

KING STEPHEN THE SAINT

Human history is the resultant of natural and moral laws, material and intellectual principles, of the struggle and co-operation of objective attributes and human volition, and of the effect of all these upon each other. The direction, course and measure of development and the prevailing order of things are simultaneously regulated by these history-making factors — impersonal forces, mass endeavours and cases of individual initiative — and, therefore, from the view-point of the formation of the destiny of peoples and nations it cannot be indifferent who takes their lead in critical times, or into whose hands the power may fall. The Hungarian nation has been very fortunate to be able to live through many difficult epochs of her history, in the maze of ideas and tendencies, under the leadership of statesmen, who were sure of their way, and ruling-personalities who instinctively recognized the interests of the community. She met with the greatest of these personalities in the critical hour of the turning point in historical Hungarian destiny. This hero was Saint Stephen, the faithful sovereign of the Magyars, apostle of the faith and exterminator of the heathen, organizer of the Church, educator of his people, builder of his country and initiator of laws, scourge of the sinful and protector of the poor, subjugator of the tyrant, supporter of the persecuted. He practised Christian piety with zeal, and energetically carried out his sovereign will. He was an humble adherent to the church of Christ and a commanding ruler of his people. The unity of the nation was the result of his causing partizanship to be abolished. He founded this Christian State and destroyed its enemies. He proclaimed peace and also caused it to be realized. Thus he became the triumphant hero of the battles in defence of his country.

Saint Stephen's versatile, grave and gloomy historical per-

sonality was unable to gain such close access to the hearts of the Magyars as the ideal figures of King Ladislas the Pious, King Matthias the Just or Francis Rákóczi. He was unable to catch the imagination of our people with such force as the romantically illuminated persons of Árpád, the original conqueror of our country, Louis the Great, conqueror of the world, John Hunyadi, conqueror of the Turks. His name was never placed, like the names of Gabriel Bethlen, Peter Pázmány, Louis Kossuth and Francis Deák, on the banners of national political or other world-views. He has never been revered with such flaming, loud, explosive enthusiasm as were these popular national heroes but the reverence afforded to him is deeper and more constant, more embracing and general, since it was not nourished on sentiment or intellect, and since Saint Stephen came into the centre of a nation's reverence, not as a sign of one virtue or act, one idea or endeavour, one ideal or tendency, but as the immortal symbol of universal Hungarian thought and actual progress, the eternal Magyar undergoing an increasingly difficult test on the frontier of East and West. That is the reason why the Magyar of every epoch and also every national political tendency are able to find their own exemplary ideal in his powerful personality which has not faded in a perspective of nine hundred years.

The devout legend writers and pious chroniclers, imbued with the sentiment of canonization, paint him with the customary colours of the legendary literature of the Middle Ages, as a meditating and contemplative Confessor of the Faith, an apostle converting heathens by the force of the word. They depict him as the feckless instrument of a foreign wife and wicked courtiers, as a benevolent ancient, lamenting over the intrigues of his court. But behind the bloodless literary figure of the legendary saint, even in these writings, the ideal figure of the „sainted King” of the Hungarian Middle Ages, who soared to mystical heights, is already conspicuous.

The eras of Árpád, and the Anjous saw the legendary hero of the Magyars, the founder and nomenclator of the dynasty, the holy apostle of the Hungarian people, and the mythical legislator of the nation in this their first King. The beautiful pagan legend of the dream of Emese was brought into connection with the birth of Stephen and in place of Prince Álmos, Stephen was set upon the ancestral throne of the dynasty.

In the enthroned descendants of the blinded Vászoly they revere „the blood of saint Stephen” which punishes him severely;

in the last king of the House of Árpád they respect „the last golden twig to grow on the paternal branch of the line, blood and stem of Saint Stephen, first king of Hungary”. In Maria of Anjou they lament „the last descendent in the female line of the sainted King”. The canonical power of the kings of Hungary is traced back to the apostolic privilege of Saint Stephen while his apostolic cross, received from the Head of the Catholic Church has been installed as the heraldic symbol of the Hungarian Kingdom. Kings, churches, cities, squires, warriors of the petty nobility, feudal vassals, servants, all derive their rights and privileges from his grants. It is in him that they seek the legal source of the Constitution of the rights of Estates, the autonomy of the liberty of the nobles.

According to the conception of rights in the Hungarian Middle Ages all ecclesiastical and state authorization, all common and civil law, all property and privilege is rooted in the grant of Saint Stephen, and descends from his heritage, together with the Crown, to his successors. After the extinction of the female line of the ancestral dynasty, the mystical authority of the legislative sainted King fell to the Crown now honoured as a holy relic. The Holy Crown came to be the mystically powerful symbol in common law of the Hungarian national body and communal will.

From the doctrine of the Holy Crown Stephen Verböczi deduced the right of the nation to choose her own King, while the Habsburg kings deduced their legal right of inheritance therefrom. The political jurists of princely omnipotence see the symbol of power in the holy crown of the king reigning by the grace of God. The Estates of the Realm as a member of the body of the holy crown oppose the absolutistic endeavours as injurious to the autonomous rights of the nation. Maria Theresia who lacked the ornament of imperial rank, by reviving the cult of the holy King, causing the Sacred Right Hand to be conveyed to Hungary, and by founding the order of Saint Stephen, augmented the authority of her dignity, while she founded her claims to power in Galicia and Dalmatia upon the right of the Holy Crown. In a country denominationally separated, the Catholics in their desire to establish unity of faith sang in supplication to the founder of the Regnum Marianum: „Where art thou, King Stephen? Our hearts desire thee!” while the Protestants claimed the first Christian King as adherent to the „uncorrupted Church of the Gospels”.

In most recent times, from the colourful individuality of Saint

Stephen, every tendency endeavours to grasp features suitable to its own taste and ambitions, and to render them object of reverence. In the mirror of a romantic and liberal historical survey, the era of Saint Stephen comes into the light of up-to-date view-points concerning the Hungaro-German antagonism which arose in the wake of the Austro-Hungarian state-community while he himself appears as the tragic, spiritually disillusioned hero, vacillating between East and West. The revolutionary historical survey renders him as a revolutionary reformer, opposed to racial Hungarians, exterminating ancient traditions with fire and sword. By projecting the problems of our age into the past the historical conception of the nationalities seems to have recognized the creator of a polyglot, racially undefinable State, in the King who established the supremacy of the Hungarian race and nation in the Danube Valley. In the vortex of struggling currents of ideas, traditionalists and reformers, evolutionists and revolutionaries, legitimists and free electionists, conservatives and liberals, adherents to constitutionalism and the rule of authority, all identify themselves with the Saint Stephen idea, the nine hundred year old spiritual legacy of universal Magyardom, and expropriated it with the greatest subjectiveness.

Neither has our own historiography always been able to rid itself of the effect of valuations disfiguring the historical personality of the great King and obscuring the universal importance of his rôle in history, though the primary condition of objective historical valuation is that the historical persons shall be observed in their own period, in their relation to the problems of their times and the eternal problems of national life. We must free Saint Stephen's figure from the false colours painted thereon in course of centuries, albeit in good faith, by the uninitiated. By analysing the soul and culture of Saint Stephen, by examining the direct memorials of his reign, and his time-honoured creations, by illuminating his standpoints in actual national-political questions, we must solve the problem of the historical importance of his politics, of the true significance of the Saint Stephen idea.

The peoples migrating from the eastern and northern regions into the heart of Europe, and settling on the territory of the Roman Empire, and, subsequently on or near that of the successor states, were necessarily confronted with contrasting cultures and the fateful problem of finding a secure place among antagonistic forces. East or West? North or South? Paganism or Christianity? Feudal subjugation or sovereign independence? Tribal articula-

tion and collegial government or national unity and autocracy? The destruction or continuance of these peoples, and their undisturbed internal development depended on the correct solution of these vital problems.

One part of the Germanic peoples, mixing with the Latin original inhabitants on Roman land, dissolved into Neo-Latin popular individualities; the ancient Bulgars, mixing with their Slav subjects, shared a similar fate. Other Germanic peoples — among them the German tribes, some day to be united — and the Slav people found their places in the Latin-Christian or Graeco-Christian cultural community without losing their original racial and popular individuality. The Turkish peoples who drifted to the neighbourhood of the Christian cultural districts — the Huns, Avars, Pechenegs, Uzes, Cumanians and Tartars — however, were unable to break away from the steppes of Asia; standing between the attacks of their eastern relations on the one side and their western neighbours on the other, their destiny was complete disintegration, dispersion and absorption; they sank in the sea of peoples, leaving no traces, as it were. This fate would have awaited the Hungarians too, if they had gone astray in the fateful moment of their historical life, if with eyes staring vacantly into the past, they had not been able to see the problems of their present and future.

These great problems became actual at the end of the IX century when under the pressure of the Pechenegs overwhelming them from Asia, the Hungarians were obliged to leave their country situated near the Don, and to seek a new one. The captains of the Hungarian tribes with Árpád, son of Almos — descendant of the legendary King Attila — at their head, clearly recognized the danger in political articulation and with speedy resolution created a political and military unity on the territory of Etelköz which stood open and unprotected to the attacks of the Pecheneg hosts, and breaking away from the East, sought new friends in the West. They founded the eternal monarchy and under cover of the German alliance prepared the way of further migration which had become necessary in the interest of the security and independence of the nation.

In the new country also, Prince Árpád carried on a foreign policy of defence towards the East and orientation towards the West, and neither did his successors, fostering a quickly obtained Lombardo-Italian and Bavarian-German alliance, swerve from this path. But this internal unity disintegrated immediately after

the death of Árpád. His princely successors were merely nominal rulers. The power passed into the hands of the war-captains, the more powerful of which started separate politics as independent princes. The two most powerful chieftains, bearing the dignity of „gyula" and „horka", chief judges, together with Tormás of the House of Árpád, sought for a new friend in Bizantium in addition to the Lombard and Bavarian allies. „Horka" Bulcsu, who had embraced the Christian faith and had been appointed a Roman patrician, possessed the capacity necessary to the uniting of forces, and to the steering of a rather extensive foreign policy, but undertaking a military campaign beyond his strength, he fell a victim to the revenge of the victorious Imperial House of Saxony in the disastrous Battle of Lechmező. The Lombard and Bavarian connections attained since the original settlement, along with the western provinces were lost with him. Emperor Otto succeeded in completely isolating the Magyars and the German imperial policy, founded on the prerogative of Charlemagne, expropriated not only Ostmark and Moravia, which had been under Magyar sovereignty for half a century, but also demanded ancient Pannonia or the Transdanubian part of the land of the Magyars. The Empire of Bizantium which had suddenly started on an upward trend under the Macedon dynasty, marched across the declining body of Bulgaria towards the Hungarian frontier and, in a manner similar to the sovereign already mentioned, set up a claim to every province which had been ruled by the Emperor of old. The Magyar stood alone and in isolation as a target for the expansion endeavours of two rising great powers. In case of attack from two sides, the fate of the Avars who had fallen, a century and a half before, under the offensive of the simultaneous attack of the self-same powers, that is to say, complete destruction — or in the best case the humiliating condition of feudal allegiance — awaited the Magyar. It was in this catastrophic position that the first Christian prince of Hungary, Géza, son of Taksony, ascended the princely chair of his forefathers.

Prince Géza was the child of a generation fighting in the wake of the struggle between Paganism and Christianity, ancient traditions and currents of European conceptions, between East and West. Like the Frank Klodvig, converted from Paganism to Christianity, the Anglo-Saxon Ethelbert, the Bulgarian Boris, the Polish Miczislav, the Russian Vladimir, he also was a head-strong, violent, prince of the East with Pagan morals. He, like the above-mentioned princes, was supported by a Christian wife,

in the person of Sarolt, daughter of Gyula who had become converted in Bizantium. She strengthened him with her staunch faith and manly will-power in times of indecision. In spite of this, he was unable completely to accommodate himself to this new world. His western trend and conversion was rather the result of political circumspection than of internal conviction or spiritual transformation. He recognized the power and greatness of western culture, European state organization, and Christian doctrines, but his feeling were rooted in the old Magyar world and he was unable to sever these ties. Discerning the great danger of continual isolation, which had already lasted for two decades, he returned to an active foreign policy, to the path of western orientation which had been abandoned after the defeat at Lechmező. He sought friendship, support and an alliance with the aged Emperor Otto. He requested him to send missionaries to lead his people along the path of the Christian faith. There is no doubt that Otto the Great saw the triumph of his own imperialistic policy in Géza's approach, and anticipating the feudal allegiance of Hungary, he embraced Géza's intentions with this mental reservation. Géza simply desired peace with the dangerous neighbour, in order to secure the internal order of his country and to organize the central power, so that, later on, he would be able to take up the fight against all his aggressors with rested and organized forces. When making his choice between East and West, he chose West; between feudal allegiance and national independence, he chose independence; between political articulation and monarchic power, he chose the latter; but his policy was not quite sincere or resolute in either direction. He understood that, in the interest of his nation he must carry on western politics, but he also understood that his Westward trend was not only a political problem but also a problem of world-views. And yet he did not come to any final conclusions. He and his family were converted to Christianity. The son he had selected as his successor was brought up in the Christian Faith, he invited Bavarian missionaries to convert his people, but he himself was unable to become a Christian in the depths of his soul. The Catholic religion and the culture of the West, remained a policy for him, to the very end. The measure and intensity of conversion was influenced by the prevailing foreign political situation. He behaved in a manner typical of the eastern diplomat in the question of national independence and feudal allegiance. Seeking friendship and alliance with the Emperor, he closed his eyes to the fact —

which though he expressly did not acknowledge, he must have been aware of — that the Emperor saw homage in his reverence and feudal relations in the alliance. Neither did he follow western lines in organizing the monarchic power. He overcame the captains in opposition to the princely will, but refrained from touching the federal constitution of the tribe. His aim was to reestablish the eternal princely power of Árpád. He succeeded in realizing this, and in accordance therewith did not erect his power on the abolition of this rank but on matrimonial alliance with the captains who were favourable towards him. This system of half-way solution necessarily revenged itself. The German alliance came to an end after the death of Otto the Great; it even turned into antagonism and Géza was obliged to revert to the traditional alliance with Bavaria which, owing to the feud between the new Emperor and the Duke of Bavaria had lost much of its value. Emperor Otto II — even if unable to enforce his standpoint in practice — was unwilling to recognize the independence of the Hungarian Prince, while he deprived his Bavarian ally of all power with the aid of armed forces. Here, in this country, the Pagan members of the Princely House and the even more powerful chieftains were merely waiting for Géza's death in order to dissolve the unity maintained with an iron hand and much stratagem, and to reinstate the collective rule of the captains to lead their people back to Paganism.

In his last years Géza must have seen that, after his death, every achievement of his life-work would be jeopardized, if he should not succeed in obtaining suitable personal and material security for the final elucidation of the Germano-Hungarian relations, to lay a foundation of world views for western orientation and for the consolidation of princely power. Therefore, breaking away from the principle of legitimism rooted in the Pagan ancestral rights, he excluded from succession the elder Pagan members of his family, and on the basis of the principle of suitability, authoritative in the conception of ecclesiastical law, he appointed his own son Stephen, brought up in the Christian Faith to rule after him. He invited to his court the cousin of Henry II his former ally who had reascended the Bavarian ducal throne, also Saint Adalbert Bishop of Prague, seeking refuge from the pagan Bohemians, for the confirmation of his successor, to fortify him in faith and to advise him on a more vigorous continuation of the work of conversion. As a sequel to Saint Adalbert's visit, his German, Italian and Slav pupils, driven out of

Bohemia, also came to our country, and it was through Adalbert's mediation that a marriage was arranged between Stephen and Gizella, the pious daughter of Henry II, Duke of Bavaria. Doubtless Géza was led by political insight when he revived and consolidated the Bavarian connection. By this marriage he desired to seal the eternal alliance of Stephen's family and people with the Holy Church of Christ. This alliance was symbolized by the foundation of the first Hungarian church, the Benedectine monastery of Saint Martin at Pannonhalma, which followed immediately on the conjugal union of the Heir to the Throne and his bride. With these events a new era of Hungarian history began, to which Prince Géza with his Pagan morals, barbarian eastern politics, his Christianity exhausted in formalities, was no longer suitable. He did not survive them for long. After fulfilling his historic vocation, he died in 997, leaving his country and the difficult task of the final solution of her great historical problems to his son who was then in his twentyninth year.

Prince Stephen, reared since childhood in the Catholic Faith, was a true Christian in spirit as well as in conceptions and deeds. He was gracious, generous and just, but likewise his personality was characterized by the strong and steadfast will, ruthless determination and the powerful, creative energy always reckoning with actuality attributed to the great Christian kings of the Middle Ages. His soul was the indissoluble synthesis of Hungarian consciousness, the Faith of Christ and the western spirit; his culture was the Christian Hungarian culture gathering in harmonious unity the elements of Hungarian tradition, the Catholic religion and European culture. From the information obtained from contemporary home and foreign sources, and from his indestructible creations, the image evolves of a princely figure resembling the greatest in human history, an always practical Hungarian reformer constructive to the utmost degree, Christian to the very depths of his soul, Hungarian in heart, spirit and sentiment, and yet a ruler imbued with European culture. In him, Christianity is already a deeply sensed spiritual experience, European thought an internal necessity, and the western orientation policy a national-political creed.

After ascending the princely throne, his first conflict was with his relations who questioned his right of succession, and were loth to recognize his princely power. He fought and defeated

Koppány of the House of Árpád, who claimed a right to sovereignty and therewith to the hand of Géza's widow, under the title of seniority and ancient customs. As Koppány had raised his sword against his sovereign lord he caused him to be put to death. He deprived his rebellious maternal uncle of his province and caused him to be banished with his sons. Abolishing the rank of the remaining captains and therewith the old constitution of tribal alliance supported by this tribal autonomy he gathered the people of all the Hungarian tribes directly under his sovereignty. He enlarged his family estates reaching beyond the boundaries of the ancestral homestead of the House of Árpád in Fehér country (Fehérvár, Solt, Csepel), as far as the neighbouring parts of Veszprém, Tolna, Pilis and Pest, by adding to them the estates of the disloyal captains and their followers, as well as vast stretches of partly uninhabited, unclaimed, fallow land. According to western law the propriety of all unclaimed, abandoned land, villein stock or treasure or suchland as has become ownerless owing to disloyalty, or lack of heir, reverts to the Crown. Thus, by force of this regal right he took possession of the rather sparsely inhabited country near the frontier, which consisted of forests and hills, along with the uninhabited areas lying between the tribal and lineal homesteads and, furthermore of the villeins living sporadically on small settlements. With his property, possessed through inheritance, accretion, confiscation or the regal right to unclaimed land, with his vast landed property and with the multitude of villeins and freed-men living under his authority as shepherds, farmers, and handicraftsmen — he became owner of a large part of the country as well as squire to the majority of the villeins. By creating political unity and by extending the domestic economy bases of princely power, he gave definite force to the monarchical principle and immediately after the first phase of the struggle to secure the stability of the new state-formation — the defeat of Koppány — was brought to an issue, he turned to the Papal See in Rome in order to promulgate his dignity as a Christian King and his intention towards the organization of a Hungarian Catholic Church independent of the German Imperial Church.

In the Christian monarchy of the Middle Ages — according to the tenets of Saint Augustine — the conception of the *regnum* is inseparable from that of the *sacerdotium*. State and Church, interlaced in every relation, appear joined in organic unity through the person of the sovereign placed above

the State and the Church organization. The great thinker living on the borderland of antiquity and the Christian Middle Ages, in his state-theory reconciled with admirable artistry, the system of Pagan theocracy based upon the belief and consciousness of divine vocation, and the Christian doctrines which recognize merely the apostolic and prophetic vocations. According to Saint Augustine terrestrial life is merely a preparation for the peace of the celestial realm. Peoples and princes ignorant of the Christian Faith, striving merely for earthly aims — wealth, power, and peace — are the civilians and overlords of the *civitas terrena* begotten in sin and complete in sin. But the „Christian” kings, knowing and proclaiming the Truth of Christ, and labouring with terrestrial instruments for the extension of Christ's realm on earth, including the bishops, are apostles of the *civitas Dei*, the land of God and in the earthly provinces of this dominion are the regents of Jesus Christ, who as His faithful servants, are decreed to rule „by the Grace of God”. It is their vocation to render their subjects worthy of the Kingdom of God, and in order to attain this aim, should lead them into the Christian community even by force, should they be found unwilling. Their power is distinguished by its Christly source, from that of the Pagan princes ruling on the basis of human right, under the title of heredity, election, force, or merely blood ties, and the genealogical vocation derived from the pagan dogma.

The visible, earthly Head of the Kingdom of Christ alone is competent to grant and acknowledge the Christian royalty derived from the Grace of God. Prince Stephen also, solicited a crown from the Pope. In the autumn of 1000 he sent Ascherik, Abbot of Pécsvárad, to Rome to beg a royal crown and an apostolic cross from Pope Silvester II. The French monk, who through the Imperial Court, had ascended the Papal Throne from the Benedictine Monastery of Aurillac, the great champion of the idea of ecclesiastical universalism and the Empire of Christ extending over the whole world, welcomed the ambassador of the Hungarian Prince. In acknowledgement of Stephen's royal prerogative and the dignity based upon divine right, due to a Christian reigning by the Grace of God, Pope Silvester II sent him a crown and, as symbol of his work of church-organization and conversion, an apostolic cross to be borne before the royal person. Emperor Otto III presented the new Christian Prince with his lance, ornamented with the Christly relic of Saint Maurice, as a symbol of Christian royal power.

One hundred years later, at the Hungarian royal court, it was believed — Bishop Hartvik even wrote of it — that the apostolic cross was a special privilege of ecclesiastical law, in accordance with which, Pope Silvester had vested Saint Stephen with the right to organize the church and to appoint church dignitaries. On the other hand, in the Court of the Pope, it had been contended ever since the time of Gregory VII that by the granting and acceptance of a crown, feudal relationship had been established between the Holy See and the King of Hungary. But that would have been out of the question in the year 1000. The advowson i. e. the right to found churches, to appoint high church-dignitaries and supervise the national church, at this time was still one of the royal prerogatives due to Christian kings. The grant of a crown signified neither derogation nor vassalage, but elevation among the wearers of the highest distinction of Christ's dominion on earth. Before the time of Canossa, the Holy See had never put forward such feudal claims against an Emperor or King under this title. It was Silvester II who thought of requesting feudal homage. Neither did Otto III, the great enthusiast of the Rome-idea, think of such a thing. They both clung with faith to the idea of the New Rome, a new universal Christian Empire embracing the whole world under the spiritual guidance of the Pope of Rome, and the Emperor of Rome, but both stood aloof from the ecclesiastico-political imperialism of Charlemagne and Otto the Great, from the idea of spiritual and political subjugation of the neighbouring states. The endeavours towards the organization of the Norwegian, Swedish, Danish, Polish and Bohemian Churches independent of the German Church, were promoted in the spirit of ecclesiastical universalism, and the scheme tending towards the foundation of a Hungarian Church independent of the Imperial Church was also warmly welcomed. Both laboured for the realization of the peaceful co-operation of the Christian peoples, and they eagerly accepted as a new strong supporter of their peace-endeavour, the Hungarian prince who had appealed to Rome for the recognition of his royalty, and whose conscious and consistent peace policy exactly fitted in with their universal peace-conception.

By the coronation ceremony held on the holy day of Christmas in the year 1000, King Stephen became absolute ruler of his people and country, because a Christian king reigning by the Grace of God arbitrarily exercises his royal prerogatives, governs and legislates at his own discretion. He listens to the

opinion and propositions of his counsellors voluntarily chosen from among the secular and ecclesiastical leaders, the Royal Council elected for the purpose of governing his Country, follows their approved advice, allows them to participate in the preparation of laws, as well as in government, and yet the legislation and government is carried on with his most personal determination. His power is formally boundless, and yet is not identical with the autocratic, entirely unrestricted power of the Pagan princes, since the commands of religion, the laws of the Church and the legally binding customs of the people check his royal will.

The absolutism of modern times has deduced the doctrine of supreme majesty or royal omnipotence from the divine origin of this royalty. In the internally religious Middle Ages, the knowledge of divine origin restrained the despotic exercise of royal power. In modern times the absolute monarchs reigning by the Grace of God, enforce their will without restraint in ecclesiastical affairs also. In the Middle Ages, however, the Kings reigning by the Grace of God were subject to the commands of their Faith and the laws of their Church in their secular affairs as well as in their entire department, because the legal basis and moral content of their power, was apparent in the divine origin also recognized by the Church. After Gregory VII, the Holy See of Rome was able, by its own spiritual power, to compel the monarchs to respect the commands of religion and the laws of the Church. In the time of Saint Stephen the observation of the same depended merely on the conscience and voluntary resolution of the rulers, i. e. on the extent of their faith. Stephen also was one of those rulers who bowed to the laws of faith and Church of his own free will, and voluntary royal resolution; of his own free will he set up as an example the *rex iustus, pius et pacificus* of Saint Augustine: the ideal of a just, pious and peace-loving king.

Beyond the spiritual restraint based upon the voluntary observation of the commands of religion, the laws of the Church and the royal ideal of the times, the *consuetudo* or Hungarian custom rooted in ancestral legal-development, also placed obstacles in the way of the arbitrary enforcement of royal authority. A ruler exercising legislative power could not make laws in opposition to general custom, as he was unable to enforce these laws side by side with the civil and particular legal conceptions of the Middle Ages.

The legislation of the Middle Ages, on the one hand, was

determined by the vast strength of custom, so ruinous and preventive to law and by the prevailing conceptions of civil-law and, on the other hand, by particularism recognizing no legal unity whatsoever. Besides the ecclesiastical laws of universal sufficiency, and the legal measures for the protection of the peace, the King's person, and the power of the State, the legal system of the Christian Middle Ages knew no other laws whose validity could be enforced upon the entire population. The rights and duties of the popular groups of diverse origin, living in different places, belonging to miscellaneous classes and manifold civil powers, were regulated by special precedents and laws. The second characteristic of legislature in the Middle Ages was that it legally strove to elucidate nothing but actual, new or vague problems, and it had no ambitions regarding the detailed codification of the living law or of any legal sphere whatsoever. Indeed, it might be said that it consciously avoided touching any well-known incontestable, prevailing, legal conditions or relations sanctioned by usage.

Neither again did Saint Stephen desire to systematize the fundamental principles of the entire Hungarian law or even of the new organization. He was satisfied with the elucidation of the most important legal problems which had arisen parallel with the establishment of new institutions, and could not be solved on the basis of common law. In two of his laws we can find very slight mention, here and there, of the legal relations of the ancestral homestead nobles, as this was regulated not by royal law but by the right of usage. But we find therein no measures aiming at the establishment of the new royal estate-system or political organization. They are complete in their ecclesiastical relations only, otherwise they are collections of loosely connected legal regulations concerning the people and the organization of the royal personal-power.

After the coronation, King Stephen set about with might and main to organize the Hungarian Church and to finish the work of conversion. His collaborators were monks of Saint Benedict belonging to the Cluny reform-tendency which directed the spiritual movement of the Christian renaissance of the X—XI centuries. These monks were the German, French, Italian and Slav pupils of Saint Adalbert, Bishop of Prague, and Odilo, Abbot of Cluny. The post-Cluny Benedictine monks preparing the religious aims destined to overflow the whole of Europe, pro-

claiming monastic reform and the idea of universalism with driving force were characterized by perfect internal piety and virtue, philanthropy akin to self-denial, indifference to privation and corporal suffering, desire for martyrdom on the one hand, and their conscious, systematic, ever-creating and organizing economic, cultural and political activities in the interest of the earthly welfare and religious prosperity of mankind on the other. This spirit practical in spite of its transcendental aims, rendered it possible for the Benedictines to enforce their own ideas to improve the corrupt morals and degenerate conditions, to carry on a successful campaign of conversion and Church organization. This spirit entered Hungary with Stephen's collaborators: Anastasius of Italy, Ascherik of Germany, Radla of Bohemia, Gellert of Venice, Bonipert of France and others. Stephen himself was in permanent connection with Abbot Odilo, the leading spirit of the reform movement, and also with the Cluny-ite Bavarian Ducal House brought up on the teachings of Saint Wolfgang, Bishop of Regensburg. His teachers, collaborators and missionaries were not Germans, Italians, Slavs or Greeks. His soul was conquered by the universal Christian idea which triumphantly swept across the whole of Europe at the end of the X century. Every fibre of the culture of the priests performing missionary work and the organization of the church, extended far back to the west and south, to the cloisters of France and Italy, and the universal religious movement embracing the whole of Europe reaped one of its early victories in the Christian Kingdom of Hungary and the young Hungarian Church.

Building of churches and cloisters had already been started before Stephen's coronation. In Esztergom, Géza had started the building of a church which after the foundation of the Archbishopric was turned into a joint-chapter. He laid the foundation of the Benedictine monastery at Pannonhalma, but the creation thereof was not finished until the year 1002. From the very beginning Pannonhalma — like Monte Cassino — had been an abbey under the direct authority of the Holy See of Rome; its Abbot was exempt from the legal authority of archbishop, bishop or diocesan synod. He was a *nullius abbas* exercising episcopal rights, because at the time of the foundation of this abbey there was no bishop in Hungary. Near Nyitra, at Zobor-hegy, the Monastery of Saint Hippolytus has been standing since the end of the X century. In the south, at the foot of the Mecsek, Prince Stephen laid the foundation of the Monastery of Pécsvárad,

erected to the Virgin Mary and Saint Benedict. After the coronation he caused a church to be built at Esztergom in the honour of Our Lady of Hungary and the recently martyred Saint Adalbert appointing this new church as Cathedral to the Metropolitan of the Hungarian Church. In the centre of the Veszprém estate, set apart from the property of the Royal Family for the Queen of all times, he founded a convent for the Bavarian nuns who had accompanied his wife, as well as for Hungarian ladies, while at the same time he began the erection of the Virgin Mary church and joint-chapter of Székesfehérvár destined for the family shrine and coronation church of the House of Árpád, and later on, at the burial of Árpád the Peter-Paul church and joint chapter of Buda (later on, Old Buda). In 1002, at the time when he granted the charter to the Monastery of Pannonhalma, Saint Stephen founded the Cathedral of Saint Michael at Veszprém. The bishop of Veszprém shared the spiritual guidance of the earliest converts of Transdanubia, the people of the princely tribe, with the Archbishop of Esztergom.

The people of the remaining tribes had need of missionaries and preachers before the foundation of the bishopric. Their baptism and education fell to the lot of the Benedictines of Pannonhalma and Pécsvárad within the sphere of their regular missionary work. At their head stood the most zealous collaborators of the King: Abbots Anastasius and Ascherik. The complete conversion of the people of Transdanubia was their work of art to crown which, in 1009, Stephen organized the bishoprics of Pécs and Győr. Somewhere about this date he founded the joint-chapter of Nyitra at the quondam head-quarters of the German Bishopric of Moravia. Later on, King Coloman developed this into a cathedral chapter, and a short time afterwards two new bishoprics appeared under the council of the Archbishop of Esztergom, one in the north-eastern part of the country and another between the Danube and the Tisza. These were the dioceses of Saint John at Eger and the Virgin Mary at Vác.

In Transdanubia, the parts between the Danube and Tisza, in the north-western and the north-eastern parts of the country, the great work of conversion and church-organization came to a close in the first half of Stephen's reign. A much greater task was to link up the Maros—Körös regions and Transylvania with the Christian Church or to convert the people of the "gyula": the obstinate Pagan Hungarians of Békés, Bihar and Transylvania, and the people settled near the Maros, painted with a semblance

of Christianity acquired in the wake of the Greek religious campaign. King Stephen appointed a special missionary-archbishopric for this task at Kalocsa, placing Ascherik, Abbot of Pécsvárad, at its head exempting him from the authority of Anastasius who had been raised to the See of Esztergom. Ascherik organized three new bishoprics in the eastern parts. The learned Abbot, Saint Gellért was placed at the head of the Marosvásár or Csanád diocese, while two missionary bishops were appointed for the Bihar and the Transylvanian parts respectively.

In accordance with the Augustinian principles, Saint Stephen planned the foundation of twelve dioceses, but up to the close of his life he was only able to create ten. At the time of his death the country was divided among two archi-episcopal and eight episcopal dioceses as well as the district of the Chapter of Nyitra exempt from episcopal jurisdiction. Organization of parishes was started under the auspices of the bishops and of archdeacons appointed from members of the cathedral chapters. The King commanded every ten villages to build and maintain a church; he undertook to provide one part of their equipment while the provision of the other part fell to the Bishops.

The number of monasteries also increased: after Pannonhalma, Zobor, Pécsvárad and Veszprém valley, the King founded Benedictine monasteries at Zalavár, Bakonybél and Aracs. The bishops founded a monastery at Marosvár, and the nobles did the same at Sár, Oroszlámos, Tata and Ják. Joining the western Christian community, Stephen opened the roads of his country to the pilgrims travelling to the Holy Land and encouraged his own people also to make pilgrimages. In order to facilitate their travel and accommodation he founded churches and hostels in Jerusalem, Bizantium, Rome and Ravenna. In the episcopal and chapter cities and near the monasteries he caused ornamental stone churches, and basilicas to be built by Italian and Dalmatian master-builders. These churches were most lavishly equipped by him.

He endowed the cathedrals, chapters and monasteries with abundant land and people, and encouraged his subjects, by way of legal measures, to make donations to the churches, while the maintenance of the village parishes was rendered the duty of the villages. Above this he ordered tithes to be paid on every increase of product or stock, on all income, even on the Royal regalia revenues. Besides granting benefices, he also provided for the protection of church-property and guaranteed the pastoral and

cultural work of the clergy. The King placed churches and church-property under his own immediate protection. Secular authorities were instructed to support the bishops. Exempting the priests from the authority of secular judges, he referred them to their own ecclesiastical authority.

The Roman Catholic Church was placed under State protection, while the Catholic religion became the state religion of the Hungarian Kingdom. The Church and the clergy in the new state organization, became the chief support of the King. They participated largely in the political and administrative organization of the Kingdom, and also in laying the foundations of economic and intellectual culture in the country. The higher clergy played an important role in the sphere of public administration and jurisdiction, and they co-operated with the secular officials of the King in affairs of government. The Benedictine monks were not merely leaders of religious life. Their monasteries at the same time, were also schools, hospitals, hostels, and centres of model-farming. The chapters were active in ecclesiastical administration, in the education of theological students and laymen, and also in the sphere of agriculture. The parish priests not only cared for the souls of their flocks, they were their teachers, medical men and counsellors. The cultivation of literature and the arts was also started on an ecclesiastical basis. The first written products of the Hungarian intellect are the Annals of Pannonhalma and the Saint Andrew legend by Bishop Saint Maurice, both written in the time of Saint Stephen. These were followed, a century later, by the works of Hungarian church historians during the reign of Saint Ladislas. The Magyars had their own ancient intellectual treasures: their legends, songs, romances and tales. Of these treasures, the traditions of the Royal House were chronicled, later on, by the historians, but the traditions of the people interested these scribes merely as matters exciting their curiosity, but otherwise unworthy of record. Thus the Hungarian national literature, developed and rose to its present height not through oral tradition preserved on the lips of the people but from monastic literature written in the Latin tongue. The art of the times trod a similar path. Artistic memories of ancient Hungarian handicrafts accompanied the Magyars into the Christian era. But side by side therewith appear, and soon prevail, objects of the gold-and-silver-smiths' craft in Byzantine and western styles. The gold-and-silver-smiths working for the Church in Saint Stephen's time, also the Lombardo-Italian master-

builders and stone-masons, established a direction in Hungarian art which lasted for two centuries.

In the sphere of morals, the Christian teachings proclaiming equality of man before God, broke through the barrier between master and slave, which hitherto had been thought insuperable. But neither was the Church able to abolish the institution of servitude, which for the time being was economically indispensable. The slave continued to form a part of the goods and chattels, enjoying no rights whatsoever, but crimes perpetrated against his person were already severely punished by the Church. Even of greater significance than this moral protection was that, in the spirit of the Christian Faith, the road to freedom was thrown open to him. As one means of securing salvation, the Church encouraged believers to free their bondsmen. The freedmen stepped into the society of the free, and settling at its base formed a stepping-stone, as it were, between the free and the serving classes. It sometimes happened that such freedmen were granted complete freedom and also that ordained descendants of bondsmen, frequently offered for a clerical career, were enfranchised. The institution of servitude as one of the foundations of the economic order of the Middle Ages, lived on for many centuries, but the stout wall separating the free from the slaves was demolished as early as the time of Saint Stephen, thereby opening the road to the centuries old development, by which the descendants of slaves finally became free men and women.

The first seeds of the Christian Faith were sown in the soul of the Hungarian people by the missionaries who had visited the country in the last quarter of the X century. But these experiments in conversion merely paved the way for the Christian idea. Conversion, in the true sense of the word, was the result of Saint Stephen's activities, who, building upon his father's initiative of political object, led his people to new paths with the force of internal conviction. With his helpers chosen from the Benedictines who played a leading rôle in the spiritual movement of ecclesiastical renaissance, in one short generation he converted his people to Christianity and completed the organization of the Hungarian Catholic Church independent of the Imperial Church. If, at the time of Saint Stephen's death, the rush-lights of Paganism had not quite burnt out in the parts beyond the Tisza, the Hungarian people of the west and north and of the heart of the Country were already Christian.

Saint Stephen and his zealous collaborators knew no half-

measures. The heyday of Paganism was at an end. A new creed, a new idea and a new culture had found a home in Hungary: the creed of Christ, the Christian idea and the monastic culture of the West, Latin in language but universally Christian in spirit, later on to become the foundation of our millennial Christian national culture by its union with the elements of ancient Hungarian tradition.

In accordance with the close connection of the secular and ecclesiastical government, Saint Stephen developed the political organism of his Kingdom parallel with the ecclesiastical organization.

In the mediaeval Christian kingdom the elements of common law and civil law appeared in the closest connection. In indissoluble coalescence we find the royal prerogatives and the proprietary rights of the King the State finances and the royal domestic economy, the state army and the royal private army, the state public administration and the royal domestic administration. The material basis of the King's political power was his *patrimonium*, his inherited landed property with all the people, free or in bondage, belonging under his proprietary authority. In the conception of the *regnum*, i. e. the Kingdom equivalent to the State, the Kings proprietary private power was included beside his public power. In the eyes of his contemporaries the extent of the King's private power was the standard by which the strength of his public power was measured. From this nature of the royal power we must conclude that the provincial and central organs of government and public administration, of the army and jurisdiction, were also identical with the organs of the royal domestic economy. In the state of Saint Stephen these organs were the counties the border-sheriffalties and the royal court.

As headquarters of the royal estates situated in various parts of the country, Saint Stephen appointed several forts. These were either newly built or else chosen from among the old redoubts and marsh-forts. Around these forts, within their confines, high officials called castellans were placed at the head of the King's free and bonded people living in his shire. The organization of the castellanies, or shires, was carried out simultaneously with the organization of the dioceses and archdeaconries. With the thirty-nine shires corresponding to thirty-nine archdeaconries on the area of the archiepiscopal province of Esztergom and the

dioceses of Kalocsa and Csanád, the whole organism was complete. On the vast territory of the dioceses of Bihar and Transylvania however, the organization merely of six royal forts and shires was completed, while the forested mountainous areas along the northern frontier, the areas of Slavonia beyond the Drava, and the land lying between the rivers Kerka and Mura in Zala were left without organization. To defend the marches, however, Saint Stephen — according to our scanty information — organized military border-sheriffalties, modelled on the Frank-German margravates (Mark). These disappeared, later on, after the development of the shires but the Marchia of Szerém was maintained till the beginning of the XII century, while the lieutenancy of Transylvania or voivodeship as it was subsequently called, stood fast for centuries together with the office of the Ban of Slavonia founded at the end of the XI century. The shire and the border-sheriffalty were not confined territorial units, but were domestic-economy formations uniting the King's people under the economic, public-administrational, military and judicial authority of the sheriff, and the sporadic lands cultivated by the same. The lowest stratum of popular elements living in the confines of the fort was the class of villeins, occupied in agriculture, pasturing, handicrafts, fishing and hunting, who paid a tax to the administration in the form of a definite proportion of their crops, various articles of home industry, or statute labour. Above them were the free in person but landless guests or domiciled peasants who paid a rent fixed in money or grain, and rendered moderate service in return for the use of land belonging to the fort. The distinguished classes of the shires were made up of the fort warriors who subsequently were called vassals. The champion class evolved from the elements consisting of enfranchised poor free-holders and villeins enjoying the Kings protection, farmed their free tenures after the fashion of small-holders in repayment of which, in alternate bands, they rendered subordinate honourable service in the court of the sheriff or in the economic administration, while in the time of war they joined the battalion of the shire under the leadership of the castellan. Personally they were free but owing to their feudal service obligations they were bound to the person of their royal lord and to the fort-estate. In the border-sheriffalties a similar rôle was played by the border guards commanded to defend the openings in the boundary hedges and also the castles situated near the fords of the borderland

rivers, in the marches situated beyond the defence hedges, as well as the frontier itself. These were chiefly Pechenegs, Uzes, Seklers, and Slovenes living in their own particular organization.

From his domestic property which had greatly enhanced in the course of the X century, and from other exclusive estates in other parts of the country, which had come into his possession, Saint Stephen organized separate court estates, quite independent of the shires. The supreme-authority of the royal estates of Csepel, Pilis, Bakony, Csallóköz and Segösd, and of the smaller sporadic farms was placed into the hands of the steward of the royal court and palace, the palatine (comes palatii) who at the same time was also guardian of the royal treasury. The labourers who paid a tax to the court in the form of a part of their crops, articles of home-industry, or statute labour, and who were on an identical legal and social level with the fortress-servitors were called courtmen. On the territory of the court estates, chiefly around the King's residence and the royal castles free settlements similar to the guest-communes of the shires, came into being. Later on a part of these developed into royal boroughs. The champions under the authority of the palatine, serving on the court estate and even in the court itself, as officials and warriors, who were spoken of as *milites* then as *ministri* and later on as *servientes regis*, were free Magyars of the poorer classes who served the King in return for fiefs or service fees. These were the ancestors of the later gentry.

The royal public administration and the royal army were based on this organism of domestic economy, on the shires and on the court estates. These covered the expenses of public administration and jurisdiction. The high officials and officers received no payment, but enjoyed one third of the revenues of the estate under their management. It was also their duty to provide accommodation equipment and vituals for the warrior-population and the marching army. The duties of central administration and government, however, were executed by the royal train made up of stewards, high ecclesiastics and other feofees.

Taking examples from western rulers, Saint Stephen donated rich fiefs to the churches, monasteries, to his faithful Hungarian subjects and also to the foreign warriors received into his court. The fief — suitably to the western conception of the times — placed service obligations upon its owner. The beneficiary was under obligation to render court and military service and to provide a number of soldiers in proportion to the size of his estate.

Saint Stephen limited its holding to the lifetime of the donee and his direct male descendants. In consequence of this relationship the feoffees became civil dependents of the King who, with their aid, fought his decisive battles against his dissatisfied subjects. The more rich, distinguished and excellent feoffees — among them the loyal members of the ancestral clans — were the head-men (principes), the most distinguished members of the royal court and train. From these gentlemen the King chose the secular members of the royal council (senatus) established as an advisory organ to the Government, also the councillors (seniores) and his chief officials: the palatine, the border-sheriffs and the castellans (comites).

The society of the people living within the bounds of the royal court and the royal estates differed in character from the uniform homogeneous ancient Hungarian society.

This society composed of blood relations knew no class distinction. Even if there were social differences owing to origin, prosperity or political standing, the members of the free Hungarian clans, that is to say, the Hungarian nobles, were members, equal in law, of the culture-community of ancestral estates and rights. Those, however, who were not included in the clan, whether servitor or stranger, had no rights whatsoever and their position depended on the arbitrary will of the landed gentry who afforded them protection. Against this, the social organism of the royal Hungary was of hierarchical character. At its head was the new aristocracy made up of officials and feoffees, the class of landed proprietors constituted by court dignitaries and sheriffs, the members of which were recruited from donees or sheriffs appointed from the Hungarian clans, and the German and Italian knights who had entered the country during the reigns of Géza and Stephen. Of these, the Hungarians enjoying the revenues of their fiefs and offices rose above the other members of their clans in regard to financial position.

The court champions and fort-warriors — ancestors of the later royal servicemen and vassals — were free small-holders and medium-estate owners, the minor official subject to military service bound to the King by fealty.

The commoners, also called rustics, paupers or „plebs", including the immigrant settlers or guests, were peasants free to till the soil on the royal estate against the payment of an annual ground-rent.

On the boundary line between freedom and servitude we find the freedmen or semi-freedmen subject to the payment of grain-taxes, socage and labour, who, together with the court-men were free in the eyes of the law, but who, in their relationship to their lords were regarded as servants without rights. These freedmen, together with the castle servants and court-men, were chiefly of foreign origin, surrendered popular elements, war captives, slaves purchased abroad etc.

The difference in rank and financial position of the social classes finds expression in the law by the progressive sum determined as propitiatory fee to be paid to the next of kin in case of murder. The fee for a head-man or sheriff was 50 gold pieces, for a champion 10, for a commoner 5, or an equal number of bullocks. For the slave, as an object of property, there was no fee, but compensation equivalent to his price was due to his lord.

Under the influence of the royal estate organization, as early as the time of Saint Stephen, the division of the people under the authority of private landed proprietors was already begun. First on the ecclesiastical benefices, next on the secular fiefs, and finally on the clan-homesteads we meet with the new classes: warriors, freedmen and servitors, taking the place of the uniformly rightless stratum of the former slaves. These warriors serving private squires, however, were chiefly freedmen raised from the state of villains. These people reached the social level and privileges of royal champions by degrees only.

Against the great multitude of people belonging under the royal domestic power, the free Hungarian land-owners living within the confines of clans, and the servitors of the same, were attached to the King merely by the tie of fealty valid in common law, their legal relations were regulated by the established custom of the clans.

These nobles possessed their property and allodial homesteads without restriction, according to ancient custom, within the estate-community of the clans. In Saint Sephen's legal measures arranging the right of succession we find mention of the principle of individual property rooted in western custom, but by no means does he aim at the abolishment of the clan property rights, of the system of legal succession and joint ownership, or the enforcement of the system of individual proprietorship and unlimited bequeathment. Moreover, by securing free disposition he rather prevented the interference of public authorities in the question of the private inheritance and thereby left a free course for the

assertion of clan custom. In accordance with Saint Stephen's law, the individual was free to dispose of that which was „his”. That is to say he could appoint and bequeath his acquired property, without restriction. The beneficiary of inherited clan-property, however, was not possessor of his land since according to ancestral custom he was unable to alienate it. Thus the right of the free disposition of such property could belong to the entire clan only, because the clan property in order of legal succession descended to son, brother, and later from one line to another, until, after the extinction of the clan, it reverted to the King. This custom was not restricted either by Saint Stephen or by his successors, moreover, this ancient custom, centuries later, became the basis of Louis the Great's legal disposition known as entail. The legal principle of clannish joint-possession explains the fact that the branches of the clan dispersed to remote parts of the country, sharing common property, jointly practised the advowson of the clan churches built in the centre of the homesteads, even in the XIV century, and in the precincts thereof each line and family kept a part of the ancestral homestead estate.

The Pagan culture-community, expressed in the veneration of ancestors was brought to an end by the acceptance of the Christian Faith. We can recognize no longer intelligible remnants thereof in the burial feast, the memorial feast and other popular customs. In its place, however, new clannish culture-communities evolved around the churches and monasteries of the ancient clan-homestead estates, erected in remembrance of the deceased ancestors.

Similar to the joint-tenancy which found expression in succession-laws for many centuries afterwards, neither was the community of the clans established for the protection of their rights broken up by the introduction of the new order. The members of the clans, in case of infringement of their rights, continued to demand satisfaction on the basis of ancient custom, and this their right was recognized by the public authorities. The propitiatory procedure rooted in the right of feud was placed under royal control and the King himself, as supreme judge, shared the propitiation fee, but this procedure continued to be enacted before mediaries and advisors i. e. elected judges appointed by the clans, and not before the royal judge. In the petty quarrels and law-suits occurring within the clans, the decision rested with the chieftain, against whose judgment the parties had the right to appeal to the royal court of justice.

In accordance with the extensive autonomy enjoyed by the Hungarian clans, i. e. the original nobility of the homestead-estates, in the sphere of religion, economy and law, the King practised the royal prerogatives of a Christian King, by order of God, in finance, military affairs and judicature as assign of the quondam tribal-captains. The King could avail himself of their economic forces by way of the financial regalia. Although the regalia revenues collected on the basis of the royal prerogative still played an insignificant rôle beside the domainal revenues derived from the private estates, the most important financial regalia rights had already taken shape. By the issue of the Royal Hungarian half-denarius pieces, fashioned like the Bavarian coins, which Hungarian money soon spread all over the North of Europe the collection of mintage taxes and money changing dues was commenced at the royal fairs. At these market places the vendors and the customers were taxed on the basis of the royal prerogative of market-holding. At the toll-gates, ferries and bridges, on the basis of the royal regalia of roads, a toll was levied upon the merchants and travellers for use of the principal roads of communication belonging to the King. The free peasants exempt from military duty — settlers and guests — as well as the Jews settled on the land, paid for their freedom in accordance with the royal prerogative for the protection of foreigners, that is to say, they paid a tax for the protection they enjoyed, the former the so-called free-denaria, the latter the Jew-tax.

Besides these regalia proper, the King, on the basis of the royal prerogative in judicature, was liable to a share in all fees and fines imposed in the courts of law. On the basis of the royal prerogative in military affairs, in time of peril the King personally led the armed nobles to battle. In accordance with his prerogative in judicature the King could intervene as an authority of control and appeal, in interclannish legal feuds, but, at the same time, he was supreme judge of all his subjects. Accordingly, Saint Stephen held a general law-day every year at Székesfehérvár on the day of Assumption of the Virgin, when every inhabitant of his country irrespective of order or rank, was allowed to appear before him and personally to recount his complaints and requests. In his court — at the royal curia — also, he maintained a permanent seat of judgment where either he himself passed judgment, or else the palatine did so as his deputy on the authority of the royal seal. Outside the royal curia, the palatine was judicial authority to the people of the court-estate only. The head-men

and the distinguished landowners were pleased to take their affairs before the King, though for a great part of the subjects, the curia was merely a court of appeal since they could not travel to the capital of the country with their trifling affairs. For this reason King Stephen sent a royal judge to every shire, who wore the royal metal-seal around his neck during the trials and when passing judgment. These seals were called "billog" hence the name "billogos" given to them by the people. These shire-judges passed judgment as King's deputy and though during their official activities they could claim the support of the armed forces of the castellan, they were independent of the same. The authority of the royal judges passing judgment under the King's seal and as the King's deputy, extended to all the free and serving popular elements living within the territorial district i. e. shire, of the fort, excepting the priests who belonged to the judgment seat of the Archbishop and Bishop. To a certain extent a judiciary, but chiefly a public administrative rôle was played by the village judges, who passed judgment in the everyday litigations and petty offences of the free small-holders, settlers and servitors living together in villages, but belonging under the authority of various squires. The alderman of the villagers subject to one squire were the squire's officers.

At the head of the national juridical organization, just as at the head of the royal army and the financial affairs, stood the palatine as a permanent deputy to the King. Beside his office in domestic affairs, his financial sphere of authority was the first to develop. The revenues of the court estate and the cash-income of the shires, from the very beginning, were paid into the royal treasury which stood under the supreme authority of the palatine, while the grain was stored in store-houses built for the purpose in Esztergom, Fehérvár and other centres. These functions of keeper of the Privy Purse and chancellor developed during the XI century into the financial activities of the palatine, which a century later passed over to the treasurer. The right of personal jurisdiction *ex officio*, extended to the people of the court only, but as representative of the King's person, at the royal curia the palatine judged in the affairs of every subject from the very beginning. With the complete formation and extension of this his latter sphere of legal authority, i. e. the rank of Supreme Judge, his original sphere of jurisdiction, namely the judgment of the people living on private estates was taken over by the royal court-sheriff, or, as he was later to be called, the Lord Chief

Justice. In the sphere of military affairs the Palatine was the leader of the King's private army i. e. the knights of the court, though from the very first in his capacity of King's deputy, the shire-battalions marching to battle at the same time as the court army, as well as the army of nobles marching under the personal lead of the King had necessarily all come under his authority. In this manner already in the time of Saint Stephen, every thread of the administration of private and public affairs met in the hands of the Palatine. He, as chief officer of the court estate, was a factor of private power equal in rank to the castellans and co-ordinate with the same. As permanent deputy of his King, however, he executed functions of common law at the curia and owing to his juridical, financial and military sphere of activity, stood high above the entire economic and public administrative, military and judicatory organization. His sphere of activity at the curia as King's deputy predestined the Palatine to the leadership of the government in general. This came to pass in due course when the Office of Palatine became a high dignity in common law, extending over the whole country.

The principal central organ of the Royal Government was the Royal Council, the members of which Saint Stephen chose from among the chief gentlemen of his court, the bishops and the sheriffs. This royal council was a government extending over the whole country and was responsible to the sovereign alone. However, as the high ecclesiastics and sheriffs and — since the middle of the XII century — the bearers of offices created after the distribution of the activities of the Palatine all had an official seat therein, this council soon attained to a position of constitutional control.

The new system of government and the political status of the Kingdom was erected on an organization of private power, on the series of royal estates, and accordingly had many feudal features. The military obligations of the enfeoffed court gentlemen and champions and their right of succession, the service rendered by the rate-paying settlers and guests, are undeniably rooted in the beneficiary system. The palatine and the castellans, as officers of the domestic estate were bound to the King by a civil bond. And yet their office and the institutions in connection therewith possessed a decided common-law substance and political colour. From the beginning the shire had always differed from the court estate. Saint Stephen strictly prohibited the possessions of the

sheriffalties to be treated as private property. Severe punishment was meted out to sheriffs who misused their official authority. The royal courts of justice organization, the royal judges of the shires, the curia, presided over by palatine and King, and the law-day judgment seat, were institutions of common law, uniting the people of the royal private estate and the King's remaining subjects in the political organization of the Saint Stephen State. This common-law aspect of the state-organization prevented the palatinate and sheriffalties from developing into permanent feudal provinces after the western example, and the entire state organization from taking to the path of feudalization.

In the time of Saint Stephen, two entirely different economic, social and legal systems existed in Hungary. These systems were of different origin and nature, yet they existed side by side, and even dovetailed at certain points. Of the descendants of the original settlers, a great number dwelt within the ancestral clan-organization according to ancient customs. Others dwelt together with the parvenu lords who had been granted fiefs or offices, and the lower popular elements belonging to the royal estate, within an apparently feudal court and shire organization, according to written rights codified in Saint Stephen's laws.

Saint Stephen did not desire to replace the old institutions with new ones at a moment's notice. The clan-organization rooted in centuries-old tradition and the ancient rights of usage emerged unscathed from the political and sentimental strife of the old and new state-order, the struggles between Pagan and Christian; since two centuries afterwards they still constituted sustaining pillars of Hungarian social and economic life. Saint Stephen wisely spared these vigorous institutions, and in his laws he merely regulated the legal relations of the new organization, the legal order of the Christian Kingdom that he had formed by their side. At first, the two organizations living and functioning parallel with each other were connected by the King's person, the church and the judicatory organization. By establishing the benefice system which placed the members of the free Hungarian clans under service obligation to the King, and by creating the shire which served as a setting, as it were, for the territorial organization activities of the nobles, King Stephen himself realized the preliminary conditions of the fusion of the two organizations and the formation of a new uniform social and economic order.

The royal castellans had no power over the landed proprietors and their people who did not belong to the shires, but as the

local representatives of the royal power, they had a directing influence over the social life of the nobles, while the palatine, as a permanent deputy to the King, rapidly rose to universal authority in their society. The enhancement of their authority was promoted by the circumstance that Saint Stephen chose his principal officers from among members of old, distinguished Hungarian clans, and the noblest parvenu knights. His palatine was the husband of his sister, Samuel of the line of Aba, son of the last captain of one of the Hungarian tribes. Of his castellans we know the names of Csanád, Szolnok, Borsod and Szabolcs sprung from the Hungarian clans of Csanád, Szolnok, Bors and Csák, and the parvenu knights Hont and Veczelin. No mention is made in our records and chronicles of inferior, landless stewards of the slave class. Saint Stephen's law, interpreted in so many and diverse ways, regarding the privileged position of the "servitors placed at the head of the royal properties and forts", merely expresses the principle that the King may raise servitors also to such high office. In practice, however, neither Stephen nor his successors availed themselves of this privilege. Nor was there any need to do so, for the offices of steward and foffeee had a very great attraction. The individual proprietorship and bearing of office brought about by the endowment system, opened the way for self-assertion and increase of property and to the swift social elevation impossible under the bound property system of the clans. Since Saint Stephen everyone has had the right to acquire individual property for his family proper, and thereby to attain to the authority and power which places him above his relatives. Therefore an ever increasing number of the freeholders offered their services to the King and through them close personal connections arose between the society of royal subjects and the nobility. The economic freedom of the nobles was so attractive to the foreign foffeees that they were persuaded to form clan-communities among themselves similar to those of the Hungarians. The original nobility desired office and fiefs, while the officials and beneficiaries desired the independence of the nobles. As the result of these endeavours the differences began slowly to fade, and the original nobles fusing with the royal foffeees became a uniform class of landed nobility, which, after the lapse of two centuries formed a new social and economic organization now based on class-relationship and property in place of blood ties.

Saint Stephen's laws, compared with other sources and the phenomena of later developments, give us an illustration of the

state, social and economic organization of Saint Stephen's kingdom, but in themselves alone they also throw light on the source whence the first Hungarian King took his ideas. The written source of Saint Stephen's laws, not to mention the Italian codes of an ecclesiastical nature, was the *Lex Baivariorum*. The expressions used in his laws were all rooted in the Franko-Bavarian official terminology. The palatinate and fort-sheriffalty, the court estates and the shires, the feudal-like institutions of the people living within their bounds, the fiefs of beneficial character, the organization of the royal army, the chancery, the money-system, the regalia, were all institutions transplanted from the land of the Bavarians, although the Hungarian names of several, the names only, were derived from the Slav language of the servitors living within the new organization. From the Slav origin of the names "udvarnok" (courtier), "nádorispán" (palatine), "ispán" (steward), "megye" (shire) and "pénz" (money), we may no more deduce these institutions to be of Slav origin than from the word "Voivode" used in place of the ancient "hadnagy", or the word "szolga" which ousted the Hungarian word of the same meaning, or the words "király" (king) and "királyné" (queen) in place of the old "úr" (lord) and "nagyasszony" (lady). All these were institutions reaching back to the Carolingian political organization which had arisen in Gaul and the contemporary institutions established in the principality of the Hungarian King's Bavarian relatives served as their immediate models.

Saint Stephen's state-organizing and home-building activities were characterised by his taking up connections with the west-European community, his adoption of the institutions of the Latin church organization under the spiritual authority of the Holy See, and by the domestic economy and political system built up according to the Franko-Bavarian model, furthermore by his following — though not slavishly — the example of old and new rulers. When organizing his country, he kept in sight the Saxon Imperial House of Carolingian tendencies, founded on strong private power, which, however, — opposite the contemporary French and Italian feudal system — still seemed to be a monarchy based on common-law; in the first place, the Bavarian principality of his father-in-law. However, it would be a great mistake to think that by adopting the Franko-Bavarian institutions he had signed the death warrant of the ancestral Hungarian institutions. On the contrary, Stephen was a reformer, but not a revolutionary, he was an organizer not a destroyer. From the West he transplanted

new institutions and legal customs, new ideas and endeavours into Hungarian soil. He was pleased to receive into his court "miscellaneous words, customs, weapons and science", namely, parvenu knights bringing different culture, in order that his Magyars might learn from them. But he did not destroy the old Hungarian institutions; he did not exterminate the ancient customs. Of the old ones he destroyed merely such as were already crumbling and on the verge of collapse. Working on the foundation of the Christian Kingdom, he was satisfied to annihilate merely the remnants of the old political organization which imperilled the central power, to abolish the dignity of the tribal-captain and the autonomy of the tribes. He did not touch the ancient social and economic organization of the Hungarian clans, he did not oppose the established Hungarian customs, and wisely sparing the ancient forms of the Hungarian life, he conveyed Hungarian spirit into the new institutions in order to pave their way towards their being adopted and changed into Hungarian, because, as he wrote to his son: "Can the Greek govern the Latin according to Greek customs, or the Latin the Greek according to Latin customs? By no means." With this wise procedure he laid the foundation of the particular Hungarian development, the most characteristic feature of which was the Christian Hungarian culture which united in harmony the Slav basis and the racially determined Hungarian ancient culture with the culture element borrowed from the West, since the most Hungarian production of the sainted King was the shire which, evolving from his domestic estate organized according to foreign plan, had grown into a strong fortress of Hungarian autonomy. His greatest creation, however, was the Hungarian nation-state in the form of the Christian kingdom, which, though in various shapes, has continued to live to this very day, while the most beautiful and most expressive symbol of the royal Saint-Stephen Council... the diet, is the Holy Crown of Saint Stephen, now the symbol of the nation as a body, held in reverence by every true Magyar.

After creating the internal unity of the nation, organizing the Hungarian Church and developing the system of executive power, the question of hereditary succession to the throne had to be settled. According to ancient Hungarian custom, Prince Vászoly, son of Michael, was entitled to the throne as oldest male scion of the family. But Vászoly was no more suitable to govern

a Christian country, than in time past was Koppány. He lived with his Hungarian wife, in a pagan form of marriage, or rather in what, from a Christian standpoint, would be called concubinage. He reared his sons in the pagan faith and he himself associated with the dissatisfied nobles of pagan inclinations. For this reason Stephen, like his father, appointed his own son Prince Imre, on the basis of the ecclesiastical principle of suitability, to succeed him, and appointed the best masters to train the boy (who hitherto had been studying for the priesthood) for Kingship. According to the words of Stephen's XI century biographer "he himself also wrote a book for his son on the education of morals, in which he speaks to him firmly with gentle admonition, instructing him above all things to maintain the Catholic Faith, protect the order of the Church, to respect the dignity of the bishops, to love the magnates and knights, to administer justice, to be patient in all his deeds, to receive graciously and foster even more graciously all new-comers, to do nothing without advice, to keep his ancestors incessantly before his mind's eye taking example from them, to fulfil the duty of prayer and to practise clemency and mercy together with the remaining virtues." This book of Moral Admonitions, written in the King's name, at all events according to his directions and wishes, which later on was incorporated in the Hungarian Code of Laws as Saint Stephen's first law-book, throws a sharp light on the spiritual foundations and the principles concealed in the background of Saint Stephen's state-organizing activities, but the son for whose instruction it was written was unable to make use of it. Prince Imre died in 1031, a victim to the murderous attack of a wild boar at a hunting party. At the zenith of his power, the King was again face to face with the once solved problem of succession, and at a time when, owing to the change in the foreign political situation, the question had become a matter of life and death to the young Hungarian Kingdom.

Saint Stephen's peace policy was abandoned when after the death of the peace-loving Saint Henry, his throne was occupied by the bellicose, aggressive Conrad of the Franks. The new dynasty, in accordance with the traditions of Charlemagne and Otto the Great, openly claimed the province of Pannonia which had once belonged to the Franko-Roman Empire. In 1030, Conrad invaded Hungary with a large army and tried to obtain the feudal homage of the Hungarian King by force. Stephen repulsed this attack. The military organization of the young Hungarian King-

dom stood the test, and what is more, emerged augmented in territory and authority, from this first struggle against the German power. And yet Saint Stephen did not think of conquest. In the knowledge of his power, he offered peace to his vanquished foe and was satisfied with the recapture of the land between the Leitha and the Fischa and the March field. He did not wish to obstruct the road to sincere reconciliation, because he knew that Conrad's attack was merely the first attempt of the strengthened imperial power to enforce its old claims. He also knew, however, that his kingdom would only be able to put up a successful fight against this dangerous imperial policy if he had a successor suitable in every way to hold together the internal forces and to maintain the new organization. He saw this successor in his son Imre, after whose premature death he had to start his search anew.

The only full grown member of the Árpád dynasty was Vászoly, whom the King "had caused to be imprisoned for his own improvement, in consequence of his youthful revelry and foolishness". Yet after the death of Imre, everyone believed him to be heir to throne. Stephen also decided to release him and make him King after him. Then it happened that Prince Vászoly, encouraged by his pagan followers, planned the assassination of his royal uncle. The legend-writer, in consideration for Saint Ladislav his royal grandson, passing over his name in silence, wrote as follows "four very distinguished courtiers seeing that Saint Stephen had been seriously ill for a length of time, made a wicked plot and sought occasion to kill him". The conspirator appointed to do the deed, however, was unable to do so. The king, roused from his sleep, interrogated the would-be assassin who betrayed the names and intentions of his confederates. The chief malefactor, who had turned against his own blood, against the head of his clan, against his legitimate King, should have been sentenced to death according to law. But being a member of the Royal Family, according to contemporary European custom he was allowed to ransom his life with "the sight of his eyes and the hearing of his ears". Throughout Europe all rebellious princely relatives disloyal to their own sovereign, traitors to their own blood, and therefore unworthy of sovereignty were thus rendered also physically incapable of rule. In accordance with Saint Stephen's law his confederates were punished as oath-breakers, suffering the loss of the hand they had once raised in oath of allegiance. Prince Vászoly's three minor sons were deprived of

all their property and banished. No physical punishment was inflicted upon them. Besides these boys and the child Bonuflón, there was no living male member of the Árpád dynasty. Therefore Stephen sought for a successor among his relatives in the female line. He appointed the son of one of his sisters by Otto Orseolo, Doge of Venice, as his successor, after having made him chief commander of all his armies. This Prince Peter had lived at the Hungarian court since 1026. Soon after he had appointed his heir, Saint Stephen died on 15th August 1038 on the day of the Assumption of the Virgin Mary, at the age seventy, after a long reign of forty-two years.

During the four decades of his reign, by conversion of the Hungarian people and the organization of the Catholic Church, by the creation of the political unity of the nation and the foundation of the Christian kingdom Saint Stephen had led the Hungarians into the western Latin-Christian community. East or West? Feudal subjugation or sovereign independence? Tribal articulation and collegial government or national unity and monarchic rule? His triple problem was definitely solved in the direction of West and Christianity, independence and self reliance, unity and monarchy, and by solving these three great problems, Saint Stephen solved the chief problem of Hungarian national politics connected therewith, the fundamental problem of the secure position of the Hungarians in Europe and their undisturbed internal development. Similarly to the Christian Hungarian civilization and the new state and social organization the Hungarian people also absorbed some of the foreign elements found here or immigrated from abroad, and in the wake of healthy blending soon produced the type of European Hungarian still faithfully guarding the ancient racial peculiarities, but also enriched by new ones, and who, by multiplying have become the Hungarian race and people of to-day. Similarly to other European peoples — Italian, Spanish, French, English, German, Bulgarian and others — the formation of the Hungarian species uniting various racial elements, the political and cultural unity of the Hungarian nation, the independent Hungarian State evolved from the Christian Kingdom, the independent Hungarian church and every European form of Hungarian life are all results of Saint Stephen's creative genius and organizing activities. The rule of the Magyars throughout the entire historical country was founded by the original settlers. The security and perpetuation of this

sovereignty, the complete exploitation of the State-forming power and the political will lying in the Hungarian popular individuality, the foundation of a Hungary armoured for European life, are the merit of the first Hungarian of Europe: King Stephen the Saint, and this work of art is the greatest masterpiece of the Hungarian race, the Hungarian genius and the Hungarian strength.

OSZK

Országos Széchényi Könyvtár