Bratislava), Sopron, Nagyszombat (Tyrnau, Trnava), Kassa (Kaschau, Kosice), Bártfa (Bartfeld, Bardejov) and Eperjes (Prešov). A dozen more unwalled cities with one to two thousand inhabitants approximated this status, and Sigismund encouraged the building of walls, e.g. in the case of Kolozsvár (Klausenburg, Cluj). The cities of the Saxon communities in Transylvania with Nagyszében (Hermannstadt, Sibiu) and Brassó (Kronstadt, Brasov) at their head enjoyed similar rights. The mining towns of northern and northeastern Hungary were under the jurisdiction of the royal chamber, but many of them became alienated in the fifteenth century.

The above list, if projected on a map immediately suggests that the limited urban development was motivated by external trade: cities of any importance grew at the gates of trade routes toward Austria, Poland, and the Balkans. There was no such network of cities in the central areas of the country; the old episcopal and comital sees here tended to decline. The close connection with external trade is also obvious from the internal structure of the cities. Their leadership came originally from German *Ritterbürger*, half-adventurers, half-traders, then was

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32 See Fügedi, *Castles*, pp. 123-28.

33 See E. Máyusz., "Die Zentralisationsbestrebungen König Sigismunds in Ungarn," in *Etudes historiques* (Bp.: Akadémiai K., 1960) 1: 317-58.

taken over by German families engaged in long-distance trade, and finally, occasionally, by mixed groups of merchants from Germany and Hungary. Under the Angevin kings the Italian presence in Buda was conspicuous, but at the end of the century south German entrepreneurs began to take over. Although Sigismund attempted to inhibit trade “with foreigners,” the trend to conduct business to the advantage of the south Germans remained unchecked.

Royal support for urbanization was inconsistent. Sigismund's “urban decree” of 1405 attempted to introduce uniform weights and measures based on the custom of Buda and to strengthen urban liberties by granting high justice to walled cities and urban privileges to some developing market centers. Yet, only a few years later Sigismund granted seigneurial rights over Debrecen, one of the towns that had just received new liberties, to one of his aristocratic followers. The cities were not united among themselves, were economically too weak to count for much, and, under baronial rule, had little chance to become a political force. Because the kings of the fifteenth century had to resort repeatedly to squeezing out additional revenues by taxing the cities (or imposing “loans” on them), the urban sector was essentially seen as a source of cash and also as valuable military support, without having been the target of conscious economic policies or of significant alliances with the crown.

While the development of “true” cities, in both legal and commercial-industrial terms, lagged behind the countries west of Hungary, the size and number of market centers, in fact overgrown villages, with weekly markets, and occasionally even annual fairs, had grown since the fourteenth century. These market-towns (in Hungarian: *mezőváros*, in the sources mostly *oppidum* in contrast to *civitas-city*, with charter of privilege and self-government) developed from the free villages and the centers of estates of the preceding centuries. They were situated along trade routes, the meeting points of plains and highlands and in specialized agrarian areas (such as stock breeding or wine-growing districts). By 1440 about 300, and by 1520 about 800 settlements were so classified, even though probably only 300-400 of these were in any way genuine market centers. *Oppida* did not enjoy urban privileges, although some of them were granted certain autonomous rights by their secular or ecclesiastical lords, and the tenant farmers living in them were often permitted to pay their census in a lump sum. While a typical peasant village comprised not more than 20-30 *portae* (i.e., that many tax units, meaning perhaps twice that number of families), *oppida* counted at least 100 tax units, some even as many as 300 -500 *portae*.<sup>34</sup>

Although the negative assessment of Sigismund's achievements which used to dominate textbooks has been revised in recent decades, the king's West European orientation undeniably resulted in losses to Hungary. Among the country's neighbors, Venice was the first to take

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34 On urbanization in medieval Hungary, see Sugár-Hanák, *History*, pp. 57-60; also: E. Fügedi, “Die Ausbreitung der städtischen Lebensform — Ungarns *oppida* im 14. Jahrhundert,” in *Stadt and Stadtherr im 14. Jh.*, W. Rausch, ed. (Linz: Wimmer, 1972), pp. 165-92; repr. in Idem, *Kings &c.* as ch. 13.

advantage of the king's many absences to reconquer the Dalmatian territories, based on the claim that Ladislas of Naples "sold them" to the Signoria in 1409. In 1433 a truce was signed, in which Sigismund accepted the conditions he could not or would not alter. Thus after 300 years Hungary's intermittent presence along the Dalmatian coast ended.

The greatest losses were sustained beyond the Hungarian border. The Ottoman Empire, having recovered from succession struggles, expanded its control in the Balkans as far as the frontiers of the "buffer states" that had for decades protected Hungary from immediate Ottoman attack. The Turks became a direct threat to the kingdom. However, the defeat at Nicopolis showed that offensive actions had little chance of success, and Sigismund appears to have recognized this. Attempts at securing the loyalty of Balkan rulers during the time of Ottoman weakness were partially successful: the ruler of Serbia, the Despot Stephen Lazarević, was a true ally for decades. In Bosnia Prince Hrvoje was also for a time persuaded to join the anti-Ottoman alliance. But suspicion of Hungarian political aspirations prevented later rulers of Walachia and the many decentralized authorities in Bosnia from accepting Hungarian suzerainty or even being drawn in as allies.<sup>35</sup>

Faced with the limited Hungarian influence beyond the border, Sigismund and his barons, above all his Florentine financial councillor and commander, Pipo Scolari, concentrated on building up defenses along the southern frontier. Scolari was given the command over several counties and banats as well as the income of the salt monopoly (which he reformed) to rebuild and reorganize the fortresses of southeastern Hungary (with Temesvár at its center) and to establish a system of defenses along the entire southern border.<sup>36</sup> The keystone of this system, the castle of Belgrade, was acquired by Sigismund in negotiations with Despot Stephen. Scolari's successors, the Tallóci brothers, Ragusans by birth, managed to unify the command of the entire southern defense.<sup>37</sup> For its upkeep they held three banats, forty-four castles, the income from the salt mines, from direct taxes and from several vacant episcopal sees, plus the revenues from the estates of the Hospitallers. Under favorable circumstances the fortresses and the mobile defense forces permitted even offensive actions. Sigismund's achievements and those of his barons show foresight, careful planning, and a determined mastering of resources. The system they built protected Hungary from being overrun by the Ottoman army for almost a century.

#### *Albert I (1437-39) and the Double Coronation of 1440*

The death of Sigismund in late 1437 initiated a succession crisis, for he was the last member of

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35 See Fine, *Balkans*, pp. 465-80; Sweeney, "Walachia," p. 501.

36 See Szakály, "Phases," pp. 72-85, Idem, "The Hungarian-Croatian Border Defense System" in J. M. Bak-B. K. Király, eds. *From Hunyadi to Rákóczi: War and Society in Medieval and Early Modern Hungary*. Brooklyn, N.Y.: Social Science Monographs, 1982 pp. 141-58; on Scolari, see P. Engel "Ozorai Pipo," in *Ozorai Pipo emlékezete* [In Memory of Pipo of Ozora], F. Vadas, ed. (Szekszárd: Béni Balogh Múzeum, 1987), pp. 53-88.

37 See E. Mályusz, "Die vier Gebrüder Tallóci," *Studia Slavica Acad. Sc. Hung.* 28 (1982): 1-66.

the House of Luxemburg. Sigismund's only daughter, Elizabeth, was married to Albert V of Habsburg, Duke of Austria. Albert was “elected” king, but the diet insisted that their choice and not Elizabeth's hereditary right, was decisive. Elizabeth and Albert were crowned on New Year's Day 1438. Later, however, while Albert was absent on imperial and Bohemian business (he was, as Albert II, emperor of the Holy Roman Empire), the regiment of the queen and the Garai-Cillei clan triggered a noble reaction. The decree passed by the diet on 29 May 1439 reveals the rise of a new power in the realm: the assembled county nobility. The “election promises” Albert had made to the leading magnates, just like those of his father-in-law half a century before, had been formulated in the interest of the prelates and barons and aimed at dismantling whatever remained of Sigismund's reforms. The law passed at the diet of 1439 altered this agreement by including several clauses which guaranteed the rights of middle and lesser nobles, preserved Sigismund's ecclesiastical reforms, and strengthened the king's hand in granting offices and properties without the approval of the barons.<sup>38</sup>

In 1439 the Ottoman army attacked Serbia, Hungary's ally. The noble levy was called up, but too late to rescue the land of Djuradj (George) Branković, Despot Stephen's successor. Serbia fell, the despot fled to Hungary, and Albert died of dysentery in his camp barely more than two years after his accession to the throne. With the king's demise the smoldering conflict between the court and the county nobility flared up. A few months after Albert's death his widow bore a child, Ladislav, called Postumus. The queen's adherents, the courtly or Habsburg party, led by Ulrich of Cille were supporters of “legitimacy,” a Western orientation, and the succession of the infant to the throne. Queen Elizabeth contrived to have the “Crown of St. Stephen” taken from its guardians and had her son crowned with it on 5 May 1440 in Székesfehérvár.

Opponents of the queen and the legitimists, the party of the “soldier barons,” and the masses of the nobility in the counties, were more interested in meeting the challenge of Ottoman advance in the south and in the elective principle of kingship. They wanted to have a king on the throne who could actively lead the fight against the Ottomans. They turned to the king of Poland, the young and valiant Wladislaw III, called Jagiełłonczyk. Their asking him to accept the crown was a further demonstration of the diet's claim to elect the monarch. The baronial electors made sure that the Polish king, known as Wladislaw I in Hungary, first signed election promises and upon his coronation swore an oath to uphold a set of ancient privileges presented to him by the noble assembly. These privileges included not only the Golden Bull, but also a set of *decreta* issued in assemblies of the late thirteenth century, apparently forgotten for 150 years. These decrees of the time of Andrew III reflected the far-reaching political program of the lesser nobility and clergy, in opposition to the barons (see below 20 July 1440). Since the “Crown of St. Stephen” was in the hands of the queen and her party, Wladislaw had to be crowned with another

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38 For this and the following, see Elemér Mályusz, “A magyar rendi állam Hunyadi korában” [The Hungarian corporatist state in the age of the Hunyadi]. *Századok* 91 (1957): 46-123, 529-602 passim.

diadem. The estates issued a charter in which they argued that the validity of coronation did not depend on the insignia but on the “will of the gentlemen of the realm” and declared that the coronation of the infant Ladislas with the abducted crown was null and void.<sup>39</sup> Wladislas was crowned on 17 July 1440 with a crown that once adorned a head- reliquary of St. Stephen.

#### *Wladislas I (1440-44) and the Interregnum*

The double election led to civil war. When the majority of barons accepted Wladislas and the commanders of his troops, Nicholas of Ujlak and John of Hunyad (János Hunyadi), defeated those of the Habsburg barons, a stalemate developed. Most of northeastern Hungary remained in the hands of a Habsburg supporter, Jan Jiskra (or Giskra) z Brandýsa, who ruled that rich territory for decades in the name of the Habsburgs. Some Western towns acknowledged the queen and, after her untimely death, were taken over by her relative, Duke Frederick of Austria, who became the guardian of King Ladislas Postumus.

A decisive battle at Bătăszék (1441) in favor of Wladislas I was the first event of national significance connected with the name of János Hunyadi.<sup>40</sup> He and his son, the future King Matthias I (“Corvinus”), were to define to a great extent Hungary's fortunes for the half century that followed. Hunyadi was a descendant of a Vlach (Romanian) noble family that had moved to Hungary. His father received the estate of Hunyad from Sigismund in 1409. He grew up as a retainer of Hungarian barons and prelates, learning the craft of war in Italy and in Sigismund's entourage as “knight of the household.” In cooperation with Francis Tallóci, he received commissions at the southern border, and in 1439 was made ban of Severin.

With the fall of Serbia the Ottoman Empire reached the border of Hungary. The defence system built up under Sigismund still protected the frontier, but the “glacis” in front of it shrank from year to year. In 1441-42 Hunyadi, understanding the offensive mood in the country,, led counterattacks against the bey of Smederevo and won several battles in Transylvania and Walachia. After decades of defense, Hungarian troops were moving at last into enemy territory: Hunyadi became the idol of the nobility. During 1443-44, in the so-called “long campaign,” Wladislas and Hunyadi led a Hungarian army, supported by allies from the Balkans, as far as the Rhodope Mountains, returning only with the onset of winter. This is not the place to rehearse the arguments for and against the decision about the campaign of 1444. The result is well known. On 10 November 1444 the Ottoman army confronted the Hungarian-Polish camp on the Black Sea coast at Varna. Within a few hours the young king and his Polish knights were dead and the greater part of the army fell with them. Hunyadi barely escaped with his life.

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39 This charter, issued the same day as the coronation decree, contains very significant legal and constitutional ideas, but cannot be regarded as law, hence it is not contained in this volume. A new edition of it is in Bak, *Königtum*, pp. 141-43.

40 On this and the following, see also P. Engel, “János Hunyadi: The Decisive Years of His Career, 1440-1444,” in Bak-Király, *Hunyadi*, pp. 10327; Held, *Hunyadi*, pp. 80-170.

After the strong showing of corporate politics at the election of Wladislas it is not surprising that, once he was gone, power would devolve to the barons and nobles. The years that followed Varna witnessed the maturing of the idea of a noble-aristocratic polity and the establishment of aspects of an institutional framework that were to last, *mutatis mutandis*, to the end of Old Hungary in 1848. The underlying idea was that decisions, such as the election and coronation of a king, as in 1440, should be made by a gathering of all propertied men of the realm. The meaning of the term *regnicolae* (in our translation: “gentlemen of the realm”), which as late as the last years of Sigismund's reign could still refer broadly to nobles, freemen, peasants, and settlers, came to be limited to the *possessionati*: noble landowners, the church, the privileged royal cities, and the foreign communities, such as the Germans, called Saxons.

*Congregationes generales* or diets came to be virtually annual meetings of the upper strata of the nobility with secondary roles assigned to the county delegates, the urban deputies and churchmen. The nobles retained the right to appear personally (*viritim*) at the diet, a right frequently exercised. When major decisions were taken, such as Hunyadi's election to the governorship in 1446, thousands of noblemen assembled on the field of Rákos (at present the eastern side of Budapest).<sup>41</sup> The major cities sent their representatives to the earlier diets, but soon realised that it was not worth the expense: their word, a dozen “votes” against the hundreds of the nobles, carried little weight.<sup>42</sup> In fact, the term “estates” in late medieval Hungary should be used in the singular: the nobility counted, legally, as one estate and regarded themselves as the sole speakers for the nation, the representative of the “community of the realm” (*universitas regni*).

The practical power base that supported the corporate idea was the noble corporation of the counties. Since the beginnings of the assemblies of royal servitors in the thirteenth century, an increasing number of tasks of local administration, jurisdiction, peace-keeping, and the authentication of transactions were entrusted to these communities in the fifty-odd counties of Hungary and Slavonia. While the head of the county was still a royal appointee, though usually a local magnate, his deputy, the *vicecomes* (*alispán*), tended to be as much a representative of the nobles as of his lord whose retainer he mostly was. He and the elected noble magistrates (*iudices nobilium*, *szolgabírák*) were in fact the administrators of the smaller units.

In the kingless years after Varna, when the party struggles between Habsburg supporters and their opponents came into the open again, the diet of 1445 worked out a compromise. Negotiators were sent to Frederick III, King of the Romans, to ask for the return of Ladislas

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41 See Gy. Bónis, “The Hungarian Feudal diet (13th to 18th Centuries),” *Receuil de la Société Jean Bodin pour l'histoire comparative des institutions* 25 (1965): 287-307; J. Holub, “La représentation politique en Hongrie au Moyen Age,” *Etudes présentées à la Commission Internationale pour l'Histoire des Assemblées d'Etats*, 18 (1958): 79-121.

42 See András. Kubinyi, “Der ungarische König and seine Städte im 14. und am Beginn des 15. Jahrhunderts,” in *Stadt and Stadtherr im 14. Jahrhundert*. W. Rausch, ed. (Linz: Wimmer, 1972), , pp. 193-220.

Postumus and the territories occupied by the Habsburgs. Awaiting his answer a regency council was nominated and seven captains, including both the Hunyadi and the Habsburg party, were given commission to restore the peace (see below, 1445). The negotiations did not immediately yield fruit; therefore, the June 1446 diet decided to elect Hunyadi regent. He was given many royal rights, but was limited in capital jurisdiction and major donations; these sovereign rights remained with the council or were reserved for the king.

*Ladislav V Postumus (1440–53/57)*

In 1452 the Austrian estates rebelled against Frederick III and, in concert with the Czech nobility and finally also with the Hungarians, forced him to let his ward go. The Hungarian lords negotiated a settlement with Ladislav, which the diet approved (see below, 1453). A general amnesty was proclaimed, the donations of both King Wladislav and Queen Elizabeth were annulled, and the royal government was restored, but the council of barons retained. There was no talk about a new election or coronation; the corporate program of 1440 was tacitly buried. Hunyadi retained most of his power as “captain general,” in- chiding the administration of the royal revenues and was granted, instead of his regency, the title of perpetual count of Beszterce.

While in Hungary the rearrangement of forces preoccupied the public life of the realm, the fall of Constantinople in 1453 once more alerted all Europe to the fate of peoples threatened by the Ottoman advance. When in 1456 the Ottoman army besieged Belgrade, the key to Hungary's southern defense system, Hunyadi mobilized some 10,000 soldiers from his estates and retinue, while Giovanni Capestrano, papal legate and inquisitor, called for a crusade in Austria and Hungary. The relief of the castle by the crusaders became a legend in its own time.<sup>43</sup> The victory at Belgrade was the last deed of both Hunyadi and Capestrano. The hero of his country died two weeks later in an epidemic that broke out in the camp, and Capestrano—soon to be venerated as a saint—followed him in a few months.

The events of the following months were as melodramatic as they were historically consequential. In spite of promises to Hunyadi, the king named Ulrich of Cille captain general. Ladislav Hunyadi, elder son of János, seemed to accept the new commander, but on 9 November 1456, his men killed Ulrich in Belgrade. The king, virtually a prisoner of the Hunyadi party, promised amnesty, but as soon as he was able to act freely, he had Ladislav Hunyadi and his brother Matthias arrested; the former was tried in a hurry and executed in March 1457. Thereupon Hunyadi's widow, Elizabeth of Szilágy (Szilágyi), and her brother Michael, drawing upon the enormous economic and human resources, of the family rose against the “treacherous king.” The young king fled to Prague, taking Matthias Hunyadi with him. On 23 November 1457, Ladislav Postumus died, not yet eighteen years old.

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<sup>43</sup> See Fine, *Balkans*, pp. 568-77.

## Legal Developments<sup>44</sup>

Influenced by the study of Roman Law, the last Árpáds were the first Hungarian kings to claim an independent right to issue laws. Beginning with the 1320s, King Charles consciously attempted to regulate legal practice based on his *plenitudo potestatis*. His chancellery announced that “laws spoken by the mouth of the ruler emanate from God” while his son, Louis, summoned the Neapolitan estates during his brief rule there, in traditional Hohenstaufen spirit, as *lex animata in terris*.<sup>45</sup>

Relatively few records of Angevin legislation have survived. The first legal enactment of the age (1320), for example, was transmitted through a formulary, without formal preface and closing paragraphs. Over centuries the vicissitudes of war, the Ottoman occupation, and pillaging have caused such losses in written records that only a fraction of actual legislation remains. Only references in charters and other records indicate the scope and character of lost legislation. Thus, we know only from passages in later records, citing these regulations, that in 1328 Charles issued some sort of general decree concerning the jurisdiction of seigneurial courts, or that some time before 1382 royal limitations were placed on the practice of granting male inheritance rights to women.

However, a major cause of the dearth of Angevin laws was that statute law (*statuta, decreta*) was still seen as much less important and more ephemeral than either custom, which governed almost the entire private and criminal legal sphere, or the occasional royal decision (*mandatum, edictum*) and privilege granted case by case. Even if fourteenth-century Hungarian rulers announced their right to issue general legal norms (that is, statute law), they did not attempt such wholesale reforms of justice as those of Frederick II in Sicily or of Charles IV in Bohemia. With the exception of the decree of 1351, the entire body of surviving Angevin legislation only treated the administration of justice and monetary issues.

### *King and Estates*

Before the development of the corporate polity of estates (the *Ständestaat*) the circle of those whom the ruler consulted in his legislative function was left entirely to his pleasure. The presence and the participation of a relatively wide and influential segment of the ruling strata must have seemed useful, if only for gaining their support and cooperation in implementing the measures. But a decree issued by the king and his immediate council was not any less valid. The representation of the entire *regnum* (*ország, Land*, in the meaning of politically relevant people), that is, the participation of the diet, was seen as necessary only when matters concerned the renewal of the “liberty of the kingdom.”

A kind of hierarchy can be detected among the *decreta*, with those containing the

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44 The following is based on the “Einleitung” by Gy. Bónis in *DRH 1301-1457*, pp. 17-30.

45 See Gy. Bónis, *Die Einflüsse des römischen Rechts in Ungarn* (Milano: Giuffrè, 1964); Idem, “Petrus de Vineis leveleskönyve Magyarországon” [The Letter-Book of P. de V. in Hungary], *Filológiai Közlöny* 4 (1958): 188-90.

confirmation of liberties at the top. They begin with the renewal and expansion of the Golden Bull of 1222 by Louis I in 1351, after the partly successful Neapolitan campaign at the request of “the entire community of the barons, lords, and nobles of our kingdom.” After his death Queen Mary in 1384 re-issued that decree, at the request of “two emissaries” of the delegates to the diet, and in her decree of 1385 she renewed it in a general clause. From her charter these highly valued enactments found their way into the decree of the diet of Temesvár (1397), not in their original form, but embedded in other decisions and incorporated into a general ordinance. The older tradition of verbatim copy and re-issue of ancient liberties was again taken up by Albert on 29 May 1439, and continued by Wladislas I in his decree of 20 July 1440.

In contrast to these festive and elaborate privileges of liberty, the Angevin kings also issued decrees on administrative, financial, or other current matters in concert with the council (*prelati et barones*), occasionally augmented by certain *nobiles* assembled for the occasion. Under Sigismund the circle of those involved in the passing of laws was even more varied. Because of the vagaries of the king-emperor's ecclesiastical policies, the clergy were frequently absent from such gatherings. On the other hand, the more powerful middle-rank nobility called *proceres* or “lords” appear ever more regularly in the preface to decrees, when no diet of county delegates was assembled. The so-called urban decree of 15 April 1405 was enacted “after having called together the emissaries and delegates of cities, towns and free villages;” the decree limiting the *ispán's* jurisdiction was issued on 23 July 1421, “with prelates, barons and lords” sitting in judgment at the judicial assembly of County Pozsony.

The many absences of Sigismund, the interregna and the period of civil war gave the county nobles a chance to emerge as a necessary partner of the king in legislation; from the mid-fifteenth century onward they could no longer be ignored. In the decades after Sigismund's death one can follow, almost year by year, the development of the estates. The nobility's participation was still irregular in the fourteenth century. In 1351 and 1384 they are implicitly included in the “community of the realm,” although we know only from 1385 and 1397 that every county sent four delegates with full powers of those absent. In the decree of 8 March 1435 they are grandly styled as *totem corpus regni representantes*. Nevertheless, urgent matters could be decided by king and council without the nobility, at least until mid-century. A few important *decreta* list the consenting “mightier nobles” individually (1439); from these we can see that they belong to the leading strata of county nobles, some of them even magnates. Delegates of the towns are listed only in decrees with immediate urban relevance (15 April 1405, 1445), although they did participate in the diets of the interregnum.

We have little evidence about the process of legislation from the initial intent to regulate a matter to the final issuing of a law. The initiative could come from the king, his council, or the diet. There is no way to reconstruct the debates of the council: in the records it is always the king's voice we hear, even if he refers to consultation with his lords. Under Sigismund one can begin to discern the profile of one or another influential councilor, not from *decreta*, but from relevant charters bearing their name in the commission-clause. Noble initiative is obvious when a

decree is issued at the request of the levy (1324), or in privileges for the nobility (1351, 1384, 1439, 1440) where their *supplicatio* is always explicitly narrated. Clearly, these “requests,” which, of course, had significant political weight, were supported in writing. In 1351 the nobles must have had a copy of the Golden Bull of Andrew II, for the confirmations of Louis's decree reproduce a copy of that text; and in 1440 we are told that they had submitted a “booklet” (*libellus*) containing not only the *decreta* of 1222 but also those of 1290, 1298 and 1351. The Hunyadi party arrived with a written program for the 1446 diet, and in 1453 the estates also “presented articles” to the young king. Since the noble community could hardly have had its own writing personnel, one might assume that protonotaries of the royal court helped them—as is proven from later instances—or that notaries in the counties, in convents or chapters, performed such services.

Even if the initiative came from the diet, the formulation of the law was shaped by the royal chancellery, apparently with considerable liberty. Thus the king was able not only to negotiate a compromise with the estates, but also to infuse major or minor corrections into the final text. A good example is the decree of 1397: the nobles at the diet of Temesvár were obviously keen on having their privileges renewed, while the king was more concerned with military and financial reforms. The compromise seems to have entailed the inclusion of the text of the 1222 Golden Bull (by that time barely understood), without its most obsolete parts. However, the final text also dropped the famous *ius resistendi*, so that once promulgated as a royal diploma no one could change it.

### *Form and Validity of Decrees*

Just as the concept of royal legislation remained fluid in this period, so the name for legal enactments lacked uniformity. The vague *statutum seu decretum* in the undated (c. 1320) decree of Charles was used frequently throughout the following century. In the legal records of Charles I the king uses the verb *statuere* for legislating and calls the order of execution a royal edict. The *Decretum Maius* of Sigismund uses the rhetoric of “constitutions, statutes, and laws of eternal validity” (8 March 1435), but in mid-century the more practical *articuli* became general, sometimes specifying “decreed articles” of law (1447). References to lost decrees often use the generic terms edict and mandate. A few *decreta* of the estates in the mid-fifteenth century (1439, 1444, 1445) contain a special clause in which the estates through their representatives expressly obligate themselves in addition to the sovereign to observe the law.

Similarly, the diplomatic form of the decrees was not uniform. The general will of the ruler appears in the usual form of a charter, as a privilege or letters patent. Full-dress privileges are usually issued for the guarantee of noble liberty: the originals of the decrees of 1351, 1384, and 1435 are sealed with the authentic double seal and contain a full list of dignitaries; however, the 1439 charter, of similar content, is authenticated merely with the privy seal (*sigillum secretum*) for Albert had no great seal. Most other laws of Sigismund (if their original is known) were issued as letters patent. In the turbulent years after 1440 decrees were issued as charters of

privilege, but without lists of dignitaries. During the interregnum the charters were sealed with the *sigillum universitatis regni Hungariae* of the estates, but to assure their force, the lords present appended (or at least intended to append) their own seals as well. Hunyadi's decree of 1446 bears his seal as voivode of Transylvania, logically so, for it essentially contains his promise to observe the limits set on the regent's power by the diet. Ladislas V sealed his *decretum* of 1453 with the signet, as he did not have a great seal. The list of dignitaries is not used after 1435, but the clauses or additional charters of greater lords, appended to some mid-fifteenth-century *decreta* may be regarded as serving a similar purpose. All in all, the diplomatic situation is characterised by immaturity, trial and error, and search for forms. This holds true for the so-called commission notes, which begin to appear on mandates and charters around 1330. While the participation of a consultative body was not a prerequisite for validity, some decrees contain beyond the notation "on the lord king's own commission" (e.g., 1421), the additional words "from the deliberations of the prelates, barons, and gentlemen of the realm" (1443).

More frequent legislation, together with wider social participation, seems to have increased the importance of statute law in the fifteenth century. Whereas, references to decrees in charters and mandates are rare in the Angevin age, they increase after 1400 to the point where they become widespread from the 1430s onward. This observation suggests that written law gained in importance (within the limits set by the anarchic conditions of the early fifteenth century). The prerequisite for such a growth was effective promulgation of laws. Notations on the originals of several *decreta* indicate that the counties received copies of the laws and made their contents known. Decrees in council around 1400-20 also prescribed that these should be "proclaimed at large ... at fairs and other public places."

### *Statute Law and Custom*

For an understanding of the place of statute law in the administration of justice we are in the fortunate position of having a near-contemporary treatise about the relationship of different sources of law. There is a three-paragraphs-long gloss on this topic in the so-called Somogyvár Formulary, compiled in the royal court around 1460, but containing texts of earlier origin.<sup>46</sup> The editor dates the passage, on the basis of internal evidence, as mid-fifteenth century. The short treatise establishes a typically medieval co-existence between different legal principles, much in the spirit of the well-known contradiction between old law and new law.<sup>47</sup> First, it prescribes that the judge should apply either local custom or *lex*—*which* here does not mean positive law, but merely general custom based on ancient legislation—according to the plea submitted by the

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46 See Gy. Bónis, "A Somogyvári Formuláskönyv" in *Emlékkönyv Kelemen Lajos születésének 80. évfordulójára* [L. Kelemen Festschrift] (Bucharest: Tudományos K., 1957), pp. 117-33; the MS is in the Bolyai Library, Tîrgu-Mureş, MS 374; the cited passage on foll. 223v-224v.

47 See H. Krause, "Dauer und Vergänglichkeit im mittelalterlichen Recht" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 75, Germ. Abt. (1958): 206-51; Idem, *Kaiserrecht und Rezeption* Abh. d. Heidelberger Akad. d. Wiss., Phil.-hist. Kl. 1952/1.

plaintiff. Statute law cannot be expected to be familiar to all; hence, it may not be applied unless so requested, and no penalty is imposed for the lack of its knowledge. The text continues to explain that the plaintiff can request judgment according to received custom, local usage, royal *decretum*, or general justice. As we have seen, the plaintiff may choose between the first two; the choice between two others, however, is not up to him. Royal decisions, if called upon, have to be applied because of the obligatory submission to secular authority, even if, so it appears, they contradict “good” customary law. Finally, *ius*, divine or natural law, has to be followed above any other prescription, for it expresses those higher values which no medieval person would have challenged.

From these glosses one can appreciate that medieval Hungarian legal practice knew about both hierarchy and competition of sources of law. However, with the exception of *ius*, which probably rarely came into discussion, local and general custom on the one side and royal statute law on the other were pitted against each other. This struggle was not to be decided before the end of the Middle Ages, if then. That law (*lex*) was seen as established custom (*consuetudo*) is reflected frequently in formulae where the two are used synonymously or interchangeably (e.g., in 15 April 1405:17).

There were clear attempts in the fourteenth century to replace custom by statute law, expressed, for example, in the introductions to Sigismund's decrees of 1405 and to his *Decretum Maius*. It is noteworthy that in the early 1400s the validity of decrees is often stipulated, not merely in terms of “eternal force” but, specifically, “until the present decree of ours is altered or revoked,” as in 1404. Similar attempts at defining validity can be seen in 1447:16, where the *decreta* of the previous two years are to remain in force “excepting those which will be changed by more recent laws [*constitutiones*].”

Whether these programmatic statements were indeed able to overrule earlier tradition is highly doubtful. The gloss in the Somogyvár Formulary reflects traditional views: a *decretum* is certainly valid during the life of its author, for the subjects would not dare to oppose the ruling king, but after his death it is subject to the test of “ancient custom.” If a royal decree conforms to it, the statute will become *lex*, ancient law and custom; but if not, custom will prevail. Those who wished to counteract this traditional view and enhance the force of statute law seem to have made significant progress toward the end of the fourteenth century. The noble and urban beneficiaries of royal statutes were eager to keep copies of them, as is evident from the surviving copies in the counties of the 1351 decree and from the town archives' retention of the urban decree of Sigismund. The preserved copies were put to good use. For example, 1397:61 mentions that the communities of the counties Zagreb and Körös produced the text of 1351, and 15 April 1405:3 notes that the burghers of Zagreb presented an original statute thirty years after its issue. Similarly, some barons, who—according to the endorsements of some originals—were given copies of laws, kept their originals as well: thus, in 1446 the count palatine was able to issue an authentic transcript of article 8 of the *Decretum Maius*, almost a decade after Sigismund's death.

The statutes most often cited by king and subjects, those which set a deadline, were mainly invoked in cases related to property rights. Thus references to the date for returning to the king's obedience in Sigismund's letter of pardon of 1403 can be found as late as 1409. Several charters mention the (lost.) decree of 1405 (before 24 April) about the transumption and revalidation of records lost in the time of troubles, and in 1409 and 1412, general reviews were held on the basis of this decree in Hungary and Transylvania, respectively. Decrees of the diets in the turbulent years after 1440 are often referred to in connection with the repeated deadlines set for the return of usurped estates, which were, *mirabile dictu*, often observed even by powerful nobles. A lost *decretum* (from March 1451) is known to us only from such references. The lesser noble camp applied 1444:25, about the summary citations against violent trespass, again and again, and had some success against the “robber barons.” Article 1447:15 was frequently cited even after the accession to the throne of Ladislas V.

Measures once decreed were often repeated in later laws of the fifteenth century, which may mean either that the earlier enactments were not kept or that the authority of the decree was worth something for those benefiting from it. In fact, these two aspects are not mutually exclusive. Such repetitions can be found concerning the right of tenants to change their lords (first in a charter of 3 August 1397, then in 15 April 1405:14-16, and in December 1405:6), concerning the fee for funerals (1351:2, March 1439:34), and regarding chancellery fees (1435:10, 1447:25). Beyond repetitions of particular measures, principles of law were repeated, suggesting that these must have had some impact on the administration of justice. For example, 1397:53 involved for the first time the noble county in the fight against violent trespass, and this article was often cited in later legal records; December 1435:3-4 and its renewal, March 1439:29-30, elaborated on the procedure and strengthened the hand of lesser nobles.

The application of the *non obstante* (notwithstanding) clause allows similarly contradictory conclusions: on the one hand, if the king had the right to issue laws, then he could also disregard them, but, on the other hand, the fact that he had to specify “overriding” a statute suggests the growing significance of the latter. An extreme example is a charter from 1436 in which Sigismund expressly put aside—thirty years later—the application of the above mentioned *deperditum* of April 1405, demanding instead that authentic deeds had to be produced in certain proceedings in favor of a loyal follower.

The increased weight of statute law is also reflected in the more abundant evidence of its implementation. Notes to the decrees contain references to legal practice. We can, for example, follow the implementation of several articles of the decree of 1397, which stipulate the return of illegally seized property. Naturally, in this and similar cases we should not expect strict observance of the law, as would be self-evident in an absolute monarchy or a modern state. Implementation always depended on the efficacy and size of the forces interested in making reality out of a program expressed in the decree. There is evidence for the application, albeit in a skewed way, of 21 December 1404:1 as late as 1437; the prohibition of sitting in judgment *in casu proprio* (1421) was soon interpreted in a much wider sense than originally meant. It is

noteworthy that for the implementation of the decree of 1445, a special meeting of certain counties was held, and that this meeting decided upon some modifications, adjusting the law to local custom.

Finally, limitation was placed on all law, statute and customary, by the overriding force of *ius*, which appears in the *decreta* either as divine law or as natural law. The former is often cited in spiritual matters, the latter mostly in charters regarding the rights of women (dowry, filial quarter). To an extent the recurrent formula of the authenticating chapters and convents, which testify to a legal matter *communi iustitia requirente* (or similar words), is also based on natural law. These institutions were not required by any law to act in this capacity, but did so in the spirit of *suum cuique*.

All in all, the hundred and fifty or so years of legal development reflected in the *decreta* of the age contained many significant, yet still contradictory, elements that were to be consequential for the future and signaled major steps toward a formalized, professional, and modern system of justice.