Slavery in Árpád-era Hungary in a Comparative Context

East Central and Eastern Europe in the Middle Ages, 450–1450

General Editor

Florin Curta

VOLUME 31

Slavery in Árpád-era Hungary in a Comparative Context
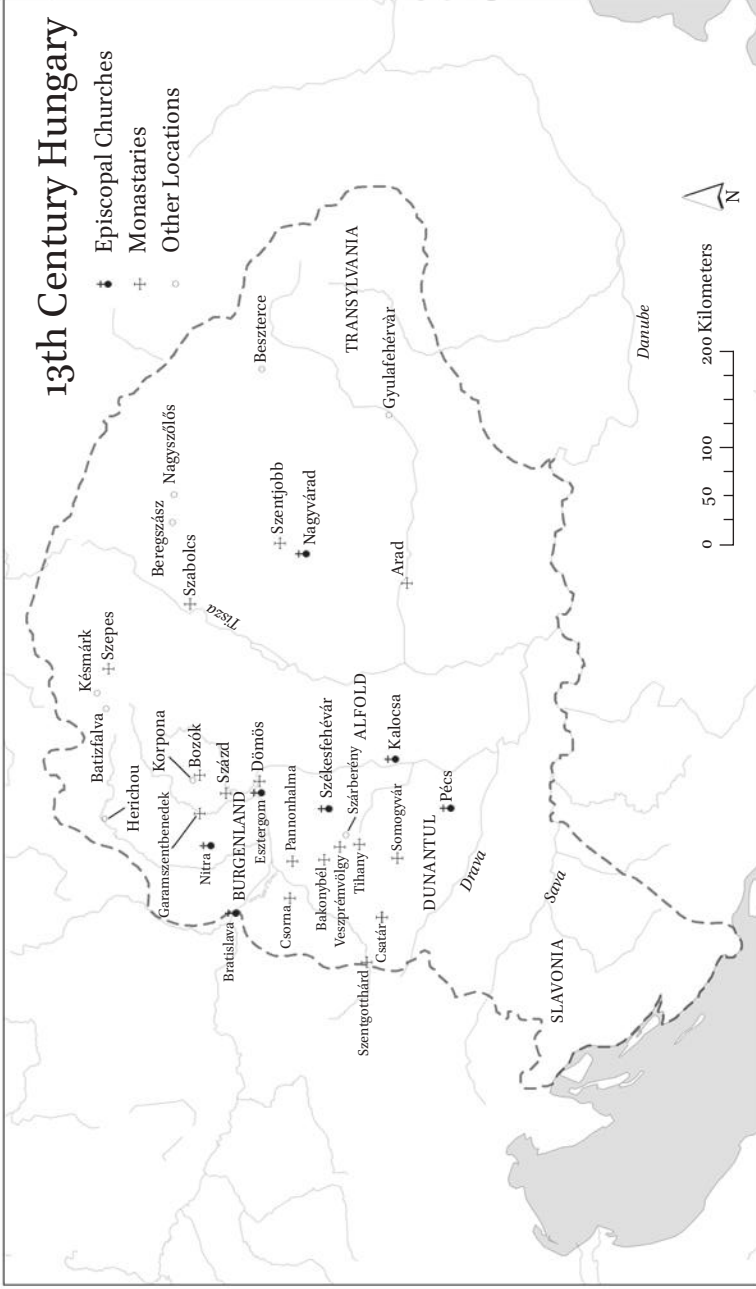
By

Cameron Sutt

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Acknowledgements

While writing these acknowledgements, I remembered the old Missouri preacher's illustration of the turtle on the fencepost. No one seeing a turtle on a fencepost would think the turtle got up there on its own; somebody placed it there. I feel a lot like that turtle. I owe so much to so many.

First I would like to thank Nora Berend, my supervisor at St Catherine's College, Cambridge, for her guidance as I struggled through the research that produced my dissertation and the core of this work. I am sure that keeping me on track was no easy task, and I am grateful for her direction, encouragement, and friendship. I was fortunate to have studied under Shona Kelly-Wray at the University of Missouri—Kansas City. She was a friend and mentor who is greatly missed. She introduced me to social history, and without her direction, I would surely have left the academy. I was fortunate to spend a year at Szeged University as a Fulbright scholar, and the faculty at the Department of Medieval and Early Modern Hungarian History provided me with an intellectual home. In particular, I am thankful for the guidance of Ferenc Makk and the late Gyula Kristó who patiently put up with my developing Hungarian language skills, and who pointed me towards sources and topics for future research. Balázs Nagy at Central European University and Eötvös Loránd University has been an immeasurable help by locating even the most obscure of articles for me and by pointing me to new materials as they became available. József Laszlovszky was kind enough to introduce me to the archeological literature of the *praedium*. Despite the best efforts of all these people, I alone am responsible for the conclusions of this book.

I wish to thank the archivists and staff at the Hungarian National Archives who went out of their way to help me. I am grateful to Iveta Adams for her herculean efforts to make something legible out of my original, rather clunky text. I am appreciative for Marcella Mulder at Brill for her patience and help.

Finally, I am so thankful for my wonderful family. Without them none of this has any real meaning.

MAP 1   *13-century Kingdom of Hungary.*
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9th Century Europe

+ Monastaries
● Episcopal Churches
✚● Other Churches
○ Other Locations

+ ●● ✚● ■ ○

ENGLISH CHANNEL

Seine River

+ Saint-Bertin

Meuse River

+ Montier-en-Der

Rhine River

+ Lorsch

Danube River

✚ Weißenburg

●● Biberbach

■ Schäftlarn

+ Passau

●● Salzburg

See inset

+ Bobbio

0   200 Kilometers

N

Regensburg ✚●
St. Emmeran

○ Pöbenhausen

Rockolding ○
Engelbrechtsmünster ✚

+ Freising
●

Lauterback ○
■ Bergkirchen

MAP 2   *Sites mentioned in the text from 9th-century Europe.*
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Introduction

In this work I hope to compare the use and position of dependent labourers in Carolingian Europe with those of Árpád-era Hungary. I argue that this comparative work is justified, and even necessary, in order to shed light on both of the societies in question. Quite simply, I hope that in juxtaposing the two periods, the contrasts and comparisons will allow us to gain a greater understanding of the nature of dependent labour, particularly those termed *servi, ancillae*, or *mancipia* in each of the areas as we look at how these labourers lived, functioned, and were viewed in their respective societies. To that end, each chapter discusses the Carolingian and Hungarian evidence separately, concluding with comparative discussions.

The comparison can also be justified by the similarity in source materials for each period, which can prove informative from a methodological standpoint. The way in which we deal with the sources from one period can inform how we approach similar sources in the other. Perhaps more importantly, the periods often intersected in Hungarian historiography. As we will see, from quite early on Hungarian scholars were looking to Carolingian examples to explain early Árpádian society.

Carolingian scholarship is more familiar in the Anglophone world while Hungarian scholarship is virtually unknown outside Hungary. In a similar manner, much of the discussion on definitions of slavery, while prominent in Western European scholarship, has received little attention in Hungarian scholarship. In the interest of bridging these gaps, I will explore definitions of slavery to a degree that many Carolingian experts may consider unwarranted. At the same time, my discussion on the Hungarian historiography of slavery and early Árpádian society will probably seem excessive to Hungarian scholars.

Slavery and Continuity in the West

Classicists have long held that landlords stopped using gangs of slaves to till their land even before the disintegration of the Roman Empire, but medievalists argued for a time that slavery either endured or was reinstituted in Late Antiquity. Adriaan Verhulst posited that slaves worked at least the demesne lands of Merovingian estates. These demesnes were not so large as to make slave labour inefficient, so tenancies did not replace slave production as slaves

formed a ready means to deal with the manpower needs of these estates.[1] The landowner during this period used slaves who lived in his own house to work the demesne directly. The records termed these landless slaves *mancipia*, and they were nothing more than another piece of property, or a tool at the lord's full disposal.[2] Even the *rusticus* could exercise rights over his *mancipia*.[3] Other forms of labour did exist. One example is paid labour in the form of prebendaries. These labourers worked on the lord's demesne in exchange for a direct payment in food, but most labour came from slaves.[4] The supposed use of slavery in the Merovingian period leads to questions of continuity, and some have maintained a direct link with the Roman past.[5] Pierre Bonnassie proposed a rather complicated chronology that had slavery disappearing in Late Antiquity and reviving in the early Middle Ages. In simplified form, Bonnassie's chronology began with the end of the Roman Empire, which was accompanied by a sharp decline in the use of slave labour between the third and the fifth centuries. Next, the advent of the Germanic peoples with their own slave societies brought a renewal of forced labour by the sixth century. As the wars of invasion and conquest petered out, so did the number of available slaves, which once again brought the decline of slavery in the eighth century. The end of the same century saw the wars of Charlemagne, which flooded the markets with slaves, and lords largely restored slavery on their lands in the ninth century. Finally, the 'feudal revolution' of the tenth and eleventh centuries brought the end of agricultural slavery in France for good.[6]

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1 Adriaan Verhulst, 'La genèse du régime domanial classique en France au haut Moyen Âge', in *Agricoltura e mondo rurale in Occidente nell'alto Medioevo Settimane XIII. 22–28 aprile* (Spoleto: Presso la Sede del Centro, 1965), 146–49. Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. Cynthia Postan (London: Edward Arnold, 1968), 37–39.

2 Renée Doehaerd, *The Early Middle Ages in the West: Economy and Society*, trans. W.G. Deakin (Amsterdam: North-Holland Publishing Company, 1978), 111. D. Hägermann, 'Einige Aspekte der Grundherrschaft in den fränkischen formulae und in den leges des Frühmittelalters', in *Le grand domaine aux époques mérovingienne et carolingienne: Actes du colloque international, Gand, 8–10 septembre 1983*, ed. Adriaan Verhulst (Ghent: Centre Belge d'Histoire Rurale, 1985), 59.

3 Hägermann, 'Einige Aspekte der Grundherrschaft', 67.

4 Doehaerd, *The Early Middle Ages*, 114–15.

5 The most prominent and vociferous, though generally rejected, is Guy Bois, *The Transformation of the Year One Thousand: The Village of Lournand from Antiquity to Feudalism*, trans. Jean Birrell (Manchester: Manchester University Press, 1992). See also José Salrach, *La formación del campesinado en el occident antiguo y medieval: Análisis de los cambios en las condiciones de trabajo desde la Roma clásica al feudalismo* (Madrid: Editorial Sintesis, 1997).

6 Pierre Bonnassie, *From Slavery to Feudalism in South-Western Europe* (Cambridge: Cambridge University Press, 1991).

More recently, scholars have come to doubt the expansive use of slaves even in the Merovingian era. Marie-Jeanne Tits-Dieuaide maintained that only a few estates in the period can be thought of as being worked by slaves, called *mancipia* in the sources, and these generally appear to have been small.[7] Chris Wickham has gone even further and questioned whether even these *mancipia* should be considered slaves because, even though they are labelled *mancipia*, the evidence indicates that they were unfree tenants rather than slaves.[8] Wickham argues that Tits-Dieuaide sees these *mancipia* as slaves simply because that is what she expected them to be, and he argues that the evidence of directly cultivated demesnes in the Merovingian sources is actually quite scanty. Documents may refer to such words as *dominicus, dominicatus*, and the like, but Wickham holds that there is no evidence that these demesnes were anything but tenures. The *dominicus* was simply a property under the direct control of the lord, not a statement about how it was cultivated.[9]

The evidence for agricultural slave use in the Carolingian period is similarly ambiguous. While Adriaan Verhulst's earlier works describe southern Belgium as frequently utilizing forced labour, he tends to see slavery as disappearing west of the Rhine rather quickly.[10] Verhulst believes that slave labour was replaced by tenant labourers during the eighth century in the western regions of the Carolingian realm.[11] Between the Rhine and the Elbe, however, Verhulst argues that lords used slave labour considerably longer. There society resembled

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7   Marie-Jeanne Tits-Dieuaide, 'Grand domaines, grandes et petites exploitations en Gaule mérovingienne: remarques et suggestions', in *Le grand domaine aux époques mérovingienne et carolingienne: Actes du colloque international, Gand, 8–10 septembre 1983*, ed. Adriaan Verhulst (Gent: Centre Belge d'Histoire Rurale, 1985), 32.

8   Chris Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean, 400–800* (Oxford: Oxford University Press, 2005), 282.

9   Wickham, *Framing the Early Middle Ages*, 283–4. Domenico Vera describes a similar situation with the interpretation of late-antique Roman estates. Domenico Vera, 'Le forme del lavoro rurale: aspetti della trasformationet dell'Europa romana fra tarda antichità e alto medioevo', in *Morfologie sociali e culturali in Europa fra tarda antichità e alto medioevo*: Settimane XLV. 3–9 aprile, 1997 (Spoleto: Presso la Sede del Centro, 1998), 314–15.

10   For labour usage in Belgium, see Adriaan E. Verhulst, *De Sint-Baafsabdij te Gent en Haar Grondbezit (VIIᵉ–XIVᵉ): Bijdrage tot de Kennis van de Structuur en de Uitbating van het Grootgrondbezit in Vlaanderen Tijdens de Middeleeuwen.* (Summary in French, pp. 593–619) (Brussels: Paleis der Academiën, 1958), 602. For the condition of slavery west of the Rhine, see Adriaan Verhulst, 'The Decline of Slavery and the Economic Expansion of the Early Middle Ages', review of Guy Bois, *La mutation de l'an mille: Lournand, village mâconnais de l'Antiquité au féodalisme, Past and Present* 133 (November, 1991), 200.

11   Verhulst, 'Decline of Slavery', 201.

that of the Merovingian period—estates whose demesnes were worked by landless *mancipia*. These slaves formed the majority of the population.[12]

Looking at legal evidence by itself creates the picture of *mancipia* and *servi*, who are clearly servile. The legal historian Hermann Nehlsen was convinced by the Germanic law codes that *servi* in Carolingian Europe were indeed slaves. In fact, Nehlsen went so far as to say that *servi* and *mancipia* in the *Lex Baiuvariorum* were every bit as much slaves as those who carried these appellations in classical Antiquity.[13] Masters could give them as gifts, and they could sell them just as any other object. Lords could inherit them or transfer them to another in payment of a debt.[14] Just as slaves in any other period, *servi* were forbidden to marry freewomen according to the *Lex Baiuvariorum*. The law calls such unions 'fornication', and the guilty could even be punished with death.[15]

Arguments based upon law codes are not terribly convincing for most. Hans-Werner Goetz noted that the evidence from the Germanic laws is particularly ambiguous. It is true that *servi* could not marry *liberae*, and that lords could punish them with severe corporal punishments that no freeman had to endure. In the *Lex Ribuariorum, servi* are treated as slaves and not people in the sense that they are not responsible for damages they may cause—their lord is.[16] However, the laws also treat them as people by protecting them from theft and by punishing them for theft rather than having their lords make restitution. Also, and most compelling, both the *Lex Alamannorum and* the *Lex Baiuvariorum* discuss *servi* who had fixed dues and services, thus seeming to be more like tenants or serfs and not slaves.[17] Looking at the capitularies, a similar ambiguity arises. Again, *servi* were not responsible for damages they caused, and their position was hereditary. They also were barred from pursuing

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12   Adriaan Verhulst, 'Étude comparative du régime domanial classique a l'est et a l'ouest du Rhin a l'époque carolingienne', in *La croissance agricole du Haut Moyen Äge: chronologie, modalités, géographie. Dixièmes journées internationales d'histoire, 9, 10, 11 septembre 1988* (Auch: Centre Culturel de L'Abbaye de Flaran, 1990), 96–97.

13   Hermann Nehlsen, 'Die *serv*i und *mancipia* der Lex Baiuvariorum: Ein Beitrag zur Geschichte der Sklaverei in Bayern', in *Fünfzig Jahre Forschungen zur Antiken Sklaverei an der Mainzer Akademie 1950–2000*, ed. Heinz Bellen and Heinz Heinen (Stuttgart: Franz Steiner, 2001), 521.

14   Nehlsen, 'Die *serv*i und *mancipia*', 508.

15   *si servus cum libera fornicaverit . . .* Nehlsen, 'Die *serv*i und *mancipia*', 519.

16   Hans-Werner Goetz, 'Serfdom and the Beginnings of a 'Seigneurial System' in the Carolingian Period: A Survey of the Evidence', *Early Medieval Europe* 2, no. 1 (1993), 34–35. See also Jean-Pierre Poly and Eric Bournazel, *The Feudal Transformation, 900–1200* (New York: Holmes & Meier, 1991), especially 119–40.

17   Goetz, 'Serfdom and the Beginnings', 34–35.

the priesthood.[18] On the other hand, by the eighth century at least, *servi* had the right to marry, which Goetz held as an indication that they could not be slaves. Royal *servi* had the right to legal recourse while certain other *servi* could even hold fiefs and public offices.[19] Goetz maintained that according to the capitularies, the *servi* were more like *coloni* and were merely on the non-noble side of the binary noble/non-noble paradigm.[20] Alice Rio has argued convincingly that Frankish formularies show us the trends in legal practice, and that they indicate that law codes served merely as 'the upper limit of what could be expected from a person by whom one had been wronged'.[21] Rio concluded that it is inaccurate to think in terms of a binary legal status because the *formulae* indicate a far more nuanced situation.[22] Likewise, Chris Wickham has argued that even in eastern regions, *mancipia* should more accurately be considered unfree tenants, in other words, those who had particularly harsh requirements imposed upon them, but still were not slaves.[23]

All of these arguments indicate that a single definition of *servus* applicable throughout all the regions of the Carolingian world remains elusive. Indeed, Adriaan Verhulst argued as much in a paper at the conference at Flaran three years prior to Goetz's article. Verhulst pointed to differences in the meaning of the terms *mancipium* and *servus* in the regions east and west of the Rhine though even east of the Rhine variations occurred.[24] The extensive ambiguity found in Carolingian records as to the meaning of the terms in question indicates that Verhulst is correct in looking for regional variations within the expansive Carolingian realms.

Archaeology has recently shed some light on the acquisition of slaves in early medieval Europe. The evidence for slavery primarily consists of the presence of iron shackles at sites. In Roman and late-Roman Gallic sites, almost one third of iron hoards contained slave shackles, and many of these were settlement sites.[25] In the immediate post-Roman period, shackle finds drop to almost

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18   Goetz, 'Serfdom and the Beginnings', 36–37.

19   Goetz, 'Serfdom and the Beginnings', 36–37.

20   Goetz, 'Serfdom and the Beginnings', 38–39.

21   Alice Rio, 'Freedom and Unfreedom in Early Medieval Francia: The Evidence of the Legal
        Formulae', *Past and Present* 193 (November, 2006), 36.

22   Rio, 'Freedom and Unfreedom', 38.

23   Wickham, *Framing the Early Middle Ages*, especially 288, 296, 398–405, and 561–67.

24   Adriaan Verhulst, 'Étude comparative', 89–93.

25   Joachim Henning, 'Strong Rulers—Weak Economy? Rome, the Carolingians and the
        Archeology of Slavery in the First Millenium AD,' in *The Long Morning of Medieval Europe:
        New Directions in Early Medieval Studies*, ed. Jennifer R. Davis and Michael McCormick
        (Aldershot: Ashgate, 2008), 45.

naught.[26] During the Carolingian era, moreover, the iron shackles once more increase, but the location of these finds is very different from that in the Roman period. The Carolingian slave shackles all appear in fortified centres along the frontiers of the Carolingian Empire, a fact that Joachim Henning rightly sees as significant.[27] That these shackles do not appear in settlements, but rather in trading posts, probably indicates that slaves were being acquired in quantity from among those beyond the empire's borders and not from among the rural peasant populations.[28] The lack of shackle finds in Carolingian settlements does not necessarily indicate the absence of slave labour since slaves did not generally work while shackled.[29]

The increasing reluctance to see agricultural slavery in early medieval Western Europe as a widespread phenomenon renders unnecessary a lengthy discussion of the historiography of the end of slavery in Europe, so a brief summary will suffice here. Historians have attributed the decline of slavery in Western Europe variously to three different general causes. The first was the church. Early writers argued that with the rise of Christianity, masters freed their slaves out of charity. Marc Bloch rejected such a direct role for the church, arguing that any impact the church's teachings had was upon the slaves more than the masters, awakening in them the idea that they were human rather than mere chattel.[30] Marxists tended to deny that the church's teaching had any role in alleviating the slaves' situation. In fact, Pierre Dockès maintained that Christianity actually reinforced the social realities by preaching that slaves should remain in their condition and be subservient to their

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26   Henning, 'Strong Rulers'. See also his Figure 2.5, p. 46.

27   Henning, 'Strong Rulers', 48.

28   The trade in slaves is posited as the real driver in Carolingian economic growth. Michael McCormick, *The Origins of the European Economy: Communications and Commerce, AD 300–900* (Cambridge: Cambridge University Press, 2001), especially 733–75. For a contrasting opinion, see Joachim Henning, 'Slavery or Freedom? The Causes of Early Medieval Europe's Economic Advancement', *Early Medieval Europe* 12, no. 3 (2003): 269–77.

29   In the American South, shackles were generally used only for punishing particularly troublesome slaves. See for example John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York: Oxford University Press, 1979), 260–61; George P. Rawick, *From Sundown to Sunup: The Making of the Black Community* (Westport: Greenwood Publishing Company, 1972), 57–59; Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007), 31.

30   Marc Bloch, *Slavery and Serfdom in the Middle Ages: Select Essays*, trans. William R. Beer (Berkeley: University of California Press, 1975), 14.

masters, creating a resignation on the part of the slaves.[31] Pierre Bonnassie, on the other hand, maintained that it was no small thing for slaves to attend church where 'they learned to regard themselves as Christians, that is as men and women'.[32] Perhaps even more importantly, according to Bonnassie, slaves attended church with the poor freemen and so came to regard themselves as their equals, joining them in the 'solidarity of the wretched'.[33] Ross Samson argued that pronouncements by the church respecting the ordination of slaves and legitimating servile marriages had the effect of taking control from the hands of slave owners, which ultimately resulted in their liberation.[34]

Marxists tended to posit a second possible cause as the most significant one for ending medieval slavery. Dockès maintained that great, armed uprisings such as the Bacaudae were instrumental in ending the slave system of early medieval Europe, but he conceded that in general the struggle was a long one consisting mainly of acts of sabotage and purposeful inefficiency.[35] The main resistance, according others, came in the form of the flight of slaves from their owners.[36]

The third, and most influential, theory describing the end of slavery focuses on the activities of the slave owners themselves. Marc Bloch argued that economic necessity forced the landowners to convert their property from direct cultivation to that based upon tenancies as a result of general economic decline. Bloch maintained that both the amount of money in circulation and the amount of trade decreased. Added to these difficulties was the fact that Charlemagne's wars of conquest had ended, decreasing the supply of slaves. What slaves were available had become expensive. Finally, Bloch regarded slavery as an especially inefficient form of coerced labour and one which lords were all too willing to replace.[37] Masters responded to these new conditions by settling their slaves upon small plots allowing them to reap the rewards of their own labour. The slaves quickly began to direct most of their own time and productive effort. They had their own home, and could even prosper if they

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31   Pierre Dockès, *Medieval Slavery and Liberation*, trans. Arthur Goldhammer (Chicago: Chicago University Press, 1982), 148.

32   Bonnassie, *From Slavery to Feudalism*, 31.

33   Bonnassie, *From Slavery to Feudalism*, 31.

34   Ross Samson, 'The End of Early Medieval Slavery', in *The Work of Work: Servitude, Slavery, and Labor in medieval England*, ed. Allen J. Frantzen and Douglas Moffat (Glasgow: Cruithne Press, 1994), 107–19.

35   Dockès, *Medieval Slavery*, 246.

36   Salrach, *La formación del campesinado*, 133. Samson, 'The end of early medieval slavery,' 107–108, 117. Bonnassie, *From Slavery to Feudalism*, 53.

37   Bloch, *Slavery and Serfdom*, 261–62, 265.

were particularly able.[38] As we will see, Bloch's ideas have had the most impact upon later Hungarian historiography regarding the end of slavery. Bonnassie argued that the free, small allod-holders were also putting pressure on the great estates whose production lagged far behind that of the small peasants.[39]

The great estates responded by decentralizing and breaking up their estates into small holdings (manses) that they allowed former slaves to work.[40] According to Bonnassie, this settling of slaves onto plots contributed the most to the end of slavery. However, whereas Bloch thought economic recession caused the lords to disburse their slaves onto small, independent plots, Bonnassie attributed these settlements to economic growth. Though most view agricultural expansion as key to the settling of the unfree upon manses, not all agree with Bonnassie's assessment of the inefficiency of the great, classical estates. In fact, several scholars argue that it was the work of these estates that led to the economic expansion which in turn allowed the settlement of slaves onto the manses.[41]

Servi in Hungary

Early Hungarian historiography on dependent labour was greatly influenced by the earliest legal sources, which, like Carolingian legislation, depicted *servi* as clearly servile. We will discuss this legislation in a subsequent chapter. Partly as a result of this reliance upon legal sources, historians tended to view all *servi* as slaves.

The Cistercian monk Remig Békefi was among the first to deal with the issue of slavery and its decline in the medieval kingdom of Hungary. At the turn of

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38   Marc Bloch, 'Comment et pourquoi finit l'esclavage antique', in *Mélanges historiques*, vol. 1 (Paris: s.e.v.p.e.n., 1963), 266–67.

39   Bonnassie, *From Slavery to Feudalism*, 45–46.

40   Bonnassie, *From Slavery to Feudalism*, 45–46.

41   Yoshiki Morimoto, 'Autour du grand domaine carolingien: aperçu critique des recherches récentes sur l'histoire rurale du haut Moyen Âge (1987–1992)', in *Économie rurale et économie urbaine au Moyen Âge*, ed. Adriaan Verhulst and Yoshiki Morimoto (Ghent: Belgisch Centrum voor Landelijke Geschiedenis, 1994), 50–1. Pierre Toubert, 'La part du grand domaine dans le décollage économique de l'occident (VIIe–Xe siècles), in *La Croissance agricole du haut Moyen Âge: chronologie, modalités, géographie. Dixièmes journées internationales d'histoire, 9, 10, 11 septembre 1988* (Auch: Le Centre Culturel Départemental de l'Abbaye de Flaran, 1990), 67–9. Werner Rösener, 'Strukturformen der adeligen Grundherrschaft in der Karolingerzeit', in *Strukturen der Grundherrschaft im frühen Mittelalter*, ed. Werner Rösener (Göttingen: Vandenhoeck & Ruprecht, 1989), 176–77.

the twentieth century, Békefi pointed to the numerous instances in the documents in which landlords freely disposed of the *servi* living on their lands, and he concluded that the *servus* in Hungary under the Árpáds was essentially a slave. The *servus* and his female counterpart, the *ancilla*, were items of property just like the plough or the ox. Lords bought them, sold them, inherited them, and freed them.[42] Békefi referred to the early laws of the kingdom that recorded how people could be sold into slavery for their crimes, and how they could be freed.[43] From these laws, Békefi argued that slaves frequently obtained their status as punishment for the crimes, but he maintained that most slaves were born into their status ('nemzés következtében szaporodtak').[44] Eight years later Mária Gáspár, taking up Békefi's line of argument, held that the Hungarian workforce in the first third of the thirteenth century consisted of only the free and the bound where she equated 'bound' with 'slave'.[45] She emphasized the complete legal alienation that slaves in Hungary experienced—they were property to be bought and sold, and the lord had complete control over the productive force of the slave.[46] In fact, according to Gáspár, slaves were the most important agricultural tool that a lord could have, which, she argued, explained how their price could vary so much while the price of land remained fairly stable. The quality of the tool (in other words the ability of the slave to perform work) determined its cost.[47] In addition, Gáspár maintained that the right of the lord to move his slaves at will, combined with the scarcity of money, created a condition in which lords frequently used slaves in lieu of money for their transactions. Thus, land, dowry, marriage gifts, and the like were all paid for with *servi* and *ancillae*.[48]

After Gáspár, scholars focused on other segments of Hungarian society under the Árpáds, and slavery became an ancillary topic. The prolific Bálint Hóman looked at Hungarian society at the time of the foundation of the state, and he divided it into seven levels, the bottom of which consisted of the slaves.[49] The

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42   Remig Békefi, *A rabszolgaság Magyarországon az Árpádok alatt* [Slavery in Hungary under the Árpáds] (Budapest: Magyar Tudományos Akadémia, 1901), 17–24.

43   Békefi, *A rabszolgaság Magyarországon*, 7–8, 27–29.

44   Békefi, *A rabszolgaság Magyarországon*, 29–35.

45   Mária Gáspár, *A rabszolgaság megszűnése hazánkban* [The end of slavery in Hungary] (Budapest: Garai Mór Könyvnyomda, 1909), 11.

46   Gáspár, *A rabszolgaság*, 13.

47   Gáspár, *A rabszolgaság*, 13, 15–17.

48   Gáspár, *A rabszolgaság*, 17.

49   Bálint Hóman, 'A társalmi osztályok Szent István államában' [Social classes in the state of Saint Stephen], in *Békefi emlékkönyv: Dolgozatok Békefi Remig egyetemi tanár működésének emlékére*, ed. Jenő Pintér (Budapest: Stephaneum, 1912; reprinted in Bálint

servi were rather simple to define—they were slaves.[50] According to Hóman, *servi* came from the ranks of the war captives, though he allowed that some were purchased.[51] Their origins aside, Hóman wrote that these slaves had the assignment of looking after their lord's *curtis* and taking care of his animals and land.[52]

In what came to be an ever more acrid discussion on the pages of *Történelmi Szemle*, László Erdélyi and Károlyi Tagányi debated the extent of slavery in early Árpádian society. Tagányi argued that not only were *servi* slaves, but those serving on royal estates, the *udvornici* and the *cives*, were also slaves. While others who were under the king could rise to a position above that of a slave, Tagányi held that the *udvornici* remained the king's slaves assigned to perform all manner of tasks in the royal court and were therefore his general-purpose slaves (*mindenes rabszolgák*).[53] Tagányi went on to explain that those living on the royal county land (called *cives* by the sources) were not partially free either, but were rather slaves.[54] For his part, Erdélyi insisted that royal dependants formed part of the partially free category that Hóman advocated. However, he disagreed with both Hóman and Tagányi regarding the status of the *servus*. Both Hóman and Tagányi considered all *servi* to be slaves. To Erdélyi, a slave was one whose 'home, upkeep, type of work, and time depended on the will of the lord'.[55] The lord also had control not just over their time and work, but their children and family as well.[56] Erdélyi noticed that not all *servi* fitted into this category. In the case of Pannonhalma Abbey, an institution with which he was particularly familiar, the *servi* who were in effect slaves were distinguished from others with the term *veri servi*, and these *veri servi* were mostly vintners.[57]

Hóman, *Magyar középkor, 1000–1325*, Budapest: Magyar Történelmi Társulat, 1938), 50–59. The number seven is László Erdélyi's calculation. Depending on how Hóman's article is read, one can justify several calculations. László Erdélyi, 'Árpádkori társadalomtörténetünk legkritikusabb kérdései' [The most critical questions of Árpád-era social history], *Történelmi Szemle* 3 (1914), 518.

50   Hóman, 'A társalmi osztályok', 434.

51   Hóman, 'A társalmi osztályok', 438.

52   Hóman, 'A társalmi osztályok', 438.

53   Károly Tagányi, 'Felelet dr. Erdélyi Lászlónak "Árpádkori társadalomtörténetünk legkritikusabb kérdései"-re. III.' [An answer to Dr. László Erdélyi's 'The Most Critical Questions of Árpád-era Social History'. III], *Történelmi Szemle* 5 (1916), 562.

54   Tagányi, 'Felelet. III', 566.

55   László Erdélyi, 'Árpádkori társadalomtörténetünk legkritikusabb kérdései. III.' [The most critical questions of Árpád-era social history. III], *Történeti Szemle* 4 (1915), 208.

56   Erdélyi, 'Árpádkori. III', 208, 213.

57   Erdélyi, 'Árpádkori. III', 208.

Erdélyi believed, then, that not all *servi* born on the lands of Pannonhalma were slaves, but only those recently purchased.

The view that the *udvornici* were slaves has long since been rejected as we will see in the next chapter, but the connection of the *servus* to the slave has endured. Part of this endurance is due to the monopoly of Marxist thought beginning the middle of the twentieth century. For historians such as György Székely and Emma Lederer, the issue of slavery was of prime importance because of its place in the Marxist continuum of history. In direct contrast to 'the bourgeois historians', the Marxists viewed the existence of slavery as incompatible with feudalism because of the framework of Marx's historical sequence of production. Therefore, slavery was something from the Magyars' early history that they quickly left behind with the foundation of the 'feudal state' begun by Stephen I in the first part of the eleventh century.[58] Lederer also maintained that while slavery had to exist in a pre-feudal society, in Central and Eastern Europe it was not a general phenomenon.[59] A university textbook of 1953 declares that 'by the time of feudalism "slaves" could not have played a significant role in production'.[60] Slavery existed at the beginning of the state, but it quickly disappeared.[61]

Perhaps the most important work of Emma Lederer came from her investigation of the development of land-ownership in early medieval Hungary. Lederer was particularly interested in how the nomadic Magyar leaders came to be owners of land and of human resources, and she concluded that this transformation occurred along three parallel lines—one each on royal and ecclesiastical lands, and another on private, secular lands. The development of royal and ecclesiastical lands proceeded rather rapidly along the path to feudalism, but the private lands developed much more slowly. Private lands, therefore, maintained a more 'primitive' nature for a much longer time.[62] One significant aspect to this more 'primitive' nature was the prolonged use of slavery for production by private landlords.[63]

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58   Emma Lederer is particularly fond of comparing her work to that of 'the bourgeois historians'. See Emma Lederer, *A feudalizmus kialakulása Magyarországon* [The development of feudalism in Hungary] (Budapest: Akadémiai Kiadó, 1959).

59   Emma Lederer, 'La structure de la société hongroise du début du moyen-âge', in *Studia Historica* 45 (1960), 3.

60   Lajos Elekes, Emma Lederer, and György Székely, *Magyarország története: Az őskortól 1526-ig* [A history of Hungary: from pre-history to 1526] (Budapest: Tankönyvkiadó, 1953), 78. Compare with Lederer, 'La structure', 9.

61   Elekes, Lederer, and Székely, 81.

62   Lederer, *A feudalizmus kalakulása*, 11.

63   Lederer, *A feudalizmus kalakulása*, 44–52.

Lederer's emphasis on *servi* as slaves on private lands as opposed to those living on royal and ecclesiastical lands received a bit of support from an unlikely source—settlement history. In 1963, István Szabó published a two-part series of articles in a journal of agrarian history in which he examined the history of the type of settlement called *praedium* in the sources.[64] The *praedium*, Szabó wrote, was a form of settlement much like the Carolingian *villa*—a self-sufficient property in which the labour was focused upon providing the needs of its lord directly.[65] Since the *praedia* also included the people living on it, Szabó researched the composition of those people. Searching through the documents from the period 1067–1250, Szabó found 118 *praedia* for which the inhabitants were listed. The total number of inhabitants on these 118 *praedia* came to 1,286. Of these, 45 per cent had designations equivalent to that of slaves (*mancipium, servus, vernulus, ancilla, pedisequa*).[66] A further 18 per cent were freed slaves (*libertinus, libertus, exequialis, manumissus*).[67] 12 per cent were listed with general terms such as *mansio, mansus, domus, homo, vir*, and *familia*.[68] Another 16 per cent appear according to their occupations, and the final 9 per cent were various forms of *iobagio*.[69] (The *iobagio* was a term specific to Hungary whose meaning changed through the Árpád era. Until the first decades of the thirteenth century, it referred to the greater lords of the kingdom. By the fourteenth century, *iobagio* had come to mean serf.)[70] Thus, Szabó argued that a full 63 per cent of the inhabitants on *praedia* were either slaves

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64   István Szabó, 'A prédium: vizsgálódások a korai magyar gazdaság- és településtörténelem körében. I. rész' [The *praedium*: studies on the economic and settlement history of early Hungary. I], in *Agrártörténeti szemle* 5, nos. 1–2 (1963), 1–49. Id., 'A prédium: vizsgálódások a korai magyar gazdaság- és településtörténelem körében. II', *Agrártörténeti szemle* 5, no. 3 (1963), 301–27. English summary: Id., 'The Praedium: Studies on the Economic History and the History of Settlement of Early Hungary', *Agrártörténeti szemle* 5, Supplementum (1963), 1–24.

65   Szabó, 'A prédium. I', 14. For the classic description of the self-sufficient Carolingian *villa*, see the university text Ch.-Edmond Perrin, *La seigneurie rurale en France et en Allemagne du début du IXe à la fin du XIIe siècle* (Paris: Centre de Documentation Universitaire, 1950). Now the idea of the Carolingian *villa* as a self-sufficient entity is questioned. See Chris Wickham, 'Overview: Production, Distribution and Demand. II', in *The Long Eighth Century*, ed. Inge Lynse Hanson and Chris Wickham (Leiden: Brill, 2000), 348–55.

66   I have rounded Szabó's numbers for ease of discussion. Szabó, 'A prédium. I', 22.

67   Szabó, 'A prédium. I', 23.

68   As we will see in the Chapter 3, these terms referred to *servus* families, a fact that Szabó seems to have suspected. Szabó, 'A prédium. I', 24.

69   Szabó, 'A prédium. I', 24–26.

70   Pál Engel, 'Jobbágy', in *Korai Történeti Lexikon* (Budapest: Akadémiai Kiadó, 1994).

or had recently risen out of slavery.[71] He maintained that that figure may even be low since those listed by generic terms were most likely slaves and those recorded by occupation could also include a significant number of slaves.[72] An important caveat to Szabó's work is that he automatically equated words with functions, so that if the charters described inhabitants with words that classically meant 'slave' (*mancipium, servus, vernulus*, etc.), then he assumed they were slaves. In large part I intend to investigate if that assumption is correct, and I hope the comparison with the Carolingian data will help in this quest. If Szabó is correct, then *praedia* in Árpád-era Hungary could have consisted of an astounding 91 per cent slaves.

The work of Ilona Bolla later strengthened Szabó's conclusions. Bolla dealt with the development of concepts of liberty under the Árpáds, and her work has been very effective in shaping modern Hungarian historiography.[73] Just as Lederer before her, Ilona Bolla argued that there were sharp distinctions between the status of dependants on royal and ecclesiastical lands and the status of those on the lands of secular lords. Bolla held that the meaning of the term *servus* when referring to those on royal and ecclesiastical lands changed over the course of time, so that when it was used, it no longer meant 'slave' as it had in the laws of Stephen.[74] At the same time, the term retained its original meaning for those dependants living on the domains of the lay lord. These *servi* were indeed slaves according to Bolla.[75] As the end of the thirteenth century approached, the term *servus* began to disappear completely from the sources.

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71   Szabó, 'A prédium. I', 24.

72   Szabó, 'A prédium. I', 24–25.

73   Ilona Bolla, 'A közszabadság a XI–XII. században (A liber és libertas fogalom az Árpád-korban). I. rész' [*Gemeinfreiheit* in the 11th and 12th centuries (the concept of the *liber* and *libertas* in the Árpád era)], *Történelmi szemle* 62, nos. 1–2 (1973), 1–29. Eadem, 'A közszabadság a XI–XII. században (A liber és libertas fogalom az Árpád-korban). II.,' in *Történelmi szemle* 63 (1974), no. 1–2: 1–23. These articles form part of Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On the legally uniform serfdom in Hungary] (Budapest: Akadémiai Kiadó, 1980; reprint, Budapest: Nap Kiadó, 1998). For those influenced by Bolla's work, see for example Attila Zsoldos, *Az Árpádok és alattvalóik: Magyarország története 1301-ig* [The Árpáds and their subjects: a history of Hungary to 1301] (Debrecen: Csokonai Kiadó, 1997), 209–10. Gyula Kristó, *Magyarország története: 895–1301* [A history of Hungary: 895–1301] (Budapest: Osiris Kiadó, 1998), 190–91. For a dissenting opinion see György Györffy, 'A magyar állam megszilárdulása' (The strengthening of the Hungarian state), in *Magyarország története: Előzmények és magyar történet 1242-ig*, ed. Antal Bartha (Budapest: Akadémiai Kiadó, 1984), 977.

74   Bolla, *A jogilag egységes jobbágyságról*, 81.

75   Bolla, *A jogilag egységes jobbágyságról*, 77–98.

Bolla's work on the development of the concept of *libertas* in the Árpád era meant that she had a significant influence upon explanations of the end of slavery in Hungary. Of course, the discussion does not begin with her. Rather, the discussion of the end of slavery in medieval Hungary began with the first brief monograph on the subject—that of Remig Békefi mentioned earlier. Békefi explained the disappearance of slavery in terms of the Christian faith he held so seriously. Békefi claimed that as Christianity became rooted in the new kingdom, the teachings of the church took hold. In particular, Békefi argued that the teachings of the church that even slaves could participate in the sacraments meant that the newly baptized lords saw the equality of their slaves, and, taking testators at their word, he pointed to manumission charters liberating *servi* 'for the salvation of their soul' as indications of the influence of Christianity on the abolition of slavery in the Hungarian kingdom.[76] Also, quoting 1 Thessalonians 4:11 ('work with your own hands as we commanded you'), Békefi argued that the church 'disabused people' (*ábrándította ki az embereket*) from the idea that work was only for slaves. It was, then, the church's teachings that prepared the way for society to give up its dependence on slave labour.[77]

Mária Gáspár modified Békefi's argument by adding pecuniary motives to the purely spiritual, noting that landlords had begun to accept payment from their slaves for their manumission.[78] Bálint Hóman attributed to Stephen I the manumitting of the *udvornici* from slavery to their partially free status, claiming that the king freed them to work on royal lands to provide for the needs of the court. These former slaves, Hóman went on to say, were mostly ploughmen and herdsmen, but many obtained positions such as royal stablemen, cooks, and the like.[79]

While acknowledging the role of the manumission of slaves, László Erdélyi stressed the acquisition of plots of land by *servi* as the primary means by which slaves became freedmen (*szabados*). Once the slave received his own land and a permanent home, he was transformed into a serf.[80] Eventually, custom and even written law protected the serf from being evicted from this land, but the key was his instalment upon it.[81] Erdélyi's argument, though rejected by some

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76   Békefi, *A rabszolgaság Magyarországon*, 8.

77   Békefi, *A rabszolgaság Magyarországon*, 3–4.

78   Gáspár, *A rabszolgaság*, 26–27.

79   Hóman, 'A társalmi osztályok Szent István államában,' 438–9. Both the Latin *udvornici* and the modern Hungarian word for 'court', *udvar*, stem from the same Slavic word, *dwor*, which also meant 'court'.

80   Erdélyi, 'Árpádkori. III', 213.

81   Erdélyi, 'Árpádkori. III', 213.

contemporaries, came to have a significant influence upon later Hungarian historiography.[82] These plots came to be equated with a type of 'independent estate' (*önálló gazdaság*), and many became convinced that since the *servi* were on plots, they *ipso facto* could no longer be considered slaves. György Bónis in particular stressed the importance of the independent housing of slaves as quickly bringing an end to their slavery. In fact, Bónis categorically stated that 'any *servus* who had agricultural tools is not a slave, but a serf!'[83] Marc Bloch's writings on the Carolingian *servi casati* had a profound influence on István Szabó, who argued that the domiciled *servus* (*házas-földes*) contributed to the demise of the farm-estates (*praedia*, discussed in the next chapter), which contributed to the end of slave labour in Hungary.[84] The issue was far from decided. The *servi* on Hungarian farms seemed so slave-like that Szabó, and later Ilona Bolla, thought that most *servi* continued to be considered slaves.[85] Péter Váczy, likewise, was not so sure that giving 'independent estates' to *servi* meant that they were no longer slaves.[86]

Emma Lederer saw the acquisition of ploughs as the key for the amelioration of the slaves' plight. Lederer argued that lords initially only gave the *servi* the plots, plough and oxen *ad usum*, but with time the *servi* claimed the oxen and the plough as their own. Thus, the slave had become the serf, albeit a serf owing heavy labour services.[87] Lederer pointed to the numerous examples of *servi* being connected with ploughs in charters from the twelfth and thirteenth centuries as her primary proof that the *servi* had acquired those implements, and she viewed all such examples as indications of former slaves who had risen above their slavery through their gradual appropriation of the tools and draft animals necessary to perform heavy field labour.[88] Whereas earlier historiography saw the role of the church and manumission as fundamental to the elimination of slave labour in Hungary, Lederer maintained that economic

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82   Károly Tagányi argued that even when placed upon his own plot, the *servus* was still a slave, only now he was a 'slave bound to the land'. Tagányi, 'Felelet. III', 547.

83   György Bónis, *István király* [King Stephen] (Budapest: Tudományos és Ismeretterjesztő Kiadó, 1956), 73.

84   István Szabó, 'A prédium: vizsgálódások a korai magyar gazdaság- és településtörténelem körében. II.' [The *praedium*: studies on the economic and settlement history of early Hungary. II], *Agrártörténeti Szemle* 5, no. 3 (1963), 302, 304–06.

85   Szabó, 'A prédium. I', 31–33. Bolla, *A jogilag egységes jobbágyságról*, 92–95.

86   Péter Váczy, 'A korai magyar történet néhány kérdéséről' [Some questions about early Hungarian history], *Századok* 92, nos. 1–4 (1958), 338.

87   Lederer, *A feudalizmus kalakulása*, 51. Ilona Bolla had a similar conclusion. Bolla, *A jogilag egységes jobbágyságról*, 79–80.

88   Lederer, *A feudalizmus kalakulása*, 89.

and social factors affected the relationship between the slaves and their lords. We shall see though that the connection of the *servus* with the plough did not necessarily, or even probably, indicate that the *servus* owned it—it was merely an indication of the role of the *servus* and the need on the part of the lord to maintain the proper number of *servus* families in order for the plough to be properly operated.

While Lederer assigned no role to the church in the decline of slavery, Bónis argued that it played a significant, if indirect, role in such a great social transformation. Bónis pointed out that while the laws of Stephen do present the picture of *servi* being slaves, they also indicate that the church had a part in the removal of their slave status. The laws stated that, if a *servus* is killed by a freeman or another's *servus*, the killer or the killer's lord must pay the owner of the *servus* compensation for the loss of his worker.[89] Thus, the *servus* is nothing more than a tool, the loss of which must be compensated for.[90] Bónis argued, however, that in the eyes of the church, the *servus* was a human being because the church prescribed a penance for anyone who killed a *servus*.[91] The church proclaimed that the *servus* was a person, at least spiritually.

István Szabó saw slavery's demise as part of the demise of the self-sufficient economic unit centred around the *praedium*.[92] Though Szabó attributed several factors to the decline of the *praedium*, including flight of the servile and the commingling of people of various strata, he held that the settling of *servi* onto plots was the most significant.[93] In discussing the status of domiciled *servi* (*házas-földes*), Szabó was rather ambiguous. On the one hand, these domiciled *servi*, while more free than the landless *servi* living in the lord's *curia*, still had many of the characteristics of slaves. While they were able to produce for themselves from their plots, and were also able to marry and establish a family, they certainly were not serfs. The land they were on was not theirs, it was their lord's, and he could remove them from it at any time according to his will.[94] The lord could, and did, sell the *servus* right off the land to another lord whenever it was in his best interest to do so, and the same was true regarding the draught animals and ploughs these domiciled *servi* had. Lords only gave these

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89   Bónis, *István király*, 71. János M. Bak, György Bónis, and James Ross Sweeney, eds., *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild, CA: Charles Schlacks, Jr, 1999), 4 (I.14) and 9 (II.3).

90   Bónis, *István király*, 71.

91   Bónis, *István király*, 72. Bak et al., *Decreta 1000–1301*, 4 (I.14).

92   Szabó, 'A prédium. II', 302.

93   Szabó, 'A prédium. II', 304–06.

94   Szabó, 'A prédium. I', 31.

tools to the *servus ad usum*, and the *servus* had no legal claim to them. Though it is difficult to understand why a lord would want to take the tools away from his *servi*, documents indicate that this did occur.[95] At the same time, Szabó is careful to explain that despite all these handicaps, these domiciled *servi* were still better off than the slaves of the classical era. They were not quite serfs who had customary rights over their land, but they were on the road to such rights. They were in a transitional phase that was to go on for several more generations.[96]

The exact nature of this transition was difficult to discern, and Emma Lederer and Ilona Bolla both maintained that the lords changed the social structure on their properties extremely slowly. Both argued that on royal and ecclesiastical lands, *servus* quickly came to mean something akin to 'serf' while *servus* meant 'slave' on private lands for a considerably longer period of time. In fact, Bolla even claimed that *servus* only meant 'slave' on these private, secular lands, and when another status was intended, scribes used a completely different term (*libertinus*).[97] She categorically declared that the domiciled *servi* were slaves. Lords considered them every bit as much movable property as a plough or a horse.[98] These domiciled *servi* could develop their own somewhat independent plot, but, more often than not, the lords gave them so little land that they could ameliorate their own condition with only the greatest of difficulty. Only a few of the luckiest were able to truly benefit financially from their small plots. In fact, the lords still had to provide for even these domiciled *servi* during famines and lean times.[99] Just as Szabó had noted, these independent *servi*, even though housed on a plot of land, were still very dependent on the will of the lord. The lord could, and did, expel them from their plot if he needed to sell it, or he might just sell the *servus* to another lord and away from the plot. Instead of considering the domiciled *servi* as having an independent estate, Bolla argued that they should be thought of as only being allowed to have their own marital union.[100] Thus, in contrast to most before her, Bolla was convinced that even the domiciled *servi* were in every sense chattel slaves.

At the same time, Bolla's thoughts on how the *servi* raised their status was very much in line with that declared by Lederer before, and it was somewhat at odds with her view of the domiciled *servus* as a slave. Just like Lederer, Bolla

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95   Szabó, 'A prédium. I', 31–33.

96   Szabó, 'A prédium. I', 32–33.

97   Bolla, *A jogilag egységes jobbágyságról*, 81.

98   Bolla, *A jogilag egységes jobbágyságról*, 83.

99   Bolla, *A jogilag egységes jobbágyságról*, 94–95.

100   Bolla, *A jogilag egységes jobbágyságról*, 92–94.

argued, though very briefly, that the *servus* obtained a higher status though the acquisition of the plough.[101] She maintained that initially lords gave their *servi* ploughs *ad usum*, but through time the *servi* appropriated the ploughs as their own. With the plough came further independence, and *servi* rose out of slavery.[102] Bolla's view that the *servus* on a plot remained a slave stands at odds with her position that the acquisition of a plough by the same *servus* meant he was not a slave. If they were slaves even on the plots, then the acquisition of a plough per se could not have elevated them above the slave status.

Slavery—Definitions

One of the issues concerning Árpád-era slavery that is not addressed in much of the Hungarian discussion on the subject is what is meant by the term itself. Most Hungarian scholars seem to have relied upon instinctive and popular definitions which almost always are based on popular notions of nineteenth-century American slavery, or perhaps on slavery on the ancient Roman *latifundium*. In order to remove the discussion from such popular images, I wish to examine the literature seeking to define the institution of slavery and the slave.

At the beginning of the twentieth century, Herman Nieboer published a seminal study on the characteristics of slavery and the conditions under which it existed. Nieboer argued that common definitions of his time describing slaves as merely those not free, or in 'lower condition as compared with free-men', were too vague to be of real use.[103] At the same time, Nieboer embraced the common idea that the primary characteristic of the slave was one being the property of another, but he added that slavery went beyond the 'mere physical possession' of another human being.[104] True slavery implied complete possession of the slave, including his or her will, and the possession of the will demonstrated itself in the ability of the master to command the slave to perform labour for him. Nieboer's graphic example to illustrate the distinction is that of the cannibal who possesses the other person's body in order to consume it, but does not necessarily possess the will of his meal.[105] Nieboer argued two other qualifications to his definition. The first was that the slave could not be

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101   Bolla, *A jogilag egységes jobbágyságról*, 79–80.

102   Bolla, *A jogilag egységes jobbágyságról*, 79–80.

103   H.J. Nieboer, *Slavery as an Industrial System: Ethnological Researches* (The Hague: Martinus Nijhoff, 1900), 3–4.

104   Nieboer, *Slavery as an Industrial System*, 7.

105   Nieboer, *Slavery as an Industrial System*, 7.

family of the master. Nieboer acknowledged that in some societies husbands and fathers could have complete legal control over their wives or children, but the familial connection prevented the relationship from being one based upon slavery.[106] The second qualification was that the status of the slave had to be recognized by the society of the slave holder (Nieboer equated this social recognition with legal recognition of the relationship).[107]

Nearly seventy years later, the ancient historian Moses Finley agreed with Nieboer in that he considered the most important characteristic of the slave to be his position as the property of another.[108] In opposition to Nieboer, however, Finley argued that the labour obtained from the slave was an inadequate indication of his slave status because 'all forms of labour place the man who labours in the power of another', and slavery was merely one form of dependent labour among many.[109] The truly defining characteristic of the slave, according to Finley, remains essentially unchanged from classical Roman law—the slave lived under the *dominium* of his master. In other words, his owner exerted complete power over him, and Finley argued that this condition resulted directly from the slave's legal status as property.[110] Thus, corporal punishment was the norm, and in Antiquity it was reserved exclusively for the slave.[111] The owner had other rights over the slave's body as well. Sexual gratification of his or her master formed a natural part of the role of the slave, a fact clearly illustrated by Seneca, whom Finley quotes: 'Unchastity (*impudicitia*) is a crime in the free-born, a necessity for a slave, a duty (*officium*) for the freedman.'[112]

Social scientists, on the other hand, were less concerned with such juridical concepts as property and were more interested in the social constructs within which slavery existed. Perhaps the most influential of recent decades have been Orlando Patterson and Claude Meillassoux. Meillassoux described slavery from his study of African cultures of the Sahel and the Sudan while Patterson attempted a definition of slavery through a comparative study of slave systems worldwide and throughout history.[113] (The spheres of influence

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106   Nieboer, *Slavery as an Industrial System*, 29.

107   Nieboer, *Slavery as an Industrial System*, 31.

108   Moses I. Finley, 'Slavery', in *International Encyclopedia of the Social Sciences*, ed. David J. Sills and Robert K. Merton (New York: MacMillan, 1968), 14: 307–08.

109   Finley, 'Slavery', 307–08.

110   Finley, 'Slavery', 307–08 and Moses I. Finley, *Ancient Slavery and Modern Ideology* (New York: Viking Press, 1980), 73–74.

111   Finley, *Ancient Slavery*, 93–95.

112   Finley, *Ancient Slavery*, 96.

113   Claude Meillassoux, *Anthropologie de l'esclavage: le ventre de fer et d'argent* (Paris: Presses Universitaires de France, 1986); in English translation: *The Anthropology of Slavery: The*

of each appear limited along linguistic boundaries—Meillassoux among francophones, and Patterson among anglophones.)

Both Meillassoux and Patterson emphasized the removal of the slave from all ties of kinship through a process of violence. Meillassoux argued that slavery was never arrived at through internal societal or economic processes, but rather was always the result of the violent and brutal act of abduction.[114] Once removed from their home, slaves became aliens and foreigners who could no longer participate in kinship. A slave may be allowed to reproduce, but never could he 'reproduce socially'.[115] Meillassoux described the situation as one in which the slave lived in a sense of 'kinlessness' where the slave was the very 'antithesis of kin'.[116] This removal of slaves from the properties of kin meant that slaves could not participate in the privileges and authority they might have as elders, and thus they were removed from all provisions of ascendency. As a result, slaves were aliens, removed from the society in which they belonged. As Meillassoux termed it, slaves were 'desocialised'.[117] As a result of this status as aliens, slaves experienced permanent degradation and reification, and they carried the shameful mark of their condition. They had, in effect, experienced a 'social death' from which they could never rise.[118]

Orlando Patterson came to a similar conclusion by defining slavery as 'the permanent, violent domination of natally alienated and generally dishonoured persons'.[119] He too found the origins of slavery in violence with the result that the slave was granted life in exchange for his servility. The commutation of death was not permanent, but rather 'the execution was suspended only as long as the slave acquiesced in his powerlessness'.[120] The second aspect of Patterson's definition—that of 'natal alienation'—also echoes Meillassoux's. In other words, the slave is one separated from all his genealogical line, both of his ancestors and of his descendants. The slave may leave descendants, but they can never be legitimate, and the master can remove at will any illegitimate family the slave may have.[121] Finally, Patterson considered the state of

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Womb of Iron and Gold, trans. Alide Dasnois (London: Athlone Press, 1991). Id., *L'esclavage en Afrique précoloniale* (Paris: François Maspero, 1975). Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982).

114   Meillassoux, *L'esclavage en Afrique précoloniale*, 22.

115   Meillassoux, *Anthropology of Slavery*, 35 and 67–77.

116   Meillassoux, *Anthropology of Slavery*, 35.

117   Meillassoux, *Anthropology of Slavery*, 102.

118   Meillassoux, *L'esclavage précoloniale*, 22.

119   Patterson, *Slavery and Social Death*, 13.

120   Patterson, *Slavery and Social Death*, 5.

121   Patterson, *Slavery and Social Death*, 7–8.

permanent and utter dishonour as characterizing a slave's existence. This dishonour stemmed from his complete alienation from kin and society.[122]

In some ways the differences between historians like Finley and sociologists like Patterson have been exaggerated because the basic framework of the two definitions is not as dissimilar as it might appear. For example, Patterson acknowledges that slavery has a dimension of property to it, but he downplays its importance.[123] In addition, many of the concepts that Patterson describes in detail are often found in Finley's discussion. As we have seen, Patterson argued that dishonour was a prominent characteristic of the slave. However, Finley too found dishonour to be a significant part of the concept of human property. Corporal punishments and sexual assaults were all demonstrations of the dishonour that slaves were subject to as property. Other manifestations of society's disdain for slaves are evident in the fact that owners called adult male slaves 'boy' in both ancient Greece and ancient Rome.[124] To Patterson, a slave was natally alienated, and Finley argued that the removal of the slave from his kin facilitated the owner's ability to treat him or her as an article of possession.[125] Patterson wrote of slaves existing in a state of 'liminality';[126] in other words, they lived within society yet outside of it; they were not complete outcasts from society for they moved among it, but they were also not part of society. The liminal nature of slaves is most clearly seen in those cultures that had both slavery and a rigid caste system, such as the Margi of Nigeria, the Somali, and the Koreans. In each of these societies, slaves, though not accepted as belonging to the society in question, were at the same time distinct from the outcaste group of the respective society. Thus, while sexual relationships were completely forbidden between ordinary persons and outcasts, slave owners were not forbidden similar relations with their slave women.[127] In fact, slaves were frequently the only group that could freely pass between accepted castes and outcasts. Also, outcasts could never join society while slaves could be manumitted and become 'free' members of society.[128] Along somewhat similar lines, Finley described the 'ambiguity' of the slave's position. This ambiguity stemmed from the fact that a slave was property, but also clearly human. The slave was outside society because he was viewed as property, but at times

122   Patterson, *Slavery and Social Death*, 10.
123   Patterson, *Slavery and Social Death*, 10.
124   Finley, *Ancient Slavery*, 97.
125   Finley, *Ancient Slavery*, 77.
126   Patterson, *Slavery and Social Death*, 45.
127   Patterson, *Slavery and Social Death*, 50.
128   Patterson, *Slavery and Social Death*, 50.

society could include him because he was human. For example, slaves could be treated as human and could serve as soldiers, but at the same time the whole household of slaves were punished with death if one of them murdered their master, as occurred in the instance of the murder of Pedanius Secundus recorded by Tacitus. Vast riots occurred against the 'injustice' of the execution of the whole of Pedanius' household slaves showing popular acceptance of the human nature of the slaves in question, though the fulfilment of the sentence showed the nature of Pedanius' slaves as outside the human realm.[129] In sum, the difference between Patterson and Finley is one of emphasis and an unanswerable question of origin. Finley saw the characteristics of slavery (dishonour and marginality) as resulting from the slave's position as property whereas Patterson saw the aspect of property as stemming from the dishonour of the status of slave.

Medievalists have increasingly argued that historians should hesitate before assigning hard categorizations of status in the period. As Ruth Mazo Karras has argued, rather than viewing slavery as a spectrum of dependency, as did Finley, it should be viewed as 'a graph with multiple axes' because the conditions of slaves varied considerably in terms of social or economic relations.[130] Alice Rio has argued along similar lines in her work on Frankish formularies regarding the servile. The sharp distinction between free and unfree found in the legal texts has no basis in reality. Rather, according to Rio, 'freedom and unfreedom were stages on a sliding scale rather than a clear-cut tired system'.[131] Others have been reluctant to use the term 'slave' for dependent labourers in Carolingian Europe, similarly arguing that it imposed a binary distinction between slave and free when in fact status was much more nuanced.[132] Perhaps these positions are not that different from Moses Finley's statements about the relations of masters and slaves in Antiquity where he described the layers, if you will, between slavery and freedom as a metaphorical, discontinuous spectrum.[133]

Joseph C. Miller has argued that too often historians have used the 'mass, industrialized, and ultimately racialized American form' of slavery with its

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129   Finley, *Ancient Slavery*, 98–103.

130   Ruth Mazo Karras, *Slavery and Society in Medieval Scandinavia* (New Haven and London: Yale University Press, 1988), 6–7.

131   Rio, 'Freedom and Unfreedom', 38 and 34 respectively.

132   Marios Costambeys, Matthew Innes, and Simon MacLean, *The Carolingian World* (Cambridge: Cambridge University Press, 2012), 246. See also Rio, 'Freedom and Unfreedom', 38.

133   Moses I. Finley, 'Between Slavery and Freedom', *Comparative Studies in Society and History* 6, no. 3 (April, 1964), 248.

opposition to 'liberty' to explain slavery.[134] As a result, Miller argues, historians fail to see slavery in terms of the broader processes to which it pertains, and they all too frequently fail to contextualize the practices surrounding the society in question, thus creating an 'abstracted, transcendent' institution.[135] Similarly, Youval Rotman argued that discussions on Roman and Byzantine slavery depended too much on opposing the position of 'slave' to fictive concepts of freedom.[136] Rotman maintained that dependants must be examined with regard to their civil status, seen primarily through their relationship to the public authorities, and with regard to their social connections, particularly with their masters and perhaps other institutions such as the church.[137]

Historians certainly must be careful with strict categorizations, but if we refuse to apply them at all, we deny ourselves tools for any sort of broader analysis. What remains are isolated periods and phenomena with no connection to a wider historical discussion. The result is a sort of antiquarian interest in what ends up being little more than artefacts of social history. In fact, slavery lends itself particularly well to the sort of comparative discussion that can bring depth to our understanding of society. As John Edward Philips has argued, the near-universality of slavery as part of the human condition, combined with the multitude of social and cultural variations it displays, indicates that slavery itself is the result of the cognitive process of labelling. It is the cognitive process in which people label others or themselves as slave. As such the exact conditions under which the slave exists varies with the social and historical context, but the label remains and is legitimate.[138] Philips reasons that the very fact that cultures with 'very different idealized cognitive models of slavery' have quite easily transferred slaves among themselves demonstrates that 'slave' is a 'cross-cultural category'.[139]

Another issue is the lack of sources, which is a particular problem for the first half of the Árpád period. The late arrival of literacy to the Hungarians

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134 Joseph C. Miller, 'The Historical Contexts of Slavery in Europe', in *Slavery across Time and Space: Studies in Slavery in Medieval Europe and Africa*, ed. Per Hernaes and Tore Iversen (Trondheim: Department of History, NTNU, 2002), 1–3.

135 Miller, 'Historical Contexts', 4–6. See also Joseph C. Miller's book *The problem of slavery: A global approach* (New Haven: Yale University Press, 2012), 18–20.

136 Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd (Cambridge, MA: Harvard University Press, 2009), 15–24.

137 Rotman, *Byzantine Slavery*, 22–23.

138 John Edward Philips, 'Slavery as a Human Institution', *Afrika Zamani* 11–12 (2003–2004), 33–35. See also David Wyatt, *Slaves and Warriors in Medieval Britain and Ireland, 800–1200* (Leiden: Brill, 2009), 44–45.

139 Philips, 'Slavery as a Human Institution', 35.

combined with historical accident has greatly affected the documentary
sources available to the Hungarian medievalist. When Queen Mary fled Buda
after the defeat to the Turks at the Battle of Mohács in 1526, the royal archives
were loaded onto a barge in the Danube to move them to up river. The unfortu-
nate barge sank near Esztergom, taking the great majority of the royal archives
with it.[140] We must add to this disaster the fact that the ensuing Turkish occu-
pation of the southern and central parts of the kingdom destroyed most of the
family and county archives from those regions.[141] The sources are relatively
few in number and frequently laconic in nature, so we cannot hope for explicit
statements informing us directly of the cultural attitudes towards the servile
in in Árpádian Hungary just as in Carolingian Europe. Therefore, while my dis-
cussion is informed by theory, I will of necessity have to content myself with
data and conclusions that might upset some as being excessively 'institutional'.
Of course, slavery is one form of forced labour among many or, as Moses Finley
put it, 'slavery is a species of dependent labour and not the genus'.[142] One of the
goals of this work is to determine if the dependants mentioned in the sources
should be called 'slaves' or some other type of dependants. In the medieval
context this essentially means differentiating between the slave and the serf.

Briefly, the indications that are typically used to distinguish between a
slave and a serf centre around the areas of the honour (or lack thereof) soci-
ety ascribed to them, their rights to property, their relationship to the land,
their familial rights, and finally their labour obligations. Stanley Engerman
emphasized the dishonour of a slave by noting that the slave existed in a sta-
tus of an outsider which was qualitatively different from that of the serf. So,
while serfs were considered 'lower-class, often rather despicable elements
of society…they were not always considered complete outsiders'.[143] As for
the property rights of slaves, Wendy Davies presented the typical view that
the 'archetypical slave' was, in part, a 'person who can own no property'.[144]
Engerman also characterized serfs as typically having some accepted rights to

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140   Martyn Rady, review of József Köblös, 'A budai, fehérvári, győri és pozsonyi káptalan
       archontológiája 1458–1526' [The archontology of the chapters at Buda, Fehérvár, Győr,
       and Bratislava, 1458–1526'] (Budapest: Magyar Országos Levéltár, 1987), *Journal of the
       Society of Archivists* 11, no. 3 (July, 1990), 102.

141   Martyn Rady, *Nobility, Land, and Service in Medieval Hungary* (New York: Palgrave, 2000), 10.

142   Finley, 'Slavery', 308.

143   Stanley L. Engerman, 'Slavery, Serfdom and Other Forms of Coerced Labour: Similarities
       and Differences', in *Serfdom and Slavery: Studies in Legal Bondage*, ed. M.L. Bush (New
       York: Longman, 1996), 22.

144   Wendy Davies, 'On Servile Status in the Early Middle Ages', in *Serfdom and Slavery*,
       ed. M.L. Bush (New York: Longman, 1996), 225–26.

the land on which they lived. They were not usually sold apart from it, whereas slaves generally had no land of their own and were often sold without any connection to the land on which they lived.[145] Added to this, Engerman argued that serfs, unlike slaves, were seldom transferred by their lords over significant geographic distances.[146] Slaves also had fewer family rights than serfs, if any. The families of serfs had legal sanction and were protected. Slaves, on the other hand, did not enjoy such protection and their unions could be broken up at the will of their lord. As far as labour obligations are concerned, serfs owed some combination of labour and dues, while slaves had no restriction on the work they had to perform. Slaves and their labour, in other words, were 'totally controlled by someone else'.[147]

Beginning with the issue of honour, let us look at each of these characteristics in turn and weigh their importance in differentiating the slave from the serf. It is true that while both the serf and the slave lived in states of dishonour, the slave existed in a realm of social marginality the stain of which far exceeded that of the serf. However, the nature of the sources faced by many medievalists makes such distinctions impossible. Ruth Mazo Karras is correct that we should recognize as slaves only those whom contemporaries themselves viewed as slaves, distinct from other groups of dependent labourers.[148] Such a distinction is made much easier when one has contemporary literary evidence as in the case of Scandinavia or Anglo-Saxon Britain, but elsewhere the sources available make the views a society held on the nature of slave status impossible to determine.

The next characteristic commonly thought of as part of a definition of the slaves was that they could own no property. This proposition is vastly complicated by the institution of *peculium*. The *peculium* was the personal property allowed a slave by his master, and it could take any number of forms, from land to horses to wagons. All forms of slavery—even the most harsh, and both domestic and agricultural—allowed the slave his *peculium*, and any assumption that slaves were necessarily destitute fails to take *peculium* into account. In theory, the *peculium* was actually the property of the slave holder, not the slave himself, but in most instance slaves could dispose of their *peculium* as they saw fit.[149] Slaves practised a form of usufruct over their *peculium*, and masters often left the *peculium* of their slaves alone because to do otherwise would cause an

145   Engerman, 'Slavery, Serfdom', 21. See also Davies, 'On Servile Status', 225–6.

146   Engerman, 'Slavery, Serfdom', 22.

147   Davies, 'On Servile Status', 225–26. See also Engerman, 'Slavery, Serfdom', 21–22.

148   Karras, *Slavery and Society*, 11.

149   Patterson, *Slavery and Social Death*, 182.

unnecessary agitation on the slave's part.[150] The significant difference between property ownership as enjoyed by freemen and that of slaves over their *peculium* was that slaves' control over their *peculium* did not extend to the right of inheritance. Upon the death of a slave, his *peculium* always reverted to the master.[151] Allowing slaves their *peculium* served slave holders in one significant way: *peculium* in the form of plots, animals, work tools, and access to local markets meant that masters lowered their own expenses in caring for their slaves, and in some cases slave holders used *peculium* to increase the contentment, and therefore the motivation, of their slaves.[152]

The practice of *peculium* was common throughout the ancient Near East, with slaves during the Neo-Babylonian and Persian periods even borrowing and lending money while those of the Late Assyrian period often owned slaves of their own.[153] In the ancient Near East, ancient Rome, and the American South, the *peculium* of urban slaves frequently consisted of an artisanal shop from which they kept a part of the income while paying either the balance or a fixed sum to their owner.[154] Even rural slaves in the Roman world had their *peculium* in the form of their own plots, tools, and animals. Varro, in his *Res rusticae*, encouraged owners of latifundia to allow their slaves *peculium* so that 'they may be more diligent'.[155] He also encouraged *peculium* for slave foremen, explaining that 'by this means they are made more steady and more attached to the place.'[156] From elsewhere in Varro's work, it is clear that he was thinking not just of small objects or minor equipment, but rather of possessions as

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150   Consider, for example, the inability of masters to simply take their slaves' horses in antebellum South Carolina. Philip D. Morgan, 'The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country', *The Journal of Southern History* 49 (1983), 399–420. Similar reasons were behind the fact that most masters of slaves in the American South ceased the sexual exploitation of their slaves once the girl had married another slave. Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Vintage, 1976), 414–23.

151   Patterson, *Slavery and Social Death*, 182.

152   On using *peculium* to defray the master's cost, see Robin Blackburn, 'Slave Exploitation and the Elementary Structures of Enslavement', in *Serfdom and Slavery: Studies in Legal Bondage*, ed. M.L. Bush (New York: Longman, 1996), 170–1. On using *peculium* to give slaves some sort of contentment, the comments made by Varro below.

153   Isaac Mendelsohn, *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine from the Middle of the Third Millennium to the End of the First Millennium* (New York: Oxford University Press, 1949), 67–8.

154   Mendelsohn, *Slavery*, 69–70.

155   *assidua esse possint*. Varro, *Agricultura* 1.19.3.

156   *Eo enim fiunt firmiores ac coniunctiores fundo*. Varro, *Agricultura* 1.17.5. Translation by William Davis Hooper, Loeb Classical Library, 227.

large as grazing animals.[157] Similar thinking allowed slaves in the British and French Caribbean plantations to have their own plots or provision grounds. The produce of slave labour in these islands frequently competed with that of freemen in the local markets. Such was the independence of slave activity on their provision grounds in nineteenth-century Saint Domingue that the local Intendant called them 'une petite Guinée'.[158] Nineteenth-century slaves in South Carolina sold goods they produced themselves in their free time on the open market, which could afford them better living conditions.[159] Slaves of the Western Cherokee Nation were legally allowed property until 1833, and slaves of the Creek Nation had such legal rights until 1840.[160] In addition, custom frequently allowed *peculium* where the law did not, as in the case of French Louisiana in the early eighteenth century.[161] The slaves of the Seminoles had an almost unlimited right to *peculium* and were even allowed to carry firearms.[162] Just prior to the American Civil War, the *peculium* of slaves in areas of Georgia as well as South Carolina often reached considerable size, and they owned large items such as cattle, thoroughbred horses, and wagons. The pride and economic accomplishments of these slaves demonstrated itself in their refusal to sell some of their 'fine horses' to their owners.[163] Even slaves working on the dreaded sugar plantations of Louisiana could acquire gardens with chicken coops and hogs while raising and selling personal crops for cash.[164]

The access that slaves had to land and its more or less independent use in comparison to that of serfs must also be seen in light of the practice of *peculium*. Indeed, land frequently formed part of a slave's *peculium*, and they could

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157   Varro, *Agricultura* 1.2.17.

158   Dale Tomich, '*Une petite Guinée*: Provision Ground and Plantation in Martinique, 1830–1848', in *Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas*, ed. Ira Berlin and Philip D. Morgan (Charlottesville, va: University Press of Virginia, 1993), 222.

159   John Campbell, 'As "a Kind of Freeman"? Slaves' Market-Related Activities in the South Carolina up Country, 1800–1860', in Berlin and Morgan, *Cultivation and Culture*, 243–374.

160   Daniel F. Littlefield Jr. and Lonnie E. Underhill, 'Slave "Revolt" in the Cherokee Nation, 1842', in *American Indian Quarterly* 3, no. 2 (1977), 124, 126.

161   Thomas N. Ingersoll, 'Slave Codes and Judicial Practice in New Orleans, 1718–1807', *Law and History Review* 13, no. 1 (1995), 36–37.

162   Ingersoll, 'Slave Codes', 126.

163   Had the master just taken the slave's horses as he could have legally, it would have caused him significantly more trouble than looking elsewhere for a horse. Morgan, 'The Ownership of Property', 399–420.

164   Roderick A. McDonald, 'Independent Economic Production by Slaves on Antebellum Louisiana Sugar Plantations', in Berlin and Morgan, *Cultivation and Culture*, 279–87.

exert a great degree of independent action over it.[165] Slaves in New Kingdom Egypt owned land, and there is evidence for similar land-ownership found in grants recorded in northern Mesopotamia during the Neo-Assyrian Empire.[166] As mentioned above, slaves in ancient Rome could have fields as part of their *peculium*. Land also formed part of the *peculium* of slaves in eleventh-century England.[167] Slave families in the United States in the 1840s and 1850s typically had one to two acres of land under their control.[168] In the British West Indies, even on the small island of Barbados slaves supplemented their rations with their own garden plots, and on Jamaica, slaves could have provision grounds which were quite extensive, leading some historians to refer to them as 'proto-peasants'.[169] It is claimed that this practice in the West Indies had its origins in Brazil as it was long known on plantations there.[170] Spanish masters in Guatemala gave their slaves significant autonomy, allowing them their own estates for which the slaves had the responsibility of upkeep even to the point of contracting extra labour when needed.[171] We see similar practices in sub-Saharan Africa. Slaves of the Sokoto Caliphate would receive plots totalling up to two acres, and in the Kano emirate of the late nineteenth and early twen-tieth centuries, it was considered the obligation of the slave owner to give his

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165   See also Edgar S. Shumway, 'Freedom and Slavery in Roman Law', *The American Law Register (1898–1907)* 49, no. 11 (1901), 639.

166   Daniel C. Snell, 'Slavery in the Ancient Near East', in *The Cambridge World History of Slavery*, vol. 1: *The Ancient Mediterranean World*, ed. Keith Bradley and Paul Cartledge (Cambridge: Cambridge University Press, 2011), 17. J.N. Postgate, 'Some Remarks on Conditions in the Assyrian Countryside', *Journal of the Economic and Social History of the Orient* 17, no. 3 (1974), 233. Mendelsohn, *Slavery*, 71–73.

167   David A.E. Pelteret, *Slavery in Early Mediaeval England: From the Reign of Alfred until the Twelfth Century* (Woodbridge: The Boydell Press, 1995; reprint, Woodbridge: The Boydell Press, 2001), 124–25 and 242.

168   Campbell, 'As "a Kind of Freeman"?', 133.

169   Hilary McD. Beckles, 'An Economic Life of their Own: Slaves as Commodity Producers and Distributors in Barbados', in *The Slaves Economy: Independent Production by Slaves in the Americas*, ed. Ira Berlin and Philip D. Morgan (Portland, OR: Frank Cass & Co., Ltd., 1991), 32–33.

170   B.J. Barickman, ' "A Bit of Land, Which They Call Roça": Slave Provision Grounds in the Bahian Recôncavo, 1780–1860', *The Hispanic American Historical Review* 74, no. 4 (1994), 657–59.

171   Robinson A. Herrera, ' "Por que no sabemos firmar": Black Slaves in Early Guatemala', *The Americas* 57, no. 2 (2000), 260.

slaves farm plots.[172] The same was true of contemporary Ethiopia.[173] Finally, the Arab plantation owners of the Swahili coast in the 1870s, and more recently on the island of Lamu, allowed their slaves to live on their own plots with substantial independence.[174] As with other forms of *peculium*, the significant difference between the slave's proprietary rights over his plot and those of the serf was that the slave's rights to his property were ultimately up to the will of his owner, and even the rights that the slave did possess terminated upon his death. By contrast, while a lord may have legal ownership of the land that a serf held, the serf experienced the right to pass on the plot upon which he lived, usually with only the condition of the payment of a fee. The serf's connection to the land, though decried by the *philosophes*, gave him a certain protection against his arbitrary sale away from that land. This was a protection that the slave did not enjoy. The one possible exception to the existence of a strict connection between the serf and his plot might be in modern Russia, where lords could sell their serfs either with or without the land on which they lived. It must be remembered, though, that the practice of selling serfs without land in Russia was extremely rare.[175]

Of all the criteria commonly used to distinguish between slavery and serfdom which were listed above perhaps the least useful is that of evaluating the marriage rights which slaves or serfs had. It is true that in most slave systems, particularly in the West, a very real legal distinction existed between the matrimony of the freeman and the partnerships of the slave. These forms of matrimony are generally known by the Roman legal terminology attached to them—that between freemen was termed *connubium* and that between

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172   Jan Hogendorn, 'The Economics of Slave Use on Two "Plantations" in the Zaria Emirate of the Sokoto Caliphate', *The International Journal of African Historical Studies* 10, no. 3 (1977), 374–75. Polly Hill, 'From Slavery to Freedom: The Case of Farm-Slavery in Nigerian Hausaland,' in *Comparative Studies in Society and History* 18, no. 3 (1976), 399–400.

173   A.L. Gardinier, 'The Law of Slavery in Abyssinia', *Journal of Comparative Legislation and International Law* 15, no. 4 (1933), 186.

174   Jonathon Glassman, 'The Bondsman's New Clothes: The Contradictory Consciousness of Slave Resistance on the Swahili Coast', *Journal of African History* 32, no. 2 (1991), 290 and 300. Mervyn W.H. Beech, 'Slavery on the East Coast of Africa', *Journal of the Royal African Society* 15, no. 58 (1916), 147. Patricia Romero Curtin, 'Laboratory for the Oral History of Slavery: The Island of Lamu on the Kenya Coast', *The American Historical Review* 88, no. 4 (1983), 866.

175   David Moon, *The Russian Peasantry 1600–1930: The World the Peasants Made* (London: Longman, 1999), 67 and 90.

slaves, *contubernium*.[176] In fact, in Roman law, *contubernium* was essentially a recognition of the permanent sexual union existing between slaves or between slaves and freemen.[177] *Contubernium* relationships depended upon the good will of the slave owner. In other words, the master determined if his slaves would have a partner and he chose the partner for them. Occasionally masters such as Pliny the Younger encouraged their slaves to marry out of good will towards them, but more often choices were made depending upon the master's economic needs.[178] The greatest problem with using the right to a legitimate marriage as a determinant of slavery versus serfdom is that it is not that uncommon for societies with slavery to have allowed their slaves such legal marriages. Slave owners in ancient Mesopotamia frequently provided spouses for their slaves, and in the ancient Hittite kingdom slave marriages were not only legally recognized, but spouses even had to divide equally all property held between them in the event of divorce.[179] As we will see, the right of slaves to marry in the eyes of the medieval church went through a transformation, so that in the early Middle Ages slaves' rights to marriage were severely restricted, but by the High Middle Ages they had much more freedom to enjoy legitimate marriages. In modern times several societies also allowed slaves legitimate marriages. Slaves in early modern Russia had the right to contract a legitimate marriage, as did those in the Dutch Antilles of the eighteenth century.[180]

Finally, we come to the differences in labour obligations owed by serfs and slaves. As we have seen with Nieboer, the ability of a slave owner to demand complete control of his slave's labour (and, in Nieboer's thinking, his will) has long been pointed to as a characteristic of the slave, and the contrast with the limited dues owed by a serf provides a meaningful instrument to define slavery. There are two seeming exceptions which, upon further investigations, do not hinder us from using labour obligations as a criterion for distinguishing slavery from serfdom. The first is the task-work system which was common in

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176   Andrés E. de Mañaricua, *El matrimonio de los esclavos* (Rome: Universitatis Gregorianae, 1940), 78–79. Charles Verlinden, 'Le "mariage" des esclaves', in *Il matrimonio nella società altomedievale: Proceedings of the Twenty-fourth Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo held in Spoleto April 22–28, 1976* (Spoleto: Presso la Sede del Centro, 1977), 569–93. Engerman, 'Slavery, Serfdom', 24–25. Davies, 'On Servile Status', 225–26.

177   Mañaricua, *El matrimonio de los esclavos*, 78–79.

178   Mañaricua, *El matrimonio de los esclavos*, 84–86.

179   Mendelsohn, *Slavery*, 52–3. Trevor Bryce, *Life and Society in the Hittite World* (Oxford: Oxford University Press, 2002), 53.

180   Richard Hellie, *Slavery in Russia, 1450–1725* (Chicago: University of Chicago Press, 1982), 88–93.

the nineteenth-century Carolinas. In the task-work system, masters assigned slaves tasks such as preparing and ploughing certain fields, and after completing these tasks, the slaves could pass their time as they wished. However, the not insignificant difference between the task-work system and that of the serf was that nowhere were these tasks formally agreed upon in such a manner that the slave performing them would have any form of redress if more were demanded of him. In other words, here again, the work of the slave depended solely upon the will of his owner, and the tasks could change or be increased based solely upon the will of the master.[181] Stanley Engerman has argued that a second exception was that the urban slaves such as Frederick Douglass (and presumably those in similar circumstances in the ancient Middle East and the Roman world) resembled serfs in that they lived apart from their master, arranged their own contracts for their work, and made payments in cash to their master.[182] Once again, the similarities are more superficial than real because in these instances the arrangements of payment were set up by the master and based solely upon his own will. The slave had no say and no basis for complaint if he or she did not like the arrangement placed upon him by his master. Additionally, at least in Frederick Douglass' case, he had to hand over every last cent he earned as a caulker in Baltimore to his master, a fact which particularly galled Douglass.[183] We must also not forget that in each of these situations, the dishonour attached to the slave would have been a much greater stain than that associated with the serf.

To sum up, slaves suffered from a profound stain of dishonour. Whether the dishonour stemmed from their position as property as suggested by Finley, or their position as property stemmed from their dishonour as suggested by Patterson, is irrelevant to our goal of recognizing them as slaves. Rather, the fact is that slaves were viewed as property. Concomitant with this reification is the separation of the slave from his or her own kin which shows itself at least partially in the inability of slaves to enjoy any of the privileges of elderhood and excludes them from receiving and bequeathing patrimony. As property, slaves are indeed completely subject to the will of their master. This subjection demonstrated itself in several ways, the two most common manifestations being the sexual exploitation of the slave and the use of the slave to perform labour.

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181 Philip D. Morgan, 'Work and Culture: The Task System and the World of Lowcountry Blacks, 1700–1880', *The William and Mary Quarterly* 39, no. 4 (October, 1982), 563–99.

182 Engerman, 'Slavery, Serfdom', 22.

183 Frederick Douglass, *My Bondage and my Freedom* (New York: Miller, Orton & Mulligan, 1855), 319–20.

Establishing a definition that allows the differentiation of the slave from the serf is my main task, and here it must be kept in mind that the nature of the source material renders criteria involving dishonour not particularly useful. Most of the source material for Árpád-era Hungary consists of laws and charters that do not address issues of the dishonour of *servi* directly. Therefore, though I consider them the most fundamental, issues of dishonour are conspicuously absent. I propose the following criteria for defining a slave in the period in question:

1.   The slave was property and as such could be bought, sold, and traded in whatever manner his or her owner desired.
2.   The slave was separated from kin. Slaves may have children, but cannot establish the broader relationship of kin. Separation from kin shows itself primarily in the inability of the slave to participate in rights of patrimony. The slave may enjoy certain limited rights to property, and this property may be sizeable and may even consist of land in some form, but all of the slave's property was merely part of his *peculium*. A prime characteristic of *peculium* is the inability of the slave to transfer it to succeeding generations.
3.   The labour of the slave depended solely upon the will of his master. Slaves may be required to perform all sorts of tasks, both heavy and light, but their master alone determines both the nature and the amount of work demanded of them.
4.   Slave marriages were not secure in all societies. This criterion must be qualified because, as we have seen, some societies allowed the legal protection of the union between slaves. Serfs, by contrast, always had such legal protection. Thus, while the presence of protected marriages does not necessarily indicate serfs, the forcible break up of unions does indicate slaves.

With these four criteria it is easier to determine whether those dependants appearing in the source material available for early medieval Europe were slaves or another form of dependent labourers.

Armed with a definition of a slave that is both accurate and appropriate for the nature of the source material available for both the Carolingian era and the later Árpád era will perhaps aid in addressing the subject of slavery during these periods. The questions concerning the origins and nature of slavery are still debated without much consensus, it seems. It is to these questions that we now turn.

Conclusions

Discussions of slavery in medieval Europe must begin with a definition of the institution that is based upon the sources available and takes account of the limitation of those sources. The definition must also permit a differentiation between slavery and other forms of coerced labour, namely serfdom. A primary characteristic of slavery is the stain of dishonour suffered by the slaves; however, for early medieval Europe and the early medieval period in Hungary, such dishonour is difficult to distinguish from that experienced by other forms of dependants. Thus, we must look to other properties to determine the status of slaves. The slave was considered an item of property differing from other items only in that slaves existed in the ambiguous situation of also being human. Slaves were bought and sold and generally treated as an object. Also, the slave, unlike the serf, was not allowed official and protected rights of kinship. Kinlessness can be seen in several ways. The kinless may procreate, but not belong to the intergenerational institution that is kin. He is prohibited from the right of patrimony. The slave has access to property, and this property can include even land. However, all property ownership by slaves must be seen in light of the institution of *peculium*. All ownership of *peculium* is subject to the will of the slave holder. In fact, the legal ownership of a slave's *peculium* does not lie with the slave, but rather with the slave holder himself. In light of the *peculium*, then, we can distinguish a slave from a serf in that the serf was able to pass on items of property, including plots of land, to his or her descendants whereas the slave had no such right. A final significant difference between the two dependent categories was the nature of the work obligations that each owed. The serf had defined obligations to be performed for his lord, but the slave had no such limitations placed upon his labour. The slave's work was dependent solely upon the will of his lord.

The question of the presence of slavery in the early medieval period, both in Western Europe and in Hungary, has provided some debate, but there is a different chronology to the two. Some hold that the larger estates of the Merovingian period were frequently worked by slaves, but this is not universally accepted. The existence of slavery in the Carolingian period is similarly in doubt. Some, particularly Marxists, have argued that slavery continued even throughout the Frankish period upon the small estates of independent peasants. However, a consensus has begun to emerge that slavery in the western regions of the Carolingian world declined fairly early while those areas east of the Rhine retained the use of slave labour for much longer. Similarly, in the Hungarian historiography the nature of dependent labour has at times centred

on the presence of slavery. Though early discussion often focused on which groups in the sources could be termed 'slaves', later opinion focused on the domains of secular lords as the areas of agricultural exploitation through slave labour.

The means by which slavery ended in Europe is disputed, though here again a consensus has been forming. The minority thinking is that slavery continued on smaller properties until the 'feudal revolution' around the year 1000. Marc Bloch's theories on the settling of slaves onto individual plots as the primary means by which slaves rose out of their condition has become generally accepted. However, there is disagreement over whether the settling of slaves onto plots resulted from economic recession or growth. Also, some scholars point to the resistance of slaves (especially through flight) as being significant. Similarly, regarding the demise of slavery in Hungary, historians now generally accept that settlement was a prime factor though in Hungary other elements such as the 'movement of peoples' in the thirteenth century are also thought to have contributed to the process.

Árpádian Hungary and the Land

The use of dependent labour in our period is closely related to the connection the elite had with the land. In this chapter I shall try to provide the context for this connection. In other words, how did the Hungarian elite obtain land, control land, and exploit those working the land? I shall first discuss the issues surrounding the question of how the Hungarians made the transition from a nomadic people to one whose elites derived power and income from the cultivation of the land. Then I shall describe the ways in which land is thought to have been organized, and to what purpose.

The Hungarians, or Magyars as they called themselves, were relative latecomers to Europe, arriving in the Carpathian Basin only towards the end of the ninth century. Prior to their occupation of the Carpathian Basin, they lived as pastoral nomads on the steppes of central Asia. The formation of an independent group self-identity as 'Magyar' is generally thought to have occurred in the vicinity of the lower Ural River some time between 750 and the 830s.[1] At some point the Magyar-speaking peoples split with one group heading West while the other remained in the southern Central Asia.[2] While surrounded by Turkic speakers, both Magyar groups maintained their Finno-Ugric linguistic identity, so that when the Dominican Julianus went east to make contact with the Mongols in 1235–36, he found pagan Hungarian speakers along left bank of the Volga.[3] The western group of Magyars eventually settled for a period of time in the vicinity of the Don River where, according to Constantinus VII, they submitted to the Khazar Kagan, and Magyar forces supported the military expeditions of the Kagan. The exact length of the Magyar stay among the Turkic Khazars is unknown. Though Constantinus identifies the stay as three

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1   Gyula Kristó, *Hungarian History in the Ninth Century* (Szeged: Szegedi Középkorász Műhely, 1996), 122–23. András Róna-Tas, *Hungarians and Europe in the Early Middle Ages: An Introduction to Early Hungarian History* (Budapest: Central European University Press, 1999), 297–311. A minority of scholars argue for a much earlier 'ethnogenesis', see for an example István Fodor, *In Search of a New Homeland: The Prehistory of the Hungarian People and the Conquest* (Budapest: Corvina, 1982), 171–37; Engel, *Beilleszkedés Európába: a kezdetektől 1440-ig* [Fitting into Europe: from the beginning to 1440] (Budapest: Holnap Kiadó, 2003), 19.

2   For much of what follows, see Kristó, *Hungarian history*, 97–138.

3   Róna-Tas, *Hungarians and Europe*, 429. Kristó, *Hungarian History*, 54–55, 68.

years, most historians argue that the period was much longer.[4] In any case, after another Turkic people, the Petchenegs, inflicted a serious defeat upon the Khazars and their Magyar auxiliaries, the Magyars moved west again, this time joining with elements of the Khazars and settling between the Dnieper and the lower Danube.[5] Continued pressure from the Petchenegs led the Magyars, and the remaining Khazar elements, to migrate even further west into the Carpathian Basin, where they came to Transylvania in 895–96 and shortly thereafter settled as far as the Danube–Hron line.[6] Their arrival is known in Hungarian historiography as the Conquest (*Honfoglalás*). The Hungarian name of the event belies its nineteenth-century nationalistic origins, but most scholars today reject the idea of the Conquest as anything but a flight for survival by the remaining Hungarian tribes.[7]

The lifestyle of the Magyars both before and after the Conquest is of particular interest since it serves as a starting point for all discussion of later patterns of settlement, landownership, land use, and the control of subject peoples. The Magyars practised a form of pastoral nomadism while living on the Steppes, and probably even after the Conquest while in the Hungarian Plains (the Alföld). The nature of this nomadism has been the subject of much debate over the last decades. In general there are two schools of thought. The first, and more generally accepted, school holds that the Magyars lived a semi-nomadic (*félnomád*) existence, dividing their time between winter and summer camps. The summer camps of semi-nomads were temporary settlements that served as centres for grazing. Once the pastures surrounding the summer camps were grazed over, the men would drive their herds to another summer camp. The winter camps served as more permanent quarters for the children, womenfolk,

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4   Gyula Kristó, *A Kárpát-medence és a magyarság régmúltja (1301-ig)* [The Carpathian Basin and the ancient past of the Hungarians (to 1301)] (Szeged: Szegedi Középkorász Műhely, 1994), 70–71.

5   Kristó, *A Kárpát-medence*, 77–79. Róna-Tas, *Hungarians and Europe*, 326. Kristó, *Hungarian history*, 156–58.

6   Gyula Kristó, *Magyarország története: 895–1301* [The history of Hungary: 895–1301] (Budapest: Osiris Kiadó, 1998), 50.

7   An exception to this is György Györffy, who argued that the Conquest was the result of a pre-determined plan on the part of Magyar leadership. György Györffy, 'Honfoglalás és megtelepedés', in Antal Bartha, *Magyarország története: Előzmények és magyar történet 1242-ig* [A history of Hungary: antecedents and Hungarian history to 1242] (Budapest: Akadémiai Kiadó, 1984), 1/1: 589–90. For a similar opinion, see Fodor, *In Search*, 279–80. For a summary of the dominant narrative, see Gyula Kristó, 'A Magyar Honfoglalás ünnepe és mítosza' [The Conquest and myth], in *Árpád fejedelemtől Géza fejedelemig*, ed. Gyula Kristó (Budapest: Akadémiai Kiadó, 2002), 41. Kristó, *Hungarian History*, 181.

and elderly of the tribe. Inhabitants of the winter camps practised a certain amount of limited agriculture.[8] Much of the evidence for agriculture among the early Magyars is linguistic. None of the specialized agricultural terms in Hungarian comes from Slavic or other western languages and they are almost all Turkic in origin, indicating that they predated the Conquest. For example, the words for wheat, plough, mill, and stubble (*búza, eke, dara, tarló*) are all of Turkic origin.[9] One, *aratás*, meaning 'harvest', has an Ugric stem indicating some knowledge of agriculture before regular contacts with the Turkic steppe peoples began. Other evidence for the practice of establishing semi-permanent winter quarters or camps along with agriculture comes from the testimony of the Arab geographer Ibn Rusta, though the interpretation of this text is highly problematic as we will see. According to Ibn Rusta, when the Magyars were between two great rivers, generally assumed to be the Volga and the Dnieper, they spent the winters near a large river where it was most suitable for their winter quarters, and 'they have many planted fields'.[10]

István Szabó argued that once the Hungarians arrived in the Carpathian Basin, their practice of establishing semi-permanent winter quarters or camps where they practised agriculture gradually developed into villages and ended their semi-nomadic way of life. The land around the winter camps was ploughed up, and the herds were led to summer grazing lands. The milder climate of the Carpathian Basin and the richness of the land meant that the herdsmen had no need to establish summer camps at any great distance from the winter quarters. Eventually, leaving the winter quarters in search of good grazing land was unnecessary and the winter quarters became permanent villages focused solely upon ploughing.[11]

At the same time, Gyula Kristó has argued that the Magyars were fully nomadic and not semi-nomadic. Kristó's arguments are based almost exclusively upon the scant written evidence from the pre-Conquest and Conquest eras. All of these documents emphasize the nomadic nature of the Magyars and the fact that they lived not in houses but rather in tents and wagons as they

8   György Györffy, *Système des résidences d'hiver et d'été chez les nomades et les chefs hongrois au Xe siècle* (Lisse: The Peter de Ridder Press, 1976), 3–12.

9   Róna-Tas, *Hungarians and Europe*, 110.

10   Gyula Kristó, ed., *A honfoglalás korának írott forrásai* [Written sources for the age of the Conquest] (Szeged: Szegedi Középkorász Műhely, 1995), 33. See also Ibn Rusteh, *Les tours précieux*, trans. Gaston Wiet (Cairo: Publications de la Société de Géographie d'Égypte, 1955), 160.

11   István Szabó, *A falurendszer kialakulása Magyarországon* (*X–XV. század*) [The development of the village system in Hungary (10th–15th centuries)] (Budapest: Akadémiai Kiadó, 1971), 23–29.

travelled.[12] As for the references in Ibn Rusta mentioning the many planted fields of the Hungarians, Kristó argued that there is no indication in Ibn Rusta's text that the Magyars themselves ploughed the fields, and he held that it was most likely the Slavs themselves who were the agriculturalists. Ibn Rusta's text itself described the Magyars as having rule over the nearby Slavs and considering them as slaves.[13] Certainly, recorded testimony of the Magyars using defeated Slavs as slaves appears frequently among Muslim geographers in the Al-Jayhani tradition.[14] Again according to Ibn Rusta, the Slavs paid the Magyars in sizeable amounts of agricultural produce.[15] As for the Turkic origins of the agricultural terminology in Hungarian, Kristó maintained that the Magyars could just as easily have acquired them from the Turkic-speaking inhabitants of the Carpathian Basin at the time of the Conquest.[16]

A third interpretation of the Ibn Rusta text holds that the two rivers usually understood as the Volga and Dnieper were actually the Danube and the Tisza. This interpretation rests on evidence indicating that the passage is a conflation of two earlier texts. The portion describing the Hungarians as living in tents on

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12   Gyula Kristó, *Honfoglalás és társadalom* [The Conquest and society] (Budapest: MTA Történettudományi Intézete, 1996), 23–64.

13   Kristó, *Honfoglalás és társadalom*, 18–19.

14   Muslim geographers, Ibn Rusta and Gardizi, both of whom followed an earlier albeit lost work by the Persian Ibn Jayhan. István Zimony, *Muszlim források a honfoglalás előtti magyarokról: a Ğayhānī-hagyomány magyar fejezete* [Muslim sources on the pre-Conquest Magyars: the Hungarian chapter of the Jayhani tradition] (Budapest: Balassi Kiadó, 2005), 229–31.

15   Translation by Károly Czeglédy in György Györffy, *A magyarok elődeiről és a honfoglalásról: kortársak és krónikások híradásai* [the Ancestors of the Hungarians and the Conquest: reports of contemporaries and chroniclers] (Budapest: Gondolat Kiadó, 1986), 88. Géza Kuun translated it in a similar manner: 'A velük szomszédos szlávfajú népek felett uralkodnak s őket termékből álló nehéz adókkal terhelik.' Gyula Pauler and Sándor Szilágyi, eds., *A magyar honfoglalás kútfői* [Sources for the Hungarian Conquest] (Budapest: Magyar Tudományos Akadémia, 1900; reprint, Budapest: Nap Kiadó, 2000), 169. Gaston Wiet's translation has the Slavs owing 'un lourd tribut'. Mihály Kmoskó similarly translates their obligations as 'nehéz terhek'. Ibn Rusteh, *Les tours précieux*, trans. Gaston Wiet (Cairo: Publications de la Société de Géographie d'Égypte, 1955), 160 and Mihály Kmoskó, *Mohamedán írók a steppe népeiről: Földrajzi irodalom.* [Muslim writers on the peoples of the Steppes: geographical literature], vol. 1, bk 1 (Budapest: Balassi Kiadó, 1997), 208. Martinez' translation of the passage is the only one to present the Slavs as owing 'harsh services (*corvées*)'. A.P. Martinez, *Gardīzī's Two Chapters on the Turks*, Archivum Eurasiae Medii Aevi, vol. 2 (Wiesbaden: Otto Harrassowitz, 1982), 161. Zimony argues that Czeglédy's translation is the more accurate one. Zimony, *Muszlim*, 242.

16   Kristó, *Honfoglalás és társadalom*, 18.

the grasslands came from an earlier text and described the Magyar's situation on the Steppes of central Asia while the portion explaining the Magyars as having many planted fields and living among woodlands and marshes actually describes the conditions of the Magyars in the Alföld between the two greatest rivers of the Carpathian Basin.[17] Prior to the great drainage projects of the nineteenth century, the Alföld was interspersed with marshy areas and woodlands. If this interpretation is correct, the enslaved Slav neighbours would be the pre-Conquest Slavic populations, and the planted fields could be a combination of their fields and the fields directly under the control of the new Magyar immigrants. This interpretation fits in nicely with the archaeology of the Conquest-era Magyar settlements, which shows significant numbers of domesticated animals of the sort used by settled agriculturalists. In other words, evidence of goats and chickens predominate, and missing are the cattle and sheep of pastoral nomads.[18]

The decades-old debate over whether the Hungarians had a nomadic or semi-nomadic lifestyle is based upon earlier concepts of nomadism, and the whole debate loses its importance in light of more recent studies. It is increasingly clear among anthropologists that it is impossible to speak of 'nomadism' as a fixed point of departure because of the incredible diversity and flexibility of the nomadic way of life. Such variability makes basic definitions of terms such as 'nomad' and even 'transhumance' extremely difficult.[19] Nomadic societies frequently are in a state of flux, taking their form according to the circumstances afforded them. Their relationship to markets, agricultural settlements, and agriculture itself, not to mention political hierarchy, gender roles, and even kinship patterns all vary depending upon both internal and external factors such as proximity to strong, centralized states and climatological conditions.[20] János Matolcsi argued that the Magyars did indeed vary their lifestyle between different forms of nomadism because of the climatological changes that took

17   Kmoskó, *Mohamedán írók*, 201–02 and 208, n. 830.

18   József Laszlovszky, 'Földművelés és állattenyésztés a középkori Magyarországon' [Agriculture and animal husbandry in medieval Hungary], in *Magyar középkori gazdaság- és pénztörténet*, ed. Márton Gyöngyössy (Budapest: Bölcsész Konzorcium, 2006), 61.

19   See for example Shuyler Jones, 'Transhumans Re-Examined', *The Journal of the Royal Anthropological Institute* 11, no. 2 (June, 2005), 357–59.

20   Nikolay N. Kradin, 'Cultural Complexity of Pastoral Nomads', *World Cultures* 15 (2001), 171–89. Rada Dyson-Hudson, 'Nomadic Pastoralism', *Annual Review of Anthropology* 9 (1980), 15–61. Philip Carl Salzman, 'Pastoral Nomads: Some General Observations Based on Research in Iran', *Journal of Anthropological Research* 58, no. 2 (Summer, 2002), 245–64. Rudi Paul Lindner, 'What Was a Nomadic Tribe?', *Comparative Studies in Society and History* 24, no. 4 (October, 1982), 689–711.

place from the fifth to the ninth centuries, maintaining that known changes in the water levels over the period indicate a decline in rainfall on the Steppes which would have pushed the Hungarians into a more fully nomadic lifestyle.[21]

Whether or not the Magyars practised agriculture prior to entering the Carpathian Basin, once there, they evidently adapted to it quite rapidly. This is evidenced by archaeology as mentioned above, and it also corresponds with the evidence demonstrating how flexible nomadic societies are—quickly adapting to the climate, landscape, and political situation in which they find themselves. The mechanisms of the transition from a pastoral economy based upon the ownership of herds to one based upon agriculture and the ownership of land are unknown to us due to the paucity of written evidence.

That the Magyars maintained a level of connection with their horses and the nomadism in whatever form it existed is evidenced by the fact that during the first half of the tenth century they conducted a series of raids throughout Europe roaming as far as the Iberian Peninsula and northern Francia in the west, as far south in the Italian Peninsula as Otranto and throughout Thrace in the south-east.[22] Numerous western and eastern sources from the tenth century describe the Magyars as travelling and fighting on horseback and living in tents.[23] Even after the end of the raiding, following the battles of Lechfeld and Arcadiopolis and into the eleventh century, some portions of Magyar society evidenced traces of the nomadism. The Greater Legend of Saint Gerard described the tribal leader Ajtony has having 'countless spirited steeds, not counting those his horse herds kept in barns (*in domibus*). He also had numerous cattle with a herdsman for each herd.'[24] Charters indicate that Magyar elites continued to hold large herds into the twelfth century.[25] In a well-known passage, Otto of Freising wrote in 1147 that the Hungarians had few wooden buildings, very few stone ones, and spent most of the summer and the autumn in tents (*papiliones*).[26]

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21   János Matolcsi, 'A középkori nomád állattenyésztés kelet-európai jellegzetességei' [The Eastern European characteristics of animal keeping by medieval nomads], in *Nomád társadalmak és államalakulatok*, ed. Ferenc Tőkei (Budapest: Akadémiai Kiadó, 1983), 281–306.

22   Gyula Kristó, *Az Árpád-kor háborúi* [The wars of the Árpáds] (Budapest: Zrínyi Kiadó, 1986), 26–45. Albin Gombos, 'A honfoglaló magyarok itáliai kalandozásai (898–904)' (The Italian raids of the Conquest-era Hungarians), *Hadtörténelmi közlemények* 28 (1927; reprint: Budapest: Attraktor, 2011), 429–519.

23   Kristó, *Honfoglalás és társadalom*, 23–25.

24   SRH II, 489. Fourteenth century, but goes back to an eleventh-century source.

25   Kristó, *Honfoglalás és társadalom*, 24–26.

26   Otto of Freising, *Gesta Frederici I Imperatoris*. MMG. SS 1: 32.

In other words, after the Conquest, the economic and social transformations that occurred among the Hungarians were not uniform for all of the immigrants. Some turned to working the land while others remained more connected to pastoralism. With the rising hegemony of the Árpád clan and its western orientation, the Magyar elites increasingly associated themselves with landownership as the means of their position. The exact means of this transformation is unknown, but most theorize that the pastoral Magyar ruling elite appropriated conquered lands from their own clans along with the agricultural-based servile inhabitants of those lands. As clans seized lands for themselves, so the theory goes, they developed 'islands' of landholdings, and these islands became the basis for the *praedia* found in the charters of the eleventh and twelfth centuries.[27] We are afforded a possible glimpse at this process in the foundation charter for the Greek rite convent at Veszprémvölgy issued by Stephen I (r. 1000–38), dated around 1018. The charter commanded all freemen who did not want to live 'under the dominion of the holy monastery' (εἰς τὸ κράτος τῆς ἁγίας μόνης) to be driven away 'against their desires and wishes'.[28] Similarly, when *comes* Petrus gave lands the monastery at Százd, near present-day Tiszakeszi, in 1067, he ordered that 'from this day on, whoever lays claim to the title of freedom move away, except from the *familia* of the church'.[29] Those who did not wish to submit to the new authorities moved away and made their living as best they could. Gyula Kristó termed them the 'other Hungary', the part of Hungarians excluded from the new system who only appear in our written sources peripherally as the *servientes cum equis, Ungari*, and the like.[30] It is probable that the displaced elements formed the core of the so-called 'pagan rebellions' of the eleventh century.

By the twelfth century the new elite, based around ownership of land, had become well established. By far the greatest landholder was the king, who is

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27   Emma Lederer, *A feudalizmus kialakulása Magyarországon* [The formation of feudalism in Hungary] (Budapest: Akadémiai Kiadó, 1959), 35–37 and 43–45. Ilona Bolla, 'Das Dienstvolk der Königlichen und Kirchlichen Güter zur Zeit des Frühen Feudalismus', *Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominate, Sectio Historica* 17 (1976), 15–16. Eadem, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 69–70.

28   György Györffy, *Diplomata Hungariae antiquissima* (Budapest: Akadémiai Kiadó, 1992), 85.

29   *unde ex hac die recedant, preter ecclesiasticam familiam, quicunque libertatis nomen affectant*. Györffy, *Diplomata*, 184.

30   Kristó, *Honfoglalás és társadalom*, 64. See also Gyula Kristó, 'Rendszerváltás Magyarországon az ezredfordolón' [System change in the new millennium], in Gyula Kristó, *Írások Szent Istvánról és koráról* (Szeged: Szegedi Középkorász Műhely, 2000), 32–34.

thought to have held anywhere from 70 to 85 per cent of the total in the twelfth century.[31] Royal land was organized around two independent, but related, institutions. One was the royal county (*comitatus*, Hungarian *megye*), headed by a count (*comes*, Hungarian *ispán*), who was responsible for maintaining order within the county, collecting royal revenues, and mustering soldiers within its jurisdiction.[32] In addition to the royal county, there was an institution known as the castle county. The main task of the castle count was the organization and mustering of the royal host. Both the royal county and the castle county were supplied by networks of dependent labourers, a fact that was particularly important since the royal court was itinerant until the thirteenth century, and the castles had to be prepared to provide hospitality in the event of a royal visit. Men termed udvorniks (*udvornici*) were responsible for provisioning the county castles. The exact status of the udvorniks was quite debated during the early decades of the twentieth century as we have seen. Consensus today holds that the *udvornici* enjoyed the right to their own plots of land, and their labour obligations were strictly defined, as we shall see below.[33] While the royal counties consisted of integral lands surrounding the castle at their centre, the lands assigned for the upkeep of the castle counties and the army were much more dispersed. The lands associated with the castle at Szolgagyőr, for example, were spread through as many as fifteen separate counties.[34] We know more about the inhabitants of castle county land (called *civilis*, or *civis*, later universally termed *castrensis*). Like the *udvornici*, these inhabitants were generally allowed the right to their own plot of land. Their work obligations were generally defined, though they seem to have been often organized into specializations such as vintners, fishermen, and so on. Some had military duties such as

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31   Gyula Kristó, 'Korai feudalizmus (1116–1241)' [Early feudalism (1116–1241)], in *Magyarország története tíz kötetben*, ed. Antal Bartha, vol. 2 (Budapest: Akadémiai Kiadó, 1984), 1035.

32   Attila Zsoldos, 'Szent István vármegyéi' [The castle counties of Saint Stephen], in *Államalapítás, társadalom, művelődés*, ed. Gyula Kristó (Budapest: MTA Töténettudományi Intézete, 2001), 51. See also Attila Zsoldos, *Az Árpádok és alattvalóik: Magyarország története 1301-ig* [The Árpáds and their subjects: a history of Hungary to 1301] (Debrecen: Csokonai Kiadó, 1997), 121 and István Petrovics, 'Szent István államszervezése' [State Organisation of Saint Stephen], in *Az Államalapító*, ed. Gyula Kristó, 83–88.

33   Gyula Kristó, *A vármegyék kialakulása Magyarországon* [The development of the castle counties in Hungary] (Budapest: Magvető Könyvkiadó, 1988), especially 100–207. For shorter summaries see Kristó, *Magyarország története*, 101–03. Erik Fügedi, *Castle and Society in Medieval Hungary (1000–1437)* (Budapest: Akadémiai Kiadó, 1986), 18–20. Martyn Rady, *Nobility, Land, and Service in Medieval Hungary* (New York: Palgrave, 2000), 18–20.

34   Zsoldos, 'Szent István vármegyéi', 49.

garrison and prison-guard duty, and their officers were known as *iobagiones castri*. These *iobagiones* resembled in some ways the *ministeriales* of German territories. They enjoyed certain privileges in exchange for performing military service, exemption from taxes typically owed by other inhabitants on royal lands, and certain rights to land.[35]

The next greatest landlord in the early part of the Árpád dynasty was the church, though the amount of land actually possessed by the church paled in comparison to that held by the king. Perhaps only as much as 15 per cent of the land was in the possession of ecclesiastical institutions by the end of the twelfth century, but since the church was the main producer of documents in Hungary, we know much more about ecclesiastical organization and land use than we do about either royal or other elite landholders.[36] The early churchmen in Hungary were immigrants from the West, most of them Italian or German monks, and even later when Hungarians filled the ranks of the clergy, the international connections that the church afforded meant that ecclesiastical practices abroad influenced church institutions within the kingdom of Hungary.[37] Ecclesiastical landlords took the properties given to them, along with their subject inhabitants, and organized them according to their own needs, and according to the practices with which they were most familiar. As a result, most of the labourers on church properties lived on their own plot, usually termed a *mansio*, though in the fragmentary inventory of the priory at Arad they are termed *sortes*. During the course of the thirteenth century, these plots appear to have become fixed and could not be added to or divided.[38] In some cases the plot determined the obligations owed to the

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35   *Ministeriales* actually held their land as a fief, but the institution of the fief never really spread to Hungary, and *iobagiones castri* of the thirteenth century held their land independent of the king. See Michel Parisse, 'Les ministériaux en Empire: ab omni jugo servili absoluti', *Jahrbuch für westdeutsche Landesgeschichte* 6 (1980), 14–18; Benjamin Arnold, *German Knighthood 1050–1300* (Oxford: Clarendon Press, 1985), 54–65, 110–19; Zsoldos, *Az Árpádok és alattvalóik*, 201–5; and Attila Zsoldos, *A szent király szabadjai: fejezetek a várjobbágyság történetéből* [The freemen of the holy king: chapters from the history of the *iobagio castri*] (Budapest: Magyar Tudományos Akadémia, 1996), 76–79.

36   Kristó, 'Korai feudalizmus', 1035.

37   Ferenc Maksay, 'Benedekrendi gazdálkodás Tihanyban a XIII–XIV. századi struktúraváltozás idején' [Benedictine administration at Tihany in the era of the structural changes of the 13th–14th century] in *Somogy megye múltjából*, ed. József Kanyar (Kaposvár: NP, 1972), 8–9. Elemér Mályusz, *Egyházi társadalom a középkori Magyarországon* [Ecclesiastical society in medieval Hungary] (Budapest: Akadémiai Kiadó, 1971; reprint, Budapest: Műszaki Könyvkiadó, 2007), 17.

38   Maksay, 'Benedekrendi gazdálkodás', 8–9.

church. In all instances, church properties and the obligations and form of the
dependent labour on those properties varied significantly. These variations
were due in part to the extensive and spread-out nature of the church properties
themselves.[39] The centre of each of the church properties organized its lands in
order to maximize support of the centre itself, so that those living further from
the centre tended to owe dues in kind as well as cartage duties to deliver the
materials whereas those living closer to the centre tended to owe service dues.
In many instances these services were not specified, but were at the mercy of
their ecclesiastical lord. We will discuss these obligations in Chapter 8.

Prior to the reforms of Andrew II (his self-proclaimed 'new institutions') of
the middle of the thirteenth century, private landlords, that is, those holding
land apart from either the church or royal lands, were by far the smallest in
number. Perhaps as little as 1 per cent of the land in Hungary was owned by
individuals or clans.[40] Acquisition of land in the Árpádian kingdom depended
solely upon the largesse of the king, and land grants by kings were unrestricted,
so that individuals essentially held land as allods without any 'feudal' require-
ments.[41] These allods that lay lords held can be found throughout the docu-
mentation of the Árpád era and frequently appear in the sources as *praedia*.
In fact István Szabó estimated that among charters from the eleventh and
twelfth centuries, 45–50 per cent of the settlements mentioned are described
as *praedia* in the texts, and the figure remained at almost a third of all settle-
ments during the first half of the thirteenth century.[42] A reasonable picture
of the structure of *praedia* can be drawn from the written sources. Most fre-
quently, *praedia* are merely mentioned by name without a description of their
boundaries, but at least by the twelfth century, they were thought of as hav-
ing very distinct boundaries.[43] In many respects, *praedia* appear to have been

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39   Dénes Szabó, *A dömösi adománylevél hely- és vízrajza* [The geography and hydrography
      of the Dömös foundation letter] (Budapest: Akadémiai Kiadó, 1953), 47–48. Kristó, 'Korai
      feudalizmus', 1047–51.

40   Kristó, 'Korai feudalizmus', 1034–35.

41   György Bónis, *Hűbériség és rendiség a középkori magyar jogban* [Vassalage and the orders
      in medieval Hungarian law] (Kolozsvár: Erdélyi Tudományos intézet, 1947), 105–10.
      Zsoldos, *Az Árpádok és alattvalóik*, 158–59.

42   István Szabó, 'A prédium: Vizsgálódások a korai magyar gazdaság- és településtörténelem
      körében. 1. rész' (The *praedium*: studies on the economic and settlement history of early
      Hungary. 1), *Agrártörténeti Szemle* 5, nos. 1–2 (1963), 4.

43   This is clear from the donation to the abbey at Pannonhalma of 1146, which involved a
      praedium whose boundaries were even at that time considered 'ancient' (*antiquitus*).
      Gusztáv Wenzel, *Codex diplomaticus Arpadianus continuatus*. 12 vols. (Pest: Eggenberger
      Ferdinánd, 1860–74), 1: 56. Of course the 'ancient boundaries' of *praedia* continued to be

established as economically independent units. A charter from 1135 described a *praedium* as having plough land, fruit trees, woods, hayfields, and 'other necessary appurtenances sufficient for human use'.[44] Orchards are commonly mentioned along with fishponds, mills and vineyards.[45] In fact, vineyards were so common that their absence was particularly noteworthy.[46] By far the most important agricultural function of the *praedium* was the production of grain since *servi* or *mancipia*-ploughmen (*servi aratorum*) existed on almost every *praedium* mentioned in the sources. We will look at the *servi aratorum* in more detail in Chapter 6. The few exceptions to the corn-producing *praedia* are those that appear to be dedicated primarily to pastoral activities involving cattle, horses, sheep, and the like.[47] *Praedia* varied in size. Some could be quite small like the four described at the foot of the mount of Pannonhalma, none of which had more than eight families (*mansio*) of *mancipia*.[48] On the other hand, a few were rather large such as the *praedium* given to the monastery at Százd in 1067, which had twenty *mansiones servorum* living on it.[49]

Many *praedia* had at their core a homestead known in the sources as the *curia* (occasionally termed a *curtis* or even *locus*), within which was a building called the *domus*, serving as the lodging of the lord and his family.[50] The

mentioned throughout the period, even as late as the end of the thirteenth century. Imre Nagy, Iván Páur, Károly Ráth, and Dezső Véghely, *Codex diplomaticus patrius*. 8 vols. (Győr: Sauervein Géza, 1865–91), 8: 329–30.

44 *arbores fructiferas, silvam, fenum et alia neccessaria ad humanum usum pertinencia satis*, DF 206814.

45 For example: orchards: Georgius Fejér, ed., *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829–44), vol. 3, bk 1: 158. Wenzel, *Codex diplomaticus Arpadianus*, 6: 425; fish ponds: Fejér, *Codex diplomaticus*, vol. 2: 55–6; vol. 3, bk 2: 67. Wenzel, *Codex diplomaticus Arpadianus*, 2: 110, 115; mills: Nagy et al., *Codex diplomaticus patrius*, 1: 3. Fejér, *Codex diplomaticus*, vol. 3, bk 1: 158. Wenzel, *Codex diplomaticus Arpadianus*, 6: 384; 7: 50. vineyards: Nagy et al., *Codex diplomaticus patrius*, 5: 3. Fejér, *Codex diplomaticus*, 2: 55–56. Wenzel, *Codex diplomaticus Arpadianus*, 9: 403.

46 *predium sine vineis*. Fejér, *Codex diplomaticus*, 2: 186.

47 Pastoral *praedia*: DF 262518; DF 200616. Fejér, *Codex diplomaticus*, 2: 85. Some examples of *servi aratorum*: DL 003638. DF 208361. Wenzel, *Codex diplomaticus Arpadianus*, 2: 13. Nándor Knauz, *Monumenta ecclesiae Strigoniensis*, vol. 1 (Esztergom: Aegydius Horák, 1874), 118. Fejér, *Codex diplomaticus*, 2: 255.

48 DF 206820.

49 Györffy, *Diplomata*, 184.

50 DL 000475; DL 66105; DL 00002. DF 206815; DF 206827; DF 285785; DF 200612. Fejér, *Codex diplomaticus*, vol. 4, bk 3: 263. Knauz, *Monumenta*, 1: 118. László Erdélyi, *A pannonhalmi Szent-Benedek-rend története* [The history of the Order of Saint Benedict at Pannonhalma]. 12 vols. (Budapest: Stephaneum, A Szent-István-Társulat Nyomda, 1902–16) 1: 599; 10: 524.

curia also evidently had outbuildings as necessary for the economic functions of the property, sometimes including wine cellars (*cellarius*).[51] It appears to have been surrounded by some form of a hedge, or fence, as we have mention of *curiae* having a 'gate' (*porta curie*).[52] A small number of animals were kept within the *curia* itself, and we have record of one *curia* containing two goats, two kids, one horse, and five pigs.[53] The *curia* housed other living property in the form of *servi* and *ancillae*, some of whom were housed in a separate *domus servorum* while others appear to have actually lived in their lord's *domus*.[54] In addition, we see those who had more specialized duties such as cooks (*cocus*), chambermaids (*pedisequa*), and chamberlains (*cubicularius*).[55]

The *curia* is the most likely candidate for an administrative centre of the *praedia*, but *curiae* were not present on all *praedia*. In fact, the majority of *praedia* did not have a *curia*.[56] How then did lords administer those *praedia* without *curiae* on them? The answer is twofold. First, they seem to have used a substitute.[57] It is rare for these substitutes to appear in the records, but a charter from 1171 mentioned one official termed *iobagio* and named Petus (Petrus?), who was put in charge of a particular *praedium* without a *curia* (*iobagionem*

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51   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 599; 5: 524. Wenzel, *Codex diplomaticus Arpadianus*, 1: 58, 183; 11: 344–46. Nagy et al., *Codex diplomaticus patrius*, 3: 72. Fejér, *Codex diplomaticus*, vol. 2: 199; vol. 4, bk 3: 263; vol. 8, bk 3: 135; vol. 9, bk 7: 631–32.

52   Wenzel, *Codex diplomaticus Arpadianus*, 9: 139.

53   Erdélyi, *A pannonhalmi Szent-Benedek-rend töténete*, 10: 524.

54   See page 000 below. Servile within the *curia*: Wenzel, *Codex diplomaticus Arpadianus*, 1: 58. *domus servorum*: Nagy et al., *Codex diplomaticus patrius*, 3: 72. *Servi* and *ancillae* living in the lord's *domus*: Fejér, *Codex diplomaticus*, vol. 8, bk 3: 135 and Wenzel, 4: 173.

55   *Cubicularius*: Fejér, *Codex diplomaticus*, 1: 450; 2: 92, 345–46. Nagy et al., *Codex diplomaticus patrius*, 6: 8–10. *cocus*: Fejér, *Codex diplomaticus*, 2: 92. *pedisequa*: Fejér, *Codex diplomaticus*, vol. 3, bk 2: 479. Wenzel, *Codex diplomaticus Arpadianus*, 1: 173. János Karácsonyi and Samu Borovszky. *Regestrum Varadinense examinum ferri candentis ordine chronologico digestum, descripta effigie editionis a. 1550 illustratum* (Budapest: A Váradi Káptalan, 1903), 156, 252, 262.

56   For example, the *praedium* named Edeci described in Forcos son of Poznan's will from 1165 consisted of only two ploughs and four *servus* families (*cum duobus aratris boum et quatuor familias servorum*). Wenzel, *Codex diplomaticus Arpadianus*, 6: 104.

57   István Szabó (and following him, Jenő Szűcs) maintained that these *praedia* without the residence of their lord were then administered by an official termed the *rector* or *procurator*. Szabó, 'A prédium. I', 42. Jenő Szűcs, Megosztott parasztság—egységesülő jobbágyság: a paraszti társadalom átalakulása a 13. században (első rész)' [Divided peasantry—unification of serfdom: the transformation of peasant society in the 13th century (Part I)], *Századok* 115, no. 2 (1981), 5.

nomine Petus, qui preest eidem Predio).[58] Second, it may have been common for
a lord to administer his various *praedia* from a central *curia* where he had his
residence. This appears to be the case in a charter from 1231. The charter lists by
name five *praedia* belonging to the patrimony which were owned communally
by brothers of the archbishop of Esztergom. The first *praedium* was known in
Hungarian as *Wduorhel* (*quod vulgo dicitur Wduorhel*), corresponding to the
modern Hungarian *udvarhely*, or 'court-place', or *curia. Wduorhel* is also the
only *praedium* of the five which is described as having a *domus*.[59] The brothers,
with the exception of the archbishop, lived in the *domus* on the one *praedium*
where a *curia* was located, and there is no mention of administrators of the
other *praedia*. It is not unreasonable to surmise that the brothers then admin-
istered the four other *praedia* that did not have *curiae* from the one where
they lived. This type of organization is also apparent in the case where one
praedium is listed as the *praedium principale* with the other *praedia* belonging
to it.[60] In any case, the fact remains that in most instances the lord was not
actually in residence on most *praedia*.

Until recently all information about these *praedia* came from the docu-
mentary sources, but since the 1990s archaeological finds have added to the
discussion. Two discoveries have been connected to the *praedia*. The first is
the uncovering of numerous small, fortified centres throughout the country-
side known in the historiography variously as earthen castles, private castles,
or even little castles (*földvárak, magánvárak, kisvárak*). These earthen castles
have posed numerous problems for both archaeologists and historians. For
one, they are extremely difficult to date beyond the general statement of being
from the period of the Árpáds, though even here there is some disagreement as
to whether the castles dated mostly from before the Mongol invasion of 1241, or
mostly after it.[61] For another, the function of these castles is debated. A general
consensus holds that the earthen castles were associated with individual clans
or kindreds, and some have proposed that they served as the family's *curia*

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58   Fejér, *Codex diplomaticus*, vol. 9, bk 7: 632.

59   Fejér, *Codex diplomaticus*, vol. 3, bk 2: 228.

60   Szabó, 'A prédium. I', 42.

61   István Feld, 'Megjegyzések az Árpád-kori ú.n. kisvárak kérdéséhez' [Remarks on the
      question of the so-called little castles], *Műemlékvédelem* 31 (1987): 2. András Kubinyi,
      'Árpád-kori váraink kérdése' [The question of Árpád-era castles], in *Várak a 13. Században*,
      ed. László Horváth (Gömbös: Mátra Múzeum, 1990), 291. István Feld, 'A magánvárak építé-
      sének kezdetei a középkori Magyarországon a régészeti források tükrében. I' [The begin-
      nings of the building of private castles in medieval Hungary in light of the archaeological
      sources. I], *Századok* 148, no. 2 (2014), 355–60.

that we find in the written sources.[62] Their small size accounted for the fact that only the landlord's family and a few *servi* would have lived within them, while the rest of the outbuildings and residences for the *praedium*'s inhabitants would have been outside of the ramparts and palisades, which is indeed what some archaeologists have found.[63] Others have argued that it is impossible to know if the landlord and his family lived within the fortifications or if it was merely a castellan and his entourage.[64] It is probably a mistake to think that all these earthen fortifications served the same function, or only one function. Some may have served as the *curia* from which a family would manage their *praedia* while others served as power bases and were garrisoned by a castellan of sorts. The two functions are not mutually exclusive, and with the existence of endemic intra-kindred conflict over properties, families with the wherewithal would have found fortifications against rival members of their clan quite useful.[65]

Another archaeological discovery with possible implications for the *praedia* is the clear evidence that Árpádian Hungary consisted of countless settlements outside the village structure. Archaeological surveys in both Békés County (near the current Romanian and Serbian border) as well as in Pest County (where part of Budapest is located) indicate that between villages, a string of minuscule settlements existed. The exact nature of these settlements is unknown, but they frequently appear to have been independent farms, or collections of farms in small hamlets.[66] They were certainly distinct entities from the proper villages.[67] Most of these farms disappeared after the fourteenth century, and the nature of their owners is something of a mystery.[68]

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62 Zsuzsa Miklós, *A gödöllői domvidék várai* [The castles of the hill country of Gödöllő) (Aszód: Petőfi Múzeum, 1982), 77–81. Feld, 'A magánvárak', 361.

63 Zsuzsa Miklós, 'Árpád-kori (XII–XIV. századi) kisvárak Magyarországon' [Árpád-era (12th–14th century) small castles in Hungary], in *Középkori régészetünk újabb eredményei és időszerű feladatai*, ed. István Fodor and László Selmeczi (Budapest: Művelődési Minisztérium, 1985), 151–52.

64 Feld, 'A magánvárak,' 362–364.

65 See Cameron Sutt, '*Parentela*, Kindred, and the Crown: Inheritance Practices in Árpád-Era Hungary', in *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds*, ed. Béatrice Caseau and Sabine R. Heubner (Paris: Centre de Recherché d'Histoire et Civilisation de Byzance, Monographies 45, 2014), 13–14.

66 József Laszlovszky, 'Tanyaszerű települések az Árpád-korban' [Farmsteads in the Árpádian age], in *Falvak, mezővárosok az Alföldön*, ed. László Novák and László Selmeczi (Nagykőrös: Arany János Múzeum, 1986), 137–38.

67 Laszlovszky, 'Tanyaszerű települések', 138.

68 Laszlovszky, 'Tanyaszerű települések', 144.

The most probable owners are to be found among the less well-off freemen. Perhaps some were the castle people of the royal castle lands (*civilis* discussed above), or they may have come from among the owners of smaller *praedia*. Some of the farms may have served as the *curia* of smaller *praedia*. In the case of those *praedia* with only one or two *servi* working on it, the buildings of the owner that made up the *curia* would have hardly differed from those of the *servi* themselves.[69] There is no reason to limit these farms and hamlets to one type of settlement, they almost certainly belonged to various owners. Some farms belonged to castle inhabitants whose role was to supply the royal system, and others were the *praedia* of free laymen.

Where did the produce of these farmsteads end up? Chris Wickham has argued that if slavery existed in early medieval Europe, it was the result of lords' use of direct cultivation to take advantage of market needs.[70] If this is true of Hungary as well, we must investigate whether such markets existed in Árpád-era Hungary. It is clear that products from Hungary did make it to international markets though for the most part agricultural produce was not a major export, at least not during the period in question. Livestock, especially horses, supplied a major source of exports for the Magyars from the very beginning of their settlement in the Carpathian Basin. The primary Russian chronicle described traders from the land of the Ugors (i.e. Hungary) bringing silver and horses.[71] Early laws controlling the exportation of horses indicate their importance as items of trade, and some *praedia* seem to have operated primarily for the production of horses.[72] Cattle appear as significant exports well beyond the Árpád-era. The custom dues for the markets of Varasd and Verőce (Varaždin and Virovitica in modern Croatia) from 1209 and 1242 both list horses, oxen, and hogs as items for export to German lands. The other living item of export from the Magyars was slaves. As mentioned previously, the Al-Jayhani tradition described the Magyars as using slaves they had

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69   Laszlovszky, 'Tanyaszerű települések', 146–47.

70   Chris Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean, 400–800* (Oxford: Oxford University Press, 2005), 259–302.

71   Balázs Nagy, 'Magyarország külkereskedelme a középkorban' [The international trade of Hungary in the Middle Ages), in *Magyar középkori gazdaság- és pénztörténet*, ed. Márton Gyöngyössy (Budapest: Bölcsész Konzorcium, 2006), 176–77. Gyula Kristó, ed., *Az állam-alapítás korának írott forrásai* [Written sources from the era of the founding of the state] (Szeged: Szegedi Középkorász Műhely, 1999), 346.

72   Nagy, 'Magyarország külkereskedelme', 178–79. *Praedia* with significant numbers of unbroken horses (*equi indomiti*): Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 602–03. Fejér, *Codex diplomaticus*, vol. 9, bk 7: 636–39.

captured from among their Slavic neighbours.[73] Ibn Rusta also mentioned that the Hungarians brought their captives to Constantinople for sale, a fact supported by the continuation of the chronicle by George Harmatolos (George the Monk) composed between 842 and 867.[74] The trade in slaves was such that early Árpádian kings attempted to regulate their sale, and customs were levied on slave traders' wares appearing in the Esztergom market in a charter issued by Imre (r. 1196–1204) as well as in a reissue of the charter by Ladislas IV in 1288.[75] Cosmas of Prague also wrote of Hungary as a destination for slaves.[76]

From rather early in the Árpád period a lively internal trade existed for some agricultural products. Wine and dried fish appear to have been especially important, and the church was particularly keen on their production and sale. The foundation charter the Dömös Priory from 1138 indicates that the priory's fishermen not only provided the priory with fish, but were active as fish merchants as well.[77] The Dömös Priory also directed a local trade in the wine produced on their properties.[78] The inventory for the priory at Arad indicated that almost half of the church's subjects were vintners.[79] Vintners also appear frequently among the inhabitants on lay-held *praedia*, and by the middle of the thirteenth century wine had become a significant export.[80] As we will see, the main focus of most *praedia* in the hands of lay lords was the production of corn, but until the thirteenth century corn does not appear as a significant item of trade. Jenő Szűcs argued that starting in the 1220s, the corn market increased dramatically.[81] Szűcs attributed this rise to the need to supply the

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73   István Zimony, *Muszlim*, 229–31.

74   Ibn Rusta: Kristó, *A honfoglalás korának*, 34. Ibn Rusteh, *Les tours précieux*, 160. George Harmatolos: Gyula Moravcsik, *Az Árpád-kori magyar történet bizánci forrásai* [Byzantine sources of Árpád-era Hungarian history] (Budapest: Akadémiai Kiadó, 1988), 63.

75   1196–1204. See Imre Szentpétery and Iván Borsa, *Regesta regum stirpis Arpadianae critico-diplomatica*. 2 vols. 4 bks (Budapest: A Magyar Tudományos Akadémia, 1923–430, vol. 2, bks 2–3: 392.

76   Bertold Bretholz, *Cosmae Pragensis Chronica Boemorum*. MGH Scriptores. Nova Series 2: 86 (II.4).

77   Emma Lederer, 'A legrégibb magyar iparososztály kialakulása (első közlemény)' [The development of the oldest craftsman class [first part]), *Századok* 61, nos. 1–3 (1928), 502.

78   Emma Lederer, *A feudalizmus*, 200–01.

79   Lederer, *A feudalizmus*, 196 n. 13.

80   Vintners on *praedia*: Fejér, *Codex diplomaticus*, 2: 92–93. DL 040142. Nagy et al., *Codex diplomaticus patrius*, 7: 13–14. Wine as export: Boglarka Weisz, 'Vásártartás az Árpád-korban' [Fairs in the Árpád era], *Századok* 141 no. 4 (2007), 907–08.

81   Jenő Szűcs, 'A gabona árforradalma a 13. században' [The revolution in the price of corn in the 13th century), *Történelmi Szemle* 27 (1984), 22–25.

growing towns of the kingdom.[82] Grains of all sorts (wheat, rye, barley, and oats) appear in thirteenth-century customs, as they were imported into the towns.[83] Only along the Danube or its tributary, the Rába, would farmsteads have produced grain for export. The customs tolls at both Hainburg and Stein in Austria listed corn as items received from their ports on the Danube.[84]

In conclusion, landowners were very early interested in producing items for trade, though initially those items were mostly various livestock and slaves. Wine was a chief item of trade both overland and by river, but markets for grains only rose with the appearance of towns in the thirteenth century.

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82 Szűcs, 'A gabona árforradalma', 9. The road network in Hungary, particularly in Transdanubia, was relatively good due to both the remains of Roman roads and to the so-call 'war roads' (*hadutak*) of the Árpád kings. Glaser Lajos, 'Dunántúl középkori úthálózata' [The medieval road network of Transdanubia), *Századok* 63, nos. 4–6 (1929), 138–67.

83 Boglárka Weisz, *A királyketteje és az ispán harmada: vámok és vámszedés Magyarországon első felében* [The king's second-part and the *ispán*'s third: tolls and toll collection in Hungary in the first half of the Middle Ages] (Budapest: MTA Bölcsészettudományi Kutatóközpont, 2013), 38. Weisz, 'Vásártartás az Árpád-korban', 908.

84 Nagy, 'Magyarország külkereskedelmi', 179.

Servi during the Reign of Stephen I

This chapter will address the earliest period of the Hungarian kingdom—the reign of Stephen I. The importance of Stephen can hardly be debated, and he has been the subject of several studies.[1] However, it is not because of Stephen's importance that I devote a chapter to the period of his rule. It is rather because of the fact that the almost all of our knowledge about this period comes from the laws he left behind. Apart from the laws of Stephen, only ten charters remain from the period of his rule; of these, only three are considered trustworthy, and so it is appropriate to deal with these early laws in this chapter and the one that follows. We will also look at the Bavarian law code towards the end of the chapter in search of points of comparison.

Using the laws of Stephen as sources for the period brings up several issues, the first being the amount of borrowing from earlier western codes found in them. The search for western sources for the early Hungarian laws has a long history. As early as the eighteenth century Károly Péterfi recognized that the synod of Mainz had a major influence, and over the following century-and-a-half, the number of recognized sources for the early Hungarian laws increased.[2] Scholars tended to look for even more western sources for the Hungarian laws, so that Levente Závodszky, writing in 1904, found origins in the decretals of Pope Hadrian I, Childebert II (570–95), and Charlemagne, not to mention the 847 and 888 synods of Mainz, the *Lex Baiuvariorum, Lex Ribuaria, Lex Salica*, and so on.[3] Scholarly opinion at one time held that the

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1 For example, Jusztinián Serédi, ed. *Szent István emlékkönyv* [*In memoriam* Saint Stephen] (Budapest: Magyar Tudományos Akadémia, 1938). György Bónis, *István király* [King Stephen] (Budapest: Művelt Nép, 1956). György Györffy, *István király és műve* [King Stephen and his work] (Budapest: Gondolat, 1977). Eadem, *Szent István király* [King Saint Stephen] (Budapest: Vince Kiadó, 2001). László Veszprémy, ed., *Szent István és az államalapítás* [Saint Stephen and the foundation of the state] (Budapest: Osiris Kiadó, 2002). Zoltán Lenkey and Attila Zsoldos, *Szent István és III. András* [Saint Stephen and Andrew III] (Budapest: Kossuth Kiadó, 2003).

2 György Bónis, 'Szent István törvényének önállósága' [The independence of Saint Stephen's laws], *Századok* 72, nos. 9–10 (1938), 433.

3 Levente Závodszky, *De fontibus decretorum synodaliumque tempore Sanctorum Stephani et Ladislai nec non Colomanni regum regni Hungariae conscriptorum* (Budapest: Szent István Társulat, 1904), 7–56.

early laws were essentially foreign in origin.[4] Bálint Hóman went so far as to argue that the extensive Frankish borrowings were the result of the continued presence of Carolingian institutions that the Magyars found when they arrived in the Carpathian Basin.[5]

Opinion on the nature of western influence on the earliest Hungarian laws took a decidedly different turn with the seminal article of the legal historian György Bónis appearing in *Századok* in 1938. Bónis argued that the influence of Frankish sources could not be denied, but that the nature of that influence had been misunderstood. Listing Frankish laws side by side with their counterpart in the Hungarian laws as Závodszky had done gave the impression that the immigrant western clerics in Hungary travelled around with great books of law codes, to draw upon which is certainly incorrect. They probably had only the Bavarian laws at hand, but more importantly, they brought with them the theoretical framework of the western laws, so that any resemblance to the western laws was indirect.[6] If the laws are examined closely, it becomes clear that although the wording is frequently borrowed from western sources, the system of application and punishment is very different, showing an independent origin.[7] The only *decreta* in the laws of Stephen that are copied word for word from western sources are the first five chapters of the first book of Stephen. These chapters were taken from both the 847 synod of Mainz and the collection of Pseudo-Isidorus. Other similarities in wording found in Stephen's laws merely come 'from the customary phraseology of the era'.[8] The bulk of western borrowings originated in a general knowledge of canon law that the immigrant clerics knew only orally.[9] The only written legislation that the foreign clerics writing Stephen's laws probably had on hand was the Bavarian codes. Here, Bónis demonstrated that the clerics took the Bavarian example, and rather than copying it slavishly, they adapted it to Hungarian situations.[10] In other instances, the Hungarian legislation clearly stems from a completely different

4   Bálint Hóman, *Magyar történet* [Hungarian history], vol. 1 (Budapest: Királyi Magyar Egyetemi Nyomda, 1928), 227.

5   László Erdélyi, *Magyar történelem: Művelődés- és államtörténet* [Hungarian history: civilization and political history], vol. 1 (Budapest: Athenaeum, 1936), 56.

6   György Bónis, 'Szent István törvényének önállósága' [The independence of Saint Stephen's laws], *Századok* 72, nos. 9–10 (1938), 455–56.

7   Bónis, 'Szent István törvényének', 461.

8   Bónis, 'Szent István törvényének', 452. Bónis quotes here Felix Schiller, *Das erste ungarische Gesetzbuch und das deutsche Recht* (Weimar: Hermann Böhlaus, 1910), 402.

9   Bónis, 'Szent István törvényének', 451.

10   Bónis, 'Szent István törvényének', 453.

system which Bónis attributes to Hungarian customs.[11] The end result is that the collection of laws attributed to Stephen consisted of 'Hungarian material interwoven with canon law and was, in essence, an independent work'.[12] Bónis' arguments are generally accepted today. As Gyula Kristó put it, it was natural for Stephen to copy the German examples, especially in light of his marriage to the Bavarian Gisella, but he always had to balance foreign support with respect for the ancient ways. The *Admonitions of Stephen* acknowledge as much by declaring that 'a Greek cannot govern the Latins in the Greek manner, nor a Latin the Greeks in the Latin manner'.[13]

Servi in the Laws of Stephen

The laws of Stephen give the definite impression that the *servus* played a significant role in Hungarian society of the time, since over a quarter (fourteen chapters, or 28 per cent) of the laws' fifty chapters which are indisputably ascribed to Stephen deal with *servi, ancillae*, or *mancipia*.[14] The statistical significance of the *servus* in the laws of Stephen is just one indication of the contemporary perception of Hungarian society as being sharply divided between the slave and the free. Jenő Szűcs has argued that the laws of Stephen show that legal status was the prime determinant of the composition of society, and that only the free belonged to 'society', or 'the people', as seen in the *capitulum* which described the *servus* as outside 'the people of this country' (*gens huius monarchie*).[15] Since they existed outside the *gens huius monarchie*, the *decretum* excluded *servi* and the *ancillae* from the civil judicial processes allowed

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11   Bónis, 'Szent István törvényének', 471.

12   'Egyházjogi elemekkel átszőtt, magyar anyagból készült, lényegében önálló alkotás.' Bónis, 'Szent István törvényének', 486.

13   *Libellus de institutione morum* VIII, ed. Josephus Balogh, in *Scriptores Rerum Hungaricarum* (Budapest: Academia Litterarum Hungarica, 1938), 2: 626. Gyula Kristó, 'Szent István' [Saint Stephen], in Gyula Kristó, *Írások Szent Istvánról és koráról* (Szeged: Szegedi Középkorász Műhely, 2000), 44.

14   I am not including the six chapters from Book 2 which are not found in the Admont Codex for reasons given below. The fourteen chapters then are: I.7, 14, 18, 20, 21, 25, 28, 29; II.1, 3, 4, 5, 6, 7. I am following the numbering of the two books laid down by Závodszky, *De fontibus decretorum synodaliumque*.

15   Jenő Szűcs, *A magyar nemzeti tudat kialakulása* [The development of Hungarian national awareness] (Budapest: Balassi, 1997), 151–53. János Bak, M., György Bónis, and James Ross Sweeney, eds. *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild: Charles Schlacks, Jr, 1999), 5 (I.20).

those who were free. The law forbade them to give testimony against their masters or to make accusations against them.[16] *Servi* and *ancillae* could only rely on their masters for any sort of legal redress. As outsiders, *servi* stood under a distinct set of laws, the *leges servorum*, which was completely apart from the *leges liberorum*.[17]

Under the *leges servorum*, the *servus* was an item of property, a possession which carried a price (*pretium*).[18] In several instances, the law demanded that the owner of a *servus* receive compensation when faced with the loss of a *servus* or *ancilla*. If someone wished to free another's *servi*, he had to pay the master of the *servi* for as many as he freed.[19] In the case of a freeman murdering another's *servus*, the offending person had either to replace the murdered *servus* with another, or to make compensation for the dead *servus*.[20] Similarly, if one man's *servus* killed another man's *servus*, the owner of the dead *servus* had to be compensated. In the first book (I.14), the law required the *servus* responsible for the murder be given to the owner of the murdered *servus* in compensation for his loss.[21] In the second book (II.3), the owner of the murderer had to pay for the other master's loss, but provision was made for the cases when he could not pay—the *servus* guilty of the murder was to be sold and his price was to form the compensation.[22] In contrast to the *servus*, if both the murder victim and the perpetrator were freemen, the law demanded a *wergild* payment to the family (*parentes*) of the victim. Of course the payment varied

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16   Bak et al., *Decreta 1000–1301*, 5 (I.20).

17   Bak et al., *Decreta 1000–1301*, 9–10 (II.7). For the distinctiveness of the *leges servorum*, see Ilona Bolla, 'A közszabadság a XI–XII. században (aliber és libertas fogalom az Árpád-korban). I. rész' [*Gemeinfreiheit* in the 11th and 12th centuries (the concept of the *liber* and *libertas* in the Árpád era)], *Történelmi Szemle* 62, nos. 1–2 (1973), 8. Bolla also discussed the *leges servorum* in Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 16–17. László Solymosi, 'Szent István király társadalma' [The Society of King Saint Stephen], in *Gizella és kora*, ed. V. Fodor Zsuzsa (Veszprém: Veszprém megyei önkormányzata és Laczkó Dezső Múzeum, 1993), 8. Id. 'Szabadság és szolgaság Szent István korában' [Freedom and servitude in the era of Saint Stephen] in *Egy Emberöltő: Kőszeg szabad királyi város levéltáráb*, ed. László Mayer and Tilcsik György (Szombathely: Vas Megyei Levéltár, 2003), 31. Monika Jánosi, *Törvényalkotás a korai Árpád-korban* [Legislation in the early Árpád era] (Szeged: A Szegedi Középkorász Műhely, 1996), 73. Pál Engel, *The Realm of St Stephen: A History of Medieval Hungary 895–1526* (New York: I.B. Tauris, 2001), 67.

18   Bak et al., *Decreta 1000–1301*, 4 (I.14) and 9 (II.13).

19   Bak et al., *Decreta 1000–1301*, 9 (II.5).

20   Bak et al., *Decreta 1000–1301*, 4 (I.14).

21   Bak et al., *Decreta 1000–1301*, 4 (I.14).

22   Bak et al., *Decreta 1000–1301*, 9 (II.3).

with the status and gender of the victim.[23] However, if a *servus* should kill a freeman, the owner of the *servus* had the choice of either paying the *wergild* to the free victim's family, or he could 'hand him [the *servus*] over'.[24] Handing the guilty *servus* over almost certainly meant that he would be given to the victim's family, so they could mete out their own punishment, and several examples in earlier western legal practice proscribe just that.[25]

Pregnancy, being a dangerous condition to begin with, was accounted for in the laws since *ancillae* could be lost during a pregnancy. If a freeman was responsible for the pregnancy resulting in the death of an *ancilla*, he then had to compensate the *ancilla*'s owner with another *ancilla*.[26] Likewise, if the *servus* of one man made another's *ancilla* pregnant, and she consequently died in childbirth, then the master of the *servus* had to sell him in order to compensate the other for the loss of his *ancilla*.[27]

According to the laws of Stephen, sexual relations between freemen and *ancillae* were problematic not just because they could result in property losses like those detailed above: the laws also described such liaisons as a contamination of the freeman's liberty, and stated specifically that freemen 'should keep their freedom uncontaminated' (*ut liberi suam custodiant libertatem incontaminatam*). The laws declared that any freeman who 'fornicated' (*fornicare*) with the *ancilla* of another had committed a crime (*reum criminis*), and they demanded his punishment.[28] It should be noted that the laws did not forbid intercourse between a master and his own *ancilla*, only between a freeman and the *ancilla* of another. Stephen's laws are hardly unique in this regard, and in some contexts the toleration of sexual relations between master and slave reinforced the perceived natural roles of the domination by one religion over another. In thirteenth-century Aragon, for example, similar laws

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23   Bak et al., *Decreta 1000–1301*, 4–5 (1.14–15).

24   *cum centum et x iuvencis aut redimat, aut tradat.* Bak et al., *Decreta 1000–1301*, 9 (II.4). Gyula Kristó is almost certainly correct in asserting that the B redaction is to be preferred to the A (Admont Codex) in this instance. The Admont Codex (Bak et al., *Decreta 1000–1301*, 9 and Závodszky, *De fontibus decretorum synodaliumque*, 154) begins *Servum liberari homicidam* whereas both B1 and B2 read *Servum liberi homicidam*. It is likely that the scribes recording the Admont Codex mistakenly wrote *liberari* instead of *liberi*. The former makes little sense. Gyula Kristó, ed. *Az államalapítás korának írott forrásai* [Written sources from the era of the founding of the state] (Szeged: Szegedi Középkorász Műhely, 1999), 71 n. 204.

25   Závodszky, *De fontibus decretorum synodaliumque*, 48.

26   Bak et al., *Decreta 1000–1301*, 7 (1.28).

27   Bak et al., *Decreta 1000–1301*, 7 (1.28).

28   Bak et al., *Decreta 1000–1301*, 7 (1.28).

applied, and David Nirenberg argued that such sex between a Christian man and his Muslim slave girl or servant was at times tolerated for just this reason.[29] Nirenberg's explanation of such tolerance for master–slave intercourse would only apply to Hungary if we assume that religion was the most significant difference between lords and their *ancillae*. However, as mentioned above, and as Jenő Szűcs argued, legal status, independent of religion, language, or ethnicity, determined the *gens* of the *servus*-outsider.[30] In light of this, it is rather difficult to explain the contradiction in Hungary, where sexual relationships between a freeman and another's slave were described as contamination, but where masters were also allowed sexual access to their own female slaves. Actually, such contradictory practice was not abnormal in slave societies. In fact, Orlando Patterson maintained that, among all the societies accepting slavery of which he knew, only one forbade sexual relationships between masters and their female slaves—the Gilyak of south-eastern Siberia.[31] Perhaps Patterson found another, more universal explanation when he wrote:

> However great the human capacity for contradiction, it has never been possible for any group of masters to suckle at their slave's breast as infants, sow their wild oats with her as adolescents, then turn around as adults and claim that she was polluted.[32]

At the same time, this toleration of sexual relations between a master and his *ancilla* did not extend to marriage. In fact, the language that the laws used to describe mixed slave–free marriages is much harsher than that used for mere intercourse between slave and free. These mixed marriages were such an 'outrage' (*iniuria*) that the royal council had to impose 'great fear and punishment' (*terrorem et cautionem*) on the wrongdoer. Any freeman who dared to marry an *ancilla* was reduced to perpetual servitude (*perpetuus efficiatur servus*).[33]

The gap between the freeman and the *servus* is also evident in the punishments each could suffer if they were deemed guilty of theft. Both freemen and *servi* had the opportunity to redeem themselves, but their fees for redemption differed, as did the punishments incurred if they could not redeem themselves.

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29 David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 140–41 and n. 51.

30 Szűcs, *A magyar nemzet kialakulása*, 152.

31 Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1988), 229.

32 Patterson, *Slavery and Social Death*, 50.

33 Bak et al., *Decreta 1000–1301*, 7 (I.29).

The laws stated simply: if a freeman was guilty of theft, 'let him redeem him-self' (*redimat se*).[34] In the case of a *servus* guilty of theft, the laws specifically stated that the guilty *servus* had to make restitution of what he had stolen, *and* he had to make a payment of five steers. If the *servus* could not repay what he had stolen and pay the five-steer fine, he had his nose cut off. If the *servus* stole a second time and could not make restitution and pay the fine in steers, he would then lose his ears. If the *servus* stole a third time, he would lose his life.[35] By contrast, if the freeman could not make restitution, he was sold into slavery and became a *servus* himself.[36]

Though the separation between the servile and the free was sharp and not to be transgressed, the possibility did exist for the free to become servile and the servile to become free. The examples of freemen losing their freedom have already been mentioned. Those freemen guilty of theft who were not able to redeem themselves were to be sold.[37] Those not willing to give up their sex-ual relations with another's *ancilla* were sold as were those who married an *ancilla*.[38] At the same time, *servi* could gain their freedom through the 'mercy' (*misericordia*) of their owner—he could manumit them. The master had to conduct the manumission in front of witnesses, and it could not be revoked.[39] The inviolability of manumissions in the time of Stephen extended even to those *servi* manumitted without the knowledge of their owners. Of course any 'thoughtless' (*inprovidus*) person who would so manumit another's *servus* had to compensate the *servus*' owner.[40]

The laws of Stephen did not recognize any ties of kinship for the *servus*. The family of a freeman (*parentes*) received *wergild* for his murder; by contrast, the owner of the *servus* received compensation with no mention of the *servus*' family. At the same time, the *servus* existed in the ambiguity that Moses Finley argued characterized the slave—he was recognized both as a thing and as per-son at the same time.[41] Even though he was an object to be owned and used, the laws also recognized the *servus* as a person (*persona*) whose murder demanded

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34   Bak et al., *Decreta 1000–1301*, 10 (II.7).

35   Bak et al., *Decreta 1000–1301*, 9 (II.6).

36   Bak et al., *Decreta 1000–1301*, 10 (II.7).

37   Bak et al., *Decreta 1000–1301*, 10 (II.7) and 7 (I.31).

38   Bak, et al., *Decreta 1000–1301*, 7 (I.28–29).

39   Bak et al., *Decreta 1000–1301*, 5 (I.18).

40   Bak et al., *Decreta 1000–1301*, 5 (I.21).

41   Moses I. Finley, *Ancient Slavery and Modern Ideology* (New York: Viking Press, 1980), 98–103.

not just compensation to his owner, but also penance by the murderer.[42] The degraded position of the *servus* vis-à-vis the freeman is clearly seen in the fact that a *servus* guilty of theft had to return what was stolen 'and he should make compensation for his nose with five steers, if he can'.[43] Meanwhile, the freeman was under no threat of such a humiliating mutilation.[44] Humiliation of the guilty was not entirely unique to the *servus* as freemen could be sentenced to a whipping and a shearing, and if guilty of breaking an oath, a commoner freeman (*vulgaris*) could lose his hand.[45] However, such a temporary shaming as that incurred by the shaving of a freeman pales in comparison to the permanent disgrace imposed upon the slave whose nose had been cut off. Even the removal of a hand, while permanent, does not have the shame value as does the removal of a nose, a mutilation which cannot be hidden without hiding the whole body and which cannot be explained away except as punishment for a shameful deed. One should also keep in mind the fact that corporal punishment has always played a unique role in the life of a slave throughout history. Moses Finley argued that such punishments were indicative of servile status, and in Antiquity they were reserved for slaves alone.[46] Physical punishments were used extensively in the plantations of the American South as well as among those of the Arabs of Zanzibar.[47] As for medieval examples, the West-Saxon laws usually demanded a physical punishment for crimes committed by slaves. For example, if a slave committed a rape, he was castrated, but a freeman paid a fine.[48] Even in the twelfth-century *Leges Henrici Primi*, English slaves guilty of theft were beaten while the freeman again only paid a fine.[49] As Orlando Patterson put it, 'whatever the relationship between masters and slaves, the fact that slaves could be and were subject to corporal punishment was an implicit statement of their degradation'.[50]

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42   *Servilis persona*: Bak et al., *Decreta 1000–1301*, 5 (I.20). Penance: Bak et al., *Decreta 1000–1301*, 4 (I.14).

43   *et componat nasum v iuvencis, si potest.* Bak et al., *Decreta 1000–1301*, 9 (II.6).

44   Bak et al., *Decreta 1000–1301*, 10 (II.7).

45   Whipping and shearing of freemen: Bak et al., *Decreta 1000–1301*, 7 (I.28). Removal of a hand: Bak et al., *Decreta 1000–1301*, 5 (I.17).

46   Finley, *Ancient Slavery*, 93–95.

47   Patterson, *Slavery and Social Death*, 93.

48   David A.E. Pelteret, *Slavery in Early Mediaeval England: From the Reign of Alfred until the Twelfth Century* (Woodbridge: The Boydell Press, 1995), 84.

49   Pelteret, *Slavery in Early Medieval England*, 106.

50   Patterson, *Slavery and Social Death*, 93.

Mancipia as Property in Early Medieval Bavaria

The *Lex Baiuvariorum* perhaps provides a useful starting point for any investigation as to the status of the *servi* and *mancipia* during the early medieval period in Bavaria. Though there has been some debate in the past regarding the dating of the *Lex Baiuvariorum*, with some scholars positing a date as early as the sixth century for their initial recording, others contended that it was composed, or at least significantly revised, during the first half of the eighth century. Certainly Konrad Bayerle and Karl Eckhardt both believed that this body of laws dated from between 741 and 743. More recently, the consensus has emerged that the laws were the product of several layers of additions, and Hermann Nehlsen's opinion is a good example of this consensus. Nehlsen argued that the core of the laws was recorded in the first half of the seventh century, but they underwent a major, and final, revision by the middle of the eighth century.[51] The rewriting of the laws in the eighth century means that they may indicate the attitudes towards the *servi* in Carolingian Bavaria.

The intellectual connection between the laws of Stephen and the Bavarian codes is perhaps nowhere more evident than in the fact that both codes firmly establish the reification of the *mancipium*, in the case of Bavaria, and the *servus*, in the case of Hungary, as we have seen.[52] Indeed, the first chapter of Book 1, the book dedicated to ecclesiastical law, mentioned the *mancipium* as a typical item donated to the church. Included in this list of items were *villae*, land (*terra*), 'or any amount of money' (*vel aliquam pecuniam*).[53] Chapter 9 of the same book ordered those guilty of the murder of a priest to pay a penance of 300 *solidi*. If, however, they did not have such a sum, they 'must pay all other money, *mancipia*, lands, or whatever they have'.[54] Even more telling regarding the status of *mancipia* as things is Chapter 9 of book 16, *De venditionibus*.

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51 See H. Siems, 'Lex Baiuvariorum', in *Handwörterbuch zur deutschen Rechtsgeschichte*, ed. Adalbert Erler and Ekkehard Kaufmann, vol. 2 (Berlin: 1973), 1887–88. Hermann Nehlsen, 'Die *serv*i und *mancipia* der Lex Baiuvariorum: Ein Beitrag zur Geschichte der Sklaverei in Bayern', in *Fünfzig Jahre Forschungen zur Antiken Sklaverei an der Mainzer Akademie 1950–2000*, ed. Heinz Bellen and Heinz Heinen (Stuttgart: Franz Steiner, 2001), 506. Kurt Reindel, 'Das Zeitalter der Agilolfinger (bis 788): Recht und Verfassung', in *Handbuch der bayerischen Geschichte*, ed. Max Spindler (Munich: C.H. Beck, 1981), 243–44. Theodore John Rivers, 'Seigneurial Obligations and "Lex Baiuvariorum" I,13', *Traditio* 31 (1975), 336.

52 For many of the points of this discussion on the *Lex Baiuvariorum*, I relied upon Nehlsen, 'Die *servi* und *mancipia*'.

53 Karl August Eckhardt, *Die Gesetze des Karolingerreiches: 714–911*, vol. 2 (Weimar: Verlag Hermann Böhlaus, 1934), 78.

54 Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 84.

Hermann Nehlsen correctly described the use of the *mancipia* in this section as the 'classic example of an object of purchase'.[55] The law used the *mancipium* as an example of a typical purchase: 'This model of sale may be preserved, whether for a thing, for a *mancipium*, or for any type of animal' (*venditionis haec forma servetur, ut, seu res seu mancipium vel quodlibet genus animalium venditur*).[56] The *mancipium* was distinct from the *res*, but only as much as a cow is distinct from a horse, as seen in the following section of the chapter where items one might typically find for sale are listed: 'either *mancipium*, or a horse, or any item' (*in mancipia aut in caballo aut in qualecumque peculio*).[57] The whole purpose of the section was to provide a guarantee for anyone who bought items such as these to return them if he found them to be blind or sick or injured (*herniosus*).[58] As inheritable goods, the *Lex Baiuvariorum* treated *mancipia* and animals the same way as well. Chapter 14 provides the *formula* for claiming property by right of inheritance. The owner was to swear: 'My father left to me as inheritance' (*pater meus mihi reliquid in hereditatem*) for claims both over *mancipia* and over draft animals (*similiter de iumentis*).[59] The *mancipium* is further shown to be considered legal property in the law (13.9) requiring anyone who persuaded a *servus* to flee from his master to compensate the master for his lost property if the *servus* could not be retrieved.[60]

The punishments assigned for various crimes in the Bavarian laws further indicate the legal status of the *servus* as an object. If a freeman was murdered, his family (*parentes*) received a *wergild* from the perpetrator, whereas if a *servus* was murdered, the payment went to the owner of the *servus*, not to his family.[61] In other words, just as we have seen in the laws of Stephen, the property rights of the owner of the *servus* took precedence over any ties of kinship that the *servus* may have had. It is also interesting to note, as did Nehlsen, that in terms of compensation for their loss, a *servus* was equivalent to a horse (both required a payment of 20 *solidi*).[62] The fact that the familial relations of the *servus* in the Bavarian laws were essentially non-existent is also seen in the price paid by a man guilty of committing adultery with a married *ancilla* versus

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55   'Klassisches Beispiel der Verkaufsobjekte.' Nehlsen, 'Die *servi* und *mancipia*', 508.

56   *Lex Baiuvariorum* 16.9, Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 156.

57   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 156.

58   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 156.

59   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 160.

60   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 144.

61   *Wergild* for a freeman: Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 108 (4.28). Payment for a murdered *servus*: ibid., 114 (6.12).

62   Nehlsen, 'Die i und *mancipia*', 512–13. For the compensation owed for a stolen horse or the like, see Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 124 (9.3).

that paid by a man sleeping with a married freewoman. In the case of the latter, the guilty party paid the *husband* a fine equivalent to the *wergild* of the cuckold's wife.[63] In the case of the former, the guilty man paid, not the husband of the *ancilla*, but her lord.[64] The law is clear that the crime involved adultery because the *ancilla* is described as *maritata*.[65] It is also noteworthy that the law did not apply to adultery committed by a lord and his own married *ancilla*, only by a lord and another's *ancilla*. Once again, we are confronted by the fact that the laws did not concern themselves with the sexual acts of a lord with his own *ancilla*, but only with those involving an *ancilla* owned by another lord.

The Bavarian laws show a similar distinction between pregnant freewomen and *ancillae* who had miscarried as a result of violence. If someone injured a freewoman so that she had a miscarriage, and her foetus appeared to have been viable (*partus . . . vivus fuit*), the woman was owed a complete *wergild*.[66] If the foetus was not thought to have been viable, then the woman was owed 40 *solidi*.[67] In instances where the freewoman also died as a result of her injuries, the issue was to be handled as a murder (*tamquam homicida teneatur*).[68] By contrast, the laws made no provision for the death of the *ancilla*, though presumably her lord would have to be compensated for his loss. If the *ancilla*'s foetus was deemed to have been viable, her lord received 10 *solidi* in compensation, and if the foetus was not viable, he only received 4 *solidi*.[69]

Being a piece of property according to the *Lex Baiuvariorum*, the *servus* and *ancilla* faced much harsher punishments for crimes they committed as compared to the freeperson. Just as in the laws of Stephen, and in the laws of ancient Rome, *servi* in the Bavarian laws suffered corporal punishment more severely and more commonly than their free counterparts. If a freeman stole from the army, he was to pay 40 *solidi*, whereas a *servus* guilty of the same crime paid with both of his hands, and his lord made restitution for his theft.[70] Similarly, if a *servus* stole from the *curtis* of the prince (*dux*), he too lost both his hands while a freeman paid a fine, albeit a heavy one.[71] If a *servus* was deemed to have caused a fire 'secretly at night out of envy' (*per invidiam more*

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63   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 116 (8.1).

64   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 120 (8.12).

65   *si quis cum ancilla alterius maritata concubuerit, cum xx solidis conponat domino*. Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 120 (8.12).

66   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 122 (8.19).

67   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 122 (8.19).

68   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 122 (8.19).

69   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 122 (8.22).

70   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 94 (2.6).

71   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 98 (2.12).

furtivo in nocte), and the fire damaged church buildings, the *servus* lost both his eyes as punishment. A freeman guilty of the same crime escaped mutilation and merely paid for the damages.[72] Lords apparently felt it their right to punish another's *servus* by mutilating those they thought guilty of crimes, as is patently evident from 9.19:

> If someone accuses the *servus* of another unjustly and the innocent one endures torture, the lord will not delay in handing over a like *mancipium* for the one who was tortured. Moreover, if the innocent one will have died under torture, [the tormentor] will make good two *servi* of equal value.[73]

Such summary punishments were indeed severe, as indicated by the word *tormenta* and by the fact that they could result in death. Finally, the whole purpose of this law was not necessarily to protect the *servus*, but rather to protect the property rights of his owner. If the *servus* did die through this unjust punishment, his owner, not his family, received compensation in the form of two other *servi*.

One other interesting feature of the Bavarian laws regarding the *servi* is the fact that they actually deal with the business activities and the *peculium* of the *servi*. The sixteenth title, Chapter 3 gives the lord ultimate control over some of the market activities of his own *servi*. The law allowed lords to reject any transaction his *servus* may make with another lord.[74] It is important to note that the law does not forbid all the business activities of *servi* since a *servus* can sell any item to another *servus* without any interference. The purpose of the law is most likely to prevent the *peculium* of the *servus* from leaving the control of his owner. That this is the case is clear from two other chapters within the same title. In chapter six, lords are given the right to prevent the *peculium* of a *servus* from departing with him if he is sold to another lord.[75] The following chapter also makes the distinction between the price of the *servus* and that of his *peculium*—demonstrating that the lord controlled the two independently.[76]

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72   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 80 (1.6).

73   *si quis servum accusaverit iniuste alienum et innocens tormenta pertulerit, pro eo quod innocentem in tormenta tradidit, domino simile mancipium reddere non moretur. si vero innocens in tormenta mortuus fuerit, ii servos eiusdem meriti sine dilatione restituat . . .* Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 130.

74   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 154.

75   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 156.

76   Eckhardt, *Die Gesetze des Karolingerreiches*, 2: 156.

As we have seen in our previous discussion, the *peculium* was usually considered to be ultimately the property of the slave owner, but the extent of this practice varied from culture to culture.

Mancipia in early medieval Bavaria were regarded as items of property. The laws indicate that they were items that could be bought and sold. Formulae make it clear that *mancipia* could be inherited just like draft animals, and the evidence from the charters demonstrates that *mancipia* could be transferred without any land at all. We also see *servi* and *ancillae* as property in comparing the laws regarding the murder of a freeman with those regarding the murder of a *servus*. In every instance, the law was concerned with the compensation owed to the owner of the *servus*, whereas the murder of a freeman was punished through the *wergild* given to his family. The fact that *mancipia* suffered from severe corporal punishment for crimes that only drew a fine for a freeman is further indication of their status as degraded possessions.

The Bavarian laws and those from Stephen's reign both ascribe a reification, or property status, to the *servi* in Hungary and the *mancipia* in Bavaria. It does not necessarily follow though that in both instances the servile were slaves in practice. The laws may have been a theoretical type that did not match reality. In the case of Bavaria, extra-legal evidence in the form of charters can be brought to bear on the question, and the charter evidence shows the situation there to be complex. In Hungary, the lack of any outside sources to help interpret the laws has led more recent historians to disagree widely as to the status of *servi*. Earlier Hungarian historians such as Remig Békefi, Mária Gáspár, and Bálint Hóman all held that the *servus* in the laws of Stephen was a slave.[77] Shortly after Gáspár's work, the prolific Bálint Hóman wrote a short but significant essay on society during the reign of Stephen, and he too considered the *servus* to be a slave. The important difference was that Hóman was only commenting on society during the reign of Stephen, and not the whole Árpád era.[78] Hóman saw Hungarian society in the first third of the eleventh century as one divided into five additional strata besides the *servus*: the free peasants,

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77   Remig Békefi, *A rabszolgaság Magyarországon az Árpádok alatt* [Slavery in Hungary under the Árpáds] (Budapest: Magyar Tudományos Akadémia, 1901), 27–9. Mária Gáspár, *A rabszolgaság megszűnése hazánkban* [The end of slavery in Hungary] (Budapest: Garai Mór Könyvnyomda, 1909), 13–20. Bálint Hóman, 'A társalmi osztályok Szent István államában' [Social classes in the state of Saint Stephen], in *Békefi emlékkönyv: Dolgozatok Békefi Remig egyetemi tanár működésének emlékére*, ed. Jenő Pintér (Budapest: Stephaneum, 1912; reprinted in Bálint Hóman, *Magyar középkor* (Budapest: Magyar Történelmi Társulat, 1938), 436–37.

78   Hóman, 'A társalmi osztályok', 436–37.

the semi-free (*udvornici, libertini*, etc.), the soldiers (free Magyar peasants, or soldiers—*milites, cives*, etc.), the priestly order, and the nobility.[79] By contrast, László Erdélyi had decided that, while there were several strata, the most important social dividing line during Stephen's reign was that between the free and servile.[80] Erdélyi did allow subdivisions within the servile and free, but he emphasized the binary distinction for the rest of the Árpád era, and in the process denied the existence of the 'free servants' (*szabad szolganépek*).[81]

Much later, György Györffy argued that society at the time of Stephen included a category of the semi-free (*félszabad*).[82] Györffy maintained that the term *servus* in the laws of Stephen did not refer to a slave at all, but rather to a broad range of society from the 'captive ploughman' (*szántó rab*) to the 'more free servant with a horse' (*szabadabb lovas szolga*).[83] At about the same time as Györffy, Ilona Bolla came to a different conclusion regarding the *servi* at the time of Stephen. Bolla argued, like Erdélyi before, that only two legal categories existed in Hungary during the reign of Stephen—the free and the servile (that is, the *liber* and the *servus*).[84] To be sure, Bolla acknowledged the great changes in early Hungarian society, but the distinction remained.[85] More recently, László Solymosi was convinced that the laws of Stephen firmly support Bolla's assertions.[86]

Many of the arguments for a more complex status for the *servi* come from the troublesome interpretation of two *capitula* in particular. The first *capitulum* which often causes confusion is the one providing the *servus* convicted of theft with the opportunity to avoid having his nose or ears cut off by making compensation and paying the five-steer fine. Györffy argued that this chapter referred to a poor man who had his own independent estate and livestock, and he asserted that the passage could not have referred to a slave 'because the destitute slave (*rab cseléd*) would not have been able to pay a punishment of five steers'.[87] Throughout his work Györffy used *rab cseléd, rab-cseléd,*

79   Hóman, 'A társalmi osztályok', 426–39.

80   László Erdélyi, *Magyarország társadalma a XI. századi törvényeiben* [The Society of Hungary in the 11th-century laws] (Budapest: Stephaneum Nyomda, 1907), 47–50.

81   Erdélyi, *Magyarország társadalma*, 47–50.

82   Györffy, *István király és műve*, 475–86.

83   György Györffy, *István király és műve*, 478.

84   Bolla, 'A közszabadság a XI–XII. században', 6–17. See also Bolla, *A jogilag egységes jobbágyságról*, 15–27.

85   Bolla, 'A közszabadság a XI–XII. században', 12.

86   Solymosi, 'Szabadság és szolgaság Szent István korában', 30–31.

87   'Mert ninestelen rab cseléd nem tudhatott büntetés gyanánt 5 tinót fizetni'. Györffy, *István király és műve*, 478.

rab-szolga (literally, 'captive servant' or 'captive maid') to distinguish the captive forced to perform domestic service prevalent in nomadic societies from what Györffy viewed as the true slave—the Roman slave working on a *latifundium* or the plantation slaves of the Americas. (In Györffy's words, 'Slave is a relatively new professional term which is used to describe primarily ancient society, and secondarily the large-scale captive workforce made to work in the production of the modern colonies').[88] As discussed in the previous chapter, such a distinction is meaningless from an anthropological perspective because distinctions in tasks performed by forced labour have no bearing on the status of the one forced to perform the task. In other words, the slaves performing domestic tasks suffer from all the characteristics of any slave. They are separated from their kin and native society, and they are viewed as property at the complete disposal of their owner. They also suffer from the permanent stain of dishonour associated with slavery. (Györffy inadvertently admits to the violent nature of their separation by his own peculiar use of the terms *rab-cseléd, rab cseléd*, and *rab-szolga*, in which the first word of his two-word nouns, *rab*, means 'captive.'). In any case, the note to the chapter in question in the edition of Bak et al. betrays a similar line of thought, that the slave could not own property:

> In this case a person who could, in certain circumstances, render a fine of five steers was hardly a domestic slave, but rather a servile tenant (serf), even though referred to in the same way (*servus*) as those mentioned in the preceding chapters who clearly are more precisely 'slaves'.[89]

László Solymosi, by contrast, was firmly convinced that the *servus* in the laws was a slave, and has posited an explanation as to the nature of this fee of five steers. Solymosi argued that the opportunity given to the *servus* to make a payment instead of losing his nose was merely another example of the law protecting the property rights of the master of the *servus* in question. The master of the guilty *servus* might prefer to make a payment of steers in order to maintain the value of his property since anyone who had endured such mutilation could realistically face death due to complications.[90] Certainly such a mutilation would be dangerous, and one is reminded of the high death rates of

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88   'A **rabszolga** viszonylag újkeltű szakkifejezés, melyen a történettudományban elsősorban az antik társadalom, másodsorban az újkori gyarmatok termelésében tömegesen dolgoztatott rab munkaerőt értjük.' Györffy, *István király és műve*, 502.

89   Bak et al., *Decreta 1000–1301*, 81 n. 7.

90   Solymosi, 'Szabadság és szolgaság', 32.

slaves who endured the surgery making them eunuchs for the markets in the medieval Middle East.[91]

While Solymosi's explanation is possible, the five-steer fine is probably nothing more than evidence for the existence of the practice of *peculium* among the Magyar slave holders. We have seen that all slave-holding societies allowed their slaves *peculium*, and evidence indicates that while fishing communities were the most restrictive regarding *peculium*, pastoralist societies were the most encouraging. Pastoralists such as the Magyars 'were most likely to recognise and encourage' the use of *peculium* among their slaves.[92] Therefore, in light of the common practice of *peculium* among slave-holding societies, the supposition that a slave could not own the five steers needed to redeem his nose does not hold.

The other *capitulum* often used to argue that the *servus* in the laws of Stephen had a semi-free status is Chapter 18 of Book 2:

> De testimonio servorum regali curie vel civitati prepositorum. Si quis servorum curti regali aut civitati preficitur, testimonium eius inter comites recipiatur. item si servus seniorem, si miles suum comitem interfecerit.

> The testimony of *servi* put in charge of a royal residence or castle. If a *servus* is appointed to administer a royal residence or castle, his testimony shall be accepted among the *comites*. Similarly, if a *servus* kills his master, or a warrior his *comes*.[93]

First, it is important to note that the last phrase, *item si servus seniorem . . .*, is extant in only two manuscripts and appears to be incomplete. Either the *capitulum* to which it belonged no longer exists, or the ideas which may have connected it to the previous sentence are now lost.[94] Second, the idea of a *servus* put in charge of a castle or a royal court has long puzzled scholars. Most seem to hold to the authenticity of the chapter, but have difficulty explaining its meaning.

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91   Jan Hogendorn, 'The Hideous Trade: Economic Aspects of the "Manufacture" and Sale of Eunuchs', *Paiduma* 45 (1999), 143–48.

92   Patterson, *Slavery and Social Death*, 186.

93   Bak et al. translate *servus* as 'bondman', and they use the Hungarian *ispán* for the Latin *comes*. Bak et al., *Decreta 1000–1301*, 10–11.

94   Gyula Kristó, *Az államalpítás korának írott forrásai* [Written sources from the era of the founding of the state] (Szeged: Szegedi Középkorász Műhely, 1999), 75 n. 216.

The problem, of course, is determining what exactly was meant by the terms *servus regali curiae vel civitati praepositus*. While the law used the term *servus*, the fact that such *servi* could provide legally binding testimony shows that they were not of quite the same status as the *servi* mentioned elsewhere in the laws of Stephen. László Erdélyi maintained that these office holders were actually former *servi* elevated to the position of county *comites* (Hungarian *ispánok*). For Erdélyi, then, the purpose of the law was to ensure that the other, freeborn, counts accept these *novi homines*.[95] Péter Váczy also posited that these *servi* held positions of authority on the scale of the other *comites*, but they were still termed *servi*. Váczy used analogies to certain *servi* and *liberti* in the courts of Charlemagne and to certain non-free subjects in the courts of the Russian principalities to explain his position.[96] However, more recent scholarship has rejected both Erdélyi's and Váczy's positions primarily because *curia* or *curtis* usually referred to a private lord's residence, so in this case it most likely referred to an individual residence of the king rather than to the royal court itself.[97]

György Györffy maintained that these *curiae regales* were not the county castles which were the seats of the royal county system, and therefore those in charge of them could not have the authority of a *comes*. Rather, Györffy saw them as smaller courtly residences. He also argued that these authority-wielding *servi* came from among the original inhabitants of the Carpathian Basin, and were probably subjugated Slav leaders who, in the course of the Magyar invasion, came to be one of the many types of 'semi-free' (*félszabad*) who composed Hungarian society at the time of Stephen.[98] Some evidence does support Györffy's assertion that other castles outside the county castle system existed. For unknown reasons, these smaller fortifications faded away and did not form separate counties themselves, but were subsumed into the county system.[99] However, with the exception of Zalavár, archaeology indicates that none of these castles (in reality little more than earth and palisade

95   László Erdélyi, 'Árpádkori társadalomtörténetünk legkritikusabb kérdései. 11' [The most critical issues of Árpád-era Hungarian social history], *Történeti Szemle* 4 (1915), 225–26.

96   Péter Váczy, 'A királyi serviensek és a patrimoniális királyság' [The royal *servientes* and the patrimonial kingdom], *Századok* 61, nos. 9–10 (1927), 401 n. 1.

97   See Kristó, *Az államalapítás korának írott forrásai*, 68 n. 192; and 75 nn. 213 and 214. Bak et al., *Decreta 1000–1301*, 82 n. 17. Loránd Szilágyi, 'István király törvényei' [King Stephen's laws], in *Szent István és az államalapítás*, ed. László Veszprémy (Budapest: Osiris Kiadó, 2002), 27 and 28 n. 21.

98   Györffy, *István király és műve*, 242 and 248.

99   Erik Fügedi, *Castle and Society in Medieval Hungary (1000–1437)* (Budapest: Akadémiai Kiadó, 1982), 24–25.

fortifications) existed prior to the reign of Stephen, and though Zalavár did precede Stephen, it evidently did not survive the Magyar conquest of the Carpathian Basin.[100] In addition, there is really no evidence to prove that those lesser forts had been held by Slav leaders whom the Magyars had conquered, and Györffy's claim is little more than speculation.

László Solymosi on the other hand argued that since all the *servi* in the laws of Stephen were servile people, then the *servi regali curie* must also have been unfree. He maintained simply that the role given to a *servus* by his owner provided him with different ranks, and the *servus* put in charge of a castle or royal residence would have lived in different circumstances than most other *servi*. The *servus regali curiae vel civitati praepositus* would have had a more elevated role than the average *servus*, but he was still subject to the *leges servorum* and therefore not a *liber*.[101] Here Solymosi seems to mean a sort of 'elite slave', something akin to that found among certain members of the *familia Caesaris*, the Islamic Ghulam, or Byzantine or Chinese palatine eunuchs.

The problem with the *servi regali curiae vel civitati praepositi* as elite (or, as Patterson termed them, 'ultimate') slaves is that they do not fit into the role that elite slaves fulfilled. In other societies where elite slavery was common, the elite slave performed a function of authority that a freeman could not or was not willing to perform. Often, the jobs performed by these ultimate slaves, though filled with authority, were not filled with honour. In fact, a freeman taking their roles would suffer certain dishonour.[102] Another factor involved in the choice of slaves for elite positions was the fact that they were, as Patterson termed it, 'genealogical isolates'.[103] Such a natally alienated individual created a much smaller threat to the monarch's hold on his power because of the slaves' inability to establish a competing dynasty.[104] The *servus* put in charge of a royal residence or castle would not fit into the pattern of the elite slave

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100   Fügedi, *Castle and Society*, 35. On the nature of these 'castles', see Gyula Kristó, *Háborúk és hadviselés az Árpádok korában* [Wars and warfare in the Árpád era] (Budapest: Szukits Kiadó, 2003), 242.

101   Solymosi, 'Szabadság és szolgaság Szent István korában', 32.

102   See Patterson, *Slavery and Social Death*, 299–333.

103   Patterson, *Slavery and Social Death*, 312.

104   Patterson, *Slavery and Social Death*, 319. Of course in some cases, the Mamluks for instance, these elite slaves do create a competing dynasty. However, the Mamluk rise to power in Egypt happened long after their installation. The original use of Mamluks was due in part to their seeming inability to establish a competing dynasty. David Ayalon called the Mamluks in Egypt 'a one generation nobility only, all its members having been born in the steppe and being Muslims of the first generation'. Quoted in Patterson, *Slavery and Social Death*, 450 n. 51.

simply because it is clear that Magyar *optimates* readily served such duties. The most striking example of such an *optimas* is Samuel Aba, who tied his fortune to Stephen early, converted to Christianity, and became his palatine (*comes palatinus*). He is also thought to have organized and first led the castle county of Abaúj in north-western Hungary. As the example of Samuel Aba demonstrates, the *optimates* serving the early Árpád dynasty felt no shame or degradation in serving in Stephen's castle system. Indeed, Samuel Aba sought out such service through conversion and marriage.

György Bónis posited another explanation for this odd *servus regali curiae vel civitati praepositus*. Bónis argued that the chapter in question was an interpolation from around the end of the eleventh century. A complete discussion of the composition and dating of the laws of Stephen is beyond the scope of this study, but we should offer a brief overview of current scholarship before examining Bónis' theory of the dating of the *capitulum* in question.

Only ten copies of the laws are extant, none of which are contemporary with Stephen. The earliest manuscript dates from the twelfth century and was found in the monastery of Admont in Austria and is hence termed the Admont Codex. The Admont Codex forms the sole representative of one of the two textual traditions of the laws of Stephen (what Monika Jánosi termed redaction A). The remaining nine copies form the other tradition, which can also be divided into two further sub-traditions (redactions B1 and B2). These survive in two manuscripts from the fifteenth century, with the rest dating from the sixteenth. The most striking difference between redactions A and B is the six *capitula* appearing in B that are missing from the much earlier Admont Codex. These *capitula* absent in the Admont Codex are the last *capitula* of the second book in the B redactions, and they include the *decretum* in question here—*De testimonio servorum regali curie vel civitati prepositorum*.[105]

Bónis has argued that the chapter *De testimonio servorum regali curie vel civitati prepositorum* was actually part of a group of three problematic *capitula* that were interpolations made at a much later date, perhaps the early years of Coloman I.[106] The *capitula* do not appear in the Admont Codex, they have internal contradictions, and, according to Bónis, one of them demonstrates a legal sophistication more appropriate for the era of Coloman.[107] Jánosi, on the other hand, maintained that the chapter most definitely originated at the time of Stephen.[108] She argued that these special *servi* existed only during the early

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105   Jánosi, *Törvényalkotás*, 67.

106   György Bónis, 'Szent István törvényének', 479–80.

107   Bónis, 'Szent István törvényének', 479–80.

108   Jánosi, *Törvényalkotás*, 75–81.

period of Stephen's reign. Jánosi explained the absence of this chapter from the Admont Codex by saying that the institution of the *servus-comes* disappeared during the 'strengthening of the feudal ruling class', and by the time the Admont Codex was copied, the scribes left out references to this special class of *servus* because it did not make any sense at the time.[109] This theory is not convincing because many of the laws regarding *servi* became anachronistic by the time the Admont Codex was copied, yet they remained within the text.

The *servus* in the chapter *De testimonio servorum regali curie vel civitati prepositorum*, then, could not be some sort of elite slave as there was no reason to use slaves in such a position of authority because there was obviously no dishonour associated with it. Indeed, this *decretum* provides the only instance of a *servus* in the laws of Stephen which cannot clearly be identified with slavery. The *servus* in this *capitulum* is completely incongruous with all the other references to *servi* in the laws. It is the one instance of *servus* that does not belong among all the others. The reference to the *servus* with some authority actually does match rather well with the laws from later in the eleventh century, as shown below, and this is precisely the time when Bónis suggested the law may have originated.

The *servi* in the first half of the eleventh century, or at least in the contemporary laws of Stephen, were in all instances slaves. These *servi* were considered the property of their owners, and they were sharply separated from freemen. *Servi* were punished with corporal punishment of a severity exceeding that for freemen. They were forbidden from sexual relations with any freemen except for their own masters, and any freeman who dared attempt to marry a *servus* was to be punished severely. The laws of Stephen also demonstrate that *servi* were excluded from any officially recognised kin relationships, as shown by the fact that owners of murdered *servi* received compensation for their loss in contrast to the *wergild* paid to the family of murdered freemen.

Charter Evidence from the Reign of Stephen

Unfortunately, little evidence apart from the laws remains for the period of Stephen's reign, which makes interpretation of the laws all the more difficult. In total, ten charters purport to come from this period. Of these ten, however, six are unquestionable forgeries. Three of the four charters which are not forgeries are interpolated to various degrees, and the tenth is considered authentic. The most heavily interpolated charter is that of the foundation of the

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109   Jánosi, *Törvényalkotás*, 76.

monastery at Pannonhalma. The authenticity of the extant copy of the charter has been debated since Giovanni Domenico Mansi first raised doubts about it in the eighteenth century, and to this day scholars are still in doubt as to which parts are authentic and which are not.[110] If current thinking is correct, the document went through at least three revisions, with the last taking place shortly after 1215. The portions which are contemporary with Stephen contain only one reference to subject people.[111] In the clause giving the monastery the tithe within Somogy county, *hospites* producing wine are mentioned.[112] The other two references to subjects who may have been *servi* both come from passages which are mostly accepted as later interpolations. The first is the section including the donation of 'the *curtis* called Cortou with the men belonging to it' to the bishop of Somogy and his church in order to offset the gifts given to Pannonhalma from his county.[113] Scholars widely regard this passage as originating in the first two decades of the twelfth century, while the final section mentioning the donation of *mancipia*, among other items, probably came from a thirteenth-century interpolation.[114]

Unlike the Pannonhalma charter, the three other charters contemporaneous with Stephen either suffered from fewer later interpolations (the foundation charters for the bishoprics of Pécs and of Veszprém), or have come down to us more or less as in the original. (The Greek-language foundation charter of the convent at Veszprémvölgy survives as a later transcript and translation.) The charter for the bishopric of Pécs, dated 23 August 1009, while only slightly interpolated, provides little information apart from very a brief description of the boundaries of the bishopric, and it does not mention the people living on the lands put under the new bishop.[115] The foundation charter for the bishopric of Veszprém lists the properties given over to the control of the bishop of Veszprém including villages 'with all that pertained to them', including *famulis*

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110   For a thorough description of the debate regarding the authenticity of the charter see Gábor Thoroczkay, 'Szent István pannonhalmi oklevelének kutatástörténete' [The history of research of Saint Stephen's Pannonhalma charter], in *Szent István és az államalapítás*, ed. László Veszprémy (Budapest: Osiris Kiadó, 2002), 237–63.

111   Thoroczkay, 'Szent István', 256.

112   s*upranominati comitatus decimationem de omnibus negociis, prediis, terris, vineis, segetibus, vectigalibus, vinumque hospitum … magis abbati eius monasterii … subiugarem.* Thoroczkay, 'Szent István', 255–56. Györffy argued that the expression *vinumque hospitum* was added some time in the twelfth century. Györffy, *Diplomata*, 38.

113   *curtem, que vocatur Cortou cum hominibus eidem pertinentibus.* Györffy, *Diplomata*, 40.

114   Thoroczkay, 'Szent István', 255–56, 258. Györffy, *Diplomata*, 37–38.

115   Györffy, *Diplomata*, 58.

familiabusque.[116] Unfortunately, no further information about these *famuli* and *famulae* is given, so although we know they were dependants of some form, we have no way of knowing the exact nature of their servility.

Only slightly less ambiguity surrounds the servile people mentioned in the Greek-language foundation charter of the Veszprémvölgy convent which Stephen founded.[117] The charter recorded that at least nine villages (χωρία) were given to the convent 'with their lands' (μετὰ τῶν χωραφίων).[118] Also donated at the same time were the inhabitants of the villages.[119] Numerically, the most significant subjects given were those listed simply as households (καπνοί or φαμίλιαι), but the number of these households was recorded for only two of the villages—forty-eight in the village of Szárberény (Σαγάρβρυεν) and thirty in Szántó (Σαμτάγ, *Zamtou* in the Latin *renovatio*).[120] Craftsmen or specialized workers from other locations were also given. These included fishermen, carpenters, smiths, ferrymen, turners, vintners, and even 'sixty servile men with horses' (βεστιαρίτας ἑξίκοντα).[121]

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116 Györffy, *Diplomata*, 52. The text (extant in a copy from 1270) does use the words *famulis famliabusque*, but the second term is evidently a mistake. The author was probably trying to use a feminine form of *famulus*, hence *famulabus*, which is what was indeed used in the 1295 copy of the document. Györffy, *Diplomata*, 52 n. *u*.

117 Some have claimed that the Veszprémvölgy charter originated under Stephen's father, Géza, but this is generally rejected by current scholarship. A. Balogh, 'A veszprémvölgyi görög monostor alapítása: a legrégibb magyarországi oklevél' [The foundation of the Veszprémvölgy Greek monastery: the oldest Hungarian charter], in *Regnum. Egyháztörténeti Évkönyv* 6 (1944–46), 21–30. Gyula Moravcsik, *Az Árpád-kori magyar történet bizánci forrásai* [Byzantine sources of Árpád-era Hungarian history] (Budapest: Akadémiai Kiadó, 1988), 79. Kristó, *Az államalapítás korának írott forrásai*, 116 n. 347 and p. 119 n. 365. Györffy, *István király és műve*, 322. Nora Berend, ed., *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200* (Cambridge: Cambridge University Press, 2007), 353–54.

118 Györffy, *Diplomata*, 85.

119 Györffy, *Diplomata*, 85.

120 Györffy, *Diplomata*, 85 and 367. Καπνός literally means 'fire', but according the Gyula Czebe, it was a Byzantine legal term which included the meaning of 'household' or 'family'. Φαμίλιαι, on the other hand, seems to have entered Byzantine sources through Latin influence. Gyula Czebe, *A veszprémvölgyi oklevél görög szövege* [The Greek text of the Veszprémvölgy charter) (Budapest: A Magyar Tudományos Akadémia, 1916), 40. See also Moravcsik, *Az Árpád-kori magyar történet bizánci forrásai*, 79–81.

121 Györffy, *Diplomata*, 85 and 367. The exact meaning of the term βεστιαρίτης has caused some problems, but the consensus seems to be that it could best be translated as a 'servant with a horse' (*lovas szolga*). Czebe, *A veszprémvölgyi oklevél*, 17 and 40. Moravcsik, *Az Árpád-kori magyar történet bizánci forrásai*, 80.

These references to the servile people given to the monastery provide very little explicit information about their exact status, but we can make a few inferences based upon the charter. First, after the charter mentions the thirty φαμίλιαι from the village of Szántó living along the Danube, it mentions that at a later time, on the occasion of the consecration of the convent (εἰς τὸν ἐνθρονιασμὸν τῆς ὑπεραγίας Θεοτόκου), twenty households would be given.[122] These twenty φαμίλιαι appear to have been given completely independently of any of the nine villages listed.[123] The ability of a lord (in this case Stephen) to give subjects such as these, irrespective of any land grants, could indicate that these subjects were qualitatively different from what one would typically consider a serf—one having some connection with the land on which he was placed. Another passage in the charter pointed out one vintner given 'with his holding' (τοῦ μιρὰ ἀμπελουργός) as something of an exception.[124] In any case, the fact is that only in this one case did the Veszprémvölgy charter refer to one of these subjects having a parcel of land which could in some way be considered his. That the charter pointed out the exceptional nature of this one vintner would seem to indicate that the others given without mention of their own parcels were possibly servile subjects living in the villages, but without any sort of claim to land.

In sum, what do the charters from the time of Stephen actually tell us about the *servi* who were so prominent in the laws of the period? The short answer is that they do not provide any firm information about the numerical prominence of *servi* or about their condition. The legal status of the subjects mentioned in the texts is never declared, although the charter of Veszprémvölgy does vaguely hint that the vast majority of the people given to that convent

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122   Györffy, *Diplomata*, 86 and 367.

123   Gyula Czebe had a similar interpretation of the passage. Czebe, *A veszprémvölgyi oklevél*, 39–40.

124   Györffy, *Diplomata*, 85. The phrase translated as 'a vintner with his holding' (τοῦ μιρὰ ἀμπελουργός) has actually caused some difficulties for scholars because the expression τοῦ μιρά is rather unusual. However, most now agree with Gyula Czebe that the term μιρᾶς actually originated from the vernacular term μοιρᾶς which came from the Byzantine legal expression νόμιμος μοῖρα, itself referring to the parcel of land given to one individual. Czebe, *A veszprémvölgyi oklevél*, 43–44. The Latin amplification of the charter in Coloman's *renovatio* of 1109 spoke of *unum vinitorem cum vinea sua,* which of course is essentially how Gyula Czebe explained the expression. Czebe even wondered if the Latin actually communicated the idea better than the original Greek. Czebe, *A veszprémvölgyi oklevél*, 44–45. For the Latin *renovatio*, see Györffy, *Diplomata*, 367. Györffy, by contrast, translated the expression as a vintner with a rented parcel of land (*földbérlő szőlős*). Györffy, *István király és műve*, 487–88.

had no legal ties to any land. If indeed the primary division in society during the reign of Stephen was between slave and free as Bolla and Solymosi argued, then it is not surprising that the authors of the charters felt no need to elaborate on the legal condition of the servile people as there would not have been great distinctions between them.

Bavarian Charter Evidence

Mancipia in early medieval Bavaria, as we have seen in the previous chapter, were regarded as the personal property of their owners and could be given either with or without the land on which they lived. For a more complete picture of the *dominium* exercised by lords over the *servi* or *mancipia* we now turn to the extent to which lords commanded their labour. In the case of Carolingian and Ottonian Bavaria, we see that the issue is not very clear, and that some differences existed between the service required of those on church properties and those owned by lay lords, just as it did in Hungary.

The inventory written for the smallish church of Bergkirchen in 842 shows the clear division between the lands belonging to the manor (*terra dominica*) and those belonging to the dependent farms (*mansi vestiti*).[125] The *terra dominica* had at its centre a *domus* and was further divided into three farms (termed alternatively *horrea* and *colonica*). These farms, consisting of two fields with a capacity of 200 cartloads (*de pratis carradas CC*), were fully under cultivation (*pleniter seminatum*), and were evidently worked by the nine *mancipia*, six *servi*, and three *ancillae* who lived within the manor complex itself (*infra domum*).[126] In addition to the *terra dominica* there were two *mansi* on which lived ten *mancipia*. These manses, like those on most of the properties belonging to the abbey of Weißenburg, owed a combination of payment in kind and weekly and seasonal services. One of the manses owed annually twelve buckets (*friscingae*) of beer while the other manse owed one suckling-pig and two hens.[127] The wives in each *mancipium* family (*utrasques uxores eorum*) owed a shirt every year, and both manses owed three days of work a week.[128] The differences in labour obligations between the *mancipia infra domum* and those

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125 Theodor Bitterauf, *Die Traditionen des Hochstifts Freising*. 2 vols. (Munich: Universitätsbuchhandlung Rieger, 1905–09; reprint, Aalen: Scientia Verlag, 1967), 1: 550–51.

126 Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 550–51.

127 Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 550–51.

128 Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 550–51.

on the *mansi* is clear and resembles the divisions between the *servi* and the *libertini* in Árpád-era Hungary (see Chapter 8).

The question then remains as to how much the organization of Bergkirchen resembles similarly sized domains of lay lords in Carolingian and Ottonian Bavaria. Perhaps the most useful document in this regard is the charter recording a donation to the small monastery at Engelbrechtsmünster in 820. The donor was a certain Siegfried, who was at the same time the abbot of the recipient monastery. Because the property was part of the abbot's own inheritance (*propria mea, que hereditario iure mihi successerunt*) and not part of the monastery's possessions, Martin Heinzelmann has argued that the property was under the control of Siegfried, not as abbot but as nobleman. The property of Engelbrechtsmünster, then, was under the independent control of Siegfried.[129] Siegfried's independent control over these lands means that the charter may provide us with an example of the organization of the lands of lay lords. However, in view of the absence of other similarly detailed descriptions of the properties of lay lords, it is not at all clear that Siegfried's organization is representative of them. It is also possible that Siegfried's position and training as a churchman heavily influenced his thinking regarding land organization. More likely, given the small size of the donated property, the charter is indicative of the organization strategies of lords with more limited holdings. This is especially evident in comparison with the significant holdings of the abbey of Weißenburg discussed below.

Indeed, the pattern of labour organization on Siegfried's lands resembles that of the monastery at Bergkirchen in that the clear distinction between those *mancipia infra domum* and those on the *mansi* is evident. Siegfried's holdings consisted of eleven separate properties, most of which were rather small and do not appear to have been large enough to take the bipartite form. A prime example is the property at Phaldorf, which consisted of a *curtis* and five *mancipia*.[130] Even smaller are the properties that did not have a *curtis* such as the one at Schwabelweis (*Suabiluuis*), which had five *mancipia*: a husband, his wife and brother, and two other apparently unrelated individuals.[131] However, if the property was large enough to support a more bipartite form, we see the division between the *mancipia* on the manses and those living in

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129   Martin Heinzelmann, 'Beobachtungen zur Bevölkerungsstruktur einiger grundherrschaftlicher Siedlungen im karolingischen Bayern', in *Frühmittelalterliche Studien* 11, ed. Karl Hauck (Berlin: Walter de Gruyter, 1977), 203.

130   Josef Widemann, *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram* (Munich: Universitätsbuchhandlung Rieger, 1943; reprint, Aalen: Scientia Verlag, 1969), 20.

131   Widemann, *Die Traditionen des Hochstifts Regensburg*, 20.

the *curtis* just as at Bergkirchen. The charter recording Siegfried's donation to Engelmünster makes the interesting semantic distinction between those *mancipia* living *infra domum* and those living on the *mansi* by terming the latter *manentes*.[132] Thus, at Pöbenhausen (*Beuinhuson*), Siegfried owned a *curtis* with a church, a hall, and its associated buildings (*ecclesiam cum domo et curte et omni edificio*).[133] Living within the manor complex were fourteen *mancipia*, including a married couple (*Adnfrid et uxor eius Irmindrud*).[134] Pöbenhausen also had five, or possibly six, manses on which lived those termed *manentes*, and the manses were, with one exception, headed by a married couple.[135] Likewise, the two larger properties owned by Siegfried at Lauterbach (*Lutirinbah*) were divided between the demesne properties of the *curtis* and the associated church and buildings, and the manses inhabited by *manentes*. Again, the *manentes* of Lauterbach were almost exclusively couples, many listed with sons, daughters, or infants.[136] Siegfried's servile population at his second estate at Lauterbach (the one Carl Hammer termed 'Lauterbach II') listed twenty-two manses.[137] Separate from those living on these manses were the ten *mancipia* described as being *beruendarii* (*praebendarii*). These *beruendarii* were considered *mancipia* as shown by the charter itself: *et hec mancipia sunt beruendarii*.[138] Heinzelmann maintained that these *praebendarii* were families and therefore must have lived in separate dwellings from their lord.[139] Indeed there do appear to have been three couples among their number, but only one of these is specifically termed man and wife (*item Elis et uxor eius*). In addition to the three couples are four individuals, but their connection with the couples, if any, is uncertain.[140] Finally, there are individuals who unarguably belonged to the lowest-status group among Siegfried's population—the *mancipia* owned by the *manentes* on the manses. The *manentes* on four different manses had *mancipia* in their possession, as the inventory of their property makes clear. On the first manse listed for Lauterbach were two couples living in the same house (*simul in uno domo manentes*) along 'with their *mancipia* Uuunigodo, Mezhilda, Hitta, and also Bobila' (*cum mancipiis suis Uuunigodo, Mezhildam,*

132　Heinzelmann, 'Beobachtungen zur Bevölkerungsstruktur', 205–08.

133　Widemann, *Die Traditionen des Hochstifts Regensburg*, 18.

134　Widemann, *Die Traditionen des Hochstifts Regensburg*, 18.

135　Widemann, *Die Traditionen des Hochstifts Regensburg*, 18–19.

136　Widemann, *Die Traditionen des Hochstifts Regensburg*, 17–19.

137　Carl I. Hammer Jr, 'Family and *familia* in early-medieval Bavaria', in *Family Forms in Historic Europe*, ed. Richard Wall (Cambridge: Cambridge University Press, 1983), 223.

138　Widemann, *Die Traditionen des Hochstifts Regensburg*, 21.

139　Heinzelmann, 'Beobachtungen zur Bevölkerungsstruktur', 210.

140　Widemann, *Die Traditionen des Hochstifts Regensburg*, 21.

Hittam quoque ac Bobilam).[141] On manse 17 of the second estate at Lauterbach (Lauterbach ɪɪ) was 'Herideus...without small children having one *mancipium* (*Herideus...sine infantibus habens mancipium ɪ*).[142]

The labour obligations of those *mancipia* living *in domo* differed from the labour obligations of those on the manses in that they were not delineated in any manner. The absence of any defined work services stands in sharp contrast to the position of those *mancipia* living on the manses and leads to the conclusion that the *mancipia infra domum*, like the *servus* in Árpád-era Hungary, were subject solely to the will of their owner. As described above, Siegfried's second estate at Lauterbach does not mention *mancipia in domo* or *infra domum* in opposition to those on *mansi*, but it does list the ten *mancipia* described as *praebendarii*. The *praebendarii* are usually thought to be those *mancipia* who worked for their lord or owner, who in return provided them with their sustenance (*praebenda*).[143] There has been some disagreement as to the exact nature of these *praebendarii*. Charles-Edmond Perrin argued that they belonged to a category separate from the *mancipia infra domum*, with the status of the latter being closer to that of a slave while the former experienced a position slightly better than that of a slave. The primary difference, according to Perrin, was that the *praebendarius* lived in his own home with his wife and children and perhaps a plot which provided them with a certain amount of independence.[144] Of course, there are problems in assuming that slaves necessarily lacked access to a plot of land or the ability to live with a nuclear family, as we have seen in Chapter 1. In contrast to Perrin, Pierre Toubert maintained that the *praebendarii* were essentially the same as the *mancipia infra domum*.[145] Indeed, when looking at all the properties Siegfried gave to Engelmünster, the *praebendarii* do seem to have been equated with the *mancipia in domo*. All the estates owned by Siegfried that had a *curtis* contained *mancipia infra domum*, and the larger estates that list the *manentes* (*primitus ad Lutirinbah, Beuinhuson,*

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141   Widemann, *Die Traditionen des Hochstifts Regensburg*, 18. See also Heinzelmann, 'Beobachtungen zur Bevölkerungsstruktur', 214–15.

142   Widemann, *Die Traditionen des Hochstifts Regensburg*, 21.

143   See, for example, J.F. Niermeyer, *Mediae Latinitatis lexicon minus* (2002), s.v. *praebendarius*. Renée Doehaerd, *The Early Middle Ages in the West: Economy and Society*, trans. W.G. Deakin (Amsterdam: North-Holland Publishing, 1978), 113. Charles-Edmond Perrin, *La seigneurie rurale en France et en Allemagne du début du ɪxᵉ à la fin du xɪɪᵉ siècle* (Paris: Centre de Documentation Universitaire, 1950), 59.

144   Perrin, *La seigneurie rurale*, 59.

145   Pierre Toubert, 'Il sisteme curtense: la produzione e lo scambio interno in Italia nei secoli vɪɪɪ, ɪx e x', in *Storia d'Italia: Annali 6. Economia naturale, economia monetaria*, ed. Ruggiero Romano and Ugo Tucci (Turin: Giulio Einaudi, 1983), 20–21.

Rodgeltingun) made a clear distinction between the *mancipia infra domum* and the *manentes*. The one exception was the second estate at Lauterbach, which lists the *manentes* on the *mansi* and the *mancipia* that are *praebendarii*. These *praebendarii* on Lauterbach II, then, were probably the same as the *mancipia infra domum* which are listed on all the other large estates in which the *mansi* are enumerated.[146] As to the question of whether the *mancipia infra domum* were slaves, there is some debate, but opinions generally answer in the affirmative, especially regarding the *mancipia* dwelling on lands east of the Rhine. Historians of the former Democratic Republic of Germany argued that these *mancipia* were demesne slaves (*Hofsklaven*), and that they predominated on the lands of the noble families.[147] Adriaan Verhulst argued that the use of these *Hofsklaven* was a major difference between land organization east of the Rhine and that west of the Rhine.[148] These *mancipia infra domum*, or *praebendarii*, did not have their labour defined as did the *manentes*, which strongly hints at the conclusion that their lord had unrestricted access to their labour. Because the charters nowhere mention specific work duties of these *mancipia*, Pierre Toubert held that all of their labour was under the command of their lord. In describing the 'bipartite estate', Toubert repeatedly referred to the *praebendarii* (a category he associated with the *mancipia infra domum*) as slaves who were 'completely assigned to the work on the '*curtis* of the demesne' ('totalmente destinati al lavoro sulle "riserve curtensi" ').[149]

Though not mentioned among the inhabitants on Siegfried's properties, the *servi* appear with irregular frequency among the documents for Carolingian and Ottonian Bavaria, and determining their status poses difficulties similar to those encountered in determining the status of *mancipia*. Just like the term *mancipium, servus* appears to have been used with a variety of meanings in Carolingian Bavaria. Some historians have attempted to link the *servus* with the *mansus* in opposition to the *mancipium* whom they regarded as typically landless and without a family. Karl Glöckner, in the index to his edition of the *Codex Laureshamensis*, seemed to consider the *servus* as being associated

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146   Widemann, *Die Traditionen des Hochstifts Regensburg*, 17–22.

147   In particular, see Eckhard Müller-Mertens, 'Die Genesis der Feudalgesellschaft im Lichte schriftlicher Quellen', *Zeitschrift für Geschichtswissenschaft* 12 (1964), 1390. Hannelore Lehmann, 'Bemerkungen zur Sklaverei im frühmittelalterlichen Bayern und zu den Forschungsmethoden auf dem Gebiet germanischer Sozialgeschichte', *Zeitschrift für Geschichtswissenschaft* 13, no. 8 (1965), 1384.

148   Adriaan Verhulst, 'The Decline of Slavery and the Economic Expansion of the Early Middle Ages', review of Guy Bois, *La mutation de l'an mille: Lournand, village mâconnais de l'Antiquité au féodalisme, Past and Present* 133 (November, 1991), 200–01.

149   Toubert, 'Il sisteme curtense', 20–21.

with a *mansus*, or even with a *hoba*, or *colonica/colonia* while the *mancipium* was largely a landless worker on his lord's demesne and without any family.[150] Müller-Mertens argued that the *servus* in the lands east of the Rhine during the Carolingian period was essentially a domiciled *mancipium*, or the same as the *servus casatus* known in western lands.[151] Franz Staab likewise determined that the *servi* in German lands were 'independent domiciled *mancipia*' (*selbständig wirtschaftende Manzipien*).[152] Staab argued that the two primary characteristics of the *servus* were his placement upon a manse and his connection to a family, and he maintained that the placing of the *servus* upon a free manse (*huba ledilis*) generally provided the *servus* with a securely independent income and added to the autonomy of the *servus* as compared to the *mancipium*.[153] Staab argued that the economic independence of the *servus* is particularly evident in the fact that *servi* could own their own *mancipia*, and this economic independence provided the *servi* with the wherewithal to conclude marriage arrangements. Though the expression *servus casatus* does occasionally occur in the sources, Staab maintained that that particular expression was little used in the sources east of the Rhine because the term *servus* itself generally referred to the married and domiciled servile tenant.[154] Certainly the term *servus* does appear to have at times been used to refer to the tenant-serf. A charter describing the donation of a father and son to Freising in 829 included a *curtis* with the associated buildings and *mancipia* who were on four individual farms (*coloniae*). The charter then explained that the *mancipia* had use of these farms just as *servi* did (*sicut servi habent usum plenas colonias tenere*).[155] In addition, numerous *servi* appearing among the donations to the monastery at Regensburg also seem to have been the tenant-serfs that Staab and others have described. These *servi* were all given to Saint Emmeram with the sole requirement that the *servus* make an annual payment of between 6 and 12 *denarii*.[156] Wilhelm Stömer provided evidence indicating that *servi* in Bavaria were more than just tenant-serfs, and that they could hold a position of some significance in society. Stömer maintained that though these *servi* were part of

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150   The observation is originally that of Franz Staab. Franz Staab, *Untersuchen zur Gesellschaft am mittelrhein in der Karolingerzeit* (Wiesbaden: Franz Steiner Verlag, 1975), 343. For the reference in Glöckner's work, see Karl Glöckner, *Codex Laureshamensis*, vol. 3 (Darmstadt: Der historischen Kommission für den Volksstaat Hessen, 1936), 359 and 366.

151   Müller-Mertens, 'Die Genesis der Feudalgesellschaft', 1384 ff.

152   Staab, *Untersuchen zur Gesellschaft*, 342.

153   Staab, *Untersuchen zur Gesellschaft*, 343–44.

154   Staab, *Untersuchen zur Gesellschaft*, 344.

155   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 495.

156   See, for example, Widemann, *Die Traditionen des Hochstifts Regensburg*, 52, 202, 207.

their lord's *familia*, they could still own significant property themselves, and he termed them 'elevated unfree' (*gohobenen Unfreie*).[157] Indeed, in at least one charter, the *servus* even seems to have been a type of property manager on the behalf of his lord.[158] These *servi proprii* even had some legal rights as they are found at times bearing legal testimony, and Stömer pointed to the fact that, on at least one occasion, they made their complaints to the bishop as a group to claim that they 'were organized somehow, perhaps in the form of a guild' ('irgendwie organisiert gewesen sind, vielleicht in Form einer Gilde').[159]

At the same time, it would be a serious mistake to portray the *servus* in the charters of the German lands of the Carolingian and Ottonian eras solely as the 'independent domiciled *mancipia*', as argued by Stömer, Müller-Mertens, and Franz Staab. Rather, it is more accurate to view the *servus* as a particular type of *mancipium*, with the two terms overlapping in meaning, much as Hannelore Lehmann described the issue.[160] Indeed, not infrequently do the sources for Bavaria clearly equate the *servus* with the *mancipium*. At the beginning of the ninth century, a certain Adalfrid gave one third of his property to the cathedral at Passau including a *servus*, his wife, 'and eight other *mancipia*' (*et alias mancipias viii*).[161] The connection of the *servus* and his wife with 'other *mancipia*' indicates that the *servus* was considered among the *mancipia* Adalfrid gave to the bishop of Passau. In a similar manner, the term *mancipium* was used as a general term for the servile inhabitants in a charter recording a donation to the abbey of Saint Emmeram some time in the 790s. The donation included five *mancipia*, who were then described in more detail as two *servi* and three *ancillae*.[162] In either 875 or 876, Arnold the bishop of Freising gave a *servus* to a nobleman named Heimperht, and 'in compensation for this *mancipium*' (*in recompensatione huius mancipii*), Heimperht gave Arnold another *servus*.[163] The charter clearly called the same individuals both *servi* and *mancipia*. In a very similar exchange from the end of the same century, the *servi* were also

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157   Wilhelm Stömer, 'Frühmittelaltliche Grundherrschaft bayerische Kirchen (8.–10. Jahrhundert)', in *Strukturen der Grundherrschaft in frühen Mittelalter*, ed. Werner Rösener (Göttingen: Vandenhoeck & Ruprecht, 1989), 401.

158   Wilhelm Stömer, *Früher Adel: Studien zur politischen Führungsschicht im fränkisch-deutschen Reich vom 8. bis 11. Jahrhundert*. 2 vols. (Stuttgart: Anton Hiersemann, 1973), 1: 345.

159   Stömer, 'Frühmittelalterliche Grundherrschaft', 401.

160   Lehmann, 'Bemerkungen zur Sklaverei', 1383.

161   Max Heuwieser, *Die Traditionen des Hochstifts Passau* (Munich: Universitätsbuchhandlung Rieger, 1930; reprint, Aalen: Scientia Verlag, 1969), 55.

162   Widemann, *Die Traditionen des Hochstifts Regensburg*, 3.

163   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 716.

termed *mancipia* in the document.[164] Similarly, in 908 the new bishop of Freising, Dracholfus, and a certain Diothart concluded an 'exchange of *mancipia*' (*commutatione mancipiorum*) in which the bishop received two *servi* named Rhiman and Engilhart.[165] In these exchanges of *servi-mancipia*, the transactions all occurred independently of any land transfers, and thus they could not have involved the *servi* that Staab described as inhabiting a *huba ledilis*.

Elsewhere in Carolingian Europe North of the Alps—Weißenburg and Montier-en-Der

If we look beyond Bavaria in Carolingian Europe, the most extensive evidence regarding servile obligations on church properties appears in the inventory of Weißenburg, in Alsace, compiled during the last half of the eighth century and the ninth.[166] The properties of Weißenburg clearly show the division between the demesne and the *mansi*, frequently termed *hubae* in the *Liber possessionum Wizenburgensis*. In each instance, though, the demesnes were not worked by *mancipia* living on the demesne itself. Rather, they were worked by either freemen (*liberi*) or *servi* living on *hubae*, or they were divided into *mansi* themselves, each of which then owed annual payments. The latter was by far the most common type, and the abbot could use the payments of its widespread properties to purchase such objects as iron implements.[167] The small property at Houeheim is typical in all but its size. It consisted of a *curtis dominica* composed of four *mansi*, a church, a small vineyard, pastures, woods for the pannage of 120 pigs, and twenty-four *mansi*. Each of these *mansi* owed payments of varying amounts three times a year (1 *uncia* on the birthday of the lord, 1 *solidus* at Easter, and 6 *denarii* on the Feast of Saint John) in addition to five hens and twelve eggs.[168] The manses not only owed these payments, but they also owed labour services three days a week.[169] Most entries in the *Liber posses-*

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164   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 762–63.

165   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 789.

166   Christoph Dette, *Liber possessionum Wizenburgensis* (Mainz: Gesellschaft für Mittelrheinische Kirchengeschichte, 1987), 32–33.

167   Dieter Hägermann, 'Der Abt als Grundherr: Kloster und Wirtschaft im frühen Mittelalter', in *Herrschaft und Kirche: Beiträge zur Entstehung und Wirkungsweise episkopaler und monastischer Organisationformen*, ed. Friedrich Prinz (Stuttgart: Anotin Hiersemann, 1988), 371–72.

168   Dette, *Liber possessionum Wizenburgensis*, 114.

169   Dette, *Liber possessionum Wizenburgensis*, 114.

sionum Wizenburgensis resemble that of Houeheim in that they do not specify the status of those living on the *mansi*, but from the inventory of Porza we see that the *mansi*, or *hubae*, could be inhabited by either freemen or *servi*. It is also clear that the organization of the lands of Weißenburg was developed to the point that the *mansi* were divided between the servile and the free. There is no evidence, however, that the status of the inhabitants was independent of that of the *mansus*. Thus, the abbey of Weißenburg had seventy-two *hubae* on the extensive estate of Porza, and thirty-three of these were inhabited by freemen (*liberi homines*) and were designated as *mansi ingenuales*. The remaining thirty-nine *mansi* were inhabited by *servi* and were referred to merely as *hubae*.[170] The obligations of the *mansi ingenuales* and those of the *servi* differed in that the services of the free *mansi* consisted mostly of annual payments in kind. They had to provide the army with a cow and two horses a year, the monastery with a piglet and three hens, and the king with special cartage services at his command (*eulogias ad palatium portare per ordinem*).[171] Though they did have to plough three journals of the demesne (*iurnalis* being the land that could be ploughed in a day by a horse), most of the services owed by the *mansi ingenuales* were annual.[172] Annually, they owed fourteen work-days (*noctes*), three days of mowing hay, and two of general cartage, but they also owed an additional day a month of hauling firewood to the monastery.[173] The *servi*, by contrast, owed smaller livestock and produce such as five hens and fifteen eggs a year. These lighter payments were compensated perhaps by the fact that they had to prepare beer and bread for the monastery, and their wives (*femine eorum*) owed cloth 2 meters wide by 5 meters long (*in longitudine x cubitorum, in latitudine iiii*). The most significant difference was in the services owed by the two groups: while the freemen owed significantly fewer annual work-days, the *servi* owed service three days a week. In addition, the *servi* owed whatever cartage the monastery needed during the days of their service (*suam scaram, quando opus est, per ordinem facere*).[174]

The *mancipia* living in the manor complex had no defined obligations while those living on the manses did. The difference in labour organization between the limited properties of Bergkirchen and those of Weißenburg shows itself primarily in the fact that the *mancipia* on the extensive properties of Weißenburg

170   Dette, *Liber possessionum Wizenburgensis*, 106.

171   I have accepted Dette's definition of *eulogia portare*. Dette, *Liber possessionum Wizenburgensis*, 63

172   For the meaning of *iurnalis*, see Dette, *Liber possessionum Wizenburgensis*, 56.

173   Dette, *Liber possessionum Wizenburgensis*, 106

174   Dette, *Liber possessionum Wizenburgensis*, 106.

always had defined obligations to provide for the monastery, whereas those of the smaller properties of Bergkirchen were divided between those living on the demesne and those living on dependent manses.

The polyptyque of Montier-en-Der has frequently been discussed in relation to slavery in Carolingian Europe because of the nature of the *precaria* listed at the end of the document. Because the organization of these *precaria* differed from the lands held directly by the monastery, many argue that they provide us with a view of the holdings of the free smallholders as they existed prior to their incorporation by the monastery.[175] Though there is some debate as to the exact nature of the monastery's organization, there is a certain agreement that the emphasis upon *mancipia* on these *precaria* indicates that the 'large-allod holders' relied heavily upon the work of slaves for the cultivation of their land.[176]

A dissenting opinion comes from Étienne Renard, who has argued that the *mancipia* listed as living on the *precaria* were not slaves.[177] Renard contended that the *mancipia* on the *precaria* could not have been slaves because in two instances they are explicitly listed as having limited, defined services, and in a third, it can be implied that they owed limited services. Thus, they were not susceptible to the arbitrary demands of their lord as a slave would have been.[178] One of the chapters Renard pointed to was LV, the *precarium* of Vualdredana, which reads in part: *aspiciunt ad ipsum mansum de terra arabili iornales clxxx-viii, mancipia viiii. solvunt pullos xviii cum ovis, scindelas dc, frescingas vi, de sex denariis, de lignare carra viii, iornales, coruadas, et beneficia.*[179] In this case, it is

175   Claus-Dieter Droste, 'Die Grundherrschaft Montiérender im 9. Jahrhundert', in *La grand domaine aux époques mérovingienne et carolingienne: Actes du colloque international, Gand, 8–10 septembre 1983*, ed. Adriaan Verhulst (Gent: Centre Belge d'Histoire Rurale, 1985), 102–03. Id., *Das Polyptichon von Montierender: Kritische Edition und Analyse* (Trier: Verlag Trierer historische Forschungen, 1988), 13–14. Adriaan Verhulst, *The Carolingian Economy* (Cambridge: Cambridge University Press, 2002), 50–51. Bois, *The Transformation of the Year One Thousand: The Village of Lournand from Antiquity to Feudalism*, trans. Jean Birrell (Manchester: Manchester University Press, 1992. [Originally published as *La muta-tion de l'an mille: Lournand, village mâconnais de l'Antiquité au féodalisme* (Paris: Fayard, 1989)]), 22. Doehaerd, *The Early Middle Ages in the West*, 94–96.

176   Droste, *Das Polyptichon von Montierender*, 143–44. Morimoto, 'Le polyptyque de Montier-en-Der', 167–68.

177   Étienne Renard, 'Les *mancipia* carolingiens étaient-ils des esclaves? Les données du polyp-tyque Montier-en-Der dans le contexte documentaire du IXᵉ siècle', in *Les moines du Der, 670–1790: Actes du colloque international d'histoire, Joinville, Montier-en-Der, 1er–3 octobre 1998*, ed. Patrick Corbet (Langres: Dominique Guéniot, 2000), 179–209.

178   Renard, 'Les *mancipia*', 189–90.

179   Constance Brittain Bouchard, *The Cartulary of Montier-en-Der, 666–1129* (Toronto: University of Toronto Press, 2004), 332–33. The numbering of the chapters has been

apparent that the *mancipia* on the one *mansus* held by Vualdredana were those owing the payments because there are no other inhabitants on the manse, and the verb *solvere*, being in the plural, clearly refers to the eight *mancipia* just mentioned. Also this chapter makes clear that they owed payments in kind (18 chickens with eggs, 600 shingles, 6 suckling-pigs, and 8 carts of firewood) and, if Droste's interpretation is correct, work on the demesne to the equivalent of 6 *denarii*.[180]

The second *precarium* that Renard pointed to as explicitly demonstrating that *mancipia* had defined fees was Chapter XLIX. On this *precarium* a Harduinus had three manses, two of which were inhabited (*mansa vestita ii*): *manent ibi homines iiii. habet de terra arabili iornales lxxx. de prato ad carra v. mancipia xx. solvunt solidos ii et denarios viiii*.[181] From this passage, it appears that the first manse contained Harduinus' lodging as it was the *mansus indominicatus*. It also had significant plough land and hayfields, but, oddly, there appears to be no mention of a labour force. The second manse had the four *homines* with plough land and fields. Though one would expect the *mancipia* to have belonged to the *mansus indominicatus*, they actually appear to have belonged to the second manse along with the four *homines* since they are listed with the plough lands and fields of the second *mansus* itself. Renard argued that since the phrase *solvunt solidos ii et denarios viiii* directly followed the mentioning of the twenty *mancipia*, the *mancipia* must have owed the services. By contrast, Droste contended that the fees were actually laid upon the *homines*.[182] Both interpretations are possible, but that of Renard's seems to me the most tenable for two reasons. First, it is by far the most straightforward. For the fees to have applied to the *homines*, the reference to the twenty *mancipia* would have to be seen as the last in a list of the appurtenances of the second manse. According to this interpretation, the list of appurtenances begins with the verb *habet*: '[The manse] has eighty *iornales* of plough land, of fields of [a capacity] of five cartloads [of hay], twenty *mancipia*.' The description of fees to be paid, beginning with the verb *solvunt*, then would not be part of this

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added later, and there are some differences in numbering between editors. I have followed Bouchard's numbering. In an earlier edition of the polyptyque, Claus-Dieter Droste found only fifty-eight chapters. Claus-Dieter Droste, *Das Polyptichon von Montierender*. Bouchard's reasoning for listing sixty chapters is fairly convincing. Bouchard, *The Cartulary of Montier-en-Der*, 334 n. 102.

180   Bouchard, *The Cartulary of Montier-en-Der*, 333. Droste, *Das Polyptichon von Montierender*, 137.

181   Bouchard, *The Cartulary of Montier-en-Der*, 331.

182   Droste, *Das Polyptichon von Montierender*, 132.

sentence describing the manse's belongings, rather it would refer to *homines* mentioned as living on the second manse and before the manse's description. It seems that Droste attached the fees to the *homines* a priori and not primarily on the basis of the text itself. The second reason why the description of fees must refer to the *mancipia* is that in all cases elsewhere in the polyptyque the fees directly follow those to whom they apply. I can find no instances of the fees being separated from those to whom they refer.

In the third case that Renard pointed to as demonstrating that the *mancipia* on the *precaria* had their services defined, the evidence is implicit, but no less convincing. Chapter LVI describes the dimensions of five *mansi* and one *hospicium* held in precarial tenure, but no inhabitants of any kind are mentioned until the end of the chapter where the contents are summarized: *sunt in summa mansa v, hospitium i, mancipia viiii, lignaris carra viii, pullos xviii, scindelas d, frescingas vi, et agniculi ii.*[183] It therefore appears that the nine *mancipia* owed the 8 carts of firewood, 18 chickens, 500 shingles, 6 suckling-pigs, and 2 lambs, and therefore their labour was not completely subject to the will of their lord.

In sum, in at least two instances, and perhaps three, *mancipia* on the *precaria* have specifically defined services. It could be argued, though, that other chapters indicate that the *mancipia* did not have defined services or fees, and therefore their work obligations were subject solely to the will of their lord. This condition is suggested in those chapters in which the *mancipia* do not have any defined payments or services *in contrast* to other inhabitants of the same *precarium*. Chapter XLV is one such chapter. It details the large *precarium* held by Rotlaus, containing 25-and-a-half *mansi*, 163 *mancipia*, 20 *homines*, and 1 mill with a miller.[184] The *homines* are described as living upon eleven manses and owing 22 *solidi* in services. The *mancipia*, on the other hand, had no services attached to them. Likewise, in chapter L there are twenty-six *mancipia*, a miller, and six *homines*. The *homines* lived on the one *hospitium* belonging to the *precaria*, and they owed 11 *solidi* in the form of ploughing (*iornales*), hospitality (*beneficia*), firewood, fifteen work-days a year (*noctes xv et manoperas*), and ploughing duties (*coruada*).[185] The miller owed sixty measurements

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183   Bouchard, *The Cartulary of Montier-en-Der*, 333.

184   Bouchard, *The Cartulary of Montier-en-Der*, 330.

185   The meaning of some of these terms has caused certain controversy. Droste maintained that *carropera* referred to cartage dues while Morimoto argued that the expression *carropera et manopera*, when connected with a specified number of days, referred to the work days. Bouchard, following Morimoto, stated the same. Droste, *Das Polyptichon von Montierender*, 138. Morimoto, 'Le polyptyque de Montier-en-Der', 175–76. Bouchard, *The*

(*modius*) of grain.[186] The fact that, on these two *precaria*, the *mancipia* had no set limits to their service, in contrast to the *homines* and the one miller, suggests that in these instances the *mancipia* may have been subject exclusively to the will of their lord as regards their labour. We will see that in the Hungarian context, this disparity in service indicates that *servi* did indeed have to serve in whatever capacity their owner specified. However, the Hungarian situation is different in two points. First, the contrast in service is consistent. *Servi* on the domains of lay lords never had their obligations defined, in direct contrast with *libertini*, who always did. Second, in the Hungarian context we have positive evidence that these *servi* had to perform whatever work duties their lord ordered. In the case of the evidence for Montier-en-Der, by contrast, we have no positive evidence that the lack of defined service obligations meant that the *mancipia* were completely under the command of their lord, and we also see that the evidence within the polyptyque itself is not consistent. In Chapter XLIX discussed above, we have seen that *mancipia* were those who, in all likelihood, owed a defined payment of 2 *solidi* and 9 *denarii*.

If not slaves, then who were the *mancipia* on the *precaria* owned by the monastery at Montier-en-Der? Renard argued that the term actually had an extremely broad semantic range and was merely 'a term of convenience' (*un terme commode*) including *servi, coloni*, and *ingenui*, though he maintained that it must have rarely meant slave.[187] Renard also argued that this sweeping usage of the term actually existed beyond the lands of Montier-en-Der and spread throughout the lands of Carolingian Europe as a result of the movement of church officials. The term, in effect, was part of the broader administrative language of the Empire.[188] Renard is overstating the semantic range of the word in my view—at least it would be impossible to find the term applied to the *coloni/ barschalken* of contemporary Bavaria. At the same time, as we have seen, the term was at times synonymous with *servi* in Bavaria. *Mancipium* does seem to have described different statuses on the lands of Montier-en-Der. In Chapter XLVIII of the polyptyque, the expression *mancipia inter maiores et minores*

Cartulary of Montier-en-Der, 316. Morimoto's position is strengthened by this passage because *manopera* is directly connected with *noctes* along with a number. The term *noctes* clearly refers to work-days. In light of this, Droste's translation of *manopera* as *Handarbeit* is inaccurate. Also, the presence of *noctes* and *coruada* in the same chapter most likely means that *coruada* referred to the more specific duty of days of ploughing while *noctes* were general work-days. See Morimoto, 'Le polyptyque de Montier-en-Der', 175 and J.F. Niermeyer, *Mediae Latinitatis lexicon minus* (2002), s.v. *corrogata*.

186   Bouchard, *The Cartulary of Montier-en-Der*, 330.

187   Renard, 'Les *mancipia*', 192–93, 201–02.

188   Renard, 'Les *mancipia*', 195.

appears describing the *mancipia* on the *precarium* of Gennulfus.[189] Droste interpreted the expression as meaning 'adults and children' ('Erwachsene und Kinder'), but since elsewhere in the cartulary of Montier-en-Der the use of *mancipia cum infantibus* is preferred, a more likely interpretation would be to render the expression as *mancipia* owing greater and lesser degrees of service.[190]

It does not appear very likely, then, that the term *mancipium* referred to slaves, although the authors of the polyptyque evidently viewed the *mancipium* on the *precaria* as having a different, and lower, status than that of the *homo*. First of all, the term itself is missing from the rest of the polyptyque, that is, from those portions not describing the *precaria* of the monastery. Second, there must be some significance in the fact that the polyptyque only mentions *mancipia* on the *precaria*. Elsewhere in the document only the manses are mentioned, and the obligations are assigned to the manses themselves and not to individuals, which is in direct contrast to the *precaria* where individuals, both *homines* and *mancipia*, are assigned the services. The exceptions to this are when *hospicia* (apparently the plural of *hospes*) are mentioned. Another exception appears with the eight *mansa servilia* in Chapter XII. Each of these *mansa* had services assigned to them, and the *servi* are described as owing six additional days of labour at the monastery (*servi faciunt diebus vi*).[191] The *hospicia* owed lighter services of only three days a year along with some chickens and eggs.[192] These exceptions are few, and in most cases the labour obligations are based upon the *mansus*. A final indication of the difference between the *mancipia* and the *homines* is seen in the fact that the polyptyque consistently uses a different verb to indicate the connection each of them had to the properties they inhabited. When referring to *mancipia*, the polyptyque uses the verb *aspicere*, while when referring to *homines*, it uses *manere*. The latter indicates a more permanent and recognized connection while the former, as Renard has noted, likely indicates more of 'an administrative connection without implications of residence'.[193]

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189   Bouchard, *The Cartulary of Montier-en-Der*, 331.

190   Droste, *Das Polyptichon von Montierender*, 131. Greater and lesser *mancipia* was Renard's interpretation. Renard, 'Les *mancipia*', 192. For examples of *mancipia cum infantibus*, see Bouchard, *The Cartulary of Montier-en-Der*, 81–83.

191   Bouchard, *The Cartulary of Montier-en-Der*, 320–21. *Hospicia* are mentioned in Chapters XX and XXI. Ibid., 323–24.

192   Bouchard, *The Cartulary of Montier-en-Der*, 323–24.

193   'Un lien administratif sans implication de résidence.' Renard, 'Les *mancipia*', 202.

If we look at the evidence outside the polyptyque itself, we find that though *mancipia* may have had fewer rights than those termed *homines*, they still had some connection with the land and, in some instances at least, they seem to have had some sort of claim to it as well. Though not as extensive as the cartularies of Bavarian churches, the cartulary of Montier-en-Der contains several charters contemporary with the polyptyque that mention *mancipia*. There is no instance that I have found in which *mancipia* were transferred to another owner without reference to a piece of property. In 832 Louis the Pious gave a *villa* with a *curtis* and twelve *mansi*. The property had actually been held in benefice by one of Louis' vassals, a certain Hisimbertus.[194] The connection that *mancipia* could have with the land upon which they lived could at times be seen in the charters themselves. In 872, Count Boso, the future king of Burgundy, gave Montier-en-Der a *pagus*

> tam mansis quam perviis, olcas, campis, pratis, silvis, aquis aquarumve decursibus, tam de propio quam de comparato, de mercato vel ponto, quod ibidem ad me pervenit, cum omni integritate, et mancipia iiii his nominibus, Autgarde, Adolanae, Vuilarde, Adolo, cum peculiares eorum sicut superius conscriptum est . . .[195]

> with farms as well as roads, plough land, fields, meadows, forests, bodies of water and their waterways, either that of my own or that purchased, from a market or *pontus*, everything that belongs to me in that place, with all appurtenances, and four *mancipia* with these names, Autgarde, Adolanae, Vuilarde, Adolo, with their personal items just as is written above.

It is difficult to know exactly what the phrase *cum peculiares eorum sicut superius conscriptum est* referred to, but two points about the statement are significant. First, though all of the property mentioned was ultimately under Boso's ownership, these four *mancipia* had rights to part of it such that the charter specifically called it *peculiares eorum*. Second, all of the possessions mentioned earlier in the document, among which we might find the *particulares* of the *mancipia*, were immovables (*mansi, peruii, olcae, campi, silvae,* etc.). The most probable candidates for these *peculiares*, then, are the *mansi*. In other words, there appears to have been a recognized and strong connection between land and the *mancipia*.

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194   Bouchard, *The Cartulary of Montier-en-Der*, 73.
195   Bouchard, *The Cartulary of Montier-en-Der*, 92.

Conclusions

In sum, according to the early laws of the Hungarian kingdom, the *servus* could rightly be equated with a slave, although we see that *servi ecclesarum* were beginning to have a different position. We have little evidence for Hungarian *servi* during the reign of Stephen apart from the laws, so we must be very cautious about any final conclusions regarding their status. In the case of Bavaria, the laws indicate that the terms *servus* and *mancipium* retained their classical definitions and meant 'slave'. However, extra-legal evidence shows a much more complex situation. In the charters, the term *mancipium* covered a wide range of servile inhabitants. On one end of the spectrum were those living *infra domum* who did not have any defined service and whose labour was seemingly at the command of their lord. On the other end of the spectrum were those living on a manse and owing strictly defined services or fees. Those *mancipia* on the smaller properties, such as that owned by the bishop Siegfried or those of the church at Bergkirchen, could find themselves in one of two positions. They could be either on the demesne where their labour came under the complete command of their lord, or they could be what Siegfried termed *manentes* with defined services living on external *mansi*.

The position of the *servi* in Carolingian Bavaria is perhaps a bit more problematic. At least determining their position in society is not as simple as maintained by some German historians. *Servi* could be settled on *mansi* like Siegfried's *manentes* just mentioned. If Wilhelm Stömer is correct, they could even attain a sort of overseer position and organize themselves for the purpose of making complaints to their lord. However, the term *servus* was not always, or even most often, associated with the domiciled *mancipium. Servi* could indeed refer to the landless *mancipiua* exchanged as items of property by their lord.

Outside Bavaria, the situation is again mixed. On the large estate of Weißenburg, we see the split between those *mancipia* living *infra domus* and the manses. Size may be a significant factor in the organization of Weißenburg because all the *mancipia* on the distant farms under their control owed defined services. At Montier-en-Der, the records do not support the contention that the *mancipia* on the *precaria* in the third part of the monastery's polyptyque were slaves. In most instances in the polyptyque, the *mancipia* had defined services or fees, and the interpretation of the chapters which may indicate *mancipia* as having unlimited services are unclear. There is also no evidence that *mancipia* on the lands of Montier-en-Der had no rights to the land upon which they lived. In fact, there is one charter that indicates *mancipia* could even have a certain recognized right to that land.

Servi during the Reigns of Ladislas I and Coloman

The period after the death of Stephen I was characterized by political instability. In the four decades prior to Ladislas I's ascension to the throne, Hungary suffered seven wars for the throne, six kings (one, Peter Orseolo, ruled on two separate occasions), three invasions by the German emperor from the west, one invasion by nomads from the east, and the last so-called pagan uprising against the new, western, system and its religion. With Ladislas came a certain amount of political stability.[1]

Servi in the Last Quarter of the Eleventh Century

The source material for the period immediately after the reign of Stephen through the reign of Coloman is more abundant than that for the reign of Stephen itself, but it is far from plentiful. Apart from the books of laws ascribed to Ladislas, less than a dozen reliable charters are extant. Once again, the laws take on special significance in light of the paucity of other material. The laws of Ladislas come down to us in three books, and scholars agree that their dates are generally in reverse to the numbering traditionally ascribed to them, though it must be remembered that all of them were later compilations.[2] The first book is the only one dated, and it is not actually *decreta* but rather the decisions of a synod which met in the castle of Szabolcs on 20 May 1092, three years before the death of Ladislas. However, even the dating of Book I is not completely clear because some of the canons are clearly insertions from another time and place and appear to have actually been *decreta* unrelated to the synod itself.[3] Perhaps the most problematic book of laws is

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1   For the period, see Ferenc Makk, *Magyarország a 12. században* [Hungary in the 12th century] (Budapest: Gondolat, 1986), 5–36. György Györffy, 'Az új társadalmi rend válsága: trónküzdelmek', [The crisis of the new social system and struggles for the throne], in Antal Bartha, *Magyarország története: Előzmények és magyar történet 1242-ig* (Budapest: Akadémiai Kiadó, 1984), 1: 835–88.

2   Makk, *Magyarország a 12. században*, 36–37. Monika Jánosi, *Törvényalkotás a korai Árpád-korban* [Legislation in the early Árpád era] (Szeged: A Szegedi Középkorász Műhely, 1996), 104–28.

3   Jánosi, *Törvénalkotás*, 122.

the third one, and historians typically divide it into two parts for the purpose of dating. The first fifteen chapters are the earliest, and many scholars date them to the earliest years of the reign of Ladislas: sometime between 1077 and 1083. The second half of Book III is thought to have originated after 1083 but before the synod of Szabolcs.[4] However, others, most notably Monika Jánosi, argued that Book III actually originated before Ladislas came to the throne. She argued that the *decreta* found in this book came during the reigns of the two previous kings: Solomon (1063–74) and Géza I (1074–77).[5] At the same time, Jánosi did not leave out the possibility that some of the chapters from Book III actually did originate during the reign of the king they were ascribed to.[6] Nevertheless, she did agree with the generally accepted view that the second book originated during the reign of Ladislas, but stated that some of the chapters may have actually come from the time of Géza I.[7] Book I, the synod of Szabolcs, of course concerned itself mostly with the affairs of the church, with the exception of two of the problematic canons mentioned above which deal with secular matters.

Just as in the laws of Stephen I, the *servi* in the laws of Ladislas appear primarily as items of property. Some of the earlier *decreta* (either during the reigns of Salamon, Géza I, or the first half of Ladislas' reign) describe the activities of an official known as 'the collector of stray things who is called *joccedeth* in the vernacular' (*rerum fugitivarum collector, quem vulgariter joc-cedeth dicunt*). The task of this official was to collect 'stray' goods and to bring them into the centre of the royal county. (The literal translation of the term *joccedeth* indicates his role as well—in modern Hungarian, *jók* means 'goods', and *szedő*, 'one who gathers'.) There the goods were to be divided between the royal bailiff (*regis pristaldus*) and the county count (*comes*). Human property figured prominently among these goods. In fact, the law refers to men as the main objects that the *joccedeth* collected, and it ordered that 'two parts of the fugitive men, that is the *ioch*, should be given to the king's bailiff' (*due partes fugitivorum hominum, ioch scilicet, donentur regis pristaldo*). These fugitive men were the primary concern of the law. Next in importance was other live property such as horses and oxen.[8] When Géza I founded the monastery at Garamszentbenedek (Bars County, present-day Hronský Beňadik, Slovakia), he

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4   Makk, *Magyarország a 12. században*, 36.

5   Jánosi, *Törvénalkotás*, 117–19.

6   Jánosi, *Törvénalkotás*, 122.

7   Jánosi, *Törvénalkotás*, 122.

8   János Bak, M., György Bónis, and James Ross Sweeney, eds., *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild: Charles Schlacks, Jr, 1999), 19–20 (III.13).

stated that he alone had the authority to give the monastery 'all stray or escaped things, be they either man, or draft animal, or any other animal' (*omnis vagus et profugus, sive homo, sive iumentum, sive quodcunque animal sit*).[9] A similar law from the second half of the third book (thought to have originated during the last half of Ladislas' reign) described the procedures for handling lost goods that were in the possession of another.[10] These goods were to be seized and taken to the castle or town, where they were to be displayed for a time in the market. The law set the prices to be paid if the owner found his goods there. The three items mentioned specifically are again men, horses, and oxen.[11]

To be sure, those who had acquired someone else's workforce in the form of fugitive *servi* would attempt to prevent the original owner from claiming them, and violence was evidently one tactic employed. The law sought to protect those searching for their lost property by demanding that 'if someone wishes to search for a fugitive *servus* or whatever lost thing, he should be prevented by no one' (*si quis servum fugitivum vel quodcumque perditum querere voluerit, a nemine prohibeatur*). The law continued to say that no one should beat those searching for their lost goods. The fact that the lords often had no qualms about accepting fugitive *servi* is illustrated by the law aptly titled 'On those who receive another's *servus* or *lixa*' (*De his, qui recipiunt servum vel lixas alterius*).[12] The law commanded that those receiving stolen *servi* pay fines depending on their station in society, whether *comes, minister*, or *plebeius*.[13] In another chapter, those men listed in a now-lost royal survey who had been found on another's property were to be returned to the king or they would pay expensive fines.[14] György Györffy found justification in this chapter for his position that the *servus* in the eleventh century was a poor freeman. Györffy saw the term *servus* in apposition with the medieval Hungarian term *ewnek* (modern Hungarian, *ínek*, 'poor freemen') in the law. A full reading of the text proves

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9   György Györffy, *Diplomata Hungariae antiquissima* (Budapest: Akadémiai Kiadó, 1992), 213–18.

10   Bak et al., *Decreta 1000–1301*, 20–21 (III.20).

11   Bak et al., *Decreta 1000–1301*, 20–21 (III.20).

12   Bak et al., *Decreta 1000–1301*, 21 (III.21). Books II and III of the laws of Ladislas are the only ones containing the term *lixa*, elsewhere the term *ancilla* is used. *Lixa* is a rare synonym of *ancilla*. See 'Lixa', in *Lexicon mediae et infimae Latinitatis Polonorum* (Wrocław: Acadamiae Scientiarum Polonae, 1978–1984).

13   Bak et al., *Decreta 1000–1301*, 21 (III.21). The text is a bit confusing as to the exact nature of the fines. Some believe the chapter to be several previous laws combined. Bak et al., *Decreta 1000–1301*, 87 n. 44.

14   Bak et al., *Decreta 1000–1301*, 17 (III.2).

the exact opposite. The word *vel* is clearly used to connect three categories in parallel: either *civis*, or (*vel*) *ewnek*, or (*vel*) *servi*. The relevant passage reads:

> precipimus etiam, ut idem regis nuntius palam faciat omnibus . . . quod a tempore regis Andree et ducis Bele et a descriptione iudicis Sarkas nomine aput quemcumque aliqui civium vel illorum, qui dicuntur ewnek vel servi detinentur, in assumptione sancte Marie omnes regi presententur . . .

> We further ordain that the same royal messenger shall publicly make it known to all, . . . that any of those detained from the time of King Andrew and Duke Béla and when the estate survey of the judge Sarkas was made, whether men of the castle or those called *ewnek* or *servi* shall be given to the king by the Feast of the Assumption of the Virgin Mary.[15]

In the laws of Ladislas, *servi* and *lixae* always appear prominently when issues of property are at stake, and they were therefore probably counted among the more valuable movables a person could own. Their value is also seen in the fact that for the most part the law sought to allow a master to keep his *servus* even if the *servus* was guilty of theft. The synod of Szabolcs (that is, Book I of the laws of Ladislas) shows that the *ancilla* could also be valuable property of a different type—a concubine. The second canon of the synod declared that any priest who had been living with his *ancilla* (*ancillam suam*) in place of a wife (*surrogaverit uxoris*) should sell her. Of course this canon was part of the broader issue of ecclesiastical attempts to stamp out concubinage, but it is obvious that the concubine in this instance was also the property of the priest. The canon specifically stated that the priest had to sell his *ancilla*. If he refused, he would not receive the price that she would fetch because the money would then go to the bishop instead of him.[16] The treatment of the *ancilla* living with a priest stands in sharp contrast with the treatment given to the free woman illegally married to a priest, who was to be returned to her family (*parentibus suis iubemus reddi*).[17] Thus the priest dealt with his free concubine through her kin while the *ancilla* had no rights or connection to family. This opposition of free-kin versus slave-non-kin is exactly what one would expect of a slave.

Some 60 per cent of the laws of Ladislas deal with offenses against property.[18] Traditional Marxist historiography attributes the preponderance of

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15   See Györffy, *István király*, 481. Bak et al., *Decreta 1000–1301*, 17 (III.2).
16   Bak et al., *Decreta 1000–1301*, 54 (I.2).
17   Bak et al., *Decreta 1000–1301*, 54 (I.1).
18   Makk, *Magyarország a 12. században*, 37.

these property laws to the imposition of private property upon pastoralists who were used to communal property.[19] Others have more recently argued that the laws were part of a broader royal attempt to end the social chaos of the times, and that the preponderance of property laws reflects merely the accident of survival. Some evidence suggests that Géza I actually promulgated laws dealing with murder, but these have not survived the centuries.[20] In any case, the laws of Ladislas are harsher than the laws of Stephen in their treatment of those guilty of theft. Freemen no longer had the opportunity to redeem themselves—they were hanged after the first offense. The *servus* guilty of stealing also faced hanging, and the law states matter-of-factly that the owner of any executed *servus* would just have to accept the loss of his property.[21] Most laws, however, sought to maintain the productivity of the master's human property by calling for the removal of the *servus*' nose just as in the laws of Stephen.[22]

Servi also show up in the laws of Ladislas as part of the property composing the *wergild* that a freeman guilty of murder had to pay to his free victim's family. The law commanded that 'all his [the murderer's] things, namely vineyards, land, *lixe, servi*, are to be divided in thirds, from which two parts are to be given to the victim's family, the third part to the sons and wife of the victim'.[23] This *decretum* is the only one among the laws of Ladislas to deal with murder, and it only concerns freemen.[24] Unfortunately, no laws regarding the murder of a *servus* are extant, so we have no way of comparing the *wergild* obligations owed for the death of a freeman with the punishments owed for the death of a *servus*. It should be recalled that in the laws of Stephen, the family of freemen received *wergild* whereas the master of a *servus* received compensation.

Just as in the laws of Stephen, a *liber* guilty of a crime could often find himself losing his freedom. The most frequent mention of a freeman being sold is when he was accused of theft but had sought refuge in a church. Those freemen fortunate enough to reach the church before being apprehended either became the *servi* of that church, or were sold elsewhere.[25] If a nobleman guilty of theft found refuge, he was to be sold abroad.[26] It seems likely that a freeman guilty of a petty theft was also sold since his fines were severe—twelve

19   Emma Lederer, *A feudalizmus kialakulása Magyarországon* [The development of feudalism in Hungary] (Budapest: Akadémiai Kiadó, 1959), 35–37.

20   Jánosi, *Törvénalkotás*, 103.

21   Bak et al., *Decreta 1000–1301*, 14 (II.12).

22   Bak et al., *Decreta 1000–1301*, 13 (II.2 and 6), 14 (II.10), 15 (II.14), 20 (III.17).

23   Bak et al., *Decreta 1000–1301*, 14. (II.8): *et omnia sua dividantur in tria, scilicet vinee, terre, lixe, servi, unde due partes dentur cognatis iugulati, tertia vero filiis et uxori iugulatoris.*

24   Bak et al., *Decreta 1000–1301*, 13 (II.6).

25   Bak et al., *Decreta 1000–1301*, 18 (III.4) and 20 (III.17).

26   Bak et al., *Decreta 1000–1301*, 12–13 (II.1).

times the value of the theft plus an ox.[27] Married women guilty of theft had their noses cut off and were sold, while the unmarried girl was sold never to be given liberty again.[28] Border guards guilty of allowing the sale of horses or oxen abroad without a royal licence lost their freedom as did anyone caught making false accusations about another evading tithe payments.[29] So participation in crime still provided Hungarian society with human property.

The laws of Ladislas continued to treat the *servus* and *ancilla* mostly as objects of property, the possessions of another. Many scholars have pointed to canon 40 of the synod of Szabolcs (1092), however, to show that *servi* could live on an 'independent estate' (*független gazdaság*), making them more of a serf than a slave. The canon set forth the requirements for the payment of tithes and the punishments to be imposed on those who evaded payment. The canon declared than any son who lived with his father (*qui in domo patris est*), and any *servus* who lived with his lord, did not pay the tithe separately, but with their father or lord. At the same time, if a son or *servus* had their own domicile (*qui per se habent domos suas*), then he would have to pay the tithe 'from all that they have' (*de omnibus, que habent*).[30]

Canon 40 of the synod of Szabolcs has three possible interpretations. The first interpretation holds that this canon is speaking about *servi* who are actually living as serfs on their own plots. As discussed above, György Bónis argued that the term 'serf' more accurately described any *servus* who lived in his own home and worked an independent plot, as this law seems to indicate. Ilona Bolla, on the other hand, maintained that the purpose of the canon was merely to establish the authority of the church and the principle that the tithe was universal. Bolla argued that the canon was mostly symbolic, but the fact that it exempted those who possessed less than ten buckets (*hydria*) of threshed grain from paying the tithe shows that the authors of the canon were concerned with more than just symbolically extending their authority. The third, and most likely interpretation in my view, holds that canon 40 of the synod of Szabolcs is an attempt by the church to receive income from the *servi*'s *peculium*. We have already seen that slaves almost always were allowed their *peculium* and throughout history have been able to enjoy considerable economic independence through the produce of their provision grounds or personal plots.[31]

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27   Bak et al., *Decreta 1000–1301*, 15 (II.14).

28   Bak et al., *Decreta 1000–1301*, 18 (III.6 and 7).

29   Bak et al., *Decreta 1000–1301*, 15 (II.17) and 59 (I.40).

30   Bak et al., *Decreta 1000–1301*, 59 (I.40).

31   See Chapter 1 above.

The demand for the tithe from *servi* is concomitant with the church's acceptance of the *servi* into the Christian fold. The synod of Szabolcs sought to protect Christians from coming under the authority of non-Christians, in this case, specifically Jews. Canon 10 declared that Christians were to be removed from marriages with Jews, and that those Christians who had been sold to Jews had to be taken away.[32] Another canon even demanded a penance from those lords who did not bury their deceased *servi* in the churchyard.[33] The significant issue here is that *servi* could be recognized as Christian. Also, we see for the first time a type of manumission of *servi* that did not bestow a full freedom, but rather a liberty 'with such a condition that they may serve the church'.[34] In this manner the *servus* became a dependant, or servant, of the church, but he also attained a kind of *libertas* that was absent before. However, at this early stage in the development of the ecclesiastical system of land-ownership, these conditionally manumitted *servi* were evidently, on occasion, still subject to the arbitrary, forcible submission to others. The law points to this fact when it forbids anyone besides the priest from taking advantage of the service of any recently manumitted *servus*.[35]

The fact that the *servus* could be considered part of the church was certainly significant, but the laws of Ladislas indicate that by the end of the eleventh century, the term *servus* could also describe an individual with certain administrative responsibilities or position of some form of authority. The *joccedeth* clearly was not always a freeman because one of the laws made a distinction between the *joccedeth* who was a freeman and the one who was not.[36] Of course the *joccedeth* may not have been considered the same as a *servus*, but another of the laws of Ladislas shows that lords could use their *servi* as a sort of retainer. The law assigned the punishment due to nobles (*nobiles*) or soldiers (*milites*) who invaded the house of another and abused the occupants. Freemen who aided the noble in the invasion suffered a fate like that of the noble, but any *servus* aiding a home invasion suffered a different punishment. The freeman had the opportunity to pay a fine, albeit a heavy one, whereas the *servus* suffered public humiliation and was sold.[37]

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32   Bak et al., *Decreta 1000–1301*, 55 (1.10).

33   Bak et al., *Decreta 1000–1301*, 57 (1.25).

34   Bak et al., *Decreta 1000–1301*, 57 (1.30): *libertate mancipati fuerint, eo tenore tamen, ut ecclesie serviant.*

35   Bak et al., *Decreta 1000–1301*, 57 (1.30).

36   Bak et al., *Decreta 1000–1301*, 20 (III.13).

37   Bak et al., *Decreta 1000–1301*, 14 (II.11).

The duties of some *servi* may have broadened in scope, and in the latter decades of the eleventh century the category of those not regarded as free seems to have expanded. The *joccedeth* was not always a freeman, but he performed the substantial duty of delivering fugitives and stray cattle to the county *comes*. The *servus* also could be called upon to perform duties beyond the agricultural, as in the example of the *servus* aiding the violence of his lord. Perhaps we should view the *decretum* ascribed to Stephen regarding the *servi regali curiae vel civitati praepositi* (II.18) in light of this broadening range of the unfree. The situation at the end of the eleventh century accords with György Bónis's suggestion, at least.[38] At the same time, we should be careful not to accord the term *servus* any sort of 'proto-*ministeriales*' as described by Michel Parisse for German areas.[39] Only one charter that I know of, from almost one hundred years after the reign of Ladislas, mentions a connection between *servi* and horses. These *servi* appear in the will of Forcos, in which he left *vi mansiones servorum super proprios equos serviencium*, and there is no indication that they performed any duties beyond cartage with their horses.[40] In fact, these *servi* serving with horses are listed with the *servi aratores*, indicating that they were of the same status as those ploughing.

Among contemporary charters, only one mentions subjects who appear to have served in a martial capacity, and these were not termed *servi*. In 1067 *comes* Petrus founded the monastery at Százd, near present-day Tiszakeszi in Abaúj County. Included in the donation was a *praedium* named Zekeres ('cart driver', or 'coachman', in modern Hungarian) whose population had been assigned the duty of providing a two-man mounted escort for the abbot each month, a duty strongly resembling the proto-*ministeriales* described in the

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38   See above and György Bónis, 'Szent István törvényének önállósága' [The independence of Saint Stephen's laws], *Századok* 72, nos. 9–10 (1938), 480–82.

39   Michel Parisse, 'Les ministériaux en Empire: ab omni jugo servili absoluti', *Jahrbuch für westdeutsche Landesgeschichte* 6 (1980), 8. Slaves have quite a history as auxiliaries to their owners in warfare, going back at least to the Greeks. Slaves served as amour bearers for Athenian hoplites. Rachel L. Sargent, 'The Use of Slaves by the Athenians in Warfare', *Classical Philology* 22, no. 2 (1927), 202–06. My own suspicion is that these *servi* were armed and helped their lord, not as a formal class of warriors, but rather much in the same manner as slaves on the frontiers of North America who might be armed to fend off the advances of those forces hostile to their owner and his interests. See Philip D. Morgan and Andrew Jackson O'Shaughnessy, 'Arming Slaves in the American Revolution', in *Arming Slaves: From Classical Times to the Modern Age*, ed. Christopher Leslie Brown and Philip D. Morgan (New Haven: Yale University Press, 2006), 183–87.

40   Nándor Knauz, *Monumenta Ecclesiae Strigoniensis*, vol. 1 (Esztergom: Aegydius Horák, 1874), 118–19.

chronicle of Zwifaltern.[41] In the charter containing the *mansiones servorum super proprios equos serviencium*, there is also a reference to thirty *equites*, twenty of whom were described as *Vngari* and ten as *Bisseni*, or Pechenegs.[42] These 'Hungarians' are usually thought of as remnant freemen from among the Magyars of the so-called Conquest of the Carpathian Basin. The Pechenegs, on the other hand, are generally agreed to have been often used by Hungarian kings as a light cavalry in the royal army, or as border guards in the new Hungarian kingdom.[43] Consequently, they probably performed martial activities under their lord, *comes* Petrus. It is from among men such as these, elsewhere termed *servientes cum equis* or simply *equites*, that we should find the origins of military retainers, not from among the *servi*. Emma Lederer argued as much when she posited that the *servientes cum equis* in the charters were some sort of officers of their lord, and she maintained that these dependent individuals serving with their horses were the predecessors of the later officers known as *iobagiones*.[44] The *iobagiones*, but especially those on royal lands, the *iobagiones castri*, did exhibit characteristics similar to those of the *ministeriales*. They enjoyed certain privileges in exchange for performing military service. They enjoyed exemption from taxes typically owed by other inhabitants on royal lands, and they enjoyed certain rights to land.[45]

At the same time, most other early eleventh-century Hungarian references to *equites* or those owning horses show that they usually owed more mundane services. The twenty-three *tributarii ministri* with *equi eorum* who were

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41   Györffy, *Diplomata*, 183–85. Parisse, 'Les ministériaux en Empire', 8.

42   Györffy, *Diplomata*, 183–85.

43   Gyula Kristó, *Nem magyar népek a középkori Magyarországon* [Non-Hungarian peoples in medieval Hungary] (Budapest: Lucidus Könyvkiadó, 2003), 70–79. Attila Zsoldos, *Az Árpádok és alattvalóik: Magyarország története 1301-ig* [The Árpáds and their subjects: a history of Hungary to 1301] (Debrecen: Csokonai Kiadó, 1997), 168–70. Nora Berend, *At the Gates of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, c.1000–1300* (Cambridge: Cambridge University Press, 2001), 24 and 29.

44   While Lederer did use the 1067 charter of *comes* Petrus, most of her references to *servientes cum equis* actually came from the first half of the twelfth century. Lederer, *A feudalizmus*, 73–76.

45   *Ministeriales* actually held their land as fiefs, but the institution of the fief never really spread to Hungary, and the *iobagiones castri* of the thirteenth century held their land independent of the king. See Parisse, 'Les ministériaux en Empire', 14–18. Benjamin Arnold, *German Knighthood 1050–1300* (Oxford: Clarendon Press, 1985), 54–65, 110–19. Zsoldos, *Az Árpádok és alattvalóik*, 201–5. Attila Zsoldos, *A szent király szabadjai: fejezetek a várjobbágyság történetéből* [The freemen of the holy king: chapters from the history of the *iobagio castri*] (Budapest: Magyar Tudományos Akadémia, 1996), 76–79.

given to the monastery at Zselicszentjákob (Somogy County, near Kaposvár) by the *comes* of Somogy County all owed ten buckets (*hydria*) of wheat and beer each year, and their horses and carts were brought under the authority of the abbot.[46] Also, according to the first section of the inventory of the monastery at Bakonybél (in Veszprém County), which is generally thought to have originated during the reign of Ladislas, several *villae* had *equites* living in them. These *equites* actually owed a set number of days of ploughing and reaping along with the transportation of wine and the cutting of hay for the monastery.[47]

It seems likely that the βεστιαρίται given to the monastery at Veszprémvölgy in 1018 could also have been such *equites*. The *renovatio* ordered by Coloman I in 1109 translated the word as *servientes cum equis*, and scholars agree that the rather unusual Greek term did refer to a 'servant with a horse' (*lovas szolga*).[48] The βεστιαρίται were indeed given to the monastery, so they were at the disposal of the king, but they were not part of the φαμίλιαι and καπνοί seemingly given to the monastery separate from any land. Neither were they listed among the vintners, one of whom had his own vineyard. Rather, they appear to have been included in the list of craftsmen given—the carpenters, smiths, coopers, and lathe operators.[49] At the same time, they were not among those presumed to be freemen to whom the charter gave the option of either staying 'under the dominion of the holy monastery' (εἰς τὸ κράτος τῆς ἁγίας μονῆς) or leaving.[50] There is no way of knowing whether these βεστιαρίται were among those who served as soldiers, or whether they owed agricultural service or obligations.

In conclusion, in light of the increasing charter evidence, the category of the unfree appears to have broadened by the time of the laws of Ladislas, but there is no indication that *servi* were raised above the status of their predecessors in the laws of Stephen. The *decretum* attributed to Stephen regarding the *servi regali curiae vel civitati praepositi* may have originated at the end

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46   *equi eorum et currus sint in potestate abbatis.* Györffy, *Diplomata*, 173.

47   Györffy, *Diplomata*, 253. However, unlike the *aratores*, they were allowed to marry whomever they wanted, and they could give their daughters to whomever they wanted.

48   Györffy, *Diplomata*, 85. Gyula Czebe, *A veszprémvölgyi oklevél görög szövege* [The Greek text of the Veszprémvölgy charter] (Budapest: A Magyar Tudományos Akadémia, 1916), 79. Gyula Kristó, *Az államalapítás korának írott forrásai* [Written sources from the era of the founding of the state] (Szeged: Szegedi Középkorász Műhely, 1999), 116 and 119. György Györffy, *István király és műve* [King Stephen and his work] (Budapest: Gondolat, 1977), 321, 495.

49   Czebe, *A veszprémvölgyi oklevél*, 49–52. Györffy, *Diplomata*, 85.

50   Györffy, *Diplomata*, 85.

of the eleventh century, but apart from this *decretum* there is no evidence of a such an official, or even of *servi* performing any sort of martial duties.

Servi from the First Half of the Twelfth Century

By the first half of the twelfth century, the system of dependent labour and land usage had stabilized, with the divergent forms prevalent on royal, ecclesiastical, and secular lords' lands. Royal lands were mostly organized so as to provision the royal residences and the castles associated with the county system. On these properties the *udvornici* and *castrenses* formed the majority of the dependent labour, and they enjoyed the privileges of defined obligations to their lord and rights of use to their own plots of land.[51] Church lands sometimes contained groups of *udvornici* given to them by the king, and these dependants maintained many of the legally defined duties which had previously been accorded to them. Similarly, the church had various groups of specialists who also owed restricted dues or labour. As we will discuss in detail in Chapter 8, *servi ecclesiae* could be thought of as two groups. Certain *servi* owed defined obligations just as the other groups of dependants, while others retained a lower status, especially those near the ecclesiastical centre to which they belonged or those recently acquired from private sources.

While the synod of Esztergom treated *servi ecclesiarum* more as tenants than slaves in respect to the obligations owed to the church, the laws treated those *servi* owned by lay lords more as property than tenants. *Decretum* 41 of Coloman's laws made provision for the return of any *servus* who had strayed from his owner, and in order to make sure the *servus* could be identified as someone else's property, the law ordered that the *servus* have half his head shaven.[52] Elsewhere in the *decreta* of Coloman, *servi* and *ancillae* are listed in parallel with animals (*animalia*) in that those three items were forbidden from being sold abroad.[53] In addition, just as in the legislation of Stephen and Ladislas, in the legislation of Coloman the status of the *servus* was frequently

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51 Gyula Kristó, *A vármegyék kialakulása Magyarországon* [The development of the castle counties in Hungary] (Budapest: Magvető Könyvkiadó, 1988), especially 100–207. For shorter summaries, see Gyula Kristó, *Magyarország története: 895–1301* [The history of Hungary: 895–1301] (Budapest: Osiris Kiadó, 1998), 101–03. Erik Fügedi, *Castle and Society in Medieval Hungary (1000–1437)* (Budapest: Akadémiai Kiadó, 1986), 18–20. Martyn Rady, *Nobility, Land, and Service in Medieval Hungary* (New York: Palgrave, 2000), 18–20.

52 Bak et al., *Decreta 1000–1301*, 64 (canon 67) and idem, 28 (Coloman 41).

53 Bak et al., *Decreta 1000–1301*, 30 (Coloman 77).

the result of punishment for some moral failing. Freemen could be sold into slavery for numerous crimes. Any common woman (*plebeia*) caught in adultery would be sold 'without the hope of freedom' (*sine spe libertatis*), and the same fate awaited a common man caught in the same sin.[54] Other marital sins, particularly abandonment, also resulted in enslavement. If a woman left her husband three times, and she was a commoner (*de plebe*), she too was to be sold.[55] Interestingly, canon 54 of the synod of Esztergom combined abandonment with indebtitude by declaring that any man who left his wife and ran up a debt would be sold if he were unwilling to repay his debts.[56] Any noble (*nobilis*) who had either raped or abducted a girl, and who could not make restitution, also had to accept slavery as his fate.[57] Although charters from later in the thirteenth century do indicate that debtors could end up as *servi*, the few contemporary references to debtors indicate that lords may have been unwilling to actually sell the one who owed the money. In 1137 Margaret gave a *praedium* with five vineyards on it along with five vintners. Two of these vintners are specifically labelled *servi* while the other three are referred to as *debitores*.[58] In another charter, from 1146, Fulconus donated a *liber* who was a *debitor* of six *pensae* to the monastery at Pannonhalma.[59] Perhaps a need for manpower rather than money in the early twelfth century would explain why lords would rather retain their debtors in their service than sell them, although that is merely speculation. Certainly money, though not unusual, would have been difficult to come by for the commoners mentioned in these charters. It was really not until the thirteenth century that money took on a greater role

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54   Bak et al., *Decreta 1000–1301*, 63 (canon 51).

55   Bak et al., *Decreta 1000–1301*, 63 (canon 50).

56   Bak et al., *Decreta 1000–1301*, 63 (canon 50).

57   Bak et al., *Decreta 1000–1301*, 63 (canon 52).

58   Gregorius Fejér, *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829), 2: 92–93.

59   László Erdélyi, *A pannonhalmi Szent-Benedek-rend története*. [The history of the Order of Saint Benedict at Pannonhalma]. 12 vols. (Budapest: Stephaneum, A Szent-István-Társulat Nyomdája, 1902–16), 1: 598–99. The fact that the *liber* was donated with the land he was on does not indicate that he had lost any of the liberty associated with a freeman, as *liberi* on private lands were considered as attached to the land, their primary *libertas* being that they owed little in service to their lord. See Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 131–32.

in the Hungarian society.[60] In any case, lords appear to have been reluctant to actually sell those who owed them money.

While lords regarded their *servi* as property along with their *animalia*, the church continued to insist that they be included among the household of believers. The synod of Esztergom declared that *servi* and *ancillae* could be Christians when it forbade Jews from owning, selling, or buying them.[61] The contemporary laws of Coloman show that Jews were given a specified time before which they had to sell any Christian slaves (*mancipia*) they may have had.[62] Unique among the Árpád kings, Coloman issued special legislation governing the relations between Jews and their Christian slaves, the so-called *Capitula Colomanni regis de Iudeis*, the first paragraph of which again forbade the Jews from owning or selling Christian slaves.[63] Certainly these laws sought to prevent the activities of Jewish merchants from Hungary who seem to have dealt particularly in slaves, but Chapter 75 of the *decreta* of Coloman shows that lords used slaves not just as domestics, but also in the working of their lands. After the Jews were forbidden from using Christian slaves in Chapter 74, in Chapter 75 they were allowed to use 'pagan slaves' (*pagani mancipia*) in the cultivation of their agricultural land.[64]

The insistence that *servi* could be Christian was really not new, having first appeared in the legislation of the latter half of the eleventh century, as we have seen. So perhaps it is more striking to see that *servi*, while still considered chattel, could also be considered part of the *genus Hungarorum*. The *decretum* which forbade the sale abroad of *servi, ancillae*, and *animalia preter boves masculos* mentioned above also stipulated that the law only applied to the slaves *in genere Hungarorum* and to those born in Hungary, even if they were 'foreigners' (*alienigena*).[65] The criterion used to determine whether or not a *servus* was also part of the *genus Hungarorum* is clear from the law because it did not

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60   Gyula Kristó briefly discussed the rise in the money market and the consequent decline in land exchanges as a factor in the 'feudal disintegration' which occurred in Hungary in the thirteenth century. Gyula Kristó, *A feudális széttagolódás Magyarországon* [Feudal disintegration in Hungary] (Budapest: Akadémiai Kiadó, 1979), 160.

61   Bak et al., *Decreta 1000–1301*, 64 (canon 62).

62   Bak et al., *Decreta 1000–1301*, 30 (Coloman 74–75).

63   Bak et al., *Decreta 1000–1301*, 68 (*Capitula Colomanni regis de Iudeis* 1).

64   Bak et al., *Decreta 1000–1301*, 30 (Coloman 74–75). On the slave trading activity of Jews in Hungary, see Berend, *At the Gate of Christendom*, 110–11.

65   *nemo servum in genere Hungarorum vel quemlibet in Hungaria natum, etiam alienigenam, nec ancillam, exceptis lingue alterius servis, qui ab aliis ducti sunt regionibus, nec aliud animal preter boves masculos extra Hungariam vendere vel ducere audeat.* Bak et al., *Decreta 1000–1301*, 30 (Coloman, 77).

apply to *servi lingue alterius*. Therefore, as Jenő Szűcs argued, these Magyar-speaking *servi* were distinct from those born within *Hungaria* but not speaking the Magyar language.[66] (Szűcs' explanation that this law resulted from a shortage of manpower does not account for the law allowing foreign-born *servi* to be sold abroad.) In any case, the connection of the *servi* with the *genus Hungarorum* stands in stark contrast to the laws of Stephen discussed above, in which the *servus* was outside the *gens huius monarchie*. However, the fact that Hungarian slaves could be considered 'Hungarian' did not mitigate their status as slaves. Indeed, Orlando Patterson argued that slave societies attained their human property either from outside their society or from within the society (what Patterson termed the 'intrusive' and 'extrusive' modes of social death respectively).[67] While perhaps the great majority of slave systems were primarily intrusive, the extrusive mode was not uncommon. Several prominent examples of slave systems existed that drew only upon those from within their society for their source of slaves. Thus, the vast majority of slaves in several ancient Near Eastern societies originated from among those who spoke the same language and were of the same ethnicity as their owners.[68] Another prominent example of large-scale extrusive slavery can be found in Russian slavery from the sixteenth to the eighteenth centuries.[69]

Hungarian Charters from the Last Half of the Eleventh Century

The charters from the last half of the eleventh century display a significant amount of variation in the designations of the dependants mentioned. Many of these terms did not continue to be used much into the twelfth century, but one, *arator*, became increasingly frequent. The connection between the *arator* and the *servus* also becomes apparent in these early charters.

In total, there are five private charters recording two large donations (Otto to Zselicszentjákob in 1061 and Petrus to Százd in 1067), one rather moderate donation (Rado to the bishopric of Pécs in 1057), and two smaller donations

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66   Jenő Szűcs, *A magyar nemzeti tudat kialakulása* [The development of Hungarian national awareness] (Budapest: Balassi, 1997), 134–35.

67   Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1988), 38–45.

68   Isaac Mendelsohn, *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine from the Middle of the Third Millennium to the End of the First Millennium* (New York: Oxford University Press, 1949), 122.

69   Richard Hellie, *Slavery in Russia, 1450–1725* (Chicago: University of Chicago Press, 1982), 33.

(Guden to the chapter at Veszprém in 1079 and *dux* David to the monastery at Tihany in 1089–90). The variation in terminology is more evident in the charters describing the larger properties, and the term *servus* was not equally applied in these charters. For example, *comes* Petrus gave property containing 104 *mansi servorum*, twenty *mansi aratorum*, the thirty Magyar and Pecheneg *equites* mentioned above, and what appears to have been a small *gynaeceum* of six *lanificae* and *linificae*. In other *praedia* he gave variously fourteen *familiae*, seven *piscatores*, and unspecified numbers of *obsequiatores, Hungarii*, and *mansi*.[70] Similarly varied was the population Otto gave to Zselicszentjákob, which included *operarii, operaricae, vinitores, piscatores, ministri, homines* (which seem to have included *tributarii*), *aratores, servi*, as well as smaller numbers of various herdsmen (*subulcum, aparium*, etc.).[71] Another term, which appears in the donation made by the palatine Rado and which is unusual in Hungarian charters, is *famulus*. Rado gave nine *famuli* along with *aratores, vinitores*, and *piscatores*.[72]

Emma Lederer argued that *servi* comprised the majority of the subjects in these private charters, and she based this claim upon the contention that the *aratores* and *vinitores* mentioned were actually *servi*.[73] In the case of *aratores*, it is true that during the later centuries of the Árpád dynasty, when terminology seems more fixed, *servi* are the only ones connected with ploughs.[74] Also, just like *servi, aratores* never had defined restrictions placed upon their labour obligations, so that in terms of labour required of them, the *aratores* in these early charters seem equivalent to *servi*.[75] The *servi* and the *aratores* appear to have been basically the same. The term *servus* seems to have been a more general, legal term of whose semantic field *arator* would be part, but not all *servi* would necessarily have been *aratores*. The connection between *servi* and *aratores* is most clearly seen in the 1067 charter of Petrus' donation to Százd. The first section of the charter mentions the donation of a *possessio* with ten *mansi*, the ownership of which had been disputed. The charter states that upon further investigation by the *comes*, more *mansi* were found on the land, but the charter gives no specific information—it merely says, 'but more are found' (*sed plus invenitur*). It then goes on to describe the boundaries of the property.[76]

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70   Györffy, *Diplomata*, 183–85.

71   Györffy, *Diplomata*, 171–73.

72   Györffy, *Diplomata*, 160–62.

73   Lederer, *A feudalizmus kialakulása Magyarországon*, 40.

74   Lederer, *A feudalizmus kialakulása Magyarországon*, 49–50.

75   This issue is more thoroughly discussed in Chapter 6.

76   Györffy, *Diplomata*, 183–85.

Next, the charter names the *praedium* of Bubath including twenty *mansi ara-torum*. A detailed description of the *praedium*'s boundaries then follows.[77] After the enumeration of the boundaries comes what appears to be a sum-mary of the items on either these two properties together, or on the *praedium* Bubath alone—*sumpma tocius numeri concluditur calculo, videlicet ciiii man-sus servorum, xxx equites: xx Vngari et [x] Bisseni, sex lanifice et linifice, x vinee et ortus apium, x copule equorum, c boves, d oves, cc porci*.[78] Either the 104 *man-sus servorum* came from those 'more' *mansi* which had been found on the first property (the *possessio*), or they lived within the extensive boundaries of the second property (the *praedium*), or even both. In any case, the *aratores* would most likely belong to the total figure of 104 *mansus servorum* because neither those working the ten vineyards nor the Magyars and Petchenegs would likely have been termed ploughmen.

The one exception to the preponderance of *servi* in these eleventh-century charters is the donation of Otto in 1061, where the *vinitores* number as many as the *aratores* or *servi*. In the three charters listing smaller donations, the *arator* or the *servus* is the most common, if not the only, type of dependant men-tioned. *Dux* David left a small property to the monastery at Tihany in 1089–90, which included five *mansiones*, each listed by name. These were most probably *aratores-servi* because the monastery received three ploughs along with them.[79] Ten years earlier, the canons at Veszprém received a small property along with five *mansiones servorum* with two ploughs, some vineyards, and herds of sheep and cattle.[80] A slightly larger donation made by Rado consisted of three *villae* with a total of five *aratores* and only two *vinitores*.[81]

The *servi* on the lands of lay lords of this period, just as in later periods, appears to have had no limitation on the service they owed their lord. They were indeed associated with ploughing, but nowhere is the lord limited in his use of their labour. The undefined labour services of the *servi* stand in sharp contrast with the limitations placed upon lords regarding the labour they could expect from the other various categories listed. The *obsequiatores*

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77   Györffy, *Diplomata*, 183–85.

78   Györffy, *Diplomata*, 183–85.

79   Györffy, *Diplomata*, 265.

80   Györffy, *Diplomata*, 225–26.

81   Györffy, *Diplomata*, 161–62. The charter of Rado is unique for the time in that it mentions the gift of nine *famuli* by name *cum uxoribus ac filiis*. The term *famulus* did not come into common usage until the fifteenth century in Hungary, where it appears to have meant 'servant', or someone on a tenancy, as seen by the not uncommon fourteenth-century expression, *iobbagiones ac famuli impossessionati*. Of course, in classical Latin *famulus* could mean either servant or slave, and its meaning in the Rado charter of 1057 is unclear.

given to the monastery at Százd merely owed a communal annual payment of two cows and four barrels (*cubuli*) of wine, while individually they had to pay four barrels of wine, ten loaves of bread, and one chicken. In addition, two families of *obsequiatores* had to provide a small amount of lumber every year. Similarly, some of the *familiae* listed in the same charter also had to supply lumber. Those of the village of Zekeres had to provide a mounted escort for the bishop as discussed above, while each home in the village of *Hungarii* had to supply a bucket (*hydria*) of honey annually.[82] The *tributarii ministri* given to Zselicszentjákob owed similar annual payments in kind.[83]

Thus, by the end of the first half of the twelfth century, the conditions of the *servus* had stabilized to a position that would remain with minor changes until the end of the thirteenth century, when Hungarian society would undergo another period of rapid change. The *servi* on ecclesiastical lands, although owing significant dues in labour and in kind, had limitations placed upon the labour that their lord could demand of them. By contrast, the *servi* owned by lay lords could not claim any rights to their own labour, but owed their lord whatever he might demand of them. However, *servi* had attained some important concessions in their status. The church demanded that lords regard their *servi* as Christian, and the *servi* were even to be included among the *genus Hungarorum*. Those *servi* who spoke the Magyar language were to be considered Magyar and were to be prevented from being sold abroad.

Conclusions

By the end of the eleventh century, we begin to see that the term *servus* generally referred to the servile. They were still property and so, if they escaped, they were to be rounded up and collected by the *joccedeth*. In some cases, *servi* found guilty of crime still faced severe corporal punishment while the same crime committed by a freeman brought only a fine. We also begin to see from the charter evidence of this era that *servi* and *aratores* were essentially the same. In other words, an *arator* was a *servus*, and neither seemed to have any limitations placed upon his labour. Charters recording grants to the church described the obligations of the donated *servi* as whatever the abbot ordered. At the same time, some legislation indicates that *servi* were regarded as more than just property. The legislation against the sale of Christian *servi* to Jews indicated that *servi* could belong to the same faith as their masters. Lords were

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82   Györffy, *Diplomata*, 183–85.

83   Györffy, *Diplomata*, 171–73.

ordered to bury their *servi* in Christian cemeteries, and penance was assigned for any one of them who murdered a *servus*. Leaders of the church in Hungary were recognizing that Christian *servi* had some basic rights as human beings.

Finally, by the middle of the twelfth century, *servi* appear to have attained a stable position, which they retained throughout the thirteenth century. *Servi* on the lands of secular lords were the property of their owner who could buy or sell them and demand labour of them at his will. *Servi* on ecclesiastical lands, by contrast, frequently had their labour services limited. However, *servi* were now recognized not only as Christian, but also as belonging to the Hungarian *genus* on the basis of their knowledge of the Magyar language.

Servi as *Res*

The earliest laws of the kingdom of Hungary are full of references to *servi*, and they clearly show that the *servus* was identified as an item of property. Towards the end of the twelfth century, legal references to *servi* disappear. At the same time, the number of charters expands rapidly, as does the reference to *servi* within the charters. These charters continue to show that *servi* in Árpádian Hungary were viewed as items of property and were frequently treated as such.

The *Servus* as Property on Lay Domains in Hungary

The legal status of the *servus* and his female counterpart, the *ancilla*, was that of an item of property. In all cases in which they occur in private charters, they appear as items belonging to the landlord, and they are included among the other tools or chattels of his property. A *praedium* might contain both cultivated and uncultivated fields, orchards, vineyards, houses, and ploughs, but it almost certainly included *servi* or *mancipia*.[1] A perfect example is the property Andrew II confiscated from Ban Simon because of his participation in the assassination of the queen, Gertrude, in September 1213. Included among this property were villages and *praedia* which had *servi* and *ancillae* belonging to them.[2] The *servi* on Simon's property formed part of the equipment (*utilitas* or *pertinentia*) of the *praedium*, a designation which was not at all uncommon.[3] As equipment, lords considered their *servi* and *ancillae* a type of movable property and termed them as such (*res mobiles* or *bona mobilia*). *Servi*

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1 Towards the end of the thirteenth century, *libertini* began to replace the *servi*, as discussed below.

2 Georgius Fejér, *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829–44), vol. 3, bk 2: 130.

3 DL 91106; DL 060120; DL 104888. DF 207026. Fejér, *Codex diplomaticus*, vol. 3, bk 2: 130; vol. 5, bk 1: 253. Imre Nagy, Iván Páur, Károly Ráth, and Dezső Véghely, *Codex diplomaticus patrius*. 8 vols. (Győr: Sauervein Géza, 1865–91), 7: 13–14; 8: 126. Imre Szentpétery and Iván Borsa, *Regesta regum stirpis Arpadianae critico-diplomatica*. 2 vols. 4 bks (Budapest: A Magyar Tudományos Akadémia, 1923–43), vol. 2, bk 1: 140. Gusztáv Wenzel, *Codex diplomaticus Arpadianus continuatus*. 12 vols. (Pest: Eggenberger Ferdinánd, 1860–74), 1: 28–29, 69–70; 7: 274; 11: 299–300; 12: 537–40.

frequently appear listed among other movables such as hogs, oxen, horses, and weapons.[4] In 1230, Anna, the widow of a *comes*, left a detailed will in which she bequeathed to relatives six *ancillae* by name along with a ring, belts, tunics, horses, and a large carpet acquired from Greece.[5] Occasionally, donations of all *res mobiles* were made 'with the exception of *servi* and *ancillae*'.[6]

That *servi* and *ancillae* were movable goods is particularly clearly illustrated by the fact that they were frequently the objects of various business transactions. As goods with a specific monetary value, and in the absence of much cash, landlords at times used *servi* as a means of payment.[7] When Ipolitus, son of Cuk decided to sell a property along with its mill to the canons of Székesfehérvár in 1243, he received twelve marks, which the canons paid 'partly in kind through suitable men and partly in silver'.[8] Seven years later, a widow sold land which comprised her *dos* for 8 marks, but she received the price of her *dos* 'in men, that is, in an *ancilla* by the name of Neste and her son Michael, and in a horse and in cattle and in silver'.[9] Another charter records the payment of a debt owed to a *comes* with eight *mancipia*.[10] One of the more interesting examples of *servi* used as payment came from the last decades of the thirteenth century. Ladislas IV had given one of his followers, Ponik the ban of Croatia and *comes* of Zala County, two castles, and in the process ignored the apparently legitimate claims of Ponik's relatives to them. When Ladislas died, Ponik was forced to return the castles to their legitimate owners. Since Ponik had made several improvements on the castles when they were used in the war against Otakar II, king of Bohemia, he requested a reimbursement. Instead of money, Ponik received a number of *servi* and *ancillae* in compensation for the expense of the improvements made to the castles. The *servi* and *ancillae* had to be transported to the castle from Nycolaus' lands, and in the process of moving

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4   DL 000496; Wenzel, *Codex diplomaticus Arpadianus*, 1: 69–70; 7: 274. Fejér, *Codex diplomaticus*, vol. 4, bk 2: 70–1; vol. 4, bk 3: 111, 263, 315–16; vol. 5, bk 3: 508.

5   Fejér, *Codex diplomaticus*, vol. 3, bk 2: 270.

6   *exceptis servis et ancillis*. Fejér, *Codex diplomaticus*, vol. 4, bk 3: 518. Nagy et al., *Codex diplomaticus patrius*, 8: 129.

7   This use of *servi* has been noted as early as 1909 by Mária Gáspár. Mária Gáspár, *A rabszolgaság megszűnése hazánkban* [The end of slavery in Hungary] (Budapest: Garai Mór Könyvnyomda, 1909), 17.

8   *partim per viros idoneos estimatam, partim in argento*. Wenzel, *Codex diplomaticus Arpadianus*, 7: 144.

9   *ipsam summam pecuniae in hominibus, videlicet una ancilla, nomine Neste, et filio suo Michaële, et in equo, pecudibus, et argento ab eodem Jakow plenarie recepisse*. DL 028895.

10   Nagy et al., *Codex diplomaticus patrius*, 7: 334–35.

them along with their families, nine escaped. Ponik then demanded that these *servi* be replaced in the event the fugitives could not be found.[11]

Perhaps the most striking example of the *servus* as a movable property is when a lord in desperate financial situations pawned him. The lord could put his *servi* or *ancillae* up as a guarantee for a loan. Only one charter provides enough details of the transaction to see how such pawns took place. In this charter dated to 1290, a certain Bartholomeus pawned an inherited *servus* for 20 *pensae* on the condition that he pay the whole sum by the following Feast of the Apostle Andrew. If Bartholomeus did not pay by that time, he had until the eighth day of the feast to pay a penalty of 10 *pensae* and he would still lose his *servus*. As it turned out, Bartholomeus could pay neither the 20-*pensae* debt, nor the 10-*pensae* penalty, so the man acting as his security had to pay the penalty, and Bartholomeus lost his *servus*.[12] A similar situation occurred when a castle *iobagio* put up an *ancilla* and her son as a pledge for a debt. The debt was not paid, and the *ancilla* and her son were then sold to another for 4 marks.[13] At other times, those in financial need had to sell their *servi* outright. Such was the case with a widow who stated that she had sold a certain *servus* rather than manumit him because the family needed money at the time.[14]

Trade in *servi* in Hungary was lively enough to support the activities of special merchants of *servi*, as shown by the tolls levied on the *venditor servorum et ancillarum* trading at the market in Esztergom.[15] This international trade is evident in the laws of Coloman discussed above, which forbade the export of *servi* and *ancillae* who were part of the *genus Hungarorum*.[16] Furthermore, on the occasion of the translation of St Adalbert to Prague in 1039, Cosmas of Prague mentioned the sale of individuals to Hungary.[17] The sales of *servi* are evidenced

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11   DL 099859.

12   DF 226722.

13   DF 226679.

14   DF 226879.

15   The tolls remain in a charter issued by Ladislas IV in 1288, confirming one evidently issued by Imre (r. 1196–1204). See Szentpétery and Borsa, *Regesta regum stirpis Apradianae*, vol. 2, bks 2–3: 392. For the text of the 1288 charter, see Albert Gárdonyi and Dezső Csánki, *Monumenta diplomatica civitatis Budapest* (Budapest: Sumptibus Civitatis Budapest, 1936), 236–39.

16   János Bak, M., György Bónis, and James Ross Sweeney, eds., *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild: Charles Schlacks, Jr, 1999), 30 (Coloman 77). See also Boglárka Weisz, 'Vásártartás az Árpád-korban' [Fairs in the Árpád era], *Századok* 141, no. 4 (2007), 905.

17   Bertold Bretholz, *Cosmae Pragensis Chronica Boemorum*. MGH Scriptores. Nova Series, vol. 2. (Berlin, 1923), 86 (II.4).

by the frequent references to *servi emptitii* in private inventories, donations and wills, not to mention the numerous records for actual sales of *servi* and *ancillae*. It is important to note that these records do not involve any transfer of land, only the sale of *servi* or *ancillae*.[18] The source of many of these *servi* was as captives in war, a fact made evident by the unusual testimony of Abū Hāmid, an Arab traveller who spent three years in Hungary in the twelfth century. Abū Hāmid seems to indicate that raids against the Byzantines (*rūmī*) provided a significant portion of the slaves on the market, both male and female.[19] Abū Hāmid's description of Byzantine captives is not surprising as the 1150s saw continual tension and conflict between Hungary and the Empire.[20] Though not common, sources indicate that *servi* and *ancillae* entered the Hungarian market as captives from other locations as well. A manumission letter for an *ancilla* stated that her mother was brought into captivity during a war against the Bosnians (*de bello contra Booznenses facto in captivitate adducte*).[21] Similarly, another *ancilla* was manumitted in a charter from 1284 which stated that she was German and had been taken in war (*quandam ancillam suam tetonicam nacione incaptivitate adductam*).[22] In 1270 a charter recorded a peace agreement between two *comites* in which one party gave the other 'his portion in a captive from Bohemia' (*suam porcionem in uno captivo de Bohemia*).[23]

Both Remig Békefi and Ilona Bolla argued that, regardless of the origins of *servi*, their average price hovered around 3 marks.[24] Indeed, there is some evidence for a standard price in the first decades of the thirteenth century from the Register of Várad. Two cases from the register describe the compensation

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18   *Servi emptitii*: DL 007916; DL 065720; DF 226722; DF 226883; DF 243680. Fejér, *Codex diplomaticus*, vol. 4, bk 3: 263; vol. 10, bk 3: 271. János Karácsonyi and Samu Borovszky, *Regestrum Varadinense examinum ferri candentis ordine chronologico digestum, descripta effigie editionis a. 1550 illustratum* (Budapest: A Váradi Káptalan, 1903), 305. Other sales of *servi*: DF 207026; DF 285762; DF 243692. Wenzel, *Codex diplomaticus Arpadianus*, 7: 142. Nagy et al., *Codex diplomaticus patrius*, 7: 334–35.

19   César Dubler, *Abū Hāmid el Granadino y su relación de viaje por terras eurasiáticas* (Madrid: Editorial Maestre, 1953), 67.

20   Ferenc Makk, *Magyar külpolitika (896–1196)* [Hungarian foreign policy (896–1196)] (Szeged: Szegedi Középkorász Műhely, 1996), 161–62.

21   Wenzel, *Codex diplomaticus Arpadianus*, 12: 596.

22   DL 064008.

23   Nagy et al., *Codex diplomaticus patrius*, 8: 126.

24   Remig Békefi, *A rabszolgaság Magyarországon az Árpádok alatt* [Slavery in Hungary under the Árpáds] (Budapest: Magyar Tudományos Akadémia, 1901), 36. Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 83–84.

of stolen *servi* as 3 marks apiece.[25] Additionally, a couple of charters from the last half of the same century record sales of *servi* for the same price.[26] Other charters record the price of a *servus* not as exactly 3 marks, but very close. The sale of six *servi* (a father and his five sons) in 1288 for 20 marks indicates a price of 3 1/3 marks per individual while another sales record of a *servus* in 1263 lists a price of 3 1/2 marks.[27] However, it is difficult to accept that all *servi* across the board would have had the same price regardless of their physical condition or of market conditions, and a few charters do indeed indicate such variation. In 1255 a cleric sold to the church at Veszprém eleven *servi* and three *ancillae* for a total of 20 marks.[28] In another instance, a *servus*, his wife, three sons, and two daughters were all sold for 10 marks in Nagyvárad in 1213.[29] Thus, while the price of a *servus* hovered around 3 marks, it could vary with the circumstances of the sale.

Nowhere is the evidence of the factors affecting price clearer than when dealing with *ancillae* alone. In 1282 the canons at Bratislava recorded the sale of two *ancillae* for a total of 5 marks while eight years later the *comes* of Ung County in the north-eastern part of the kingdom bought a single *ancilla* for 6.[30] Regarding the selection and price of *ancillae*, Abū Hāmid is especially informative as he bought two *ancillae* during his sojourn in Hungary—one for 10 dinars and another for 5. He indicated that several elements influenced their price. Their physical attractiveness, their skills, and their age all seem to have been important factors. The more expensive of the two *ancillae* he bought was both beautiful and skilled in sewing while the brief description of the cheaper one stated only that she was merely eight years old.[31] Another factor which determined the price according to Abū Hāmid was the supply of slaves on the market. He wrote that the price of a slave would drop to 3 dinars following periods of Hungarian raids against the Byzantines.[32] Just as with the sale of any item, the price ultimately varied according to numerous factors such as their scarcity, quality, and the need on the part of the buyer.

Not only *servi emptitii* are mentioned in the charters of the Árpád era, but also *servi hereditarii*. The need to label *servi* as either 'bought' or 'inherited'

25   Karácsonyi and Borovszky, *Regestrum Varadinense*, 241, 284.

26   DL 66079; DF 273575.

27   DL 66079; DF 243692.

28   DF 200651.

29   Karácsonyi and Borovszky, *Regestrum Varadinense*, 174.

30   DF 243680; DF 285762.

31   Dubler, *Abū Hāmid el Granadino*, 67–68.

32   Dubler, *Abū Hāmid el Granadino*, 67–68.

is interesting because it indicates that these items of property fell under the inheritance rules that generally guided Hungarian lords. The distinction between inherited property and that otherwise acquired was important because of the significance of family, or kindred, for the ownership of property. Lands were commonly held together by members of the same kindred for several generations until they were divided among the various members. The property of the kindred (the 'inherited' property) could not be disposed of as easily as could property acquired by other means (purchase, royal grant, etc.).[33] Indeed, *servi hereditarii* are a common feature in charters, and wills almost always mention *servi* and *ancillae* as among the properties bequeathed.[34] A typical example is *comes* Paulus, whose will was recorded by the canons of Eger and in which he left his possessions to his cousins, Ladislaus and Chepanus. He left them four properties, and then 'his inherited *servi*'—six men by name. Following these *servi* are fifteen *ancillae* along with their sons and little children.[35] When sons or surviving relatives did divide properties among themselves, typically little detail of the exact arrangements was recorded, and *servi* and *ancillae* merely appear in a list, as in the following charter where five brothers agreed that 'they were to possess all that is in Ekly and Zakalos both inherited and purchased, in cultivated and uncultivated land, fields, fish ponds, *servi, ancillae*, and *libertini*'.[36] In many instances the heirs probably left most of the servile population on the land where they were originally, and this was probably the case when *servi* are not mentioned by name, as in one charter

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33   For discussions of these inheritance issues, see Martyn Rady, *Nobility, Land, and Service in Medieval Hungary* (New York: Palgrave, 2000), 25–27 and 97–100. Eszter Waldapfel, 'Nemesi birtokjogunk kialakulása a középkorban' [The development of Hungarian nobles' property rights in the Middle Ages], *Századok* 65 (1931), 144–45. József Illés, *A törvényes öröklés rendje az Árpádok korában* [The order of legal inheritance in the era of the Árpáds] (Budapest: Athenaeum, 1904), 70–72. Erik Fügedi, 'A köznemesi klán szolidáritása' [The solidarity of the noble clan], *Századok* 118, no. 5 1984), 950–73. Id., *The Elefánthy: The Hungarian Nobleman and his Kindred* (Budapest: Central European University Press, 1998), 20–35. Cameron Sutt, '*Parentela*, Kindred, and the Crown: Inheritance Practices in Árpád-Era Hungary', in *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds*, ed. Béatrice Caseau and Sabine R. Huebner (Paris: Centre d'Histoire et de Civilisation de Byzance, Monographies 45, 2014), 75–88.

34   Examples of *servi hereditarii*: DL 056822; DL 001019; DL 000520; DL 000503; DL 071347; DL 040095; DF 273575; DF 285762. Nagy et al., *Codex diplomaticus patrius*, 8: 126. Fejér, *Codex diplomaticus*, vol. 4, bk 3: 263; vol. 10, bk 3: 271; Wenzel, *Codex diplomaticus Arpadianus*, 8: 105, 363.

35   *servos suos hereditarios*. DL 001019.

36   *tam hereditarijs quam empticijs, quas in Ekly et in Zakalos, in terris cultis et incultis, pratis, piscinis, servys, ancillis et libertinis possedissent.* DL 007916.

when the sons of a Lampertus divided their father's 'possessions and moreover his *libertini, servi*, and *ancillae* according to general approval and consensus'.[37]

When dividing land among the kindred, it was not uncommon for descendants to divide the land one way and the servile inhabitants another. At times charters would go to lengths describing the boundaries of the divided lands, and then they would list the *servi* and *ancillae* by name, detailing which *servi* each descendant received. At other times the charters would detail the properties divided and then merely state that all the division of the *servi* and *ancillae* was 'fair, equal, and just'.[38] The fact that these *servi* are specifically listed separately from the description of the land divisions indicates that the landlords viewed them as items of property distinct from the land itself. This distinction is clearly seen in a charter from 1260. When Georgius son of Thoma, along with his mother, divided up the family *praedium* with their relative Balianus, they were very conscientious to divide everything in half. Half of the cultivated land went to each as did half of the pasture and half of the fish ponds, with the boundaries clearly delineated. When it came to the workforce on the lands, however, an agreement had been made earlier while Georgius' father still lived. The *servi* were not divided according to the boundaries of the land, but rather according to another arrangement, which unfortunately is not made clear. What is obvious, though, is the fact that the division of the *servi* was independent of the division of the land. The division of the *servi* had been agreed upon while the father lived, but the division of the land took place after the father's death.[39] When two brothers, Laurencius and Johannes from the powerful Csák family, divided up the property left by a third brother who had died without any heirs, they settled the division through arbitration. The most important issue was what to do with the 70 marks their brother had left. Laurencius agreed to give Johannes the money in exchange for a large property near the Rába River. The *servi* were divided up with other items such as the three homes, a mill, and several millstones. Johannes gave twenty-two *servi* and *ancillae* along with four *libertini* to Laurencius, who then gave Johannes a couple of vintners along with their vineyards.[40] In another example, when a different Johannes divided property with his family members, they made certain to divide the land into two equal parts, with one set of relatives receiving the eastern portions while Johannes received the western portions. Again, the *servi* were split regardless

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37 *possessionibus suis et eciam libertinis, servis ac ancillis, de communi beneplacito et consensu.* DL 066625.

38 *parem, equalem et iustam divisionem.* DL 001133. See also DF 251795.

39 DL 048999.

40 DL 040142.

of land—one *servus*-family was divided so that the mother and some brothers went to Johannes while another brother went to the other family members.[41] In a final example, a group of brothers divided the family property in 1261. The charter recorded in detail the property boundaries accorded to each. Then, at the end of the document, it is detailed how the brothers divided the *servi* among themselves—one *servus*, his son, and two *ancillae* were given to one brother, and two other *servi* went to a different brother.[42] Unfortunately, the charters do not explain the exact reasoning behind the division of the *servi*. Most likely, the *servi* and *ancillae* were split, so that each family member received the same total value of goods.

Intergenerational transfers of *servi* occurred not just through patrilineal inheritance, but also through payments as part of *dos, quarta filiae*, and *res parafernales. Dos* in Hungary could refer either to the dower (the gift from the groom to the bride) or to the dowry (the gift from the bride's father, along with the bride). The *quarta filiae*, on the other hand, was the portion of the patrimony that was due the female heirs of a family, and it amounted to one quarter of the patrimony. The *res parafernales* consisted of the gifts that the bride received upon her wedding. Families sought to provide these gifts in either cash or kind, especially the *quarta* and the *res parafernales*, in order to avoid alienating lands of the kindred.[43] *Servi*, then, formed an important part of the movables given to daughters. In one example, the widow of the *comes* of Zala County had as part of her *dos* and *res parafernales* six *servi*, a horse, cattle, orchards, as well as vineyards.[44] In an earlier charter from 1252, one daughter's *quarta* consisted of one *servus* and three *ancillae* while two years later another woman received an *ancilla* and the *ancilla*'s daughter as her *dos*.[45] The absence of sufficient movables meant that perhaps as much as half of all *quartae* were given in lands, but nonetheless *servi* and *ancillae* appeared prominently as movables in these gifts as well.[46]

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41   DL 040533.

42   Wenzel, *Codex diplomaticus Arpadianus*, 11: 514.

43   Rady, *Nobility*, 103–04.

44   DL 091144.

45   DF 259720; DF 259484.

46   Péter Banyó, 'Birtoköröklés és leánynegyed: kísérlet egy középkori jogintézmény értelmezésére' [Inheritance and the *quarta filiae*: an attempt to explain a medieval legal institution], *Aetas* (2003) n. 3: 83. Rady, *Nobility*, 104 and 200 n. 33. Examples of *servi* and *ancillae* as part of *dos, quarta*, and *res*: DL 001180; DL 001180; DL 000511; DL 065720; DL 040095; DL 062471; DL 000496; DL 066077; DL 056822; DL 099876; DL 091144; DL 066077; DF 200007; DL 040095; DF 207026; DF 226879; DF 243668; DF 200616; DF 200802; DF 248867;

Of course, not all transfers of property ended amicably, and *servi* frequently found themselves among the most disputed objects.[47] Women frequently had to take aggressive measures if they were to obtain what they believed right-fully composed their *quarta* or *res parafernales*. When the powerful Domina Elisabeth was widowed sometime before 1290, she found herself at odds with her brothers-in-law over her *dos* and *quarta* as well as over that of her two daughters. 'After numerous altercations' the two parties came to agreement, and it is important to note that the *servi* and *ancillae* featured among the dis-puted properties.[48] Domina Elisabeth's main antagonist eventually handed over a certain *villa* 'together with the inherited *mancipia* of Elisabeth's deceased husband, Peter'.[49] *Servi* and *ancillae* filled the useful role of pawns for powerful women in their struggle over their *dos, quarta*, and *res*. A widow detained her brother-in-law's *ancilla* and the *ancilla*'s daughter and two sons, claiming that he was withholding her portion of her deceased husband's property (her *dos* and *res paraphernales*). In the end her strategy worked, and her brother-in-law gave her 10 marks for her portion, after which the widow returned the *ancilla* and her children.[50] In another instance, a family dispute spilled over into vio-lence when the patriarch of one party gave his daughters *servi* for their wed-dings. The *servi* were claimed by the other party, who then went on a rampage causing 'serious damage' (*gravamina damnorum*) to two properties totalling 60 marks.[51] Another charter records how two brothers disagreed over the owner-ship of nine *servi*. On hearing the case, the judge ordered an ordeal of hot iron, and the parties quickly settled the dispute when the defendant offered eight of the nine *servi*.[52]

Servi also appear to have been an object of theft, and this is clearly seen by records of trial by ordeal chronicled in the Register of Várad. The laconic nature

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DF 259720; DF 243659; DF 259484; DF 259492. Fejér, *Codex diplomaticus*, vol. 6, bk 1: 67–68. Nagy et al., *Codex diplomaticus patrius*, 7: 51–52, 120–22. Karácsonyi and Borovszky, *Regestrum Varadinense*, 210. Wenzel, *Codex diplomaticus Arpadianus*, 7: 183–84, 411; 8: 363.

47   DL 067612; DL 057071; DL 099876; DL 001436; DF 306951. Wenzel, *Codex diplomaticus Arpadianus*, 8: 363; Nagy et al., *Codex diplomaticus patrius*, 6: 452–53; 8: 126; Fejér, *Codex diplomaticus*, vol. 7, bk 1: 194–95; vol. 7, bk 1: 219. Karácsonyi and Borovszky, *Regestrum Varadinense*, 212. Wenzel, *Codex diplomaticus Arpadianus*, 10: 447–48. Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, vol. 2, bk 1: 140.

48   *post multas altercationes*. DL 065720.

49   DL 065720.

50   Wenzel, *Codex diplomaticus Arpadianus*, 8: 363.

51   DL 099876.

52   Fejér, *Codex diplomaticus*, vol. 7, bk 1: 219.

of the register hides many of the details of these cases, so we have no way of knowing if these thefts occurred with the consent of the *servi* in question. With or without consent, though, the point remains that the legal status of *servi* was that of a thing, a thing which could be stolen. In 1234 a certain Paulus accused a Lady Vtalou and her servant of secretly engineering the theft of his *ancilla* (*clam abduci fecissent*).[53] In another case, a Bartholomeus accused Henricus of using violence to steal his *servus*. Henricus denied the charge and said he had bought the *servus* outright. When ordered to an ordeal, though, Henricus quickly gave up the *servus* in question.[54] Other thefts were much more ambitious, such as when, in 1220, three men, ten oxen, forty vats of wine, and fifty barrels of winter wheat were stolen.[55] The Register of Várad also shows that when a *servus* was the guilty party in a theft, his lord paid for the crime, not the *servus*. A case from 1213 recorded how a *servus* had been accused of a theft, and when the ordeal of hot iron found him guilty, his accusers sold him and his whole family.[56] In effect, the lord, not the *servus* himself, paid the price of the guilty verdict inasmuch as the lord lost his human property, and those wronged received the price fetched by the sale. Interestingly, this punishment is essentially the same as that prescribed by the laws of Stephen almost 200 years earlier.[57]

   To my knowledge, in only one instance in the charters is a *servus* described guilty of the more serious crime of manslaughter. In 1294, two brothers appeared before the canons of Bratislava claiming that the inherited *servus* (*servus hereditarius*) of a *iobagio castri*, Petrus de Zor, had accidentally killed their brother (*casualiter occidisset*). As a result, they received 15 *denarii* in compensation. The interesting part of the case is that the charter recorded that the family of the deceased collected their compensation from Petrus and from his *servus—ab eisdem Petro et servo suo Johanne supranominato*.[58] It is difficult to determine whether the *wergild* was demanded of Petrus and he then made his *servus* pay as much as he could, whether the canons actually demanded the money from both the *iobagio* and from his inherited *servus*, or whether the expression was merely a legal term. Contemporary laws merely stated that if someone killed another by accident, the relatives (*proximi*) received compen-

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53   Karácsonyi and Borovszky, *Regestrum Varadinense*, 304.

54   Karácsonyi and Borovszky, *Regestrum Varadinense*, 241.

55   Karácsonyi and Borovszky, *Regestrum Varadinense*, 252.

56   Karácsonyi and Borovszky, *Regestrum Varadinense*, 174.

57   See Chapter 3 above.

58   DF 273829.

sation. In the event that the accused could not make satisfaction, the accused paid with his life.[59] Unfortunately the law does not address the issue of the guilty party being a *servus*, so comparisons are not possible.

In conclusion, *servi* during the Árpád era were considered items of property both in practice and in law. *Servi* and *ancillae* were bought and sold, they were inherited and donated, and they were stolen and the subject of suits. Hungarian custom dictated that charters describe them precisely as either inherited or bought in order to determine the manner in which their owner could transfer them. Though they often formed part of the 'equipment' of lands, ownership of *servi* could be transferred without reference to the land on which they lived. Finally, the practice was to make the master of the *servus* pay compensation, not the *servus* himself, who was mere property.

Bavarian and Carolingian Charters Indicating Property Status

Charters contemporary with an assumed eighth-century revision of the *Lex Baiuvariorum* and even into the Ottonian period do indicate that *servi* and *mancipia* were considered the property of their lord. Only a few examples will be necessary to show their status as property. The inclusion of *mancipia* among the items donated clearly demonstrates this status.[60] In a donation from 739 to the monastery of Passau, a couple gave a *domus* along with seven *servi* and *ancillae* who were listed by name in the document.[61] In 744, the bishop of Freising received properties including fields (*prata*), buildings (*casae curtes*), forests (*silvae*), and draught animals (*iumenta*).[62] Another donation, to the church at Freising from 758, included '*mancipia*, house plots, buildings, cattle, fields, meadows, tilled and untilled land, pasture, woods, apple trees, millers, bodies of water and their waterways' (*mancipiis curtiferis aedificiis pecoribus agris pratis cultis et incultis pascuis silvis pomeriis farinariis aquis aquarumque decursibus*) and one from nearer the end of the century to the church at Passau mentioned *mancipia* along with pigs, eggs, and she-goats (*xxx porcos, xxx oves, xiii*

59   Bak et al., *Decreta 1000–1301*, 72.

60   See also Eckhard Müller-Mertens, 'Die Genesis der Feudalgesellschaft im Lichte schriftlicher Quellen', *Zeitschrift für Geschichtswissenschaft* 12 (1964), 1390.

61   Max Heuwieser, *Die Traditionen des Hochstifts Passau* (Munich: Universitätsbuchhandlung Rieger, 1930; reprint, Aalen: Scientia Verlag, 1969), 2.

62   Theodor Bitterauf, *Die Traditionen des Hochstifts Freising*. 2 vols. (Munich: Universitätsbuchhandlung Rieger, 1905–09; reprint, Aalen: Scientia Verlag, 1967), 1: 27.

mancipia, x caperas).[63] Another particularly interesting example comes from a charter of 828 when a priest gave all his property to the monastery with the exception of an *ancilla* and a horse.[64] The listing of *mancipia* along with items such as animals was not unusual at all.[65]

The evidence also seems to indicate that while *mancipia* were often given along with land, they were also not infrequently given without land, just as we saw with the Hungarian *servi*. Such was the case when the priest Hunker gave twenty-six *mancipia* to the bishop of Freising in 806 or 807. Hunker also gave a stone altar for the church at Biberbach at the same time, so it is likely that these *mancipia* were to be used for the profit of that church.[66] A similarly large donation of *mancipia* without land occurred in 824 when a man and his wife gave Freising a total of thirty *mancipia*.[67] Later in the same century, a certain Erchanpald gave ten *mancipia* to Freising, also without any reference to land.[68] These were donations of rather large numbers of *mancipia*, but the most common donation of landless *mancipia* involved less than ten individuals.[69] The independence with which lords could handle their *mancipia* vis-à-vis land is perhaps most clearly seen in a donation to the monastery at Schäftlarn between 994 and 1005 when a nobleman named Woluoldus gave 'whatever he had of a property along with the buildings and all cultivated fields belonging to it—all except *mancipia*'.[70]

Another indication that *mancipia* were considered an item of property comes from a curious series of exchanges which the bishops of Freising executed in the ninth and tenth centuries.[71] A good example is an exchange between a nobleman named Isangrim and Bishop Anno of Freising in the 850s.

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63   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 39. Heuwieser, *Die Traditionen des Hochstifts Passau*, 13.

64   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 480.

65   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 696–97. Josef Widemann, *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram* (Munich: Universitätsbuchhandlung Rieger, 1943; reprint, Aalen: Scientia Verlag, 1969), 3.

66   Widemann, *Die Traditionen des Hochstifts Regensburg*, 216.

67   Widemann, *Die Traditionen des Hochstifts Regensburg*, 430.

68   Widemann, *Die Traditionen des Hochstifts Regensburg*, 573.

69   Some examples: Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 246, 387, 439, 495, 537, 542–43, 549, 707, 708, 789.

70   *quicquid proprietatis habuit, cum edificiis et omni cultu illo pertinenti—exceptis mancipiis.* Alois Weissthanner, *Die Traditionen des Klosters Schäftlarn, 760–1305* (Munich: C.H. Beck Verlagsbuchhandlung, 1953), 43.

71   I will discuss these exchanges with more detail on the families of these *mancipia* below.

Anno gave a *mancipium* named Suuanahilt to Isangrim, and in exchange he received another *mancipium* named Adalpurc from Isangrim. The key ingredient in this exchange was that each *mancipium* was given *ad proprietatem habendum*.[72] These types of exchanges occurred numerous times and in each the charters described the exchanges as the passing of the *proprietas* from one lord to another.[73] They have some serious implications for the state of *mancipium* marriages, which I discuss below.

Mancipia at Montier-en-Der

The charters for the monastery at Montier-en-Der do not indicate that *mancipia* were items of property in the manner that they were in contemporary Bavaria, or that *servi* were in Árpád era Hungary. *Mancipia* do appear listed among items of property as part of a *formula* naming the contents of *villae* donated to the monastery. For example, when Charles the Bald donated several *villae* to the monastery in 845, they were all donated 'with *mancipia*, cultivated and uncultivated fields, vineyards, meadows, woods, pastures, bodies of water, mills, watercourses, roads out and roads in (*cum mancipiis, et terris cultis et incultis, vineis, pratis, silvis, pascuis, aquis, molendinis, aquarumque decursibus, exitibus et regressibus*).[74] However, unlike the case with the *servi* in Hungary or the *mancipia* in Bavaria, there is no evidence of *mancipia* being transferred separately from the land upon which they lived.

Conclusions

In conclusion, *servi* in Árpád-era Hungary were all treated as items of property. They were categorized as either purchased or inherited *servi* in order to determine their place in the Hungarian system of inheritance. Classified among the 'movables', they could be used as a form of payment, were pawned, and even stolen. Perhaps most significantly, Hungarian *servi* were not viewed as having any connection to the land upon which they lived, and they were frequently transferred even across long distances. as when Ban Ponik moved his *servi* to

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72   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 624.

73   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 624, 625; 2: 5–6, 7, 11.

74   Constance Brittain Bouchard, *The Cartulary of Montier-en-Der, 666–1129* (Toronto: University of Toronto Press, 2004), 79. Other examples: ibid., 71–72, 73, 81–83, 99–100.

another castle providing eight of them with the opportunity to escape. *Servi* and *mancipia* in Carolingian Bavaria and at Montier-en-Der were similarly listed as items of property and frequently described as such. Bavarian *servi* could even be transferred separately from the land like their Hungarian counterparts. At Montier-en-Der, by contrast, there is no evidence of such transfers taking place.

Labour Obligations of *Servi* and *Mancipia*

To understand the nature of the *servi* in Hungary, we must understand the requirements placed upon their labour. It is in their labour obligations, as well as in marriage practices discussed in the next chapter, that we see the most significant divergence between the ways in which *servi* were treated in Árpád-era Hungary and Carolingian Europe. In this chapter we will first look at the work required of Hungarian *servi*, and then we will investigate that required of Carolingian *servi* and *mancipia*.

We have seen how in most cases the farms on which *servi* lived and worked in Hungary were dedicated to the production of corn while in the charters *servi* and *mancipia* are most frequently associated with the plough.[1] It was natural to list *servi* with ploughs because, as we have seen, landlords considered *servi* part of the equipment on their land just like the ploughs themselves. *Servi* do still appear as being strongly connected with the ploughing activities on their lord's lands, as in the case of the *servi* on the numerous *praedia* given by Ogius for the construction of a monastery in 1121 where several *mansiones servorum* each had a plough.[2] A similar situation appears in the will left by Adalbert when Géza II sent him as an ambassador to Sicily in 1153. Adalbert left five *praedia* listing *servi* with ploughs.[3] The example of Walferus, *comes* under Géza II, was typical in many ways. Walferus provided a series of *praedia* for the foundation of a monastery in 1157. The text reads:

> Moreover these are the *praedia*: at the foot of the mountain where the
> monastery is located, [there is] one with two ploughs and four *mancipia*;

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1 Emma Lederer, *A feudalizmus kialakulása Magyarországon* (The development of feudalism in Hungary) (Budapest: Akadémiai Kiadó, 1959), 49–50. Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 91.

2 György Györffy, *Diplomata Hungariae antiquissima* (Budapest: Akadémiai Kiadó, 1992), 411–14. In only one instance from the first half of the twelfth century is another term used for those connected with a plough. Two *familiae ad aratra* are recorded in a charter from 1152. László Erdélyi, *A pannonhalmi Szent-Benedek-rend története* [The history of the Order of Saint Benedict at Pannonhalma]. 12 vols. (Budapest: Stephaneum, A Szent-István-Társulat Nyomdája, 1902–16), 1: 601. Interestingly, these *familiae* did not have any limitations on their work.

3 Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 602–03.

[there is] also a *praedium* that is called Chegge with four ploughs and eight small homes of men; a third *praedium* that is called Podgrad with the same number of ploughs and families; a fourth *praedium* that is called Giormoth with two ploughs and four families . . .[4]

The foundation charter commissioned by Walferus is typical because it demonstrates the intimate connection in the mind of the landlord between the *servus* or *mancipium* with the plough. The document also typifies what appears to have been a common proportion of *servi* to ploughs. On each of Walferus' properties, he maintained a ratio of two families of *mancipia* to each plough. The *praedium* Giormoth contained four *mansiones mancipiorum* and two ploughs, while the *praedium* where the monastery was located (from elsewhere in the charter we find it is called Quiznun) also contained two ploughs and four *mancipia*.[5] The two other *praedia*, Chegge and Podgrad, each had eight families of *mancipia* to four ploughs. (This charter is a perfect example of how the terms *servus* and *mancipium* as well as *mansio* often referred to families of the servile people, as we will discuss in the following chapter). This 2:1 ratio seems to have been the most common ratio on private holdings. Naturally, though, the ratio of *servi* to ploughs varied. At the low end, it was occasionally as low as one *servus* family to each plough while at the high end there are instances of three families of *servi* to every plough.[6] Table 1 provides a sampling of ratios until the first half of the thirteenth century.

TABLE 1   *Sampling of* servus-*families per plough ratios until the first half of the thirteenth century*

Foundation of the monastery at Csatár by *comes* Martinus (1141–46)[1]

praedia	utilitates
Chiatari	quatuor aratra cum duodecim mansionibus
praedium de Zala	duo aratra cum sex mansionibus

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4   *predia vero ista sunt: sub radice montis, quo monasterium situm est, predium unum cum duobus aratris et quatuor mancipiis; predium quoque, quod Chegge dicitur, cum quatuor aratris et octo mansiunculis hominum; tertium predium, quod Podgrad vocatur cum totidem aratris et mansionibus; quartum predium, quod vocatur Giormoth cum duobus aratris et quatuor mansionibus*. DF 206820.

5   DF 206820.

6   1:1 ratio: DL 000007.

Ferteu	uno aratro et tribus mansionibus
Hon	uno aratro et tribus mansionibus
Gradissa	quatuor aratra, xii mansiones

Foundation of the monastery at Küszén by Walferus (1157)[2]

praedia	utilitates
predium unum	cum duobus aratris et quatuor mancipiis
Chegge	cum quatuor aratris et octo mansiunculis hominum
Giormoth	cum duobus aratris et quatuor mansionibus

Donation by Forcos to monastery at Pannonhalma (1165)[3]

praedia	utilitates
Edeci	cum duobus aratris boum [sic] et quatuor familias servorum

Donation by comes Fulcumarus to the abbey at Bakonybél (1181)[4]

praedia	utilitates
Palan	cum duobus aratris et quatuor mansionibus
Meretha	cum duobus aratris et cum duabus mansionibus

Foundation of the abbey at Leben by comes Phoconus (1208)[5]

praedium	utilitates
in ipsa villa Lybin	sex aratra cum xi mansionibus servorum

Donation of Ipolitus son of Baran and the will of Margareta (1212)[6]

praedia	utilitates
Boroksa	cum duobus aratris boum [sic] et iiijor mancipiis

TABLE 1   *Sampling of* servus-*families per plough ratios until the first half of the thirteenth century* (cont.)

partem predii nomine Woreod	cum duobus aratris et ii mancipiis
Bodokt	cum duobus aratris et ij mancipiis
Kenezna	cum uno aratro scilicet cum bobus . . . et i mancipio
Cincha	cum bobus ad duo aratra et iiii, mancipiis

Division of their father's lands among themselves by the brothers Gregorius and Thomas (1237)[7]

praedium	utilitates
illegible	duo mancipia aratrorum cum bobus unius aratri

1   Georgius Fejér, ed. *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829–44), 2: 88–92. The dating of this charter comes from Imre Szentpétery and Iván Borsa, *Regesta regum stirpis Arpadianae critico-diplomatica*. 2 vols. 4 bks (Budapest: A Magyar Tudományos Akadémia, 1923–43), 1: 26.
2   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 604.
3   Nándor Knauz, *Monumenta ecclesiae Strigoniensis*, vol. 1 (Esztergom: Aegydius Horák, 1874), 118–19.
4   Gusztáv Wenzel, *Codex diplomaticus Arpadianus continuatus*. 12 vols. (Pest: Eggenberger Ferdinánd, 1860–74), 1: 76–77.
5   Fejér, *Codex diplomaticus*, vol. 3, bk 1: 58–61.
6   DF 262518.
7   Imre Nagy, Iván Páur, Károly Ráth, and Dezső Véghely, *Codex diplomaticus patrius*. 8 vols. (Győr: Sauervein Géza,1865–91), 7: 23–25.

The need for at least two families of *servi* for every plough fits in perfectly with the labour requirements of the heavy plough which had come into use during the Árpád dynasty. The written evidence indicates that some ploughs were the type pulled by four oxen, but the majority seem to have been the heavy ploughs requiring eight oxen.[7] The archaeological evidence for the types of ploughs in use in the thirteenth century is plentiful due to the number of ploughs either abandoned or hidden prior to the Mongol invasion. These

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7   Gyula Kristó, 'Korai feudalizmus (1116–1241)' [Early feudalism (1116–1241)], in *Magyarország története tíz kötetben*, ed. György Székely, vol. 2: *Előzmények és magyar történet 1242-ig* (Budapest: Akadémiai Kiadó, 1984), 1021–22.

ploughs were indeed the heavy, asymmetric variety.[8] These heavy ploughs required *at least* two men to drive the oxen and one to handle the plough itself. Following the plough would have been another adult who actually performed the sowing behind the plough. Children and women would have helped with the sowing by providing the lighter services such as holding seed bags.[9]

The connection of the *servus* with the plough most likely indicates that the obligations of such *servi* included ploughing certain parcels of their lord's land. However, they could have no claim to having their work services limited to ploughing alone, and their lord could assign them particularly onerous tasks. The rights that lay lords had over their *servi* become clear in a part of the Albeus Inventory of the monastery at Pannonhalma (so called because it was compiled just before 1240 under the orders of Albeus, the archdeacon of Nitra). The inventory reminded the *servi* on the *praedium* Olsuc that they still had to carry firewood 'on their backs' to the abbot's *curia* in the winter 'because they are all purchased or donated *servi*'.[10] Just as at Pannonhalma, we see elsewhere that those *servi* recently given to ecclesiastical institutions still lived under the burden of owing whatever service their previous lord had demanded of them. When *comes* Martinus founded the monastery at Csatár in the early 1140s, among the extensive gifts were the more than thirty men (*homines*) who had to serve 'however he will have ordered' (*qualiter praeceperit*).[11] One of these men was specifically recorded as having been acquired by the *comes* 'in judgement' (*in iudicium*) while another one was listed as having been previously purchased, indicating that the men in question were certainly *servi*.[12] In addition, the document included six *mansiones* with two ploughs which were also to serve 'however the abbot will have ordered' (*serviant abbati qualiter praeceperit*).[13] As we have seen previously, the donation charter for the monastery at Garamszentbenedek twice mentioned *servi* whose lord specified in the donation charter that they owed their new owner, the abbot, whatever

8   Kristó, 'Korai feudalizmus', 1021–22. Róbert Müller, 'A középkor agrotechnikája' [The agricultural technology of the Middle Ages], in *A középkori magyar agrárium*, ed. Lívia Bende and Géza Lőrinczy (Ópusztaszer: Ópusztaszeri Nemzeti Történeti Emlékpark, 2000), 33.

9   Márta Belényesy, 'A földművelés Magyarországon a XIV. században' [Agriculture in Hungary in the 14th century], *Századok* 90, nos. 4–6 (1956), 531–32. Belényesy argued that agricultural methods in the fourteenth century were essentially unchanged from those of the thirteenth.

10   *et tenentur per totam iemem portare ligna super dorsum ad domum vel curiam abbatis et purgare; quia omnes sunt servi empticii et donati.* Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 775.

11   Fejér, *Codex diplomaticus*, 2: 89–92.

12   Fejér, *Codex diplomaticus*, 2: 89–92.

13   Fejér, *Codex diplomaticus*, 2: 89–92.

services he demanded of them (*domus servorum, quorum servitus, prout placu-erit abbati sit*).[14] In other words, at the time of their transfer to the church, they still owed the unlimited service that they had to perform when they lived on the domains of their previous, lay, lord.

By contrast, those categories of individuals living on lay domains who did have limited work obligations specified were *never* termed *servi*. One example is the twelve *domus* in a charter from the 1140s whose only service was to cut the hay and maintain the lord's *curia*.[15] Another example is the three *familiae* willed by the widow Margaret, who annually owed the not insignificant pay-ment of a cow, 3 sheep, 3 geese, 6 chickens, 20 buckets of beer, and 200 loaves of bread.[16] Perhaps the most interesting of the non-*servi* listed on private lands were the four *viri* given by a *comes* Lampert in 1135 'whose right' was to serve their lord on horseback, to own carts, cut hay, sow and reap, and repair the roofs of the monastery. Significantly, the charter acknowledged that these men passed this right of limited work service to their descendants.[17]

The service of ploughing in the medieval period was not the work of merely one or two seasons. Instead it continued throughout the year through four dis-tinct ploughing seasons—winter, early spring, end of spring–early summer, and finally autumn. In fact, at no time was the plough really at rest.[18] Added to the never ending ploughing was the necessity of harvesting and threshing the grain, and we see that those given the task of ploughing their lord's land would have been fully occupied by their task.[19] Of course, the harvest would also have had to be delivered to the lord, and there is no record of *servi aratores* having specified cartage duties.

Servi performed all kinds of agricultural tasks depending on the needs of their lord. Perhaps the most common such task besides ploughing was pas-toral duty. In the will of Margareta included in the table above, there appears a *praedium* on which she had sixty oxen and an oxherd (*bubulcus*). She also had 200 sheep and a *servus* who appears to have been their shepherd.[20] When Vros died without heirs, Andrew II gave *comes* Thoma a property of pastures

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14   These are the twenty *domus servorum* at Hudwordiensium and the fifteen *domus servo-rum* at Pagran. Győrffy, *Diplomata*, 214.

15   Fejér, *Codex diplomaticus*, 2: 92.

16   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 601.

17   *quorum ius est*. Fejér, *Codex diplomaticus*, 2: 84.

18   Belényesy, 'A földművelés Magyarországon', 525–26.

19   Belényesy, 'A földművelés Magyarországon', 538–39.

20   Nagy et al., *Codex diplomaticus patrius*, 6: 10.

for pigs along with *servi* who surely served as swineherds.[21] It is also clear that lords would at times make their *servi* work as vintners as well. One example of such vintner-*servi* comes from a charter recording the sale of a property to the chapter of Székesfehérvár in 1228. On the land were two *servi* 'whom [Acha son of Pousa] placed [there] to tend the same vineyards' (*quos ad culturam earundem vinearum constituit*).[22]

In addition to agricultural work, *servi* performed labour duties around their lord's *curia*. It is very clear that some *servi* lived either in the *curia* or very near it. In 1146 a *hospes* partisan of Prince Álmos left a *praedium* with a *curia* 'with three men and all furnishings of the *curia*' (*curiam cum tribus hominibus et omni supellectili*).[23] Over a hundred years later, the *comes* of Bratislava sent the bailiff (*pristaldus*) to confiscate the properties of five brothers. When the bailiff arrived at the brothers' *curia*, he reported the presence of cows, heifers, hogs, and a horse within the *curia*. In one building (*domus*), to which the bailiff and his men were refused entry, were three *servi* belonging to the lord's mother according to the opinion of local villagers.[24] In a similar instance, a bailiff reported another *curia* as containing the *domus* of the lord as well as the *domus servorum*.[25] Another charter demonstrates that some *servi* and *ancillae* lived within their lord's *domus*. The charter records that one night, just after the marriage of a *comes*, an intruder broke into his home (*domus*) 'by force' (*potentialiter*) and 'violently' (*violenter*) carried off the count's new stepson, two *servi*, and an *ancilla*, along with some items from his chest (*res scriniales*).[26] In a less dramatic event, Nicholas, lord of Herichou (Hričov, present-day Slovakia), had to 'sell off his *servi* and *ancillae*, arms, provisions, and all his goods that he claimed to have had in the castle called Herichou' (*servos suos et ancillas, arma, victualia, et alia bona sua, que in Castro Herichou vocato, sicut dicit, habuerat, vendidisset*).[27] Thus, we observe that the *servi* and *ancillae* lived within the castle and were considered part of Nicholas' goods.

Ancillae were often put to work in their lord's *curia* fulfilling various domestic tasks. A common job assigned to them appears to have been that of doing the laundry. The rather well-to-do *comes* of Veszprém, Benedictus, made his will in 1171, which included an *ancilla* who was to wash the linens (*albae*) of

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21   Wenzel, *Codex diplomaticus Arpadianus*, 11: 224–25.

22   Nagy et al., *Codex diplomaticus patrius*, 7: 13–14.

23   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 599.

24   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 10: 524.

25   DL 66105.

26   DF 285785.

27   Wenzel, *Codex diplomaticus Arpadianus*, 4: 173.

her new lord, the abbot of Veszprém.[28] Some twenty years later, a *miles* of King
Imre gave *ancillae* from several *praedia* who had the task of washing the clothes
of the canons at Veszprém.[29] *Ancillae* were also used in the production of cloth
for the *curia*, as seen in the gift of a *comes* to the monastery of Bakonybél in
which appeared *ancillae* who were specifically assigned 'to the work of weav-
ing' (*ad textrinum opus*).[30] As we have mentioned, Abū Hāmid provided wit-
ness to the importance of the sewing and embroidery skills of these servile
women.[31] He also praised the cooking ability of the more expensive *ancilla*,
whom he had bought while in Hungary, and indeed elsewhere *ancillae* did the
baking for their lord.[32]

In conclusion, *servi* on the domains of secular lords had no limitations
placed upon the labour they owed their lord. The Albeus Inventory demon-
strates that *servi* recently acquired by the church had to perform the extremely
difficult task of carrying firewood on their backs to the monastery. The unlim-
ited nature of the obligations of *servi* is also seen in the several charters which
specified that *servi* had to carry out any service their lord demanded of them.
The typical labour of *servi* appears to have been the task of ploughing their
lord's land, which involved work all through the year, though at times *servi*
were put to the task of taking care of vineyards. Other *servi* served as herdsmen
of different types. Though both *servi* and *ancillae* performed various duties in
their lord's *curia*, we know more about *ancillae* who baked bread, washed laun-
dry, or served as weavers. The key element in the nature of the service owed by
servi and *ancillae* was that they had no specified limitations placed upon the
work they had to perform.

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28   Emil Jakubovich and Dezső Pais, *Ó-magyar olvasókönyv* [Old Hungarian reader] (Pécs:
     Danubia, 1929), 47.

29   Nagy et al., *Codex diplomaticus patrius*, 5: 3.

30   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 8: 277. Erdélyi dated this charter to
     1181, Szentpétery to 1171. Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, 1: 39.

31   César Dubler, *Abu Hamid el Granadino y su relación de viaje por terras eurasiáticas*
     (Madrid: Editorial Maestre, 1953), 67.

32   Wenzel, *Codex diplomaticus Arpadianus*, 1: 77. Nagy et al., *Codex diplomaticus patrius*, 5: 3.

Servus and *Mancipium* Families

Servus Families in Hungary

From very early on the *servus* was allowed the right to live with his immediate family, that is, with his wife and small children. The laws of the eleventh and early twelfth centuries only sought to control relationships between the free and the servile—nowhere did they restrict unions among the servile people themselves. In fact these laws really only concerned the relationships between a freeman and another lord's *ancilla*.[1] In terms of unions between *servi* and *ancillae*, very little is said. György Györffy argued that the first mention of such a servile household was found in the second book of Stephen I's laws. The law called for the establishment of one church for every ten villages. Each village was to provide 'two *mansi* and the same number of *mancipia*' (*duobus mansis totidemque mancipiis*).[2] Györffy argued that the author of the law was following the convention of the court scribes of Otto III in using the term *mancipium* to mean 'family'. He also claimed that Chapter 5 of Stephen's second book provided even more proof that 'family' was intended by the term.[3] Chapter 5 declared that anyone who attempted to manumit another's *servi* would have to pay the owner of the liberated *servi* for his loss. In full, it reads:

> If someone strives to acquire the freedom of *servi* of another, as many *servi* as there will be, he may pay back an equal number of *mancipia*, from which two parts go to the king, the third to the master of the men. The king shall give a third of his part to the count.[4]

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1   János M. Bak, György Bónis, and James Ross Sweeney, eds. *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild: Charles Schlacks, Jr, 1999), 7. (Stephen I.28 and 29).

2   Bak et al., *Decreta 1000–1301*, 9 (Stephen II.1).

3   György Györffy, *István király és műve* [King Stephen and his work] (Budapest: Gondolat, 1977), 479–80.

4   *si quis alienis servis libertatem acquirere nititur, quot servi erint, totidem mancipia solvat, ex quibus due partes regi, tertia seniori servorum. rex autem ex sua parte tertiam tribuat comiti.* Bak et al., *Decreta 1000–1301*, 9 (Stephen II.5). I have reworded part of the translation of Bak et al. in order to show the correlation of *servus* and *mancipium* in the law.

Györffy argued that *mancipium* in this passage must mean a family and not an individual because the offending party had to make a compensation of two thirds to the owner and one third to the king, and it is impossible to divide a person up into thirds.[5] This second argument of Györffy does not make much sense as it is clear from the wording that those who composed the law were thinking in terms of several *servi* being freed and then paid in compensation, as both *servus* and *mancipium* are in the plural. Györffy's first argument, on the other hand, is more plausible, although not completely certain. We have seen in the preceding chapter that the terms regarding the servile people in German areas are still very much debated. There is therefore not enough consensus to state categorically that *mancipia* referred to families in Ottonian Germany, and the connection between the chancery of Otto and the laws of Stephen is little more than speculation. Regardless of whether the term was borrowed from Otto's court or not, the fact is that it was not uncommon for Hungarian sources to use *mancipium* to signify a household, or the head of a household.[6] It is very possible, therefore, that the authors of the law had in mind two *servus* families to be given to each church, though the most common interpretation of this passage holds that the law simply referred to two *servi*.[7]

Whether the *mancipia* mentioned in Stephen's second book of laws concerned *servus* families or not, *servus* couples were indeed very common, and they frequently appear in inventories and in charters from the Árpád era. In these documents, the *servi* were listed by *mansio*, the meaning of which was fairly constant, with only the earliest and latest periods of the Árpád dynasty showing some instability in meaning. In the earliest period, the meaning of the term (and related terms such as the less common *mansus*, and even *domus*) could be ambiguous: it could be either 'domicile' or 'household'. As Ilona Bolla has pointed out, not infrequently did these two meanings 'blur into each other' (*összemosódik*), but some of the examples she cited as *mansio* having

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5   In Györffy's own words, 'Olyan kárpótlás, amely egy szolga helyett egyharmad szolgát ad, már csak az ember oszthatatlansága miatt sem lehetséges.' Györffy, *István király*, 479–80.

6   DF 262518. Gusztáv Wenzel, *Codex diplomaticus Arpadianus continuatus*. 12 vols. (Pest: Eggenberger Ferdinánd, 1860–74), 7: 40, 142; 11: 345, 453–54. Georgius Fejér, ed., *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829–44), vol. 4, bk 1: 77; vol. 4, bk 3: 280; vol. 5, bk 2: 93. László Erdélyi, *A pannonhalmi Szent-Benedek-rend története* [The history of the Order of Saint Benedict at Pannonhalma]. 12 vols. (Budapest: Stephaneum, A Szent-István-Társulat Nyomdája, 1902–16), 1: 785, 793.

7   Both Bak et al. and Gyula Kristó translate the term as 'bondman' and *szolga* (lit. 'servant'), respectively. Bak et al., *Decreta 1000–1301*, 9. Gyula Kristó, *Az államalapítás korának írott forrásai* [Written sources from the era of the foundation of the state] (Szeged: Szegedi Középkorász Műhely, 1999), 69–72.

the meaning 'domicile' are not very convincing.[8] One charter from 1146 records a gift of *tria aratra cum v mansionibus xv hominum*.[9] It is just as plausible to interpret *mansio* in this passage as 'family' as it is to interpret it as 'house', if not more so. Similarly, in the foundation charter for the monastery at Csatár from around the same time, both *domus* and *mansio* are used in such a manner as to make their exact meaning difficult to determine. For example, one *praedium* given has *duo aratra cum sex mansionibus, et decem domibus*.[10] It is likely that the *mansiones* were households because of their connection with the two ploughs, a common practice discussed in the preceding chapter. However, in this case this identification is obviously not definitive. In the confirmation charter for the properties of the monastery at Szentjobb (Sîniob, present-day Romania) from sometime during the reign of Stephen III (1162–72), *mansio* and *domus* appear to be completely interchangeable and are alternated in the lists of inhabitants on the church's properties (for example, 'it is recorded that the *villa* Markus is given with eleven *domus*, [the *villa*] Aqua with forty *domus*, [the *villa*] Thura with twelve *maniones* of labourers; [the *villa*] Degust with seventeen *mansiones*; [the *villa*] Keures with ten *domus*...[11] A will from 1158 is one of the rare examples for the last half of the twelfth century in which *mansio* clearly seems to refer to a physical domicile, and it does not refer to *servi* but instead *mansiones libertinorum cum familiis*.[12] The term *familia* was also sometimes used to mean household as in the will of *comes* Forcos from 1165, but overall, *mansio* was by far the most common term for these households.[13] In general, *mansio* was by far the most common term for *servus* households

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8   Ilona Bolla, 'A jobbágytelek kialakulásának kérdéséhez (A "curia" és "mansio" terminusok jelentésváltozása az Árpád-korban)' [On the question of the development of the serf-plot (the change in meaning of the terms *curia* and *mansio* in the Árpád era)], *Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae. Sectio Historica* 3 (1961), 108.

9   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 598. Cited in Bolla, 'A jobbágytelek kialakulásának kérdéséhez', 107 n. 51.

10   Fejér, *Codex diplomaticus*, 2: 90.

11   *nota quod villa Markus data est cum undecim domibus, Aqua cum quadraginta domibus; Thura cum duodecim mansionibus operariorum; Degust cum septemdecim mansionibus; Keüres cum decem domibus*... Fejér, *Codex diplomaticus*, vol. 7, bk 1: 161–63.

12   Nándor Knauz, *Monumenta ecclesiae Strigoniensis*, vol. 1 (Esztergom: Aegydius Horák, 1874), 116. The forged inventory of Bakonybél, dated 1171, is thought to have been written either in the eleventh century, or in an eleventh-century hand, but it contains a similar expression—*mansiones cum familiis*. Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 8: 275–76.

13   *Familiae servorum*: Knauz, *Monumenta*, 1: 118.

through most of the thirteenth century, as we will discuss below.[14] It is important to note that, even in these few instances from the early period where *mansio* meant 'domicile', there is no evidence that the term referred to a strictly definable plot of land to which the *servus* had customary rights. Towards the end of the thirteenth century, the meaning of *mansio* became unstable again, but at that time it alternated between a *servus* family and the 'serf-plot' (*jobbágybelsőség*) that came to predominate by the beginning of the fourteenth century.[15] Only at the end of the thirteenth century and into the fourteenth century did the *mansio*/serf-plot begin to form the basis for new forms of taxation.[16] Until this new form of taxation took hold, landlords were more concerned with organizing their workforce, and the *servus* household served as the easiest means by which the lord could keep track of his human property. In other words, lords frequently organized, sold, and transferred their *servi* and *ancillae* based around the household.[17]

While landlords commonly used the *mansio* as a household to number their *servi* in the twelfth and thirteenth centuries, the lack of source material from the eleventh century makes it difficult to speak of *mansiones* in the earliest years of the Árpád dynasty. No private charters exist from the time coinciding with the laws of Stephen I, and only few remain from the time of Stephen's successors. In fact, only one charter exists mentioning servile families from the first half of the eleventh century, and it is a royal charter. The foundation charter for the Greek-rite monastery at Veszprémvölgy, composed around 1018, lists villages among the donations to the monastery, which contained numerous households (καπνοί) or families (φαμίλιαι).[18] The problem with the Veszprémvölgy document for our purposes is that it is not clear who made up these φαμίλιαι and καπνοί. In other words, there is no definite proof that the members of these households should be regarded as the same as the *servi* of contemporary laws or the *mansiones servorum* of later private charters. Most agree that these households were servile, and their status was sharply distinguished from the status of those in a more famous passage which is further

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14   For example: Hans Wagner, *Urkundenbuch des Burgenlandes*, vol. 1 (Graz: Verlag Hermann Böhlaus, 1955), 34 and 52–55. Fejér, *Codex diplomaticus*, 2: 94–96, 299, 344–46; vol. 3, bk 1: 61–62; and vol. 3, bk 2: 174.

15   Bolla, 'A jobbágytelek kialakulásának kérdéséhez', 111.

16   Bolla, 'A jobbágytelek kialakulásának kérdéséhez', 111–12. László Solymosi, *A földesúri járadékok új rendszere a 13. századi Magyarországon* (The new income system of landlords in 13th-century Hungary) (Budapest: Argumentum Kiadó, 1998), 7, 23–25.

17   Solymosi, *A földesúri*, 108–09.

18   György Györffy, *Diplomata Hungariae antiquissima* (Budapest: Akadémiai Kiadó, 1992), 85.

down in the charter. The latter passage makes it clear that all those who did not wish to live 'under the dominion of the holy monastery' (εἰς τὸ κράτος τῆς ἁγίας μονῆς) had to leave, and it gives the monastery the right to remove them.[19] It is most likely that the households composing the villages were servile households and had no choice in the matter while those forced to either submit to the monastery or to leave were freemen.[20]

After the reign of Stephen I, a handful of private charters exist from the eleventh century, three of which contain references to the families or households (*mansiones*) of *servi*. Though two of these charters contain interpolations, the passages with the references to *mansiones servorum* appear to have been part of the original charters. The first reference to these *servus* families appeared in the foundation charter of Zselicszentjakab by Otto, the *comes* of Somogy County, in 1061. Part of his donation included two *mansiones servorum* as well as numerous *mansiones* specified by the occupations of the *servi* on them (e.g. *mansiones vinitorum, mansiones ministrorum*, etc.).[21] The second eleventh-century charter mentioning households of *servi* is the foundation charter of Százd from 1067, when *comes* Petrus left 104 *mansi servorum* to the monastery there.[22] The last private charter from the eleventh century mentioning households of *servi* involved a bequest including five *mansiones servorum* along with two ploughs, a number of vineyards, cattle, sheep, fields, and orchards to the bishopric of Veszprém in 1079.[23]

After the beginning of the twelfth century, private charters began to appear more and more frequently, and with them the records of *servi* living in family units. The foundation of a Benedictine abbey in 1208 by three brothers is not atypical, and it included the following donation:

> Eleven *mansiones* of servi, whose names are: Seca with his wife, and sons and daughters; Pecher with his wife, son, and daughter; Andreas with his wife, son, and daughter; Texe with his wife and son; Pentek with his wife, and sons and daughters; Chenkere with his wife, son, and daughter; Pecher with his wife, son, and daughter; Bechro with his wife, son, and

19   Györffy, *Diplomata*, 85.

20   Emma Lederer, *A feudalizmus kialakulása Magyarországon* [The development of feudalism in Hungary] (Budapest: Akadémiai Kiadó, 1959), 176–77. Györffy, *István király és műve*, 464. Györffy argued that the servile were 'half-free', and he cites the fact that among them were sixty βεστιαρίται. Györffy, *István király és műve*, 494–95.

21   Györffy, *Diplomata*, 172–73.

22   Györffy, *Diplomata*, 184.

23   Györffy, *Diplomata*, 225.

daughter; Toxo with his wife, son, and daughter; Reza with his wife and daughter; Deiz with his wife, son, and daughter.[24]

The number of *mansiones* listing the *servus*, his wife, and their children, like that in the quotation above, indicates that such households were the rule rather than the exception among those living on a *praedium*. When the inhabitants of a property are listed, or when a lord transferred *servi* to another, either through inheritance, sale, or trade, *servi* appear along with wives, sons, and daughters. Thus, when Baran left his will in 1212, included in it was a gift to the church he had built. Among other things, he left the church a *praedium* 'with all that belongs to it ... a plough with oxen and one *aratra* of land, and one *mancipium* named Geur with his wife and a *servus*, his son Cega, and another [*servus*], and his son Ceges'.[25] Later in the century, when the palatine Moys gave properties from his vast holdings to the monastery of the Blessed Virgin, included among them were 'the woods, vineyards, and cultivated lands along with a *servus* called Thoiszlo, and his wife and two of his sons'.[26]

The fact that *servus* families on Hungarian properties were common should not be surprising, and we should not think that because they lived in families, they were not slaves. As we saw in the first chapter, slave owners through time commonly allowed their slaves to live together as couples. Roman law held that the conjugal unions of the unfree could not be legitimate marriages, but instead they were legally considered merely cohabitation (*contubernium*). As Philip Lyndon Reynolds stated, these servile unions 'might have the intrinsic characteristics of marriage, but in law they could only amount to concubinage'.[27] As a result, masters had no reason to respect the *contubernium* alliances of their slaves, and they could dissolve them if they desired. By the fourth century, however, society had changed, and in 325 Constantine ordered these unions to be protected, so that husbands could not be separated from wives, and

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24   *xi mansionibus servorum, quorum haec sunt nomina: Seca cum uxore et filiis et filiabus; Pecher, cum uxore filio et filia; Andreas cum uxore, filio et filia; Texe cum uxore et filio; Pentek cum uxore et filiis et filiabus; Chenkere cum uxore filio et filia; Pecher cum uxore filio et filia; Bechro cum uxore filio et filia; Toxo cum uxore filio et filia; Reza cum uxore et filia; Deiz cum uxore, filio et filia.* Fejér, *Codex diplomaticus*, vol. 3, bk 1: 61.

25   *cum omnibus pertinenciis suis memorate dedi ecclesie, cum uno aratro scilicet cum bobus ad unum aratrum, et i mancipio nomine Geur. cum uxore et uno servo filio Cega, et alio, filio Ceges.* DF 262518.

26   *sylvis, vineis, et terris arabilibus cum uno servo, Thoiszlo vocato, et cum uxore, et duobus filiis eiusdem.* DF 238331.

27   Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage during the Patristic and Early Medieval Periods* (Boston: Brill, 2001), 156.

children could not be separated from parents.[28] Reynolds argued that in the fourth century, the church had little need to oppose Roman law in this regard as the civil law affirmed the inviolability of slave marriages.[29] The acceptance of social conventions by the church eventually led to a conflict between the inviolability of slave marriages on one hand and the rights of masters over their slaves on the other because the church, since Basil, accepted that a slave's master had authority over the right of his slaves to marry.[30] Throughout the early Middle Ages, local church councils in the Germanic kingdoms followed Basil's line of thought and decreed in favour of the slave owner. Thus, if slaves of two masters desired to marry, the consent of both masters was required.[31] The right of masters to sell their slaves, even at the expense of the slaves' marriages, was upheld by the church until the Carolingian period. A declaration of the Council of Verberie (753 or 756) exhorted slave owners not to sell slaves if this affected a marriage, but at the same time it recognized the legitimacy of the remarriage of any slave forced to leave a spouse through sale.[32] It was not until the Council of Chalôn-sur-Saôn in 813 that the church finally condemned the practice of dividing slave marriages through sale.[33] Later, as the church's view on the indissolubility of marriage began to coalesce, opinion began to shift against the rights of the slave owner. Peter Lombard indicated this trend when he noted that, though he believed slaves needed their master's consent to marry, others disagreed.[34] Alexander III settled the issue in a decretal from 1170 or 1171 in which he determined that all should have equal access to the sacraments of the church, including marriage. Thus, even the marriage of slaves came to be considered sacramental and therefore indissoluble. Adémar

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28   Reynolds, *Marriage in the Western Church*, 169–70.

29   Reynolds, *Marriage in the Western Church*, 169–70.

30   Andrés E. Mañaricua, *El matrimonio de los esclavos* (Rome: Universitas Gregoriana, 1940), 135–36. Adémar Esmein, *Le mariage en droit canonique* (Paris: Larose et Forcel, 1891), 318.

31   Mañaricua, *El matrimonio de los esclavos*, 256. Esmein, *Le mariage en droit canonique*, 318. Peter Landau, 'Slavery and Semifreedom in the High Middle Ages—in the Perspetive of the Church', in *Slavery Across Time and Space: Studies in Slavery in Medieval Europe and Africa*, ed. Per Hernaes and Tore Iversen (Trondheim: Department of History ntnu, 2002), 99–100. Charles Verlinden, 'Le "mariage" des esclaves', in *Il matrimonio nella società altomedievale: Proceedings of the Twenty-fourth Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo held in Spoleto April 22–28, 1976*, 569–93 (Spoleto: Presso la Sede del Centro, 1977), 570–93. See also Michael M. Sheehan, 'Marriage of the Unfree and the Poor', in Michael M. Sheehan, *Marriage, Family, and Law in Medieval Europe: Collected Studies* (Toronto: Toronto University Press, 1997), 228.

32   Esmein, *Le mariage en droit canonique*, 320. Landau, 'Slavery and Semifreedom', 99–100.

33   Reynolds, *Marriage in the Western Church*, 170.

34   Esmein, *Le mariage en droit canonique*, 321.

Esmein argued that the masters' losing the absolute right over the marriages of their slaves was a significant step in the ending of slavery, and lords adapted by imposing pecuniary compensation for the marriages of their serfs.[35]

Another issue regarding the marriage of slaves that the church had to face was whether or not a marriage between a slave and a free person should be considered legitimate. Early opinion of the church varied. Callistus I (217–22) appears to have permitted women of rank to marry the unfree, though civil law did not regard such unions as legitimate.[36] Of course, we only know of Callistus' attitude towards unequal marriages by way of Hippolytus' attack upon it, so the exact nature of Callistus' handling of unequal marriages naturally carries some uncertainty. Hippolytus strongly opposed Callistus and regarded unequal marriages as horrendously scandalous.[37] The issue of unequal marriages between slave and free was closely tied to the issue of concubinage, first addressed by Leo I in the fifth century. Leo responded to questions about whether it was morally correct to give a daughter in marriage to a man who had had a concubine. The question, in other words, was whether concubinage should be considered marriage. Leo responded that concubinage was not marriage because, in the context of the fifth century, the concubine was necessarily unfree, and marriage between slave and free was impossible. Reynolds argued that Leo essentially used scriptural references to support the position of Roman civil law.[38] This position was strengthened through the early medieval period by Germanic custom, which held such unequal unions to be legally non-existent, and church councils regularly forbade the marriage between free men and slaves.[39] The question of the validity of unequal marriages was still in doubt long past the Carolingian era, though it came to be overshadowed by the more complex issue of a free person marrying an unfree unwittingly. In other words, issues of consent and the sacramental nature of marriage came to predominate the question, which was settled in the high Middle Ages as we have seen above.[40]

Not surprisingly, then, in Hungary the laws and practice regarding *servus* marriages show an equal amount of ambiguity. The earliest law that definitely

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35   Mañaricua, *El matrimonio de los esclavos*, 257. Esmein, *Le mariage en droit canonique*, 321–22 maintained that the decretal came from Alexander's predecessor, Adrian IV.

36   Reynolds, *Marriage in the Western Church*, 159–62.

37   Reynolds, *Marriage in the Western Church*, 162.

38   Reynolds, *Marriage in the Western Church*, 161–63.

39   James A. Brundage, 'Concubinage and Marriage in Medieval Canon Law', in *Sex, Law and Marriage in the Middle Ages* (Aldershot: Variorum, 1993), VII: 3. Esmein, *Le mariage en droit canonique*, 359. Sheehan, 'Marriage of the Unfree and the Poor', 228–29.

40   Reynolds, *Marriage in the Western Church*, 169–72.

mentions a servile family comes from the *decreta* of Coloman I. Chapter 41 describes how a stray or wandering (*vagus*) *servus* should be handled:

> If the king grants a stray slave to anyone, he shall shave half his head; if he does not do so, he shall lose 10 *pensae*. If he has given him a wife, he shall lose her with him.[41]

László Erdélyi argued that the purpose of the law was to protect the right of property over the owner of the stray *servus*. The new owner had to keep the *servus*' head shaved in order to make him identifiable in case his original owner came looking for him. If the new owner tried to hide him by not shaving half of his head, he was fined 10 *pensae*.[42] Erdélyi's interpretation explains the somewhat obscure final sentence, *cui si uxorem dederit, etiam illam cum eo perdat*. The law was merely making clear that the new owner could lose the *servus* any time the original owner showed up demanding back his property. If the new owner had given the *servus* a wife, he would lose her along with her *servus* husband to the original owner.[43] This passage provides important information regarding the marriage of *servi* at the time. First, the law indicates that the lord played a significant role in the marriage of his *servi* and *ancillae*. It is of course not clear how much intervention on the part of the lord was understood by the expression 'to give a wife' (*uxorem dare*). The most likely explanation is that the lord had the authority to set limits upon whom his *servus* or *ancilla* may marry, or even whether he or she could marry. The authentic portion of the inventory of the monastery at Bakonybél of 1086 clearly demonstrates that the abbot could control whom the monastery's inhabitants could marry. While the *equites* could marry whomever they wished, the abbot allowed the *aratores* to marry only among themselves, and he forbade them from marrying those living on the lands of another.[44]

The law also seems to recognize the indissolubility of the *servus*' marriage. The law commanded that if the owner of a stray *servus* gave him a wife (*uxor*), and then the *servus*' original owner arrived demanding back his *servus*, then the wife of the *servus* had to go with him to his original owner. In light of the

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41   *si rex aliquem vagum servum alicui donaverit, hic medium caput eius tondat; quod si non fecerit, x pensas amittat. cui si uxorem dederit, etiam illam cum eo perdat.* Bak et al., *Decreta 1000–1301*, 28.

42   László Erdélyi, *Magyarország társadalma a XI. század törvényeiben* [The society of Hungary in the 11-century laws] (Budapest: Stephaneum Nyomda, 1907), 53.

43   Erdélyi, *Magyarország társadalma*, 53.

44   *non possint nubere aliunde, neque tradere filias suas alienis, et inter seipsos nubant.* Györffy, *Diplomata*, 253.

lawmakers' attempts elsewhere to uphold and protect the private property of the privileged, it is surprising that in this instance the law protected the marriage of the *servus* rather than the property of the *servus*' owner.

The Register of Várad also provides evidence that the marriages of *servi* could be considered indissoluble, and at the same time it shows that *servus* marriages could be influenced by the needs of their lords. In 1213, a Lady Paulia appeared before the canons of Várad demanding that her brother, a priest, return to her the *ancilla*, Margueta. The priest claimed that he could not return the *ancilla* 'because he had given Margueta to a husband and he could not rightfully separate her from her husband'. This argument won the day as Lady Paulia eventually accepted Margueta's sister in her stead.[45] We can doubt the purity of the motives on the part of the priest because he initially refused to return the *ancilla*, Margueta, claiming that she was his own *ancilla* and not his sister's. That argument failing, the priest cleverly stuck to the teachings of the church that he could not separate a married couple.[46] Regardless of the true motives of the priest, the significant aspect of this case is the complete acceptance by the canons of his argument, that is, that the marriage of the slave was indissoluble. At the same time, the *servus* marriage was not at all times held sacrosanct, as seen by a case which appeared before the same chapter of canons sixteen years later. In 1229, a lord named Augustinus faced death with no heirs left, so he divided his property among a monastery and his three sisters. The monastery received his *servus*, Paulus, while two of his sisters received Paulus' wife (*uxor*) and two daughters. The sisters themselves then died leaving the wife and daughters to Augustinus' third sister. She, in turn, freed the three *ancillae* for a price, but 'not so much for the price as for her sisters' souls'.[47] Thus we see that, even after one priest demanded that he could not allow the breaking up of a *servus* couple, the canons at Várad allowed another slave holder to split up a married *servus* from his wife.

Though the marriage bond of *servi* was not always respected by lords, they do appear to have consistently kept the youngest children with their parents, or at least with their mother. Such was the case in 1231 when Cherner, the patron of the church of the Holy Cross at Kenesa, split up a *praedium* and left part of

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45   *quia Marguetam dederat marito et non potuit eam separare de iure a viro suo*. János Karácsonyi and Samu Borovszky, *Regestrum Varadinense examinum ferri candentis ordine chronologico digestum, descripta effigie editionis a. 1550 illustratum* (Budapest: A Váradi Káptalan, 1903), 165.

46   Karácsonyi and Borovszky, *Regestrum Varadinense*, 165.

47   *non tam pro pretio tanto, quam pro anima sororum suarum*. Karácsonyi and Borovszky, *Regestrum Varadinense*, 294.

it to his wife in his will. Her part included an *ancilla* named Stephania along with her two infants (*cum duobus suis infantibus*).[48] When the wife of a *comes* made her will in 1264, she made provision for the manumission of a particularly faithful *ancilla* along with her baby (*cum infante suo*).[49] It is not surprising that lords would keep the babies with their mothers. When the children grew up, however, lords had no obligation to allow their *servi* to develop any sort of extended kinship or patrimony. After all, the *servi* were their lord's moveable property, and as such, they had no rights to extended familial ties. Indeed, landlords could divide the children of *servus* families among them in such a way as seemed most equitable to themselves without regard to the *servus* families involved. In one instance an *ancilla*, one of her sons, and her daughter went to one relative while two other relatives received the *ancilla*'s other son.[50] In another example, sons divided up their deceased father's property, which included two *servus* families. One brother, Bors, kept the *servus*, Poyk, his wife, one son, Paul, and a daughter, Margita. Another brother, Matthias, received Poyk's other daughter and his granddaughter, while a third brother took another of Poyk's daughters. At the same time, the three brothers divided another family. Bors kept possession of the *ancilla*, Kaytka, and Kaytka's two daughters were divided between Bor's two brothers.[51] In one final example, two brothers, Thomas and Indech, separated a *servus* from two of his sons— Thomas took the *servus* and one son, while Indech took his other two sons.[52]

Ilona Bolla has argued that lords had another method of splitting *servus* families. Occasionally a lord would retain either the children or the parents in servitude while the rest of the family were given complete freedom.[53] This freedom was what the charters called *libertas aurea*, that is, the complete freedom of movement, or the status of a *liber*. Only two charters record private lords freeing some members of a *servus* family while maintaining others under the 'yoke of *servi* and *ancillae*', and both of these charters were drawn up in the years between 1270 and 1277.[54] In these two charters are four wills, three of which contain the partial family manumissions. Due to the numbers

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48   Wenzel, *Codex Diplomaticus Arpadianus*, 6: 499.

49   Imre Nagy, Iván Nagy, and Dezső Véghely, eds. *Codex diplomaticus domus senioris comitum Zichy de Zich et Vásonkeo* (Pest: Societas Historica Hungarica, 1871), 1: 12.

50   DL 040533.

51   Imre Nagy, Iván Páur, Károly Ráth, and Dezső Véghely, *Codex diplomaticus patrius*. 8 vols. (Győr: Sauervein Géza, 1865–91), 8: 226.

52   Nagy et al., *Codex diplomaticus patrius*, 6: 314.

53   Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 85.

54   *iugum servi et ancille*. Nagy et al., *Codex diplomaticus patrius*, 7: 364.

of individuals and families involved in the first charter, the legacies regarding these *servi* and *ancillae* are more clearly described using tables where the left column represents the *servi* or *ancillae* passed on to a relative, and the right column shows those given freedom of movement (see Tables 2 and 3). The rows divide the *servi* and *ancillae* into families where known.

In all but one case, Comes Gotthard retained only one member of the family in servitude, and he manumitted the rest of the family. In the cases of complete nuclear families, the head of the family (i.e. the *servus*-husband/father) remained in servitude while the wife and children obtained freedom. The same is true for the one other charter recording the manumissions of only certain members of families. In that instance the testator, Demetrius, left a *servus* named Batk in the possession of his brother, but to his descendants he gave complete liberty.[55]

TABLE 2   *Testamentum comitis Gotthardi*

filiae suae reliquit	libertati aureae donavit
servum suum Muzgud	uxorem eiusdem Muzgud
	Nicolaum filium eius Muzgud
servum suum Pentek	duos filios eiusdem Pentek videlicet
cum quibusdem filiis suis	Aegydius et Cseke
servum suum Mateum et	
Mauritium, fratrem eiusdem	
illegible name	Petrum filium suum (*i.e. 'son of the' illegible*)
Violam filiam suam (*i.e. Lucia's*	Luciam ancillam suam
daughter)	Agatam dictae Violae filiam
Helenam filiam Kuak	Margaretam filiam eiusdem Kuak
	Michaelem
	Cosmam
	Iacobum
	Poos
	Scegenem ancillam suam
	cum Romano filio suo
	et filia sua Seebked vocata

Source: Fejér, *Codex diplomaticus*, vol. 5, bk 1: 74.

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55   Nagy et al., *Codex diplomaticus patrius*, 8: 121.

TABLE 3   *Testamentum dominae uxor comitis Gotthardi*

filiae suae reliquit	libertati aureae donavit
Benedictum filium eiusdem Mortunus	Mortunus
	Markus et Math filios eiusdem Mortunus
Ancillas suas Ruznith et Angles	

Source: Fejér, *Codex diplomaticus*, vol. 5, bk 1: 74.

Rather than a means of splitting up a *servus* family, the partial family man-
umission could possibly have been a clever strategy on the part of Comes
Gotthard to keep his workforce intact while maintaining some level of con-
trol over them. As will be discussed in the next chapter, the thirteenth century
(especially the last half, when these wills were drawn up) was a period in which
labour was scarce and lords frequently had lands with no one to work them.
Runaways were common and lords would offer better conditions to labourers
who would settle on their lands. In such an environment, landlords needed to
improve their *servi*'s situation in order to retain them. By freeing all but one
member of the household, Comes Gotthard and his contemporary, Demetrius,
greatly reduced the number of persons for whom they had to provide while
at the same time maintaining their population of workers since at least one
member of the family, and typically the head of the family, would have still
been in servitude. It is significant that in the case of nuclear families, the male
head of the household was held in bondage rather than any females.

The significance of manumitting the women rather than the men stems
from the system of natal enslavement in thirteenth-century Hungary. Ilona
Bolla discussed this custom as it is most explicitly stated in a charter from 1256.[56]
The charter recorded how a nobleman manumitted his *servus*' son who had
been born of a free woman. The nobleman agreed that any daughters born of
this *servus–libera* union would be free upon birth. At the same time, if the free
woman's family wished to redeem any sons born of the union, they could do
so at half the usual rate.[57] The parties involved in the manumission agreement
were following a general custom for these mixed marriages. In the circum-
stances of a mixed servile–free marriage, the children followed the status of
the parent whose gender they shared. In other words, if the mother were free,

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[56]   Nagy et al., *Codex diplomaticus patrius*, 8: 71. Bolla, *A jogilag egységes jobbágyságról*,
85–86.

[57]   Nagy et al., *Codex diplomaticus patrius*, 8: 71–72.

her daughters would likewise be free. Such agreements appear or are hinted at in other instances of mixed-status marriages, so we can with some justification refer to them as a custom. We can see this custom at work in the will of one of the followers of Béla IV, who left a will stating that a *servus* and his son were to be given to his brother, but the *servus*' wife and daughters were to be freed.[58] The custom is also hinted at in the will of a *miles* of Béla IV's father, Andrew II. The *miles* had a *servus* with a son and a daughter. Upon the *miles*' death, the *servus* and his son were to serve the *miles*' son while the daughter was to remain a free woman (*libera permaneat*).[59] Though it is possible that the mother was dead, the absence of her name from the will combined with the fact that her daughter was free probably indicates that the mother was *libera*. If she were free, the *miles* would have had no reason to include her in his will.

Interestingly, this Hungarian custom of natal enslavement is a rather peculiar one. In fact, it does not fit in very well with any of the seven birth enslavement patterns detailed by Orlando Patterson.[60] According to Roman law, status passed through the mother, so that all the children, male or female, took the status of the mother. The Chinese pattern, on the other hand, dictated that the parent with the lower status in an unequal union passed that status to their children. Thus, in Chinese slavery, children born of a mixed-status marriage would always be slaves.[61] None of the five remaining patterns of enslavement by birth described by Patterson (the Ashanti, Somali, Tuareg, Near Eastern, or Sherbro) matches what could be called the 'Hungarian pattern'.

Returning to the partial family manumissions in the late thirteenth-century wills, we see that the status inheritance pattern practised in Hungary at the time would have favoured the slave owner in two ways. First, keeping the *servi* as slaves meant that any future male offspring would also be slaves, and men were absolutely necessary for the heavy ploughing that was their primary task. Second, partial family manumission would provide incentive for the recently manumitted women to remain on their lord's property as well, since social pressures made it difficult for women to survive outside the domestic sphere without accepting some marginal role such as prostitution.[62] The lord, then, would lose little by freeing the wife as long as her husband remained under

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58   Nagy et al., *Codex diplomaticus patrius*, 8: 122.

59   Wenzel, *Codex diplomaticus Arpadianus*, 11: 284.

60   Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1988), 132–47.

61   Patterson, *Slavery and Social Death*, 132–47.

62   Carla Casagrande, 'La femme protégée', in *Histoire des femmes en occident*, ed. Christiane Klapisch-Zuber (Paris: Plon, 1991), 98–108. Barbara A. Hanawalt, 'At the Margin of

his control. The extent of this strategy is seen by the fact that all the *servi* and *ancillae* in Gothardus' and his wife's wills were to be freed if their daughter also died without any heirs.[63] With no heirs, there was no reason to maintain the workforce because their son-in-law would have attained complete control over their daughter's portion of the property, and the property would have passed out of Gothardus' line. It would not be surprising if these unequal manumissions were indeed attempts by the slave holders at maintaining their workforce, as slave holders elsewhere have frequently used family as a means of control over their slaves.

Despite the frequency with which *servus* couples appear in the Árpád-era charters, only a handful of charters enumerate the servile inhabitants to such a degree as to provide a more detailed description of household size. These five charters, dating from 1181 to 1272, are unique because they list every member of the *servus* families given, including daughters and infant sons (*filii parvuli*). Jenő Szűcs has attempted to reconstruct the average family size of *servus* households on the basis of these five charters. Szűcs readily admitted the tentative nature of such a small sampling, and, in light of the paucity of such detailed inventories in Hungary, little can be said beyond Szűcs's work regarding average family size in the Árpád period. What can be said, albeit with great caution, is that the figures for family size within this sampling from the twelfth and thirteenth centuries closely resemble those from the later Hungarian Middle Ages, and that the 'average family size' hovered around 4.5 members.[64]

Included in the figures Szűcs used to determine this average family size are the not insignificant numbers of single parents. Out of the eighty-four households mentioned in the five charters (including three households of *libertini*), twenty consisted of single parents.[65] *Ancillae* living alone with children are actually a rather common phenomenon in private charters throughout the Árpád-era. As we have seen, *ancillae* with their children were regularly bought

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Women's Space in Medieval Europe', in *Matrons and Marginal Women in Medieval Society*, ed. Robert R. Edwards and Vickie Ziegler (Woodbridge, UK: Boydell Press, 1995), 1–17.

63   Fejér, *Codex diplomaticus*, vol. 5, bk 1: 75.

64   Jenő Szűcs, 'Háztartás és család a 13. századi Magyarország szolgai állapotú paraszt-népességében' [Household and family among the servile peasantry in 13th-century Hungary], *Történelmi Szemle* 26, no. 1 (1983), 148. For the later periods, see István Szabó, 'Magyarország népessége az 1330-as és az 1526-os évek között' [The population of Hungary between 1330 and 1526], in *Magyarország történeti demográfiája: Magyarország népessége a honfoglalástól 1949-ig*, ed. József Kovacsics (Budapest: Közgazdasági és Jogi Könyvkiadó, 1963), 63–111.

65   Szűcs, 'Háztartás', Tables 1–4, pp. 150–54.

and sold, pawned, or inherited.[66] The *ancillae* and their children do not appear listed among the *mansiones servorum*. Instead, the households of *ancillae* with children are frequently listed towards the end of the charter.[67] The description of the possessions that Tihany Abbey had at Tihany itself included a separate section with a list of the names of 'sons of *ancillae*' (*isti sunt sunt* [sic] *filii ancillarum*).[68] Similarly, in a charter from 1284, one *servus* is described most unusually as the son of his mother instead of his father. The charter recorded the manumission of the *servus* 'Pousa, the son of Unus', the latter an *ancilla* who was also manumitted.[69]

In the instances where the *ancilla* had had a recognized union with a *servus* who had then died, the charters do describe her as the *servus*' widow.[70] The vast majority of the charters involving *ancillae* with children, however, do not describe them as either widows or wives. At least three explanations present themselves for these single-parent *ancillae*. The first explanation is that the children resulted from either casual sexual relationships or from concubinage. The second explanation is that these *ancillae* and their children had previously been married but, through a sale or some other transfer, had been separated from their *servi* husbands. We saw above in the Register of Várad how *servi* and *ancillae* could be thus separated. A third explanation for the single-parent *ancilla* is that the husband of the *ancilla* actually belonged to another lord. In such cases, the *ancilla* would have become the effective head of household as far as the lord was concerned, at least for the practical purpose of keeping track of his or her human property.

In addition to the single-parent *ancillae*, single-parent *servi* occasionally appear in the sources. In some instances, the source does not provide enough information to know why wives were not listed for these *servi*. Such is certainly the case of a charter recording the sale of four *servi* and an *ancilla* at the very end of the thirteenth century. The five sold were *Soludonem cum uxore sua,*

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66   For example, DL 033712; DL 064008; DL 001019; DL 001180; DL 086881. DF 259484; DF 251795. Nagy et al., *Codex diplomaticus patrius*, 6: 453; 8: 269. Wenzel, *Codex diplomaticus Arpadianus*, 6: 64.

67   For example, Nagy et al., *Codex diplomaticus Patrius*, 3: 1. Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 1: 602–03. Wenzel, *Codex diplomaticus Arpadianus*, 6: 463.

68   Erdélyi, *A pannonhalmi Szent-Benedek-rend története*, 10: 504.

69   Fejér, *Codex diplomaticus*, vol. 5, bk 3: 271.

70   *relictam Damiani, cum uno filio suo nomine Petro.* Fejér, *Codex diplomaticus*, vol. 5, bk 1: 86. *Leanch relicta Pauli.* Wenzel, *Codex diplomaticus Arpadianus*, 9: 46; and *relictam eciam Churka Rusine nuncupatam cum filio* Nagy et al., *Codex diplomaticus patrius*, 6: 402.

Numud cum filio suo et Scellesc.[71] It is not possible to discern why Numud did not have a wife listed. Presumably most of the same possibilities for single-parent *ancillae* were true for single-parent *servi*: the marriage had been broken up by a sale or other transfer, or the *ancilla*-wife was actually in the possession of another lord. Two more possibilities existed, however, and both are apparent in the same charter. The first possibility is that the *servus* was actually a widower. In the donation charter of the monastery of Szentgotthárd in 1198, the donated *praedium* named Wossian contained a *servus* named Phitoch. Phitoch is the only *servus* on the *praedium* whose wife is not mentioned, but he did have a son who was married and who had children of his own.[72] It is relatively safe to assume that Phitoch had outlived his wife. The second possibility was that the *servus* was married to a freewoman (*libera*). Again we turn to the foundation charter of Szentgotthárd, where the author of the charter had to explain why, among all the other *servus* families from Almas given, one did not mention the *servus*' wife—'because his wife was a freewoman' (*quia uxor libera est*).[73] We have seen in the discussion above regarding the natal enslavement pattern in Hungary that such *servus–libera* marriages were not unknown.

In many of these *servus–libera* marriages, it is likely that the couple were originally married while both were servile, and the *ancilla* was manumitted during the course of the marriage. Certainly we saw this in the partial family manumissions described above that occurred during the 1270s. I suspect these cases were part of a strategy of lords to maintain their workforce. The Register of Várad provides some further evidence that *ancillae* already married to *servi* may have obtained the status of *liberae*. In 1215 a Fabianus brought the wife of one of his *servi* before the bishop of Várad, saying that she was his *ancilla* and not a free woman. For her part, however, she stated that her lord 'desired to lead her back into servitude'.[74] She thus was making the claim that, although she had been the man's *ancilla*, she had in the meantime obtained her freedom, probably either through purchase or some other manumission. When the bishop heard the circumstances of the case, he ordered the woman to undergo an ordeal, the threat of which brought both parties to a compromise. The woman agreed to be the lord's *ancilla* as long as her daughters and all the daughters' descendants 'remained free'.[75] The fact that the lord was willing

71   Nagy et al., *Codex diplomaticus patrius*, 6: 420. Similar ambiguity is present in the dona-
      tion to the Csatár monastery: Fejér, *Codex diplomaticus*, 2: 89.

72   Wenzel, *Codex diplomaticus Arpadianus*, 6: 194.

73   Wenzel, *Codex diplomaticus Arpadianus*, 6: 194.

74   *velit redigere in servitutem*. Karácsonyi and Borovszky, *Regestrum Varadinense*, 204.

75   Karácsonyi and Borovszky, *Regestrum Varadinense*, 204.

to give up so much—the control of all the woman's female descendants—
probably indicates that the defendant had indeed previously been the lord's
ancilla, but had then obtained her own liberty. Another important note about
this case from the register, and one that strengthens the argument that the
woman had indeed previously obtained free status, is the fact that the woman's
daughters and all of her *daughters*' descendants remained free. The compro-
mise with her lord did not confirm the freedom of her sons, only her daughters.
This seemingly odd contingency is most likely not because the woman herself
had no sons, nor is it likely to have been based upon the lord's hope that she
would never have any sons. Rather, the compromise followed the custom of
passing the status of the parent according to gender. From this example, as well
as from the partial family manumissions of Comes Gotthardus and Demetrius
described above, we see that a *servus–libera* marriage often resulted from the
manumission of the *ancilla* after she had already been married to the *servus*.

Ilona Bolla also posited that most such *servus–libera* marriages came about
as a result of just such a manumission because a woman born free would find
it dishonourable to marry a *servus*.[76] Indeed, we have evidence that such mar-
riages were considered dishonourable. In a case from the Register of Várad from
1213 a *libera*'s father and brother feared that their daughter had been forced
into an *indignum connubium* by marrying a *servus* named Figmoz. However,
Figmoz's former lord, Vutuk, appeared and testified that he had manumitted
Figmoz prior to the marriage (*Vutuk autem respondit, se iam dictum Figmoz
manumisisse prius*). Upon hearing this testimony, the woman's father and
brother were finally satisfied.[77]

Only one example of a *liber–ancilla* marriage exists, and it comes from a
charter dated 1311. The charter recorded an agreement between Gregorius son
of Albertus and Magister Dobou, the son of the *comes* of Pank.[78] The purpose
of the charter was to record the manumission of the *ancilla* that Gregorius 'had
legitimately married' (*duxisset legitime*) along with the four daughters that she
had borne. Several factors must be considered concerning this charter. The first
is that the *ancilla* in question, Elizabeth, was the daughter of one of Dobou's
servi. The second is that Gregorius considered himself already married to
Elizabeth, as the charter used the pluperfect of *ducere*. Third, Elizabeth's owner
is recorded as having no part in her marriage to Gregorius (*Gregorius... est
confessus... quod non ex datu et voluntate magistri Dobou duxisset legitime*).[79]

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76   Bolla, *Jogilag egységes jobbágyság*, 85.

77   Karácsonyi and Borovszky, *Regestrum Varadinense*, 177.

78   Nagy et al., *Codex diplomaticus patrius*, 7: 364.

79   Nagy et al., *Codex diplomaticus patrius*, 7: 364.

Next, Gregorius stated that Elizabeth had borne him four daughters. The charter reported that 'Gregorius said he had the four daughters by a lawful bed' (*quatuor filias iuxta torum legitimum se habere dixit*).[80] Finally, Gregorius had to pay Dobou for the freedom of Elizabeth and her four daughters, the total of which was two other *ancillae* and an inherited property (*terra*).[81] Thus it appears that Gregorius lived with Elizabeth as his wife even though she was unfree, and they had four daughters whom he considered his and for whom he evidently cared a great deal. (The charter stated that Gregorius made the payment to Dobou because he did not want his daughters 'to be placed under or remain in the yoke of *servi* and *ancillae*'.)[82] Though he treated her as his wife, she was still the property of Dobou, and for her to be legally free, Gregorius had to pay for her manumission.

In any case, any *liber–ancilla* marriage suffered from several disadvantages which explain their scarcity. First, these unequal marriages automatically meant that any freeman who married an *ancilla* faced serious financial disadvantages if he cared at all about the legal status of any daughters born of the union. As we have seen, Gregorius had to purchase the freedom of his wife and daughters. Perhaps much more important was the dishonour associated with having a servile spouse. Finally, lords would have been reluctant to lose the property rights over any male offspring the marriage produced. As we have seen, females would probably have been much more controllable due to their restriction to the domestic sphere through intense societal pressures.

A very different set of dynamics appears to have been at work in the sexual relationships between lords and their own *ancillae*. Two charters exist showing that such sexual relationships did occur, at least occasionally. In the first one, from 1289, a woman named Domina Chanir appeared before the canons of Bratislava in order to manumit a *servus* of the family. Chanir, her father having died, spoke for the surviving members of her immediate family—two sisters and a younger brother. The lady stated that she wished to give complete freedom to the *servus* Boxa for two reasons. One was the formulaic salvation of her soul, but the other has the ring of poignancy to it—this *servus* came from the same seed (*semen*) as she. Chanir described how her father had fathered Boxa by an *ancilla* that he had bought (*quadam ancilla sua empticia*), making Domina Chanir the *servus*' half-sister.[83]

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80   Nagy et al., *Codex diplomaticus patrius*, 7: 364.

81   Nagy et al., *Codex diplomaticus patrius*, 7: 364.

82   *in iugum servi et ancille committere vel perpetuari*. Nagy et al., *Codex diplomaticus patrius*, 7: 364.

83   DF 226884.

The other charter arose from the manumission of a *servus* whose mother was an *ancilla* and whose father was a free man. In 1292 a Benedictus appeared before the canons of Kalocsa on behalf of his brothers in order to manumit a *servus* named Petrus. Petrus was not given the 'golden freedom' that Domina Chanir had given her half-brother. Instead, Benedictus made him and all his descendants *libertini*. They had to serve their lord Benedictus unless he decided he no longer required the service of the newly manumitted *servi* (*labori et servicio eorum nollent respondere*). If they were no longer needed, then they could serve whomever they wished. Oddly, Benedictus' manumission also specifically mentioned that they had the right to serve in the king's army, stating that 'if moreover shackled by poverty they cannot serve in the army' (*si eciam paupertate prepediti exercituare non possent*), he would provide them with an *uncia* (1/8 or 1/12 of a mark). The reasons, we are told, that Benedictus made Petrus a *libertinus* were threefold. First, Petrus' mother had served Benedictus' mother well. Second, Petrus himself had served Benedictus well. And finally, Benedictus' mother had made the request on her deathbed. According to Benedictus' testimony, he only found out that Petrus was actually the son of a close relative of his when she told him about it as she was dying (*cum inextremis laboraret*). This relative had at one time served Benedictus' father, Lazar, and during this time he fathered Petrus by one of Lazar's *ancillae*.[84]

The question then remains whether exploitation characterized these relationships between a lord and an *ancilla*. The answer, unfortunately, is not so straightforward. The records themselves provide no direct evidence as to whether the relationships between the lord and the *ancilla* were ones of mutual attraction, or whether they were the result of force on the part of the lord. Of course such relationships were not uncommon in societies in which slavery existed, and perhaps the most that can be said from comparisons among these societies is that in those relationships in which the slave holder did not recognize mixed offspring, either his or frequently that of his son, the relationship was characterized as rape. In the nineteenth-century US South, slave girls were at times forced to give sexual favours under the implied or explicit threat of whippings or some other punishment.[85] In these cases of rape, the slave owner

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84   DF 229845.

85   Norman R. Yetman, *Life under the 'Peculiar Institution': Selections from the Slave Narrative Collection* (New York: Holt, Rinehart and Winston, Inc., 1970), 37, 124, 228, 317, 325, 327. Herbert Gutman, *The Black Family and Freedom, 1750–1925* (Oxford: Basil Blackwell, 1976), 83–85. Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Vintage, 1976), 414–16, 421–23. Estimates of slaves with white ancestry in 1860 on large plantations in the deep South range between 5 and 9 per cent.

and rapist only rarely recognized the children produced, though the paternity of the offspring was generally understood.[86] Of course, any analogy with the situation in thirteenth-century Hungary would have to be very tentative, but in two of the three cases recorded of a lord–*ancilla* relationship, the lord never recognized the children of these relationships. Only after his death did another family member attempt to recognize legally their kinship with the offspring of the mixed union. In the case of Benedictus' manumission of Petrus, Benedictus claimed no knowledge of Petrus' paternity until told so by his dying mother. In the other case, Domina Chanir apparently knew the *servus* was the child of her father, but for some reason she waited until his death to actually carry out the manumission. It is very possible that the *servus*' paternity was an open secret, as was not uncommon in the American South.[87] Modern analogies also show that in cases where the slave owner recognized his children by his slave, or in cases where he lived openly with a slave either as a wife or as a concubine, the relationship between the couple was either one of affection or one in which the slave woman benefited. Slave women in such relationships could benefit either financially or even socially.[88] It may be said, then, that perhaps these two cases show instances of sexual exploitation of an *ancilla*.

Servi in Hungary have always been able to establish households. The permanence of these households, however, appears to have been somewhat dependent on the will of their lord. There are indications that while at some level the ideal of protecting *servus* marriages was held, in practice these servile unions could be dissolved. Unions of *servi* and *liberae* did occur, as did sexual relations between lords and their *ancillae*. As stated above, the social rules of status inheritance in medieval Hungary dictated that the status of the children was determined by the parent whose gender they shared.

Mancipium and *Servus* Families in Carolingian Europe

One of the characteristics often pointed to as distinguishing the *servus* from the *mancipium* in early medieval Bavaria is the right to marry. The connection between marriage and the *servus* is considered so strong that Franz Staab even

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86   Genovese, *Roll Jordan Roll*, 414. Although Harriet Jacobs' autobiography may have served as abolitionist propaganda, her account is generally accepted. Yetman, *Life under the 'Peculiar Institution'*, 13, 232, 299, 317. W.E.B. Du Bois, *The Gift of Black Folk: The Negroes in the Making of America* (Boston: The Stratford Co., 1924), 266.

87   Genovese, *Roll Jordan Roll*, 424–27.

88   Genovese, *Roll Jordan Roll*, 415–18. Gutman, *The Black Family and Freedom*, 389–94.

considered the term *servus* as the equivalent to *coniugatus*.[89] The charters from the end of the eighth century until the beginning of the tenth do seem to indicate a connection between marriage and the *servus*. In the donations of the bishop Siegfried discussed in Chapter 3, the charter does appear to make a distinction between those living on the manses (*manentes*) and unmarried *mancipia* (*singularia mancipia*). On the first property at Lauterbach, the charter begins by stating that Siegfried gave all of his inheritance to Saint Emmeram: 'that is the first Lauterbach church with *curtis* and house and all the buildings too, with [its] *manentes*, with [its] *singulares mancipia*, with [its] lands, forests, meadows, pastures, and their waters'.[90] The charter used similar language to preface the detailed description of Siegfried's second property at Lauterbach as well: 'whatever he observes in the same place, either *mancipia singulares* or *manentes*, or lands, meadows, fields, forests, pastures, and whatever belongs to that same location'.[91] Instances of married *servi* living on manses who would correspond to the *manentes* on Siegfried's lands are fairly common. When a priest gave the abbey at Freising two *mansi* around the turn of the ninth century, the manses were inhabited by two *servi* 'with their wives and babies' (*cum uxoribus et infantibus suis*).[92] In another, near contemporary, donation, the abbey received a farm (*colonia*) on which were a *servus* named Atto, his wife (*uxor sua*) and their son.[93]

Though the term *mancipium* may have referred to an unmarried individual in some places, the connection between forced singleness and *mancipium* was much more fluid than is usually portrayed. This fluidity manifested itself in the not infrequent appearance of married *mancipia*. Even in the document of Siegfried's donation just quoted we see that though the *manentes* were those on the manses with a family, families among the *mancipia infra domum* also existed. Indeed, the first *mancipia* listed among those living in their lord's *curtis* were a married couple: *infra vero domum sunt hec mancipia: Adnfrid et uxor*

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89   Franz Staab, *Untersuchen zur Gesellschaft am Mittelrhein in der Karolingerzeit* (Wiesbaden: Franz Steiner Verlag, 1975), 344.

90   *hoc est primitus ad Lutirinbah ecclesiam cum curte et domo et omni quoque edificio, cum manentibus et singularibus mancipiis, cum terris, silvis, pratis, pascuis, aquis earumque.* Josef Widemann, *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram* (Munich: Universitätsbuchhandlung Rieger, 1943; reprint, Aalen: Scientia Verlag, 1969), 17.

91   *quidquid ibidem aspicit tam in mancipiis singularibus quam in manentibus, videlicet terris, pratis, campis, silvis, pascuis et quidquid ad eundem locum pertinet.* Widemann, *Die Traditionen des Hochstifts Regensburg*, 20–21.

92   Theodor Bitterauf, *Die Traditionen des Hochstifts Freising*. 2 vols. (Munich: Universitätsbuchhandlung Rieger, 1905–09; reprint, Aalen: Scientia Verlag, 1967), 1: 171.

93   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 221.

eius Irmindrud.[94] Likewise, among the *mancipia* listed as *praebendarii* on the second estate at Lauterbach is another *mancipium* who is clearly listed with his wife (*et uxor eius*).[95] In addition, there may have been two other *mancipium* couples on Lauterbach. These pairings are probably husband and wife since they are masculine and feminine names linked by *et*, with the masculine name first, as is the pattern with the couples listed above, where the wife is explicitly stated as such.[96] These *mancipia* were not specifically termed as married, but their linking in this way is rather unusual. In any case, married *mancipia* are not at all uncommon in the sources for early medieval Bavaria. In either 806 or 807, another priest gave the bishop of Freising twenty-six *mancipia*, among whom were at least one *mancipium* with a wife (*uxor*) and children, and another *mancipium* with four young children (*et illius infantes quatuor*).[97] That the priest's donation included no land at all indicates that these married *mancipia* were also what historians have typically termed 'landless', and they are usually therefore expected to be unable to marry.[98]

Likewise, the evidence for the lands around Montier-en-Der, though much less plentiful, demonstrates that the *mancipia* there were frequently married. A charter from 832 noted the donation of some property to the monastery by Louis the Pious, including a *villa* with a *curtis* and twelve *mansi*. Prior to its donation, the property had been in the hands of a certain Hisimbertus as a benefice of Louis.[99] Though not stated directly, it is probable that the *mancipia* were actually families living on the manses since it mentions that the *mancipia* were both male and female (*cum mancipiis utriusque sexus*), and they apparently lived in houses (*domus*) on the property.[100] A similar donation of *mansi cum mancipiis utriusque sexus* occurred in 859 as well.[101] A final instance of

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94 Widemann, *Die Traditionen des Hochstifts Regensburg*, 17.

95 Widemann, *Die Traditionen des Hochstifts Regensburg*, 21.

96 *et hec mancipia sunt beruendarii, id est Erbho et Raatuuih, Aecko et Immina*. Widemann, *Die Traditionen des Hochstifts Regensburg*, 21.

97 Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 216.

98 Dieter Hägermann, 'Einige Aspekte der Grundherrschaft in den fränkischen formulae und in den leges des Frühmittelalters', in *Le grand domaine aux époques mérovingienne et carolingienne: Actes du colloque international, Gand, 8–10 septembre 1983*, ed. Adriaan Verhulst, 51–77 (Ghent: Centre Belge d'Histoire Rurale, 1985), 67. See also Renée Doehaerd, *The Early Middle Ages in the West: Economy and Society*, trans. W.G. Deakin (Amsterdam: North-Holland Publishing Company, 1978), 111.

99 Constance Brittain Bouchard, *The Cartulary of Montier-en-Der, 666–1129* (Toronto: University of Toronto Press, 2004), 73.

100 Bouchard, *The Cartulary of Montier-en-Der*, 73.

101 Bouchard, *The Cartulary of Montier-en-Der*, 99–100.

mancipium families given to Montier-en-Der appears in a confirmation letter from Charles the Bald in 857, where two *mancipia cum infantibus suis* were part of a donation to the monastery.[102]

Mancipium marriages, then, were not uncommon, but just like for Árpád-era Hungary, charters detailing the composition of these families are relatively rare. Nevertheless, Carl Hammer has examined the few that do allow some more precise scrutiny. The most useful source is that recording Siegfried's donation to St Emmeram, which contains the relatively detailed enumeration of the two estates at Lauterbach, one at Pöbenhausen, and one at Rockolding, as described in Chapter 3.[103] Hammer also used a deed of the monastery at Freising from 773 and another for Salzburg from 930.[104] Hammer then calculated the average size of the families found in the documents, with the result varying from 3.2 members per household in the Salzburg charter to 4.9 members per household on Siegfried's estate at Rockolding.[105] The numbers are similar to those found by Szűcs in the five Hungarian charters, and the conclusions must be similarly tentative since, as Hammer noted, the standard deviation of his figures makes their differences statistically insignificant.[106]

Hammer and Szűcs both observed that single parents figured prominently among the inhabitants of the properties. Hammer noticed that the percentage of households headed by these single-parent *mancipia* ranged from 10 per cent at Lauterbach II to just over 40 per cent in the Salzburg deed.[107] As we saw from our evidence for Hungarian *servi*, many of these single-parent *mancipia* were probably not single parents after all, but instead were married to someone belonging to another lord, a possibility suspected by Hammer as well.[108]

These exchanges involved no land but only the individuals in question, and they were almost always a one-to-one trade in people. In other words, a male *mancipium* was usually traded for another male *mancipium*, and a female for a female, though other combinations did occasionally occur. Sometime between 855 and 860, Bishop Anno exchanged one *mancipium*, and such smaller trades

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102   Bouchard, *The Cartulary of Montier-en-Der*, 83.

103   Widemann, *Die Traditionen des Hochstifts Regensburg*, 17–22.

104   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 85–86. Willibald Hauthaler, *Salzburger Urkundenbuch*, vol. 1 (Salzburg: Gesellschaft für Salzburger Landeskunde, 1910), 147–50.

105   Carl I. Hammer Jr, 'Family and *familia* in early-medieval Bavaria', in *Family Forms in Historic Europe*, ed. Richard Wall (Cambridge: Cambridge University Press, 1983), 240, Table 7.5a.

106   Hammer, 'Family and *familia*', 242.

107   Hammer, 'Family and *familia*', 240.

108   Hammer, 'Family and *familia*', 233 n. 51.

were the most common.[109] Of course other numbers of *mancipia* could be exchanged—towards the end of the ninth century, Bishop Waldo of Freising gave two *mancipia* to a noble for two others, and on another occasion he gave ten *mancipia* in return for ten others.[110] At times these exchanges involved family members, as when a father and three sons (all termed *mancipia*) were exchanged for another father and his three sons (again, *mancipia*).[111] Sometimes, women were exchanged, again, usually in equal number like the *ancilla* and her two sons traded for another and her two sons.[112] Occasionally, the exchange consisted of other combinations of servile inhabitants instead of the typical one-to-one. Such was the case towards the end of the ninth century when a *servus* was traded for two *mancipia* at Freising.[113] The number of such exchanges recorded in the ninth and tenth centuries is rather significant, and though they mostly appear in the records for Freising, they do appear among the charters at Regensburg as well.[114]

The purpose of these exchanges is perplexing, but a charter from the last half of the tenth century illuminates it and demonstrates that the *mancipia* involved were married. In fact, the purpose of such exchanges was to maintain the integrity of these servile marriages. Sometime between 957 and 972, the bishop of Freising and the bishop of Regensburg met and exchanged *mancipia*. Abraham of Freising gave twenty-three *mancipia* to Michahel of Regensburg, who then reciprocated with twenty *mancipia* of his own.[115] The charter makes clear that the *mancipia* were all married (*mancipia coniugata*), and that the exchange was for the convenience of each party involved (*pro utrarumque partium commoditate*). Since none of these married *mancipia* appeared with their spouses, even though the women did appear with their children, the issue is almost certainly a matter of the two bishops exchanging *mancipia* who had intermarried among each other's *familia*.[116] By exchanging the *mancipia*, the bishops could keep the *mancipium* couples together and at the same time keep intact the assets under their supervision. If *mancipia* married outside their *familia*, the bishop would honour their marriages, but in order to

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109   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 624. Other examples: ibid., 625, 627–28, 634–35, 714.

110   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 749–50, 761.

111   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 737.

112   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 784.

113   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 762–63.

114   For example, Widemann, *Die Traditionen des Hochstifts Regensburg*, 40 and 48.

115   Bitterauf, *Die Traditionen des Hochstifts Freising*, 2: 89–90.

116   This is Carl Hammer's interpretation, with which I agree. Hammer, 'Family and *familia*', 233.

maintain the number of *mancipia* in their possession, they traded them on a one-to-one basis.

These exchanges demonstrate two points regarding the families of *mancipia* in early medieval Bavaria. The first point is that they provide evidence that the number of the single-parent *mancipia* listed in the charters is probably deceptive in that they do not list the actual number of single-parent families. Rather, they only list the individuals in the possession of the lord for whom the charter was made. Thus, if a particular *mancipium* had a spouse owned by another lord, the spouse would not appear in that charter. The second point gleaned from these *mancipia* exchanges is that they indicate a desire on the part of the lords (both the bishops and the noblemen with whom they made the trades) to maintain the integrity of the marriages of their servile inhabitants. As described above, the church had decided by the first decades of the ninth century that slave marriages had to be respected, and these exchanges in Bavaria should be seen in that light. Indeed, I know of no instances of the dissolution of a servile marriage in Bavaria during the ninth century. At the same time, the individuals involved in these human trades were very conscientious also to maintain their property. The exchanges were almost always meticulously equal—a male *mancipium* for a male *mancipium*, a female for a female, a male with three children for a male with three children, etc. Thus, marriages among *mancipia* of different lords were common in Carolingian Bavaria, and even these did not come under threat by their lords.

Another marital situation involving *mancipia* in Bavaria that does not seem to be that common is that between a slave and a free person. The *servus–libera* marriage was not unknown in Árpád-era Hungary, and we have evidence that such marriages occurred in Bavaria as well. However, there are significant differences between the two areas. First, I know of only one instance of a *servus* marrying a free woman in Bavaria, and in that case the two were married without the *libera* knowing the legal status of her husband. As we saw in the Hungarian cases, many of the *liberae* in these marriages were actually manumitted *ancillae*. In the Bavarian case, the *libera* was born of a freeman. This case was recorded in a charter from 818 affirming the benefice of the *libera* in question.[117] What can be deduced from the charter is the following. The bishop of Freising took into custody a *servus* (Uualdperht) who had resisted fulfilling the obligations that the bishop claimed he owed. After he was taken into custody, it turned out that 'he had a free wife' (*habuit ingenuam coniugem*) by the

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117   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 346–47.

name of Ermansuind. Ermansuind and Uualdperht had evidently been living on property claimed by the abbot, but she argued, and numerous witnesses testified, that her father had given half of the inheritance to her and half to Freising while Atto was bishop (783–811). When Hitto ascended to the episcopal see in 811, he had the archives searched, and a charter was found confirming Ermansuind's claim. The bishop, 'moved by mercy' (*misericordia motus est*), allowed Ermansuind and her descendants to keep the half of the property her father had given to the abbey as a benefice.[118] Unfortunately, we are not told of the fate of Uualdperht since the purpose of the charter was to record the benefice given to Ermansuind. Thus, we do not know if he faced any consequences for marrying a free woman, though the silence does seem to indicate that the bishop was not too concerned about the matter. It is very likely, though, that Uualdperht was under much more pressure to fulfil his work obligations to the monastery.

Conclusions

In both Árpád-era Hungary and Carolingian Europe, servile inhabitants were allowed to construct nuclear families. The degree to which these unions were allowed to remain intact varied, however. In Hungary, *servus* marriages seem to have been protected in theory, and the scant evidence we have indicates that churchmen held that they could not be dissolved. At the same time, evidence demonstrates that in practice lords could divide up married *ancillae* and *servi* if that fitted better with their proprietary needs. In Carolingian Bavaria, we have no evidence that married *mancipia* were divided. In fact, the sources indicate that ecclesiastical leaders respected the marriages of their *mancipia*, even to the degree of honouring marriages that took place between *mancipia* belonging to different lords.

The paucity of suitable source material makes all estimates of servile family size questionable, but comparisons between the regions indicate nuclear family size as roughly similar in Hungary, on the one hand, and Carolingian and Ottonian Bavaria, on the other. Similarly, neither the Hungarian sources nor the Bavarian ones indicate that legal status was an absolute hindrance to marriage, as unequal marriages appear in the sources. This statement must carry several rather strong caveats. The first is that the evidence for such unequal

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118   Bitterauf, *Die Traditionen des Hochstifts Freising*, 1: 346–47.

marriages for Carolingian Bavaria consists of only one case. The second caveat is that in the case of mixed marriages in Hungary, most appear to have been such that the couple married while slaves, but one of the spouses (in every instance the wife) then gained freedom. Related to this is the fact that the Hungarian custom of status inheritance applied to these mixed marriages. I argue that this custom was used as a tool by lords to maintain their workforce in the face of the threat of flight by slaves.

The Disappearance of *Servi* in Hungary

The turning point in the use of *servi* in Hungarian agricultural labour was the thirteenth century. By the beginning of the fourteenth century, the village had overtaken the *praedium*. How did this process occur? What were the factors that led lords to abandon their complete control over their *servi* and replace it with a much looser control in which the villagers were in charge of the timing and amount of their labour in exchange for payments? The answers lie with the origins of the village community in Hungary. The evidence points to an external origin of the village from the groups of *hospites* who came to the kingdom during the period. There may have been some indigenous impulses to communal labour, however.

Before discussing the arrival of the village though we must look at the role of the church in ending slavery in Hungary. Debate has often focused on the church's impact upon the decline of slavery in Western Europe, as we have seen in the first chapter. Indeed we will see that ecclesiastics did have a role to play in ending slavery in Hungary, but it was not through their teachings, but rather through the reorganization of labour to suit their own needs.

Ecclesiastical Influence upon the Position of *servi* in Hungary

As both Pierre Bonnassie and Marc Bloch have argued, the attitudes and actions of the church were themselves ambivalent as regards slavery.[1] In general, the church took no action to upset the legal norms prevalent at the time and made no attempt to end slavery. In fact, as time progressed, the church's teachings quickly evolved to support the institution. Pauline theology did emphasize the spiritual equality of the slave and the free, yet it did not demand that slave owners free their slaves, as evident in the oft-quoted passage from the letter to the Ephesians:

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1 Pierre Bonnassie, *From Slavery to Feudalism in South-Western Europe* (Cambridge: Cambridge University Press, 1991), 30–5. Marc Bloch, 'Comment et pourquoi finit l'esclavage antique', in *Mélanges historiques*, vol. 1 (Paris: S.E.V.P.E.N., 1963), 261–85.

> Slaves, obey your masters according to the flesh with fear and trembling, in singleness of your heart as to Christ . . . with good will doing service as to the Lord and not to men (knowing that whatever good thing he does, he shall receive the same from the Lord, whether he is a slave or a free-man). And masters, do the same things to them, forbearing threatening, knowing that your Master also is in Heaven. There is no respect of persons with Him.[2]

The Church Fathers continued along this line of thought, emphasizing the equality before God of both slave and free, but concepts about the origins of slavery were added which were to have a significant impact even to the modern era.[3] So for example, while Basil the Great reminded his readers that 'indeed with men no one is by nature a slave' (παρὰ μὲν ἀνθρώποις τῇ φύσει δοῦλος οὐδείς) and that all were equally slaves before God, at the same time he argued that some actually benefited from enslavement to another. There were some who, through their own weakness, had 'no natural rule in themselves' (ἐν ἑαυτῷ τὸ κατὰ φύσιν ἄρχον), and so, as a chariot is controlled by a charioteer, or a boat by a pilot, they were to be controlled by a master.[4] Augustine argued that God did not create some men in the condition of slavery, but rather slavery originated as the result of sin, the first example of which he found in the curse of slavery decreed by Noah upon his son, Ham, for his sin against his father.[5] Augustine further used the captivity of Daniel and of Israel to the Babylonians as examples of slavery as the result of sin.[6] Attribution of slavery to the sinfulness of the individuals themselves became further rooted in the minds of Christian theologians. Gregory the Great wrote further that all men were by nature born equal, but a 'hidden dispensation' (*dispensatio occulta*) placed some after others.[7] Divine justice determined this hidden hierarchy on the basis of each person's merit, which is best exemplified by the curse of Ham (the youngest son of Noah and the one cursed by him).[8] Slavery as the result

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2   Ephesians 6:5 and 7–9.

3   See Rayford W. Logan, 'The Attitude of the Church toward Slavery Prior to 1500', *The Journal of Negro History* 17, no. 4 (1932), 469 and Scott David Foutz, 'Theology of Slavery: Western Theology's Role in the Development and Propagation of Slavery', *Quodlibet* 2, no. 1 (2000), available at: http://www.quodlibet.net/foutz-slavery.shtml.

4   Basil the Great, *De Spiritu Sancto* 20.51. Logan, 'The Attitude of the Church', 478.

5   Augustine, *De civitate dei* 19.15. Peter Garnsey, *Ideas of Slavery from Aristotle to Augustine* (Cambridge: Cambridge University Press, 1996), 213–19. See also Foutz, 'Theology of Slavery'.

6   Augustine, *De civitate dei* 19.15.

7   Gregory the Great, *Expositio in librum B. Job* 15 (Migne, *Patrologia Latina*, vol. 76, col. 203).

8   Gregory the Great, *Expositio in librum B. Job* 15. See Foutz, 'Theology of Slavery'.

of an individual's sin was also advocated by Gregory's contemporary Isidore of Seville while writing on the subject of submission:

> Because of the sin of the first man, the divine punishment of servitude was inflicted upon the human race, so that the ones he considers ill-suited for liberty, upon those his mercy imposes servitude . . . God therefore distinguished the lives of men, some forming slaves, some masters, so that the freedom to act wickedly is restrained by the authority of the master.[9]

Isidore's thinking on the subject of slavery was very influential, and this passage was quoted in its entirety at the Council of Aachen in 816.[10] Others seemed to downplay the idea that slaves were inherently inferior. Rabanus Maurus, in his commentary on the thirty-third chapter of the Book of Sirach, was not concerned with the origins of slavery, but rather with the attitudes slave holders should have towards their human property. The Book of Sirach advocated harsh punishments for slaves to keep them from idleness ('Torture and fetters are for a malicious slave: send him to work, so that he be not idle', etc.), and Rabanus was at pains to encourage slave owners not to abuse them.[11] To that end, Rabanus argued that masters should remember that though a slave was of an 'inferior servile condition' (*conditio inferior servilis*), he was not inherently contemptible.[12] Indeed, Rabanus argued, did not Paul write that God was no respecter of persons?[13] Thus, the theology of the church from the patristic period into the early Middle Ages was ambivalent regarding the nature of slaves. As Christians, slaves were spiritually equal to their masters, and they should not be abused. At the same time, a line of thought within the church held that the inferior position of slaves was the result of both the sinfulness and the weakness of the slaves themselves.

The thought regarding the origins and nature of servility is impossible to detect in Hungary prior to the thirteenth century, and it is unlikely that ecclesiastical thinking on the subject had much impact on the population as a whole until then. Until the first half of the twelfth century, we can only talk about Hungary as a newly converted society. Indeed, the 'pagan rebellions' of 1046

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9   Isidore of Seville, *Sententiae* 3.47.1. See Bonnassie, *From Slavery to Feudalism*, 27.

10   Symphosius Amalarius, *Forma institutionis canonicorum*, cols. 893–94.

11   Sirach 33.28 was one verse from the chapter cited by Rabanus.

12   Rabanus Maurus, *Commentariorum in Ecclesiasticum libri decem* 8 and 12. (Migne, *Patrologia Latina*, vol. 109, cols. 807–08 and 1004–05).

13   Rabanus Maurus, *Commentariorum in Ecclesiasticum libri decem* 8 and 12.

and 1060 are indications that the Árpád dynasty and its new religion were not uniformly welcome.[14] Grave goods in the pre-Christian manner only disappear completely from the archaeological record towards the end of the eleventh century, though some evidence points to pagan cemeteries into the reign of Coloman.[15] The spread of Christian belief among the population even on the most fundamental level was hindered further by two factors. One was the fact that, despite the *decretum* of Stephen I commanding the building of a church for every ten villages, early efforts focused to a large degree upon the support of great monasteries, with little concern for the lower priesthood.[16] Initially, monks cared for the souls of the people of the countryside, and little evidence exists for the presence of parishes until the end of the twelfth century.[17] Pierre Bonnassie claimed that the most significant impact that the teachings of spiritual equality had upon slaves occurred when the slave stood in the church together with freemen. Just the act of being with the freemen 'encouraged a solidarity of the wretched'.[18] The lack of churches would of course make such supposed solidarity impossible. Moreover, until the development of the parish system, the vast majority of priests were connected with the proprietary churches of their lord and had little training and equally little material support. Additionally, until the twelfth century, many of these priests were of foreign origin, without the knowledge of the tongue of their flock.[19] All of these factors greatly limited the spread of ecclesiastical thinking on the origins of slavery.

A manumission charter from 1250 provides us with the first explanation for the origins of servility in Hungary, claiming sin as its root. Much as numerous churchmen had previously taught, the charter chronicled the expulsion of man from paradise down to the pit of destruction through sin. The charter

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14   Nora Berend, József Laszlovszky, and Béla Zsolt Szakács, 'The Kingdom of Hungary', in *Christianization and the Rise of Christian Monarchy: Scandinavia, Central Europe and Rus' c. 900–1200*, ed. Nora Berend (Cambridge: Cambridge University Press, 2007), 339–40.

15   Berend, Laszlovszky, and Szakács, 'The Kingdom of Hungary', 339.

16   The *decretum* in question: János M. Bak, György Bónis, and James Ross Sweeney, eds. *Decreta regni mediaevalis Hungariae 1000–1301*, 2nd ed. (Idyllwild: Charles Schlacks, Jr, 1999), 9 (II.1). Elemér Mályusz, *Egyházi társadalom a középkori Magyarországon* [Ecclesiastical society in medieval Hungary] (Budapest: Akadémiai Kiadó, 1971; reprint, Budapest: Műszaki Könyvkiadó, 2007), 23. See also Berend, Laszlovszky, and Szakács, 'The Kingdom of Hungary', 351–54.

17   Berend, Laszlovszky, and Szakács, 'The Kingdom of Hungary', 355–56.

18   Bonnassie, *From Slavery to Feudalism*, 31.

19   Berend, Laszlovszky, and Szakács, 'The Kingdom of Hungary', 356. Mályusz, *Egyházi társadalom*, 29–30.

noted that, according to the 'wise and prudent', men are born free and that only by the law of nations are they subjected to servitude (*iure gencium servituti sunt subiecti*).[20] The laws of peoples were prominent in the explanation of slavery found in another thirteenth-century source, the *Gesta Hungarorum*. This work was composed between 1282 and 1285 by a partisan of Ladislas IV, the cleric Simon of Kéza.[21] In writing the history of the Hungarians from ancient times, Simon described the origins of the unfree 'with which Hungary is almost completely full' (*quibus fere Hungaria est repleta*).[22] According to Simon, captivity was the ultimate origin of the unfree of Hungary. During the Conquest, and according to the *mos gentium*, Hungarians captured both Christians and pagans, and some they killed while others they sold or put to work. Pleas by the pope to release them were to no avail.[23] By attributing servility to the *mos gentium*, Kéza relied upon current Roman legal theory rather than ecclesiastical thought, which is surely connected to the fact that Kéza himself studied in either Padua or Bologna for a time.[24] In thirteenth-century Hungary both ecclesiastical opinions and Roman legal theories were used to explain the presence of servility.

Perhaps the most significant influence that the church had on the status of *servi* was not due to any theological considerations, but rather was exercised through its land use and organization, especially on the properties of the great monasteries. Monasteries had greater variation in status among their *servi* than did lay lords. The variation was not in all instances equal, and the differences appear to have been dependent on the particular situation of both the monastery which owned the *servi* in question and the physical location of the *servi* among the properties owned by the monastery. Each ecclesiastical lord used its *servi* as it fitted his economic needs, which partially explains the variation in the actual position of the *servi* themselves on church lands.

In some cases, then, the needs of the particular ecclesiastical institution were best met by maintaining the servile status of the *servi* it had acquired. These *servi* did not experience an instant lessening of their obligations. In this

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20   DF 207019.

21   Tibor Almási, 'Kézai Simon', in *Korai Magyar történeti lexicon*, ed. Gyula Kristó (Budapest: Akadémiai Kiadó, 1994), 348.

22   Emericus Szentpétery, *Scriptores rerum Hungaricarum*. 2 vols. (Budapest: Academia Litterarum Hungarica, 1937–38), 1: 192.

23   Szentpétery, *Scriptores*, 1: 192–93.

24   Jenő Szűcs, 'Társadalomelmélet, politikai teória és történetszemlélet Kézai Simon *Gesta Hungarorum*ában' [Social theory, political theory, and historical approaches in Simon de Kéza's *Gesta Hungarorum*), *Századok* 107, no. 1 (1973), 581–82. Almási, 'Kézai Simon', 348.

regard, the Albeus Inventory of Pannonhalma provides useful information. The inventory enumerated the obligations of the subjects in its possession in particular detail—of the *iobagiones, udvornici, servientes equestres*, the various categories of craftsmen, and even that of some of the *piscatores*.[25] Many of the *servi*, by contrast, had no restrictions upon the labour they owed, which is clear from the statement that the four *servi* living on one *praedium* were 'bound to all services, just like other *servi* of the church' (*isti tenentur ad omnia servitia, sicut alii servi ecclesie*).[26] We see elsewhere in the inventory that these services could include particularly onerous labour duties. The inventory made clear that six *vinitores* living on one property not only owed 'the service common to all', but they also had to 'carry wood upon their back to the residence of the abbot through the whole winter' (*omnia communia servitia . . . per totam iemem portare ligna super dorsum ad domum vel curiam abbatis*).[27] The abbot seems to be reminding the *vinitores* that he had the right to make them perform whatever labour was needed because, though *vinitores*, they were still *servi*. In fact the inventory specifically states that they owed this labour 'because they all are bought and donated *servi*' (*quia omnes sunt servi empticii et donati*).[28] In another instance the inventory made a point of clarifying the position of the *vinitores* on the *praedium* Nul by stating that they were *veri servi*.[29] The much less detailed inventory of the monastery at Szamos from 1181 seems to confirm the degraded position of many ecclesiastical *servi*. The end of the document contains a summary of the items on the church's properties. Among these items were 23 households of *servi* (*mansiones servorum*), 22 ploughs, 70 horses, 100 head of cattle, and 200 pigs.[30] Much like the *servi* on lay domains, these ecclesiastical *servi* were listed among the livestock.

Some *servi* clearly achieved a more favourable status. We have seen that some recently obtained *servi* were forced to perform the most oppressive of tasks, including carrying wood upon their backs, and they were termed 'true *servi*'. At the same time, there were other *servi* with the limited obligations more typical of the *libertinus* of the lay lord. Chapters 84–93 of the Pannonhalma inventory

25   László Erdélyi, *A pannonhalmi Szent-Benedek rend története* [The history of the Order of Saint Benedict at Pannonhalma]. 12 vols. (Budapest: Stephaneum, A Szent-István-Társulat Nyomdája, 1902–16), 1: 771–87.

26   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 781.

27   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 775.

28   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 775.

29   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 774.

30   *in hiis omnibus supradictis prediis.* Imre Szentpétery and Iván Borsa, *Regesta regum stirpis Arpadianae Critico-Diplomatica.* 2 vols. 4 bks. (Budapest: A Magyar Tudományos Akadémia, 1923), 1: 44.

mentions thirty *mansiones* of *servi* who owed the abbey an annual payment of one pig for every two households, pork lard, and sixty goat skins for the shoes of the monks in addition to the standard service owed by the *udvornici* on the abbey's lands.[31] The standard services of the *udvornici* of Pannonhalma in the Albeus Inventory are described as the same as those of the *udvornici* of the village of Hymud (*sicut udvornici de Hymud*), also known as Nelka.[32] The inventory referred to a previous charter spelling out their obligations, according to which they owed both work services and dues in kind.[33] Six months of the year, the *udvornici* had to provide the monastery 130 barrels (*acones*) of wheat flour, 40 barrels of rye, and 70 of oats. In the other six months, they had to transport 170 barrels of grain to the monastery's mills from Somogy and elsewhere. Other dues which the *udvornici* owed annually included 300 eggs, 8 chickens, 4 geese, and 1 sheep, and each *udvornicus* household had to pay their parish priest two buckets (*ydria*) of grain every year. Otherwise, every month they owed three carts of firewood for the monastery's kitchen and bath, while certain *udvornici* also owed twelve barrels of beer every year. Services owed included the responsibility of maintaining the abbot's oven and residence as well as taking care of the monastery's garden.[34]

A difference in the obligations owed by the *servi* on church domains is also seen on the lands of the monastery at Garamszentbenedek. On the one hand were the *servi* living in the *villa Pagran* and those living on another *terra* who had to perform whatever service the abbot required of them (*quorum servitus, prout placuerit abbati, sit*), and on the other were those *servi* living in several other *villae* who seem to have owed the much more limited service of mowing and stacking of hay, maintaining the *curia* and *domus* of the abbot, the cartage of wine, and the winter feeding of the abbot's horses, or of herding the hogs of the monastery.[35]

The inventories of the monastery at Bakonybél and of the priory at Dömös indicate that some *servi* obtained more favourable conditions. In the Bakonybél inventory, the *aratores* had defined payments that they handed over to an officer of the monastery (the *prestaldus*), and they had to provide ten further measures of corn (*sapones*) for the feeding of the monastery's horses as well as a

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31   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 786–87.

32   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 772 and 787.

33   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 772.

34   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 678–79.

35   György Györffy, *Diplomata Hungariae antiquissima* (Budapest: Akadémiai Kiadó, 1992), 213–18.

certain amount of cloth for the monks' clothing.[36] The inventory of Dömös from 1138 demonstrates even more clearly the tenant-like condition that some *servi ecclesiae* achieved. The *servi* living near the Tisza River (*circa Ticiam*) in villages identified in present-day Csongrád County owed annual payments of cows, sheep, geese, and hens, and some of them owed cartage services.[37]

Why did some ecclesiastical *servi* attain the more favourable position in which they had certain rights to a plot and only owed the monastery payments or cartage dues while others resembled their privately owned counterparts owing unlimited labour to their lords? The answer seems to be that their obligations were related to the physical distance of their place of residence from the monastery.[38] The charter describing the possessions of the priory at Dömös is the clearest on this point. The *servi* owing payments all lived on lands owned by the priory but which stood at a considerable distance from it. At the same time, the only *aratores* to be found in the Dömös inventory are those living either in Dömös itself or within a few kilometres of the priory.[39] Similarly, the majority (60 per cent) of those properties that directly surrounded the hill on which sat the abbey of Pannonhalma (or, as the charter itself states, *sunt site prope ad pedes sacti* [*sic*] *montis Pannonie*) had *servi* or *aratores* living in them.[40] Thus, from the standpoint of the needs of the abbey, those *servi* living near the centre of exploitation were most useful when used as labourers working directly for the abbey as slaves, performing whatever task might be needed by the abbot. If ecclesiastical lords needed to supplement the number of *servi* working directly on their lands, they could either purchase more, or they could transfer excess *servi* from distant properties they might have at their disposal. The distance of other *servi* living away from the centre made it impractical to use their labour directly, so they owed fees in kind and work obligations of a more specific nature to fill gaps in the workforce of the abbey.

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36   Györffy, *Diplomata*, 250–53.

37   Nándor Knauz, *Monumenta ecclesiae Strigoniensis*, vol. 1 (Esztergom: Academia Scientiarum Hungaricae, 1874), 88–97.

38   This point is made somewhat differently by Péter Váczy, 'A korai magyar történet néhány kérdéséről' [Some questions about early Hungarian history], *Századok* 92, nos. 1–4 (1958), 323–26.

39   Dénes Szabó, 'A dömösi prépostság adománylevele' [The donation charter of the Dömös priory], *Magyar Nyelv* 32 (1936), 54–57, 130–35, 203–06. See also id., *A dömösi adománylevél hely- és vízrajza* [The topography and hydrogeology of the foundation charter of Dömös], summarized in Gyula Kristó, 'Korai feudalizmus (1116–1241)' [Early Feudalism (1116–1241)], in *Magyarország tötténete tíz kötetben*, ed. Antal Bartha, vol. 2 (Budapest: Akadémiai Kiadó, 1984), 1048–50.

40   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 772–75.

The improvements in the lives of the *servi ecclesiae* resulted not from theology, but from the fact that the great ecclesiastical institutions used them as best fitted their own needs.

The Rise of the *libertinus*

The organizational practices of ecclesiastical lords ameliorated the conditions of many of the *servi* who found themselves upon those lands as they became tenants rather than slaves. One of the means by which *servi* on the domains of lay lords could see their situation improve was to be raised to the status of *libertinus*. The thirteenth century saw a dramatic increase in the appearance of *libertini* on the properties of lay lords. Ilona Bolla noted that *libertini* regularly began to appear in the records of the thirteenth century to the point that their role during that period must have been rather significant.[41] It is true that *libertini* appear frequently in thirteenth-century charters. Bolla counted 122 charters in which *libertini* appeared on the *praedia* of lay lords though she did not cite them, making it impossible to use these charters for any sort of comparison.[42] Also, since the number of charters in total increased substantially during the thirteenth century, it is difficult to know if the large number of charters recording *libertini* is significant or whether it is just the result of the general growth in the number of sources.

Perhaps a more meaningful figure would come from comparing the proportion of *praedia* with *libertini* prior to the thirteenth century to the same proportion after the thirteenth century. In order to accomplish this comparison, I examined a sampling of the charters containing the most detailed records of the inhabitants of *praedia*—the charters used by István Szabó in his seminal study of the *praedium* in medieval Hungary.[43] These charters range in date from one eleventh-century charter (the 1067 foundation charter of the Százd monastery) to numerous charters from the first half of the thirteenth century. The number of *praedia* in Szabó's list that were useful for examining the proportion of *libertini* to *servi* over time was smaller than the total that Szabó

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41   Ilona Bolla, *A jogilag egységes jobbágyságról Magyarországon* [On legally uniform serfdom in Hungary] (Budapest: 1980; reprint, Budapest: Nap Kiadó, 1998), 100–01 and 101 n. 69.

42   Bolla, *A jogilag egységes jobbágyságról*, 101, n. 69.

43   Found in István Szabó, 'A prédium: Vizsgálódások a korai magyar gazdaság- és településtörténelem körében. I. rész' [The *praedium*: studies on the economic and settlement history of early Hungary. Part I], *Agrártörténeti Szemle* 5, nos. 1–2 (1963), 21 n. 74.

examined for two reasons. First, a few of the references that Szabó included were clearly subject to editorial errors, as they had no relation to *praedia* or their inhabitants.[44] Second, and the much larger problem, was the fact that in many cases the exact status of the inhabitants is not clear in the charter. Typically, these are instances in which only the occupation of the inhabitant is mentioned (for example, *vinitor* or *pulsator*) or when they are only referred to by general terms such as *vir, homo*, or even as a household (*mansio*).[45] After such pruning, the total number of *praedia* which can be analysed in this manner was forty-five. Of the twenty-seven twelfth-century *praedia*, twenty (74 per cent) were worked by *servi* alone and only four (15 per cent) had *libertini* on them (two consisted of only *libertini*, and two had both *libertini* and *servi*).[46] A further three *praedia* (11 per cent) had either *liberi* alone, or *servi* and *liberi* together.[47] *Praedia* prior to the thirteenth century, then, were predominantly served by *servi*, with less than a third having either *libertini* or *liberi* on them. By contrast, the eighteen *praedia* appearing in the first half of the thirteenth century included only six (33 per cent) worked by *servi* alone.[48] The remaining

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44   For example, Gusztáv Wenzel, *Codex Diplomaticus Arpadianus Arpadianus continuatus*. 12 vols. (Pest: Eggenberger Ferdinánd, 1860–74), 10: 214 and 11: 218.

45   Examples: *praedia* Meretha and Palan: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 8: 277; *praedium* Tydok: Szentpétery and Borsa, *Regesta regum sirpis Arpadianae*, 1: 43; *praedia* Huelichin, Niwic, Bolatin, Sala, and Gormot: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 602; *praedia* Sar, Nostroy, and Onduch: Georgius Fejér, ed., *Codex diplomaticus Hungariae ecclesiasticus ac civilis*. 11 vols. 43 bks (Buda: A Magyar Királyi Egyetem, 1829–44), vol. 3, bk 1: 58; Zenarg, Budun, and Litua: Richard Marsina, *Codex diplomaticus et epistolaris Slovaciae*, vol. 1 (Bratislava: Slovenskej Adadémie, 1971), 71–72.

46   *Servi* alone: Bubach, Gubach, and Nywyg: Györffy, *Diplomata*, 183–85; Zala and Ferteu: Fejér, *Codex diplomaticus*, 2: 88; Philes, Druc, Seusla, Couroug and Narage; Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 602; minus Selepchen, an unnamed, and Edeci: Knauz, *Monumenta*, 1: 118; Moyte and Talud: Fejér, *Codex diplomaticus*, vol. 9, bk 7: 632; eight unnamed *praedia* at Borsmonostor: Wenzel, *Codex diplomaticus Arpadianus*, 11: 57; Szentgotthárd: Wenzel, *Codex diplomaticus Arpadianus*, 6: 193; Bothian, Wossian, and Almas: Wenzel, *Codex diplomaticus Arpadianus*, 6: 193. *servi* and *libertini*: Bekech: Györffy, *Diplomata*, 183–85; Deuchar: Fejér, *Codex diplomaticus*, 2: 88. *libertini* only: Selepchen: Knauz, *Monumenta*, 1: 118; Zeles: Fejér, *Codex diplomaticus*, 2: 198.

47   *liberi* alone: Jac: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 602. *servi* and *liberi*: Pririza: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 602; Michal: Fejér, *Codex diplomaticus*, 2: 344.

48   Sceuleus: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 618; Beren: Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, 1: 98; Egrug: Fejér, *Codex diplomaticus*, vol. 3, bk 1: 325; Chuzar: Fejér, *Codex diplomaticus*, vol. 3, bk 1: 464; unnamed: Wenzel,

twelve were all worked by a combination of *servi* and *libertini*.[49] Of course this study of the status of inhabitants has several limitations. The first is that it cannot take into account those records where the status of the inhabitants could not be accurately determined as discussed above, and it must be kept in mind that Szabó's list of *praedia* ended with 1250. Despite these limitations, the figures do provide some reference to illustrate the accuracy of Bolla's impression that the number of *praedia* with *libertini* was increasing during this period.

Libertini resembled *servi* in two significant ways—they seem to have been regarded as some form of property, and they had no recognized connection with the land upon which they lived. In a similar manner to *servi, libertini* appear to have been treated as items which could be moved at the will of their lords. Though I know of no reference to *libertini* as being labelled *bona mobilia*, or movable goods, they do appear as the *pertinencia* of their lord's lands as do *servi*. A donation to Pannonhalma from 1221 included a property (*possessio*) with *libertini* and *et ceteris ad ipsum pertinentibus*.[50] Similarly, a sale to the church at Veszprém several decades later included a *praedium* with *libertini* among its *utilitates et pertinentes*.[51] Numerous charters provide examples of *libertini* in similar positions.[52] Even though *libertini* were often included with land when it was sold, they were not necessarily transferred to the new lord because they belonged to the land, rather they were sold in parallel with the land. This is most clearly seen in a case from the Register of Várad, which recorded the sale of property. Included in the sale were some *libertini* living on

Codex diplomaticus Arpadianus, 6: 466; 2 unnamed *praedia*: Wenzel, *Codex diplomaticus Arpadianus*, 6: 466.

49   Merena; Fejér, *Codex diplomaticus*, vol. 6, bk 2: 360; Lybin: Fejér, *Codex Diplomaticus*, vol. 3, bk 1: 58; Ilbeui and Katlu: Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 618; partem Renegeysar: Fejér, *Codex diplomaticus*, vol. 3, bk 2: 223; Chobawara and Sebse: Wenzel, *Codex diplomaticus Arpadianus*, 7: 274. *praedia* of the thirteenth century with only *libertini*: Basal: Wenzel, *Codex diplomaticus Arpadianus*, 11: 153; Fener: Fejér, *Codex diplomaticus*, vol. 3, bk 2: 223; Gueduch: Emil Jakubovich and Dezső Pais, *Ó-magyar olvasókönyv* [Old Hungarian reader] (Pécs: Danubia, 1929), 91; Kescew: Imre Nagy, Iván Páur, Károly Ráth, and Dezső Véghely, *Codex diplomaticus patrius*. 8 vols. (Győr: Sauervein Géza, 1865–91), 5: 20; Coa: Nagy et al., *Codex diplomaticus patrius*, 3:8.

50   Wenzel, *Codex diplomaticus Arpadianus*, 1: 173.

51   Fejér, *Codex diplomaticus*, vol. 4, bk 2: 119–21.

52   DL 091106; DL 104888. DF 207026. Nagy et al., *Codex diplomaticus patrius*, 5: 21; 6: 12, 50; 7: 23–25, 36–37. Fejér, *Codex diplomaticus*, vol. 3, bk 2: 490; vol. 4, bk 1: 77; vol. 7, bk 1: 360–1; vol. 8, bk 3: 488; vol. 9, bk 7: 661–62; 666–67. Wenzel, *Codex diplomaticus Arpadianus*, 1: 172–73; 2: 308; 4: 344; 7: 274.

the land. However, the record makes it clear that the sale of the *libertini* formed a separate transaction from that of land:

> Jacou son of Pata bought from *comes* Bodun son of Eustache a third part of the property Solumun . . . Moreover he also bought from the same person on the same property two *libertinae*, that is Crachinum and his brother Buchan . . .[53]

Libertini could be transferred separated from land in a number of ways: they could be donated, inherited, divided among descendants as part of a patrimony, sold, and they could form part of a woman's *dos*.[54] A case between two brothers and some clerics from the church of Veszprém further illustrates that *libertini* did not necessarily have ties to land. The brothers argued that nine particular *libertini* held by the clerics were actually theirs. The defendants claimed that they had legitimately bought five of the *libertini*, and in the end they agreed to pay another 4 marks for the remaining four *libertini*.[55] The charter makes no mention of land, the issue revolved around who owned the nine *libertini* in question. Another perfect illustration of the fact that lords could sell their *libertini* independent of land comes from the case involving Ban Ponik who had to return two castles to their original owners, as described in Chapter 5. When nine of the contingent of *servi* given to Ponik as his compensation escaped, Ponik agreed to accept either nine more *servi* or a payment of 3 marks per missing *servus*, or he would receive three *libertini* for every one *servus* who had fled.[56] We may draw two conclusions from this charter: first, the

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53   *Jacou filius Pata emit a Bodun comite filio Eustachi tertiam partem terrae Solumun . . . idem*
      autem ab eodem emit super eandem terram duos libertinos scilicet Crachinum et fratrem
      ejus Bucham . . . Karácsonyi and Borovszky, *Regestrum Varadinense examinum ferri can-*
      dentis ordine chronologico digestum, descripta effigie editionis a. 1550 illustratum (Budapest:
      A Váradi Káptalan, 1903), 178.

54   Donations of *libertini*: Wenzel, *Codex diplomaticus Arpadianus*, 1: 173; 2: 263; 6: 91–92.
      Knauz, *Monumenta*, 1: 193. Fejér, *Codex diplomaticus*, vol. 4, bk 1: 61–62; vol. 5, bk 2: 89–93;
      vol. 9, bk 7: 661–62. *Hereditarii libertini*: Wenzel, *Codex diplomaticus Arpadianus*, 3: 202.
      Libertini willed: DL 047715; DL 000503. Fejér, *Codex diplomaticus*, vol. 2: 344–45; vol. 3, bk 2:
      227–28; vol. 4, bk 1: 77. Nagy et al., *Codex diplomaticus patrius*, 1: 16–18. Wenzel, *Codex*
      diplomaticus Arpadianus, 1: 106; 7: 41–43. Jakubovich and Pais, *Ó-magyar olvasókönyv*,
      88–92. *Libertini* as part of family divisions: DL 040142. DF 251795. Nagy et al., *Codex dip-*
      lomaticus patrius, 7: 120–23; 8: 248. Wenzel, *Codex diplomaticus Arpadianus*, 4: 344; 6:
      458–59; 11: 513–14.

55   Fejér, *Codex diplomaticus*, vol. 9, bk 7: 652–53.

56   Wenzel, *Codex diplomaticus Arpadianus*, 9: 7–8.

libertini could be moved independent of land just as the *servi* could; second, the *libertinus* appears to have had a practical value of one third of that of the *servus*. This standard value of one third that of the *servus* is evident in other documents as well. In Chapter 5 we saw how the typical price for *servi* in the thirteenth century may have been around 3 marks, and it appears that *libertini* regularly cost 1 mark.[57] A dispute over property in 1252 involving the abbot of Celldömölk resulted in the abbot paying for the land in question along with 1 mark for each of the *libertini* on the property 'according to the custom of *libertini*' (*more libertinorum*).[58]

Though similar to *servi* in that lords were able to transfer them at will, *libertini* differed from *servi* in two significant ways. The position of the *libertinus* appears to have been considered superior to that of the *servus*. As the term implies, the *libertinus* appears to have been a freedman. Bolla argued that the *libertinus* was a freed *servus* on the basis of the Roman practice of giving *servi* a freedom that was limited by certain *obsequia libertinitatis*.[59] There is evidence from Hungarian sources that corroborates the idea that the *libertinus* was originally a *servus*. We have seen in Chapter 7 how Benedictus liberated a *servus* to the status of a *libertinus* when he found out that the *servus* was actually his half-brother.[60] Another example of the elevated status of the *libertinus* comes from the Register of Várad. In 1216 a dispute over the ownership of nine *libertini* resulted in the *libertini* being handed over to the plaintiffs, but only after the latter agreed that they had no further claims against the defendants, and that 'they would not reduce them to an inferior condition, but would keep them in the same status: that of *libertini*' (*in inferiorem conditionis ordinem non deprimerent, sed in eodem statu: libertinorum retinerent*).[61] In other words, the plaintiffs promised not to reduce the *libertini* to the inferior status of *servi*.

The other difference between the *servi* and the *libertini* was related to the work dues that each of them owed their lord. With the exception of some on church properties, the *servi* did not have their labour obligations limited in the face of their lord's power. Not a single charter mentions any limitation or customary restriction on their labour obligations. The *libertini*, on the other hand, appear to have had defined work dues, though these obligations could vary greatly.[62] *Libertini* only had to work for set periods of the year, or they

57   Here, I follow Bolla, *A jogilag egységes jobbágyságról*, 104–06.

58   Wenzel, *Codex diplomaticus Arpadianus*, 2: 228.

59   Bolla, *A jogilag egységes jobbágyságról*, 100.

60   DF 226884.

61   Karácsonyi and Borovszky, *Regestrum Varadinense*, 210–11.

62   See Bolla, *A jogilag egységes jobbágyságról*, 111–12, 114–16.

owed their lords payments in kind. To be sure, these obligations were heavy, but they were strictly defined. In the will of *comes* Martinus from the 1140s, *libertini* were assigned the task of scything and stacking hay three days a week, and during the harvest time they had to perform cartage duties, leading the horses. They also owed the service of gathering firewood. Other *libertini*, those *cum equis*, also had to perform general and firewood cartage duties. In addition, they owed six barrels (*cubulus*) of beer, six of honey, and six carts of hay. Finally, those serving with their horses had to remain at the service of their lord until Easter with their carts in case any cartage duties arose. During that period, they also had to maintain the lord's buildings (*domos parant*).[63] One of them had to appear before their lord with his cart, so the lord could 'send him to whichever *praedium* with horse and cart' during that week.[64] The will of *comes* Forcos from 1165 dictated that the *libertini* owed six days of service yearly—three days of cutting hay and three of gathering it. They also had to deliver the hay wherever commanded by the abbot.[65] In a charter from 1181, *libertini* owed services of collecting firewood, maintaining their lord's *curia* (*parant curiam*), and cutting and gathering hay.[66] Some of these *libertini*, moreover, were smiths and others weavers.[67] One final obligation placed upon *libertini* appeared in the latter half of the thirteenth century, and it was especially prominent in the western portions of the country. The obligation was the annual payment of a fee of 1 *denarius* which was, appropriately enough, called the *denarius libertinus*. The *denarius libertinus* was evidently a hearth tax as one charter stated that it was known as the *fumarius*.[68]

The differences between *libertini* and *servi* were significant. The limitations placed upon *libertini* labour obligations contrast sharply with the unlimited labour demands placed upon *servi* on the domains of lay lords. I have argued in the first chapter that unlimited access to the labour of the slave was one of the primary characteristics that distinguished the slave from the serf. Hungarian society also considered the *libertinus* superior in status to the *servus*. In consequence, we should consider the *libertinus* more of a serf than a slave.

The role of the *libertinus* in the landholding structure of the lay lords has caused some disagreement. The question centres around what, in the

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63   Fejér, *Codex diplomaticus*, 2: 89–90.

64   *ad quodcunque praedium mittantur, cum equo et curru*. Fejér, *Codex diplomaticus*, 2: 89–90.

65   Knauz, *Monumenta*, 118.

66   Fejér, *Codex diplomaticus*, 2: 199.

67   Fejér, *Codex diplomaticus*, 2: 199.

68   Fejér, vol. 3, bk 2: 68. For the *denarius libertinus*, see also: Fejér, *Codex diplomaticus*, vol. 4, bk 2: 383. Wenzel, *Codex diplomaticus Arpadianus*, 1: 261–62, 270–71; 11: 224–25.

Hungarian context, might be considered the closest equivalent to the *servus casatus*. Both István Szabó and László Szűcs argued that some of the *servi* living on the *praedia* of the Árpád era were essentially domiciled *servi* along the lines of the western *servus casatus*.[69] Both saw the *praedium* as organized in a bipartite manner (Szabó used the term *kétarcú*), divided between the 'house *servi*' living in the *curia* of the *praedium*, and those outside the *curia* performing the agricultural work of the *praedium*.[70] In this instance, Szabó and Szűcs also argued that the domiciled *servi* (in other words, not those living in the lord's *curia*) had already obtained something of an elevated status over the slave condition of the *servi in domibus*.[71] Szabó, following March Bloch, then argued that the economic independence gained by these *servi* was their 'first liberation' ('első felszabadulás').[72] In contrast, Ilona Bolla generally maintained that the *libertinus* served the function of the *servus casatus*, though her position on the roles of the *servus* and the *libertinus* was somewhat contradictory. On the one hand, Bolla argued that the *libertinus* was the 'true *servus casatus*' ('igazi "házas-földes" szolga').[73] She also argued that the *servus* was still under the complete command of his lord and so was still a slave even if he could acquire a form of plot for himself. Continuing along this line of thought, Bolla maintained that the slave status of the *servus* made impossible his transition into a peasant by slow and 'unnoticeable' steps.[74] At the same time, Bolla claimed that some *servi* living on their 'independent estate' (in other words, outside of the *curia*) could, through their own industry, gathered together enough property to attain a position similar to that of the *servus casatus*, especially if they owned their own ploughs and draught animals. Bolla also claimed that those only identified by their occupation (*vinitores, piscatores*, etc.) as well as those

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69   István Szabó, 'A prédium: vizsgálódások a korai magyar gazdaság- és településtörténelem körében. II.' [The *praedium*: studies on the economic and settlement history of early Hungary. II], *Agrártörténeti Szemle* 5, no. 3 (1963), 309–10 and Jenő Szűcs, 'Megosztott parasztság—egységesülő jobbágyság: a paraszti társadalom átalakulása a 13. században (első rész)' (Divided peasantry—unification of serfdom: the transformation of peasant society in the 13th century (Part I)), *Századok* 115, no. 2 (1981), 10.

70   *Kétarcú*. István Szabó, *A falurendszer kialakulása Magyarországon (X–XV. század)* [The development of the village system in Hungary (X–XV centuries)] (Budapest: Akadémiai Kiadó, 1971), 48. Szűcs, 'Megosztott parasztság—egységesülő jobbágyság. I', 9–10.

71   Szabó, 'A prédium. I', 30–31. *Servi in domibus* is how Szűcs termed those *servi* living in the lord's *curia*, although one is hard pressed to find the expression used in that context in the charters. Szűcs, 'Megosztott parasztság—egységesülő jobbágyság. I', 8.

72   Szabó, 'A prédium. II', 302.

73   Bolla, *A jogilag egységes jobbágyságról*, 118.

74   Bolla, *A jogilag egységes jobbágyságról*, 94.

termed simply *homines* had originally been *servi* whose lord had allowed them to remain in one place and assigned them their occupation. In this manner, these *servi* were able to gradually rise out of their slavery.[75]

The main problem with the argument for a status distinction between *servi infra curia* and *servi casati* is that such a distinction is nowhere made in the Hungarian sources themselves. They are all referred to simply as *servi* and *ancillae*. In fact, in most cases it would have been impossible for a *praedium* to have *servi in domibus* since most did not have a *curia*, as we have seen in Chapter 2. For example, of the eleven *praedia* mentioned in the donation that *comes* Lampertus and his wife made for the foundation of the monastery at Bozók (Bzovík, Slovakia) in 1135, only one of them is described as having had a *curia*.[76] The foundation of the monastery at Százd in 1067 contained seven *praedia*, but again only one had a *curia* on it (actually termed *curtis*).[77] When Fulcones gave land to the monastery at Pannonhalma, there were two *praedia* with only one *curia*, and another donation in 1198 to the monastery at Szent Gotthárd included four *praedia* with only one *curia*.[78] The charters, then, do not provide any evidence for a difference between those *servi* living in the *curia* (if there even was one), and those living outside it. Since the labour obligations of *servi* living on the domains of lay lords are nowhere delineated, the *servi* appear to have been managed alike regardless of their location vis-à-vis the lord's *curia*. Such direct exploitation of the labour would seemingly be more efficient as long as the *praedia* remained small and the estates relatively coterminous.

Rather than pointing to charters, Szűcs has used two laws from the late eleventh and early twelfth centuries to claim that such a distinction existed.[79] The first is canon 40 from the synod of Szabolcs of 1092. The canon described how the church would collect and enforce the tithe, and stated that if a *servus* lived in his own home and not in the home of his master, he was to pay the whole tithe while, if he lived within his lord's home, he did not have to pay it: 'A son who lives in his father's house shall give the tithe together with the father. From sons or *servi* who have their own houses, the tithe is due from all they have.'[80] I maintain that the canon merely indicates that some *servi* lived within

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75   Bolla, *A jogilag egységes jobbágyságról*, 95–96.

76   Marsina, *Codex diplomaticus et epistolaris Slovaciae*, 70–73.

77   Györffy, *Diplomata*, 182–84.

78   Wenzel, *Codex diplomaticus Arpadianus*, 6: 193.

79   Szűcs, 'Megosztott parasztság—egységesülő jobbágyság. I', 8–9.

80   *filius, qui in domo patris est, seu filius, seu servus, non separentur, sed simul dent decimationem cum patre; a filiis vero aut servis, qui per se habent domos, accipiant decimam de omnibus, que habent.* Bak et al., *Decreta regni mediaevalis Hungariae 1000–1301*, 59.

the homes of their owner while some lived on their own plot. This is clear from the text itself, and from others as discussed above. We cannot draw any conclusions on the nature of the legal and social relationship between the lord and his *servus*, either the one living in his *domus* or the one who has his own *domus*. Though it has been argued that the collection of the full tithe upon the *servus* is an indication of the independence of that *servus*, as I have posited in Chapter 4, it is more likely that the purpose of the canon was to establish the right of the church to collect the tithe on the *peculium* of those *servi* who were allowed to cultivate their own plots. As we have seen, slaves in even the harshest of systems could own significant *peculium* including land, and as the church recognized *servi* as being Christian, it demanded the tithe from them.

The second law used to demonstrate the existence of independent *servi* is canon 67 from the synod of Esztergom (enacted sometime between 1105 and 1116). The canon declared that those *servi ecclesiarum* who had their own oxen owed half of their produce whereas those who used their lord's oxen owed two thirds.[81] In this instance, the *servus* appears to have acted more as a tenant than as a slave, since he was to pay a specific portion of his produce. However, such payments in kind should come as a surprise to no one because the passage dealt only with *servi ecclesiarum*, and, as discussed above, many *servi* who came into the possession of the church quickly became tenants.

Only when a *praedium* was worked by both *servi* and *libertini* could it be considered bipartite because only then was the labour structure of the estate divided into two forms. The *servi*, who never had their labour obligations defined, worked the land directly for their lord while the *libertini* primarily worked the plots they lived on and either performed seasonal work services for their lord, or paid him in kind or in cash. Because their labour was thus limited, the *libertini* should more properly be considered tenants. It is important to remember, though, that the *libertinus* in Hungary was far more restricted than the *servus casatus* as described by Bloch. The *libertini* were still the property of their lord, they had no connection with the land, and they could be moved off the plots they inhabited unlike the *esclave-fermier* described by Bloch.[82]

The direct evidence for the conditional manumission of *servi* to the status of *libertini* is generally lacking. I know of just one example of such a 'conditional manumission,' and it survives in a charter only recorded because of its exceptional circumstances. It was the case of Benedictus who manumitted

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81   Bak et al., *Decreta regni mediaevalis Hungariae 1000–1301*, 64.

82   Bloch, 'Comment et pourquoi finit l'esclavage antique', 266–67. Szűcs seems to have claimed that *libertini*, too, were immovable. Szűcs, Megosztott parasztság—egységesülő jobbágyság. I', 65.

his half-brother *servus* to the status of *libertinus* as discussed in chapter five.[83] Almost certainly most of these conditional manumissions were never written down. In fact, Ilona Bolla has shown that some of the complete manumissions were oral, so it should come as no surprise that the conditional manumission of a *servus* to the status of a *libertinus* should also be oral.[84] (This conditional manumission is in contrast with the full manumission, by which I mean the granting of what Hungarian charters referred to as the *libertas aurea*, or golden freedom. Such a complete manumission gave the recipient the complete freedom of movement.)

The transition from *servus* to *libertinus* was initiated by the lord himself and for his benefit, which begs the question: why would lords feel the need to give their *servi* the conditional manumission to the status of *libertini*? Once again, we turn to Ilona Bolla. Bolla speculated that the growing size of the properties was the deciding factor, and as lords found their properties growing and becoming more dispersed, the use of direct labour in the form of *servi* became inefficient.[85] Unfortunately, there is no way of determining the motives of the lords in transforming their land organization into a bipartite structure with *libertini*-tenants. However, it is true that while properties with only *servi* on them typically had fewer than ten *mansiones servorum*, those with *libertini* on them often had rather more than ten *mansiones libertinorum*. The *praedium* Bekech from the Százd foundation charter had twenty *mansiones libertinorum* and two *mansiones servorum* on it. (Though the charter is dated to 1067, the passage describing Bekech is an interpolation from the thirteenth century).[86] The *praedium* Ilbeui that was willed to Pannonhalma in 1210 had nineteen *libertini* on it and only one *servus*.[87] In other charters we see *praedia* with large numbers of *libertini* (Selepchen with sixteen, Gescew with twenty, Zeles with twenty-seven), but perhaps the largest was that at Lybin, recorded in a charter from 1208.[88] Lybin was an immense property with ten *mansiones servorum* and forty-nine *mansiones libertinorum*.[89] It is also interesting to note that when *comes* Nycolaus of the quickly rising Csák family left his will in 1237, it contained extensive properties. Not a single property was worked by *servi*—

83   'Conditional manumission' (*feltétes felszabadítás*) is from Gáspár, 27–8. DF 229845.

84   Bolla, *A jogilag egységes jobbágyságról*, 106–07.

85   Bolla, *A jogilag egységes jobbágyságról*, 118–19.

86   Györffy, *Diplomata*, 183–85.

87   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 618.

88   Selepchen: Knauz, *Monumenta*, 1: 118. Kescew: Nagy et al., *Codex diplomaticus patrius*, 5: 20. Zeles: DL 000022.

89   Fejér, *Codex diplomaticus*, vol. 3, bk 1: 58.

they were all *libertini*.[90] It may be as Bolla surmised that as a lord's territories became more spread out, the tenant-like services that the *libertini* provided would be more productive than having lands worked directly by *servi*. Our earlier examination of the organization of ecclesiastical domains indicated that the conditions of *servi* living on properties further from the centre of the institution resembled those of a tenant more than a slave. On church lands, the *servi* frequently retained the appellation of *servi* even though their work obligations had changed. In contrast, when a lord changed the obligations owed by his *servi*, he seems to have conditionally manumitted them, so that they became *libertini*.

Villages, Plots, and Growth

The rise of the *libertinus* and the form of bipartite estate which was becoming more common in the kingdom of Hungary through the early decades of the thirteenth century were quickly overtaken by a much more significant development in land organization and social structure, which by the beginning of the fourteenth century had swept away most of the vestiges of the *praedium*, both those based upon *servi* labour and those with a combination of *servi* and *libertini*. This new arrival was the village community.

By village community, I refer to the form of settlement that had a combination of administrative, religious, and economic functions as well as borders and fields that were exploited using communal organization. This last point is key because settlements of the first 150 years of the Hungarian kingdom do not show signs of communal cultivation of the land. There is evidence in the laws of the eleventh and early twelfth centuries that villages had an administrative structure, as demonstrated by the presence of the term *villicus* in those laws. Of course, the religious functions were several times emphasized in the laws as well. Some of these settlements predated the Magyar arrival to the Carpathian Basin, some came about as a result of the new centres of administration established by the Árpád kings, and some (the *praedia*) grew on the holdings of lay lords. However, in none of these does evidence of communally organized agriculture appear until the last half of the twelfth century.[91]

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90   Jakubovich and Pais, *Ó-magyar olvasókönyv*, 88–92.

91   Szabó, *A falurendszer kialakulása*, 7–13. Ferenc Maksay, *A magyar falu középkori település-rendje* [The medieval settlement pattern of the Hungarian village] (Budapest: Akadémiai Kiadó, 1971), 35–48.

By the first decade of the fourteenth century, the organization of labour and land use by lords had changed radically from that of the last quarter of the previous century. The change was widespread, and its effects were significant.[92] The *praedium*-based system declined rapidly and was replaced by the village with communally organized agriculture based around the 'serf-plot' (*jobbágytelek, jobbágybelsőség*). The term *praedium* still appeared occasionally in the sources, but its meaning had changed entirely. It no longer referred to a self-sufficient agricultural holding maintained by either *servi* or *libertini*. Rather, in most instances, it referred to a deserted or uninhabited piece of land (*puszta*).[93]

Szabó placed the responsibility for the demise of the *praedium* squarely at the feet of the village community.[94] The examination of the change in settlement patterns is aided by the fact that the term *villa* almost exclusively referred to a village in Hungarian sources, only varying to indicate the size of the community with expressions such as *villula* or *parva villa*.[95] Szabó reasoned that the ultimate fate of a *praedium* (either changing into a *villa*, or disappearing) often depended upon its geography in relation to *villae*, which is particularly evident from those instances in which a *praedium* appeared to lie within a *villa*. Occasionally, the charters themselves even speak of a *praedium in villa*.[96] These *praedia* tended to be smaller than the typical *praedium*, and they usually consisted of only the *curia* itself. Szabó speculated that many of these minuscule *praedia* were the holdings of the *servientes regis* as mentioned in the Golden Bull of 1222.[97] (These *servientes regis* were those who owed some form of service directly to the king, usually in the form of military service. In return, they received freedom from paying royal taxes and exemptions from the judgement of anyone besides the king. With the rise of the great lords in the thirteenth century, they served as a useful counterbalance for the king to the power of these *barones*.)[98] According to Szabó, the inhabitants of these small *praedia*

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92   For a summary of the significance, see Gyula Kristó, 'Modellváltás a 13. században' [Change of model in the 13th century], *Századok* 135, no. 2 (2001), 472–87. In my opinion, Kristó unnecessarily downplayed the changes of the thirteenth to the fourteenth centuries because of their bottom-up nature.

93   Szabó, 'A prédium, ɪɪ', 304–05, 319–26.

94   Szabó, 'A prédium. ɪɪ', 307.

95   Szabó, *A falurendszer kialakulása*, 36–37.

96   Szabó, 'A prédium, ɪɪ', 314.

97   Szabó, 'A prédium, ɪɪ', 315. For the relevant chapter in the Golden Bull, see Bak et al., *Decreta regni medievalis Hungariae 1000–1301*, 32.

98   Tibor Almási, 'Serviens regis', in *Korai magyar történeti lexikon* (Budapest: Akadémiai Kiadó, 1984). Péter Váczy, 'A királyi serviensek és a patrimoniális királyság. ɪ.' [The royal *servientes* and the patrimonial kingdom. ɪ], *Századok* 61, nos. 7–8 (1927), 271–72.

within a larger *villa* 'melted into the village community' ('beolvadtak a falu közösségébe'), and the *praedium* likewise became part of the village. The lord's lands then either dissolved into those of the village, or perhaps they remained, but as a *domus allodialis* in the midst of the village.[99] By contrast, those *praedia* that were independent of an already existing village developed into village communities over the course of the thirteenth century.[100] Much of Szabó's evidence for this transformation comes from comparisons between the charter of 1093 recording the properties of the monastery of Pannonhalma and that of the Albeus Inventory from 150 years later. Szabó noted that those *praedia* that did not disappear in the meantime showed up in the Albeus Inventory not as *praedia*, but as *villae*.[101] For other evidence for the transformation, Szabó pointed to place names referred to in the thirteenth century as *praedia* which showed up in the fifteenth or sixteenth century as a *villa* as part of a nobleman's estate.[102] Not all *praedia* ended up as *villae*, however. Many simply disappeared.[103] The fact that the term *praedium* came to mean a deserted place in the fifteenth and sixteenth centuries is evidence, according to Szabó, that a great many of the *praedia* of the thirteenth century were, in fact, abandoned by their lords and inhabitants.[104]

We should now briefly discuss those aspects of the serf-plots necessary for our discussion of their origins. In most instances the serf-plot consisted of two parts: an inner and an outer portion. The inner portion contained the serf's residence along with any additional necessary outbuildings. The extent of these so-called inner plots was typically around 1 *hold* (*iugerum*) of land surrounded by either a hedge or fence.[105] In the cities or emerging market towns of the period, these residence plots alone would have constituted the

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99   Szabó, 'A prédium. II', 315.

100 Szabó, 'A prédium. II', 316.

101 Szabó, 'A prédium. II', 316–17.

102 Szabó, 'A prédium. II', 319.

103 Szabó, 'A prédium. II', 319.

104 Szabó, 'A prédium. II', 320–23.

105 Jenő Major, 'A telektípusok kialakulásának kezdetei Magyarországon' [The beginnings of the development of types of plots in Hungary], *Településtudományi közlemények* 12 (1960), 40–41. For a discussion on the measurements of medieval Hungary, see László Bendeffy, 'Középkori magyar hossz- és területmértékek', in *Fejezetek a magyar mérésügy történetéből* [Chapters on the history of Hungarian measurements], ed. László Makkai (Budapest: Közgazdasági és Jogi Könyvkiadó, 1959), 82–85. According to the sixteenth-century legal treatise by István Werbőczy, the royal *hold* was the amount of land that one draft animal could plough in one day. István Werbőczy, *Tripartitum opus iuris consuetudinarii inclyti regni Hungariae*, ed. and trans. János M. Bak, Péter Banyó, and Martyn Rady (Idyllwild, CA: Charles Schlacks, 2005), 85 and Márta Belényesy, 'A földművelés Magyarországon a XIV.

whole of the serf-plot with no outer plot. Another variation of the inner, or residence, plot occurred primarily in the northern areas of the kingdom, in the forested and mountainous regions. In these locations, the inner plots also had areas of plough land which were attached to, or 'melted into', the portion of the plot with the inhabitants' residence, and they were usually larger than 1 *hold*.[106] The 'outer plots' (*külsőtelek*) were in a different location from the inner, residence, plots and they consisted of the plough land and meadow. The outer plots varied in size from 30 to 60 *holdak* and were communally ploughed, with each serf being assigned a specific portion of the plough land as their own. Sometimes these outer plots were individual parcels, and sometimes they were strips of land separated from the neighbouring strip by an unploughed strip of grass, and they were ploughed using either a two or three-field rotation.[107] In the northern highlands, plots were under constant cultivation, which was achieved by allowing stock to graze and manure the fields between harvest and ploughing. Alternatively, manure might be collected while the crop was growing, and then spread again when the crops were out of the fields (that is, 'barn-manuring', Hungarian: *istállótrágya*).[108]

As we have seen, most of the *servi* living on the *praedia* of the twelfth and thirteenth centuries lived outside their lord's *curia* on the plots they tended. At the same time, this semi-independence did not alter their status as slaves. By contrast, almost none of the characteristics of servility that were placed upon the *servi* prior to the fourteenth century existed for the inhabitants of serf-plots. Unlike the *servus* on the *praedium*, the inhabitant of the serf-plot had an understood right to use the plot upon which he lived. In exchange for this use,

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században' [Agriculture in Hungary in the 14th century], *Századok* 90, nos. 4–6 (1956), 522 and 522 n. 4.

106   Major, 'A telektípusok kialakulásának', 41.

107   Márta Belényesy, 'A permanens egymezős földhasználat és a két- és háromnyomásos rend-szer kialakulása Magyarországon a középkorban' [The permanent single-field land usage and the development of the two and three-field system in Hungary in the Middle Ages], *Ethnographia* 71 (1960), 86–89. Eadem, 'A földművelés Magyarországon a XIV. században', 523 and 549–51. István Szabó, *A középkori magyar falu* [The medieval Hungarian village] (Budapest: Akadémiai Kiadó, 1969), 68–71. György Székely, 'A földközösség és szerepe az osztályharcban' [The role of communal lands in the class war], in *Tanulmányok a parasztság történetéhez Magyarországon a 14. században*, ed. György Székely (Budapest: Akadémiai Kiadó, 1953), 93–95. Though his interpretation is influenced by ideology, his research processes are dependable. (For example, see my comments on his theory of *zselléresedés* below).

108   Belényesy, 'A permanens egymezős földhasználat', 90. László Kósa, 'Trágyázás, ganézás', in *Magyar néprajzi lexikon* (Budapest: Akadémiai Kiadó, 1977).

the plot's inhabitant owed the landlord incomes from it. The plot belonged to the lord, but the serf could dispose of it with a great deal of freedom from intervention by the lord (to the extent that György Székely referred to the serf's 'property rights' over the plot).[109] The serfs could buy, sell, and even pawn the plots in their possession, and they had no need to obtain the permission of their lord for these transfers. Perhaps even more important was the fact that the inhabitants of the plots could pass them on to their children.[110] In a way similar to earlier periods in the West, in Hungary towards the end of the fourteenth century we begin to see serf-plots being divided into halves and thirds. Székely argued that these plot divisions were indications of the impoverishment of the serf (their *zselléresedés*—literally their becoming cottars) because this fitted his Marxist ideology more easily.[111] In fact, the plot divisions of the fourteenth century should be seen more as further indication of the safety of the property, or inheritance, rights of the recently emergent serfdom. The ability to remain on the plot where they were born, and then to inherit it, either in whole or in part, is indication of the rights serfs had to patrimony. Patrimony clearly demonstrates that, unlike their *servi* ancestors, the serfs had recognized rights to family and were no longer the 'antithesis to kin'.

It is, then, no accident that at the same time as the serf-plot became common throughout the kingdom of Hungary, the term *servus* fell out of use. The inhabitants of these plots came to be referred to as *iobagiones*. As we have seen earlier, during the Árpád era, *iobagio* was used generally to refer to an elevated member of Hungarian society who fulfilled a leadership function of sorts.[112] By the fourteenth century, the term used for the inhabitants of these plots was generally *iobagio*, which is the origin of the modern Hungarian term for 'serf' (*jobbágy*). The semantic change to the term *iobagio* instead of *servus* in the laws of the fourteenth century is certainly one indication of this transformation in the status of the inhabitants of the agricultural estates.[113]

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109   *Tulajdonjog.* György Székely, 'A parasztság szerepe az árutermelésben' [The role of the peasantry in production], in *Tanulmányok a parasztság történetéhez Magyarországon a 14. században*, ed. György Székely (Budapest: Akadémiai Kiadó, 1953), 124–27. László Solymosi, 'Telek', in *Korai magyar történeti lexikon* (Budapest: Akadémiai Kiadó, 1984).

110   Székely, 'A parasztság szerepe', 124–27. Maksay, *A magyar falu középkori településrendje*, 184–89.

111   György Székely, 'A parasztság differenciálódása' [The differentiation of the peasantry], in *Tanulmányok a parasztság történetéhez Magyarországon a 14. században*, ed. György Székely (Budapest: Akadémiai Kiadó, 1953), 407–08.

112   Pál Engel, 'Jobbágy', in *Korai magyar történeti lexikon* (Budapest: Akadémiai Kiadó, 1994).

113   Bolla, *A jogilag egységes jobbágyság*, 79.

This monumental transformation to village communities based on the serf-plot originated in both domestic and foreign influences. Ethnographers used to argue that the serf-plot in Hungary had its origins in the geography of the northern highlands of the kingdom. Márta Belényesy maintained that the continual cultivation of plots using 'barn-manuring' developed primarily in the higher elevations of present-day Slovakia because the thick forests and mountainous terrain necessitated smaller fields. The threat of reforestation prevented farmers from allowing fields to lie fallow, and so settlers developed the system of 'barn-manuring'.[114] Belényesy's theory does not explain the fact that Slavic communities existed in the river valleys of the highlands since before the Magyar Conquest, and yet the village community did not arise until the latter decades of the thirteenth century.[115]

Other evidence indicates that communally organized agriculture developed domestically. Both Jenő Szűcs and István Szabó argued that the Albeus Inventory shows the beginnings of the communal village because of the frequent mention of land being communally owned.[116] However, the evidence from the inventory itself is not completely convincing. Most of the appearances of this type of ownership revolved around the pastures shared between specific individuals and a nearby village instead of the communal ownership of plough lands among a village community. Thus, on the *praedium* named Karalka in Chapter 40, we see three *udvornici* who had meadows, hayfields, and pasture for cattle together with the village (*prata et feneta et pascua peccorum communiter cum villa*).[117] In Chapter 48 we see that the church had pastures which were held with a village: *in villa Kevrusheyg . . . et ecclesia ibidem habet terram ad duo aratra, silvas in quinque locis, feneta in duobus locis, pascua pedorum vero communiter cum villa*.[118] Marsh lands with reeds (*arundines*) are also commonly mentioned as being owned communally, as in the case of the *udvornici* who had claim to both the pasture for cattle and reedy locations together with the *populus* of the *praedium* Clety in Chapter 44.[119] (Access to reeds would have been important as they were essential for the construction

114   Belényesy, 'A permanens egymezős földhasználat', 89–90.

115   Erik Fügedi, ' "Németjogú" falvak telpülése a szlovák és német nyelvterületen' [Settlements of 'German-law' villages in Slovak and German-language regions], in *Tanulmányok a parasztság történetéhez Magyarországon a 14. században*, ed. György Székely (Budapest: Akadémiai Kiadó, 1953), 225.

116   Szűcs, 'Megosztott parasztság—egységesülő jobbágyság, I', 22–23. Szabó, 'A prédium. II', 317.

117   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 781.

118   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 781.

119   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 784.

of roofs.) This communal ownership of pastures may indicate the beginnings of the village field system, but it is difficult to know since there is no unambiguous reference to the communal ownership of plough lands and thus the communal organization of labour within the village community, and even to the existence of the serf-plot.

At the same time, there is evidence outside the Albeus Inventory that village communities existed on the lands of the monastery of Pannonhalma. Two charters resulting from a long-term dispute between several *udvornici* of Pannonhalma and the abbot demonstrate that communities did cooperate in ploughing in some manner. One of the points of contention between the two parties was a form of communal ploughing known in Hungarian as *enő* (*aratura communis que vulgariter eneu dicitur*).[120] Though Gyula Kristó argued that the etymology of *enő* is uncertain, the consensus seems to be that the term was the predecessor of the modern Hungarian word for 'heifer' (*ünő*), indicating that *enő* ploughing consisted in the draught animals being shared among the members of the community.[121] The sharing of draught animals is not the same as the communal use of plough lands that we find in the fourteenth century. Instead, this sort of 'heifer ploughing' was necessitated by the need for a large number of oxen for the ploughing process, and it was in existence in Hungary through the nineteenth century. The plough itself required eight to ten oxen, and as these tired, they would have to be rested and replaced by others, thus requiring even more oxen.[122] György Györffy claimed this '*enő* ploughing' referred to ploughmen whose poverty compelled them to use heifers instead of oxen.[123] But the use of heifers does not necessarily indicate the poverty of the ploughmen. With such a great need for draught animals, it should not be surprising that ploughmen would use less-trained heifers along with their oxen. Another charter from Pannonhalma from approximately the same time provides the only clear proof that the division of plough lands into

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120 Wenzel, *Codex diplomaticus Arpadianus*, 6: 438; 7: 97–99.

121 Gyula Kristó, 'Korai feudalizmus (1116–1241)' [Early feudalism (1116–1241)], in *Magyarország története: előzmények és magyar történet 1242-ig*, ed. Antal Bartha, vol. 2: 1007–1415 (Budapest: Akadémiai Kiadó, 1984), 1023. Attila Palády-Kovács, *Magyar Néprajz* (Hungarian anthropology). 2 vols. (Budapest: Akadémiai Kiadó, 2001), 2: 958–59. György Györffy, *István király és műve* [King Stephen and his work] (Budapest: Gondolat, 1977), 490.

122 Márta Belényesy, 'A földművelés Magyarországon a XIV. században', 531–32 n. 47. Eadem, 'A földművelés fejlődésének alapvető kérdései a XIV. században' [Fundamental questions on the development of agriculture in the 14th century], *Ethnographia* 66, nos. 1–4 (1955), 57–97.

123 Györffy, *István király és műve*, 490.

communally distributed strips was in use on the lands owned by Pannonhalma Abbey. A dispute between the monastery, the Templars, and the queen led to a charter of 1236 that described the unsuccessful efforts of the parties to come to an agreement. The charter described a section of land as consisting of 40 *funicules*, which were known in Hungarian as *fiu* (*quadraginta funiculis, quod vulgo fiu vocatur*).[124] The relationship between the word *fiu* in the charter and the modern Hungarian word for 'grass' (*fű*) demonstrates that the charter was describing furloughs of plough land separated by strips of grass, described above and known in modern Hungarian as *füvön osztás*.[125]

The concomitant of communal ownership is the serf-plot, and we have evidence for such plots on church lands in Hungary.[126] Ilona Bolla maintained that though the *udvornici* did not pay the monastery itself according to *mansio*, they did have to pay the tithe to their priest by *mansion*, which indicates that the term *mansio* meant a plot of land.[127] Other passages in the inventories hint at *servi ecclesiae* having some form of customary claim to their plot. For example, the seven households of *servi* living in the *praedium* Sar mentioned in the Albeus Inventory all seem to have had arable lands which were considered theirs in some way. The inventory listed the *servi* by name, followed by the sentences: 'These have 30 *iugera* of cultivated land. In addition the church has forests in three locations of 550 *iugera*' (*isti habent terram arabilem ad trecenta iugera. preterea habet ecclesia ibidem silvas in tribus locis ad quingenta et l iugera*).[128] The *servi* are the antecedents of *isti*, and the land ascribed to the *servi* is in opposition to the three forests of 550 *iugera*. The inventory of the lands of the priory at Dömös may also describe *servi* as living on their own plots, since many of them appear in the charter as living *cum terra sua*.[129] Moreover, there is much clearer evidence that two other ecclesiastical institutions used the serf-plot system to some degree. The first example comes from the abbey of Somogyvár, where the term *mansio* appears to have described a

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124   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 748.

125   See Bendeffy, 'Középkori magyar hossz- és területmértékek', 52–56.

126   Szabó, *A középkori magyar falu*, 156–57. The following discussion owes much to Ilona Bolla, 'A jobbágytelek kialakulásának kérdéséhez (A "curia" és "mansio" terminusok jelentésváltozása az Árpád-korban)' [On the question of the development of the serf-plot (the change in meaning of the terms *curia* and *mansio* in the Árpád era)], *Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae. Sectio Historica* 3 (1961), 97–120.

127   Bolla, 'A jobbágytelek kialakulásának kérdéséhez', 110.

128   Erdélyi, *A pannonhalmi Szent-Benedek rend töténete*, 1: 781.

129   Particularly those in the villages Kalsar, Kalsa, Geu, Sakan, Lingu, Bata, Scer, Babasa, and Cutti. Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 781.

plot in addition to a household in the 1230s. This evidence came to light as a result of a dispute between the abbey of Pannonhalma and that of Somogyvár over the possession of five *mansiones* in Somogy County. The palatine arbitrated the case and found a compromise that allowed Pannonhalma to retain ownership of the five *mansiones*, but if the population of these *mansiones* grew, Pannonhalma could not increase the number of *mansiones*.[130] The five *mansiones* in question appear to have been defined plots on which families were placed. The other document indicating the use of a sort of serf-plot on church lands is the fragment of the inventory of the priory of Arad. The most interesting part of the inventory is the section describing the situation of the *villa Felquer*. The church of Arad had two *sortes* in the village along with a place for two *curiae* (*locus ad duae curiae*).[131] Also listed are five households of *iobagiones* 'each of which has a plot with the villagers' (*unusquisque istorum sortem habet cum villanis*).[132] These *sortes* are clearly plots of land, as seen from the stipulation that if the number of *iobagio* households increased, then the number of *sortes* was to increase as well (*et si numerus ipsorum creverit, crescunt et sortes*).[133] We can also see that the villages under the control of Arad consisted of inhabitants of various statuses. The inhabitants of village Chwba (Csaba?, described after Felquer) consisted of both *iobagiones* and those called *sulga* (*qui dicuntur vulgo Sulga*).[134] *Sulga* is obviously the equivalent of *servus*, as it is the predecessor of the modern Hungarian word for 'servant' (*szolga*). The inventory of Arad is unique from a couple of perspectives. First, it is very early evidence for the existence of serf-plots. The fragment itself is a combination of two inventories, one made in 1177 and the other in 1202 or 1203. It has not been possible to disentangle the two separate inventories, but in either case there is no earlier evidence for the plot.[135] Additionally, the inventory is unique in it use of the term *sors*. This term was not common in Hungary, and unlike its more common usage in western regions of Europe, when used in Hungary, it most often referred to 'patrimony' and not 'plot'.[136] However, in the case of

130   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 760–61

131   Szentpétery and Borsa, *Regesta Regum Sirpis Arpadianae*, 1: 63.

132   Szentpétery and Borsa, *Regesta Regum Sirpis Arpadianae*, 1: 63.

133   Szentpétery and Borsa, *Regesta Regum Sirpis Arpadianae*, 1: 63.

134   Szentpétery and Borsa, *Regesta Regum Sirpis Arpadianae*, 1: 63.

135   For the discussion on the dating, see Szentpétery and Borsa, *Regesta Regum Sirpis Arpadianae*, 1: 61–62.

136   Though Bartal defined it as a portion of communally divided land, his source text is the Arad inventory. Antonius Bartal, 'sors', in *Glossarium mediae et infimae Latinitatis regni Hungariae* (Budapest: Societatis Frankliniae, 1901). Examples of *sors* as 'patrimony': Fejér, *Codex diplomaticus*, vol. 7, bk 5: 110, 475.

both Somogyvár and Arad, the church appears to have tried to organize its properties into plots.

The monasteries at Somogyvár and Arad both organized significant portions of their land according to fixed plots, which probably indicates the presence of communal agriculture. At the same time, few of the lands of Pannonhalma indicate the use of serf-plots, and two other great monasteries for which we have inventories (Dömös and Tihany) do not show any indication at all of the presence of serf-plots. An explanation for the differences between each of the monasteries is difficult to find.

The serf-plot, and with it communally organized agriculture, appeared for the first time in some locations on church properties. The greatest impetus for the new forms of agricultural exploitation came from abroad in the form of foreign settlers in the kingdom, the 'guests', or *hospites*. Erik Fügedi argued that German *hospites* came to Hungary in two waves beginning in the twelfth century, and we could speak of a wave preceding the two Fügedi described: the wave of *hospites* warriors associated with the rise to hegemony of the Árpád dynasty.[137] For our purposes, though, the most significant wave of *hospites* was the multitude of farmers that came into the kingdom in the thirteenth century, bringing with them the seeds of an agricultural and social revolution. These peasants appear to have begun arriving in significant numbers at the beginning of the twelfth century as the Crusades had the effect of raising awareness of Hungary among those in Western Europe.[138] Throughout the Middle Ages, the kingdom was sparsely populated in comparison to Western Europe, and Hungarian kings began to seek immigrants as a means of increasing the population and thus the royal income.[139] The groups, then, came to Hungary initially under the invitation of the king, followed by churchmen and very occasionally lay lords.[140] These *hospites* were known in the charters generally according to

137   Erik Fügedi, *Koduló barátok, polgárok, nemesek: tanulmányok a magyar középkor-ról* [Mendicant friars, burghers, nobles: studies on the Hungarian Middle Ages] (Budapest: Magvető Könyvkiadó, 1981), 406. Gyula Kristó, *Nem magyar népek a középkori Magyarországon* [Non-Magyar peoples in medieval Hungary] (Budapest: Lucidus Kiadó, 2003), 121–22. Nora Berend, *At the Gate of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000–1300* (Cambridge: Cambridge University Press, 2001), 104.

138   Fügedi, *Koduló barátok, polgárok, nemesek*, 323. Kristó, *Nem magyar népek a középkori Magyarországon*, 122. Emma Lederer, 'A legrégibb magyar iparosztály kialakulása (első közlemény)' [The development of the oldest craftsman class (Part I)], *Századok* 61 (1928), 516.

139   Fügedi, *Koduló barátok, polgárok, nemesek*, 399–400.

140   László Solymosi, *A földesúri járadékok új rendszere a 13. századi Magyarországon*, [The new income system of landlords in 13th-century Hungary] (Budapest: Argumentum Kiadó, 1998), 11.

their origins or language. Czechs, Poles, and other Slavic groups were known collectively as *Slavi*, while those speaking a Romance language were known as *Latini*. By far the majority, German speakers came under the moniker of either *Saxones* or *Theutonici* depending on whether they came from southern or northern regions.[141]

Among the earliest charters of privileges for *hospites* is the one issued to the *hospites* who had settled in the village of Olaszi in Zemplén County in the northern highlands of the kingdom. (Since the name of the village in Hungarian means 'Italian', it is generally accepted that the *hospites* were actually *Latini*.)[142] The charter that survives is one issued by Stephen V in 1272, but it contains the transcription of a charter issued by Imre in 1201, and it appears that even the 1201 charter had its antecedents as it declared that the rights given the *hospites* by a preceding king were to be upheld (*et quidquid praecedentium Regum authoritas ad ipsorum utilitatem rationabiliter instituit, firmiter observetur*).[143] Similarly, the charter issued by Béla IV confirming the privileges of the *cives* of Székesfehérvár (Alba Regia) in 1237 asserted that the rights of the burghers went back to Stephen I, though they are generally considered to have originated during the reign of Stephen III (1162–72).[144]

The content of the privileges issued to *hospites* in the twelfth and thirteenth centuries followed a few general patterns. They typically ensured the settlers the right to choose their own priest, and in the case of the best-known privilege charter, known as the *Andreanum*, the settlers' tithe went directly to their priest rather than the bishop.[145] Settlers could also practise their own forms of justice, with most burghers receiving the right to try both minor and major crimes (in other words, theft and murder) while village settlers usually could only try minor crimes.[146] The cities' rights tended to focus upon economic aspects of life as well; so for example they often included exemptions from tolls and market fees.

141 Berend, *At the Gate of Christendom*, 105. Fügedi, *Kolduló barátok, polgárok, nemesek*, 417–18. Mihály Auner, 'Latinus', *Századok* 50, no. 1 (1916), 32–36.

142 Auner, 'Latinus', 37.

143 Fejér, *Codex diplomaticus*, vol. 5, bk 1: 181–83. See also Solymosi, *A földesúri járadékok új rendszere*, 7.

144 Fejér, *Codex diplomaticus*, vol. 4, bk 1: 73–74. Erik Fügedi, 'Középkori magyar várospriviégiumok' [Medieval Hungarian town privileges], *Tanulmányok Budapest Múltjából* 14 (1961), 23–24. Id., *Kolduló barátok, polgárok, nemesek*, 324.

145 Solymosi, *A földesúri járadékok új rendszere*, 8–9. Fügedi, *Kolduló barátok, polgárok, nemesek*, 403; Kristó, *Nem magyar népek a középkori Magyarországon*, 125–26. For the text of the *Andreanum*, see Zsigmond Jakó, *Codex diplomaticus Transsylvaniae*, vol. 1 (Budapest: Akadémiai Kiadó, 1997), 161–62 and Fejér, *Codex diplomaticus*, vol. 3, bk 1: 441–45.

146 Fügedi, 'Középkori magyar városprvilégiumok', 26.

For our purposes, the most important innovation that *hospites* brought with them was the serf-plot. The serf-plot was also protected in the *hospites* charters in the form of recognition of the settlers' inheritance rights. A crucial aspect of the serf-plot as it existed in the fourteenth century was that though the lord owned the plots, in practice the villagers disposed of the particular plot they inhabited as they wished. They could buy and sell and pass them on to their descendants, all without the interference of the lord. We see the same rights in the charters for *hospites*. The property rights of these early *hospites* are seen in the fact that the charters had clauses preventing the rights of *ius spolii* of the lord, so that when a villager's male line ended, he could pass the plot on to whomever he wished. We see the prevention of *ius spoliis* as early as the charter for the *Latini* in the village of Olaszi in Zemplén County from 1201. The Olaszi charter is specific in explaining that, in the event of a lack of male heirs, the villagers 'may pass on all of their goods to daughters, grandsons, nephews, or others, whoever will have been adopted' (*ad filias, neptes, nepotes, seu alios, quoscunque duxerint adoptandos, bonorum suorum universitas devolvatur*).[147] Even with the right of inheritance, a payment was often required by the lord, and since the lord of these settlements was theoretically the king, the official of the royal county (the *vice-comes*) would collect them. Some charters even disallowed this collection by the *comes*, as in the 1247 privilege charter for the *hospites* of Beregszász (Beregove, present-day Ukraine): 'If any man lacks the comfort of heirs, that is: a son or daughter, the lord-*vice-comes* may not receive any of his goods or possesions, but he has the opportunity to give or to hand them over freely to whomever he shall wish.'[148] The ability to inherit freely without intervention by the lord was not restricted to one type of immigrant. Both *Latini*, as we see among those of the village of Olaszi above, and the *Saxones* and *Teutones* in the charter of Korpona (Krupina, present-day Slovakia) had the right of inheritance over their plots.[149] Indeed, the provisions restricting the lord's *ius spolii* appear among many of the *hospites* charters.[150]

Evidence for the origin of the serf-plot system is also provided by the arrival in Hungary of a new term in the thirteenth century, *laneus*, which clearly has

147   Fejér, *Codex diplomaticus*, vol. 5, bk 1: 181–82.

148   *si quis hominum sui haeredis solatio careret, idest: filio et filia; et tunc de rebus eiusdem, sive de possessione, nihil dominus vice-comes recipere teneatur; sed cuicunque volet, liberam habeat dandi, deu dimittendi facultatem.* Függedi, *Koldulló barátok, polgárok, nemesek*, 271. Fejér, *Codex diplomaticus*, vol. 4, bk 1: 456–57.

149   Fejér, *Codex diplomaticus*, vol. 4, bk 1: 331.

150   Some further examples: DL 040537. Fejér, *Codex diplomaticus*, vol. 8, bk. 3: 644. Wenzel, *Codex diplomaticus Arpadianus*, 8: 280.

its origin in the German *Lehen*.[151] *Lehen* was the term used to refer to the communally organized village plots in German-speaking lands. Perhaps the first example of the *laneus* in Hungary comes from 1230, when *comes* Osl gave some properties along the Drava River to the Premonstratensian priory at Csorna. Included in the donation was a *mansio quae vulgo Lehen dicitur*.[152] In 1242, when a certain Jasch sold his position as *scultetus*, the sale included the 'two free *lanei* of land' (*duo liberi lanei terrarum*).[153] Most of these instances of *lanei* occurred in the northern highlands of the kingdom, such as *laneus liber* given to the abbey of Szepes (in present-day Slovakia) by a *comes curialis*, or the land in Sáros County (in present-day Slovakia) given by Ladislas IV to a follower in 1278.[154] At the same time, the term *laneus* showed up in the western regions of the kingdom, as in the sale of property in Somogy County that included seven *mansiones* 'which are called *lehun*' (*que lehun dicuntur*) and upon which five *iobagiones* lived;[155] similarly, a gift of a *locus curiae qui vulgo dicitur Lehen* along the banks of the Raba River.[156]

The massive expansion of lands under cultivation during the last half of the thirteenth century created special opportunities for 'entrepreneurial-spirited men' ('vállalkozó szellemű férfiak') to profit by importing foreign settlers and founding villages with them.[157] Though probably true from the early twelfth century, the importance of the efforts of individuals working as agents to bring in settlers is most easily seen by the spread of the *scultetus* as the founder of numerous villages throughout the highlands of the kingdom in northern Hungary during the last half of the thirteenth century. The institution of the *scultetus* originated in German lands, where it was known as the *locator*, and it came to western Hungary through its use in Silesia. However, the use of the *scultetus* seems to have entered north-eastern parts of the kingdom (Szepes County in present-day Slovakia) as a result of its use in Poland. Indeed the first *scultetus* in Hungary was Polish.[158] Adrienne Körmendy has described the

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151   Maksay, *A magyar falu középkori településrendje*, 116.

152   Fejér, *Codex diplomaticus*, vol. 3, bk 2: 208.

153   Wenzel, *Codex diplomaticus Arpadianus*, 7: 146.

154   DF 243704.

155   Wenzel, *Codex diplomaticus Arpadianus*, 8: 362. Fejér, *Codex diplomaticus*, vol. 4, bk 2: 432–34.

156   Fejér, *Codex diplomaticus*, vol. 4, bk 2: 87.

157   Fügedi, ' "Németjogú" falvak telpülése a szlovák és német nyelvterületen', 226.

158   Adrienne Körmendy, *Melioratio Terrae: Vergleichende Untersuchungen über die Siedlungsbewegung im östlichen Mitteleuropa im 13.–14. Jahrhundert* (Poznań: Wydawnictwo Poznańskiegó Towarzystwa Przyjaciół Nauk, 1995), 130–198. Id., 'A soltész ("more scultetorum") telepítette falvak a Szepességben (XIII–XIV. század)' [The soltész-settled villages

foundation of the village Batizfalva, which serves as a useful example of how the *scultetus*-founded village took form.[159] In 1264 Béla IV gave *comes* Batiz and his brothers permission to settle the area along the upper Poprád River at the foot of the Tatras mountains. Fifteen years later, the brothers contracted two *villici* to carry out the land clearance and establish villages *more Teutonico*. The villages were to receive sixteen years of tax exemption, after which the villagers themselves would pay 1 *ferto* (one-quarter of a mark) per plot every year.[160] In return for his efforts, the *scultetus* was to receive one sixth of all the incomes owed to *comes* Batiz, the income from both the village brewery and its mill, and two tax-free plots (*curiae*) for himself. In addition, the *scultetus* was to be the judge of the village for all minor crimes, from which he received all fines.[161] The *scultetus* was, then, the leader and judge of the village, but the importance of the position clearly lay in the considerable income which could accrue from it.[162]

The serf-plot was an integral part of the *scultetus* contract, and the terms *mansio* and *curia* were applied to the serf-plot in these contracts. In the example used above, the *scultetus* received two *curiae*, after which he did not have to pay the annual tax as did all the other villagers. In this instance, it is clear that the term *curia* had come to refer to a plot associated with each villager.[163] We see the existence of the serf-plot in the charter of privilege issued to the villagers of Nagyszőlős (in Ugocsa County, present-day Ukraine) in 1262.[164] The charter recorded that each *curia* with fields attached (*curiae habentes agros*) would pay 3 *pondera* annually while those without fields (*curiae agros non habentes*) paid an annual fee of 1 1/2 *pondera*.[165] In most charters recording *hospes* privileges, however, western usage was the most common, so that the charters usually refered to the serf-plot with the term *mansio*. When Johannes, the son of Rozeri from Késmárk (Kežmarok, present-day Slovakia), bought the position of *scultetus* for the village of Knysen from Nicholaus in 1286, the charter

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(*more scultetorum*) in the Szepesség (13th–14th centuries), *Agrártörténeti Szemle* 16, nos. 3–4 (1974), 308.

159   Körmendy, 'A soltész', 309–13.

160   Körmendy, 'A soltész', 312. On the *ferto*, see Bálint Hóman, *Magyar pénztörténet, 1000–1325* [History of Hungarian money: 1000–1325] (Budapest: A Magyar Tudományos Akadémia, 1916).

161   Körmendy, 'A soltész', 312.

162   Körmendy, 'A soltész', 316.

163   Ilona Bolla described how the term *curia* changed its meaning throughout the thirteenth century from the centre of the *praedium* to the serf-plot. Bolla, 'A jobbágytelek kialakulásának kérdéséhez', 104–07.

164   Wenzel, *Codex diplomaticus Arpadianus*, 8: 31–32.

165   Wenzel, *Codex diplomaticus Arpadianus*, 8: 31–32.

specified that the position included the 'two free *mansi*' (*duos mansos liberos*).[166] Similarly, when two brothers were given a large forest in Szepes to act as *locatores* there, they received four tax-exempt *mansi* (*quatuor mansos liberos*) as part of the compensation for their efforts.[167] These *mansi*, then, do not refer to families as do the *mansiones servorum* found on the *praedia*, but were rather the plots that formed part of the village system accorded to the *hospites* in their privilege charters. Also included in the *hospites* charters was the annual payment of a cash fee levied per village plot, known alternatively as the *census* or the *terragium*.[168] The *hospites* who settled in Kassa paid an annual *census* after each *mansio*, and the *terragium* paid by *hospites* at Beszterce (Bistriţa, Romania) and at Késmárk was also based upon the *mansio*.[169] Numerous other examples demonstrate that the *mansio* in the *hospites* settlements refered to the plot upon which their tax was based.[170]

Though there is evidence of the scattered use of the serf-plot system accompanied by communal field usage on the lands of Pannonhalma, Somogyvár, and Arad, the rapid expansion of clearances by *hospites* settlements and the close connection between these settlements and the serf-plots indicates that *hospites* settlements were the main driving force behind serf-plots. However, Erik Fügedi was not prepared to argue that the practice of the serf-plot among the German immigrants was adopted by the Magyar population for two reasons. First, he argued that Hungarian agriculture was much more focused upon the production of wine and livestock than in the German regions, which would presumably limit the Magyars' need to adopt communal agriculture. Second, he argued that the produce varied from region to region in the kingdom, leading him to doubt that the native population of the kingdom learned the village communal system from abroad.[171] In response to Fügedi's objections, it has been demonstrated that the production of wine did come under the village system at the same time as the production of cereals.[172] To relieve Fügedi's doubts further, there is positive evidence that *hospites* privileges did not

166   Fejér, *Codex diplomaticus*, vol. 5, bk 3: 334–36.

167   Wenzel, *Codex diplomaticus Arpadianus*, 9: 516–17.

168   Solymosi, *A földesúri járadékok új rendszere*, 20–21.

169   Nagy et al., *Codex diplomaticus patrius*, 6: 157–59. Wenzel, *Codex diplomaticus Arpadianus*, 7: 281. Fejér, *Codex diplomaticus*, vol. 4, bk 2: 298.

170   Nagy et al., *Codex diplomaticus patrius*, 3: 5–7. Wenzel, *Codex diplomaticus Arpadianus*, 7: 103–04; 281–82; 8: 126–27. Fejér, *Codex diplomaticus*, vol. 4, bk 3: 9–11.

171   Fügedi, *Kolduló barátok, polgárok, nemesek*, 415.

172   László Solymosi, 'A szőlő utáni adózás új rendszere a 13–14. századi Magyarországon' [The new system of taxation upon grapes in 13th- and 14th-century Hungary], *Történelmi Szemle* 38, no. 1 (1996), 1–43.

remain on royal domains only and that the Magyar population surrounding *hospites* settlements acquired the same privileges.

For most of the history of *hospites* in Hungary, they came into the kingdom through the invitation of the king, but secular lords as early as the twelfth century could invite foreign settlers with the approval of the king. This situation is exactly what we see in the will of Scines, dated to 1146, whose husband was the brother of the abbot of Pannonhalma.[173] Mentioned in her will were the *hospites* living on her land, with the stipulation that the abbot could choose whether to accept them on the church's land or not.[174] Though these *hospites* were on Domina Scines' properties, it appears that the king had some say in the conditions under which they were invited because the charter recorded their obligation to serve in the royal army.[175] In another will from twelve years later, a certain Stephanus left properties to the monastery at Garamszentbenedek (Hronský Beňadik, present-day Slovakia) which included seventy-two *mansiones hospitum*.[176] It appears that Stephanus' brother also had properties with *hospites* on them in a village named Leua, as appeared in a donation to a church that he had constructed in 1156.[177]

The political situation of the kingdom during the early decades of the thirteenth century resulted in more *hospites* settlements ending up in the hands of lay lords. These political developments were the *novae institutiones* initiated by Andrew II and defined by the charter in which they first appeared as 'the general distribution [of lands] made in our kingdom' (*generalis in nostro regno facta distributio*).[178] This 'general distribution' referred to the policy of making donations of significant portions of the royal demesne. Of course, Hungarian kings had given lands to their followers since Stephen I, but the *novae institutiones* were indeed novel. The lands given were not uninhabited forests needing settlement, but rather populated areas, including whole castle counties with their supporting population and military system. The gifts were made in perpetuity and were so large that the recipients became wealthy and powerful almost instantly, so that the barons that arose from this time formed

173   Erdélyi, *A pannonhalmi Szent-Benedek rend töténete*, 1: 597–98.

174   Erdélyi, *A pannonhalmi Szent-Benedek rend töténete*, 1: 598.

175   Erdélyi, *A pannonhalmi Szent-Benedek rend töténete*, 1: 598. Solymosi, *A földesúri járadékok új rendszere*, 11.

176   Marsina, *Codex diplomaticus et epistolaris Slovaciae*, 82.

177   Marsina, *Codex diplomaticus et epistolaris Slovaciae*, 80. Solymosi, *A földesúri járadékok új rendszere*, 11.

178   Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, 1: 105. Gyula Kristó, 'II. András király "új intézkedései"' [King Andrew II's 'new measures'], *Századok* 135, no. 1 (2001), 251–300.

the nuclei of the great families of later medieval and early modern Hungary.[179] The result of the alienation of so much royal land meant the effective end of the royal county and the authority of the *comes curialis*.[180] The exact thinking behind the enormous gifts that Andrew made is debated. Older opinion, typified by Jenő Szűcs, held that Andrew responded to the conditions facing him in a 'quick, not thought-through, almost haphazard' manner ('gyors, át nem gondolt, majdhogynem hebehurgya').[181] Gyula Kristó has more recently argued that Andrew's policy was really a continuation of a policy begun as early as the last half of the reign of Béla III. The practice of making these grants then increased during the brief reign of Béla's son, Imre, in his conflict with his brother, Andrew II.[182] After Andrew obtained the throne, he widely expanded the giving of royal properties in an effort to secure the support of the emerging nobility. The *novae institutiones* reached their full maturity in 1208 when charters declared that the king's generosity was immeasurable and that the giving of immense properties was a sign of royal virtue.[183] Andrew had several advisors who were either French or had been educated in France, and Kristó maintained that he was looking to the reforms of Philip II Augustus.[184] Thus, Andrew thought he could compensate for the loss in revenue brought from the royal demesnes by relying on special taxes such as the *collecta* and tolls on markets and the farming out of the royal mint.[185] Andrew's reforms were not successful, not because they were based upon his supposed rash nature, but because the economic situation of the kingdom was not developed enough to support the loss in income.[186]

The *novae institutiones* brought about by Andrew indeed created numerous problems for the royal court, and were 'the death knell' for the royal county system.[187] The instant acquisition of immense properties through these royal

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179   Pál Engel, *The Realm of St Stephen: A History of Medieval Hungary 895–1526* (New York: I.B. Tauris, 2001), 91–93. Id., *Beilleszkedés Európába: a kezdetektől 1440-ig* [Fitting into Europe: from the beginning to 1440] (Budapest: Holnap Kiadó, 2003), 171–73. Kristó, *Az aranybullák százada*, 54–6.

180   Engel, *The Realm of St Stephen*, 93. Erik Fügedi, *Castle and Society in Medieval Hungary (1000–1437)* (Budapest: Akadémiai Kiadó, 1982), 43.

181   Jenő Szűcs, *Az utolsó Árpádok* [The last Árpáds] (Budapest: História Könyvtár, 1993; reprint: Budapest: Osiris Kiadó, 2002), 17.

182   Kristó, 'II. András király "új intézkedései"', 258–61.

183   Kristó, 'II. András király "új intézkedései"', 265.

184   Kristó, 'II. András király "új intézkedései"', 283.

185   Kristó, 'Modellváltás a 13. században', 479–80.

186   Kristó, 'Modellváltás a 13. században', 481.

187   Engel, *The Realm of St Stephen*, 93.

grants led to the rise of the great barons who, towards the end of the century, carved out great expanses of territory for themselves. Known in Hungarian historiography as the miniature kingdoms (*kiskirályságok*), these 'territorial lordships' (*tartományuraságok*) posed significant difficulties for the royal court through the end of the Árpád dynasty, only to be eradicated by Charles I in the fourteenth century.[188]

The granting of royal properties contributed not only to the political changes, but also to the significant social changes that occurred in the kingdom during the thirteenth century. These grants brought *hospites* settlements into the possession of lay lords and introduced the advantages that the *hospites* arrangements could bring to them, as we will see shortly. Elemér Mályusz analysed how many of these *hospites* settlements ended up in the hands of both the church and the lay lords. He searched for references to villages founded by non-Magyar groups as part of a modern debate on minorities in the kingdom. His evidence came primarily from village names that indicated such foreign origins. For the western immigrants, the primary source of data comes from villages with forms of *német* or *olasz* in their name (*német* being the modern Hungarian for 'German', and *olasz* the equivalent for 'Italian').[189] It is no surprise that most of these villages appeared in the northern highlands of the kingdom because many *hospites* settlements were placed in those regions to make the forests agriculturally productive. Thus, the village of Nempty in Borsod County in 1230 was part of the royal property of Andrew II, but by 1246 it had passed into the hands of two brothers of the Miskolc clan (*de genera Myskouch*).[190] In another example, a *villa Teutonicorum in Zothmar* (that is, in Szatmár County) had been granted by the king to a *comes* named Mere in 1216.[191] In the 1230s, the *novae institutiones* were briefly interrupted by the attempts of Prince Béla (later Béla IV) to restore previously granted lands to royal control. The Mongol invastion of 1241 forced Béla to reverse his policy of restoration in order to rebuild the kingdom and to curry the favour of the great lords to help him in the event of another devastating invasion. Béla granted not only lands, but also licenses to build castles.[192] As a result, *hospites* villages continued to

188   Gyula Kristó, 'I. Károly király harcai a tartományurak ellen (1310–1323)' [Charles I's battles against the territorial lords (1310–1323)], *Századok* 137, no. 1 (2003), 297–347.

189   Elemér Mályusz, 'A középkori magyar nemzetiségi politika. I.' [Medieval Hungarian policy towards minorities. I], *Századok* 73, nos. 1–3 (1939), 257–94.

190   Mályusz, 'A középkori magyar nemzetiségi politika. I', 278. Imre Nagy, Farkas Deák, and Gyula Nagy, *Codex diplomaticus patriae* (Budapest: A Magyar Történelmi Társulat, 1879), 14.

191   Mályusz, 'A középkori magyar nemzetiségi politika. I', 278–80. Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, 1: 101–02.

192   Kristó, 'II. András király "új intézkedései" ', 290–98.

pass into the ownership of secular lords. As an example, Béla's queen, Maria Lascarius, gave her son's nurse properties in Abaúj County that included a German village with three parts: Felnempty, Középnempty, and Olnempty (Upper, Middle, and Lower Nempty).[193] A royal grant in 1278 of Ladislas IV left two villages of German speakers, a Nempty and Nemith village, in the hands of Ban Haholth.[194] A similar grant seems to have been the means by which a certain Conradus of the Győr clan received properties, including several 'Italian villages' (*villae Olazii*).[195] Likewise, the village of Nempti in Fejér County, south of Székesfehérvár, that appeared in a charter from 1277 as the property of a Stephanus *de genere Buken* probably became his property through a similar royal grant.[196]

Hospites communities, then, found their way into the domains of lay lords either through a direct invitation by the lord himself, or through a royal donation. The presence of these *hospites*, with the favourable conditions under which they lived, did not go without impact upon their neighbours. László Solymosi has demonstrated that communities would appeal to their lords in attempts to achieve privileges that were similar to those of the *hospites*.[197] Solymosi followed the fortunes of the inhabitants of royal land in Veszprém County granted by Stephen V to Leurente, who 'from his earliest youth' (*a primevis iuventutis sue*) served Stephen 'laudibly and devotedly and incessantly'.[198] Leurente showed himself especially faithful in the war against Bohemia, in which he and nine *servientes* wounded and captured Ottocar II.[199] Three years later, a charter recorded how twenty-five of 'the ducal people of Bogdan' (*populis ducalibus de Bogdan*) requested that Leurente allow them to live 'under the liberty of the *hospites* in the kingdom' (*sub libertate hospitum in regno existentium*).[200] Leurente agreed and allowed the inhabitants of Bogdan to live under the same arrangements as the *hospites* of the village of Chwl,

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193   Mályusz, 'A középkori magyar nemzetiségi politika. I', 277. Wenzel, *Codex diplomaticus Arpadianus*, 10: 181.

194   Mályusz, 'A középkori magyar nemzetiségi politika. I', 280.

195   Mályusz, 'A középkori magyar nemzetiségi politika. I', 278.

196   Imre Nagy, Iván Nagy, and Dezső Véghely, *Codex diplomaticus domus senioris comitum Zichy*. 12 vols. (Pest: A Magyar Történelmi Társulat, 1871), 1: 38.

197   Solymosi, *A földesúri járadékok új rendszere*, 15–18.

198   *laudabiliter et devote ac incessanter*. Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, vol. 2, bk 1: 160.

199   Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, vol. 2, bk 1: 160.

200   László Solymosi, 'Hospeskiváltság 1275-ből' [A *hospes* privilege from 1275], in *Tanulmányok Veszprém megye múltjából*, ed. László Kredics (Veszprém: Veszprém megyei Levéltár, 1984), 67.

which was also royal property.[201] The obligations of the Chwl villagers were not out of the ordinary for *hospites*; one of the prime requirements was their obligation to pay a *terragium* of 1 *pondus* per serf-plot (*de singulis mansionibus*).[202]

The inhabitants of a secular lord requested that they be given the privileges of a neighbouring community of *hospites*. Significantly, their lord then was all too willing to give them such a privileged position, which begs the question: why? Why was Leurente so willing to give in to the demands of his subjects? The answer to this question can be found in the social and economic circumstances in the kingdom during the thirteenth century, particularly towards the end of the century. Of the two primary factors affecting lords' willingness to adopt the organization of their workforce and their lands according to 'the liberty of the *hospites* living in the kingdom', one was negative and the other positive. The negative factor stemmed from the instability of their labour force through flight. The positive factor was the desire of secular lords to increase their ability to obtain cash.

The Flight of *servi*

The fact that many servile labourers in thirteenth-century Hungary were prone to leave the lands of their lord in search of other, more favourable, conditions in which to live is widely accepted.[203] Indeed, there is much evidence indicating that landlords were facing increasing labour shortages, especially during the latter half of the thirteenth century. Most of the evidence comes from passages in charters describing lands that had been abandoned by their inhabitants. Of course, Hungary had always had a problem with labour shortage, as demonstrated by the royal invitations of *hospites* discussed earlier. Nevertheless, the evidence from the thirteenth century indicates that there were many lands that had previously been inhabited, but were then devoid of inhabitants. A few examples will suffice to illustrate this. In 1254, Béla IV granted a *terra* to a Magister Egidius for his service, and the charter recorded that the land had been in the possession of craftsmen (*fabri*), but when the bishop had the land investigated, he found it to be deserted (*invenit predictam terram*

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201   Solymosi, 'Hospeskiváltság 1275-ből', 67–78.

202   Solymosi, 'Hospeskiváltság 1275-ből', 67.

203   László Solymosi, 'A jobbágyköltözésről szóló határozat helye a költözés gyakorlatában' [The decree concerning serf movement and its practice], *Agrártörténeti szemle* 14, nos. 1–2 (1972), 14–20. Szűcs, *Az utolsó Árpádok*, 238–50. Szűcs, 'Megosztott parasztság—egységesülő jobbágyság. I', 53. Szabó, 'A prédium. II', 305–06.

esse vacuam).[204] Similarly, Ladislas IV granted a particularly faithful follower some castle land, known as Zelich, in Pozsony County that had previously had a different owner, but had also become deserted.[205] Andrew III likewise gave land in Pozsony County that had been abandoned by its inhabitants (*quandam terram . . . habitatoribus destitutam*) in the last years of the Árpád dynasty.[206] In 1295, the commander of the Hospitallers at Esztergom sold a piece of property that had been abandoned. The extent of the previous settlement and of its ruin can be seen in the fact that the charter mentioned that the church had fallen into serious disrepair with its walls 'crumbling and breaking down' (*esse disso-lutos et confractos*).[207] Three years later, the Hospitallers sold another property that was similarly destitute, noting that 'if it had been populated, it would have been more valuable and precious, but since it seemed empty' (*si populosa fuis-set, maioris valoris esset et precij; sed quia desolata videbatur*), it would go for a lower price.[208]

The Mongol invasion of 1241–42 has frequently been cited as a major cause for this movement of people of the thirteenth century, and surely such a sig-nificant event was not without its consequences.[209] Certainly, sources indi-cate that the devastation of the invasion, and the threat of future invasion, weighed heavily on contemporaries. Rogerius, a canon of Várad, reported that the whole land was depopulated and that the town of Gyulafehérvár was com-pletely empty when he arrived there after the invasion.[210] A charter issued by Béla IV in 1249 presented the same image—a land that 'had suffered great loss, and from which the inhabitants, both noble and inferior' (*grande dispendium pertulisset, et de ipsis incolis, tam nobilibus, quam inferioribus*), had been killed.[211] A fourteenth-century chronicle recorded that famine followed the invasion, a fact also supported by contemporary charters.[212] György Györffy compared reports of villages in charters both before and after the invasion and noticed

204   Wenzel, *Codex diplomaticus Arpadianus*, 7: 360.

205   Wenzel, *Codex diplomaticus Arpadianus*, 4: 215.

206   Wenzel, *Codex diplomaticus Arpadianus*, 5: 96.

207   Wenzel, *Codex diplomaticus Arpadianus*, 12: 581.

208   Wenzel, *Codex diplomaticus Arpadianus*, 10: 326.

209   For example: Solymosi, 'A jobbágyköltözésről szóló határozat helye a költözés gyakorla-tában', 15. Id., *A földesúri járadékok új rendszere*, 16–18. Szűcs, 'Megosztott parasztság—egységesülő. I', 25. Kristó, 'Modellváltás a 13. században', 478.

210   Szentpétery, *Scriptores rerum Hungaricarum*, 2: 587.

211   Fejér, *Codex diplomaticus*, vol. 4, bk 2: 50.

212   Szentpétery, *Scriptores rerum Hungaricarum*, 1: 468. Fejér, *Codex diplomaticus*, vol. 4, bk 2: 362. Wenzel, *Codex diplomaticus Arpadianus*, 7: 27.

that after the invasion, the number of villages dropped drastically.[213] Using this data, Györffy came up with a figure of 50 per cent population loss due to the invasion for the whole kingdom.[214] Györffy's numbers have come under increasing scrutiny to the point that they are now widely disregarded.[215] Gyula Kristó has demonstrated that Györffy's figures are grossly misleading because his pre-invasion figures were inflated, since they contained several prominent *praedia* that had unusually large numbers of craftsmen on them.[216] In addition, Kristó showed that the number of post-invasion villages posited by Györffy is inaccurate, since many of them existed long before 1241.[217] Both Kristó and Szűcs argued that most of the destruction brought by the invasion occurred in the Alföld, where the Mongols spent the most time, and while Szűcs put the total figure for population loss at 15–20 per cent, Kristó put it at 10–15 per cent.[218]

The much lower figures accepted by both Kristó and Szűcs, combined with the fact that most of the devastation occurred not in the regions exhibiting the most severe labour shortages (and therefore settlement growth), indicate that the actual decrease in population brought about by the Mongol invasion was not a significant factor in the increase in land abandonment by servile labourers. In fact, there is some evidence that flight by servile people was latent to some degree in Hungary throughout the Árpád era. The presence of the *joccedeth* ('goods collector') in the laws of Ladislas from the last half of the eleventh century, and the emphasis upon their collection of fleeing *servi*, might indicate the transformation from communal ownership of property to the 'feudal private large-estate system' ('feudális magánnagybirtok szervezet') argued for by Marxists, or it might be merely the result of the accident of document survival.[219] More likely, in my opinion, is that the increasing severity of

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213   György Györffy, 'Magyarország népessége a honfoglalástól a XIV. század közepéig' [The population of Hungary from the Conquest until the middle of the 14th century], in *Magyarország történeti demográfiája: Magyarország népessége a honfoglalástól 1949-ig*, ed. József Kovacsics (Budapest: Közgazdasági és Jogi Könyvkiadó, 1963), 53–58.

214   Györffy, 'Magyarország népessége a honfoglalástól a XIV. század közepéig', 54.

215   See, for example, Szabó, *A falurendszer kialakulása Magyarországon*, 177–80. Szűcs, *Az utolsó Árpádok*, 4–6. Erik Fügedi, 'A tatárjárás demográfiai következményeiről' [On the demographic consequences of the Mongol invasion], in *Tatárjárás*, ed. Balázs Nagy (Budapest: Osiris Kiadó, 2003), 498–99.

216   Gyula Kristó, 'A tatárjárás korának demográfiai viszonyai' [Demography of the Mongol invasion], in *Tatárjárás*, ed. Balázs Nagy (Budapest: Osiris Kiadó, 2003), 499–501.

217   Kristó, 'A tatárjárás korának demográfiai viszonyai', 504.

218   Kristó, 'A tatárjárás korának demográfiai viszonyai', 504. Szűcs, *Az utolsó Árpádok*, 4–6.

219   The law in question: Bak et al., *Decreta regni medievalis Hungariae 1000–1301*, 19 (Ladislas III 13). For the Marxist argument, see Lederer, *A feudalizmus kialakulása Magyarországon*

the punishments of theft (including the theft of others' *servi*) was the result of the relative chaos of the time, as argued by Ferenc Makk.[220]

Though the end of the eleventh century may have seen an increase in the flight of *servi* due to the social and political crises of the time, lords appear to have struggled with this problem throughout the Árpád period. We see in the Register of Várad several cases in which *servi* or *ancillae* fled to another's land even in the much more stable early thirteenth century. In some cases, the register records the outright theft of *servi*.[221] In others, the 'stolen' *servus* is also claimed to have been a 'fugitive' found in the possession of another. For example, in a record from 1222, a certain Stephanus found his fugitive *servus* (*servum suum fugitivum*) on the property of a certain Bensa (*apud Bensam*), who claimed the *servus* was his, but in the end Bensa was forced to return the *servus* to Stephanus.[222] In another instance, a *servus* was again said to be a fugitive (*fugitivus*), while at the same time another individual was accused of having secretly carried him off (*clandestina tradutio*).[223] From the same year, there is also a case of a *fugitivus libertinus*.[224] These *servi* (and the one *libertinus*) appear not to have just fled into the unknown, but rather to another lord whom they knew would take them in, as is clearly seen in a case from 1221. In this case, a soldier (*vir militaris*) named Latibar appears to have taken in and hidden (*occultare*) six *servi* who had fled from their lord, Domincus (*qui ab ipso fugerunt*).[225] In other words, these *servi* fled to a lord probably because they knew they would live in better conditions under their new lord and, despite their dubious origins, their new lord would allow them to stay (or hide them) because they meant more profit for him. The Register of Várad shows that the flight of *servi* was a phenomenon that occurred throughout the era, though we cannot discount the possibility that some periods made flight easier.

In the last decades of the thirteenth century, we see similar activities on the part of lords and their labourers, only on a larger scale. During the last half of the century, Béla IV initiated efforts to rebuild the kingdom, a significant

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[The formation of feudalism in Hungary] (Budapest: Akadémiai Kiadó, 1959), 31–37. As mentioned in Chapter 4 above, we know that laws regarding murder from the same period did not survive; see Jánosi, *Törvényalkotás a korai Árpád-korban* [Legislation in the early Árpád era] (Szeged: A Szegedi Középkorász Műhely, 1996), 103.

220   Ferenc Makk, *Magyarország a 12. században* [Hungary in the 12th century] (Budapest: Gondolat, 1986), 37.

221   Karácsonyi and Borovszky, *Regestrum Varadinense*, 156, 262, 284 (no. 344), 252–53, 304.

222   Karácsonyi and Borovszky, *Regestrum Varadinense*, 284 (no. 343).

223   Karácsonyi and Borovszky, *Regestrum Varadinense*, 294–95.

224   Karácsonyi and Borovszky, *Regestrum Varadinense*, 294.

225   Karácsonyi and Borovszky, *Regestrum Varadinense*, 274.

aspect of which was the settlement initiatives discussed above. These settlement efforts provided *servi* with greater opportunities to leave their servile condition on the *praedium* for that of the village communities. Entrepreneurial individuals were gathering people for their own settlements, which opened up these paths for the *servi* to flee their lord (and thereby be 'stolen' by someone else).[226] The emphasis upon 'gathering people' is expressed explicitly in a land grant by Béla in 1268 to a German knight, in return for which the knight was 'to gather men from all parts of the world, both farmers and soldiers, for the repopulation of lands depopulated and empty of inhabitants' (*de cunctis mundi partibus homines, tam agricolas, quam milites, ad repopulandum terras depopulatas et habitatoribus vacuatas . . . convocare*).[227] The practice of gathering people was not uncommon in the second half of the thirteenth century. A prime example is a certain Stephanus who was granted land in 1278 upon which he had had a *curia* and had assembled (*collocasset*) the people living in it.[228] Similarly, *comes* Ok gathered (*congregare fecit*) settlers for some land given to him in 1283.[229] Not all efforts at settlement were calls to foreign *hospites*. Lords made efforts to collect settlers from wherever they could, and they would advertise their settlements and the favourable conditions under which settlers would live in markets throughout the kingdom. Such was the case when Prince Stephen (the future Stephen V) issued land to a *comes* in Transylvania (Kolozs County) for settlement, and the settlement and its conditions were to be announced in 'all the free markets' of the kingdom (*per omnia fora libera proclamaretur*).[230] Another charter issued for a settlement in Sáros County (in present-day Slovakia) had a similar condition for the public call for settlers.[231] Of course, both of these announcements stipulated that the settlers had to be free, but as we have seen in the Register of Várad, lords frequently had few qualms about accepting labourers regardless of their origins. There is also evidence outside the register of lords turning a blind eye to escaped *servi* during the later decades of the thirteenth century. In 1251, a judge determined that 'with his smooth words' (*blandis verbis suis*), a *iobagio castri* in Baranya

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226   The term 'entrepreneur' (*vállalkozó*) comes from Fügedi, ' "Németjogú" falvak telpülése a szlovák és német nyelvterületen', 226.

227   Knauz, *Monumenta*, 1: 548.

228   Fejér, *Codex diplomaticus*, vol. 5, bk 2: 466.

229   Wenzel, *Codex diplomaticus Arpadianus*, 12: 391. Other examples: DF 206827. Fejér, *Codex diplomaticus*, vol. 4, bk 2: 490.

230   DL 061148.

231   Szentpétery and Borsa, *Regesta regum stirpis Arpadianae*, vol. 2, bk 1: 32–33.

County had lured two families away from their rightful lord to work for him.[232] We have record of a complaint by the bishop of Esztergom to Béla IV stating that many of the subjects of the church had fled from the service they owed the church (*a servitio ipsius ecclesiae fugientes*) to the northern counties (Nógrád, Hont, and Gömör), where they could find much more pleasant conditions under which to live.[233] The situation of the bishop of Esztergom was not unique, and it was on-going, as seen by another demand the bishop made, that no one should take the subjects of others as theirs.[234] *Servi* could be rather ingenious and persistent in their attempts to flee to better conditions, and in 1226 six *servi ecclesiae* belonging to the abbey of Pannonhalma had evidently been caught with a falsified charter proclaiming their free status. Upon further investigation by the abbey, it turned out that they had obtained the forgery from the chaplain of a *comes*.[235]

Not all lords acted in the way that the archbishops of Esztergom did— searching for their lost *servi* and forcing them to return. Many landlords were much more pragmatic concerning their workforce. In 1295, a Magister Corrardus willingly accepted back a servant who had previously fled, an action that seems to show the desperation of Corrardus.[236] In an earlier charter from 1247, the castle people living on the granted land were given some form of property rights to the land 'lest the same (castle people) scatter just as the wandering and escaped' (*ne iidem veluti vagi et profugi . . . dispergantur*).[237] Likewise, in 1262, the *piscatores* on royal land were explicitly given sufficient land, so that they would remain content and not flee.[238] A similar situation occurred on other royal lands, and charters were at pains to make sure those inhabitants were adequately provided for in order that they remained on the lands.[239]

The flight of *servi* in search of better conditions appears to have been a continual problem throughout the Árpád era. The records of the Register of Várad indicate that *servi* fled when they had another lord who would take them. The increase in fugitive *servi* in the latter half of the thirteenth century was due not so much to either the Mongol invasion or to *servus* rebellion as to the

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232   Fejér, *Codex diplomaticus*, vol. 4, bk 2: 104.

233   Fejér, *Codex diplomaticus*, vol. 9, bk 2: 170–71.

234   Fejér, *Codex diplomaticus*, vol. 5, bk 1: 226–28. See also Erdélyi, *A pannonhalmi Szent-Benedek rend töténete*, 1: 623.

235   Erdélyi, *A pannonhalmi Szent-Benedek rend története*, 1: 675–76.

236   DF 259902. The interpretation of the desperation of Corrardus is originally Solymosi's. Solymosi, 'A jobbágyköltözésről szóló határozat helye a költözés gyakorlatában', 19–20.

237   Wenzel, *Codex diplomaticus Arpadianus*, 2: 194.

238   Wenzel, *Codex diplomaticus Arpadianus*, 8: 31–32.

239   See for example Nagy et al., *Codex diplomaticus patrius*, 7: 117 and 8: 163.

increase in opportunities available to them. They knew of settlements which were advertising better conditions because they were announced in markets, and those who were willing would flee.

The Rise of the Money Economy

One of the important factors pushing lords to accept the serf-plot system in lieu of the ancient system based upon the *praedium* was the rise of the money economy. As more coin came into circulation, money was becoming more important to kings and nobles alike in the latter half of the thirteenth century.[240] Gyula Kristó, in debunking many earlier nationalist myths about the rise of the territorial lords, has shown that the rise in the money economy towards the end of the thirteenth century was a key factor in the activities of lords.[241]

Financial concerns were probably a key factor in allowing *libertini* to purchase their own manumission. Several charters indicate that *libertini* regularly bought their 'golden freedom' (*libertas aurea*) giving them complete liberty of movement. In fact, the practice appears to have been common enough to be accepted as the customary right of the *libertini*.[242] To a much lesser extent, we see some complete manumissions of *servi* at roughly the same time, though this was so uncommon that Bolla argued it did not reach the status of custom, or *mos*.[243] All the examples we have of these manumission charters come from the latter decades of the thirteenth century, just the time when the territorial lords had an increasing need for ready cash, as we will see shortly. William Chester Jordan has argued that manumissions of serfs in thirteenth-century France came from a need by lords to obtain ready capital, and so we may see a similar phenomenon in Hungary.[244] More regular sources of revenue for lords could come from changing the administrative structure of their estates and basing them upon the serf-plot as a unit of taxation (the *terragium*). As argued above, the immigrant *hospites* with their serf-plots provided a ready example for how the new system could work to the profit of their lords. At the same time

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240   Erik Molnár, *A magyar társadalom története az Árpádkortól Mohácsig* [The history of Hungarian society from the Árpád era to Mohács] (Budapest: Szikra Kiadó, 1949), 23–50.

241   Kristó, *A feudális széttagolódás Magyarországon*, 159–66.

242   Bolla, *A jogilag egységes jobbágyságról*, 106–07.

243   Bolla, *A jogilag egységes jobbágyságról*, 86–87.

244   William Chester Jordan, *From Servitude to Freedom: Manumission in the Sénonais in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 1986), especially 26–34.

as lords were switching to tenancies based around the serf-plot, the market for corn was increasing, as we saw in Chapter 2. The growing towns became ready markets for corn, so that the demand for all sorts of grain increased dramatically in the thirteenth century.[245] Chris Wickham has argued that any direct cultivation in the Carolingian period was driven by lords' desire to take advantage of a market for grain, but in Hungary, the opposite seems to have been the case.[246] As the market for grain increased, lords sought to end direct cultivation and relied upon tenancies from which they received income from the produce that they could then sell, but perhaps more importantly, they began collecting the plot-based *terragium*.

The availability of money brought several benefits for lay lords. In the first instance, it brought flexibility in land acquisition unknown until then. Before the increase in the circulation of money, the land market was dependent solely upon barter. Usually one property was exchanged for another but, as we have seen, *servi* were also used to make up for differences in the value of different lands. With the advent of more money in the second half of the thirteenth century, we see its increasing use in land purchases.[247] As an example, in 1288 two families exchanged land, and a payment of cash made up the difference in the value of the properties exchanged: 'and in addition, the same party will add 20 marks of heavy denarii, that is Viennese marks, which he had said he has'.[248] In another example from 1270, a lord bought a *praedium* outright *pro pecunia*.[249]

The money that lords could acquire through the taxes upon the plots did not just buy them land; it also gave them access to another form of power developing in Hungary at the time—the mercenary. By the early decades of the fourteenth century, both the territorial lords and the Angevin kings were using significant armies of mercenaries in their attempts to overcome each other. In 1312, Máté Csák purportedly had an army of 1700 Czech mercenaries at the Battle of Rozgony, and the Kőszegi and Babonić clans raised comparable armies composed of German mercenaries in their battles against Charles

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245 Jenő Szűcs, 'A gabona árforradalma a 13. században' [The revolution in the price of corn in the 13th Century], *Történelmi Szemle* 27 (1984), 9. Boglárka Weisz, *A királykette je és az ispán harmada: vámok és vámszedés Magyarországon első felében* [The king's second part and the *ispán*'s third: tolls and toll collection in Hungary in the first half of the Middle Ages] (Budapest: MTA Bölcsészettudományi Kutatóközpont, 2013), 38.

246 Chris Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean, 400–800* (Oxford: Oxford University Press, 2005), 259–302.

247 Kristó, *A feudális széttagolódás Magyarországon*, 160.

248 *et insuper eisdem addiderit viginti marcas latorum denariorum, videlicet Wiennensium; quas marcas ipsi plenarie dixerunt se habere*. Fejér, *Codex diplomaticus*, vol. 5, bk 3: 442–44.

249 Nagy et al., *Codex diplomaticus patrius*, 7: 121.

Robert.[250] Charles Robert, in turn, used German, Czech, and Romanian mercenaries.[251] These significant armies of mercenaries could not have come into existence without predecessors. In fact we do see that mercenaries occasionally supplemented Hungarian armies in both foreign and domestic wars throughout the eleventh and twelfth centuries.[252]

The rising importance of money meant that the system of taxations based upon the serf-plot would have been attractive to secular lords seeking to increase their own personal holdings. The money they acquired, in part, from these taxes allowed them to consolidate their land base more easily.

Growth and the End of Slavery in the Carolingian World

In our examination of the end of slavery in Hungary through the last decades of the thirteenth century, we have seen that rapid agricultural expansion was the primary impetus for the decline of *praedium*-based land organization. The spread of *hospites* settlements along with forest clearances contributed significantly to the settling of *servi* onto serf-plots. In the Carolingian era, a similar process occurred on the great estates of France and Italy. In the first chapter we saw that Marc Bloch had argued that slavery ended through the settling of slaves upon plots, but he had maintained that economic depression led slave holders to create these settlements. However, many now argue that it was expansion and growth that most contributed to the end of slavery in the West. More precisely, it is the *Mansus-Ordnung* carried out by the managers of these large estates that is thought to have been pivotal.[253] Another element considered important for the decline of slavery in the West is the process

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250   Gyula Rázsó, 'A zsoldosintézmény kezdetei Magyarországon a XIV. században' [The beginnings of the institution of mercenaries in fourteenth-century Hungary, *Hadtörténelmi Közlemények* 7, no. 2 (1960), 122. Gyula Kristó, *A rozgonyi csata* [The battle of Rozgony] (Budapest: Akadémiai Kiadó, 1978), 82–83. Id., *A feudális széttagolódás Magyarországon*, 184.

251   Rázsó, 'A zsoldosintézmény', 113.

252   Rázsó, 'A zsoldosintézmény', 117.

253   Pierre Toubert, 'La part du grand domaine dans le décollage économique de l'occident (VIIe–Xe siècles)', in *La croissance agricole du haut Moyen Âge: chronologie, modalités, géographie. Dixièmes journées internationales d'histoire, 9, 10, 11 septembre 1988* (Auch: Le Centre Culturel Départemental de l'Abbaye de Flaran, 1990), 60. Werner Rösener, 'Strukturformen der adeligen Grundherrschaft in der Karolingerzeit', in *Strukturen der Grundherrschaft im frühen Mittelalter*, ed. Werner Rösener (Göttingen: Vandenhoeck & Ruprecht, 1989), 177. Chris Wickham, by contrast, argues that what the sources indicate

of expansion carried by means of the so-called pioneer farm created from clearances.[254] I will examine each of these methods using the polyptyques for the abbeys of Saint-Bertin and Montier-en-Der.

The polyptyque of Saint-Bertin was produced during the first abbacy of Adalard between 844 and 859.[255] The properties listed in the polyptyque can be divided into two types. Many of these properties are smaller units that are themselves bipartite in nature, consisting of a larger demesne and smaller manses connected to the demesne. Most of the estates listed are of this classical form, and the measurements of each manse are uniform—12 *bonuaria*.[256] Each of these manses is inhabited by either a *servus* family or by *ingenuiles*.[257] As an example, Chapter XXXIII contains the description of the property that Saint-Bertin held at Teruuanna, which had a *casa indominicata* and ten *mansa* of 12 *bonuaria* each, all inhabited by freemen (*omnes tenent ingenui*).[258] The freeman on each manse owed two days of work per week along with limited cartage duties and various payments in kind.[259] In addition to *servi* and *ingenuiles*, there are numerous *lunarii* who work one day a week (Mondays?), *luminarii, herescarii* who annually paid four *denarii*, and *homines* who owed only two days of work per year. All of these categories are generally regarded as freemen.[260] One of the unusual facets of these manses is the regularity of their dimensions. Ganshof has noted that 12 *bonuaria* was the size regulated by Louis the Pious for the *mansus integer*, and as we will discuss below, the standardization of manses may indicate structural reform on the part of the abbey.[261]

The unique aspect of the polyptyque of Saint-Bertin, and the one that has been used to demonstrate efforts at expansion by the monastery, concerns the seventy-five individuals who are listed by name as the holders of tenancies of

is not so much economic expansion and growth as the increasing manorialization of the countryside. Wickham, *Framing*, 292.

254   Toubert, 'La part du grand domaine', 66.

255   François-Louis Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin (844–859)* (Paris: Librairie C. Klincksieck, 1975), 2.

256   Yoshiki Morimoto, 'Problèmes autour du polyptyque de Saint-Bertin (844–859)', in *Die Grundherrschaft im frühen Mittelalter*, ed. Adriaan Verhulst (Ghent: Centre Belge d'Histoire Rurale, 1985), 127.

257   Morimoto, 'Problèmes autour du polyptyque', 127.

258   In the polyptyque of Saint-Bertin, *mansus* was generally declined from the neutre form of *mansum*. Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 22.

259   Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 22.

260   Morimoto, 'Problèmes autour du polyptyque,' 128.

261   Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 28.

the abbey. The lands held by these tenants varied greatly in size but most of them were very small, and these *petits tenanciers* performed domestic tasks for the abbey. For example, they included *porcarii* and *decani*. In contrast to these small tenants are the thirty-five *grands tenanciers* who are also listed by name but whose tenancies were often larger, ranging up to 100 *bonuaria*. Several of the greater tenants were *maiores* and *caballarii* who had not only *mancipia* attached to their tenancies, but sometimes *servi* and *ingenuiles* as well.[262]

Morimoto has argued that the manner in which the polyptyque stated the labour requirements of these *grand tenanciers* indicates that the abbey initiated a policy which had the effect of raising the status of the *mancipia*. Therefore, we must briefly explore the obligations of these great tenants. They often owed services to the abbey or, more accurately, their *mancipia* owed services to the abbey. As an example, Chapter XXIIII contains the tenancy of Badager:

> Badager had thereupon 1 *precarium*, that is 1 *mansus*, land of 44 *bunaria* and 2 *mancipia*. These plough (*isti arant*) 4 *bunaria*, and each one encloses 15 virgates; and in summer he performs 16 days, and he gathers 1 1/2 *bunarium* and takes them to the monastery and at the monastery they enclose, among all of them, 3 virgates, they give 2 hens, and 10 eggs.[263]

Ganshof maintained that the services listed following *isti arant*, the verb being plural, must refer not only to Badager, but the tenant listed before him, Gundelbertus.[264] However, Morimoto's interpretation of the text indicates that the services actually fell upon the two *mancipia* living on Badager's small tenancy.[265]

Several tenancies had their services defined by the simple expression *facit sicut superius*. The first occurrence of this expression is with regard to the tenancy of Berharius *caballarius* in Chapter XVIIII.[266] This early reference causes some difficulty in interpretation because it is not obvious what the reference

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262   Morimoto, 'Problèmes autour du polyptyque', 128–29.

263   *Badager habuit inde precarium i, hoc est mansum i, de terra bunaria xliiii; mancipia ii. isti arant bunaria iiii, unusquisquie et sepiunt virgas xv; et in estate facit dies xvi, et colligit bunarium i et semis et ducit ad monasterium et ad monasterium sepiunt inter omnes virgas iii, dant pullos ii, ova x.* Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 17.

264   Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 67.

265   Morimoto, 'Problèmes autour du polyptyque', 135.

266   Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 14.

is. Since the verb is in the singular, Ganshof maintained that the expression referred to the freeman mentioned just above it. Thus, in the instance of Berharius, *facit sicut superius* refers to the two anonymous freemen mentioned three chapters earlier. These freemen owed duties consisting of two days a week of ploughing on the demesne of the church at Kelmis.[267] As Morimoto has argued, Ganshof's position is difficult to accept because he ignores the ten tenants in the preceding chapters along with fifteen *lunarii*, and seven *prebendarii*. For his part, Morimoto posited that the *facit sicut superius* actually referred to the services of those manses which were directly managed by the abbey itself.[268] Morimoto's claim is supported by two other pieces of evidence: (1) the succinctness of the expression implies a well-known model such as the lands under direct control by the abbey would provide, and (2) the fact that the manses directly under the control of the abbey were all a standard size (twelve *bonuaria*) meant that a single service could be applied to all these manses.[269]

The standardization of the manses belonging to Saint-Bertin, along with the posited standard services, allowed Morimoto to conclude that the polyptyque had been composed shortly after a structural reorganization by the monks. As part of this reorganization, the abbey assigned the labour obligations that all its tenants had to provide. When the abbey acquired a dependant who himself owned a smaller estate, it assigned work duties to the tenant's *mancipia*. In this manner, the abbey extended its control not only over the tenant, but also over his *mancipia*. The end result for the *mancipia* was that they were drawn into the system of providing defined services for the abbey.[270] The shift in control over the *mancipia* from the tenant (their master) to the abbey is seen in Chapter XXI in the example of the tenant Bauo whose *mancipia* were to work two days a week for the abbey and provide fencing (*sepiunt virgas*) when not fulfilling cartage obligations (*si non caballicant*).[271] Bauo's *mancipia* were merging into the overall system of the abbey of Saint-Bertin.

Whereas Saint-Bertin appears to have expanded just prior to its polyptyque by incorporating tenancies into its control, other estates grew through the clearing of forests. Pierre Toubert described these new offshoots of the main

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267   Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 47–48.

268   Morimoto, 'Problèmes autour du polyptyque', 136.

269   Morimoto, 'Problèmes autour du polyptyque', 136–37.

270   Morimoto, 'Problèmes autour du polyptyque', 139–41.

271   Morimoto, 'Problèmes autour du polyptyque', 139–40. Ganshof, *Le polyptyque de l'Abbaye de Saint-Bertin*, 16.

estate as *curtes pionnières*.[272] Toubert found these pioneer farms to be the first step in the development of a bipartite estate in Italy, where they were placed in heavily forested regions outside of the main areas of settlement.[273] Since these pioneer farms did not include a *casa dominicata*, they were the means by which the manse system was established in new locations, and therefore are viewed as locations where former slaves may have been housed.[274]

The best known of these pioneer farms is that at Montier-en-Der, where manses established out of clearances (*exartis*) are rather extensive.[275] In fact, Claus-Dieter Droste has argued that the clearances exhibit the same pattern of pioneer farms as that demonstrated by Toubert for near-contemporary Italy.[276] The property of the monastery at Thilleux (Tilio, Chapter v of the polyptyque) is illustrative of the form pioneer farms took. Thilleux had only four manses, but enough forest for 800 pigs to forage. It also had clearances, the size of which is not known, but the inhabitants of which uniformly paid only one eleventh of their produce (one of every eleven sheaves—*colligitur de exartis undecima garba*).[277] Droste maintained that the low dues owed by the clearances were probably to compensate the inhabitants for the poor return of the recently cleared land, or, alternatively, were an incentive for settlement in the hope of charging higher fees in the future.[278] I consider the latter to be more likely, as recently cleared land would have not had the chance to be exhausted. The increase in the size of arable land on the demesnes combined with the increase in the number of manses connected to the demesne and the reduction in forest lands is thought to demonstrate the transition from the pioneer

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272   Pierre Toubert, 'L'Italie rurale aux VIIIe–IXe siècles: essai de typologie domaniale', in Centro Italiano di Studi sull'Alto Medioevo, *I problemi dell'Occidente nel secolo VIII: Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo, Spoleto, 6–12 aprile 1972* (Spoleto: Presso la Sede del Centro, 1973), 105.

273   Toubert, 'L'Italie rurale', 105–06.

274   Toubert, 'La part du grand domaine', 60.

275   Claus-Dieter Droste, 'Die Grundherrschaft Montiérender im 9. Jahrhundert', in *La grand domaine aux époques mérovingienne et carolingienne: Actes du colloque international, Gand, 8–10 septembre 1983*, ed. Adriaan Verhulst (Ghent: Centre Belge d'Histoire Rurale, 1985), 109.

276   Claus-Dieter Droste, *Das Polyptichon von Montierender: Kritische Edition und Analyse* (Trier: Verlag Trierer historische Forschungen, 1988), 143.

277   Constance Brittain Bouchard, *The Cartulary of Montier-en-Der, 666–1129* (Toronto: University of Toronto Press, 2004), 318.

278   Droste, 'Die Grundherrschaft Montiérender', 111.

farm to the classic, bipartite estate.[279] The ability of the large estates to expand into previously unpopulated areas where they then established the practice of settling workers on manses indicates that the large Carolingian estate was dynamic and expansive, but it does not have a direct connection with the settling of slaves onto these manses. It has been argued that there is an indirect connection between the *Mansus-Ordnung* and the elevation in the status of slaves, but there is no direct evidence of *mancipia* being placed upon these new manses. In fact, the polyptyque of Montier-en-Der nowhere indicates who the new settlers were, though it is probable that they were free, as the manses that developed out of these clearances were *mansi ingenuiles*.[280]

The Italian monastery at Bobbio provides perhaps another pattern used by the classic Carolingian estate to expand the number of manses. Pierre Toubert stressed that the estate of Italian abbey differed from other contemporary estates only in the richness of its source material, but we should remember that different patterns may have existed in the different regions.[281] The richness of sources for Bobbio comes from two polyptyques of about one generation apart: one from 862 and the other from 883. Toubert's thorough examination of these polyptyques provides insights into another manner by which bipartite estates could increase the number of manses at their disposal.[282] Over the course of the twenty years between the two polyptyques, we see that the number of manses increased, and that the increase in manses came at the expense of the demesne of each estate. Thus, for the estate at Porcile, in 862 there were twelve *massarii* while in 883 there were nineteen, and at the same time, the size of the *curtis* decreased. In other words, the manses were being carved out of the demesne.[283] The increased number of manses meant more workers for the *corvée*, which manifested itself in the increase in production of the demesne vineyards.[284] Porcile was not the only location in which manses were taken from the demesne, and in every one of them, though the production of the demesne itself was reduced, the overall income of the abbey increased.[285] The land under the direct cultivation of *mancipia* was divided

279 Droste, *Das Polyptichon von Montierender*, 143–45. Adriaan Verhulst, *The Carolingian Economy* (Cambridge: Cambridge University Press, 2002), 51.

280 Verhulst, *The Carolingian Economy*, 51.

281 Toubert, 'L'Italie rurale', 72.

282 Pierre Toubert, 'Il sisteme curtense: la produzione e lo scambio interno in Italia nei secoli VIII, IX e X', in *Storia d'Italia: Annali 6. Economia naturale, economia monetaria*, ed. Ruggiero Romano and Ugo Tucci, 5–63 (Turin: Giulio Einaudi, 1983), 28–30.

283 Toubert, 'Il sistema curtense', 28–30.

284 Toubert, 'Il sistema curtense', 28–30.

285 Toubert, 'Il sistema curtense', 28–30.

into manses, each to be cultivated by the *manentes* living on it. In decreasing the use of *mancipia*, the abbot was making the choice between smaller direct income and greater indirect income.[286] As Toubert has argued elsewhere, we should not be surprised at the 'business spirit' (*esprit d'entreprise*) exhibited by the lords of these great estates.[287] Indeed, Dieter Hägermann has shown that abbots took a very active role in the economic management of the properties under their control.[288]

Conclusions

In Hungary and the Carolingian west, the end of slavery occurred during periods of significant agricultural expansion. In both areas the foundation of this expansion was the manse, or the serf-plot—the placing of slaves onto plots from which their lord received a portion of the incomes. In Hungary the rise of the *libertinus* was possibly an indication of lords' attempts at better management of their increasing properties, but ultimately it was superseded by communal agriculture based around the serf-plot. The serf-plot and the village community were in existence in Hungary during the thirteenth century, but the main impetus for their spread was the increase of *hospites* who received the royal privileges to practise the ploughing of their fields communally. The process of clearance and land settlement may have been aided by the access lords had to *servi* who had fled their old lords, but the flight of these *servi* was not the primary cause of the settlements.

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286   Toubert, 'Il sistema curtense', 29.

287   Toubert, 'La part du grand domaine', 85.

288   Dieter Hägermann, 'Der Abt als Grundherr: Kloster und Wirtschaft im frühen Mittelalter', in *Herrschaft und Kirche: Beiträge zur Entstehung und Wirkungsweise episkopaler und monastischer Organisationformen*, ed. Friedrich Prinz (Stuttgart: Anton Hiersemann, 1988), 369–75.

Conclusions

Placing the *servi* and *mancipia* of Carolingian Europe, especially those in Bavaria, side by side with those of Árpádian Hungary yields some interesting comparisons. The *servi* in the legislation from both areas resemble each other. Both in the laws from the early Hungarian kingdom and in the *Lex Baiuvariorum servi* appear as slaves. They are reified and suffer from similar restrictions. Both the Bavarian codes and the laws of Stephen I were concerned with protecting the rights of the *servus'* owner rather than the *servus* himself. Both laws demanded harsh and degrading punishments for crimes of *servi* in stark contrast to the punishments demanded of freemen who had committed the same crime. *Mancipia* of Carolingian and Ottonian Bavaria also frequently appear as items of property. When discussing the murder of a *mancipium*, the laws were concerned with the compensation owed to the owner of the *mancipium*, not with any form of *wergild* payment. Likewise, the laws of Stephen were concerned merely with the restitution of the owner of a murdered *servus* rather than of any family of the *servus*.

Once we look beyond the legal evidence, a contrast emerges between the Carolingian *servus* and the Hungarian one. The charters for Árpád-era Hungary show that *servi* in the hands of secular lords were treated as items of property throughout the period. We see lords buying, selling, trading, donating, and inheriting *servi*. Several examples even exist of *servi* being held in pawn. As items of property, the *servus* fell under the rules governing Hungarian inheritance patterns. Those items that had been inherited could not be disposed of with the same ease as those items that had been bought since disposing of inherited items required consensus of the whole kindred. Therefore, *servi* that had been purchased (*servi emptitii*) were clearly distinguished from *servi* that had been inherited (*servi hereditarii*). Likewise, *mancipia* of Carolingian and Ottonian Bavaria also frequently appear as items of property. The charters indicate that *mancipia* in Bavaria were commonly transferred without any reference to land just as in Hungary, but we do not have any evidence of Bavarian *servi* being bought, sold, or pawned as we do in Hungary. The evidence from outside Bavaria, particularly at the monastery of Montier-en-Der, indicates that the *mancipia* there were only transferred with the land upon which they lived.

It is in labour obligations and in the ability to establish households that we see the greatest differences between the Carolingian *servus* and the Árpádian

one. In the Carolingian world, the work obligations of *mancipia* did vary between those who lived *infra domum* and those who lived on manses. Those living within their lord's residence did not have defined services, and their work evidently depended upon the will of their lord. The *mancipia* living *infra domum* were more like the Hungarian *servi* in this regard. The Bavarian *mancipia* living upon manses either had defined services, or they owed payments in kind or some combination of the two. Similarly, the *mancipia* living on the *precaria* listed in the polyptyque of Montier-en-Der in several instances owed defined services. In sharp contrast, the work of *servi* on lay domains in Hungary depended solely upon the will of their lord. Nowhere do we have defined obligations for these *servi*, and in several donations to ecclesiastical institutions, charters recorded that the *servi* had to perform whatever service was required of them by their lord, even if it meant carrying firewood upon their backs. There was no distinction in this regard between those living within their lord's *curia* and those living without. The connection of the *servus* to the work of ploughing was very prominent, and lords attempted to maintain the ideal ratio of *servus* families per plough on their properties. *Ancillae*, on the other hand, were frequently employed in domestic tasks in the *curia*. It does seem that larger ecclesiastical institutions began placing *servi* on tenancies, but I argue that this was done as a management strategy in order to handle properties at some distance from the core estate effectively. Those properties near the core did not allow *servi* to have their labour chores restricted.

Servi in Árpád-era Hungary could generally establish households, and the sources commonly referred to these families as *mansiones*. The evidence from the Register of Várad indicates that while at some level protected, in practice these unions could be dissolved by the owner of the *servus* or *ancilla*. By contrast, Carolingian *mancipia* and *servi* could form families that were never under threat of dissolution. In fact, *mancipia* in early medieval Bavaria were frequently exchanged among their lords in order to keep the conjugal unions intact. In Hungary, evidence indicates that lords did at times conduct sexual liaisons with *ancillae*. The status of children born from such mixed unions followed an interesting pattern. The child obtained the status of the parent whose gender he or she shared.

The end of the use of agricultural slavery in Hungary occurred in the last years of the thirteenth century. The influence of ecclesiastical teachings regarding slavery was ambiguous. On the one hand Christian theology declared that all Christians were equal before God but, on the other, many theologians also declared that slavery had its roots in the sin of the slaves themselves. The situation of the kingdom of Hungary as a recently converted society also meant that the penetration of the new belief system was slow and uneven.

The processes that contributed to the end of the use of *servi* as slave labourers were driven fundamentally by agricultural expansion. Though ultimately they were to be subsumed by the village community, lords began to create bipartite estates through the partial manumission of *servi* in the beginning of the thirteenth century. These *libertini* still did not have rights to the plots they lived on, but they were given defined labour and payment obligations. In a similar manner, lords of the great Carolingian estates also realized that collecting work obligations and dues from *mancipia* settled on manses produced more income than that achieved by direct cultivation. The serf-plot had developed within the Kingdom of Hungary by the beginning of the thirteenth century, but the primary impetus for its growth occurred through the influence of the foreign guests invited to settle in the kingdom. The privileges these *hospites* were afforded were adopted by others as *hospites* communities ended up in the hands of lay lords through royal grants.

I hope to have aided the study of the nature of slavery in both medieval Europe and beyond. The *servus* on the lands of lay lords in Árpád-era Hungary was indeed a slave, and if the origins of this slavery are impossible to reconstruct, its decline is not. Economic expansion both in the Carolingian world and in Hungary appears to have been a significant factor in abandoning the use of the direct cultivation of lands in favour of other, less harsh, forms of dependent labour.

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