

ERIK FÜGEDI

Kinship and Privilege

The social system of medieval Hungarian nobility
as defined in customary law

ABSTRACT

This article—an edited and translated section from the first chapter of the author's last, posthumously published monograph on the Elefánthy kindred—presents the social, legal and economic framework of medieval Hungarian nobility as routinized in the 1514 code of customary law, compiled by Chief Justice Stephen Werbőczy. It concentrates on the way of life of that wide stratum which is commonly called "lesser nobility." The author emphasizes the central role of the kindred, a widely branched network of relationships in the male line, and its "common property," the ancient estate. Following the definitions and regulations of the law code, matters of inheritance, guardianship, marriage, local associations, and noble privilege are discussed. Considering that the code was the summary of medieval development on the one hand, and served as the legal base of the noble commonwealth virtually until the end of the ancien régime, on the other, the picture it reveals is of prime importance, even if the social and economic realities were in many respects different.*

In 1525 the papal legate, Baron Burgio, characterised the Hungarian conditions of his time in the following words: ... the fate of this country is in the hands of the nobility, which is divided in three parts. The first part is soldiering, fighting on the borders in the pay of the magnates: they are most valuable of them all. However, they are fully dependent on their masters, do nothing but what their lords command and are not interested in anything else. The other part consists of those nobles who live on their country estates, pursue husbandry and trade, never go to the towns, do not attend the diets, merely cast their vote on the delegates sent by the county to the

élites of Western Europe or the German *Adel*. The Hungarian common nobles—just as the Polish *szlachta*—were perhaps better called "freemen," had this term not been reserved for other, specific social strata. Moreover, medieval Hungarian society did not know hard and fast borders between aristocracy and lesser freemen, nor was it rare to rise swiftly or to fall (though slower) from the one to the other stratum.⁹

Despite the great progress in our understanding of the origins and development of the medieval nobility, I felt that we are still not close enough to comprehend the real life of this important part of old Hungary. Ever since I ventured into the field of social history in 1969, when I spent some time on a scholarship in Paris, I have been looking for that basic unit of noble existence, which—like the modern family—was able to reproduce its own world, both in terms of biology and in modes of socialization. This unit was the *genus* or *generatio*, noted by many historians before me, but not placed squarely at the center of a social analysis. I grasped the paramount significance of this notion from a fifteenth-century report, spoken by the ambassador of King Matthias Corvinus in 1475, describing Hungary at the presentation of his *agrément* at the court of Milan. He said that "the number of the nobles' houses (*case*) is seventeen hundred; they pay nothing but are obligated to go to war for the defense of the country to the best of their ability."¹⁰

Cicco Simonetto used the word *casa*, "house," for the noble "households," a term generally accepted for extended patrilineal families of the nobility all over Europe. It referred not only to horizontally similar units, but also vertically to members of the set in past and future generations. It is this *casa* of the Hungarian nobility which I intend to investigate in the present study.

There are, however, some semantic problems, which go well beyond the mere use of words. Medieval Latin sources in Hungary use the word *genus* or *generatio* (apparently interchangeably) for the groups of nobles claiming common descent. The Hungarian equivalent may have been, among others, *nemzetség*, also referring in its root to procreation on the male side.¹¹ However, these words have been applied to at least three different features of medieval Hungarian society in its consecutive stages. There were the *genus* of the wandering and conquering Magyar tribes of the ninth-tenth centuries, then there were those extended cognate and agnate aristocratic family clusters of the thirteenth-fourteenth centuries, the members of which referred to themselves as being *de genere* such-and-such. These were, however, identical neither with the ancient ones nor with the late medieval groups of related noble families, which Simonetto called *case*.

Of the first of these, the lineages—as I would call them—of the conquest age, we know very little. They seem to have played a role in the military order of the Magyar tribal alliance, and received particular areas of settlement when the Hungarians arrived in the Danube Basin. They also seem to have constituted some kind of legal and cultic unit. It is, however, unclear, whether they were based on blood relation.¹² The second type, the *genus* of the central Middle Ages, which may be properly defined as clans, are better known. As a rule, they were aristocratic families that regarded themselves as descendants, in the male line,

kin-based nobility. A late medieval collection of customary law, compiled by the lawyer-politician Werbőczy, the *Tripartitum*—as it is usually referred to—reflects medieval Hungarian legal and social reality as well as political thought. The extensive literature on the *Tripartitum*¹⁵ established that Werbőczy, a spokesman for the politically active middle and lesser nobility in the early 1500s, did in fact include his party's views and programs in the code. It is, however, easy to discern, when he writes in favor of ephemeral political concerns and when he records received tradition.

It is, therefore, legitimate to start out by sketching the legal and social system of noble kindred according to Werbőczy. Once this is done, this "normative" source can be confronted with records of daily administration of justice, property transactions, and conflict solution, without having to survey the entire bulk of surviving written evidence.

The Kindred

According to the *Tripartitum*, the basic unit of the nobility was the kindred (*generatio*), that is, all those who descend from one ancestor, more exactly, from one nobleman. *Generatio* was used here not only as a word for a group of persons but referred consciously to the principle of *pater generat*, thus, to a group propagated through blood lineage (*sanguinis propagatio*). At one point Werbőczy differentiates between four kinds of descendants: *posteritas*, including all children of a nobleman, male and female alike; *proles*, those born during the father's lifetime; and *liberi*, the children and grandchildren taken together. However, the fourth category is the most important one: "according to the ancient and approved custom of our realm we understand as heirs (*haeredes*) only the legitimate male offspring who receive paternal inheritance."¹⁶

The Latin word used by Werbőczy, *propagatio*, comes from the plant world, from gardening, just as the English "propagation." In this sense, the descent, the *generatio*, was often compared to a tree, the ancestor being the trunk, the descendants the branches and leaves; in the *Tripartitum*: *stirps et ramum genealogiae*. Expressions like "line," or "lineage" are also used occasionally but, of course, not in their modern anthropological sense.

The kindred is thus the totality of a nobleman's descendants over several generations. All male descendants appear as *fratres* and their relationship to each other is governed by the order of descent. A "brother" could be, *stricto sensu*, another son of the ego's father—whereby difference is registered between full- and half-brothers as *frater uterinus* and *frater carnalis*—or the son of the father's brother (*frater patruelis*), a person whom we would call a cousin. However, the medieval meaning of the term "brother" was wider than that of modern "cousin," whom we understand to belong to the same generation. For example, King Andrew III called King Ladislas IV his *frater patruelis*, although he was a grandchild and Ladislas a great-grandchild of King Andrew II.¹⁷ Today we would call him a "nephew once removed." Our records, however, use mostly the general expression *frater* without precise connotation, frequently not specifying, for example, whether a *frater patruelis* is

power: no father could disclaim or disinherit his son, that is, to exclude him from the kindred.

A good example for the division of an estate between father and son is known from 1351. James, son of Desiderius of Réde, declared at the county court of Co. Borsod that, after due deliberation with his kinsmen, he retained one third of his estate for himself, gave an third, with the manor-house of his father, to his younger son Stephen, and the last third to his elder son, John.²⁰

The father's duties were minimal: he had to raise—feed and clothe—the sons and daughters and set up an independent household for them: by dividing the estate for the sons, and by marrying off the daughters. The duty to divide property implied, albeit tacitly, that the father must preserve the ancestral estate intact in order to pass it on. This injunction seems to have been more stringent than that of division, for a son could force his father to divide the property only in a few distinct cases: if the father alienated the ancestral estate (or was about to do so) "without necessity and good reason," if he neglected it, if he inflicted "horrible and cruel punishment" on the son "without just cause and a major trespass,"²¹ if he hindered the marriage of an adult son, or if he wanted to force him to commit a crime. The marriage of the daughter had to be approved by the father (or, after his death, by the kinsmen). Otherwise such a marriage was not valid, what Werbőczy explains by the duty to pay the so-called filial quarter (on which more below). The need for approval was even more important if the girl married a non-noble and obtained her *quarta* in real estate. If a girl did not marry, for whatever reason, she had the right to be maintained for life.

If the father died and was survived by one or more minor sons, the paternal authority, or in Werbőczy's words "the legally granted and permitted power for the protection of him who by his minority is unable to fend for himself,"²² had to be transferred to a guardian, who, however, received power "only for the protection of his ward's property." Werbőczy proceeds clearly and systematically as long as he details the duties of the guardian—drawing up an inventory, rendering accounts, and so on—but becomes somewhat unsure about the selection of the proper guardian, for this point touches on the core issue of division of tasks and responsibilities within the kindred.

The *Tripitum* lists three kinds of guardians: (a) legal, (b) testamentary, and (c) commissioned. The first kind of guardian is defined by relationship to the ward, the second by the will of the father, and the third—lacking either of the first two—by the king's command. However, this sequence does not imply priorities of choice. According to Werbőczy, the guardian has to be of full age, reliable, who has appropriate means (to be able to bear material responsibility), lives in the same county, and—above all—a person "who does not covet the estate and proprietary rights of his ward."²³ Such a person could be best selected by the father; hence, the testamentary choice was the most desirable one. If, however, the father died intestate, the legal guardian, usually the other parent, the mother entered the scene.

paternal authority, they became subject to the power of their husbands. The almost sole exception was the mother's claim to legal guardianship if the father died intestate. The rules about wards also expressed the principle of women's inferiority. They state that boys of legal age need no guardian, but "girls must be under the guardianship and power of someone until married, for they would otherwise be easily misled because of their levity."²⁸ The code does not state expressly that married women were subject to their husbands, for that was established by no lesser authority than St. Paul (in 1 Kor. 11: 2), and sustained by the Roman Church throughout Europe. Still, an implicit hint at women's perceived status can be detected in a passage about their right to cede their dowry to their husbands. Here Werbőczy mentions, among other permissible cases for such a transfer, the last will on the deathbed "when the suspicion of fear and terror from their husbands is unlikely."²⁹

The only obstacle to marriage is listed as close blood-relation, within the fourth grade, according to canon law. If the parties knew of the obstacle, their children were regarded illegitimate, but if they were not aware of it, the offspring was legitimate. It seems, however, that such marriages were dissolved, no matter what. Strangely, Werbőczy does not speak of possible ecclesiastical waivers. As mentioned before, girls were to be married off with the consent of the father or of the kinsmen; hence, it must have been fairly easy to keep count of relationships: the person deciding about the girl's spouse needed to know only his own or his brothers' (cousins') grandparents—and their descendants—to offer proper guidance. Werbőczy expressly emphasized that the kinsmen should assist in establishing the relationship of spouses. However, the picture was complicated by fictive kinship originating at baptism: godfathers, godmothers and their offspring were regarded as spiritual kin and thus excluded as eligible spouses.

The status of women was expressed in material terms through the properties connected with marriage. The girl received from her parents, paternal kinsmen, and her fiancé's parents *res paraphernales*: wedding gifts always in moveable goods, which remained hers and passed on to her children. Only if she died childless did these goods revert to her parental family (paternal kinsmen). More important for our inquiry was the dowry (*dos*, *dotalitium*), about which Werbőczy gives several explanations. In one paragraph he states that this amount, paid by the husband at the consummation of the marriage (hence, the German *Morgengabe*), is a reward for the wife's loss of virginity.³⁰ A few lines further he gives a less "Victorian" definition: dowry is "the payment legally married women used to be given for fulfilling their spousal duties, from the real properties and rights of the husband, according to the man's condition."³¹ Thus, this grant is seen as a cumulative pay—*merces* means wages, salaries—for the wife's fidelity, childbearing and household duties. The rule that a woman received in her first marriage the full dowry, in the second the half, in the third the quarter and in the fourth the eighth supports this perception, and contradicts Werbőczy's first "romantic" definition. It makes sense as wages: women usually "work" most in their first marriage, take greater risk while bearing the first child, and may live

father's faults and shortcomings. He owed the same to the guardian, whom he could sue only after having reached full age.

As to age limitations, Werbőczy uses two categories: legal age, which is reached by boys with 14, when they can sue at court, and "full age" (*perfecta aetas*), which is 24 years. There are also intermediate stops: a 16-year-old can pawn his gold and silver objects, with 18 he can sell them, but in matters of landed property he has to wait till his full age. Girls reach legal age with 12 and may dispose of landed estates with 14. This rule, however, patently conflicts with those about guardianship, but it does not seem to have bothered the author.

Property division was, of course, not mandatory. To begin with, the estate needed to be large enough to be divided. But even estates of sufficient size were frequently held in common by brothers or (paternal) cousins, with all rights and duties shared. This arrangement underlined the principle that the property did not belong to the individual, but to the kindred; the male members merely enjoy its fruits. Their right of disposal was also limited in the same sense: in case of alienation—even of a temporary one—those kinsmen who would inherit after the vendor or mortgager had the right of first refusal. If they wished to buy or mortgage, they received it at the very advantageous price of "common estimation."

The kindred was based on strong community bond. As already mentioned, even the all-powerful father had no right to exclude a son from it. Donations were usually granted not merely to the beneficiary, but *per eum* to his "brothers" (referring, as we saw, to the paternal kindred in a broader sense). Even if not spelled out this way, they all had the right to claim their part in case of a division. The communal bond of the kindred came to bear at any alienation just as it did in naming a guardian. The opposite of this bond was the case of "denial of kinship" (*proditio fraterni sanguinis*). Werbőczy's definition of such an act is that "a kinsman deprives another by trick, cabal or fraud of his rights, or defrauds him of his heritage."³⁵ In a wider formulation: "he denies that a member of the kindred belongs to his »family tree« (*genealogia sua*). Such a deed, if unfounded, was to be punished by loss of honor and all property. Still the kinsman so denounced has to maintain the culprit as a member of his familia, that is, the calumniator did not lose his membership in the kin. That happened only in the case of high treason.

Werbőczy—aware of the demographical rule that more girls are born than boys—considered the case that an outsider had to be admitted to the kindred when a father had only daughters or no offsprings at all. If he has a daughter (or more), the king may have declared them to "be true heirs and male successors" (*in verum heredem et successorem masculinum preficere*). This privilege, called *praefectio* (and I shall Anglicize it as "prefection") might appear to have been the last resort of a near-extinct branch, but, according to Werbőczy, it was not. He argues as follows: "*Praefectio* ... has the same character and force as a donation"; hence, these girls obtained their property not by inheritance or blood-right but by the force of royal favor. This principle comes to bear most clearly if we assume that two brothers (or condivisional kinsmen) obtain this privilege for their daughters. It would seem, then, that were the women to continue the joint inheritance of the kindred, the descendants of one

The Ancestral Estate

As discussed before, the preservation of "heritage" was just as much a prime task of every member as the perpetuation of the blood-line. It could not be lost for the kindred, save by high treason. (In the case of "denial of kinship," the culprit's part went to the accused and thus remained within the kindred.) There was no statute of limitation on the kindred's estates: one branch inherited the possessions of an extinct one, as long as there was a single male heir around.

A case from 1340 shows that this rule could, however, be broken by common consent. A father gave half of his estates in Kis Karma and Mihályfalva villages to his three unmarried daughters. To this transaction, he had to obtain the agreement of both his son and his "divisional brothers," for, had he (or his son) died without male heir, the kinsmen would have inherited the entire estate. With the probable marriage of the girls to non-kinsmen, however, half of the estate would be alienated from the kindred.³⁶

In order to retain the closed system of inheritance, women had to be excluded. Daughters received at marriage the quarter of the paternal estate, the *quarta filialis*, but usually only its additional value in cash. In the exceptional case that they married a non-noble with the approval of the kinsmen, they were given land. Widows received their brought-in possessions also in money. Thus, by good husbandry and wise political choices (for "high treason" is the result of a wrong bet!), and if there were sufficient males born and surviving to manhood, the ancient estate could remain for centuries in the hands of the kindred.

Nobles also owned other properties, besides the "ancestral estate." They are not detailed in the code, but Werbőczy refers to estates bought on the money of the father or the mother, received as compensation (*homagium*), or as *quarta filialis*. These, and certain estates included in the privilege of prefection, if so specified, were heritable by male and female offspring alike. Werbőczy explains this anomaly (or so he seems to regard it) by pointing out that money is a moveable good and, therefore, inheritable by both sexes, "even if it is frequently acquired by much labor" or "sometimes by enormous shedding of blood." Therefore, he continues, "lest it may seem that girls are excluded from the paternal legacy" or that the brothers do not love them, they have a share in this kind of wealth.³⁷ On the other hand it followed from the logic of the system that women were excluded from so-called mixed acquisitions, which came to the family partly by royal grant, partly through purchase.

Kinsmen frequently tried to grab such acquired estates as well. Salomon, member of the Veszékény clan died heirless some time before 1265. His estate Székes escheated to the crown and the king granted it to another clansman, Dennis, son of Bartholomew, for his deeds in the Bohemian campaign. No less than nine kinsmen (five of them definitely cousins) sued Dennis, claiming that Székes was inherited, ancestral property and thus not subject to escheat. Accordingly, King Bela IV had no right to give it away, but should have

walks, inquests and other legal acts were performed by neighbors and abutters quite frequently. Not only the immediate neighbors—who needed to be there for their own interest—came to such occasions, but nobles from near and far, curious about the new owner or the new boundaries. These persons remembered the actions and passed on the information to their successors. The royal bailiff was also a fellow noble of the same county: he had to remember the action *ex officio*. These acts and their actors offer us a glimpse at the self-organization of the nobility.⁴⁰

The second important feature of the noble estate is its center, the *locus residentiae* or *locus solitae residentiae* of the owner. "Residence" may sound a trifle too seigneurial for a common noble, but it was certainly more than a *domus*, which the *Tripartitum* uses only in such combinations as *domus nobilitaris* or *domus et curia*, sometimes referring only to *curia*. The few reconstructions based on archeological research (see Figures 1-2. on p. 70) suggest that noble residences were sometimes quite impressive buildings. But whatever their size or style, they always differed from the dwellings of peasants, by the mere fact that a nobleman lived in them. The residence played an important role in the division of estates, in the context of which it is called "paternal home." The *domus paterna* went to the youngest son, and the girl(s) had the right to stay in it. The other son(s) had the claim to a similar house, built on their portion(s) of the estate. A nobleman needed to have a residence.

A court case from 1357 may illustrate this principle. Nicholas of Marcellfalva protested against the seizure of a piece of his land by Nicholas, son of Paul of Dereske. The accused asked the court of Co. Vas, which piece of land was allegedly occupied by him. The plaintiff, present at the court, stated that he "is a nobleman, and according to the custom of the realm, he can be found." The court decided that a formal summons had to be issued. Hence, one of the county magistrates was sent to the *residentia* of Nicholas of Marcellfalva and summoned him to a definite term in the county court.⁴¹

The residence was, of course, closely connected to the neighborly groups discussed earlier. Werbőczy points out that sentences relating to an estate ought not to be pronounced in the royal court (as King Matthias), but at the location of the proprietary rights, "preferably at the usual residence of the heirless deceased person."⁴² The nobleman and his estate belong to the county where he resides. Here, neighbors and abutters know him and the property, and no change could be legal without their knowledge and assent.

Noblemen held full dominion and all rights to use their estates. It was one of the cornerstones of noble privilege in the famous *Primaе nonus* (Title 9 of Part I of the *Tripartitum*) that "within the boundaries of their estates, they can dispose of all their revenue any time at their pleasure." The property right to the estate was, as we have seen, not unlimited, at least not to the "ancient allod," over which the kindred disposed. But the nobleman was free to spend his revenue as he wished, with the only exception of mandatory payment of filial quarter and the refund of the dower. A father may mortgage or sell land, even to the detriment of the son or sons, in order to fulfil these obligations.

The amount due to the widow seems to have been regulated by custom. The *Tripartitum* notes only that barons pay 400 florins (as we have seen in the fourteenth-century example), while owners of fifty or more peasant plots, 200. No values are listed for lesser estates.

The filial quarter meant one quarter of the estate's value. This would have imposed a serious burden on the family, had it not been calculated by what was called "common estimation," or legal value.

The *Tripartitum* speaks of two kinds of estimation or valuation of property: the "common" and the "eternal." The latter is ten times the former, and the example given is a settled tenant peasant's plot, worth 1 Mark (equal to 4 golden florins) according to the one, and 40 Marks according to the other. Actually, "eternal valuation" features only once, as a fine for an unfoundedly acquired estate. The very low "common" (better translated as "legal") estimation applied, for example, to calculating the girls' inheritance. It also features in several other rules, all of them aimed at the protection of the ancient allod. If mortgaged without consent, the estate could be redeemed at that price; if overmortgaged, the successors could redeem it at the legal value; kinsmen had the first refusal at any sale—and could purchase the estate at the *estimatio communis*, and so on. The idea was to establish an eternal, unchanging value of landed wealth, regardless of profit, market or any other economic element. (Only in one case, concerning the value of forests, does Werbóczy calculate the value as the tenfold of annual revenue.) Also, as is to be expected, these estimations refer to real estate only. Money and monetary obligations play a subordinate role in this system.

Una eademque nobilitas

Having surveyed the genealogical, social and material aspects of noble existence, the question remains: how does someone become a noble. Werbóczy begins his explanation by a historical fiction about the ancient "golden age" of a *communitas* of equals from which some fell into servitude because of their refusal to go to war. He borrowed this text from a thirteenth-century chronicle, which does not concern us here.⁴³ The relevant definition follows: "Nobles are those who, for some merit, have been granted an estate by the king." The donation is "the decorum of the nobleman which distinguishes him from the non-nobles." Werbóczy repeats this principle once more by stating: "by such a grant of the prince—if followed by rightful *seisin*—the grantee becomes immediately a noble."⁴⁴ A few lines further, however, Werbóczy adds—somewhat illogically—that the king may ennoble someone without donation, "when our prince raises any commoner from among the peasants and non-nobles, and ranks and institutes him into the community, society, and number of the true nobles of the realm."⁴⁵ The only other entry into the nobility, adoption, was, in the last resort, also based on the nobility acquired some time by the ancestor of the adopter. Hence, in essence nobility originated always in royal favor, with or without a grant. The connection between king and nobility was then elaborated into the famous legal fiction of the "doctrine of the Holy Crown," which combines the medieval organic concept of the

reward for services—as is usual," in which case the grantor may stipulate that the donation "escheats to him or his legal heirs" at the extinction of the grantee's branch.⁵⁰ These cautious hints total all the information on the widespread practice of what was called *familiaritas* (retainership) found in the three-volume law code which in fact made a good portion of "equal" nobles dependent on their "more equal" seniors. But this, together with a number of other issues, belongs to the chapter on reality rather than the ideal system so carefully described by Werbőczy.

Notes

* *Az Elefánthyak. A magyar nemes és klánja*, Budapest [henceforth: Bp.], 1993.

1. E. Bartoniek, ed., *Mohács Magyarországá. Báró Burgio pápai követ jelentései* [Hungary before Mohács: Reports of Baron Burgio from Hungary], Bp., 1926, pp. 13-16.

2. More on this, see below in I. Hajnal, "From Estates to Classes."

3. D. Csánki, *Magyarország történelmi földrajza a Hunyadiak korában* [Historical Geography of Hungary in the Age of the Hunyadi], vol. 5, Bp., 1913, p. v.

4. P. Váczy, "A királyi szervientek és a patrimoniális királyság" [Royal servientes and Patrimonial Kingship], *Századok* 61/62 (1927/28) 243-90, 351-414.

5. E. Mályusz, "A magyar köznemesség kialakulása" [Development of the Hungarian Common Nobility], *Századok* 76 (1942) 272-305, 407-34 briefly summarized as: "Entstehung der ständischen Schichten im mittelalterlichen Ungarn," *Études historiques hongroises 1980* (Bp., 1980) 1: 103-20; also in Mályusz's article in this volume.

6. Besides the unpublished Diss. Cand. Hist., Engel presented his results, among other places, in: "Ung megye településviszonyai és népessége a Zsigmond korban" [Settlement Conditions and Population of Co. Ung under Sigismund], *Századok* 119 (1985) 941-1005.

7. I. Szabó, *Le répartition de la population de Hongrie entre bourgades et les villes dans les années 1449-1526*. Bp., 1960 (Studia Hist. Acad. Sc. H., 49).

8. F. Maksay, "Les pays de la noblesse nombreuse," *Études historiques hongroises 1980*. (Bp., 1980) 1: 167-92.

9. On the main lines of development, see E. Fügedi, *The Aristocracy in Medieval Hungary: Theses*, in: *Idem, Kings, Bishops, Nobles and Burghers in Medieval Hungary*, ed. J. M. Bak (London, 1986), ch. IV.

10. *I diarii di Cicco Simonetto*, ed. M. Rosario Natale. Milan, 1961 (Acta Italica, 1), p. 201.

11. Nemzeni (inf.) means to sire, to father; actually, the Hungarian word for nation (nemzet) is also derived from this root (in contrast to the Latin based words referring to birth!).

12. Cf., e. g., Gy. Nagy, "A magyar nemzetségekről" [On the Hungarian Lineages], *Századok* 3 (1870) 534-51, 688-706; Gy. Györfy, *Wirtschaft und Gesellschaft der Ungarn um die Jahrtausendwende*. Vienna, 1983, pp. 103-4, 141-2 and passim; K. Mesterházy, *Nemzetségi szervezet és az osztályviszonyok kialakulása a honfoglaló magyarságnál* [Kinship Organisation and the Development of Classes among the Conquest-Age Magyars], Bp., 1980, pp. 70-86.

- 32.. "... qui enim per jura haereditare uxori suae cupit complacere..." *Ibid.*, 1:102, 2.
33. See *Hazai Okmánytár/Codex diplomaticus patrius*, ed. I. Nagy et al., (Bp., 1865-91) 1:173.
34. See *A Podmanini és Aszödi Báró Podminiczky család története* [History of the Family of the Barons Podmaniczky of P. and A.], I. Lukinich, ed., (Bp., 1937) 1: 173.
35. "... fratris vel sororis justis suis juribus per alterum fratrum aut sororem dolosa, adumbrataque et fraudulenter privatio vel exhaereditatio." Trip. 1:39.
36. See *Zala vármegye története. Oklevéltár* [History of Co. Zala. Diplomtarium] 1 1024-1363, I. Nagy et al. ed., Bp., 1886, pp. 368-69.
37. "... ne tamen a successione bonorum et rerum paternorum penitus exclusae viderentur, fraternus amor et dilectio filiorum ... pernisiit filias ... potiones congruas ... habere." Trip. 1: 19,1.
38. See *Sopron vármegye története. Oklevéltár* [History of Co. Sopron. Diplomtarium] 1, 1156-1411, ed. I. Nagy (Sopron, 1889), pp. 30-32
39. Trip. 1:29-30.
40. Cf. Fügedi, "Verba volant.... Oral Culture and Literacy among the Medieval Hungarian Nobility", in *Idem, Kings, Bishops*, ch. VI.
41. *Cod. dipl. Hung. Andegavensis*, [as n. 20 above] 6:576.
42. "... maxime vero in loco solitae residentiae..." Trip. 1:30, 3.
43. On this subject see J. Bak, *Königtum und Stände in Ungarn im 14.-16. Jh.* (Wiesbaden 1973), p. 164, and J. Szűcs, *Theoretical Elements in Simon of Kéza's Gesta Hungarorum* (Bp. 1980).
44. "Nam ubi princeps noster quempiam hominum, cuiuscunque conditionis existat, ob preclara facinora, ac servitia, castro, vel oppido, sive villa, aut alio iure possessionario condonaverit: mox ille per huiusmodi donationem principis (statutione legitima subsequente) in verum nobilem creatur, et ab omni rusticitatis iugo eripitur." Trip. 1:4.
45. "...dum videlicet princeps noster quoscunque plebee conditionis homines a rusticitatis et ignobilitatis servitute sequestrando et eximendo, in coetum ac collegium numerumque verorum regni nobilium aggregat, et adscribit. Tales, etiam sine possessionara collatione, veri nobiles reputantur." *Ibid.*
46. "Proinde vero nobilitas, usu disciplinaeque militari, ac ceteris animi corporisque dotibus et virtutibus acquiritur." *Ibid.*
47. *Ibid.* I:9.
48. "...omnes domini prelati, et ecclesiarum rectores, ac barones, et ceteri magnates, atque nobiles, et proceres regni huius Hungarie, ratione nobilitatis. et bonorum temporalium, una eademque libertatis, exemptionis, et immunitatis prerogativa gaudent: nec habet dominorum aliquis maius, nec nobilis quispiam minus de libertate." *Ibid.* 1:2.
49. See now in *Decreta Regni Mediævalis Hungariæ/The Laws of the Medieval Kingdom of Hungary*, 2, J. Bak, J. R. Seeney, P. Engel, ed. (Bakersfield, 1991) p. 37.
50. Trip. 1:14,10; 43; 69,1. There is still no general study on the familiaritas, a relationship between aristocrats and lesser nobles, which was less formal but also less "reciprocal" than what we call Western vassallage, and never lasted beyond the lifetime of the retainer, but is still seen as resembling feudal institutions elsewhere; see E. Mályusz, "Magyar társadalom a Hunyadiak korában" [Hungarian Society in the Age of the Hunyadi], *Mátyás király emlékkönyv*, ed. I. Lukinich (Bp., n. d. [1940]), pp. 318-32 and now in Fügedi, *Elefántthyak*, pp. 229-36.

**HISTORY & SOCIETY
IN CENTRAL EUROPE**
2
MEDIUM ÆVUM QUOTIDIANUM
29

**Nobilities in Central and Eastern
Europe:
Kinship, Property and Privilege**

edited by

János M. Bak

**Hajnal István Alapítvány
Budapest**

**Medium Ævum Quotidianum
Gesellschaft
Krems**

1994

HISTORY & SOCIETY IN CENTRAL EUROPE

together with
Medium Ævum Quotidianum

ELTE BTK Gazdaság- és
Társadalomtörténeti Tanszék
Budapest 1051, V. ker. Piarista köz 1.
Hungary
Tel.: (36)-(1)-11-80-966/325

MEDIUM ÆVUM QUOTIDIANUM
GESELLSCHAFT
Körnermarkt 13, A-3500 Krems
Austria
Tel.: (34-2732) 84793

Contents

<i>Josef Žemlička</i>	
Origins of Noble Landed Property in Přemyslide Bohemia	7
<i>Elemér Mályusz</i>	
Hungarian Nobles of Medieval Transylvania (1986)	25
<i>Erik Fügedi</i>	
Kinship and Privilege (1990)	55
<i>Kiril Petkov</i>	
Boyars and Royal Officers	77
<i>Jan Pakulski</i>	
The Development of Clan Names in Mediaval Poland	85

LECTORI SALUTEM!

The aim of the editors and publishers of this series of occasional papers is to present recent results of research in social history to the international public. In the spirit of the Hungarian historian of Europe, István Hajnal (1892-1956), we believe that the history of "small nations" may highlight aspects of general development that are less visible in the life of major civilisations.

The volumes in this series will address specific aspects of social development in medieval and modern central Europe. We intend to focus on the region between the German lands and the Byzantine-Russian world, to explore similarities and differences in this area. Instead of arguing the validity of the term, we shall publish studies that may enable our readers to decide to what extent is "central Europe" a historical reality or merely a dream of intellectuals and politicians. That is why we chose a medieval map for our cover: it emphasizes the centuries-old connecting function of the great rivers but contains no ephemeral political boundaries.

It is also our hope to contribute to the understanding of present developments and upheavals in a region about which few critical analyses are available in the English-speaking world. At the same time we should like to foster modern methods and approaches in social history, for so long neglected in our countries.

The present volume appears in close cooperation with the *Medium Aevum Quotidianum* Society and contains studies mainly on medieval and early modern nobilities of the region. The papers of two recently deceased Hungarian medievalists as well as articles of a Czech, a Polish and a Bulgarian historian discuss the social history medieval nobilities. Two articles, on Hungarian and Austrian nobles of the *ancien régime* look at social mobility and estate in the seventeenth and eighteenth centuries. The volume closes with an essay by István Hajnal on the end of the noble-corporatist world in nineteenth-century Hungary. With publishing three articles of the generations preceding ours, we wish to bow to those who taught us, without wanting to hide that their questions and answers are not necessarily ours. By printing papers of younger scholars, in turn, we hope to present recent research in the area on topics that are discussed among social historians everywhere.

The volume editor wishes to express his gratitude to those friends and colleagues who assisted in the - often almost unscramountable - task of translating and editing the Czech, Magyar and Polish contributions: Catherine Allen, Simon Carne, Tamás Domahidy, Vera Gáthy, Ryszard Grzesik, and Paul Knoll. Needless to say that he alone feels responsible for the remaining shortcomings, which are, probably, many. Maybe, we shall publish once a volume only on the intricacies and pitfalls of translating medieval and medievalist texts.