

István Kocsis:

THE MYSTERY AND DOCTRINE OF THE HOLY CROWN
(A short summary¹)

I. THE SIGNIFICANCE OF THE MYSTERY AND DOCTRINE OF THE HOLY CROWN

The majority of today's Hungarian population no longer knows exactly what it means to be a member of the Holy Crown. They are either under-informed or misinformed and therefore find it difficult to understand the Mystery of the Holy Crown.

Indeed, in Hungarian history, nothing can rival the respect for the Holy Crown.

The Doctrine of the Holy Crown has become the preserving force of the Hungarian Constitution and Hungarian statehood and it was a determining factor in the evolution of Hungarian constitutional law. However, its significance was not at its zenith when the Hungarian nation lived in prosperity and security, but when the country fell on hard times. The nation was able to navigate the most difficult situations in her history with the help of the Holy Crown. It was the creator of national unity in the most difficult, most dramatic times in Hungarian history. Its significance is hard to comprehend and today, it is almost unbelievable that, thanks to *Someone*, i.e., the Holy Crown, the national unity has always been reestablished when discord would have proven fatal.

As an example, let us discuss how the Holy Crown was able to alleviate the antagonism between the Catholics and the Protestants in the 16th-17th centuries. Dedicated Protestant statesmen were just as devoted to the Crown as their Catholic counterparts. The great Protestant leaders of Hungary's Transylvania (Erdély) considered it their primary goal to enforce the Hungarian Constitution of the Holy Crown, the articles of which were expressed in the Doctrine of the Holy Crown, to prevail against the ambitions of the King of Hungary who, at that time, came from the Austrian Hapsburg house.

What is the secret, for example, of the developing understanding and cooperation between the Catholic Péter Pázmány, who supported the Hapsburgs, and Prince Gábor Bethlen, a Protestant, who opposed them?

Let us take a look at the world of these two great statesmen and study their battles, their debates and their interdependence. First, this can cause us some sadness. We should not fool ourselves: their divided Hungary was stronger than today's united, but mutilated, Hungary.

What was the Transylvania of Bethlen like? Strong – thanks to its army and its faith. And Péter Pázmány's royal Hungary? Strong – thanks to its laws and faith. Let us stress here again that Pázmány was loyal to the Hapsburgs. To him, it was not difficult to be a good Hungarian and also a Hapsburg supporter because, at his time, the Hungarian King of the Hapsburg House could be pressured to honor Hungarian interests – by the Constitution, the coronation oath and by its charter. He had to respect the interests of Hungary. Yes, Pázmány's King feared and honored the Holy Crown. He was afraid to violate the Doctrine of the Holy Crown. This is not so incomprehensible.

Why then did Pázmány trust Bethlen and vice versa? Because they knew very well that although they had different religions and different political theories, they still had to unite within the mystery and in the Doctrine of the Holy Crown.

(It is also interesting to see how the relationship between Bethlen and Pázmány relates to constitutional law. In Hungary, neither of the rulers of the Hapsburg Dynasty at the time –

¹ Further explanations of the questions of this article are to be found in István Kocsis's book *Magyarország Szent Koronája. A Szent Korona misztériuma és tana*. Fifth, expanded and revised edition. Püski Kiadó, Budapest, 2010.

neither Mátyás II nor Ferdinánd II – willingly considered the interests of the Hungarian nation; therefore, the Constitution grew in importance in the Hungarian Kingdom. However, Bethlen and his government did in fact honestly protect Hungarian interests in Transylvania – and thus, in this region, the importance of the Constitution was gradually diminished. In Hungary, in the territories of Pázmány, there were some constitutional struggles, whereas in Transylvania this was not the case.)

Bethlen knew that Pázmány was not a great leader just because he was favored by the King, but rather because he represented the will of the Holy Crown *to oppose* his King. Pázmány also knew that when Bethlen fought on the battlefields against the armed forces of the Hungarian Hapsburg King, he was asserting the will of the Holy Crown.

Here we discover the secret of the survival of the Hungarian nation: Hungary always recovered as long as the nation's representatives – whatever party or denomination they belonged to – respected the doctrine of the Holy Crown, and as long as they could unite within the Mystery of the Holy Crown.

To the contemporaries of Pázmány and Bethlen, the law and the Holy Crown meant something different than they mean to us in the present. It was no accident that the law had such power. At that time, people took seriously the fact that the nation itself *could not determine its relationship to the Holy Crown*, and indeed neither could the King: Those members of the nation who dared to oppose the will of the Holy Crown were stigmatized by society and could not even be spared by the grace of the King. (See more about this problem in the section: "The constitutional concept of the membership of the Holy Crown".)

At that time, people were very much afraid of causing damage to their country. An insult to the Holy Crown was unforgivable. Hungarians living in that era strongly believed that the Holy Crown, which was *personified*, was capable not only of positive actions, but was also able to issue serious punishments. Therefore, when Gábor Bethlen of Transylvania set out on a military campaign against the royal Hungarian armies, he knew well that being the leader of one country ruled by the Holy Crown, he was in fact attacking the leader of another country ruled by the Holy Crown. At the same time, he was also aware that he did so because this was the actual will of the Holy Crown.

The rival Hungarians of the Pázmány and Bethlen era, and the following periods too, were, as we have already pointed out, united in one thing, whether consciously or not: the Mystery of the Holy Crown.

We can also justify our respect for the power of the Holy Crown as the unifier of antagonistic Catholic and Protestant interests, with an example from the 20th century.

Had the Holy Crown ever discriminated between Catholics and Protestants, then the Hungarian National Assembly, trusting the indissoluble power of the Doctrine of the Holy Crown, would not have chosen a Protestant regent in 1920, at one of the most desperate periods of the Hungarian nation. It is also not a coincidence that this Protestant Regent, Miklós Horthy, the head of state of the Hungarian Kingdom between the two World Wars, never thought of turning against the Holy Crown or violating its Doctrine.

Lajos Prohászka explained in the most credible fashion² what the Holy Crown has meant to the Calvinist Protestant population of the Hungarian nation:

*"One can consider it certain that, while sharing the general medieval religious views and, at the same time, experiencing forsakenness and eternal loneliness, the spirit of the Hungarian nation turned inward, toward the nation itself, and so the universal religious symbolism of the Middle Ages was increasingly projected onto the body of the nation and the homeland upon which this nation lived; this symbolism itself was afforded a religious respect. From this specific introversion, we can only conclude that the concept of the Holy Crown, representing the state, was the symbol of the whole living nation, and it did indeed triumphantly withstand all threatening ambitions. In addition, it showed a capacity for improvement and expansion, even when the Hungarians, in their soul, became modern, let us say, even worldly. **Nothing***

² Prohászka, Lajos: *A vándor és a bujdosó* (The Migrant and the Refugee). Budapest, 1941 pp.164–165.

can shed more light on this than the conduct of Hungarian Calvinism. Here again, it gave a universal concept a national character, not by modifying it to conform to the national spirit – which would indeed not be a Hungarian characteristic –, but rather by making it exclusive, that is, it placed it almost outside the universal community of religion, and made it 'finite'. This Calvinism basically banished all sacred factors from the world. However, as a 'Hungarian religion', it insisted upon keeping the sacred medieval concept of the national body, just as liberalism ³ did later, just by expanding the concept, but never by interfering with its mystical foundations." (Author's emphasis.)

It may seem even more startling that the Holy Crown also gained great respect among the national minorities. However, there is nothing extraordinary about this because it was the Doctrine of the Holy Crown that created the favorable conditions for the national minorities to live together in peace and harmony with the Hungarian nation within the Carpathian Basin.

Therefore, we can conclude that the Doctrine of the Holy Crown initially provided for and guaranteed the survival of the national identity of each ethnic group within the borders of Historic Hungary. This changed somewhat during feudal times and again when cities and a middle-class emerged. In feudal times, the old (medieval) collective rights agreements prevailed. After the Freedom Fight of 1848-49, (between 1849 and 1867 there was an absolute monarchy in Hungary, when the continuity of law was interrupted, so the Hungarian laws were ignored), and after the Compromise with the Hapsburgs in 1867, the autonomy of the counties (which could be ethnic in character, according to the will of the dominant ethnicity), the ethnic laws, and the laws governing school and church affairs assured these minorities' survival and success. We can rightfully state that the Doctrine of the Holy Crown created harmony within the Carpathian Basin, while the hostile nationalistic tendencies on the part of the surrounding new states created disharmony – after the Dictated Peace at Trianon, in 1920, which dismembered Hungary.

We should also consider how the nationalistic doctrines, ideas, ideals and ambitions of foreign origin (French nationalism) in Hungary conflicted with the Doctrine of the Holy Crown. Let us return to the question of what this Doctrine meant during the difficult times in Hungarian history.

Throughout the centuries, Hungarians have considered the constitutional law of the Doctrine of the Holy Crown to be unquestionable and untouchable, not only because they were aware of how much the Hungarian nation is indebted to this doctrine, but also because they were in awe of the incredibly complex personality of the Holy Crown.

The Doctrine of the Holy Crown played a significant role during the dire times of the Hapsburg Era. Immediately after the expulsion of the Turks in 1686, during the rule of Leopold I and Joseph II, and after 1849, it proved to be indestructible, invulnerable and invincible.

Later great Hungarian statesmen like Miklós Bethlen (1642-1716) believed as much in the Doctrine of the Holy Crown as Pope Gregory VII and St. Ignatius of Loyola believed in the doctrine of Catholicism. They believed that, by betraying it, they would lose not only their wealth and freedom, but also their souls.

Just as other doctrines and concepts proven by history (i.e., confirmed by centuries of public law disputes), the Doctrine of the Holy Crown, too, evokes a feeling of respect even on the part the enemy. Opponents also acknowledge its greatness and its invincibility, and become uncertain in attacking it: that is why it only becomes weak and conquerable when deserted by its own subjects (in this case, its *members*).

Since the Holy Crown secured the right to freedom, fairness and legal security primarily for the prevailing political nation and the members or subjects of the Holy Crown, it was naturally surrounded with gratitude, love and respect by the free citizens of the country. It was

³ The liberalism (also called *national liberalism*) that Prohászka means here is not to be confused with the liberalism in existence in Hungary today. Representatives of the latter label themselves liberal, but are instead the successors of the early 20th century radical bourgeois intellectuality; this current liberalism does not recognize Hungarian national ambitions, not even the self-defense rights of the Hungarian nation.

loved and respected by those who did not consider it difficult to live by the laws and the Constitution, and it was feared *and* respected by those who obeyed the law only out of necessity. Let us also remember that the reason that there were so many law-abiding people within the borders of the Holy Crown was that the aim of the Doctrine of the Holy Crown was not to strengthen the subjects' sense of subordination, but to cultivate responsibility, equality and dignity among the members of the Holy Crown; *it underlined and emphasized the emergence of the principle of co-ordination (working together in harmony) as opposed to the principle of subordination*. What could a lawbreaking King do against it? Could he have ordered the subjects of the Holy Crown to abandon their principles?

Until 1918, it was impossible for any Hungarian politician to turn against the Doctrine of the Holy Crown or to disavow it. Many great Hungarian politicians considered it apolitical to talk about it. Therefore, no worthwhile politician ever disavowed or turned against it – right up until the Revolution of 1918, when Count Mihály Károlyi and his colleagues dared to ignore it in their ignorance and insensitivity. In disavowing the Doctrine of the Holy Crown, and all of the Hungarian Historical Constitution, they made the country defenseless. As a consequence of this action, the population was unable to thwart the foreign invasion of a large part of the country. The Hungarian nation was thus unable to respond worthily to the terrible challenges in 1918: she lost her instinct of self-defense, and did not immediately banish from political life those who, in the country's most difficult hours, disavowed the one and only ideal that could have saved Hungary. Had the Doctrine of the Holy Crown remained intact and, at the same time, had the nation been able to retain the instinct of self-defense that she had possessed before, thus creating a united Hungarian resistance (just as at so many difficult times in Hungarian history), then most likely there would not have been a Trianon Dictate, or at least Hungary would have been able to arrest the enforcement of this dictate. Hungarian politics would have in any case forced a plebiscite. Thus, as a sign of confidence in the very Doctrine of the Holy Crown, even in districts, where the majority was non-Hungarian, the people would most probably have expressed their wish to retain their Hungarian citizenship.

In what ways did the Holy Crown define the historical Hungarian way of life?

First of all, we would like to call attention to what is probably the most beautiful charter in world history: in one of King Zsigmond's charters from 1390, he emphasizes the excellent merits of one of the beneficiaries as follows: "*In those times, when his Majesty (King Zsigmond, son of Emperor Károly IV), wishing to extend his territories, arrived with his army at the borders of Hungary, a certain land-steward (comes) named Péter directly resisted this army, in the very interest and honor of the Holy Crown of Hungary. He faithfully, mightily and fearlessly resisted by burning and destroying most of his own estates, suffering great damage from our followers and subjects, because of the honest and true loyalty that he manifested toward the Holy Crown of Hungary.*"⁴

Can we people of the twentieth century possibly understand this?

Yes, Hungarian King Zsigmond rewarded Péter because, driven by his loyalty to the Holy Crown, he resisted the Hungarian King, Zsigmond, when he, Zsigmond, turned against the Holy Crown himself. In this charter, Zsigmond does nothing less than place the loyalty toward the Holy Crown above the loyalty toward the lawbreaking King and thus, he not only separates the Holy Crown from himself as King; he also vows that the Holy Crown is the principal power and the King is only part of it, on condition that he refrain from opposing "*the dignity and prosperity of Hungary.*"

Thus, in his charter, Zsigmond recognizes that, legally, the Holy Crown stands above the King. What is then the secret of the relationship between the Holy Crown and Zsigmond? Why did Zsigmond behave this way? Because he acknowledged the Mystery and the Doctrine of the Holy Crown.

⁴ Eckhart, Ferenc: *A szentkorona-eszme története*. Budapest, 1941, 88–89.

Let us look at another example: how did the Hungarian Reform Era begin?

In 1825, at the opening of the National Assembly, the King committed violations of the Doctrine of the Holy Crown and the Constitution. The National Assembly had to remind the King of his oath.

Preceding events: on April 4, 1821, King Ferenc I ordered Hungary to present the remaining 28 000 men out of those 90 000 recruits, who had been ordered for 1813 and 1815. (Some of the counties had resisted, because it was not the National Assembly that had ordered the 90 000 recruits.) In addition, in August 1822, the King ordered the country to pay the military taxes in silver coins instead of banknotes, ignoring the fact that increases of military taxes could only be initiated by the National Assembly. (With this the King would have increased the recommended taxes, which were determined in the National Assembly in 1811-1812, by two and a half fold.)

The opposition of the counties was in accordance with the 1st Act of Law of the year 1504 and some of the counties actually enforced their rights. The King sent his commissioners to break the resistance of the counties. In the King's September presentation, there was no mention of this, but the Estates of the Realm (higher nobility, lesser nobility, dignitaries of the Church etc.) spread the word. The great Hungarian patriot, Count István Széchenyi⁵ was the most efficient agent in opposing the efforts to cover up this offence against the Constitution.

Széchenyi held discussions with Metternich, Chancellor of the Empire, about this violation, with extraordinary consequences. He wrote two memoranda, and the more important one, the one presented on November 18, stated, among other things, the following:

*"I have no intention of examining how true or false is the fact that, in the stated resolution, we can see steps towards absolutism. My only concern is whether the Estates of the Realm, **which can only interpret this resolution as absolutistic in nature**, could still have trust; also, is their other concern, which they cannot hide and for which they would like to receive reassurance, about those issues regarding the essence of our Constitution, not forgivable? (...)*

Your Excellency respects and cherishes what is esteemed, and is long-standing. (...)

Really, it would not be that difficult to calm the Estates of the Realm, without derogating the least of his Majesty's rights, and regain their trust within a very short period.

To achieve this, his Majesty would only have to declare briefly, in a next resolution, his honest feelings about the Constitution, as he swore upon it at his coronation. (...)

Is it possible for a subject who does not respect his country's laws and rights, to be faithful to the King? I cannot believe so, just as I will always doubt the inner values of anyone who cannot defend his rights in a manly way..."⁶

From Metternich's remarks, which Széchenyi added to this memorandum, we consider the following the most significant: *"I consider the honor of the Hungarian Constitution in all respects to be a strict governmental duty and, at the same time, such a firm order of law and reason that to act otherwise would compromise my entire political career."* He later stated: *"A wise and righteous King will never threaten this Constitution. What has been challenged by the tempest of time, over 800 years, must surely be solid."⁷*

Thus, the King signed the new ordinance according to the spirit of the above-mentioned sentiments, and thus opened the door to the constitutional law of the Reform Age.

István Széchenyi was able to win his great victory under the protection of the Holy Crown, by referring to the ever-strengthening historical Hungarian Constitution under the Doctrine of the Holy Crown.

⁵ More about the life of István Széchenyi, and his achievements in: Kocsis, István: *Széchenyi. A magyarságtudat regénye*. Budapest, 2002; Second revised edition: 2003.

⁶ Széchenyi, István: *Két emlékirat Metternichnek*. Pozsony, 1825. November 18; December 11. In: *Széchenyi István válogatott művei I. 1799–1840*. Budapest, 1991. I. 102–105. (Translation by Miklós Györffy. István Széchenyi's selected works I. 1799–1840)

⁷ *Ibid.* p. 103.

We may also raise the question as to what the fate of the Hungarian nation would have been without the Doctrine, without the historical Hungarian Constitution and without the strong Hungarian constitutional law.

Its fate would have been oblivion.

However, the Hungarian nation and Hungarian statehood survived, because in the 3rd decade of the sixteenth century an extraordinary thing took place: all noblemen, both the peerage and the gentry ceased to fight for a leading role and they delivered the task of government to a seriously strong authority. This authority was the Hungarian Constitution, which was made invincible through the Concept of the Holy Crown and the Doctrine of the Holy Crown, which has become a constitutional doctrine. From this time on, although the power of the economy and strength of the military always played key roles in Hungarian history, the most determinative factor has been the power of the Constitution. From this time on, Hungarian history is about the history of the Constitution, or rather the history of the Doctrine of the Holy Crown, the history of constitutional struggles. If it had not been so, the Hungarian state would possibly have ceased to exist, as early as in the sixteenth century.

How strong was the law in the Mystery of the Holy Crown? Let us read the earlier decrees of the Hapsburg age. This way we can understand how the Hungarian Estates of the Realm fought to preserve the Hungarian Constitution, the independent Hungarian statehood, the territorial integrity of the country, the division of the legislative power and the autonomy of the counties. Indeed, even the Hapsburg Era is full of great victories concerning Hungarian constitutional law. This is quite extraordinary, because the Hungarian King of the Hapsburg Dynasty was not only King of Hungary, but also Emperor of the Holy Roman Empire, and he more than once subordinated his Hungarian royal duties (sometimes even without realizing it) to his German (later Austrian) imperial duties, that is, willingly or unwillingly turning against Hungarian national interests, although he was in fact the King of Hungary.

Let us briefly summarize the most important questions regarding the Mystery of the Holy Crown and the Doctrine of the Holy Crown.

First, we need to make clear that, according to the Doctrine of the Holy Crown, the King of Hungary is only second in rank after the very Holy Crown. However, it would be impossible for us to understand how our ancestors could consider the Holy Crown as a living personality, unless we learn more about the most important questions regarding the Mystery of the Holy Crown.

II. QUESTIONS CONCERNING THE MYSTERY OF THE HOLY CROWN

The personality and the Mystery of the Holy Crown (1.)

The doctrine of constitutional law of the Holy Crown was seen as something that could neither be questioned nor invalidated by the citizens of the country (Hungarians and non-Hungarians, inhabitants of co-dominions and cities) throughout the centuries, not only because they were well aware of what they owed to this specific doctrine, but also because they were fascinated by the intricate personality of the Holy Crown itself.

They spoke about the qualities of the Holy Crown: its infallibility, its magnanimity, or even its sternness, and also about the Will of the Holy Crown, as if nothing could be more natural than the fact that it was the highest-ranking dignitary of the Hungarian Kingdom – a personality connecting Heaven and Earth.

As another example, the leaders of Trau, a Dalmatian city, in their letter to the Republic of Venice in 1387, referred to the Holy Crown as the noblest, *suffering* person.⁸

⁸ This is what they wrote: "...we shall try and stay true to the Hungarian Holy Crown with all our ability as long as we have souls in our bodies: and we are willing to stake our lives and possessions on its glorification and, in the interest of the enrichment of the Crown, we are ready to face anything, *as if it were in the interest of our natural lord*. And if we should ever have such power to be allowed to raise the Crown of Hungary, *since it is suffering at this time, we shall keep our honest and pure loyalty*... And, with God's help, we shall remain

Similarly, the Council of Ragusa (today Dubrovnik) mentioned the Holy Crown in 1450 (differentiating it even from Hungary) as if it were *an actual person*.⁹

The people of Ragusa also wrote about the gracious Holy Crown in the middle of the fifteenth century – and this they addressed to none other than the Hungarian King:

“We received your letter, wherein your gracious Crown was kind enough to let us know....” They also cited *“the orders of the Holy Crown”*.¹⁰

The citizens of the country of the Holy Crown watched vigilantly at every step, to see whether the Will of the Holy Crown was being followed or not. They were not to be fooled because the emergence of the Will of the Holy Crown was primarily guaranteed by the doctrine of constitutional law and by the laws (presented by the National Assembly and sanctioned by the King) that supported the arch of the Doctrine of the Holy Crown like pillars. They were reassured that the most important Will of the Holy Crown was that the legislative and the executive power should be clearly and verifiably divided between the King and the citizens of the country, and indeed, every time the King tried to aspire to absolute power, the worthy representatives of the people were not slow to inform the King that he had opposed the Will of the Holy Crown. This reminder usually resulted in proper resistance.

In the world of the Mystery, the Doctrine and the Concept of the Holy Crown, it was not by accident that the relevant laws were centuries old, and it was no accident that it was so difficult to modify and make amendments to these laws. Consequently, it is no surprise that even the intentions of rulers who were inclined to centralize power were often spectacularly shattered and successfully blocked by these laws.

Moving on to the more complicated aspects of the Mystery of the Holy Crown, let us first assume that the Holy Crown would not present a mystery if it were not actually sacred.

Why is the Holy Crown sacred? Because the Hungarian nation received the Holy Crown from God – with a specific message and for a specific reason. This message is connected to Truth – the Living Divine Truth, the invincible, the One, who is God’s self-preserving manifestation: the greatest Force that validates God’s plans, the most solid Power. It is in charge of both punishment and protection: it enforces truth and protects with love. (In Hungarian mythology and folktales, the Living Divine Truth is often depicted as a guardian spirit who influences the outcome of battles; in Hungarian literature it emerges as the God of the Magyars.) Since ancient times, Hungarians have had an awareness of their mission. They believed that their specific role was to be the worthy servants of the Living Divine Truth. (We shall elaborate on this notion later in section VI.)

Self-confident Hungarians of the Middle Ages expressed this in just a few words: ***an angel brought the Holy Crown***.

What contributed to the strengthening of the Mystery of the Holy Crown, apart from the strong belief that God granted it to the Hungarian nation? Primarily the following:

Firstly, power could be transferred only by means of a coronation with the Holy Crown. The first Hungarian King, St. István (1000-1038), placed Hungary under the protection of the Virgin Mary, (who was the Christian equivalent of the Great Madonna of the ancient religion of the Hungarians, and also the protectress of the Hungarians.)

Secondly, the Mystery of the Holy Crown was also strengthened by the fact that, of all the Kings crowned with it, St. István and St. László were worthy of canonization because of their God-pleasing lives and exemplary reign; the nation’s respect toward them has only deepened with the passing centuries.

The Holy Crown is an *“initiation crown”*. Gábor Pap points out that the initiation crown is the very crown *“that we know the least about, because, to the best of our knowledge, in the last 1500 years in Europe, ours was the only crown that was in every way an initiation crown. Its singularity is that it cannot be worn either at ‘home’ or on state events: only on one single occasion, at a coronation. It has a specific and unique mission, a direct influential mission,*

true in our constant loyalty, with strong hearts, mainly to be able to maintain our old way of life and our accustomed independence...”
(Author’s emphasis) In: Eckhart, Ferenc: *A szentkorona-eszme története*. Budapest, 1941, 133.

⁹ Ibid. p. 135.

¹⁰ Ibid. pp. 136-137.

similar to the crown worn by the shamans. The construction of the Holy Crown and its shape is also very specific, and it is also peculiar that the only relevant analogy can again be made to the crown worn by a shaman.”¹¹ In conjunction with this aspect, another characteristic of the initiation crown is the fact that “it is irreplaceable.”

Thirdly: “**It is not considered a simple object.**” It lives, “although obviously at a different level from what contemporary physiological science would approve. It is a living organism. Lastly, its fourth main characteristic, also connected to the previous ones, is that, like all initiation crowns, ‘it simply cannot be described’. That is, the Holy Crown is, to a certain extent, treated as a taboo. This has presented researchers with some riddles, since the *Képes Krónika* (the Illuminated Chronicle of the Hungarians) features several coronation scenes, including the Árpád age coronations, but there is no reference whatsoever to its physical form.”¹²

The miraculous elements of the stories about the Holy Crown are of course connected to the Mystery of the Holy Crown. According to the *Képes Krónika*, the Holy Crown cannot vanish or be lost, and if there is a risk of it being lost, then it can even become invisible. At night “on the road, where there were a lot of travelers”, the small wooden vessel, in which the Holy Crown was hidden, worked itself loose from the saddle’s strap, “and fell to the ground without anyone noticing. When morning came, and they noticed that the valuable treasure was gone, in their alarm, they started running back down the road as fast as they could. They found the crown in the middle of the road, among the travelers and no one else had noticed it as it was only visible to those who were in charge of it. (...) Thus the significance of this phenomenon is the fact that Pannonia cannot lose the crown that was given to her by an angel.”¹³

The Mystery of the Holy Crown was strongly enriched by the belief that the personality of the Holy Crown was not only able to perform good deeds, but also able to issue severe punishments. Even the King respected it either with love or with fear – depending on his conduct as a ruler, his ideals and his purpose.

As an example, we shall present the relationship between the Holy Crown and Leopold I. Primarily, we would like to stress the fact that in the debates surrounding the *Diploma Leopoldinum* (a document which contains the stance of Count Miklós Bethlen and the Estates of the Realm of Transylvania), the Hapsburg King Leopold I, did in fact accept the standpoint of his adversaries out of fear, instead of defending his own standpoint. Who was he afraid of? The Holy Crown. Indeed, the belief in the sanctity and superiority of the Holy Crown did have an effect on the conduct of Leopold I. Therefore, the primary reason for the victory of Miklós Bethlen was the King’s own fear of turning against the Holy Crown. How did Leopold I become a devotee of the Holy Crown and the Hungarian Constitution? He did not. He did not become a devotee of the Holy Crown, but he was immensely afraid of it. He was well aware of the fact that the Holy Crown could annihilate him at any time.

Let us now look closer at this problem in its complexity.

A short detour. Our mysterious constitutional victories in the Habsburg Era in the protection of the Holy Crown

How did the basic Diploma Leopoldinum of 1691 safeguard the Hungarian constitutional status of Transylvania? Let us first present this document, which determines the legal status of Transylvania.¹⁴

After making it clear that the King could not yet support a favorable decision concerning the question of whether the 14 year-old Mihály Apafi, Jr. “was to become the heir to the throne”, the most important articles of the Diploma are as follows:

¹¹ Pap, Gábor: „Angyali korona, szent csillag” (Angelic Crown, Sacred Star). Jászberény, 1996, p. 3.

¹² Ibid. pp. 4-6.

¹³ *Képes Krónika* (Illuminated Chronicle). Kálti Márk, 1358. Translated by Ibolya Bellus. Budapest, 1986, pp.243–245.

¹⁴ H.M.T. – A hatályos magyar törvények gyűjteménye – I. 1000–1873 Budapest, 1912, pp. 169–174.

The *first* one guaranteed that the status of the four legally recognized religious denominations would remain intact. The *second* one was to ensure that the estates, the liberties and the ennoblements given by ancient Hungarian Kings and Monarchs would be reinforced: the land grants could not be reversed in any way, not even by legal action, if these estates had previously belonged to the Roman Catholic Church.

The *third* paragraph is the most important because it reinforces the codes of law of Transylvania: the *Approbatae* and the *Compilatae Constitutiones*¹⁵, as well as the codebooks of the preceding Hungarian Kings, the *Tripartitum* of Werbőczy, and the laws of the local authorities and the Saxon municipal laws.

The *fourth* and the following paragraphs guaranteed that there would be no decisive changes in the functioning of the National Assembly (which, according to Paragraph 3, shares the power with the King) or the government. The monarch would be represented in Transylvania by a governor, and the main local governing body shall be the *gubernium*, the legal successor of the Royal Council. The *gubernator*, the other executive officers of the *gubernium*, the Lord Chancellor and the General (the commander-in-chief of the Transylvanian army), and the advisors to the *gubernium* would be elected by the National Assembly and sanctioned by the King. The Diploma also decreed that of the 12 members of the *gubernium* and of the 12 royal assessors, three from each body should be Roman Catholic, and the rest proportionally divided between the three remaining established religions, i.e., the Calvinists, the Lutherans and the Unitarians. The Diploma also reinforced the Székely civil rights, and defined the rights of the commander of the imperial army if stationed in Transylvania: he cannot interfere with legislation or government and, in military affairs, he should consult with the governor, the royal council and the commander of the Transylvanian army.

To summarize the above: ***The constitutional legal status of Transylvania would remain Hungarian in nature. The monarch, as Hungarian King (or, in case there was a local ruler appointed, then the King as his overlord) shall share the legislative power with the National Assembly. The independent statehood of Transylvania should continue, but it shall remain a country of the Holy Crown.***

Who deserves credit for creating the *Diploma*? Perhaps Miklós Bethlen, or the counselors of Leopold I, maybe the Estates of the Realm of Transylvania, or Leopold I himself? Should we trust Miklós Bethlen? Bethlen was apparently incarcerated by his Viennese enemies for his work called *Az olaj ágat viselő Noé galambja*, written in 1704. On the other hand, did they just use this as a pretext? Did they want to take revenge on the great victor of the years of 1690-1691?

He certainly did not consider himself defeated during his captivity!

Remembering how he had defended the first draft of the 1691 *Diploma Leopoldinum* and how he had managed to obtain the King's approval, he writes the following in his memoirs *Az én szerelmes édesanyámhoz, nemes Erdélyországához* (To My Beloved Mother, Noble Transylvania): ***“Please remember, Dear Mother, how many missions and acts I accomplished for you, which put my life in danger. Thus, was I not an olive-branch carrying dove in the Diploma back in 1690? Although this was not my assignment, I knew my obligations toward you, my Mother: after all, it is the pillar of your spiritual and physical freedom and survival. (Author's emphasis.)”***¹⁶

Was Miklós Bethlen right in making this statement? Indeed he was, because the cited *Diploma Leopoldinum* accepted the position of the Estates of the Realm of Transylvania, regarding the relationship between Transylvania and the Dynasty, between Transylvania and the Hapsburg Empire, and between Transylvania and Hungary.

It is reasonable to ask whether the interests of the Estates of the Realm of Transylvania on the one hand, and those of the ruling dynasty and the imperial central government on the other

¹⁵ *Approbatae constitutiones regni Transilvaniae et partium Hungariae eidem annexarium; Compilatae constitutiones regni Transilvaniae et partium Hungariae eidem annexarium* – collection of established laws from 1540 to 1669.

¹⁶ The full title of the memoir: *Az én szerelmes édesanyámhoz, nemes Erdélyországához, alázatos supplicatioja minap főkancellárius és gróf, most pedig halálra sentenciáztatott Bethlen Miklósnak*. Written by István Wesselényi in his diary in 1704, published in two volumes (Wesselényi, István: *Sanyarú világ*, Bucharest, 1983, I. 178).

overlapped in 1690. No, they did not. The Monarch and the Central Government wanted to centralize and would have been more than happy to eradicate the Transylvanian constitution; they would very much have liked to transform the constitutional monarchy into an absolute one. The Emperor-King was most likely bothered by the fact that, in Transylvania (just as in the contemporary Hungarian Kingdom), he did not have exclusive control over the legislative power, but had to rule in co-operation with the National Assembly.

What made it possible for the will of Miklós Bethlen and the Estates of the Realm of Transylvania to prevail at the time of the creation of the *Diploma Leopoldinum* in 1691? How is it that Transylvania appears to be stronger than the Hungarian King, who was also the Emperor of the Holy Roman Empire and leader of a formidable army which had defeated the occupying Turks? Clearly, the situation was not determined by power relations. What then? What was the secret of the *Diploma Leopoldinum*? Could the belief in the authority and invincibility of the Holy Crown also have influenced the conduct of Leopold I? It is in fact not easy to understand King Leopold's conduct. Was he in effect aware of the fact that, in his soul, Leopold I, King of Hungary, had defeated Leopold I, Holy Roman Emperor?

We are unable to confirm this. We can only positively answer the previously asked question: did Miklós Bethlen have the Holy Crown to thank for his victory?

Indeed, this victory cannot be envisioned, without taking into account the fact that Leopold I was "transformed", and had become a devotee of the Hungarian Constitution and the Holy Crown, even if the Holy Crown had a different significance to the King than to Miklós Bethlen. Moreover, this is no small difference either: Bethlen loved and respected the Holy Crown; King Leopold I also respected the Crown but rather out of fear and caution, not love.

And if we are able to grasp the essence and magnitude of Leopold's fear, then we will understand why he endorsed the *Diploma Leopoldinum*, which expressed the standpoint of his opponents, Miklós Bethlen and the Estates of the Realm of Transylvania.

However, in trying to understand the conduct of Leopold, our greatest obstacle is that it is very difficult to know the extent of his fear. Modern man cannot understand this kind of elemental fear. Once we understand the secret of the Mystery of the Holy Crown, then we will also understand Leopold's reasons. He may have thought that, if he did not act as a devoted member of the Holy Crown, i.e., had he not subordinated his will as King of the Hungarians to the will of the Holy Crown, the Crown might punish him and his family severely. (This is similar to the fear experienced by monarchs of much earlier times, those who were not truly Divine Monarchs and thus worthy intermediaries of God's will; nevertheless, they still had to prove their worthiness through *the judgment of God*.)

Considering all this, we still might not have satisfactory insight into the King's behavior. We are probably correct when we presume that, in spite of his decision, Leopold I did not become an unconditional devotee of the Holy Crown. The even more important question is whether he, as Emperor and King, was aware of the fact that when he signed the *Diploma Leopoldinum*, the Hungarian King Leopold I defeated Leopold I the Holy Roman Emperor. Most likely, he was not aware of this *peculiar victory*, but in his soul, the Hungarian King indeed defeated the Emperor of the Holy Roman Empire.

Most importantly, Miklós Bethlen was able to utilize the situation, once the King no longer dared to oppose the Holy Crown. The interests of Leopold I and Miklós Bethlen were incompatible, but their positions eventually united within the Mystery of the Holy Crown.

The Personality and the Mystery of the Holy Crown (2.)

It is interesting that the first independent record about the Holy Crown, an evaluation written by Péter Révay, Guardian of the Crown (one of the masters of ceremonies of coronations between 1608-1618), does not discuss much the Holy Crown's constitutional legal aspects, but it reveals much more about the Mystery of the Crown.

He writes, "*I ask all those who witnessed this regalia, be they fellow Hungarians or foreigners, to state honestly if they were not struck by an unparalleled feeling of*

respect toward Him (i.e., The Holy Crown). Our own people are always particularly touched. (...) Therefore they surround Him with great respect, they adore Him, like they adore the host in the monstrance, and I really do not know whether a magnet attracts steel more powerfully than the Crown attracts and generates love and obedience with its secret power and magnetic quality. (...) Indeed, it is accepted that the Kings of Hungary ask and receive their majesty and glory from the Holy Crown; they attribute to Him the new, useful and beneficial laws and the eradication of unnecessary ones. Hungarians treat the Crown as the Law of Laws, they pay their fines and ransoms to Him; they swear their ceremonial oaths to Him; they bequeath ecclesiastical and secular inheritances to Him; they return to Him all their riches and possessions as if He were the source from where everything originates... (...) In sum, He has such power that if someone insults Him, he not only commits an offence against the sovereign, but also against religion and the deity. (...) Within the borders of the Kingdom and its associated regions there can be no other Crown, just as Heaven and Earth cannot not tolerate another Sun.”¹⁷

A very interesting part of this historical evaluation is the description of how fate turned against King Salomon of Hungary when he insulted the Holy Crown.¹⁸ Révay also describes how King Ulászló I fell in the Battle of Várna as a “*peace-offering for the Crown in absence*”.¹⁹

These aspects of the Mystery of the Holy Crown are among the easiest to comprehend. What is then for today’s reader more difficult to understand? The Holy Crown is not merely the legal heir of the former Divine Kings and thus the highest-ranking representative of Hungarian state power. All Hungarian endeavors find their meaning in Him; they strengthen Him; they remain within Him. He embodies the value and results of all the trials of St. István, Gábor Bethlen or István Széchenyi, but also the value of all trials of modern-day Hungarians; all the virtues of every Hungarian undertaking ultimately unite in Him. The Holy Crown is a part of Heaven... How did the Hungarians become worthy of receiving the Crown from God? What does God expect from the Hungarians in exchange, now and in the future? By looking at the Holy Crown, the Hungarian nation can see into eternity. We believe that its sacredness and mystery encompass everything that has been considered sacred, mysterious and secret since the very birth of the Hungarian nation. Therefore, if we want to understand its secret, we must comprehend the entire enigmatic world of Hungarian spirituality and mythology – from the beginning until today. Yes, from the beginning until today. Moreover, the mystery and holiness of the Holy Crown play a very specific central role in Hungarian Christian traditions, irrespective of denomination. (To understand why this is indeed such a specific but also an authentic Christian question, we also have to become familiar with the enigmatic aspects of the ancient Hungarian belief system.)

If we approach the Holy Crown from the point of view of mystery, then we shall see that it is a sacred secret of the Hungarian nation; *the holy secret of its existence and survival...* This is the secret that we are trying to decipher when we study the Mystery of the Holy Crown. What is the Holy Crown in this mystery? *The Holy Crown is God’s thought about Hungarian existence, about Hungarian life and about the Hungarian mission.*

The message of the Mystery of the Holy Crown differs from age to age, but it is always related to the instinct of self-defense: It always suggested to the Hungarian nation what to do in her most difficult situations.

Now we can begin with a more detailed explanation of the Doctrine of the Holy Crown. In order to understand it in its complexity, we must study its connection to the Mystery of the Holy Crown, and it would be desirable to touch on the following topics:

¹⁷ Révay, Péter: *Magyarország több mint 600 éve tündöklő Szent Koronájának eredetéről, jeles és győzedelmes voltáról, sorsáról* In: *A korona kilenc évszázada*. Budapest, 1979, pp. 329–332. Translation by Péter Kulcsár.

¹⁸ *Ibid.* p. 307.

¹⁹ *Ibid.* p. 324.

- A) The Holy Crown as the heir of the Divine Monarch and the incomprehensible nature of the complexity of the Divine Monarchy
- B) Some questions about the initiation of the Divine Monarch
- C) The connection between the Divine Monarch and secular rulers, and aspects of Divine Monarchy
- D) Mysterious aspects of the Divine Monarch
- E) The links between the Mystery of the Holy Crown, the Divine Monarch and the belief system of the Hungarians
- F) The Holy Crown, the Divine Monarch and Truth
- G) Truth and the changes in the mission awareness of the Hungarians²⁰

We have to forgo a detailed discussion of these points in this study. However, we shall analyze some of the aspects of the Doctrine of the Holy Crown.

III. THE EVOLUTION OF THE DOCTRINE OF THE HOLY CROWN

The single most important question of the evolution of the constitutional law of the Doctrine of the Holy Crown is the following:

How were the great Hungarian politicians of the late Middle Ages (it was at this time that the Doctrine of the Holy Crown became binding in Hungary, as a result of long constitutional battles) able to comprehend that there was nothing more important for the Hungarian people than the acceptance of the idea that, in the Hungarian Constitution, the King should not be first in rank but only the second? This, in other words, means the acceptance of the fact that the King has a superior – which is the Holy Crown itself, a legal person, the highest-ranking power in Hungarian state structure. It will be easier to understand our predecessors if we know how this question was present in their consciousness. We may find most important the fact that they adhered to the concept that the Holy Crown should remain the legal heir of the old Divine Monarchs, but they still understood and sensed how great a difference there was between a Divine Monarch and those who ruled without the divine right. In all probability there was nothing more frightening to them than that the modern kings of the late Middle Ages were no longer satisfied with their subjects' loyalty to God, since they did not (and could not) consider themselves the intermediaries of the Will of God, a bridge between their country and Heaven. Therefore, they clung even more to power than any of the Divine Monarchs and, in order to secure their power, they replaced the faithful with simple servants.

However, the recognition of the dangers that came with the changes only strengthened the decision of the worthy representatives of the Hungarian nation to relegate the constitutional rights (and absolute power) of *"the hidden, no longer to be found"* Divine Monarch to the *"only sacred person who is present and visible"* – to the Holy Crown.

In order to understand the significance of this, we have to seek answers to the following question:

How long did that early society last, which can be called divine, which was based upon loyalty, in which the Earth was truly God's property and in whose time it was practically impossible to misuse the power (either political or economic)? This kind of society did not end at the same time on the various continents and in the various regions of those continents. Since loyalty (loyalty that is due solely to God) is the basis of Divine Monarchies, this way of life, determined by loyalty and faith, would have surely disappeared in Hungary by the late Middle Ages, had the Doctrine of the Holy Crown not preserved it for the following centuries. We shall now examine this in more detail.

The attitudes toward personal property started to change in medieval society, when true loyalty (which is due to God) was devalued to a loyalty to the feudal lords (such as the King

²⁰ See: Kocsis, István: *Magyarország Szent Koronája*. Budapest, 2010. (Chapters III, IV, V, VI, VII, VIII, IX and X, pp. 84–324.)

and the aristocracy). Even though some of the faithful remained free, this freedom was assured by documents or contracts. Thus, from this time on, the term “nobleman” was synonymous with “free” but not necessarily with “loyal”.

An obvious consequence of this transformation was the “pernicious” fear which penetrated the royal courts. Of course, this is not surprising, since the misuse of power to various degrees began to be typical of the rulers of this era. Fear, then, drives away loyalty and draws servitude.

We gain a good picture regarding how depraved the rulers of the European Christian world (kings, emperors, prelates and civil servants in high positions) became if we read Machiavelli. His Emperor no longer cared about the Will of God, and the primary goal of his reign was rather shameful, being none other than the retention and increase of his power.

Dante had already set forth in his *Divina Comedia* – in a very authentic and effective manner – what awaits the European Christian world. (He was not the only one who saw the dangers looming before the Christian world; there was talk about it before his appearance, but his warning was the most effective.)

Truly, Dante wisely predicted the Machiavellian Emperor of later ages. He screamed: *Protect yourself, Christian world, from the tyranny of the inept and undeserving rulers and politicians of the future!*

All self-respecting European nations tried to respond to Dante’s warning. This was the beginning of the long struggles to find a worthy constitution that was capable of holding the most dangerous absolutistic aspirations in check.

To this great challenge, the Hungarian answer was the most dignified: This was the Doctrine of the Holy Crown.

Hungarian society, by duly honoring the results of its organic legal evolution and by virtue of the Holy Crown, was able to retain its noble traditions; the most important being the acceptance of the Will of God, the acceptance of its mission awareness, and the acceptance of the divine character of the Crown. We have to take into account that it was exactly because the Holy Crown was the legal heir of the Divine Monarch that the Doctrine really saved and preserved the great ideals and most important traditions of the age of Divine Monarchy. This is perhaps the greatest merit of the Doctrine of the Holy Crown.

Only a Divine Monarch can rule by the grace of God. If the ruler is not a Divine Monarch, then the monarchy has to become constitutional since, in this case, the ruler becomes a civil servant.

The development of the Doctrine of the Holy Crown, from the perspective of constitutional law, is of course also authentic. The Doctrine of the Holy Crown was established as a result of long constitutional battles. The most obvious goal of these struggles was to create the conditions for a constitutional monarchy.

In 1222, the most important document of the early phase of the evolution of Hungarian constitutional law was born – the *Aranybulla* (The Golden Bull).²¹

Regarding the *Aranybulla*, we emphasize that Article XXXI states not only the right to resist, but also expresses something else: namely, that the King and the State, the person of the King and the person of the State, i.e., the King and the Crown, are no longer identical; they are to be separated from one another.

During this era, it was already unconditionally accepted that loyalty toward the Holy Crown compelled the nobility to resist even the King, if he did not obey the laws. The separation of the constitutional rights of the King and the rights of the Holy Crown was also expressed by the fact that one could resist and contradict the King, whenever – by breaking his vows – he became unworthy of the Holy Crown. (This can be understood from the text of §2 of Art. XXXI of the *Aranybulla*).

In the century of King Endre II the Doctrine of the Holy Crown was not yet completely formulated but, beginning with the year of the *Aranybulla*, it seems that the primary goal of

²¹ It is worth-while comparing the Hungarian *Aranybulla* to the English *Magna Carta*.

the debates over constitutional law was to indeed create the circumstances for its establishment.

From the time of the issuance of the *Aranybulla*, we have to arrive at the time at which the Holy Crown became the legal heir of the Divine Monarch. When did this transformation take place?

At the time of the election of the new King, following the end of rule of the House of Anjou in Hungary (1387), the members of the National Assembly placed certain conditions on him. This they did – it appears – based already upon the amendment of the Doctrine, which states that the person of the King and the power of the State can be separated. However, since the Estates of the Realm also shared the power of the State, they began to realize and understand that they too had a connection with the Holy Crown. The Estates had a connection with the Crown exactly because the Holy Crown was a legal personage; in fact the highest-ranking personage of Hungarian constitutional power. Soon a peculiar situation arose, in which the leading noblemen of Hungary exercised power without the King, but in the name of the Holy Crown.

Zsigmond of the House of Luxemburg, King of Hungary, was arrested by the Hungarian Estates of the Realm for breaking his oath – and at this time, for a while, the personified Holy Crown became the power of the state. Therefore, since the Holy Crown was the only „person” to represent the power of the state, the State Council considered it legal for the seal of the Holy Crown to appear on future documents. At the same time, the Archbishop of Esztergom adopted the title of Chancellor of the Holy Crown.

Therefore, the representatives of the Estates of Hungary governed in the name of the Holy Crown.

When King Zsigmond was released after a few months, he was of course allowed to exercise his royal power again. King Zsigmond had already acknowledged in an earlier letter of donation that the Holy Crown was superior to the King in constitutional law.

The effectiveness and decisive strength of the Concept of the Holy Crown in constitutional matters was reinforced in 1440. It became stronger, even if the Holy Crown was smuggled out of the country at this exact time.

What happened in 1440? The Hungarian Estates of the Realm elected a King, Ulászló I, but the Crown, through which the royal rights could be transferred to the King, was absent. The solemn document, composed based upon the decisions of the National Assembly of 1440, refers to Ulászló as “the suitable King”.

This document, in which the Estates explained why they had to crown Ulászló with the substitute crown of King St. István (removed from the container holding István’s head-relic), authentically expresses the Concept of the Holy Crown, which at this time was already at the penultimate moment of becoming a doctrine of constitutional law.

What did the Estates set forth in this document? When they explain that they had to forgo a coronation with the Holy Crown, they in fact had to renounce this most beloved, most precious, strongest, and moreover, due to his mystery, *most guarded* entity; this unmentionable something or *someone*, considered the Greatest and Highest. To be sure, they did so with great humility and honor. They stated: “If we cannot get it back, its symbolism and mystery should be transferred to this new crown...” Then they defined the specific royal rights, which already agreed with the Crown Doctrine of that age; in other words, they defined these as if they were already an integral part of an already existing Doctrine of the Holy Crown.

In addition, the Estates explained the membership of the Holy Crown as if it had already become a concept of constitutional law, and as if it were already one of the pillars of constitutional monarchy.

By the time of King Mátyás (1458-1490), this process had accelerated and, in due time, the Concept of the Holy Crown became a mandatory doctrine of constitutional law. It was indeed very important to Mátyás that neither unworthy successors, nor unworthy state officials should have the opportunity to misuse power. Therefore, the Holy Crown, as a legal person,

should have full power, and none of its members – the King, the nation, or anyone else who represented it –, should be able to assume the power of the Holy Crown, i.e., absolute power.

(It is no accident that the National Assemblies during the centuries after Mátyás so often referred to the division of power between the King and the nation. Keep in mind that this is not identical with the modern concept of the division of power; rather it refers to the way the King and the nation share the power; to the a division of power without which the constitutional Doctrine of the Holy Crown could not have become binding.)

What did Mátyás do to finalize the division of power? What did he compel – not only with firmness, but also with good diplomacy – the National Assembly to do? First of all, he suggested the creation of certain laws which increased the influence of the National Assembly and the County Assemblies, making them indispensable. Article 60 of the decree of 1486 is the most significant in this respect: This article states that the Lord Lieutenants (*főispán*) of the counties could not select just anyone as deputy-lieutenant, but only a noted person from the same county, who – and this would later have unforeseeable consequences – was to swear his oath not before the King, as the Lord Lieutenant did, but before the County Assembly.

This was in fact the beginning of the process of the establishment of the counties' autonomy. Could the Holy Crown have otherwise played a determining role in Hungarian political life during the difficult centuries after King Mátyás, without these self-governing counties? Truly not.

Let us also consider the following: The King shared the legislative power with the National Assembly but, for a long time, the executive power was shared with the autonomous county governments, whose institutions were to be supervised only by the County Assemblies.

Because of the above, Mátyás considered it very important that also the members of the lesser nobility should have a decisive role not only in the life of the county but in the work of the National Assembly as well. He did everything he could to strengthen the self-respect of the lesser nobility so that this constituency too might become a worthy member of the Holy Crown. A worthy member? King Mátyás emphasized that the goal of the Doctrine of the Holy Crown should not be the strengthening of the sense of subordination, but it should rather define the sense of responsibility and the notions of equality and dignified behavior, as required by the membership of the Holy Crown. Consequently, the role of Mátyás in legislation is unequalled, exactly because he fought with inconceivable zeal *to keep the royal power at bay*. In other words, his aim was to strengthen the power of the Holy Crown.

What may be difficult to comprehend in this phenomenon today is the unusual conduct of the Hungarian Kings. Why did they work toward the establishment of the Doctrine of the Holy Crown, i.e., toward Constitutional Monarchy, and thus the weakening of the royal power? The explanation for their behavior is that they were true Divine Monarchs.

(Ideally, we should touch upon the aspects of Divine Monarchy and Monarchs here, but because of the length limits of this paper, this needs to be done in another contribution.)

The development of other European crown doctrines, parallel to that of Hungary

Among the crown doctrines of the European nations, the English one was the most advanced, so we shall outline its evolution as a comparison.

Already in 1308, the Estates of England had expressed the same sentiments as King Zsigmond's famous official document of 1390, according to which the Hungarian King in fact rewarded the previously mentioned land-steward (*comes*) Péter because he, led by his loyalty to the Holy Crown, rose up against the Hungarian King when Zsigmond happened to violate the Holy Crown. The Estates of England also expressed something similar to what the Estates of Hungary stated in their declaration of 1386, in the absence of Queen Maria, i.e., that they would protect the good and the interests of the country and the Holy Crown above all, and if the King were to demand anything different, they would oppose him.

Similarly, the English Estates stated that the oath of the English counselors had to be interpreted to mean that, if necessary, they would oppose even the King in order to protect the rights of the Crown.²²

The subjects protect the Crown since their own rights stem from there too. As the judges of Henry VI put it: “*All of England’s freedoms and privileges are contained in the Crown and are derived from the Crown*”.²³

In 15th century England, the Crown was no longer the symbol of royal power; it meant much more. This is clear from the poetic statement of the Bishop of Bath and Wells, in his parliamentary speech of 1436:

”*The nation’s government is represented in the form of the Crown, because gold symbolizes the rule of the community, and the flowers of the Crown and its decorative precious stones indicate the the King’s or the ruler’s dignity.*”²⁴

The notion also arose early on in England that the country was a body, and the parts of her territory were the members of the body.²⁵

This is how Henry IV announced the House of Lancaster’s claim to the throne in 1399: ”In the name of the Father, the Son and the Holy Spirit, I, Henry of Lancaster demand the Kingship of England and her Crown with all her members and properties.”²⁶

As the above quotations testify, it is hard to imagine a more developed crown doctrine than the English one. However, constitutional law did not develop from the English Crown Doctrine. According to Ferenc Eckhart, it did not because in England “the political circumstances, e.g., the absolutism of the Tudors, did not favor the formation of such a doctrine. The old concept, according to which the King was the highest landowner, and he exercised his rights to govern as such, appears to have been stronger than new concepts.”²⁷ Moreover, although in England the organic view too passed from the mystical body of Christ to the mystical body of the King, of which every subject is its member, the “*simple image, used by St. Paul, became highly complicated. The personality of the State was not able to develop from this. This image was defeated by the royal corporatio sola, elucidated by Coke, and which became dominant in the English legal system after him.*”²⁸

Contrary to this explanation, we represent the view that the English crown doctrine did not transform into a doctrine of constitutional law because this transformation is triggered by extremely difficult dramatic challenges in a nation’s history – and indeed, the more recent history of the English nation fortunately did not feature insoluble dramatic situations.

Of course we do not state either that it is irrelevant whether, in the course of the transformation of crown concepts into doctrines of constitutional law, absolutism hinders the evolution of constitutional law or not.

When discussing this question, we start from the premise that the crown concept of every nation is democratic. After all, it develops throughout struggles to prevent the establishment of *absolute* monarchies, and it aims at creating the circumstances that are favorable for a *constitutional* monarchy.

However, in order for a nation’s crown concept to become constitutional doctrine, additional factors have to be involved.

It is plausible to state that a nation’s crown concept can turn into constitutional law if the nation feels that its existence is threatened, but it still has a chance for survival under the protection of strong constitutional law and a system of constitutional institutions. Therefore, when we state that the crown concept became constitutional law only in Hungary, we also

²² “The oath of loyalty binds more to the Crown itself than to the person of the King; consequently, when the rights of the Crown are violated, no loyalty is due to the person of the King; they have no obligation toward him. Therefore, if the King does not act properly, the Crown’s subjects are obliged to discipline the King and justly restore the status of the Crown, based upon their oath of loyalty. Otherwise they violate their oath.” In: Lodge, E.C. – G. A. Thornton: *English constitutional documents 1307–1485*. Cambridge, 1935, p. 11. Quoted by Eckhart, Ferenc: *A szentkorona-eszme története*. Budapest, 1941, pp. 55–56. (Retranslated into English from Hungarian.)

²³ Hatschek, J.: *Englisches Staatsrecht*. Tübingen, 1905. I. 45. Cf. Eckhart 1941:57. (Retranslated into English from Hungarian.)

²⁴ Chrimes, S. B.: *English Constitutional Ideas in the Fifteenth Century*. Cambridge, 1936, p.14. Cf. Eckhart 1941:57. (Retranslated into English from Hungarian.)

²⁵ Eckhart 1941:169.

²⁶ Lodge, E. C. – Thornton, G. A. 1935, pp.30–31. In: Eckhart 1941:169–170.

²⁷ Eckhart 1941: 58.

²⁸ *Ibid.* p. 174. (Corporation sole = legal person consisting of one man, e.g., the King.) Sir Edward Coke (1551-1634)

have to add that this happened primarily because the Hungarian nation had a greater than average need for a crown concept whose role and merit was to keep her instinct of self-defense alert. In other words, she was under greater pressure to transform her crown concept into an actual Constitutional Doctrine than other, more fortunate and less threatened nations.

The Doctrine of the Holy Crown and István Werbőczy

We may never know what would have happened if the catastrophe of the Battle of Mohács (against the Turks in 1526) had not taken place and if, subsequently, the Hungarian Estates of the Realm had not elected Ferdinand Hapsburg (too) as King. Is it possible, then, that one of the later Hungarian Kings (with residence in Buda), assuming that the borders of the country were safe, might have decided to erase the results of the above-mentioned constitutional struggles, and might have changed the country into an absolute monarchy?

Ferdinand I was incapable of defending the capital of the country, and later (even though he was able to come to a compromise with János Szapolyai, the rival-King, with advantageous provisions), as Emperor of the Holy Roman Empire, he did not even want to live in the Hungarian Royal residence: to him the Empire was more important than the Hungarian Monarchy. He did not burden his Holy Roman Empire with the great task of liberating the Hungarian Kingdom, and he would in fact gladly have dissolved the Constitution of the Hungarian Estates of the Realm.

It is no accident that the unity of the Hungarian Estates, formed by defending the Doctrine of the Holy Crown and by its mystery, was in the course of the ensuing centuries of Hapsburg rule further strengthened by the nightmare scenario of the Hungarian King turning into an enemy of the Hungarian State.

Then, in the third decade of the 16th century, a curious event took place (which we referred to above): the members of both the higher and lesser nobility ended their power struggle, and passed on the task of leadership to a very strong power. This strong power is the Hungarian Constitution. This is a Constitution which became fortified and invincible through the stabilized Doctrine of the Holy Crown. The economy and the military still remained decisive factors in the nation's history, but the strongest determining factor was the strength of the Constitution. Hungarian history, from this point on through 1944, was really the history of the Constitution, or in other words, it was the history of the Doctrine of the Holy Crown and the history of the struggles for constitutional law. Had it not been so, the Hungarian State would have probably ceased to exist as early as the 16th century.

Of course, we do not want to diminish the significance of the fact that István Werbőczy accommodated the Doctrine of the Holy Crown in Articles of Law. But Werbőczy should be considered for what he really was: a genius lawyer, a constitutional law expert, a legal historian, a politician – but not a creator of law.

If we wish to know the authentic Werbőczy, we have to be able to see that the constitutional law aspects of Werbőczy's central work, the *Hármaskönyv (Tripartitum)* are the logical result of the constitutional struggles of his age and the preceding eras. This also means that these struggles justify Werbőczy as a legal historian, as a constitutional lawyer, but not the creator of law. Thus, Werbőczy, the politician, was a worthy representative of the members of the lesser nobility of his time, the most talented interpreter of the Hungarian Constitution, and he was also unrivalled as a historian of constitutional law. However, the accusations that, through his cunning, he gained enough power to become the legislative power himself, and that he could usurp all the functions of the King and the National Assembly, lack any justification. We also have to add that the constitutional struggles after Werbőczy's age also confirm that the constitutional legal sections of the *Tripartitum* are an authentic summary of the overall constitutional law of the society of the early 16th century.

We may also conclude this from the fact that Hungarian politicians, in their constitutional struggles in later centuries (mainly in the four centuries of the Hapsburg Era), were able to rely on a very strong constitutional law; a law which evolved through centuries and was not

an *ad hoc* creation. They could credibly refer to Werbőczy's analyses as well, not as a new development in constitutional law (thanks to a cunning and resourceful lawyer), but as a system forged and tried in fierce legal battles.

The superiority of Hungarian politicians as compared to their Viennese adversaries in the Hapsburg Era is obvious. However, their struggle to protect the Hungarian Constitution, the independent Hungarian statehood, the territorial integrity, the division of legislative power, and the autonomy of the counties was successful not because Werbőczy worked out a good strategy in his *Tripartitum*. They often prevailed because they knew too what Werbőczy was aware of very well. They knew (and so did all their predecessors) that the Constitution should be considered as sacred, the highest entity; that a respected law can be easily made respectable to others; and that legal rights can be taken only from those who voluntarily relinquish their rights.

Had Werbőczy developed the most perfect laws of all times, the most capable institutions of legislation, and a system to supervise the executive branch better than the supervisory institutions of the counties, just a decade before Mohács, it would probably all have been in vain; nothing would have remained of these.

In that difficult situation, the only thing that could have survived was something that everyone (protectors and detractors alike) regarded as established, stable, and unchallengeable. In that age, the Hungarian constitutional law, and within it the laws of Werbőczy's *Tripartitum*, were considered to be such a thing. Werbőczy was not considered to be an innovator, but a scholar of old laws and their reliable interpreter. Thus the success of Werbőczy cannot be assigned simply to his smart and innovative methods and genius, or to the fact that he had strong supporters.

Werbőczy presented the *Tripartitum* to the National Assembly in 1514. At that time, it was no longer necessary to modify the laws in the most important question of the era: By then, the separation of the legislative and executive powers was an established and unquestionable fact.

Of course Werbőczy's *Tripartitum* cannot be considered to be sacrosanct, a work which should be interpreted and explained without any criticism. Primarily, his historical conclusions have to be examined critically. The relationship between the King and the nobility, in all probability, had not exactly evolved as Werbőczy describes. Similarly, the evolution of the nobility might have followed a somewhat different path. However, Werbőczy authentically summarizes the constitutional laws of his own age.

We refer mainly to the *Tripartitum*'s section about the constitutional practice of legislation, Part II. title 3,²⁹ and also to some famous, so often debated sections. In these, he emphasizes that the upper and lesser nobility share the same principles of freedom; he refers to the Doctrine of the Holy Crown, and to the constitutional concept of the membership of the Holy Crown.³⁰

Everything that Werbőczy states about constitutional law, the freedom rights of the Estates of the Realm, the Doctrine of the Holy Crown, and the membership of the Holy Crown, could be written by today's researchers too – by reading the laws sanctioned by the National Assembly during the century prior to Werbőczy. However, our scholarship often seems to be inclined to exaggerate Werbőczy's power, suggesting that what he did was not the interpretation or systematization of laws but rather law creation.

Various sources (primarily the laws sanctioned by the National Assembly) prove that Hungarian constitutional law had already become extremely strong and truly established in the times preceding Werbőczy. This also means that the "ideals and teachings" attributed to Werbőczy, and the Doctrine of the Holy Crown, also often attributed to him, played a decisive role well before his appearance.

Knowing all this, we shall now begin outlining the Doctrine of the Holy Crown.

IV. THE DOCTRINE OF THE HOLY CROWN: THE MYSTERIOUS DOCTRINE THAT CONTROLS ROYAL POWER

²⁹ *Tripartitum*. Werbőczy István *Hármaskönyve*. Budapest, pp. 226–229.

³⁰ *Ibid.* pp. 54–59.

The Holy Crown is the highest person of the Hungarian state power; the highest person in the complicated world of Hungarian constitutional law. The Holy Crown unites the legislative and executive powers that are divided between the prevailing King and the prevailing political nation.

The Holy Crown as the highest-ranking person of Hungarian state power

As far as the Holy Crown as a legal personage is concerned, He is the one entitled to complete power. Neither of his members (the King or the political nation) can aspire to the complete power of the Holy Crown, that is, absolute power. Therefore, the Holy Crown is the highest guarantor of the finality of the division of power (again, not a separation of powers in the modern sense, but the way the King and the nation share this power) and the protection of the Constitution. Nobody and nothing is equal to the Holy Crown: the King himself may keep his limited power only as long as he does not turn against the embodiment of supreme power, the Crown itself. The King is bound by his oath, charter and by the laws regulating the division of power, so he does not aspire to heights where the Holy Crown stands as a constitutional abstraction. It logically follows from the above that the totality of powers belongs solely to the Holy Crown.

When we state that the participants of the legislative and executive powers, i.e., the prevailing King and the prevailing political nation, unite definitively in the Holy Crown as the personification of state power, the emphasis is on the division of legislative and executive powers: the finalization of this separation was the determining factor in the history of Hungarian constitutional law. It is due to this fact that the Hungarian Kingdom remained a constitutional monarchy throughout history. (This has exceptional significance during the centuries of the Hapsburg domination.)

It is exactly the division of power between the King and the nation that was most often referred to in the earlier National Assemblies. It is obvious why. By this reference, they stressed that, ever since the establishment of the Doctrine of the Holy Crown, Hungary could legally be nothing other than a constitutional monarchy. If the King and his highest officials ever challenged the spirit of constitutional monarchy, then the National Assembly responded appropriately. If the transgression against the Constitution was not too severe, then they discussed it as a *grievance*, but when it was a severe offence, they declared that the legal continuity was interrupted and then, eventually, it was restored. The debates over the law proposals that were important to the King could begin only *after* the reestablishment of legal continuity. It is of enormous significance that the Estates of the Realm never abandoned this procedure.

The constitutional concept of the membership of the Holy Crown

However, the Holy Crown is not just a constitutional legal abstraction (the person of the power of the state), but also a living organism. It is a body, which has parts and members. Its members are all those who are part of the legislative and executive powers in the historical Hungarian state, that is, the king and the political Hungarian nation. Until 1848, this was comprised of the nobility (irrespective of nationality and denominational affiliation); after 1848/49, (between 1849 and 1867 there was an absolute monarchy in Hungary, when the continuity of law was interrupted, so the Hungarian laws were ignored), and after the Compromise with the Hapsburgs in 1867, however, the membership of the Holy Crown was extended to all voting citizens, irrespective of origin, nationality, denominational affiliation (and all family members of each irrespective of their gender). Everyone who is a descendant of all previous members of the Holy Crown, is thus a member today. Here we have to point out that it does not contradict the Doctrine of the Holy Crown that in the question of the right to vote, the extension of the principle of legal rights prevails. (We shall further discuss this principle below.) By acknowledging this principle, it seems natural to consider the universal right to vote in the spirit of the Doctrine of the Holy Crown as well. (However, we should not ignore the extent of the possibility of voting rights abuse; compare the ever increasing, boundless, manipulative influence of the written and electronic media today.)

The greatest achievement of the battles around the constitutional law in Hungarian history is that *the membership of the Holy Crown becomes a constitutional concept*, and it is clearly connected to the principle of the division of power.

Werbőczy explains the constitutional concept of the membership of the Holy Crown in Part I. title 4 of the *Tripartitum*:

“True nobility can be achieved with military life and scholarship, or other spiritual or physical gifts and virtues. So, as soon as our ruler rewards a man of any standing for his noble achievements and service with a castle or village, or some lands or other estates, then this man, by such donation of the ruler (provided this is followed by legal enactment), immediately becomes a true nobleman and the yoke of the peasants is taken off of him.

1.§. And this freedom through donation our people call nobility. We call the sons of this nobility rightful heirs, and free. We hold these noblemen, who achieved this status by the aforementioned donations, to be members of the Holy Crown; they are not subordinate to any other power than the legally crowned ruler.”³¹

Legally, the members of the Holy Crown must of course be equal:

“... In Hungary, every prelate, church leader, lord and baron and all other magnates, noblemen and dignitaries, because of their nobility and worldly goods, enjoy the same prerogatives of freedom, exceptional status and a tax-exempt status. They all enjoy the same rights; no-one has more freedom than another.” (Part I. title 2, §.1.)³²

How does membership of the Holy Crown determine the spiritual life and the conduct of the Hungarian people?

Let us remember again that, in times past, the reason that there were so many law abiding people in the territory of the Holy Crown was that the Doctrine of the Holy Crown did not reinforce the concept of subordination; rather, the constitutional concept of membership in the Holy Crown strengthened the feeling of responsibility, equality and the cult of noble behavior: *because in the citizens' conduct, it advanced the acceptance of the principle of co-ordination (equality) rather than the principle of subordination.*

Another important fact is that in the Doctrine, not only the King and the political nation were considered to be members of the Holy Crown, but also the territories: the countries (those belonging to the Hungarian Kingdom and also the vassal states), provinces and cities.

This is the reason why Ștefan, the Voivode of Moldavia pledged loyalty again to King Mátyás and the Holy Crown in 1475, because his country – and he himself too – was a member of the Holy Crown. He had to renew his oath because he did not keep the previous one. The fact that the region of Havaselve was a member of the Holy Crown in his time may be the reason why King Ulászló II wrote the following about Mircea, Voivode of Havaselve (Wallachia): *„He is ready to forever serve us, our children and descendants, the Kings of Hungary, and the Holy Crown, just like his predecessors did”.*³³

Sándor Karácsony in his book about Hungarian mentality not only explains the Doctrine of the Holy Crown, but also expounds – perhaps without being fully aware of what he exactly analyzes – the ideal of the constitutional law of the Holy Crown. What he discusses is the very way the membership of the Holy Crown determines the spiritual life and conduct of the Hungarian people. He focuses on the age when the Doctrine of the Holy Crown was truly a decisive factor in Hungarian society, whether explicitly or not. He talks about the principle of co-ordination, i.e., equality ensured by the constitutional concept of the membership of the Holy Crown. *“The Hungarian land – he writes – is a classic example of little autonomies. Many mysterious contradictions of our fate are solved if we consider them as so many eruptions and endeavors in the service of the same concept: equality. Hungarian chivalry is also one of the manifestations of the concept of equality. The Hungarian, in his soul, in his objective world-view, considers all other human beings to be equal to himself. Moreover,*

³¹ Tripartitum pp. 58–59.

³² Ibid. pp. 54–55.

³³ Cf. Eckhart, Ferenc: *A szentkorona-eszme története*. Budapest, 1941, p. 138.

sensing that after all, he knows his own self best, he places all others somewhat above himself and gives them more rights, almost as an act of correction or compensation. Ideally, this behavior should be treated neither as a virtue nor a weakness, but rather as a simple fact. It is not a 'feeling of shortcoming', not even a 'brotherly responsibility of Christian love'. A Hungarian is certainly not a dupe, but neither is he of a 'noble' heart or some kind of excellent human specimen with elevated thinking just because of this fact, but he is the way he is. He considers others equal to himself, but he also considers himself equal to others. This is the reason why he 'does not give away' his rights or dues. This is why he has 'self respect' and confidence. This is why the Hungarian peasant appears as 'dignified' as an aristocrat. However, his 'adoration of foreigners' stems from the same source. (...) These aspects may be the manifestations of good or bad. Their significance is not that Hungarian life may improve by them, but that through all these aspects life can become more intense, more honest, more elevated, more substantial, more classic, more real, more life-like."³⁵

The Holy Crown unites in itself the nation and the King; so the two together, combined into one organic unit, form the complete body of the Holy Crown. The totality of the powers of the state belongs to the complete body of the Crown; in other words, to the King and the entire political nation together.³⁶ The members of the Holy Crown are the King who represents the 'head' in the organic state-view, and the political Hungarian nation, representing the limbs of the body. Consequently, the rights and responsibilities of these members are defined (not only in the course of power aspirations, but also, for example, in the course of drafting the *Constitution*) by the Doctrine of the Holy Crown which states that neither the King nor the nation can define his relationship to the Holy Crown. Does this mean that the Doctrine of the Holy Crown restricts not only the power of the King, but of the nation too? Yes, indeed. Moreover, in practice, it really means that *the nation has no right to commit violations that would eventually endanger its existence*. For example, it has no right to place foreign interests above national interests, or to substitute its historical Constitution, which is the result of an organic legal development, with a collection of laws borrowed from foreign sources. Additionally, the fact that neither the King, nor the nation can determine its relationship to the Holy Crown also entails the notion that neither one of these is entitled to absolute power or has the right to establish an absolutistic system. (The problem of the prohibition of possessing absolute power will be discussed further below.)

These examples should suffice and now we shall continue the explanation of the Doctrine of the Holy Crown. First we shall examine how the principle of the division of power and the transfer of power appears in our law-books, within the spirit of the Doctrine of the Holy Crown.

The principle of the division of power and the transfer of power

In the introduction of King Zsigmond's sixth decree, which was the second decree of 1435, we find the first attestation of the fact that the legislative power is to be exercised mutually by the King and the Estates of the Realm.³⁷ Zsigmond acknowledges this result of the evolution of constitutional law, i.e., the practice of the constitutional praxis of law

³⁵ Karácsony, Sándor: *A Magyar észjárás*. Budapest, 1985, pp. 335–336.

³⁶ Cf. Tomcsányi, Móric: *Magyar közjog* (Hungarian Constitutional Law). Fifth edition. Budapest, 1943, pp.281–282. Tomcsányi rounds out this statement with the following: „The most visible expression of the Doctrine of the Holy Crown, concerning the nature of the State and the thesis of constitutional law, is that the State, presently the Hungarian State, is formed by the King and the members of the nation, but these in fact have a separate existence. The Crown for us (Hungarians) does not mean the person of the King or the dignity of the King, but the State itself, of which the King is only a part, one of its most significant factors. The King is not the State, but neither do its other members constitute it; only the two of them together represent the State in an organic unit.

In comparison, the power of the King does not come through his own right, but through the right of the Crown, of which he is a part, an organ. And the extent of the King's power cannot be equal to the power of the Holy Crown either, i.e., to the power of the entire State. In exercising the State's power, the members of the State also take part besides the King, as additional members of the Holy Crown, and similarly to the King, they exercise their power not through their own right, but through the right of the Holy Crown." Ibid. p. 282.

³⁷ C.J.H. – *Corpus Juris Hungarici – Magyar Törvénytár* (Hungarian Law), Articles of years 1000–1526. Budapest, 1896. Articles of law of 1526–1608. Budapest, 1899. Articles of Erdély of the years 1540–1848. Budapest, 1900. Articles of the years 1740–1835. Budapest, 1901. 1000–1520, 252–253. This also has a weaker and less developed antecedent, the decree of 1298 of King Endre III.

creation, which Werbőczy later includes in his *Harmaskönyv* (Tripartitum, in part II., title 3).³⁸ (Werbőczy, of course, refers to something that was already common knowledge, a notion that in his time was already interpreted by everyone in the same way, and which proved to be viable within the practice of legislation.)

The King shared the legislative power with the National Assembly, and the executive power with the autonomous counties. The government, as the organ of executive power, was until 1848 responsible to the King (and from 1848 on, also to the National Assembly; this was reinforced in 1867). However, autonomous institutions of the counties could be supervised only by the County Assemblies.

The *transfer of power* (whose natural consequence is the *division of power*) is a basic principle of the Hungarian constitutional law, which is also connected to the evolution of the specific concept of the Hungarian Crown and to the evolution of the Doctrine of the Holy Crown.

Based upon the common practice of contemporary constitutional law, Werbőczy in part I, title 3 of his Tripartitum³⁹ explains the question of transfer of power as one of the pivotal theses of the Doctrine of the Holy Crown. He states *that the right of elevation to nobility and the right to transfer estates, along with rulership and reign, can be granted to the King only by the nation*, at their own free will, and by keeping intact the right of ownership of the Holy Crown and honoring the inviolable status of His full power:

6.§. “...*the community, along with rulership and reign and under the authority of the nation’s Holy Crown, voluntarily gives our ruler and King the right and full power to raise subjects to nobility and the right to donate estates to reward them, which thus differentiates these from the non-nobles...*”

These very tenets of the Doctrine of the Holy Crown, which concern the transfer of power and division of power, were considered by the official representatives of the Hungarian nation as the absolute starting point for making decisions in extraordinary situations in Hungarian history. These are the most important of these basic tenets:

If the conditions for the legal exercise of power cease to exist, then a temporary National Assembly can and must convene. However, under extraordinary circumstances, the National Assembly, seeking temporary solutions, can issue orders only on condition that they do not violate the Doctrine of the Holy Crown. How can this be achieved? The Assembly, representing the nation, may transfer the power; it may restore the Kingdom or may even accept a form of government which is a monarchy without a king, by transferring the royal power, or a part of it, to a regent or another chief official (even a president). *But no matter what the nation’s decision is, it cannot transfer absolute power to anyone; neither to a person nor to a community because it has to honor the basic tenet of the Doctrine of the Holy Crown, i.e., only the Holy Crown can have absolute power.*

Truly, one can deduce from the Doctrine of the Holy Crown that no man, or group of men, is entitled to total power. Only the totality of the political nation can possess it, and this totality is truly present only in the Holy Crown and is manifested only through the Holy Crown.

The fact that the will of the totality of the Hungarian nation can be manifested only through the Holy Crown must be valid forever. Consequently, this means that only the Holy Crown can possess unquestioned authority.

Let us turn now to the explanation of other important aspects of the Doctrine of the Holy Crown.

The acts of coronation authentically demonstrate the relationship between the nation and the King, as determined by the Doctrine of the Holy Crown.

The nation, as the basic component of the Holy Crown (the latter representing the supreme power as the highest ranked legal person; in other words, the highest office in constitutional law) transfers to the King the Royal rights contained in the Holy Crown, a part of the power and the right to exercise this power. By means of his coronation, the King is thus accepted as

³⁸ Tripartitum, pp. 226–229.

³⁹ Tripartitum, pp. 56–59.

the second basic component of the Holy Crown. The King must issue a document of his coronation oath, swearing that he would share both the legislative and executive powers with the representatives of the nation. In other words, he would not exclude the nation from the Holy Crown, nor would he attempt to assume absolute power. He will defer this to the one who, according to constitutional law, is his superior: the Holy Crown.⁴⁰

As we can see again, the Doctrine of the Holy Crown also includes the crucial stipulation that, as the King cannot determine his relationship to the Holy Crown, neither can the nation. And this is the main question of the Doctrine of the Holy Crown today as well.

The question of the Coronation also reminds us of the problem of electing a King. One can be grateful to the Doctrine of the Holy Crown that the fact that the nation for centuries relinquished its right to elect a king (here of course we refer to the Hapsburg Era), did not become fatal. This is because the Doctrine of the Holy Crown required that the central notion of the coronation act should be the transfer of power. The document of the coronation oath and the coronation oath itself contain the related conclusions.

Next, let us examine how the concept of the membership of the Holy Crown connects with *the right of ownership* of the Holy Crown.

The right of ownership of the Holy Crown

The root of all estate ownership is within the Holy Crown, consequently any ownership returns to the Holy Crown.

In title 3, part I of the *Tripartitum*⁴² (we already quoted the relevant paragraphs upon discussing the transfer of power), Werbőczy points out that the nation transfers to the King the right to elevate someone to nobility and *the right to donate estates, but with the condition of honoring the inviolable ownership of the Holy Crown*.

Consequently, the King can exercise the right to donate estates and raise someone to the rank of nobility only as an executor of the Will of the Holy Crown. When exercising these rights, the King has to take into consideration that he is acting in service to the country, that is, to the Holy Crown. In other words, he has to demonstrate true loyalty, since whosoever is loyal to the Holy Crown and whosoever fulfils the Will of the Holy Crown, obeys God.

About the return of ownership, Werbőczy writes the following:

a) *“All the goods and estates” of all nobility and landowners in the nation, “because of the fact that they originally received these from the Holy Crown of Hungary, all belong to the*

⁴⁰ See: Tomcsányi, Móric: *Magyar közjog*. Fifth edition. Budapest, 1943, pp. 282–283.

We quote from the Document of the Coronation Oath which was recorded in the legal law book of 1867 (earlier too, so in 1790; 1790 article II. with almost the same text):

„§.1. We shall keep, and by Our royal power, We shall hold others to keep, in a holy and inviolable way, the royal inheritance of the throne, as established in the Articles I and II of 1723; the coronation is to be performed according to the 3. article of 1791. The rights of Hungary and her co-dominions, their constitution, legal independence, freedom and territorial integrity shall be kept intact. We shall truly and firmly keep, and through Our royal power we force others to keep, the legally existing freedoms of Hungary and its co-dominions, their rights, legal customs, and all the laws which have until now been created by the National Assemblies and sanctified by our noble Predecessors, the crowned Hungarian Kings, and which shall be confirmed by Us; this includes all articles, paragraphs and clauses. The significance and practice of all these shall be established with the mutual agreement between the King and the National Assembly; nevertheless the only exception is the now invalidated clause of the 1222 law of the glorious King András II which begins: »Quodsi vero Nos«, up to the words: »in perpetuum facultatem.« Our royal oath serves to secure all these points which We shall swear to, including the contents of the present Royal letter, on the basis of the text of the Coronation Oath of our noble predecessor, King Ferdinand.

§.2. We shall keep the nation's Holy Crown within the country's borders at all times, according to the established legal customs of the citizens of the country and to the local laws; He shall be protected by a secular person selected from the nation, without regard to his religious denomination.

§. 3. All the parts and dominions of Hungary and her co-dominions which have already been repossessed, and those which with God's help will be later repossessed, should, according to our Oath of Coronation as well, be re-attached to this named country and co-dominion.” H.M.T. I. (1000–1873) 309–311.

The royal oath, set forth in the same article, si as follows:

„We, by the grace of God, the eternal and apostolic King of Hungary and her co-dominions, swear upon the Living God, the Blessed Virgin Mary and all the saints of God, that we shall keep the Churches of God, the legal institutions of Hungary and of its co-dominions, and all their citizens' in their due legal rights and privileges, freedoms, patent rights, laws, their good, old and proven customs; We shall serve justice to everyone; We shall maintain the rights, constitutions and legal independence of Hungary and her co-dominions and their territorial integrity; the laws of our glorious King András II (with the exception of the clause of article 31 of His laws); We shall not violate the borders of Hungary and her co-dominions, and whatever belongs to these countries through whatever legality and title; moreover, we shall extend them as far as reasonably possible; and We shall do everything we legally can to serve the common good, glory and honor of these countries. May God help us, and all his saints.” (Ibid, pp. 311-312).

⁴² *Tripartitum*, pp. 56–59.

Crown by the power of transfer of ownership, and upon the extinction of the family must eventually be returned to Him.” (I, Art. 10, § 1)⁴³

b) *“... the rights to the estates of those (even during their lifetime), who stubbornly attack the Constitution of the country and, thereby hold the Royal Majesty in contempt, and recklessly disturb others illegally, should be confiscated, and the estates returned to the Holy Crown of Hungary, and consequently they should become subject of donations...” (I, Art. 13, § 5)⁴⁴*

In sum, the estates return to the Crown in the case of a family’s extinction or disloyalty to the Holy Crown.⁴⁵

Thanks to the right of ownership of the Holy Crown, no *foreign citizen could own any land in the territory of Hungary*. (If it had not been so, Hungary would probably have become an inexpensive prey during the Hapsburg Era). This seemingly contradicts the fact that the King was in the position of donating lands to foreigners too. Several instances of this are attested.

This contradiction can be resolved knowing that the donation to a foreigner became legal only if he was made a citizen by the Hungarian National Assembly: the recipient of a donation, therefore, could become a landowner in Hungary only as a member of the Holy Crown (i.e., as a Hungarian citizen).

It is a very significant aspect that the elevation to citizenship, i.e., the acceptance of foreigners, was not the right of the King but of the Holy Crown. This meant in practice that, before making someone a citizen, the King had to ask the permission of the National Assembly, quoting that person’s deeds in service to the Holy Crown. With the decision of the National Assembly to grant citizenship, the person receiving the donation also became an official member of the Holy Crown, after taking a solemn oath that: *“He shall obey the laws of the land under all circumstances, shall protect the freedoms of this country to the best of his abilities, and shall not commit any act against them; He shall not alienate castles or any parts of these from the country; in fact he shall strive to regain any alienated parts.”⁴⁶*

Let us see how the nationalization of János Rueber and László Poppel was recorded in the 10th article of the first decree of King Miksa in 1572.

„Finally, after his Imperial Highness asked the nation’s Estates of the Realm, in good faith, to accept János Rueber of Pixendorff and László Poppel of Lobkovicz among their ranks and make them real and undeniable citizens of the country:

*§.1. The chief clergy and lord barons, noblemen and all the other estates of the country, **remembering all the faithful services which were rendered by János Rueber to the Holy Crown, in various places with diligence and heroism;***

§.2. and remembering all the other selfless acts which Mr. Poppel’s family has offered in service to the majestic Hungarian Kings for a long time (and before the applicants took the usual oath in their own name and the name of their heirs), made them and declared them to be true and legal Hungarians.”⁴⁷ (Emphasis by Author.)

As we mentioned, only the members of the Holy Crown could own land in Hungary. This means that, until 1848, during the time of the feudal society, only the nobility could be landowners. From 1848 on, this legal right was extended to all citizens of the country, since, in that year, every citizen – irrespective of national or denominational affiliation – was elevated to full membership of the Holy Crown.

In the next section, we shall deal with one of the most important parts of Hungarian constitutional law, in close connection with the Doctrine of the Holy Crown: *the Law of Entailment*.

The Law of Entailment initially entered the Hungarian Constitution during the time of King Lajos the Great, as an amendment to his document of 1351, designed to reinforce the

⁴³ Ibid. pp. 68–69.

⁴⁴ Ibid. pp. 76–77.

⁴⁵ The Holy Crown has been the heir of the extinct families and disloyal ones since the time of King László V.

⁴⁶ 1550: Article 77. In: C. J. H. law of the years 1526–1608, pp. 298–299.

⁴⁷ Ibid. pp. 622–623. At the time of the post-feudal societies, citizenship was of course awarded with other conditions. (Cf. H.M.T. 1879: L. s. II. 861–863.)

Aranybulla. This states that King Lajos the Great agrees with the document of King Endre II, with the exception of one paragraph: “*which we removed from the named charter which states that noblemen, if they decease without an heir, may, during their lifetime or upon their death donate their estates to whom they please, to the church or others, or sell them, or alienate them. However, we suggest that they should have no such option because, justly and legally, clearly and simply, their estates should go to their sibilings, relatives and extended family...*”⁴⁸

The Law of Entailment, of course, protected not only the ownership of land.

Apart from the protection of land ownership, the inclusion of the institution of entailment into the law (1351) had extraordinary significance because it allowed the lesser nobility to remain free; it did not put them at the mercy of the aristocracy, because their land – which guaranteed their freedom – became inalienable. The owner lost his right to alienate his estate; he could not sell it, nor could he renounce it in his last will and testament. If he had no direct line descendants, then the estate was to be inherited by secondary relatives. How did the lesser nobility benefit from this? In fact, the individual gained nothing. However, the lesser nobility in general, and the country, gained a lot more. The lesser nobility became an ever increasingly important group among those loyally engaged in political life, participating in both the legislative and the executive power (in the National Assembly or in the County Assemblies).

Again, let us take into account that the right of ownership of the Holy Crown had great significance for the same reason as the entire Doctrine of the Holy Crown. They provided an opportunity for the official representatives, the *loyal* ones, to sneak back the old ideals and reinstate them, among them the ideal of *true loyalty* to the Holy Kingdom during later monarchies that had become secular.

The equality of the nobility had to be strengthened by constitutional law, so that the institution of entailment might fulfill its mission. It is for this reason that Article 11 of the decree of 1351 was introduced, according to which *all noblemen enjoy one and the same freedom*.

That the creators of the Law of Entailment (King Lajos the Great and his chief administrators) were aware of the significance of their action is obvious, because they included this content into the very decree that declared the concept of equal freedom for all nobility.

Up to this point, we have been discussing the question of land-ownership. So let us add quickly that not only the land belongs to the Holy Crown, but also the assets of the strategically important industries (historically, for instance, the mining industry, and today, the food-industry, the distribution of energy and the industries which assure the proper level of defense). Just as in earlier times the revenues from coinage and from the iron and salt mines were inalienable parts of the wealth of the Holy Crown, today too the totality of the wealth of the strategically important branches should ultimately belong to the Holy Crown. (Let us remark here how much wealthier today’s Hungary would be if, after the “change of regime” around 1990, during the process of the so-called privatization, the responsible parties had taken into account that the right of ownership of the Holy Crown is holy and inviolable.)

When did the right of ownership of the Holy Crown become the defining factor in the economic and social life in Hungarian history?

The King’s principal right of ownership becomes the right of the Holy Crown when a law is passed declaring that the King has no further right to alienate (transfer, sell or mortgage) the most important goods (not only the land, but mines, etc., and their income).

In 1439, there was already a law prohibiting the King from selling or mortgaging the „royal and crown-rights”.

§.1. *“The royal and crown rights, with or without the advice of someone, cannot ever be sold or mortgaged.”*⁴⁹

Article 1 of the Law of 1514, starting from the premise that “*great perils and frequent dangers arose against the Royal Majesty and the entire country by temporarily pledging and*

⁴⁸ Érszegi, Géza: *Az Aranybulla*. Budapest, 1990, pp. 34–37. Cf. C.J.H. 1000–1526, pp. 168–171.

⁴⁹ C.J.H. I. 286–287. (King Albert’s decree of the year 1439, Article 16.)

alienating the real and true incomes of the Holy Crown to different parties”, ordains “that all the incomes of the Royal Majesty, that is the thirtieth and twentieth parts, and also all salt, gold and silver mines and the royal cities have to be duly returned...”, of course with proper payment of damages.⁵⁰ (Emphasis by Author.)

The following should be taken into consideration when examining the ownership aspects the constitutional law of the Holy Crown: property owned by the Holy Crown as the representative of the power of the state (*crown demesne*), had to be differentiated from property of the Royal Court, which on the other hand was different from the private property of the ruler. The properties of the Court could be owned by the King only as long as he was ruler. Of course, he could keep his private property, even if, for some reason, he lost his rights as ruler.⁵¹

The Holy Crown has supreme judicial power as well. Consequently, the legislative branches are independent of the royal power and government.

Since all the branches of power, the legislative, executive and judicial, are united within the Holy Crown, no one could legally assume absolute power in Hungary after the elevation of the Doctrine of the Holy Crown to a doctrine of constitutional law; not an eminent politician aspiring to dictatorship, no military officer, no organized group, not even the King.

Of course, the King would be able to do so illegally, and so would an aspiring dictator or the puppets of occupying powers.

Here we arrive at a question which is seemingly very simple, but which, in Hungarian history and the practice of statehood, proved to be very complicated: the question of *the royal prerogative*.

The King’s royal prerogatives can be enumerated and listed. The laws, which regulate these royal prerogatives, can also be easily quoted. So what makes this notion problematic?

Let us begin with the least difficult part of the question and define the royal prerogatives of the King in the process of governing. Nothing appears simpler, since the King was the head of the governmental power. However, the important question here is: what is the degree of power he, as head of the governmental power, can control, in relation to the totality of the executive power?

The Royal prerogatives

Let us start from the premise that, for a long time (until 1848), the King’s executive power was shared only with the autonomous counties.

However, if the government was responsible only to the King until 1848, then what constituted the division of executive power between the King and the nation? It consisted in the fact that, before 1848, the executive power was effectively supervised by the counties.

The most interesting aspect of the division of the executive power is that the county’s administrator with the greatest sphere of influence, the elected sub-prefect, also fulfilled the role of “constitutional judge”; in other words, he was entitled to decide whether a royal or governmental order complied with the laws passed by the National Assembly.

From 1848 on, the King shared the executive powers not only with the counties, but also with the Hungarian Government. Moreover, from 1848 on, the Government’s activities had been under the supervision of the National Assembly, based on the principle of ministerial liability.

Article III of the law of 1848 summarizes the extent of the King’s authority in governing; its primary goal was to secure the constitutional nature of government.⁵²

Of course, the creators of the 1848 law did not sell a „pig in a poke”. Their intent was to pass a law that would determine the King’s role in government, and create an independent, responsible Hungarian Ministry that would regulate the authority of the King in a

⁵⁰ C.J.H. I. 706–707. At this time the *reversionary right* too becomes a right of the Holy Crown.

⁵¹ Since the beginning of the 16th century, the Royal legal advisor became the legal representative of the Holy Crown.

⁵² H.M.T. I. (1000–1873), pp. 252–254.

constitutional government. This is how the law created the legal prerequisites of a parliamentary system. However, the question of the King's share in the executive power becomes even more complicated if we also consider the relationship between *the legislative and executive powers*.

For a long time – not just from 1848 on – the Hungarian concept of law has subordinated the executive power to the legislative power.⁵³

As a *participant of the legislative power*, the King convened the National Assembly, opened it, possibly postponed it, and closed it. Beyond this, he had the right to initiate the creation of law (this right, of course, exercised in conjunction with the National Assembly) and he sanctioned the laws passed by the National Assembly. Under duress, he was also in the position to dissolve the National Assembly and to order new elections.

Concerning the above, Article IV of the 1848 law states the following, which, of course, would also be in effect after 1867:

“§.1. The National Assembly shall convene annually in the future, in Pest. His Majesty will summon the Estates of the Realm annually, preferably during the winter months. (...)

§.5. His Majesty has the right to postpone the annual meeting and also to close it; He may even dissolve the National Assembly before the expiration of its three-year term and order new elections; in this latter case the new National Assembly shall convene within three months of the dissolution of the former. (...)

*§.7. His Majesty will appoint a president and vice-president to the Upper House from among the members of the House. (...)*⁵⁴

However, this article is incapable of determining indisputably the authority of the King in matters of legislation, as is the case with all other articles undergoing amendment. It is no accident that Article IV, § 6 of 1848 and Article X of 1867 modify it in the following way:

*“The determination of the budget by the Parliament is always for one year and, without a new debate and a new vote, taxes cannot be levied and collected. Therefore, in the case when His Majesty, for whatever reason, dissolves Parliament, postpones it or closes it before the presentation of the financial statement and the submission of the next year's budget by the Ministry, i.e., before a decision could have been made in Parliament in these matters, the Parliament has to convene in the same year; more specifically, at a time that allows the discussion of the financial statement and the following year's budget before the end of the year.”*⁵⁶

The King had to face up to the fact that the other half of the legislative power, the Parliament, could supersede him in the most important questions. Not only because, in the course of legislation, the debates in the House of Representatives (debates about a bill or about proposed amendments, forwarded as independent propositions by the representatives in the name of the King) were the most decisive phase in the practice of law creation as opposed to the sanctioning the laws, but also because (from 1848 on, and reinforced in 1867) it was the responsibility of the Parliament to supervise the executive power, based on the principle of ministerial liability. (Until 1848, the executive power was supervised in the name of the political nation by the elected county officials – primarily the sub-prefect of the county.)

It is by no accident that the Royal prerogatives were most often misinterpreted (by both the officials of the King and the representatives of the political nation) in the context of legislative power.

⁵³ Ferenc Deák's parliamentary speeches give an authentic image of this: "In every free country, in the constitution of every free civil society, it is inevitably necessary that the legislative branch be completely independent of the executive power. The civil constitution of our homeland holds the same. Our laws also require that, in the case of transgressions of the executive power, the harm caused by incidental illegal orders should be remedied by the National Assembly. Therefore, the legislation controls the orders of the government as well and thus the executive power is subordinated to the totality of the legislative powers, which is shared by the ruler and the nation" (January 14, 1834). "I am aware that the experts separate from each other the three powers of the state, the legislative, the judicial and the executive powers; however, I also know that these three powers are not independent and self-generating powers, but the judicial and executive powers are the very consequence and derivation of the former, the legislative power" (October 2, 1839). In: Molnár, Kálmán, Sr.: *Magyar Közjog* (Hungarian Common Law), Third ed. Pécs, 1929, p. 250, footnote 10.

⁵⁴ H.M.T. I. (1000–1873), pp. 256–257.

⁵⁶ H.M.T. I. (1000–1873), p. 314.

The King's sphere of rights was not a simple question regarding the exercise of judicial power either. The King appointed the judges (who acted in his name) and the members of the Royal Prosecutor's office, and he exercised the right of clemency too. For example, in Article IV of 1809 we find the following:

“§.2. *The judicial power is exercised in the name of His Majesty the King.*

§.3. *The judges are appointed by the King, with the endorsement of the Minister of Justice.*”⁵⁷

Article VIII of 1871 states:

“§.5. His Majesty's principal right of supervision remains intact in the following year too. By this right, through his Minister of Justice he oversees the courts' precision of procedures and orderly handling of affairs. If he discovers a lack in this respect, he takes steps to rectify the situation, in the general interest of justice. In case of complaints, he orders the submission of the necessary data, takes action to examine and punish the abuses. At the same time, the punishment of all office-related violations or offences can be effected only in the framework of the regulations set forth in the present law.”⁵⁸

However, if we read the later paragraphs of the same article that concern the independence and responsibility of judges, then we may grasp the significance of the fact that all the branches of power, i.e., the legislative, the executive *and* the *judicial* powers are united in the Holy Crown.⁵⁹

The relatively simple questions of the royal prerogatives are fairly complex too. There are of course royal prerogatives that cannot be questioned. These are: the rights of granting offices, titles, ranks, or elevation to nobility, and the establishment of orders of merit. It is less incontrovertible to whom the principal right of patronage belongs. Who can appoint the prelates? Is it the King, exercising his most natural royal prerogative, or the same King fulfilling the Will of the Holy Crown? This question too is open for discussion.

The principal right of patronage

Throughout the centuries, the subject of many debates was whether the Hungarian King or the Head of the Roman Catholic Church should appoint the Catholic prelates. There was a continued struggle for this principal right of patronage, in which the Hungarian King and the Hungarian Estates of the Realm stood on one and the same side – even if they had different opinions about to whom the principal right of patronage belonged: to the Holy Crown or to the King.⁶⁰

It happened only in the 20th century that the Hungarian Parliament decided to take away the principal right of patronage from the head of state, whom they elected. Regent Miklós Horthy rightfully found this prejudicial, and saw that it caused an impossible situation since, this way, the Holy Crown was also violated.⁶¹

⁵⁷ H.M.T. I. (1000–1873), p. 476.

⁵⁸ Ibid. pp. 580–581.

⁵⁹ Ibid. pp. 475–479.

⁶⁰ What Werbóczy explains here was the result of an extended struggle:

„We have to know that though the Pope, the supreme pontiff, has two different areas of jurisdiction, the worldly and the spiritual; in this country, however, when vacant church offices have to be filled, he may not exercise any legal authority beyond sanctioning the King's decisions, for four reasons:

§.1. Firstly, because of the establishment of the churches: in this country, every church, bishopric, abbey and provostship was founded by the Kings, who, by means of this act of foundation, acquired the right of patronage, appointments, elections and conferment of offices. For this reason, the appointment of all church offices is always the right of our King. (...)

§.5. Fourthly: Since the right of this country in regard to the appointment of church offices, along with other freedoms of the country, was ratified in the time of our Lord Emperor and King Zsigmond, by the universal and renowned Council of Constance, in which, as it is known, thirty-two cardinals were also present, besides other churchmen and several Christian rulers.” *Tripartitum*, pp. 70–73.

⁶¹ On the other hand, Regent Horthy, possessing most of the Hungarian royal prerogatives, wrote a complex study about the relationship between the Holy Crown and the royal prerogatives:

“The Regent, as Head of State, exercises the royal prerogatives, with the few above-mentioned exceptions. According to Article 1 of 1920, he is the commander-in-chief who leads the military forces. Parliamentary authority is necessary to declare war and make peace. In international affairs, the Regent represents the country, sends ambassadors to foreign countries and receives their ambassadors. The executive power and the initiation of laws are exercised through the cabinet he establishes. (...) The person of the Regent cannot be held

We could continue our study by discussing further interesting aspects of the Royal prerogatives, such as the concept of the King being the commander-in-chief, or how the handling of foreign affairs was interpreted as such a prerogative. In addition, several pages could be dedicated to the Prime Ministerial or Ministerial responsibilities, related to the question of royal prerogatives, but at this time our space is limited.

Nevertheless, we have to emphasize one more important thing – the significance of the principle of the expansion of rights.

The principle of expansion of rights

Feudal society was formally dissolved in 1848, by the Assemblies of Hungary and Transylvania, based upon the principle of the expansion of law. Until 1848, only the nobility were considered to be members of the Holy Crown, but from 1848 on (this confirmed in 1867), all citizens, who had voting rights, were equal members. (Between 1849 and 1867 there was an absolute monarchy in Hungary, when the continuity of law was interrupted, so the Hungarian laws were ignored.)

The principle of the expansion of rights prevailed also in 1927, when the Upper House of Parliament was transformed into a corporative-style Upper House.

The Upper House held its statutory meeting in January 1927. In his Memoirs, Regent Horthy expressed rightful pride in the results of the corresponding expansion of rights:

“The new Upper House was formed of four groups and the majority of its members received their mandate through election. Members of the Hapsburg-Lotharingian House who lived in Hungary, owned large estates and paid the prescribed taxes, spoke Hungarian and qualified for membership in the Upper House when they became of age. Among the old upper aristocracy, those who had previously had a lifetime membership in the Upper House and had satisfied those prerequisites that were listed in connection with the Hapsburgs, were able to elect members from their own ranks into the Upper House. Their membership was half that of the municipal representatives; the latter were elected by the counties and cities and formed the greatest group, nearly one third of the Upper House. Certain dignitaries and higher officials became members of the Upper House ex officio, among them the Catholic bishops, representatives of the Protestant hierarchy, two chief rabbis, the chief judges of the supreme courts, and others. The universities and other public educational institutions, and also the national organizations of commerce, manufacturing, agriculture and the national organizations of free occupations elected their own representatives. Finally, another 44 members could be appointed by the Regent.”⁶²

The expansion of law, because it does not alter the constitutional law but it indeed extends the rights of freedom to an ever-increasing number of citizens (or, in fact, all citizens), does not weaken the many old, established legal institutions but in fact rather strengthens them.

What else do we have to add to the above?

Several Hungarian authors analyze the Doctrine of the Holy Crown in extensive volumes, without specifically naming it: Not because they feel it is apolitical to call it by name, but because often they do not realize that they in fact deal with constitutional law and also the public law of the Holy Crown.

The Holy Crown and the attitudes of Hungarian citizenry

Sándor Karácsony did not explicitly state that one of the issues he was explaining was a defining power of the constitutional law aspect of the membership in the Holy Crown, a

responsible. The original decree, under which he could be brought to justice for violations of the Constitution, was rendered null and void in 1937.” Horthy, Miklós: *Emlékirataim* (Memoirs). Budapest, 1990, pp. 139–140.

⁶² Ibid. pp. 164–165.

power which also had the ability to determine the conduct and attitudes of the Hungarian citizenry (cf. the relevant chapter of his book above). However, it is not really important whether he was fully aware that it was this notion he in fact analyzed or not.

It is not important because Karácsony actually addressed the *magic effect* of the constitutional law aspect of the membership of the Holy Crown (between the two World Wars), when it would have never occurred to a responsible Hungarian citizen to question the validity and authority of the Doctrine of the Holy Crown.

People of today are not really capable of comprehending the significance of the Doctrine of the Holy Crown, while most pre-Trianon Hungarian citizens received this awareness with their mother's milk. One did not even have to mention it to self-respecting Hungarians or non-Hungarian ethnic groups living in Hungary: it was as obvious and natural as the air we breathe. It was considered a magic protecting layer, which, to be sure, one could break through, but doing so seemed senseless. One of its most crucial aspects was that outsiders in fact considered it unchallengeable.

V. THE HOLY CROWN AND LEGAL CONTINUITY

We will now raise a most timely question in our continued discussion of the Mystery and Doctrine of the Holy Crown: the legal continuity.

Based upon the premise that *violations of law do not establish law* (see more about this later in this chapter), the continuity of law has always been restored in Hungarian history. This means that, after absolutism came to an end, the legal representatives of the Hungarian nation declared in the National Assembly that everything that had been passed into law under the fake jurisprudence of absolutism, was null and void. It is easy to prove that, during the difficult years after the battle of Mohács in 1526, Hungarian statehood survived because our ancestors never failed to reestablish the legal continuity.

This kind of continuity was restored by the Hungarian nation during the reign of Leopold I (in 1687), following the era of Joseph II (in 1791), and again in 1867 and 1920.

The continuity of law is the most important question of the past, present and future of the Hungarian constitutional law.

The reestablishment of the continuity of law was always a most crucial question and so, in the dire years after Trianon as well, it was the main subject of constitutional legal battles.

In 1918, when Count Mihály Károlyi seized power, the continuity of law was interrupted in Hungary. However, the parliamentary sessions between 1920 and 1926 reestablished the continuity of law in the name of the Hungarian nation.

Thanks to the reestablishment of the continuity of law, fascism could not take hold in Hungary between the two World Wars, until the German occupation in 1944. It is no accident that John Flournoy Montgomery, the American Ambassador at the time, called Hungary an oasis in Hitler's desert.⁶³ Even Montgomery, a foreigner, recognized the significance of the Doctrine of the Holy Crown and saw a connection between the Doctrine of the Holy Crown and the "anachronistic" attitude of tolerance he experienced in Hungary.⁶⁴

Something else we find important to emphasize: On the path it was forced to take after the peace dictate of Trianon in 1920, Hungarian politics successfully created not only the conditions for the defeat of the Hungarian post-Trianon psychosis, but also the means to

⁶³ „Up to March 1944, Hungary was the only European country east of the Pyrenees where the lives of Jews could be considered safe. Besides the Hungarian Jews, then numbering almost one million, sixty to seventy thousand Jewish refugees from foreign countries fled to Hungary and lived there in safety until Hitler's armies occupied the country and ordered their systematic extermination. Hitler's wrath against Hungary had been largely provoked by the protection granted to the Jews.” Montgomery, John Flournoy: *Hungary, the Unwilling Satellite* (Magyarország, a vonakodó csatlós). New York, 1947, p. 30; Budapest, 1993, p. 86.

He also states: „Under the circumstances, it was heroic on the part of the government to permit a strong influx of foreign Jews, chiefly Polish, Slovakian and Austrian. It would have been sufficient proof of courage if the government, defying German pressure, had protected its own Jews, at the same time keeping the borders closed. Hungary did more than she was morally obliged to do, by offering shelter to foreign Jews in addition to her own. She was not allowed to much longer remain an oasis of compassion in a desert of oppression. But even when she yielded, Hungary did so more slowly and with more dignity than her neighbors.” *Ibid.* p. 32 (Hungarian edition p. 91– 92.).

⁶⁴ *Ibid.* pp. 36– 38.

strengthen the Hungarian state and to prepare the revision of Trianon. This was all achieved based on the reestablishment of the continuity of law and by honoring the Doctrine of the Holy Crown. Hungarian foreign politics was able to make it clear that the national rights that were declared and accepted worldwide after the First World War, should also apply to the dismembered Hungarian nation. It was due to this fact that between 1938 and 1940 Hungary was able to regain parts of the territories it lost at Trianon. These new borders of Hungary were drawn simply on the basis of the current ethnic proportions in a historically multi-ethnic population. It does not really matter who the actual judges were; they acted in place of the League of Nations. They took a position, which the League of Nations should have taken, if it had had the courage to follow the principles established at its founding. (Also, it does not really matter who exactly the decision makers in this process were, because the ethnic principle and the right of self-determination were accepted by every leading power of the time.)

The question of reestablishing the continuity of law after 1990

From March 1944 until 1990, the presence of foreign powers (occupation by the German Third Reich, later, after 1945, the Soviet Union) made legitimate law creation in Hungary impossible. The continuity of law, interrupted in March 1944, could have been reinstated in 1990. However, those who advocated a change of regime could not grasp the importance of this and it did not happen. They accepted a solution that seemed more comfortable, i.e., the historical constitutional law should remain replaced by foreign laws that had been adapted at whim and altered haphazardly and frequently.

What should the Hungarian nation have done in 1990? It should have begun to restore the continuity of law in the spirit of the Doctrine of the Holy Crown, and by respecting its tenets – not in the Parliament, but in a comprehensive National Assembly convened especially to reestablish the continuity of law.

Why in the spirit of the Doctrine of the Holy Crown and by respecting its tenets? Because the Holy Crown, as a legal person, continues to be the embodiment of the Hungarian state power, and thus the *Doctrine of the Holy Crown is not just a memory of a more glorious Hungarian past, but it is still a valid doctrine of constitutional law with a binding force*. We could begin to prove this by emphasizing the thesis of the Doctrine of the Holy Crown according to which *neither the King, nor the nation can determine their relationship to the Holy Crown*. However, it is not necessary to prove that the constitutional Doctrine of the Holy Crown is still binding: after all, *the legal representatives of the Hungarian nation never renounced the Holy Crown, and the Doctrine of the Holy Crown was never invalidated by a legally convened Hungarian National Assembly or Parliament*.

Apart from the above, what should have been the grounds for the reestablishment of the continuity of law?

In March, 1944, a foreign power – the German Third Reich – withdrew Hungary by force from under the protection of the Holy Crown, but the Parliament of 1945 no doubt would have done everything possible to define the future political life and independence of Hungary the same way the Parliament of 1920 did. However, at that point, the Soviet Empire prevented the restoration of legal continuity.

In 1990 too, there should not have been any other option legally but the reestablishment of the continuity of law. The question is: why did this not occur?

What happened during the change of regime? Is there any explanation for disregarding the principles that ensured the survival of the Hungarian nation over the centuries?

It is hard to grasp why the question of reestablishing the continuity of law did not become the very central question of the change of regime. To be sure, *the reestablishment of the continuity of law is not a simple undertaking*, and even the drafts for this reestablishment cannot be composed from one day to the next. What is certain is the fact that *for one minute*,

for one single minute everything should have been considered valid that was valid at the time of the interruption of the legal continuity. Moreover, in the very next minute, the trusted representatives of the Hungarian nation, the members of a new National Assembly, should have begun the tremendous task of determining what parts of the Hungarian Constitution had become outdated, and what the proper replacements would be. Why did those representatives who, by virtue of their responsible positions, were given the opportunity to direct the change of the governmental system, not take on the reestablishment of the continuity of law? Had they taken on this task, the crippling national financial debts and foreign loans for example, incurred during the years of Soviet occupation, could have been forgiven and erased, or the agreement concerning the gigantic hydroelectric power plant on the Danube at Bős could have been declared null and void immediately. Still they did not undertake this task. Why not? We do not know.⁶⁵

In addition, the adherence to the continuity of law was not exclusively a Hungarian trait. There is an English continuity of law, or a Spanish continuity of law, and yet the world bears no resentment toward England or Spain for not renouncing their continuity of the old constitutional laws.

The continuity of law, of course, can be denied, but this denial is none other than the disregard of law. In a country that assumes the responsibility of the continuity of law, the laws are made of diamond; in another that denies the continuity of law, the laws are made of glass.

Let us look at this question from another angle:

The denial of the continuity of law, the negation of the achievements of the law's organic evolution, "throws time off its track." We have no room here to demonstrate this problem in all its complexity, but an example might enlighten the gravity of the question: the adoption of a borrowed, foreign, charter-based constitution to replace Hungary's own historical Constitution which had developed through a long, organic process, can be compared to the arbitrary replacement of a healthy human organ with an artificial one...

The necessary result of delaying the reestablishment of the continuity of law is the weakening of national self-concept, which also contributed to the outcome of the shameful referendum of December 5, 2004.

There are many other questions which the negligence to reestablish the continuity of law is related to. A most serious one is, for instance, that the entire nation could have become the winner in the change of regime and the democratization process, had the agricultural workers, the mistreated and exploited rural Hungarians, who usually most actively preserve the customs and traditions, gained strength and momentum around 1990. This could certainly have happened, had the reestablishment of law not been prevented. Indeed, the historical Hungarian Constitution or the Doctrine of the Holy Crown would have stood in the way of the wild and uncontrolled privatization of the entire food-industry (and in the way of foreign investors who were literally preying on it). They would have also prevented the creation of the so-called Law of Restitution from which eventually only ruthless profiteers benefited. The primary consequence of these two developments is that the work of Hungarian farmers has no true value. Furthermore, the idea that the Hungarian arable land could be easily taken away from the very vulnerable Hungarian farmers (i.e., to be sold to foreign citizens, or simply sold following the principle of free trade of assets) could never have been entertained if the continuity of law had been reestablished.

In 1939, Sándor Karácsony writes in *A magyar észjárás* about the preservation of the thousand year-old Hungarian traditions:

"The Hungarian self-concept is a spiritual problem. In the endless lowlands or the mountaintops of Erdély (Transylvania), or in any place, where, during their historical life this group of people, called Hungarians, received various tasks and missions to fulfill, they indeed poured out the contents of their soul to accomplish these (...).

⁶⁵ The job of the historian is made more difficult because the authentic documentation of the change of the regime cannot be acquired at this time (just as the authentic documentation of the dissolution of the Soviet Union cannot be accessed). Another factor is that those who planned and orchestrated this „change” were out of the public eye.

Consequently, if certain basic behavioral patterns have not changed through a thousand years, or at least have not modified perceivably, it does not mean that this Hungarian psyche is a set and rigid entity, but it shows that the tasks at hand today are similar in nature to the original, historical ones which necessitated this certain mental attitude.”⁶⁶

This book talks about a great miracle: the fact that the Hungarian language and Hungarian mindset have hardly changed in the course of a thousand years. *Forced, or prepared, changes and interferences could always be defined and pinpointed by the Hungarian language and mindset...* Startled, we grasp the secret: thanks to the historical Hungarian Constitution and the Doctrine of the Holy Crown, the Hungarian people used to live ***under the protection of the preserved traditions of Divine Monarchy*** – that is, when they were still aware of the importance of taking very seriously the responsibility of the reestablishment of the continuity of law...

We also realize that the traditional Hungarian way of life changed more in the 20th century than it did during the previous one-thousand years...

In fact, the main change began with the complete disregard of the historical Constitution, i.e., of the Doctrine of the Holy Crown, under the influence of the occupying powers. Another factor has been the forced dissolution of the Hungarian villages, the primary protectors of traditions. Indeed, since the destruction of Hungarian village life in the past 50 years, the Hungarian way of life has changed more than it did in the thousand years prior to this: the quality of life has in fact gradually diminished.⁶⁷

Traditional Hungarian life could have been reborn, had the reestablishment of the continuity of law not been ignored in 1990. Just as the 1920 Parliament accepted the task of restoring the continuity of law, the Parliament of 1990 should have accepted it at the time of the change of regime too.⁶⁸ And now let us ponder the following again:

The Doctrine of the Holy Crown became the preserving and protecting force for the Hungarian Constitution, the Hungarian statehood and the defining element in the evolution of the Hungarian constitutional law. Still, its significance was not at its zenith when the Hungarian nation lived in plenty and security, but when it encountered difficult circumstances. In the hardest moments in its history, the Hungarian nation managed to

⁶⁶ Karácsony Sándor: *A magyar észjárás*. Budapest, 1985, p. 41.

⁶⁷ Karácsony could not take into consideration the past half a century in his 1939 book; so was his optimism too cloudless for this reason? József Végvári does include these five decades in his analysis, and still remains optimistic. He posed the question whether now, at the time of entering the European Union, the Hungarian government could take on the worldview presented by Karácsony. His answer:

„We are Hungarians for better or worse – no matter how annoying this is to some others – and we will remain Hungarians forever. We would do better if we took on, in its totality, our own heritage, way of thinking and mission, which cannot have been inherited either from the East or from the West. Not only would we fare better in this case, but the world too; in fact, the world would fare better than we would. Here I do not want to engage in daydreams, or in a desire to return into the past, but I am talking about unchangeable facts, with which we should finally come to terms. (...)

However, even if we were to shake off our ancient culture, we could still not free ourselves from our extremely logical language (which is thus in complete harmony with the order of nature), because this cannot be simply „re-defined” like, for instance, a computer-system. But until we recognise the true value of our language and our culture, we keep suffering a deficiency disease; this is a kind of condition in which many live without God and a moral compass, without national consciousness. Even though the symptoms of this disease are painful and scary, luckily they don’t have severe complications, and, like deficiency diseases in general, can be easily cured – if the patient himself wants to be cured.

I hope the 21st century will be a time of healing, with God’s help. (...) Concentrating upon the defining triune elements of spirit-soul-body, that is, lifting our eyes to Heaven, filled with faith, we should return from the vast emptiness of space and the horrors of „modern, scientific worldview” and its „virtual reality” to Earth as the only secure point, and within this into the Carpathian homeland in which the Scythian-Hun culture survived. This would be the true victory of „science”, because the renewal of destroyed values could begin here – and a great many things were indeed destroyed.” Végvári, József: „*És mégsem mozog...*” In: Turán, 2004/VII.4, pp. 36–39.

We agree with Végvári, but also with József Zelnik that there are „two tragically big losers in the privatisation process. One is the agricultural Hungarian nation, the other the intelligentsia.” As a consequence of the EU treaty, the land of the Hungarian farmers may fall into foreign hands. This will happen at a time when there is a great ecological crisis, when the land and the water underneath will be of central importance.” See Zelnik, József: *Mük vagyunk mi, magyar értelmiségiek?* (What are we, Hungarian intellectuals?). In: Ökotáj, 2002/29–30, 88–89. In addition, the Hungarian intellectuals are obviously also among the losers in the change of regime, because a nation which is deprived of its traditions will not need them.

⁶⁸ I am not the only one to see it this way; others addressed these things as well. Zsolt Zétényi, for example, in his book *A Szentkorona-eszme mai értelme* set forth in detail the reason why the constitutional legitimism is conditional and not real in today’s Hungary.

„On May 2, 1990 – he writes –, still under foreign occupation, after the free elections, which were indeed only formally free, the new Hungarian Parliament convened. The continuity with the Communist dictatorship, based upon a technicality of law, remained. Although the constitutional continuity of law with the 1946 republic was restored, but the continuity of the historic Constitution was not reinstated. We live in a transitory, provisory state, not only from the point of view of constitutional law, but economically, morally, and culturally as well.” Zétényi, Zsolt: *A Szentkorona-eszme mai értelme*. Budapest, 1997, p. 260.

survive with the support of the Holy Crown... The Holy Crown was the creator of national unity in the most difficult, most dramatic situations in Hungarian history. His significance is inconceivable, and today it is almost unbelievable that, thanks to *Someone*, the national unity has always been restored when discord would have been fatal. Therefore, we can simply not afford today not to draw the appropriate conclusions from the above.

Consequently, if the representatives of the Hungarian nation in 1990, participating in the change of regime, could not grasp the significance of the Doctrine of the Holy Crown and the continuity of law, then the future representatives of the nation will have to do what their predecessors failed to do back then. What legal principles could be quoted, and what arguments could be offered so that the modern Hungarian nation may proceed with the reinstatement of the continuity of law?

We have to consider that each time when, under extraordinary circumstances, the legal representatives of the Hungarian nation reestablished the continuity of law, they always did so based upon the Doctrine of the Holy Crown.

Today too, the Doctrine of the Holy Crown could become the greatest guarantor of the recognition of the continuity of law, exactly because of *the impossibility of its invalidation*. (The impossibility of invalidating the Doctrine of the Holy Crown indeed cannot be questioned, since, as mentioned before, neither the King, nor the nation can determine its relationship to the Holy Crown.)

Our greatest concern is that the opponents of the restoration of the continuity of law might destroy the justly famous, historical Hungarian Constitution, and misleadingly refer to the will of the Hungarian nation while doing so.

The majority of the perplexed Hungarian people remain silent. They have been deluded by a deliberate misinterpretation of the doctrine of the sovereignty of the people.

Yes, we have just brought up the very complicated question of the sovereignty of the people. We could not do otherwise, since in Hungary today a great many people want to be involved in "creating a constitution", but not one based upon the renowned historical Hungarian Constitution. They would rather create a new constitution based upon some basic laws taken from foreign sources. Moreover, these "constitution-makers" usually start from the premise that the sovereignty of the people cannot be limited, even though in the countries that are taken as examples, one of the basic tenets of constitutional law is the limited nature of the sovereignty of the people.

Why do some Hungarian politicians consider the Hungarian nation to be freer (more mature in enforcing the idea of the sovereignty of the people) than the French, English or American nations? If she is not freer, then she cannot deny the historic Hungarian Constitution, cannot deny her own past. *She cannot exchange her gold for clay of equal weight.*

We thus have to bring the following to the attention of those who work on destroying this historic Constitution: in states that have advanced constitutional law, constitution, or constitutional institutions (such as the U.S.A., England or France), the sovereignty of the people is not unlimited, since the Constitution (whether it is written, like the United States' Constitution, or historic, like that of England) cannot be simply invalidated (declared null and void, or altered) based on the principle of the sovereignty of the people, on the results of referenda or any other voting results, or by any decree of a national assembly, congress, or parliament. Similarly, the historical Hungarian Constitution should not have been invalidated in postwar Hungary either. The question is thus adequate: what takes the place of the historic Constitution today?

In the important questions of jurisprudence and constitutionality, we cannot allow ourselves to embellish or cover up the truth. We cannot be silent about the regrettable fact that what today we call the Constitution of the Republic of Hungary, is in fact a curious amalgam. On the one hand, this amalgam consists of a constitutional text forced upon the Hungarian nation in 1949 by the Soviet Union, the occupying power of the time. On the other hand, it consists of some modifications of the same text, based on older German constitutional documents. To state it more clearly: this text, called a "constitution", is made up of instructions by Stalin, and of a partial but servile acceptance of the so-called Weimar Constitution which the victorious

powers "offered" to the defeated German nation after both World Wars as punishment. (Stalin revealed to Milovan Djilas that he wanted to intervene in the question of Hungarian constitutional law in order to break the spine of the nation; at the beginning, Stalin was "only" expecting from the new Parliament the creation of Article 1 of 1946; see details below.)

Why would the Hungarians have chosen this voluntarily? Its acceptance involved turning against their traditions, and placed them at the unconditional service of liberal principles. In essence, the purpose of this kind of constitution would not be to consider questions of national life and fate, but simply to solve societal situations. Its most important goal would be to unrestrict individual rights. In this scenario, the nation could go to waste, but the individual rights should not be limited. We can already experience the consequences of this attitude in the states we took as examples and we see them first hand in Hungary as well. Another curious contradiction: liberal ideology, which is becoming dominant, does not tolerate conservative self-defense. This means that a nation can only expect acceptance, or can only become a member of the community of prosperous states, if it renounces the traditional means of self-preservation, e.g., the prohibition of abortion, support of families, or respect for the sanctity of motherhood. However, those nations that renounce these traditional methods of self-preservation, will in the end disappear. What constitutes this great contradiction? Nations that unconditionally embrace liberal ideology, suppressing their instinct for self-preservation, will be inhabited in the future by the later descendants of nations that *did preserve* their traditions and *multiplied*, instead of trying to conform to liberal expectations, whether they did so as followers of worldly conservatism or religious fundamentalism (which is now beside the point). What is not beside the point is that the descendants of those nations who accept and believe in liberal principles, will eventually become victims of this increasingly dominating liberal ideology; on the other hand, the descendants of those nations which today do not fill the requirements of these liberal expectations, will in fact become its beneficiaries. Can one imagine a more frightening contradiction?

We have to talk about Stalin's order a bit more in detail because many still hold the view that it was in line with the will of the majority of the citizens of Hungary. First of all, we cannot ignore the fact that the law which was indeed "expected" by Stalin, the law of 1946, was just the beginning of a sequence. However, even if we did not take this into consideration, we would still have to answer the question whether it can be supposed, without the deepest cynicism, that the first concern of the Hungarian nation in 1946 – humiliated, rendered defenseless and hungry –, was to renounce the most beautiful creation of its past: the historical Hungarian Constitution.

Our question, we admit, is rhetorical, since we have learned from the memoirs of the Hungarian officials of the time how distressing it was to have to obey an order, rather than follow the will of the people.⁶⁹

We may add to the above that, in their ecstasy about the fall of the Iron Curtain, the Hungarian people did not even realize that the submitters of the amendments to the Constitution really did not incorporate anything from the rich constitutional tradition which had made Hungarian constitutional life successful throughout the centuries, and which had made the Constitution honored in Hungary and respected in the World. Let us refer to the "forgetting" about the prominent role of the Holy Crown in Hungarian constitutional law. To those who imposed the "Weimar Constitution" in a most servile manner, to take the place of the constitutional institutions, which had become part of the historical Hungarian Constitution by the organic evolution of law, it did not even occur that over the centuries, the constitutional law and the Doctrine of the Holy Crown were the main assurance of Hungarian constitutionality.

The Hungarian nation must not choose a solution that renounces everything that was precious in its past. *It has to insist on its uniquely Hungarian constitutional law, the historic Constitution and the Doctrine of the Holy Crown. It should do no more than listen to its*

⁶⁹ „It is as if the representatives had sensed – writes former prime minister Ferenc Nagy, exiled in 1947 – what later became certainty: the Communist Party and the Soviets stood behind the adoption of the Republic.” Nagy, Ferenc: *Küzdelem a vasfüggöny mögött* (Struggle Behind the Iron Curtain) I–II. Budapest, 1990, I. p. 227.

instincts of self-defense, and keep in mind that the One that saved it in the most dangerous times in its history must not be destroyed or replaced. We are confident that in this case, the future Hungarian political leaders, i.e., the representatives of the Hungarian nation, shall declare the renunciation of the one-thousand year-old Hungarian law and thus, a major part of Hungarian history, unwise and unlawful, based on the principles of the Hungarian evolution of law. By restoring and recognizing the continuity of constitutional law under the aegis of the Holy Crown (with the precept that *violations of law*, committed, in our case, under absolutistic circumstances or foreign occupation, *do not establish law*), they ought to ensure the legal and constitutional conditions for the survival and the recovery of the Hungarian nation.

What should serve as the temporal point of reference for the nation's representatives in the reestablishment of the continuity of law? This date is the very day before the interruption of this legal continuity, March 18, 1944.

It is self-evident that if the Hungarian nation does not deny the principle that determined the development of Hungarian constitutional law for centuries, that principle being the previously cited "violations of law do not establish law", then we can state unequivocally that Hungary today is still the nation of the Holy Crown. On the other hand, if Hungarians were to deny or ignore this principle, they would in effect deny everything that was glorious and noble in the history of their nation, from King St. István to Ferenc Deák: the entirety of Hungarian constitutional law, the historic Hungarian Constitution, the meaning of the Holy Crown, the entire Hungarian past, everything that preserved the Hungarian nation in the most difficult circumstances. With the renunciation of the past, of course, the nation would also disclaim its own future.

VI. SOME RELEVANT ASPECTS OF THE MYSTERY AND THE DOCTRINE OF THE HOLY CROWN

To be sure, this section should begin with a detailed description of the historical mission awareness of Hungarians and its recent changes, but this has to be forgone for space considerations.⁷⁰ This short study can thus only be limited to the following couple of points:

The notion of the historical mission of Hungarians is related to the concept of the *Living Divine Truth* and to the Holy Crown. The Hungarian nation received the Holy Crown from God, for a specific reason and with a specific message.

What is the essence of this mission? Ancient Hungarians believed in the One God, He who is Almighty, who in his uniqueness is veritable, but who can appear, and express himself, in a great variety of ways. His most important manifestation is the Living Divine Truth, which is none other than a kind of self-defense appearance of God; it is the greatest Might, the most solid Power. It is a Power, which is in charge of both punishment and protection: it enforces truth and protects with love. According to Hungarian mythology, the Living Divine Truth chooses a particular nation through which He will be defended. This nation is the Hungarians. Thus, in the framework of the old Hungarian mission consciousness, Hungarians are a nation of Divine choice because they would be worthy executors of the will of the Living Divine Truth. The special role of Hungarians is therefore the worthy service of the Living Divine Truth.

The central notion of this mission awareness is thus that Hungarians are a people chosen by God, with a specific task and mission. (However, this mission concept does not entail the suggestion that the Hungarians would be the sole chosen people. They have been selected for one great assignment – and this is indeed the sum of Hungarian mission consciousness. Furthermore, the concept contains no reference whatsoever to goals associated with forced religious conversion or magyarization.)

⁷⁰ These problems are described in detail in the fifth edition of my book *Magyarország Szent Koronája* (The Holy Crown of Hungary); Budapest, 2010, pp. 220-229.

It is also worth mentioning that the Living Divine Truth often appears in Hungarian mythology and folk tales as a *hadnemtő* (a fairy who carries out so-called "war fates" and can determine the outcome of battles). The best known of these is the character of Tündér Ilona.⁷¹ In Hungarian literature, the Living Divine Truth most often takes the shape of the God of Hungarians.

This mission awareness started to change at the beginning of the modern era, following the reign of King Mátyás. Although this transformation cannot be described here in sufficient detail, it shall be noted that Mátyás was the one ruler who gave real hope to the surrounding Christian world. He would have been capable of accomplishing the holiest of missions, the "reestablishment of misaligned time" (this notion – "misaligned time", also to be found in the opening of Shakespeare's Hamlet – refers to the vanishing traditions which nurture life, and to the abandonment of sacral traditions).

Mátyás was unable to fulfill this mission and, after his reign, the Hungarian Kingdom gradually lost its position as a leading power. Consequently, Hungarian mission awareness changed as well. These changes were predicted early, e.g., in the mystical poem *Az árvíz* (The Flood) of the poet and Bishop of Pécs, János Csezmicei, generally known as Janus Pannonius. (To be sure, Pannonius focuses on the description of the flood as a natural disaster, and thus the lines dedicated to the transformation of mission awareness do not necessarily fit into the poem in every respect. He must have chosen to include them in order to convey a message to his friends to whom he had previously revealed other confidential issues.)

*Pusztuljunk, ha a többiek is, belenyugszik a fajtánk
abba, amit közösen oszt ki az égi parancs.
Sőt, ha magunk, hunnok vezekelhetténk a világért,
lennénk megváltód, bűn fia, emberiség!*

*We deserve downfall if our people accept
The divine orders aimed at everyone.
Moreover, if we, the Huns, could indeed atone for the world,
We would be then your Redeemer you Mankind, Sons of Sin!*
(Approximate translation by G. Tóth, 2008)

Changes in the Hungarians' mission awareness after the Peace Dictate of Trianon

As we mentioned, the Hungarians' belief in their historical mission changed to a certain extent after King Mátyás, but the change it underwent after Trianon (1920) was by far greater. At this time, the whole notion became even clearer and simpler – but earlier? Not only the Battle of Mohács modified it but also the constant tribulations of the 17th, 18th and 19th centuries; these centuries brought about significant transformations too. To be sure, Joseph Hapsburg, the dictator-king of Hungary at the end of the 18th century (also known as Joseph II, Holy Roman Emperor), began the destruction of the Hungarian nation with unparalleled cynicism. It was fortunate that the dramatic situation created by Joseph did not have a fatal effect upon the self-concept of the Hungarian nation, because, thinking that their resistance was successful, the Hungarian people did not really sense the danger (in other words, they did not take it seriously). The same thing happened in the years following 1849: the Hungarians did not believe at this time either that, after the Battle of Világos, the dissolution of Hungarian statehood, prepared so forcefully, could be successful; they indeed soon experienced the results of this worthy resistance.

The events of Trianon, on the other hand, justify the nation's deepest despair. Trianon strengthened the Hungarians' belief that whoever desired to destroy them, could not be

⁷¹ Cf. Ipolyi, Arnold: *Magyar mythologia* (Hungarian mythology). Pest, 1854, pp. 74-77.

identified on a human level; because whoever attacked them in Trianon was not an earthly being, but Satan himself. Due to this frightening realization, the Hungarians' concept of their mission was altered again; it became simpler and easier to understand, and it became qualitatively different. Anyone who, up to that time, was not convinced that the Hungarians were chosen to fulfill a role in a sacrificial mission, could be convinced, after confronted with Trianon. They would come to the shocking realization that *the Hungarians were punished in Trianon, not as sinners, but as most innocent, in place of everyone, enemies and allies alike*; they would also realize that, in Trianon, the Hungarians became the suffering subjects of Satan's most spectacular, most severe counter-attack against the Lord Jesus.

It is certainly not easy to understand all this.

We have seen that the old Hungarian mission concept had already begun to change into a concept of redemption during the reign of King Mátyás. Nevertheless, the belief of the Hungarian nation in its own strength and indestructibility was not shaken even in the centuries following the Battle of Mohács.

We have to add that, after Mohács, the Hungarian mission-consciousness was already accompanied by a certain sense of guilt, a very vague one, and one that can be described only with great difficulty. In the depths of their subconscious may have been a lingering doubt that the Hungarians, weakened in the modern era, were not suited to fulfill the old Hungarian mission anymore. For this reason, from the time of Mohács to Trianon the Hungarians took very seriously, and felt authentically, what the great poet Ferenc Kölcsey also stated in his *Himnusz* (which became the Hungarian National Anthem):

*Hajh, de bűneink miatt
gyűlt harag kebledben,
S elsújtád villámidat
Dörgő fellegekben...*

*But, alas! for our misdeed,
Anger rose within Thy breast,
And Thy lightnings Thou didst speed
From Thy thundering sky with zest.*

(Translation by William N. Loew, 1881)

With the gradual loss of this guilt concept and the increasing consciousness of being chosen redeemers comes the new, more important change. It becomes clearer than ever that, for some reason, Satan considers the Hungarian nation to be his greatest enemy, and that Satan strikes his blow with the weapon that was raised against the Lord Jesus. Nothing is more obvious than this, since the dictate of Trianon cannot be reasonably explained by the wrath of God, or by anything else for that matter. The only explanation is that in Trianon – we repeat – the Hungarian nation became the victim of Satan who fought against the Lord, and waged his most spectacular, heaviest counter-attack. It appears that the Hungarians were simply designated for sacrifice.

Yes, it became more and more obvious, after Trianon, that the fate of the world was "organized" in Trianon neither according to some divine, nor to some human inspiration, since what happened there is none other than the mockery of everything that should be considered as holy and inviolable by God's order.

Taking all this into consideration, it becomes clear that the Hungarian nation had no choice but to accept its sacrificial role and, just like the Lord Jesus, she was crucified. The Hungarian nation's concept of her mission, the consciousness of her status as a chosen redeemer, finally became simplified and the meaning of the mission altered. At the same time, in spite of the fact that the events at Trianon are most incomprehensible, the concept also became more understandable.

The "great, mighty, victorious" men who determined the history of the 20th century – those responsible for the decisions of Trianon – seem not to have been their real selves when they

acted. (This obviously does not absolve them; it may only explain their behavior.) They must have been beside themselves and they obviously did not know what they were doing. *And regardless of all their statements, they were unable to recognize even their own interests, and were only delusional, stunned participants in the eternal mystery play which is about the punishment, and thus the crucifixion, of the most innocent.*

Fortunately, it is not just the Hungarians who can grasp the notion of the crucifixion of the most innocent. Leon Degrelle, the Belgian historian, accurately and authentically described this concept (which is somewhat surprising, as we were first inclined to believe that a Western European historian would not be truly able to relate to this notion). Hungary was really crucified after World War I – not because of her sins, but simply as revenge for her faith and loyalty to God.⁷²

It also seems pointless to try to understand the behavior of the "greatest" players such as Clemenceau, because, after all, we cannot start from the premise that he consciously wanted to reward any sinful behavior: He did everything in his power to annex the greatest possible expanse of Hungarian territory to Rumania (an area larger than what Hungary was allowed to retain). At the same time, whom did he consider to be the most sinful among the nations who participated in World War I? The Rumanians. Clemenceau says in October, 1918:

*"Among the hyenas of war, the Rumanians are the lowest. They were the allies of France and yet for two years they behaved as if they were on the German side. They gathered millions by selling grain and petroleum to the enemy. I will never agree to renew our agreements which we signed with them in exchange for their willingness to fight on the side of France."*⁷³

Apparently, Clemenceau disliked the Rumanians so much that he gave his name to the shameful decision, which made Rumania a multinational empire and expanded her territory from 137,000 km² to 295,000 km². Does this have a reasonable explanation? Is there any reasonable human being who could truly understand this?

Even more incomprehensible is the fact that the anti-Hungarian hatred, which was manifested in Trianon, has only one possible explanation: those who are willing to participate in the destruction of Hungary, realize that they simply need the hateful sentiments towards Hungarians in order to justify their decisions. And they indeed hate them. Is it simpler to ease their own conscience if they demonstrate hate? They find themselves in a difficult position: it can be easily demonstrated that they did not believe in the anti-Hungarian propaganda. They believed that Seton-Watson and the others were mercenary pen-pushers or hacks, but nevertheless hired writers whom they very much depended on.

Let us also examine the opinion of some Western European authors who, similarly to Degrelle, were able to rise above their own prejudice. The French publicist Henri Pozzi considered Trianon to be the result of the most satanic, at the same time the most primitive, most shameful machinations. He stated that he was worried for the soul of his beloved French nation because of her compliance, and he was afraid that God would punish France.⁷⁴ Yves de

⁷² "Count Albert Apponyi, a leading Hungarian patriot, went to Paris despite his advanced years, to plead his people's case at the peace conference: 'Do not dispose of these people as if they were a herd of cattle. Today will be tested the sincerity of those who have so often proclaimed the great principle of international justice and liberty. We are asking a plebiscite in all the affected regions and we will accept its results. If our adversaries refuse to accept this test, their cause will be judged before the tribunal of human conscience. They would have resolved to subject to their yoke millions of unwilling souls.'

The venerable Hungarian patriot was treated like a criminal. Benes, the Masonic hatchet man, answered Count Apponyi: 'As far as the future borders of Hungary are concerned, they have been definitively set at the peace conference and there will not be the slightest modification.' (*Le Temps*, December 2, 1919.) With rage and hatred Benes' co-schemer Tardieu added: 'There will not be any pity for Hungary.' This Masonic hatred was shared by all the Allies. American delegate Bowman said of this pervasive hatred: 'At every instant one had to give tangible proof of hatred against the enemy.'

Hungary was thus crucified at the Versailles Treaty not for its sins but for its faith..." In: Degrelle, Leon: *The Hitler Century*. Vol. I. Torrance (California), 1992, p. 475.

⁷³ See Pozzi, Henri: *Századunk bűnösei...* (Criminals of Our Century). Translated by Frigyes Marjay. Budapest, 1936, p. 199.

⁷⁴ „In 1919, too, the lies were France's enemy! – he wrote in the thirties. –At that time those whom she trusted, killed the victory out of ignorance, stupidity or self-interest. (...) Today too, lies are the only enemy of France! Today when, because of the sin of the sixteen-year „peace of violence and hypocrisy”, the war returns. (...) If, twenty years ago, my country (...) had known just a hundredth of what was kept secret from her, there would have been no war! And if sixteen years ago France had known the secret thoughts and hidden goals of the statesmen who represented the nation in 1919, and how they accomplished the „peace of law and truth”, and had she been aware back then and also today of the kind of interests in whose service these men put the honor of our homeland under suspicion and endangered its future safety: then France, and along with her all the other European nations, would not be at the low point they are at now...” Ibid. p. 6.

Daruvar quotes several French statements which reveal that Hungary was really punished as the most innocent, in place of the enemy or the allies. The authors of these declarations, among them Senator Monzi⁷⁵ and representative Charles Tysseire,⁷⁶ realize in awe how Christian Europe fell into the state of mortal sin by imposing the dictate of Trianon – and they do not acquit the narrow-minded participants who sold their souls so cheaply in Trianon.⁷⁷

The European Union and the Holy Crown

The lowest point of the history of Christianity is Trianon – Trianon, as an act of consciously turning against God. The people of Western Europe could not comprehend what happened behind the scenes, and obviously neither could many politicians. Western European statesmen behaved like servants or mute co-conspirators, and the few exceptions deserve praise. Most of them did not know what they had done. Western Europe did not see that the last intended blow on the life-nurturing traditions of the Hungarians, and in fact on their own too, was struck with their secret complicity.

They had no knowledge yet about the approaching danger, about looming national demise. It is not only the Hungarians today who speak about the dark vision of the decline of the Hungarian nation, and not only the Germans who address the inevitability of the downfall of the German nation, but the same applies to the French and the English.

By now, the French and the English are also aware that the danger which threatens their nations was born in Trianon; or at least those, who are not indifferent and have the courage to know. They are also aware that "if misaligned time is not repaired", they cannot prevent the demise of their nations, brought along by the disappearance of life-nurturing traditions and abandoning the sacred traditions.

Many suspect why the secret lords of Trianon wanted to destroy Hungary in particular: Because they knew that it was in Hungary where the *One* could take a firm stand, repair misaligned time, and lead Christianity back to the divine and life-nurturing traditions.

Anyone who fights in a responsible manner against the danger of national death, anyone who strives to create conditions for a safe future, is today the enemy of Trianon. Even if his nation has apparently nothing to do with Trianon, and also if his nation seems to be Trianon's beneficiary.

What do we have to add to the above?

The staunchest Christian nations, the real protectors of traditions would like to give a just answer to a great threat, since there has not yet been a greater danger than this. There is ongoing discussion in Germany, France or in England about the looming possibility of the death of the nation. The European nations are shrinking, their populations are aging, and their conscientious thinkers already pointed out that they can prevent this national decline only if they return to the old, holy, life-nurturing traditions.

What kind of life-nurturing, holy traditions do they mean? They refer to those, which were preserved for posterity by the Holy Crown, to which they can return with the help of the Hungarian nation.

Can they believe in the Hungarian traditions, which could still be resurrected, and which could save them as well? First and foremost, can they put their trust in the traditions of the Hungarian constitutional law?

Let us also pose the question: could the Western Europeans really grasp the traditions of Hungarian constitutional law and the Doctrine of the Holy Crown?

We can answer in the affirmative if we also consider how the other European crown-concepts compare to the Hungarian. (Remember what we said above when we discussed the formation of the Doctrine of the Holy Crown.)

⁷⁵ Daruvár, Yves de: *A feldarabolt Magyarország* (Hungary Dismembered). Luzern, 1976, pp. 165–166.

⁷⁶ Ibid. pp. 166–167

⁷⁷ For further details of Trianon's secrets see Kocsis, István: *Magyarország Szent Koronája* (The Holy Crown of Hungary). Budapest, 2010, pp. 435–492.

One more thing that follows naturally from the important points of this study: even *the very first debates and negotiations concerning Hungary's entry into the European Union should have been conducted only after reestablishing the continuity of law*. Moreover, for the European Union, the following questions could be timely: *Can the Carpathian Basin serve as an example for the entire European Union? How was it possible that the Doctrine of the Holy Crown created harmony in the Carpathian Basin, whereas the nationalistic aspirations that reached the level of state politics and turned against Hungary after Trianon, created disharmony?*