

The Andreanum

1224

The first known legal framework
of regional self-administration



BUDAPEST

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by
GÉZA ÉRSZEGI

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Cover page:

Seal of the Province of *Szeben* (Herrmannstadt/Nagyszeben/Sibiu)
of the early 14th century

English text translated from the Hungarian by László Flórián
and revised by György Gyarmathy and Nigel Hicks

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FOREWORD

The present enlargement of the European Union has considerably increased the number of multi-ethnic and multi-national member states. Old and recent historical experience clearly shows the need for fair solutions ensuring a safe and peaceful coexistence and co-operation of neighbours within and between different countries. Local and regional autonomy accorded to entities within a country is increasingly being recognised as a key legal element for the future of Europe.

Close contacts between different ethnic communities are as old as history itself. In Europe, people with different languages and different traditions have been living close together since ancient times. Spontaneous migration and organised settlement have created new situations and added new elements to an existing colourful picture from time to time.

In this respect it is quite interesting to call attention to one of the first historical documents codifying local autonomy for an ethnic community within a given state in Europe. The Andreanum, a Royal Charter issued by the Hungarian King Andreas II in 1224, confirmed the privileges that had been accorded to German settlers invited to occupy wide regions in Southern and Eastern Transylvania (now part of Romania) and thereby to help to protect Hungary from invasions from the East.

The community of the „Transylvanian Saxons” have survived in these areas for over seven centuries, ensuring stability, prosperity and cultural development in a multi-ethnic, multi-lingual and multi-confessional environment.

The present reflections on the elements and the history of the political structure laid down in the Andreanum and on its enduring success are meant to address historians, politicians, minority rights experts and all those who help to form the public opinion in their countries. They will call their attention to the fact that modern and promising ideas as promoted by the Council of Europe and by the European Union today, like the principle of subsidiarity and the establishment of regional self-government with well-defined competences, have well-proven and very old roots in Europe indeed.

INTRODUCTION

The settlers (*guests*) called to settle permanently in Transylvania, i. e., in the Eastern part of medieval Hungary in the 12th century were granted wide-ranging *self-government* rights within a precisely defined territory at the beginning of the 13th century. These were formally reaffirmed by the King Andreas (Andrew) II in 1224. The motivation of the King to establish regional self-government rested on the sovereign's general duty „to hold down the obstinacy of the arrogant, to *disburden* the suppressed and to honour everyone according to his merit”, in other words: to establish social equilibrium.

The *self-government* was headed by an elected Count who was confirmed by the King and took residence in *Szeben* (Herrmannstadt/Nagyszeben/Sibiu). He, in turn, nominated the other *leaders* of the self-government from the territory concerned. The self-government had its own *seal* recognized throughout the kingdom. The community elected and sustained its own *priests*.

The *guests* were judged upon by *judges* elected from amongst themselves. Only those who lived in the territory could *witness*. They have paid taxes jointly and arranged *conscriptions* for the protection of the country. On the territory of the self-government, not even the King could donate any estate to *others* than a *guest*. They were given their daily share of the *salt* riches of the country. They were *freed from all tolls* everywhere in the kingdom. The forests – being a public property – were freely used by them jointly with other folk, and on equal terms by rich and poor alike.

Since the charter of 1224 proved to truly satisfy the fundamental needs of the community, other *guests* in other regions of the kingdom subsequently obtained similar privileges. This form of regional *self-government*, originating in medieval times and spread all over the country, has survived in Hungary for centuries. *Self-governmental* privileges were found equally in Transylvania, in Upper Hungary (*Felvidék*, now Slovakia) as well as in the central parts of the country. In some places they related to a coherent territory, in others to a single settlement: town or village.

The study of *regional self-governments* of settled guests has always had an important place in Hungarian historical research. This study, based on previous work of various authors, appears in this volume without any direct reference to the pertinent literature which is, however, listed in the Bibliography.

GÉZA ÉRSZEGI

THE TEXT OF ANDREANUM

In nomine Sancte Trinitatis et Individue Unitatis!

Andreas Dei gracia Hungarie, Dalmacie, Croacie, Rame, Servie, Gallicie Lodomerieque^a rex. In perpetuum!

Sicut ad regalem pertinet dignitatem superborum contumaciam potenter^b opprimere sic eciam regiam^c decet benignitatem oppressiones humilium misericorditer sublevare et fidelium metiri famulatum et unicuique secundum propria merita retribucionis graciam impertiri.

Accedentes igitur fideles hospites nostri Teutonici Ultrasilvani universi ad pedes maiestatis nostre humiliter nobis conquerentes sua questione suppliciter^d nobis monstraverunt, quod penitus a sua libertate, qua vocati fuerant a piissimo rege Geysa avo nostro, excidissent, nisi super eos maiestas regia oculos solite pietatis nostre aperiret^e, unde pre nimia paupertatis inopia nullum maiestati regie servicium poterant impertiri.

Nos igitur iustis eorum querimonii aures solite pietatis inclinantes ad presencium^f posterumque^g noticiam volumus devenire, quod nos antecessorum nostrorum piis vestigiis inherentes pietatis moti visceribus pristinam eis reddidimus libertatem ita tamen quod universus populus incipiens a Varas^h usque in Boraltⁱ cum terra Siculorum terre Sebus^j et terra Daraus^k unus sit populus et sub uno iudice censeantur omnibus comitatibus preter Cibiniensem cessantibus radicitus.

Comes vero – quicunque fuerit – Cibiniensis nullum presumat statuere in predictis comitatibus, nisi sit infra eos^l residens^m et ipsum populi eligant, qui melius videbitur expedire nec eciam in comitatu Cibiniensi aliquis audeat comparare pecuniaⁿ.

Ad lucrum vero nostre camere quingentas marcas argenti dare teneantur annuatim. Nullum prediale vel quemlibet alium volumus infra terminos eorundem positum ab hac excludi reddicione, nisi qui super hoc^o gaudeat^p privilegio speciali.

^a Lodomerie O Q

^b add. B D J G K | ceterae om.

^c add. B D J G K | om. E F I M N O P Q R S T | regiam decet benignitatem]decet benignitatem D H L

^d humiliter I L M N O S | suppliciter nobis]nobis humiliter Q

^e apperiret D L N O

^f presenciam omnes

^g postremoque E F G I J K L M N O P Q R S T | posteriorumque D | postremeque H

^h Waras B D E F G H I K L N P Q R S T | Warus M | Waros J O

ⁱ Boralth I J L M N O Q S | Boralk T

^j Sebes Q | Sebws T

^k Darans N Q | Daraucz O

^l eas B G

^m eos residens]residenciam Q

ⁿ pecuniam I L O

^o hec G J K

^p gaudent E F H I L M N O P Q R T | gaudeant J K

Hoc eciam eisdem concedimus, quod pecunia, quam nobis solvere tenebuntur seu dino-scuntur, cum nullo alio pondere, nisi cum marca argentea, quam piissime recordacionis pater noster Bela eisdem constituit quintum dimidium fertonem Cibiniensis ponderis cum Coloniensi denario, ne^qdiscrepent^r in statera^s solvere teneantur.

Nunciis vero quos regia maiestas ad dictam pecuniam colligendam statuerit, singulis^t diebus, quibus ibidem^u moram fecerint, tres lotones^v pro eorum expensis solvere non recusent.

Milites vero quingenti infra regnum ad regis^w expedicionem servire^x deputentur, extra vero^y regnum centum, si rex in propria persona ierit^z, si vero^y extra regnum iobagionem miserit sive in adiutorium amici^{aa} sui sive in propriis negociis quinquaginta tantummodo^{bb} milites mittere teneantur. Nec regi ultra^{cc} prefatum numerum postulare liceat nec ipsi eciam mittere teneantur.

Sacerdotes vero suos libere eligant et electos representent et ipsis decimas persolvant et de omni iure ecclesiastico secundum antiquam consuetudinem eis respondeant.

Volumus et eciam firmiter precipimus, quatenus ivos nullus iudicet, nisi nos vel comes Cibiniensis, quem nos eis^{dd} loco et tempore constituemus.

Si vero coram quoconque iudice remanserint, tantummodo iudicium consuetudinarium reddere teneantur.

Nec eos eciam^{ee} aliquis ad presenciam nostram citare presumat, nisi causa^{ff} coram suo iudice non possit terminari.

Preter vero supradicta silvam Blacorum et Bissenorum cum aquis usus communes exercendo^{gg} cum predictis scilicet Blacis^{hh} et Bissenisⁱⁱ eisdem contulimus, ut prefata gaudentes^{jj} libertate nulli inde^{kk} servire teneantur.

Insuper eisdem concessimus, quod^{ll} unicum sigillum habeant, quod apud nos et magnates nostros^{mm} evidenter cognoscatur.

^qnec I O Q

^rNe discrepent]vendistrepenth P R T

^sstatera T

^tadd. in T

^uiidem E F H L M N O P Q R S T

^vlottones B D G J K

^wregni L M O Q

^xservare T

^yadd. B G | om. D E F H I J K L M N O P Q R S T

^ziverit B D G K

^{aa}amicis P R

^{bb}tantum Q

^{cc}om. Q

^{dd}eis loco et tempore]loco et tempore eis I L M N O Q

^{ee}eos eciam]eciam eos Q

^{ff}om. J

^{gg}execucione Q

^{hh}platis F H P R T | Blatis E I L M N O Q S | Blacis K

ⁱⁱpiscinis E F H I L M N O P Q R S T

^{jj}gaudente M Q

^{kk}exinde P R T

^{ll}ut S

^{mm}om. Q

Si vero aliquis eorum aliquem convenire volueritⁿⁿ in causa pecuniali, coram iudice non possit uti testibus nisi^{oo} personis infra terminos eorum constitutis ipsos ab omni iurisdicione^{pp} penitus eximentes.

Salesque minutos secundum antiquam libertatem circa festum beati Georgii octo diebus, circa festum beati regis^{qq} Stephani octo et circa festum beati Martini similiter octo diebus omnibus libere recipiendos concedentes.

Item preter supradicta eisdem concedimus, quod nullus tributariorum nec ascendendo nec descendendo presumat impedire eos^{rr}.

Silvam vero cum omnibus appendiciis^{ss} suis et aquarum usus cum suis meatibus, que ad solius regis spectant donacionem^t, omnibus tam pauperibus quam divitibus libere concedimus^{uu} exercendos.

Volumus eciam et regia auctoritate^w precipimus, ut nullus de iobagionibus nostris villam vel predium aliquod a regia maiestate audeat postulare, si vero aliquis postulaverit, indulta eis libertate a nobis contradicant.

Statuimus insuper dictis fidelibus, ut cum ad expedicionem ad ipsos nos venire contigerit, tres descensus tantum^x solvere ad nostros usus^{yy} teneantur.

Si vero vaivoda^{zz} ad regalem utilitatem ad ipsos vel per terram ipsorum transmittitur, duos descensus unum in introitu et unum in exitu solvere non recusent.

Adicimu^{aaa} eciam supradictis libertatibus predictorum, quod mercatores eorum^{bbb} ubi cunque voluerint in regno nostro libere et sine tributo vadant et revertantur efficaciter ius suum regie serenitatis intuitu prosequentes.

Omnia eciam fora eorum inter ipsos sine tributis precipimus observari.

Ut autem hec, que antedicta sunt, firma et inconcussa permaneant in posterum, presentem paginam duplicis sigilli nostri munimine fecimus roborari.

Datum anno ab incarnatione Domini M^o^{ccc} CC^o XXIII^o regni autem nostri anno vice-simo primo^{ddd}.

ⁿⁿ voluerint **P R T**

^{oo} add. testibus **B**

^{pp} iurisdicione[^{iuris} solucione **Q**

^{qq} regis Stephani]Stephani regis **T**

^{rr} impedire eos[^{jeos}] impedire **G**

^{ss} appendiciis **D E F I M N O P Q R S T** | apendiciis **H**

^{tt} dominacionem **O Q**

^{uu} contulimus **Q**

^{vv} authoritate **T**

^{ww} contingit **E F H I K L P Q R**

^{xx} tantummodo **R T**

^{yy} solvere ad nostros usus]ad nostros usus solvere **P R T**

^{zz} waywoda **R T** | wayuoda **B D E G H I N O P** | waywode **Q** | wayuode **M** | vayuoda **F J K**

^{aaa} addicimus **E F H I J K N**

^{bbb} eorum **B** | ipsorum **D E F G H I J M N O P Q R T**

^{ccc} *om. J*

^{ddd} regni autem nostri anno vicesimo primo *om. Q*

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LIST OF EQUIVALENT PLACE-NAMES

<i>In the text:</i>	<i>Hungarian</i>	<i>German</i>	<i>Romanian</i>	<i>Latin</i>
Alba Iulia	Gyulafehérvár	Weissenburg	Alba Iulia	Alba Transilvana
Alba Transilvana	Gyulafehérvár	Weissenburg	Alba Iulia	Alba Transilvana
Ardeal	Erdély	Siebenbürgen	Ardeal	Transylvania
Baraolt	Barót		Baraolt	
Barcaság	Barcaság	Burzenland		
Barót	Barót		Baraolt	
Beszterce	Beszterce	Bistritz	Bistrița	Bistricia
Bistricia	Beszterce	Bistritz	Bistrița	Bistricia
Bistrița	Beszterce	Bistritz	Bistrița	Bistricia
Bistritz	Beszterce	Bistritz	Bistrița	Bistricia
Brașov	Brassó	Kronstad	Brașov	Brassovia
Brassó	Brassó	Kronstad	Brașov	Brassovia
Brassovia	Brassó	Kronstad	Brașov	Brassovia
Broos	(Szász)város	Broos	Orăștie	
Burzenland	Barcaság	Burzenland		
Cluj-Napoca	Kolozsvár	Klausenburg	Cluj-Napoca	
Cricău	Krakkó/Karakó	Krakau	Cricău	
Daróc	Daróc	Draas	Drăușeni	
Draas	Daróc	Draas	Drăușeni	
Drăușeni	Daróc	Draas	Drăușeni	
Erdély	Erdély	Siebenbürgen	Ardeal	Transylvania
Esztergom	Esztergom	Gran		Strigonium
Gran	Esztergom	Gran		Strigonium
Gyulafehérvár	Gyulafehérvár	Weissenburg	Alba Iulia	Alba Transilvana
Hermannstadt	Szeben	Hermannstadt	Sibiu	Cibinium
Igen	Igen	Krapundorf	Ighiу	
Karakó	Krakkó/Karakó	Krakau	Cricău	
Klausenburg	Kolozsvár	Klausenburg	Cluj-Napoca	
Kolozsvár	Kolozsvár	Klausenburg	Cluj-Napoca	
Krakau	Krakkó/Karakó	Krakau	Cricău	
Krakkó	Krakkó/Karakó	Krakau	Cricău	
Krapundorf	Igen	Krapundorf	Ighiу	
Kronstad	Brassó	Kronstad	Brașov	Brassovia
Mühl(en)bach	(Szász)sebes	Mühl(en)bach	Sebeș	Sabesium
Romosz	Romosz	Rams	Romos	
Sălacea	Szalacs		Sălacea	
Sebes	(Szász)sebes	Mühl(en)bach	Sebeș	
Sebeș	Mühl(en)bach	(Szász)sebes	Sebes	
Sibiu	Szeben	Hermannstadt	Sibiu	Cibinium
Siebenbürgen	Erdély	Siebenbürgen	Ardeal	Transylvania
Strigonium	Esztergom	Gran		Strigonium
Szalacs	Szalacs		Sălacea	
(Szász)sebes	Sebes	Mühlbach	Sebeș	
(Szász)város	(Szász)város	Broos	Orăștie	
Szeben	Szeben	Hermannstadt	Sibiu	Cibinium
Transylvania	Erdély	Siebenbürgen	Ardeal	Transylvania
Város	(Szász)város	Broos	Orăștie	
Weissenburg	Gyulafehérvár	Weissenburg	Alba Iulia	Alba Transilvana



Europe in 1224

Source: The Times Atlas of European History, London, 1998