

A history of the palatinal institution in the Árpáadian Age and in the first half of the Angevin Period (1000–1342)

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The Subject of the Dissertation

The dissertation discusses the first 340 years of the history of the palatinal institution. The 'palatine' (Hungarian: *nádorispán* or *nádor* in short; Latin, until the beginning of the thirteenth century: *comes palatinus*, from the 1330s up to the end of the examined period simply: *palatinus*) was politically the highest non-dynastic secular dignity after the king in medieval Hungary. From the point of view of the history of institutions, the palatine was one of the heads of judicial administration. At first he acted when the king had to be replaced, but later the palatine acted as the head of an independent judicial forum, and as the head of the highest judicial organ after the royal court. The medieval history of the palatinal dignity is a rather neglected topic in the field of Hungarian medieval studies; the latest comprehensive monograph of the institution in question was published in 1863 by Vilmos Fraknói. Since Fraknói was able to use primary sources only to a very limited extent, his conclusions, in the main, are outdated today. After Fraknói's monograph, beside short general summarizing works, only minor studies were published that dealt, exclusively, with certain special aspects of the question. Nevertheless, research into the history of the palatinal institution, irrespectively of the present dissertation, has recently found its way into the mainstream of medieval studies, consequently I was able to profit also from the results of this investigation.

I discussed the history of the palatinal institution from the very beginning up to 1342, and in some cases beyond that year, if it seemed reasonable. 1342 indicates the date when Palatine William Druget died, and Hungarian scholarly literature considered this year as a landmark in the history of the palatinal institution. This assertion was based on the general supposition, that after William Druget's death, King Louis I incorporated the palatinal bench in the royal court, and from that time on the palatine's law court had become one of the judicial forums of the royal court. My research into the history of institutions does not support this supposition: the palatine actually moved to the royal court already a few years earlier than 1342, during the office-holding of William Druget. Nevertheless, it

seemed reasonable to regard 1342 as a turning point because during the activity of John Druget (1328–1333) and William Druget (1334–1342) a great deal of changes had taken place in the practice of the palatine's office. Consequently, Nicholas Zsámboki, who followed William Druget as palatine in 1342, inherited a totally new model, which – together with other changes – was carried out first in this form by him during the full length of a palatine's activity.

The Sources

In addition to the results of scholarly literature, the dissertation is based on medieval primary sources, produced in Latin. I exploited narrative sources (Hungarian and foreign chronicles, geographical descriptions, etc.), texts of medieval laws, as well as the so-called 'Register of Várad' (Hung. *Várad Regestrum*, Lat. *Regestrum Varadiense*). Nevertheless, following from the nature of the subject, medieval charters constitute the most important part of my source-material, especially those that were issued by the palatines themselves. In this respect my aim was to achieve completeness. I was able to realize it essentially in the case of charters issued by the palatines of the Árpáadian age. It is important to note here that I studied not only the palatinal charters that survived in full text, but also those which were preserved in "summary transcriptions" and those which were mentioned in other charters. In addition, I analyzed those documents from the turn of the thirteenth and fourteenth centuries, in which there is no reference to the person who issued the charter (the so-called: *damus pro memoria charters*), registering those, which are identifiable as palatinal or vice-palatinal documents, concerning their matter and/or other signs. This work, destined as the partial base of sources of the present dissertation, was finally published as an independent piece in 2012 (*Az Árpád-kori nádorok és helyetteseik okleveleinek kritikai jegyzéke*. Szerk. Szőcs Tibor. Bp., 2012. A Magyar Országos Levéltár kiadványai II. Forráskiadványok 51. 324 p.). For collecting the charters from the Angevin period, I used the volumes of the *Anjou-kori Oklevéltár*. Nevertheless, I studied not only the "*regestae*" but I always read the text of the original documents. In addition to the palatinal charters I also examined other diplomatic sources that were published in the volumes of the *Anjou-kori Oklevéltár* and other source-publications. In this respect special attention was paid to the documents issued by the places of authentication and informing us about the fulfillment of different palatinal decrees, and to those royal or queenly charters, which were addressed to a certain palatine, and finally to those which, in a broader sense, referred to the palatinal institution itself. Among the latter group of charters are the privileges which were granted to secular or ecclesiastical lords and to different urban communities. It is important to note here that these privileges often affected the jurisdiction of the palatine in office. In connection with this group of sources, my aim also was to collect all the documents, although these charters are of secondary importance compared with the ones issued by the palatines themselves. Nevertheless, it may happen that several such charters escaped my attention. It is highly probable, however, that the lack of such documents do not modify seriously my research results.

The Structure of the Dissertation. Conclusions

The 10 chapters of the dissertation can be divided into three major thematic groups. The first three chapters deal with the introductory questions and the origins of the office, and survey the history of the first two centuries of palatinal institution, roughly until the time when the palatine got separated from the royal court and emerged as the head of an independent judicial forum. It is this part of the dissertation where the problems of terminology are discussed. First I examine how the Latin technical term changed in the course of time: initially, more or less up until the middle of the eleventh century, the term *comes palatii* appeared that followed the Carolingian formula. From the second half of this century, up until the end of the twelfth century, the term *comes palatinus* (or *palatinus comes*) predominated. Finally from the 1190s to the 1220s, due to the slow and fluctuating disappearance of the first tag 'comes', the name of the dignity had become simply and exclusively *palatinus*. Except the periods of transition, this trend prevailed consistently, consequently an epoch-making role can be assigned to it. On the other hand, the etymology of the Hungarian word 'nádorispán' is highly debated: although the Slavic origin is most widely accepted, I, having surveyed the more than 250-year long historiography of the question, arrived at the conclusion that the origin of this term is uncertain. There is only indirect evidence proving that the palatinal institution appeared already during the reign of St. Stephen. On the one hand, we know, at least in theory, that in the early times the palatine had the right to replace the king when administering justice. Moreover, in the small work whose authorship is incorrectly attributed to St Stephen and is frequently entitled *Admonitions* (Hung. *Intelmek*), and in which the basic principles of the new order and just government were summarized, it can be read that it is not the monarch himself who should administer justice, but he should entrust someone else with this activity. It is, therefore highly probable, that the model in which the king was replaced in judicial procedures, existed already during the reign of St. Stephen. On the other hand, the first person who held the office of the palatine was Samuel Aba, originating from a famous *genus* from the time of the Hungarian Conquest. He appeared in 1041, during the reign of King Peter, but it can be excluded that it was Peter who had raised Samuel Aba to this important office, since Peter relied on a western power base. Consequently, it can be taken for granted that the institution of the palatine was established in Hungary by St. Stephen, and that the first palatine was Samuel Aba. Although, in addition to Aba, in connection with other persons (*comes* Ceba, Csánád), it was presumed that they acted as palatines, this supposition cannot be proved. St. Stephen introduced the office of the palatine to the Hungarian institutional system as part of the Bavarian model that was combined with Carolingian antecedents. The Latin technical terms and the characteristics in the early scope of duties of this dignity unanimously verify this assertion. Nevertheless, the institution of the palatine soon had gone through alterations in the Hungarian situation. By the end of the twelfth century the office of the palatine had become settled; it can be considered a special and unique Hungarian institution. Initially the palatine was the chief justice of the people who lived on royal landed estates (*ud-*

vornici), and he replaced the king in the royal court. It is highly probable that he also had other economic functions. Nevertheless, at the turn of the eleventh and twelfth centuries, the increasing tasks of the royal judicial court required a reform that King Coloman the Learned tried to achieve. Finally the solution was achieved through the division of the scope of duties. At the beginning of the twelfth century the count of the royal court (Lat. *curialis comes*; Hung. *udvarispán*) took over the occasional economic functions of the palatine, consequently the palatine was able to act exclusively as the judge of the royal court. In contrast with the most widely accepted view of scholarly literature, I am firmly convinced that the palatine did not have an independent judicial bench at the beginning of the twelfth century, but he continued to replace the monarch, as he had done before. The palatinal bench, as such, was established during the reign of Bela III (most probably in 1192). It was then, that the *comes curie* took over, on behalf of the king, the administration of justice. As a result, the institute of the judge royal (Hung. *országbíró*) had emerged, and about 30 years later the Latin term also showed this significant change: the term *curialis comes* was slowly replaced by another one. This was: *iudex curie*. From this time on the palatine, as head of an independent judicial forum, was able to administer justice in his own name. The office of the palatine got professionalized during the activity of Nicholas, son of Barc, between 1220 and 1221. Then, on the one hand, appeared the first deputies of the palatine who can be regarded as the precursors of the of the vice-palatines, and, on the other, this is the time when, having completed a lawsuit, the palatine's office started issuing judging charters [ítéletlevél] in the name of the palatine.

The second, bigger part of the dissertation is Chapter 4 itself. It contains the summary of the palatinal institution from the period between 1192 and 1342 (150 years). It discusses the changes that took place in the practice, the procedure and the structure of the office. I tried to explore how common law (customary law) influenced a palatine in his activity in a given period, and how far the radius of action of his institution extended, etc. My investigation shows that although some of the palatines established a more intensive procedure and a more developed official structure than others, the way of running the office was basically determined by the more general and more slowly changing norms of common law. Roughly speaking, we can see a process in which the palatine, leaving the royal court, was increasingly relinquished from the king's judicial bench, what is more, from the 1270s also from the royal authority itself. Then, from the end of the 1330s, the palatine approached to the royal court again, and finally the palatine established his seat at the place where the king resided, and by the end of the fourteenth century it had totally been merged into the royal law courts. Of course, this is not the revival of the model that had prevailed in the period prior to the thirteenth century, because the palatine had an independent judicial bench already from the fifteenth century on. This means that he administered justice in his own name, and not as an office-holder who had replaced the king in the eleventh and twelfth century.

This process can be divided into five major sections from the point of view of the history of institutions 1) The term of the 'mobile palatines' (from the 1190s up to the years following the Mongol invasion of the Hungarian Kingdom). In this

period the palatine and his followers were 'traveling' in the realm, just as the royal court did, without an apparent regional center of gravity. 2) The term of the 'regional palatines' (from the 1240s up until the beginning of the 1270s). In this period the palatines did not travel, and their activity focused on a well defined region of the realm. It happened during this period that a civil war broke out between Bela IV and his son, resulting in the division of the kingdom. In this situation both parties had palatines of their own; and when "direct wartime" was over, the regional centers of gravity within their own parts of the realm can easily be detected. 3) The term of the 'oligarch-palatines' (between 1272 and 1310). Although at the beginning of the reign of Ladislaus IV, the rival baronial "leagues" reserved the palatinal office not for themselves, but granted it to a third person, who was actually loyal to them, from the end of the 1270s they monopolized the dignity of the palatine. The holding of the palatinal dignity had become a symbol of political power, but it also served as a source of income. From the point of view of the latter, it is to be stressed that in this period several counties (together with their income) were allocated to the office of the palatine, and that his judicial activity also served as a source of major income. During the reign of King Ladislaus IV palatinal administration of justice on a national level restricted only to the time of some "reform periods" (e.g. 1278-1279), otherwise the 'oligarch-palatines' exercised power over their own territory, from where they rarely moved out. The model of the 'oligarch-palatines' originated in that of the 'regional palatines', but the difference between the two systems was that in the case of the 'regional palatines' the regional center of gravity was assigned by the king, and usually it did not coincide with the location of the palatines' family estates. In contrast, the 'oligarch-palatines' resided in the seat of their "kindred-estates", and their official activity was strongly interwoven with the oligarchic practice of power. 4) The legacy of the model of the 'oligarch-palatines' (1310-1328). In this period the palatinal exercise of power was very similar to that of the previous one. Nevertheless, the reason why I treat it as a distinct period, is explained by the fact that from 1310 on Charles I recognized only one palatine as a legitimate (Kopasz Borsa) office-holder, and later palatines were able to take their office exclusively by royal consent. Most of the palatines of this period (Kopasz Borsa, Dózsa of Debrecen, Philip Druget) followed the official model of the 'oligarch-palatines', i.e. they resided in the seat of their own kindred-estates, and dealt, almost exclusively, with the cases of this region. It should be remembered here, that in the case of the palatines, mentioned above, this region was North-East Hungary. The only exception of this period was Palatine Dominic (1315-1320), from the *Rátót* kindred (genus), who, as member of the royal court, did not administer justice at all. 5) The term of palatines with nationwide range (1328-1342). Although I discuss the activity of the three palatines from the Druget family (Philip, John, William) in the same subsection, from the point of view of 'institutional history' a much greater difference can be pointed out between the practice of Philip and John than, e.g. between that of Philip Druget and Dózsa of Debrecen, who was Philip's predecessor. After the death of Philip Druget his office devolved upon his brother, John, but his landed-estates were inherited by William, son of John, who established himself there. Consequently, John Druget

was not able to base his official activity on his family-estates, a fact that characterized almost all the palatines from the end of the 1270s. Óbuda became the seat of John, who visited the various regions of the realm in person via the so-called 'general assemblies' (Lat. *generalis congregatio*). Since the emergence of the institution of the *generalis congregatio* (1273), he was the first palatine, who convoked such an assembly both for the eastern and the western part of the realm. The 'radius of action' of the palatine had extended even further during the office of William Druget. Although William still had his seat in the 'Druget-province' in Northeast-Hungary, as a palatine he followed the practice of his father. The palatinal 'radius of action' had extended even further, and covered almost the whole of western Hungary, and a great part of eastern Hungary. At first, William had his seat in Vizsoly, which, between 1338 and 1340, was transferred to Visegrád, where the king resided.. Nevertheless, he, simultaneously, maintained, with the official staff, his father's seat in Óbuda, but this seat worked mostly in the absence of the palatine. William abandoned the seat in Óbuda in 1340, and transferred his other seat to Nagymaros. Thus, the official model which was to typify the palatinal institute in the age of Louis I was essentially ready in 1342: the palatine had his seat in Visegrád, which he left usually only for the time of a *generalis congregatio*. In such cases, i.e when the palatine was away, the staff of his office continued to issue the charters in the name of the palatine.

The third longer part of the dissertation (Chapter 5-10) focuses on some subfields of the institution of the palatine. In this chapter I discuss the territorial and legal limits of the palatinal jurisdiction. It is a traditional assertion of Hungarian historiography that the palatinal jurisdiction did not cover the area of the 'ban of Slavonia', the 'voivode of Transylvania' and the 'ban of Macsó' (today: Mačva, Serbia). It is important to note here that in the latter case this situation emerged only with the 1330s. Nevertheless, in the peripheries there were certain areas, where jurisdiction had changed through the times. Although since 1262 the title of the count of Szolnok had been joined with the dignity of the voivode of Transylvania, the county got under the jurisdiction of the voivode, in fact, only in the 1320. The history of the county of Kraszna (which also belonged to historic Transylvania) showed a similar development, with the exception that it got under the jurisdiction of the voivode much later. In the first half of the thirteenth century in the southern territories of the realm the jurisdiction of the ban of Slavonia extended as far as the river Drava, but in the case of some counties uncertain traces of palatinal activity can be demonstrated. At the beginning of the fourteenth century significant changes occurred in this area: certain counties lying north of the river Drava were assigned under the jurisdiction of the ban of Macsó, but, parallel with it, the palatine also had jurisdiction over the counties of the ban (e.g. over the county of Valkó). On the basis of some vague data it can be presumed that the palatine also exercised jurisdiction over the county of Pozsega in the first third of the fourteenth century. Nevertheless, in contrast with the county of Valkó concrete palatinal activity is not known from the county of Pozsega. The palatinal jurisdiction had not only territorial, but also judicial limits. By default, no secular judges were allowed to administer justice to ecclesiastical persons, but, in the course of time, more and more non-ecclesiastical privileged

'elements' had been exempted from the palatinal bench. In theory, anyone could acquire such a status, granted by the king or the queen (in rare cases, by the prince), but mostly secular persons living on ecclesiastical estates, and royal free cities obtained it. Nevertheless, these privileges were not granted automatically: every institution and the whole community had to make efforts in order to acquire it.

A separate chapter discusses the origins and characteristics of the 'general assembly' (*generalis congregatio*), which can be regarded as the classical palatinal judicial forum outside the seat of the palatine from the fourteenth century on. Concerning the origins, I presumed a model, which differs from the previous ones. According to my assumption, the roots of this institution do not go back to the beginning of the thirteenth century, as it is often read in scholarly literature. In my opinion the antitype of the palatinal assemblies and the ones convoked by the bans, is to be found in the royal assemblies which had the same name. In the early 1270s the palatine, the ban (and later the voivode of Transylvania) were only temporarily assigned to supervise these royal assemblies, Laws ratified this situation only in 1290. Thus, although in theory, the palatines convoked general assemblies since 1273 on a temporary basis (otherwise only in exceptional cases), a palatinal *generalis congregatio* that was held on the palatine's own right, emerged only after 1290.

The following chapter discusses the relationship between the palatine and the different social and ethnic groups ('*udvarnokok*', i.e. people working on royal landed-estates; Pechenegs, Cumans). The palatine in office had a particular jurisdiction over a part of them. The *udvorniks/udvarnokok* had been subject to the palatine prior to the thirteenth century. Jurisdiction over the Pechenegs concerned only those Pechenegs of the realm, who received their ethnic privileges from the king, and it vanished only in the second half of the fourteenth century, when these groups of the Pechenegs had been elevated to the rank of the nobles of the realm by Kings Louis I and Sigismund. Jurisdiction over the Cumans is rather well-known, because the title of the 'judge of the Cumans' (*iudex Cumanorum*) often appeared together with the title of the palatine from 1270 on, and from the 1330s it constituted a permanent element of the palatinal title. Nevertheless, no palatinal action, concerning the Cumans, is known up until 1342. On the bases of different affairs in which Cumans were involved in the second half of the fourteenth century, it seems that the heads of the resettled Cuman communities were lower judges, who were independent of the palatine, and were appointed by the king. The palatine could act as a possible forum of appeal, discussing lawsuits between Hungarians and Cumans, but, in practice, it was rather insignificant in the period studied by me. The activity of the palatine was helped by a diversified official staff; Chapter 8 of the dissertation analyzes this problem in detail. Scholarly literature mostly nominates that person who replaced the palatine as 'vice-palatine' (Hung. *alnádor*), but - in my opinion - there were, in fact, two sharply different 'deputy institutions', which had existed from the second half of the thirteenth century. The 'vice-palatine' called usually *vicepalatinus* in Latin (Hung. *alnádor*) had his seat in Pest, then later in Buda, far from the seat of the palatine in office. He also carried out the duties of the count of Pest, and in his seat he discussed and finished lawsuits on his own right,

so when he administered justice, he did not act for the palatine. Thus, the office of the vice-palatine can be considered relatively independent of the palatine's person, although his designation was a palatinal right. Another substitute was the 'palatinal vice-judge', usually called as *viceiudex palatini* (Hung. *nádori albiró*). The vice-judge always stayed in the entourage of the palatine, and directed his tribunal. Although he could issue charters in his own name, he acted always, in fact, for the palatine, and – unlike the vice-palatine – he never decided in each case in his own right. (The very few exceptions that are known, do not basically influence this regularity). This dual deputy system existed until the office-holding of John Druget. Since he had his seat in Óbuda, it became meaningless to separate the office of the vice-palatine from Buda and that of the vice-judge. During the activity of John and William Druget, the system of the deputies became tangled, only vice-judges worked who were appointed occasionally. From the age of William, the office of the vice-palatine from Buda had been vacant. Consequently, nobody carried out the duties of the count of Pest; the affairs of the county were arranged by the four magistrates, the elected judges and administrative officers of the noble county (Latin: *iudex nobilium*, Hungarian: *szolgabíró*, i.e. 'judge of servitors'). The lower supporting staff was organized in a way that was typical of the era. Initially no permanent chancellors worked beside the palatines; the first permanent subalterns, after some occasional attempts, appeared only at the end of the thirteenth century. The prothonotary, (Hung. *protonotárius* or *ítélőmester*) functioning as the head of other notaries, took over the direction of the palatinal office in the absence of the palatine from the 1330s on. (Nevertheless, he did not have the right to decide in major questions, and his function, regarding its importance, did not even reach that of the palatinal vice-judges). The official staff was organized on the basis of the so-called *familiaritas*, and some official continuity can be pointed out only in the time of the 'Druget-palatines'. It is important to stress here, that they were from the same kindred (genus). A new officer, the palatinal exactor appeared in the sources around the 1320s. The execution of the causes was initially helped by the pristalds (Lat. *pristaldus*, Hung. *poroszló*), then later by the 'palatinal men'. These persons did not belong directly to the palatine, but helped him rather occasionally. My analysis demonstrates that both the system of pristalds and 'palatinal men' were organized on a territorial basis, and these persons got out of the locals. The activity of Dennis from the *Tomaj* kindred (1235–1241) is to be mentioned as an early exception, since he tried to employ not only a permanent chancellor (in an unusual way in this time), but tried to build up a fixed staff of pristalds, as well.

Finally, separate chapters of the dissertation discuss the ways how the different persons came into office, and the problems of income related to the institution of the palatine. Concerning the latter, it is highly probable that the main function of the counties held by the palatines from 1192 was to serve as a source of income. From the very beginning there were 'palatinal counties'. These were usually held by the actual palatines, who, by losing their office, also lost these counties. Initially this county was Bács, but in the period between the 1210s and the 1230s the existence of such counties is not demonstrable. After the Mongol invasion (1241–1242), during the second half of the thirteenth century, most of the

palatines held usually the county of Sopron, Somogy, Pozsony or Tolna (possibly more than one). Although this was only a trend, such a situation quite frequently prevailed. It can be presumed that in the beginning of the thirteenth century, in the period of the 'mobile palatines', beside the 'palatinal counties', a certain part of the tax collected from the 'udvorniks', was also assigned to the palatine, which he consumed when arriving in a relevant county. Even if that was the case, this income ceased to exist after the Mongol invasion, during the time of the 'local palatines'. The judicial part, the penalties, etc. formed the main source of income of the palatine.

After the three major thematic parts, a short appendix is attached to the dissertation, which contains the critical excerpts of five palatinal charters.