

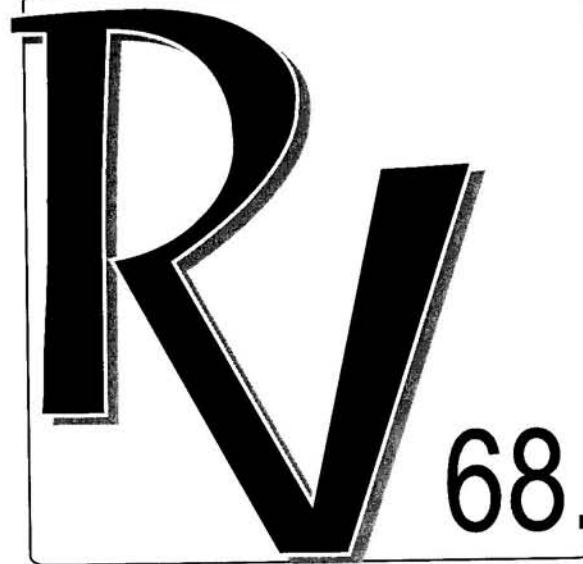
Rechtsgeschichtliche Vorträge/
Lectures on Legal History

Elevating the Monarch to the Throne:
The Legal Relevance of the Coronation

JUDIT BEKE-MARTOS

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Lectures on Legal History

Publication
Department of Hungarian Legal History
Eötvös Loránd University

Edited by:
Prof. Dr. Barna Mezey

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Technical editor:
Ágnes Horváth

ISSN 1218-4942

Introduction

My purpose in this study is to show that the royal coronation ceremony is not only a traditionally expected pompous ritual, but one bearing legal relevance.

Through the closer examination of a previous form of state, the Austro-Hungarian Monarchy, which existed between 1867 and 1918 in Central and Eastern Europe, it can be proven that in a hereditary monarchy the death of the previous monarch *per se* was although enough to elevate the presumed heir to the throne, it was not enough to transfer the entirety of the authority¹ onto that individual. For all the rights and obligations to be thrust upon the new head of state, he had to be officially accepted by the Parliament as the true heir to the throne (formal legitimization²) and he³ also had to participate in a row of ceremonial rituals (ceremonial legitimization⁴), some of which were indeed legally necessary.

¹ The head of state's *authority*, as a term, includes all rights and obligations the monarch had; in this study it may be used as a synonym for *power*. For a more detailed explanation of what the king's authority specifically entailed, see below under '*The King's Authority*'.

² In order to avoid any misunderstanding relating to the terminology used in this study, it has to be clarified that *formal legitimization*, as a term, for the purposes of this writing shall mean the formally regulated procedure through which the Hungarian Parliament enacted a law accepting the presumed heir to the throne as the new head of state, and prescribing for him his duties to be crowned, thereby allowing him to obtain the entirety of the king's authority, as well as declaring his title to the throne as legitimate. Legitimization always indicates the procedure through which legitimacy is obtained. For a monarch to be a legitimate head of state, he has to go through – as this study will prove – both the formal and the ceremonial legitimization procedure. These terms are used for the purposes of this study with the given meaning and as such shall not be confused with any other similar expression in public law articles.

³ Although, following the enactment of the Act nr. 2 of 1723, female heirs in Hungary could also inherit the Hungarian throne, given that during the examined timeframe only male rulers were crowned kings, the study will use all references to the third person as references to males, thereby not excluding, however, the possibility of a female heir.

⁴ *Supra 2.* The *ceremonial legitimization*, as a term, for the purposes of this writing shall serve as a collective expression for all those rituals and traditions that were ceremonially relevant throughout the legitimization procedure of the monarch. Some of those elements comprised in this term will have been proven as not only ceremonially, but also legally relevant for the monarch to be a legitimate head of state disposing over the entirety of the king's authority.

How that evolved and why it had to happen this way throughout the examined timeframe is introduced and explained hereafter, showing that some of the conclusions drawn from these historic examples may still be observed in the existing monarchies today.

Historical Background

Hungary had officially been a monarchy since its founding in 1000 A.C. – with a short intermission following the First World War – until after the Second World War. Depending on the primary basis of the monarch’s power throughout the state’s history, various forms of monarchies had existed in the Carpathian Basin. In the first two centuries, since the king had the power over the majority of land, the form of state was the *patrimonial monarchy*. However, since the king had to continuously give away land in exchange for certain favors, he kept losing the basis of his power, which also weakened him politically, forcing him to allow others to participate in the political leadership. This is how slowly the patrimonial monarchy turned into a *feudal monarchy*, which later transformed to a *feudal-representative monarchy*.⁵

In the first three hundred years (1000–1301), Hungary was a *hereditary monarchy*, where either the direct descendent or another male relative of the deceased king inherited the throne. Following the death of Andrew III, who was the last heir in the dynasty of the Árpád-House, Hungary became an *elective monarchy*, with the wealthier and politically more active landlords and nobilities electing a royal from the surrounding European countries to the Hungarian throne. The elective principle remained in force until 1687. With the Turkish occupation of the country for more than 150 years between 1526 and 1711,⁶ the Hungarian Monarchy, as it was known, continued to exist under Habsburg reign in the Western part of the previous country. Due to the fact that the Turks were forced out of Hungary with the help of the Austrian Habsburgs, the members of

the latter dynasty were accepted as the hereditary rulers of Hungary in 1687⁷. However, the Hungarian Parliament still had to pass legislation every time a monarch died to designate who was the heir to the throne as well as to officially acknowledge his title to the throne as legitimate. Female succession was accepted and enacted in 1723, and following an unfortunate historic event when Joseph II refused to have himself crowned because he did not intend to preserve the country’s laws, a 6 months moratorium was imposed in 1791 on the heir to the throne within which timeframe he had to have himself crowned.⁸

During the Habsburg’s rule in the 18th and the first half of the 19th century, Hungary was an *absolutistic monarchy*.⁹ Because of the strongly agricultural nature of the country and the long Turkish occupation, instead of slowly developing a middle-class in the society as it had happened elsewhere in Western Europe, a second serfdom formed in Hungary. This is why during the wave of the civil revolutions in 1848, it was the nobilities who started and mainly fought the revolution and the war of independence in Hungary, which failed nevertheless.

The reaction of the Austrian leadership on the revolution was ruthless. Ferdinand V was replaced by his nephew, the 18-year-old Franz Joseph on the Austrian Emperor’s throne on December 2, 1848. Ferdinand’s resignation was automatically accepted in Austria, but it should have been formally accepted by the Hungarian Parliament too, along with Franz Joseph’s accession to the Hungarian throne. This did not happen in 1848 though, only in 1867, once the long awaited and ultimately necessary reconciliation between the two countries was finalized, creating a new form of state, the dualist state of the Austro-Hungarian Monarchy.¹⁰ Franz Joseph was crowned king of Hungary on June 8, 1867. There was only one heir follow him on the Hungarian throne, the last king, Carl IV, who was crowned on December 30, 1916. Both of these ceremonies will be described in detail hereunder.

Historically Necessary Elements of an Authentic Coronation

There are four main theories proposed by Hungarian scholars on what elements a coronation ceremony had to have in order to be considered an

⁵ Mezey, Barna (ed.): *Alkotmánytörténet (Constitutional History)*. Budapest, 2002. Osiris Kiadó, pp. 40–54.

⁶ 1526 is when the Hungarian troops lost the battle against the Turks at Mohács, thereby allowing the enemy to push deep into the country’s central territories. Hungary’s division into two is dated to this crucial loss. Since King Louis II also died in this battle, the country was left without a ruler, allowing the Transylvanian territories to aim for their independence under the rule of the Hungarian heir, János Szapolyai. The Habsburgs however, also claimed their own title to the Hungarian throne as Louis II was a member of their dynasty, which is why the Hungarian Monarchy continued to exist in the Western part of the previous Hungary. The battle for Buda was lost in 1541 – ultimately dividing the country into three parts – and the Hungarians could only reclaim their royal castle with the Habsburg’s help in 1686. The Transylvanian Principality’s quasi independence was acknowledged by the Turks in an agreement claiming taxes from them but allowing independent domestic policy, and it was also acknowledged by the Habsburgs following an agreement in 1570. One of the much debated issues in Hungarian politics following the final victory against the Turks in 1711 remained the fact that the Austrians did not reunite Transylvania with Hungary.

⁷ At the feudal Parliament’s session in 1687, the year following the retaking of the Buda castle, Joseph I was accepted as the Hungarian king and his heirs’ were entitled to the throne based on the hereditary principle. Act nr. 1, 2 and 3 of 1687.

⁸ Act nr. 3 of 1790/91.

⁹ Mezey, 2002. pp. 55–63.

¹⁰ Act nr. 12 of 1867.

authentic coronation. These can be named as: the abstract,¹¹ the historical,¹² the general¹³ and the instrumental¹⁴ theories.

A) The Abstract Theory

The religious, the constitutional or administrative and the political relevance of the coronation can be assessed as elements of the abstract theory, which aims to look at more general questions of the coronation.

It is clear from the sources, that the coronation in Hungary was primarily a religious ceremony in the beginning. The fact that Hungary had its own archbishopric¹⁵ was very important in maintaining the country's independence, especially during the 18th–19th centuries. By having an archbishop as the head of the domestic Church, the possibility of crowning a head of state was omnipresent. In comparison to the Czechs for example, Hungary was always in a position to crown its own king, whereas the Czechs needed the assistance of one of their neighbors, generally the Austrians to provide them with an archbishop for the ceremony. Customs have established right away the archbishop's right to crown the country's king and this usage – later included in an agreement of the Church – was held until the coronation of the last king in 1916.

The initially religious ceremony gained more and more constitutional and administrative relevance throughout the history.¹⁶ Since the majority of the elements making up a coronation were customary, it was necessary that these were accepted by the people as a complete ritual. This common understanding led ultimately to the acknowledgment of the coronation as an administrative fact.¹⁷ The monarch at his coronation took an oath to the constitution and the laws of the land, thereby strengthening the country's sovereignty that had been transferred upon him through the holy crown. The coronation was therefore also

¹¹ Szende, Gyula: *Királyllyá avatás Magyarországon a egyes korszakban 1301–1526 – Doktori értekezés (Creating a King in the Era of Mixed Houses in Hungary 1301-1526 – Doctoral Thesis)*. Budapest, 1893. Fried S. Nyomda, p. 33.

¹² Király, János: *A király-koronázás eredete, egyházi kifejlődés és ordóbeli kialakulása (The Origin of the King's Coronation, its Development in the Church and its Formation in the Religious Order)*. Budapest, 1918. Stephaneum Nyomda Rt., pp. 16–22, pp. 35–36.

¹³ Kocsis, Zsolt László: *A magyar államfő jogállása, hatásköre és helyettesítése 1000–1944 között (The Power, the Authority and the Personation of the Hungarian Head of State between 1000–1944)*. 2004. Published by Dr. Kocsis Zsolt László through the care of Graf-X Media Consulting, p. 13; Fügedi, Erik: *Uram, királyom... – A XV. századi Magyarország hatalmasai (My Lord, Your Majesty... – The Mighty of Hungary in the 15th Century)*. Budapest, 1974. Gondolat Kiadó, p. 52.

¹⁴ Latkóczy, Mihály: *Korona és koronázás (Crown and Coronation)*. Eperjes and Budapest, 1892. Published by Divald Károly Fiai, p. 14.

¹⁵ On the establishment of the two archbishoprics in Hungary and their initial battles for the right to crown the head of state, see below under the 'C' *The General Theory*.

¹⁶ Timon, Ákos: *A szent korona és a koronázás (The Holy Crown and the Coronation)*. Budapest, 1920. Stephaneum Nyomda Rt., p. 31.

¹⁷ Marczali In: *Vasárnapi Újság*, 1892. p. 2.

reminding the ruler about his obligations, which completed the legitimizing act.¹⁸ While the practical relevance of the coronation decreased when the Habsburgs became the hereditary dynasty on the Hungarian throne, the symbolic relevance of the ceremony increased immensely.¹⁹

A coronation also had political relevance. Especially during the kings of mixed houses in Hungary, between 1301 and 1526, every time the throne had to be filled, the choice the Parliament made was a statement and it always determined the country's politics for the following king's reign. It is no coincidence, that Saint Stephen's crown gained its first important role during this timeframe because it embodied Hungary's sovereignty and whoever had it put on his had also gained all rights and obligations that went with it.

B) The Historical Theory

According to the historical theory, three elements were necessary to complete an authentic coronation. These were the anointing, the Church's interaction and the crowning of the monarch on the head. The origin of all three can be traced back far into history.

Anointing has its roots in both the Bible and the pagan tradition. In the Jewish religion it was the Lord who kept in touch with the people through a chosen individual. Following the exodus from Egypt, however, the Lord instructed Moses to anoint his brother, Aaron and his sons as the Lord's priests. The script of the Old Testament was very exact as to when, where and how this anointing should take place, including specific objects as well as the use of the consecrated oil.²⁰ Later in the Jewish history, when the people were threatened by the Philistine conquest, they asked for a king. The Lord instructed his main priest, Samuel to anoint first Saul, then David with the consecrated oil.²¹ This was the first example of a secular ruler being elevated to be the leader of a people by a religious representative's use of the consecrated oil through anointing. This example also showed the close cooperation of the secular leader, whose power derived from God, and the representative of the Church; a bilateral relationship maintained throughout the years, and witnessed in every monarchy in Europe, also that in Hungary.²²

¹⁸ Halász, Imre: *A koronázáskor (At the Coronation)* In: *Vasárnapi Újság*, 1892. p. 5.

¹⁹ Lutter, 1917. p. 14.

²⁰ Bible, Second Book of Moses, Part 40. Published by the Press Department of the Protestant Conciliar's Office, based on the commission of the Hungarian Bible Society, 1975. pp. 123–124.

²¹ Bible, First Book of Samuel, Part 8. 1975. pp. 337–338.

²² Emma Bartoniek conducted extensive research on the early history of the Hungarian coronations from the historian's point of view. Bartoniek, Emma: *A magyar király-koronázások története (The History of the Hungarian Kings' Coronation)*. Budapest, 1987. Published by the The Hungarian Historic Society, Reprint Series of the Akadémiai Kiadó, pp. 25–27.

According to the pagan tradition, divine strength lay in green plants and in oil. Therefore, rituals, where oil was poured on the objects worthy of divine respect, can be seen in the earliest cultures.²³ The Christian Church added the benediction to this pagan tradition and thereby incorporated it into its own ritual. According to the religious order maintained in writing in every branch of the Church, the king's coronation ceremony had been conducted within the frames of a holy mass, including anointing with the consecrated oil. Sources of the Hungarian king's coronation agree on having had the king anointed, but differ on which body parts had been touched with the oil.²⁴

The interaction of the Church could be easily explained through the already mentioned bilateral relationship between the Church and the state. The coronation had originally been a religious ceremony. All other elements and relevance were added throughout the years and the development of tradition in each country. In Hungary, since the Hungarian king received his crown from the head of the Roman Catholic Church, he also gained the title of Apostolic King, which allowed him to set up and organize the Hungarian Catholic Church.²⁵ The European traditions and the interaction of the Pope determined the Hungarian coronation as a primarily religious ritual. Therefore already the first coronation had been conducted by the representatives of the Hungarian Church and this element had never changed.

The crowning on the head is also an ancient tradition. The crown itself as a symbol probably derived from the winner's wreath in the Roman culture, the material of which later turned into metal.²⁶ The act of placing this round item on the head of the leader might have been taken from the early marriage rituals, where the wreath placed on the head meant the bond being formed, and also implied the object's symbolic meaning: the rights and obligations imposed upon

²³ Király, 1918. p. 8, pp. 14–15.

²⁴ With regards to Franz Joseph's 1867 coronation, some only mention the king having been anointed, Latkóczy, 1892. p. 34; others say his shoulders and arms were touched with the oil, Szende, 1893. p. 39; again others say it was only the right wrist, the right arm and between the shoulder blades, Mihályfi, Ákos, Dr.: *A magyar királykoronázás jelentősége (The Relevance of the Hungarian King's Coronation)*. Budapest, 1917. M. Kir. Tudományegyetem Nyomda, pp. 11–12; another source mentions his right wrist, his right armpit and between the shoulder blades, Lutter, János, Dr.: *A szent koronával való koronázás alkotmányjogi jelentősége (The Constitutional Relevance of the Coronation with the Holy Crown)*. Nagyvárad, 1917. Szent-László-Nyomda Részvénytársaság, pp. 23–24; and some even say it was his forehead smeared with oil, Jókai, Mór: *A királykoronázás (The King's Coronation)* In: Kovács, Dénes, Dr. – Sziklay, János, Dr.: *Koronázási emlékkönyv (Memorial Volume of the Coronation)*. Budapest, 1892. pp. 8–9.

²⁵ The decision to ask the head of the Western branch of the Catholic Church – the schism between West and East within the Church only happened in 1054 – for a crown and along with it the recognition of the new Hungarian State had been a very important and politically thought through choice. The Hungarians had been nomadic people until in the second half of the 10th century, when they were forced to settle and form a state, one which could interact with the already existing states. Hungary was surrounded at that time by the German-Roman Empire from the West and the Byzantine Empire from the East. The choice of religion also meant a decision to turn to the West, and an attempt to seek allies among the Western neighbors. Mihályfi, 1917. pp. 4–5.

²⁶ Király, 1918. p. 9.

a spouse. This kind of additional meaning had also been attached to the crown as it symbolized the collection of sovereign rights.²⁷

C) The General Theory

The three elements making up the general theory have been the best known throughout Hungary's history. They were also very important, since only these elements provided some form of a constitutional criteria system to determine who the real king was when – especially during the elective system prior to the Turkish occupation – it was not necessarily clear who had the right to the country's throne. All elements of the coronation except for the religious ritual developed through customs and tradition.²⁸ It was believed and universally acknowledged that whoever was crowned by the archbishop of Esztergom in the Basilica at Székesfehérvár with Saint Stephen's crown, was the Hungarian king.

Hungary's first king, Saint Stephen I immediately started to set up the Hungarian Catholic Church, following his coronation by ordering the building of churches as well as obliging every citizen to attend mass every Sunday. There were two archbishoprics within the country: one at Esztergom and one at Kalocsa with an archbishop leading each. It was understood that the archbishop of Esztergom was considered the head of the Church, but it had not been clarified until 1212, which of the two men was to conduct the coronation ceremony of the monarch. Finally, in an agreement at the beginning of the 13th century, the already existing custom was committed to writing, enabling the archbishop of Esztergom to conduct the ceremony, but adding that if he was unable to do so or if he was acting in bad faith or for any other reason refused to crown the king, it was the archbishop of Kalocsa who had to take his place.²⁹ The right to crown the king had been an honor and the archbishop of Esztergom performed every single coronation from 1000 until 1516³⁰ and then again, following the reunification of the country.

The foundation-stone of the Basilica at Székesfehérvár had been laid around 1004–1005,³¹ and following its completion, every monarch was crowned – and some of them also buried – in this establishment until 1516. Saint Stephen had

²⁷ Király, 1918. pp. 35–36.

²⁸ Kertész, K. Róbert: *IV. Károly apostoli magyar király koronázásának művészi és műszaki munkái (The Artistic and Technical Works of the Apostolic Hungarian King Carl IV Coronation)*. Budapest, 1917. Hornyánszky Viktor Csász. és Kir. Udv. Könyvnyomda, p. 5.

²⁹ Marczali, Henrik: *A koronázásról (About the Coronation)* In: *Ceremonial Volume of the Vasárnapi Újság: Memorial Celebration of the Coronation*, Published June 5, 1892. Budapest, 1892. Franklin-Társulat, p. 2.

³⁰ The last coronation before the Turkish occupation took place in 1516. It is not clear from the sources which of the coronations were conducted by the archbishop of Esztergom during the Turkish occupation, but the two ceremonies later to be examined in this study were also conducted by the head of the Church in 1867 and 1916 respectively.

³¹ Pauer, János: *Székes-Fehérvárott koronázott királynők – Történelmi értekezés (Queens crowned at Székes-Fehérvár – Historic Thesis)*. Székesfehérvár, 1872. Klökner Péter Könyvkereskedő, p. 9.

been crowned at Esztergom,³² while coronations of the Hungarian kings crowned during the Turkish occupation and until the 1848 revolution took place at Pozsony.³³ Franz Joseph's 1867 coronation was hosted by Pest and Buda,³⁴ while the last such ceremony was at the already joint city of Budapest,³⁵ the country's new capital city.

The crown itself became a symbol in every monarchy. However, the crown of Saint Stephen had a journey of its own. As early as the beginning of the 14th century, this crown had been called the holy crown. It became the symbol of the sovereignty of Hungary during the centuries when heirs from different monarchies were elected to occupy the Hungarian throne. This object, the holy crown comprised the rights and obligations thrust upon a ruler, which explains why it was important for the coronation to take place with Saint Stephen's crown. The holy crown as a symbol maintained its equal relevance until the second half of the 19th century, when its importance and attention increased further with the formation of the national states in Europe that gave an additional push to the theory behind this object. By then it was not only materialized³⁶ but also personified, since, according to the so-called *organic state principle* the king was the head and the people the body of the nation, and it was the crown that made the king become the head.³⁷

Though the crown had exceptional importance during the coronation ceremony, there were some other important symbolic objects that needed to be handed over to the monarch. The religious orders regulating the coronation mass often only differed in the order of the handing over of these symbols of authority.³⁸ In Hungary, the king was first girded with the sword and then was crowned with the holy crown while he kneeled. The sceptre was given in his right hand and the globe in his left.³⁹ With the robe over his shoulders he was led to the throne and was seated on it.⁴⁰

³² Rácz, Lajos: Uralkodói eskük (Magyar Királyság és Erdélyi Fejedelemség) (*Majestic Oaths – Hungarian Monarchy and Transylvanian Principality*) In: Jогtörténeti Szemle (*Legal Historic Journal*), Budapest, 1992/5. sz. p. 42.

³³ Holcik, Stefan: Pozsonyi koronázási ünnepségek 1563–1830 (*Coronation Ceremonies in Bratislava 1563–1830*). Bratislava–Budapest, 1986. Európa Könyvkiadó; Some sources also mention Sopron as a location, Lutter, 1917. p. 18.

³⁴ Latkóczy, 1892. p. 11, p. 14.

³⁵ For further details and other locations see also Ferdinándy, Gejza: A királyi méltóság és hatalom Magyarországon (*The Royal Dignity and Power in Hungary*). Budapest, 1896. Published by Kilián Frigyes M. K. Egyetemi Könyvtár, p. 215. and Markó, László: A magyar államfő főméltóságai – Szent Istvántól napjainkig, 2. bővített, javított kiadás (*The Main Dignities of the Hungarian Head of State – from Saint Stephen until Today, 2nd Extended, Revised Edition*). Budapest, 2006. Helikon Kiadó, p. 24.

³⁶ Máthé, Gábor: A szent-korona eszme az alkotmányfejlődésben (*The Notion of the Holy Crown throughout the Development of the Constitution*) In: Mezey, Barna (ed.): Jogi kultúra, processzusok, rituálék és szimbólumok (*Legal Culture, Processes, Rituals and Symbols*). Budapest, 2006. Gondolat Kiadó, p. 218.

³⁷ Mihályfi, 1917. p. 20.

³⁸ Bartonic, 1987. p. 28.

³⁹ Mihályfi, 1917. p. 15.

⁴⁰ Lutter, 1917. pp. 25–26.

D) The Instrumental Theory

The instrumental theory also has three elements: the diploma issued by the king of Hungary at his coronation, the oath taken thereupon and the coronation itself. These three items may not be traced back to the earliest centuries of the country's history, though the coronation had certainly been an imminent part of every monarch's induction – with varied number of programs on the agenda throughout the years –, there are debates about the exact appearance of the diploma and the oath. These three instruments have nevertheless become the most important elements of any coronation by the second half of the 19th century.

By the time Franz Joseph was crowned, the *diploma inaugurale* – as it had been known – was a document composed by the Hungarian Parliament, which entailed an agreement between the representatives of the Hungarian people and their future monarch.⁴¹ The document generally included the promise of upholding the country's constitutional order and laws as well as preserving its independence and territorial integrity from possible attacks. The origin of this document is widely debated in the sources. Some claim that the first such diploma had already appeared during the reign of Andrew II.⁴² Others believe that though Andrew II already took an oath,⁴³ it was only Andrew III who first issued a diploma.⁴⁴ Yet another source claims the Act nr. 1 of 1453 to be the first such document since it detailed the succession to the throne at that time.⁴⁵ The majority of sources put the first official appearance of the *diploma inaugurale* as a necessary element of the coronation to the feudal Parliament's session in 1687, when the Hungarians decided to give the throne on a hereditary basis to the Habsburgs. The requirement of an inaugural diploma's issuance was a way of maintaining control over the Austrian heir to the throne. Once the line of succession was to be determined by birth, the relevance of the coronation ceremony increased.⁴⁶ For the very same reason the requirement of the diploma's issuance – along with the oath taking – was reinforced in the laws of 1722–1723.⁴⁷ Since the *Pragmatica Sanctio*, a document enacted at the 1722–1723 session of the feudal Parliament entailed the reassurance of preserving Hungary's unity in as much as it was not to be separated or divided, and the

⁴¹ Latkóczy, 1892. p. 14.

⁴² Falk, Miksa: A koronázás közjogi jelentősége (*The Public Law Relevance of the Coronation*) In: Kovács–Sziklay, 1892. p. 31. Falk presumably confused the diploma with the Golden Bull of Hungary, which was issued in 1222 by Andrew II and which gave certain rights to nobilities. His mix-up can be proved by his own scholarship, when he later stated that the first *diploma inaugurale* was issued by King Matthew II who was crowned in 1608. Falk, 1892. p. 34.

⁴³ Eckhart, Ferenc: Magyar alkotmány- és jogtörténet (*Hungarian Constitutional and Legal History*). Budapest, 2000. Osiris Kiadó, p. 80.

⁴⁴ Lutter, 1917. p. 7.

⁴⁵ Szende, 1893. pp. 35–36.

⁴⁶ Lutter, 1917. p. 13.

⁴⁷ Act nr. 1 of 1722–1723 §2, 3 and 10. Lutter, 1917. p. 16.

same document extended the hereditary principle to female heirs, the *diploma inaugurale* became somewhat of a symbol of Hungary's national unity.

Interestingly enough, despite the careful legislation and the safeguards established, Joseph II did not obey any of these rules in 1780. Known in history as the "king with a hat", he was never crowned because he refused to issue a diploma and take an oath to upholding the country's laws. Joseph II was a reformer, a very forward thinking monarch, who initiated numerous changes and established a system in Hungary that was way ahead of its time. He was not a popular ruler, nor did he succeed in setting forth his plans. Shortly before his death in 1790, he withdrew most of his laws, orders and decrees and when his brother, Leopold II took the throne, Hungary went back to its previous practices. At the session of the feudal Parliament in 1790-1791 a new law was enacted reestablishing again the need for a monarch to issue a diploma and to take an oath. The novelty in this law was that it set a timeframe for this obligation at 6 months.⁴⁸

During the coronation mass the king took an oath, but that was a religious oath known as the *iuramentum iustitiae et pacis*, in which he swore to maintain the Church and its rules.⁴⁹ The appearance of a secular oath as a guarantee or a security can be dated to the 13th century, around the time of the Golden Bull's issuance in 1222. When the diploma appeared as an officially issued document entailing an agreement between the monarch and the people, the oath became more and more a security to that agreement, it was supposed to strengthen the promise made in the diploma. Following the legal enactment of the diploma's necessity, the oath was taken on the words of the diploma. The text of both was worded by the same Committee delegated by the Parliament. Throughout the history of the coronation, the oath sometimes was the creating act itself, when the holy crown was not available at the ceremony.⁵⁰ The king generally took this oath outside, in open air with his right hand lifted and his left hand resting on the oath-cross. It is worth mentioning that this oath-cross was not the only religious item in the otherwise secular oath taking of the monarch, since it was the archbishop of Esztergom who administered the oath.

The coronation was a ceremony, the elements of which consisted of the religious mass regulated by the order of the Church and other traditional elements developed through time and customs. It would be relatively hard to list the line of events of any coronation in general. From the works of Emma Bartoniek, it is clear that the Hungarian coronation masses followed the order of the *Pontificale Romanum* as a basis until the 14th-15th centuries and added its

⁴⁸ Act nr. 3 of 1790/91

⁴⁹ Szende, 1893, p. 33; Lutter, 1917, p. 7.

⁵⁰ For example at the coronation of Leslie V, the holy crown was not at hand therefore the heir took the oath and was seated on the throne, thereby completing his coronation. Rác, 1992, p. 43.

own customs to the ceremony.⁵¹ Instead of trying to generalize a Hungarian coronation ceremony, the last two Hungarian monarch's coronations are introduced hereafter in detail to show the diversity of the numerous ceremonial, ritualistic and legal elements on the day's agenda.

The Coronation of Franz Joseph: June 8, 1867

As a result of the reconciliation between Austria and Hungary, Franz Joseph – who had been acting as the head of state since December 2, 1848 when his uncle had renounced the throne on his behalf, but had not yet been crowned Hungarian king – appointed the Hungarian government responsible to Parliament on February 17, 1867.⁵² The government put Count Antal Szapáry, the Deputy Lord Steward in charge of the coronation ceremony's preparation on April 10, 1867.⁵³ The royal couple arrived to the country a month before the coronation on May 8, 1867. Based on the proposal of Prime Minister Count Gyula Andrassy, the House of Representatives appointed a Committee with 24 members to script the *diploma inaugurale* and the oath,⁵⁴ which was completed by June 3. At 5 pm on June 4,⁵⁵ Franz Joseph received the delegation consisting of members of both houses of Parliament, led by the archbishop of Esztergom, János Simor, who handed him the text of the diploma and the oath and asked for his approval and signature, following which the delegation took the document back to Parliament to have both texts enacted into law.⁵⁶ The crowning jewels were taken to Franz Joseph's suite in the Buda castle, where the sealed box was opened in his presence on June 6 and he appointed Count György Károlyi and Baron Miklós Vay as keepers of the crown. These two men escorted the jewels at 2 pm on June 7 from the castle to the coronation church and guarded them

⁵¹ Bartoniek, 1987, p. 25.

⁵² Latkóczy, 1892, p. 31.

⁵³ Dux, Adolf In: Koronázási emlékkönyv (*Memorial Volume of the Coronation*) Published on June 8, 1867. p. 37; MOL (*Hungarian National Archives*): K 27 (Minisztertanácsi ülések) 1. cs. April 25, 1867. 8. np. and May 7, 1867. 3. np.

⁵⁴ The Committee consisted of the following members: Sámuel Bónis, Ferencz Deák, Frigyes Podmaniczky, Pál Nyáry, Kálmán Tisza, Kálmán Ghyczy, Pál Somssich, Antal Csengery, Baron István Kemény, Pál Trifunác, László Bezerédj, György Joannovics, Imre Szabó, Emil Trauschenfels, Lajos Vadnay, Ede Zsedényi, Count György Apponyi, Elek Dósa, Károly Szász, György Bartal, József Hosszu, István Bittó, József Justh and Ferencz Pulszky. A koronázás története; Az előkészületek (*The History of the Coronation; The Preparations*) In: Kovács-Sziklay, 1892, pp. 52–54.

⁵⁵ Simon, Péter: Király és korona – Pillantás a múltra és jelenre (*King and Crown – A Glance at the Past and the Present*). Budapest, 1892. Kormos Műintézet Nyomása, p. 312. Other sources date this meeting to June 6. A koronázás története; Az előkészületek (*The History of the Coronation; The Preparations*) In: Kovács-Sziklay, 1892, p. 58.

⁵⁶ Act nr. 2 of 1867 contained the texts of both the diploma and the oath.

throughout the night.⁵⁷ On the eve of June 7, the church bells rang for an hour signaling the upcoming ceremony.⁵⁸

On coronation day each house of Parliament had a special session at 5.30 am. and then hurried up to the castle to take their places in the coronation procession,⁵⁹ which left at 7 am from the Buda castle and led to the coronation church, King Matthew's church also located in the castle district on the Buda side. The order of the dignitaries in the procession was precisely regulated; Franz Joseph rode his horse in the procession, while his wife, Elisabeth travelled in a carriage and eight behind him.⁶⁰

At the church, the couple was greeted by the archbishops of Esztergom and Kalocsa, and they were led to an adjacent chapel to relax while the coronation jewels were taken to the altar. The coronation mass began with the Prime Minister's⁶¹ question addressed to all of the audience whether they wished to have the there present Franz Joseph crowned as their king. Following the loud and clear: "Yes, long live the king!", Franz Joseph took the religious oath, the *iuramentum isutitae et pacis*. Then he was anointed⁶² and Saint Stephen's robe was placed on his shoulders. He was seated to observe the holy mass. It was during the second part of the ceremony that the archbishop handed the king the sword, which he inserted in its sheath and subsequently was girded with it. The monarch then turned towards the audience, pulled the sword from its sheath and cut through air with it twice, expressing his will to protect the church and its members from possible attacks. Then he wiped the blade and reinserted the sword in its sheath. This act was followed by the most important moment, when Franz Joseph kneeled in front of the archbishop and the Prime Minister, who together placed the holy crown on his head. The sceptre was given in his right hand and the globe in his left hand. Fully equipped by all of the regalia, he was led to the throne and was seated on it, to complete the act of coronation.⁶³ The king observed from his throne as his wife was also crowned. The holy mass resumed and was finished with the newly crowned royal couple offering a golden coin each and partaking of the sacrament.⁶⁴

⁵⁷ A koronázás története: *Az előkészületek (The History of the Coronation; The Preparations)* In: Kovács-Sziklay, 1892. pp. 58–60; Act nr. 4 of 1867 contained the duties of the keepers of the crown.

⁵⁸ Simon, 1892, p. 312.

⁵⁹ A koronázás története: *Az előkészületek (The History of the Coronation; The Preparations)* In: Kovács-Sziklay, 1892. p. 61.

⁶⁰ Latkóczy, 1892. p. 33.

⁶¹ From as early as the 15th century it was the Palatine of Hungary – that is in essence the deputy of the king – who participated in the coronation ceremony as a representative of the people. It was his duty to ask the question for which the response was considered the acclamation of the king to the throne, and it was also his duty to assist the archbishop in placing the holy crown on the head of the monarch. His participation was the materialization of this ceremony's constitutional and administrative relevance. Since at the time of the Austro-Hungarian Monarchy no palatine had been appointed by the king, it was the Prime Minister, who was elected by Parliament to act instead of the palatine during the ceremony.

⁶² *Supra* 24.

⁶³ Latkóczy, 1892. pp. 34–35.

⁶⁴ Lutter, 1917. pp. 28–31.

After the mass, Franz Joseph walked with his attendants in all his royal regalia to the adjacent garrison church to confer upon the exceptional soldiers of the land the order of the Golden Spurs. Following this ceremony, the coronation procession continued on horses down from the castle, crossed over the Chain Bridge and all the way south to the parish church of Pest⁶⁵ in front of which the king took his secular oath. The Prime Minister handed the text of the oath to the king who passed it on to the archbishop to have him administer the oath.⁶⁶ Franz Joseph repeated the whole text of the oath while holding up his right hand and placing his left on the oath-cross.⁶⁷ The observing crowd exploded in cheers once all words were spoken.⁶⁸

The coronation procession moved again, this time back towards north on the Pest side. The coronation hill had been built of land arriving from all 72 counties of the country⁶⁹ on the Pest side of the Chain Bridge. Franz Joseph rode his horse up this hill, pulled his sword from its sheath and cut through the air pointing toward each of the four cardinal directions signaling that he intended to protect the country from any and all attacks.⁷⁰ This act was the last of the events on the public agenda. The newly crowned king and his wife returned with their attendants to the castle, where a coronation lunch had been arranged for the monarch and a few of his mostly honored guests. For the members of the public, there were oxen roasted at the Vérmező⁷¹ and the festivities lasted long into the night.

The coronation lunch was mainly a symbolic event. Minor details, such as the Prime Minister holding the wash basin for the king and his wife to wash their hands in and the archbishop drying their hands off, were also choreographed. The meal started and ended with prayers offered by the archbishop and every time the king drank from his cup everyone stood.⁷² The royal couple retired to their suits following the meal.

The première planned in the National Theater as well as the Royal Ball were both cancelled observing the royal family's grief over the sudden and unfortunate passing of Louis II's daughter, Matilda shortly before the

⁶⁵ Latkóczy, 1892. p. 35.

⁶⁶ Simon, 1892. p. 323.

⁶⁷ The sources differ as to which way the king was facing while taking his oath. Some say he faced towards East, A koronázás története: *Az előkészületek (The History of the Coronation; The Preparations)* In: Kovács-Sziklay, 1892. p. 69; others say he faced the parish church, Simon, 1892. p. 323.

⁶⁸ Jókai, 1892. p. 11.

⁶⁹ Bartonek, 1987. p. 167.

⁷⁰ Latkóczy, 1892. p. 33.

⁷¹ A public park on the Buda side of the Danube.

⁷² Simon, 1892. pp. 327–328.

coronation.⁷³ The composer Franz Liszt's coronation mass written for this specific occasion had nevertheless been introduced during a religious ceremony.

The festivities did not end on the day of the coronation. There was a seated lunch for the diplomatic representatives and other guests of the royal couple in the ceremonial hall of the Vigadó at 3 pm. on June 9, 1867 for 900 people altogether. Franz Joseph and Elisabeth were there between 4 and 4.30 pm.⁷⁴ The king signed the laws granting amnesty to several hundred prisoners, some of them incarcerated for political actions.⁷⁵ On June 10, members of the general public could present their presents to the crowned king and his wife. The Parliament's official delegation handed over the 50 gold coins for both Franz Joseph and Elisabeth as their coronation presents, which the couple gracefully thanked and then offered for the veterans of the 1848 revolution. The coronation jewels were taken back from the church, where they had been on public display, to the suite of the king and the box was sealed in the presence of the monarch. Shortly before their departure from the country on June 12, Franz Joseph sanctioned the laws of the country as the official head of state.⁷⁶

The Coronation of King Franz Joseph's Successor, Carl IV: December 30, 1916

Franz Joseph died on November 21, 1916. Despite the hereditary principle, the Hungarian Parliament had to determine who was the rightful heir to the throne.⁷⁷ This was not such an easy task since Franz Joseph's only son, Rudolph had committed suicide in 1889.⁷⁸ The appointed heir to the throne, Franz Joseph's nephew, Franz Ferdinand had married a commoner, which is why Franz Joseph had had a law enacted excluding Franz Ferdinand's heirs from the line of succession.⁷⁹ Therefore, when Franz Ferdinand was killed in Sarajevo in 1914, the still reigning king had to name another heir to succeed him on the

⁷³ Simon, 1892, p. 310. Matilda was only 18 when while trying to hide a lit cigarette, her dress caught on fire and she did not survive her burn injuries. She had been a member of the Bavarian royal court, her father was Elisabeth's cousin.

⁷⁴ Latkóczy, 1892, p. 36.

⁷⁵ A koronázás története: Az előkészületek (*The History of the Coronation: The Preparations*) In: Kovács-Sziklay, 1892, p. 72.

⁷⁶ Latkóczy, 1892, p. 36; A koronázás története: Az előkészületek (*The History of the Coronation: The Preparations*) In: Kovács-Sziklay, 1892, p. 72.

⁷⁷ Lutter, 1917, p. 15.

⁷⁸ According to the official reports, Rudolph and his lover, Maria Vetsera both committed suicide at the castle of Mayerling in 1889.

⁷⁹ Act nr. 24 of 1900.

throne. Franz Joseph appointed Franz Ferdinand's nephew, Carl,⁸⁰ who, upon the death of his predecessor immediately began governing as was customary.⁸¹

The last Hungarian coronation took place during the cold winter of 1916 in the middle of the First World War. Both of these environmental factors influenced the agenda of the coronation. Carl had to be crowned within 6 months of Franz Joseph's passing.⁸² However, since the law regarding indemnity had to be sanctioned before the end of the year,⁸³ and for the king to be able to do that he first had to be crowned, the coronation had to take place before the end of the year. That is why December 30 had been selected. The organizers agreed that the ceremony had to be conducted with the necessary pomp and solemnity despite the ongoing war, but numerous events were nevertheless cut from the agenda and the festivities were territorially limited to the castle district.⁸⁴ The Committee in charge of the coronation ceremony began its work on December 1, 1916, rearranging the selected areas of the castle as well as building the coronation hill, for which this time the land had been taken from the 63 counties not yet involved in the war.⁸⁵ Both houses of Parliament convened on December 6 to appoint the Committee responsible for the scripting of the *diploma inaugurale* and the oath. The Prime Minister was also elected to perform the duties of the palatine during the ceremony.⁸⁶ Carl, his wife, Zita and their 4-year-old son, Otto arrived in Budapest on December 27 by train. The same day at 6 pm. the delegation of both houses of Parliament led by the archbishop of Esztergom, János Csernoch were received in the palace to hand over their draft of the diploma and the oath and ask for Carl's approval and signature.⁸⁷

The events of the coronation day were based on those of 1867 with only a couple of minor changes. The archbishop led the coronation procession in 1916, and the royal couple arrived together in a carriage and eight to the church. The coronation mass began at 8.30 am. and was very similar to the one nearly 50 years earlier.⁸⁸ First came the acclamation, then the anointing. Carl's shoulders

⁸⁰ Kocsis, 2004, p. 173.

⁸¹ In a letter dated November 21, 1916 that arrived the following day to Budapest, Carl declared having taken over the governing, effective immediately. The letter specifically used the term governing, since those rights were the ones available to the uncrowned heir to the throne. MOL (*Hungarian National Archives*): K 26 (Miniszterelnökség) 1054. cs. 1916. I. tétel, 3882. alapszám, 3894. szám

⁸² Act nr. 3 of 1790/91.

⁸³ Kertész, 1917, p. 8.

⁸⁴ The Hungarian Royal Police of Budapest closed off the complete area of the castle at 8 am. on December 30, 1916 and only those having a ticket or a work permit issued specifically for that day could enter. MOL (*Hungarian National Archives*): K 26 (Miniszterelnökség) 1054. cs. 1916. I. tétel, 3882. alapszám, 4302. szám

⁸⁵ Bartonek, 1987, p. 167.

⁸⁶ The Prime Minister at that time was István Tisza who thereby became the only protestant to assist in a Catholic coronation ceremony. Nagy, József: IV. Károly – Az utolsó magyar király (*Carl IV – The Last Hungarian King*). Budapest, 1995. Göncöl Kiadó, p. 31.

⁸⁷ Act nr. 3 of 1917 entailed the text of the diploma.

⁸⁸ Kajtár, István: Bevezetés a jogi kultúrtörténetbe (*Introduction to the Legal Cultural History*). Pécs, 2004. Dialóg Campus Kiadó, p. 37.

were covered with Saint Stephen's robe. He was handed the sword with which he completed the same ritual as Franz Joseph had in 1867. The holy crown was placed on his head by the archbishop and the protestant Prime Minister. Sceptre in the right hand, globe in the left, he was led to and seated on the throne. Then the Hungarian national anthem was played.⁸⁹ Following Zita's similar coronation, the holy mass was concluded. King Carl IV honored the soldiers in the same church immediately after the ceremony.⁹⁰ The newly crowned king in all his coronation regalia walked with his attendants to the Square of Holy Trinity where he took his oath outside in the cold, under the sky, administered by the archbishop. Carl held up his right hand with three fingers erect and held the oath-cross in his left hand while he repeated the words.⁹¹ Following the oath, Carl mounted his horse and rode up to the coronation hill erected on the Square of Saint George, where he cut through the air pointing toward each of the four cardinal directions signaling his intentions to protect the country from any and all attacks. The coronation lunch was a bigger affair than it had been in 1867 with 80 delegates from only the upper house of Parliament, but it was much more formal and symbolic as well.⁹² Carl sanctioned the laws during the afternoon and then left the country to return to Vienna.

The King's Authority

"*The king is dead, long live the king!*" – exclaims the proverbial rule of succession in every hereditary monarchy. But in reality, this procedure is somewhat more complicated. The wording of Carl IV's letter, dated November 21, 1916, was exact in stating that he had taken over the governing, because and uncrowned king did not have access to the entirety of a monarch's authority,⁹³ only to those rights and obligations – within the governing of the country – that could not be put on hold while the heir to the throne was crowned.⁹⁴

Initially, the Hungarian king's power derived from God and only from God. These powers had been thrust upon him through the representatives of the Church in a coronation ceremony. That was certainly true for the time of the patrimonial monarchy. However, as the feudal and even later the feudal-

⁸⁹ Nagy, 1995, p. 37.

⁹⁰ Lutter, 1917, p. 30.

⁹¹ Nagy, 1995, p. 37.

⁹² The list of delegates can be found at the National Archives. MOL (*Hungarian National Archives*): K 26 (Miniszterelnökség) 1054. cs. 1916. I. tétel, 3882. alapszám, 4443. szám; Some sources say that though numerous meals were placed on the table, no food was touched by the royal couple or anyone else while they were present. *Kajtár*. 2004. pp. 37–40.

⁹³ On the term *authority*: see *supra* I.

⁹⁴ Márkus, Dezső, Dr. (ed.): *Magyar Jogi Lexikon* 6 kötetben, VI. kötet (*Hungarian Legal Lexicon in 6 Volumes, Volume VI*). Budapest, 1907. Pallas Irodalmi és Nyomdai Részvénytársaság, Trónöröklés szócikk (*Entry for Inheritance of the Throne*) p. 693.

representative monarchy developed in Hungary, the king was eventually forced to share his powers in politics with various representatives. This is why the diploma and the secular oath had appeared and had become necessary elements of the coronation, or why the palatine gained an active role in the coronation ceremony as a representative of the people.⁹⁵ The acclamation, that is the question asked of those present at the coronation mass, whether they wished to have the man present be crowned as their king and the people's response in the affirmative, had also been a way of involvement for the people; from early on it seemed as if the people had really been asked whom they wanted to hand the power to.

By the time the Austro-Hungarian Monarchy had come into being there were different theories on how the content of the king's authority was to be categorized, four of which are worth mentioning. For example, according to Ernő Nagy the king had his personal rights and his political prerogatives. Among his personal rights he listed that the king was considered sacrosanct and was not liable for any of his actions. He had the right to use the title of Apostolic King reigning by God's mercy. The king was entitled to have his royal court, his seal and the right to appoint his representatives, etc. Among the king's political prerogatives Nagy listed three sub-categories such as his rights regarding the legislature (he could call, open, adjourn, conclude or dissolve a session of Parliament, and he could initiate, sanction and publish laws), the judiciary (he could appoint judges who published their decisions in the king's name, he could grant amnesty or parole and he exercised the general control over the judiciary), and the governing (he had the last say in military and foreign affairs, he could issue money, he could give titles and land, he could create new positions, he was the patron of every church and he was considered the general inspector in most executive matters).⁹⁶

Móric Tomcsányi drew a different distinction between royal prerogatives and governing rights. The prerogatives could be further divided into those in a broader or a narrower sense, the maintained or the shared, material or procedural, and personal or governmental. The governing rights' arrangement was more interesting since three sub-categories could be found there: main functions of the head of state (such as rights over military and foreign affairs, calling and dissolving a session of Parliament, granting parole or amnesty,

⁹⁵ Most sources connect this development with the evaluation of various sovereignty theories from those where a single person embodied a country's sovereignty all the way to the dividing sovereignty theories, where the people as a society decided over handing over the power to an individual or a body. During the Hungarian history, parallels can be drawn between the changes to the king's political power and the rights gained by some or all members of the public. Debates and ideas regarding the holy crown and its embodiment of the Hungarian sovereignty provide further insight into this matter. Eckhart, Ferenc: *A szentkorona-eszme története (The History of the Holy Crown's Notion)*. Budapest, 1941. The Hungarian Academy of Sciences, p. 25. Eckhart also quoted István Werbőczy, author of the *Tripartitum* and Imre Hajnik.

⁹⁶ Nagy, Ernő: *Magyarország közjoga (Államjog) 3. átdolgozott kiadás (Hungary's Public Law – State Law, 3rd Revised Edition)*. Budapest, 1897. Az Eggenberger-féle könyvkereskedés, pp. 202–235, pp. 237–240, pp. 292–294, pp. 310–315.

sanctioning laws and issuing decrees), the direction and organization of the public administration including leadership and supervision, and the actual duties within the public administration (like those day-to-day obligations within the military and foreign affairs, legislature, general inspection, organizing duties, giving titles, judicial rights, right of patronage, etc.).⁹⁷

A third author, Károly Kmety divided the king's authority into three groups: rights within the legislature, rights within the executive branch and rights relating to the respect of a royal dignitary. According to this division the king's right to call, open, adjourn, conclude or dissolve a session of Parliament, to appoint members to the upper house of Parliament and to name its president and two vice-presidents, to initiate, sanction and publish laws made up his authority in the legislature. The right to issue decrees, to exercise the highest power in the organization of state or to practice any of the royal rights (such as granting amnesty or parole, being the commander in chief, starting war and signing peace treaties, sending and receiving representatives, giving titles, being the patron of churches, etc.) made up his authority in the executive branch. Having his titles, his seal, a seat and a royal court as well as being sacrosanct were necessary elements of the respect towards the monarch as a royal dignitary.⁹⁸

Barna Mezey in his somewhat more modern approach built strongly on Franz Eckhart's systemization of the royal authority during the dualist era. According to him, on the one hand the king had personal prerogatives such as being majestic, sacrosanct and not liable for his actions. On the other hand, the king had his royal prerogatives consisting of rights in the legislature (to call, adjourn or dissolve a session of Parliament, to initiate, sanction and publish laws), and rights in the government (to issue decrees, to create offices, to appoint, to give titles, to exercise general inspection rights, the right to patronage, the right over military and foreign affairs).⁹⁹

Clearly, the rights and obligations making up the king's authority overlap in the various categorizations outlined above. It is certain however, that an heir to the throne was not entitled to exercise all of these rights before being crowned. Any such limitation of the uncrowned king's authority would be self-explanatory if the coronation itself were the ultimate legitimizing act of the head of state – which this study aims to prove at least in part. Regarding some of the rights, it is also obvious, for example, that the king, who had not yet taken an oath, may not sanction laws. From a practical point of view however, it is understandable that some governmental actions had to be taken independent of

what the head of state's legal status was, which is why the heir to the throne could exercise those governing rights that were necessary to keep the country's affairs going, even before his coronation.¹⁰⁰

Legally Relevant Elements of the Coronation

Considering that the heir to the throne only had access to a limited amount of rights and obligations prior to his coronation, it could be concluded that the coronation itself was the complete legitimizing procedure.

However, having seen through the examples of the two Hungarian coronations all those elements that made it up, one could successfully argue that not every one of those elements are necessary to elevate the monarch to the throne and expand his authority. The question remains then: which elements could be taken as legally relevant and which should be considered as only traditionally important?

At the beginning of this study, I stated that for the monarch's legitimization to be complete, he needed to have both a formal and a ceremonial legitimization.

The legal relevance of the formal legitimization could not be questioned: the Parliament had to determine who had been the heir to the throne, and whether his claim to the throne, his title thereto had been legitimate. To determine the legal relevance of the ceremonial legitimization procedure's various elements however, may not have been that simple. There had been items on the agenda of the coronation ceremony, derived from traditions and customs, gathered through centuries and maintained out of respect for the predecessors. Nevertheless, towards the end of the 19th century three elements could be highlighted as legally relevant: the issuance of the *diploma inaugurale*, the taking of the secular oath and the coronation on the head with the holy crown.

The diploma itself contained a promise to the people that the crowned monarch would uphold the constitution and the laws of the land. The oath was taken as a security of the diploma; it was another guarantee for the people who granted sovereignty, originally theirs, to the head of state, through Saint Stephen's crown, as it was placed on the king's head by the archbishop of Esztergom. These three elements formed the basis of the monarch's legitimacy. They had to be officially performed to secure the transfer of power and the completion of the king's authority.

⁹⁷ Tomcsányi, Móric: Magyar közjog – Alkotmányjog (*Hungarian Public Law – Constitutional Law*). Budapest, 1926. Királyi Magyar Egyetemi Nyomda, pp. 120–184.

⁹⁸ Kmety, Károly: A magyar közjog tankönyve, 2. javított kiadás (*A Textbook of the Hungarian Public Law, 2nd Revised Edition*). Budapest, 1902. Published by Politzer Zsigmond és fia, pp. 191–226; Kmety, Károly: A magyar közigazgatási jog kézikönyve, 3. javított kiadás (*A Handbook of the Hungarian Administrative Law, 3rd Revised Edition*). Budapest, 1902. Published by Politzer Zsigmond és fia, pp. 50–60.

⁹⁹ Mezey, 2002. pp. 82–83.

¹⁰⁰ *Supra* 94.

Concluding Remarks

Republicans often criticize royal occasions as unnecessary pomp and pageantry. Most royal occasions are indeed very ritualistic. A coronation ceremony however, is much more than a glossy event portraying the importance of the royal court. Certain elements are included because of customs or tradition and the respect accorded ancestors, but some actions are indeed necessary, legally required to happen to properly hand over the king's authority to the heir and to thereby truly elevate the monarch to the throne.

In the two examples introduced in this study, during the Hungarian king's coronation, it was the issuance of the diploma, the taking of the oath and the conducting of the coronation ceremony with the involvement of the holy crown that made up the legally relevant elements of the ceremonial legitimization of the head of state in addition to the formal legitimization performed through Parliament.

Hungary is no longer a monarchy, but there are numerous monarchies throughout Europe whose coronation rituals most definitely contain at least some legally necessary ceremonial elements. It will be interesting to observe during the future coronations in the existing monarchies, which ceremonial elements will continue to be on the agenda as legally necessary, which ones will remain honoring tradition and which ones may be replaced by new customs and practices.

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