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## *Social and Institutional Structures in Transylvania (1300–1800)*

Klára Jakó  
Special Editor of the Thematic Issue

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# The Participation of the Medieval Transylvanian Counties in Tax Collection\*

András W. Kovács

*Research Institute of the Transylvanian Museum Society*

*wkovacsandras@eme.ro*

In Transylvania the county authorities had to assist in collecting royal (state) taxes owed by the serfs of noble estates (like in other parts of Hungary). In 1324 the king exempted the Transylvanians from paying the tax called *collecta* that they previously had to submit to the voivode. (Based on analogies, it can be suggested that this tax was collected either because of the cancellation of the yearly renewal of money or the refusal of the compulsory exchange of older money.) From 1336 the yearly renewal of money and with this the compulsory exchange of the former money ceased to exist. In order to compensate this profit of the treasury (the chamber), King Charles I (1301–1342) assessed a new tax, which similarly to the previous one was called the chamber's profit (*lucrum camerae*), but the “gate” (household or *porta*) became the taxation unit. This tax, according to the lease contract of the Transylvanian chamber from 1336, was also collected in Transylvania, but in 1366 King Louis I (1342–1382) exempted the Transylvanians from paying it. In 1467 the king tried to have the tax called *tributum fisci regalis* (that substituted the chamber's profit) collected also in Transylvania, whereon an uprising broke out. This latter tax and the more and more frequently collected extraordinary tax (*subsidium*, *contributio*, *taxa*) usually made up one florin per household. For the upkeep of their delegations sent to the king, the Transylvanian counties collected an occasional tax, the so-called courting money (*pecunias udvarnicales*), from their serfs. There is data of its collection from the fifteenth century on. These taxes, normally collected from estates located in territory of the counties, were exempt from payment because of royal privilege or because they belonged to the town of Szeben (Sibiu/Hermannstadt), the Seven Seats (“Sieben Stühle”), but estates of the towns of Kolozsvár (Cluj-Napoca/Klausenburg), Brassó (Braşov/Kronstadt), Beszterce (Bistriţa/Nösen, Bistritz), and Medgyes (Mediaş/Mediasch) were also exempt. These settlements' exemption from paying the taxes had to be confirmed by recurrent voivodal (or sometimes royal) mandates sent to the vicevoivodes of Transylvania, the county authorities, the tax assessors, and tax collectors.

**Keywords:** Middle Ages, Transylvania, tax collection, counties, *pecunia udvarnicalis*, *taxa*, *contributio*, *subsidium*

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## Introduction

This study investigates the royal (state) taxes collected in Transylvania, the eastern province of Hungary, from the serfs who lived on noble estates, and the role county authorities<sup>1</sup> played in the process until 1526. The taxation of these counties (Belső-Szolnok, Doboka, Kolozs, Torda, Hunyad, Fehér, Küküllő), because of a local tax and the exemption from paying the chamber's profit (*lucrum camerae*), differed from the taxation of other parts of the country, and was fundamentally dissimilar from the taxes paid by the privileged Transylvanian Székely and Saxon areas.

## Fourteenth-Century Taxes

The most important bodies of the financial administration were the chambers; the Transylvanian chamber probably existed already by the end of the Árpáadian period.<sup>2</sup> In 1324 King Charles I exempted the Transylvanian nobility and their serfs from paying the lodging and upkeep tax (the *descensus* and the *victualia*) as well as the tax named *collecta*, which until then had to be submitted to the voivode of Transylvania (*vojvoda Transsilvanus*), the officeholder appointed by the king to lead the province.<sup>3</sup> From 1336 the chamber's profit (*lucrum camerae*) became the direct tax of the serfs, which bears its name from the previous practice in which the treasury (chamber) earned profit through the yearly renewal of the money and the compulsory exchange of old coins. The taxation unit from that time on was the *porta* (household).<sup>4</sup> According to the lease contract of the Transylvanian chamber from 1336, the levying of the household tax in the counties belonged to the jurisdiction of the chamber count, and the tax had to be collected by the officers of the chamber count (*per comitum camere nostre vel suos officiales*) in the presence of a delegate of the archbishop (of Esztergom), of the master of the treasury (*in presentia hominum domini archyepiscopi et magistri tawarnicorum nostrorum*), and the county authority. The count (*comes provincialis; ispán*) and the judges of the nobles (*indices nobilium; szolgabíró*) received one-third of the fine that was

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1 On the functioning of counties, see Tringli, "Le contee in Ungheria;" and Tringli, "Megyék."

2 Weisz, "Kamaraispánok az Árpád-korban," 85, 87.

3 CDTrans, 2: no. 510. Cf. Weisz, "A kamara haszna okán szedett collecta," 556 (the *collecta* had to be paid for the rejection of the mandatory exchange of money or, in case the new money was not issued, it was collected as chamber's profit); Weisz, "Royal Revenues in the Árpáadian Age," 258.

4 Engel, *Kamarahaszna-összeírások*, 3.

inflicted on those who refused to pay the tax.<sup>5</sup> In 1366 King Louis I exempted the Transylvanian nobles and their estates from paying the chamber's profit (and the upkeep tax).<sup>6</sup> Although later royal confirmations of the privilege charter are not known, the serfs of the Transylvanian nobles enjoyed this exemption for a long time (until 1467). Outside of Transylvania the chamber counts with their administration, the tax assessors and tax collectors (*dicatores, exactores*) assisted by county authorities, were in charge of collecting the tax.<sup>7</sup>

Extraordinary and local taxes however were sometimes also levied in Transylvania. According to a charter from 1368, the *officialis* at Szentimre (Sântimbru) of Péter Járαι, vicevoivode of Transylvania (1344–1350, 1359–1368), with the help of the judges of nobles of Doboka and Kolozs Counties, had to collect a tax, four denars for each plot (*mansio*), awarded to the vicevoivode by the nobles of the country.<sup>8</sup> There is no later reference to this tax.

### *Courting Money*

The nobility of the Transylvanian counties collected the courting money (1448, 1456, 1477, 1488, 1499: *pecunias udvarnicales*)<sup>9</sup> or courting denars (1466: *denarios udvarnicales*)<sup>10</sup> from their serfs for the upkeep of their delegations<sup>11</sup> sent to the king. The contemporary name of the tax according to data from 1491—if it is not a misspelling—may have been *udvarló pénz*,<sup>12</sup> which, if one can connect with later mentions (1619, 1710), also attests to the meaning of the adjective ‘courtier’ (*udvarló*) as a ‘person who does service at the court.’<sup>13</sup> There is no data on the collection of the courting tax elsewhere than in Transylvania.

The (deputy) counts (*comites* and *vicecomites*) and the judges of the nobles in Transylvania took part in the collection of this local (and extraordinary) tax

5 *Decreta Regni Hungariae* 1301–1457, 90–94. Cf. Hóman, *A magyar királyság pénzügyei*, 236.

6 CDTrans, 4: no. 492.

7 Gábor, *A megyei intézmény*, 114–18; Engel, *Kamarabaszna-összeírások*, 6.

8 TelOkI, 1:92. (with erroneous dating to ca. 1350). The more probable dating of the charter is 9 August [1368]. (CDTrans, 4: no. 710). In 1366 the collector of the royal castle estates revenues (*iura regalia, collecta*) that belonged to the *honor* of the voivode was Pál, provost of Szeben, beside whom Péter [Járαι] vicevoivode delegated an other person (CDTrans, 4: no. 544).

9 1448: DL 44524; 1456: WässLt, no. 454; 1477: DL 45675; 1488: DF 245105; 1499: DF 261080.

10 1466: DL 31170.

11 Transylvanian delegates in the royal court for instance in 1369: CDTrans, 4, no. 736; 1496: DF 245425, etc.

12 *pecunias wlgariter udvarlopenz* [!] (DF 245385, charter preserved in a contemporary copy).

13 SzT 13:707.

directly. In 1448 the Transylvanian vicevoivodes ordered the barons, nobles, and people of all origin and rank in Szolnok County to collect the courting money from their serfs because the Transylvanian nobles decided to send a delegation, including Miklós Kémeri and János son of Gyerő of Gyerővásárhely, to the prelates, barons, and honorable persons of the country in Buda; but many people disregarded paying the money. So they again ordered the collection of money by the first day of the next court period of Szolnok County, and if nobles would again deny fulfilling it, the task shall be remitted to the vicecounts and the judges of the nobles to have it collected from every single estate under the fine of three marks.<sup>14</sup>

In 1456, at the assembly called by the vicevoivodes to Torda (Turda/Thorenburg) of Transylvanian nobles, Székelys, and Saxons, the deputies of the *universitas* of the nobility reported that they elected Tamás Lökös (Wass) of Cege (Țaga) to join the delegation to the king, and he was given 32 gold florins of courting money (*pecunias udvarnicales*) for garments and horses. Afterward, the heirs of Tamás Lökös gave testimony that the deceased did in fact spend the money on clothes and horses.<sup>15</sup> According to this account, the courting money was paid only by the nobility of the counties and not by the Székelys and Saxons. The exemption of the Saxons is also confirmed by the fact that royal, voivodal, and vicevoivodal mandates disallowed the Transylvanian nobility and the counties from collecting courting money from the estates that were lying in county territories but were attached to the Seven Seats ('Sieben Stühle,' its center was Szeben; 1488; 1491; 1492; 1501; 1505).<sup>16</sup>

In 1477 upon the request of Erzsébet, widow of János Dengelegi Pongrác, voivode of Transylvania (1475–1476, 1467–1472, 1475–1476), King Matthias (1458–1490) exempted her serfs from paying the courting money and sent a mandate to the voivode of Transylvania, the vicevoivode, and the county

14 DL 44524.

15 WassLt, no. 454.

16 The royal and voivodal mandates forbade the collection of the courting money from the following estates: Rovás (Răvășel/Rosch), which belonged to the Virgin Mary Church of Szeben (1488: DF 245105); Monora (Mănărade/Donnersmarkt), Csanád (Cenade/Scholten), Sorostély (Soroștin/Schoresten), and Holdvilág (Țapu/Abstdorf), which belonged to the abbey of Egres ([I]grış, 1491: DF 245385); Csanád, Monora, Sorostély, Holdvilág, Bolkács (Bălcaci/Bulkesch), Zsidve (Jidvei/Seiden), Nagyekemező and Kisekemező (Târnava/Grossprobstdorf and Târnăvioara/Kleinprobstdorf), which belonged to the Seven Seats (1492: DF 245158); Volkány (Vulcan/Wolkendorf), which was the possession of the Saint Nicholas parish church of Segesvár ([S]ighișoara/Schässburg, 1501: DF 278466); Nagyekemező, Kisekemező, Rűsz (Ruși/Reussen), Bolkács, Zsidve (belonged to the parish church of Szeben, 1505: DF 245623). Sometimes the courting money was also referred to as *taxa* (1488) or *collecta* (1492).



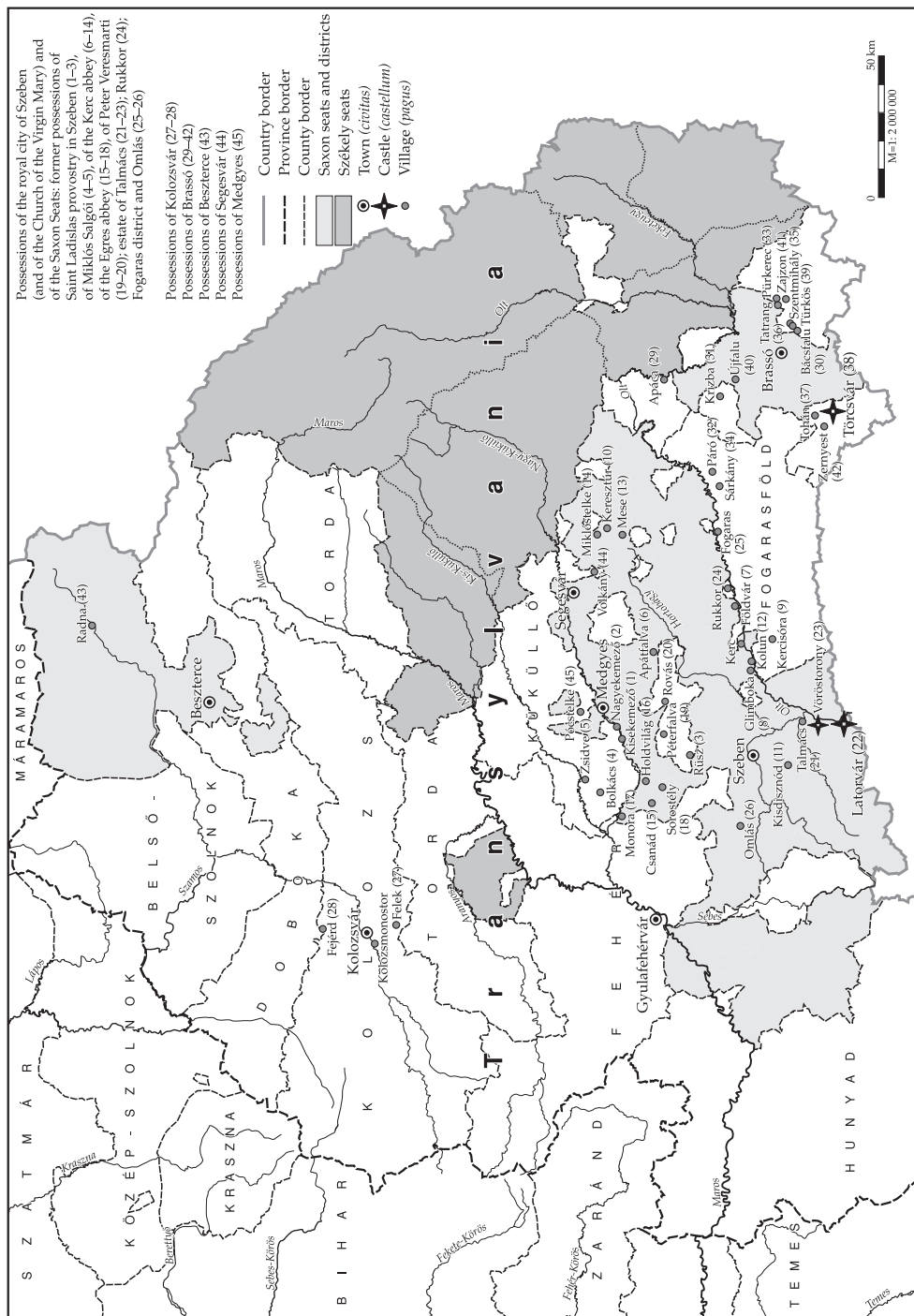


Figure 1. Exemptions from royal taxes collected by the Transylvanian county authorities  
(according to the royal and voivodal mandates)  
(Map drawn by Béla Nagy)

authorities stating such.<sup>17</sup> Although it was the king who forgave its collection, the courting tax was not a tax collected for the ruler; in 1499 and 1501 voivode Péter Szentgyörgyi (1498–1510) referred to the royal taxes (*contributio regie maiestatis; taxa regalis*) and the courting money (*pecunia udvarnicalis*) as separate types of taxes.<sup>18</sup>

In 1492, when upon the request of the abbot of Kolozsmonostor (Cluj-Mănăştur), King Vladislas II (1490–1516) exempted the serfs of the abbey from paying the courting money, the abbot himself also called this tax in Transylvania an occasional one, but which the people of the abbey had not paid in living memory.<sup>19</sup>

In 1496, Vladislas II ordered that the tax the Transylvanians called courting money should be collected from all serf-holding nobles proportionately to their estates, with the exception of those nobles only who already live in the royal court.<sup>20</sup>

So the courting money was an occasional tax that the nobles of the Transylvanian parts would levy for no other reason than to cover the expenses of the delegates sent to the court. This is the reason why Székelys and Saxons did not pay it: as privileged peoples they appealed their issues on their own, and, what is more, the nobility of the counties was not entitled to offer any tax in their name.

### *Extraordinary Taxes*

From the coronation of Matthias onwards, there is a markedly large quantity of data on the collection of extraordinary—including war—taxes,<sup>21</sup> but the data on their collection originates mostly from the archives of Saxon towns.<sup>22</sup> The war taxes however had been collected earlier as well, and in Transylvania too.<sup>23</sup>

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17 DL 45675.

18 DF 261080 and DF 278466.

19 DL 32511. The charter is quoted in Jakó, “A kolozsmonostori apátság,” 64, fn. 286. See also Szabó, “A kolozsmonostori apátság gazdálkodása,” 56 fn 159.

20 DF 245425 (19th-century copy: DF 253810).

21 The *contributio* (*contributio generalis pro defensione regni ... Hungarie*: DL 30207) was also collected in 1464 in Transylvania; in 1468 King Matthias exempted the Székelys of Aranyos and Maros Seats from paying the taxes of the treasury (*tributum fisci regalis*) that were to be generally assessed (KmJkv, 1: no. 1793).

22 Kubinyi, “A Mátyás-kori államszervezet,” 106–11.

23 E.g. in the protocols of the convent of Kolozsmonostor—in connection with an estate transfer—in an undated entry, dated by its editor to 1454, the war tax (*exercituaalis contributio*: KmJkv 1: no. 1161) was already referred to.

The taxes passed by the Hungarian diet also applied to Transylvania, but the Transylvanian nobility in itself had no right to vote on the tax.<sup>24</sup>

In 1467 King Matthias eradicated the chamber's profit (*lucrum camerae*) when the taxes of the treasury (*tributum fisci regalis*) were substituted for it;<sup>25</sup> this was also to be introduced in Transylvania. However, after the Transylvanian uprising of 1467, the previous tax system was reintroduced (and even if more families lived behind one "gate," they still had to pay only after one household). From the 1470s onwards, when Matthias had the extraordinary tax (*subsidium*, i.e., benefit, or *contributio*, i.e. tax) collected, he included the chamber's profit in it, meaning that the *lucrum camerae* (or portal tax) was not collected separately; the two taxes added up to one florin per *porta*.<sup>26</sup> The normally passed tax to be paid by tenant peasant households was collected yearly.<sup>27</sup>

The so-called royal account book of treasurer Zsigmond Ernuszt from 1494–1495 preserved the name of the royal tax collectors (*exactores et dicatores*) who were sent to Transylvania (in both years they were István Istvánfi and Miklós Kápolnai), their salaries (300/331 florins), as well as the sum of the tax levied on the seven Transylvanian counties. In every county, the tax collectors were accompanied by the counts and the judges of the nobles, who also received salary from the treasury (168/148 florins). In 1495 during the period of tax levying, the treasury either granted an honorarium to ten better-off Transylvanian nobles (*potioribus nobilibus regni Transsilvanensis*) or exempted their estates from the tax payment (probably because they mediated for the undisturbed collection of the tax).<sup>28</sup>

The levying (of the serfs) of nobles—one of the contributions (*contributio*) of the three privileged "nations"—was not amongst the largest Transylvanian

24 Mályusz, *Az erdélyi magyar társadalom*, 59; Kubinyi, "Erdély," 69.

25 Thallóczy, *A kamara haszna*, 95; Nógrády, "A lázadás ára," 137.

26 Gyöngyössi, "A kamara haszna," 146–47; E. Kovács, "Mátyás és az erdélyi lázadás," 19. There are two examples of the payment of the one-florin tax in Transylvania: in 1470 in the Fogaras (Făgăraș/Fogarasch) district (*in sede Fogaras*) a one-florin tax for each household was collected (Ub, 6:469); in 1478 Matthias exempted the salt extractors of Vizakna (Ocna Sibiului/Salzburg) from paying the that tax (Ub, 7:179). In 1473 the serfs of the counties paid a one-florin tax (Ub, 6:545–46; quoted in Kubinyi, "A Mátyás-kori államszervezet," 106).

27 Solymosi, "Az Ernuszt-féle számadáskönyv," 414.

28 Kubinyi, "Erdély," 69, 72–73. The source quoted here: Engel, *Geschichte*, 1, 38–39, 47, 149–50, 160. The sum assessed to the counties (1494/1495): Kolozs: 5643/5583, Fehér: 6788/6688, (Belső-)Szolnok: 2806/2756, Doboka: 3102½/3100, Hunyad 5654½/5604½, Küküllő: 3377/3307, Torda: 4071½/4051½, all together: 31442½/31090 florins. From this sum however only 17057½/19615½ came actually in.

incomes of the king. The instructions and reports<sup>29</sup> written during the reign of King Ferdinand I (1526–1564) in Transylvania (1552–1556), of which the ones by royal deputies György Werner and Pál Bornemissza are likely the most important, testify to this.<sup>30</sup> Thanks to the sophisticated literacy of the Habsburg administration, previously unknown data of major significance is available for this short period that also mirrors the medieval situation. According to the treasurer Péter Haller, the deficiencies of the collection of Transylvanian contribution can be attributed to the negligence of the counts; it was not possible, not even with voivodal powers, to force them to have the taxes collected, which was confirmed by the collectors of the *contributio* as well (1553).<sup>31</sup> According to a 1554 letter of László Gyalui Vas, Transylvanian financial director (*supremus proventuum Regie Maiestatis in Transsilvania administrator*) of Ferdinand I, sent to an unknown recipient, it was almost impossible to collect the remainder of the *contributio* of the Transylvanian counties even with the power of the voivodes.<sup>32</sup>

There are no surviving tax accounts from the territory of the Transylvanian counties from before 1526.<sup>33</sup> The participation of the counties in collecting the taxes for the king at this point is verified by the following charter evidences.

On December 4, 1464, King Matthias ordered his tax collectors (*dicatoribus*), Antal Patai Dezső and Mihály Zsuki, to present him their tax accounts.<sup>34</sup> There is no information concerning the representatives of the county authority who were ordered to accompany them (previously Antal Dezső was count of Kolozs and Doboka Counties in 1460). From 1470 there is data pertaining to a royal tax collector of Fehér and Küküllő Counties called Miklós Piri (*de Piry*).<sup>35</sup> A damaged charter of Matthias from 1472 urged the authority of one of the—probably Transylvanian—counties to collect the *contributio* from the estates of the nobles.<sup>36</sup>

On February 4, 1499, Péter Szentgyörgyi, the voivode in a mandate to Doboka County—to the comites or the vicecomites and judges of the nobility—

29 Oborni, *Erdély pénzügyei*, 173, 180 (mandate of King Ferdinand I to Péter Haller, treasurer in 1553).

30 Engel, *Geschichte*, 3, 10–12 (the chapter entitled: De contributione subsidiorum in Transylvania).

31 Oborni, *Erdély pénzügyei*, 253–54, 259.

32 Ibid., 268–70.

33 C. Tóth, “Lehetőségek és feladatok a középkori járások kutatásában,” 402–3; Solymosi, “Az Ernuszt-féle számadáskönyv,” 414. The part with relevance to Transylvania of the account of the treasurer Osvát Szentlászlói (Túz) is from the beginning of the 1490s: Neumann, “A királyi városok adóztatása,” 105.

34 DF 255167.

35 Ub, 6:469. The tax collector in his letter written to Szeben asks for sending its delegates as the households (*porta*) could only be conscribed in their presence.

36 DF 257817. The addressee may have been one of the Transylvanian counties as the charter was preserved in the Malomfalva (Morești) archive of the Kemény family.

and the *universitas* of its nobility urged them to collect the royal tax (*contributio regie maiestatis*) from the serfs of the county according to the register of the tax assessors, as the deadline set by the tax collectors, Tamás Harinai Farkas and János Somkeréki Erdélyi, had passed.<sup>37</sup>

In 1513 the voivode János Szapolyai (1510–1526) forbade Kolozs County from collecting the 47 florins of royal tax (*subsidia maiestatis regie*) owed by István Zsuki based on his wealth totaling 53 *portas*. He addressed the order to the authority of Kolozs County and to the tax collectors (*exactoribus presentis subsidii*);<sup>38</sup> in 1518 it was also Szapolyai who sent a mandate to the authority of Hunyad County to gather and hand over to the tax collectors the 60-denar tax offered to the king (*subsidium sue maiestatis*) by the Transylvanian nobles;<sup>39</sup> while in 1526 he ordered Fehér County to pay the royal tax (*subsidia maiestatis regie*) to the delegate of the treasurer.<sup>40</sup>

It was possible to compensate for the unpaid taxes directly from the estates of the nobles who denied payment, but this had to be brought into effect by the counties. In 1523 the vicevoivode István Tomori (1523–1526) informed Torda County that there was no longer any need to avenge the estates of Tamás Háportoni Forró as he did in fact pay the taxes (*subsidium regie maiestatis*).<sup>41</sup>

In Transylvania tax collection was supervised by the voivode,<sup>42</sup> and the related lawsuits also belonged to the jurisdiction of his court, not that of the counties. In 1499, the voivode Péter Szentgyörgyi instructed every Transylvanian county that the lawsuits concerning the *contributio* due to the king and the courting money should be heard in front of the voivode and not at county courts.<sup>43</sup> The example of the lawsuit below does not contradict this principle: in 1483 the voivode, István Báthory (1479–1493), ordered the steward (*provisor curie*) of Csicsó (Ciceu) castle to bring those servants and serfs of Mihály Szerdahelyi from Retteg (Reteag) who set themselves up for tax collectors and taxed the serfs of István Erdélyi at Virágosberek (Florești), Némethi (Mintiu), and Csépan (Cepari/Tschapan) to the coming court period of Belső-Szolnok County. So the

37 KárolyiOkl, 3:32–33.

38 SzapolyaiOkl, 390–91.

39 SzapolyaiOkl, 413–14.

40 SzapolyaiOkl, 513–14 (DL 63046.) Cf. DRMH, 4:258.

41 Szabó, *Országgyűlések II. Lajos korában*, 195 (DL 47526).

42 Neumann, “Dózsa legyőzője,” 96.

43 DF 261080.

lawsuit was not about taxation,<sup>44</sup> but about the related fraud, and by his authority, the voivode gave the order to the *provisor*.

### *Exemptions*

In villages owned by and legally “attached” to the Saxon towns and seats but lying in county territory, the taxes paid by the serfs of the county nobility were not collected.<sup>45</sup> The “separation” from the county primarily meant the exemption from its authority, but it went hand in hand with the exemption from the taxes collected in the counties as well as the exemption from mandatory soldiering. This of course did not mean that their tax-paying and soldiering duties ended, but that these duties had to be fulfilled according to their new environment. This paper does not aim to list every area that was exempted from county taxation and soldiering (e.g., the whole of the Székely Lands and Saxon Lands, for a while the Fogaras District, which was outside of the county organization, as well as towns that paid taxes in a different way, their lands, and also some market towns). In the following pages we will only discuss those cases that have data on the prohibiting of county tax collectors or on exemptions typically in the case of settlements that previously belonged to the authority of the counties but later were attached to one of the privileged towns, seats, or districts. The orders issued on these matters preserve important, elsewhere irretrievable data mostly on county taxation, as they specify what kind of tax should not be collected there.

### The abbey of Kolozsmonostor

As noted above, according to the privilege charter of August 27, 1492 issued by King Vladislas II, the estates of the monastery of Kolozsmonostor were exempted from paying the courting money.<sup>46</sup> Based on this it can be assumed that the serfs of other ecclesiastical institutions were also exempted from paying this tax, but as of now no further data confirms this.

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44 TelOkI, 2, 157–58 (DL 74219).

45 On the estates of the Saxons in the counties, see Müller, *Stühle und Distrikte*, 306–9. The tenant villages in the counties received by the Saxon as donations were listed only partly in the conscription of the household heads of the Seven Seats in 1488. See Draskóczy, “Az erdélyi Szászföld,” 4–6.

46 1492: DL 32511, quoted in Jakó, “A kolozsmonostori apátság,” 64 fn 286.

## The estates of the Saxon Seven Seats and the town Szeben

The inhabitants of the settlements lying in the territories of the counties but owning Saxon privileges were taxed differently than other serfs of the counties. From the fifteenth century numerous royal, voivodal, and vicevoivodal mandates survive which forbade the assessment and collection of the county taxes at the privileged settlements. As the majority of these estates lay in Fehér and Küküllő Counties, the addressees in most cases were the authorities of these two counties or the tax collectors being sent there, and in the case of the royal charters usually the voivodes and the vicevoivodes. For instance, the addressees of the mandate of Matthias dated to June 9, 1475 were the collectors of the one-florin tax of the Transylvanian parts, but primarily those of Fehér and Küküllő Counties, and the grantees were the Saxons of the Seven Seats and Two Seats ('Zwei Stühle'), the Barcaság (districtul Bârsei, Burzenland, *terra*), Brassó and Beszterce (both *civitates*), furthermore the abbeys of Kerc (Cârța/Kerz) and Egres, and the estates of the provostry of Szeben attached to the Saxons. The reason for this exemption was the obligation of the Saxons to pay a total of 10,000 gold florins, taking care of the division of this burden themselves.<sup>47</sup> The methods of taxation applicable to the estates attached to the Saxon seats became established relatively late. In 1473 the envoy of Beszterce to Szeben was informed that the county tax would be collected also from the (county) territories attached to the Seven Seats.<sup>48</sup>

The exemption of the settlements from taxation had to be provided with recurrent voivodal (sometimes royal) mandates addressed to the vicevoivode, counties, tax assessors, and tax collectors.<sup>49</sup>

47 Ub, 7:53 (DF 244998).

48 Hegyi, "Radna," 51. The document quoted here: "certe possessiones ipsis septem sedium Saxonibus annexas de novo et per regiam maiestatem donatas, que alias ad comitatus nobilium connumerare fuissent, dicari deberent et dicati sunt de facto" (Ub, 6:546). Cf. Ub, 7:135–36.

49 1434: Ub, 4:528 (DF 244749); 1469: Ub, 6: 394–95 (DF 245176); 1476: Ub, 7:104–5 (DF 245012); 1485: Ub, 7:399–400 (DF 245886); 1488: DF 245101–245102; 1491: DF 245385; 1492: DF 245153, cf. Neumann, "Királyi hatalom," 51–52; 1492: DF 245158; 1493: DL 36614; 1495: DF 245215 and 245217; 1495: DF 245417 (cf. DF 245418, quoted in Draskóczy, "Az erdélyi Szászföld," 5 fn 23); 1499: DF 245280 (privilege charter); 1504: DF 245617; 1508: DF 245663; 1509: DF 245679; 1511: DF 245708; 1513: DF 245722 and SJAN-SB, Urkunden, 5, no. 1235 (SB-F-00001-1-U5-1235); 1514: DF 245739 and 245741; 1515: SzapolyaiOkl, 360–61; 1543: SJAN-SB, Urkunden, 4, no. 416 (SB-F-00001-1-U4-416).



## The abbey of Egres, the provostry of Szeben, the lands confiscated from Miklós Salgói, and the estates of the abbey of Kerc

In 1416 King Sigismund (1387–1437) sent a mandate to Miklós Csáki, voivode of Transylvania (1402–1403, 1415–1426), to further allow the *hospites* living on the estates of the abbey of Egres called Monora, Csanád, Apátfalva (Holdvilág), and Sorostély (all in Fehér County) to join the ‘banderial’ army of the seven Saxon seats and to prevent the Transylvanian nobles from forcing them under their own banderia.<sup>50</sup> In 1416 the king, on the request of Imre, his special chaplain and abbot of the Cistercian abbey of Egres, forbade anyone from the occupation or collection of the incomes, the *census*, and the *collecta* of the same estates of the abbey after the abbot’s death as he put these lands under the protection of the Seven Seats.<sup>51</sup>

In 1424 King Sigismund donated the Saint Ladislav provostry to the town of Szeben, including its three estates (Nagyekemező, Kisekemező, Rűsz), and from the estates of Bolkács and Zsidve in Küküllő County, the sections that were confiscated from Miklós Salgói.<sup>52</sup>

The abbey of Kerc and its estates enjoyed the privileges of the Seven Seats in terms of jurisdiction, taxation, and soldiering already in the thirteenth century,<sup>53</sup> but in 1474 King Matthias once again donated the estates to the Holy Virgin Church<sup>54</sup> of Szeben.

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50 ZsOkl, 5: no. 1896. = Ub, 4:17–18. These four estates of the abbey of Egres had already been placed under the protection of the Saxons of Szeben by King Charles I in 1315 (CDTrans, 2: no. 228). The German and Hungarian names of Apátfalva refer to its ownership by the abbey of Egres. The later name of Apátfalva is Holdvilág (see e. g. 1491: DF 245385).

51 ZsOkl, 6: no. 969. = Ub, 4:53–56. From the confirmation of the charter dating to 1494 (DF 245208).

52 Temesváry, *Erdély püspökei*, 325–26; Müller, *Stühle und Distrikte*, 305. The donation charter: Ub, 4:217–220. = ZsOkl, 11: no. 972 (DF 244687).

53 In 1264 Duke Stephen exempted the abbey of Kerc and its estates from the *descensus* demanded by the voivode of Transylvania and the barons, and made possible for them to pay the taxes together with the Saxons of Szeben and conforming to the privileges of those (CDTrans, 1: no. 250). This privilege was confirmed by the forthcoming kings as well (CDTrans, 1: no. 316 and 577; 2: no. 49) and was even further extended in 1322 by King Charles I, who attached the abbey of Kerc and its estates to Szeben (CDTrans, 2: no. 420). See as well 1469: Ub, 6:394–95 (DF 245176).

54 Ub, 7:5–6, 7:138–39. For the estates—(Szász)apátfalva (Apoș/Abstdorf), Földvár (Feldioara/Marienburg), Glimboka (Glâmboc/Hühnerbach), Kercisóra (Oláhkerk/Cârțișoara), Kisdisznód (Cisnădioara/Michelsberg), Kolun (Colun/Kellen), Mese (Meșendorf/Meschendorf), Miklóstelke (Cloașterf/Klosdorf), (Szász)keresztúr (Criș/Deutsch-Kreuz)—see CDTrans, 2: no. 420; ZsOkl, 6: no. 1712. = Ub, 4:68; ZsOkl, 6: no. 1736. = Ub, 4:71; Müller, *Stühle und Distrikte*, 305; Hegyi Géza, *Erdély és a Szilágyság birtokviszonyai 1341-ben* [The estate structure of Transylvania and Szilagy region in 1341] (map, appendix to CDTrans, vol. 4).



## Péterfalva (Petis/Petersdorf) and Rovás

In 1486, King Matthias issued a mandate to the Transylvanian voivode and Fehér County in which he ordered that no tax (*taxa, collecta*) paid by the (serfs of the) nobility of the county shall be collected from the inhabitants of the Péterfalva and Rovás estates, as he attached these territories to the Saxon seats and exempted them from the authority of the Transylvanian voivode and the *comes* of Fehér County, as well as from soldiering (the two estates were earlier bequeathed by the widow of Péter Veresmarti to the Virgin Mary Church of Szeben).<sup>55</sup> In 1488, referring to a royal privilege (*exemptionalis*), vicevoivode István Telegdi forbade Fehér County from collecting the royal taxes or the courting money from the inhabitants of Rovás as the estate belongs to the Virgin Mary Church of Szeben.<sup>56</sup> However, even later on, there were noble holdings to be found at Rovás, where noble and voivodal jurisdiction remained.<sup>57</sup>

## Talmács (Tălmăciu/Talmesch)

The king had the right to remove a settlement from the jurisdiction of the county. In 1453 King Ladislas V (1440–1457)—actually János Hunyadi (1452–1455), who wielded power with the title of chief-captain (*supremus capitaneus regie maiestatis*)—detached from Fehér County the castles of Talmács and Latorvár (Lotrioara/Lauter), as well as Vöröstorony (Turnu Roșu/Rothenturm) and its related estate and donated these to the Seven Seats. He also extended the Seven Seats' right to the donated estates,<sup>58</sup> the donation being confirmed by Matthias in 1468.<sup>59</sup> Later this estate formed the basis of the Saxon sub-seat (Fíliastuhl) of Talmács.

55 Ub, 7:411–12 (DF 245073). In 1460, the two estates got into the possession of Péter Veresmarti, royal judge (*iudex regalis*) of Szeben as pledges (Ub, 6:75–76).

56 DF 245105.

57 DF 245090–245092.

58 Ub, 5:374–76, 5:384–85. Talmács, Latorvár, Vöröstorony, Kistalmács (Tălmăcel/Klein-Talmesch), Bojca (Boița), Plopy, Porcsesd (Porcești), *predium Crevczersfelth*, Oltalsósebes (Sebeșu de Jos/Unter-Schewisch), Oltfelsósebes (Sebeșu de Sus/Ober-Schewisch) (*utraque Sebes*).

59 Ub, 6:358.

## Rukkor (Rucăr/Ruckersdorf)

In 1453 King Ladislas V donated half of Rukkor, along with the estate of Talmács, to the Seven Seats,<sup>60</sup> but its fate was different than that of other estates because its other half was obtained by the Saxons only in 1486.<sup>61</sup> In 1488 Matthias banned the Transylvanian counties and the tax collectors there from assessing taxes on Rukkor, the tax of which had to be added to the *census* of the Saxons.<sup>62</sup>

## Fogaras and Omlás (Amnaş/Hamlesch)

The district (*districtus*) of Fogaras and the estate of Omlás came into the possession of the Seven Seats as a royal donation in 1469,<sup>63</sup> which then was confirmed by Matthias in 1472 and again in 1483.<sup>64</sup> In 1486 Fogaras came back into the hands of its previous owners, the Vingárti Gerébs.<sup>65</sup> The villages of the estate of Omlás later formed the Saxon sub-seat of Szelistye (Sălişte/Grossdorf). In 1485 the tax collectors of Fehér and Küküllő Counties had to be forbidden from collecting taxes from Omlás and Talmács (and other Saxon estates).<sup>66</sup>

## Felek (Feleacu) (estate of Kolozsvár)

In 1377 King Louis I gave the ‘sheep fiftieth’ (*quingagesima ovium*; this was a tax due to the king) of the Romanian serfs of Felek village to its owner, the town of Kolozsvár, and further forbade the tax collectors from the collection this tax.<sup>67</sup> In 1415 King Sigismund also guaranteed the town that the Romanian inhabitants of Felek shall not be obligated to turn in the sheep fiftieth and foodstuffs (*prandium*),<sup>68</sup> and in 1478 King Matthias issued a mandate to the Transylvanian tax collectors forbidding them to oblige the peasants of the two estates of Kolozsvár, Felek, and Fejérd (Feiurdeni; this latter was also donated

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60 Ub, 5:375.

61 Ub, 7:468–69.

62 DF 245103.

63 Ub, 6:436–37.

64 Ub, 6:532–33, 7:343.

65 Ub 6:195; DL 65135., Quoted, along with other data on the ownership of Fogaras, in Balogh, *Az erdélyi renaissance*, 227–28.

66 Ub, 7:399–400 (DF 245886), cf. Nussbächer, “Posesiunile oraşului Braşov,” 327.

67 DF 280997.

68 Ub, 3:642. = ZsOkl, 5: no. 58.

to the town by him) to pay the taxes collected in the province, as their taxes should be tallied with that of Kolozsvár.<sup>69</sup> In 1509 the palatine (1504–1519) and *regie maiestati locumtenens* Imre Perényi (1509–1510, 1510–1511, 1515) ordered the collectors of the *taxa* and the *contributio* of Transylvania not to count the serfs of Felek amongst those of the county, nor to collect their taxes.<sup>70</sup>

## The estates of Brassó

The estates of Brassó that lay in Fehér County were also exempted from the taxation of the county. In January 1496 King Vladislas II—in response to the complaints of the town of Brassó—ordered the tax assessors and tax collectors of Fehér County not to demand provisionment (*victualia*) from the estates of Tohán (Tohanu/Tohan), Zernyest (Zărnești), Újfalu (Barcaújfalu; Satu Nou/Neudorf), Sárkány (Șercaia/Schirkanyen), and Páró (Părau/Mikesdorf). This was because he donated them to the Corpus Christi altar of the parish church of Brassó for his salvation and in terms of taxation attached them to the town; therefore its inhabitants shall not pay taxes in the manner of the serfs of noble estates.<sup>71</sup>

Brassó received Töröcsvár (Bran/Törzburg) and its estate from King Vladislas II in 1498 as a pledge.<sup>72</sup> On July 24, 1500,<sup>73</sup> in terms of paying the *contributio* and *taxa*, and soldiering, King Vladislas classified the serfs and other inhabitants living on the estates of Brassó as Saxons, mandating that voivode Péter Szentgyörgyi, treasurer János Bornemissza (1500–1504), and the tax assessors shall tax them accordingly. From the estates mentioned in the privilege—Pürkerec (Purcăreni), Zajzon (Zizin), Tatrang (Tărlungeni), Szentmihály (Cernatu), Türkös (Turcheș/Türkesdorf), Bácsfalu (Baciu/Batschendorf), Krizba (Crizbav/Krebsbach), Apáca (Apața/Geist; estate complex of Töröcsvár), Sárkány, Mikefalva (= Páró),<sup>74</sup> Újfalu (holdings of the town), Zernyest, and Tohán (the latter two

69 Ub, 7:197. King Matthias donated half of the village Fejérd and the market-town (*oppidum*) Kolozs to Kolozsvár in 1470 (KvOkl 234–35).

70 DF 281010. = Pop et al., *Feleacul*, 78.

71 DF 247078. For the history of Sárkány and Páró, which were considered to be parts of Fogaras *district*, see Nussbächer, “Posesiunile orașului Brașov,” 326–33.

72 DF 247080. = Trauschenfels, *Zur Rechtslage*, 3–4, no. III. For the pledging of the estate of Töröcsvár to Brassó and its later history, see Nussbächer, “Contribuții,” 30–31.

73 DF 247090 = Trauschenfels, *Zur Rechtslage*, 6–7, no. V.

74 *Mikefalva* is the other name of Páró (Nussbächer, “Posesiunile orașului Brașov,” 326).

belonging to the Virgin Mary parish of Brassó)<sup>75</sup>—some were in Fehér County and accordingly were exempted from county taxation. On June 24, 1501 in response to the complaints of the magistrates of Brassó and the Barcaság district, King Vladislas II gave a mandate not only to the county authorities but also the *universitas* of the nobility of the Transylvanian parts that they shall not assess taxes on the town of Brassó and its estates in the Barcaság and the tax collectors should not demand the *taxa* and the *census*, because they would then be taxed twice; in the meantime he also ordered the voivode Péter Szentgyörgyi to protect the grantees.<sup>76</sup> In 1533, voivode István Báthory (1530–1534) explained in his answer sent to the authorities of the town Brassó that he had received their letter expounding on the privileges and exemptions of the town (namely, that Töröcsvár and its parts belonged to the church of Brassó and since the “holy kings” these had been exempted from the *contributio*, that is from the *taxa regia* and the *exercitatio*, or had been paying those together with the Saxons) and that he also received knowledge of the fact that not long before, when the Saxons paid two florins per capita as *subsidium*, Brassó refused to pay the tax, and as a result the inhabitants of Töröcsvár and its parts did not pay the tax at all, be it as Saxons or as nobles.<sup>77</sup>

### The district of Radna (Rodna) (estate of the town of Beszterce)

Not long after the decision of the diet of 1467, which declared that the castle estates of Radna, Omlás, and Fogaras cannot be given away, in the autumn of 1469 Matthias gave the district of Radna (*districtus Radna*) to the town of Beszterce. The Saxon lands also counted amongst the royal domains, so this did not mean the contempt of the 1467 decision, in the background of which the king’s wishes can be supposed anyway. In 1472 King Matthias—in answer to the complaints of the town of Beszterce—ordered the tax assessors and tax collectors not to tax the Romanians (*Vallachos*) living in the district of the valley of Radna (*in districtu Rodna Velgje*).<sup>78</sup>

<sup>75</sup> For the acquisition of Zernyest and Tohán, see Müller, *Stühle und Distrikte*, 306.

<sup>76</sup> DF 247093.

<sup>77</sup> SJAN-BV, Collection Schnell, 2, 102 (BV-F-00001-03-2-102).

<sup>78</sup> Hegyi, “Radna,” 50–51. Cf. Ub, 6:535.

## Volkány (estate of Segesvár)

Volkány was bestowed to Segesvár from Fehér County by King Matthias in 1487.<sup>79</sup> King Vladislas II confirmed it again in 1491,<sup>80</sup> and so did King John I (1526–1540) in 1531. In 1501, Péter Szentgyörgyi, the voivode of Transylvania—with reference to the royal donation that the mayor of Segesvár, Anthon Polnar, presented—ordered the incumbent counts, vicecounts, and tax collectors not to collect the royal *taxa* and the courting money in Volkány, the estate of the St. Nicholas Church of Segesvár; and also forbade the county to fine the people of Volkány, as had happened a couple of times in the past.<sup>81</sup> In 1521, when Louis II (1516–1526) confirmed the belonging of Volkány to Segesvár, he mandated the Fehér County authority and the *universitas* of its nobility to respect the extension of the rights of Segesvár.<sup>82</sup> In 1527 it was Péter Perényi, voivode of Transylvania (1526–1529), who ordered the Transylvanian county authorities and the tax collectors not to force the inhabitants of Volkány to pay in any way the taxes levied on the county, as that would constitute double taxation of the village.<sup>83</sup>

## Pócstelke (Păucea/Puschendorf; estate of Medgyes)

In 1508 Vladislas II exempted the serfs who lived at the part of Pócstelke that belonged to the St. Margaret Church of Medgyes from paying any ordinary or extraordinary royal tax (the estate of Pócstelke was bought for the church by the town),<sup>84</sup> and in 1514 he ordered Küküllő County not to collect any tax at all (*taxa*, *contributio* and *subsidiium*) in the estate part of Medgyes at Pócstelke.<sup>85</sup>

The above-listed exemptions (with the exception of Kolozsmonostor, and the its privileges later acquiring Pócstelke) are all recorded in the section of the 1494/1495 royal account book registering the exempted county territories (although it does not give details about the estates of Szeben). According to this

79 DF 278460 = Hurmuzaki, II/2:300. = Müller, “Die Schäßburger Bergkirche,” 342. Cf. DF 278462 and DL 13225.

80 DF 278462. = Müller, “Die Schäßburger Bergkirche,” 344–45.

81 DF 278466 (for its copy: DL 13225). = Müller, “Die Schäßburger Bergkirche,” 347–48.

82 DF 278467. = Müller, “Die Schäßburger Bergkirche,” 354–55.

83 Müller, “Die Schäßburger Bergkirche,” 355–56.

84 DL 29926, quoted in Csánki, *Magyarország történelmi földrajza*, 5:890–91.

85 The mandate of Vladislas II from December 19, 1514 to Küküllő County (transcribed in the charter of Ferdinand I dated to November 13, 1552), Archiv der Evangelischen Kirchengemeinde Mediasch, no. 120. I thank Adinel Dincă for drawing my attention to the charter.

source, amongst others, no tax was collected from Fogaras (the king forgave that to its previous landlord, Péter Geréb), from Radnavölgye, from the estates of Szeben, from “Csanád” (this meaning the Csanád, Monora, Apátfalva, and Sorostély estates of the abbey of Egres), and neither from the village of Felek, which belonged to Kolozsvár.<sup>86</sup>

### *Conclusions*

The direct state tax of the serfs, the chamber’s profit (the *lucrum camerae*), was collected from 1336 onwards also in Transylvania with other local taxes; however, King Louis I exempted the Transylvanians from paying these in 1366. So far we only have fifteenth-century data on the collection of the so-called courting money in the Transylvanian counties for the upkeep of the delegates sent by the Transylvanian nobles to the royal court. When in 1467 instead of the *lucrum camerae* King Matthias introduced the *tributum fisci regalis* and wanted to collect it in Transylvania, an uprising broke out. After its fast repression only the one-florin tax was collected with growing intensity. The collection of the taxes of the counties was supervised by the leading officeholder, the voivode (and his deputy, the vicevoivode). The settlements which belonged to any of the privileged towns (Kolozsvár, Beszterce, Brassó) or to the Saxon Seven Seats, or which received a privilege themselves, were exempted from the jurisdiction of the counties, did not pay the taxes collected by the counties, and did not take part in the banderial army of the counties.

The sources do not suggest whether the counties were divided into smaller units, such as districts, and if so what role these played in taxation.

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86 Engel, *Geschichte*, 1:39, 1:149. The account book does not mention Hunyad/Bánffyhunyard (Huedin) although—according to a document which was preserved only in a simple copy—in 1503 King Vladislas II gave mandate to the treasurer János Bornemissza, the royal tax collectors, and the authority of Kolozs County that no royal tax (*taxa* or *contributio*) shall be collected from the town of because of its role in the trade of Transylvania. DL 36850. This data should be considered as of doubtful authenticity until the emergence of the original charter.

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## Did Romanians Living on Church Estates in Medieval Transylvania Pay the Tithe?\*

Géza Hegyi

*Research Institute of the Transylvanian Museum Society*

*hegez@a@gmail.com*

The Romanians of Transylvania, who were followers predominantly of the Orthodox rite, did not pay tithe to the Western Church in the thirteenth and fourteenth centuries. However, again according to the secondary literature, beginning in the fifteenth century, two groups of Transylvanian Romanians were obliged to pay this tax: those living on church properties and those who had moved to settlements formerly inhabited by Catholics (referred to as “*terrae Christianorum*”). This study deals with the issue of the first group, analyzing the only source that would support the thesis in question, namely a letter of King Sigismund of Luxembourg (which in some editions was dated to 1398 and in others to 1425 or 1426). Although the facts described in the document would correspond to realities from 1426, the contradictory dates, the confusing language, and the absence of the original (the earliest manuscript copies of the text are from the eighteenth century) arouse suspicions. Even if we accept it as authentic, the phrase “*decima Volahorum*,” which is used in the letter, cannot be interpreted as an ordinary tithe, but only as a royal tax. Neither the late medieval registers of revenues of the Alba Iulia chapter nor the *urbaria* of the estates of the Transylvanian bishopric offer any evidence in support the thesis according to which Romanians who lived on church properties paid the tithe.

Keywords: Transylvania, tithe, Romanians, church property, source criticism

### *Introduction*

One of the most significant differences between Western (Catholic) and Eastern (Orthodox) Christianity in the Middle Ages was the paying of the tithe. While Catholics had to pay one tenth of their most important agricultural produce to the Church (or its value in currency), members of the Orthodox Church had no such obligation.<sup>1</sup> Given this difference, the study of the collection of the tithe in a region in which members of the two Churches lived side by side but in which the Catholic Church was nonetheless the religion of the state (and therefore also

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1 Schmid, “Byzantinisches Zehntwesen.” See also: Zimmermann, “Zehnt,” 496.

the more dominant religious institution) is of particular interest. The following question arises: how did this asymmetrical intercultural relationship affect the original exemption from paying the tithe among Orthodox communities?

In the eleventh, twelfth, and thirteenth centuries, the Western Church was compelled to confront this issue when relatively large groups of people who followed the Eastern rite came under its authority, first in southern Italy and then, as a consequence of the Crusades, in the Holy Land and Greece.<sup>2</sup> In these areas, which were denominationally mixed, the new landlords preferred to put Orthodox serfs on their estates (which sometimes earlier had been worked by Catholic serfs), from whom they could demand higher seigniorial taxes, since Orthodox serfs did not have to pay the tithe. Since this clearly led to reductions in the incomes of the Western Church, at the Fourth Council of the Lateran in 1215 the Church stipulated, in the 53<sup>rd</sup> canon, that estate owners collect the tithe from all tenants regardless of whether the serfs followed the Western or Eastern rite.<sup>3</sup> We know very little about how this measure was actually put into practice, but with the fall of the Latin states at the end of the thirteenth century, it became irrelevant anyway.

### *The History of the Research on the Subject*

The other region in which communities belonging to the two Churches (the Catholic and the Orthodox) lived intermixed was East Central Europe, or more precisely, Bosnia, Galicia, and Eastern Hungary (including Transylvania), where Catholic Hungarians, Székelys, and Saxons lived alongside comparatively large Orthodox Romanian, Serb, and Ruthenian communities under the jurisdiction and rule of the Hungarian kingdom, which was fundamentally Western in its cultural and religious orientation.

Hungarian and Romanian scholars and historians have studied the question of the relationship between the Romanian communities of this region and the paying of the tithe for a long time. Transylvanian historian József Kemény (1795–1855) did some of the fundamental groundwork on the subject,<sup>4</sup> drawing on the source work of József Benkő (1740–1814), Ignác Batthyány (1741–1798), and

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2 Richard, “The Establishment,” 45–46.

3 COD, 235. See Schabel and Tsougarakis, “Pope Innocent III.”

4 Kemény, “Bruchstück.”

Antal Szeredai (1740–1798), among others.<sup>5</sup> Greek Catholic historian Zenovie Pâclișanu (1886–1957)<sup>6</sup> and Orthodox theologian Ștefan Lupșa (1905–1964)<sup>7</sup> made Kemény's findings part of the Romanian historiography, often adding their own interpretations of the sources. In his monumental work on the burdens placed on the serfs of Transylvania in the sixteenth century, David Prodan (1902–1992) offers a relatively short but all the more thorough discussion of this question.<sup>8</sup> Historians Andor Csizmadia (1910–1985),<sup>9</sup> Ernst Wagner (1921–1996),<sup>10</sup> Adrian Andrei Rusu (1951–),<sup>11</sup> and Ioan-Aurel Pop (1955–)<sup>12</sup> only touch on the question of the “tithe paid by Romanians.” Viorel Achim (1961–), in contrast, has added considerably to our understanding of this question with numerous essays on the issue as it arose in Banat<sup>13</sup> and with the publication of several new sources.<sup>14</sup> Thus, today he is considered the expert on the subject.

The historians and writers named above are in almost complete consensus on the view that, in the thirteenth and fourteenth centuries, Orthodox Romanians did not pay the tithe.<sup>15</sup> If from time to time one finds references to Orthodox Romanians alongside the word “decima” in the sources, either this was a reference to a tithe paid to the Archbishop of Esztergom by the king from his incomes (including the fiftieth paid by Romanian-speaking subjects)<sup>16</sup> or the

5 [1398]: Benkő, *Milkovia*, 2: 321–23, see 320 (Kemény dates it [“Bruchstück,” 385] to 1425 or 1426); 1468: Szeredai, *Notitia*, 103–4; Batthyány, *Leges*, 3: 529–30; 1498: *ibid.*, 609; 1500: Szeredai, *Notitia*, 120 (fragment).

6 Pâclișanu, “Dișmele.”

7 Lupșa, *Catolicismul și românii*, 46–52.

8 Prodan, *Iobăgia*, 1: 53–57.

9 Csizmadia, “A tized Erdélyben,” 44–45.

10 Wagner, “Register des Zehnten,” 203, 219.

11 Rusu, “Sinodul de la Florența,” 97–98, 111.

12 Pop, *De manibus Vallacorum*, 398, 401–5.

13 A geographical and historical region most of which today lies in southwestern Romania and northeastern Serbia.

14 Achim, “Les Roumains;” *idem*, “Disputa din episcopia de Cenad;” *idem*, “Considerații;” *idem*, “Disputa din Caransebeș.”

15 Kemény, “Bruchstück,” 382–85 (see also 390–92); Pâclișanu, “Dișmele,” 456–57; Prodan, *Iobăgia*, 1: 53–54; Achim, “Les Roumains,” 11–13; *idem*, “Disputa din episcopia de Cenad,” 169–70, 172–73; *idem*, “Considerații,” 73–76; *idem*, “Disputa din Caransebeș,” 189–92. Only Lupșa, who approaches the question from the perspective of grievances, contends that even as early as the fourteenth century several attempts were made to compel the Romanians to pay the tithe (Lupșa, *Catolicismul și românii*, 47–50), but in support of this contention he either refers to sources which are falsifications or offers arbitrary interpretations of the documents on which he draws.

16 1262(?): CDTrans, 1: no. 235 (see no. 221); 1293: *ibid.*, no. 519.

Romanian community in question had converted to Catholicism<sup>17</sup> (although the Hungarian kings, in an effort to further religious conversion, strove to prevail on the pope to exempt these converts from paying the tithe).<sup>18</sup>

The situation began to change under King Sigismund, but the changes affected only some of the Romanian communities.<sup>19</sup> In Hungary more narrowly understood (i.e. not including Transylvania), with the exception of the efforts of a few prelates (in 1415 and 1469), Romanians remained exempt from the tithe.<sup>20</sup> In Transylvania, however, according to the consensus in the secondary literature, first Romanians living on the estates of the bishop and of the chapter were compelled to pay the tithe, followed by the Romanians who had settled on “Christian lands,” i.e. villages or plots which earlier had been inhabited by Catholics.<sup>21</sup>

### *An Analysis of the Charter of 1426*

In this article, I examine the first of these two cases, i.e. the case of Romanians who were living on estates owned by the Church and the question of whether or not they were obliged to pay the tithe. On the basis of the sources, I throw into question the consensus mentioned above in the secondary literature.

17 1358: CDTrans, 3: no. 985 (Szád [today Marosberkes/Birchiş] and its surroundings, in Arad County); 1377: DocRomHist C, 15: 281–93, 296–302 (Aranyosmeggyes [Medieşul Aurit] and its attached estates). See Pall, “Românii din părțile sătmărene,” 14–18, 24–26, 29–30. There is consensus in the Hungarian and Romanian secondary literature that Catholic proselytism met with only limited success among the Romanians. Only some of the Romanian elites of Karánsebes (Caransebeş) and Hátszeg (Haţeg) and their surroundings permanently converted to Catholicism. See Juhász, “Nyugati misszió,” 263–78; Rusu, “Sinodul de la Florența,” 117–27; Achim, “La féodalité roumaine,” idem, “Convertirea,” 85, 88–92, 93; idem, “Disputa din Caransebeş,” 187, 193, 198–200.

18 CDTrans, 2: no. 619; 3: no. 609–10.

19 Kemény, “Bruchstück,” 385; Păclişanu, “Dişmele,” 457–58; Achim, “Les Roumains,” 15, 16–17; idem, “Disputa din episcopia de Cenad,” 169–70; idem, “Considerații,” 77. According to another interpretation which is less persuasively grounded in the sources (Csizmadia, “A tized Erdélyben,” 44; Rusu, “Sinodul de la Florența,” 98), the obligation to pay the tithe only began to be placed on the Romanians of Transylvania in 1468 (permanently or temporarily), but it was placed on all Romanians, with no exceptions (see also Lupşa, *Catolicismul și românii*, 50–52).

20 Păclişanu, “Dişmele,” 457–58; Achim, “Les Roumains,” 5–8, 12–17; idem, “Disputa din episcopia de Cenad,” 170–73, 176–78; idem, “Disputa din Caransebeş,” 189–92.

21 Kemény, “Bruchstück,” 385–92; Păclişanu, “Dişmele,” 458, 460–61; Achim, “Les Roumains,” 11–12, 15, 16; idem, “Disputa din episcopia de Cenad,” 172–73, 175; idem, “Disputa din Caransebeş,” 189. Prodan disagrees. He contends that the decrees were never actually put into practice, and thus at the end of the Middle Ages the Romanians of Transylvania, like the Romanians of Hungary, did not pay the tithe (Prodan, *Iobăgia*, 1: 54–57).



Some historians have dated the start of this practice to 1398,<sup>22</sup> while others have dated it to 1425 or 1426.<sup>23</sup> When one examines the secondary literature more closely, however, one notes that in each case these conclusions are based on the same source, specifically a letter in which King Sigismund informed the Transylvanian nobility that, the request made by their delegates (Miklós Apafi of Almakerék [Malâncrav/Malmkrog] and László Gyerőfi of Szamosfalva [Someșeni]) notwithstanding, for the moment he would not oblige the Romanians living on the estates of bishops and other Church estates to pay the tithe (“decimam Volahorum episcopalium et ecclesiasticorum exigere distulimus”), since in order to maintain the bishops’ banderia<sup>24</sup> and in order for the chapter and other figures of the Church to be able to fulfill their obligations to the military, they would have to tax the Romanians on their estates (“episcopus banderium proprium, capitulum autem et alii viri ecclesiastici certas summas pecuniarum ratione exercitus solvere et propter illas expediendas eorum Volahos exactionari habent”). He did promise, however, to come to Transylvania once the military campaign that was underway at the time had come to an end and to reach a decision on this issue, after thorough negotiations, that would satisfy both parties. In a separate postscript he even exempted the noblemen without lords (“nobiles dominos ... non habentes,” i.e. a nobleman who was unwilling to serve as the *familiaris*<sup>25</sup> of another, wealthier lord) from military conscription (“ab ingressu presentis nostre exercitualis expeditionis duximus supportandos”).<sup>26</sup>

The different datings by different historians are explained by the fact that, in the clause of the document, at the date formula, the year according to the Christian Era is not indicated next to the place (Visegrád) and the day of the year (“vigilia festi Visitationis Virginis gloriose,” i.e. July 1). True, one should be able to determine the year in which the letter was written on the basis of the three regnal years of King Sigismund specified in the same place (“regnorum

22 Păclișanu, “Dișmele,” 457–58; Lupșa, *Catolicismul și românii*, 49.

23 Kemény, “Bruchstück,” 385; Achim, “Les Roumains,” 12.

24 Military units in medieval Hungary which were identified by the banner of the nobleman or high-ranking member of the clergy under which they fought.

25 The term refers to a relationship unique to the feudal society of medieval Hungary: the “*familiaris*” performed services for the lord usually for payment in cash or in kind, not for estates, and unlike in Western Europe, where the relationship between vassal and liege was usually life long, the “*familiaris*” could sever ties to his lord if it was in his perceived interests. See Engel, *Realm of St Stephen*, 126–28.

26 The various editions: with a date of 1398: Benkő, *Milkovia*, 2: 321–23; Kósa, *De publica*, 50–51; CDHung, 10/3: 213–14; Kemény, “Erdélynek,” 30–32; Moldovanu, “Contribuțiuni,” 172; Hurmuzaki, 1/2: 400; DocVal 504–5 (summary). With a date of 1426: Moldovanu, “Contribuțiuni,” 234; Hurmuzaki, 1/2: 538–39. Summaries of content with a date of 1425: CDHung, 10/8: 606; Hurmuzaki, 1/2: 533.



nostrorum anno Hungariae XI<sup>mo</sup>, Romanorum vero II<sup>do</sup>, Bohemiae VI<sup>to</sup>”), but these three dates contradict one another. His eleventh *annus regni* as King of Hungary refers to 1397<sup>27</sup> (and not 1398, as it was considered by some of the editors!), while his second regnal year as “Roman” (i.e. German) King refers to 1412, and his sixth *annus regni* as King of Bohemia to 1426.<sup>28</sup> It is possible that individual numbers were distorted when the text was copied or issued, and we could even presume how this distortion took place if we could assume that the Czech *annus regni* is accurate,<sup>29</sup> in other words that the letter was written on July 1, 1426.<sup>30</sup> In this case, the original text must have read “regnorum nostrorum anno Hungarie XL<sup>mo</sup>, Romanorum vero sedecimo,” and the Latin numerals could easily have been miscopied as “XI” and “secundo.”<sup>31</sup>

The simplest way of verifying the abovementioned emendation, clearly, would be simply to consider the original of the charter. We do not, however, have any such charter, and indeed to my knowledge there are no reliable transcriptions either, neither from the Middle Ages nor from the Early Modern Era. Most of the editions (more precisely, those dated to 1398) are based on József Benkő’s edition, but Benkő did not indicate the source he used. The editions dated to 1426 follow quite faithfully (servilely) one of the copies made by József Kemény sometime around 1840,<sup>32</sup> which refers to Count Ádám Székely’s (†1789) collection of manuscripts, which at the time was held in the

27 In some editions (Moldovanu, “Contribuțiuni,” 234; Hurmuzaki, 1/2: 539) the tenth Hungarian (1396) and fifteenth Roman (1425) regnal year figures in the clause (as an alternative), but clearly these dates do not agree either.

28 Sigismund was crowned King of Hungary on March 31, 1387, and King of Bohemia on July 28, 1420. He, however, considered his reign as King of Germany to have begun not with his coronation in Aachen on November 8, 1414, but rather with his election on September 20, 1410, although at the time only two of the electors voted for him, giving him a total of three votes, including his own, and so the election which was (re)held on July 21, 1411 should be considered valid (Hoensch, *Kaiser Sigismund*, 63, 148–57, 186–89, 293). For most of the period of his reign (1387–1401, 1409–1437), in contrast with standard practice in the Angevin period, dates were recorded using not the calendar year, but rather simply beginning from the day on which he had taken the throne (Engel, *Archontológia*, 1: 528–29, respectively 549–64, *passim*).

29 On the basis of the three royal titles and the date given for the day, it is quite clear that the letter should be dated to sometime between 1421 and 1432, since following his coronation as Holy Roman Emperor on May 31, 1433, Sigismund marked his title as emperor and the year of his rule in these kinds of decrees (see also CDHung, 10/8: 648, 649).

30 See ZsOkl, 1: 594 (between no. 5386 and 5387).

31 On the shifting use of Roman numerals and numbers written using letters in the same date formula see Házi, *Sopron*, 1/2: 220, 261, 269, 307; CDHung, 10/8: 648, 649, *stb*.

32 BAR-CJ, Ms. KJ 288/C, 3: 91–92.

library of the Calvinist college in Kolozsvár (Cluj-Napoca/Klausenburg).<sup>33</sup> The collection is currently held by the Cluj County Directorship of the Romanian National Archive, and one of the two volumes containing the text was indeed found in it, but the volume contained no reference to the source on which the text was based, so it offered no further clues.<sup>34</sup> Given the similarities in the ways in which the text was apparently miscopied, however, one can assume that this version and the Benkő edition are closely related and indeed were perhaps themselves based on the same flawed copy.

The text is found three more times in Kemény's collection of manuscript copies.<sup>35</sup> One of these versions is less interesting than the other two because it simply reproduces Benkő's version.<sup>36</sup> In the second, however, the regnal years which were reconstructed by me figured, and, according to this, it was dated to 1426, but Kemény later "corrected" the numbers, prompted by the works of Benkő and Kósa, and changed the year to 1398.<sup>37</sup> Thus, it is possible that Kemény was using the original document or, more probably, a better quality copy, a hypothesis which seems plausible in part because some of the names are written using forms that were historically accurate (e.g. Gerew and Wissegrad for Gyerő and Visegrád). The third version of the text, which has not yet been published, is even more interesting. It is found in the copy of the November 1, 1426 transcription made by the convent of Kolozsmonostor (Cluj-Mănăştur), a copy which includes a plethora of explanatory notes.<sup>38</sup> The original version of this transcription has not survived either, and again, Kemény has failed to indicate the source, but the use of medieval spellings for names and the almost

33 For a short history of the collection, see Jakó, "Forschung der Quellen," 71–72.

34 SJAN-CJ, Collection of the Calvinist college in Kolozsvár (Fond 890), no. 46, 235–36 (dated to 1426). The other copy, which is mentioned by Kemény (*ibid.*, no. 43, 93), is inaccessible at the moment. Since for the most part the Székely collection contains the text of charters dealing with the Apafi and Bethlen families (including the abovementioned source), it seems possible to me that these texts were copied from materials held today in the Erdélyi Fiscalis Levéltár Apafiana (i.e. the materials on the Apafi family in the Transylvanian Fiscalis Archive), which are part of the National Archives of Hungary. See also Trócsányi, *Erdélyi kormányhatóságai*, 545, 559–60.

35 Kemény, a famous collector of source materials, intended to publish a comprehensive corpus relating to the history of Transylvania. On his work see Jakó, "Forschung der Quellen," 74–76.

36 BAR-CJ, Ms. KJ 288/D, 4: no. 124.

37 "regnorum nostrorum annorum Hungariae ~~quadagesimo~~ <videlicet XI>, Romanorum ~~XVI~~ <vero II> et Bohemiae sexto" (BAR-CJ, Ms. KJ 288/C, 2: 307–9).

38 BAR-CJ, Ms. KJ 288/D, 5: no. 26.

correct date formula<sup>39</sup> suggest that this version is in all likelihood a relatively close variant of the original.

A summary of the letter, dated to 1425, was published by György Fejér, who refers to the Codex Széchényianus held in the Manuscript Collection of the National Széchényi Library as the source, though in all likelihood he never actually set eyes on this codex, since he repeats word for word the corresponding passages from the first catalogue of the collection, which offers ample summaries of the contents of the individual holdings.<sup>40</sup> Regrettably, the Codex Széchényianus, which once consisted of eleven tomes, cannot actually be identified among the holdings of the Széchényi Library at the moment, but I did manage, using the old catalogue, to find a version of the text in question dated to 1425 in a volume of copies made in 1792–1793.<sup>41</sup> A reference in this work led me to the valuable collection of Dániel Cornides,<sup>42</sup> but since this collection also failed to indicate the sources on which it was based, I again failed to find any version of the text dating back earlier than the second half of the eighteenth century, and thus also failed to come any closer to the hypothetical original.

It was necessary to go into detail concerning these texts and the issues surrounding them because the absence of the original and the decisive role played by Benkő and Kemény in bringing the charter into “circulation” casts a shadow of doubt on the source in question.<sup>43</sup> However, the manner in which the text has been passed on (down several branches, see Fig. 1) makes it seem highly unlikely that the charter is merely a fabrication cobbled together by erudite eighteenth-century source collectors (even if, given the confusion concerning the date of its composition, it is not free of all doubts). Of course, this alone hardly suffices to confirm its authenticity, and thus further study is necessary, more specifically, an examination of its contents.

39 “regnorum nostrorum anno Hungariae XXXIX, Romanorum vero XVI, Bohemiae VI” (ibid).

40 Miller, *Catalogus*, 1: 504. See CDHung, 10/8: 606.

41 OSzK, Fol. Lat. 1119, ff. 188<sup>r-v</sup>. Most of the volume was copied from Cornides’ collection, along with shorter sections from the works of Fejérvári, Pray, and Hevenesi.

42 MTAKt, Ms. TörtOkI 2<sup>o</sup>16: 288–89. (I was able to obtain a photographic copy of the text thanks to Sándor Előd Ősz and Klára Láng. I offer them my grateful thanks for their assistance.) Here, the dating of the charter is the following: “regnorum nostrorum annorum Hungariae X<sup>mo</sup>, Romanorum XVI<sup>o</sup> et Bohemiae sexto.” For a brief summary of the work and pursuits of Cornides and an assessment of his collection, see Jakó, “Forschung der Quellen,” 72–73.

43 Each of the two esteemed source collectors has been tied in the secondary literature to falsifications. On Benkő, see CDTrans, 1: no. 7, 148. On Kemény, see Mályusz, “Kemény József;” Rady, “Forgeries.”

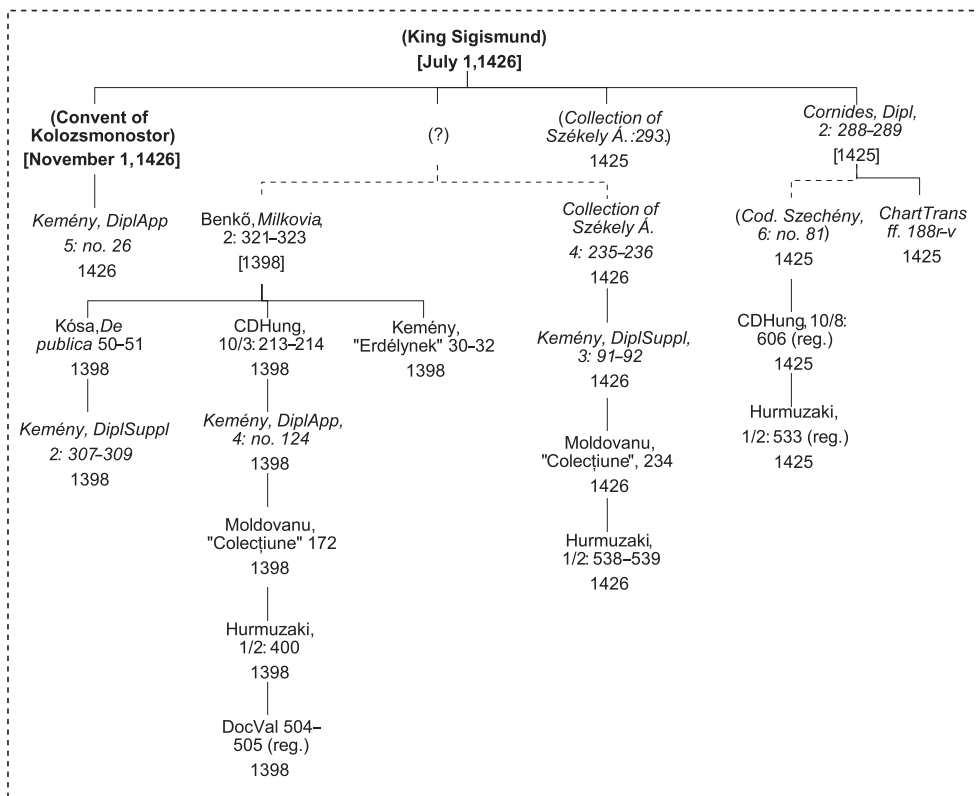


Figure 1. The textual filiation of the July 1, 1426 charter issued by King Sigismund. I used bold to indicate what was allegedly the medieval original and its transcriptions, *italics* to indicate manuscript copies made in the Modern Era, and parentheses to indicate textual “witnesses” which today are either lost or inaccessible.

The fact that the source seems to correspond, from the perspective of its genre, to the age in which (one assumes for the moment) it was composed can be cited as evidence of its authenticity. The first examples of comparable “closed letters” (*litterae clausae*) date to the 1420s, i.e. documents in which only the address written on the exterior indicates the person to whom the letter is addressed, and in the text of the letter only “fideles dilecti” is used as a form of address, but in the line in which the dates are written various years of reign are given (often without the date for the Christian era).<sup>44</sup> The various details mentioned in the text seem to correspond to the facts as we know them on the basis of other sources.

44 1422: DF 239437 = ZsOkl, 9: no. 120; Házi, *Sopron*, 1/2: 220, CDHung, 10/6: 480–81 = 555–56 (the latter was mistakenly dated to 1423); 1424: Házi, *Sopron*, 1/2: 261; 1425: *ibid.*, 269–70 (and the postscript); 1426: *ibid.*, 306–7; 1435: CDHung, 10/8: 648, 648–49. These were all sent to cities (Pozsony [Bratislava/Pressburg], Sopron [Ödenburg], Bártfa [Bardejov/Bartfeld]), which is why they have survived.

For instance, there is mention of Miklós Apafi between 1399 and 1446 in the sources and of László Gyerőfi between 1411 and 1430.<sup>45</sup> Sigismund was indeed in Visegrád in July of 1426, and he did indeed spend an extended period of time in Transylvania between November of 1426 and July of 1427, as he had promised to do.<sup>46</sup> The announcement of the coming war was also accurate, since on June 12, 1426 the king wrote a letter to Henry Beaufort, Bishop of Winchester, in which he indicated that he wanted to send three armies to the fields, in part to fight against the Hussites and in part to fight, under his leadership, against the Turks, who Dan II of Wallachia (1422–1431) had driven from his land at the end of May.<sup>47</sup> The military campaign was indeed launched in the summer or autumn of that year in accordance with these plans, with only the slight alteration that the royal army was led not by the king himself, but by Pippo Spano, Count of Temes (Timiș).<sup>48</sup>

The written materials which have survived from the period in question draw a distinction, too, between members of the petty nobility who served as “familiaris” and those without lords (“dominos non habentes”). According to King Sigismund’s decree of 1435 (his so-called fifth decree), the former had to join the army at their lords’ expense as part of their lords’ banderia, while the

45 Engel, *Genealógia*, Becsegergely nem 2. tábla: Apafi [Becsegergely kindred, second chart: family tree of the Apafi family], and also *ibid.*, Mikola rokonsága 2. tábla: Gyerőfi (szamosfalvi) [Mikola kindred, second chart: the family tree of the Gyerőfi (szamosfalva family)].

46 Engel and C. Tóth, *Itineraria*, 120–22.

47 Iorga, *Acte și fragmente*, 3: 80–81. Its regesta: RI, 11/2: no. 6667. See Pervain, “Lupta antiotomană,” 103–4; Cîmpeanu, “Dan al II-lea,” 62–63. I would like to thank András W. Kovács for the assistance he provided searching for and locating important works in the Romanian secondary literature.

48 The postponements of trials from early June to October 6 (DL 80042v, 89876, 80056, 80057) because one of the two parties entered the military campaign contain information on the destination, the enemy, the commander, and individual participants. The royal army was still in arms on September 5 and October 8, so the trials that had already been delayed were again postponed from October 6 to January 13, 1427 (DF 268668 = DocRomHist D, 1: 240–41, and DF 286463). Pippo Spano (Filippo Buondelmonti degli Scolari by his full name) was in Orsova/Orșova on September 8 (DL 87996), though we do not know whether he was still on his way to his destination or already returning. The timing of the military campaign can thus be interpreted in two different ways. Most scholars put it sometime in July and/or August (Pervain, “Lupta antiotomană,” 104–6; Engel, “Ozorai Pipo,” 266, 293 [note 133]), but others come to the conclusion that it took place in September and October (Cîmpeanu, “Dan al II-lea,” 63–64). The success of the campaign was short-lived, since by the end of the year the Turks had again managed to drive the prince, who supported the Hungarians, from the land (see also DocRomHist D, 1: 242–43, 247–48). Dan II’s place on the throne was only secured after two more interventions by King Sigismund (in March and April and then again in July of 1427). See also Pervain, “Lupta antiotomană,” 107–14; Engel and C. Tóth, *Itineraria*, 121–22. Cîmpeanu, “Dan al II-lea,” 65–70 only makes mention of the incursion which took place in the spring.

latter had to do so at their own expense, under the leadership of the count of the county (“eorum comes parochianus”).<sup>49</sup> It is quite clear that for the people who belonged to this second group, which was of little value on the battlefield anyway, the exemption in 1426 from having to participate in the military, which was a significant financial burden, came as a relief.

The language and tone of the source, however, are both problematic. While most of the words which seemed to me at first a bit unusual and more part of the Latin used in the Modern Era (for instance, words like *conspectum*, *facunde*, *gratitudo*, *subsistens*, and *involutus*) can actually be found in the charters of the time, the same cannot be said of the rare phrases built out of them (for instance “*ingratus apparere non debet*,” “*exigere distulimus*,” and “*causis rationabilibus subsistentibus*”).<sup>50</sup> In some places, the sentences are so complex that they are almost incomprehensible, and the text is heavy with interpositions and stylistic frill. This baroque phrasing, furthermore, is coupled with a remarkably restrained and diplomatic tone. The king almost seems to be making excuses for himself to the Transylvanian nobility (which would be odd indeed) for his refusal to compel Romanians living on Church properties to pay the tithe. If one compares this with the clear and simple phrasing and style of similar orders,<sup>51</sup> the difference is striking. Thus, while there are strong arguments in favor of considering the text authentic, given the absence of the original and the unusual stylistic features we would be wise to use the charter only with some qualifications and reservations.<sup>52</sup>

The question of authenticity, however, ultimately is of only secondary importance, since in my assessment we would not be able to use the document as a source in a discussion of the question of the Romanian-speaking communities and the Church tithe even if its authenticity were beyond any doubt. If we interpret the phrase “*decima Volahorum episcopatum*” as a reference to the tithe as it is generally understood, then why would the document present the notion of the ruler not collecting this “tithe” for a time as some kind of unusual favor or kindness, and why would the nobility of the province complain of releasing it (to the Church!)? Collecting the tithe, after all, was hardly possible without the assistance of the secular authorities (“*brachium seculare*”) and in particular the support of the king

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49 *Decreta 1301–1457*, 279–80 (paragraph 2).

50 I used the search software of the digital library on medieval Hungary ([www.mol.arcanum.hu/medieval](http://www.mol.arcanum.hu/medieval)).

51 See footnote 44.

52 Norbert C. Tóth, who has a thorough knowledge of all of the charters issued in Hungary in 1426 as the editor of the relevant volume of the corpus related to the Sigismund era, has unequivocally pronounced both Sigismund’s letter and the November 1, 1426 transcription falsifications (ZsOkl, 13: no. 804, 1270).

and the participation of the county authorities.<sup>53</sup> Nonetheless, in the Middle Ages it did not become an official state tax, since at least in principle the justification for the collection of the tithe was the notion that it was “Christ’s inheritance.”<sup>54</sup> In other words, it was the rightful property of the Church and the Church alone. Similarly, although the nobility often came into conflict with the higher clergy over the issue of the tithe, these conflicts never broke out over questions of principle, but rather over the practical matters concerning the tithing on the estates of the noblemen or over personal differences. In the question of how the bishop taxed his own serfs (with a tax, furthermore, that he was entitled, as a “religious right,” to collect from every member of the Catholic Church), laymen quite certainly had no say whatsoever.

One might propose as a solution to this dilemma the changing relationship between the state and the tithe, which was shifting because of the growing threat posed by the Ottoman Empire. Following defeat in the Battle of Nicopolis, at diet held in Temesvár (Timișoara/Temeschwar) in October 1397, Sigismund decreed, at the prompting of the barons and noblemen, that as long as the war with the “pagans” was still underway, every figure of the Church was obliged to surrender half of his income<sup>55</sup> for the defense of the border. Furthermore, according to Sigismund’s decree, estate owners were to turn over half of the tithe collected from their serfs directly to the individuals designated by the assembly.<sup>56</sup> This measure was still in effect in 1439 (since the threat posed by the Ottoman Empire had hardly vanished),<sup>57</sup> and according to some of the scholars this may well explain the king’s and the nobility’s interest in the question of the tithe in 1426.

An essay was recently published on the implementation of paragraph 63 of the 1397 law, and the conclusions reached in this essay make it easier to verify

53 See for instance 1397: *Decreta 1301–1457*, 173 (paragraph 66); 1411: *ibid.*, 233–34 (paragraph 6); 1538: Szeredai, *Notitia*, 159; 1553: *ibid.*, 174.

54 “decime viris ecclesiasticis debeant provenire” (1357: DocRomHist C, 11: 86); “patrimonium crucifixi” (1403: DF 287051; 1432: Ub, 4: 458, 492; 1435: *ibid.*, 563; 1486: DF 292085); “patrimonium Christi” (1468: DF 277565; 1498: DF 277631; 1500: DF 277657, 277662); “patrimonium ecclesie Christi” (1500: DF 277658); “patrimonium crucis Christi” (1500: DF 277653); “patrimonium episcopi” (1504: DF 277684).

55 Sometimes the papacy considered requiring the Transylvanian parish priests to pay half their incomes as an extraordinary contribution or tax, but Sigismund always blocked this. See also 1393: Ub, 3: 50–51; 1412: *ibid.*, 515–17, 547–49. This tax should not be confused with the annates, which clericals who had received an ecclesiastical benefice had to pay to the papal treasury. It also consisted, eventually, of half of the first year’s income of a benefice.

56 *Decreta 1301–1457*, 172 (paragraph 63).

57 Deér, “Zsigmond király,” 189; Engel, *Realm of St Stephen*, 227.



the above hypothesis.<sup>58</sup> Two of the findings are important from the perspective of the question at hand here. One of them is the observation that, when paying this wartime tax, the figures of the Church always turned over precisely the same sum<sup>59</sup> to the representatives of the king<sup>60</sup> or his treasurer (a sum which varied only depending on the individual institution in question). The exact amount was determined by those compelled to pay it in the course of negotiations with the king,<sup>61</sup> and it was not changed at the councils which were later held and announced every year (where the only question was whether or not someone would be given an exemption for the year in question).<sup>62</sup> Thus, this wartime tax can be considered a sort of “flat fee,” and it did not in fact depend on the actual income for a given year (the stipulation of the 1397 law notwithstanding).<sup>63</sup> Indeed, the state made no effort to determine the actual annual revenues of the churchmen or to seize its precise share of them.

Furthermore, as was determined in the aforementioned article, the misleading phrasing of some of the charters notwithstanding, the tax in question in fact was only paid by the members of the middle layer of the Church, i.e. the provosts and their chapters, the archdeacons, and some of the monastic orders (the Benedictines and the Premonstratensians), not the bishops. The bishops contributed to the defense of the country by keeping their banderia ready and armed (as indeed is indicated in the document allegedly from 1426 under examination here).<sup>64</sup> They were only able to do this, of course, by using their incomes as prelates, the vast majority of which came from the tithes collected from the serfs on their estates.<sup>65</sup> Thus, it would hardly have been in the interests of

58 C. Tóth et al., *Pozsonyi viszály*, 179–99, 412–16.

59 Ibid., 185–87 (table 8).

60 On these individuals see *ibid.*, 195–96.

61 Ibid., 193. See 1397: ZsOkI, 1: no. 5098, 5122; 1398: *ibid.*, no. 5559, 5617; 1399: *ibid.*, no. 5899.

62 C. Tóth et al., *Pozsonyi viszály*, 191–93, 414–15.

63 Ibid., 188, 193, 414.

64 Ibid., 197–98, 415–16. Towards the end of the period of King Sigismund's reign, the Transylvanian bishops had to keep 150 so-called “lances fournies” (between 450 and 600 armed men) at the ready. The banderia were used first and foremost in the troop movements towards Wallachia (1415/1417: *Decreta 1301–1457*, 398; 1432/1433: *ibid.*, 420).

65 1436: “Georgius episcopus dicte ecclesie Transsilvane ... pro defensione et conservatione partiumstrarum Transsilvanarum banderium suum sive gentes suas exercitiales in proximo contra rabidos insultus perfidorum Turcorum easdem partes nostras et ipsarum confinia devastantium levare et transmittere debet atque tenetur, proptereaque omnes redditus et proventus sui episcopatus ante tempus limitatum sibi necessario debet administrari” (Ub, 4: 600–1). In time, a view gained widespread acceptance according to which the bishops had the right to collect the tithe because of their obligation to defend the homeland: 1500: [decime] “pro defensione regni ordinati sunt” (DF 277658, 277653); 1504: [Nicolaus de



the state to have attempted to put these incomes under its direct administration (furthermore, it would have been a violation of canon law). This could only be done when a seat was left empty. When a bishop died, Sigismund often left his diocese under the control of a secular “governor,” and the tithes that were collected from the estates were used to strengthen defenses in the southern borders.<sup>66</sup> This practice, however, cannot have been the solution adopted in the case of the situation described in the July 1, 1426 document, since Balázs Csanádi (1424–1427) was serving as Bishop of Transylvania at the time.<sup>67</sup>

Thus, in my view, the phrase “decima Volahorum,” if indeed existed at all, did not mean the “normal” Church tithe. Rather, it must have been some kind of royal tax which Romanians, specifically, were obliged to pay to the royal treasury. One could mention, as a comparable example, the charter of 1293, in which King Andrew III of Hungary exempted the 60 Romanian families who were going to be settled on the estates of Fülesd (Feneş) and Enyed (Aiud) of the Transylvanian chapter from payment of the so-called fiftieth (“quingagesima ovium”)<sup>68</sup> and the tithe (“decima”). The text is very precise in this case and specifies that this latter is a royal tax too, not a Church tithe.<sup>69</sup> Prodan interprets the mention of a tax in both the 1293 document and the 1426 document as a synonym for the fiftieth.<sup>70</sup> This interpretation is interesting in part because sources indicate that Sigismund collected the fiftieth from the Romanians of the Transylvanian chapter, neglecting its aforementioned exemption. This happened because the king allegedly bore a grudge against the Transylvanian elite, perhaps because of its mass participation in the uprising of 1403. The chapter only regained its right to keep the “quingagesima” from Regent János Hunyadi in

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Bochka episcopus ecclesie Transsilvanensis] “gentes suas, quas pro patrie illius defensione continue alere tenetur, ex proventibus huiusmodi decimalibus servare ... habet” (DF 277684).

66 Engel, *Realm of St Stephen*, 227; C. Tóth, “A főpapi székek betöltése,” 112–14.

67 Engel, *Archontológia*, 1: 70.

68 This term refers to a tax which was levied in Serbia, Hungary, and Transylvania in the thirteenth–sixteenth centuries on pastoral Romanians who had to give a sheep or a lamb for every fifty sheep or goats.

69 “ab omni exactione seu collecta regali scilicet quingagesima, decima vel quacumque alia iidem Olaci extorres habeantur, penitus et immunes”; “nullus collector seu executor regalis decime seu quingagesime vel collectarum quemlibet pro tempore constitutus Olacos ipsius capituli ... audeat molestare, nec quingagesimam, decimam seu exactionem aliam quamlibet exigere presumat ab eisdem” (Ub, 1: 195–196). See also CDTrans, 1: no. 342, 519–20.

70 In 1374, the Romanian serfs of the Várad [Oradea/Grosswardein] chapter also paid one-tenth of their sheep as a “fiftieth” tax (DocRomHist C, 14: 700). See also Prodan, *Iobăgia*, 1: 53, 54–55. Prodan (ibid., 53) also considers it possible that the 1293 “decima” refers to a swine or bee tithe, which in the Late Middle Ages were among the feudal taxes that were paid by Romanians (i.e. among the taxes which were not specific to religious belonging). Ibid., 67.

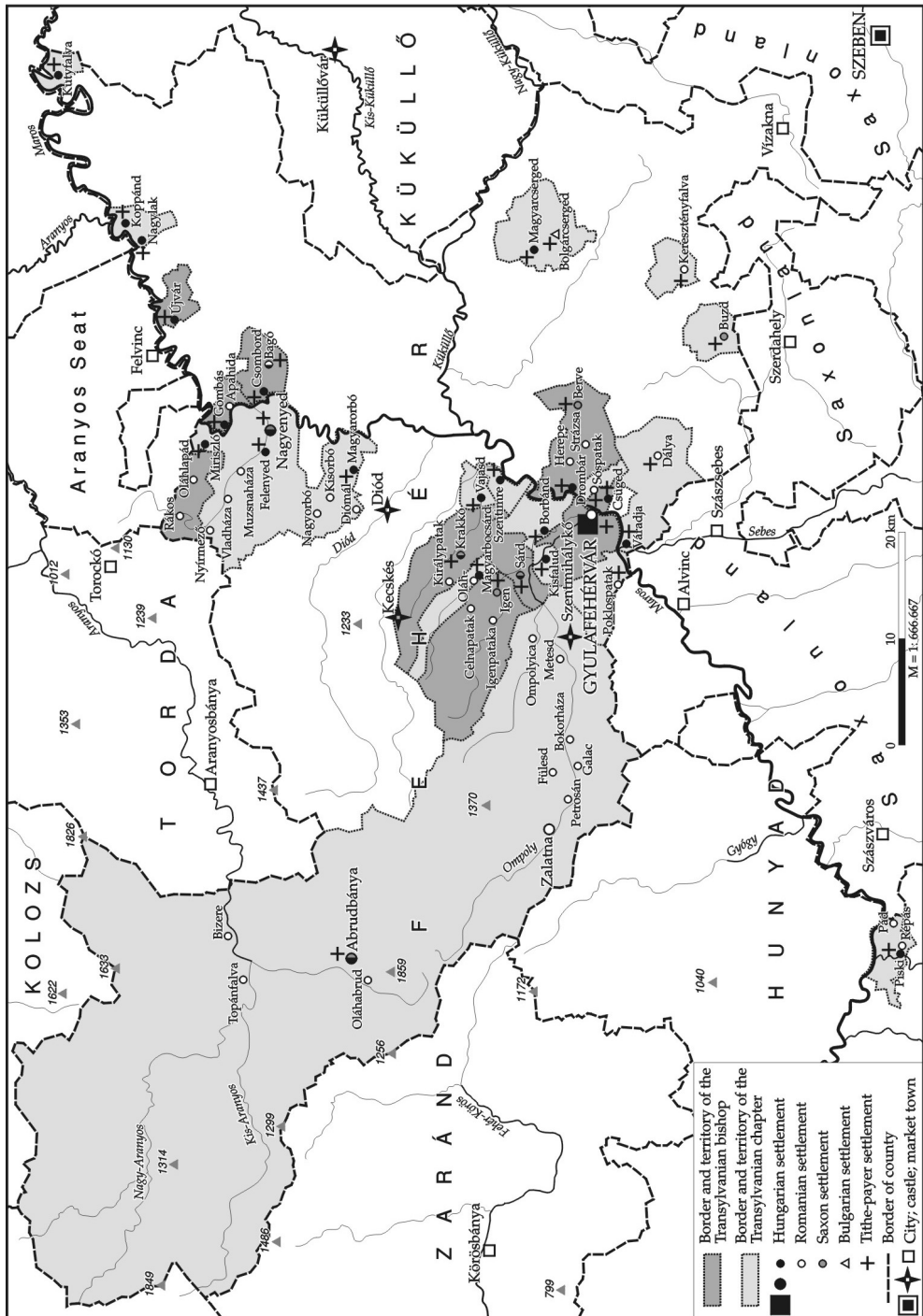
1446.<sup>71</sup> In this context, it is easier to understand why the nobility of the province protested in 1426 against the favors granted to the Church landlords regarding the collection of the “Romanian tithe” (i.e. the fiftieth). The goal of the king, however, is quite clear from the text: with the exemption, he sought to strengthen military potential of the Church.

### *Evidence Found in Economic Documents from the Late Middle Ages*

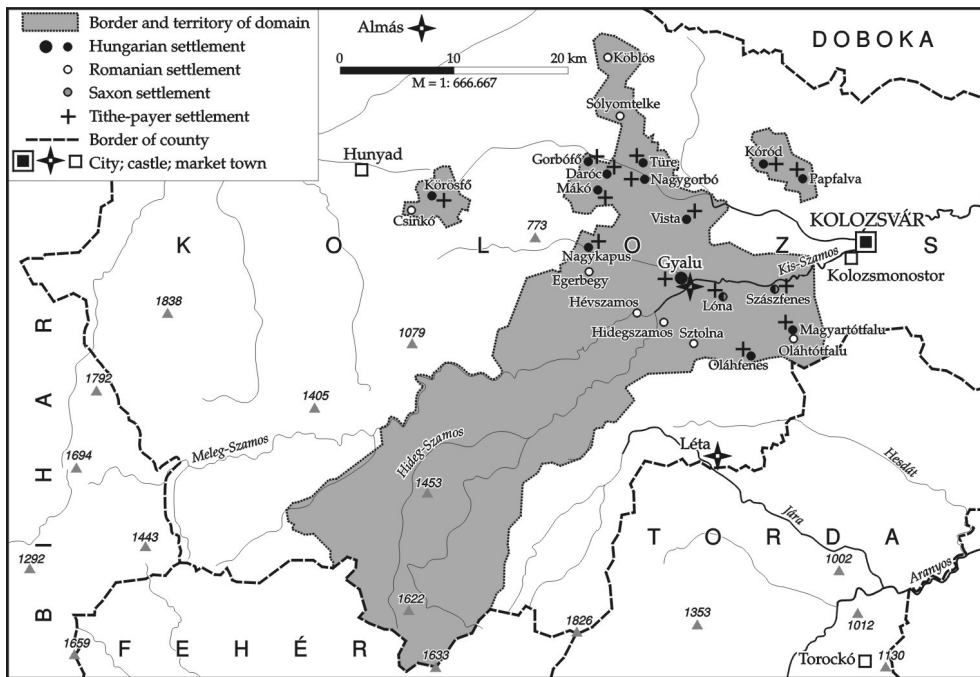
Thus, the letter from 1426 does not suffice to prove that the Romanians living on Church estates in Transylvania were compelled to pay the (Church) tithe. Apart from this document, there are no other sources which one could cite in support of this contention. The lists and registries which were drawn up in the Late Middle Ages, furthermore, clearly reveal this notion to be false. In the records concerning the incomes of the Transylvanian chapter in 1477, 1496, and 1504, villages which paid their taxes in sheep (i.e. the villages with Romanian populations) are clearly distinguished from the settlements which paid the Church tithe, i.e. paid the tithe in grain and wine.<sup>72</sup> Even if it were possible, in principle,

71 On the exemptions enjoyed by the estates owned by the chapter: 1293: Ub, 1: 195–96, see 1331: CDTrans, 2: no. 708. On the measures taken by Sigismund which trampled these privileges underfoot and on the restoration which took place under János Hunyadi: 1446: DL 31142 (see also 1446: DL 277507; 1453: DF 277531; 1458: DF 277538–277539). The sources contain no similar data concerning the estates of the Transylvanian bishops, but they may have obtained exemptions, since they are not mentioned in the 1461 registry of the fiftieth (DL 25989. Pâclișanu, “Un registru”).

72 The serfs of the following settlements paid the fiftieth: Fülesd, Zalatna (Zlatna), Ompolyica (Ampoița), Metesd (Metes), Bokorháza (Presaca Ampoiului), Muzsnaháza (Măgina), Nagyorbó (Gârbova de Sus), Kisorbó (Gârbovița), Oláhbozsárd (Bucerdea Română), Diómál (Geomal), Banya (unidentified), Pád (Spinî), Répás (Râpaș) (1496: Barabás, “Tizedlajstromok,” 436). Alongside explicit data (CDTrans, 1: no. 519; 3: no. 335, 498; DF 275267), the designation “Olah-/Wolah” (DF 277596, 275410, 277694, DL 36354) indicates that these communities were Romanian, as does the mention of the local ruler called “kenezus” (CDTrans, 2: no. 550, DL 30962) and the tax “sheep fiftieth” (Pâclișanu, “Un registru,” 597), both of them being characteristic exclusively of Romanian communities. Grain and wine tithes were paid by the serfs living on the chapter estates of the following settlements: Kutyfalva (Cuci), Felenyed (Aiudu de Sus), Nagyenyed (Aiud/Engeten), Magyarorbó (Gârbova de Jos), Bocsárd (Bucerdea Vinosă), Vajasd (Oieidea), Borbánd (Bărbant), Kiszfalud (Micești), Gyulafehérvár (Alba Iulia/Weissenburg), Poklospatak (Pâclișa), Sospatak (Șeușa), Dálya (Daia Română/Dallendorf), Magyarcserged (Cergău Mare), Bolgárcserged (Cergău Mic/Kleinschergied), Kereztyenfalva (today Székásgyepű [Presaca], see Ub, 4: 450–51), Buzd (Boz/Bussd) (1477: Barabás, “Tizedlajstromok,” 417; 1496: *ibid.*, 421–22, 428–29; 1504: DF 277689, ff. 2v–3r, 7v–8r). The presence of a Catholic priest (CDTrans, 2: no. 549, 1041, 1059, 1075–1079; 3: no. 217–18; Ub, 3: 338, 369; KmJkv, 1: no. 112–13, 1099, 1403, 1514.; DF 277525; DL 31026, etc.) and the designations “Magyar” or “Zaz” (DF 277596, 277694, DL 28865, 36354) indicate that these settlements had Hungarian or Saxon populations. See also Map 1.



Map 1. Taxation and ethnicity in the estates around Gyulafehérvár of the Transylvanian chapter and bishop  
(Map drawn by Béla Nagy)



Map 2. Taxation and ethnicity in the domain of Gyalu of the Transylvanian bishop  
(Map drawn by Béla Nagy)

that some of the latter settlements had Romanian populations (too),<sup>73</sup> it is still clearly obvious that the vast majority of Romanian villages were not obliged to pay the tithe. The urbarium which was drawn up sometime around 1552 for the estates of the Transylvania bishopric does not indicate which settlements were obliged to pay the tithe and which were not, but the villages which are identified as Romanian (“Walacalis”) or under the stewardship of a so-called “kenezeus” (head of a local Romanian community)<sup>74</sup> do not figure in the 1587–1589 tithe-lease registry listing the settlements of the seven Transylvanian counties which paid the tithe.<sup>75</sup>

73 Kerezytenfalwa is mentioned in the fiftieth registry for 1461 too (Pâclișanu, “Un registru,” 600). By the end of the Middle Ages, people with Romanian names lived in Sósptak, Dálya, and Poklospataka (cca 1470: DL 36312, pag. 3; 1496: Barabás, “Tizedlajstromok,” 430–32).

74 The urbarium includes six Romanian villages without names, in the area around Krakkó (Cricău/Krakau), Igen (Ighiu/Krapundorf), and Sárd (Șard), which were part of the estate of Gyulafehérvár. In addition to these settlements, Óregyház (Straja), Herepe (Hârpria), Rákos (Rachiș), Oláhlápád (Lopadea Veche), and Apahida (Păgida) can also be considered Romanian settlements, as could Tótfalu (Tăuți), Sztolna (Stolna), Hidegszamos (Someșu Rece), Hévszamos (Someșu Cald), Egerbegy (Agârbiciu), Solyomtelke (Cornești), Köblös (Cubleșu), and Csinkó (a settlement which has since disappeared), which were part of the estate of Gyalu (Gilău). They all paid the fiftieth (Jakó, “Az erdélyi püspökség,” 108–11, 114–15). See also Map 1–2.

75 Jakó, *Adatok*, 20–75, 20–25, 52–61.

## *Conclusions*

As this discussion has shown, there is no real evidence in the sources in support of the contention according to which the Romanians living on Church estates in Transylvania were in a disadvantageous position, from the perspective of an obligation to pay the tithe, in comparison with the serfs living on royal or noble estates (through this contention which has gained widespread acceptance in the secondary literature and is often repeated as something of a cliché).<sup>76</sup> In fact, the same principle applied to all of them in the Late Middle Ages: they could only be compelled to pay the tithe if they had settled on so-called “Christian lands” (i.e. in settlements which earlier had been inhabited by Catholics). At most one could suggest that in their implementation of this principle the bishop and the chapter were more consistent when dealing with their own estates than when dealing with the estate of others. This question, however, will have to await further study.

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Diplomatikai Levéltár [Diplomatic Archive] (DL)

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76 This is inconceivable if for no other reason than simply because this additional burden would have constituted clear disadvantages for the owners of Church estates and would have prompted their Romanian serfs to leave en masse. One notices that the historians who have espoused this notion limit it Transylvania proper. Achim, for instance, contends that Romanians living on the estates of the bishopric and chapter of Várad, which lies outside the historical region of Transylvania, did not pay the tithe (Achim, “Convertirea din zona Beiușului,” 90).

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## The Organization of the Central Court of Justice in Transylvania in the Second Half of the Sixteenth Century

Zsolt Bogdándi

*Research Institute of the Transylvanian Museum Society*

*zsbogdandi@yahoo.com*

This study analyzes the organization of the independent Transylvanian central court of law, the so-called Royal/Voivodal/Princely Table (*Tabula*) and its court of appeal, the court of personal presence (*personalis presentia*), in light of the modest secondary literature, the dietary decisions, and archival sources. We offer a sketch of the organization of the Hungarian royal and Transylvanian voivodal court of law in order to present the model on which the central court system was established in the period of the Principality. We also present the characteristics of the functioning of the central court that can be attributed to the special features of Transylvanian society and the newly emerging state.

Keywords: Principality of Transylvania, Age of Principality, umpirage, courts of law, Princely Table

### *Introduction*

It is probably a commonplace by now that the political history of the new state that emerged in the eastern part of the Kingdom of Hungary, which was splitting up in the aftermath of the battle of Mohács (1526), is much better known than the economic, social, cultural, or legal history of this region. Uncommon topics, such as the organization and the functioning of the central judicial system of Early Modern Transylvania, have basically escaped the attention of historians, and thus the secondary literature on them is relatively poor.<sup>1</sup> This is surprising, given that many of the sources (and in the case of family archives the clear majority) were produced in the course of court cases and thus primarily are documents which concern and reflect the functioning of the judicial branch.

This study presents the structure of the Transylvanian princely high court and its court of appeal, the court of personal presence, in the second half of the sixteenth century. We chose this period as the focus of our investigation

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1 Oborni, “Zoltay János,” 141–62; Bogdándi, “Az erdélyi központi bíraskodás,” 117–39; Dáné, “Minden birodalmak,” 50–56; Trócsányi, *Törvényalkotás*, 237–68.

as these were the decades during which the basic offices of the independent Transylvanian state, such as the autonomous courts of law, came into existence. These offices functioned according essentially to the same principles for the next ca. 150 years. We do address the so-called Princely Table in order to avoid confusion, as during the reigns of king elect János II Szapolyai (1556–1571) (also known as János Zsigmond) in Transylvania and in the counties of the Hungarian Kingdom that were attached to it (called the *Partium*<sup>2</sup>) royal high court and under the reign of the Báthorys (1571–1602), which lasted almost until the end of the period investigated here, a voivodal high court was functioning, though with a structure and jurisdiction that was somewhat different from the medieval royal and voivodal seat.

It is important to clarify the names that were used to denote the central court of the political entity in the given period. In the diplomatic sources, i.e. the summonses (*evocationes*) and the reports (*relationes*), the “court” (*curia*) is the most frequent term used. This term clearly referred to the Princely Table.<sup>3</sup> From the plentiful examples that illustrate the identical meaning of the two terms, let us just refer to a few: in his mandate dated November 3, 1585, Zsigmond Báthory (voivode/prince of Transylvania with interruptions between 1585–1602), ordered nobles to send István Keresztúri to the high court (“*coram nobis in curia nostra*”) for the eighth day (*octava*) to stand trial for the acts of might of which he was accused.<sup>4</sup> In the report of the bailiffs of the voivode, which is dated two days later and written in Hungarian, they referred to the court of law in the native Hungarian form: the suspects are called to appear at his Table (“*táblájára*”) and his court (“*udvarába*”) to give an explanation of their deed.<sup>5</sup> *Curia*/Court/Table consequently were all used to denote the high court of the ruler. Most of the mandates of judges were issued in the name of the ruler. Cases in which the prosecutors referred to a mandate of the institutionalized high court, such as when in 1572 court scribes Dániel Vadaí and Gábor Bósházi summoned someone on the mandate of the court of the ruler (“*ex commissione sedis judicariae spectabilis magnificentiae vestrae*”), were rare.<sup>6</sup>

2 This term refers to the eastern territories of the Hungarian Kingdom that joined the estates of Transylvania and formed the Principality under Ottoman suzerainty.

3 On the close association between the *curia* as a court of law and the royal court, see: Kubinyi, “A királyi udvar,” 16–17.

4 MNL OL, GyKOLt, Cista comit. (F4), Cista Dobocensis, fasc. 4., no. 48.

5 Ibid., for further Hungarian-language examples of the usage of the term *tábla*, see: Szabó T. et al., *Erdélyi Magyar Szótörténeti Tár*, 12: 781–82.

6 SJAN-CJ, Arch. Bánffy (Fond 320), no. 59.

For those interested in the judicial system of Early Modern Transylvania, the scope of the sources on which one can touch when analyzing the characteristics of a certain period is limited. The decrees of the Transylvanian and Hungarian diets contain many measures on the central jurisdiction, but these measures formed only a framework, and sometimes it is rather unclear how the different acts, which in many cases simply reasserted previous regulations, were implemented. In order to understand the functioning of the so-called high (curial) courts, it is therefore necessary to study the documents they issued and the formulary books they composed. This is particularly true, given that the archive of the high court did not survive. In the period studied, of course, one cannot talk about an institutionalized archive of the Princely Table. The relevant documents were kept in the lodgments of the protonotaries (*protonotarii*), and after their deaths, these documents were inherited by their successors.<sup>7</sup> It is possible that fragments of the “archives” of the protonotaries survived the upheavals of the age of the Principality and were incorporated into the Archive of the Transylvanian Royal Table (*Tabula regia iudiciaria Transylvaniae*), which was established at the beginning of the eighteenth century, and were only destroyed during the siege of Budapest in 1945. It is also not clear whether in the sixteenth century some kind of minutes (*registrum*) were kept during the functioning of the high court<sup>8</sup> or the follow-up of a lawsuit was limited to the notes made by the protonotaries at the back of the mandates (*mandatum*) and sentences (*litterae iudiciariae*). Nor has any register survived of the distribution of letters of fines (*litterae iudiciales*) or the order of taking up (*levata*) and adjudicating the cases.

### *Antecedents: The Royal Curia and the Court of Law of the Voivode of Transylvania*<sup>9</sup>

The structure of the medieval royal courts of law is well known, and their close association with the king’s court is well reflected by its name, “curia.” Since the legislative reform of King Matthias (1458–1490), three “major judges” were in

7 Bogdándi, “Az erdélyi ítélőmesterek,” 144.

8 The first reference to a list of the lawsuits that were heard at the court is from February 1676. It was made in the course of a court session which was held in Segesvár (Sighișoara/Schässburg): *In nomine domini. Series causarum levatarum in anno 1676 in civitate Segesvar pro dominis regnicolis, magistro S. [?] ac domino Stephano Sarpataki existente celebratarum*. Copy in the volume *Promptuarium stylosum patvaristicorum*, compiled in 1703. BCU, Ms. 309., f. 12–23.

9 From the secondary literature on the royal courts, we build on the following works: Hajnik, *Bíróvági szervezet*, 31–58; Bónis, *Magyar jogtörténet*, 72–75; Bónis, *A jogtudó értelmiség*, 245–65; Eckhart, *Magyar*



position: the judge royal, (*index curiae regiae*), the count palatine, and the royal personal presence (*personalis presentia regia*).<sup>10</sup> The royal court of law in Buda consisted of these chairs, the leading chair of which usually was the judge (*személynök*). By issuing summons with short deadlines (fifteen and thirty-two days), the royal court transformed itself into a permanent court of law.<sup>11</sup> This permanence, however, is relative, as towards the end of the Middle Ages more and more cases to be continuously heard were postponed to a certain court period.<sup>12</sup> These periods were more or less regularly held on the *octava* of the main feast days, such as on that of the *octava* of St. George, the *octava* of St. Michael, Epiphany, and the *octava* of St. Jacob.<sup>13</sup> After the establishment of the Table, the court of the personal presence of the king did not cease to exist. In certain cases (in matters of knightly honor, major acts of might, and guardianships), the King acted as *propria in persona*. In matters of perfidy, the person was summoned to appear in front of the king, but the judgments were declared by the whole diet and the letters of sentence were issued in the name of the prelates, barons present, and the whole nobility. In the royal high court, a special chair was kept for the king, who sometimes occupied it. Apart from him, the members of this court were the ordinary judges, their deputies and protonotaries, the assessors, and a scribe for each protonotary. In preparing and deciding on the cases, as well as in general throughout the whole lawsuit, in most cases the protonotaries, who were the representatives with legal expertise, were the most important persons. With the establishment of the Royal Table the jurisdiction of the royal council also did not cease to exist. The king and the members of his council (prelates and barons) held court if one of the parties was not satisfied with the decision made at the high court and held the case in the personal presence of the king.<sup>14</sup> On these occasions, the major judges, the protonotaries, and the assessors had the right to attend but were entitled neither to speak nor to vote. The case under appeal was presented by the judge under whose presidency the former decision had been made, and this decision was then either approved or changed.

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*alkotmány- és jogtörténet*, 140–46; From the recent international literature of the topic, see: Rady, *Customary Law in Hungary*.

10 This was the main royal court of justice, which issued sentences under the king's judicial seal. Its ruler was the *locumtenens personalis presentiae* or later, simply *personalis* ("személynök").

11 Bónis, *Magyar jogtörténet*, 73–74; Béli, *Magyar jogtörténet*, 94–96.

12 Hajnik, *Bírósági szervezet*, 212–13.

13 Ibid., 210–11; Béli, *Magyar jogtörténet*, 94.

14 On the court of the royal personal presence, see: Hajnik, *A király bírósági személyes jelenléte*, Bónis, *A jogtudó értelmiség*, 134–48, 245–65, 333–54.

In Transylvania, the voivodal court, following the pattern of the royal high court, was usually held in fixed locations connected to the Church feasts.<sup>15</sup> The court periods were usually held first in Szentimre (Sântimbru) and Torda (Turda/Thorenburg) and later in Székelyvásárhely (Marosvásárhely, Târgu Mureş/Neumarkt), and from the end of the fifteenth century onwards more or less consistently in Kolozsvár (Cluj-Napoca/Klausenburg). In the early period, the dates of the courts changed frequently. From the fifteenth century onwards, usually four *octavas* were held, the *octava* after Epiphany, the *octava* of St. George, the birth of St. John the Baptist, and the *octava* of St. Michael. The holding of the sessions was later regulated with some minor modifications by the 1486 decree of King Matthias and in a decree of Wladislas II (1490–1516).<sup>16</sup>

### *The Foundation of the Princely Table*

From the perspective of its foundations, the political entity that gradually came into existence in the eastern part of the Kingdom of Hungary following the fall of Buda (1541) could build on the juridical system sketched above. After the period between 1541 and 1556, which can be considered more as a period of orientation, the formation of the independent state of Transylvania took place after the end of 1556, during the period of Queen Isabella (1541–1559) and after the return of King elect János II Szapolyai. The decisions made in Kolozsvár at this time reflected the preparations for independent statehood. They ordered the election of judges, protonotaries, assessors, and a legal director (*director causarum*) on the condition that they could not claim a share of the income of the court of law, but they would be paid by the queen and her son based on an individual agreement.<sup>17</sup> Despite the early statutes, the central juridical system did not come into existence immediately, and in the early stages its functioning was not undisturbed. The initial disorder is reflected in the archival sources, and it is also indicated by the lack of charters. There are no surviving documents from the first two court sessions, which decided on the “*de iure*” foundation of the high court at the end of 1556, even if theoretically they should have been exceptionally long. One year later, Queen Isabella, in a charter she issued in the market town of Torda on July 2, 1557, mentioned a court session to which the diet, which was also held in Torda beginning on June 1, postponed every lawsuit

15 Janits, *Az erdélyi vajdák*, 32–35.

16 Ibid., 34.

17 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 58.

of all the three Transylvanian nations.<sup>18</sup> The document, in reference to the decrees of the 1556 diet of Kolozsvár, approved almost verbatim the previous judgment of the voivodes of King Ferdinand, István Dobó and Ferenc Kendi (1553–1556).<sup>19</sup> It is clear from a later source that the court session began on June 24 (“*pro festo Nativitatis beati Joannis baptistae*”), and here, unlike later, following the example of the medieval voivodal court of law, the cases of the three nations of Transylvania were heard together. The decree of the diet held in June 1557 probably referred to the same court session, when the lawsuits related to the acts of might committed since the incursion of Péter Petrovics<sup>20</sup> were postponed to the *octava* of the feast of the Holy Trinity.<sup>21</sup> Then the *octava* of Michaelmas day was also mentioned, to which the “bigger” lawsuits were postponed, but there is no surviving evidence relating to that court session, nor is there any similar source on the session of March 1557, to which a letter of sentence refers.<sup>22</sup> The

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18 The case in question was heard on June 25: “... instante scilicet termino brevium et continuorum iudiciorum, ad quem videlicet terminum universae causae fidelium nostrorum regnicolarum trium nationum partium regni nostri Transilvanensis, juxta publicam constitutionem eorundem hic Thordae ad primum diem Junii ex edicto maiestatis nostrae congregatorum, videlicet factum honoris, novorumque actum potentiariorum, transmissionumque tangentes et concernentes et aliae in articulis in ipso conventu editis denotatae adiudicari debentes, per maiestatem nostram generaliter fuerant prorogatae ...” The members of the court were nobles, sworn assessors, and the protonotary (here they refer to only one, and the document was endorsed solely by László Mekesei). MNL OL, GyKOLt, Cista comit. (F4), Comitatus Albensis, Cista 2, fasc. 3., no. 5. The three feudal “nations” (*natio*) of Transylvania were the largely Hungarian nobility, the Saxon patricians, and the free Székelys.

19 According to the text of the document: “... cum autem juxta publicam constitutionem fidelium nostrorum ordinum et statuum regni pro festo beatae Catherinae virginis et martiris proxime preterito in civitate Koloswar ex edicto maiestatis nostrae congregatorum factam et per nos confirmatam, universae causae tempore imperii prefati regis Romanorum in hoc regno... suis processibus in suis vigoribus relictas sint.” Cf. Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 64.

20 Péter Petrovics was a pro-Ottoman magnate, ban of Lugos (Lugoj) and Karánsebes (Caransebeș), and a fervent supporter of King János I Szapolyai (1526–1540) and his son.

21 “Maiores causae differantur in octavum diem festi sancti Michaelis discutiendae, alie vero causae videlicet factum honoris decimarumque uniuersae concernentes, noui actus potenciarij ab ingressu domini Petrowyth comitis spectabilis et magnifici patrati vel patrandj, transmissiones item comitatum Saxonum et Siculicalium sedium ac literae transmissionis quae in curiam regis Romanorum per appellacionem deducendae erant, causae eciam dotum, rerum parafernalium, iurium impignoraticiorum et diuisionum inter fratres carnales patrueles, matruales fientium sine intermissione discutiuntur; discussionis autem dies sit die octauo post festum sancte trinitatis.” Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 80.

22 “... litteras nostras adiudicatorias sententionales Albe Julie decimo sexto die diei sabbati proximi post dominicam Oculi in anno 1557, in termino celebrationis iudiciorum profesti beati Gregorii papae ...” See: SJAN-CJ, Arch. of Dés (Dej) (Fond 24), no. 172; In February 1557, the court period was set as St. George’s day, but it was postponed, probably due to the harvest and other problems. See: Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 80.

decree of the diet of June 1557 relating to the judicial system was limited to a stipulation according to which eight assessors should partake in the work of the court of law. This stipulation probably goes back to medieval origins. In a mandate issued in 1561, nine assessors were listed. Thus, when each seat of the assessors was filled, the Princely Table consisted of twelve legists, including the two protonotaries and the legal director (*director causarum*).<sup>23</sup> It is worth noting that the Transylvanian legal director took part in the work of the Table, because there is no information indicating the involvement of the *director causarum* of the Partium area in the work of the high court. The jurisdiction accessible to him was probably limited to the counties in Partium.

It is clear from the above that the activity of the Princely Table was not permanent or continuous, but rather was connected to different sessions, so-called *termini* for all the nations of the estates (Transylvanian nobles, nobles from the Partium, Székelys) as well as to the Transylvanian diets. After the reorganization of the high court, the aim was to have two court sessions a year for each nation, but the dates varied frequently and sometimes sessions were cancelled. As far as one can tell on the basis of the decrees, the six legislative sessions were reinstalled during the reign of István Báthory (1571–1586) at the end of 1571, with some adjustments of the previously indicated dates. The two court sessions of the Transylvanians were held beginning on the Monday after Reminiscere Sunday and the *octava* of St. Luke, that of the Székelys' beginning on the *octava* of Epiphany and June 1 and for the Hungarian nobles from Partium beginning on the *octava* of St. George and December 1. Not counting Sundays, for the latter the two sessions were ordered to last for twenty-five days and the sessions for the first two nations were to last thirty days.<sup>24</sup> This structure was formalized in the *Approbatae*.<sup>25</sup>

The Princely Table also had jurisdiction in the cases appealed from the court of the Saxons, the *Universitas*,<sup>26</sup> the seat of which was in Szeben (Sibiu/Hermannstadt), but without a separate court session for them their cases usually were discussed during the diets.<sup>27</sup> There was no need for a separate Saxon court

23 Bogdándi, "Az erdélyi és partiumi," 14.

24 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 496–97. On the court periods, see: Bogdándi, "A fejedelemség kori törvénykezési szakaszokról," 64–83.

25 Kolosvári and Óvári, *Erdélyi törvények*, 168–69. The *Constitutiones Approbatae* is a collection of decrees and legal practices which were codified in the seventeenth century and published in 1653.

26 The Universitas Saxonum was an administrative and legal entity of the Transylvanian Saxons, headed by the comes Saxonum, who resided in Szeben.

27 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 530. On the separate courts of law of the Saxons, see: Szabó, "Az erdélyi szászok bíraskodási szervezete," 31–40.

session, as the cases of Saxons were only rarely appealed to the princely high court, and they only could have been summoned at their own court.<sup>28</sup>

The diet held in March 1557 decided, on the question of the location of the courts (both in the case of the lawsuits of the Hungarian nobles of Partium and the Transylvanians), that they were to be held where the royal majesties were actually residing, but for the periods to follow separate sessions were to be held for the Transylvanian nobility, the Székelys, and the nobles of Partium.<sup>29</sup> In the Middle Ages, if the king was presiding at the high court, the court held its meetings in one of the council chambers of his palace. In other cases, however, it met in the house of the Primate of the country (the Archbishop of Esztergom) in Buda, probably at the same place where the “official room and archive” of the smaller chancery was kept.<sup>30</sup> It seems likely that, based on medieval model, when the ruler was in Gyulafehérvár (Alba Iulia/Weissenburg) and took part in the work of the princely high court, the location of the sessions was one of the rooms of the princely palace, while on other occasions the previously mentioned *domus iudiciaria*, i.e. the lodge of the protonotary (and in the meantime certainly of the smaller chancery), could have served as the site of the trials. This was true, of course, only when the court session was held in Gyulafehérvár. Because of the features of the new state, in order to meet the needs of the nations that formed the state, the princely court of law was itinerant. Thus, one cannot speak of a permanent seat for the Princely Table. In Kolozsvár, Vásárhely, or Torda the *domus iudicaria* was a rented lodge that suited the needs of the court.<sup>31</sup>

At the abovementioned 1557 diet, a decree was issued which according to Zsolt Trócsányi “disposes a separate high court for the Partium region... (let Bálint Földváry be the protonotary, let the separate Hungarian high court be established).”<sup>32</sup> However, in my assessment, in light of the legal evidence this decision did not undo the unity of the princely high court. In the text of the decree

28 Dósa, *Erdélybéli jogtudomány*, 104–5.

29 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 89.

30 Hajnik, *Bírósági szervezet*, 232. See also Kubinyi, “A királyi udvar,” 16–17.

31 There is concrete data on this from the court session of St. Luke’s day in 1590. Dániel Pápai and Mihály Kolozsvári, who were notaries at the court, reported that they disembarked on November 3 “hic in praedicto civitate Coloswar, apud domum circumspecti Joannis Hozzu, *domum videlicet iudiciariam* celsitudinis vestrae.” There, they summoned János Gyerőfi to appear at the *curia* on the sixth day. See: SJAN-CJ, Arch. Kornis (Fond 378), no. 231.

32 Trócsányi, *Törvényalkotás*, 238. At the diet of June 1557, the possibility of sending one special judge to Várad (Oradea) for the nobility of Partium (Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 81) came up, but probably because of the perpetual state of war this could not have been accomplished.

there is no reference to a high court of Partium. The decree mentions only an expert *protonotarius* designated to judge on the cases brought by Hungarian nobles from the Partium region, similarly to his fellow who was working in Transylvania. This was also when the question of the number of assessors was raised (“*assessoribus pluribus iuris peritis sedem iudiciariam ornare dignentur*”), with members who were probably more familiar with the customary law of the Hungarian nobility from the Partium. Accordingly, in 1559, the Table adjudicated during the St. Luke’s day court session of the Hungarian nobility from Partium held in Gyulafehérvár as a unified body, and as had become customary in Hungarian documentary practice by the mid-fifteenth century, the protonotaries indicated on a letter of sentence who the person was who would revise and issue the document (“*Lecta et extradata per me magistrum Valentinum de Fewldwar serenissimae regiae majestatis prothonotarium*”), and in addition, the document was also indorsed by László Mekcsei (“*Coram me Ladislao de Mekche eiusdem serenissime regie majestatis prothonotarium*”).<sup>33</sup> The jurisdiction of the two protonotaries had not yet been clearly defined, so there was no person who was assigned exclusively to the cases of the Hungarian nobles of Partium, the Székelys, or the Transylvanian nobles. This is probably why, during the court session held for the Hungarian nobility from Partium after St. Luke’s day, the order of their signatures on a letter of sentence that was issued in a case concerning a major act of might was just the opposite.<sup>34</sup> The joint jurisdiction of the two protonotaries was also expressed in a decree issued in June 1558, according to which justice was to be served in the presence of both persons and both persons should agree on the incomes and the usage of the seal.<sup>35</sup> This was probably done in order to avoid the related controversies which would have arisen if a person who was expert in Hungarian law were to be chosen to act as president of the high court, to be present at the hearings, to handle the income of the court, and to pay the assessors from this income and turn over the rest to the treasury.<sup>36</sup> This position, however, referred

33 SJAN-CJ, Arch. Bethlen of Iktár, (Fond 329), chronologically organized documents. Cf. MNL OL, Arch. Wesselényi (P 702), 1. item, chronologically organized documents.

34 16 May 1560: “Proclamata, publicata presentata, lecta et extradata per me Ladislau de Mekche serenissime electe regie majestatis Hungariae protonotarium. Coram me magistro Valentino de Fewldwar serenissimae regie majestatis prothonotario.” MNL OL, GyKOLt, Cista comit. (F4), Comitatus Bihar, Cista Bihar, fasc. 1., no. 21.

35 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 99. According to Trócsányi, this is when Mekcsei was designated as protonotary of Transylvania, but he had been appointed to this office earlier, in 1554. See: Trócsányi, *Törvényalkotás*, 238. Cf. Jakó, *A kolozsmonostori konvent*, no. 5316.

36 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 97.



to as *super intendens*, most probably remained vacant, as there are no references to the activities of this figure in the legal evidence or the later decrees; a person with the similar task of presiding over the high court was only invested in 1589. It is more important that at the same time, on the basis of a medieval model,<sup>37</sup> a court of appeal to the high court was founded. This made it clear that the cases judged by the protonotaries could be brought to the personal presence of the queen and her son, who judged with their councilors.

### *The Court of Personal Presence (personalis presentia)*

In the late medieval period, the king held a court of appeal with the prelates and barons in cases in which a person was discontent with the decision reached by the major royal courts and their protonotaries at a trial held at the high court and appealed to the personal presence of the king.<sup>38</sup> In these cases, the judges ordinary, the protonotaries, and the assessors had the right to attend but were not entitled to take the floor;<sup>39</sup> the case appealed was presented by the judge ordinary in front of whom the case previously had been presented, and then the decision of the first instance was either approved or changed. Precisely this procedure was employed in Transylvania in the second half of the sixteenth century: the case was presented by the protonotary in front of whom the case originally had been presented; then the decision was either changed or approved at the *personalis presentia*, and the letter of sentence was issued (similarly to that of the Princely Table) in the name of the ruler (elected king, voivode, prince), with the judicial seal and the *lecta* of the protonotary.

The court of appeal of the high court usually appears in the sources as “*solius majestatis nostrae presentiam*” or in Hungarian as “*felsőged tulajdon személye*” (“the personal presence of your majesty”). It is not clear how much this indeed meant the personal presence of the ruler, but for instance on May 27, 1570 in Torda the letter of sentence issued emphasized the actual presence of János II.<sup>40</sup> Of course, this suggests that the ruler was not always physically present. From

37 Hajnik, *Bírósági szervezet*, 57–58; Hajnik, *A király bírósági személyes jelenléte*, 24–25.

38 Hajnik, *Bírósági szervezet*, 57–58.

39 Banyó and Rady, *Laws of medieval Hungary*, 142.

40 The respondents who were dissatisfied with the decision brought the case “... pro maturiori discussione in solius majestatis nostrae presentiam ...” where the king adjudged with councilors and legal experts on the cases appealed from the high court to the personal presence of the king (“de sede nostra judiciaria in solius majestatis nostrae presentiam appellatarum *personaliter* in iudicio pro tribunali consedissemus”). MNL OL, KmKOLt, Cista comit. (F 17), Comitatus Doboka, N, no. 12.



the period of János II, there were instances, if only rarely, when some persons of the court of the personal presence were mentioned by name; Mihály Csáki, who served as chancellor and councilor (1549–1551, 1556–1571), appears twice, and Jakab Pókai, master of ceremonies (*magister curiae*), is mentioned once among the assessors.<sup>41</sup> In most cases, however, the identity of the councilors who formed the court remains unknown. While the Princely Table's personal composition was determined by the decrees, the sources suggest that the members of the court of the *personalis presentia* were chosen by the ruler and depended on the circumstances. While the court of the personal presence of István Báthory, voivode of Transylvania during the diet of Torda on May 30, 1573, was formed by some magnates, councilors, Transylvanian nobles, and legal experts,<sup>42</sup> the sources from September 1582 mention only councilors, protonotaries, and legal experts,<sup>43</sup> while in March 1592 councilors, legal experts, the president of the high court, protonotaries, and assessors adjudicated.<sup>44</sup> In the period of the Triple Council (1583–1585) designated to govern Transylvania by István Báthory, who had earlier been elected king of Poland, the *praesides* who represented the prince took part in the court of appeal, and for the court session on the *octava* of St. Luke's day in 1583 they even took the young prince with them to Kolozsvár.<sup>45</sup> They did so primarily because they (and probably expert legal officers) were entitled to revise the appealed cases "*in persona Principis*," which role was later taken over by János Ghiczy (1585–1588) when he became governor.<sup>46</sup> We have a concrete example when, at the court of personal presence, the governor was adjudging: in a lawsuit concerning the ownership of the Kund (Cund/Reussdorf) estate the first instance was held at the high court of Kristóf Báthory (1576–1581), but after the death of the voivode, the case was appealed to the court of

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41 János II addresses his letter to one of the market towns. He informs the town that when on the last day of the court period over which he presided with councilor and chancellor Mihály Csáki, master of ceremonies Jakab Pókai, and other legal experts ("*pro causarum de sede nostra judiciaria in solius majestatis nostrae presentiam appellatarum revisione et adiudicatione pro tribunali consedissemus*"), protonotary Miklós [Wesselényi] explained that the claimant was not satisfied with the result and so he had appealed the case to the court of *personalis presentia*, where the previous decision of the high court was approved. See the formulary book of János Báchy, BCU, Ms. 1271., f. 196<sup>v</sup>–197<sup>v</sup>.

42 SJAN-CJ, Arch. Bánffy (Fond 320), no. 63.

43 MNL OL, KmKOLt, Cista comit. (F 17), Comitatus Doboka, K, no. 54.

44 MNL OL, KmKOLt, Protocolla (F15), no. 12. p. 108–11.

45 Veress, *Báthory István király levélváltása*, 107–8.

46 Jakab, *A Ghyezgek Erdély történetében*, 58.

*personalis presentia*, where the decision was made by the governor with councilors and legal experts.<sup>47</sup>

It is relatively easy to determine when and where the courts of personal presence were held. The *personalis presentia* was presiding in the same periods as the high court of law, i.e. during the high court sessions and the diets, and also at the same locations. We have data from the beginning of the period discussed here when the *personalis presentia* gathered on the fourth day of the *octava* of the Epiphany session in 1559 held in Gyulafehérvár.<sup>48</sup> A decision was made on a case which originally had been heard at the high court in the session that began on June 24, 1557 (members of the court were “*nonnullis dominis et nobilibus, sedis nostre judiciarie juratis assessoribus magistroque prothonotario nostro*,” as at the time Mekcsei was the sole protonotary). The claimant, however, was not satisfied with the decision, so he appealed to the personal presence of the queen and her son. László Mekcsei, the protonotary, approved this appeal, but because of the obligations of the rulers (“*nobis itaque diversis quidem arduis nostris et regni nostri negociis occupatis existentis?*”), the case was postponed to the Epiphany session of 1559, where “*unacum nonnullis dominis proceribus ac aliis nobilibus prestantibusque viris consiliariis regni nostri prothonotariisque nostris pro tribunali sedentibus prenominate protonotarius noster seriem dicte appellationis nobis requirentibus referre curavit*.” After this, the privilege presented was read out, those present were consulted on the case (magnates, nobles, councilors, protonotaries), and the decision of the high court was approved.<sup>49</sup> Interestingly, the protonotaries were mentioned as members of the court of *personalis presentia*, i.e. the same people who had made the decision at the first instance. In medieval legal practice, however, they had the right to attend the court hearing but did not have a say. However, in this case, alongside the councilors, they also seem to have been able to adjudge (again). Later, however, this practice was not typical. In the court of the *personalis presentia*, with only a few exceptions, the councilors decided with the assistance of legal experts.

47 SJAN-CJ, Arch. Thoroczkay (Fond 444), no. 98.

48 MNL OL, Documents on Transylvanian matters (R 298), 8. box (Documents concerning the Vitéz family).

49 “Nos igitur preinsertis litteris privilegialibus dicti capituli in specie produci ac perlegi facientes quesitoque superinde prefatorum dominorum procerum ac nobilium prestantiumque virorum consiliariorum, prothonotariorumque nostrorum nobiscum in discussione et examine presentis cause constitutorum et existentium consilio prematuro, habito superinde cum eisdem diligenti tractatu, de eorundem itaque consilio et sana deliberatione iudicium prefatae sedis nostrae judiciariae tanquam rite et legitime factum in omnibus punctis, clausulis et articulis tanquam rite et legitime factum laudandum et approbandum et ratificandum judicialiter decrevimus et commisimus.” See *ibid*.

There was a telling example of a case in March 1577 which sheds some light on the functioning of the *personalis presentia* during the court sessions and the strict division of the courts according to nations. On March 25 (i.e. at the session after Reminiscere Sunday for the Transylvanian nobility), in Gyulafehérvár a letter of sentence was issued in the name of Kristóf Báthory which tells of a lawsuit which had begun one year earlier at the session held on St. Luke's day in Kolozsvár between István Lázár of Szárhegy (Lăzarea) and Boldizsár Bánffy of Losonc (Lučenec) concerning a piece of land by the Tapolca River in the Székely seat of Gyergyó. A common inquest had been ordered, but the respondent had not been satisfied with the decision, so he had appealed "*in solius nostri presentiam*." There, on March 23, 1577 (a Saturday), in the presence of the voivode, his councilors, and legal experts, the respondent's lawyer presented his argument according to which the claimant could not summon him to the court of the voivode, but rather only to the Székely seat and the session held for the Székelys. He therefore requested that the case be sent back to the court of first instance and the appeal be terminated.<sup>50</sup> The objection of the respondent was accepted at the court of personal presence, as the claimant had no right to summon the respondent to the session held for the Transylvanian nobility, but only to the Székely seat and their session. They nonetheless stipulated that the claimant had the right to summon the respondent to appear at the next Székely court session ("*proclamari facere possit*").

Regarding the jurisdiction of the court of personal presence, one can only sum up by saying that the decrees do not include any related regulation, so appeals to the *personalis presentia* depended only on the financial resources of the contestants.

### *The Foundation of the Presidency of the Princely Table*

The diet held in Medgyes (Mediaș/Mediasch) in December 1588 ordered a "chief legal expert" to lead the process (*processus*) of the Princely Table.<sup>51</sup> Earlier, I thought that this office had been created in 1558 with the establishment of

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50 "... in curiam nostram citari et evocari facere nequaquam potuisset sed suis modis in sede Siculicalia et sic tandem in termino celebrationis iudiciorum pro dominis Siculis regnicolis Transilvanensis celebrandorum proclamari facere debuisset, sicque causam intentare et prosequi potuisset." MNL OL, GyKOLt, Cista comit. (F4), Cista Gömöriensis, no. 6.

51 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 3: 242.

the office of *super intendens*. However, there is no sign of its actual functioning.<sup>52</sup> Trócsányi emphasizes the dubious effectiveness of this act,<sup>53</sup> and as we could not find data on the bearer of this office in the sources, it seems more and more likely that this 1558 decree remained on paper only. Accordingly, the *praesidens* was only appointed during the diet of Medgyes (or as a consequence of this diet, at the beginning of the next year). Why was there a need for this office, and why was the president installed in his office precisely when he was? It is known that at the diet of December 1588 Zsigmond Báthory was bestowed with his princely rights. In return, the estates managed to expel the Jesuits and to remedy their smaller legal complaints.<sup>54</sup> The establishment of the office of *praesidens* may indicate strengthening of the estates, or one may think that the magnates who possessed power tried to take control over jurisdiction and prevent the young prince from strengthening his hold on power. As we have seen in discussion of the personal presence, the method was given, as previously, the Triple Council designated by István Báthory and then János Ghiczy, the governor, oversaw the activities of the court of law *in persona principis* (as later the president did). The text of the decision of Medgyes does not mention the name of the designated *praesidens*, but we have data on the president of the high court from the court session that began on February 23 of the following year.<sup>55</sup> Previously, I thought that the anonymous *praesidens* in the letters of sentence could be identified as a *literatus*, Gergely Szentegedyi Somlyai. The only pitfall of this identification is that he appears in the sources as *director causarum* of Transylvania in 1591,<sup>56</sup> and he appears as the president of the princely high court only in September 1592. Consequently, he assumed this office two years earlier than suggested by Zsolt Trócsányi, and he remained in this position up until his death at the scaffold erected on the main square of Kolozsvár.<sup>57</sup> But who was the first *praesidens* of the high court, who was in office between 1589 and 1592?

The identification of the magnate *praesidens* appointed at the diet of Medgyes was not made possible by study of the letters of sentences but rather

52 Bogdándi, "Szentegedyi Somlyai Gergely," 43–44.

53 Trócsányi, *Törvényalkotás*, 238.

54 Trócsányi, *Az Erdélyi Fejedelemség korának országgyűlései*, 188.

55 "... instante scilicet termino celebrationis judiciorum diei dominicae Reminiscere, ad quem utputa terminum universae causae dominorum nobilium Transylvaniensium ab obitu [...] Ludovici regis Hungariae [...] ex publica eorum constitutione adiudicari solitae per nos generaliter fuerant prorogatae, una cum domino praesidente, magistrisque nostris prothonotariis et juratis assessoribus sedis nostrae judicariae ..."

MNL OL, GyKOLt, Cista comit. (F4), Comitatus Albensis, Cista 3, fasc. 3., no. 13.

56 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 816; Fejér, Rác and Szász, *Báthory Zsigmond*, no. 1614.

57 Bogdándi, "Szentegedyi Somlyai Gergely," 43–44.

by a note in the royal book (*liber regius*) of Zsigmond Báthory. On March 7, 1589, Zsigmond Báthory gave councilor, president of the high court, and count of Torda County Boldizsár Bánffy and his wife the market town of Marosszereda (today Nyárádszereda/Miercurea Nirajului) and the part of the estate of Nagyadorján (Adrianu Mare) in return for one fourth of the castle of Bethlen (Beclean).<sup>58</sup> This means that Bánffy was presiding at the first court session after the diet of Medgyes. Probably, there was some hope that the prestige enjoyed by the magnate and count of Torda County would help maintain the undisturbed functioning of the high court. There is no data on the legal erudition of the first *praesidens*. This may explain that his – lacking in sources difficultly definable – tasks were taken over by “*egregius*” Gergely Szentegedyi Somlyai in 1592, who was advancing as a practicing legal expert to this office. We do not know the circumstances of the dismissal or rather voluntary demission (as he was able to keep all his other offices) of Bánffy, but it clearly shows the caliber and the high ambition of the *literatus* Gergely Somlyai that as a *praesidens* he followed an “*in persona principis*” councilor.<sup>59</sup>

There is increasing uncertainty concerning the fate of the office of the president of the high court after the violent marginalization of the group of magnates who raised objections to the break with the Porte. Given the limited number of letters of sentences, it is increasingly certain that the usual court sessions were cancelled after February 23, 1592 (Reminiscere Sunday) and the high courts were only functioning during sittings of the diet. This could be explained by the confused internal political situation, the participation in the war, and the perpetual state of crisis, but in fact we do not know the precise reason for this transformation.<sup>60</sup> A letter of sentence dated to the period of the diet held in Gyulafehérvár beginning on April 25, 1593 mentions some councilors, legal experts, the president, the protonotaries, and the assessors as members of the princely high court.<sup>61</sup> At the same time, the *sententiae* issued the following

58 Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 946.

59 Of the presidents of the high court, only Gergely *literatus* is not referred to as councilor in the sources. See: Trócsányi, *Központi kormányzat*, 356. On his career, which ended tragically, see: Bogdándi, “Szentegedyi Somlyai Gergely,” 37–46.

60 It is not by chance that this is the court session when the jurisdiction of the county courts was broadened and achieved its final state. See: Dáné, “*Az Ónagysága széki így deliberála*,” 27.

61 SJAN-CJ, Arch. Kornis (Fond 378), 5. box “... una cum nonnullis dominis consiliariis nostris aliisque prestantibus et jurisperitis viris, necnon praesidente, magistrisque nostris prothonotariis et juratis sedis nostrae judicariae assessoribus.”

year had different wording. The letter of sentence dated May 10, 1597<sup>62</sup> was issued during the diet in Gyulafehérvár that began on April 27 and to which the guardianship cases, further acts of might cases appealed from the county courts, and other short procedures usually heard at the personal presence of the prince (“*coram propria nostrae serenitatis presentia*”) were postponed. The hearing of these cases during the diets was decided because of the cancellation of the court sessions, which was decreed in Act 9 of this very diet: “until the Lord God shows the dates when the sessions should be hold.”<sup>63</sup> Compared to the previous period, the composition of the high courts that gathered during the diets also changed. Along with the protonotaries and the assessors, the “presence” of Zsigmond Báthory was represented (“*in persona nostrae serenitatis*”) by Pongrác Sennyei, master of ceremonies (1593–1598), according to what was noted above in May 1597 but also in January and March 1598,<sup>64</sup> with the important difference that the title of *praesidens* was no longer part of his title. We know that, in 1598, the influential councilor Pongrác Sennyei performed the tasks of a chancellor, such as opening the report of an interrogation.<sup>65</sup> His tasks may have been associated with his jurisdictional duties, but as the sources do not mention him as the president of the high court, his title remains unclear.

According to Trócsányi, the “Transylvanian national high court was single-leveled and the diet also was unicameral.”<sup>66</sup> The part of his statement regarding the jurisdiction is true only to a certain degree. It is clear from the documentary evidence that until the 1590s the court of the *personalis praesentia* functioned as

62 For a summary of the letter see Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 955. It was published with partially erroneous identification of the dates in Barabás, *Székelváltár*, 8: 324–37.

63 “addig, míg az Úristen az terminusok szolgáltatásának idejét mutatja,” Szilágyi, *Erdélyi Országgyűlési Emlékek*, 4: 118–19.

64 In a letter of sentence issued on January 15, 1598, the court is explained in the following terms: “[...] instante scilicet termino brevium judiciorum sub comitiis generalibus dominorum regnicolarum Transsilvaniensium, nec non etiam partium regni Hungariae ditioni nostre subiacentium, in civitate nostra Alba Julia ad festum Epiphaniarum domini novissime praeteritum indictis celebratorum, ad quem videlicet terminum causae tutelarum, nec non etiam factum transmissionum super novis actibus potentiariorum in sedibus comitatum confectarum et similium negotiorum brevi processu juridico terminari solitorum tangentes et concernentes, coram propria persona nostrae serenitatis ex publica eorundem regnicolarum nostrorum constitutione adiudicari solitae per nos generaliter fuerant prorogatae, una cum fidelibus nostris magnifico domino Pancratio Senniei consiliario et magistro curiae nostrae, magistrisque nostris protonotariis et juratis sedis nostrae judicariae assessoribus.” A homicide case appealed from the County Court of Záránd was heard at the high court. See: SJAN-CJ, Arch. Teleki from Luna (Fond 438), no. 88; Cf. SJAN-CJ, Arch. Bánffy (Fond 320), fasc. IVa, no. 27.

65 On this, see: Fejér, “Kancelláriai jegyzetek az erdélyi fejedelmi kancellária okleveles gyakorlatában,” 91.

66 Trócsányi, *Központi kormányzat*, 355.

the court of appeal of the high court. The curial judicial system, thus, was two-leveled. Further investigations will also determine whether in the seventeenth century, after the end of the period of war, the court of appeal of the high court functioned again or not.

### *Conclusions*

For the Principality of Transylvania, which came into existence after 1556, the constitutional setup of the medieval Kingdom of Hungary was the model. With regards to the formation of the central court of law, usually referred to as the Princely Table, the medieval models were tailored to local circumstances. This explains the characteristics of the judicial system: the originally separate protonotaries for Transylvania and for the Partium region, which were originally separate (but not with separable jurisdiction); the separate *director* for Transylvania and *Partium* (the scope of whose activity cannot be precisely defined); the separate court sessions for each nation (later, with the frequent contraction of the sessions held for the nobility of Partium and Transylvania); the holding of these events in different locations; and the voluntary and partial absence of the Saxons from this system (the civil suits of the Saxons were only rarely brought to the high court, and these suits, for which there was no separate court session, were usually discussed at the diets). The medieval models were also followed by ordering the court of personal presence as the court of appeal to the high court, where the chair was supplemented by councilors and which occasionally was attended by the ruler himself. The establishment of the office of *praesidens* is also related to the question of the structure of the high court. Although there was an earlier attempt to appoint a *superintendens*, the establishment of the presidency of the Princely Table took place only after the diet of Medgyes in 1588, probably at the initiative of the powerful estates and probably based on the model of the medieval *personalis praesentiae regiae in judiciis locumtenens*.

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# Formularies of the Chancellery of the Transylvanian Principality in the Second Half of the Sixteenth Century

Tamás Fejér

*Research Institute of the Transylvanian Museum Society*

*fejertamas77@yahoo.com*

In this essay, I examine the formularies that were used in the chancellery of the Transylvanian Principality which took form at the end of 1556 during the first 50 years of its existence. I offer brief descriptions of four of these formularies in which I indicate their length and present the most important aspects concerning the nature of the information they contain. I also offer a detailed presentation of one of them in order to call attention to the importance of the rigorous study of every detail of these sources. Historians cannot afford to ignore these sources, which contain over 1,100 formulas, as they are vital to the study of the history of law and the history of the chancellery itself. They offer glimpses into the work of the chancellery, the ways in which charters were produced, and the processes according to which the texts of the charters were transformed into formulas, processes over the course of which, for the most part, the compilers “cleaned” the documents of their specific details (i.e. proper names, place names, and dates), keeping only the essential elements on the basis of which they would be able to compose the texts of new charters.

Keywords: formulary, formula, chancellery, documentary practice, Early Modern Era, Transylvanian Principality

## *Introduction*

The publication and study of formularies<sup>1</sup> looks back on a significant history in Hungarian historical scholarship. The origins of this history are tied to the

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1 The secondary literature on the subject (both Hungarian and international) clarified the role and importance of formularies in the medieval documentary practice a long time ago, so I will not bother rehearsing the general ascertainments here. See for instance Bresslau, *Urkundenlehre*, 1: 608–45; Szentpétery, *Magyar oklevéltan*, 91–92, 129–30, 177–78. Among recent studies, I would mention Rio’s *Legal Practice and the Written Word*, which suggests new approaches to the use of the formularies of the period in question as historical sources. I would also note that formularies have again caught the interest of scholars and researchers. One could mention first and foremost the conference organized by the *Commission internationale de diplomatique* and entitled *Les formulaires. Compilation et circulation des modèles d’actes dans l’Europe médiévale et moderne*, which was held in 2012. Some two dozen presenters examined the problem areas of formularies, in accordance with the focus and themes of the conference. Two Hungarian medievalists were among the presenters: Kornél Szovák (see Szovák, “Funktion und Formen”) and Gábor Dreska (see Dreska, “Das

work of legal historian Márton György Kovachich (1744–1821).<sup>2</sup> Among the historians who built on his work, I would mention here only György Bónis (1914–1985), who studied primarily medieval formularies<sup>3</sup> but at the same time left an indelible mark on the scholarship on the formularies of early modern Transylvania by publishing and presenting in an exemplary manner the collection of formulas compiled by János Jacobinus who served at the turn of the sixteenth and seventeenth centuries as princely secretary (1598–1601).<sup>4</sup> His thorough edition could serve as a model for the study of all of the Transylvanian formularies of the Early Modern Era, though (one should add) the Jacobinus formulary, which is only ten pages long and contains only 22 formulas, made possible an examination that was rigorous in its attention to every detail, which would hardly have been possible in the case of a formulary consisting of several hundred pages and containing several hundred formulas. I share Bónis' view that “the Transylvanian formularies should be published individually at least as regestas and excerpts, and the conclusions which can be reached on the basis of them should be drawn.”<sup>5</sup> In my opinion, however, it would suffice if we had a thorough exposition and description of each of the formularies from the era of the Transylvanian Principality and the short titles at the beginning of the individual formulas (which for the most part offer a good impression of the essential aspects of the text) were to be published. This would enable scholars to inform themselves relatively easily about the content of a given manuscript, and they would then be able to examine the original texts which are of interest to them (depending on whether their interests lie in legal history, institutional history, diplomatics etc.). However, formulas which contain specific data (such as proper names, place names, and dates) or which are of interest for some other reason could be published as regestas, which are useful, if perhaps with some caution, from other perspectives as well, and not simply as formulas.<sup>6</sup>

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Formelbuch”). Their research and participation in the conference demonstrates that Hungarian medieval studies also consider this question important.

2 Kovachich, *Formulae solennes*.

3 Bónis, “Somogyvári formuláskönyv,” 117–33; Bónis, “Uzsai János,” 229–60; Bónis, “Ars Notaria,” 373–88; Bónis, “Magyi János,” 225–60. For an overview of the Hungarian formularies of the Middle Ages, see Szovák, “Funktion und Formen.”

4 Bónis and Valentiny, *Jacobinus*.

5 Ibid., 5.

6 For instance, alongside the titles found at the beginning of the formulas, Béla Iványi also published *in extenso* the “formulas which were actually delivered” and the “most interesting and most valuable” formulas. See Iványi, “Kéziratos formuláskönyv,” 481–538 (part 1); 33–41 (part 2).

In the first half-century of its existence, several formularies were used in the Transylvanian chancellery<sup>7</sup> which took form at the end of 1556. In 1938, Anna Pécsi familiarized the community of Hungarian historians with the János Bácsi formulary,<sup>8</sup> and a few years later, György Bónis and Antal Valentiny published the aforementioned János Jacobinus formulary. After these promising initial efforts, however, interest in formularies waned. Only recently have there been signs of some change. A substantially more rigorous examination of the János Bácsi formulary has been undertaken,<sup>9</sup> and I myself recently published an article on another formulary from the late sixteenth century.<sup>10</sup> In addition to these formularies, we know of one formulary and a fragment of another formulary which were also used in the chancellery in the second half of the sixteenth century. In this article, I offer a brief description of these formularies, including a detailed presentation of one. Ideally, a thorough study of all the formularies from the same perspectives would be necessary in order to provide a broader picture of everyday administration in the chancellery (for instance) or even the composition of the formulas themselves.<sup>11</sup> The formularies, after all, are interesting not only from the perspective of legal history, but also as sources on institutional history, more broadly, or diplomatics, more narrowly.

### *Formularies*

1. The formulary of János Bácsi.<sup>12</sup> This formulary, which as far as we know is the earliest one to have been used in the chancellery of the Transylvanian Principality, is named after Ioannes Bachy, whose name is found on the binding. This Bácsi served at the end of the 1560s and the first years of the 1570s as a scribe in the chancellery. The voluminous formulary consists of 341 numbered pages which contain 466 formulas and the epitaph for King Mátyás (1458–1490), thus a total

7 On the formation and functioning of the chancellery until 1571, see Pécsi, *Erdélyi fejedelmi kancellária*. On the chancellery in greater detail see Trócsányi, *Erdély központi kormányzata*, 181–250, 365–75. On the era in general see Köpeczi, *History of Transylvania*, 247–97.

8 Pécsi, “Az erdélyi fejedelmi kancellária első formulariumos kézírata,” 385–93.

9 Bogdándi, “Fráter György,” 621–38.

10 Fejér, “Kancelláriai formuláskönyv,” 84–112.

11 The chancellery was divided into two sections, each of which had its own staff: the great chancellery (*cancellaria maior*), which dealt with issues concerning internal administration and foreign affairs (and which issued the charters pertaining to these matters), and the smaller chancellery (*cancellaria minor*), which dealt with the production of documents pertaining to the administration of law.

12 BCU, Ms. 1271. For more on the formulary, see Pécsi, “Az erdélyi fejedelmi kancellária első formulariumos kézírata,” 385–93; Bogdándi, “Fráter György,” 621–38; Kelemen, *Kézírtattári értékeink*, 47–48.



of 467 Latin texts. At the beginning of the manuscript, one finds a detailed alphabetical index of the titles of the individual formulas and the page numbers on which they are found.<sup>13</sup> According to the index, the formulary consists of three “books,” though there are no references to these “books” in the formulary itself. The index, however, indicates that the first book is found on pages 1–130, the second on pages 131–228, and the third on pages 229–311. Most of the manuscript seems to be the work of a single scribe. Only towards the end does one find formulas and one or two short entries which could be attributed to other hands, and the last formula (from December 15, 1641) is the work of an entirely new scribe. This last formula, however, suggests that the formulary was in use for a long time, including into the reign of Prince György I Rákóczi (1630–1648). For 340 of the formula, the issuer is not indicated. This information, however, would not have been necessary from the perspective of the charters for which the formula would be used. The other 126 formula were issued by the following issuers: four by Lajos II (1516–1526), 70 by Ferdinand I (1526–1564), 28 by János Szapolyai (1526–1540) and Prince János Zsigmond (1556–1571),<sup>14</sup> 12 by György Fráter, who served as Bishop of Várad (Oradea/Grosswardein), treasurer, regent and chief justice (1542–1551), four by Pál Várday, Archbishop of Esztergom and royal deputy (1542–1549), two by László Mikola, the queen’s vice regent and Transylvanian deputy chief justice (1542–1551), and one each by palatinal deputy Ferenc Révay (1542–1553), judge royal Tamás Nádasdy (1543–1554), royal counselor István Cserényi and protonotary Pál Szigeti (1567–1571). Thus, a substantial proportion of the material does not have any specific bearing on Transylvania or is from the period before the chancellery began to function. A significant number of the formulas were “cleaned” by János Bácsi (to whom the compilation of the formulary is attributed) of their specific details (such as proper names, place names, and dates). Only ten formula have dates ranging from 1531 to 1569. The place of composition is given slightly more

13 For instance, at the letter D (fol. 6r) there is a reference to the following titles: “Divisionalis cum excisione iuris quartalicii fol. 146;” “Divisio rerum mobilium inter filiam et novercam fol. 150;” “Donatio per notam fol. 157;” “Divisionalis panonica fol. eodem;” “Divisionalis alia in eadem forma fol. eodem;” “Donatio per notam infidelitatis fol. 162;” “Divisionalis ex iudiciaria deliberatione fol. 169;” “Divisionalis ex iudiciaria deliberatione fol. 189;” “Divisionalis similiter ex iudiciaria deliberatione fol. 196.”

14 In the case of János Szapolyai and János Zsigmond, since with only three exceptions there are only references to the name Ioannes, the person who issued the given formula must be determined on an individual basis, when possible. Most of them, however, can in almost all certainty be attributed to János Zsigmond.

often.<sup>15</sup> With only a few exceptions, the formulary contained the templates for the documents which were under the sphere of authority of the *cancellaria minor* (which itself was headed by the protonotary). Thus, clearly it was in use by the *cancellaria minor* and it clearly constitutes an important source on the functioning of the principality's chancellery and, within this, the smaller chancellery. It is a source that still awaits proper rigorous study.

2. A surviving fragment of a formulary with a total of only seven pages<sup>16</sup> with 22 formulas in Latin and one truncated text. Of these, 17 were issued by János Zsigmond and five by Kristóf Báthory (1576–1581). Only a few of the texts contain proper names and place names. Five of the formulas indicate the place of composition (Gyulafehérvár), and one even contains the date (May 30, 1568). The texts seem to have been written by two different hands. Most of the formula were composed on the basis of *de gratia* documents, which were under the authority of the great chancellery.<sup>17</sup>

3. *Stylionarium cancellariae Sigismundi Báthory*.<sup>18</sup> This manuscript, which comes to 276 pages and is the work of many hands, contains 224 formulas in Latin. Most of them, as indicated in the formulary, were issued by Prince Zsigmond Báthory (1581–1597, 1598–1599, 1601–1602), while János Zsigmond issued six, István Báthory (1571–1576) one, Kristóf Báthory seven, and the place of authentication from Kolozsmonostor (Cluj-Mănăstur, today a district of the city of Cluj) two. For 15 formula, the issuer is not provided. For 37, the date is given, most often including the day, month, and year, but sometimes only the year. The earliest date of composition is November 20, 1572 (pag. 84–90). The latest, not including the six formula which were copied onto pages 224–29 (which had

15 Pozsony (Bratislava/Pressburg), Buda, and Várad occur the most frequently, though Gyulafehérvár (Alba Iulia/Weissenburg), Kolozsvár (Cluj-Napoca/Klausenburg), Torda (Turda/Thorenburg), Enyed (Aiud/Engeten), and Szamosfalva (Someșeni) are also found.

16 MNL OL, KmKOLt, Protocolla (F 15), no. 64. This fragment is mentioned by Jakó, *Kolozsmonostori konvent*, 1: 159.

17 Further research would be necessary to determine whether or not this fragment (or rather the formulary of which it presumably is a surviving excerpt) was used by the chancellery, keeping in mind that, according to note added to the formula entitled “Dilatio causae,” the text in question was written down in Kolozsvár by a scribe named Johannes R.

18 MNL OL, KmKOLt, Protocolla (F 15), no. 12. According to the pagination, at the moment 15 pages are missing from the manuscript. Scholars have only recently begun to devote attention to the formulary, and some of the formulas have been published (see Fejér, “Az erdélyi fejedelmi kancellária,” 26; Bogdándi, *Erdélyi ítélőmesterek*, 144–46). The manuscript itself, however, has not been made the subject of rigorous study. According to Bogdándi, the formulary was compiled by a scribe of protonotary Márton Radványzy (1582–1596). See Bogdándi, “Erdélyi ítélőmesterek,” 138–39.

been left empty) in the first half of the seventeenth century, was composed on January 2, 1595 (pag. 275–76; the latter formula is also the last entry to be made in the manuscript). 22 of them date to the first half of the 1590s and thirteen to the 1580s, i.e. to the reign of Zsigmond Báthory.<sup>19</sup> The name of *director causarum fiscalium* (*keincstári jogügyigazgató*) János Királyfalvi appears in the formula entitled “Procuratoria constitutio coram prothonotario facta” (which is found on the first page of the formulary). János Királyfalvi rose to this office sometime between November 16, 1591 and February 14, 1592.<sup>20</sup> Thus, work began on compiling the manuscript after he had won this post, and it came to an end sometime after the date of the aforementioned last formula (January 2, 1595). The formulary was in use for decades, or at least one can come to this conclusion on the basis of the formulas which were copied into it in the first half of the seventeenth century, the latest of which was issued by Prince György I Rákóczi (pag. 227–28).

With regards to the contents of the formulary, it contains primarily models for documents belonging to the authority of the *cancellaria minor*. It also contains formulas for *de gratia* charters, but not many. Thus, the formulary was used first and foremost by the clerks of the smaller chancellery. For a significant share of the documents, the proper names and place names remained, but the dates rarely survived.

4. The formulary of János Jacobinus.<sup>21</sup> The formulary attributed to János Jacobinus, who served as secretary of the chancellery (1598–1601), was never actually completed. It is only ten pages long and contains 22 formulas in Latin, of which 15 were issued, according to the formulary, by Zsigmond Báthory, one by his wife, Maria Christierna of Habsburg,<sup>22</sup> and five by Mihai Viteazul, Voivode of Wallachia (1593–1600) and for a short time (November 1599–September 1600) imperial governor of Transylvania for Holy Roman Emperor Rudolf II. (In the case of one of the formulas, the issuer is not indicated.) Six of the formulas are dated, and the dates all fall between September 1, 1597

19 The only exception is the formula (pag. 34–35) the date of which is indicated as 1580, but even in the case of this formula, Zsigmond Báthory is given as the issuer.

20 Fejér, “Királyfalvi János,” 66.

21 SJAN-CJ, Coll. of Guild Documents (Fond 544), The Locksmiths’ Guild of Cluj, no. 3. The formulary was published by Bónis and Valentiny, *Jacobinus*, 25–56. Pages 5 and 6, which at the time had survived, are now missing from the manuscript. The formulas which give Voivode and Imperial Governor Mihai Viteazul as the issuer were again published by Andea, “Formulary and chancery practice,” 276–80.

22 After Zsigmond Báthory’s second abdication from the throne of the principality, on behalf of the emperor Rudolf II Maria Christierna governed Transylvania from April until August 1598.

and May 15, 1601. Most of the documents contain proper names and places names. Almost without exception, the formulary contains formulas which were composed on the basis of charters drawn up in the great chancellery, so it clearly was used here too.

5. A formulary from the era of Zsigmond Báthory.<sup>23</sup> As far as we know, the historian and archivist Lajos Kelemen (1877–1963) was the first person to offer a short description of this formulary in his work on the Manuscript Collection of the Cluj University Library. According to Kelemen, at the time, the manuscript collection contained more than 20 formularies dating from the sixteenth–nineteenth centuries. One of them, he noted, was the János Bácsi formulary. “The other, more interesting formulary,” he writes, “is a copy by the chancellery scribes of the charters which were drawn up in the chancellery of Zsigmond Báthory.”<sup>24</sup> The formulary was used by the art historians Jolán Balogh (1900–1988)<sup>25</sup> and András Kovács<sup>26</sup> and also by the historian Adrian Andrei Rusu.<sup>27</sup> The manuscript and the wealth of material it contains, nonetheless, remained essentially unknown to (or has not met with interest among) scholars until only recently.<sup>28</sup>

The 30 × 19.4 cm manuscript is 161 pages long<sup>29</sup> and contains 399 individual texts. Some of these texts, however, have not survived in their entirety, and some of them were not drawn up by the chancellery (for instance, wedding invitations). The formulary does not have an original title, and the writings were penned by several different hands. The formulas, naturally, were written in Latin. One finds only three Hungarian-language texts, one of which was added to formula 193 as a transcript and the other two of which are wedding invitations (formulas 249 and 251).

The manuscript, which contains some 400 individual texts, clearly demonstrates that, given the variety and complexity of the administrative tasks it faced, the chancellery needed formularies as complete as possible, for the necessary charters and documents. Considering the essentially established charter-

23 BCU, Ms. 999. I note here that both in the main body of this article and in the footnotes, I refer to the sequential number of the formulas.

24 Kelemen, *Kézirattári értékeink*, 48.

25 Balogh, *Kolozsvári közfuragó műhelyek*, 230, 280–81, 297–98.

26 Kovács, “Farkas az én nevem...,” 163–64.

27 Rusu, “Raporturi,” 311–15. Rusu also offers a brief presentation of the formulary.

28 Fejér, “Kancelláriai formuláskönyv,” 84–112.

29 The sequential numbers of the formulas also indicate, however, that several pages are missing from the manuscript.

formulas and the wide diversity of the types of documents, it seems likely that even clerks familiar with the composition of charters needed the formulary, and scribes with less experience in all certainty made considerable use of it. Thus, the clerks who compiled the formulary copied the charters which were drawn up in the chancellery (or at least some of them) into the manuscript, with larger or smaller omissions. They were guided by the practical goal of recording these texts so that they could be used later as models in the composition of documents of a similar nature. Thus, as I will demonstrate later in this article with examples, the formulas contained varying amounts of information in comparison with the original charters. Rarely was every element of the original preserved. Usually, only sections which might later be useful or necessary in the composition of a new document were kept, while specific details, such as proper names, place names, and dates were omitted. Many of the formulas, however, fall somewhere between these two “types.” The *intitulatio* and the *inscriptio* were shortened, dates of composition were recorded only partially or omitted entirely, and some of the proper names and place names—which in general, as was typical of formularies, were simply replaced with the letter T (*talīs*) or “T de T,” or, less frequently, the letter N (*nomen*)—were removed.<sup>30</sup> The titles at the beginning of the formulas informed the reader of the type of document and the essence of the text. In a few rare cases, they also referred to the specific content of a formula, for instance “Nobilitatio pro Ioanne Fiotta cum armis” (formula 70) and “Donatio duorum pratorum foenilium egregio domino Benedicto Mindzenty” (formula 266).

Some of the formulas are of a *de iustitia* nature, i.e. they concern matters of the administration of justice and would be used as templates for documents such as letters of summons (*litterae evocatoriae*), letters of inquest (*litterae inquisitoriae*), letters of postponement (*litterae prorogatoriae*), and letters of sentence (*litterae sententiales*) etc., while some are of a *de gratia* nature, for instance coat of arms letters (*litterae armales*), grants of market rights, estates, and tithe, comes (*ispán*), and bishopric appointments, exemptions, princely approval letters (*litterae consensuales*), etc. The former, naturally, reflect the work of the smaller chancellery, the latter of the great chancellery. Thus, we are dealing with a “mixed” formulary which was used in both branches of the chancellery of the principality and which

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30 There is a case (formula 258) in which, instead of the frequently occurring letter T as a reference to the proper name, one finds an abbreviation: “mag[nifi]ci d[omini] I[oannis] G[alfy], magistri curiae et consiliarii nostri.” Thus, on the basis of the offices he held, we can identify this figure (in all certainty) as princely counselor and master of the court János Gálfi.

reflects almost all of the areas of the extensive documentary practice of the chancellery. Many of the formulas were products of the work of the chancellery as a place of authentication. In the course of this work, charters were issued for the different parties concerning the declarations (*fassiones*) which were made in front of the protonotary or, less frequently, the chancellor on matters such as pledges, the exchange of estates, wills, and letters of attorney (*litterae procuratoriae*). There are also some formulas which were not based on charters issued by the chancellery (for example, various letters of report or *litterae relatoriae* which were drawn up at the command of the prince and sent to the chancellery by places of authentication or bailiffs, i.e. *homines vaivodales*,<sup>31</sup> wedding invitations, or other charters drawn up by issuers which will be mentioned below). One notices the efforts of the compilers to group the various formulas by type of document. For instance, the formulas found on pages 87–98 and 355–72 are summons, the formulas on pages 115–26 are letters of attorney, those on pages 166–72 are letters of nobility (*nobilitatio*), those on pages 8–11 and 343–54 are admonitions (*litterae admonitoriae*), etc. In some cases, however, formulas that were similar from the perspective of their subjects were copied alongside one another. For instance, formulas 295–298 deal with Church matters, and within this group, formulas 297 and 298 concern the Transylvanian Romanian Orthodox Church. Formula 299 also concerns the Romanians of Transylvania, recording the bestowal of the office of voivode (*vaivodatus*) of a village. Thus, these three formulas form a new unit from the perspective of their content. Formulas 306–310 all address matters concerning the Saxon communities. In some cases, these two organizational principles are mixed, i.e. the compilers have grouped the formulas according to type of document and subject matter. Formulas 144–149, for instance, are all mandates (broadly understood) concerning the division of landed property (*divisio*). Within this, formulas 144, 146, and 148 are letters of admonition and summons, formulas 145 and 147 are princely orders regarding the execution of such *divisio*, and formula 149 is a *litterae certificariae*. Thus, one finds clear signs of deliberate efforts to arrange the formulas in groups, but there is no single principle or system according to which the entire manuscript can be said to have been organized. The large number of formulas and the amount of time that was devoted to compiling the manuscript (more on this soon) indicate that for years the compilers collected the texts of charters that were being issued with the aim

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31 Some of these documents were in all likelihood the work of chancellery scribes and thus belong quite naturally among the formulas.



of creating a resource in which clerks would find a model or template that could be applied to almost every new case that might arise.

Zsigmond Báthory is indicated as the issuer of the vast majority of the formulas. Chronologically, the following formula were issued by the following individuals: formula 49 by Voivode István Majláth (1534–1541); formulas 322, 334, 355, and 358 by János Zsigmond;<sup>32</sup> formula 270 by István Báthory; nine formulas by Kristóf Báthory;<sup>33</sup> formulas 365 and 366 by Hungarian King Rudolf (1576–1608); formula 282 by the aforementioned Kolozsmonostor place of authentication; and formulas 179, 185, and 186 by the Gyulafehérvár place of authentication.<sup>34</sup> In addition, Chancellor Farkas Kovacsóczy (1578–1594) is given as the issuer of formula 141, castellan of Eger Bálint Prépostváry of formula 103, castellans and *index nobilium substitutus* (*helyettes szolgabíró*) of the district of Karánsebes (Caransebeș) of formulas 187 and 213, and János Gerendi of formula 286. One also comes across formulas for which the issuer is not given, but in all likelihood most can be attributed to Zsigmond Báthory. It is not entirely clear why formulas based on charters that were not issued by the chancellery were included. As examples, one could mention the *litterae manumissionales* of János Gerendi or the charters issued by the aforementioned officers of Karánsebes. It is quite clear, however, that the given clerk considered the documents important (even if perhaps not from the perspective of the documentary practice of the chancellery) and for this reason included them in the manuscript.

The formulary gives the date for 43 of the formulas.<sup>35</sup> The earliest among them is April 19, 1538, the latest May 20, 1595. For 15 of the formulas, the charters on which they were based give the date, and for another two the date is found in their copies in the aforementioned *Stylionarium cancellariae Sigismundi Báthory* (hereafter *StylionariumSB*). These seventeen formulas are from the period between September 5, 1583 and January 2, 1595. Thus, we know the dates of 60 formulas in total. 58 were issued between 1583 and 1595, during the reign of Zsigmond Báthory. Most of them (51) were issued in the period between 1590 and 1595. There are also formulas for which only the year is given (for instance

32 We can also attribute the texts for which only Ioannes is given as the issuer to János Zsigmond.

33 Formulas 48, 172, 328, 338, 362, 369, 370, 371, 372.

34 On the issuer of formula 186, see Fejér, Rác and Szász, *Báthory Zsigmond*, no. 1529.

35 From these, the date given for formula 169 is incorrect (see footnote 40). At the same time, we included here the charters transcribed in formulas 193 (fol. 62r) and 268 (fol. 90r–v), which also give the date.



formulas 105 and 162) and others for which only the day and month are given (for instance formulas 182, 195, and 221). For some of the formulas, only the place of composition is given.<sup>36</sup> With varying precision, one could date most of the formulas for which no date is given on the basis of the information and concrete references they contain, but that is not my aim here.

With regards to the place and time of the compilation of the formulary, one can come to the following conclusions on the basis of the discussion above. Since the formulary contains almost exclusively models of charters produced by the chancellery, it was in all certainty composed in the chancellery. However, the compilers of this “official” formulary, which was compiled for use by the chancellery, have not yet been identified by name. A comparison of the letter of reports sent to the chancellery by the various chancellery scribes and the handwritings found in the formulary might yield conclusions concerning this question. Watermarks<sup>37</sup> helped me determine the date of composition of the manuscript. The earliest Brassó (Braşov/Kronstadt) watermark in the formulary was already in use in 1589,<sup>38</sup> so one might cautiously suppose that 1588 was the *terminus post quem*. Thus, sometime after 1588 the compilers may have begun to copy the texts of the charters into the manuscript. As already mentioned, most of the dated formulas were drawn up in the early 1590s, and this offers further support for the conclusion above. (In the best-case scenario, the dates of the formulas indicate the date when the original charters which served as models were drawn up, but at the same time they can serve as a *terminus post quem* for the date when the given charters were transformed into formulas.) The latest dated items in the formulary date from May 20, 1595, but after this, another 80 formulas were copied into the manuscript. Thus, in all likelihood, the work of compiling the formulary came to an end in late 1595 or the beginning of 1596,

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36 For instance, formulas 36, 53, and 58. Regarding the date, one comes across variations like “Datum in Alba Iulia, die etc. anno Domini etc.” (formula 59) and “Datum in civitate nostra N die N mensis N anno N.” (formula 78). There are also cases in which dates are mentioned in the text of a formula, for instance formulas 27, 87, and 216. This information is sometimes very useful in efforts to determine the date of composition of the charter.

37 Based on the watermarks in the manuscript one could identify the papermills in the following cities as the places of origin of the paper used: Brassó (for instance fol. 21, 23, and 25), Szeben (Sibiu/Hermannstadt) (for instance fol. 37, 38, and 40), Memmingen (for instance fol. 4, 5, and 6), Kempten (fol. 71, 74, 76, 77), and Lengfelden (fol. 10). The works used in the identification of the watermarks: Mareş, *Filigranele*; Jakó, “Filigrane transilvănene,” 8–19.

38 Fol. 36, see Jakó, “Filigrane transilvănene,” 12 (watermark no. 36); Mareş, *Filigranele*, 17 (watermark 126).

if the manuscript at the time was not significantly longer than the version which has survived to the present day (which as noted earlier, consists of 161 pages).

Copies of the texts of several charters which served as models survived in the so-called *libri regii* registers,<sup>39</sup> which were maintained by the chancellery. At the same time, two of the original charters, on which formulas were based, have survived, and variations of the texts of some formulas are found in the *StylionariumSB* as well. These various texts offer insights into the processes according to which the individual formulas were composed. Here, I offer a detailed presentation of differences between only the following versions. Zsigmond Báthory's 1590–1591 *liber regius* contains a copy of the charter which served as the model for formula 169.<sup>40</sup> It was copied in an abridged form, so the formula contains a considerably more complete text, though the names of the neighbors of the exempted house were omitted. At the same time, the dates differ. In the case of the *liber regius* registry, the date is October 8, 1590, whereas in the case of the formula, the (quite definitely incorrect) date is December 16, 1591.<sup>41</sup> This also indicates that one must treat the dates in the registries of the formularies with caution, since the compilers obviously did not trouble themselves much over the precise dates when copying the texts (in this specific case, the date may indicate the day on which the text was copied into the formulary). Formula 108 also consists of a more complete version of the text, since the charter of June 3, 1591 (which was used as a template) was also entered into the *liber regius* in an abridged form.<sup>42</sup> In this case, however, the formula contains all the individual data, with the exception of the date. A copy of the original charter on which formula 221 was based was similarly entered into the *liber regius* of Zsigmond Báthory.<sup>43</sup> Because the clerk sought to compose a model for a charter of confirmation, in the formulary he shortened the ten-page privilege to a page and a half, since he mentions only the issuers of the

39 For more on the *libri regii* kept by the chancellery, see Fejér and Szász, “Libri Regii,” 272–89; Fejér, “Az erdélyi fejedelmi kancellária,” 3–32.

40 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 30r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1269.

41 One comes across similar cases in János Jacobinus' formulary as well. For instance, the date of composition of formula 10 is March 9, 1599 (see Bónis and Valentiny, *Jacobinus*, 39–41), whereas in the case of the original charter the date is March 8, 1598. (MSC ColDoc, no. 754.)

42 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 260v. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1579.

43 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 152v–157v. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1393.

three charters to be transcribed. Their names are followed, after the remark “Descriptis litteris omnibus usque ad finem conclusio hoc modo sequitur,” by the usual confirmation clause. It should be noted that the month and day given for the formula are February 20, whereas the date for the copy found in the *liber regius* is January 26 (1591), and instead of the actual issuers of one of the transcribed charters, one finds a fictive name: Gergely Petroczky. The names of the estates, which according to the formula were in Szörény (Severin) County, were also omitted. The copy of the charter, however, concerns properties in Máramaros (Maramureş) County, i.e. in an entirely different county.<sup>44</sup> Compared to the text copied into the *liber regius*,<sup>45</sup> almost half of formula 223 is missing (the section beginning with the *pertinentia* charter-formula and ending with the date). Also, some of the family names are imprecise (for instance the name Georgius Bako is given instead of Georgius Domonkos), and several proper names have been omitted. The date of composition of formula 110 was removed, as were two words, but otherwise the text corresponds entirely to the version copied into the *liber regius*.<sup>46</sup>

The original which served as the basis for the formula 266 has survived, as has the *liber regius* copy.<sup>47</sup> As a comparison of the texts reveals, there are very few differences between the formula and the original. The absence of the date, however, constitutes a serious obstacle to efforts to use the formula as a

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44 A comparison of formula 158 and the original on which it was based, which was drawn up on May 18, 1588 (SJAN-CJ, Arch. Wesselényi [Fond 250], no. 150d), reveals much the same thing: both of the charters which were to be transcribed were omitted from the formula made for a charter of transcription and the original charter, which was lengthy, has been shortened to a half-page. The text of the formula also contains omissions, but the proper names in it and the specification of the type of charters to be copied made it possible to identify the original charter. See formula 181 and MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 44r (see also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1287), in which, along other significant differences, András Szatmári is referred to as *nobilis*, while in the *liber regius* copy he is referred to as *circumspectus* and a resident of Nagybánya (Baia Mare/Frauenbach).

45 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 134v–135r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1663. See formula 309 and MNL OL, GyKOLt, Libri regii (F 1), no. 3. fol. 106v–107r. (See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 337.) In this case, the formula contains all the specific information except the date. Only the more general charter-formulas have been omitted. A comparison of formula 59 and the *liber regius* registry reveals much the same thing (MNL OL, KmKOLt, Protocolla [F 15], no. 11. fol. 45r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, 1298): alongside certain charter-formulas, the date is also missing, and the compiler has given an incomplete form of the name of the beneficiary (“Nicolai T. Albensis”).

46 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 313v–314r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1626.

47 On the publication of these texts, see Fejér, “Kancelláriai formuláskönyv,” 99–100.

historical source. At most, one could base conjectures concerning the date of the formula on the mention of Benedek Mindszenti in the offices of *cubicularius* (*kamarás*) and *arendator decimarum* (*tižedarendator*). The entry in the *liber regius*, however, contains all the essential information (even if it was written in abridged form). This suggests that the quite numerous abridged entries in the *libri regii* contained all the essential information in the original charters, if perhaps in different wordings.

Thus, on the basis of the discussion above one can conclude that the texts of the charters which served as models were transformed into formulas with the omission of shorter or longer passages and usually the partial or complete removal of specific details. The resulting texts contain all the elements that would later be necessary to draft charters of full value and force. In the case of formulas which contained either some or (in very rare instances) all of the proper names and place names and the date, a comparison with the versions found in the *libri regii* reveals that the compilers of the formulary did not always concern themselves much with the precise transcription of specific information (and one should note, this was not their goal). Rather, in some cases they simply gave fictive dates and fictive proper names instead. Thus, formulas which contain specific information, though valuable and worthy of study as examples of this genre of document, should be used as historical sources preferably only if other sources are available against which this information can be verified.

With regards to the texts found in both formularies, the following details merit mention. Formula 86 contained some of the proper names, but they were omitted from the version copied onto pages 14 and 15 of the *StylionariumSB*. According to the secondary literature, the more specific details one finds in such a text, the more likely it is that the text in question was copied directly from the original.<sup>48</sup> Thus, it is possible that the version from which more of this information is missing was made on the basis of the text found in the formulary under discussion, and in the course of the process of copying the text, specific details which seemed superfluous were omitted. Though they share the same title, formula 362 and the version found on pages 37 and 38 of the *StylionariumSB* vividly illustrate that the clerks who drafted the formulary were concerned not so much with fidelity to the original texts as they were with the task and practical goal of creating useful formulas. Kristóf Báthory is mentioned as the issuer of one, Zsigmond Báthory of the other (as we are dealing with formulas, the

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48 Bónis, “Magyi János,” 230.

fact that the date 1590 appears in the Kristóf Báthory text did not cause the compiler any particular difficulty). They are both “genuine” formulas, and thus both are lacking in specific information. Only one longer passage reveals that they are versions of the same text. In this case as in the aforementioned one, the text found in the formulary is more complete, which again suggests that the less detailed version was based on it. The same is true of formula 364 and the formula copied onto pages 42 and 43 of the *StylianariumSB*. The text of the first is more complete and contains individual elements. It is important to mention that in one of the texts the person lodging a complaint is a man, while in the other, she is a woman. Thus, the compilers of the formulas clearly were willing to modify the original details at any time, since these details had no practical significance whatsoever anyway. At the same time, there is a case in which, although the version found in the formulary is more complete (formula 363), the other version (*StylianariumSB*, page 42) contains passages of text which are not in the former. Concerning formula 391 and the text on page 52 of the *StylianariumSB*, the latter is slightly more complete and includes the date of composition, so formula 391 may have been based on it. Thus, all signs suggest that in some cases the compilers “borrowed” texts from the formularies to make their own collections as complete as possible. I would also mention formula 279 and the text on page 259 of the *StylianariumSB*, which are identical in every way and which contain all the individual information. It seems likely that both texts were copied directly from the same charter.

One very frequently comes across various “instructions” in the texts, most of which are in Latin, though a few are in Hungarian. These instructions are intended as guidance in the composition and editing of charters (they also spare the compilers of the manuscript the task of copying passages which seem superfluous or which can already be found in the formulary), but they also clearly show that the compilers knew the contents of the formulary well. Furthermore, they offer glimpses into the everyday work of the chancellery and the process of drawing up the charters. In other words, they call attention to concrete aspects of the “minor details” of work at the chancellery, aspects about which we otherwise would have no other sources on which to draw. In the interests of providing a clear overview, I have divided these instructions into three groups. The first group consists of instructions concerning which formula to use for substitution of the passages of text omitted from a given formula, for instance “Caetera ut in attestatoriis simplicibus” (formula 7); “Caetera ut in formula praemissa” (formula 14); “[...] (prout in litteris salvi conductus) usque ubivis in ditione nostra

constitutis et commorantibus [...]” (formula 57); “Initium sit prout in litteris passus: Universis et singulis spectabilibus etc.” (formula 68); “[...] etc. caetera ut in donationis formula usque limitibus existentibus” (formula 137); “[...] etc. caetera prout in aliis formulis” (formula 280); “[...] etc. vide nro 285 usque earum veritas suffragatur” (formula 305); and “[...] etc. prout in aliis ad finem usque” (formula 383). Since in some cases the formulas used for charters of transcription or confirmation do not contain the charters to be transcribed, the compilers note that they must be copied into the charters which will be issued: for instance “Interserantur statutoriae de verbo ad verbum. Subiiciatur: [...]” (formula 46); “Hic integre et totum debet describi mandatum quo perfecto sic ad caetera progrediendum” (formula 216); “Hic tota requisitoria est describenda qua descripta sic exordium” (formula 276); formula 267 for certain princely approval letter mention only the issuers of the charter to be transcribed and then add that it must be “usque ad finem videlicet nonagesimo tertio”, in other words copied in its entirety. “Az uthan mindgiarast ird ezt [then immediately write this]: Et paulo inferius subscriptum erat [...] Ez uthan esmet [then again] scribe hoc: [...]” Similarly, according to the instruction in formula 285, the charter should be copied “[...] usque ad finem. Absolutis litteris subiiciatur post numerum anni: Et in ultima earundem margine subscripta erant [...] Tandem sequitur: [...]”. One also comes across notes offering assistance in the phrasing of the charter or the composition of a similar kind of document: for instance, formula 6, regarding the situation of a person unable to appear before the chancellery or the place of authentication, says the following: “[...] qui cum ob loci distantiam (vel alio impedimento quocunque fuerit).” It then notes that the time and place of the execution should be indicated: “Quomodo ipse (tempus) in et ad (locum seu curiam nobilitarem) [...] accessisset.” In the text of a mandate of institution (*litterae introductoriae*) issued to the letter searchers (*requisitores/levélkeresők*), after the *inscriptio* and *salutatio*, one finds the following: “(Tandem donatio de verbo ad verbum sine ulla immutatione scribatur. Initium autem inde fiat: Quod nos cum ad nonnulorum etc. Sed pro Quod nos scribatur Cum nos ad etc. in eam formam.) Cum nos dignum et honorificum habentes respectum [...] etc. usque haeredibus et posteritatibus utriusque sexus universis. Tandem sequitur: vigore aliarum litterarum nostrarum donationalium [...]” At the very end of the formula, there is also a reference indicating that “Praesentibus [i.e. the “Praesentibus perlectis exhibenti restitutis” clause] omittatur in statutoria ad requisitores etc.” (formula 247); at the end of formula 231, which concerns granting the fourth part of the tithe (*quarta decimarum*) without paying the



*arenda*<sup>49</sup> the compiler offers the information necessary for another variation: “Quando vero pro arenda datur, tunc sic scribitur: a loco decimari solitarum pro solita arenda quadraginta florenos, uti perhibetur, constituenda plebano eius loci annuatim et consuetis temporibus de redditibus arendae decimarum huius regni dependenda vita eiusdem T. durante. Et commissio debet dirigi etiam ad plebanum.” After the formula 294 for the invitation to the Diet, the compiler notes the following: “Brassoviam et Bistricium<sup>50</sup> scribatur: una cum iudice vestro. Ahol penig polgarmester ninchien [where there is no mayor], sic: una cum regio sedisque iudicibus vestris.”

In addition to including these instructions, the compilers often abbreviated some charter-formulas. One could mention the abbreviation “S. P. D.” for “Secus non facturi. Praesentibus perlectis exhibenti restitutis. Datum etc.” (for instance formulas 77 and 224–225). In some cases, a compiler has changed the word order (for instance formulas 69, 89, and 110), interchanged shorter passages (formulas 146, 200, and 202), made corrections (formulas 13, 58, and 131), given other possible versions in the margins (formulas 76, 113, 237), or inserted words which were omitted (formulas 76, 11, 173). Finally, I would mention a special case when the first two thirds of a formula were copied on folio 51v and 52r and the last third was copied on folio 62v, though this was then indicated at the end of the former with the note “Caetera vide numero 194 inferius.”<sup>51</sup> In this case, the compilers simply wanted to add a new coat of arms letter to those already listed but there was not enough space for the introduction of the lengthy document. On the basis of this, however, one could conclude that in the course of compiling the manuscript the clerks kept a certain number of pages for specific types of documents and then later used them. This happened only rarely, however. Otherwise the system would have been more effective in the classification of the documents on the basis of type.

I will not delve into an investigation of the rich and complex content of the manuscript,<sup>52</sup> but I will call attention to the foreigners who came from various parts of Europe and who were active in Zsigmond Báthory's entourage and in the territory of the principality.

49 Following the secularization of Church properties in 1556, the tithe was tied to the incomes of the princely treasury. Often, the landowners rented the tithe from the treasury for a set price (*arenda*), but the princes could yield their claim for instance to the fourth of the tithe or the entire tithe for specific individuals without payment of the aforementioned fee.

50 Beszterce (Bistrița/Nösen).

51 Formulas 172, 194.

52 See Fejér, “Kancelláriai formuláskönyv,” 94–99.



## *Conclusions*

In summary, the almost 1,300 pages of the formularies discussed above contain more than 1,100 formulas which provide, if not an exhaustive, then at least a detailed and thorough overview of the kinds of charters and documents issued by the chancellery of the Transylvanian Principality in the second half of the sixteenth century, including documents the originals of which did not survive. They also offer glimpses into the work of the chancellery, revealing aspects of its functioning on which there are few or no other sources. Thus, they are important sources if only from these perspectives, but considering the serious loss of early modern source materials in the sixteenth and seventeenth centuries on Transylvania, including the large-scale destruction of the princely archives, they are even more significant. And while it is important, as noted in the discussion above, to treat the formulas with caution when using them as historical sources, at the same time one can hardly ignore the relevance of the information they contain, given that most of them were composed on the basis of charters which were in fact issued and delivered and which in many cases have not to our knowledge survived. Thus, anything we know of their content is based on the formulas. In other words historical scholarship has a great deal to gain from more focused study of the Transylvanian formularies, which for the past six or seven decades have been largely pushed to the margins of scientific inquiry.

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## The Society of the Residence of the Transylvanian Princes in the Second Half of the Sixteenth Century

Emőke Gálfi

*Research Institute of the Transylvanian Museum Society*

*galfie72@yahoo.com*

The aim of this study is to present the society of the town of Gyulafehérvár (Alba Iulia/Weissenburg) in the fifty years following the secularization of the holdings of the Church. The transformation of the episcopal estate into a princely domain brought a number of changes in the life of the settlement, such as the reorganization of its government and the acquisition of legal and economical privileges. In the period of the Báthory princes (1571–1602), the town was again transformed to meet newly arisen needs.

Keywords: princely estate, society of market towns, secularization, urban government, Gyulafehérvár (Alba Iulia/Weissenburg)

The central place of Gyulafehérvár<sup>1</sup> in the history of Transylvania is well known, and there is a great deal of secondary literature based on primary historical sources which emphasizes its importance.<sup>2</sup> The truth, however, is much more depressing: in part because of its importance, the city, which was home to the prince, perished several times in the modern era, meaning not only that its population dropped to an insignificant number and its buildings were destroyed or left in ruins, but even its archive, which reflects the history of the town, was destroyed.<sup>3</sup>

The landlord of the market town (with the exception of the area belonging to the Transylvanian Chapter) at the end of the Middle Ages was the bishop

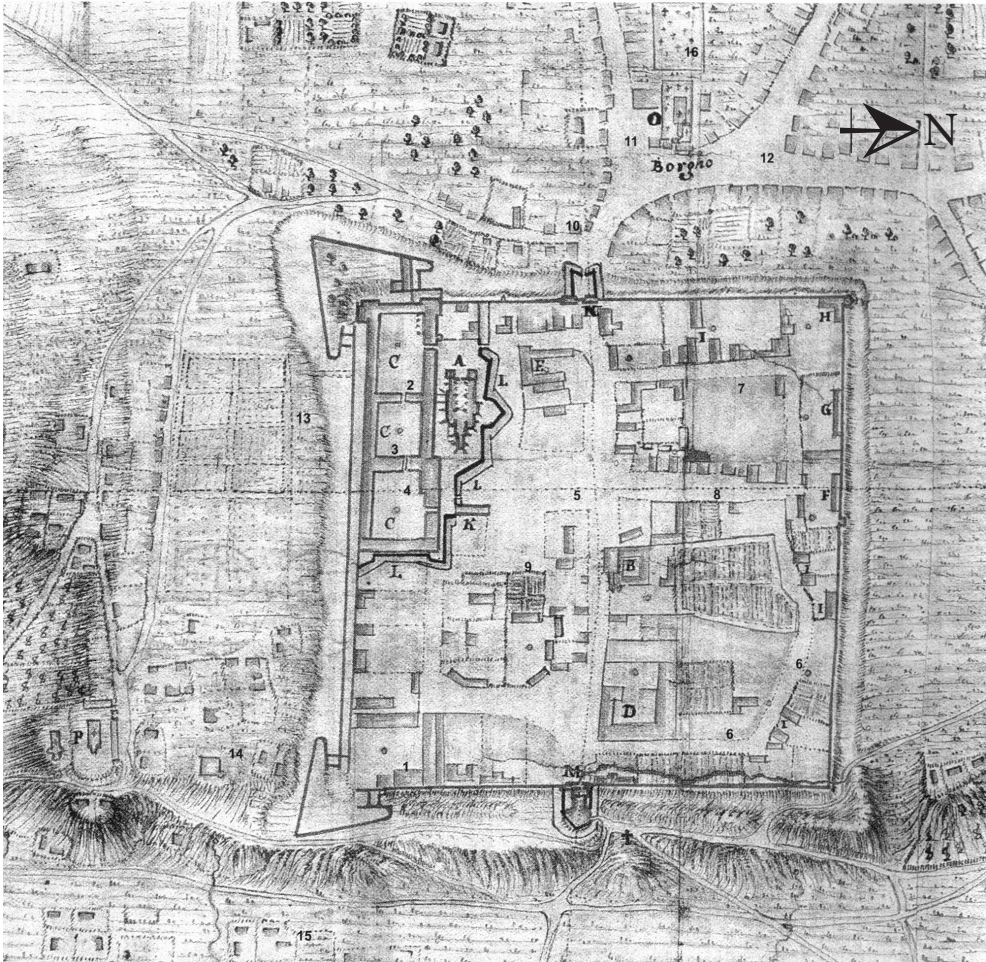
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1 The literature on European princely residences and courts includes (and this list is hardly exhaustive): Elias, *Die höfische Gesellschaft*; Idem: *The Court Society*; Ritter von Žolger, *Der Hofstaat*; Asch–Birke, *Princes, Patronage and the Nobility*; Starkey, *The English Court*.

2 Some of the important works on the history of the town include Entz, *Székesegyház*; Kovács, “Középkori székhely,” 191–201; Kovács, “Az építkező Bethlen Gábor,” 276–94; Kovács, “Fejedelmi udvar,” 235–58; Kovács, “Fejedelmi nyomda,” 178–88; Kovács, “Gyulafehérvári séta,” 418–23; Lakatos, “Hivatali írásbeliség,” Lakatos, “Önkormányzati testületek,” 495–530; Erdősi, “Udvar a városi térben,” 185–203; Kovács, *Gyulafehérvár város jegyzőkönyvei*.

3 The privileges of the town perished due to the destruction wreaked by the Heyducks in 1600 at Tótfalud (Tăuți), close to Gyulafehérvár, to where the chief justice of the town had the documents taken for safe refuge after he had gotten news of the loss at the battle of Sellenberk (Șelimbăr/Schellenberg; October 28, 1599). Kovács, *Gyulafehérvár város jegyzőkönyvei*, 38–39.





Map 1. Giovanni Morando Visconti: the ground plan of the town of Gyulafehérvár at the beginning of the eighteenth century

A. Cathedral which at the time belonged to the Calvinist Church B. Jesuit church C. The palace of the prince M. Saint George's gate N. Saint Michel's gate O. Saint Michael's Church (during the time of Visconti), the parish church of the Blessed Virgin and the surrounding churchyard before the secularization of the Church belongings. The outer city square, marked as *Borghi* on the map

of Transylvania. Of the two types of towns in Hungary that historians have identified in the period in question based on their ground plans,<sup>4</sup> Gyulafehérvár belongs to the group of settlements with castles in the center and outlying

4 Erik Fügedi distinguishes two basic ground plan types: castles with outlying areas (e.g. Gyulafehérvár, Győr) and sprawling settlements that grew together [e.g. Várad (Oradea)]. Fügedi, "Városok kialakulása," 319.

districts.<sup>5</sup> The cathedral, the bishop's palace, the houses of the canons and the altarists, the Dominican and Augustinian friaries, the hospital, and probably the chapter school were all located within the walls of the castle. The market square was located in front of the western gate<sup>6</sup> in the area outside the castle. The townspeople of the market town lived in the western area, and the houses inhabited by the tenant peasants of the chapter and the provost were located in the southeastern area called the "Major."<sup>7</sup> The society of the bishop's residence consisted of geographically distinct quarters inhabited by heterogeneous groups of clerics and laymen; the two were tied together by more or less close connections and lived under the jurisdiction of their landlords, the bishops of Transylvania.

The first basic change in the life of the settlement was the transformation of the bishop's seat to a princely residence in 1542. After the death of János Statileo (1542), the last medieval Transylvanian bishop, the bishop's seat remained vacant, and the bishopric's estates and the bishop's market town itself was given to the recently arrived Queen Isabella Jagiellon (1539–1559, the widow of King János I Szapolyai) for the upkeep of her court.<sup>8</sup> At that time, the chapter town, which was about the same size as the market town of the bishop, had not yet been handed over to the queen. In 1551, as the queen was leaving, under the rule of the Habsburg House the city of Gyulafehérvár was again put under the authority of the bishop, but in 1556, with the return of the queen and her son and the secularization<sup>9</sup> of the Church estates in the country,<sup>10</sup> the town began to undergo radical changes.

### *The First Phase of the Urban Development after the Secularization of Church Estates Goods*

The history of Gyulafehérvár as the residence of the prince of Transylvania began in 1556, although some parts of the city had already been in the hands of the rulers before the secularization of Church estates. The rise of the city

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5 The town and the castle can be identified on the early eighteenth-century map of Giovanni Morando Visconti. Kovács, "Fejedelmi udvar," Picture nr. VII.

6 Saint Michael's Gate, the western gate, was under the authority of the bishop, while the eastern gate, Saint George's Gate, was in the hands of the chapter. Kovács, "Fejedelmi udvar," 236–37.

7 Kovács, "Fejedelmi udvar," 240, 246, 250.

8 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 1:189.

9 I. e. the confiscation for the princely treasury.

10 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 2: 64–65.



as the residence of the prince is tied to the person and the second rule of Queen Isabella (1556–1559), because her overall reforms to urban policy also included changes which determined the development of Gyulafehérvár. The most important change was that as part of the process of secularization, from that time on, the entire settlement became the estate of the queen and, later, of the ruling prince of Transylvania. Because the entire settlement was brought under the rule of one landlord, the separate quarters of the city were unified under the same chief judge of the town (*iudex primarius*). The bishop's market town, which previously had been under its own judge, and the chapter town<sup>11</sup> ("Major"), which was probably led by a so-called *kenéž*<sup>12</sup> before 1556, came under the authority of the town judge, although on a lower level of administration the "Major" still remained under the authority of the *kenéž*.<sup>13</sup>

The change in the town's leadership and in the number of people who served as members of the inner and outer councils can also be dated to this period. In the Middle Ages, the town magistracy was led by a judge, four jurors (*iurati*), and an unknown number of external councilors.<sup>14</sup> After 1556, the membership of the magistracy rose to six jurors and 20 councilors (*consules*),<sup>15</sup> who were led by a judge.<sup>16</sup> Although the surviving sources only contain data concerning the full composition of the magistrate beginning in 1571<sup>17</sup> they do at the very least indicate that before 1571 the magistrate consisted of one judge and six jurors.<sup>18</sup> In all likelihood, the judges were elected in January,<sup>19</sup> and immediately after fulfilling their mandates, they could not be reelected. However, there were cases when members of the magistracy who had dealt successfully with the problems which had arisen in the administration of the town were reelected after several years.<sup>20</sup>

11 On the identity of the *kenéž* the first data comes from later, only from 1585: Gálfi, *Az erdélyi káptalan*, no. 426.

12 In this case, the name *kenéž* refers to the leader, the judge of the Romanian quarter.

13 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 875.

14 Lakatos, *Hivatali írásbeliség*, 62.

15 MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb., Cista 4. Fasc. 5, no. 61.

16 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 250.

17 MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb., Cista 4. Fasc. 5, no. 61.

18 For 1568: SJAN-CJ, Arch. Béldi (Fond 324), no. 89–128. no. 101; SJAN-CJ, General collection (Fond 546), no. 57. For 1569: MNL OL, GyKOLt, Centuriae (F 3), D. 29; Fejér, Rácz, and Szász, *János Zsigmond*, no. 96, 222.

19 The town judge, Gergely Igeni, appears as the leader of the town on January 14, 1571. MNL OL, GyKOLt, Centuriae (F 3), D. 26.

20 April 5, 1575. MNL OL, GyKOLt, Centuriae (F 3), H. 79; November 27, 1568. SJAN-CJ, General collection (Fond 546), no. 57.

The sources also indicate that judges in many cases were elected from members of the jurors,<sup>21</sup> and after having served for one year as judges, they became members of the external town council, together with the so-called *consules*.<sup>22</sup> On the model of the former bishop's market town, the Gyulafehérvár court judge (*provisor*) became the court of appeal for the townspeople of the market town.<sup>23</sup>

A change took place which was a decisive event in the life of the town in the mid-sixteenth century, the first sign of which is evident from the composition of the town's government: alongside the chief judge, a judge of the townspeople of Lippa (Lipova) and of Temesvár (Timișoara/Temeschwar) appears among the members. The judge of the townspeople of Lippa also became one of the nine assessors of the court of law of the court judge, along with the chief judge and two jurors of the town, which became the court of appeal for the townspeople.<sup>24</sup> The two judges were the heads of the quarter called Lippa, a name which appears in the sources in the second half of the sixteenth century. The name of the quarter can only be explained by the fall of the towns of Lippa and Temesvár to the Ottomans in the summer of 1552. Following this event, many refugees fled to Transylvania, and many of them settled in Gyulafehérvár and its surroundings.<sup>25</sup> The fact that the townspeople of Lippa and Temesvár had a separate street and quarter in Gyulafehérvár suggests an organized settling process which can probably be associated with the Rascian magnate Miklós Cserepvith<sup>26</sup> and perhaps Gianbattista Castaldo, governor of Transylvania (1551–1553).<sup>27</sup>

The sources do not indicate clearly when the inhabitants of the Lippa quarter acquired the right to elect their own representatives and when were they included in the government of the town. However, based on the reorganization of the magistracy after 1556 and the relationship of Queen Isabella and King

21 August 24, 1568. SJAN-CJ, Arch. Béldi (Fond 324), no. 101; April 3, 1570. SJAN-CJ, Arch. Gyulay and Kuun (Fond 351), no. 216; MNL OL, GyKOLt, Centuriae (F 3), D. 9. There is not enough data to suggest that judges were only elected from the jurors.

22 MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 4. Fasc. 5, no. 61.

23 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 7.

24 SJAN-CJ, General collection (Fond 546), no. 57.

25 Gálfi, "A Lippa-fertály," 143–49.

26 Councilor (1556–1558), ban of Karánsebes (Caransebeș) (1559) and Lugos (Lugoj) (1558). Trócsányi, *Központi kormányzat*, 26; Fejér, Rácz, and Szász, *Báthory Zsigmond*, no. 50.

27 July 9, 1552. Letter of Castaldo to archduke Maximilian: "Nicolaus Cheprevith mihi scribat circa duo Rascianorum millia cum uxoribus et familiis servasse et versus Lippam duxisse, ubi munitionem arcis non parum adjuvant, pro quibus petit aliquem locum in regno isto ubi habitare possunt". HHStA. Hungarica. Fasc. 66. Konvolut A. f. 5. r. I thank Klára P. Kovács for sharing this data with me.

János I Szapolyai (1526–1540) to the town of Lippa, it is reasonable to suppose that the leaders of the Lippa quarter became members of the town's government after 1556. According to the diploma of the leaders of the quarter from 1567, the townspeople of Lippa and Temesvár functioned under the leadership of two judges and six jurors as a common municipal council.<sup>28</sup> It is probable that the judges and jurors were elected from the former townspeople of the two towns equally (3-3). The council confirmed their diplomas with its seal.<sup>29</sup>

The return of Queen Isabella in 1556 meant the legal unification of the quarters, the reorganization of the urban government, the bestowal of economic privileges. One of the economic privileges of Gyulafehérvár was the right to have an annual fair. The “letter on the annual fair” was mentioned in the *Town Book* of Gyulafehérvár in 1597 and 1598<sup>30</sup> as a treasure that the judge in office takes over from his predecessor, along with the town's archive. The letter and the archive were destroyed in 1600.<sup>31</sup> Like the urban statutes, the privilege could have originated from Queen Isabella, and it must have specified the dates of the annual fairs. As far as we know, the town had two annual fairs in the Middle Ages.<sup>32</sup> The annual fairs held in the second half of the sixteenth century are known from a calendar produced in the printing workshop of Gáspár Heltai.<sup>33</sup> As the calendar was printed in 1572, it seems likely that it reflects the situation of the period of the reign of king elect János II Szapolyai (or Prince János Zsigmond; 1540–1571) or probably an earlier period. In Gyulafehérvár, three annual fairs were held in that period: the first on the day of the appearance of Saint Michael or Saint Stanislaus (May 8),<sup>34</sup> the second on Michaelmas (September 29), and the third on Maundy Thursday.

In comparison, among the market towns in the territory of the estate of Gyulafehérvár<sup>35</sup> Enyed (Aiud/Engeten) also had three fairs, but otherwise

28 Pál Szabó, János Zilay, Demeter Nyerges, Ádám Mészáros, Ferenc Pontyos, Pál Tollkötő, Gál Somogy and Bálint Harany. SJAN-SB, ColDocMed, U IV. no. 1123.

29 “...according to our oath, we have it sent to you under our seal” (kegyelmednek hitünk szerint pecsét alatt küldettük). SJAN-SB, ColDocMed, U IV. no. 1123.

30 “vásárról való levél” Kovács, *Gyulafehérvár város jegyzőkönyvei*, 26–27.

31 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 38–39.

32 Weisz, *Vásárok*, 143.

33 Calendar for 1573 from Szaniszló Iacobeus. RMNy I. no. 315. and RMK 1. no. 93. <http://dspace.bcucuj.ro/handle/123456789/26168> (accessed: December 11, 2018), its edition: Binder, “Régi kalendáriumok,” 111–24.

34 Binder, “Régi kalendáriumok,” 113–14.

35 Gyulafehérvár, Enyed, Abrudbánya (Abrud), Zalatna (Zlatna), Krakkó (Cricău), Igen (Ighiu), Sárd (Șardu), Tövis.

annual fairs were held only in Krakkó and Tövis (Teiuş/Dreikirchen), in the former twice a year and in the latter once a year.<sup>36</sup> For further comparison with the other towns in Transylvania and Partium,<sup>37</sup> Kolozsvár (Cluj-Napoca/Klausenburg) and Várad (Oradea) both had three fairs, but with its six annual fairs, the market town of Debrecen had by far the most.<sup>38</sup> In 1558, four annual fairs were held in Kolozsvár<sup>39</sup> and 12 annual fairs were held in the medieval city of Várad,<sup>40</sup> so some settlements may have had more fairs than the settlements mentioned above, but based on the comparison of medieval and early modern fairs, it is clear that the data in the calendar are accurate,<sup>41</sup> even if the calendar does not include every single fair.

With regards to the land and estate management of the town, it is clear that before 1556, apart from the forests and meadows, properties were also used as commons in the boundary of Gyulafehérvár; there is data of a mill being donated to the town by János I.<sup>42</sup> After the secularization of the Church estates, the town was able to acquire the former chapter school and the Holy Spirit hospital (founded by Bishop István Upori), which at the beginning of the sixteenth century also included a bath house and a slaughter house.<sup>43</sup> The last will and testament of János Zsigmond informs us about their fate, in which he left 1,500 florins for the construction of the school of Gyulafehérvár and the needs of its students and 500 florins for the hospital.<sup>44</sup> Both sums were handed over to the town's leader by the executors of his last will on June 22, 1571.<sup>45</sup>

With regard to the ecclesiastical privileges of the town, as we have emphasized a number of times, until 1556 Gyulafehérvár did not have the right to elect its own priest.<sup>46</sup> Although a number of signs suggest that the townspeople and the

36 Binder, "Régi kalendáriumok," 113–14.

37 Partium is the part of the country that once belonged to the Kingdom of Hungary, hence its name (Partes/Partium Regni Hungariae). Unlike other parts of Hungary which belonged partly to the Habsburgs and partly the Ottomans, this region was part of the Principality of Transylvania.

38 Binder, "Régi kalendáriumok," 113–14.

39 Jakab, *Oklevéltár*. 2: 34–35.

40 Lakatos, "Hivatali írásbeliség," 252.

41 For the survival of medieval fairs, see the fairs of Várad held on Epiphany (January 6), Pentecost, and on Saint Francis' day (October 4), the fair of Zilah (Zalău) on Saint Margaret's day (July 13) and that of Kolozsvár on Iudica Sunday and Saint Emeric's day (November 5). Weisz, "Vásárok," 139–40, 148, 164. Binder, "Régi kalendáriumok," 113–14.

42 Gyulai, *Erdélyi királyi könyvek*, 10: 68–69.

43 Batthyaneum, IV, no. 3.

44 Heckenast, "Végrendelet," 324–25.

45 MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 4. Fasc. 5, no. 61.

46 Gálfi, "Gyulafehérvár a középkor végén," 35; Gálfi, "A Lippa fertály," 149.

members of the chapter were open to the ideas of Protestantism,<sup>47</sup> it is unlikely that the townspeople received this basic privilege, neither from Queen Isabella nor later from her son. Given that the milieu in which the prince moved was saturated with religious polemics fueled in part by Giorgio Blandrata,<sup>48</sup> who was open to the religious reforms, it seems likely that the townspeople followed the faith of the prince. This is reflected by their strong opposition when, according to the account given by Giovanandrea Gromo, in 1565 the Protestants expelled the Catholic priests from the cathedral and smashed the altars, statues, and images they found there.<sup>49</sup>

The secularization of the castle district merits separate discussion. At the end of the Middle Ages, the ecclesiastical society of the town was concentrated in this district. Part of the castle was in the hands of the bishop, while part was owned by the chapter. In the case of this quarter, the process of secularization took years. Queen Isabella and later János II left the formerly Catholic clerics, who swore their loyalty to them for the rest of their lives, in their possessions. The possessions of the canons and the lower clergy who had to flee Transylvania, however, were immediately confiscated by the treasury and were donated to the queen's and her son's supporters. Among the canons who left the country, one finds Máté Báthai, canon and archdeacon of Torda (Turda/Thorenburg), and Ferenc Szengyeli, canon and archdeacon of Küküllő and Transylvanian vicar, on whom there is no information whatsoever in any of the surviving sources from after September 1556.<sup>50</sup> The same is true of the altarists of the altars dedicated to Saint Matthew and Saint Lawrence, whose houses, which according to the sources were empty, were therefore later given away.<sup>51</sup>

The abovementioned Ferenc Szengyeli must have committed an unforgivable crime, along with György Fráter<sup>52</sup> (1482–1551), by assisting in the exhumation and

47 Several canon are known to have had a positive attitude towards Protestantism, such as Mihály Csáki, the future chancellor, and Márton Kálmáncsehi Sánta, but Ambrus Mosdósi, the former canon and archdeacon of Ózd also belongs to this group. Horn, *Tündérszág útvesztői*, 23–32; Gálfi, *Levélkeresők*, 48–52.

48 Jakó, "A Hoffhalterek," 241–60.

49 Entz, *Székesegyház*, 131–32, 205.

50 Máté Báthai appears as canon and archdeacon of Torda for the last time on September 25, 1556 in a diploma of Ferenc Szengyeli. Jakó, *Adatok a dézsma*, 12.

51 MNL OL, KmKOLt, Cista Comit. (F 17), Comit. Alb. K. 18.; F 3. D. 32.

52 Or György Martinuzzi, bishop of Várad, cardinal, royal governor, great supporter of János I, who, after the fall of Buda (1541), had an important role in the formation of the Transylvanian state. For the most recent monograph on his career, see Oborni: *Az ördögös barát*.

removal<sup>53</sup> of the body of Orbán Batthyány<sup>54</sup> (?–1547). Szengyeli's deed is telling regarding the spread of Protestantism, as he probably aimed to set an example with this extraordinary act, and this is not our sole indicate in the sources of his anti-Protestantism.<sup>55</sup> After the return of Queen Isabella, Szengyeli was forced to leave the town. His house, which was the residence of the archdeaconry of Küküllő, was later given to Ambrus Szabadkai Kis, the court judge of János Zsigmond, and his family.<sup>56</sup> The date of the donation is unknown. We know only that Ambrus Kis,<sup>57</sup> who belonged to the lesser nobility, first served Bálint Török<sup>58</sup> (1502–1550). After Török was taken captive, Kis then served Katalin Pemmlinger, after whose death he settled in Transylvania. In 1555, he was in the service of Pál Bornemissza,<sup>59</sup> bishop of Transylvania, in 1556 he probably swore loyalty to Queen Isabella, and in 1568 he died in Transylvania as a court judge in Gyulafehérvár.<sup>60</sup>

As a result of the royal donations, by 1556 the castle district's population, which previously had consisted mostly of clerics, was made up primarily of high-ranking representatives of the courtly nobility. During the reign of Queen Isabella, however, very few secularized Church possessions were given away, or at least the sources indicate only a few. It hardly seems coincidental that during the last period of her reign (1556–1559), in one year's time no more than 62 pages of diplomas were entered into the royal book (*Liber Regius*).<sup>61</sup> There is no information concerning any of the estates in Gyulafehérvár having been given away by Isabella. There is only an indirect reference to this in a diploma of János Zsigmond from 1561, which mentions similar donations made by his mother. The elected king then gave his doctor for life a stone house which had belonged

53 According to a letter by Anna Nádasdy, György Fráter had the body of Orbán Batthyány, who had been buried in the “monastery” in Gyulafehérvár, exhumed and had his body re-buried in manure. Bunyitai, Rapaics, and Karácsonyi, *Egyháztörténelmi emlékek*, 5: 1; Mihalik, “A kanonok két leánya,” 154; Entz: *Székesegyház* 192–93.

54 Member of the court of János I, later confidant of Queen Isabella and supporter of Protestantism. He had a role in the murder of Imre Czibak, bishop of Várad (1534).

55 Because of their stubbornness, Ferenc Szengyeli excommunicated János and György Macskási of Rápolc. Bunyitai, Rapaics, and Karácsonyi, *Egyháztörténelmi emlékek*, 5: 289. (no. 211)

56 Kovács, “Fejedelmi udvar,” 251. (Note 111.)

57 Bessenyei, *Enyingi Török Bálint*, XXX, no. 30, 279, 281, 283, 289, 313.

58 A magnate who later became a member of the barons of the country and courtier to the queen. After the death of Louis II (1526) he was first a supporter of János I and then of Ferdinand I, and finally again János I until his death. After the fall of Buda in 1541, he was captured by the sultan. He died in Istanbul.

59 MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 2. Fasc. 3. no. 38.

60 SJAN-CJ, General Collection (Fond 546), no. 57.

61 Fejér, “Regisztrumvezetési gyakorlat,” 5, 19.



to the Saint Matthew altar of the cathedral, but with the specification that the doctor was only entitled to belongings in the house which had not already been given away by János II himself or his mother.<sup>62</sup>

Even at the beginning of the reign of János II, the donations (of which the example cited above seems typical), were cautious and were meant only for the lifetime of the individual to whom they were given, but not his heirs. This is also true of the Gyulafehérvár house of Ambrus Mosdósi, former dean and archdeacon of Ózd, and altarist (*rector*) of the Holy Cross altar. It is not clear whether he got the donation from the queen or his son, and the donation only legitimized his continuous possession of the property, but it is clear that he held the building until his death, as in 1570 it ended up in the hands of Kristóf Hagymási, captain of Huszt (Xyct).

The belongings of the Saint Magdalene altar of the cathedral also remained in the hands of its rector,<sup>63</sup> Lőrinc Szentmihályi,<sup>64</sup> who is mentioned in a later source as requisitor of the place of authentication and court judge in Gyulafehérvár. In 1568, the prince gave him the house that had belonged to the altar and two vineyards on the edge of the town, a mill with two wheels in Felenyed (Aiudul de Sus), and one-third of a mill in Lámkerék (Langendorf/Lancrăm), on the Sebes River, which all had belonged to the Saint Magdalene altar.<sup>65</sup> These estates were in the hands of Szentmihályi as altarist already. As in the case of Mosdósi, the donation only legitimized his holdings. The houses in the castle district that belonged to the canons and the altarists and to which manor houses, gardens, mills, tenant peasants, and vineyards in the surrounding vine slopes belonged were usually donated by the rulers with all their belongings,<sup>66</sup> as happened in the case of the Saint Magdalene altar, but in many cases (and especially with the passing of time) only some of these belongings were given to the beneficiary.

In Gyulafehérvár, during the reigns of Queen Isabella and János II, the princely court took possession of the lodges that had belonged to the clergy until the process of secularization, but the prince did not envision keeping the center of his court as prince there for the long term. As the secondary literature has already shown, János II planned the development of a new seat at the nearby

62 MNL OL, KmKOLt, Cista Comit (F 17), Comit. Alb. K. 18.

63 A diploma in 1563 mentions him as the dean of the Saint Magdalene altar. MNL OL, GyKOLt, Centuriae (F 3), L. 20.

64 Gálfi, *Levélkeresők*, 55.

65 Fejér, Rácz, and Szász, *János Zsigmond*, no. 57–58.

66 SJAN-CJ, Arch. Béldi (Fond 324), no. 101.



Szászsebes (Mühlbach/Sebeş), but due to his death at a young age this plan was never realized.<sup>67</sup>

### *The Residence of the Báthory Princes*

In light János II's plans regarding Szászsebes, it is beyond dispute that, with the death of the elected king, Gyulafehérvár remained the residence of the rulers because of the decision of the prince, István Báthory. Báthory was taking into consideration, when making this decision, that the town and the extensive lands around it were princely property.

Certainly thanks to István Báthory<sup>68</sup> and perhaps because of the growing population of the princely center, the urban magistracy was extended to a degree that was visible in the town's government. Accordingly, in the last third of the sixteenth century, the town's government was represented by a judge, 12 jurors, and 40 external councilors.<sup>69</sup> The latter appear in the sources not as *consul* but *senator*.<sup>70</sup> The “forty men” were probably chosen from among the townsmen of the five parts of the city (*fertály* or quarters): the Vár (“Castle”), Téglá, Bódog, Lippa, and Tövis, as is indicated in the early-seventeenth-century entries of the *Town Book*.<sup>71</sup> After 1571, Lippa quarter probably lost its right to elect its own judge and probably was only able to elect senators, like the other quarters. The chapter's outskirts, called “Major” and geographically separate from the quarters that formed the previous market town of the bishopric, were inhabited by Romanians<sup>72</sup> and were still governed by the *kenész*, who was subordinated to the town judge and the town's magistrate.<sup>73</sup>

Judging by their names, the 12 jurors were craftsmen (Szabó, Borbély, Nyíró, and Mészáros<sup>74</sup>) and merchants, but it is likely that most of the members of

67 Jakó K., *Az első kolozsvári egyetemi könyvtár*, 6.

68 We do not know exactly when the magistrate of the town was transformed but it is certain that for 1585 more than six jurors were identified in the sources. Determining the date is difficult, because the diplomas on urban legal matters list the judge and only one to three jurors, who in many cases were the same people. MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 5. Fasc. 1, no. 18, and GyKOLt, Centuriae (F 3). D. 7; Gálfi, *Az erdélyi káptalan*, no. 426; Batthyaneum, VI, no. 81, 82.

69 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 7.

70 The earliest data is from July 12, 1581. Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 286.

71 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 30–31.

72 “in suburbio Valachali eiusdem civitatis Albensis Maior vocato” Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 717.

73 Gálfi, *Az erdélyi káptalan*, no. 426.

74 I. e. Tailor, Barber, Snipper, Butcher.

this leading elite were literate and were well aware of the town's legal customs and the taxes and duties that were due to the prince. The jurors were probably chosen from among the senators, but the sources contain no data concerning this in the case of Gyulafehérvár.<sup>75</sup> In the case of the judges, it was established practice that they first served as members of the body from which the jurors were chosen, and during this time they learned the ins and outs of governance. Between 1581 and 1600, of the 12 people who were elected to serve as judges<sup>76</sup> (there were 12 individuals elected to serve as judges in this period because some of them were reelected), seven of them had served as jurors and on an average it had taken 7.7 years for them to be elected as judges. After the end of their year in office, the town judges again became jurors, and one also finds them among the town senators, a position which some of them held several times.<sup>77</sup> The town's notary, who kept the *Town Book* and the minutes of legislative protocols, had an important role in managing the town's issues, but he was also the person to put down in writing the different court cases that were brought to the town judge, as well as the last wills.<sup>78</sup>

The judge of the town was normally elected at the beginning of the year, probably around Epiphany, and the rule according to which the same person could not serve as a judge for two consecutive years was enforced, but someone who had performed well could be reelected after a year had passed.<sup>79</sup> In January, a judge who was leaving the position usually gave an account of the work he had done over the course of the year, and he then handed over the town's archive and the symbol of town magistracy's power—two swords—to his successor.<sup>80</sup> The chest for the archive of the town contained a book bound in parchment

75 This was the practice in the case of Torda (Thorenburg/Turda): “iuratus civis e numero quinquaginta electorum patrum.” Bogdándi, *A keclozsmonostori konvent*, no. 669.

76 Péter Gyógyi, Márton Mészáros/Németi, Ferenc Vajda, István Nyíró, Ferenc Csányi, László Betlen/Szabó, Gergely Mészáros, Bertalan Mészáros, János Kovács, János Lippai Szűcs/Siska, János Nyíró, István Baranyai Szabó. SJAN-CJ, Archive of the town of Beszterce (Fond 44), no. 5435; Batthyaneum, VI, no. 42; MNL OL, GyKOLt, Centuriae (F 3), C. 36, D. 7, D. 9, H. 79; MNL OL, GyKOLt, Cista Comit., (F 4), Comit. Alb. Cista 4. Fasc. 5, no. 61; Cista 5. Fasc. 1, no. 61. and Cista 4. Fasc. 5, no. 63.; Fejér, Rácz and Szász, *Báthory Zsigmond*, 7/3, no. 192; Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 268, 441, 451, 676, 743; Kovács, *Gyulafehérvár város jegyzőkönyvei*, 18–19, 22–24, 26–27; Szamosközy, *Erdély története*, 293.

77 E.g. András Bányai was judge in 1578 and senator in 1581. SJAN-CJ, Arch. Bánffy (Fond 320), Fasc. 61, no. 2; Bogdándi and Gálfi: *Az erdélyi káptalan*, no. 286. János Nyíró/Szabó was judge in 1598, and juror in 1600, Kovács, *Gyulafehérvár város jegyzőkönyvei*, 27.

78 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 4, 10–11.

79 Ibid., 22, 26–27.

80 Ibid., 27.

died red, which András Kovács identifies as the Town Book of Gyulafehérvár,<sup>81</sup> an “old black decorated book,” which may have included the urban statutes, a *Decretum* (that is, the *Tripartitum*<sup>82</sup> of István Werbőczy), important privileges (such as those concerning the town’s annual fairs), the privileges concerning the ploughlands, and “some protocols,” which probably meant the legislative protocols.<sup>83</sup>

The site of deliberations concerning legislation in the second half of the sixteenth century must have been the town hall, which was by the outer market square of the town.<sup>84</sup> In contrast with views which have gained prominence in the secondary literature,<sup>85</sup> we believe that, based on the model of Szeben (Sibiu/Hermannstadt), Brassó (Braşov/Kronstadt), and Kolozsvár<sup>86</sup> (the communities of which created or purchased a place for the town’s government in the fifteenth and sixteenth centuries), Gyulafehérvár also must have had a similar house by at least the second half of the sixteenth century, if not earlier. The “house of the town” (*város háza*) referred to in the diploma cited above, therefore, must have been the town hall, not the house of a townsman which became the property of the town after his death without legal heirs (the text could also be interpreted to suggest this), because had that been the case the house would have been inherited by the landlord (the prince) and not the community of the market town. The fact that the significantly smaller market town of Sárd in the neighborhood of Gyulafehérvár also had a town hall in 1583<sup>87</sup> which was on the main square of the settlement also supports this conclusion.<sup>88</sup>

The magistracy described above only had jurisdiction over the townspeople, who were only one segment of the society of the princely market town. The most precise description of the different layers of the society was given by the magistrate itself in 1604. According to a text entered into the *Town Book*, the contemporaries clearly drew distinctions between “noble, urban, and military

81 “Öreg bogláros fekete könyv” Kovács, *Gyulafehérvár város jegyzőkönyvei*, 3–5.

82 Assembly of Hungarian customary law, edited in 1514 by István Werbőczy.

83 “valami prothocolumokat” Kovács, *Gyulafehérvár város jegyzőkönyvei*, 26–27.

84 November 8, 1590. “domus huius civitatis nostrae” Fejér, Rác, and Szász, *Báthory Zsigmond*, no. 1298.

85 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 8; Petrovics, “A város története,” 188.

86 Sigerus, *Nagyszeben krónikája*, 16; Nusbächer: *Rathaus*. 1–26; Kovács: “Kolozsvár városképe,” 47; Flóra, “The Town Hall of Kolozsvár,” 5–6.

87 “domus publica eiusdem oppidi” SJAN-CJ, Collection of Hanging Seals (Fond 560), no. 130., Fejér, Rác, and Szász, *Báthory Zsigmond*, no. 389.

88 “in theatro oppidi” SJAN-CJ, Collection of Hanging Seals (Fond 560), no. 130.

estates,”<sup>89</sup> i.e. the nobility, the townspeople, and military men in the service of the court. And within the “urban estate” they drew a distinction between the inhabitants of the quarters listed above and the Romanians in the “Major.”<sup>90</sup>

In the territory of the town, representatives of the three layers lived side by side,<sup>91</sup> and although in the castle district the nobility was the clear majority, townsmen and military officers also had holdings within the walls.<sup>92</sup> Gyulafehérvár had two main squares, one within the town walls, the other in front of the western gate (Saint Michael’s Gate). The latter also functioned as the market square of the town. The outer main square was home to various shops, which were either run by the townspeople themselves or rented by them for the periods of the annual fairs or for a year.<sup>93</sup> The three annual fairs of the town were held here, as were the weekly markets. There we find also the cemetery and the parish church of the town (which before the secularization of Church belongings was dedicated to the Virgin Mary),<sup>94</sup> and, as noted above, the town hall. This outer, rather long main square was not only the center of the town in an institutional sense, but was also a true reflection of the town’s social structure. While the character of the main square in the walled town was determined by the nicely reconstructed residences of magnates, which were renovated versions of houses which had belonged to the canons and altar deans,<sup>95</sup> on the outer main square it was the court nobility, the garrisons of the court, and the richest burgesses who tried to acquire houses. There was a significant overlap among the members of the last group and members of the magistrate. The names of the judges of Gyulafehérvár are known from 1563 onwards, with some shorter and longer gaps. These are supplemented occasionally by information on the jurors and senators. The names of altogether 17 judges who served between 1563 and 1600 are known, of which nine had houses in the outer main square<sup>96</sup> and one

89 “nemes és városi és darabont rend” Kovács, *Gyulafehérvár város jegyzőkönyvei*, 32.

90 Ibid., 32.

91 Erdősi, “Udvar a városi térben,” 192–95.

92 Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1356; MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 4. Fasc. 5, no. 46; SJAN-CJ, Archive of the town of Beszterce (Fond 44), no. 5435.

93 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 28.

94 Gálfi, “Gyulafehérvár a középkor végén,” 34–35.

95 Kovács, “Fejedelmi nyomda,” 178–88; Kovács, “Gyulafehérvári séta,” 418–23.

96 István Sipos, Gergely Igeni, Ferenc Pontyos, Ferenc Csányi, István Szabó/Nyíró, László Bethlen/Szabó, István Baranyai Szabó, János Szilágyi Nyíró, Gergely Mészáros. Kovács, *Gyulafehérvár város jegyzőkönyvei*, 18–19, 22, 29–30, 180; Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 594, 866, 936; Gálfi, *Az erdélyi káptalan*, no. 39. MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 5. Fasc. 1, no. 52, 61.

on the main square of the walled town.<sup>97</sup> We know of another three who owned two plots either on the outer main square or in its immediate vicinity.<sup>98</sup>

The noble society of the princely residence, to which the rich members of the townsmen described above were trying to find their way, were identical with the nobles who were present at the princely court. The identity of the high-ranking representatives of these nobles and the locations of their houses in the castle district are familiar from the secondary literature,<sup>99</sup> so it would be superfluous to touch on this layer here. However, the same is not true of the third group of this urban society, the military population.

Foreign travelers who described Gyulafehérvár recurrently mentioned that there were many garrisons and comparatively few townspeople in the city.<sup>100</sup> At the end of the Middle Ages, the military command of the castle of Gyulafehérvár was under the authority of its castellan.<sup>101</sup> The function existed during the reigns of Queen Isabella and János Zsigmond, and sources indicate that in 1562 (i.e. during János Zsigmond's reign), the garrison of the princely court consisted of approximately 1,500 men, of which 500 were footmen and 1,000 were cavalrymen. Between 1564 and 1567, 200 footmen and 100 cavalrymen served under the Italian mercenary leader Gromo.<sup>102</sup> As the difference between the numbers is big (1,000 cavalrymen vs. 100), it is likely that the cavalry consisting of 1,000 men was not permanently present at the court, and according to medieval customs, the closest members of the noble retainer of the king also had to have cavalrymen, though we do not know who served as their leader.<sup>103</sup> Sources indicate that the castellan of Gyulafehérvár existed as a function until the death of János II,<sup>104</sup> the castellan may have been in command of the 500 footmen. Sources also mention *castellanus* from the period after the death of János II,<sup>105</sup> but by then the castellan was in charge of the watch of the two town gates and

97 János Lippai Szöcs/Siska. ErdKáptJkv, 8/2, no. 117.

98 Ferenc Csányi, István Szabó/Nyíró, László Bethlen/Szabó. Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 384, 866, 936; Gálfi, *Az erdélyi káptalan*, no. 39; Fejér, Rác and Szász, *Bátbory Zsigmond*, no. 877, 1488.

99 Horn, *Tündérország útvesztői*, 9–144; Kovács, “Fejedelmi nyomda,” 178–188; Kovács, “Gyulafehérvári séta,” 418–23; Erdősi, “Udvar a városi térben,” 193, 195–97.

100 Erdősi, “Udvar a városi térben,” 194.

101 Batthyaneum, V. no. 26.

102 Sunkó, “Udvari hadak,” 101.

103 Kubinyi, “A királyi udvar,” 309–37; Sunkó, “Udvari hadak,” 111.

104 The last bit of data on a castellan of Gyulafehérvár comes from January 1571. MNL OL, GyKOLt, Centuria (F 3), D. 26.

105 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 860; MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb, Cista 4, Fasc. 5, no. 29, 30.

was not the military leader of the town and castle.<sup>106</sup> Between 1556 and 1571, the castellan not only had military duties but also was involved in the administration of justice, as he had a seat among the assessors of the court judge.<sup>107</sup>

After the death of János II, the courtly military and its leadership was reorganized to meet newly arisen needs, and two chief captains were appointed to lead the courtly military. One led the cavalrymen, the other led the riflemen, known as the *pedites pixidarii* or by their other name, the presidaries (*praetoriani*) or blue guardsmen, who formed part of the footmen. From then on, the title of castellan ceased to exist, but probably the former function of the castellans survived in the title of the two castellans of the town gates, who were probably the closest subordinates of the head of the blue guardsmen. There is no other explanation for the statement made by Farkas Bethlen,<sup>108</sup> according to which 600 men were in charge of protecting the gates of Gyulafehérvár, as the number of the blue guardsmen was 600 altogether.<sup>109</sup> The sources also contain information concerning the subordinates of the castellans of the town gates, such as the corporal, Tamás Dévai, who served at the Saint Michael's Gate in 1591.<sup>110</sup>

After the death of János II, György Bánffy became the first chief captain of the cavalry. The sources give indications of his role in this position as of 1572.<sup>111</sup> The function sometimes is also referred to by the sources as the captain of the noble retainers,<sup>112</sup> which clearly shows that the leading officers of the princely court had to hire cavalrymen themselves,<sup>113</sup> who were led by the abovementioned chief commander of the cavalry. There are also data concerning the deputy of the commander of the cavalry; in 1583, László Brinyi, courtly vice-captain, served in this position.<sup>114</sup> According to the account of Pierre Lescalopier from 1574, the cavalry numbered 600 men, two companies of which were formed by Polish pike-bearers.<sup>115</sup> The size of the cavalry remained the same in later times; in 1585, István Báthory, when organizing the new government in Transylvania,

106 Kovács, "Fejedelmi udvar," 237.

107 SJAN-CJ, General collection (Fond 546), no. 57.

108 Transylvanian chronicler (1639–1679) and chancellor of Transylvania (1678–1679).

109 Bethlen, *Historia*, 241–42.

110 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 835.

111 SJAN-HN, ColDoc, IX. no. 9.

112 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 740; Fejér, Rácz, and Szász, *Báthory Zsigmond*, no. 1227.

113 Sunkó, "Udvári hadak," 110.

114 Fejér, Rácz, and Szász, *Báthory Zsigmond*, no. 403.

115 Lescalopier, 91.

ordered János Ghiczy<sup>116</sup> to have 600 cavalrymen paid on a monthly basis kept at the princely court.<sup>117</sup> Two expense lists from 1586 somewhat contradict these numbers, as according to the first 670 cavalrymen had to be hired and according to the second 255, but the contradiction can be explained if the first included all the cavalrymen, while the second included only the cavalrymen who resided at the princely court.<sup>118</sup>

In the town books, contemporaries write about the layer of courtly footmen as the third constituent of the society of the town.<sup>119</sup> Their chief captain from the reign of István Báthory until his death in early 1585<sup>120</sup> was certainly János Sasa.<sup>121</sup> The abovementioned castellans and their captains, corporals,<sup>122</sup> and billeters<sup>123</sup> served under the chief captain of the courtly riflemen. Not all of the cavalrymen and riflemen who served at the court owned a residence at the princely seat. The billeters had to arrange their lodges, which meant numerous impositions. In 1589, the widow of Mátyás Szinyei Szabó, the late preacher of Gyulafehérvár, sold her house in the walled town at Szentegyház Street partly because of her poverty and debts and partly because, as she emphasizes, she could not bear the rowdiness of the people to whom she provided lodging.<sup>124</sup>

The members of the military who owned houses were not concentrated in a separate quarter or street of the town. Sometimes they lived in adjacent houses,<sup>125</sup> but this was not a general trend. However, real estate owned by the representatives of this social stratum changed hands among members of this stratum, which can be partly explained by their personal ties (e.g. Albert Király, the chief captain of the cavalrymen was the legal guardian of the orphans of the late István Károlyi, chief captain of the riflemen<sup>126</sup>) but also by the fact that the house of a military man was expanded with annexed buildings, which fitted their lifestyles. Accordingly, in 1585, as ordered by his last will and testament, the widow of the aforementioned János Sasa, chief captain of the riflemen, sold

116 Governor of Transylvania (1585–1588).

117 Szilágyi, *Erdélyi Országgyűlési Emlékek*, 3: 64–65; Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 406.

118 Sunkó, “Udvari hadak,” 107.

119 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 32.

120 Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 604; Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 390.

121 Sunkó, “Udvari hadak,” 101.

122 Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1440.

123 Ibid., no. 901.

124 MNL OL, GyKOLt, Cista Comit., (F 4), Comit. Alb. Cista 5, Fasc. 1, no. 41.

125 Fejér, Rácz, and Szász, *Báthory Zsigmond*, no. 1440.

126 Ibid., no. 1487.



her house on the outer main square for 320 Hungarian florins to rifle captain Bálint Rácz.<sup>127</sup> Two years later, Bálint Rácz sold the house again to a military man, István Károlyi, chief captain of the riflemen, this time for 425 Hungarian florins,<sup>128</sup> and in 1591 the house was purchased by Benedek Mindszenti, who served as captain of the castle of Udvarhely (Odorheiu Secuiesc) at the time and who paid 500 florins for it.<sup>129</sup>

The chief captains of the courtly military also belonged to the nobility or gained nobility in recognition of their heroic deeds. A diploma on the outer main square stone house of István Károlyi specifically mentions that the owner came into possession of the building through his heroic deeds.<sup>130</sup> Using their wages, the corporals and the captains who belonged to the mid-layer of the riflemen tried to get by either in the territory of the town or in its surroundings.<sup>131</sup> In many cases, they may have married women from among the townswomen, as did *literatus* Péter Solyomkői, for instance, who served as riflemen second lieutenant and then captain, and who married<sup>132</sup> the daughter of Ferenc Pontyos, judge of the refugees from Lippa.<sup>133</sup> He received a noble manor house for his service at Borosbocsárd (Bucerdea Vinoasă), when he sued Mihály Pontyos for the house of his father-in-law, Ferenc Pontyos. The house stood on the outer main square, and Mihály Pontyos sold it without asking him.<sup>134</sup> Solyomkői may have sold his house in Borosbocsárd in 1591 in order to cover his expenses connected to the protracted lawsuit.<sup>135</sup>

The sources contain little information concerning the lower ranking riflemen of the court. We know only which parts of the princely center one of them owned a house or a plot in.<sup>136</sup> They also got some share of the lands on the edge of the town, which were assigned to the military population, as sources from 1604 mention that the three urban estates divided the lands on the boundary of

127 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 390.

128 October, 4 1587. Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 520.

129 Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1487.

130 Ibid., no. 1487.

131 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 834; MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb, Cista 3, Fasc 4, no. 7.

132 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 834.

133 SJAN-CJ, General Collection (Fond 546), no. 57.

134 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 18–20, 22–24.

135 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 834.

136 MNL OL, GyKOLt, Centuriae (F 3), D. 7, 52; MNL OL, GyKOLt, Cista Comit. (F 4), Comit. Alb. Cista 4, Fasc. 5, no. 63; Comit. Alb. Cista 4, Fasc. 5, no. 70. Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 520.

the town among themselves.<sup>137</sup> This is probably why the town council decreed in 1596 that the land called Csigás should be divided up among the townspeople so that if one of them were to die and his widow were to remarry a military man they would not have the right to hold the land in question, rather it would come back into the possession of the town, which then would redistribute it among the townspeople.<sup>138</sup>

The non-noble riflemen, like the inhabitants of the other settlements of the domain, had to pay seigniorial dues and the tithe as a tax on their houses, so like other segments of the population of the market town, they complemented their incomes with agricultural work. Interestingly, however, the sources offer no indication of any riflemen owning vineyards on the boundary of the town. These vineyards, it seems, belonged to the townsmen and the nobility. We do not know whether there was some kind of related regulation in the urban statutes,<sup>139</sup> but it is clear that viticulture required more work and care than other agricultural activities, and this may explain why the group that was mostly involved in soldering did not have similar holdings.

The princes took care of their merited soldiers themselves, as was common practice at the time. The Polish king István Báthory wrote to the Triple Council (*hármás tanács*) of Transylvania in 1583, noting that he had “ordered a place” for his guardsman, Péter Szerémi, in Saint George’s Gate, so they should give him a salary. The guardsman had to be given a place because, in the words of the king, “he already was gnawed by the wounds he suffered in our army.”<sup>140</sup> The order was executed, as in 1586 Péter Szerémi took part in an interrogation as a townsman of Gyulafehérvár; he was approximately 35 years old at the time.<sup>141</sup>

Instead of a conclusion, we have tried to determine the approximate number of people who lived at the princely seat. Many of the factors concerning the population are highly uncertain, so we use only the data which seem precise. At the end of the fifteenth century, the town, including its ecclesiastical lower and middle classes, was home to approximately 1,000 people.<sup>142</sup> Due to a mid-

137 Kovács, *Gyulafehérvár város jegyzőkönyvei*, 32.

138 Ibid., 25.

139 According to the statutes of the market town of Tasnád (Tășnad), from 1591 “there is no way to dispossess a vineyard from a townsman who has planted one unless he commits a capital crime.” As Tasnád, like Gyulafehérvár was the bishop’s market town in the Middle Ages, it is reasonable to suggest that the town of the bishop’s seat also had a similar privilege. Fejér, Rácz, and Szász, *Báthory Zsigmond*, no. 1413.

140 “hadainkban talált sebek miatt immár megnehezedett” Batthyaneum, VI. no. 52.

141 Bogdándi and Gálfi, *Az erdélyi káptalan*, no. 472.

142 Gálfi, “Gyulafehérvár a középkor végén,” 33.

sixteenth-century wave of refugees and the presence of the princely court the population of the market town certainly rose. We estimate the population to have numbered at least 1,500 people. The minimum of the military population may have been 755 and its maximum 1270, and it is worth noting that we did not count the family members of the cavalrymen and the foot soldiers, because we do not even have an approximate number for them. As at the end of the Middle Ages the ecclesiastical society in the territory of the castle numbered at least 100 people (and this number may have doubled with the retinue of the bishop and later the queen), and since we also have to assume that there were at least as many inhabitants in the castle in the second half of the sixteenth century, there must have been a total of approximately 200 people living within the walls of the castle. If one adds these three numbers together, the population of Gyulafehérvár came to at least 2,500 to 3,000 people.

### *Conclusions*

The transformation of the bishop's seat into a princely residence brought a number of changes. This process can be divided into two development phases. We have put emphasis on the description of how this transformation influenced the development of the society of the princely center in the two periods of the town. Drawing on this data, we tried to estimate the population of the town.

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## From Courtship till the Morning After: The Role of Family, Kin and Friends in the Marriages of László Székely\*

Andrea Fehér

*Babeş-Bolyai University*

*feher\_andrea@yahoo.com*

This study presents the different stages of the eighteenth-century Transylvanian marriage rituals, from betrothal, wedding ceremony, and bedding until the morning after. It also examines the roles played in this process by the “kinship-family.” The study draws on a wide range of published and unpublished biographical works from the seventeenth and eighteenth centuries. Among these diaries, autobiographies, and memoirs written by members of the political elite, the unpublished autobiography of Count László Székely stands out, as it provides a considerable amount of data regarding some customs and traditions related to Transylvanian marriages and marriage rituals. Building on the count’s very personal and emotional narratives, we offer a sketch of the ways in which Transylvanians entered into marriage. We consider marriage a long process rather than a single act, in which family, friends, and kin played a significant role.

Keywords: kinship-family, marriage, betrothal, nuptials, László Székely, eighteenth-century Transylvania

### *Introductory Considerations*

Over the course of the past half-century, research regarding family history, either from demographic or emotional perspectives, has become very popular, and as time has passed, studies on the subject flooded both sides of the so-called Hajnal line with contradictory results. Arguments which seem to have been shaped largely by the source types suggested either that the history of emotional ties in families should be understood as a long and ever changing process determined by social norms or just the opposite, that it should be seen as a process marked largely by continuity.<sup>1</sup> In the debates concerning the Early Modern and Modern

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1 Stone, *The Family, Sex and Marriage*; Badinter, *The Myth of Motherhood*; Shorter, *The Making of the Modern Family*; and those who argue for the continuity of emotional attachments, see Laslett, *The World We Have*

family, the supporters of the continuity interpretation came out victorious. However, more recent research has suggested that there is good reason to be more skeptical of the notion of motherly, fatherly, and marital love that lasts through the ages (or at least through an adult lifetime).<sup>2</sup> Therefore, regarding the nature of our sources and the available analogies, the most promising approach would probably be to consider the subject from the perspective of emotions, but we will refer to the emotional communities in which the marriages came into being only to a very limited extent. In this study, the primary focus will not be on the question of whether marriages between people belonging to the nobility in eighteenth-century Transylvania were based on love, the will of parents, or personal sympathy, but rather on how the marriages came into being (from the first encounter to the wedding ceremony), who were the people involved, and what roles these people played in the conventional stages according to which courtship was structured and what functions they performed during the wedding ceremonies. By analyzing the autobiography of László Székely (1716–1772),<sup>3</sup> the study offers insights into the customs involved among Transylvanians who were choosing a marriage partner and the nuptial regulations. It sketches the stages of the long process during which a marriage came into being. We also reflect on the marriage customs in Transylvania by presenting the earlier marriages in the Székely family, in part simply because we have an abundance of data concerning the three individuals who fulfilled the family's marriage goals (László Székely the Elder [1644–1692], Ádám Székely the Elder [1679–1730], and László Székely the Younger). Our paper is based entirely on retrospective personal narratives,

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*Lost*; Macfarlane, *The Family Life of Ralph Josselin*; Cressy, *Birth, Marriage and Death*; Pollock, *Forgotten Children*; Ozment, *Ancestors*; Tadmor, *Family and Friends*.

2 Dekker, *Egodocuments and History*.

3 László Székely was an educated Transylvanian aristocrat, book collector, translator, and memoir writer. The family's courtship, which it had only recently acquired a few years before he was born, and in particular the disdain of Transylvanian society for the “homines novi” exerted a decisive influence on his life. With the early death of his parents, his opportunities narrowed, thus he never received important functions and only observed the transformation of Transylvanian society from the outside. At the age of 47, still without an heir, he decided to edit his previously written and continuously amended notes. This circa 1,000-page memoir is the primary source for this study. Székely László élete azaz eredetének, eleinek, születésének, nevelésének, ifjúságának, megélemedett idejének s ez idők alatt lött világi viszontagságainak leírása [László Székely's description of his life, origins, birth, upbringing, youth, and the vicissitudes he faced during this time] OSZK. Quart. Hung. 4312.

such as memoirs, autobiographies, and histories, as it was in these sources that we found many relevant analogies.<sup>4</sup>

### *Székelys Seeking Marriage Partners*

Transylvanian narrative sources repeatedly emphasize the importance of the harmonic coexistence of husband and wife, and the sources suggest that the authors themselves also sought successful marriages. Reading the literary works of the period, one might think that with the exception of Péter Apor (1676–1752),<sup>5</sup> everyone lived in a happy marriage<sup>6</sup> and got married according to his or her wishes, as in the century we study (at least according to the literature), the marriages were loving.<sup>7</sup> Of course, reality is much more nuanced. Memoirs also tell of tragedies, divorces, and spouses chosen by kin. Memoir writers, however, also looked at arranged marriages with disapproval,<sup>8</sup> and so did the Church, which tried to emphasize the role of free will in the nuptial ceremonies.<sup>9</sup>

The sources, however, suggest that numerous factors influenced the expectations of kin, and this is how László Székely the Elder managed to gain the hand of Sára Bulcsesdi (ca.1656–1708), who was a member of a prominent family, against a number of aspirants who were better off and were from families with more distinguished lineages. The autobiography of Miklós Bethlen (1642–1716)<sup>10</sup> contains information concerning the antecedents to the marriage,

4 On this question in detail, see Fehér, *Sensibilitate și identitate*, 163–201; Fehér, “Lakodalmak,” 118–29. A comprehensive overview of the problem by Margit S. Sárdi is also based on the memoir-literature. Sárdi offers a discussion of discussing circa 75 marriages: Sárdi, “Leánykérés, házasság, szerelem.” For more on Early Modern Hungarian marriage customs, see: Szabó, “Betrothal.”

5 Péter Apor was a baron from Háromszék, comes, royal judge, and prolific memoir writer. Of his Hungarian vernacular, Latin, verse, and prose works, the most valuable from the point of view of literary and intellectual history is a nostalgic work in which he describes Transylvanian customs. In English, see: *Metamorphosis Transylvaniae*.

6 Fehér, *Sensibilitate și identitate*, 165–66.

7 Even otherwise skeptical historians (who argue that this history was marked by discontinuities of affections and attachments) such as Lawrence Stone admits that by the eighteenth century marital relationships were shaped more by emotion, and grandchildren loved in totally different ways than their grandfathers had. Stone, *The Family, Sex and Marriage*, 658.

8 Fehér, *Sensibilitate și identitate*, 165–72. In addition to memoir-literature, legal and ecclesiastic sources also condemned bad and violent marriages. Péter, *Házasság*, 123–38.

9 Bárth, *Esküvő, keresztfelől, avatás*, 68.

10 Miklós Bethlen, chancellor of Transylvania, was the most erudite Transylvanian dignitary of the time. He pursued studies at Heidelberg, Utrecht, and Leiden, during which time he visited a number of Western European countries and saw a number of European noble courts. His travel experiences had an impact

as Sára Bulcsesdi had originally been promised to Bethlen's younger brother, Pál Bethlen (1648–1686). To the astonishment of Transylvanian society, however, the engagement was broken off because of the stepmother of the Bethlen sons, Klára Fekete. After this, Miklós Bethlen visited Sára Bulcsesdi once more to propose a match. This time, he tried to win her hand for Boldizsár Macskási (ca. 1650–ca. 1700). His reasoning followed the traditional view of the Transylvanian nobility: "I found the opportunity of saying, among other things, to István Jósika, her stepfather that I would rather give my daughter to a true-blue nobleman of ancient lineage than to a postmaster."<sup>11</sup> The courter, however, did not succeed. One might think that László Székely the Elder's promising political career and the significant wealth he had accumulated in a short period of time overwritten the social rigidity and seclusion of his contemporaries.<sup>12</sup> This is not so obvious, however. Transylvanian society still regarded the *homines novi* with a certain disdain, and therefore it is no surprise that almost every personal narrative from this century mentions the fortunate marriage of László Székely the Elder.

According to historical studies of the modern marriage market, the first-generation marriages were the most important ones, as they laid the foundation for the future of family members who have not had a grant of arms before and they paved the way to better and better marriages (from the perspective of social prestige and security).<sup>13</sup> In the case of the Székely family, this can be best seen in the case of the son Ádám, who announced his desire to marry into one of the most influential Transylvanian families with his freshly granted countship (1700). However, his marriage to Anna Bánffy (1686–1704), the daughter of governor György Bánffy (ca. 1660–1708), was soon brought to an end by Anna's death. Ádám Székely then proposed to Sára Naláczy (ca. 1670–1760), whom she later divorced. This was followed by his marriage to Katalin Rhédey (1700–1729), from which the autobiographer was born. Ádám Székely developed a very

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on his tastes and played a crucial role in his political ideas. He was a confidante of both János Kemény and Mihály Apafi, princes of Transylvania, and he actively participated in the preparation of the Diploma Leopoldinum. After having earned the displeasure of Leopold I, however, he spent last 12 years of his life in custody. The autobiography he wrote in exile in Vienna is one of the best pieces of Transylvanian memoir-literature, and it has been translated into a number of languages. In English, see: Bethlen, *The Autobiography*.

11 Ibid., 283–84.

12 This also seems to have been a common practice in eighteenth-century France, where there was a clear intention to complement the nobility, which by then had minimal financial assets, with a bureaucracy or bourgeoisie which would had a more stable financial background. Chaussinand-Nogaret, *The French Nobility*, 123–25.

13 Ibid., 122.

good kinship network, friendships, and ties which would be important to the course of his life even years later. For instance, he had good relationships with the family of his first wife, as indicated by the fact that at his second wedding ceremony his former brothers in law stood by him in the roles usually filled by close kin.<sup>14</sup> István Wesselényi (1673–1734)<sup>15</sup> was groomsman and Dénes Bánffy (1688–1709) was bridesman.

The situation is entirely different in the case of László Székely, who thanks to the estate acquisitions of his grandfather accumulated significant financial capital and thanks to the marriages of his father gained important social capital. He did not have to demonstrate anything with his marriages, since by the time he chose a partner he had been orphaned and therefore was left to decide for himself.<sup>16</sup> However, he also strove to create new ties, to some extent with the same families. This is why, as had been true in the case of his father, his first choice fell on a member of the Bánffy family, the niece of the first wife of his father, Kata Bánffy (1724–1745), who by then had also been orphaned.

Kata Bánffy (who as the dates given above indicate died quite young) embodied the ideal wife, so it is no surprise her place proved extremely difficult to fill. According to his own testimony, László Székely was averse to the idea of remarrying. As he wrote in his autobiography, “nuptiae secundae raro secundae,” or second marriages are rarely lucky.<sup>17</sup> However, as his brother Ádám Székely the Younger (1724–1789) did not want to wed, the 32 year-old László had to ensure the survival of the family. Trusting himself to the grace of God, he started to seek a wife who could fill traditional female roles and embody traditional female virtues, i.e. chastity, religiosity, and good housekeeping. When writing on his second marriage, Székely also discusses the question of rearing girls. More precisely, he disapproved of the fact that the abovementioned traditional roles and virtues had come to be seen as dated by the middle of the eighteenth

14 Radvánszky, “Lakodalmak,” 229.

15 Baron István Wesselényi de Hadad was a politician who supported the Habsburg House, comes of Közép-Szolnok and Kolozs Counties, and president of the Deputatio. His diary from the years he spent in Szeben during Ferenc II Rákóczi's war of independence is the most detailed account of events in Transylvania during the so-called Kuruc period, i.e. the period between 1671 and 1711, when armed anti-Habsburg rebels called “Kurucok” fought against Habsburg rule. Wesselényi, *Sanyarú világ*, vol. 1–2.

16 In European and especially Western societies in which people married at later ages frequently the people getting married had lost either one parent or both parents, hence the importance of kin and friends. Dülmen, *Kultur und Alltag*, 136; Cressy, *Birth, Marriage and Death*, 244.

17 *Székely László élete*, 653.

century.<sup>18</sup> By then, balls, card games, and salons had become fashionable. In a word, noble women became more worldly. Young women were not very fond of reading, perhaps with the exception of romantic novels. Ecclesiastical literature was perceived as boring, and such reading was considered useless for a qualified lady. The long moralizing part of the autobiography regarding the ideal wife almost seems humorous if one thinks of the life Zsuzsánna Toroczka (1733–1788), László Székely's second wife, led in Szeben (Sibiu/Hermannstadt). She entered into the memoir-literature because of her lifestyle, which shocked many.<sup>19</sup>

### *The Visit*

The first step to take to enter into marriage was the visit. According to the autobiography of László Székely, this was not preceded by any great preparations on the part of the bride's family, nor did it involve a large entourage, as Péter Apor's<sup>20</sup> nostalgic description of the customs of Transylvania, *Metamorphosis Transylvaniae*, indicates. Rather, the arrangements were made mostly with the help of young bachelors and friends,<sup>21</sup> as is confirmed by earlier Transylvanian memoirs.<sup>22</sup> It is clear from the memoirs that the choice, even if it required the consultation of kin, was made first and foremost by the prospective bride and groom, as were the arrangements concerning the visit paid on the girl and the assistance in courting her, since courtship was a collaborative enterprise. László Székely got to know his first wife, the orphan Kata Bánffy, with the assistance of the sons of her foster parents, Ádám (1719–1772) and Gábor Bethlen (1712–1768). However, the first visit did not go perfectly, as Székely, who had no intention to marry, got confused by the responsibility he had to overtake. The Hungarian term used for the official bride-visit is *watching* or *seeing*. If the autobiography is reliable on this point, *watching* or *seeing* did not even mean what the words imply, as the two young people, raised to be chaste, did not even look at each other, but rather chatted with other members of the household. The

18 Ibid., 654. International secondary literature keeps emphasizing how difficult it was for women in the eighteenth century, as they mostly had contradictory advice on how to find a balance between traditional values and modern expectations. Olsen, *Daily Life*, 38.

19 Rettegi, *Emlékezetre méltó dolgok*, 163–64, 269–70, 377.

20 Apor, *Metamorphosis Transylvaniae*, 55.

21 The intervention of friends and kin in these private matters was not only possible but was required "because of the conventional stages that structured courtship." O'Hara, *Courtship and Constraint*, 30–31.

22 Sárdi, "Leánykérés, házasság, szerelem," 51.



tradition required that the visiting bachelor be induced to stay for dinner, where the prospective pair sat facing each other so that they could indeed observe each other.<sup>23</sup>

The situation was obviously different in the case of a second marriage. The people who advised the girl were again friends. During a hunt, Farkas Kun praised the Toroczky daughters (who had come of age), especially the personality and beauty of the younger, Zsuzsánna Toroczky. The visit was organized by the ex-brother-in-law Dénes Bánffy (1723–1780) in Szeben, where he invited the Toroczky family, who were at that time residing in town, to his garden for dinner, where after some time László Székely also showed up. Székely, who by this time was somewhat more courageous and in the third year of his widowhood, was no longer a chaste observer, and the event did not remain in the control of the girl's house, because a third party organized it. Both visits were followed by a conversation. In the case of his first marriage, Székely was interrogated about the girl by the two Bethlen boys, and with regard to his view of the Toroczky girl, it was Dénes Bánffy who asked his opinion on the match and also offered his services to his former brother-in-law.

### *From Proposal until Answer*

After the visit, Székely first went to see his otherwise not terribly beloved guardian, Dániel Jósika, as the tradition required that under the circumstances the most powerful member of the kinship network negotiate the marriage.<sup>24</sup> Székely had put aside his childhood prejudices when he visited Jósika again, who proposed to Kata Bánffy for him. The answer, however, was delayed by four months. Finally, it was Farkas Bánffy (1701–1761) a relative of the fiancée, who urged things forward at the girl's house and appeared for the engagement gifts (a ring and 200 gold coins) on January 2, 1741.

The second marriage faced challenges from the outset. The reason was simple: the mediator, Dénes Bánffy, in his thoughts already preparing for widowhood, had begun to like the younger Toroczky girl himself, so he did not try to initiate negotiations with the girl's parents on the subject of the marriage intentions of his ex-brother-in-law.<sup>25</sup> László Székely finally got unexpected help

23 Apor, *Metamorphosis Transylvaniae*, 55; Radvánszky, "Lakodalmak," 219.

24 Radvánszky, "Lakodalmak," 221. The Western European nobility followed similar steps, if in a somewhat more complex form. Chaussinand-Nogaret, *The French Nobility*, 119–20.

25 *Székely László élete*, 657–59.

from his former college mate, András Barabás, who at the time was in the service of the Toroczkay family, and in the end it was Barabás who brought the good news to Székely. The exchange of the engagement gifts again took place without the presence of the prospective bride and groom. The Toroczkays in this matter were represented by the fiancée's sister, Klára Toroczkay (died 1753), wife of Ádám Teleki. The exchange of gifts in the case of both parties was done with the help of an intermediary.<sup>26</sup>

The autobiography does not present the sequence of proposals exclusively from the point of view of the bachelor. László Székely also discusses in detail instances in which his friends could approach a girl's house with his help and mediation. He proposed to Klára Bánffy, the sister of his first wife, on behalf of Sámuel Szentkereszti, and he had to win the hand of Kata Toroczkay (†1788), the sister of his second wife, for István Radák (†1773). Each of these cases involved undesired complications, as Szentkereszti changed his mind twice after the proposal, while Radák's proposal was overshadowed by the romantic feelings of Kata Toroczkay for Miklós Kemény (1723–1775). In the end, commonsense prevailed. In the first case, both the Szentkereszti and the Bethlen families (the guardians of the Bánffy daughters) tried to put pressure on the irresponsible bachelor. In order to save the reputation of the two families, the two young people were married in the end. The Toroczkay family chose security over uncertainty, as Kemény never took any concrete steps towards Kata Toroczkay.<sup>27</sup>

The cases discussed above show that in numerous instances the people who influenced a marriage were not necessarily members of the biological family, but rather of the extended kinship-family, or they were friends, mostly because in the contemporary society the “fictive kinship network,” i.e. a network based on sentimental relationships and economic or intellectual attachments, played a more significant role in everyday life.<sup>28</sup>

Proposals, however, did not always work out the way they were planned. As we have seen, in a number of cases, sending a bachelor or a widower (or a person who was about to be widowed) to a girl's house might actually pose a threat to the envisioned union, and the reputation of the negotiators was also exposed to dangers because of irresponsible young people. The rather long waiting times after the proposals were meant both to provide time for the consideration of

26 Promises were always made through intermediaries and then were repeated face to face. Cressy, *Birth, Marriage and Death*, 238.

27 *Székely László élete*, 641–52, 693–94.

28 Tadmor, *Family and Friends*, 167, 171, 212–14.

the social, financial, and moral background of the bachelors and to resolve these uncertainties. At first, the proposal of the bachelor was considered by the head of the kinship network, certainly the more powerful men, but as is also clear from the autobiography, the opinions of the women were also taken into consideration. How much parents or foster parents could influence their (foster) children (especially their daughters) in their choice of partners still remains an open question among historians who are dealing with families.<sup>29</sup> It is clear that in case of members of the nobility or within the royal elite the influence of the parents was much more decisive.<sup>30</sup> Still, with only a few exceptions, the final decision was made by the prospective bride and groom, at least based on the information found in the memoir-literature.<sup>31</sup>

### *Betrothal, Vows*

The visit and the proposal—if met with a yes—were followed by the exchange of engagement gifts.<sup>32</sup> This in many cases meant the exchange of the rings themselves, but in Calvinist communities this lacked liturgical functions, since the ring had only a symbolic value and was considered rather a gift. This was followed by the vows. László Székely, as already noted, held to the Transylvanian traditions. He admired families which raised their daughters in this spirit, though he disapproved of the rigidity of the moral strictures according to which the

29 Western scholarship emphasizes that female members of aristocratic families were subject to the will of the family and that the “less property was at stake the greater the freedom of choice.” Stone, *The Family, Sex and Marriage*, 304–19, 321; Dülmen, *Kultur und Alltag*, 139. This is true in large part because with marriage, a woman acquired the status of her husband. Trumbach, *The Rise of the Egalitarian Family*, 97–98. The Hungarian secondary literature, in contrast, emphasizes data which indicates a shift of power over choices in marriage from parents to children. Sárdi, “Leánykérés, házasság, szerelem,” 54. Béla Mihalik’s study adds further valuable data to the problem. Mihalik, “...nemcsak anya, hanem atyai gondjukat is viselén.”

30 Dekker, “Sexuality, Elites, and Court Life,” 95.

31 This is also suggested by the legal collection of Farkas Cserei, according to which girls do not have to follow the orders of their parents in every matter and parents should keep in mind the wishes of their children. Cserei, *A magyar és székely asszonyok törvénye*, 44. Anglo-Saxon scholarly literature also seems to reinforce the notion that at least by the eighteenth century, the absolute control of the parents was weakening, and except for people who belonged to the highest layers of society, the choice was made by the prospective bride and groom, who may have consulted their parents, but who did not base their decisions entirely on their parents’ suggestions. Stone, *The Family, Sex and Marriage*, 270–71.

32 Báth, *Esküvő, keresztfelől, avatás*, 127–30. The gifts given during the courting and the betrothal were very important because they were evidence of matrimonial intent. Cressy, *Birth, Marriage and Death*, 263–64; Dülmen, *Kultur und Alltag*, 141–43.

wife of Ádám Bethlen (1691–1748), Klára Bánffy (1693–1767), raised her foster daughter.<sup>33</sup> For instance, following the exchange of gifts, according to Hungarian customs, Székely could neither see nor talk to his bride for three months, and subsequent meetings, at least at the beginning, were kept under strict supervision. Even the first conversation took place only after a couple of months, and at least according to the account in the memoir, with considerable difficulty. The vow was delayed until May 12, 1741, almost six months after the proposal had been accepted. The event took place in the fiancée's family home in the presence of the near kin.<sup>34</sup> The exchange of vows was preceded by a church service, and this is where a sort of exchange-of-vows carpet, recurrently mentioned in the *Metamorphosis*, was used. So the betrothal was the symbol of the commitment to marry, which like every event of extraordinary importance was followed by a lunch or a dinner in the presence of the near kin.<sup>35</sup> Székely departed on the third day under very strict instructions, as the family insisted that he would not ask the wedding being held for another year.<sup>36</sup> So the process dragged on, as the wedding had to wait until August 7, 1742. His second betrothal was somewhat faster, as after clearing up the complications caused by Dénes Bánffy, the exchange of the rings and gifts took place in July and the exchange of vows was again held in the presence of the near kin in October.

The autobiography highlights a number of significant details, for instance, that the vows and even the mere promise carried huge importance.<sup>37</sup> The exchange of vows had legal weight, and not just in Transylvania, and even after the exchange of the gifts it was improper (and quite complicated) to break off an engagement.<sup>38</sup> For the latter, the Church's consent was necessary.<sup>39</sup> There are,

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33 Constant control by parents was a part of the cultural life of every social group; sources indicate that households with daughters were under continuous supervision. These moral communities may have differed from region to region, but they equally put pressure on the families in their spheres of interest. O'Hara, *Courtship and constraint*, 31; Dülmen, *Kultur und Alltag*, 136.

34 Trumbach also came to similar conclusions when studying the noble wedding customs. He contends that the stages involving church ceremonies were also held mostly at one of the private properties of the family. Trumbach, *The Rise of the Egalitarian Family*, 115.

35 Radvánszky, "Lakodalmak," 221.

36 Long betrothals were difficult for young people all over Europe: Cressy, *Birth, Marriage and Death*, 243.

37 Sárdi, "Leánykérés, házasság, szerelem," 56.

38 Under special circumstances, an engagement could be broken, e.g. if either the potential bride or groom remained abroad for a longer period of time, lied about his or her origins, had a venereal disease, or was discovered to have stolen something. Cserei, *A magyar és székely asszonyok törvénye*, 46.

39 Kiss, "Matrimonialis causák," 46. Sometimes fines were connected with the breaking off of a betrothal. Cserei, *A magyar és székely asszonyok törvénye*, 46.

however, a few examples of instances when the people involved did not adhere strictly to tradition or expectation, for instance, the broken off betrothal of Székely's grandmother, Sára Bulcsesdi.

The Church attempted to make the exchange of vows a ceremony held within a physical church itself, but László Székely and his father Ádám made their vows at their fiancées houses with the involvement of the priest, mostly in the morning (in part to ensure that the people taking part in the ceremony would remain sober).<sup>40</sup> Székely did not have conversations with either of his wives between the exchange of gifts and vows. The prospective bride and groom said only had a couple of words during the lunch which followed.<sup>41</sup> So with the exchange of rings or gifts, which was not the same as the exchange of vows, the period of betrothal began.<sup>42</sup> We know numerous of examples when the members of the Transylvanian or Hungarian aristocracy waited one or even two years before the wedding was held in the case of a first marriage. This period may have been somewhat shorter in the case of a second marriage. Neither Ádám Székely, László Székely's father, nor his son waited a full year (his son organized his wedding after only six months had passed since the proposal).

### *On a Memorable Wedding*

The preparations for László Székely's first wedding can be compared to his father's wedding, which thanks to Péter Apor probably is one of the best-known weddings to have taken place in Early Modern Transylvania. László looked on it with a sense of nostalgia, and he thought that no other weddings had been organized similar to the one in Bonchida (Bonțida), as by then the Transylvanian nobility held their wedding ceremonies according to German tradition, namely in towns.<sup>43</sup>

This part of the autobiography begins with a description of local customs, i.e. a description of *wreath running*. Several versions of this nuptial game are mentioned in Apor's *Metamorphosis*, and the *ring running* ritual is also one of these

40 Bárh, *Esküvő, keresztelő, avatás*, 45–47, 53.

41 The data collected by Réka Kiss from ecclesiastic records suggest that in Transylvanian society, after the exchange of vows, the bride and groom slept or lived together in a number of cases. Kiss, "Matrimoniális causák," 47.

42 Bárh, *Esküvő, keresztelő, avatás*, 128–29.

43 *Székely László élete*, 221.

customs, as was *fir climbing*, mentioned in the context of Ádám Székely's wedding ceremony.<sup>44</sup>

As the bachelor's house was in Zsuk (Jucu) and the girl's was in Bonchida (two settlements which were relatively close to each other), in order to have a bigger parade the wedding guests took a detour through Válaszút (Răscruți) to get to the site of the wedding ceremony. Only the bearer of the good news, Sámuel Szentkereszti (1721–1772) and Pál Rhédey (1716–1764), who were friends of László's, went directly to Bonchida.<sup>45</sup> The detour to Válaszút also had to be thrown in because of the *wreath running* ceremony. The highly spectacular competition was followed attentively by both groups of wedding guests. The running had a master of ceremony, in this case Imre Bethlen (1698–1765), who summoned the 24 mounted bachelors, 12 from the side of the groom and 12 from the side of the bride. The prize (an embroidered handkerchief, a ring, and money) was held by a horseman in the middle, at an equal distance from the two groups of wedding guests. The competition, to the great chagrin of the bride's household, ended with victory by one of the groom's men, Mihály Vásárhelyi. The competition seems to have been taken seriously by both houses.<sup>46</sup> In the weeks preceding the wedding, the newly acquired horses were given a try on the spot. They were foddered, and they competed against each other. The seriousness of the competition is also reflected by the watchers placed on haystacks erected

44 The ring-running was a version of wreath running: "Then, when they approached the village where the wedding-feast was, the chief steward sent out the ring, or sometimes two or three gold pieces instead; they stopped with it at a certain point and a number of horses were specially lined up on behalf of the bridegroom; likewise horses were brought out from the bride's house and set in line when the word was given as to where they had stopped with the ring they raced thither, for they had stopped with the ring at a good distance, and he whose horse reached the ring first, the rider of that horse won the ring, and it was to honor and renown." The fir-climbing had the same purpose as the ring- or wreath-running, namely that of entertaining the guests. Unlike the later, this game took place in the second feasting day of the wedding: "And when breakfast was being prepared a pine-trunk (which had been cut down in readiness) was set up outside the hall (sometimes two were fastened end to end), and at the top of it a hole was made, and in that hole a piece of wood was fixed so that any that could climb to it could rest up there; but the pine-trunk was heavily greased with tallow and grease, and at the top were two, three or four gold coins and four or five ells of cloth and a flask of wine; many would try to climb it, and the gentry were amused as they made the attempt, but of the many one would be found that could climb up, cling there to the above mentioned cross-bar, drink the wine from the flask and took possession of the gold and the cloth." Apor, *Metamorphosis Transylvaniae*, 58–9, 66.

45 These people were called "harbingers" by Apor, and they became bearers of the good news only after visiting the bride's home. By the eighteenth century, the meaning of the two names merged into one. Ibid., 58.

46 Székely bought horses for the running, including the one which then won the competition, which was from a stud owned by István Mikes. Székely purchased it for 70 florins. *Székely László élete*, 227.

at the meadow next to Bonchida. If the horsemen of the bride had won the competition, the groom would have been mocked by goats dressed up in comic attire. After the competition, both cohorts set out for Bonchida separately. The bachelor's procession was led by the horseman who had won the bridal wreath.

The seriousness of the ritual is also indicated by the fact that the bride's family, upset at having lost the bridal wreath, forgot about the groom's wedding guests, and to the amusement of the village, numerous horsemen and chariots were impatiently waiting in the streets of Bonchida. Because of the unpreparedness of the master in charge of the lodgings, there was no time left for changing clothes. Only a few of the women changed attire, and most of the guests attended the wedding in more comfortable but less elegant garb.

The description of the wedding procession and its reception is mostly identical to the descriptions in the *Metamorphosis*, so there is no need to go into it in detail. The request for the bride at her family home caused a bit of confusion, as the head of the house, according to old Hungarian customs, should have delayed the ceremony of delivering the bride with jokes and other tricks. However, to the indignation of the members of the bride's household, László Bánffy (1671–after 1755), who by then was rather old, turned the bride over without any test or game.<sup>47</sup> Following this, the lady of honor led the bride to the groom's table.

Of the old customs, the only thing missing was the ritual washing of hands. The food was brought in by 12 men belonging to Székely's entourage, but it was Farkas Kun (the captain of Székely's men) who placed the platters on the table. The couple was dressed in white and the bride's hair was let down and was bejeweled with pearls. In accordance with the old traditions, the bride did not eat.<sup>48</sup> After the groom had drained three cups behind the bride's foster parents, the wedding tables were packed up and the room was emptied and under the lead of the dance-master the guests started to dance. The bride was an exception. As had been the case during the feast, she also did not take part in the dance. The dance was started by the groomsman, the lady of honor, the bridesman, and the maid of honor. The order of the dances never changed. They were performed in the same order at the wedding of Ádám Székely as they were at the wedding of his son the Polish switching dance in Hungarian style, followed by the hat dance, and, finally, the scapular dance, which if one can believe István Wesselényi caused the dancers

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47 Ibid., 233. When giving away the bride, it was considered fitting to joke, to bring out another girl, or to ask tricky questions. Wesselényi, *Sanyarú világ*, vol. 1., 411; Radvánszky, "Lakodalmak," 236.

48 Bethlen, *The Autobiography*, 352.



back pain even days after.<sup>49</sup> Musicians took care of the music; separate musicians were hired by the bride's and the groom's household. Along with Saxon musicians, Gypsy musicians were also present, even at weddings held according to German customs, since the former did not know the Hungarian melodies.<sup>50</sup>

The ritual of stealing the bride was also held during the dances. The bridesman and the maid of honor would lead the ride to the groom's bedroom. After the bride had been stolen, it was the duty of one of the men from the bride's household to accompany the groom to the bedroom. In Székely's case, there were complications, as it seems that everyone was at his or her proper place except for the groom. On the side of the bride, the ceremony masters were chosen from the Bánffy family, except for János Toroczky (died in 1745), whose task would have been to lead the groom to the bedroom. However, as he had feelings of antipathy for László Székely, he did not take him to the room, thus the groom was late for the significant ritual. The problem was finally solved by Zsigmond Bánffy. The bride was led to the bedchamber by the maid of honor, who took the bridal wreath from her head, undressed her, and finally blessed her. Instead of the wreath decorated with pearl, a wreath with flowers was given to the bridesman, *Ádám Székely*, the younger brother of the groom. After sticking it on his sword, *Ádám* presented it to the wedding guests and then danced with the maid of honor.<sup>51</sup>

This is the moment where the narratives usually end. Although the sources usually mention the "theft" of the bride, they contain nothing concerning the consummation of the marriages.<sup>52</sup> Székely, however, takes the reader into the

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49 Polish dances were part of Hungarian dance culture for centuries. Of these dances, the polonicai was the most popular. This is the dance to which Péter Apor refers as the Polish switching dance. The main feature of the dance was the switching of partners. First the men and then the women switched partners and turned around with the new partner three times and then on their own three times. In the hat dance, the person dancing who held the cap in his hand summoned his partner for a dancing contest. The goal was to get the cap. Apor, *Metamorphosis Transylvaniae*, 18; The scapular was a tag dance. The dancers formed a circle; the pair in the middle was the one who got caught, while outside the circle a man or woman was trying to catch each other with a scapula (a helved wooden tool with a flat head). The dance continued until one of the two was hit. The person hit then continued dancing with one of the people who were in the middle of the circle. Wesselényi, *Sanyarú világ*, vol. 2., 652.

50 Ibid., vol. 2., 651.

51 Apor's description is more detailed here. He explains the symbolism of the wreath, and he also interweaves the laws concerning adultery into the description of the quartering of the wreath. It is indeed true that with the removal of the wreath, the bride stopped being a maiden. Apor, *Metamorphosis Transylvaniae*, 65.

52 The secondary literature also mentions the noisy and frequently vulgar behavior of those who waited outside the room. Olsen, *Daily Life*, 40. Trumbach, *The Rise of the Egalitarian Family*, 113; Dülmen, *Kultur und Alltag*, 155. Cressy, *Birth, Marriage and Death*, 374–76.

bedroom. In the room appointed for the consummation of the marriage, two beds were placed. One was an ordinary bed, the other was lavishly decorated with pillows and fine cloths. The two beds were made up so that the young couple would not have to sleep together, but the groom did not want to postpone the consummation.<sup>53</sup> Klára Bánffy, the foster mother of the bride, tried to hinder the actual consummation of the marriage. She even ensured that the bride would have a guardian, but the handmaid whom she sent was thrown out of the room by the groom, and then his men chased her from the doorstep, where they told her to remain to guard the door. So from the perspective of its furnishings, the room was reminiscent of the formal traditions surrounding the consummation of a marriage, but the furnishings also reflected Székely's reasoning, according to which this act had fallen out of fashion. Consummation, that being symbolic or actual in all circumstances had to take place at the nuptials.<sup>54</sup>

The next morning, the room was crowded with women, who under the guidance of the lady of honor dressed Kata Bánffy up in the clothes she had received from László Székely as gifts.<sup>55</sup> The groom also dressed up in new clothes which had been made for him by the family of the bride.

The next day of the wedding was spent with dancing and feasting. The two groups of guests had breakfast separately and then continued dancing together. This was followed by the lunch and the symbolical *pie-breaking* ceremony, which was considered the highlight of the day. This could pose major difficulties for an inexperienced bridesman, as, according to the autobiography, Ádám Székely was. In order to avoid humiliating his brother, Székely spent some money on the game, trying to bribe the baker to give some sign indicating which pie he had baked the cloths, wires, and horseshoes in.<sup>56</sup> Apart from the dancing of the wreath, this was the main duty of the bridesmen. The secondary literature contains the persistent claim that when a widower wedded, there was no need

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53 *Székely László élete*, 242.

54 In the period of Ottoman incursions, there were nuptials and consummations that required special solutions. Sárdi, "Leánykérés, házasság, szerelem," 56. But the situation was not better in the eighteenth century either. Wesselényi notes that in the overcrowded city of Szeben, László Szentkirályi had to consummate his marriage in a small cottage. Wesselényi, *Sanyarú világ*, vol. 1., 412.

55 Farkas Cserei understands the wedding dress as a gift offered in exchange for the consummation of the marriage, i.e. in exchange for the bride's virginity. Thus, a widow or divorced woman could not expect this kind of gift. Cserei, *A magyar és székely asszonyok törvénye*, 54.

56 Székely gave several handmaids as gifts during the three days he spent at the houses of the bride, the baker, the bed-maker, the musicians, the master of the kitchen, the cup-bearer, and the coffee maker. *Székely László élete*, 247.

for a groomsman or bridesman.<sup>57</sup> The Székely marriages, however, contradict the account given in Miklós Bethlen's autobiography, as there was both a groomsman and a bridesman at the wedding of Ádám Székely and Sára Naláczy, while at the second wedding of László Székely there was only a groomsman and not a bridesman, as there was no plan to steal the bride. Thus, the bridesman, apart from but connected to the wreath-dancing and the pie-breaking ceremonies, had an actual role in the stealing of the bride.

In the presence of witnesses, the dowry of the bride was also transferred at the end of the second day. In the description of his first marriage, Székely referred to the third day as the bun-combing day, although in the description of his second marriage he placed it on the second day, as other sources indicate. The bride certainly said goodbye to her foster parents on the third day and went to the house of the groom, where the celebration continued.

This time, they approached Zsuk not via the detour, but by the shortest possible route. The related literature frequently indicates that the ceremony masters of the bride and the groom had to be from different kinship networks. That this was indeed the tradition is confirmed by the griping of the bride's family, who resented the fact that a number of masters from Bonchida who played the same roles were present in Zsuk. Although a representative of the emperor did not make it to the wedding at Zsuk (unlike in the case of the wedding of Ádám Székely, which was attended by a representative of the emperor), the gubernator did. Of course, he spent the night in the most beautifully carpeted room and took a place at the table laid with silverware.<sup>58</sup> As at the bride's house, the celebration lasted three days at the groom's house, and members of his kinship network extended the celebrations by a week.

The description of the second wedding is rather succinct; indeed, one could say that it is fully in accordance with the expectations one would have regarding Transylvanian memoirs, as it is restricted to a short list of the guests, kin with more important tasks, and friends. The consummation here is only a blurred biographical experience, as the author chastely remains silent about the bedroom, bringing up only the connected child births. The laconic narration of the second marriage can be understood structurally as well. While the description of the

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57 Bethlen, *The Autobiography*, 352; Radvánszky, "Lakodalmak," 229; Sárdi, "Leánykérés, házasság, szerelem," 58–59.

58 It was not simply a matter of prestige, in the case of the weddings of members of the Székely family, to have members of the elite attending; this was widespread practice, independent of social strata and time period. Dülmen, *Kultur und Alltag*, 150.

first marriage follows the so-to-say usual scheme of framed narratives, in which the different biographical moments are given their own titles as chapters, the second marriage unfolds as an ongoing experience which unfolds day by day.

### *Instead of Conclusions*

In this study, we presented the stages of the long process during the course of which a marriage came into being. In this process, alongside the close kin, a significant role was played by more distant kin and friends, who with their advice and arrangements helped the prospective bride and groom.

The investigation also addressed the clearly identifiable moments which preceded the wedding, such as the visit paid on the girl, the proposal, and the exchange of vows. Based on the text we investigated, the proposal, the exchange of gifts, and the exchange of vows were the three defining moments that set the stage for the wedding. Of these, the last was of primary significance, because of the church ceremony and because it could happen years before the wedding ceremony, which involved the consummation. The betrothal was the symbol of commitment to marriage, which like every event of extraordinary importance, was followed by a lunch or dinner with the close kin. Weddings which required major pomp and preparations and which lasted days, however, took place with major publicity. Different representational elements and regional traditions had their roles and served to ensure the participants would be entertained. They also clearly reflected the rivalry between the two households whether in ceremonies like the *wreath-running* or through the gifts that were exchanged, the fine dresses, and the variety of food.

In choosing his mate, László Székely, who had often suffered disdain because of his origins, tried to catch up with the old Transylvanian families. He aimed to adapt to the related values in the decisions he made concerning his private life and to pass on these values to subsequent generations in his autobiographical work. This explains the elaborateness of the description of his first marriage and the related ceremonies. In this nostalgic remembrance, he seems to have been motivated by the same thoughts as Péter Apor. They both tried to contribute, by recording their own life experiences, to the reconstruction of a world that was about to fade.

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## BOOK REVIEWS

Towns and Cities of the Croatian Middle Ages: Image of the Town in the Narrative Sources. Reality and/or Fiction? Edited by Irena Benyovsky Latin and Zrinka Pešorda Vardić. Zagreb: Croatian Institute of History, 2017. 412 pp.

As a sort of successor volume to *Towns and Cities of the Croatian Middle Ages: Authority and Property*, this volume is the result of the second triennial held at the Croatian Institute of History in autumn 2013. It consists of 17 papers on images of medieval towns in the region of present-day Croatia. More precisely, these papers deal with the many complex ways in which urban spaces were depicted in narrative sources from Late Antiquity to the Early Modern period and how these sources can enrich our understanding of medieval urbanity. With regards to the subtitle, the term “image” is not limited to one rigid conceptual framework. Rather, it includes a wide range of topics, such as the formation of urban settlements and topographies, the constitution of certain civic identities and memories, and even historical-demographic calculations on the basis of noble genealogies (see the article by Nenad Vekarić).

Except for the article by László Veszprémy (pp.253–63), which examines historiographic accounts of medieval Buda, all of the papers in the volume focus on cities on the northeastern Adriatic coastline and in Dalmatia, especially Dubrovnik, Split, and Zadar. This is due in no small part to the fragmentary nature of medieval sources which have survived on these areas and cities. Nevertheless, it is a bit surprising that Zagreb is mentioned only by Marija Karbić (pp.241–52), who compiles descriptions of the free royal town from chronicles and narratives in some of the charters of the Hungarian court.

Rather than offer summaries of the individual papers, I seek here to emphasize some significant guidelines of the volume by way of example. The introduction (pp.13–60), which was written by Irena Benyovsky Latin (one of the editors), provides a detailed history of the research on the subject and also addresses the varieties and intersections of the narrative sources, which have been considered in a primarily comparative way throughout the volume. In other words, legends of local saints and bishops, annals and universal chronicles, and various histories of primarily clerical and monastic institutions are all important sources on the appearance and perceptions of high and late medieval Croatian towns. As far as images of towns in narrative sources are concerned, communal

histories (be they preserved as chronicles, *laudatium urbium*, or poems) are an important sources and objects of research. Furthermore, expanding the timespan up to the eighteenth century (i.e. well beyond the traditional border of the European Middle Ages) allows us to take into account travelogues and even diaries from well-known Italian humanists and pilgrims. This provides useful complementary information as well as an external point of view (see the articles by Donal Cooper, Zoran Ladić, and Dušan Mlacović).

The merits of the conference proceedings can definitely be ascribed to a constant reference to the primary sources and a distinctive approach to source criticism. This is especially true when it comes to different provenances, intricate channels of tradition, and depictions of how the prevailing circumstances were perceived at the time. The authors analyze, more or less meticulously, the respective social contexts of the chosen sources for their case studies by taking into account the medieval authors' intentions, methods of writing, and self-perceptions. Readers of this volume are given an opportunity to refresh their insights by comparing various aforementioned narrative sources with contemporary pragmatic written records, e.g. notarial documents, charters, and municipal codifications. Zrinka Nikolić Jakus (pp.123–36) reconstructs genealogies of Dalmatian urban elites, using both diplomatic sources and information provided by Thomas the Archdeacon of Split (1200–1268) in his famous *Historia Salonitana*. Other examples of this include examinations which focus on the communal histories of Dubrovnik (see the articles by Zrinka Pešorda Vardić and Zdenka Janeković Römer), Trogir (see the article by Ana Plosnić Škarić), and Zadar (see the articles by Ivan Majnarić and Sandra Begonja). These literary and historiographical works contain descriptions of urban structures and topical accounts of peaceful and adversarial interactions among social groups in the cities and their hinterland. These descriptions provide (again in correlation with administrative sources) a vivid picture of everyday life and multi-faceted medieval urbanity. Apparently, the military and political conflicts with Venice in the fourteenth and fifteenth centuries were a trigger for the construction of narrative models of urban community which shed light on utopian ideas of cohabitation and social order in major Dalmatian cities.

In addition to the intertextual comparisons, the contributors to the volume also took into consideration material and visual sources. Starting with *De Administrando Imperio*, a kind of “manual” for adolescent emperors written by Constantine VII Porphyrogenitus in the mid-tenth century, Ivan Basić, for instance, sheds light on the etymological confusion of the town Spalatum and

its suburb *Spalatiolum* (pp.61–115). He connects linguistic investigations based on contemporary chronicles with results from archaeological excavations, and he also takes epigraphic sources into account. He thus succeeds in giving a more precise picture of Split's urban structure during Late Antiquity. This structure provided the foundation for the early medieval development of the town and its surrounding area. In his iconographic investigation, Tripimir Vedriš (pp.179–212) focuses on the cult of Zadar's patron saints and how they became symbols of communal identity and instruments of societal differentiation among local elites. He therefore discusses how changes to their visual depiction (in shrines and on seals, coins, mural paintings, etc.) within the urban space were connected to times of struggle against the maritime republic of Venice in the fourteenth century.

The editors' aims have certainly been met from the perspective of interpreting narrative sources not just as "histories," whose reliability is to be determined, but rather as "historical facts in themselves" (p.58). Beyond the diversity of topics and sources brought up in combination with refreshingly comparative analyses, this volume presents matters of intensive research concerning medieval narrative sources, and it lays emphasis on Croatian cities which so far have been neglected in the secondary literature. Given the simple fact that all the articles were written in English and even short titles of Croatian sources are given in translation, the volume is accessible to a broad, international readership. It thus constitutes a crucial step towards more spatially balanced approaches to the study of medieval urban history.

Herbert Krammer  
University of Vienna

Nova zraka u Europskom svjetlu: Hrvatske zemlje u ranome srednjem vijeku (550–1150.) [New ray in the European light: Croatian lands in the early middle ages (550–1150)]. By Zrinka Nikolić Jakus. Biblioteka Povijest Hrvata 1. Zagreb: Matica hrvatska, 2015. 656 pp.

*Nova zraka u europskom svjetlu* is the first volume in a new series in Croatian of Biblioteka povijest hrvata published by Matica hrvatska and launched in 2015. The series of seven volumes is the latest Croatian narrative of the history of Croatia and the Croatian lands from late Antiquity to the late twentieth century. The first volume is the work of eighteen authors who are among the most prominent scholars of Croatian historiography, art history, legal history, literary history, archaeology, and many other fields. They belong to the younger or middle generation of Croatian historians, and they adopt modern approaches to the study of history, dealing with topics that have been comparatively or entirely neglected according to Zoran Ladić, the editor of the series, and Zrinka Nikolić Jakus, the editor the volume under review. The volume begins with two prefaces, in which the two editors note that the volume aims to follow in the wake of two earlier Croatian projects, *Hrvatska i Europa* and *Povijest Hrvata*, and also drew inspiration from the *New Cambridge Medieval History* in its aspiration to address a wide range of topics, including spiritual life, environmental issues, economy, art history, archaeology, law, written culture, everyday life, society, and the institutions and formation of the state. The volume can be divided into three major parts. The first unit offers a general overview from different perspectives on and approaches to the history of Croatia and the Croatian lands (meaning territories or regions which were not parts of the Medieval Kingdom of Croatia but which belong to the present-day country, such as Istria and Slavonia). The first study, by Hrvoje Gračanin, narrates the history of the lands of present-day Croatia in late Antiquity (pp.3–36). It is followed by Ante Birin's chapter on the history of Croats in the early Middle Ages (pp.37–72). Neven Budak then discusses the Early Medieval ethnogenesis of the Croats (pp.73–88). In the next two chapters Damir Karbić, analyses the formation of the Croatian state, royal power, society, and cities (pp.89–122, 123–32). Florence S. Fabijanec then examines the economic aspects of Early Medieval Croatia, such as trade, commerce, and agriculture (pp.133–158). In the next chapter, Ante Nazor discusses the Early Medieval Croatian army (pp.159–72), and Trpimir Vedriš summarizes formal practice of baptism, Christianization (he separates the two), and the ecclesiastical life and practice of religion in the Croatian

lands (pp.173–200, 201–36). Damir Karbić and Branka Grbavac present legal life and legal written culture in Croatia (pp.237–54), Mirjana Matijević-Sokol examines literacy in Latin (pp.255–72), and Tomislav Galović presents the literacy in Cyrillic and Glagolitic (pp.273–96). Magdalena Skoblar summarizes the most important aspects of the art history of the region (pp.297–322), and as the final part of this unit, the study by Jakus examines everyday life of Croats (pp.323–42). The second main part of the volume reflects the historical and cultural regionality of Croatia. The first two chapters deal with northwestern and northeastern Croatia separately, and both were written by Hrvoje Gračanin, who was joined by coauthor Silvija Pisk for the first study (pp.345–66, 367–84). In my opinion, probably it would have been preferable not to have divided the two chapters, as they deal with similar topics and territories which belonged together at some point of the period in question. The subsequent chapters, which were written by Maurizio Levak and Ante Birin respectively deal with Istria and the Kvarner Gulf (pp.385–414) and Gorski kotar, Lika, and Krbava (pp.415–26). The narrative of the Early Medieval history of Dalmatia is also divided into two parts according to geographical region. Ivan Basić deals with northern and central Dalmatia (pp.427–62), and Ivan Majnarić and Kosjenka Laszlo Klemar focus on southern Dalmatia (pp.463–78), but unlike the first two chapters, in this case historical circumstances and differences could justify this division. In the final chapter of the second part, Goran Bilogrivić deals with the territory of Bosnia and Hum (pp.479–91). The third unit of the book offers international, geopolitical context, as it deals with the countries and empires that either had close relationships with the Croats or the territories of present-day Croatia or held any parts of these territories. Hrvoje Gračanin provides a short summary on Byzantium (pp.495–516), and Ivan Majnarić then presents the Ottonian, Frankish, and Holy Roman Empire's role in Croatia (pp.517–32) and the relationships with the Papacy (pp.533–48). Lovorka Ćoralić analyses Venice's role in Croatia (pp.549–62), and Jakus examines the southern Italian territories and their relationships with Croatia, highlighting the Normans' activities (pp.563–80). Trpimir Vedriš presents Bulgaria and other Slavic states in the Balkans (pp.581–608), and finally Nikolić Jakus deals with Hungary (pp.609–29). The volume is the first outcome of a huge project, and it is one of the finest modern syntheses in the historiography in Croatian. Apart from some minor, distracting editorial choices, such as the unnecessary division of some territories, the volume presents wide range topics many of which had been largely neglected earlier but now are part of contemporary trends in the study of history. The

emphasis is not on the traditional, political history at all, and the variety of areas of focus makes the volume unique. The importance of the book as a contribution to the existing scholarship lies also in the targeted readership. While the book offers rigorous studies for scholars, it is also useful and accessible to students and the wider public. The volume reflects the regionality of Croatia and highlights the uniqueness and the different social, economic, and political evolution of each territory. The third unit of the book puts Croatian history in international context, which is inevitable, since most of the present-day Croatia was under the rule of another country in some part of the period in question. Its minor shortcomings notwithstanding, the volume is a modern historical synthesis and a motivating example for new projects on the histories of other Central European countries.

Judit Gál  
Eötvös Loránd University

Textilvégek védjegyei: A textilkereskedelem régészeti emlékei a Magyar Királyság területén [Lead seals of cloth rolls: archaeological remains of the textile trade in the Kingdom of Hungary]. By Maxim Mordovin. Budapest: MTA BTK Történettudományi Intézet, 2018. 355 pp.

The new book by Maxim Mordovin addresses an important lacuna in the secondary literature. The focus of the monograph is lead seals (used as trademarks), which is an interesting topic in part simply because very few historians have dealt with it. This is not entirely surprising, given that lead seals are among the findings which remain the most concealed in the course of excavations (like coins). Thus, it should not come as a surprise that research on this subject is only now beginning to take off, at a time when metal detectors are popular not only among “treasure-hunting” amateurs, but also (quite understandably) among archeologists. Mordovin was inspired to pursue research on this less trodden path a few years ago, when in the course of the excavation of the main square of the city of Pápa in western Hungary a surprising number of textile permits were found, in part with the use of metal detectors.

Mordovin focuses first and foremost on lead seals, though inevitably he often must touch on issues related to the textile industry which made use of them, since at the time textile permits functioned a bit like brand names do today. They modestly accompanied textiles which were once splendid or less splendid. For this reason, the European textile industry of the Middle Ages and the Early Modern Era constitutes a particular focus of the book, which sometimes is a bit uneven in the attention devoted to a particular period, though this is due to the nature of the sources, i.e. the unevenness of the information available to Mordovin and the simple question of how many such seals actually survived from a given period. Mordovin was bold with his choice of temporal framework. He does not use 1526, which is commonly regarded as the end of the Middle Ages in Hungary (because of the defeat of the Hungarian army by the Ottoman Turks at the Battle of Mohács), as the end of the period in question for his inquiry. Rather, he uses sources dating from as late as the second half of the sixteenth century. This decision was wise, since the subject which is the focus of his study should be examined independently of political-historical periods. The theme, after all, should be studied from a European perspective, and indeed it offers a European perspective. One odd irony of the research on which Mordovin embarked is simply that, given the lacunae in the secondary literature, the scholar must



embark on journeys as extensive as the journeys once taken by textile merchants. However, the curious traveler is rewarded with a multitude of diverse lead seals, which clearly constitute only a tiny slice of the actual seals once in use. Objects in state collections and private collections which are often almost inaccessible can be invaluable as sources, as indeed can items sold in online auctions. Mordovin has clearly exerted a considerable amount of effort to explore these kinds of repositories, motivated perhaps by the pleasure of the hunt.

Mordovin relies on archaeological, historical, and visual sources concerning material culture, as clearly one would expect of a scholar of Medieval and (Early) Modern archeology, though in differing amounts depending, of course, on the available sources. True, he makes particularly strong use of archaeological sources. In the first chapter, he subjects the contentions in the secondary literature concerning lead seals found both in the Kingdom of Hungary and beyond its borders to intense scrutiny. As he shows, with the exception of a few early Italian reports, the first works to be published in Western Europe on the subject appeared in the middle of the nineteenth century, when the textile industry which had flourished before the industrial revolution still subsisted as a memory at the very least. In contrast, by the advent of the Modern Era, lead seals in the Kingdom of Hungary, which for the most part had been a market for the textile industry, had essentially been forgotten and only became familiar again in the course of excavations. After having introduced the historical frameworks of the scholarship, Mordovin familiarizes his reader with the practical areas in which lead seals were used, for the most part on the basis of Western European examples, beginning with a discussion of the evolution of the designation and its further development. It might have been worthwhile to have provided some discussion of the basic principles of the use of lead seals, which served as a clear, visible way of designating a product of high quality (and not just textiles, but also other wares), even if there is already a fairly substantial body of secondary literature on the subject. The short third chapter, in which Mordovin discusses forgery as a means of circumventing legal restrictions, offers a picture based for the most part on written sources. It is worth noting that Mordovin has included in his book not simply the “basic materials” on the subject of forgeries, but also additional archeological data (pp.231–51). In the fourth chapter, he divides the seals into groups on the basis of their formal features and then deals with them from the perspective of the functions.

These four chapters comprise roughly 20 percent of the first section of the book. They offer a general overview of the subject, and the aforementioned

contingencies have little influence on what Mordovin writes. This is not true, however, of the fifth chapter (roughly the remaining 80 percent of the book) or the collection of data in the appendix, to which additions will undoubtedly be made in light of later findings and which, indeed, may well undergo a shift of emphasis because of one or two exceptional sites. One should note, however, that these “dangers” are always present in the case of a groundbreaking study which deals with data from primary sources. As far as the fifth chapter is concerned, in which Mordovin examines regions and cities in which textiles were produced (arranged geographically), in my assessment it would have been preferable to have used the names of the political-geographical units that were in use at the time instead of the names in use today (the contemporary names are used in the collection of data in the appendix), though of course I concede that the terms in use today may make it easier for the reader to orient him or herself. The subchapters, which are divided up on the basis of regions, contain a wealth of maps as well as several charts in which Mordovin has organized the specimens known in larger numbers from the same city. Alongside the archeological information, in order to offer the reader some sense of context, Mordovin draws heavily on the secondary literature in the discipline of history. One finds, in the sea of data, a few striking gems. For instance, Mordovin makes a fascinating suggestion concerning the seal of the city of Szeged, which was redesigned in the eighteenth century (p. 148). People had already noticed the strong resemblance between the Nuremberg coat of arms and the Szeged coat of arms, and scholars have also known that the seal on which the new Szeged coat of arms was based allegedly was fished out of the Tisza River. Mordovin, however, contends that the Szeged coat of arms cannot have been based on a classical tiparium. Rather, it must have been based on a lead seal found in the waters of the river, and indeed he gives examples of this.

And yet the most significant contribution Mordovin has made with his study lies not in this finding or his similar insights, but rather in the fact that he has stumbled, upon the archeological remains of an area in southeastern Hungary (Békéscsaba, Gyula, Orosháza) in which, until the late sixteenth century, the textile industry flourished or at least was active, an area to which historians have already called attention (pp.231–51). This area, furthermore, did not market its products under its own “brand name” domestically, to the soldiers in the border fortresses, but rather used the Tudor rose lead seals of English textiles or imitations of these seals to mark its wares.

The book concludes with a collection of data, a bibliography, and indexes, all of which are indispensable given the subject. In the collection of data, the

production sites of the textiles belonging to a given seal are listed in alphabetical order with separate sections on each individual seal illustrated with high-quality black-and-white photographs.

Given the strengths of Mordovin's monograph, it would be worth publishing in good English translation. As the first few pages of the book make clear, both the subject and, more narrowly, this inquiry would be met with considerable attention in international scholarly circles. It is regrettable that until a longer summary is published in translation, historians potentially interested in the subject but unable to read Hungarian will have to make do with this review, as there is not even an abstract of the book available in English translation.

Bence Péterfi  
Hungarian Academy of Sciences

New Home, New Herds: Cuman Integration and Animal Husbandry in Medieval Hungary from an Archaeozoological Perspective. By Kyra Lyublyanovics. Central European archaeological heritage series 10. Oxford: Archaeopress, 2017. 337 pp.

Archaeozoology is the science based on the study of faunal remains from the past, so archaeozoological records reflect the meat-eating patterns of the contemporary inhabitants of the settlements under investigation and also animal husbandry practices, which is seen as an economic activity, a lifestyle, and part of the socioeconomic integration. Considering the quality and quantity of the available data, in her book, which is based on her PhD dissertation, Kyra Lyublyanovics has made a substantial contribution to this science. She has provided an overview of the delicate process of the integration of the Cumans as seen through the mirror of animal husbandry, animals use, and meat consumption patterns.

In the first section of the book, the reader is given a short but thorough overview of the history of the Cumans, from the Eurasian steppe (their place of origin) to their migration to the Carpathian Basin, which is followed by a short history of the Hungarian scholarship on the Cumans at the end of the chapter. Lyublyanovics then summarizes the aims and questions of her research and clarifies the methodological concerns of the work. While she notes the problems in the scholarship and points out the limits of the research on Cumans in Hungary, she also clarifies main definitions, including for instance what the term Cuman actually means from an archaeological point of view and what the main problem of nomadism in archaeology is.

The main part of the volume is the third chapter, which includes a very impressive description of the archaeological sites investigated. Lyublyanovics precisely summarizes the available data, both written sources and archaeological and archaeozoological records. Altogether, 11 sites are compared from Greater and Lesser Cumania (Central Hungary) and their periphery and one site from Transdanubia. She provides a historical introduction to each larger geographical territory, illustrated with maps, from the arrival of the Cumans till the seventeenth and eighteenth centuries. These summaries precisely show the social and economic structures of this ethnic group and their ability continuously to adapt to historical shifts.

Some of the archaeozoological data comes from earlier published research, but the other part of bone find has been analyzed by the author herself. Although

in some cases very little material was available, Lyublyanovics follows her methodological intentions consistently and productively in her analyses. Perhaps due to this consistency, some disproportions can be seen in the archaeozoological interpretations. When reading these section of the chapter, one has the feeling that it came to an end, but it was not finished.

Lyublyanovics uses some statistical and osteometric comparisons to demonstrate the ratios and size-variability of the main domestic species from different archaeological sites from the period in question, using colorful graphs and diagrams. These diagrams clearly demonstrate the homogeneity of the distribution of animal bone fragments from different species, and these distribution patterns fit the trends prevalent in the medieval rural settlements. In almost all osteometric comparisons only two metric dimensions of the bones were used. Although there are strong correlations between the used metric dimensions proved by statistical methods, sometimes they did not provide precise answers to the research questions. It is possible that Lyublyanovics would have done better to have used some multivariate methods to demonstrate her findings.

The conclusions reached in this rather long chapter, however, are methodologically flawless. Step-by-step, Lyublyanovics compares the taxonomic richness, the structures of the herds, and the ratios of the main domestic species (cattle, sheep and goats, pigs, and horses) from the Cuman sites and places them in the animal husbandry economies of medieval Hungarian villages. She claims that the key factor in the characterization of Cuman animal keeping is the ratio of the triumvirate of the horse, the pig, and sheep, which has been proven by statistical tests. However, as she writes, while the “Cuman and Hungarian samples are statistically different from each other,” (p.165), the archaeological material does not clearly demonstrate the presence of distinct breeds, and “domesticates kept by Cumans fit into the medieval domestic populations of Hungary in general” (p.171).

In the subsequent chapters, Lyublyanovics examines the exploitation of the environment and the management of resources. This short section is an introduction to the significant factors of animal keeping. Pastures and water resources, forests, wetlands, and grazing rights all influenced the everyday lives of the contemporary animal keepers. On the other hand, hunting and fishing were ways of using wildlife as a resource.

Lyublyanovics dedicates an entire chapter in the second half of the book to the processing of an animal carcass. She identifies two different approaches to

this process: the functional type, which includes the consumption patterns and the utilization of the non-edible parts of the animals (e.g. bones), and the ritual type, when the body of an animal is given a role that differs significantly from its conventional roles. As she rightly states, “the arbitrary dichotomy between ‘ritual’ and ‘functional’ deposits threaten arguments with circular reasoning as it involves an inherent interpretation in itself” (p.191). In this chapter, she examines similarities and dissimilarities in the butchering techniques and the preferred body parts of the main domestic species. For the purposes of classification, she uses Uerpmann’s meat categories: low, medium, and good quality.

One functional aspect of her observations is the analysis of the worked bone tools. The animals, after all, weren’t simply sources of meat, but were also sources of many potential raw materials (bones, hides, and wool, for instance). Numerous tools made out of bone, which were discovered in the settlements under investigation, indicate the importance of bones as a raw material.

Lyublyanovics also presents the reader with a short summary of the animal bodies from Cuman ritual contexts. In this section, she examines burial customs involving animals (e.g. equestrian graves, dog burials, food offerings, etc.). The last chapter is dedicated to discussion of the observed osteopathological lesions on the bones, which reflect the health conditions of the contemporary domesticates.

Finally we can say that Lyublyanovics is leading us through the book with a secure hand, and no doubt that her work is an important contribution to Hungarian zooarchaeology. She persuasively shows the complexity of the Cuman socio-economic integration in medieval Hungary from a neglected perspective, that of animal husbandry.

Péter Csippán  
Eötvös Loránd University

A 18. századi Magyarország rendi országgyűlése [The feudal parliament of eighteenth-century Hungary]. By István M. Szijártó. A magyar országgyűlések története. Budapest: Országgyűlés Hivatala, 2016. 331 pp.

The book under review is part of a series on the history of the Hungarian Diets and National Assemblies which is published by the Office of the Hungarian National Assembly. The aim of the series was to create an introduction to the history of Hungarian diets until 2014 authored by respected researchers. István M. Szijártó (associate professor at Eötvös Loránd University, Department of Economic and Social History) is the author of the second volume in the series, which focuses on the history of Hungarian diets between 1708 and 1792. The book is based on two previous works by Szijártó, which offer a more thorough treatment of the topic (*A diéta: A magyar rendek és az országgyűlés 1708–1712* [2015] and *A politikai elit társadalom- és kultúrtörténeti megközelítésben: Emberek és struktúrák a 18. századi Magyarországon* [2017]). In recent decades, numerous books have been written about the diets from various approaches, such as social and cultural history. Historians have analyzed the diets, the political debates and decisions, and the roles of different political groups like the clergy and the nobility. In the book under review, Szijártó comprehensively examines the changes and developments of the diet as an institution, as well as the political power of county representatives and other participants. He thus sheds light on the ways in which this institution functioned in the eighteenth century, while also outlining its workings in the nineteenth.

The book consists of four parts. The first part presents the workings of the Hungarian diets, the second focuses on debates and conflicts, and the last two analyze observable changes in the diet and contextualize parliamentary phenomena.

This supplementary monograph opens with a detailed description of the diets' workings from convocation to closure. The reader learns about the members of the Upper and the Lower House and their functions and the relationship between the king and the estates. The book also offers sketches of the political groups within the houses. This overview includes negotiations and agreements, the work of commissions, the drafting of articles, the question of precedence, the presence of adolescents in the diets, the sites and duration of assemblies, and the Latin terms used in the documents. Szijártó analyzes political languages, and he also discusses how the different sources (contemporary diaries and official documents) came into being. The first section sums up the workings of the



Hungarian Diet in the eighteenth century, which though shaped by custom, was at the same time complex and shifting.

The second part of the book is about debates and conflicts in the assemblies, and the Szijártó divides the period under examination into two parts based on the themes of the debates. In the first period, negotiations were dominated by confessional debates. Calling into question the persuasiveness of earlier hypotheses found in the secondary literature, Szijártó points out that the king and the Catholic estates were not always in opposition to Protestants, and sometimes Protestants applied successfully to the king for support in different conflicts. From 1728 onwards, the estates were not allowed to discuss confessional matters, so deputies belonging to different religions were able to cooperate with one another when defending their nobiliary privileges.

There were also heavy debates concerning taxation. The Hungarian diet had had the right to vote about raising taxes, but it could not assert this right from the second half of the seventeenth century until the beginning of eighteenth, i.e. the end of the rebellion led by Francis II Rákóczi. In connection with the rate of the war tax, Szijártó analyzes the king's income from Hungary and the costs of maintaining his army stationed in the kingdom. He points out that war taxes on which votes were held in the diet represented only a small fraction of the king's income, and the army's maintenance costs were several times that sum. The government repeatedly wanted to impose a tax upon the nobility, but the noblemen successfully defended their exemption from taxation.

The disputants in the diets could be divided into two sections, the government party and the opposition, but an individual's membership in one of these two groups was neither unambiguous nor continuous. In general, the members of the Upper House were in the government party, and the members of the opposition sat in the Lower House. Szijártó emphasizes that the chairman of the Lower House was appointed by the king, so this chairman tried to influence the estates to support royal interests. To achieve this aim, he had many means, but this did not always guarantee success. The clergy and the deputies of royal free boroughs supported the king, while the county representatives and deputies of absent magnates tended to defend the interests of the estates.

The third part of the work examines changes in the diet from the perspectives of social, cultural, and institutional history. The first chapter of this section starts with analyses of the careers of important political figures. Szijártó adopts an innovative method by examining different motivating factors behind both parties' political practices. He identifies thirteen kinds of career,

depending on religion, county, being an office-holder or not, and the success of the career. Szijártó offers thirteen examples of the professional lives of deputies as illustrations of these careers. He refutes the widespread view according to which the leaders of the opposition were Protestants and, in the eighteenth century, came from the counties through which the Tisza River passed. With regard to political practices (including taxation), Szijártó makes it clear through statistical analysis that the attitudes of the members of the opposition and the government party cannot be simplified according to religion, because Protestant deputies occasionally supported the ruler's standpoints, while many members of the opposition were Catholic. Szijártó arrives at the conclusion that in the first half of the eighteenth century important politicians were still able to express an oppositional opinion in one matter while voicing a loyal one in another. This situation, however, changed in the second half of the century.

Szijártó analyzes political debates which were held in the diets at the end of the eighteenth century from the perspective of cultural history. His inquiry concerning confessional debates in 1790–1791 reveals that disputants used argumentation looking back at the past as well as towards the future. Thus, Szijártó challenges the view according to which the estates embodied “backwardness” in the diets. The research drawing on ceremonial speeches is important as an introduction to the political languages in use in these contexts. However, only a few speeches have survived in full, and so they offer only fragments of information, while the speech summaries which survived in diaries present the views of contemporaries concerning the speeches.

The realignment of the estates is observable in the decision-making process at the diets. The advocatory deputies made suggestions concerning emerging problems. There were several ways of reaching agreement, and there were no precise regulations, and this resulted in changes in the balance of political power.

Szijártó's significant analysis of the instructions given by the county assembly is the subject of the fourth part of the work. He points out that while these instructions were general and short at the beginning of the eighteenth century, they became detailed and long by the end of the century. Furthermore, by that time, even lesser noblemen had started to take an interest in national politics, and they elaborated their own political programs.

The book includes several illustrations, and the maps show where county deputies from the opposition came from in the eighteenth century. The references are listed at the end of each section as endnotes, and additional

information about the examined topic can be read at the bottom of the page, so the text is easy to follow. At the end of the book, the literature and list of sources are presented according to the four main parts of the book. The monograph ends with an index. The book's sectioning is clear, and the topics are logically built and full of relevant information. The reader can follow Szijártó's analyses, because he gives several examples to support each of his statements.

This work is the fruit of several decades of research by Szijártó. It is based on a wide range of sources and thorough methodological knowledge that is in line with European trends. Szijártó relies on the methodological works of several foreign scholars, and thus he has studied the history of the Hungarian diets from several viewpoints, and he has provided a great deal of valuable information. Scholars, students, and any one curious about the political history of the region will find this monograph of great use. They will also find it a pleasure to read.

Fanni Hende  
Hungarian Academy of Sciences  
National Széchényi Library

Apácaműveltség Magyarországon a XV–XVI. század fordulóján:  
Az anyanyelvű irodalom kezdetei [The education of nuns in Hungary  
at the turn of the fifteenth and sixteenth centuries: The beginnings of  
vernacular literature]. By Sándor Láz. Budapest: Balassi Kiadó, 2016.  
460 pp.

The monograph by Sándor Láz is the continuation of and a significant supplement to one of his earlier works (“A nyulak szigeti domonkos apácák olvasmányainak korszerűsége,” in “Látjátok feleim”: Magyar nyelvemlékek a kezdetektől a 16. század elejéig, ed. by Edit Madas [2009]). The aim of the book is to explore the effects of the monastic reform on the convents of the Dominicans, Poor Clares, and Premonstratensians at the turn of the fifteenth and sixteenth centuries through a comprehensive examination of the existing vernacular codices. However, while introducing the codices, Láz also touches on the roles of the monks, who wrote the codices, in shaping and establishing the education of the nuns. An important strength of the book is that it situates its topic in an international context by continuously pointing out well-elaborated parallels with monastic reforms in the monasteries in southern Germany and their effects.

In addition to the short preface and the conclusion, there are six chapters in the monograph. The first five can be regarded as an introduction, i.e. a sort of short but detailed guide which helps the reader better understand the topic. The architectural surroundings of the nuns (pp.15–31) and the monks (pp.33–57), who were at the head of the monastic reforms and provided pastoral care for the convents, are briefly described. The Latin and vernacular literature in the German convents is discussed in a separate chapter, and through this analogy, Láz introduces the situation in Hungary, which is less known in secondary literature the sources (pp.59–83). The relationship between the monastic reform and literature is elucidated in a separate chapter (pp.85–103); the scriptorium, which created the codices in the early vernacular (already Hungarian) literature, is also introduced, as is the library which housed the volumes of the monastery and the two stages (public and private) for the use of the codices (pp.105–38).

The most important chapter in the book is the sixth (pp.139–389), which analyses the 44 examined codices (not all of which were used by nuns) in detail according to different genres. In his analysis of certain genres (catechismal texts, legal texts, liturgical texts, Bible translations, periscopes, sequences, hymns,

cantios, examples, legends, preaches, treatises, passions, and private prayers), Lázcs often quotes certain codices, and this enables his reader immediately to check his argumentation and his characterization of the codices. It would have been preferable to have provided short summaries at the end of the subchapters clarifying the content.

Certain codex-extracts are analyzed on the basis of the circumstances in which they were used, such as in a community of nuns or during a private devotion of certain nuns. Where the place of use of certain codices could be determined, Lázcs separately examines the source-collection practices of the various monastic orders, and he offers a comparison. He thus is able to draw further conclusions about the veneration of saints among various orders and the private prayer practice of certain nuns.

In the conclusion (pp.391–403), Lázcs summarizes the subchapters, and he then explains the necessity of his genre-based analysis. In his assessment, a proper comparison of the Hungarian and southern German monastic codex-literature can only be done on the basis of such an analysis. In the second half of this final chapter, Lázcs challenges two concepts (“church society” and “monastic culture”) that are familiar to medievalists. His aim is to call attention to the fact that neither “church society” nor “monastic culture” can be regarded as discrete units: they were in constant interaction with the secular world and its culture.

Finally, Lázcs draws an important conclusion concerning the education of the nuns living in convents in the Late Middle Ages and the Early Modern period. He contends that the sources suggest that in the convents of the Poor Clares in Pozsony (Bratislava) and Nagyszombat (Trnava) an independent vernacular literature did not develop at the turn of the fifteenth and sixteenth centuries, because in the seventeenth century the nuns did not use their own vernacular books: they read the codices that had been brought by the nuns of Margaret Island, Óbuda, and Somlóvásárhely, who were fleeing the advancing Ottoman forces. In his view, there were two reasons for this: first, the daughters of the citizens of Upper Hungary lived in these convents, and they laid no claim to codices in Hungarian since their mother tongue was German; second, the monastic reform was not implemented in these institutions. In these convents, the abovementioned situation changed only at the beginning of the seventeenth century, when the Hungarian nuns who had fled the Ottomans took their books and the monastic reform finally took hold.

The conclusion is followed by a list of sources, consulted literature (pp.405–37), and a detailed index (pp.447–59), which will make the use of the bulky

volume easier for researchers and for anyone interested in the topic. The charter in the appendix (pp.439–45) further adds to the value of the monograph; it contains the pericope signs of the Codex of Munich, which may have served as a model for the Hungarian periscopes, and the sketches and reconstruction plans (related to the topic of the first chapter) of an ideal monastery building and the Convent of the Blessed Virgin of Margaret Island.

In conclusion, the volume meets high scholarly standards and will be useful to historians and literary historians interested in this topic. The abundant footnotes testify to a comprehensive knowledge of the Hungarian and international secondary literature. The topic of the monograph is important, and it raises questions for further research, so it may well motivate other scholars to reflect on its findings, undertake further research, and launch fruitful debates on the topic.

Terézia Horváth  
Hungarian Academy of Sciences  
Pázmány Péter Catholic University

Felvilágosodás és babonaság: Erdélyi néphiedelem-gyűjtés 1789–90-ben [Enlightenment and superstition: The collection of Transylvanian folk beliefs from 1789–90]. Edited by Ambrus Miskolczy. Budapest: L'Harmattan, 2016. 297 pp.

In a circular letter written in the spring of 1789, Michael Brukenthal, commissioner of the Fogaras (Făgăraș) district, sought answers to the question of what superstitions and rites existed among the people of the region. Three Saxon Lutheran and three Hungarian Calvinist pastors, one Hungarian Unitarian minister, and one Greek Catholic priest sent their reply to Brukenthal's request. The book reviewed here has taken on the task of publishing this rather unique source. Although this source material has already been known to scientific researchers, it has been only partially published, and thus the source value of this full publication is enormous. Furthermore, the diversity of the respondents already hints at the fact that the source introduces the folk beliefs of multiconfessional and multiethnic Transylvania in the late eighteenth century.

As one can see in the very detailed introductory study of Ambrus Miskolczy (pp.13–130), covering a long list of secondary literature, he situates the source in the relevant academic discourse, and then discusses in detail how the manifestation of folk belief was judged by the masterminds of the Enlightenment and why superstitions were paid remarkable attention. This train of thought is clearly summarized as follows: “superstition played the same role in the Enlightenment's world of ideas as the evil in religious views that was condemned by the same given ideas. The Enlightenment's image of superstition – due to its character as a substitute for evil – almost took on a transcendent character; however, it was present everywhere in its true countenance – according to everyone's own standards” (p.18). Miskolczy mainly relies on the radical thinkers of the French Enlightenment, yet, later on we see that the thinkers of the Enlightenment living in the (Catholic and Protestant) ecclesiastical milieu and having more moderate views condemned with the same vehemence the superstitious behavior occurring among their fellow members of the congregation.

Thereafter, by following the themes present in the source material, the study deals with the concepts relating to witchcraft and vampires. Concerning witches, it states that in the folk belief of the early modern period, the belief in the existence of witches was present irrespective of denomination, although the Catholic and Protestant interpretation of witches differed in many respects.



While the former relied on the famous *Malleus Maleficarum*, the latter focused mainly on the punishments for wizardry and oracle seeking in the Old Testament. “Witch-hunting is a crisis phenomenon. The community that became unbalanced searched for and found a scapegoat accompanied by an ideology and a proper background. It all happened when it was struck by an epidemic or a weather catastrophe, the concomitant phenomenon of which was the political world’s upheaval,” states Miskolczy, in harmony with the results of the historical and ethnographic research dealing with the belief in witches (p.21).

Following Descartes and Spinoza, the philosophers of the Enlightenment the belief in witches among superstitions against which one had to show determination in the same way as against other harmful beliefs. However, the “disappearance” of the witches was followed by the “occurrence” of the vampires. Although the belief in vampires was rare in the earlier centuries, at the beginning of the eighteenth century it became a mass phenomenon. Miskolczy blames the media for this change, and then on the basis of vivid examples he shows how belief in vampires became an exotic belief coming from the East among the contemporaries. “Our vampires came in useful for the Enlightenment, since they were needed for the cult of light. Light does not exist without darkness; the self-worship of the Western civilization needs the barbaric East” (p.32). The introduction discusses many Hungarian cases in detail and refers to the fact that contemporary administrative leaders considered the belief in vampires to be a danger to national health due to the exhumation of corpses. They mainly wanted to counter it with the help of medicine and to restrain it with measures taken by the authorities. The author touches upon the stance of the Orthodox Church by calling attention to the conduct of Orthodox bishops in the Romanian voivodships, who also intervened in the exhumation of corpses from the second half of the seventeenth century. Besides, in Transylvania, due to the closeness and interdependence between the Orthodox and the Calvinist churches, the heads of the former church were especially encouraged to keep a distance from superstitious customs.

The second large thematic part of the introduction draws conclusions based on the sources. On the one hand, Miskolczy emphasizes Joseph II’s determined actions against superstitions, on the other hand he clearly refutes the idea that the published sources were written by the order of the monarch. He names Michael Brukenthal, commissioner of the Fogaras district, as the initiator of the inquest, and describes him as an official who talks many languages, has links to the Freemasons, and has far-reaching connections.

Following this, and relying on the available information, the reader is introduced to the pastors who answered Brukenthal's questionnaire. Sámuel Köpeczi Bodos, a Calvinist pastor, is highlighted due to the more detailed information that could be collected about him, mainly owing to his memoirs. It appears that similarly to Brukenthal, Köpeczi was also interested in the question of superstitions, which augmented his most detailed report to the commissioner. The villages where he was a parish priest are regarded as good sources due to their mixed ethnicity and denominational constitution. In his memoir, Köpeczi mentions Joseph II many times, from which it becomes clear that in the early days, much like the majority of Protestant intellectuals, he too belonged among the staunch adherents of the monarch. However, after the radical reforms were initiated, he gradually deserted him. Miskolczy could gather less information about the other respondents; it is known that Ioan Halmaghi, the Greek Catholic episcopal vicar of Fogaras, opposed religious superstitions in his circular letters.

According to Miskolczy, the parish priests who presented these reports can somehow be considered as "anthropologists living in the field" (p.84), since by living among the people, they had firsthand information about the superstitious acts. Nevertheless Protestant and Greek Catholic priests, who generally had a more in-depth theological education, were separated from their congregations to a greater extent than the Orthodox priests, who only occasionally received such education, and thus more greatly resembled their flocks in terms of living standards and beliefs. According to Miskolczy, herein lies the border between the West and East, which explains why many of the superstitious occurrences – listed as a catalogue – were confessed with shame by the pastors, or they did not detail them due to the same feelings of shame.

The introductory study also presents examples of superstitions mentioned in the source. He draws the following conclusion from them: "The details of the superstition inquiry form an overall picture that we have not known so far; besides, the true-life reports bring the surviving reality of the past nearer" (p.95). Indeed, there are magical texts written on a slip of paper, beliefs relating to witches, various alliances made with evil powers, and cases relating to vampires. Finally, the reader can get to know Joseph Karl Eder, a Transylvanian Saxon learned official, with whose assistance Brukenthal's collection made it to the National Széchényi Library.

The introduction, which constitutes almost half of the volume, is followed by the source material. It starts with Brukenthal's questionnaire, which was addressed to the pastors in Hungarian as well as in German (pp.131–36).

Then, there are the answers, written either in Hungarian or in German, but with one exception (pp.136–293). Ioan Halmaghi worded his answer in Latin, which is published in its original form, as well as the original translation made by István Fazekas (pp.187–208). Explanatory notes to the sources are provided by Miskolczy and he also compiled notes for the foreign and dialect words and abbreviations occurring in the Hungarian texts (pp.294–97).

In conclusion, it can be stated that Ambrus Miskolczy has excelled at presenting this rich collection of Transylvanian folk beliefs from the eighteenth century. The lengthy introduction, which could stand on its own as an independent monograph, uses the specific topic of the questionnaire only as a starting point: it discusses the question of superstition in the early modern era in a European context by covering English, German, French, and Romanian secondary literature. The analysis of secondary literature is a much-needed addition to the Hungarian historical literature. This publication brings the reader much closer to the folk beliefs of this multiethnic and multiconfessional region.

András Forgó  
University of Pécs

Peasant Violence and Antisemitism in Early Twentieth-Century Eastern Europe. By Irina Marin. Cham: Palgrave Macmillan, 2018. xvii+304 pp.

This thoroughly researched book explores the causes of the 1907 peasant uprising, which was the most violent episode ever to occur in Romania during peacetime. Within a few weeks, the riot had spread all over the county, causing massive destruction of property and a death toll that climbed to 11,000 according to the bleakest estimates. Although the international community considered Romania the most stable and flourishing country in southeastern Europe, the revolt revealed that the young state was utterly dysfunctional. Irina Marin unpacks several paradoxes that undergirded notions of Romania's spectacular accomplishments. For instance, the country proudly displayed its new industries and transport facilities, while 82 percent of the population was still employed in agriculture. Moreover, at the beginning of the twentieth century, the country's main exports were agricultural products. Furthermore, Romania could only become one of the main grain exporters in the world because big landowners extended cultivation surfaces and exploited peasants' labor. This system of exploitation was kept in place by a political system that had no interest in implementing checks and balances in the conflict between peasants and landlords. As Marin aptly puts it, the Romanian land reform and the emancipation of the peasantry were implemented by the great landowners for the landowners (p.110). This situation further proves that Romania's much praised constitutionalism functioned only *pro forma*, because it failed to establish neutral arbiters to balance social conflicts.

The great strength of the book is that it takes as its point of departure a series of singular events which took place in the spring of 1907 and paints a panoramic view of the Romanian political, economic, social, and legal system at the turn of the nineteenth and twentieth centuries. Furthermore, it places the uprising within the larger context of the triple frontier, explaining why Romanian villages caught fire while those in the borderlands of Austria-Hungary and Tsarist Russia remained peaceful. Thus, it provides an in-depth analysis of the social relations in the three neighboring states. The argument it follows is twofold. First, Marin proves that although the border provinces seemed fairly similar (sharing the same big *latifundia*, a recently emancipated peasantry, and a moderate level of investment in agriculture), the Romanian rural system was the most oppressive of all. Second, although state authorities in all borderlands were constantly on

the alert (fearing the spread of unrest from one state to the next), social ferment had its own localized source and did not occur by imitation (p.280).

Faced with the endemic spread of violence in their own rural areas, Romanian state actors were the most blinded by contamination theories, looking exclusively for external factors that allegedly had inflamed the local peasantry. This paranoid attitude shows that the country's elites were utterly disconnected from the majority of the population, with little or no concerns for their fates. When the riot broke out, authorities were ill equipped to contain the violence and restore order. Passivity, negligence, absenteeism and ignorance were endemic to the entire state apparatus, from the prime minister to local employees and policemen. And even amidst the social crises, their only response was to shift blame to minority groups, for instance Jewish leaseholders, for allegedly imposing exploitive contracts on the Romanian peasantry and on Russian émigrés for bringing anarchism to the countryside. Antisemitism and xenophobia were the answers of a weak and unstable state whose biggest fear was that foreign powers and aliens might interfere in its internal affairs.

While the authorities resorted to self-delusion and deflection, the peasants used different tactics to make sense of their deeds. In a country in which the rural poor were systematically disregarded by those in power, they found unexpected ways to express themselves, resorting to mythologies and rumors. In line with the recent historical literature on the meanings of rumors, Marin does not discard these stories as fantasy, but sees in them an act of self-empowerment by a community that had previously lacked a voice. Thus, Marin gives agency to this oppressed group, which had been written off by all other social groups. One recurring trope used by the peasants to justify violent behavior was antisemitism, which they used differently than the authorities. Peasant rage directed against the Jewish leaseholders was rarely ethnical or religious, but had social and economic motivations directed at the exploitive nature of the social contracts in the Romanian countryside. Thus, the peasants understood what the elites could not or chose not to see.

The comparative framework in which Marin analyzes the events in the spring of 1907 ultimately confirms the localized socio-economic causes of the uprising. It also explains why the violence was contained to one side of the border. The post-emancipation land reform in Romania did not enable peasants to become self-sufficient. Rather, it forced them to sell their labor to the landlord. All across the triple frontier, the transition from a manorial to a capitalist system was far from ideal, but in the other provinces either legal or political provisions

protected the rural population. For instance, peasants in Bessarabia profited from the conflicts between the local elite and the Tsarist government, and peasants in the Habsburg Monarchy benefited from various modernization schemes. And if everything else failed, peasants could always choose emigration, except for Romanian peasants, who were cut off from relevant travel networks. In other words, the comparison revealed structural differences among the borderlands, emphasizing the unique combination of factors that led to the conflagration. Land laws and rural practices established a system of exploitation in Romania that put all pressure on the peasant, leaving him without any protection or proponents. Thus, Marin rejects an ethnical or “national” explanation of the conflict, showing that Romanians along the border acted differently because they lived under different social and economic conditions. Herein lies the book’s major contribution to historiography, namely Marin’s observation that national and social emancipation did not automatically improve the fate of the peasantry, but on the contrary led in this case to more oppression.

Luminita Gatejel  
Leibniz Institute for East and Southeast European Studies

A nyomor felfedezése Bécsben és Budapesten: Szociális riportok a 19–20. század fordulóján [The discovery of poverty in Vienna and Budapest: Social reports at the turn of the nineteenth and twentieth centuries]. By Roland Perényi. Budapest: Napvilág Kiadó – BTM Kiscelli Múzeum, 2018. 169 pp.

Roland Perényi's book is a novel endeavor to study various forms of social reports that were written by reporters with diverse social and political backgrounds in Vienna and Budapest at the turn of the nineteenth and twentieth centuries. Perényi plausibly argues that these written and visual sources offered unique insights into the largely unknown social problems (poverty, want, famine, homelessness, etc.) of metropolises and put these "social evils" on the mental map of middle-class people, thus drawing considerably more attention to them. However, these sources are important not simply because they mediate social realities, but also because they often provide informed plans and suggestions on how to solve the social questions addressed, which are occasionally investigated in due compliance with "social scientific" methods (statistics, systematic analyses of case studies, etc.). Perényi succeeds in showing his reader the "dark side" of the two capitals, which were known in the period mostly for their dynamic development, rich culture, and splendor.

The social reports chosen as major sources are examined with the help of an impressive range of methods, from urban and media history, combined analyses of textual and visual representations, and comparative perspectives. Furthermore, Perényi's work also scoops into the rich reservoir of contemporary documentaries and films featuring social reports in order to explore how social questions permeated the public imagination and enhanced communal interest in Vienna and Budapest in the prewar and postwar eras.

First, Perényi draws on the Anglo-Saxon origins of some of the social reports (Henry Mayhew, Charles Booth, John Thomson, Adolphe Smith, Jacob Riis, and Nelly Bly), as well as German representatives of the genre (Eduard Deutsch, Paul Göhre, and Hans Oswald), to show that when the genre reached the Austro-Hungarian Monarchy, it had already subsumed an exuberant plethora of methodological and intellectual endeavors, from urban ethnography and anthropology to urban sociology and sociography. Nevertheless, as Perényi points out almost innumerable times, social reports always retained a belletrist vein; they mostly reached out to the reader with a picturesque literary tone



in order to foster empathy. Thus, social reports used scholarly methods but remained within the generic boundaries of reporting (pp.19–27).

Secondly, the book concisely surveys the most important aspects of the turn-of-the-century urban history of Vienna and Budapest. By taking a comparative look at the astonishing economic development of the two capitals, Perényi is able to contrast this development effectively with a simultaneous comparative tableau of growing social “evils” in both cities, which ultimately provoked a turn in social policy (child care, criminal policy, the decriminalization of poverty, housing, etc.).

However, the Austrian and Hungarian social reports suggest that there were considerably more differences between the two cities. The political movement of social democracy and other leftish intellectual groups had more extensive and stable positions with more influential newspapers (*Gleichheit*, *Arbeiter-Zeitung*) in Vienna than in Budapest. Thus, social reporters had greater opportunities to report on “social evils” in the imperial capital, which were primarily want and poverty. Their basic aim was to form the identity of workers (Victor Adler, Emil Bader) and mock the middle classes (Hans Maria Truxa). Moreover, alongside the often picturesque depiction of poor districts and slums, reporters also focused on the combined application of textual descriptions (report, statistics) and visual representations (photos and later films) in order better to catch the imagination of middle-class people and offer a more lucid, effective, and concise documentation of the topic (Emil Kläger and Hermann Drawe *Durch die Wiener Quartiere des Elends und Verbrechens*). Nonetheless, the “father” of Central European social report, Max Winter, united these efforts in his oeuvre. Winter was not only a social reporter but also an activist in various associations dedicated to helping the poor (Pfleger). Winter’s importance lies not only in the fact that he produced more than 1,500 reports in 38 years (p.50), but his work inspired several important social political measures (e.g. housing acts and child care reform in Vienna).

In line with their Austrian counterparts, Hungarian social reports clearly depicted the critical social aspects of an emerging metropolis. Social criticism in Budapest was less radical and did not have an explicit leftish lean (Gyula Révész and Márton Molnár), which, as Perényi lucidly explains, was due to the fact that political debates were preoccupied with the reform of franchise in Hungary and a general criticism of the conservative political system. Hungarian social reporters included women in their ranks (Lydia Kovács, Mrs. Antal Géza, and Margit Fried), who for the most part drew on romantic

images of poverty. With the emergence of mass media and newspapers with high circulation numbers, the first major figure of social reports also appeared. Kornél Tábori was a man of many talents (lawyer, organizer, publicist, entrepreneur) who, with his colleague Vladimir Székely, the head of the media department of criminal investigations, was engaged in producing criminal reports, including numerous passages on the Budapest poor (in 1908, he began to produce a series entitled *A bűnös Budapest* [Sinful Budapest]). Tábori also successfully united traditional methods of a publicist (humorous conversation pieces, genre-descriptions) with that of the new media (photos, slides, and, later, films). Nonetheless, Tábori's visions were less critical than Winter's dirge, which might be explained by Hungarian society's persisting "semi-feudal" social perceptions. Perényi argues that both Winter's and Tábori's reports show that these works raised the issue of empowerment: reports were intended to show the "colonial world of the poor," which had to be "colonized" by the Enlightened middle class, and they also facilitated seeking out new ways of controlling the terra incognita of turn-of-the-century urban life (pp.76–78). Furthermore, both Winter and Tábori excelled in writing scripts and preparing materials for early documentaries on urban poverty (pp.121–26).

One of the most valuable contributions of Perényi's work to interpretations of the social realities of the period in question is how he manages to show how this combination of new sources (social reports in articles, on photos, and in films) redrew the mental maps of urban classes, especially the middle classes, pertaining to the realm of the poor, and how these textual and visual representations can be interpreted as projections of existing social and political hierarchies of the empowered classes. This is particularly apparent in the examination of the so-called Urania Movement, both in Vienna and Budapest, which aimed to provide general education for the working classes by offering inexpensive tickets, large rooms, and readymade social messages. And therein stands the greatest merit of the book: it greatly contributes to the re-interpretation of various social groups' mutual understandings of each other's complex social realities through the examination of social reports.

Perényi's work is richly illustrated with photos, pictures, maps, and drawings, and this makes the reading experience livelier. He succeeds in exploiting the scholarly potential inherent in the analysis of social reports, which was part of his earlier research on the social history of crime in fin-de-siècle Budapest. Perhaps the only shortcoming is that more quotations could have been added to the text, especially in the discussions of the various functions of the social

reports (the length of the book would certainly have allowed for this). All in all, the book is a must read for social or media historians and practically any reader who is interested in the cultural and social realities of the imperial capitals at the turn of the century.

Zoltán Cora  
University of Szeged

Tschechen auf Reisen: Repräsentationen der außereuropäischen Welt und nationale Identität in Ostmitteleuropa 1890–1938. By Sarah Lemmen. Cologne: Böhlau, 2018. 358 pp.

In 1932, zoologist Jiří Baum and his friend sculptor František Foit undertook an eight-month automobile journey from Cairo to Cape Town in their Czechoslovak-made Tatra wagon. One highpoint of the trip was retracing the steps of pioneering Czech explorer Emil Holub to Victoria Falls nearly sixty years after he had been there, but this was hardly the only moment of national significance during their adventure. The Czech nation was everywhere: they saw Africans wearing Bat'a shoes, their Czechoslovak car outperformed the ubiquitous Renaults and Citroëns across desert and jungle terrain, and they unexpectedly met hospitable compatriots in Khartoum, at the foot of Kilimanjaro, and on the border of Rhodesia and South Africa. At the same time, they were sometimes hard pressed to explain to “natives” and western Europeans where in the world Czechs and Czechoslovakia were located. When Baum released a carrier-pigeon with a message in Czech in Cairo, the pair was investigated for espionage for having used a “secret alphabet” (p.261). Baum and Foit were ambivalent about the colonial system, which denied non-European peoples the right to self-determination, a right which Czechs had only relatively recently been able to assert and of which they were staunch champions. Yet they expressed relief, not least for the sake of their comfort, that Europeans were in charge in Africa.

Baum and Foit's journey and their published reflections on it are at the heart of Sarah Lemmen's book *Tschechen auf Reisen: Repräsentationen der außereuropäischen Welt und nationale Identität in Ostmitteleuropa 1890–1938*. These men, along with 51 other Czech travelers to the extra-European world (Africa, Asia, Australia, Latin America, and Oceania), produced 91 travelogues which, Lemmen argues, shaped Czech self-understandings in the years between 1890 and 1938—a critical era in both the history of globalization and the nationalization of European societies. Lemmen follows Sebastian Conrad's work on the global origins of Kaiserreich-era German nationalism to argue that the Czech nation was, in important ways, constituted in its encounters with the non-European world. Unlike scholars who explain the rise of modern nations and nationalism with reference to internal national or European dynamics or indeed to more general processes, such as socio-economic modernization and the spread of print capitalism, Conrad and others inspired by postcolonial studies and global history have suggested

that, in their decisive phase (i.e. after 1870), European nations and nationalisms were produced through globalization, of which overseas colonies were a key component. The need to situate oneself and one's purpose in a globalized world gave distinctive content to nationalisms around the world. But what are the implications of this recent scholarship for small nations like the Czechs, who were stateless until 1918 and who never possessed colonies?

The originality of Lemmen's book lies in her answer to this question. In imagining the Czech nation's place in a globalized world, travelers tended to seek a "third way" (p.240) between the western European colonial powers and the colonized peoples themselves. This combined assumptions of European superiority—often predicated on notions of "civilization" and its non-European Other—with criticism of the colonial powers, particularly the rigidity of the system they imposed on their colonies and the conspicuous (sometimes enviable) wealth of their representatives and metropolitan travelers. On the one hand, Czechs identified strongly with the project of European modernity, embodied above all in technological infrastructural improvements and perceptions of "order." Research institutions devoted to understanding the extra-European world, such as the Prague Oriental Institute (which enjoyed Masaryk's largesse), lent scientific credibility to notions of European superiority. Many of Lemmen's travelers were associated professionally or philanthropically with such endeavors. The euphoria which accompanied Czechoslovak independence in 1918 even led some to entertain the possibility of Czech overseas colonies. Colonies were envisaged as a convenient way for the Czech nation to prove its maturity by spreading civilization, to secure raw materials for its sizable industry, and to provide a destination for emigrants who would remain Czech instead of assimilating to the host society.

On the other hand, the colonial world discomfited many Czech observers. While they remarked admiringly upon the luxury hotels frequented by colonial elites and British, French, and American travelers, they usually lacked the means to stay there themselves and felt more comfortable in guesthouses run by fellow Slavic expatriates, who were often from Yugoslavia. Colonial hierarchies also grated on their sensibilities as members of a "naturally democratic" nation who had only recently escaped from the Habsburg "prison-house of peoples." The establishment of the Czechoslovak state marks a turning point in this study since before independence, Czech travelers tended to identify more strongly with a Central European and even Austro-Hungarian identity. After 1918, by contrast, Czechs compared themselves more readily to west European nations

and regarded themselves as potential players on the global stage. Although they rued the fact that knowledge of Czech culture was generally limited or nonexistent in the regions they visited, there were signs of hope. Czech beer (a quintessentially national product) was served in far-flung exotic locales, and Bat'a shoes opened a branch in Dakar and advertised on a billboard near the pyramids. The “Czechification of the world” (p.244), based especially on the robust Czech export economy, seemed within grasp.

The reader might question the extent to which pronouncements by Czech travelers shaped the broader self-understandings of Czech national society in this era. While travelogues of journeys in faraway places undoubtedly sold well and their authors frequently gave well-attended lectures upon their return to the homeland, Lemmen provides scant evidence of how this “basic interest of Czech society in engagement with the extra-European world” (p.78) recast other, less global Czech national self-perceptions. But perhaps that is a topic for future study. Certainly, Lemmen’s enjoyable book provides an important corrective to the “all too western European image of Europe” (p.160) that emerges from scholarship on European entanglements with the non-European world in the age of empire. The pressing need to rethink the undifferentiated ideas of “Europe” that feature in much postcolonial and global history could be emphasized in even stronger terms than she does. If the jury is still out on whether European nationalism may be most profitably seen as an effect of “colonial globality” (to use Sebastian Conrad’s term), Lemmen’s claim that in this era the non-European world became a potential site of Czech national history is a persuasive one. It is a claim that would likely have made Jiří Baum, whose life ended tragically in a Nazi death camp in 1944, very proud.

Jakub Beneš  
University of Birmingham

Kamasztükrök: A hosszú negyvenes évek társadalmi képzetei fiatalok naplóiban [Multi-faceted reflections: The diaries of Jewish and non-Jewish adolescents in wartime Hungary]. By Gergely Kunt. Budapest: Korall, 2017. 456 pp.

The book *Multi-Faceted Reflections: The Diaries of Jewish and Non-Jewish Adolescents in Wartime Hungary* by Hungarian historian Gergely Kunt takes a comparative approach to everyday life in Hungary during the troublesome years between 1938 and the 1950s through analyses of teenagers' diaries. The methodological approach of the book draws on Charles Taylor's concept of modern social imaginaries. Kunt uses egodocuments to present the different strategies with which young Jewish and non-Jewish adolescents identified themselves in Hungary during the Horthy period and the era of German occupation, which came to an end with the liberation of the country by the Soviet army. In the case of personal narratives by Holocaust survivors, for instance, there is certainly a vast literature of published memoirs and recorded testimonies available to those interested in the subject. However, Kunt's research is not based on retrospective recollections recounted under circumstances in which interviewees often feel pressure to correspond to real or imagined expectations of the given period's political circumstances or its morals. On the contrary, by following in the footsteps of authors Alexandra Zapruder (*Salvaged Pages: Young Writers' Diaries of the Holocaust* [2002]) and Jacob Boas (*We Are Witnesses: Five Diaries of Teenagers Who Died in the Holocaust*, [2009]), Kunt uses entries from the diaries of twenty teenagers to offer a more authentic perspective on the perceptions at the time of the people in question of social norms, political values, religion, and prejudices, without any form of deliberate or unintentional self-censorship.

Of the twenty diary entries on which the book draws, eighteen were written by women. As Kunt notes, the practice of keeping journals was still considered more characteristic of women than men. Nevertheless, Kunt's collection of personal narratives not only attempts to offer both young female voices and male voices, but also includes recollections from people of different religious and social backgrounds in Hungary. The focus, thus, is not restricted to experiences from Budapest, diary entries by people from other important Hungarian towns and the countryside are also included. *Multi-Faceted Reflections* is divided into two broad sections. The first part concentrates on the journal writers' attempts to craft identities for themselves using cultural and religious upbringing, family, and



schooling. The second examines the ways in which adolescents dealt with major social issues and prejudices. It is important to note, however, that for an all-encompassing comparison, more materials by diarists from the same geographic regions, and a more gender-balanced representation as well as the incorporation of a wider range of perspectives for instance, from Orthodox Jews would produce a more detailed exploration of the topic.

The paramount contribution of Kunt's publication is his method of using micro-scale analyses to test and challenge the validity of macro-scale explanations within the given time period. It is common knowledge that both Jewish and non-Jewish adolescents had different perceptions of the other communities, and the sources bear this out. All groups, however, identified strongly with the Hungarian state. Neolog Jewish teenagers, for instance, considered themselves first and foremost to be Hungarians, and they considered their Jewishness only a matter of religion. Young adults with Christian beliefs described Jews not strictly as a religious group but as a separate and, more importantly, foreign entity within Hungarian society. Evidently, the political circumstances in the 1940s not only openly accommodated but strongly encouraged such anti-Semitic concepts among Hungary's gentile population. However, as Kunt suggests through his analysis, there is greater depth to these anti-Jewish prejudices. On the one hand, it is perhaps not surprising that young Christians, influenced by their parents' standpoints and contemporary political developments and rhetoric, would also adopt and even record on paper racially discriminatory comments against Jews, invoking tropes of their unmerited wealth allegedly obtained from Hungarian Christians, their responsibility for Hungary's post-Trianon territorial losses, or the distinctiveness of their appearance. Of course, comments like these were largely built on popular stereotypes, social myths, and, most prominently, the political propaganda of the period. On the other hand, as we learn from the diaries, being a young anti-Semitic either on paper or among one's nuclear family did not prevent most of the Christian adolescents from maintaining their friendships or forming new relationships with their Jewish acquaintances and neighbors.

A further important element of the book is its focus on the journal writers' assessments of the Regent of Hungary, Miklós Horthy, and the irredentist indoctrination they received at school. Since every young adult in this group, regardless of religious affiliation, considered themselves Hungarian before anything else, they could easily identify with Hungary's irredentist territorial claims. Furthermore, they placed great confidence in Horthy not only to

reclaim the lost territory, but also to protect Hungarian Jews from growing discriminatory measures taking hold in other parts of Europe. Based on the descriptions in the diaries, this group of adolescents seems to have viewed the German occupation of Hungary as a direct attack on both the nation and on Horthy personally. Consequently, it is little surprise that when discussing the events of March 19, 1944 (the day on which the German army entered the country), even in the current context, Hungary continues to portray itself as a victim of Nazi Germany.

To conclude, Gergely Kunt's book offers insights into the ways in which ordinary adolescents experienced and, moreover, adjusted to the gradual changes that began with the country's own alarming political circumstances and evolved into a European tragedy. The diary excerpts prove that history constitutes a complex web of continuity, in which society continually undergoes changes in various directions. The historical truth lies between both macro and micro levels of analysis. Therefore, in order to have a comprehensive overview of a given period, it is necessary not only to observe the broader development of a given phenomenon, but also to focus on the ways in which individuals situate themselves in the world which surrounds them. Gergely Kunt's volume offers a unique opportunity for the reader to approach the history of Hungary in the 1940s, not only on a macro level more commonly familiar and accessible to the public, but on a micro level as well. It presents the diverse and often opposing perspectives of young adults from various societal and religious backgrounds.

Ágnes Kende  
Central European University

Elmondani az elmondhatatlant: A nemi erőszak Magyarországon a II. világháború alatt [To speak the unspeakable: Rape and sexual abuse in Hungary during World War II]. By Andrea Pető. Budapest: Jaffa Kiadó, 2018. 280 pp.

*Elmondani az elmondhatatlant* addresses an often silenced and much politicized historical subject in a complex analytical mode while also taking a clear normative stance. As Andrea Pető explains, in the countries of the Eastern Bloc, the mass rape committed by members of the Red Army was a strictly taboo subject. These crimes may have been recurrently discussed in the West during the Cold War, but this was frequently done as part of broader anti-communist propaganda efforts and thus tended to lack proper context and nuance. As Pető rightly remarks, only as a consequence of the 1989 change of regime could the silence surrounding the subject finally be broken in Hungary. Democratization created space for various feminist (scholarly and artistic) approaches, which tended to explore mass rape and its aftermath of silence and silencing as integral parts of the imposition of (another) patriarchal order. As Pető notes, in more recent years, discussions of mass rape have been increasingly dominated by the hegemonic anticommunist politics of memory of the Hungarian Right. Since the institutionalization of illiberal perspectives, public discussions may reference the female victims of wartime rape more frequently than was the case before, but these new-old interpretations aim to embed these stories in an elaborate but nebulous history of national suffering. As Pető points out, these semi-official perspectives are rather selective and aim to impose gendered meanings on historical events without enabling those who actually suffered during the assertion of control by the Red Army to tell their individual stories and be listened to.

It is thus apt that Pető begins her monograph with a discussion of theoretical and methodological issues, focusing on the inherent difficulties of addressing a subject as painful and sensitive as mass rape, while pointing also to the fragmentary nature of the available sources. The book then sketches the history of rape in Hungary during World War II, while appropriately referencing the ethical concerns and epistemological difficulties any attempt at the narrative of such a history would raise. While the monograph recurrently emphasizes the structural causes of sexual violence, it also offers contextual analyses, which highlight that in the final stages of the war, all five main factors which predict the imminent threat of mass sexual violence (the collapse of state authorities,

a vacuum of societal norms, the absence of effective military leadership, a militaristic definition of masculinity, and the widespread anger and frustration among troops) were present in Hungary. The book continues with a discussion of the major consequences of these crimes, such as related issues of public health and the resulting changes in Hungarian abortion law.

The bulk of *Elmondani az elmondhatatlant* in turn explores how the remembrance of mass rape or, more precisely, the dialectic of the silence surrounding mass rape and the externally imposed silencing of its accounts has unfolded in the postwar era. The author notes, on the one hand, that in the absence of reliable documentation, competing statistics concerning the number of victims and the heated debates surrounding these figures ought to be seen not only as unscholarly but, more generally, as inappropriate. On the other hand, she explains that the paucity of official, state-based documentation means that the memory of historical events has been construed and reshaped primarily through novels, memoirs, movies, documentaries, and partly also through photographs. Although, as Pető reflects, relatively few first-person memoirs have been published in Hungarian, with Alaine Polcz's *Asszony a fronton* (published in 1991 and in 1998 in English translation by Albert Tezla as *A Wartime Memoir: Hungary 1944–1945* and in 2002 with the title *One Woman in the War*) constituting perhaps the most significant exception.

The tendency to avoid the concrete subject, the use of strategies of impersonalization, and the emphasis on the consequences have indeed remained the dominant trends in efforts to address these unpunished crimes. The central question regarding remembrance might thus be who spoke instead of the victims and how. To answer this moot question, Pető's monograph sketches the legal, historical, visual, and digital dimensions of remembrance. An uncontested merit of the book is that she consistently avoids the ethnicist and Orientalist language that previous discussions of the subject have all too often employed.

Moreover, Pető also manages to relate to the perspectives of the perpetrators in a critical but not unemphatic manner, pointing to previously ignored aspects of the violent and brutal conquest of Hungary by the Red Army. While addressing some relevant features of the sharp contest underway at the moment between Russia and Ukraine regarding commemoration, Pető dissects the state-backed idealization of the Red Army characteristic of contemporary Russia and founded on the flat denial of mass crimes. She also strongly criticizes the continued practice of allowing researchers only restricted access to key historical documents.

Another notable merit of the book is that it illuminates specificities of the Hungarian case in a comparative framework. The mass crimes committed in Budapest and Hungary are studied alongside similar ones committed in Vienna and the French-occupied area of Germany, respectively. Another recurrent object of comparison is Poland, though with a somewhat different intention – namely to identify important differences and explain how the strength of Polish resistance may account for some of these. The remembrance of these crimes in Hungary is in turn compared and contrasted with recent contests regarding the remembrance of sex slavery of Korean women under Japanese subjugation. As Pető shows, in this case, similarly high levels of politicization, which also resulted in significant international tensions, have yielded many more and often rather laudable initiatives.

Accordingly, the book closes with a thoroughly negative assessment of the Hungarian situation in the vein of a *Defizitgeschichte*. Pető remarks critically that one finds in Hungary neither a welcoming institutional setting nor an inclusive narrative, and thus a shared perspective on different victim groups and their diverse stories cannot possibly emerge. Hungarians today do not possess a nuanced and precise language with which to discuss these questions, and there are no public spaces to enable and foster the articulation of painful and sensitive individual stories. As the author notes, the psychological processing of past experience is, thus, far from complete. This monograph is a milestone in Hungarian historiography, as it provides a complex and ethically conscious scholarly treatment of its rarely and even then often inadequately discussed subject. One can only hope that, Pető's dark prognoses notwithstanding, it will help foster greater openness to the subject and more earnest dialogical engagement with it.

Ferenc Laczó  
Maastricht University

Everyday Life in Mass Dictatorship: Collusion and Evasion. Edited by Alf Lüdtke. New York: Palgrave Macmillan, 2016. xii + 260 pp.

This volume under review is part of the series entitled “Mass Dictatorship in the Twentieth Century.” The idea of the book dates back to a conference held in Seoul, South Korea in June 2005 and has grown out of the efforts of professor Jie-Hyun Lim at the Research Institute of Comparative History and Culture at Hanyang University. *Everyday Life in Mass Dictatorship: Collusion and Evasion* is a collection of 13 individual studies edited by Alf Lüdtke. Within the chapters, which have been arranged chronologically, the studies focus on a given country, its political system, and societal phenomena. The 13 authors come from universities in the USA, Canada, Great Britain, Germany, Italy, and South Korea, and this is reflected in the diversity of the themes treated in the volume.

Analysis of the history of everyday life and ordinary people, however, is hardly a new approach. In German historiography, the trend of “Alltagsgeschichte” appeared for the first time in 1989 in Lüdtke’s book (*Alltagsgeschichte: Zur Rekonstruktion historischer Erfahrungen und Lebensweisen* [1989]). Researchers in this subfield claim that political-historical study of the state party and related institutions yields a one-sided and restricted interpretation of the history of GDR. Research, which examines the party state from the perspective of everyday life, in contrast, furthers an understanding of how the state influenced society. If we regard this conception as a historiographical school, its most important characteristic is simply the shift in perspective, which embraces the notion of the study of “history from below.” This trend, in turn, is characterized by interdisciplinary approaches. It integrates the results of cultural studies, discourse analysis, and historical anthropology. Lüdtke’s work functions as an important reference point, and it has become part of a mainstream trend in research dealing with totalitarian regimes (mainly Nazism and Socialism). The most influential scholars in American-British Sovietology (Sheila Fitzpatrick, Stephen F. Kotkin) were also inspired by this approach.

The authors in this collection focus on the interplay between political power and society. As Lüdtke repeatedly emphasizes, social history and political history do not exist as independent entities. They are intertwined. Since people live their everyday lives under the influence of central decisions, researchers seek to learn more about the kinds of processes which unfold from below and the motivations and meanings which shape people’s reactions. The contributors to

the volume also highlight the roles of the multiple forms of active participation, mobilization, and self-mobilization under dictatorships. The attitudes of ordinary people included many forms of resistance, compromise, and collaboration. The main question concerns how the historical actors lived their lives and addressed challenges, which arose from Germany to Ghana and North Korea. How were their strategies everyday practices different, and how were they similar?

The book relies on two kinds of sources. Naturally, the sources chosen by the historians depend on their assumptions and methodologies. This yields a mix of two types of studies. The first group of authors offers historical summaries. These summaries focus on how preceding studies identified connection points between the state and society, thus going beyond the one-dimensional approach inherent in the totalitarian paradigm. In accordance with their practice and goals, the contributors use secondary sources, including monographs and essays. Peter Lambert, for instance, examines the role of the Gestapo in denunciations of ordinary people. Kevin McDermott presents the findings of research on the Great Terror which scholars have been able to pursue since the opening of the Soviet archives in the 1990s. Harald Dehne examines changes in consumption patterns in the GDR, focusing on what shortages meant for the rulers and the citizenry.

Other authors examine primary sources, including police reports, documents produced party organizations, and personal texts. Michael Wildt compares diaries of German people with different social backgrounds at the time of Hitler's rise in 1933. Michael Kim examines how Japan tried to identify and promote the role of labor heroes in colonized Korea through propaganda campaigns and how this shaped the discourse about this phenomenon. His sources were newspapers and the oral testimonies of Korean workers. Andre Schmid focuses on the personal account of a North Korean woman, "Comrade Min."

Undoubtedly, the main strength of this book consists in the comparative approach and the wide geographical framework within which the interaction between the state and society is examined. We read about Soviet and Eastern European socialisms, German Nazism, and Italian Fascism, but also Japanese colonialism and the postcolonial dictatorships in Asia and Africa. This wide selection of totalitarian regimes offers an opportunity to compare the different political, economic, and social systems in the interwar period and after 1945.

By applying the experiences of the military mobilization during World War II dictatorial regimes were established not only in Europe but also in post-colonial states in Africa and Asia. Can we compare these very different countries? All



over the world, people need money, food, accommodation, and leisure time, and they have to work, study, consume, and travel. Every act takes place within the framework of the given societal, economic, political system. The viewpoint of everyday life (instead of central political decision-making) offers a comparative approach. Furthermore, the goal of these totalitarian systems was the same: to influence people's thoughts and feelings and mobilize them to commit acts. In this situation, people not only confronted or collaborated with the system, they also lived in it, and to fulfill their everyday needs, they had an interest in ensuring its functioning. Self-mobilization is related not simply to terror and suppression, but also to self-interest. In addition to practical concerns, people have ideological imaginations, which support or criticize the regime. Together, these factors determine how ordinary people create their own strategies.

Two key statements in each contribution merit particular mention. Lüdtkke suggests that it is more precise and adequate to use "many" instead of "mass." This difference touches on the core conception of the book: in a totalitarian dictatorship, active individuals lived and acted. The word "mass" implies a shady, inaccessible entity. The other main statement concerns the basic level of the interplay between everyday people and decision makers. The regime expected a certain attitude from people, but at the same time, people could influence power with regard to the frames of everyday work, study, consumption, and so on. This was possible because they were individuals among the "many," and not simply a "mass." These practices included bargains, games, tricks (as Harald Dehne aptly puts it, "the petty everyday swindle for private gain"), and sometimes threats, extortions, and enforcement.

The structures and methodologies of the individual studies are very different. Authors who give historiographical syntheses focus mainly on the macrohistorical processes and use secondary sources. They do not connect these processes with the experiences of individuals. These studies do not accomplish the aim of the book, because the perspective of ordinary people is not a central aspect or concern of their interpretation, and the analyses they offer are confined to general political and economic processes. Consequently, it is not clear how these processes impacted everyday life.

The analytical practices of the authors include only a few of the numerous methodological approaches which would add further viewpoints from which to interpret the sources. For instance, in the empirical chapter Lüdtkke demonstrates the importance of the "emotional turn," but one could also mention the results of "spatial turn," the "visual turn," and so on. As an exception, Michael Kim

examines the colonial discourse of labor heroes in the representations of these heroes in the media and the expressions used the press as part of a “linguistic turn.”

Consequently, the study of everyday life under dictatorships includes focus on a variety of different processes, including the expectations of the ruling political forces and the needs of ordinary people. This topic must be examined in a complex way and must take these aspects into consideration.

This volume is a promising initiation into this subfield of inquiry, and it shows how we can broaden our geographical scope in the study of this topic and how it is possible to create a common system of frameworks within which different totalitarian regimes become comparable. The further task is to use as many methodological approaches as can be effective and inspiring in analyses of the sources. *Everyday Life in Mass Dictatorship* is a good example of how to study macrohistorical processes and case studies simultaneously. The authors draw our attention to the fact that these sources (reports, diaries, newspapers), which originated in different countries, could reveal the features of individuals’ everyday practices in different but ultimately comparable social, economic, and cultural contexts.

Heléna Huhák  
Hungarian Academy of Sciences



*Corresponding Authors*

András W. Kovács	wkovacsandras@eme.ro
Géza Hegyi	hegeza@gmail.com
Zsolt Bogdándi	zsbogdandi@yahoo.com
Tamás Fejér	fejertamas77@yahoo.com
Emőke Gálfi	galfie72@yahoo.com
Andrea Fehér	feher_andrea@yahoo.com