

**Land Reform and the Hungarian Peasantry**  
**c. 1700-1848**

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I, Robert William Benjamin Gray, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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## **Abstract**

This thesis examines the nature of lord-peasant relations in the final stages of Hungarian seigneurialism, dating roughly from 1700 to the emancipation of the peasantry in 1848. It investigates how the terms of the peasants' relations with their lords, especially their obligations and the rights to the land they farmed, were established, both through written law and by customary practice. It also examines how the reforms of this period sought to redefine lord-peasant relations and rights to landed property. Under Maria Theresa land reform had been a means to protect the rural status quo and the livelihood of the peasantry: by the end of the 1840s it had become an integral part of a liberal reform movement aiming at the complete overhaul of Hungary's 'feudal' social and economic system.

In this period the status of the peasantry underpinned all attempts at reform. All reforms were claimed to be in the best interests of the peasantry, yet none stemmed from the peasants themselves. Conversely, the peasantry had means to voice their grievances through petitions and recourse to the courts, and took the opportunity provided by the reforms to reassert their rights and renegotiate the terms of their relations to their landlords. By examining the petitions, court cases, and negotiations between lords and peasants, the thesis examines how far peasant needs and expectations were understood by those enacting the reforms, and whether these were met by the new laws. In doing so, the thesis investigates how peasant rights to the land were established, challenged or undermined and how the peasants reacted to the changes imposed upon them as Hungarian seigneurialism was dismantled in the years before 1848.

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## Introduction

### I

In the spring of 1848, with the rumoured threat of a peasant army marching on Pressburg, and much of Europe experiencing revolution, Hungary's diet emancipated the peasantry from centuries of seigneurial dependence. The hastily drafted legislation freed the peasantry from their remaining obligations to their lords and the church, and granted the peasantry full property rights to their former urbarial plots. The emancipation of the peasantry proved one of the most enduring features of the Hungarian revolution. Yet land reform had formed a central part of the liberal programme for the last fifteen years. In the preceding years, two events had brought home the importance of the 'peasant question': the cholera uprising of 1831 and the more violent *jacquerie* in neighbouring Galicia in 1846. Ever louder voices from within the Hungarian nobility had been condemning the legally inferior and economically unviable status of the peasantry as the greatest impediment to the liberal society that they wished to create. Laws passed by the diets between 1836 and 1844 had gone a long way to reconstruct the legal position of the peasantry, their relations to their lord, and the rights to the land they farmed. These followed upon measures that had been taken to define and categorize the legal position of the peasantry, their relations to their lords, and to the land they farmed during the era of 'serfdom' (*a jobbágyiség kora*). This work, then, is an attempt to reconstruct the peasants' as defined in Hungarian law. Principal amongst these laws were: Stephen Werbőczy's *Tripartitum*, the canon of Hungarian customary law produced in 1517; the Urbarium issued by Maria Theresa by *octroi* in 1767; and the decreta issued by the diets between 1836 and 1844. In the course of what follows, I aim to reveal how the law impacted upon and reflected rural conditions, shaping the nature of lord-peasant relations and the peasants' rights to the land. I will also demonstrate how the process of dismantling 'serfdom', if it can be termed as such, was well underway prior to the emancipation of 1848.

Following the Dózsa rebellion of 1514, the most violent peasant *jacquerie* in Hungarian history, the peasantry were condemned to the status of 'perpetual rusticity'. By the laws of that year, the peasants' status as the personally free but legally dependent tenants of their lords was confirmed. From then on, the

peasants owed a set list of dues and services to a lord (be this the crown, the church or a nobleman) in return for their right to farm the land. Three years later, by being included in Stephen Werbőczy's *Tripartitum*, the terms of the 1514 laws were cemented in what would become the principal text of Hungarian law for almost three and a half centuries. Simultaneous to this, by expanding upon the rights associated with 'perpetual rusticity', the *Tripartitum* guaranteed to the peasantry rights of hereditary tenure to the land. In other words, the peasants' relationship both to their lords and to the land they farmed was established in written law. Nevertheless, the terms of the *Tripartitum* were vague and much remained customary and unwritten, the product of tacit agreement and use. From then to the early eighteenth century, as Hungary was fought over by the Habsburgs and Ottomans, the legal position of the peasantry remained largely unchanged. Once the Ottomans had been expelled from Hungary and the influences of Enlightened Absolutism had taken hold in Vienna by the mid-eighteenth century a new wave of legislation began to impact upon lord-peasant relations across the Habsburg lands. The Urbarium, a decree issued by Maria Theresa in 1767, intended to supplant unwritten custom and varied local use with a set of written and uniform standards.

The Urbarium aimed to record and regulate the peasants' holdings, and required registers to be kept to account for all peasant-farmed land and the obligations that derived therefrom. As a consequence, the peasants' urbarial holdings – that land to which they possessed rights as they had been defined in the *Tripartitum* – became permanently separated from their lords' dominical land. At the same time, the peasants' obligations became tied to the size of their holding in an attempt to ensure that the peasants could subsist, pay taxes to the crown and meet their obligations to their lords. By issuing a standardized form that was to be the basis of urbarial agreements, the Urbarium sought to introduce a uniform and regulated set of dues and obligations. By dictating that the agreements were to be accompanied by comprehensive land registers, the Urbarium introduced a uniform regulation and standardization of peasants' plots. By tasking county officials with overseeing the urbarial agreements and land registers, the Urbarium brought written law more firmly into lord-peasant relations through the persons of the county officials. Through these measures the Urbarium was to supersede the irregularity and lack of uniformity inherent in

existing customary arrangements. But, as an unintentional consequence of the Urbarium, a third form of land emerged: the extra-urbarial land. The peasants possessed only ill-defined customary rights to the extra-urbarial land, established through local use and outside of those rights accounted for in written law.

Thus, the *Tripartitum* had defined the rights associated with ‘rusticity’, and the Urbarium defined how far these rights extended onto the land. But the extent of rights to the land was revealed more by what the Urbarium did not include than what it did. Before the Urbarium, rights to the land were held in numerous and varied ways defined by local use and interpreted through customary arrangements. The Urbarium reclassified the land in two ways, as either urbarial or dominical, with a third, ‘extra-urbarial’ land, emerging by default. But these classifications did not reflect existing forms of use. Thus custom persevered, retaining an important role in establishing the peasants’ rights and the terms of their relations to their lords. The ubiquity of custom, in turn, ensured that negotiation between lords and peasants to establish the peasants’ obligations and to define the peasants’ right to the land, with occasional reference to the courts, formed a central part of normal lord-peasant relations. In this way, lord-peasant relations and the peasants’ rights to the land found a way to accommodate what the peasants’ perceived to be just, reasonable or, at the very least, acceptable.

The *Tripartitum* and the Urbarium together provided the legal framework in which the reformers of the 1830s and 1840s worked as they sought to reconstruct Hungarian rural society on a liberal basis. To achieve this end, the laws of the 1830s and the 1840s sought to make statute and custom more aligned with rights accounted for and recorded in written law. Through the debates at the diet, and the reforms that resulted from these debates, property rights and the peasants’ legal status were reinterpreted in a way that enabled the emancipation in 1848. At the ‘long diet’ of 1832/36, proposals were put forward for the voluntary redemption of the peasants’ urbarial obligations, as a consequence of which the peasants’ urbarial holdings would become their permanent private property. Although these proposals were rejected in 1836, only to become law in 1840 and 1844, the lengthy discussions the diet had asserted that the peasants’ rights to their urbarial holdings amounted to full property rights. Furthermore, when addressing the allocation of rights to the extra-urbarial lands, the diet



established the principle that the peasants' customary use of these lands amounted to property rights that had to be acknowledged in written law. Thus the diet provided means to convert customary use into statutory rights, and for peasants and lords to resolve disputes over rights to the land where these remained unclear. All that remained was to support the assertions made in 1836 with appropriate legislation, which occurred with the laws passed in 1840, enabling redemption agreements, and in 1844, granting full property rights to the peasantry.

From the Urbarium onwards there had been attempts to codify and categorize the land as either urbarial or dominical, the respective rights of peasants and lords to the land, and the terms of lord-peasant relations. But the attempts at codification were flawed since the terms of codification did not reflect the existing system of land tenure or lord-peasant relations or as these had been established through custom. This is apparent in the Urbarium, wherein distinctions were made between urbarial and dominical land which had not existed before, and the regulation of the peasants' obligations did not account for the various local and customary practices. The matter has been further complicated as the terms of the Urbarium were subsequently adopted by historians to define the legal position of the Hungarian peasantry, often without reference to actual conditions. The failure of codification to adequately reflect customary practice and local conditions left many aspects of property rights and lord peasant relations open to doubt, and thus which could be exploited or played with by the peasantry or their lords through negotiation with their each other and petition to the courts. Indeed, it was precisely because the peasants' rights remained rooted in customary practice not accounted for in written law that negotiations were able to play such a large role in establishing the terms of lord-peasant relations.

All the grey areas concerning property rights and lord-peasant relations had to be resolved as the old rural order was dismantled in the years leading to 1848. In this period, the laws and the rights that derived therefrom were made to reflect the reality of conditions: a process that proved so complicated it was not completed until four years before the end of the nineteenth century. As we shall see, the dismantling of lord-peasant relations and the reinterpretation of property rights were not only accomplished by reformers and lawyers in Vienna or at the

diet, but was also a result of almost constant negotiation between lords and peasants, and between lords, peasants and the courts. These negotiations formed a part of normal lord-peasant relations that was only occasionally interfered with by outside factors. Most importantly, even if lords and peasants were not legally or politically equal, the negotiations were two-way, in that the peasants had established means to make their voices heard, to defend their rights, and define what they believed to be just. Furthermore, through these negotiations, the dismantling of Hungarian seigneurialism and the restructuring of the rural order were well under way before the last feudal diet met in the spring of 1848.

## II

With few notable exceptions, historians have depicted the Hungarian peasantry in the era of ‘serfdom’ or ‘feudalism’, running from the Dózsa rebellion of 1514 to the emancipation of 1848, as suffering from ever-increasing exploitation by their noble landlords.<sup>1</sup> The landlords, benefiting from political, economic, and social privileges, were able to squeeze the peasantry for all it was worth. Landlords could claim almost limitless rents or other services, relied on their serfs’ free *robot* labour to farm their estates, appropriated the peasants’ land without reproach, and acted as judge and executioner through the manorial and county courts. The peasant, having no legal existence and no established rights, could hope to seek no redress against the unchecked power of his lord aside from the occasional benevolent acts of the Crown. In light of this, the emancipation acts of 1848 become a moment of unrivalled historical importance, whereby nine million serfs (some eighty percent of the population) were liberated from seigneurial dependence and servile obligations, and were granted personal, political and economic freedom for the first time.

Such a view has often relied upon on the letter of the law and the opinions of the many critics of rural Hungarian society, without seeking to find how thoroughly the law was applied, or questioning the agenda of the critics. A

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<sup>1</sup> See, for example, I. Szántó, ‘A majorsági gazdálkodás uralkodóvá válása, a parasztság nagyarányú kiszajátításának kezdetei’, in G. Spira, ed., *Tanulmányok a parasztság történetéhez Magyarországon, 1711-1790*, Budapest, 1952, pp. 221-98, I. Szabó, *Jobbágyok-parasztok: értekezések a magyar parasztság történetéből*, Budapest, 1976, I. Szabó, *Tanulmányok a magyar parasztság történetéből*, Budapest, 1948, I. Acsády, *A magyar jobbágyosság története*, Budapest, 1950, J. Varga, *Jobbágyrendszer a magyarországi feudalizmus késői századaiban 1556-1767*, Budapest, 1969. An excellent critical overview of the Hungarian historiography can be found in Z. Horváth, ‘Örökös és szabadmenetelű jobbágyok a 18. századi Magyarországon’, *Századok*, 143, 2009, pp. 1063-1071, with an English summary pp. 1103-04.

case in point is the frequent citing of Gergely Berzeviczy, who produced one of the first enlightened attacks on Hungarian ‘feudalism’ in the late eighteenth century.<sup>2</sup> Accepting without criticism the depiction of an oppressed and overburdened peasantry provided by Berzeviczy, a man who never hid his reform agenda, is bound to provide a coloured view of rural conditions. Equally, many attempts to analyse Hungarian rural conditions have turned to what incomplete statistical evidence is available, taken from urbarial agreements, censuses and land surveys. These accounts have emphasized the growing numbers of landless peasants and the expansion of noble demesnes, used to support the growing impoverishment and oppression of the Hungarian peasant.<sup>3</sup> Taken together, these accounts show a peasantry that was largely powerless to react as ‘neo-serfdom’ became entrenched in Hungary from the late eighteenth century onwards, and fits into the common view of the lands east of the Elbe.

According to such accounts, Europe can be divided into East and West, along the line of the Elbe. West of the river, the peasantry, although still unfree, were not ‘serfs’, for they owed dues and services in return for the land they farmed and not by virtue of being born under the jurisdiction of a given estate: a system known by the German term *Grundherrschaft*. It is often assumed that a peasant under *Grundherrschaft* owed dues in cash or kind but not labour, offering a further distinction between the ‘seigneurialism’ of the West and the ‘serfdom’ of the East. To the east of the Elbe, peasants living under *Gutsherrschaft* owed dues and particularly limitless obligatory labour (the *robot*) to their lords due to their legal status, or by being born on a given estate. Thus, a peasant under *Gutsherrschaft* was, to quote Tim Blanning, ‘to all intent and purpose a serf’; a view reinforced since the peasant ‘could not leave, marry or choose his profession without the permission of his lord’.<sup>4</sup> But it is often too simple to label the peasants east of the Elbe as ‘serfs’ and, by doing so, it becomes all too easy to ignore any rights they may have possessed or to allow the peasants any independence of action.

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<sup>2</sup> B. K. Király, ‘Neo-Serfdom in Hungary’, *Slavic Review*, 34, 1975, pp. 269-78. This view is most apparent in the work of Bela K. Kiraly, which has unfortunately been relied upon by most subsequent English-language accounts. See, for example, Tim Blanning’s description of rural Hungary. T. Blanning, *The Pursuit of Glory: Europe 1648-1815*, London, 2008, pp. 168-70

<sup>3</sup> A further critique of such an approach features in Chapter 4, below, esp. pp. 101-105, 119-25

<sup>4</sup> Blanning, *Pursuit of Glory*, pp. 158-59. J. Topolski, ‘The Manorial-Serf Economy in Central and Eastern Europe in the 16<sup>th</sup> and 17<sup>th</sup> Centuries’, *Agricultural History*, 48, 1974, pp. 341-52

On the other hand, the distinction between *Grundherrschaft* and *Gutsherrschaft*, or ‘seigneurialism’ and ‘serfdom’, is of use when seeking to understand the legal position of the peasantry. A peasant under ‘seigneurialism’ owed dues and services to his lord in return for established rights, in particular the usufruct of an area of land, recognized in customary or statute law: a peasant under ‘serfdom’, whilst capable of possessing such rights, owed dues and services merely by virtue of his legal status. As we shall see, according to this distinction the peasants of Hungary lived not under ‘serfdom’ but under ‘seigneurialism’. With this in mind, it thus becomes easier to search for and identify the peasants’ rights, and any negative preconceptions one associates with ‘serfdom’ can be left behind. A similar problem presents itself when one tries to translate *jobbágy*, the legal position of the Hungarian peasantry prior to 1848, into English. More often than not, *jobbágy* is rendered as ‘serfdom’, and the *jobbágy* (an individual living under *jobbágy*) as a ‘serf’.<sup>5</sup>

But this does little to reveal the complex legal position of the Hungarian peasant, and it fails to reflect the rights that derived from being a *jobbágy*. Worse than this, by translating *jobbágy* as serfdom the position of the Hungarian peasantry inevitably becomes associated with the negative connotations the latter term carries in English. In attempting to provide a true reflection of rural conditions in Hungary before the emancipation of 1848 I have begun, like many before me, with the law. If such an approach does no more than accept the letter of the law without seeking to find out how it was applied, or how it sought to impact upon rural conditions, one is likely to (re)produce the view of ‘serfdom’ that I have already sought to question. To this end I have offered, in Chapter One, an analysis of the laws relating to the peasantry and the land, beginning with the 1514 law that confirmed the peasants’ legal status as *jobbágy*, and ending in 1848 when *jobbágy* was abolished on the eve of revolution. In doing so, I have sought to draw out the true legal position of the Hungarian peasantry, what rights they possessed, and how this changed in the period under study.

The shortcomings of the image of Hungarian (and East or Central European) ‘serfdom’ outlined above have not gone unchallenged. As early as 1967, János Varga, in his seminal work on the Hungarian peasantry, questioned

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<sup>5</sup> It is worth noting that recent editions of the National Academy of Sciences *Hungarian-English Dictionary* no longer translate *jobbágy* as ‘serf’, but rather as ‘bondsmen’. This is a subtlety which has unfortunately been lost on many historians.

the validity of accounts that relied solely on statistical data, noting that these could reveal only part of the picture.<sup>6</sup> Varga cast doubt on the levels of landlessness amongst the peasantry, and noted that, rather than being dispossessed, the peasantry extended their holdings between the mid-eighteenth century and 1848. Furthermore, Varga pointed to sufficient archival records, in the form of peasant petitions, which would support his assertions, although he left it to others to make use of this material. More recently, the standard view of East Elbian 'serfdom' has been challenged by the 'micro-histories' produced by William Hagen, Edgar Melton, Steven Hoch and others. Influenced by the input of anthropologists to peasant studies, particularly James C. Scott's work on South-East Asia, these works have demonstrated that the peasantry of Eastern and Central Europe may also be actors no longer 'coerced into silent submission or demoralization' by exploitative landlords, nor are they merely the passive bearers of the brunt of feudal subjugation.<sup>7</sup> As this work will show, these statements, which Hagen applied to the peasantry of Brandenburg-Prussia, ring equally true for the Hungarian peasantry in the period before 1848.

The principal source material referred to for this work are peasant petitions to their lords, cases which reached the county courts and records of negotiations between lords and peasants that have survived in the archives. Thus much of this work deals with what has been termed 'peasant insubordination'.<sup>8</sup> It has often been argued that peasant litigation, protest and insubordination against the imposition of new dues or services, especially *robot*, or against the changing terms of usufruct or access to land, were no more than acts of desperation or a sideshow to a broader crisis in 'late feudal society'. This crisis is characterized by increased oppression of the peasantry through ever more onerous demands, confiscation of peasant lands through enclosure or

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<sup>6</sup> J. Varga, *A jobbágyi földbirtoklás típusai és problémái, 1767-1849*, Budapest, 1967

<sup>7</sup> W. H. Hagen, *Ordinary Prussians: Brandenburg Junkers and Villagers, 1500-1840*, Cambridge, 2002, p. 9-10, E. Melton, 'Gutsherrschaft in East Elbian Germany and Livonia, 1500-1800', *Central European History*, 21, 1988, pp. 315-49, S.L. Hoch, *Serfdom and Social Control in Russia: Petrowskoe, a Village in Tambov*, Chicago, 1986, S. Ogilvie, 'Communities and the 'Second Serfdom' in Early Modern Bohemia', *Past and Present*, 187, 2005, pp. 69-119, J. C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*, New Haven/London, 1976, J.C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance*, New Haven/London, 1985

<sup>8</sup> In this way, my thesis fits into the general trend in work on village society and peasant studies in Western Europe and America that has emphasized peasant resistance influenced by Scott's, *Weapons of the Weak*. Scott's ideas, which have influenced works on the peasantries of Germany (Hagen) and Russia (Hoch) have not yet influenced works on the Hungarian peasantry. For an overview of recent works on the European peasantry, see T. Scott, 'Introduction', in idem., *The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries*, London/New York, 1998, pp. 3-17

‘allodialization’, and leading to the growing impoverishment and landlessness of the peasantry; all symptoms of what can be termed ‘refeudalization’.<sup>9</sup> In these accounts, the ‘refeudalization’ of the late eighteenth century onwards undid any of the lingering achievements of Enlightened Absolutism as noble landlords and estate owners sought to benefit from rising demand for and prices of agrarian produce by ‘accentuating feudal dependence [...] rather than adapting the organization of their enterprises to capitalist conditions.’<sup>10</sup>

In such accounts, any signs of opposition within the peasantry can only be futile and ineffectual, reduced to desperate acts against ‘old fashioned seigneurial oppression’ in light of the ‘baleful power’ of the nobility in their roles as lords and local officials, and through their monopoly of political and legal power.<sup>11</sup> But, as has become apparent through the works of Hagen and others, acts of peasant protest and insubordination were more than just acts of desperation. As we shall see, it is clear that the Hungarian peasantry possessed rights, as they perceived them, defined by customary practice or in written law. Through reference to peasant petitions, and comparing these petitions with the peasants’ legal position as defined in customary and written law, I will show that the peasants had a tried and tested means to articulate their rights and ensure that these were never disregarded by either their lords or, ultimately, the reformers. These rights and the means through which the peasants could articulate them in turn informed the peasants’ sense of what was ‘reasonable’ or ‘just’ and, therefore, what they expected from any reform.

### III

This work is, broadly speaking, divided into three sections. Chapters One and Two serve as an introduction to rural conditions in Hungary before 1848. Chapters Three and Four begin an analysis of lord-peasant relations on the ground during the eighteenth and nineteenth centuries. Finally, Chapter Five continues the work begun in Chapters Three and Four but on a micro scale, looking at lord-peasant relations in three communities on the Great Plain, and on

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<sup>9</sup> See, in particular, I. Szántó, ‘A majorsági gazdálkodás’, pp. 221-98. For more on refeudalization, see J. Topolski, ‘Manorial-Serf Economy’, pp. 341-52

<sup>10</sup> W. H. Hagen, ‘The Junkers’ Faithless Servants: Peasant Insubordination and the Breakdown of Serfdom in Brandenburg-Prussia’, in R. J. Evans and W. R. Lees, eds., *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, London, 1986, p. 73

<sup>11</sup> Hagen, ‘Faithless Servants’, p. 73

an estate in Western Transdanubia. Chapter One provides an analysis of the laws relating to landed property and the peasantry, from the 1514 laws to the emancipation of 1848. In so doing, it seeks to examine the legal status of the peasantry, their relationship to the land they farmed, and to their lords, and how this changed as a consequence of the reforms passed in the eighteenth and nineteenth centuries. Following on from the laws, Chapter Two seeks to orientate the reader in the Hungarian landscape. Thus it provides a sketch of conditions within the Hungarian village, enabling the reader to understand how the laws discussed in Chapter One shaped the lives of the peasant, the system of agriculture, and the physical form of the village and the landscape.

Chapters Three and Four are an analysis of how the laws discussed in Chapter One worked in practice, beginning with the forms of the peasants' rents and obligations, as necessitated by their personal subjugation to their landlords were established, and how these changed over time. With particular reference to the Urbarium, Chapter Three sets out the framework that existed for negotiation between lords and peasants, as defined by customary practice, and then how this framework was modified by the Urbarium. The framework of negotiation was to be used in the subsequent disputes, which are looked at in Chapters Four and Five, and which formed a long standing part of normal lord-peasant relations. Any attempt to reform lord-peasant relations thus required the tacit consent of the peasants, in that reform had to be conducted through the framework of negotiation.

Chapter Four details the peasants' rights to the land they farmed, urbarial and extra-urbarial, how these rights were established and defended by the peasants, and finally how these rights were affected by the reforms of the 1830s and 1840s. In this way, Chapters Three and Four will reveal how the rights established in written law or by customary use shaped rural society and rural relations, and the expectations of both lords and peasants. Furthermore, these chapters show how peasants and lords interacted with each other and with the law through negotiations, petitions, and the courts, to interpret and assert their rights, and seek the most beneficial, just, or acceptable basis for their relationship.

The long experience of negotiation with their lords allowed the peasants to utilize familiar methods when it came to dismantling urbarial relations in the first half of the nineteenth century. Having examined petitions submitted by

peasants across Hungary in the decades before 1848 in Chapter Four, Chapter Five examines peasants' attempts to negotiate with their lords to further the dismantling of rural relations, in a way that would prove acceptable to all, and sufficiently acknowledge the rights of all parties concerned. Having adopted a macro approach to lord-peasant relations through chapters three and four to provide a broad view of lord-peasant relations in Hungary, Chapter Five balances this through micro-studies of lord-peasant relations in market towns on the Great Plain, and on a Transdanubian estate. Thus Chapter Five will allow us to trace changes in lord-peasant relations and rights to the land during the eighteenth and nineteenth centuries in more detail. By focusing on lord-peasant relations in particular communities in greater detail, we will be able to follow the process of negotiated deconstruction of urbarial relations, and the toing- and-froing between lord, peasants, and the courts that this entailed. Furthermore, all the peasant communities used as case studies in Chapter Five took the opportunity provided by the reform in the 1830s and 1840s to renegotiate the terms of their rights to the land and their relations with their lords, culminating in attempts to conclude redemption agreements before 1848. Thus the case studies provide examples of how the reforms before 1848 impacted upon rural relations, and whether the impact of reform matched the expectations of the reformers.

In combination, these chapters offer an understanding of how lord-peasant relations were defined, frequently redefined, and then finally deconstructed from the sixteenth to the nineteenth centuries. By primarily using peasant petitions to their lords and the county courts, I hope to show that this process was not merely one-way, imposed upon the peasants by forces from outside the village, but rather allowed the peasants to articulate their expectations. And by seeking the hopes and expectations of peasants, rather than the reformers, I hope to provide an understanding of land reform 'from below', a viewpoint largely overlooked by previous works on the Hungarian peasantry. Equally, I will show that lord-peasants relations, and the reforms that sought to overhaul them, had to acknowledge the peasants' expectations. I also hope to reveal that, since the peasants were able to express themselves, and to defend their rights as they perceived them, to label Hungarian rural society as akin to 'serfdom' misrepresents the reality of conditions, which were much closer to 'seigneurialism' than has previously been assumed.



#### IV

Influenced by the vivid description of the Hunyady estate provided by Richard Bright and the Széchenyi estate in John Paget's travelogue, I had initially hoped to find records from noble estates detailing the landlords' struggles with agricultural modernization and, through this, the practical reasons for land reform in the 1830s and 1840s. Much to my disappointment, I discovered only limited and scattered material, often bound together in folios with little concern for context or continuity. My first attempts to uncover the position of the peasantry proved equally frustrating. Most material relating to the peasantry was restricted to a few examples of the urbarial contracts and land surveys issued since the Urbarium, offering no more than names of tenants, their holdings, and the legal limit of their obligations. More fruitfully, however, there were records for the Batthyány estates at Körmend. Further research into the latter estate, although discovered too late to prove much use for the present study, has revealed that records from the manorial courts also survive. Subsequent work on these, I have no doubt, will provide an insight into the manifestations of seigneurial justice and the impact of manorial authority on the everyday lives of the peasants: an area where little work has been done to date, and is regrettably only dealt with in passing here. For now, the Körmend records provide an important comparison to the detailed records for the market towns of the Great Plain I was soon to discover, and which formed the main body of Chapter Five.

Temporarily abandoning my first line of enquiry, I returned to the National Széchenyi Library for further guidance. It was there that I discovered the local histories that were to shape the rest of my work, particularly works on the market towns of Szarvas, Hódmezővásárhely and Szentés. These works suggested that the three towns had sought to benefit from the reforms of the 1830s and 1840s; that they had attempted to conclude redemption agreements with their lords; and the peasants had largely failed in their aims. More significantly, the accounts also suggested that there existed sufficient archival material to explain the impact of reform at a local level. As market towns, Szarvas, Szentés, Hódmezővásárhely enjoyed a degree of autonomy and self-governance rare amongst Hungarian villages and, more importantly, kept records on the day-to-day running of their affairs. Returning to the archives, I discovered

that these records had survived, on microfilm in Budapest, and in their original form at Szentes. A trip to the municipal archives in Szentes revealed a further source of information: records of the county councils, amongst which was material relating to peasant petitions and a few cases that reached the county courts. On returning to Budapest, I found details of such cases on microfilm from other counties, most notably Pest and Heves. I had discovered the voice of the Hungarian peasants; often no more than a whisper, but a voice that could nevertheless provide an understanding of land reform ‘from below’.

## V

Finally, I would like to offer a brief note on Hungarian terminology and translation. Where names of people are used, I have tended to stick to the Hungarian forms (János instead of John, Károly instead of Charles) unless the person is so well-known that he has taken on an English name. Thus István Széchenyi becomes Stephen Széchenyi and Lajos Kossuth becomes Louis. In using place names, for the sake of convenience, I have kept with those as they have existed in the archival material or secondary literature. Many of the villages referred to, particularly those which are no longer in Hungary, have changed their names or disappeared off the map. As such, I have been unable to trace them in order to provide their current equivalents. Otherwise, I have adhered to convention when referring to places of significance: thus, for example, Pressburg, and not Pozsony or Bratislava. When using particular Hungarian terminology, I have used either the Hungarian or Latin according to which is most common in the archival and secondary material. To this end, I have used the Latin *sessio* rather than the Hungarian *telek*; *remanencia* rather than *maradvány*; but the Hungarian *puszta* rather than the Latin *praedium*. With apologies to Hungarian purists, rather than forcing the reader to adapt to the Hungarian form of plurals (‘-k’), I have adopted the English system, adding ‘s’ to the Hungarian or Latin terms. Thus *határ* becomes *határs* and not *határok*, and *puszta* becomes *pusztas* and not *puszták*.

## 1: The peasants, the land and the law

### I

The relationship between the peasantry, their lords, and the land they farmed had been defined, albeit imperfectly, in customary and statute law over the course of the many centuries. These laws, principal amongst them the *Tripartitum* of 1517 and the Urbarium of 1767, but supplanted in between by a succession of *decreta*, had established the extent of the lords' and peasants' rights to the land, their respective obligations, a framework for recording these rights, and a means to seek redress in areas of dispute. In the years between 1830 and 1848 – Hungary's 'Reform Age' – the system of land tenure would be discussed and dissected at the diets and in the press. Those who advocated reform, and there were few who rejected it outright, sought mostly to work within the established framework to place the system of land tenure on a more thorough basis, clarifying those areas where the existing law was deemed insufficient. Thus the process of reform can be viewed as an attempt to put informal relations into a firm legal framework. The legislation passed during the Reform Age sought, first of all, to do little more than make rural relations and the system of law more accurately reflect each other: to 'bring the law back in' to rural relations. Indeed, since the legislation of the eighteenth century had aimed to more accurately record and regulate the current system of land tenure, the process of bringing the law back into rural relations can be seen to have begun much earlier, and proved a lengthy process. Doing so, it was further hoped, would aid Hungary's transition to a civil, bourgeois society (*polgári társadalom*) by providing the foundation for the development of capitalist agriculture: something believed by many to be a necessary prerequisite for such a society.<sup>1</sup> It was only as the reform movement gathered momentum that a complete overhaul and, eventually, deconstruction of rural relations became the ultimate goal of reform.

This section will, then, introduce the position of the peasantry and landed property as defined by the laws. It will provide a summary of the reforms passed between 1836, when a renewed Urbarial Patent granted to the Urbarium the

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<sup>1</sup> For a summary of the how the concept of a *polgári társadalom* was viewed in Hungary in the nineteenth century, see L. Péter, 'Introduction', in L. Péter, M. Rady and P. Sherwood, eds., *Lajos Kossuth Sent Word ... : Papers Delivered on the Occasion of the Bicentenary of Kossuth's Birth*, London, 2003, pp. 1-14, see below, pp. 45-46

legality in the eyes of the Hungarian nobility that it had lacked previously (having been issued by royal fiat and not approved by the diet) and the April Laws of 1848.<sup>2</sup> In doing so, it will provide an understanding of how the reforms of the 1830s and 1840s set about to achieve the overhaul and eventual dismantling of Hungary's 'feudal' rural order. Thus this section will lay the groundwork for our subsequent analysis of how seigneurialism and lord-peasant relations worked in practice.

## II

The customary laws of Hungary had been collected in Stephen Werbőczy's *Tripartitum* of 1517. In large part dedicated to the system of land ownership and inheritance of landed property, the *Tripartitum* is itself testament to the complex nature of land law that existed in Hungary. In compiling the *Tripartitum*, Werbőczy sought to record the customs that already existed. The *Tripartitum* would remain the principal point of reference for Hungarian law until 1848, simultaneously serving as both a prop to the nobility and as a hindrance to the modernization of Hungarian society as a whole. Specifically, article III:30 of the *Tripartitum* had confirmed the exclusively noble nature of landed property, distinguishing between a noble's right of *dominium proprietatis* and a peasant's limited right of *dominium utile*. This clause was to be central to the debates around land reform in the 1830s, when some of the ambiguities contained in the *Tripartitum* allowed liberal reformers to challenge commonly-held truths taken from Werbőczy, and a careful re-reading and reinterpretation of the *Tripartitum* furthered the cause of reform. Thus the *Tripartitum* serves as a useful starting point in establishing the problems caused by the system of land tenure.

Central to the *Tripartitum* were three core principles that shaped the relationships with, and attitudes towards, the land, its ownership, and its use: the exclusivity of noble landownership; the extent of the peasants' usufructary rights to the land they farmed; and the entailment of landed property. The *Tripartitum* also included many obscure legal details pertaining to land holding and judicial procedure: for instance the right of *repulsio* – to ward off intruders by waving a sword or similar item – that would, in the course of time, provide landowners with both protection and frustration. What is more, through an ambiguous

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<sup>2</sup> It is interesting that, while the diet of 1790/91 accepted the reforms of Joseph II, specifically the symbolic abolition of *leibeigenschaft*, the nobility did not provide a similar sanction to the Urbarium.

reference to the Holy Crown, the *Tripartitum* invested landownership with a political significance that was to become of great importance towards the end of the eighteenth century as the Hungarian nobility sought to challenge Habsburg absolutism. From the association between landownership, nobility, and the Holy Crown came the nobility's political power and group identity, which was, as László Péter observed, 'rooted in the noble ownership of land'.<sup>3</sup>

The *Tripartitum* asserted that noble property, privileges and political rights all derived from the monarch and, from its abstraction, the Holy Crown. By emphasizing that nobility originated from the process of royal land donation, Werbőczy placed great stress on the importance of noble property. Accordingly the privileges of the nobility – the right to be tried by their peers; to freely enjoy their property rights whilst being exempt from taxation and from all other duties of state except the defence of the realm; to be subject to none other but the legally crowned king; and the right of *jus resistendi* – stemmed not just from a nobleman's status but from his possessing landed property. Any attack on noble property rights could therefore be interpreted as an attack on the nobility as a whole. This standpoint would form a large part of conservative arguments against land reform, specifically granting full property rights to the peasantry, during the diet of 1832-36.

Werbőczy drew a further significance from the system of royal land donation. Having transferred authority to the king 'of their own free will' the nobility retained a share in the governance of the country. Whilst the nobility relied on the king, the king depended upon the nobility's consent to rule; the two depended 'upon each other so closely that neither can be separated and removed from the other and neither can exist without the other.' It was but a short step from this, through a tinted reading of Montesquieu and Rousseau, to turn the customary laws recorded in the *Tripartitum* into a 'constitution' and a 'social contract' with which to challenge Habsburg despotism.<sup>4</sup> Finally, Werbőczy

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<sup>3</sup> L. Péter, 'The Aristocracy, the Gentry and Their Parliamentary Tradition in Nineteenth-Century Hungary', *Slavonic and East European Review*, 70, 1992, pp. 77

<sup>4</sup> Werbőczy had hinted at the legislative rights of the diet by stating that the king could not make laws on his own authority, but only 'once the people [the nobility] are summoned and asked whether such laws are acceptable'. In addition Hungary had to be ruled in a way that was not prejudicial to divine and natural law or 'diminished the ancient liberty of the Hungarian people as a whole'. Stephen Werbőczy, *The Customary Laws of the Renowned Kingdom of Hungary: A Work of Three Parts*, (hereafter *Tripartitum*), J. M. Bak, P. Banyó and M. Rady, eds. and trans., DRMH, Vol. 5, Budapest 2005, II 3:3. This had been confirmed by the Habsburgs at the Peace of Szatmár in 1711, who from then on agreed to abide by Hungary's ancient laws and customs. A reading of

asserted that the mutual dependence of crown and nobility granted the latter membership of the Holy Crown and, through that, the political community (*ország*), from which derived their political rights; to freely elect the king, and to participate in governance through the institutions of the noble county and diet. It should be stressed, however, that these political rights ultimately rested upon the act of royal land donation that was the mark of a true nobleman. In this way an attack on noble property was not just an attack on the nobility but on the whole concept of Hungarian nation, as understood in its *ország* sense.<sup>5</sup>

The dependence of nobility upon landholding made Werbőczy desirous to restate the inalienability of landed property, established by the system of *aviticitas*, and which in turn ensured the entailment of land. In theory all land remained the absolute property of the crown, a nobleman merely enjoying the free use of his holding. Both nobility and the land remained in the noble's family for as long as it produced male heirs (or female heirs if he had 'prefected' his daughters).<sup>6</sup> The rights to the inheritance of noble property were not, however, restricted to the direct heirs, but rather extended to the nobles' distant relatives, and the rights of the distant relatives were not only enacted on the extinction of the noble's immediate family. Before any exchange, sale, or mortgage could take place the incumbent noble had to gain the express will of all kin who could claim rights to the property.

Despite these restrictions on the exchange of landed property, by the sixteenth century it had become widespread practice to bypass the system of *aviticitas* through the process of *assumptio*, allowing an almost free market in land to develop.<sup>7</sup> But Werbőczy sought to curb this 'certain and cursed abuse' that denied other nobles their rights to property, and could thus diminish their noble status.<sup>8</sup> He then went to some length to shed light on the methods by which a disinherited nobleman could reassert his rights. The vast majority of the *Tripartitum* would be dedicated to the drawn-out and complex legal process that

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*The Spirit of the Laws* was thus able to provide the nobility with the justification for the nobility to challenge Viennese rule. See L. Péter, 'Montesquieu's Paradox on Freedom and Hungary's Constitutions 1790-1990', in *History of Political Thought*, 26, 1995, pp. 77-104

<sup>5</sup> *Tripartitum* I 3:6-7, I 4, I 9

<sup>6</sup> The process of 'prefection' was a royal privilege whereby on appeal to the king a daughter could be turned into a son. *Tripartitum* I 7:1, I 17:4 and 7, I 39:3, I 50 I 57:2, and p. 454

<sup>7</sup> M. Rady, 'On the Litigiousness of Old Hungarians' (Unpublished lecture, UCL, 2005).

*Assumptio*, or 'assuming the burden', allowed the landholder to claim responsibility for those who may have rights to the property but, for one reason or another, were unable to express their right having been given sufficient notice. *Tripartitum*, I 59

<sup>8</sup> *Tripartitum*, I 60

spawned the innumerable lawsuits pertaining to landed property that came to characterize the Hungarian nobility before 1848, and Werbőczy went to every length to protect the integrity of noble landholding. In consequence the *Tripartitum* included clause after clause that, in effect, allowed every transaction involving landed property to be challenged in court. Not only this, there was almost no limit to when a noble could reassert his rights to a property.<sup>9</sup> As one eighteenth-century observer put it, ‘the complicated nature of the law of property’ in Hungary had prevented the nobility from studying anything else.<sup>10</sup> Moreover, the system of *aviticitas* sought to protect the noble claimant or debtor rather than any purchaser or creditor. If it had occurred, for example, that an estate had been ‘carelessly’ – that is groundlessly – alienated it was the purchaser and not the vendor who would have to bear the cost, for such were the vicissitudes of speculation.<sup>11</sup> Werbőczy seems to have taken an almost virulent hatred of those creditors who preyed upon the misfortunes of an impoverished noble. He condemned such practice as ‘the dangerous, damnable and temporary retention of the right of another’, and he hoped that any who abused it ‘had better cede and return the pledge rather than bring damnation on his soul.’<sup>12</sup>

The result of the system of *aviticitas*, and the ready means to abuse it, was the insecurity of property rights. More significantly, it provided the nobility with a way to extend their landholdings and their incomes through litigation rather than innovation. At times of increased profitability, as occurred during the grain boom of the Napoleonic Wars, much additional income often went on restarting ancient lawsuits or paying-off old mortgages rather than investing in improved methods or new techniques.<sup>13</sup> This was not, however, just a feature of the boom years in the early nineteenth century. As Ferenc Kazinczy noted of the eighteenth-century nobility, ‘the main events of their lives concerned the law suits brought against one another in real or imaginary clashes over ownership rights of

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<sup>9</sup> At one point Werbőczy himself points towards this aspect of Hungarian land law; on dealing with ‘necessary’, and therefore praiseworthy, exchanges of property he notes that this should include those who are involved in so much litigation pertaining to their holding that ‘they do not even rest at night because of them’. *Tripartitum* I 70:2

<sup>10</sup> Count Christopher Niczky, cited in H. Marczali, *Hungary in the Eighteenth Century*, Cambridge, 1910, p. 133.

<sup>11</sup> *Tripartitum*, I 61:2

<sup>12</sup> *ibid.*, I 81, I 82:11

<sup>13</sup> B. G. Iványi, ‘From Feudalism to Capitalism: The Economic Background to Széchenyi’s Reform in Hungary’, *Journal of Central European Affairs*, 20, 1960’ in pp. 273-74

land.<sup>14</sup> So long as demand maintained the rising agrarian prices, as was the case in the first decades of the nineteenth century, credit was readily available to all those who requested it. Conversely, once the grain boom had abated by the 1820s, the Hungarian nobility was left riddled with debts accrued in the previous years which they could no longer afford to repay. Between 1790 and 1820 the debts of the nobility in Pest county, for example, increased from 598,000 to 2,600,000 florins; by 1832 these had increased to 4,988,166 florins. By the middle of the nineteenth century the total debts of the Hungarian landholding nobility had passed 300 million florins, with an annual interest of more than 18 million.<sup>15</sup> That said, an indebted nobleman was not without protection: a system of land law that gave every protection to the debtor and none to the creditor ensured that few nobles would become entirely insolvent. Such a situation is clear from the decision of the Pest county court in a case brought against Count Grassalkovich in 1829, which echoes the opinions of Werbőczy expressed more than three hundred years earlier. The court decreed that ‘justice demands that those who, having got themselves into financial difficulties, were forced to borrow money on interest should be protected against the sly ways of their creditors [...] the former should find protectors and friends in his judges [...] otherwise the good that accrued to them by virtue of the financial help given might be many times outdone by the harm they would finally suffer.’<sup>16</sup>

The reputation of the nobility and the infamy of Hungarian land law preceded both of them, destroying Hungary’s reputation for credit abroad. This state of affairs was to inspire the title of Stephen Széchenyi’s first great polemic, *Credit*, and the basis for his attack on the Werbőczian system of land tenure.<sup>17</sup> Furthermore, the indebtedness of the Hungarian nobility, and the need for an immediate source of ready cash, came to form an important part of the arguments both for and against reform. Some, fearing that redemption and emancipation of the peasantry would be the final nail in the nobility’s coffin, vehemently defended the exclusivity of noble property, and their reliance on the rents of their peasants, as their last hope. Others, perhaps more realistically, refuted such arguments, claiming that the income from redemption payments

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<sup>14</sup> B. Grünwald, *A Regi Magyarország*, Budapest, 2001, pp. 81-83

<sup>15</sup> László Ungár, ‘A magyar nemesi birtok eladósodása 1848 előtt’, *Századok*, 69, 1935, pp. 42-44

<sup>16</sup> Cited in Iványi, ‘Feudalism to Capitalism’, pp. 283-84

<sup>17</sup> See M. Sarlós, *Széchenyi István és a feudális jogrend átalakulása*, Budapest, 1960, pp. 25-40



would allow nobles to pay off their debts, invest in their farms, or sell their estates, bringing new opportunities and a new dawn for Hungary and her elite.<sup>18</sup>

More importantly, the complex interrelationship between property rights, nobility, and their political and legal rights was to add a further dimension to the question of land reform in the nineteenth century. As property rights were so closely associated with membership of the noble nation, any extension of property rights to the peasantry, previously excluded from all privileges that stemmed from landed property, required a re-imagining of the concept of the nation. By the early nineteenth century, with the flowering of Hungarian linguistic nationalism, the noble *ország* was being superseded in political discourse by the expanded, ethno-linguistic nation (the *nemzet*), itself consisting of all the Hungarian 'people' (the *nép*).<sup>19</sup> The 'civil transformation' of Hungary envisaged by the liberally-minded nobles of the Reform Age necessitated extending the benefits of the constitution, and therefore property rights, from the nobility to all of the Hungarian people. But for the more conservative nobleman, an attack on the exclusivity of landholding amounted to no less than an attack on the political rights of the Hungarian noble nation, and therefore the antique Hungarian constitution. Both these attitudes imbued land reform with significance beyond the mere social or economic, a matter with implications far greater than simply resolving any problems caused by the nature of lord-peasant relations.

Thus, when proposals for land reform were put before the diets in the 1830s and 1840s they were viewed from a markedly 'Hungarian' position. Both the liberal advocates of reform and more conservative forces within the nobility were thoroughly schooled in the complexities of Hungarian customary law as taken from the *Tripartitum*, including the Werbőczian concept of property rights. Central to this was the view, largely unchallenged before 1830, that no non-noble could 'own' landed property, whatever the concept of 'ownership' entailed. As will be shown, in the course of the debates in the Reform Age the restrictive attitude to landed property, seen as both a right exclusive to and mark of the nobility, established in the *Tripartitum* was successfully challenged. This made

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<sup>18</sup> See S.P. Sándor, 'Az agrárkérdés 1848 előtt', *Társadalmi Szemle*, 1948, 3, pp. 6-21, E. Mályusz, 'A reformkor nemzedéke', *Századok*, 57, 1923, I. Barta, 'Széchenyi és a magyar polgári reformmozgalom kibontakozása', *Történelmi Szemle*, 1960, 3, pp. 228-35, I. Barta, 'Kölcsey politikai pályakezdeté', *Századok*, 93, 1959, pp. 252-302, M. Sarlós, 'A szabad paraszti birtok Széchenyi reformrendszerében', *Magyar tudomány*, 1965, 72, pp. 12-27

<sup>19</sup> Both *nemzet* and *nép* become used regularly during the debates at the diet of 1832/36 to refer to all those who should be granted rights as citizens.

possible a degree of land reform prior to the emancipation, which was to establish the extent of the peasants' rights to the land and thus resolve what would become of the peasants' urbarial plots, even before the watershed year of 1848.

### III

Being principally concerned with the nature of noble landownership and the system of inheritance, Werbőczy unsurprisingly devoted little space to the rights and position of the peasantry. Yet, by restating the terms of the 1514 law, Werbőczy had confirmed the peasants' legal status as one of 'perpetual rusticity', making the peasants' rights to the land they farmed dependent upon revenues and services owed to the lord, and their persons subject to the lords' patrimonial justice. This in turn defined a nobleman's lordship over his peasants as the *dominus terrestris*, as well as the right to claim such revenues and services from the peasant tenants, and the right to administer justice over them. It has often been argued that the April Laws of 1848 did no more than sweep away, with the stroke of a pen (or rather two pens), the legal status of rusticity. It was then left to subsequent legislation to establish whether the peasants' former urbarial plots would become their permanent private property.<sup>20</sup> On the other hand, in the course of the debates concerning land reform in the years prior to 1848 it had been established beyond reasonable doubt that, once the two aspects of rusticity as defined in the *Tripartitum* had been done away with, it was inevitable that the urbarial plots would become the peasants' private property. Thus elucidating how Werbőczy dealt with the respective rights and obligations of lords and peasants is of great relevance to understanding what occurred in the years between 1830 and 1848.

There are few references to the legal status of the peasantry prior to the Dózsa rebellion of 1514 and the laws that confirmed the peasantry to the status of 'perpetual rusticity' of the same year. The earliest laws refer to *servi* (bondsmen), distinguishing them from *liberi* (freemen), itself referring to all nobles, town-dwellers and peasants who were not *servi*. There is, however, little detail referring to either the *servis's* obligations or their economic conditions, although it is likely these varied greatly. From the late tenth century to the

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<sup>20</sup> see, for example, Péter, 'Aristocracy and Gentry', pp. 81-83, contrast with G. Pajkossy, 'Kossuth and the Emancipation of the Serfs', in Péter et al, eds., *Kossuth Sent Word*, pp. 71-80

twelfth century there then developed villages of peasants living under servile conditions for, first, the princely and, subsequently, the royal residences. In this period a stratum of personally unfree bondsmen emerged, working on royal or ecclesiastical estates. Elsewhere peasants, more closely resembling serfs of medieval western Europe, worked on their lords' estates with their own tools and animals.<sup>21</sup> By the mid-thirteenth century a combination of social and economic changes, notable for the growing importance of arable farming over that of semi-nomadic animal husbandry, had caused a more uniform stratum of peasant tenants to develop, paying rents in cash or kind to noble estate owners. This stratum of *jobbágy* (Latinized as *iobagio*) was formed of personally free but seigneurial dependent peasant tenants, comprised of both the *servi* and previously free men.<sup>22</sup>

In the course of the thirteenth and fourteenth centuries the position of the *jobbágy* became more clearly established, a process accelerated by the depopulation following the Mongol invasion of 1241. In the following years foreign 'guests' (*hospites*) were invited to settle in Hungary to encourage repopulation and expand cultivation of the land. The *hospites* were granted settlement in 'free villages' established through private charters and settlement contracts, which in turn became adopted as the most common form for lord-peasant relations across much of Hungary. In the course of many decades, gradual changes in lord-peasant relations occurred as labour was becoming of less value than rents claimed in either cash or kind, creating a system of settled villages, with the peasants cultivating their own land, and developing some degree of administrative autonomy.<sup>23</sup> By the mid-thirteenth century, jurisdiction over the free peasantry had passed to landlords or local village judges as legal immunities were expanded to all seigneurs, including lesser noble landowners, removing all peasant tenants from royal jurisdiction: a distinction latter

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<sup>21</sup> DRMH, Vol. 1, p. xliii

<sup>22</sup> The etymological roots of *jobbágy* are lost. In the thirteenth century the use of the term *jobbágy* changed from one referring to socially elevated servants of the Crown (which Komjáthy has alleged derives from *jobb-ágy*, translatable as 'better-bed' or 'well-born', although this seems highly implausible) to one increasingly reserved for those who worked on the land. Simultaneous to this a system of noble land-holders and barons replaced that of royal retainers at the top of the social system, thus reinforcing the division between the peasants and the nobles. DRMH, Vol I, p. xlviii, and A. Komjáthy, 'Hungarian *Jobbágyság* in the Fifteenth Century', *East European Quarterly*, 10, pp. 77-86. See also Chapter 3, below, pp. 70-74

<sup>23</sup> A. Komjáthy, 'Hungarian *jobbágyság*', pp. 78-79, 83, J. Held, *Hunyadi: Legend and Reality*, Boulder, 1985, pp. 56-79

reaffirmed by Werbőczy.<sup>24</sup> The term *rustici*, as referring to peasants, first appeared in a reissue of the Golden Bull in 1231, and the first detailed reference to *jobbágy* or *rustici* as clearly meaning the peasantry as a distinct social stratum did not occur until around 1400, in the Compilation of King Sigismund I, which had confirmed the peasants possessed the right to move freely once they had paid the 'just and usual rent' to their lords.<sup>25</sup> At the same time, landowners were vested with the array of privileges, including exemption from direct taxation and the church tithe, that marked them out as noble, and a landowner became, by definition, a nobleman; a point so firmly reinforced in the *Tripartitum*.<sup>26</sup>

The terms of the peasantry's obligations to their landlords were recorded in written law more thoroughly in the aftermath of the Dózsa rebellion in 1514, including a set level of labour service (*robot*) and the ninth and tenth owed to the lord and the church respectively.<sup>27</sup> Prior to the rebellion, many nobles chose to maintain little land in their demesne, leasing the majority to a free tenant peasantry. Moneyed rents had been more common than labour service and dues in kind, the latter two being rare and of little importance. The form and amount of all rents and dues varied greatly across Hungary, established according to local custom and recorded in contractual agreements between lord and tenants.<sup>28</sup> As will be shown in a following chapter, the forms of peasant obligations changed only gradually after 1514, with *robot* and dues in kind slowly supplanting cash payments as the most common form of rent. But significantly, following the defeat of the rebellion, the peasantry had been condemned to 'perpetual rusticity', later reaffirmed in the *Tripartitum*. It appeared that it would be the peasants' great misfortune that the *Tripartitum* was published so soon after the events of 1514 as Werbőczy cast in stone the impact of the peasants' defeat. The peasantry were 'now subject to their lords in full and perpetual servitude [...] by which they

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<sup>24</sup> Amongst the chief liberties of the nobility listed by Werbőczy was 'that the nobles of the whole realm are subject to the power of none else than the lawfully crowned prince'. *Tripartitum*, I:9:4

<sup>25</sup> DRMH, Vol. I, Golden Bull, 1231, Article 4, pp. 71-75, Articles 13-16. See also, I. Frank, *A közigazgatás törvénye magyar honban*, Budapest, 1846, Vol. I, pp. 129-34. Originally dated to 1300 in the first edition of the DRMH, subsequent analysis of the law has resulted in the later date. I am grateful to Martyn Rady for drawing this to my attention.

<sup>26</sup> In fact, a class of *liberi*/non-noble freeholders persists until the mid eighteenth century. We have no idea how many.

<sup>27</sup> CJH, 1000-1526, Articles 26-30:1514, pp. 715-721, DRMH, Vol. 4 (unpublished manuscript). The ninth of the peasants' produce owed to the lord or, if a peasant had no lord, to the Crown, had been established by Articles 6 and 7 in 1351. CJH, 1000-1526, p. 173, DRMH, Vol. 2, p. 10

<sup>28</sup> Z. P. Pach, 'The Development of Feudal Rent in Hungary in the Fifteenth Century', *The Economic History Review*, 19, 1966, pp. 1-14. See also Chapter 3, below, pp. 70-74

incurred the eternal taint of infidelity.<sup>29</sup> By reference to this clause, it has been supposed that over the following decades the peasants became tied to the soil, were denied the right of free migration and were subject to the patrimonial justice of their lords, and thus the peasantry of Hungary was reduced to the status of ‘serfs’. Yet, as will become more apparent throughout this work, the status of ‘perpetual rusticity’ did not equate to ‘serfdom’, nor did it necessarily circumscribe the peasants’ rights to any great degree.

First, the degree to which the peasants were denied freedom of movement is unclear. The clause of the 1514 law, repeated by Werbőczy, was not intended to permanently tie the peasants to the soil, but was rather a reaction to the transient, cowboy lifestyle of the herdsmen on the Great Plain, who failed to respect property as they followed their herds and bivouacked where they pleased.<sup>30</sup> Furthermore, the *Tripartitum* hinted at a sufficient degree of rights concerning the peasantry, their landed property, and their legal position, that it is clear ‘rusticity’ did not equate to full and complete subjugation to the legal authority of the lord. Although he did not go to any great length on the subject, Werbőczy alluded to the fact that the peasants possessed strong rights to the land they farmed, and that these rights were based upon long-established custom.

Werbőczy made reference to other rights of the peasantry that provided further guarantee of their usufruct. By explaining the process for the division of inherited property between the sons of a peasant, Werbőczy made a distinction between moveable (or acquired) goods, to which the peasant possessed full rights and could will or sell off freely, and immovable (that is landed) goods, to which the peasants could claim the hereditary right of usufruct, extending only to the peasants’ lawful heirs.<sup>31</sup> In dealing with the rights of minors, Werbőczy observed that once the son of a deceased peasant came of age ‘the right to keep and dispose of the entire inheritance passes to the heir’, again indicative of the peasants’ hereditary rights.<sup>32</sup> But, although the peasant could not dispose of his immovable property (his plot) freely, for it had to be passed onto his sons,

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<sup>29</sup> Werbőczy, *Tripartitum*, III 25:2. English translation from Bak et al. The original Latin reads, ‘ex eoque notam perpetuę infidelitatis eorum incursionem penitus amiserunt dominisque ipsorum terrestribus mera & perpetua iam rusticitate subiecti sunt’, so (as was the case with the 1514 law) the peasantry were not condemned to ‘perpetual servitude’, rather ‘perpetual rusticity’.

<sup>30</sup> DRMH, Vol. 4 (unpublished manuscript) and proceedings of a workshop held at UCL-SSEES, 6<sup>th</sup>-9<sup>th</sup> September, 2008 (unpublished). See <http://www.ssees.ac.uk/lawsworkshop.htm> for a summary.

<sup>31</sup> *Tripartitum* III 29-30

<sup>32</sup> *ibid.*, III 30:5

equally the lord had few legal means to deny the peasants' family the hereditary usufruct of the land. In this way, the peasants' plot was subject to the same restrictions but enjoyed the same protection as noble property under the system of *aviticitas*. A further distinction is made between land that remained the absolute property of the lord, and thus devolved back to him on the extinction of the peasants' family, and that which had been acquired through the peasants' labour, which included cleared land and vineyards. In relation to these, the peasant was free to alienate this property from the lord, and, should a peasant die intestate, could will half to whomever he wished, the other half becoming the possession of the lord.<sup>33</sup> In the case of alienating this land, the lord maintained the first right of purchase at the common (lower) estimation with the exception of vineyards, which were to be valued at their proper (higher) estimation.<sup>34</sup> In this way the special status of vineyards is made clear, a situation that permitted the peasants to increase their holding, and thus their income, with little interference from their lord.

By establishing the nobles' rights concerning their peasant tenants the *Tripartitum* thus served to restrict the peasants' rights to the land to a limited usufruct, the *dominium utile*: a right that extended to no more than the 'wage and fruits of his labour.' Yet the peasant was then free to dispose of this right with very few restrictions. That a peasant could will or sell his rights to the property, albeit limited to the 'wage and fruits of his labour' (property that the peasant acquired himself, commonly cleared land but also including the 'fields, meadows, mills or vineyards'), to whomever he chose is explicitly stated.<sup>35</sup> Such a transaction did not change the terms of the lord's rights to the land, for 'the perpetual ownership always remains with the lord', who could also claim the lands for himself so long as he compensated the peasant for the land.<sup>36</sup> It is not clear from the text of the *Tripartitum* when a lord could assert this claim: whether it was restricted to when a peasant wished to sell his rights to the plot or whether it could be exercised at any time. Nowhere else in the *Tripartitum* does Werbóczy suggest how or why a peasant could be denied the usufructary right to his plot, save for cases of criminal misdemeanour.

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<sup>33</sup> *ibid.*, III 30:1, 30:7-8

<sup>34</sup> *ibid.*, III 30:8

<sup>35</sup> *ibid.*, III:29 and III:30:8

<sup>36</sup> *ibid.*, III:31:8

More than any legal text previous to it, the *Tripartitum* had established the extent of the peasants' and lords' property rights, and, in doing so, defined the concept of land ownership as it would exist in Hungary until the beginnings of the Reform Age. Even so, the *Tripartitum* had said little on the nature of peasant obligations and made no attempt to distinguish between noble and peasant land, that is dominical and urbarial land. As Werbőczy made clear, the peasants' rights and obligations varied to such a degree that it was not possible to adequately account for them in any written law. In fact Werbőczy could find no more to say on the matter than 'just as the conditions of tenant peasants are diverse, so are the legal customs that have to be kept in according to the ancient use of the place'.<sup>37</sup> Nevertheless, it is clear that the peasantry had not been reduced to the status of 'full and perpetual servitude', as the appropriate clauses of the 1514 law and the *Tripartitum* have so often been interpreted.<sup>38</sup> Nor can it be argued that the peasants 'had no constitutional or legal personality'.<sup>39</sup> The peasants, despite the defeat of the Dózsa rebellion, remained personally free but legally dependent tenants of their lords, with rights protected by customary law. Having been recorded in the *Tripartitum*, the peasants' rights had been enshrined in the most important text of Hungarian law. It was not until the Crown's intervention in lord-peasant relations in the second half of the eighteenth century, in the form of Maria Theresa's Urbarium, that a clearer idea of the extent of the peasants' rights was established in written legal provision. Even then, as we shall now see, the Urbarium was not to be without considerable short-comings

#### IV

The legal position of the peasantry changed little after the *Tripartitum*. Freedom of movement, revoked in response to the 1514 *jacquerie*, was restored to the peasants between 1538 and 1547. Then, in 1608, the right to interfere in lord-peasant relations was removed from the diet to the county courts, though this had largely been the case since the thirteenth century. In the same year, the

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<sup>37</sup> *ibid.*, III 30:6

<sup>38</sup> The translation of 'rustici' to serfs in DRMH has since been corrected by the editors. See proceedings of a workshop held at UCL-SSEES, 6<sup>th</sup>-9<sup>th</sup> September, 2008 (unpublished). See <http://www.ssees.ac.uk/lawsworkshop.htm> for a summary. However, 'rustici' has, for so long, been misinterpreted in most English language works referring to the Hungarian peasantry I fear the peasants will remain 'serfs' in most texts.

<sup>39</sup> B. K. Király, *Hungary in the Late Eighteenth Century: The Decline of Enlightened Despotism*, New York, 1969, p. 51

peasants were required to perform twelve days' *corvée* a year, for the maintenance of roads and fortifications, and assumed the costs of county administration through the domestic taxes.<sup>40</sup> These laws, however, had little impact on the peasants' rights to the land they farmed or their obligations, which remained, as Werbőczy had observed, ruled by greatly divergent local custom. As we shall see in a following chapter, this divergence and fluidity ensured that the peasants' obligations could respond to the changing social and economic circumstances of the seventeenth and eighteenth centuries.

It was not until the Habsburgs began to assert their authority over Hungary from the early eighteenth century that written law came to play a larger role in lord-peasant relations and rights to the land. During the reigns of the 'Enlightened Absolutists', Maria Theresa and Joseph II, the crown became increasingly concerned with the plight of its subjects, the vast bulk of these being the peasants. Inspired by a desire to improve the condition of the peasantry, a series of laws and decrees were issued over the course of the eighteenth century to record and regulate lord-peasant relations, culminating in Joseph's plans, eventually abandoned, for the abolition of *robot* in the 1780s. While humanitarian concerns cannot be ignored, especially on the part of Maria Theresa, the principal motivation was more pragmatic: the growing interest in the state of the peasantry expressed by the enlightened rulers and bureaucrats in Vienna stemmed, above all, from the need to protect the crown's revenue.

Since the nobility had had their exemption from direct taxation confirmed as part of the compromise secured through the Peace of Szatmár, it became imperative to establish a clear distinction between the lords' dominical and peasants' *urbarial* land, the latter being the basis for the *contributio*: a direct tax created to fund the new standing army in 1715. To that end, articles XIII and LXII of 1723 confirmed the tax-exempt status of the nobility and their property, with the *contributio* to be met solely by the peasantry and the (few and insignificant) towns. These laws also sought to restrict any future decrease in the tax-base by confirming that the peasants' *urbarial* land should, henceforth, be recorded and permanently separated from the lords' *demesne*. In addition, laws of 1715 and 1724 had aimed to limit the enclosure within dominical land of uninhabited peasant plots (the *sessio deserta* or *puszta*), a process believed to be

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<sup>40</sup> J. Varga, 'A telektulajdon a feudalizmus utolsó századaiban', *Történelmi Szemle*, 7, 1964, pp. 381-83, F. Eckhart, *Magyar alkotmány és jogtörténet*, Budapest, 2000, pp. 170-73



eroding the sources of the crown's revenue, by confirming the urbarial status of such land. Although these laws had limited impact, for the accompanying surveys were only ever partially completed, the acts of 1723 were to prove crucial in undermining the Werbőczian system of land tenure in the Reform Age.<sup>41</sup>

By the mid-eighteenth century, the fiscal situation of the Habsburg Monarchy had become dire. The crown's debts spiralled out of control following the War of Austrian Succession and Seven Years War, made worse by the loss of Silesia, the most economically advanced province of the Monarchy, and the Habsburgs faced imminent bankruptcy. Since the Hungarian nobility had maintained their exemption from direct taxation, unlike their counterparts in the other Habsburg provinces, the need to protect the peasantry, as a principle source of the crown's revenue, became an immediate concern for the newly created Council of State. Cameralist and physiocratic thought, which had found strong support in Vienna, also laid great emphasis on the need for a prosperous peasantry to support a prosperous state. Not only were the peasantry the basis of taxation, but their welfare would promote population growth and provide a source of healthy military recruits. In this way the rural reforms of Maria Theresa and Joseph became, more than anything else, an attempt to accurately assess and record rural conditions. This, it was supposed, would serve as a means to increase the income that could be derived from their Hungarian provinces without threatening the subsistence of the peasants.

The most significant of the eighteenth-century reforms was Maria Theresa's Urbarium, issued by *octroi* in January 1767.<sup>42</sup> Plans for a far-reaching agrarian reform had been drafted under the supervision of State Chancellor Kaunitz, one of the most virulent critics of Hungarian rural conditions, and a strong opponent of the Hungarian nobility, and these had been presented to the diet in 1764/65. The most ambitious plans for reform included the redemption of *robot* into cash payments, the division of communal lands by enclosure, and the

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<sup>41</sup> I. Orosz, *Széchenyi és a kortársai: válogatott tanulmányok a reformkorról*, Debrecen, 2000, pp. 188-90, I. Wellmann, *A magyar mezőgazdaság a XVIII. században*, Budapest, 1979, pp. 11-20

<sup>42</sup> There is no full copy of the Urbarium in the Corpus Juris until 1836, after it had been reformed and approved by the diet in that year. There is an English translation provided in R. Townson *Travels in Hungary, With a Short Account of Vienna, in the year 1793*, London, 1797, pp. 109-31. Although Townson does not reveal his source, the translation is true to the copies of Urbarial agreements that have survived in the archives (see below, p. 35, n.44), suggesting that Townson may have seen a copy of one such agreement during his time in Hungary. Ferenc Eckhart provided a comprehensive description of the terms of the Urbarium in Eckhart, *Magyar alkotmány*, pp. 178-87. Eckhart's summary was used uncritically by Béla Király. Király, *Enlightened Despotism*, pp. 51-69

consolidation of free, peasant small-holdings: all reforms that would be adopted, in some form, by the diets in the Reform Age. Kaunitz in particular emphasized the importance of rural reform as a means to win the support of the peasantry for the crown, and thus break the power of the provincial nobility. The plans were, however, rejected by the nobility at the diet as they attempted to reassert their power vis-à-vis the Crown, refusing to countenance reform before a lengthy list of grievances had been answered.<sup>43</sup> The diet's obstinacy on the question of agrarian reform, combined with the nobility's refusal to increase the level of the *contributio* (the nobility, cheekily, argued that the peasantry were already overburdened) tested Maria Theresa's patience to the limit, and no further diet was to be called during her reign. The matter might have been put to one side had it not been that, in the summer of the following year, a rural rebellion in Transdanubia forced the issue. Subsequent reports into the causes of unrest laid the blame on increasing seigneurial abuses and an overburdened peasantry: a situation made all the more shocking as the worst perpetrators of abuse were amongst the most loyal aristocratic servants of the crown. The reform that then emerged was, however, to prove more conservative than Kaunitz had hoped. Nevertheless, by providing the most comprehensive list of peasant rights and obligations since the early sixteenth century, the Urbarium proved of great importance in defining the terms of lord-peasant relations up to 1848.

As noted above, previous laws had sought to assess, record, and confirm peasants' rights to the land they farmed, but none had gone to the lengths now required by the Urbarium. The Urbarium was the first attempt to regulate and record the size of a peasant plot (*sessio*), rather than just the extent of taxable land, and it introduced the first comprehensive use of land registers (*telekkönyv*). Once issued, copies of the Urbarium were printed in Vienna, in all the languages used in Hungary, and dispatched to each village for officials to conduct the necessary land surveys and record the obligations owed by the peasants. Space was left on the copies to be distributed so that, for each village, the size of a whole *sessio* could be agreed and recorded, along with the number of whole *sessios*, the number of landed peasants and cottars, and then the level of obligations owed

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<sup>43</sup> See Deszõ Szabó, 'A megyék ellenállása Mária Terézia úrbéri rendeletével szemben', in *Értekezések a történeti tudományok köréből*, 25, no. 3, 1934, pp. 20-35, R. J. W. Evans, 'Maria Theresa and Hungary', in idem., *Austria, Hungary and the Habsburgs: Central Europe c.1683-1867*, Oxford, 2006, pp. 20-22 F.A.J Szabo, *Kaunitz and Enlightened Absolutism, 1753-1780*, Cambridge, 1994, pp. 320-28, C.W Ingrao, *The Habsburg Monarchy 1618-1815*, Cambridge, 1994, pp. 185-88

for each whole *sessio*. These agreements were then signed by the village council, representatives of the lords, and of the county. Finally, in the *telekkönyv*, the size of each individual peasant's plot, and the amount of *robot* that could be claimed from each peasant, was recorded. Procrastination by county officials, who objected to the heavy-handed manner with which the law had been handled by Vienna, combined with efforts by the peasantry to avoid committing themselves to any urbarial agreements, made the completion of surveys and concluding urbarial agreements a lengthy process: the first were completed in Sopron county by October 1767, and the last, for Bereg county, not until November 1775.<sup>44</sup>

At its core, the Urbarium sought to introduce a standardized system of dues and obligations, particularly in relation to the peasants' *robot* labour, based on what was believed to be the optimum size of a peasant holding. The terms of the Urbarium worked on the principle that each peasant household would be granted hereditary rights to a plot of land sufficient both to support a family, and for the peasant to fulfil his obligations to his lord, the church, and, above all, to the Crown. Each plot would consist of an internal plot for the garden and house, and a set amount of ploughland and meadow held within the village *batár*.<sup>45</sup> The size of a whole *sessio* was to be set according to the quality of the soil, divided into four categories for ploughland and three categories for meadow. In practice, this was dictated as much by population density and the availability of land as by the quality of the soil. For example, in the densely populated counties of north-west Transdanubia a whole *sessio* varied between sixteen and twenty-two *holds* of ploughland and six and eight *kaszáló* of meadow: in the under-populated regions of the Great Plain, which contained areas of the fertile 'black earth', a whole *sessio* could be as much as thirty-two *holds* of ploughland and twenty-four *kaszáló* of meadow.<sup>46</sup>

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<sup>44</sup> F. Eckhart, 'A bécsi udvar jobbgypolitikája 1761-1790-ig', in *Századok*, 90, 1956, pp. 95-100, Szabó, 'A megyék ellenállása', pp. 38-47. Copies of the Urbarial contracts have survived only occasionally in the archives. See, for example, MOF, X4308, *Urbarialia Tob. Zemplén Vármegye*, A293-321. For discussions on the introduction of urbarial agreements, see Chapter 3, pp. 91-95, and Chapter 5, pp. 145-54

<sup>45</sup> The *batár* consisted of all the urbarial land of any one village, including the peasants' individual *sessios* along with the buildings of the village and, often, areas of communal meadow, woodland, vineyards and/or pasture. In some places, there could be dominical land within the physical boundaries of a *batár* but which did not form a part of it. See Chapter 2, below, pp. 59-65

<sup>46</sup> When standardized in 1875, a cadastral *hold* was set at 1,200 *negyszögöl*, the size commonly used from the end of the eighteenth century, and equal to 0.57 hectares or 1.42 acres. Prior to the Urbarium, there had been no attempt to introduce a uniform system of measurement: peasant land was allocated as 'strips' or 'pieces' of indeterminate size. At the time of the Urbarium, one *hold* was designated as enough land to produce two 'Pressburg measures' of grain. Officially, this

Peasant households were to be divided into seven categories, with each being used to establish the level of their *robot* obligation, ranging from those who possessed more than one and half whole *sessios* to those with only an eighth of a *sessio*: the minimum size of a plot deemed sufficient for a peasant to support his family and fulfil all his obligations. For a whole *sessio* the peasant was to owe fifty-two days' *robot* a year to be performed with his own draught animals and tools, and 104 days' labour if he possessed no animals of his own (referred to as hand *robot*). Obligations were proportionally less for a peasant possessing three-quarters, a half, or a quarter *sessio* and so on. The *robot* obligation was never to be higher than fifty-two days a year with draught animals even if a peasant possessed more than one *sessio*. All peasants possessing less land than an eighth of a *sessio* were classified as a housed cottar, if he possessed a house with an internal plot, or houseless cottar, if he possessed no house of his own (*bázás zsellér* and *bázatlan zsellér* respectively).<sup>47</sup> The obligations owed by a housed or houseless cottar were significantly less than for a landed peasant, set at eighteen and twelve days' hand *robot* each, and the cottars were exempt from all other dues and services aside from the ninth of produce owed to the lord.

It was in regard to the dues owed by the peasantry, and in particular the regulation of *robot*, that the Urbarium most sought to protect the peasants. Significantly, the Urbarium was the first law to relate the peasants' obligations to the size of their holding: previously, if a peasant had performed *robot*, the amount had been set irrespective of the size of his plot. In addition to regulating the amount of *robot* that could be claimed by the landlord, the Urbarium also went into some detail as to how it should be performed. No more than two days of *robot* with animals, or four days without, could be claimed in any one week. If

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varied between 1,100 and 1,600 *negyszögöl*, changing from village to village, or even from survey to survey for a single village. When the surveyors first tried to record the peasants' land in the 1760s and 1770s, they could encounter claims for a *bold* being anything from 600 to 2,200 *negyszögöl*. This created obvious problems for establishing the size of a *határ*, and has been seen as one of the origins of *remanencia* land. One *kaszáló* was enough meadow to produce two cart-loads of hay from a single mowing. The size of one *kaszáló* also became more uniform towards the end of the eighteenth century, from which time one *kaszáló* was the same as one *bold*, when *holds* increasingly were used to record the size of both ploughland and meadow. This creates obvious problems when using any statistical data from land surveys in the eighteenth and nineteenth century, and thus all such figures given can only be seen as rough guides, from which equally rough impressions can be drawn. J. Varga, *A jobbágyi földbirtoklás típusai és problémái, 1767-1849*, Budapest, 1967, pp. 11-14, I. Felhő, *Az úrbéres birtokviszonyok Magyarországon Mária Terézia korában*, Vol. 1, Budapest, 1970, pp. 18-22

<sup>47</sup> To be classified as a *bázatlan zsellér* a peasant had to possess a hearth in the house of another peasant. What happened to those who did not possess even this was not made clear.

the lord obtained, with the agreement of his peasants, more than this the peasants were to be granted the following week off, as was also the case if the peasant had to travel a long distance to perform the *robot* and could not return to his home in the evening. No more than three-quarters of the *robot* could be claimed in the summer months, so as to ensure the peasant could attend to his own plot. The length of the working day was set as from sunset to sundown in summer, with two hours' journey time added in winter to ensure a full days' work could still be performed. The lord was not able to compel the peasants' to pay cash rents in lieu of *robot* but, if both agreed, it was possible to convert the *robot* obligation into a cash payment, so long as the agreement was ratified and recorded by the county. This clause, tucked away in the middle of the Urbarium, permitted the peasants to conclude agreements for the redemption of their labour obligation. In the years that followed, it was to prove just as important as the limit placed on *robot*, for it allowed room for custom to maintain a prominent role in lord-peasant relations.

In addition to the *robot*, one in every four peasants were to perform a 'long journey' for their lord, limited to no longer than two days' travel, as well as carting duties associated with the ninth of grain and wine, and any associated rights to communal forests or reed beds the peasants received. A peasant could also be obliged to perform up to three days' work for the hunting of 'mischievous wild beasts', but a lord could not compel the peasants to assist in any hunting for his own pleasure. The Urbarium also listed the various other obligations the peasants owed to their lord, including the ninth of their crops, excluding what was produced from their internal plot, as well as a ninth on their livestock, bees, and wine. Repeating a clause of the 1514 law, the Urbarium made it clear that the ninth could not be claimed on any crops planted by the peasants if it had not been claimed before. In relation to the ninth, two clauses proved the most significant. First, to encourage the expansion of cultivation and more efficient field rotation, the ninth could only be claimed on the first sowing of any grain. Second, unlike the peasants' *robot*, the ninth could not be converted into a cash payment, no doubt to ensure that cash was readily available to pay taxes. As will be shown, this last clause failed to reflect current conditions, and how far it was enforced, and whether it was even enforceable, is open to doubt.

The regulation of the peasants' other dues was, however, of much less concern than the limits placed on their *robot* obligation. As would often be the case with agrarian reform, the system of obligatory labour had been the focus of most critiques of the rural order, seen as responsible for unrest in Transdanubia, and at the root of most cases of seigneurial abuse. As the English observer, Robert Townson, noted on concluding his account of the Urbarium, 'the hardship [of rural relations] lies chiefly [...] from receiving labour for payment'. Townson continued by noting that both parties suffered under the system for,

'From hence arise complaints from [the peasants], on the hardship of their fate, and of the severity of their masters; and from [the landlords] no less complaints of the perverse, obstinate, idle, and discontented disposition of their peasants; who, by not being interested in the labour they perform for their lords, first are slothful in the performance of this, and then through custom become slothful in their own: and thus a bad state of husbandry pervades the lands.'<sup>48</sup>

These criticisms would be echoed by all those who found fault in Hungary's rural order, and have been frequently picked out by historians. In fact, it had been the problems caused by *robot* that had first drawn Kaunitz to the agrarian question, Kaunitz having experimented with redemption on his own private estates. Thereafter, *robot* abolition formed a central part of the Habsburgs' agrarian policy under the Raab system experimented with on Crown estates, which was subsequently expanded upon under Joseph II.<sup>49</sup> Yet, as will become more apparent throughout this work, those who criticized *robot* may not have been focusing their attention on the true problem. Indeed, the very shortcomings drawn out by Townson ensured that *robot* would form only a small part of the peasants' rents. Of far greater significance in the long term was the Urbarium's impact on the peasants' rights to the land they farmed, and it is to this that we shall now turn.

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<sup>48</sup> Townson, *Travels*, p. 132

<sup>49</sup> D. Beales, *Joseph II*, Vol. 2, 'Against the World, 1780-1790', Cambridge, 2009, pp. 244-47, 251-54, T. Blanning, *The Pursuit of Glory: Europe 1648-1815*, London, 2008, pp. 161-63, Szabo, *Kaunitz*, pp. 155-80, W. E. Wright, *Serf, Seigneur and Sovereign: Agrarian Reform in Eighteenth-Century Bohemia*, Minneapolis, 1966, pp. 44-64, A. Szántay, 'Robot Abolition under Joseph II', in F. A. J. Szabo and A. Szántay, eds., *Politics and Culture in the Age of Joseph II*, Budapest, 2005, pp. 95-108, J. Blum, *Noble Landowners and Agriculture in Austria, 1815-1848: A Study in the Origins of the Peasant Emancipation in 1848*, Baltimore, 1948, pp. 50-56, and E.M. Link, *The Emancipation of the Austrian Peasant 1740-1798*, New York, 1949, pp. 31-61

## V

Although the greater part of the Urbarium had focused on the peasants' dues and their *robot* obligation, what proved to be the most important clauses of the law referred to the peasants' rights to the land. The Urbarium sought to define and then measure the extent of what would become the peasants' urbarial plots, granting to them the strong, hereditary rights to this land that had been alluded to in the *Tripartitum*. In doing so, the Urbarium put a lower limit on the size of a peasant's plot, taking into account what land he already farmed, and what was deemed sufficient to provide a peasant household with its subsistence and to fulfil the obligations owed to the crown, the church and the lord. Thus the peasant's plot was limited to a garden and house plot, ploughland, and an area of meadow needed to keep the peasants' draught animals so that he could perform his *robot*. Once measured, this land was then entered into the *telekkönyv*, with the individual *sessios* collectively forming the village *határ*.

The means by which the amount of land deemed sufficient for a peasant's subsistence was measured and parcelled out, however, remains obscure. Suffice to say that, whilst many peasants possessed no more than the eighth of a *sessio*, thought to be the minimum required for peasant subsistence, many more peasants possessed plots larger than this, with some securing rights to land covering many whole *sessios*. Furthermore, many peasants continued to farm land in addition to the urbarial plots that been entered in the land surveys. János Varga, in the most comprehensive analysis of peasant land, estimated that between 1767 and 1848 as much as two-thirds of all peasant-farmed land had escaped the urbarial surveys.<sup>50</sup> All such land then formed the peasants' 'extra-urbarial' land or 'off-holding': land to which the peasants did not receive the secure rights that had been guaranteed to their urbarial land, and thus included communal pasture or woodland, *puszta*, *remanencia*, cleared land or *írtvány*, and *árendás* or land leased under contract. But, similar to its provisions for the conversion of *robot*, the Urbarium acknowledged that peasants could come to separate agreements with their lords to secure their access to the extra-urbarial land. What is more, the peasants' habitual use of much of the extra-urbarial land ensured that, in many cases, the peasants were able to maintain access to this land despite being denied the more established rights attached to their urbarial plots,

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<sup>50</sup> Varga, *Jobbágyi földbirtoklás*, pp. 15-22

even when their lords challenged the peasants' rights. In this way, customary rights could still come into play when disputes arose concerning the extra-urbarial land. Clearing up the murky area of extra-urbarial land thus became one of the largest problems facing the reformers in the 1830s and 1840s, and in the years after 1848.<sup>51</sup>

Not all extra-urbarial land had been entirely ignored by the terms of the Urbarium. In addition to the peasants' *sessios*, the Urbarium had guaranteed to the peasants' usufructary rights to other land, most often that land where rights were shared with the lord. These communally held lands included pasture, woodland and marsh, in addition to vineyards, which maintained their special status from earlier laws. Of most importance were the peasants' rights to an area of communal pasture. This right was shared with the lord, and any priests, teachers and officials if there was sufficient amount. The lord was prevented from dominating the communal pasture and from separating any of it for his private use. But the peasants were also restricted in the use of the pasture, for they could only graze enough cattle for their own needs and to enable them to fulfil their robot, and any grazing for commercial purposes was prohibited. In addition, the lord could not demand any additional dues or labour service for this right. On the payment of a small fee, the peasants could also graze milk cows. The peasants were also confirmed in their right to collect wood from the lords' forests for their own use (*lignatio* or *faizás*).<sup>52</sup>

The extent of the peasants' rights to such land was not, however, established as clearly as to their urbarial plots, with the Urbarium leaving much of the detail to be worked out by separate agreements between peasants and their lords. Significantly, the copies of the Urbarium that reached the villages contained very little on the terms of the peasants' rights to pasture and woodland, merely acknowledging that these existed, and that peasants communities should come to separate agreements concerning these rights.<sup>53</sup> Particularly on the Great Plain, where animal husbandry predominated and many peasants possessed large

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<sup>51</sup> These issues were not finally resolved until 1896, when Article XXV addressed matters relating to cottars living on the lords' demesnes. I. Orosz, 'Peasant Emancipation and After-effects', in P. Gunst, ed., *Hungarian Agrarian Society from the Emancipation of Serfs (1848) to the Reprivatization of Land (1998)*, New York, 1998, pp. 75-91, Pajkossy, 'Kossuth', p. 72,

<sup>52</sup> These rights of access made enforcing the exclusive noble right of hunting almost impossible and, as such, some lords chose to lease hunting rights as another source of income. K.T. Mérey, *A somogyi parasztság útja a feudalizmusból a kapitalizmusba*, Budapest, 1965, pp. 36-38

<sup>53</sup> MOF, X4308, A293-321: N58, pp. 26-32 and N59, pp. 156-62



herds of cattle, horses and sheep, the peasants leased areas of pasture as large as their urbarial land from their lords' demesnes. As will be shown in subsequent chapters, it is clear that defending their rights to communal land was of great importance to the peasants in the period after the Urbarium. What is more, when urbarial relations began to be unravelled in the 1830s, the question of how the peasants' rights of use could be converted into property rights became a central part of the debates on land reform.

Another form of extra-urbarial land accounted for, albeit imperfectly, by the Urbarium was cleared land, or *írtvány*: virgin land which the peasants cleared from forest or scrub, or drained from swamps and marshes, which was then added to their plots.<sup>54</sup> With much of the country in the first half of the eighteenth century being unpopulated and uncultivated, offering peasants incentives to clear land had been an important means to encourage resettlement. Even by the 1760s there was still much potential for the area of cultivated land to be expanded in this way, and the Urbarium sought to further encourage the practice by confirming the special status of *írtvány*. The *írtvány* was to be exempt from the normal obligations owed by the peasants, including any *robot* and the ninth, aside from a one-off clearing fee paid to the lord as acknowledgement of his seigneurial rights. At the time of the urbarial surveys, many peasants chose to record almost all of their land as *írtvány* rather than as urbarial *sessios* so as to reduce the obligations they owed, which could have been done only with the collusion of county and estate officials. As such, there appeared in the surveys whole communities of cottars or landless peasants who farmed an extensive area of *írtvány* in addition to their small household plots.<sup>55</sup> However, as with other forms of extra-urbarial land, the peasants' rights to the *írtvány* were not as clear cut as their rights to the urbarial land. A clause of the Urbarium granted lords the right to reclaim the peasants' *írtvány* at a later date on the condition that the peasant was then compensated for his labour expended in clearing the land in cash or kind: the customary right of *regulatio*.

The origins of *regulatio* are obscure. Werbőczy made no direct reference to *regulatio* and only alluded to the process by which a landlord could reclaim a peasant's plot. The *Tripartitum* stated that the nobility had the right to reclaim portions of peasant-farmed land only if it was required to fulfil the lord's

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<sup>54</sup> Articles II and IV of the Urbarium, Townson, *Travels*, pp. 110-11, 116-17

<sup>55</sup> Varga, *Jobbágyi földbirtoklás*, pp. 33-35

obligation to his heirs (to provide a house for a son) and the peasant would then be compensated with the ‘common estimation’ of the property.<sup>56</sup> Again in the Urbarium there was no specific reference to *regulatio*. The law had confirmed a lord’s right to exchange a peasant’s plot for an area of dominical land elsewhere on the estate of equivalent size and fertility and on the condition that the peasant was compensated for any improvements made to the land. The lord could also claim land cleared by his peasant tenants (the *irtvány*) so long as the peasant received the common estimation of the land. However, true to its intentions of protecting the peasants’ plots, the Urbarium had made it clear that in neither case was this to result in any decrease in the total area of urbarial land.<sup>57</sup> From the late eighteenth century, there was a renewed interest in the study of the *Tripartitum* that aimed to protect the special status of noble landed property, especially its exemption from taxation. Around this time the right of *regulatio* was ‘rediscovered’ and given a name as landlords searched for legal loop-holes whereby they could extend their authority over their peasants and disposes the peasants of their land, justifying such actions through reference to a customary right.<sup>58</sup> Even then, there is no direct mention of *regulatio* in the *Corpus Juris* until 1836, when attempts were made to place it under tighter control by advising the counties to take a stronger position in supporting peasant petitions in cases concerning *regulatio*.

Of other forms of extra-urbarial land, the *remanencia* or *maradvány* (‘left-over’) and *puszta* (‘deserted’) were the most common. The *puszta*, or *sessio deserta*, included peasant plots or, in places, whole village *határs*, that had once been cultivated by peasant tenants but had since been deserted, most often during the time of the Ottoman occupation in the sixteenth and seventeenth centuries. The *puszta*s were then leased by peasants from nearby villages, retaining the same name as the abandoned village, or resettled by new tenants under agreements separate to regular urbarial relations. The origins of *remanencia* land are more obscure. Part of the *remanencia* may have come from land used by the peasants that was in excess of their urbarial allocation. This included orchards, and hemp, tobacco, and flax plantations: land deemed unnecessary for the peasants’

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<sup>56</sup> *Tripartitum*, I:40

<sup>57</sup> Urbarium, Articles II and VI, Townson, *Travels*, pp. 110-11, 116-17

<sup>58</sup> I. Wellmann, ‘Pest megye parasztsága és az úrbérrendezés’, in F. Keleti, ed., *Pest megye múltjából: Tanulmányok*, Budapest, 1965, pp. 155-58, I. Huszty, *Jurisprudentia practica*, Tyrnava, 1766, pp.59-60, G. Mérei, *Mezőgazdaság és agrártársadalom Magyarországon, 1790-1848*, Budapest, 1948, p. 137

subsistence. The size of the internal plot was also limited, the Urbarium stating that this should be no more than one hold, and any land in addition to this should be counted as part of the peasant's ploughland or meadow (and therefore subject to the ninth and tithe), and it is possible that some of the 'left-over' internal plots later became *remanencia*. Alternatively, many peasants, in collusion with their landlords, chose to hide the full extent of their holdings in an attempt to avoid taxation, limit the dues that could be demanded by their lord, or maintain the terms of earlier rental contracts outside the urbarial legislation. In this way, much of the additional land 'disappeared' from the urbarial surveys, and thus the *batár*, instead becoming *remanencia*. This *remanencia* was then leased from the lord in much the same way as *puszta*.<sup>59</sup> Whatever their origins, the *remanencia* and *puszta*, like the communal pasture and woodland, legally became part of the lords' demesnes by virtue of being excluded from the *telekkönyv*. But, as many peasants continued to farm the land, their rights of use could not be ignored.

Not all peasant communities were willing to submit to the new Urbarial agreements, and there were many means of avoiding the stipulations of the Urbarium. Land could be declared deserted, left as *puszta* or *remanencia*, and thus uninhabited by anyone who may have owed tax. Whole villages could be 'forgotten' from the accompanying land surveys, either because peasants hoped to avoid taxation or to maintain the previous system of contractual agreements. Fearing that their obligations would increase under the new urbarial contracts, peasants often perceived that it would be in their interests to avoid having their land included in the surveys, with the peasants then becoming *contractualis* or *szerződési* through concluding separate ('extra-urbarial') contracts with their lords. The terms of rent for these peasants were concluded through periodic contracts, much as had been the situation prior to the Urbarium, and the land they farmed formed part of the lord's demesne. János Varga has suggested that there were 'numerous instances' of peasants who petitioned their lords seeking to revert to *contractualis* status after 1767. In other places, only a portion of the land would be registered as urbarial, most often only the inner plot of the peasants, with a portion of the land classified as part of the lords' demesnes but rented back to

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<sup>59</sup> Varga, *Jobbágyi földbirtoklás*, pp. 11-32, E. Fél and T. Hofer, *Proper Peasants: Traditional Life in a Hungarian Village*, Chicago, 1969, p. 40. The *puszta*, which was often much larger than any *remanencia*, was normally to be found surrounding the *batárs* of the villages: any *remanencia* was often held either within the boundaries of the *batár* or directly adjacent to it, effectively attached to the urbarial ploughland and meadow of the peasants. See Chapter 2 below, pp. 63-65

the peasants under contracts, thus becoming *árendás* land, and distinguished from *contractualis* land by the fact that no peasant resided on the land, but merely cultivated it.<sup>60</sup>

Since a principal aim of the Urbarium was to record the area of peasant-farmed land to protect it from further encroachment by the lords' demesne, and thus secure the tax base of the crown, it became imperative to demarcate the urbarial and dominical land more clearly than any previous law had sought to. In addition, so as to secure subsistence for the peasants, the Urbarium granted the peasantry indisputable rights of tenure to that land which was needed to support their family, and to fulfil their obligations to their lord, the church, and the crown. Thus the peasants received the secure, hereditary right of tenure to their urbarial plot that had only been alluded to in the *Tripartitum*, with the land permanently separated from the lords' demesne. As István Orosz has noted, by recording the peasants' plots in the *telekkönyv*, an 'insurmountable wall' had been created between the peasants' urbarial land and that of the lords' demesne. Henceforth it became much harder for lords' to expropriate peasants' holdings, saving that, even before 1767, it was almost impossible for a lord to lay claim to an inhabited peasant plot. Significantly for the discussions of reform in the 1830s, the Urbarium made it impossible to emancipate the peasantry without land, for their usufructary rights had been protected in statute law for the first time.

Yet, by restricting the peasants' hereditary rights to only that land needed for their subsistence, much peasant farmed land did not receive the protection that had been confirmed to the peasants' urbarial plots. This left room for customary agreements to remain a large part of lord-peasant relations, governing the peasants' rights to extra-urbarial land, and meant that there remained potential for future disputes between lords and peasants. Whilst allowing that customary agreements could supplement the provisions of the new law, the Urbarium made it clear that, in any cases of dispute, the county courts were to act as adjudicators. In regulating the practices of seigneurial justice, not only did the Urbarium confirm the position of the county officials in lord-peasant relations, but it also reaffirmed the possibility for peasants to appeal to higher legal authorities in defence of their rights. The procedure for appeal was expanded

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<sup>60</sup> Varga, *Jobbágyi földbirtoklás*, pp. 104-07

upon in 1791 and 1792, when laws permanently removed the right for lords to rule in cases concerning their own peasant tenants.<sup>61</sup> The peasants' right of appeal was to shape the nature of lord-peasant relations until 1848. The right of appeal confirmed that negotiation between peasants, their lords and the courts would form a part of normal lord-peasant relations. And through the negotiations, establishing the terms of the peasants' rights to the land and the dismantling of urbarial relations begun prior to emancipation was to be a two-way process, settled between the parties involved as much as by the diets in Pressburg or lawmakers in Vienna.

## VI

Together, the *Tripartitum* and the Urbarium provided the legal framework for property rights and lord-peasant relations up to the abolition of Hungarian 'feudal' law during the Reform Age. The *Tripartitum* had confirmed the peasants' status as one of rusticity, limiting their rights to the land to the *dominium utile*, and confirming the lords' right of the *dominium proprietatis*. In the eighteenth century, through the laws of 1723 and then, more effectively, through the Urbarium, the peasants' right of *dominium utile* to their urbarial plots had become permanent. But, since the *dominium utile* had not been extended to all the land that peasants' farmed and to which they claimed rights of use, specifically the communal and extra-urbarial lands, there had remained grey areas wherever custom continued to play a role in lord-peasant relations.

In the 1830s and 1840s, the lawmakers worked within the framework provided by the *Tripartitum* and Urbarium first to define, and then take apart, 'feudal' property rights and urbarial relations. The reformers realised that their

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<sup>61</sup> Articles 35:1791 and 12:1792. This right had long since ceased to be practised, for it proved too costly and time-consuming for many lords. According to the 1791/92 laws, the village council, aided by the village notary and jurors, first submitted a written complaint to their lord or his representative, the estate stewards and bailiffs. If any matter remained unresolved, the petition would be forwarded to the county, which then issued a summons for representatives of both parties to come before a court hearing while, at the same time, officials (either the *ispán* or *szolgabíró*) were sent to investigate the case and ensure any ruling was carried out. Both parties could then appeal the ruling in Pest, or either party could petition the Crown in Vienna. The latter had no direct legal impact on a given case but if a petition won the sympathy of the Crown pressure could be applied to the courts. These proceedings were, of course, costly, particularly if the peasants chose to send representatives to Pest or Vienna from the more remote extremes of Hungary, and relied on the village possessing a competent and sympathetic notary. Nevertheless, as will become apparent in later chapters, such obstacles do not appear to have limited the peasants' attempts to defend their rights through the courts. See I. Kalláy, *Úriszéki biraskodás a XVIII-XIX században*, Budapest, 1985, pp. 111-12, pp. 167-75, and Eckhart, *Magyar alkotmány*, pp. 184-87

first task was ‘to rectify certain imperfections and unnecessary omissions’ of the previous laws, as it was put by one deputy at the diet of 1832/36, converting ill-defined customary rights into statutory rights supported by appropriate legislation.<sup>62</sup> This would involve placing lord-peasant relations on a firmer legal footing, whereby the mutual rights and obligations of peasants and lords would be better accounted for, and which could be grounded on a more rational (i.e. ‘capitalist’/ ‘non-feudal’) basis. The reforms would then serve as the basis for private property rights, the bedrock of any liberal order, and ease the ‘civil transformation’ of Hungary from a ‘feudal’ society to one based on legal equality and economic advancement: the ultimate goal of the Reform Age.

This model of land reform, which had been, from the late 1820s, eloquently developed by Stephen Széchenyi, the catalyst of the Hungarian reform movement, was much discussed at the diet and in the press between the ‘First Reform Diet’ of 1832/36 and the emancipation acts of 1848.<sup>63</sup> But, at first glance, it would seem that the reforms passed in that time achieved little. Articles IV to X of 1836 amounted to little more than a confirmation of the Urbarium with only a few, apparently minor, modifications: the long journey was abolished; the lords’ right of *regulatio* was curbed; and the counties were urged to greater efforts in recording the terms of urbarial agreements.<sup>64</sup> Voluntary redemption agreements, permitting the peasants to convert all their dues into a one-off payment, had been discussed in great detail. But the proposal was narrowly defeated by the efforts of the court in Vienna, whose members had waged a campaign against liberal elements within the counties, and the conservatives of the Upper Table.<sup>65</sup> Laws enabling the separation of communal land, the allocation of rights to *remanencia*, and permitting peasants to incorporate any *irtvány* within their urbarial plots were passed, and the role of the counties in settling matters of disputes was enhanced. Thus Laws VII, X and XI of 1836

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<sup>62</sup> Z. Fónagy, ‘Az úrbéri operátum megyei tárgyalása (1831-32)’, *Agrártörténeti Szemle*, 40-41, 1992-93, pp. 32-34, see also, KLÖM, Vol. 1, pp. 123-42, pp. 336-43

<sup>63</sup> Through his three major works, *Hitel* (Credit, 1830), *Világ* (Light, 1831), and *Stadium* (Stage, 1833), his prominent role at the diets, and his conspicuous activities with the National Academy, gentleman’s clubs, and horse-racing, Széchenyi had placed himself at the forefront of the reform opposition. His influence was such that, merely by broaching a subject, Széchenyi made it a matter of national importance. See Sarlós, *Széchenyi István, Orosz, Széchenyi és a kortársai*, Barta, ‘Széchenyi’, G. Barany, *Stephen Széchenyi and the Awakening of Hungarian Nationalism, 1791-1841*, Princeton, 1968

<sup>64</sup> CJH, 1836-68, pp. 15-49

<sup>65</sup> P. S. Sandor, *A jobbágycézés az 1832/36-os országgyűlésen*, Budapest, 1948, pp. 84-109, Z. P. Pach, ed., *Magyarország története 1790-1848*, Budapest, 1980, Vol 2., pp. 720-29

enabled the division of communal and extra-urbarial land, according to the terms of its use and accounting for the size of the peasants' holdings, between the peasants and their lords; confirmed that the peasants' urbarial rights extended to any area of cleared land acquired since the first urbarial surveys; and provided for the redistribution of extra-urbarial land amongst the landless cottars. Once agreement on these issues had been reached between the peasants and their lords, the cases had to be brought before the county courts, which were responsible for ratifying any such agreement, recording the division of land in the registers (and thus written law), and rule in any case where rights remained uncertain.

In 1840, the law concerning redemption agreements that had been rejected in 1836 was accepted, but on such terms that it was almost impossible for most peasants to come to terms with their lords. Any agreement had to be reached through consensus between the lords and the majority of a peasant community, with the peasants having to meet the full cost of redemption themselves. The agreement then had to be sent to the county courts and to the chancellery in Vienna to be ratified as the authorities had to be satisfied that the contact was in the interests of the 'common good': defined, by the terms of the law, as 'convivial relations' between lords and peasants, the improvement of agriculture, and the continuing welfare of the peasants.<sup>66</sup> In fact, the principle of voluntary redemption agreements was nothing new. It had long been common for peasants to conclude agreements with their lords to convert *robot* or rents in kind into cash payments and, in the early nineteenth century, a few communities had already been able to redeem their obligations to their lords permanently.<sup>67</sup> Even should agreement be reached, however, and the cost of redemption met, the peasants would not receive permanent rights to the land, since this continued to be restricted to the nobility. Finally, by Article IV of 1844, the peasants were granted the right of *dominium proprietatis* over their urbarial property once redemption payments had been met: the 'logical consequence' of the 1840 law.<sup>68</sup>

More importantly, the discussions at the diet of 1832/36, continued thereafter in the press, had successfully challenged the concept of 'property' and 'property rights' as taken from the *Tripartitum*. It was to be the redefinition of

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<sup>66</sup> MOL N.66, Archivum Regni Diaeta Diaeta Anni, 1832/36, IX, pp. 270-98, 310-39, MOL N.

<sup>67</sup> Archivum Regni Diaeta Diaeta Anni, Országgyűlési jegyzőkönyvek, 1839/40, I, pp. 303-24

<sup>67</sup> I. Barta, 'Korai örökváltság szerződése', *Agrártörténeti Szemle*, 1, 1961, pp. 94-101

<sup>68</sup> Orosz, 'Peasant Emancipation', p. 56

property rights that guaranteed the peasants' urbarial plots had to become their private property following redemption or, after 1848, emancipation. Furthermore, the redefinition of property rights not only confirmed the peasants' rights to their urbarial land, but also extended these rights to a great part of the land which had been used by the peasants under customary agreement but which had not formed part of their urbarial plots. In the first decades of the nineteenth century there had been a concerted effort by jurists, notably Károly Pfahle, Pál Szlemenics and Ignác Frank, to establish the nature of property rights in Hungary. Primarily conservative defenders of noble privileges, they had sought to reinterpret the appropriate clauses of the *Tripartitum* as a means to assert the lords' seigneurial rights over the peasants' urbarial land, thus challenging the limitations imposed on seigneurial rights by the Urbarium. Maintaining the distinction between *dominium proprietatis* and *dominium utile*, the jurists argued that the peasants' obligations were not a matter for private agreement, nor did they stem from the terms of the Urbarium. Rather, the peasants' obligations derived from the landlords' authority and original jurisdiction over their tenants' urbarial land. The assertion of noble rights to urbarial land had been intended as a means to justify the use of *regulatio*, whereby lords had been able to argue in the county courts that they might dispossess a peasant of his land. Furthermore, by asserting the exclusivity of noble rights to landed property, the jurists also confirmed the limitations of the peasants' usufructary rights, rendering the peasantry incapable of possessing landed property.<sup>69</sup> This view was not only held by the more conservative elements within the nobility, who took the view that 'in this freely governed country the land is the absolute property of the lord [...] this is not only a historical fact, but due to our enlightened laws', reaffirming the link between the exclusively noble nature of landed property and Hungary's constitution.<sup>70</sup> Even the more liberal advocates of reform, including Széchenyi and his close friend and travelling companion Miklós Wesselényi, accepted this reading of the *Tripartitum* largely unchallenged. In *Stadium*, Széchenyi had argued that 'according to our present system Hungarian land devolves to the Prince and to the Nobility. Therefore, according to our laws, we have an undeniable right to

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<sup>69</sup> A ruling in 1739 had confirmed that non-nobles were incapable of acquiring landed property. Fónagy, 'Úrbéri', p. 194, Orosz, *Széchenyi és a kortársai*, p. 191, Pajkossy, 'Kossuth', p. 73

<sup>70</sup> MOL N.66, Archivum Regni Diaeta Diaeta Anni, Országgyűlési jegyzőkönyvek, 1832-36, III, pp. 250-51, KLÖM, Vol. 2, p. 80



all the land of our peasants, for he only holds this land in usufruct.<sup>71</sup> Likewise, Wesselényi had noted, in his own polemic of reform, that ‘there is no room to doubt that, while the peasants make use of the land, all rights of ownership pertain to the lord.’<sup>72</sup> It thus followed that granting full property rights to the peasants following any redemption agreement contradicted the fundamental laws of Hungary.

In the course of the debates at the diet of 1832/36 the Werbőczian concept of property rights was challenged by the liberal advocates of reform, including Ferenc Deák, Ferenc Kölcsey, Pál Nagy, and Gábor Klauzál. It was their purpose to secure tenancy rights for the peasantry, not only to the urbarial plots but also to the extra-urbarial land. But even this was not seen as a radical overhaul of rural relations. For the liberals, reform would merely confirm the rights of the peasants to their land as established by customary practice in written law as necessitated by the tenets of liberalism. As Deák stated, ‘the freedom of the individual and the right to property are not privileges of the few, but are primordial rights that may be demanded by all citizens. Our first obligation is to secure them for all.’<sup>73</sup> To do so, the liberals referred back to earlier laws, including the *Tripartitum*, to challenge accepted views on the nature of property rights.

First, as Pál Nagy observed, those laws which had granted to the peasants freedom of movement established a precedent for granting further freedoms to the peasantry, including full rights of property. Therefore such a step would not be an unheralded attack on Hungary’s constitution.<sup>74</sup> Secondly, the legislation of the eighteenth century, particularly the Urbarium, had established lord-peasant relations not as a private but as a civil matter. Thus the crown and diet, in its role as legislator, had the power to interfere in lord-peasant relations, changing the terms or fundamental nature of these relations, including mandatory redemption. Through reference to the *Tripartitum*, Deák asserted that the peasants’ rights to their land were not restricted to the *dominium utile*, but extended to the ‘jus de substantia rei disponendi’: the right to dispose of the wage and fruits of their labours. Furthermore, since the peasants’ urbarial plot had been permanently

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<sup>71</sup> I. Széchenyi, *Stadium*, Lipcse, 1833, pp. 190-91

<sup>72</sup> M. Wesselényi, *Balítéletekről*, Bucharest, 1833, p. 234

<sup>73</sup> M. Kónyi, ed., *Deák Ferenc beszédei*, Budapest, 1903, Vol. I, pp. 37-38

<sup>74</sup> MOL N.66 Fasc. D. n.54 Lad. XX no. 18, Országgyűlési iratok, CXXIX ülés: LXXXVIII szám alatt, pp. 416-20, KLÖM, Vol. 1, pp. 336-43.

separated from the lords' demesne and was 'unreclaimable', the lords' *dominium proprietatis* was incomplete. The peasants' rights were, to all effect and purpose, a perpetual lease: the lords' rights, in contrast, were restricted to the dues and obligations owed. As Deák put it to the diet in 1834, 'a peasant's rights must be seen as secure ownership since [...] a peasants' plot is leased under the conditions that this rent cannot increase, that the possessor cannot be removed legally, that the plot cannot be exchanged for another, and the peasant owes no more than the stated obligation. Therefore must it not be termed his perpetual property?'<sup>75</sup> None saw fit to challenge Deák on this point. From then on, once the peasants' obligations had been redeemed the peasants' land had to become their private property. It only remained to establish the terms of redemption and how far Deák's assertion could be applied to the peasants' customary use of land not recorded in written law.

Deák's arguments were subsequently popularized by Louis Kossuth in a series of articles published in *Pesti Hírlap* during the course of 1841. In these articles Kossuth enthusiastically embraced the cause of 'free land and free men', and proposed increasingly unrealistic ideas for land reform.<sup>76</sup> Kossuth's ideas included compulsory redemption partly funded by the state, and permitting the peasants to cede rights to a portion of their urbarial land to pay for redemption: an idea that had been rejected at the 1832/36 diet. While it was never likely that Kossuth's proposals would be passed into law by the diet, his efforts maintained the momentum behind land reform, which was made all the more urgent after the violent *jacquerie* in Galicia in 1846. Most importantly, Kossuth continually asserted the diet's responsibility to interfere in lord-peasant relations, thus ensuring the 'peasant question' was rarely off the agenda in the build-up to 1848. Once the revolutionary moment arrived, the abolition of what remained of the 'feudal' system of land tenure and the 'liberation' of the peasantry was inevitable.

When the last 'feudal' diet in Hungary emancipated the peasantry in April 1848, the remnants of the 'feudal' system could be abolished with the swipe of a pen. Article IX of 1848 ended the peasants' obligations in labour and kind to

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<sup>75</sup> MOL N.66, Archivum Regni Dietae Dietae Anni, Országgyűlési jegyzőkönyvek, 1832-26, III, p. 249. See also, M. Sarlós, 'Deák Ferenc és az úrbéri földtulajdon az 1832/36-i országgyűlésen', *Jogtörténeti tanulmányok*, 1, 1966, pp. 193-210

<sup>76</sup> Kossuth's arguments for reform, based on increasingly direct appeals to the peasants, bear marked similarities to the wider European movement towards emancipation. See, for example, J. Gagliardo, *From Pariah to Patriot. The Changing Image of the German Peasant, 1770-1840*, Lexington, 1969, pp. 24-57

their former landlords, and Article XI abolished the lords' patrimonial justice over their former tenants. In doing so the April Laws freed some eight million peasants from their seigneurial obligations, confirming their rights to three quarters of the land they had farmed as it did so. This amounted to little short of eleven million holds of land, or fifty-five percent of all cultivated ploughland and meadow. Even then a number of important issues stemming from more peculiar aspects of land tenure remained unresolved: areas of communal land, vineyards and cleared land were left of uncertain ownership, totalling a little less than 2.5 million holds.<sup>77</sup>

By the mid-nineteenth century few doubted that reform of Hungary's rural order was needed, and between 1832 and March 1848 the deputies at the diets had worked to limited aims, and within an established legal framework, to do just that. Yet the immediate impact of the laws passed before 1848 was, undoubtedly, restricted. Between 1836 and 1848, less than one percent of peasant villages successfully concluded redemption agreements with their lords, releasing no more than two percent of peasant-farmed land. Little more than a quarter of peasant communities had established terms for the division of communal land or resolved their rights to their extra-urbarial lands before 1848 and, of these, only two-thirds had enacted any division of the disputed lands.<sup>78</sup> These achievements pale in comparison to the impact of the April Laws. But, as will become apparent in subsequent chapters, despite their apparently limited impact, the laws of 1836, 1840, and 1844 would go some way to resolving the ambiguities within the existing system of land tenure. The reformers at the diet had identified some of the central problems inherent in Hungarian rural society and, arguably, had gone some way to addressing them. The majority believed voluntary redemption, properly supervised by the authorities, and accounting for the peasants' customary rights to the land, would be sufficient to place land tenure on a more rational basis, fully accounted for in written law. Plans for the wholesale overhaul of rural relations remained only the ideas of a radical minority, isolated from the mainstream of political opinion. It was only as the old order collapsed around them, in the spring of 1848, that the reformers seized

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<sup>77</sup> Orosz, 'Peasant Emancipation', pp. 53-54, 61-65, Pajkossy, 'Kossuth', pp. 71-72, *A jobbágyfelszabadítás kivívása 1848-ban*, Budapest, 1971, pp. 343-55, Varga, *Jobbágyi földbirtoklás*, pp. 128-36

<sup>78</sup> Orosz, 'Peasant Emancipation', pp. 63-64

the opportunity to complete the abolition of what was left of the 'feudal' laws, doing away with the peasants' *robot* and dues in kind, and putting an end to seigneurial justice. Contrariwise, and as we will see, the old order had worked, to a degree, with only a few, specific problems in need of reform. The rest of this work will test this assertion, drawing out in more detail how the old rural order worked, where it failed, and how far the reforms of the eighteenth and nineteenth centuries addressed the failures.

## 2: The Hungarian village: a sketch of rural conditions

### I

The peasant, in his daily routines and shaping the decisions that he made, was led by the land that he tilled and by the horizon – the *batár*, more correctly boundary – of the village in which he had his being.<sup>1</sup> Thus providing a sketch of the form of the village and *batár* seems the best place to begin when providing an image of rural conditions. Broadly speaking, eighteenth and nineteenth-century Hungary was divided into two regions: that which had been under Ottoman occupation in the sixteenth and seventeenth centuries, and that which had not.<sup>2</sup> The first consisted primarily of the Great Plain, but also extended onto the fringes of Transdanubia south and east of Lake Balaton. The second, more varied, region stretched in an arc from Croatia-Slavonia, across Transdanubia and the Kisalföld (Small Plain), and into the upland regions of present-day Slovakia. As we shall see, the Ottoman occupation had a significant impact on the form of settlement and agriculture on the former region whilst, in the latter region, villages had been able to develop largely unaffected by the Ottoman presence. Furthermore, the different experiences of the two regions are a theme that will run throughout this work.

The village consisted not only of the buildings and people who inhabited them, but also included the land farmed by the peasants that surrounded the village: the *batár*. As noted before, and as we will return to again, until the mid-eighteenth century there had been little distinction, either physically or legally, between land farmed by the peasants under hereditary rights of usufruct (which later became their urbarial land) and the lords' demesne, which was reserved for his private use. In a country that was under-populated, and thus under-cultivated, land could be readily available for whoever had the will and the means

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<sup>1</sup> It is interesting to note that the territory of the village (*batár*) is described by reference to its border, *batár* being also translatable as 'boundary' or 'border'. Cf. with the county (*megye*), the unit of political administration in Hungary, which derives etymologically from 'mega', also meaning 'boundary'.

<sup>2</sup> This distinction only applies to 'Hungary proper', that is excluding the Banat of Temesvár, the Military Frontier region, Croatia-Slavonia and Transylvania, all of which formed separate units of administration within the Habsburg Monarchy for most of the period under study. This work investigates rural conditions in Hungary proper, primarily due to constraints of time and space. It is worth noting, however, that the Urbarium only applied to Hungary proper (a separate Urbarial Patent had been passed for Croatia-Slavonia in 1757, and one was planned for Transylvania but never issued).

(a plough and a team of oxen) to farm it. Peasants were able to clear and cultivate any convenient piece of land, farming it until the soil became impoverished, before moving on to an area of virgin land, allowing the original land to replenish itself or revert to scrub. This semi-transient, apparently haphazard system of 'slash and burn' was not, however, completely unregulated: it was the duty of local officials, either the village notaries or estate bailiffs, to record who was cultivating the land at any given time, thus providing a means for lords to collect rents and for the Crown to claim taxes. Gradually, from the end of the thirteenth century onwards in western Hungary, the system of cultivation and settlement became more permanent, with fixed villages practising a two or, very occasionally, three-field rotation system of cultivation. This process was well established, and had been largely unchanged, in most of Transdanubia and the northern uplands through to the early eighteenth century, but had been interrupted by the period of Ottoman occupation in south-eastern Transdanubia and on much of the Great Plain. In the latter two regions, unregulated 'slash and burn' continued until the mid-eighteenth century and the land surveys that followed the Urbarium. From that time, as peasants established more permanent private plots, the three-field rotation took hold and then persisted, as it did throughout much of Hungary, until the second half of the nineteenth century.<sup>3</sup>

The appearance of the villages varied between, on the one hand, Transdanubia and the upland regions and, on the other, the Great Plain, largely as a result of the depopulation and devastation of the Ottoman occupation. The most apparent distinction was varieties in the size of the villages and extent of the *határs*. In western Transdanubia and the upland counties, where the individual peasant plots tended to be smaller, the villages themselves were smaller. It was

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<sup>3</sup> I. Wellmann, 'Földművelési rendszerek Magyarországon XVIII. században', *Agrártörténeti Szemle*, 9, 1970, pp. 344-70. Despite the efforts of some of the more enlightened estate owners, notably György Festetics on his estate at Keszthely, multi-field rotation systems, involving various fodder crops and heavier fertilization, were slow to gain ground in Hungary. One reason for this, as noted by the peasants of Átány, was that the new crops often required more intensive work, in particular more hoeing, than grain and few peasants wished to dedicate the extra care and attention thus demanded. As such, new crops were only experimented with on 'spare', often extra-urbarial, land not required for the peasants' immediate subsistence. Furthermore, due to the additional labour involved, this land had to be located close enough to the house for the peasants to make frequent trips to and from the fields. E. Fél and T. Hofer, *Proper Peasants: Traditional Life in a Hungarian Village*, Chicago, 1969, pp. 40-44, J. Blum, *Noble Landowners and Agriculture in Austria, 1815-1848: A Study in the Origins of the Peasant Emancipation in 1848*, Baltimore, 1948 pp. 127-28

rare for a village to contain more than a few dozen households, most of which possessed between a quarter and a half of a full *sessio* (between nine and thirty acres).<sup>4</sup> As such, the *batárs* in these regions rarely extended beyond a few thousand *holds*, and frequently amounted to no more than a few hundred *holds*. In the more densely populated regions of northern and western Hungary, the villages were more tightly packed, with the fields of one *batár* often bordering those of the next. The Great Plain, by contrast, was characterized by few, scattered but significantly larger villages. On the edges of the Great Plain, and expanding into the south-eastern parts of Transdanubia, villages could be formed of a few hundred households, their *batár* covering ten thousand or more *holds*. As one travelled east on the Plain, and the settlements became more infrequent, the villages could contain a thousand or more households, and individual *batárs* 100,000 or more *holds*. These were the market towns of the Plain, occasionally referred to as ‘peasant cities’. As an illustration of the great difference between west and east Hungary, the village of Nagy-Surány, on the Károlyi estates in Nyitra county, was populated by thirty-one landed peasant and fifty-five cottar households in the 1820s, with a *batár* of 595 *holds*. At Hódmezővásárhely, a market town in Csongrád county on the estate of the same family, there were 854 landed peasant households and 964 cottar households farming a *batár* of 89,521 *holds*.<sup>5</sup>

After the Urbarium was issued in 1767, bringing with it the more widespread use of land registers, the village *batár* became a more distinct unit, consisting of the peasant *sessios* (made up of a house, inner plot and garden, and an area of ploughland and meadow) and, in places, areas of communal pasture, reed beds, ponds and woodland. As a consequence, the structure of the village and the fields within the *batár* became more firmly set, and the system of cultivation was placed under greater regulation by the village councils or estate officials. The borders of the *batár* were demarcated by stones, ditches or raised

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<sup>4</sup> See I. Felhő, *Az úrbéres birtokviszonyok Magyarországon Mária Terézia korában*, Vol. 1, Budapest, 1970, pp. 13-15, 44-45

<sup>5</sup> G. Éble, *A nagy-károlyi gróf Károlyi család összes jószágainak birtoklási története*, Vol. 2, pp. 305-06, MOF X.4001 O. 83 HMV t. ír., kötet 1, pp. 1-5, 16-33. At both Nagy-Surány and Hódmezővásárhely the peasants had access to land in addition to that within the *batár*, the extra-urbarial land, but again this serves to reinforce the difference conditions in west and east Hungary. At Nagy-Surány, the extra-urbarial land included 1,294 *holds* of pasture and 51 *holds* of vineyards. The peasants were also able to rent another 1159 *holds* from nearby *pusztas*. At Hódmezővásárhely, the area of extra-urbarial land available to the peasants granted them access to a total of more than 200,000 *holds* of land. See Chapter 5, below, pp. 146-47

mounds of earth, separating one *batár* from the next. In the wake of the Urbarium, new boundary marks separated the *batár* from the landlord's demesne, the communal pasture, and the extra-urbarial land: in this way legislation was literally etched on landscape.<sup>6</sup> As with their respective size, there were some significant differences between the physical make-up of the villages in Transdanubia and on the Great Plain. Again, this was largely due to the different experiences of the sixteenth and seventeenth centuries, but some differences can be attributed to variations of the landscape or, more tenuously, but as contemporary observers were wont to do, the ethnicity and religion of the peasantry. For example, the English traveller John Paget believed that rural conditions were worse in the Upland regions than elsewhere not only due to the poor soil but to the drinking habits of the Slovak peasants. As Paget observed, 'the Schlovack [sic] is, after the German, probably the most industrious of the inhabitants of Hungary [but] drunkenness is the Schlovack's bane, and leaves him among the worst lodged, worst fed, and worst clothed of the Hungarian peasantry.'<sup>7</sup> Likewise, the survey of the Károlyi estates already cited blamed the different income that could be claimed from neighbouring villages in Abaúj county on the fact that one was inhabited by Orthodox Ruthenes, who were 'lazy, drunken, and poor', and the other by Catholic Magyars, who could be relied on for being industrious, good farmers, and timely with their rents.<sup>8</sup> These accounts contrasted with those on the Great Plain, where the Slovak peasants, who arrived in the region in the early eighteenth century as part of the repopulation process, received praise whilst their Magyar neighbours got only condemnation. As an unknown eighteenth-century commentator recalled, the

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<sup>6</sup> Fél and Hofer, *Proper Peasants*, pp. 40-58, I. Rákos, 'Határhasználat és tulajdonviszonyok Szegeden és Hódmezővásárhelyen a feudalizmus utolsó évszázadában (1750-1848)', *Agrártörténeti Szemle*, 46-47, 1997-98, pp. 128-46. As has been frequently noted elsewhere, prior to the Urbarium, since most land was held and farmed by the peasants, it was possible for the boundaries of the *batár* to change frequently, expanding as the peasants laid claim to any uncultivated land, so long as this did not impinge on a neighbouring village. Thereafter, with the special status of *irtvány* having been confirmed by the Urbarium, the peasants' efforts of expansion were limited to that uncultivated land, forest and marsh surrounding a *batár*, and that could easily be incorporated into it. The boundaries of the *batárs* are still visible today in many parts of Hungary, particularly Transdanubia and the smaller villages on the edges of the Great Plain, such as Átány. Tellingly, however, the *batárs* of the market towns and larger settlements of the Great Plain are almost impossible to make out, indicative of the transient nature of agriculture for much of the eighteenth and nineteenth centuries, and the significant changes to the landscape of that region that have occurred since.

<sup>7</sup> J. Paget, *Hungary and Transylvania: with Remarks on their Condition, Social, Political, and Economical*, London, 1855, Vol. 1, pp. 85-86

<sup>8</sup> Éble, *Nagy-károlyi*, Vol. 1, pp. 271-74



Slovaks were favoured tenants since they were 'hard-working, unpretentious and submissive'; the Magyars were, by contrast, 'litigious [and] clung so firmly to their rights.'<sup>9</sup> This is a characteristic of the Hungarian peasant that we shall frequently encounter. Despite these variations, however, some universal features of a typical Hungarian village may be observed.

Two forms of village, both with their origins in the fourteenth and fifteenth centuries, have been identified in Hungary: the linear village, where houses were neatly aligned along one or two main streets, and the irregular and compact circular village.<sup>10</sup> But, irrespective of the form of a village, at the centre lay the church. As the 'Proper Peasants' of Átány, in Heves county, attested, the church 'could not be in any part of the village but the centre, as it belongs to the whole community.'<sup>11</sup> On the Great Plain, both the fields and the houses of the peasants radiated from the church, giving the villages a centripetal appearance. In Transdanubia and the Upland regions, where the linear village was the norm, the church was still found in the centre, but the fields stretched out in a narrow band behind the houses. It was common for a small square or green to be found outside the church where, formally, the village council would meet or, less formally, news and gossip would be exchanged. As Richard Bright, another English visitor, noted in respect of these squares the 'villages assumed a very English appearance.'<sup>12</sup>

In Transdanubia, visitors to Hungary often commented, with quite a degree of surprise, on the neatness and well-kept condition of the peasant villages, which they found to reflect the general agricultural wealth of the countryside. Their accounts offer an unrivalled picture of the form and conditions in such villages. On visiting an unnamed village in western Transdanubia, Paget, having expected to see nothing but want and misery, recalls how, on seeing the 'rows of whitewashed cottages on either side, shaded by acacias and walnuts it was impossible to observe the comfortable appearance of everything around us without feeling convinced that I had been in error.'<sup>13</sup>

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<sup>9</sup> Cited in H. Marczali, *Hungary in the Eighteenth Century*, Cambridge, 1910, pp. 212-14

<sup>10</sup> K. Eperjessy, *A magyar falu története*, Budapest, 1966, pp. 54-72, L. Kósa, *A Cultural History of Hungary in the Nineteenth and Twentieth Centuries*, Budapest, 1998, pp. 26-30

<sup>11</sup> Fél and Hofer, *Proper Peasants*, p. 36

<sup>12</sup> R. Bright, *Travels from Vienna through Lower Hungary*, Edinburgh, 1818, pp. 460-61

<sup>13</sup> Paget, *Hungary*, Vol. 1, pp. 285-87. Paget hints at the identity of the village as being village 'Z ...' on the estate of 'Count Sz ...'. Since Paget spent much time in the company of István Széchenyi, it is safe to assume that it was a village on one of his estates around Nagycenk.

Similarly, Bright was ‘surprised to find, that men, so neglectful of their personal appearance, should enjoy in their houses so much comfort and good order’, with food ‘in quantities which it would astonish us to find in an English cottage.’<sup>14</sup> These conditions did, of course, contrast with those Paget had encountered earlier in the Slovak villages, but the latter were at odds with ‘the neatly fenced farm-yards, large barns and stables, and well-made corn stacks’ across much of the country he visited.<sup>15</sup>

On the peasants’ houses, both Paget and Arthur J. Patterson, who visited Hungary in the years after 1848, are effusive. Patterson, providing one of the most detailed accounts, wrote,

“In the Magyar village every cottage is situated on one side of a small court, yard, or garden. This garden is separated from the road by a fence, which is in most places made of wood, sometimes of reeds, but very seldom is a quickset hedge. The gable-end of the cottage is, as a rule, turned to the road [...] the eaves overhang very far, and afford shelter to a sort of brick terrace.”<sup>16</sup>

Paget echoes Patterson’s description of the peasant houses, offering an image of ‘a long one-storied building, presenting a gable only to the street, with an enclosed yard facing the whole length of the building [...] the yard is separated from the street by a handsome double gateway and stately wall; sometimes by a neat fence formed of reeds, or of the straw of the maize; and sometimes by a broken hedge.’<sup>17</sup> Although the building materials could vary from brick and stone in Transdanubia, to timber in the more mountainous regions, and wattle-and-daub on the Great Plain, the outside appearance of the cottages remained largely unchanged, not least because, as Patterson observed, ‘the Magyars are even more given to whitewash than the Welsh themselves.’<sup>18</sup> Contained within the yards (which were, to Bright’s eyes, ‘usually much neglected [...] the dirty receptacles of a thousand uncleanly objects’) could be a stable, a cowshed, pigsties, sheepfolds and poultry pens.<sup>19</sup> To Paget, these presented ‘altogether perhaps as good a picture of a rich and prosperous peasantry one could find in

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<sup>14</sup> Bright, *Travels*, p. 119

<sup>15</sup> Paget, *Hungary*, Vol. 1, pp. 85-86

<sup>16</sup> A. J. Patterson, *The Magyars: Their Country and Institutions*, London, 1869, Vol. 1., p. 177

<sup>17</sup> Paget, *Hungary*, Vol. 1, p. 287

<sup>18</sup> Patterson, *The Magyars*, Vol. 1., p. 177

<sup>19</sup> Bright, *Travels*, pp. 98-99

any part of the world.<sup>20</sup> However, as we shall see, the rich and prosperous state of the peasantry did little for the advancement of agriculture.

The structure of the villages on the Great Plain somewhat varied from the neat and orderly structure found in Transdanubia. In the centres of the villages and market towns of the Great Plain, communal approaches were not restricted to the situation of the church. The internal portion of the *batár*, that is the houses and garden plots of the peasants' *sessios*, as well as any communal buildings (the village hall, schoolhouse, inn or, later, the post-house) were viewed as the communal property of the whole village and so entered into the urbarial surveys without reference to a particular peasant plot.<sup>21</sup> Houses were arranged in a disorderly manner, with few clearly defined roads or streets to separate them, and rarely any fences or hedges to mark one house plot from the next. As with the fields, if one had the means or will to build a house, and there was space enough within the confines of the village, then one was free to do so. To provide some sense of privacy for neighbours, it was convention that no house should be built closer than three or four paces to another, but, as a popular saying went, 'a peasant built his house at the site where a brick happened to fall out of his cart.'<sup>22</sup> As such, the internal structure of the villages on the Great Plain appeared disorderly, especially when compared to the neat villages of Transdanubia. Patterson recalled, with apparent sincerity, 'the Hungarian village [on the Great Plain] is merely a camp of a nomad horde made permanent. Cottages have replaced tents, which, however, in form they still resemble [...] the streets are left large, open, unpaved, as befits the streets of a camp of light horsemen.'<sup>23</sup>

Some of the houses, if there was room, were surrounded by a yard consisting of the garden and a few outbuildings, but it was more common for the yards (the *kerts*), including a stable block, hencoop, and a partly covered shack for storing a cart and any farm equipment, to be situated on the edge of the village, separate from the house. In the larger market towns, where the *batárs* could sprawl across the open plains, the *kerts* had developed into *tanyas*, isolated farmsteads located out amongst the fields. The *tanyas*, while some distance from the main body of the village, remained closely bound to the centre, and were

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<sup>20</sup> Paget, *Hungary*, Vol. 1, p. 290

<sup>21</sup> Rákos, 'Határhasználat', pp. 136-37 Éble, *Nagy-károlyi*, Vol. 1, pp. 271-74

<sup>22</sup> Fél and Hofer, *Proper Peasants*, p. 37

<sup>23</sup> Patterson, *The Magyars*, Vol. 1, pp.174-75, Fél and Hofer, *Proper Peasants*, pp. 33-39

often held in addition to a house within the village. Draught animals and equipment were kept in the *tanyas* or *kerts*, and the men of the village tended to spend the greater part of the year away from the house, returning only for meals or special occasions.<sup>24</sup> However, by the early nineteenth century more peasants had chosen to retreat into the villages or market towns, leaving only a few farm buildings in the fields. Those who remained on the *tanyas* were looked down upon by other peasants as something of an oddity, a remnant of an earlier period.<sup>25</sup> As the *tanyas* that lay outside the *batár* were abandoned, at too great a distance from the village to be farmed by their previous inhabitants, the land around became part of the *puszta* and later absorbed into the communal pasture or private demesnes of the lords.<sup>26</sup>

## II

The internal structure of the villages, though varying from region to region, largely spoke of a peasantry that could, with some exceptions, comfortably subsist off the land. Again, this is an image confirmed by the accounts of foreign visitors. Patterson, to his horror, found that ‘such is the recklessness of the peasantry in this land of cereal abundance, that the reapers bivouacking out in the fields at harvest time often protect themselves against night frosts by burning an unthrashed [*sic*] sheaf or two.’<sup>27</sup> In a country where there was little opportunity to produce for a market, and thus no demand for a surplus, conditions were such that ‘with scarcely any exertion on [the peasant’s] part, a favourable season will bestow on him a crop exceeding the husbandman of less fertile countries.’<sup>28</sup> A similar portrait is painted by one of the most detailed pictures of the lives of the cottars, supposedly amongst the poorest of all Hungarian peasants, before 1848. In *People of the Puszta*, Gyula Illyés described the reminiscences of his grandfather,

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<sup>24</sup> In the village of Átány, where the *kerts* survived well into the twentieth century, the peasants claimed this was so that the peasant could remain close to his animals. Critics of the *tanya* system, who included the eighteenth-century agrarian reformer Samuel Tessedik, claimed it was so the peasants could escape the watchful eyes of their wives, and spend their time drinking and gambling amongst themselves. Tessedik also noted, with some frustration, that the *tanyas* offered a refuge for any boys who wished to avoid the schoolroom. I. Orosz, ‘A “rideg” tanya’, in F. Pölöski and G. Szabad, eds., *A magyar tanyarendszer múltja*, Budapest, 1980, pp. 202-08, István Balogh, *Tanyák és majárok Békés megyében a XVIII-XIX században*, Gyula, 1961 p. 5-10

<sup>25</sup> Fél and Hofer, *Proper Peasants*, pp. 56-58, Kósa, *Cultural History*, p. 30

<sup>26</sup> Even today one can find many abandoned *tanyas*, with their former yards demarcated by lines of acacias, scattered across a large part of the Great Plain.

<sup>27</sup> Patterson, *The Magyars*, Vol. 1, p. 93

<sup>28</sup> Patterson, *The Magyars*, Vol. 1, pp. 159-60

a former cottar, who looked back on the period before 1848 as one of happiness and plenty when ‘the labourers’ wives took lunch out to their men folk in wooden bowls so immense they could scarcely keep their heads upright under their weight.’ It was a time when no peasant was truly poor and even ‘the beggars rode in carts.’<sup>29</sup> The easy abundance available to the peasants was, however, to restrict any ambitions they may have harboured to gain more from their lands – a point reinforced if we look at the structure of the fields.

Reflecting the structure of the village, the field system varied across Hungary, from Transdanubia and the upland regions in the west and north, to the Great Plain in the east. As with the villages, this was in part due to the impact of the Ottoman occupation. In the former regions, a more settled population had established fixed fields and a fixed system of rotation earlier than in the latter, where the vast expanses of virgin land were more suited to a transient, if not to say careless, system of cultivation and extensive pasturing. These differences were further reinforced by the geographical features of the regions. On the Great Plain, despite the fertility of the soil, regular flooding of the Danube and Tisza, and the frequency with which one would meet swamps, marsh or morasses, made a large part of the region unsuitable for cultivation. In addition, the region was almost wholly lacking a reliable communication network, with such roads as there were no more than dust tracks, which became impassable quagmires for much of the year: a common complaint for any traveller who attempted to explore the region. Thus, even if the peasants had chosen to dedicate themselves to the production of grain there were but few means to send their produce to market. It was only in the second half of the nineteenth century, with the coming of the railways and taming of the rivers, that these obstacles were overcome.<sup>30</sup>

With these disincentives to pursue grain cultivation, animal husbandry predominated on the Great Plain, with large and extensive pastures, interrupted only by the scattered *tanyas*, sink wells, and the bivouacs of herdsmen, stretching between the villages. Again, few better descriptions can be found than that

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<sup>29</sup> G. Illyés, *People of the Pusztá*, London, 1971, pp. 55-7

<sup>30</sup> It has been estimated that more than 2.5 million hectares of farmland was reclaimed from the land around the Danube and Tisza in the nineteenth and twentieth centuries: an area more than that which was reclaimed in the same period in the Netherlands, England, and the Po and Loire valleys combined. The taming of the Tisza, in particular, had occupied Stephen Széchenyi for much of the 1840s. L. Makkai, *Agrarian Landscapes of Historical Hungary in Feudal Times*, Budapest, 1980, pp. 5-6, Kósa, *Cultural History*, pp. 10-14

provided by foreign observers. In this instance, Patterson wrote ‘the meadows which extend far and wide, whose undiversified appearance is only broken here and there by the tall wooden crane above some covered well, or by a few storks around a half-dried pool; the ill-cultivated fields whose wheat and maize are entrusted to the care of Providence [...] here and there a lonely farmhouse [...] all those objects he saw before him when he closed his eyes, all these he still has before him now they are open again.’<sup>31</sup> Enjoying closer proximity to the developing markets of the Hereditary Provinces, and without the regular flooding that plagued much of the Great Plain, conditions were more favourable for grain cultivation in much of Transdanubia and parts of the upland regions. Yet even in these regions the greater population density and a similarly woeful network of communications had not encouraged many peasants to produce much more than was needed for their own subsistence. That ‘crops could only be turned to cash through an animal’, as the peasants of Átány recalled, rang true across the vast majority of the land and, in turn, dictated the system of cultivation within the *batárs* until well after 1848.<sup>32</sup>

As noted in the preceding chapter, the Urbarium had restricted the land within the *batár* to that which was needed for the peasants’ subsistence: the ploughland and meadows. How this land was then divided once more varied from region to region. In Transdanubia and the upland regions, where linear villages predominated, it was common for the land to be held as individual peasant *sessios*, with long, thin strips of land stretching out from behind the peasant’s house and yard. On the Great Plain, however, it was the norm for the land within the *batár* to be held communally. Each peasant household would be allocated three (or multiples of three) parts, as dictated by the prevalent system of rotation, scattered around the village according to the size of his holding.<sup>33</sup> In a similar manner, the peasant household would be allocated rights to any communal land within the village in proportion to his holding. In those parts of the Great Plain where *tanyas* were common, it was not unusual for at least part of

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<sup>31</sup> Patterson, *Magyars*, Vol. 1, p. 85

<sup>32</sup> Fél and Hofer, *Proper Peasants*, pp. 48-49

<sup>33</sup> I have, as yet, found no complete record of how the size of a holding was established. As noted above, prior to the Urbarium the cultivation of the land on the Great Plain was transient, allowing peasants to lay claim to almost any land they wished. With the land surveys and registers after the Urbarium, it may well have been the case that the peasants asserted their claim to an amount of land that reflected their customary use within the village. When this was done, no doubt it would have been advantageous to have an influential position on the village council, or at least a means to bend the ear of the surveyors.

a peasant's plot, particularly any meadow, to be consolidated around the farmstead rather than dispersed across separate sections within the *batár* as was the norm elsewhere on the Great Plain.

No matter how the use of the fields was established, a system of three-field rotation had become common throughout Hungary by the mid-eighteenth century. The external portion of a peasant's *sessió*, whether held as a single unit or dispersed across the *batár*, would be divided into three or more parts, part of which was sown with spring grain (wheat), one autumn grain (barley or, from the early-nineteenth century, oats and maize), and one would be left fallow. Animals would be sent to graze on the fallow land, thus increasing the meadowland of the peasants whilst fertilizing the fields. In this way, much of the peasants' ploughland, although attached to a particular peasant plot, was, like the meadow and pasture, effectively held communally, the pattern of cultivation dictated by the surrounding strips. Furthermore, since at least a third of the peasants' ploughland was left open for grazing at any one time, the distinction made in the *Urbarium* between separate amounts of ploughland and meadow was largely irrelevant to how the land was actually farmed.

Towards the middle of the nineteenth century some villages had enacted the consolidation of strips, allowing the peasants to hold all of their plots as a single piece of land. In places where only some peasants wished to consolidate their holdings, an area of the *batár* was allocated to them, leaving the rest to be divided amongst the other peasants and maintain the three-field rotation system. Around the same time (often following any pasture separation concluded with their lords), an area of land within the *batár* could be separated and reserved for the cottars, serving as both their ploughland and meadow. However, for much of the eighteenth and early nineteenth century any such experimentation was rare: subsistence, and the independence that came with it, was the ambition of most peasants. Thus a peasant would proclaim himself to be well-off if he had never needed to buy 'either a piece of fodder or a grain of cereal' in all his life.<sup>34</sup>

If a peasant wished to experiment with different crops, or avoid the restrictions of the communal rotation system, he could request his plot to be separated from the rest of village land or, as was more common, turn to one of the forms of the extra-urbarial land. Some peasants were able to lease additional

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<sup>34</sup> Fél and Hofer, *Proper Peasants*, p. 48

land under contract directly from the lords' demesne (the *árendás* land). Alternatively, the peasants could seek to lay claim to any of the *remanencia* or *puszta* that could be found around the village. In some places *remanencia* could be found within the boundaries of the *batár*, as was often the case on the Great Plain, where reeds, swamps, and marshes made a large part of any *batár* uncultivable and large areas of land had not been allocated to a particular peasant *sessio*. Should such land subsequently be drained and made permanently cultivable by the peasants, it could become *írtvány* and, eventually, a part of the *batár*. In other places, *remanencia* could be found around the edges of the *batár*, as was more common in Transdanubia, made up of scrub, reeds, or woodland that had been cultivated by the peasants only periodically in the past. It was also common for the *remanencia* to be leased together with the lords' manorial rights (inn-keeping, butchering or milling). The *puszta*s, that is the land of an abandoned *batár*, peasant *sessio* or *tanya*, were particularly common on the Great Plain and could amount to tens of thousands of *holds* surrounding a village or market town. Only occasionally would *puszta*s be leased by individual peasants, as was the case with *remanencia*. Nor was it common for the *puszta*s to be given over to ploughland as the extent and location of the *puszta*s, often at some distance from the village, made the *puszta*s more suitable to be used as additional pasture.

Interspersed with the peasants' strips, often close to the village, would be the vineyards of the peasants, established wherever the soil was suitable. If there was no such soil within a *batár*, or less than the peasants required, vineyards could be leased from a neighbouring village or held elsewhere on the lords' demesne. So long as the vineyards were reachable, it mattered little where they were since vineyards were always held under separate conditions from the rest of the peasants' land. The peasants owed no rent other than the proportion of the vintage (convertible to cash) to the noble proprietor of the vineyard (who could be different to the proprietor of the peasants' urbarial land). Management of the vineyards, which were held communally and, not infrequently, by peasants of numerous villages, fell to the village councils, who elected a warden (a position of some prestige) and a number of assistants. In return, the warden received wages in cash and kind, and a small house plot within the village if the vineyards were located nearby. The village councils also fixed the date for harvesting and processing the grapes. Similarly, if there was insufficient pasture to graze their



cattle, or woods to forage their pigs, peasants could lease rights to such land, as part of their extra-urbarial holdings, again at some distance from their own village. As with the vineyards, a peasant, who was often a cottar from within the village, was appointed to care for the villagers' animals whilst they were away from the village.

At the head of the village was the judge, and below him, between four and twelve jurors or 'sworn-men' (*esküdtek*), all of whom were elected every year by the villagers. After the Urbarium, these were to be selected from three nominees of the landlord, but whether such restrictions were enforceable is a matter of some doubt.<sup>35</sup> The other important figure within the village administration was the notary (*jegyző*), responsible for keeping the village records. The village council was responsible not only for appointing those who tended the vineyards or looked after the peasants' livestock but also, where the land of the *batár* was held communally, set the date for the ploughing, sowing, and harvesting of the fields, and dictated when animals could be sent to forage or graze on the meadows and pasture. In addition, members of the council were responsible for policing within the village, and for collecting taxes. They could also rule in minor criminal cases, and they ensured that what rents, *robot*, or dues in kind were owed were paid on time. Furthermore, the council had to oversee and approve the land surveys conducted within the *batár*, putting their signatures to the *telekkönyv*. The council was also responsible for keeping the *telekkönyv* up to date, amending the register should a peasant *sessio* change hands through inheritance, sale, or migration, and allocating any spare land amongst the peasants of the village.<sup>36</sup> Last, and by no means least, the council was the first port of call for any peasant who wished to voice a complaint, whether against another peasant or his lord, and it was responsible, through the person of the village notary, for drafting petitions to the lord, county or crown. In short, a position on the council was, if at times unpopular, one of considerable influence within the village. As such, it

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<sup>35</sup> When landlords forced nominees on the villagers, the peasants saw this as an affront to their autonomy and, in at least one instance, sparked rural unrest in the 1760s. See Chapter 3, below, pp. 88-89

<sup>36</sup> Regular land surveys began in the years following the Urbarium, with instructions for subsequent surveys issued by Joseph II, the diets of 1807 and 1825, and following the renewed urbarial patent of 1836, conducted by county officials. Some landlords also requested surveys of their estates, often following an inheritance or change of ownership of the estate. See, for example, Chapter 5, below, pp. 147-48, 163, 176

should come as no surprise that the membership of the council was frequently monopolized by the wealthier, landed peasants within the village: the *gazdas*.<sup>37</sup>

For the most part, what manorial farming as existed impinged only slightly on the farming of the peasants. The large estates of the richest aristocratic families, which were almost the sole exponents of manorial farming, tended to focus on livestock breeding, dominated by cattle for much of the eighteenth century. Towards the end of the eighteenth century, following the introduction of the merino sheep favoured for its finer wool, cattle breeding was replaced by sheep farming on many estates, a development that gathered pace with the ‘wool boom’ of the 1820s. Being less labour intensive than arable farming, the preference for livestock farming eased the demands on the *robot* labour of the peasants. By the last decades of the eighteenth century cash crops began to play an important role in dominical agriculture, based upon a system of ‘plantation villages’: villages of cottars established on manorial land who would work the land for cash wages. By the 1780s, the value of tobacco exports exceeded those for all grains, despite being grown on a much smaller area of land. Tobacco, like wine, provided a high value, low volume crop, and thus was a viable (and easily transportable) commodity for trade. Grain cultivation, in contrast, was left largely to the peasantry, with most of the lords’ needs fulfilled by the ninth owed in grain and fodder. Only in the last years of the eighteenth century, and through the Napoleonic Wars, did manorial grain cultivation expand, and then largely through ploughing up pasture or clearing manorial forests.<sup>38</sup> As we shall see, this would, in time, put pressure on the peasants’ access to extra-urbarial land, especially pasture, and made the separation of these lands, and the resolution of disputes arising from this, central to the question of land reform.

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<sup>37</sup> For example, at the market town of Szentes, in Csongrád county, in the 1830s, of the seven members of the village council all but one possessed at least a whole *sessio*, and two possessed more than two-and-half *sessios* (more than ninety *holds* of land). In addition, all members of the council owned a significant amount of livestock, each with fifty or so sheep (one owned more than 100), at least half a dozen horses, and between fifteen and twenty cattle. It is interesting to note, however, that, whilst rich, these were not the richest peasants in the town, some of whom possessed between five and ten whole *sessios*. SVL, v.102/d., Úrbéres és váltásági íratok. 965/1832. See also, Z. P. Pach, *Magyarország története 1686-1790*, Budapest, 1989, Vol. 1, pp. 537-50, F, Eckhart, *Magyar alkotmány és jogtörténet*, Budapest, 2000, p. 207, I. Szabó, *Tanulmányok a magyar parasztság történetéből*, Budapest, 1948, pp. 281-310

<sup>38</sup> Marczali, *Hungary* pp. 54-60

### III

Throughout Hungary, and well into the nineteenth century, farming methods remained backward and were, in the words of Henrik Marczali, 'truly biblical in their primitive character.'<sup>39</sup> The two-field rotation had been only gradually replaced by a three field system from the mid-eighteenth century. In many places oxen were the draught animal of choice, slowly supplanted by horses as the nineteenth century progressed; the metal plough had not yet taken the place of its wooden equivalent; and manure and fertilizers used only sporadically. Thus, in a good year, a yield-to-seed ratio of four-to-one would be deemed a success.<sup>40</sup> Such fodder crops as there were remained few and far between, chiefly oats or the straw from wheat, maize and rye, with turnips, clover, and luzern making a belated, and reluctant, appearance only from the 1820s onwards. Similarly, many peasants stubbornly clung to their traditional animals rather than their foreign, and more commercially valuable, rivals: the grey-horned cattle favoured for its strength; the Hungarian breed of sheep, renowned for its coarse wool and tough meat, but hardy enough to survive a winter on the plains, and to provide the shepherds with a *bunda*; a breed of semi-wild pig that, like the sheep, could survive a winter away from the village. The inherent conservatism of the peasantry, reinforced by the fertility and easy availability of the land, coupled with the lack of a ready market for any surplus, was only slowly shaken in the years before 1848. Around some of the market towns of the Great Plain, notably at Makó and Kecskemét, a monoculture of fruit and vegetables therefore slowly

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<sup>39</sup> Marczali, *Hungary*, p. 29, G. Merai, *Mezőgazdaság és agrártársadalom Magyarországon, 1790-1848*, Budapest, 1948 pp. 32-41, 47-57

<sup>40</sup> A yield-to-seed ratio of three or four-to-one was the norm for most of Western Europe from the Middle Ages to the eighteenth century. From the mid-eighteenth century, a ratio of between ten and twenty-to one had become common in England and the Netherlands, and in parts of Germany of between six and ten-to-one. Thus it is clear that, by the eighteenth century, Hungarian agriculture was beginning to significantly lag behind much of Europe. Slicher van Bath estimated that, under a three-field rotation system, and with a yield-to-seed ratio of four-to-one, between one and one-and-a-half hectares (between 2.4 and 3.7 acres or 1.5 and 2.5 *holds*) would fulfil the subsistence needs of one adult male. Therefore, according to this calculation, the smallest peasant plot, amounting to a quarter *sessio* or six *holds* in the early nineteenth century, would fulfil the subsistence needs of a small, nuclear household. Those with only an eighth of a plot, the smallest plot that a landed peasant could possess after the Urbarium, would thus have been living on the margins of subsistence. In contrast, the average plot according to Varga's estimate of between twelve and twenty-four *holds*, could comfortably meet the subsistence needs of an extended household. S. van Bath, *Agrarian History of Western Europe: A.D. 500-1850*, London, 1963, pp. 18-22, pp. 328-33, J. Varga, *A jobbágyi földbirtoklás típusai és problémái, 1767-1849*, Budapest, 1967, pp. 130-36. See also J. Blum, 'The Condition of the European Peasantry on the Eve of Emancipation', *The Journal of Modern History*, 46, 1974, pp. 395-424

took root, as was the case where viticulture had been well-established, as at Tokay and Siklós-Villány.<sup>41</sup>

To grant the foreign observers a final word on rural conditions, Bright, travelling near Pressburg in the 1830s, had found a land showing no sign of the fertility of its soil, noting ‘it is easy to perceive that all stimulus to invention, all incitement to extraordinary exertion, is wanting.’<sup>42</sup> Marcel de Serres observed that ‘although Hungary is a fertile country, the inhabitants have no idea how to extract the riches of the soil.’ He attributed this situation to the ‘ignorant and superstitious’ nature of the Hungarians, who had little interest in agriculture or trade whilst the scarcity of population and prominence of pasture over cultivated fields were further detriments to agriculture.<sup>43</sup> But the foreign observers also saw the possibility for future improvement. Bright, for example, could record that ‘the wealth of the country is, in every point, capable of vast improvement, if means were adopted to facilitate exportation, and thus encourage the grower, by affording certain markets for his produce.’ Indeed, the need for changes in the laws relating to land ownership did not escape Bright’s notice; ‘if means were adopted for encouraging population in Hungary; if their political and civil arrangements were such, that the great landowners might be enabled and induced to divide their enormous estates, and to let them on given rents to farmers, it is impossible to calculate what prodigious incomes may be derived from them.’<sup>44</sup> But the Hungarian village remained strongly rooted in traditionalism, reflected not only in the attitudes of the peasants, but also in the structure of the village and the layout of the fields. Thus the Hungarian peasant was reluctant to risk what was, for the most part, a comfortable existence, by speculating with new crops, foreign animals, or new techniques. Equally, the Hungarian peasants clung so firmly to their rights to the land, as they perceived them, which had, for generations, secured their comfortable existence. As we shall see, the peasants clung equally strongly to a system of rural relations, based upon centuries of customary practice, in the face of changes imposed from above.

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<sup>41</sup> Merei, *Mezőgazdaság*, pp. 152-64

<sup>42</sup> Bright, *Travels*, pp. 95-98

<sup>43</sup> Marcel de Serres, *Voyage en Autriche* (Paris, 1814), Vol. 3, p. 262, translated and cited by G. F. Cushing, ‘Hungary’ in D. Warriner, *Contrasts In Emerging Societies: Readings in the Social and Economic History of South-Eastern Europe in the Nineteenth Century*, London, 1965 p. 36

<sup>44</sup> Bright, *Travels*, p. 501, p. 550

### 3: Lord-peasant relations in the eighteenth century

#### I

As we have seen in Chapter One, the peasants' rights were dictated by their legal status as *jobbágy*, by which they owed rents and obligations to their lord in return for the right to farm the land. But these rights were also dictated by custom. Peasant-lord relations, as reflected in particular through peasant petitions against their landlords, reveal that they were underpinned by what the peasants themselves believed to be the 'correct' order of things, sanctioned by time and customary use, and according to what the peasants themselves perceived to be 'just' in terms of their land holding or access to land. During the eighteenth and nineteenth centuries, lords and peasants were involved in almost constant negotiations to redefine the terms of their relationship and respective rights. Central to this was the amount of land the peasants and lords could claim as 'theirs', that is to say as either urbarial or dominical as defined by the Urbarium, and, by extension, the level and forms of the obligations owed by the peasants to their lords.

This section will trace the changes in lord-peasant relations, with particular reference to the obligations and rents owed by the peasantry, from the early eighteenth century to the introduction of the Urbarium in 1767, inferring from this how their relations to each other, and to the land, worked in practice. The Urbarium, by being the first legislation that sought to regulate lord-peasant relations for two and a half centuries, was to be critical in shaping this nexus thereafter, and was to serve as a reference for the reforms passed before the laws of emancipation in 1848. Establishing the terms by which the relationship between tenant peasants and landlords was conducted prior to this should offer an idea of what constituted the peasants' 'moral economy': in this instance, what peasants believed to be 'just' or 'reasonable' in respect of the demands of their lords. As will be shown throughout this chapter, the peasants' sense of what was just, particularly in reference to the rents and obligations owed to their lords, was formed in the years before the Urbarium, and continued to influence the terms of lord-peasant relations in the succeeding years. Moreover, a short examination of the sixteenth and seventeenth centuries will offer an indication of the boundaries within which the noble landlords had to remain when dealing with their peasant

tenants. Finally, this chapter will investigate the ‘Transdanubian Uprising’ of the 1760s and the turbulent years immediately prior to the Urbarium. Through this rare instance of widespread insubordination, the peasantry was able to assert its power against their lords through petitions and protests and, with the aid of the Crown, establish a new framework for lord-peasant relations. As will become apparent, the peasantry had means to ensure that the boundaries of the framework, whilst moveable, were rarely crossed.

## II

The 1514 laws referring to the peasantry, passed in the aftermath of the Dózsa rebellion of that year, provided the basis for lord-peasant relations from then until the Urbarium. These laws condemned the peasantry to ‘perpetual rusticity’, marking them and their heirs with the taint of infidelity. The peasantry would, henceforth, be ‘unfree’, subject to the legal authority of their noble landlords and denied the right of freedom of movement.<sup>1</sup> More importantly, in terms of relations between lord and peasant, the 1514 law confirmed that the peasantry would owe a set list of obligations to their lord in return for the right of hereditary use to the land that they farmed. These obligations included the one forint ‘smoke tax’ for each peasant household, one days’ servile labour (*robot*) a week, one chicken a month, the tenth and ninth on grain and wine paid to the church and to the lord, two geese annually, and one fattened pig for every ten peasant plots (*sessios*). These dues, of greatest significance being the introduction of *robot* labour, were added to all rents as had been previously paid and collected.<sup>2</sup>

Though the 1514 law had established the legal and economic subjugation of the peasantry to their landlords its prescripts were not to have an immediate impact on lord-peasant relations. The exact terms of lord-peasant relations remained a private matter between the lord and his tenant peasants, open to negotiation and subject to frequent change. In the late fifteenth century moneyed rent predominated across most of Hungary. For any labour required on the lords’ dominical lands, which remained only a small part of cultivated land

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<sup>1</sup> CJH, 1000-1526, Articles XIV:3 and XIV:4, 1514, pp. 715-21. The true implications of these laws remain much discussed by historians, with recent scholarship no longer associating ‘rusticity’ with full and complete subjugation or serfdom. See, for example, proceedings for the workshop on the Medieval Laws of Hungary, UCL-SSEES, 09/2008, available at <http://www.ssees.ac.uk/lawsworkshop.htm>

<sup>2</sup> Zs. P. Pach, ‘The Development of Feudal Rent in Hungary in the Fifteenth Century’, *The Economic History Review*, 19, 1966, pp. 1-14

dedicated primarily to viticulture and a little arable farming, wage labourers were employed, often using tools and animals provided by the lords.<sup>3</sup> Should the lords seek to increase the productivity from their estates or extend their dominical lands, they commonly turned to an increase in wage labour rather than to the obligatory labour services of their tenant peasants.<sup>4</sup> The system of moneyed rents and wage labour was intimately linked, with landlords using the income from their tenants to pay for the labour employed on the rest of their estate. The land reserved exclusively as the lords' demesnes tended, however, to remain small, ensuring that whatever need for wage labour existed could easily be met from the cash rents of the peasant tenants.

As would reoccur in the middle decades of the eighteenth century, an agrarian boom beginning in the sixteenth century inflated grain prices, which increased by between four and six times by mid-century.<sup>5</sup> This grain boom encouraged lords to develop the farming of their estates under a manorial system. Without easy access to the sea or a navigable river network, for the rivers flowed in the wrong direction, the development of manorial agriculture, already well-established in parts of Poland and East Prussia, had been delayed in Hungary, principally reliant on whatever local demand existed.<sup>6</sup> The ongoing wars with the Ottoman Turks, however, stimulated local demand for grain that estate owners sought to exploit. To do so, many landlords extended the area of their dominical lands and turned to the unpaid, obligatory labour of their peasant tenants in place of the wage labour used previously. However, the landlords were aware that the peasants had to be compensated for any increase in rent, particularly *robot* labour, that might be deemed outside custom if the lords were not to provoke the ire of

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<sup>3</sup> It has been supposed that those peasants working the lords' demesne used manorial tools and animals, whilst those who had their own tools and animals used these to farm their own land. There is little evidence to confirm these suppositions in relation to the sixteenth or seventeenth centuries, but certainly by the eighteenth century any obligatory labour was performed using the peasants' own tools and animals. See Fél, Edit and Hofer, Tamás, *Proper Peasants: Traditional Life in a Hungarian Village*, Chicago, 1969, pp. 23-33, Zs. P. Pach, 'Labour control on the Hungarian landlords' demesnes in the sixteenth and seventeenth centuries', in P. Gunst and T. Hoffmann, eds., *Grand Domaine et Petites Exploitations en Europe au Moyen Age et dans les Temps Modernes*, Budapest, 1982, pp. 157-74

<sup>4</sup> Pach, 'Labour control', pp. 158-61

<sup>5</sup> V. Zimányi, *Economy and Society in Sixteenth and Seventeenth Century Hungary*, Budapest, 1987, p. 21, L. Makkai, 'Neo-Serfdom: Its Origins and Nature in East-Central Europe', *Slavic Review*, 34, 1975, pp. 225-238, F. Maksay, *Parasztság és majorgazdálkodás a XVI. századi Magyarországon*, Budapest, 1958, J. Varga, *Jobbágyrendszer a magyarországi feudálisizmus késői századaiban 1556-1767*, Budapest, 1969, pp. 528-38, 541-51

<sup>6</sup> see P. Gunst, *Agrarian Development*, pp. 71-76, Zs. P. Pach, 'A kelet-európai "Gutswirtschaft" problémájához: robotmunka és bérmunka a földesúri majorságokban a XVI-XVII. századi Magyarországon', *Agrártörténeti Szemle*, 7, 1971 pp. 1-14

their tenants. At first it was common for lords to demand that their peasant tenants perform set agricultural tasks and, in return, the peasants would be paid in cash or kind. In addition, the peasants might receive compensation for the increased labour demands through a reduction of rents in kind or cash, or through access to additional land in the form of pasture or forest.<sup>7</sup> Concurrent with this, landlords sought to make their estates self-sufficient, claiming more of their peasants' rents in kind in order directly to support the manorial and royal castles that were scattered along the border between Habsburg and Ottoman Hungary. Manorial income was further increased by purchasing the right to collect the tithe from the Church, providing the lords with additional produce to be sent to market.<sup>8</sup> The move from moneyed rents and wage labour to rents paid in kind and labour was, then, gradual at first, and had been achieved only through a degree of bargaining with the peasantry. Should lords wish to increase the income from their estates by increasing the burden on their tenant peasants, the peasants had to be offered something in return: access to more land, or relief from rents in cash or kind in return for a higher level of obligatory labour. For much of the sixteenth century the threat posed by the Turkish presence and the memory of the violence of 1514 prevented the lords from increasing the demands on their peasants too greatly.<sup>9</sup>

As the sixteenth and seventeenth centuries progressed, with little decline in the demand for agrarian goods, the continued expansion of dominical farming saw moneyed rents and wage labour increasingly replaced by rents in kind and labour. From the 1550s onwards, the bailiff of the Festetics estate in Zala county had begun the process of enclosing portions of peasant-farmed meadow and reclaiming areas of deserted *sessios* and villages (the *puszta*s) within his demesne. At the same time, the peasants were required to perform up to three days' robot a week during the summer months. In turn, this provoked some peasants to petition their lords, citing earlier times when robot had been much lower or non-

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<sup>7</sup> Pach, 'Labour Control', pp. 164-65, E. Fügedi, 'Az esztergomi érsekség gazdálkodása a XV. század végén', *Századok*, 94, 1960, pp. 97-98, L. Závodszy, ed., *A Héderváry-család oklevéltára*, Budapest, 1922, 2, pp. 185-86, V. Zimányi, *Economy and Society in sixteenth and seventeenth-century Hungary (1526-1650)*, Budapest, 1987, pp. 29-32

<sup>8</sup> Pach, 'Labour Control', p. 162, Zimányi, *Economy and Society*, pp. 29-32, p. 37. Articles XIX, 1569 and XXII, 1574 had confirmed the right of lords and the king to lease the right to collect tithes from the Church. CJH, 1526-1608, p. 601, pp. 643-45

<sup>9</sup> Pach, 'Labour Control', p. 163



existent.<sup>10</sup> But, as the political situation in Hungary became more stable from the 1570s, with the threat posed by a renewed Turkish assault receding and memories of the 1514 peasant uprising fading, lords were less concerned about upsetting their peasant tenants. Moreover, the European-wide price revolution had diminished the value of fixed rents in cash. As such, more landlords sought to compensate for the falling value of cash rents by increasing the proportion of their 'feudal' rents in kind or labour, claimed either as a set number of days a week, or requested as and when the lord or his bailiff needed.<sup>11</sup>

By the mid-sixteenth century a perception that the growing burden placed on the peasantry might endanger their livelihoods encouraged royal officials and advisors to act. In 1548 a law was passed restating that robot should be limited to fifty-two days a year but, as was common practice, this could be distributed unevenly so long as the yearly total did not exceed the limit. Moreover, the law expressly stated that 'it is forbidden to tax and torment the peasants and to deprive them of their goods beyond the limits of justice, honesty and tolerability.'<sup>12</sup> The law was, however, enforced sporadically and failed to prevent robot approaching 'intolerable levels', made clear in peasant petitions, by the end of the sixteenth century, and in many places robot continued to exceed the limit of fifty-two days a year.<sup>13</sup> These were not, however, universal developments across all of Hungary, being largely restricted to the western region of Transdanubia. In places, particularly in the more isolated north-east, obligations continued to be met predominantly in cash, with limited amount of robot demanded as and when it was needed, until the mid seventeenth century. With Turkish-ruled Hungary little more than a lawless borderland, there were few opportunities for manorial farming to develop there.<sup>14</sup>

Furthermore, the most common form of increasing estate incomes was through expanding cultivated land, through clearing forest, converting pasture to ploughland, or laying claim to deserted peasant sessios. It is of great importance that manorial agriculture could be developed by turning to virgin land, without

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<sup>10</sup> I. Szántó, *A parasztság kisajátítása és mozgalmi a gróf Festeticsék keszthelyi ágának birtokan 1711-1850*, Budapest, 1954, pp. 11-13, pp. 17-24, Pach, 'Labour Control', pp. 165-67

<sup>11</sup> Pach, 'Labour Control', pp. 158-59

<sup>12</sup> Zimányi, *Economy and Society*, p. 37

<sup>13</sup> Pach, 'Labour Control', p. 166, F. Maksay, ed., *Urbáriumok XVI-XVIII. század*, Budapest, 1959, pp. 723-24

<sup>14</sup> I. Acsády, *A magyar jobbágyosság története*, Budapest, 1950, pp. 227-34, Zimányi, *Economy and Society*, pp. 30-31

expropriating inhabited peasant sessions or challenging the peasants' strong, hereditary rights to the land they farmed. The peasants' strong rights had not been challenged by the 1514 laws and had, in fact, been confirmed in Stephen Werbóczy's *Tripartitum* three years later.<sup>15</sup> Indeed, since the peasants' hereditary right of usufruct had been firmly established in Hungarian customary law by being recorded in the *Tripartitum* it was, henceforth, nigh on impossible for lords to disregard the rights of their tenant peasants. In addition, the stipulation that any increase in obligations or move to rents in kind or labour had to take account of preceding custom, indicates a degree of bargaining or negotiation formed a central part of lord-peasant relations throughout the next centuries. As would be the case in the eighteenth and nineteenth centuries, lords could only seek to profit from their estates with the acquiescence of their peasants, having to acknowledge the peasants' expectations with reference to customary practices, and to what the peasants believed to be reasonable and 'just'. This pattern of negotiation between lords and peasants becomes more apparent when we look at lord-peasant relations in the period leading up to the *Urbarium*.

### III

The last decades of the seventeenth century had seen Hungary devastated by the wars leading to the expulsion of the Ottomans and the assertion of Habsburg power across the kingdom. The struggle against the Ottomans was accompanied by almost two decades of civil war between the Hungarian and Transylvanian nobility, led by Ferenc Rákóczi II, and the Habsburgs as the Hungarians fought for independence and to ameliorate the impact of the Counter Reformation. These wars had ended with Rákóczi's defeat and the confirmation of Habsburg rule over Hungary, subject to certain limitations, through the Peace of Szatmár in 1711. As a consequence, much of the countryside had been laid to waste and in parts of the south and east, left as a depopulated expanse of empty forests and plains.

In the decades that followed, the Hungarian peasantry found itself in a favourable situation, able to benefit from large areas of virgin land offered at generous terms of rent, and to reassert their position vis-à-vis their lords. In the first half of the eighteenth century, moneyed rents again became both the chief

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<sup>15</sup> *Tripartitum*, III:30, see Chapter 1, above, pp. 20, 29-31

source of income for many landlords and the largest obligation owed by the peasantry as many of the peasants' obligations in kind were converted into cash payments. In addition, it was rare for lords to demand the full set of obligations as defined in the 1514 laws from their peasant tenants, particularly as the peasants were able to move to where shortages of population assured more generous terms of rent. Indeed, at times the peasants were encouraged by county and state officials to move so as to aid the process of resettlement, which ensured that rents, even in the more populated regions, had to respond to the demands of repopulation.<sup>16</sup> Thus it was primarily in the first decades of the eighteenth century, during the period of extensive resettlement, that the peasantry laid claim to the greater part of the land that they would later farm. As we shall see, attempts to account for and establish the peasants' rights to all this land in law, principal amongst which would be the *Urbarium*, were to prove insufficient. As such, customary agreements and customary rights – the grey areas which provided room for negotiation, and which subsequently proved the subject of many disputes – came to play a central role in lord-peasant relations.

The first, incomplete tax census of the eighteenth century, conducted between 1715 and 1721, found a population for the whole of Hungary of around 4.5 million, barely an increase on the 4 million estimated population of the fifteenth and sixteenth centuries. Many former peasant plots, often entire villages, had been deserted, registered as *puszta* (meaning abandoned) as the population had fled the destruction wreaked by the wars surrounding the *reconquista*. In Transylvania, for example, twenty percent of peasant plots recorded in the survey were uncultivated in 1721. In the winter of 1720, the surveys recorded only 1265 populated villages for the greater part of Transdanubia, alongside 1398 deserted villages.<sup>17</sup> In Somogy county, situated between Lake Balaton and the Danube, the countryside was dominated by large forests, reed-beds and marshes: large areas of uncultivated land ripe for peasant settlement. The tax surveys of 1715-1721 could find only 209 settlements, with a population of 3468 landed peasant households, 621 landless peasants (*inquilini* or *szellér*), and 302 craftsmen and merchants in an area of 6675 square kilometres.

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<sup>16</sup> J. Komlos, 'The Emancipation of the Hungarian Peasantry and Agricultural Development', in I. Volgyes, ed, *The Peasantry of Eastern Europe, Volume I: Roots and Rural Transitions*, New York/Oxford, 1979, p. 113

<sup>17</sup> Figures exclude Esztergom and Komárom counties but include most of Pest county. Wellmann, *Mezőgazdaság*, pp. 11-20

In Békés county, on the southern edges of the Great Plain, a census from 1711 found only nine villages, with a population of just 2520 households in an area of 3,600 square kilometres. In respect of these, a tax survey of 1719 registered only 283 taxed peasants.<sup>18</sup>

The government, desirous of increasing the population as advocated by the tenets of Cameralism, and wishing to dilute the insurrectionary influences associated with the Rákóczi wars, encouraged the settlement of Catholic Germans and Slovaks to repopulate the devastated regions. Royal decrees of 1715 and 1723 sought to encourage the resettlement of those lands that had been occupied by the Turks, with appeals for immigrants sent throughout the Habsburg Monarchy and Holy Roman Empire. These promised up to one hundred forints in cash, a plot incorporating two *bolds* of garden, thirty *bolds* of ploughland and eight *bolds* of meadow, along with the free use of pasture, free building materials and access to vineyards. Throughout the first half of the eighteenth century the drive for new settlers was maintained as Vienna, still infused with the Cameralist emphasis on demography, sought to increase the peasant population across the whole Monarchy. The crown's endeavours were accompanied by the efforts of the (primarily Catholic) aristocrats who needed new tenants to provide an income from the vast estates received in return for their loyal support of the Habsburgs or returned to them by the Commission of New Acquisitions (*Neoaquistica Comissio*). Notable amongst these were the Károlyi family, which had acquired large estates in Csongrád, Szabolcs and Szatmár counties, as a reward for their role in securing the Peace of Szatmár, and the Harruckerns, who likewise had been rewarded for their service during the Rákóczi wars.<sup>19</sup>

The contracts such landlords concluded tended to be favourable to their peasants, with minimal demands of rent, little or no *robot* and with the possibility of extending the land the peasants cultivated beyond the boundaries of the village

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<sup>18</sup> K. T. Mérey, *A somogyi parasztság útja a feudáliszból a kapitalizmusba*, Budapest, 1965, p. 7, I. Balogh, *Tanyák és majárok Békés megyében a XVIII-XIX században*, Gyula, 1961, p. 5, I. Szántó, 'A majorsági gazdálkodás uralkodóvá válása, a parasztság nagyarányú kisajátításának kezdetei', in Gy. Spira, ed., *Tanulmányok a parasztság történetéhez magyarországon, 1711-1790*, Budapest, 1952, pp. 223-25

<sup>19</sup> P.G.M Dickson, *Finance and Government under Maria Theresia, 1740-1780*, Oxford, 1987, Vol. I, pp. 106-08, Z. Kaposi, 'A magyarországi uradalmi rendszer változásai', *Agrártörténeti szemle*, 43, 2001, pp. 239-41, G. Éble, *A Harruckern és a Károlyi család*, Budapest, 1895, Vol. I, pp. 62-63, p. 75. The Károlyi and Harruckern estates of the Great Plain are dealt with in detail in Chapter 5, pp. 137 ff.

*határs*. Indeed, in much of the regions most devastated by the Turkish occupation the limits of the *határs* were not set, allowing the peasants to lay claim to whatever land surrounded their community. In Somogy county, for example, peasants were granted contracts offering seven years free from taxation and dues, with free and unlimited use of ploughland, meadow, vineyards, fish-ponds and mills.<sup>20</sup> In the 1720s new contracts were presented to the peasants but their obligations barely increased. At the village of Szenyár, on the estate of Count Nádasdy, the peasants owed fifty forints cash rent, one long-journey, forty bushels of wheat and twenty quintals of hay between them. At Kőröshegy, Zsigmond Széchenyi required his peasant tenants to pay collectively no more than three hundred forints rent a year, and at Fehéregyháza, on the estate of Count Festetics, twelve peasants paid between them just thirty forints rent a year. No additional dues were asked by either landlord. In addition to the land within the *határs*, the peasants were granted the opportunity to rent additional land from the *puszta* for four forints a hold.<sup>21</sup> On the estate of Count Rindsmauhl, at Büssü, the peasants owed between two and four forints rent, in addition to which they performed between four and eight days *robot* a year according to an agreement of 1729.<sup>22</sup>

Not all peasants enjoyed such low levels of rent, or avoided significant *robot* obligations, but even in these cases it is apparent that the lords were not able to extract heavy demands for rent from their tenant peasants for long. On the Eszterházy estate around Csonkta, Jád and Szomajom, for example, the peasants were required to perform up to three days *robot* a week in the busier periods of the year. However the landlord was not able to maintain such onerous demands for long, perhaps aware that the peasants could move to where the levels of rent were much lower, and the peasants were able to re-negotiate the terms of their lease, reducing the burden of their rents. Between 1711 and 1712 the peasants successfully negotiated with their landlord to reduce their *robot* obligation to fifty-two days a year, never exceeding two days in any one week. Moreover the peasants secured the opportunity to convert much of this obligation into a cash payment of just four forints a year per *sessio*.<sup>23</sup>

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<sup>20</sup> Wellmann, *Mezőgazdaság*, pp. 24-25, Gy. Szabad, *A Tatai és Gesztési Eszterházy-uradalom áttérése a robotrendszerrel a tőkés gazdálkodásra*, Budapest, 1957, pp. 16-25, Mérey, *A somogyi parasztság*, p. 11

<sup>21</sup> Mérey, *A somogyi parasztság*, pp. 8-11

<sup>22</sup> *ibid.*, p. 21

<sup>23</sup> MOL: X9312: Esterházy családi levéltár, Eszterházy hg. lt, Rep 35 Fasc Z Nr 774 70-71 f.

Thus we can see that due to the demands of repopulation, peasants were in a relatively strong bargaining position during the period of repopulation in the first part of the eighteenth century. Yet, as was often the case, there was great difference between conditions on the Great Plain and south-east Transdanubia and those in the former Royal Hungary, western Transdanubia and the north-east, upland regions. In the first region, much land remained farmed by the peasantry, with dues, especially *robot*, converted into cash payments as established through contracts at the time of resettlement. Peasants rarely performed more than one day a week of *robot* irrespective of the size of the plot, and rents of fourteen or fifteen forints a year might be considered a heavy burden, although these rents could subsequently be increased.<sup>24</sup> In the latter region, where manorial agriculture had been more established from the mid-sixteenth century, smaller peasant plots and more densely-packed villages were the norm, with *robot* forming a larger part of the peasants' obligations than cash rents or payment in kind. Similarly, whereas the contractual agreements established between lords and recent settlers were common on the Great Plain and in the south-east served to keep the peasants' obligations low, across much of Transdanubia and the northern upland regions it was more common for the peasants' obligations to resemble more closely those that had been stipulated in the 1514 law and less open to negotiation.

Even so, the early part of the eighteenth century proved a favourable time for the peasantry, not only on the Great Plain but also in those parts of Hungary that had escaped the devastation wrought during and after Ottoman rule. With many landlords needing to establish tenants on their recently-acquired estates in eastern and southern regions of the country, peasants were enticed to migrate from the north and west with the promise of more land and lower rents. In turn, those lords who held estates in the north and west could ill afford to maintain high levels of rents for fear that their peasants might choose to move in

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<sup>24</sup> I. Wellmann, *Parasztság helyzete az 1767 évi úrbérrendezés előtt*, Budapest, 1955, pp. 20-21. It is hard to provide an idea of the real value of the rents in cash. In his account of the Urbarium, Townson suggests that ten forints was equivalent of an English pound sterling at the end of the eighteenth century. Giving a better impression of the purchasing power of a forint, Marczali writes of the eighteenth century that, 'a bushel of wheat could be had for half a florin [sic] [...] the price of a pound of meat ranged between one and a half and four *kreuzers* [sic]'. By the early nineteenth century a horse could cost between sixty and seventy forints, and an ox about forty-five forints. R. Townson, *Travels in Hungary, With a Short Account of Vienna, in the year 1793*, London, 1797, pp. 136-37, H. Marczali, *Hungary in the Eighteenth Century*, Cambridge, 1910, p. 113. For peasant reactions to increasing rents in the nineteenth century, see below, Chapter 5, pp. 154-61

search of better conditions elsewhere. In Szabolcs county, for example, forty-six out of 130 communities landless cottars and dwarf-holders (those with less than a quarter *sessio*) had given notice to their lords in the first decades of the eighteenth century that they wished to move elsewhere.<sup>25</sup> Few lords were in a position to deny such requests for, if they did, the peasants could easily take flight anyway, and find protection from their new lords should they be pressed to return.

#### IV

The market-towns of the Great Plain were particularly well-placed to benefit from the shortages of population and surplus of land available.<sup>26</sup> In the first decades of the eighteenth century, landlords such as the Károlyis had few alternatives but to lease a great portion of the land to the peasantry at whatever rents the peasants were willing to pay, even if this left a great part of the land uncultivated: a situation that lasted until the mid-century in places. As late as 1752, in an attempt to secure new peasant tenants for his village of Cserkesz, near the market-town of Nyíregyháza, Ferenc Károlyi offered three-years' free rent, along with freedom of worship and the offer to build a new church to lure settlers from his estates in Csongrád and Békés counties. When Károlyi had sent out his appeal, Cserkesz consisted of sixty-four full peasant plots, only thirty-three of which were populated. By 1754, a new settlement had been established spreading across the surrounding plain, populated by 2435 predominantly Lutheran Slovak families (in contrast to the Catholic migrants who had settled on the south of the Great Plain), who had been encouraged by the promise that they would be free to practise their religion. The 1754 contract stated that the peasants would owe no *robot* or other taxes to the lord aside from one forint per household, with an additional income of seven hundred forints secured for the landlord by leasing the *regalia*, including the rights to keep a butcher's, an inn, and a shop. When establishing a new rental contract in 1761 with the peasant tenants, Antál Károlyi, Ferenc's son, lamented that 'it is well nigh possible that there is no-one else I can rent the land to, and no-one to sell it to', leaving him

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<sup>25</sup> Szántó, 'A majorsági gazdálkodás', p. 231. Szántó does not reveal whether the lord granted permission or not, nor whether the peasants moved irrespective of this, as one suspects could have well been likely.

<sup>26</sup> For more detail on conditions on the Great Plain, see Chapter 5, pp. 137-54

with little option but to concede to the terms requested by his peasants, including a guarantee that no *robot* would form a part of the peasants' rents. This did not, however, prevent Károlyi from increasing the rents from a total of 3000 forints a year to 6000 for the whole village.<sup>27</sup>

Similarly the inhabitants of market town of Tolna were able to conclude an agreement with their landlord in 1753, having first appealed to the county along with the neighbouring communities of Kakasd and Belac in support of their attempts at negotiations. The resulting contract provides more detail than most others that have survived from this period. The peasants were to pay rent in a mixture of cash and kind but significantly no *robot* was to be included in this. According to the terms of this agreement, each landed peasant was to pay an annual rent of four forints, irrespective of the size of his plot. Every *zseller* – defined in the contract as a peasant 'who possesses no house' – was to pay two forints thirty *kerajcár* a year. In addition, the peasants were to pay thirty *kerajcár* for every cattle, horse and oxen sent to graze on the communal pasture, the extent of which was not defined. For the right of pannage in the lord's forests the peasants were to pay six *kerajcár* for each pig, as well as a ninth of their swine annually (how this was to be collected is unclear). The ninth was also to be paid on the autumn and spring wheat and on 'all other sowing', as well as any hemp, tobacco, corn, cabbage, onions, lambs, honey and wine that the peasants produced. Another three *kerajcár* was to be paid for every kid reared and a further six *kerajcár* for every second lamb (on top of the ninth already owed). In addition to the ninth of wine already mentioned, the peasants paid another three forints every two years for the use of their vineyards. The long journey, which had previously sent the peasants as far as Pressburg, was to be converted into one payment of thirty forints for the whole community, and the butchering rights were rented collectively by the peasants for another thirty forints. Finally, any peasant who sold his house or plot was to pay a tenth of the price to the lord.<sup>28</sup>

It is possible that, as Tolna benefited from the special status of a market town, the peasants – like those at Szentes, Szarvas and Hódmezővásárhely discussed in Chapter Five – were in a stronger position to negotiate with their

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<sup>27</sup> L. Cservenyák, *Nyíregyháza története*, Debrecen, 1987, p. 59-65, I. Balogh, ed., *Nyíregyháza mezőváros tanácsa által batároztatott ... (1793-1837)*, Nyíregyháza, 2001, p. 7

<sup>28</sup> MOL P. 278 Festetics család keszthelyi levéltára, cs.49., Baltavári és tolnai uradalommal kapcsolatos iratok: 1.d.1, nd, 1753



lord than most peasant villages. That said, the Tolna contract bears similarities to agreements established across Hungary in the first half of the eighteenth century mentioned above. Moreover, the nature of the peasants' obligations at Tolna closely follows the lines both of those that had been recorded in the law of 1514, and of those later stipulated in the Urbarium. At Záhány, for example, on the estate of László Széchenyi, a contract of 1757 established very similar low levels of rent. For a *sessio* of thirty hold of land, a peasant owed three forints rent with eight days draught *robot* and eight days hand *robot*, or twenty-four days hand *robot* if they brought no animals. In addition to these obligations, the peasant had to pay tithes to the church and the ninth to their landlord in kind, and a vineyard tithe of fifteen percent of his vintage. In addition to the *sessio*, the peasant was able to forage his pigs in the lords' forest, and the community could operate an inn for half the year.

The rents paid at Záhány were a marked increase from those of the peasants on the Széchenyi estate at Kőröshegy thirty years before, but they still remained well below the levels that would be set by the Urbarium. Significantly, the peasants were able to cover a large portion of their rents in cash or kind rather than *robot* labour: a marked change from the conditions that had developed from the end of the sixteenth century.<sup>29</sup> Likewise eighty-one out of 290 communities recorded in the land surveys of Somogy county had established similar contracts with their landlords to those at Záhány and Tolna in the years before 1767: of these eighty-one settlements, thirty-four were able to continue paying the majority of their rents in cash rather than *robot* or kind through the 1750s and 1760s. In two communities just twelve days a year of hand *robot* was requested per peasant plot; in another community one day a week, half the limit that would be introduced by the Urbarium, was demanded. The full amount of *robot* that would be imposed by the Urbarium, one day a week *robot* with draught animals, was required in only twenty-six of the 290 communities recorded.<sup>30</sup>

In Pest county, ninety-two out of 135 peasant communities had concluded similar rental agreements with their lords in the first half of the eighteenth century. Of these, sixteen communities, five of which were market towns, owed no services or dues to their lord aside from the ninth of their produce, which could be converted into cash. In a few places lords could

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<sup>29</sup> Zs. P. Pach, 'Labour Control', pp. 166-69, see above pp. 71-73

<sup>30</sup> Mérey, *A somogyi parasztság*, pp. 16-17

demand occasional labour service, as at Kalocsa, where the peasants were required to perform one day's carting work if they owned a team of horses, for which the peasants often in return received payment in cash or kind. In thirty-two other communities, only a very limited *robot* was owed by the peasants, as was the case at Palota where each peasant were required to perform seven days' hay-cutting and carting and six days' work on the manorial vineyards a year. Elsewhere little *robot* was included amongst the peasants' rents and, should the lord require the labour of his peasant tenants, he would pay them in cash or kind. Such agreements were particularly common in the case of ploughing, although it was not common for lords to maintain a great deal of manorial ploughland in the first part of the eighteenth century.<sup>31</sup>

There were examples of harsher contracts where rent could exceed the limit that was later imposed by the Urbarium, albeit only slightly. In two villages in Somogy county more than what would become the maximum amount was demanded, with the landlord requiring 108 days of hand *robot* be performed a year for each full *sessio*. At another village, Szentpéter, a new contract of 1749 required the cottars to perform twenty-four days' of hand *robot* a year; six days more than would be permitted by the Urbarium. In contrast the same amount was demanded from the landed peasants, significantly less than the amount that could be imposed after the Urbarium. In addition to the *robot* and the ninth, the peasants had to pay a two forint hearth tax, twice the level that would be imposed after the Urbarium. Finally, the peasants were threatened with a four forint fine, or twenty-five lashes, for failure to perform the *robot* to the lord's satisfaction: a rare reference to such punishments in the peasants' leases.<sup>32</sup>

The nature of these contracts would suggest that there was some level of uniformity in peasant obligations developing by the mid-eighteenth century: a level that, as we shall see, could inform what the peasants perceived as reasonable, just, or, at the very least, attainable, and that would influence the terms of the Urbarium. This is seen as there are few peasant petitions concerning rent or *robot* in the first four decades of the eighteenth century, with rural relations appearing stable. Furthermore, it is apparent from some of these cases that the peasants could negotiate with their lords to maintain rents at an

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<sup>31</sup> Zs. Lukács, *A szerződéses jobbágyság helyzete hazánkban a XVIII. század folyamán a Mária Terezia-féle úrbérrendezésig*, Budapest, 1937, pp. 37-41

<sup>32</sup> Mérey, *A somogyi parasztság*, pp. 19-21

acceptable level. Both lords and peasants seemed content with their respective incomes secured from the land, with landlords conceding to lower rents should the peasantry so demand. The peasants' obligations could include a portion of the peasants' produce (the ninth to the lord and the tithe to the Church) and some, although limited, *robot* labour. But, wherever possible, the peasants would meet these obligations through cash payments. However, as was the case on the Eszterházy estate referred to above, the peasants could acknowledge that such cash payments were in lieu of rent that could legitimately be claimed in other forms, including free labour services. This qualification is important as it enabled lords and, on rarer occasions, peasants to request rents be converted from cash into kind or labour at a future date as conditions dictated, something that would become more apparent after the Urbarium.

It should also be noted that, up to the late 1750s, the level of peasants' obligations on the whole remained well below those that would be set by the Urbarium, particularly the amount of *robot* labour. The forms of these rents had changed little from the sixteenth and seventeenth centuries and, where rents had changed in the first half of the eighteenth century, such changes tended to favour the peasantry. However, the Urbarium would permit many landlords to increase the peasants' rents in the last decades of the eighteenth and into the nineteenth centuries, thereby defeating the good intentions of the law. That said, this criticism of the Urbarium must be put into context. The law had been issued as a response to outbreaks of rural unrest, the peasants protesting against what they deemed to be unreasonable increases in their obligations and the loss of land that had occurred from the late 1750s and into the 1760s. As such, the maximum levels of peasant obligations defined by the Urbarium were measured against some of the worst cases of seigneurial abuse and not against conditions for Hungary as a whole. It must also be remembered that the Urbarium was passed as part of a wave of similar legislation for the rest of the Habsburg lands where, as was becoming apparent to members of the recently-formed Council of State in Vienna, peasant conditions and seigneurial abuses could be much worse than they were in Hungary.<sup>33</sup> With these observations in mind, we shall now turn to the impact of the Urbarium on lord-peasant relations.

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<sup>33</sup> F. A. J. Szabo, *Kaunitz and Enlightened Absolutism, 1753-1780*, Cambridge, 1994, pp. 320-28

## V

As has been shown, in the first half of the eighteenth century the levels of peasant rent in many places remained relatively low, both in comparison to the seventeenth century and to what would be set by the Urbarium after 1767. From the end of the 1750s, on the other hand, there are signs that conditions were becoming less favourable for the peasantry. The repopulation of those areas left devastated at the turn of the eighteenth century was nearing completion and, as a consequence, less virgin land was available for the peasantry. In Pest county alone, the population increased by 282 percent between 1720 and 1787, rising from 71,364 to 272,290. Similarly, in Zala county, the number of tax-paying peasants had risen from 52,866 in 1720 to 209,536 by 1787, whilst in Békés county the taxed population had risen from just 283 heads of households in 1719 to 10,155 by 1790.<sup>34</sup> In places where there remained large areas of uncultivated land and deserted villages, as on the Károlyi estate around Nyíregyháza, the need for more peasant tenants persisted. Conversely, where there was little available land on which the peasantry could expand, as in a great part of Transdanubia and on the western edge of the Great Plain, the growth of population led to rising tensions between peasants and lords by the mid eighteenth century.

In the 1750s and 1760s peasants began to plough-up large areas of the *pusztas*, which had commonly been used as pasture, incorporating the land into their private plots.<sup>35</sup> However the peasants could not be assured the strong, hereditary rights attached to their individual *sessios* to much of the land acquired in this way, whether from the *puszta* or as cleared land (*irtvány*).<sup>36</sup> At the same time, an agrarian boom brought about by a period of renewed wars, including the War of Austrian Succession and the Seven Years War, made many landlords desirous to improve the incomes from their estates. A new period of the spread of manorial agriculture – involving the expansion of farming on the landlords' demesnes and increased demands for the labour of their peasant tenants – began in parts of Transdanubia and those areas of the Great Plain where communications made it possible to send produce to markets, notably in Heves and Pest counties. As with the agrarian booms of previous centuries, this saw

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<sup>34</sup> Szántó, 'A majorsági gazdálkodás', pp. 223-25

<sup>35</sup> Szántó, 'A majorsági gazdálkodás', p. 224, I. Orosz, 'Sárospatak külső határa', in *Agrartörténeti Szemle*, 2004/05, 46, pp. 226-27

<sup>36</sup> J. Varga, *Jobbágyrendszer*, pp. 11-12, pp. 15-22, pp. 33-37

some landlords seek to increase the demands placed on their peasant tenants through increased rents.

The increases in the level of rent largely took the form of increases in *robot*. In the 1730s and the 1740s payment of a few forints had been the more common form of rents, with peasants paying between two and six forints for a full *sessio*, along with a varying portion of their produce and perhaps five or six days of hand *robot* a year. From the late 1740s the levels of *robot* began to increase, to between twelve and twenty-four days a year, reaching as much as thirty or forty days a year in the 1760s.<sup>37</sup> At first many peasants did not object to the increased rents, seeming to accept that periodic increases in rent were part of normal lord-peasant relations. However, as levels of rent, and especially of *robot*, continued to increase, voices were soon raised against what the peasants perceived to be the unreasonable demands of their lords. It was in this period that the peasants asserted their power to negotiate the terms of their rights and their relations to their lords: a process that was to be a feature of lord-peasant relations up to the abolition of seigneurialism in 1848. Through petitions, the threat of violence, and a number of rent and tax strikes, the peasants played the Crown off against their lords to limit their obligations to both, and secure their rights to the land they farmed. These events, reaching a peak in the Transdanubian Uprising of the 1760s, had a direct bearing on Maria Theresa's decision to issue the Urbarium in 1767.

In Heves county the peasants responded to increased demands for *robot* by petitioning their lords and the county to secure rights to additional land in return for the increased labour obligations. In 1756 the peasants in the village of Monor, on the estate of the Eger bishopric, submitted a proposal to their lord stating that they would only agree to the increased demand for *robot* providing the lord guaranteed 'all farmers will possess sufficient land' in return. The peasants had been renting ploughland from the lords' demesne under earlier contracts, and it would appear that this petition was an attempt to secure a guarantee that this land would not be denied them in the future.<sup>38</sup> In Pest county similar petitions became increasingly common from the late 1750s, especially where peasants had seen their lords increase the area of ploughland on their demesnes by putting

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<sup>37</sup> Szántó, *A parasztság kisajátítása*, pp. 37-39, D. Szabó, *Magyarországi úrbérrendezés*, Budapest, 1933, Vol. I, pp. 186-87, 272, Mérey, *A somogyi parasztság*, pp. 21-23

<sup>38</sup> MOF X.484 EAL, Koz jkv, TU Monor, 1757

woodland, scrub or pasture under cultivation. The peasants feared that the expansion of manorial ploughland would in turn necessitate an increased demand for *robot*, which the peasants would acquiesce to only if they received guaranteed rights to more land, or a promise that more land would be made available to rent in future. The peasants had been happy to perform the limited hay-cutting or carting duties their lords had requested in previous decades, but they strongly objected to the recent increase in requests for ploughing which had not formed a part of previous arrangements. In the following years more petitions of a similar tone would reach the county administrations and, eventually, draw the attention of royal officials in Vienna as the spread of manorial agriculture, and the associated rise in peasant obligations, continued.<sup>39</sup>

In south-east Transdanubia the increases in *robot* had been going on for some years. As early as 1733 peasants on the Batthyány family estate at Zalaszentgyörgy, in Zala county, had complained about the increased imposition of *robot*, particularly as they were no longer given food and wine in return.<sup>40</sup> As demand for grain continued to increase, more landlords expanded the areas of dominical ploughland, clearing manorial forests and demanding additional *robot* as part of their tenants' rents. Rents in this region then increased more rapidly from the late 1750s. Most notably, this saw the amount of *robot* increase from a common level of around ten or twelve days a year, approaching the fifty-two days' a year that had been stipulated in the 1514 law. Demands for *robot* could reach as much as three to four days a week in the important summer months for all peasants, irrespective of the size of their holding. At the same time, complaints against the imposition of the long journey also became more frequent, with peasants at Tótszerdahely and Molnár submitting a petition in the early 1760s claiming that their lords demanded the journey eight or nine times a year, with the peasants having to travel as far as Vienna. Complaints across south-east Transdanubia, in Vas, Zala and Baranya counties, became more common thereafter, and it was from here that the reports of high levels of *robot*, deemed unacceptable by the peasants, came to the attention of Maria Theresa.<sup>41</sup> By the mid 1760s tension between lords and peasant tenants had reached such heights right across Hungary that a rural uprising appeared imminent.

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<sup>39</sup> Lukács, *A szerződéses jobbágyok*, pp. 44-46

<sup>40</sup> Szántó, *A parasztság kisajjítása*, pp. 36-37

<sup>41</sup> *ibid.*, pp. 39-41, 50-53

Even so, many peasants did not blame their landlords for the increased rents and *robot* obligations. Rather, the peasants would appeal first to their lord, directing their ire against the estate bailiffs or state tax collectors. For instance, at Nagyberenza, in Ung county, the peasants did not direct their protest against their ‘best and kind’ landlord, but rather refused to pay all the taxes demanded, submitting only thirty-six forints and thirty-six *krajcár* of the 153 forints they owed. That they paid some of their taxes suggests the peasants were willing to pay what they could afford or what they believed to be fair, only raising objections when these levels were exceeded. Similarly, in 1761-62 at Volóc, on the Munkács estate of Grof Schönborn, thirty-three peasants were imprisoned and required to perform hard labour for non-payment of taxes. These instances were concurrent with other complaints against *robot* and rents around Ung and Ugocsa counties, in the north-east of Hungary. In 1762 the peasants at Szemere, on the estate of Mihály Sztaray, complained against the introduction of *robot* and increased rents whilst ‘arbitrarily’, in the words of the bailiff’s report, harvesting the lord’s wheat for themselves and illegally claiming timber from the manorial forests for their own needs.<sup>42</sup>

In the same year four villages in Pest county (Tura, Galgahévíz, Vácszentlászló and Tápiószecső) sent petitions to the county government. With rumours already circulating of a new urbarial law, these peasants voiced their concern that such a law could only lead to a further increase in the amount of *robot* that might be demanded by their lords. In other places peasants sent petitions to the county in case of future increases in rent. The peasants of Garamszentbenedek, on the Esztergom archbishopric’s estates in Bars county, submitted a petition in 1766 stating that ‘according to our Urbarium [rental agreement], we perform no *robot*, we never have, and nor shall we now’, the peasants insisting that this obligation should be met through a cash payment instead. In this case, the lord did not appear to be introducing *robot* on the estate, but rather laying on the community as a whole the obligation to perform two or three weeks ‘lords work’ should he so require, for which the peasants were paid

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<sup>42</sup> K. Neupauer, *Mária Terézia úrbérrendezése Bereg, Máramaros, Ung, és Ugocsa megyében*, Budapest, 1989, pp. 44-47

between ten and twenty *krajcár* a day. But even so the peasants felt the need to submit a complaint.<sup>43</sup>

In 1765 the villagers at Galántha, on the estate of György Festetics in Zala county, had submitted a petition stating that they were now required to perform up to three or four days' *robot* a week during the summer for cutting hay and carting, distracting the peasantry to the degree that they could no longer tend their own ploughland. This situation, the peasants claimed had developed since 'new agriculture' had been introduced on the estate that spring. This had seen the peasants denied access to land they had previously made use of, which had been added to the lords' demesne and, at the same time, the peasants had been required to perform more *robot* to cultivate the dominical ploughland.<sup>44</sup> In the same summer, three other villages in Vas county submitted petitions citing the year-on-year increase in *robot*: at Németsencs; at Újhegy, where peasants complained *robot* had been increasing for twenty years; and at Rábaszentmihály. All were claiming that *robot* had now reached 'incalculable' levels. At Rábaszentmihály and Németsencs it would appear that *robot* was a relatively new part of the peasants' obligations. Likewise, at Pornó, on the Batthyány estate in Vas county, the peasants petitioned the county against the 'rapid increase' in rents that had occurred since a new contract had been agreed in 1754.<sup>45</sup>

In 1766 the inhabitants of the market town of Keszthely, on the Zala county estates of the Festetics family, submitted a petition directly to their landlord, Kristóf Festetics, in the name of the towns' 'common poor' and 'poor taxed people'. In their petition the peasants noted that, since the first rental agreements had been established in the 1740s following resettlement on the estate, their rents had been increasing year on year, 'to a degree that they are becoming unbearable [and] it has finally become inconvenient to fulfil our

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<sup>43</sup> E. Gerendás, *Az esztergomi főkapitány gáramszentbenedeki birtokkerülete a XVIII. század második felében*, Budapest, 1934, pp. 82-85

<sup>44</sup> In this instance it is not clear how the peasants had used this land before but, in light of evidence from similar cases elsewhere, it is likely that land enclosed was either pasture or woodland that the peasants used their animals, or former ploughland which had reverted to scrub. By converting such land to the plough himself, the lord then denied the peasants their customary use of it, thus 'enclosing' the land within his demesne even if no distinct physical boundaries between the urbarial and dominical lands were made. As noted before, and as we shall see in Chapters Four and Five, it was virtually impossible for the lords to lay claim to any land the peasants were using as ploughland, or that clearly formed part of a peasants' private *sessio*. See also the cases looked at in Chapters 4 and 5, below, especially pp. 98-107

<sup>45</sup> Szántó, *A parasztság kisajjításása*, pp. 50-53



obligations to our landlord.<sup>46</sup> What is more, the traditional autonomy of the town – having been able to freely elect their town judge and jurors, and rule in minor criminal cases – had been eroded by the lord. The lord had abolished free elections to these positions in 1765, instead requiring the peasantry to choose from one of three candidates whom the lord himself chose. It was the elections for the town council in the winter of 1765/66 that brought relations between lord and peasants to a head. The peasants refused to accept any of the lords' nominees, putting forward seven of their own in their place, and taking the opportunity to submit a petition concerning their obligations.

By the summer of 1766 the inhabitants of Keszthely had been joined by other peasants across Baranya, Zala and Vas counties in protesting against increased rents, the billeting of troops and state taxes.<sup>47</sup> Peasants on the Zala county estate of Ádám Batthyány, on the Keszthely estate of Kristóf Festetics (the latter having failed in their appeal to the lord), and the Somogy county estates of Antal Széchenyi addressed petitions to Maria Theresa directly, citing an unreasonable increase in demands for *robot*. Upon hearing rumours that a new urban law was to be passed, and fearing that their obligations were to be increased, peasants on the Batthyánys' estates in Baranya county sent a delegation to the manorial court at Siklós led by Péter Járó, a tenant from nearby Harkány. What began as a peaceful demonstration against the imposition of new taxes and new obligations, and an attempt to negotiate terms for a new contract to be concluded before the law was passed, soon escalated into an uprising. The county was forced to dispatch 400 soldiers to Siklós in an attempt to restore order but the peasants were able to force the soldiers back to Pécs. With no sign of an end to the unrest, and similar disturbances occurring across Transdanubia (including at the Batthyány estates of Körmend, Bozsok and Szerdahely), the peasants were able to win concessions from the lord.<sup>48</sup>

The peasants' protests of the 1760s were a marked change from the earlier negotiations when peasants appeared to have accepted that *robot* could form a small part of their obligations. Until the mid-eighteenth century, it had been common for peasants to accept that *robot* could be increased on occasion,

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<sup>46</sup> MOL P. 234 Festetics családi Levéltár Zalad. Nr 1678d, *Keszthelyi község Festetics Kristófhöz*, 1766

<sup>47</sup> Szántó, *A parasztság kisajjítása*, p. 27-30

<sup>48</sup> K.Vörös, 'Az 1765-66-i dunántúli parasztmozgalom', in Spira, *Tanulmányok*, pp. 308-09, J. Fejer, *Siklós múltja*, Siklós, 1937, pp. 270-72

just not to the levels it was approaching by that time. When news of the rural disturbances reached Maria Theresa, together with those petitions that had been sent to Vienna, her determination to address the Hungarian peasant question was confirmed.<sup>49</sup> An investigation into the sources of peasant discontent revealed a much bleaker and more shocking depiction of conditions than expected, not least because amongst the worst perpetrators of seigneurial abuses were the loyal Festetics and Batthyány families. Indeed, Count Pál Festetics had been charged with drafting an urbarial patent just a few years earlier, and it was on his father, Kristóf's, estates at Keszthely that some of the worst abuses were reported. These reports reaffirmed Maria Theresa's belief that the Crown must act to protect the peasantry. The Urbarium was issued by *octroi*, irrespective of the nobility's objections, on 23 of January 1767.

## VI

As has been shown, the first half of the eighteenth century was a period marked by two contrasting developments. In the first instance, the need to repopulate a large area of Hungary following the expulsion of the Turks created conditions favourable to the peasantry, ensuring that rents remained low and much land was made available to them. Yet, by the middle decades of the century, with resettlement largely complete, circumstances began to favour the lords: levels of rent were increased, more *robot* labour was extracted, and lords sought to extend the portion of land that they farmed themselves. This situation reached a peak in the 1750s and 1760s, as increased demand for agrarian produce brought about by the War of Austrian Succession and the Seven Years War created a 'mini' agrarian boom and, with it, an attempt to re-impose a system of manorial agriculture similar to that which had existed in much of Royal Hungary towards the end of the sixteenth century.<sup>50</sup> As in the sixteenth and seventeenth centuries, this stage in the development in Hungarian seigneurialism and manorial agriculture primarily took the form of increasing rents and labour dues rather than denying

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<sup>49</sup> It has been suggested, given that Maria Theresa had failed to force an urbarial patent through the diet in 1765, that the rural unrest may have been engineered by Vienna to further the cause of reform. Such an idea is supported by the fact that the unrest at Siklós, and a number of peasant petitions elsewhere, made reference to an imminent law. R.J.Evans, 'Maria Theresa and Hungary', in idem, *Austria, Hungary, and the Habsburgs: Essays on Central Europe, c. 1683-1867*, Oxford, p. 21, see also Szabó, *A magyarországi úrbérrendezés*, and K. Vörös, 'Dunántúli parasztmozgalom', pp. 299-383

<sup>50</sup> See above, pp. 71-73

the peasants' rights to land they farmed. Reacting to these changes, the Urbarium was an attempt to account for the terms of lord-peasant relations in written law, with particular reference to the obligations owed by the peasants.

As already noted, *robot* had formed only a small, though increasing, part of the peasants' obligation. For much of the early eighteenth century it was common for a low *robot* requirement to be included in contracts as this met the needs of the lords on a regular basis. Prior to the Urbarium there was room for lords to increase *robot* demands on occasion, without the peasants raising objections, so long as these increases did not impinge on their livelihoods. On the other hand, increased demands for rent, especially if these took the form of increased *robot*, could not be made too frequently for fear of upsetting the delicate balance of lord-peasant relations, as had occurred in the mid 1760s. The events of the Transdanubian Uprising had shown that the peasants had means to voice their displeasure should their obligations reach levels the peasants believed to be unreasonable. In limiting the amount of *robot* that could be demanded to fifty-two days a year with draught animals (or 104 if performed without animals) the Urbarium was, then, to address one of the principle complaints the peasantry made in their petitions. However, by basing the Urbarium on reports and petitions from the more harsh examples of seigneurial abuses the limit imposed on the peasants' *robot* did not reflect conditions through all of Hungary. The legal limit imposed by the Urbarium was far higher than that which was actually performed by many peasants, thus providing room for lords to further increase their demands for the peasants' obligatory labour.

That said, aspects of the Urbarium were to act as a break on further increases in rents and, crucially, did not deny the peasants the means to negotiate the terms of their obligations in future. Whereas before, it had been common for every peasant within any one community (or across one estate) to owe the same amount of rent to their lords, the Urbarium established that the peasants' obligations were determined by the size of their *sessios*. Only those possessing a full *sessio*, amounting to between twenty-nine and eighty-two acres of land, would owe the full fifty-two days of *robot* a year. Those with a half, quarter or eighth of a *sessio* would owe proportionally less. In addition, again addressing a complaint of the peasants expressed during the unrest of the 1760s, the Urbarium expressly forbade the lord from demanding that more than three days' *robot* be performed

in any one week. Even then, the *robot* could not be performed on consecutive days, and the landlord could claim no *robot* in the following week. The Urbarium also went into detail on the other obligations of the peasants, including the ninth, the tithe, and other rents in kind as well as the forms of village administration and the practices of seigneurial justice. But it was in regulating *robot*, where the terms of the peasants' rents were concerned, that the Urbarium had best sought to improve the conditions of the peasantry.

Most important of all, the Urbarium acknowledged that, if both lords and peasants should wish, the peasants' *robot* obligation could be converted into cash payments. Although not going into any great detail on how converting the peasants' *robot* should be done, this clause provided room for the peasants to negotiate the form of their rent and obligations, much as they had before. In the short term at least, this served to limit the negative impact of the Urbarium as the peasants, through negotiations and petitions, forced compromises with their lords who were no doubt wary of any repetition of the unrest of 1765/66. In the longer term, the Urbarium confirmed that the eventual dismantling of seigneurial relations in Hungary, gathering pace from the end of the eighteenth century, would be negotiated between lords and peasants, with the peasants finding means to defend their rights.

The example of Siklós is illustrative of how some peasants were able to ensure that the earlier customary agreements remained in place after the Urbarium. Siklós, a small town in the wine-growing region of southern Transdanubia, was typical of many of the peasant communities in the regions repopulated following the expulsion of the Turks. Following the *reconquista*, the area around Siklós passed into the hands of the Batthyány family. Much of the estate had been deserted in the years of Turkish rule and was subsequently repopulated by mainly Catholic German settlers. The new settlers were offered up to two hundred forints by royal officials in Vienna as an incentive, along with a house, two horses, tools and so on. By the mid-eighteenth century, the Batthyány estate amounted to approximately 10,000 hold of land, with between twenty-five and thirty villages and more than 1,000 peasant tenants.<sup>51</sup> As noted above, the peasants of Siklós were amongst those who joined the disturbances in

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<sup>51</sup> Fejer, *Siklós*, p. 271-74

Baranya County during the Transdanubian uprising in 1766, and the peasants' participation may well have convinced their lord of the need to compromise.

Having benefited from the opportunities offered during the period of re-settlement the Siklós peasants were determined to defend their favourable situation. However, the generous terms offered to the new tenants during the period of repopulation were to be challenged with the introduction of the Urbarium. Up to the 1760s the peasants had paid only a fraction of the rent and services that could be demanded by their landlord under the terms of the new law. Following the Urbarium, the peasants of Siklós wished to maintain the customary contractual agreements that would maintain the conversion of all obligations into a fixed cash payment. Moreover, the peasants complained that the attempt to impose the lords' monopoly to sell wine between St George's day and Michaelmas was opposed to local custom. Following protracted negotiations, a new contract was established in 1769. This fixed the payment of rent at 1,500 forints a year for the whole village (subject to periodic review). The payment was to include the tithe, the ninth and all labour obligations aside from twelve days' *robot*, which could be converted to an annual payment of 400 forints, accounting for all *robot* performed by the village, if the peasants so wished. The peasants would also be permitted to sell wine all year round, in accordance to the local custom, but in return the brewing of beer, the distillation of *pálinka*, and the sale of both, were to be the exclusive monopoly of the lord. The contract also stipulated that the 'good system' (*jó rendezés*) of paying the smoke tax and vineyard tithe should remain unchanged unless necessity demanded it, although it did not explain what this 'good system' entailed.<sup>52</sup>

Although across many parts of Hungary some landlords were able to increase the rent of their peasant tenants after the Urbarium, as at Siklós, this was achieved only after the peasants felt assured that any increase in rent remained at a reasonable, affordable level. At Záhány, on the Széchenyi estates in Somogy county, the peasants owed prior to the Urbarium just nine forints rent with eight days' hand and eight days' draught *robot* (or twenty-four days' hand robot if they owned no animals). In 1772 the lord took advantage of the Urbarium to increase the peasants' rents. In the new urbarial agreement, the landlord demanded that the full *robot* as specified by the Urbarium, totalling one hundred and four days'

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<sup>52</sup> *ibid.*, pp. 277-78

hand robot for each peasant with a full *sessio*, be performed by the tenants. Yet the peasants were able to negotiate a clause in the agreement so they would be able to redeem sixty-five days of their *robot* obligation for twelve *kerajár* a day, totalling thirteen forints a year for those with a full *sessio*. In addition to this, the peasants owed the tithe to the church and the ninth to the lord, with a wine tithe of fifteenth percent of their yield, as had been the case according to the earlier agreements.<sup>53</sup>

Like those at Záhány the peasants of Csepely were able to redeem their *robot* obligations at a rate of ten *kerajár* a day according to an agreement of 1767, the cost of redeeming *robot* then doubling by 1782. At Liszó the peasants established an agreement with their lord in 1767 that set their obligations at eight days' *robot* and a small cash fee. Again this rent had almost doubled between 1767 and 1781, amounting to fourteen days *robot* and 400 forints for a full *sessio*. At Karád the landed peasants owed 10 forints a year and twenty-four days' hand robot for a full *sessio*, with the cottars paying 1 forint and 10 days' hand robot and the un-housed cottars owing just six days' hand robot. At nearby Orc, the peasantry continued to convert their entire *robot* obligation into a payment of ten forints a year for each whole *sessio*. In neither case did this represent a significant increase from earlier agreements.<sup>54</sup> At Garamszentbenedek, in Bars county, a contract had been agreed between lords and peasants earlier, in 1754, whereby the peasants paid 516 forints rent, plus the ninth and tithe in kind. A new contract established in 1782, confirming the peasants' urbarial status, established that the peasants would only pay a small portion of rent in kind (including two chickens per *sessio*, some eggs and butter), and the rest would be met through a cash payment. As with the earlier contract, any labour the lord required on his land would be met by the wage-labour of the peasant tenants.<sup>55</sup>

Until the end of the eighteenth century, the amount of *robot* claimed by landlords remained well below that which could be demanded by the Urbarium. Across the whole of the Gödöllő estate of Count Grassalkovich, in Pest county, only 51,241 days of hand robot was claimed in 1782, whereas the Urbarium stipulated that the lord had a right to request 70,082 days be performed by his

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<sup>53</sup> Merény, *A somogyi parasztság*, pp. 35-36

<sup>54</sup> *ibid.*, pp. 38-39

<sup>55</sup> Gerendás, *Az esztergomi*, pp. 82-85

peasants.<sup>56</sup> On estates in north-east Hungary landlords chose to maintain a system whereby peasants could redeem their *robot* as a cash payment, but were paid for working on their lords' manor when required. At Beregszász, on the estates of Count Schönborn, peasants owed no *robot* and were paid between ten and fifteen *kerajcár* a day to work on their lords' vineyards. In 1789, this amounted to 3636 days labour for 805 forints 16 *kerajcár* from 291 peasants. At Ungvár, the peasants converted their *robot* obligation into a yearly payment of 200 forints in 1775, although this increased significantly over the next few decades, to 1,500 forints in 1791.<sup>57</sup> Elsewhere on the Schönborn estates, peasants converted the ninth as well as their *robot* obligation into cash payments. At Munkács-Szentmiklós, the peasants established five-year contracts to cover the ninth, valued at 17,688 forints for years 1775 to 1780. Similarly, at Kelecsény, on the estate of Count Barkóczy, the peasants converted the ninth into an annual payment of 385 forints.

The nature of the peasants' rents from the late eighteenth century through to the period of perpetual redemption in the 1830s and 1840s will be discussed in greater depth in Chapter Five, when we investigate more detailed case studies of lord-peasant relations. Yet these few examples suffice to suggest that the Urbarium had in the first instance only a limited impact on the nature of lord-peasant relations. By stipulating the peasants' obligations in law more firmly than any previous legislation, the Urbarium had provided for lord-peasant relations to be transformed from a system of contracts specifying a nominal rent, most often paid in cash, to one whereby the lord could legally demand increased rents in labour and in kind. But the Urbarium also permitted that the peasants could, if they so wished, appeal to their lord to convert *robot* into cash payments, negotiating the price of this with their lord. The amount of *robot*, whilst limited to no more than fifty-two days a year with draught animals, was still to be agreed upon through negotiation between the peasants and lords. Finally, these agreements then had to be ratified by the county administration, which provided the peasants an opportunity to lodge a complaint should the terms of the urbarial agreements prove unsatisfactory. By providing room for the terms of urbarial relations to be negotiated by peasants and lords, the Urbarium permitted local

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<sup>56</sup> G. Spira, 'Parasztors Pest megyében a jobbágyfelszabadító forradalom küszöbén', in F. Keleti, ed., *Pest megye múltjából: Tanulmányok*, Budapest, 1965, p. 204

<sup>57</sup> Neupauer, *Mária Terézia úrbérrendezése*, pp. 75-80

custom, and customary agreements, to continue to play a predominant role. Thus, where the Urbarium failed to address adequately the concerns of the peasants, customary law and customary agreements continued to influence the relationship between lords and peasants, and could often take precedence over written law. Through these negotiations, the peasants ensured that any increase in rent, especially *robot*, would be limited in the short term. As many of the examples attest, the peasants' rents continued to increase at a gradual pace, but the possibility to negotiate ensured that the peasants' sense of what was reasonable, and what was just, could not be ignored.

Thus, despite its flaws, the Urbarium went some way in providing a firmer legal framework, a reference point, for one aspect of lord-peasant relations: the rents and obligations owed by the peasants to their lords. This issue was then left largely unchanged until the process of perpetual redemption began in the 1830s. By providing a legal basis for agreements between peasants and lords the Urbarium was a significant, though imperfect, step towards codifying and regulating the terms of lord-peasant relations that would continue with the reforms of the 1830s and 1840s. What is more, the Urbarium had established the ruler's right to interfere in what was traditionally seen as a private matter between the lord and peasants: a precedent that was to be of great significance to the debates of the Reform Age. However, as the next chapter will show, there remained a significant part of lord-peasant relations that had not been addressed sufficiently by the Urbarium, and it is to this which we shall now turn.



## 4: Lord-peasant relations in the nineteenth century

### I

Thus far we have focused on the terms of the peasants' obligations, the rents owed to their lords and the various forms that these took before and after the Urbarium. As we have seen, the Urbarium provided room for customary agreements to play a continued role in lord-peasant relations. In this way, whilst not fully taking account of rural conditions in the mid-eighteenth century, the Urbarium gave to the peasants a means to voice their demands and expectations as to what they perceived as just or reasonable in terms of their rents and obligations. As we shall see in Chapter Five, the scope for negotiating urbarial agreements in the late eighteenth and early nineteenth century provided for a degree of flexibility within lord-peasant relations. This flexibility was to prove important in light of later economic and social developments, and for the 'negotiated deconstruction' of urbarial relations beginning in the 1820s and 1830s, as we will see in the next chapter.

In the same way as the Urbarium had sought to protect the peasantry by limiting the peasants' obligations to their lords, the law also attempted to address another aspect of the peasants' petitions that had emerged in the mid eighteenth century: the expansion of manorial or dominical land at the expense of the peasants' plots. Yet when dealing with the peasants' rights to the land they farmed the Urbarium fell somewhat short. The Urbarium was to cement a division, barely discernible before 1767, between the peasants' urbarial lands and the dominical lands of their lords. To the former the peasants were confirmed in their strong, hereditary rights established, albeit vaguely, in the *Tripartitum*. Of the newly-demarcated dominical land which the peasants had farmed before the Urbarium, and would often continue to farm in subsequent years, they received little in the way of guaranteed rights. Thus the Urbarium was to cast into doubt the nature of the peasants' rights to a great part of the land they had farmed at the time it was issued. As a result, the extent of what should be considered peasant 'owned' urbarial land and the size of the village *batárs* became the subject of most peasant petitions from the last decades of the eighteenth century rather than, as had appeared to spark the Transdanubian uprising, the terms of the peasants' obligations. Indeed, it was the extent of the peasants' urbarial land, and

the nature of their rights to any land used in addition to this, that was to be the principal problem addressed by the reforms of the 1830s and 1840s.

As the previous chapter has shown, the peasants were able to use contracts and negotiations to limit any increases in their rents, especially any *robot* they had to perform, which could have resulted from the terms of the Urbarium. In a similar vein, customary agreements and customary rights continued to play an important role in governing peasants' access to land, taking force in any gaps or grey areas left by written law. It was then left to the reforms of 1836 and after to account for the customary rights of both lords and peasants as the process of deconstructing urbarial relations gathered pace in the years before 1848. By investigating how the peasants' rights to the land they farmed were established and maintained in the years following the Urbarium, and how these rights impacted upon lord-peasant relations in this period, this section will draw out a central part of the 'peasant question' facing the reformers as they began to unravel Hungarian seigneurialism.

In the first part of the nineteenth century, as many landlords sought to improve the income that could be derived from their estates, the long-standing customary agreements that had governed the peasants' access to much of the land they farmed came under threat. Some landlords were able to exploit the grey areas left by statute law to expand their dominical land through the 'enclosure' of communal lands and of the extra-urbarial land used by the peasants.<sup>1</sup> But the peasants were able to turn to petitions to their lords and appeals to the county courts to establish their rights to the land where these were not adequately covered by the Urbarium, and could thus limit the degree that enclosure favoured their lords at their expense. In this way, the courts were left to rule on how far customary rights could be converted to property rights as defined by written law; that is to say, whether 'extra-urbarial' land should be deemed as urbarial, and therefore become the hereditary property of the peasants and so permanently separated from the demesne, or if the land was dominical, and thus the lord could do with it as he pleased. Therefore, any enclosure that

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<sup>1</sup> I have used the term 'enclosure' for convenience's sake and want of a better word. As we shall see, on occasion land was physically enclosed in the lords' demesne or as part of the urbarial *batár*, through boundary marks, ditches, hedges or fences. But direct mention of this sort of enclosure occurs only rarely in the archival material. Rather, it would appear that 'enclosure' was a more theoretical and legal process, whereby the lords' and peasants' respective rights to any disputed land were settled in court and only recorded on paper.

may have occurred in the first half of the nineteenth century should be viewed as a two-way process whereby either the peasants' rights' to the land were confirmed (a process I shall refer to as *urbarialization*) or, as has been more frequently emphasized by historians, the land became confirmed as part of the lords' demesne: a process that has been termed *alodialization*.

This chapter takes up the investigation into the nature of lord-peasant relations into the nineteenth century, including the agrarian boom of the Napoleonic Era, to the reforms of the 1830s and 1840s. It will show how the peasants reacted to the upheavals of this period, and examine the validity of accounts which point to a 'late feudal crisis' in late eighteenth and early nineteenth centuries, particularly one based on or resulting from 'neo-serfdom' or 'refeudalization'.<sup>2</sup> I will suggest that any peasant protest or occasional rural unrest was primarily a means to defend the peasants' position against the seemingly threatening actions of lords who sought to introduce innovations on their estates. These innovations often involved the enclosure of peasant-farmed land (or, as seen in the previous chapter, new forms of rents) that could easily be perceived as an attempt by exploitative landlords to undermine the position of the peasantry. We will see that the county courts, responding to peasant petitions, often sought to do little more than maintain the rural status quo, encouraging compromise between lords and peasants in a way that acknowledged the rights or expectations of both parties. The reforms of the 1830s and 1840s were, in turn, a reaction to such unrest: a means to ease transition from a system of rural relations and land tenure now vilified as 'feudal', and thus increasingly obsolete, to one that could foster the development of capitalist agriculture. In this way, reform was a means to overcome obstacles inherent in the old rural order, principal amongst which was the peasants' sense of what was 'just' or 'reasonable' in light of customary practice or their understanding of their legal rights. But, in doing away with these obstacles, the reforms had to pay heed to the peasants' rights, as the peasants perceived them, if the transition was to be peaceful, and if the peasants were to be enticed to co-operate with the wider process of rural change.

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<sup>2</sup> L. Topolski, 'The Manorial-Serf Economy in Central and Eastern Europe in the 16<sup>th</sup> and 17<sup>th</sup> Centuries', *Agricultural History*, 48, 1974, pp. 380-86, 394-99, E. Melton, 'Gutsberrschaft in East Elbian Germany and Livonia, 1500-1800: A Critique of a Model', *Central European History*, 21, 1988, pp. 315-49

## II

From the late eighteenth century, the principal cause of disputes between landlords and their tenant peasants stemmed from their respective rights to the land. As noted previously, according to the terms of the Urbarium the area of the peasants' urbarial *sessios* was to be measured, recorded and regulated by law through the land surveys that accompanied any urbarial agreement.<sup>3</sup> The *sessios*, including an internal plot for the peasant's house and garden and an area of external ploughland and meadow – the size of which was to be determined by the quality of the soil – collectively formed the urbarial *batár* of any village or market town, often including areas of communally held pasture, marsh and woodland. The peasants were guaranteed the strong, hereditary right of usufruct to their *sessios* as had been established, albeit vaguely, in the *Tripartitum*, and, in this way, the urbarial land of the *batár* was permanently separated from the lords' demesne. Yet, while the law granted the peasants hereditary rights of tenure to a portion of the land they farmed, there remained a significant part of the land used by the peasants that simultaneously had been confirmed as part of the lords' demesne. Such land now became part of the peasants' 'extra-urbarial land' or 'off-holdings'. This included land claimed by the peasants through clearing forests and scrubland or draining marsh (the *irtvány*) and areas of land that the peasants had leased under separate agreements, most often from *puszta* used to supplement any area of communal pasture, or the *arendás* land commonly used to extend an individual plot. The peasants' extra-urbarial land also incorporated the *remanencia* or *maradvány*: land which was farmed by the peasants before the Urbarium but not attached to the peasants' *sessios* in the surveys after 1767.<sup>4</sup>

According to the terms of the Urbarium, the peasants received no rights to the extra-urbarial land beyond any limited tenancy secured through separate contractual agreements. These agreements lay outside of regular urbarial relations, and, should the peasants wish to extend the agreements, their continued use was often reliant on the good will of their lords. Once the peasants' *sessios* and the extent of the village *batárs* had been measured and

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<sup>3</sup> See Chapter 1, above pp. 34-35, 39

<sup>4</sup> J. Varga, *A jobbágyi földbirtoklás típusai és problémái, 1767-1849*, Budapest, 1967, pp. 11-32, J. Hetényi, *Robot és dézsema*, Budapest, 1947, p. 57, E. Niederhauser, *A jobbágyfelszabadítás Kelet-Európában*, Budapest, 1962, p. 129, and Chapter 1, above, pp. 39-44

recorded in the urbarial surveys from the end of the 1760s onwards, the landlords could legally lay claim to all of the land excluded from the surveys as part of their private demesnes, irrespective of who had farmed the land in previous years. Thus, in the years after the Urbarium had been issued, lords could legally enclose a great part of peasant-farmed land excluded from the urbarial surveys, dispossessing a portion of the peasantry as they did so. It is this allodialization of peasant-farmed land that is most often used to support arguments for peasant pauperization, and even the entrenchment of ‘neo-serfdom’, in the last years of Hungarian seigneurialism.

According to accounts that emphasize a belated period of ‘neo-serfdom’, allodialization is seen to have begun in the years immediately after the Urbarium, gathering pace in the last decades of the eighteenth and into the nineteenth centuries, and running through the agrarian boom of the Napoleonic Wars.<sup>5</sup> The limited statistical evidence that is available appears to bear this out. For example, by the 1780s landlords in Heves county had extended the area of dominical land through reclaiming 56,427 *holds* of (what is assumed to be previously peasant-farmed) ploughland, doubling the area of such land.<sup>6</sup> From the last decades of the eighteenth century, across the Eszterházy estates in Sopron county 17,200 *holds* of ploughland and 8,000 *holds* of cleared land that had been farmed by the peasants was reclaimed. Likewise, on the Széchenyi estates in the same county, 9,500 *holds* of ploughland and 7,000 *holds* of cleared land were enclosed, expanding the demesne by some seventy percent.<sup>7</sup> While such statistics would suggest that allodialization was widespread by the end of the eighteenth century, there are many reasons to question the validity of arguments that solely rely on such data. Furthermore, these arguments assume that allodialization inevitably saw land excluded from the urbarial registers enclosed as part of the lords’ demesnes, turned over to the sole use of the lords and with the peasants denied any access to such land. As we shall now see, there is little reason to assume that allodialization and enclosure were one and the same process.

First, it is hard to establish exactly how much land was used by the peasantry before the Urbarium. There are no accurate records of peasant-farmed

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<sup>5</sup> B. K. Kiraly, *Hungary in the Late Eighteenth Century: The Decline of Enlightened Despotism*, New York, 1969, pp. 131-37, idem., ‘Neo-Serfdom in Hungary’, *Slavic Review*, 34, 1975, pp. 269-78, G. Mercei, *Mezőgazdaság és agrártársadalom Magyarországon, 1790-1848*, Budapest, 1948, pp. 7-8, p. 17.

<sup>6</sup> I. Soós, *Heves és Kulső-Szolnok megye 1772-1849 évi rovásadó összeírásai*, Eger, 1973, pp. 193-206

<sup>7</sup> I. Soós, *Az úrbéri birtokrendezés eredményei Sopron megyében*, Sopron, 1941, pp. 45-48

land before the end of the 1760s. As such, it is almost impossible to discern the true extent of any land that may have been lost by the peasants in the course of allodialization in the late-eighteenth and early-nineteenth centuries, and it is highly likely that these trends have been exaggerated. As noted above, only a part of the peasant-farmed land prior to the Urbarium was entered in the urbarial surveys, and most of the rest becoming classified as the lords' demesne. But, just because much land had been recorded as dominical land, a process that almost certainly would have seen a vast increase in the area of dominical land on paper, one cannot assume that the peasants were denied the opportunity to farm it. Rather, in the years immediately following the Urbarium many peasants were able to maintain their use of extra-urbarial land, renting it under separate agreements with their landlords. In Pest county, at least up to the 1780s, much of the dominical land, with the sole exception of woodland, continued to be rented to the peasants. Imre Wellmann has estimated that the dominical lands in that county amounted to 46.9 percent of all cultivated land, with the urbarial land totalling 48.4 percent and communal lands, mainly consisting of pasture and meadow as just 4.7 percent. But of these dominical lands, only between a quarter and third would not have been leased out by the lords, with the peasants using as much as 79.4 percent of manorial pasture, 31.2 percent of manorial meadow, 43.8 percent manorial ploughland, 47.7 percent of reeds and gardens, and 24.5 percent of vineyards.<sup>8</sup> In addition, while woodland was not rented to the peasants directly, many lords were able to secure an income from this land by charging the peasants for the rights of pannage, foraging or hunting; rights that permitted the peasants quite extensive use of such land.<sup>9</sup> At the end of the 1780s, according to the land surveys conducted under Joseph II, in the two counties of Heves and Kulső-Szolnok there was a total of 135,965 *holds* of dominical land and 111,173 *holds* of urbarial land. But an estimated sixty percent of the dominical land was cultivated by lords while the rest was leased back to and divided amongst the peasants and landless nobles of the county.<sup>10</sup> Of the land added to the demesnes on the Eszterházy and Széchenyi estates thirty percent of it was then leased back

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<sup>8</sup> I. Wellmann, *A magyar mezőgazdaság a XVIII században*, Bp, 1979, pp. 112-13, I. Szántó, *A parasztság kisajátítása és mozgalmái a gróf Festeticsék keszthebi ágának birtokán 1711-1850*, Budapest, 1954 p. 106

<sup>9</sup> Wellmann, *Magyar mezőgazdaság*, pp. 102-03, Szántó, *A parasztság kisajátítása*, pp. 54-60

<sup>10</sup> Soós, *Heves*, pp. 193-206

to the peasants.<sup>11</sup> On the Nyitra county estates of the Károlyi family, contrary to conditions one might expect to find in the more densely populated areas of western Hungary, much extra-urbarial land continued to be rented to the peasants. For example, the peasants of Nagy-Surány rented 47 *bolds* of garden, 1446 *bolds* of ploughland, 529 *bolds* of meadow, and two *bolds* of vineyard from the manorial land in the 1820s, as well as 1294 *bolds* of communal pasture, all in addition to their (significantly smaller) urbarial plots. On the nearby estate, the Károlyis reserved a mere fifty-six *bolds*, used primarily for the cultivation of hemp and tobacco, for their own use. The majority of the lords' income from this estate came from renting the manorial land to the peasants, which also meant that there was little need to request the peasants' *robot*. Moreover, the lord claimed a significant income from renting the *regalia* rights to the village, including 120 forints for butchering rights and another 120 forints for brandy distillation. Finally, the lord claimed 200 forints from the Jewish inhabitants of the village for the right to maintain a synagogue and employ a rabbi.<sup>12</sup> Similarly at the village of Várád, the Károlyis maintained no separate manorial land, claiming cash rents and an income from the *regalia* amounting to 440 forints 31 krajcár a year.<sup>13</sup> The evidence from elsewhere on the Károlyi estates on the Great Plain, and from the Batthyány estates in Vas County, investigated in detail in Chapter Five, also suggests that a significant portion of dominical land continued to be rented to the peasantry into the nineteenth century. There was thus some truth behind the assertion, made by an English visitor to Hungary in the first decades of the nineteenth century, that the 'quantity of land appropriated by the peasant is enormous'.<sup>14</sup>

Not only were the peasants able to continue leasing a large area of dominical land after the Urbarium, but in many places the area of land also included within the village *batárs* continued to expand from the late eighteenth and into the nineteenth centuries. According to estimates made by János Varga, between 1780 and 1848 the number of full peasant *sessios* across Hungary (excluding Transylvania) increased from somewhere between 119,911 and 124,951 to 313,417, roughly keeping pace with the growing population. In

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<sup>11</sup> Soós, *Sopron megye*, pp. 45-48

<sup>12</sup> G. Éble, *A nagy-károlyi gróf Károlyi család összes jószágainak birtoklási története*, Vol. 2, pp. 305-06

<sup>13</sup> *ibid.*, Vol. 2, p. 311

<sup>14</sup> R. Bright, *Travels from Vienna through Lower Hungary*, Edinburgh, 1818, p. 113

Somogy county alone, the number of whole *sessios* increased from 5164 in 1767 to 7085 by 1812.<sup>15</sup> Around Gyula, in Békés county, a corner of the Great Plain that remained under-populated until the mid-nineteenth century, the peasants increased the area of the land they farmed from 57,929 *holds* to 238,964 between 1773 and 1847.<sup>16</sup> Although earlier records on the extent of peasant-farmed land are imprecise, and it is therefore hard to make solid conclusions, the statistics available suggest that the amount of peasant-farmed land continued to increase significantly even after resettlement had been largely completed by the mid-eighteenth century. The land surveys that accompanied the Urbarium in the late 1760s and 1770s reveal that in Transdanubia, between ten and eleven percent of all land was recorded as part of the peasants' urbarial plots, amounting to 1,652,059 *holds* (2,345,934 acres). Records from the first comprehensive census and land survey conducted in Hungary, completed during the reign of Joseph II between 1784 and 1787, reveal an increase in the amount of urbarial land during the few decades since the Urbarium, this having doubled to cover some twenty percent of all cultivable land, estimated to be approximately 32 million *holds* in total.<sup>17</sup> Across Hungary (excluding Transylvania), the total area of urbarial land then increased from between 6,000,000 and 6,500,000 *holds* in the 1780s to almost 10,000,000 by 1848, or almost a third of all cultivable land.<sup>18</sup>

Thus even the statistical evidence can cast doubts as to the extent of any allodialization, and therefore the entrenchment of 'neo-serfdom', in the period before 1848. As we shall see, one reason for this was that the peasants could challenge their lords' attempts at allodialization through appeals to the courts and reference to customary use. Furthermore, the peasants' successful appeals to this end can go some way to explain why, contrary to some views, the area of peasant-farmed land increased rather than decreased in this period. It is also worth noting that there was little incentive for many lords to risk upsetting the rural status quo by developing their own manorial agriculture. It was only worthwhile

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<sup>15</sup> K. T. Merény, *A somogyi parasztság útja a feudáliszmusból a kapitalizmusba*, Budapest, 1965, p. 66

<sup>16</sup> Király, *Hungary*, p. 133

<sup>17</sup> P.G.M. Dickson, *Finance and Government under Maria Theresa, 1740-1780*, Oxford, 1987, Vol. 2, pp. 106-08. The figure of 32 million *holds* is only a rough estimate, with statistics varying from 22 million to 32 million *holds* of land from various sources. The figure of 32 million is used here as it is the most common, varying little from records and surveys between 1790 and 1848. It is, however, worth noting that of this 32 million *holds* much remained as uncultivated forest or marsh for much of the period before 1848. See, for example, the statistics collected by Gyula Benda in G. Benda, *Statistikai adatok a magyar mezőgazdaság történetéhez, 1767-1848*, Budapest, 1973, pp. 99-103, 173

<sup>18</sup> Varga, *Jobbágy földbirtoklás*, p. 115-16, p. 128



for lords to enclose land within their demesnes if it could be worked by the peasants, either through their *robot* obligation or where paid labour could be secured. The former was not an easy option for, as we have seen, the peasants frequently protested against the conversion of rents into *robot* and, more vocally, at any increase in its amount. Quite often the second option proved no more practical since there were continued problems of under-population and severe shortages of labour in many regions. No doubt such problems would have persuaded many lords that the better option was to continue renting a great part of their demesne to the peasants, helping to protect the peasants' extra-urbarial holdings, at least in the short term. Moreover, as many landlords chose to rent out much of their dominical land rather than farm it themselves there was little demand for the peasants' *robot* labour. As such, a large part of the peasants' *robot* obligation was converted into cash payments, often including the ninth of produce owed to the lord, as the examples cited in the previous chapter would suggest. In light of this, any widespread allodialization of peasant farmed land would have been delayed until conditions were more favourable for the expansion of manorial farming, be it another agrarian boom, an expanded labour force or technological advances making what limited labour as was available more efficient.

The brief overview provided above has drawn out some of the problems and contradictions involved in ascertaining the extent of any allodialization that occurred during the last stages of Hungarian seigneurialism. Indeed, it would appear that the exact opposite occurred. Rather than being denied access to a great part of the land excluded from the urbarial surveys, the expansion of urbarial land in the period after the Urbarium would suggest that many peasants were able to attach a great part of the extra-urbarial land they farmed to their private plots or village *batárs*. Part of the expansion of urbarial land, as János Varga has suggested, could well be accounted for by deficiencies in the methods and records used in the earlier surveys.<sup>19</sup> On the other hand, as will become apparent by turning to peasant petitions in the early part of the nineteenth century, there were means by which the peasants could challenge their lords' attempts to lay claim to land used by the peasants, with the peasants often finding support in their efforts from the county authorities, and backed-up by reference

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<sup>19</sup> Varga, *Jobbágy földbirtoklás*, pp. 110-14

to customary rights. Thus there is an alternative explanation for the expansion of urbarial land in the years between 1767 and 1848 than merely deficient record keeping. The peasants, through petitions and the courts, were able to establish their rights to the 'extra-urbarial' land that had previously been excluded from the records. Through reference to customary practice, the peasants were able to delay any significant loss of land in the late eighteenth and early nineteenth centuries. When written law caught up with customary practice through a more accurate codification of property rights in the years before 1848, the peasants used the same means to assert their rights to areas of disputed land. And in this way, the peasants were able to ensure that that customary practice would be accounted for when the old rural order was overturned in 1848.

### III

The Napoleonic Wars, bringing with them increased demand for grain and rising prices for agricultural goods, were to encourage the slow expansion of manorial farming across much of Hungary. The agrarian boom was maintained through the 1820s by the expansion of sheep farming and wool production, with landlords seeking to pasture ever-growing numbers of sheep on land that had often been traditionally shared with their tenant peasants. The favourable economic conditions encouraged some landlords to find a better means to benefit from their estates, in turn leading to attempts to rationalize the system of land tenure, including the division of communal land and the enclosure of other land within the lords' demesnes. As we have seen, there is good reason to doubt whether these developments resulted in any great allodialization of land. Nevertheless, it appeared that the peasants' access to a part of the extra-urbarial land was under threat. In the period before the reforms of 1836, which were to provide a legal framework for the rationalization of land tenure already begun, many peasant communities filed petitions against their landlords in an attempt to secure their rights to the extra-urbarial land.<sup>20</sup> As with similar cases concerning the level and form of the peasants' obligations to their landlords looked at in the following chapter, the peasants found the means through which to limit the impact of allodialization and protect their access to much of the land they farmed, whether it had been recorded as urbarial or not. In particular, if a lord

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<sup>20</sup> See Chapter 1, above, for details of 1836 laws, pp. 45-47

wished to add land used by his tenant peasants to his private demesne, the peasants used negotiation and petition to ensure that either their right of access to the land was protected or, ideally, that at least part of the land was confirmed as part of the urbarial határ. Thus one can say that ‘urbarialization’ was as much a part of the final years of Hungarian seigneurialism as any ‘allodialization’ that may have occurred.

For example, in 1817 the peasants of Vörösvár submitted a petition to the Pest county courts after their landlord had chosen not to renew a lease for an area of *puszta* that the peasants had farmed for some time. Through reference to an earlier contract, the peasants claimed they had long-established use of this land that amounted to customary rights. As such, the peasants reasoned that the lord had no right to deny them access to the land. In this instance, having been presented with evidence to support the peasants’ claims, the court ruled in the peasants’ favour and insisted a new contract should be established, detailing the rent for this land in labour service or in cash. The exact terms of the contract was to be decided between the lord and the peasants, as had been the case before. Although the court felt unable to ignore the peasants’ customary use of the land, the land was not to be confirmed as part of the peasants’ urbarial holdings.<sup>21</sup> Thus the new contract merely maintained the status quo and did nothing to resolve the legal status of the land once and for all, but the peasants had successfully defended their right to use the *puszta* for the time being. The peasants continued to farm the *puszta* up to 1848, when a subsequent ruling decreed that the land would remain part of the lord’s demesne, becoming his property thereafter.<sup>22</sup> This would suggest that, in this instance at least, any allodialization was delayed until customary rights were supplanted by rights of private property as part of the complete deconstruction of seigneurial relations in the aftermath of 1848.

A similarly case occurred at Törökszentmiklós in Heves county. Up to 1819 the peasants had been able to rent a large portion of the surrounding *puszta*, sharing the land with their lords, the Almássy family, in addition to an area of land that had been designated as communal pasture after the Urbarium. In that year, the landlords had sought to change the terms of the rental contract, wishing to enclose part of the *puszta* in their demesne. The peasants then filed a

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<sup>21</sup> MOF X.439 4746 PML úrbéres összéírások, 1815, nr.2880, 1817, nr.2625

<sup>22</sup> MOF X.4384762 PML Köz és kisgyűlési jegyzőkönyvek, 1848, nr.7415

complaint with the courts, claiming that, as dictated by their use of the land, it should be seen as part of the communal pasture and no part of it could be reserved for the sole use of the lord. At the same time, to gain support for their case, the peasants hired a lawyer, Sámuel Halmi, and sent him to Pest with their petition. In this instance the court decided that the land was communal pasture, citing an agreement of 1805 as proof of this, and decreed the lord had no right to enclose it (whether Halmi's efforts proved of any consequence to this decision is unclear from the records). Instead, the court ruled that a new agreement should be concluded to protect the peasants' use of the land. Despite this success, on his return to Törökszentmiklós Halmi was refused payment by the peasants, who claimed they had 'nothing but their children' to offer him. Halmi was chased out of town without a forint, only to begin his own legal proceedings against the peasants.<sup>23</sup>

Again, as had been the case at Vörösvár, this ruling did no more than maintain the traditional system of land use, and did not prevent further disputes concerning the *puszta* arising in subsequent years. Indeed the matter reemerged just one year after the county's ruling. The peasants submitted a new petition to the county in 1822, stating that the lord had refused to return the land to the communal pasture and continued to reserve more of it for his sole use. The court, wishing to end the dispute without further trouble, ordered the lord to distribute part of the *puszta* amongst the individual peasant *sessios*, allowing the peasants to add it to their plots or maintain it as collective, urbarial pasture. In this way, the county's ruling confirmed the land as part of the *határ* or, in other words, permitted the peasants to 'urbarialize' the land. To compensate for any discrepancies between this division and the records of 1805, the county also stated that the peasants should be guaranteed pasturing rights to another part of the *puszta* each spring.<sup>24</sup> Even this did not seem to satisfy the peasants: in 1825 the Almássys wrote to the county warning that 'agitators [within the village] were beginning to kick up another hullabaloo'.<sup>25</sup> At this point the trail of the dispute is lost.

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<sup>23</sup> MOF X.485:3532, EAL Közgyűlési iratok, 1821 nr 54, MOF X.484:3347 EAL Közgyűlési jegyzőkönyvek, 1821, nr.56-59

<sup>24</sup> MOF X.485:3532, EAL Közgyűlési iratok, 1822, nr 237a,

<sup>25</sup> MOF X.485:3348 EAL Közgyűlési jegyzőkönyvek, 1825, nr.1703-06, nr.1875

In another example, following the election of a new council at the market town of Mezőtúr in 1825, the peasants there began a campaign that aimed to ‘re-establish the old laws and customs’ concerning their access to various areas of extra-urbarial land. Through the village notary, Gábor Helmeti, the peasants filed a suit against their landlords, the Kállay family, alleging that the landlords had confiscated what amounted to three hundred whole *sessios* of *remanencia*, whilst some 15,000 *holds* of communal pasture, previously rented from outlying *puszta*s, had been enclosed within the lords’ demesne. This had left the peasants, or so they claimed, with barely enough land to grow grain for their own needs and it was only through good fortune and favourable conditions that they were able to produce enough to live off. The peasants also accused the landlord of abusing his right of *regulatio*, with the connivance of some peasants within the town, who, as a reward, had been granted additional land to their *sessios*: a rare example of intra-community strife in such cases. The county found in favour of the peasants, stating that, so long as the peasants continued to pay the agreed rent, the *remanencia* should remain accessible to them. As a mark of this right, the court ordered that the peasants should be permitted to construct buildings on the land and distinguish the land from the lords’ demesne through ditches or hedges. As with the case at Törökszentmiklós, this effectively demarcated the land as part of the village *batár*. What is more, as a fine for the landlord’s abuse of *regulatio*, he was to forfeit his right to collect the vineyard tithe that year.<sup>26</sup>

Even so, the matter did not end there as, two years later, in 1827, disputes between the peasants and the lord flared up again. First, submitting their own petition to the county, and sending representatives to Vienna to promote their cause, the Kállays appealed against the ‘flagrant disregard’ for their legal rights, claiming the peasants were failing to fulfil their urbarial obligations. The county deputy sheriff was sent to Mezőtúr in response, tasked with ensuring that the peasants fulfilled their obligations, and reiterating that this had been a condition of the earlier settlement. In the meantime, the peasants had submitted another petition in which they claimed that the landlord had not kept his side of the bargain, having failed to permit the peasants’ access to the *remanencia*. And once more the dispute returned to the issue of the *puszta*, to which the peasants also accused the landlord of denying them access, and of illegally enclosing the land

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<sup>26</sup> MOF X.485:3348 EAL Közgyűlési jegyzőkönyvek, 1825, nr.303-04. For an explanation of *regulatio*, see Chapter 1, above pp. 41-42

within his demesne. In their petition, the Kállays had claimed they had every right to do so as the land was not deemed to be part of the urbarial *sessios*, and therefore the peasants had no guaranteed rights to the land. But now the peasants referred to an urbarial survey of 1774 to support their cause. According to the terms of the 1774 agreement, the peasants claimed that they had been granted access to a much greater extent of land than the Kállays now permitted them, although the peasants offered no detail as to exactly how much land they had lost. Finally, echoing their complaint of 1825, the peasants reiterated the difficulties of their current situation as their landlord continued to ‘demand every possible service and [sought to] claim every portion of their produce.’<sup>27</sup> At this point the county appeared to tire of the endless complaints of the peasants, and, feeling the need to ‘defend the property rights of the nobility’, found in the lord’s favour. The subsequent investigation had found the lord to be a ‘well-tempered protector to his poorer peasants’ whilst the peasants were seen as disturbing the peace. Feeling the weight of officialdom upon them, the town council submitted to the county’s ruling, stating that it only wished to maintain the ‘common peace’ between lords and peasants and, as such, could not accept the ‘radicalism’ of those few peasants who continued to protest by failing to pay the rents owed. As a mark of its goodwill, the council turned two of the instigators of the peasants’ complaint, Lukács Igari Szűcs and János Kovács, to the county authorities: a move that the council promised would ensure the population ‘would once more be at rest’.<sup>28</sup> Despite all the toing and froing, the final fate of the disputed land is not, in this case, made clear.

As this last instance has shown, it could not be assured that the courts would always be sympathetic to the appeals of the peasants. If the county officials found that a landlord had acted within the bounds of the law, and the peasants appeared to be doing nothing but stirring up trouble, the courts could easily dismiss the complaints of the peasants. Such a case occurred in Heves county between the inhabitants of Tiszafüred and their landlord, beginning in 1818. There, an urbarial agreement of 1794 had established a *batár* of 1,051 *holds* for the peasants’ *sessios*, in addition to which the peasants leased 6,876 *holds* of manorial land under a separate agreement. When the landlord cancelled the rental contract, the peasants began proceedings to establish their customary rights

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<sup>27</sup> MOF X.485:3533 EAL Közgyűlési íratok, 1827 nr 632, nr 635, nr 682

<sup>28</sup> MOF X.485:3534 EAL Közgyűlési íratok, 1830, nr 349

to the land in the county courts, wishing to see the land added to the *batár*. For good measure, the peasants added a complaint stating that increased rents in kind and demands for *robot* were threatening their livelihoods. In this case, the county found no basis for the peasants' complaints concerning their obligations, for these remained well within the limits of the Urbarium. Similarly, the county saw no reason to overturn the terms of the 1794 agreement, which clearly defined the rented land as part of the lord's demesne.<sup>29</sup>

Having failed to gain any remittance from the county, the peasants sent representatives to Pest and secured the services of a Viennese lawyer, András Rigler, to appeal their case. Rigler appeared able to win the sympathy of court officials in Vienna for the peasants' cause, for he returned to Tiszafüred with a reprimand for the 'misbehaving landlord' and instructions for the county officials to investigate the case and reassess the division of the urbarial and dominical lands. But again, on completing the investigation, the county found there was no basis for the peasants' complaints, and that the lord had been acting within the bounds of the law. Rather than admonish the landlord, the county instead insisted the 'trouble-making' village council be replaced, hoping that this would see a return to peaceful relations between lord and peasants. Suggesting that at least some of the peasants in the village agreed with the county's stance a new council was elected without opposition. Even so, the new council resubmitted the complaint the following year, again to no avail.<sup>30</sup>

#### IV

The above examples have shown some of the problems that arose when lords sought to rationalize the management of their estate through the enclosure or division of communal lands, and the means by which peasants might object should they believe their rights were not taken into account. In dealing with these cases, the county courts did little to resolve the rights of either lords or peasants in the long run, rather seeking to foster a compromise that could satisfy, and respect the rights of, the two parties concerned. Thus, in the cases cited above, it would appear that, prior to the reforms of 1836, the most pressing concern for the county administrations appears to have been a desire to maintain

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<sup>29</sup> MOF X.485:3531 EAL Közgyűlési iratok, 1818, nr. 324, MOF X.484:3347 EAL Közgyűlési jegyzőkönyvek, 1818, nr.470-72

<sup>30</sup> *ibid.*, 1819, nr.36-41, nr. 1307-13, MOF X.485:3531 EAL Közgyűlési iratok, 1819, nr. 974

social order within the villages. This was achieved through defending a degree of normalcy in lord-peasant relations, particularly relating to land-use, and protecting the status quo as far as was deemed possible without disregarding the rights of either party. Thus the courts defended the peasants' rights to disputed land even where such rights were not clear cut although, by failing to confirm the urbarial status of such land, the courts rarely went as far as the peasants might have hoped. Conversely, in instances where lords could claim not to have disregarded custom, or could cite their own rights above those of the peasants, the counties found little reason to restrict allodialization, permitting lords to lay claim to disputed land as legally part of their demesne. This was particularly the case in respect of the seigneurial right of *regulatio*, which proved to be one of the more successful means for landlords to expand their demesnes.

*Regulatio* permitted landlords to exchange peasant-farmed land, including a peasant's urbarial plot, with land elsewhere on his estate so long as the new piece of land was of equivalent size and quality. To control the use of *regulatio*, the Urbarium had stipulated that it could be applied only to cleared land (*írtvány*), and that any such exchange had to be registered through the county courts; stipulations that were repeated by the reforms of 1836. But, since the origins of *regulatio* were lost amongst Hungary's labyrinthine customary law, it proved a seigneurial right ripe for abuse, and nineteenth-century jurists had gone to some lengths to reinterpret the right in favour of the lords. There was little to prevent lords from offering uncultivated land as compensation for land a peasant family may have worked for generations, the stipulation that such land should be similar quality was practically unenforceable, or, in the worst cases, lords could simply fail to compensate the dispossessed peasant at all. Historians and others have frequently pointed out the abuse of *regulatio* to support widespread allodialization in the early nineteenth century, as in the instances on the Eszterházy and Széchenyi estates referred to earlier in this chapter.<sup>31</sup>

Of course, many peasants were not willing to allow the confiscation of their land, whether by *regulatio* or other means, to go unchallenged. In the first decades of the nineteenth century, a number of peasant communities brought cases against their landlord relating to abuse of the right of *regulatio* but they could find little support from the county court. For example, József Károlyi, exercising

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<sup>31</sup> See above, p. 101



his right of *regulatio*, evicted eleven peasant families from his estate at Fóth, in Pest county, between 1810 and 1811, claiming he needed the land for private buildings. Despite the peasants lodging protests with the county, the courts could find no reason to challenge the evictions since Károlyi had been acting within the bounds of the law.<sup>32</sup> However, should the courts believe that the lords were acting insincerely or were abusing *regulatio* to dispossess the peasantry, the courts would attempt to protect the peasants' lands. But even in these instances, the reference to a customary seigneurial right hindered the courts to this end. Such was the case in 1817, when the peasants of Cegléd sought to rectify what they believed had been the 'mistaken' switch of urbarial land for some of the worst land on their lords' demesne. The peasants claimed that the land had been granted to them under the terms of the Urbarium, and as such the lord had no right to challenge it now. In response, the lord stated that he only wished to rebalance an earlier agreement from 1803/04, when the peasants had been allocated all of the best land from his estate. In this instance the county reprimanded the landlord, ruling that the right of *regulatio* was not to be abused in this manner, and that efforts should be made to prevent the worst land being passed onto the peasantry. Yet, at the same time, the county officials found that the complaints were becoming so common they felt they had no choice but to wash their hands of the case. In the end the courts left the matter to be resolved as best as possible between the peasants and their lords, although in doing so the county officials admitted that this would permit what amounted to the legalized land robbery by the lords.<sup>33</sup> No doubt in part due to the resigned attitude of the courts, the use or misuse of *regulatio* continued unabated: twenty-four similar cases were brought to court in Pest county in 1823 and 1824 alone, each attracting no more than a passing reference in the court records.<sup>34</sup> No doubt the county's attitude influenced the attempts to limit the use of *regulatio* at the diet in 1836.

On other occasions landlords could legitimately reclaim peasant-farmed land if their tenants failed to meet their obligations, although evidence of this is rarer than cases concerning the use of *regulatio*. One such case occurred at Monor, on the estates of József Batthyány, also in Pest county. In 1825 the

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<sup>32</sup> MOF X.439:4746 PML úrbéres összészíráások, 1815, nr.3188

<sup>33</sup> MOF X.439:4746 PML úrbéres összészíráások, 1817, nr.3931, nr.1092, nr.2574,

<sup>34</sup> MOF X.439:4747 PML úrbéres összészíráások, 1823, nr.435, 1824, nr.2111, nr.3985

peasants filed a series of petitions against Batthyány relating to the terms of their use of an area of rented land lying outside the *batár*. A group of cottars living within the village, who had been leasing the land, complained against the collection of the ninth, claiming that the land should be classified as *írtvány* and as such should be exempt. When the case was brought to court, Batthyány's representative cited the poor cultivation of the land by the peasants, their failure to pay the ninth, and delayed payment of taxes stretching back to 1818 as justification for cancelling the agreement. In this case the county found that Batthyány had acted within his rights and dismissed the peasants' complaints.<sup>35</sup> However, the peasants did not give up their claims to the land and resubmitted petitions in 1834 and 1837. These stated that the lord had failed to find new tenants to replace those that had been expelled in 1825, as was his duty according to the terms of the Urbarium. Again they challenged the lords' right to demand the ninth from the land. In this instance, with the case coinciding with the division of an area of communal pasture following the 1836 reforms, the peasants were compensated for their earlier loss by having part of the disputed land lost in 1825 included within the *batár* along with their portion of the shared pasture.<sup>36</sup> A similar case occurred on the Pest county estates of Pál Szemere in 1814 and 1834. In both these instances the landlord had filed a suit against his peasants for failure to perform their *robot* obligation in an attempt to seize their land. Both times the lord won the case, though it is unclear whether the land became part of his demesne or, as stipulated in the Urbarium, the expelled peasants were replaced with new tenants.<sup>37</sup>

It was also possible for landlords to simply cancel agreements for the lease of extra-urbarial land and add it to their demesnes, particularly when an estate changed hands. For example, when the *puszta*s of Bőszer and Csábor, which had been rented by the inhabitants of Kecskemét, passed from the Orczi family to Prince Ágostán Coburg-Koháry, the contract that had seen the Kecskemét peasants rent 18,000 *holds* of pasture was immediately cancelled by their new landlord.<sup>38</sup> Considering that the peasants at Kecskemét could still lay claim to well over 100,000 *holds* of land it is unlikely that the loss of the pasture

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<sup>35</sup> *ibid.*, 1825, nr.950, nr.338

<sup>36</sup> MOF X.439:4748 PML úrbéres összészíráások, 1834, nr.1607, 1837, nr.912

<sup>37</sup> MOF X.439:4746 PML úrbéres összészíráások, 1814, nr.370 MOF X.439:4748 PML úrbéres összészíráások, 1834, nr.1591

<sup>38</sup> MOF X.439:4746 PML úrbéres összészíráások, 1815, nr. 2014

was much of a hardship, a point reinforced as there is no record of the peasants raising any strong objection. Similarly, in 1834/35 the peasants of Tápíósüly lost access to 6204 *holds* of *puszta* at Szentistván following a case of disputed ownership between Ferenc Pethe and Baron János Podmaniczky. On winning the case Podmaniczky cancelled the agreement for the lease of the *puszta* that the peasants had concluded with Pethe, adding the land to his demesne.<sup>39</sup>

Thus, as these cases show, it was possible for some lords to lay claim to parts of the extra-urbarial land farmed by their peasant tenants and enclose it within their demesne in the early decades of the nineteenth century. But, as is most apparent in cases relating to *regulatio*, this could only be achieved with ease if the lords' rights could be established above those of his tenant peasants. Even in cases where the land had been recorded as part of the lords' demesne, permitting the lord to enclose it when he wished, the protests of the peasants could make the process lengthy, and risked the displeasure and interference of county or royal officials. This is clear from the petitions of the peasants at Vörösvár, Törökszentmiklos, and Mezőtúr referred to above. Moreover, when a lord could lay claim to land disputed by his peasants, there was no guarantee that his rights would be confirmed permanently. This was the case in the dispute between Batthyány and the tenants at Monor when the peasants were able to subsequently 'urbarialize' part of the disputed land by incorporating it in the village *batár*. A further consideration for the courts in all these examples was to maintain the rural status quo, abating any dispute before it could flare up into significant unrest (and, no doubt, ensuring that the land remained cultivated, so that rents and taxes could be collected). Thus at Monor, as with the cases at Vörösvár, Törökszentmiklos, and Mezőtúr, the courts appear to have been striving to do little more than keep the peace as best they could without dismissing the rights or complaints of either party out of hand. All of these cases do, however, emphasize that there were many areas where the respective rights of lord and peasant to the land before 1836 were unclear, with little consistency as to how the courts might rule in disputes that derived thereof. As land reform emerged as a part of the wider programme of liberal reforms in the 1830s, it was becoming increasingly apparent that such problems would have to be addressed in the course of overturning Hungary's 'feudal' rural order. A more uniform means to

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<sup>39</sup> MOF X.439:4748 PML úrbéres összészíráások, 1834, nr.5809, 1835, nr. 2507

establish property rights and to settle disputes that might arise therefrom had to form part of the reforms.

## V

The peasant petitions in the first decades of the nineteenth century had, then, emphasized the problems stemming from the peasants' rights to extra-urbarial land, and the attempts by some lords to lay claim to a portion of this land as a part of their private demesnes. As we have seen, the extent of any allodialization in this period is subject to some doubt. Indeed, in some of the cases looked at above the opposite occurred as the courts ruled that the disputed land should be confirmed as part of the peasants' urbarial *határs*. Nevertheless, as is made clear from the peasant petitions, some peasants perceived their rights of use to be under threat, and sought to establish such rights through recourse to the courts. The underlying tension within rural Hungary was to be brought home during the cholera outbreak and subsequent uprising in the summer of 1831 and, as a consequence, the 'peasant question' became a leading issue in the first stages of the Reform Era. What is more, the uprisings reinforced the fear of a peasant-led revolution, which had been playing on the minds of the nobility for the past decades, as the number of petitions reaching county offices increased year on year.

An account of the course of the cholera epidemic in Heves county will serve to illustrate this. Located on the modern-day border between Hungary and Slovakia, Heves county was spared the worst of both the epidemic and peasant violence, which were concentrated in the upland regions, just to the north, where the peasants were amongst the poorest in Hungary.<sup>40</sup> Nevertheless, the events in the county are typical of the uprising as a whole. A report into the cholera epidemic in Heves county found that one in two people who became ill died in June 1831 alone, and by the end of September there had been 7557 reported deaths in 111 communities. On 6<sup>th</sup> August 1831, it was reported that in Tiszaszalók 'one in two people are being infected. Fear and dread are all around.'<sup>41</sup> From July, doctors and officials were ordered to control the outbreak and sent out to towns and villages, and some were put under quarantine enforced by military control, as at Tiszafüred, where the inhabitants then rose up against

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<sup>40</sup> Z. P. Pach, *Magyarország története 1790-1848*, Budapest, 1980, Vol 2., pp. 674-78

<sup>41</sup> MOF X.485:3534 EAL Közgyűlési iratok, 1831, nr 836, nr 1365, nr 1688-70

the imposition of military authority and many noble landlords fled in terror.<sup>42</sup> As elsewhere, rumours spread amongst the peasantry that doctors and lords were conspiring to reduce the population and claim the peasants' land, reflecting similar concerns to the peasant petitions of the 1820s. These rumours were expressed during the protests at the villages of Bodony and Pasztó, in the north-west of the county, with the villagers of the latter claiming that the landlords had been poisoning the well.<sup>43</sup>

The situation was made worse as the authorities had problems persuading the peasants to remain idle in the important summer months. At Szöllös, west of Eger, where the peasants were prevented from going to work in the fields by the local militia, a rebellion broke out between 2 and 5 of August. One fifth of the villagers had taken up arms and rushed to the lord's manor. Despite the efforts of mediation by the mayor, the notary, doctors and other officials the rebellion had to be put down by force as the peasants seized land and looted the manorial farm.<sup>44</sup> At the village of Verpelét, the peasants, believing the priest and landlord had conspired to spread the disease, burnt and looted their homes, along with that of the notary. As they did so, they demanded to know, 'why has the disease not carried off the lord, the priest or the landowners but only the peasants?'<sup>45</sup> The peasants rebelled again on 23 of August, dragging the lord and notary from their homes and thrashing them in front of the whole village. Another report from Pasztó stated that, as rebellion swept across the county, it was the peasants and not the cholera that posed 'the greatest danger of sending the nobility to their grave'.<sup>46</sup>

Such instances of violence were, however, isolated and infrequent. Although there were many more cases of peasants chasing off doctors and other officials, there were only rare occasions when the need to send in the militia or use force to restore order arose. A few reports on the extent of the cholera uprising laid the blame on 'the stupidity and idleness of the common man'.<sup>47</sup> However, many argued that the epidemic and subsequent uprising had been worsened as the peasants were tormented by excessive dues and crushed by the

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<sup>42</sup> *ibid.*, 1831, nr 1007

<sup>43</sup> MOF X.485:3351 EAL Közgyűlési jegyzőkönyvek, 1831, nr.2005-06, nr.2372, nr. 2407

<sup>44</sup> MOF X.485:3534 EAL Közgyűlési iratok, 1831, nr 1011, nr.1084

<sup>45</sup> *ibid.*, 1831, nr 1642

<sup>46</sup> *ibid.*, 1831, nr 1365, nr. 1128, nr.1164

<sup>47</sup> J. Balásházy, *Az 1831-diki esztendői felső magyarországi zendüléseknek történeti leírása*, Pest, 1832, p. 98

demands of their landlords. At the diet of 1832-36 many deputies would attribute the worst of the uprising as stemming from ‘the oppression of the people by the landlords’. Whilst fear of a peasant uprising remained greater than the reality, the events of the cholera epidemic had served the cause of reform. It became a widely accepted viewpoint that ‘if the people remain discontented they will rise up again in revenge’.<sup>48</sup>

The events at the time of the cholera rebellion, which were to have a strong influence on the diet in 1832-36, shed light on peasant attitudes towards both their landlords and the government officials and, more generally, on the nature of different forms of peasant protests in the early nineteenth century.<sup>49</sup> As noted, the uprising was at its worst where the peasants were poorest: in the northern upland regions where poor soil and small plots of land made subsistence a constant struggle. Similarly, in the cases cited from Heves county it was the poorer peasants – the cottars and the smallholders – who had resorted to violence, at a time of unprecedented chaos, to voice their discontent. In doing so, these peasants turned against the very figures who, under normal circumstances, aided the peasants in drafting their petitions: the village notaries, mayors, priests and members of the town or village councils. Furthermore, the cholera uprising proved relatively unique for this period, in that it emphasized conflict within peasant society between the better off, landed peasants and the officials, and the smallholding or landless peasants.

Moreover, the protests of the poorer peasants, and the violent form that these took, which was in marked contrast to the more regular process of negotiations and petitions at other times, made the ‘cottar question’ central to the discussions of reform as the diet gathered in Pressburg in 1832. The ‘cottar question’ was all the more pressing as it was from these peasants, often excluded from regular means to voice their discontent, that the threat of a peasant-led revolution appeared most real. Whilst the cholera uprising was undoubtedly the most serious case of peasant unrest in Hungary in the first half of the nineteenth century, many of the resulting complaints and petitions stemmed from the same issues as before: access to land. Despite coming from a different strata of the

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<sup>48</sup> MOL, N.66 Archivum Regni Diaeta Diaeta Anni 1832-36, Ojkv, 1832-36, I, p. 92

<sup>49</sup> Deputies at the diet expressed fear that a repeat of the cholera uprising could occur should the peasant question be ignored. S. P. Sandor, *A jobbágykérdés az 1832/36-os országgyűlésen*, Budapest, 1948, pp. 58-63, MOL, N.66 Archivum Regni Diaeta Diaeta Anni 1832-36, Ojkv, 1832-36, X, pp. 66-72

peasantry the cholera uprising should, therefore, be seen in the light of the continuing disputes between peasants and landlords of the late eighteenth and early nineteenth centuries that have been outlined above. As they would in 1848/49, these peasants had taken the opportunity of an unstable and dangerous period to make their interests known.<sup>50</sup>

## VI

Before turning to the reforms and their impact between 1836 and 1848, it is worth returning to the structure of Hungarian rural society on the eve of the reforms. As had been made clear after the cholera uprising, there was a sector of the Hungarian peasantry whose subsistence was precarious enough to threaten rural unrest: the cottars and smallholders. As noted above, there can be little doubt that the position of the cottars, and the fear of a repetition of the cholera uprising, played on the minds of the deputies at the diet of 1832/36. In addition, the increase in landless peasants has often been taken as indicative of the growing impoverishment of the peasantry, along with the enclosure or allodialization of peasant-farmed land, by those who advocate a late ‘neo-serfdom’ in Hungary in the late eighteenth and early nineteenth centuries. These have argued that, by restricting the peasants’ urbarial land to within the boundaries of the *batár*, the potential for the peasants to expand their holdings through clearing woodland, draining swamps, or settling on the *puszta*s was greatly reduced. The continued growth of population led to the gradual fragmentation of peasant plots, perpetuated by the predominant system of equal inheritance amongst all male children and the appropriation of peasant-farmed land. As a result, ever more peasants descended to the strata of landless cottars and labourers.<sup>51</sup>

As with allodialization, statistical evidence would appear to bear this out. Between 1780 and 1849, the number of landed peasant households entered into surveys and censuses increased from 429,380 to 539,753, while in the same years the number of housed cottars rose from 174,716 to 728,962. Between 1828 and 1849 alone the increase of housed cottars had been particularly marked, having

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<sup>50</sup> R. Gray, ‘Revolutionary Forces in a Traditional Society: The Place of the Peasantry in 1848’, in L. Péter, and M. Rady, eds., *Resistance, Rebellion and Revolution in Hungary and Central Europe: Commemorating 1956*, London, 2008, pp. 99-106

<sup>51</sup> I. Szantó, ‘A majorsági gazdálkodás uralkodóvá válása, a parasztság nagyarányú kisajátításának kezdetei’, in G. Spira, ed., *Tanulmányok a parasztság történetéhez Magyarországon, 1711-1790*, Budapest, 1952, pp. 223-24, G. Spira, ‘Parasztsors Pest megyében a jobbágyfelszabadító forradalom küszöbén’, in F. Keleti, ed., *Pest megye múltjából: Tanulmányok*, Budapest, 1965, pp. 206-10

doubled from 328,172. In Pest county in 1770 there had been 14,062 landed peasant families recorded in the first urbarial surveys, along with 9,477 housed cottars and 1,559 houseless cottars. As elsewhere, by 1828 there had been a significant increase in both housed and houseless cottars, rising to 25,073 and 6,134 respectively, while the number of landed peasant households had risen only slightly to 17,997.<sup>52</sup> Inevitably this led to a degree of fragmentation of the peasants' plots in the more densely populated parts of Hungary. In the upland regions in the north, for example, it was reputedly possible to find up to thirty or forty cottar families living on the land of one full *sessio*. In the more populated areas of northern Transdanubia it was not rare for between three and five cottar families to share the land of three-quarters of a *sessio*.<sup>53</sup> As noted above, it was in these regions where the worst instances of violence during the cholera uprisings occurred, reinforcing the link between peasant impoverishment and potential rebellion in the minds of the reformers.

Yet such examples were at the worst extremes of peasant impoverishment in the early nineteenth century. At the other end of the scale were the 'millionaire peasants', as they were referred to by the English traveller John Paget, on the Great Plain.<sup>54</sup> At Hódmezővásárhely 380 peasant households from 854 within the town possessed more than one *sessio* (fifty-six *bolds*) of land in 1773. Although there had been some fragmentation of holdings at Hódmezővásárhely by 1848, as the number of landed peasant households rose to 1396, there were still 327 households who farmed more than one *sessio*. The majority of peasants owned at least half a *sessio* (twenty-three *bolds*) in both 1773 and 1848 despite the growing population of the town. The largest single peasant holding in the town had increased in these years, from 10 and a half *sessios* in 1773 to thirteen whole *sessios*, almost 1,000 acres, in 1848.<sup>55</sup>

The inhabitants of Hódmezővásárhely were, then, well and truly millionaires amongst the Hungarian peasantry, but such conditions were not unknown elsewhere. The average size of a peasant plot at Hódmezővásárhely, at

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<sup>52</sup> G. Spira, 'A Pest megyei parasztság 1848 előtt rétegződéséhez', *Századok*, 92, 1958, pp. 632-35, 643. It is worth noting that these surveys also recorded that there were 16,611 peasants who had access to vineyards, suggesting that at least some of the cottars had access to land in addition to their garden plots.

<sup>53</sup> Merai, *Mezőgazdaság*, p. 133, Kiraly, *Hungary*, p. 130

<sup>54</sup> J. Paget, *Hungary and Transylvania: with Remarks on their Condition, Social, Political, and Economical*, London, 1855, Vol. 1, pp. 85-86

<sup>55</sup> MOF X.4001, O:83 H MV, t ír, 'Hódmezővásárhely összeírása 1848-évben', pp. 1-5



around half a *sessio*, was not significantly larger than that for the rest of Hungary, which varied between a quarter and a half *sessio* at the time of the first urbarial surveys.<sup>56</sup> This had changed little by 1848, by which time of 619,725 landed peasant households 282,845 possessed at least half a *sessio*.<sup>57</sup> In Moson county in 1848, for example, 3,743 peasant families shared 4,433 whole *sessios*, providing most families with a generous-sized plot of land.<sup>58</sup> In Heves county in 1771 the population included 7859 landed peasant households, 4322 cottars and 732 houseless cottars. By 1828 these numbers had increased to 9,496 landed peasants, 17,722 cottars and 3,979 houseless cottars.<sup>59</sup> Despite the increase of population there was not always an inevitable fragmentation of plots, particularly on the Great Plain. For instance, at the market town of Mezőtúr, in the south east of Heves county, 196 peasant households, from a total of 669, possessed at least a whole *sessio*. This included peasant families farming up to five *sessios*, owning between fifty and sixty horses and having orchards of between five and seven hundred trees.<sup>60</sup>

Although one cannot dispute that the number of cottars had increased before 1848, as with the allodialization of peasant-farmed land the statistics can be misleading. Similarly, it is likely that there had been some fragmentation of plots, and with it a degree of pauperization amongst sections of the peasantry, but there are reasons to suspect that this has been grossly exaggerated in some accounts. First, the increase in the number of cottars in the twenty years before 1848 is out of all proportion to the general growth of population in this period. In addition, as noted above, the area of recorded urbarial land increased by almost three times from the Urbarium to 1848 as the peasants cleared virgin land, or peasants incorporated extra-urbarial land into their urbarial holdings. Thus the expansion of urbarial land in the land registers roughly kept pace with the increase in numbers of landed peasant households in the censuses, suggesting that there was little fragmentation of peasant plots and little reason to assume that many peasants descended into the strata of cottars.

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<sup>56</sup> I. Felhő, *Az úrbéres birtokviszonyok Magyarországon Mária Terézia korában*, Vol. 1, Budapest, 1970, p. 25

<sup>57</sup> Merei, *Mezőgazdaság*, p. 133

<sup>58</sup> *ibid.*, p. 131

<sup>59</sup> Szántó, 'A majorsági gazdálkodás', pp. 320-21

<sup>60</sup> MOF X.485:3348, EAL Közgyűlési jegyzőkönyvek, 1825, nr., 303-04, MOF X.485:3532 EAL Közgyűlési iratok 1827 nr 632, nr 635, nr 682, nr 832, MOF X.485:3534 EAL Közgyűlési iratok, 1830, nr 349

Second, what legally constituted a cottar had been redefined since the Urbarium. According to the Urbarium all peasants with less than one eighth of a *sessio* might be classified as cottar. This was based on the assumption that one eighth of a plot, amounting to between two-and-a-half and seven *holds* of land, was enough to support a peasant and his family whilst fulfilling his obligations to the Crown, his landlord and the Church. However, by the early nineteenth century an eighth of plot was deemed to be too little land to maintain a peasant household. The Crown and some landlords were becoming concerned that peasants tended to divide their plots amongst all sons until their plots dwindled away to nothing, thus reducing the amount owed in tax and rent and the peasants' ability to pay what they did owe. In an attempt to limit the future subdivision of plots, laws were passed in 1807 and 1828 that stated the smallest possible size for a plot should be a quarter *sessio*, requesting that landlords and the county administration act to prevent any division of plots into smaller portions.<sup>61</sup> Inevitably this reclassification saw a large part of the peasantry redefined as cottars in subsequent records.

Third, many cottars were rediscovered in subsequent surveys and records as the Crown was determined to ensure that revenue collecting and taxation became more comprehensive, and thus surveying and record keeping became more thorough. This saw many cottars added to surveys where before they had been excluded. With the collusion of their lords and county officials many peasants had been hidden from the original surveys of the 1770s and 1780s. Such peasants, classified as either *contractualis* or *censualis*, had chosen not to conclude urbarial agreements with their lords but rather maintained separate contracts, often because they believed that urbarial agreements would see a sudden increase in their obligations. Moreover, by hiding their land from the urbarial surveys, and having it registered as dominical instead, the peasants would not owe the full tax obligation, noble property being exempt. In some counties, particularly on the northern and western parts of the Great Plain, it has been estimated as much as forty-five percent of the peasantry were *contractualis* or *censualis* in the last years of the eighteenth century, accounting for between ten

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<sup>61</sup> It is worth restating that, using estimates provided by Slicher von Bath, a quarter *sessio* would have been sufficient to support a small peasant household under a three-field crop rotation system whilst those with only an eighth of a plot would have struggled to meet their needs. Varga, *Jobbágy földbirtoklás*, pp. 131-34, and see above, Chapter 2, p. 67, n. 59

and fifteen percent of the land farmed by the peasants. Like those peasants with less than a quarter *sessio*, many *contractualis* or *censualis* peasants were included in the surveys as cottars after 1807.<sup>62</sup> This did mean that such peasants now had to contribute to state and county taxation, but it also guaranteed the cottars urbarial, that is strong, hereditary, rights to their garden and house plots, which could amount to up to a quarter *sessio*.<sup>63</sup>

Fourth, it should not be assumed that all peasants classified as cottars were landless. As already noted, after 1807 a cottar could possess nearly a quarter *sessio* of urbarial land, as much as fourteen hold, and would not be classified as a landed peasant in the records. Furthermore, just as landed peasants had been able to conclude agreements for the use of extra-urbarial land, many cottars turned to the extra-urbarial land to supplement their small plots. As in many places across Hungary, while the landed peasants of Hódmezővásárhely maintained large holdings right up to 1848, the number of housed and unhoused cottars had increased significantly. In 1773 there had been 663 housed cottar families and just 301 unhoused cottar families in the town, compared to 854 landed peasants. By 1848 the number of housed and unhoused cottars had increased by almost five times, with 2425 housed cottars and 1353 unhoused cottars. However, the cottars at Hódmezővásárhely were not landless: in 1848 they could claim access to 6,749 hold of ploughland and 4360 hold of meadow, leased as extra-urbarial land, in addition to the garden plots attached to their houses.<sup>64</sup>

Similarly, in Pest county there are examples of cottars turning to viticulture to increase their income from their garden plots well into the nineteenth century, with the cottars even able to expand the area of vineyards they tended. On the royal estate at Ráckeve, the cottars there had increased the area of vineyards they farmed from 531 *kapásnyi* in 1770 to 6449 *kapásnyi* in 1827.<sup>65</sup> In the same period the number of cottars increased from 406 to 794. Similarly at Egyháza seventy-four cottars rented 206 *kapásnyi* of vineyards in

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<sup>62</sup> Varga, *Jobbágy birtoklása*, pp. 84-86, 94-95

<sup>63</sup> It is unclear exactly why the *contractualis* peasants did not receive all the land they farmed under lease as part of their urbarial holdings, but this would conform to rulings on many disputes relating to extra-urbarial land whereby landless peasants were to receive land deemed sufficient to support a household. See cases examined later in this chapter, pp. 130-33, and Chapter 5, below, p. 168

<sup>64</sup> MOF, X4001, O:83 H MV t. ír., 'Hódmezővásárhely házas zselléreknek összeírása 1848-évben'

<sup>65</sup> One *kapásnyi* amounted to 200 *négyzetögről* (7684 square feet), or sufficient land to plant between 150 and 300 vines.

1770, increasing to 302 *kapásnyi* rented by 161 cottars in 1827. At the Ráday estate of Baron Albert Prónay, out of 168 housed cottars only thirteen (or eight percent) had access to vineyards of thirty-seven *kapásnyi* in 1770. In 1827 this had increased to 145 cottars out of a population of 344 (thirty-nine percent) renting a total of 204 *kapásnyi*. It is worth noting that other sources of extra-urbarial land were also available to these cottars. In addition to the vineyards, the peasants of Ráckeve rented 421 hold of ploughland and 558 hold of meadow from the nearby *pusztas* of Hügye and Bankháza. Likewise the peasants at Faisz benefited from land outside of their *batár*. In 1770, 174 housed cottars and 13 houseless cottars, unable to rent vineyards, rented seven hold of ploughland and 109 hold of meadow. By 1827 they had increased the rented ploughland to 95 hold, although the amount of meadow had fallen slightly to 98 hold shared amongst 387 housed cottars and 25 houseless cottars.<sup>66</sup>

Finally, from the first decades of the nineteenth century it became common for landlords to settle landless peasants on their demesnes to provide labour for their estates. These agreements often required the cottars to work on the lords' land for a set time each year as wage labourers, landlords often preferring such agreements to the inefficient, unreliable, and troublesome *robot* of their urbarial tenants. For example in 1815 Lajos Károlyi sought to encourage landless cottars to settle and work on his manorial land at Szentelernyai, in Csongrád county, because of a shortage of labour there, offering half a *bold* as the internal plot, half a *bold* of pasture and 1 *bold* of garden in return for 14 days *robot* a year and the promise of more work for cash wages.<sup>67</sup> In this instance, the landlord had been encouraged to find land and employment for the growing numbers of cottars on the estate by the council of the nearby market town of Szentes.<sup>68</sup> Likewise, in 1819 the Károlyis encouraged cottars to settle on their Pest county estates at Albertfalva as the lord sought to establish a tobacco plantation. There the peasants paid one forint smoke tax, performed eighteen days hand labour each and were required to provide additional wage labour when needed. In return, the cottars received a small house plot and shared access to some ploughland. As late as 1836 the Károlyis had established three hundred

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<sup>66</sup> MOL O.35 Urbarialaia:úrbéri tárgyak jegyzék, Fasc. I, no.91Vb, Conscriptiones Regnicolares Articulo VII, 1825-1827: Ordinatae, Promontarium Ráckeve, Egyháza, Kisharta, 's Faisz.

<sup>67</sup> L. Hanzó, *A délalföldi Károlyi-uradalom gazdálkodása a XIX század derekán*, Orosháza, 1960, p. 23

<sup>68</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 102/1815

new cottar plots at Újpest, also on their Pest county estates. The new peasants paid a rent of twenty-five forints for a small plot, along with a small amount of labour for free, and were required to provide more labour for their lords in return for cash wages.<sup>69</sup> Similarly, on the Beleznay estate at Tápiobicske, also in Pest county, a small cottar community was founded in the 1820s where the peasants were required to perform 18 days hand robot a year along with additional labour in return for cash and kind as required.<sup>70</sup>

As these examples suggest, a peasant with the status of a cottar was not necessarily landless, a fact that should cast doubt on the impact of the ever-growing numbers of cottars before 1848. Nevertheless, in the process of reforming lord-peasant relations from the 1830s onwards, the laws passed would seek to address the growth of landless peasants and cottars: a problem that had been brought home by the events of the cholera uprising. In an attempt to solve this, the laws were to make provisions that land was to be attached to the *határs*, on the condition that such land was allocated to the cottars. Furthermore, because many of the cottars were not landless and relied on access to extra-urbarial land for much of their livelihoods, providing land for the cottars was intimately linked to the division of communal and extra-urbarial lands. Appeals to this end featured in many of the petitions as peasants used the plight of the cottars, and the need to provide them with sufficient land for their subsistence, to assert their rights to the extra-urbarial land and win the sympathy of the courts. In this way the redistribution of land, in an attempt to stave off the impoverishment of the lower strata within the peasantry, and with it a reprise of the cholera uprising, became part of the reform process.

## VII

As we have seen, in the period after the Urbarium the problems created by uncertainty relating to rights to the land had been brought to the attention of the nobility, in their position as landlords or county officials, first through peasant petitions, and then during the cholera uprising. While occasionally peasants added complaints about increasing rents and obligations to their protests, in most

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<sup>69</sup> MOF X.439:4747 PML úrbéres összészíráások, 1826, nr.855, MOF X.439:4748 PML úrbéres összészíráások, 1830, nr.409, J.Galgóczy, *Pest-Pilis-Solt-Kiskun megye monographiája*, Budapest, 1877, pp. 39, 229, 340

<sup>70</sup> MOF X.438:4762 PML Köz és kisgyűlési jegyzőkönyvek, 1848, nr.4433

instances the chief concern of the peasants was to maintain access to the land they had farmed in the face of the expansion of manorial farming. As already noted, the extent to which this may have involved a large degree of allodialization is hard to discern, and there is reason to suspect that, rather than losing access to land, the peasantry continued to expand the area they farmed in the early part of the nineteenth century, particularly in places where the population remained low. Nevertheless, it is clear that, by the end of the 1820s, peasant communities felt their position to be threatened and wished to confirm their rights to the land they farmed as best they could. At the same time, many lords wished to benefit from the agrarian boom of the early nineteenth century by improving the management of their estates, and thus the income received from their lands. Often this involved rationalizing the system of land tenure, which, in turn, may well have threatened the peasants' rights to a part of the land they had used for generations.

In most instances the threatened land formed part of the peasants' extra-urbarial land or off-holdings. The peasants had no rights to this land beyond a limited tenancy secured through contractual agreements, in theory subject to no more than the continuing good will of their lords. This was in marked contrast to the unlimited and secure usufruct of their urbarial *sessios* that had been established in the *Tripartitum* and then confirmed by the Urbarium. But, as is clear from the examples above, the peasants believed their customary use of the extra-urbarial land, provided for under the terms of long-standing contracts, amounted to securer rights than the law allowed. In the course of the division between urbarial and dominical lands that occurred from the late eighteenth century, the peasants would appeal to the lord, the courts, and the law to recognize such rights and secure as much of the land they farmed as their urbarial property as possible. In many of these cases, the courts encouraged a compromise between the claims of the lord and the claims of the peasants, although this was often done in the interests of social order rather than through reference to established rights. Conversely, that the lords, so much the legal and social superior of his peasants, and supported by a judicial system dominated by their fellow nobles, were forced to pay heed to the claims of the peasantry suggests there was widespread acceptance that customary use amounted to a form of property right almost as binding as that which applied to the peasants'

urbarial land. The importance of these customary rights was to become more apparent in the wake of the reforms of 1836 and after.

The 1836 urbarial law did not fundamentally change the nature of lord-peasant relations as these had been taken from the *Tripartitum* and the Urbarium: the peasants still possessed limited but hereditary rights of usufruct to their urbarial plots in return for set obligations owed to their lords. For the most part, the 1836 law merely confirmed the terms of the Urbarium as part of the corpus of Hungarian statute law. In this the diet removed any ambiguities that remained due to the fact that the Urbarium had been passed by royal fiat and not sanctioned by the diet. For this reason, the impact of the 1836 law, and those that followed in 1840 and 1844, can easily be overlooked. But, through the discussions at the diet of 1832/36, continued thereafter in the press, certain principles relating to the peasants' property rights had been established which would become legal fact, supported in statute, by the laws of 1840 and 1844. First, through voluntary and negotiable contracts it would be possible for the peasants to redeem their obligations to their lords in perpetuity by payment of a one-off fee: a principle made legal fact in 1840. By extension, it would henceforth be impossible to emancipate the peasantry without confirming their former urbarial plots as their private property. Second, by confirming that the peasants' rights to their urbarial land amounted to strong, hereditary rights, the diet set in place the mechanism through which, once the peasants had redeemed their obligations (or these were abolished), the right of usufruct could only be converted into rights of private property: confirmed in law in 1844.<sup>71</sup>

But the complex network of customary rights meant that these principles would not be fully accounted for in statute for almost fifty years after emancipation. The peasants' rights to extra-urbarial land remained ambiguous, having no firmer base than the peasants' customary use or contracts that operated outside the reach of statute law. In response to this, the 1836 laws attempted to set in place a firmer legal framework for establishing the rights to the areas of disputed land, particularly any extra-urbarial land long-used by the peasantry, or any land where access had traditionally been shared between lords and peasants. The majority of cases that reached the county courts in the early nineteenth century were a consequence of this ambiguity; the reforms passed

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<sup>71</sup> For discussion of redemption and its implications for property rights, see Chapter 1, pp. 45-50, and the case studies in Chapter 5, pp. 161. ff

between 1836 and 1848 an attempt to resolve it. To this end, Articles VII, X and XI of 1836 enabled the division of communal and extra-urbarial land, according to the terms of its use and the size of the peasants' holding, between the peasants and their lords; confirmed that the peasants' urbarial rights extended to any area of cleared land acquired since the first urbarial surveys; and provided for the redistribution of extra-urbarial land, where rights remained unclear, amongst the landless cottars.

Perhaps most importantly, the new laws were to arm the county courts with a means to defend the peasants' access to disputed land by reference to habitual use, shoring up the rural status quo by accounting for customary practice in written law. The county courts were confirmed in their power to adjudicate in all cases where no free agreement between lords and peasants could be reached, particularly in cases concerning communal property. In particular, Paragraph I of Article IX, 1836 stated that the customary nature of land use should take precedence in all cases, and that the lords' seigneurial rights should only be acknowledged if this was not at the expense of the peasant tenants.<sup>72</sup> This article amounted to no less than an acknowledgement of the peasants' customary rights to a great part of the land they farmed, whether it had been recorded as urbarial or not. It was in cases relating to rights to extra-urbarial land where the importance of established, customary rights came to the fore.

## VIII

The true impact of the reforms cannot be found directly from the terms of the laws per se, but rather in the implications the laws had on disputes similar to those already looked at in this chapter; that is in how customary rights to the land not accounted for in written law were to be allocated to either the peasants or the lords. Thus, for the rest of this chapter, we shall return to cases that stemmed from disputes over rights to extra-urbarial land that reached the courts in the counties and in Pest between 1836 and 1848. Most of the following examples relate to cases of pasture separation and the problems stemming therefrom. In the process of reaching agreements on the proportion of communal pasture that should be allocated to the peasantry, to form a collective urbarial pasture or to be divided amongst the individual *sessios*, disputes often arose concerning the rights

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<sup>72</sup> I. Frank, *A közigazgatás törvénye magyar honban*, Budapest, 1846, Vol. 1, pp. 131-34



to the extra-urbarial land previously used by the peasantry, including the *remanencia*, *pusztas*, and woodland. It is through these cases that we can find an explanation as to how the peasants expanded the area of urbarial land from the first surveys of the 1760s and 1770s to 1848, as the peasants used disputes arising from the reforms to affirm their rights to the extra-urbarial land. Many of such cases had been initiated immediately after the 1836 laws enabled the separation of this land, but the majority of these had not been settled prior to the emancipation acts of 1848. Only sixteen percent of peasant villages had completed successful pasture separation agreements prior to emancipation, and another twelve percent had had rulings passed but no separation had been carried out.<sup>73</sup> As such, numerous old disputes re-emerged in the course of 1848/49, and many new cases were begun. But, since the process of deconstructing urbarial relations had been set in motion by agreeing, albeit only in principle, to voluntary redemption and enabling the permanent separation of communal and disputed lands, it was no longer sufficient for the courts to merely maintain the status quo.

Some of the earliest petitions submitted immediately after the first wave of reforms were caused by a misunderstanding of the new laws or the misinformation and rumour that accompanied news of them. For example, in Heves county the peasants of Poroszló submitted a complaint in 1837 stating that their lord continued to demand *robot* from them. They believed that the urbarial law of 1836 had granted their 'freedom' and, therefore, must have abolished all their urbarial obligations. The peasants then appealed to the village notary to draft a petition to the county court, claiming that the landlord was not following the prescripts of the new laws. The deputy sheriff was dispatched to explain the true nature of the law; although this did not satisfy the demands of the peasants, they realized there was no basis on which they could take their complaint further.<sup>74</sup> Similar protests had occurred in seven other villagers across Heves county in 1837 and 1838 as peasants refused to perform the robot. In places this encouraged the lords to commute robot into cash rent as it was no longer worth the trouble of enforcing the labour service. Other landlords, including Károly Draskovics, Farkas Petrovay and András Kovács, appealed to

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<sup>73</sup> I. Orosz, 'Peasant Emancipation and After-effects', p. 64, J. Varga, *Jobbágyfelszabadítás*, 1979, pp. 344-45, L. Für, 'Jobbágyföld-parasztföld', in I. Szabó, ed., *A parasztság Magyarországon a kapitalizmus korában*, Vol. 1, Budapest, 1965, p. 139

<sup>74</sup> MOF X.485:3535 EAL Közgyűlési iratok, 1837 nr 1094

the county as they struggled to enforce the old urbarial obligations. They requested that the *szolgabíró* fully explain the new law, whilst many peasants took the opportunity to obtain guarantees that their landlords would listen to their grievances in return for their obedience. In response, no doubt remembering the disquiet surrounding the cholera outbreak a few years earlier, the county acted swiftly in case ‘the restless spirit within the peasantry’ was further inflamed. The number of such disputes increased so significantly that, in 1845, the county administration feared that any further reforms would provoke another wave of unruliness.<sup>75</sup>

Other disputes related to the allocation of pasturing rights and the associated redistribution of land. Some landlords encountered problems breaking the peasants’ strong attachment to the land as they sought to use the new legislation to consolidate their estates. In places, the lords complained of having to cede their best land to the peasants, as the Almássy family claimed in respect of their estate at Zaránk in a case from 1845. The peasants had first protested against the redistribution of land, and had stopped performing robot until they were guaranteed that any division of the estate would conform to their wishes. The peasants used the opportunity to restate demands made in an earlier petition, wanting to maintain access to the *puszta* that they had previously used. When county officials were called to the estate to enact the division of the communal pasture, the peasants voiced strong demands as to which sections of the land they would receive. After two years of dispute, the landlords complained they had achieved only a limited area of the land they had sought to enclose. Finally, under pressure from the county officials, the peasants agreed to the division of pasture. Yet, when the agreement was ratified, the peasants submitted a new complaint since ‘the poor quality of the land we are given is such that we are left without bread’.<sup>76</sup>

At Tétény, in Pest county, the peasants had filed suits for the separation of communal pasture in November 1837 and January 1838, made up of 1,100 *holds* from the nearby *puszta* at Kőbanya. As part of the same case, the peasants also sought to secure rights to land outside the *batár* that had been rented by the cottars within the village. Disputing the peasants’ rights to the land, their lord asserted that, since the land had been leased under a separate contract, it should

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<sup>75</sup> *ibid.*, 1837, nr 1254, *ibid.*, 1838 nr 618-19, *ibid.*, 1845, nr 393

<sup>76</sup> *ibid.*, 1845, nr.491-92, nr.2316, nr.2470

be considered part of his demesne. However, by referring to Article VII of the 1836 laws, which had stated that disputed land farmed by the peasants should be used to provide plots for the cottars, the courts reached a compromise between the lords and the peasants, adding forty-eight *sessios* of land to the *batár*.

Moreover, the court suggested that the peasants should be guaranteed access to ten *holds* of pasture for each full *sessio* of land from the disputed *puszta*, which would be leased under a separate agreement as before, until a full assessment of the land could be made.<sup>77</sup> In this way the court acknowledged the lord's right to the land whilst ensuring that the peasants would not be dispossessed of it.

In the course of negotiations for a redemption agreement at Csebény, in Baranya county, beginning in 1838, the peasants had filed a suit in an attempt to establish their urbarial rights to an area of *irtvány* and some *árendás* land which they had leased from their lord. A previous agreement had seen the size of the *batár* confirmed at 387 *holds*, but this had left 193 *holds* of *irtvány* and 300 *holds* of *árendás* land under dispute. With the case reaching the courts in November 1843, a year before non-noble property rights were to be confirmed by the diet, the court was reluctant to grant full property rights to the peasants. Instead, much as had been the case with the petitions of the 1820s, the court pushed for a compromise that would neither challenge the peasants' rights to farm the land nor change the land's ambiguous status. The peasants were permitted to include eighty-seven *holds* of land, which had been clearly established as *irtvány*, within their *batár* once the clearing fee, amounting to fifty-six forints, had been paid to the lord. In addition, the peasants would be able to rent the rest of the disputed land at a reduced rate of eight forints a *hold*. The final division of the land would be left for a later date.<sup>78</sup>

Similar complaints could be heard across Hungary from the early 1840s onwards as the peasants sought to use the new laws to end age-old disputes with their lords. Many of these cases had been going back and forth between the peasants, their lords and the county courts, only receiving a final settlement when the cases were confirmed in the Pest courts in the years immediately before and then during 1848. Peasants hoped that, following the reforms, their petitions would be heard with more sympathy, and any grievance meet with a better chance of redress. Such hope is clear in a petition from the peasants of

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<sup>77</sup> MOL O.35 Urbarialaia:úrbéri tárgyak jegyzéki: Fasc II:CCLXX ülés, 418-19, 496,

<sup>78</sup> *ibid.*, Fasc V:X ülés, Vb.,81/89

Kisharsányi, in Baranya county, sent to Pest early in 1848. The peasants took the opportunity of the rumours of further reforms to resubmit a case from 1823 relating to an area of land they had leased previously. In their petition, the peasants claimed the complacency of the manorial courts, and then the county, had permitted their lord to seize a part of their land, and the county responded only to their lords' demands as it was filled with his estate officials.<sup>79</sup> Likewise, the peasants of Apc, in Heves county, submitted a petition in which they expressed relief at the end of urbarial relations. At the same time the peasants demanded their rights to all the land they farmed should be acknowledged, stating that their lord had claimed a great part of their land just a few years before.<sup>80</sup> As the following examples will show, quite often the expectations expressed by the peasants of these two villages would be met.

At the village of Bubulicska, in Bereg county, the peasants had filed forty-four separate petitions relating to their rights to the communal pasture with the county courts between 1777, when the first urbarial agreement had been concluded with their lords, and 1846. Through these petitions the peasants had maintained their use of pasture and an area of woodland, but the nature of their rights had never been adequately established. It was not until 1846, when the peasants had filed a suit for the separation of these lands, that the court was able to confirm the peasants' rights to the land. Bringing an end to almost seventy years of dispute the court ruled that, since the pasture and woodland had been used by the peasants in much the same way as the meadow within the urbarial *batár*, it should be divided equally between the lords and the peasants. This granted the peasants sixty-eight *holds* of land to be added to their *batár*.<sup>81</sup>

The peasants of Szinerváraly, in Szatmár county, had filed a petition in 1844 for the separation of the communal pasture, which included an area of *puszta* leased from their lords. At first, the courts ordered an equal division of part of the pasture between the lords and the peasants but, since the contracts regarding the lease of the *puszta* suggested that this land formed part of the lords' demesne, the peasants could not be assured any rights to that land. Instead, the court hoped that the peasants would receive a 'fair and just' part of the disputed land after further negotiations between the village council and the lords.

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<sup>79</sup> MOL N.69 1848/49 Országgyűlés Arch Regn, Lad XX 22 F.II.A No. 157

<sup>80</sup> *ibid.*, Lad XX 22 F.II.A No. 492

<sup>81</sup> MOL O.35 Urbarialaia:úrbéri tárgyak jegyzéki, Fasc. II:XXIX ülés, 39/93-100

However, two years later the peasants appealed the decision stating that they had not been granted rights to a fair share of the land that had been used as communal pasture, nor had they received any part of the *puszta* that they claimed had been used exclusively by the peasants. The peasants claimed that, as this land had not been leased under separate contracts but had, instead, been farmed solely by the peasants, their customary use of the land should be sufficient to establish its urbarial nature. Following further disputes a ruling was finally confirmed in August 1848. This found the peasants' claims to be justified and, through reference to Article X of the 1836 law, confirmed that 521 *holds* of the disputed land should be added to the *batár* since this reflected the current use of the land. The ruling left the three landlords of the village, Ferenc Darvay, István Karnics and Matyás Liha, receiving just 147 *holds* from the land claimed by the peasants.<sup>82</sup>

In another case from 1846 the villagers of Nagymazsály, in Bereg county, sought to establish the urbarial nature of forty-eight *holds* of *remanencia* that had not been included in the *batár* after the separation of communal pasture a few years earlier. The landlord had attempted to lay claim to the land through his right of *regulatio*, claiming that the peasants had been compensated with other land during the allocation of pasturing rights. Referring this time to Article XI of the 1836 Urbarium, the court ruled that land should be included within the *batár* and allocated to those cottars who had farmed in the previous years, stating that the 'recent laws have made it possible to allocate ownership of land according to its use'.<sup>83</sup> Similarly, the peasants of Vörösvár, in Bars county, had filed a petition in February 1847 to lay claim to some land that had not been included in their share of a pasture separation concluded three years earlier. As with the case from Nagymazsály, the court referred back to the 1836 laws to resolve the differences between the traditional (*régi*) and current (*jelen*) allocation of land, noting that it had been the purpose of these laws to defend the peasants' access to disputed land and provide land for the landless. As a result of their petition, the peasants were granted an additional 475 *holds* of land, some of which would be shared between seventeen cottars living within the village, and some to be used as

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<sup>82</sup> *ibid.*, Fasc II: XXVI ülés, 64/25

<sup>83</sup> *ibid.*, Fasc II: XXX ülés, 64/30

pasture. This left 160 *holds* of land with uncertain ownership to be claimed by the lords.<sup>84</sup>

Other petitions that sought to establish rights to extra-urbarial holdings could make reference to customary use stretching back centuries. Such was the case at Gecse, in Veszprém county, where the peasants referred to agreements dating back to 1688 for the use of an area of *puszta*. The court then ruled that this enabled the peasants to purchase the rights to the land from their lord, paying suitable compensation in cash in lieu of the rent they paid before.<sup>85</sup> Similar cases emerged at Csakberény, in Fejér county, and at Nozslop, in Veszprém county. In both instances the peasants had used the separation of pasture to restate claims to land they had leased from the lord, dating back to 1811 at Csakberény and to 1806 at Nozslop, where the peasants had also filed petitions for the land in 1824, 1835 and 1836. In both instances, acknowledging that the peasants' customary rights could not be ignored, the courts ruled that the peasants should be permitted to 'purchase' permanent rights to the land.<sup>86</sup>

On the other hand, if the peasants could not establish their habitual use of the land, the courts could just as easily dismiss their claims, permitting lords to add the land to their demesne if they so wished. This occurred in cases between the peasants of Mezőberény and Körösladány and their lord, Baron Joseph Wenkheim, and between the peasants of Németsfalu, in Zala county, and their lord. In these instances, finding that the peasants could not support their claims to the disputed land since the peasants could not provide any records of contracts or land surveys for these villages, the courts simply dismissed the petitions.<sup>87</sup> Still, in the majority of cases the courts sought to encourage a compromise between the peasants and lords, even if there were few records to establish how any disputed land had been used. On occasion the land would be divided roughly equally between the lords and the peasants, on others the peasants would be granted the possibility to 'purchase' rights to the land for a one-off fee.

Thus we can see that the renewed urbarial patent of 1836 and the reforms that followed attempted to set in place a firmer legal framework for establishing

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<sup>84</sup> *ibid.*, Fasc II: XXXI ülés, 64/31

<sup>85</sup> *ibid.*, Fasc II, XXXIII ülés, 10

<sup>86</sup> *ibid.*, Fasc III, XXXIV-VI ülés, 151/52.IV.b2

<sup>87</sup> *ibid.*, Fasc V, XXXV ülés, 14, XLVI ülés, 16

the rights to any areas of disputed land, particularly any extra-urbarial land long-used by the peasantry, or any land where access had traditionally been shared between lords and peasants. As the cases that emerged in the years immediately before 1848 show, it is clear that the laws offered the opportunity for lords and peasants to resolve these issues, often in a way that acknowledged the continuing relevance of customary or habitual use. By replacing ambiguous customary rights with rights of private property rooted in statute law, the reforms of 1836 and after were to be a further step in rectifying ‘the mistakes and omissions of earlier laws’, making the law more accurately reflect rural conditions. This was perfectly in keeping with the wider liberal reform project of transforming Hungary from a ‘feudal’ to a ‘civil’ society. The transition to a system of law based on private property, and a system of agriculture based on the innovation and improvement that private property enabled, would be eased once the law accounted for and resolved disputes that arose from customary rights. What is more, the reforms of 1836 provided for these issues to be settled through negotiations, adjudicated by the courts when necessary, in keeping with the pattern of lord-peasant relations from the early eighteenth century. As 1848 approached, such negotiations aimed more at the deconstruction of the ties that bound lord and peasant than setting the terms of that bond.

## IX

There are many reasons to question the extent of any ‘refeudalization’ that occurred in Hungary from the late eighteenth century to 1848. In Chapter Three, we have seen that any increase in the rents or *robot* labour landlords wished to extract from their peasant tenants were limited in the years after the Urbarium. The peasants were still in a strong position to negotiate, with reference to the courts if necessary, to ensure that the demands of their lords were kept within the boundaries of what the peasants deemed reasonable or just. For the most part, this entailed the peasants paying at least a part of their rents in cash, often converting as much of their obligatory labour or other rents in kind into cash payments as well. Likewise, as we have seen in this chapter, the peasants were able to limit any allodialization or enclosure through appeals to the courts and reference to customary rights. Thus the peasants were, first, able to defend their rights to the land where these had not been adequately accounted for in law.

Then the peasants, through the tried-and-tested means of petition and negotiation, began the process whereby their customary rights would be confirmed as rights of private property as statute law more accurately reflected rural conditions and customary practice following the reforms of 1836 on.

Thus through petitions and negotiation the peasants were able to assert and protect their rights and their position in relation to their lords and the land. By protecting the traditional order of things, the peasants staved off the worst of any pauperization or oppression that the last years of 'second serfdom' are supposed to have inflicted upon them. Therefore, any 'late feudal crisis' in the period to 1848 has to be found not in the immiseration of the peasantry, but rather in the peasants' defensive action against the potentially or seemingly exploitative actions of their lords which may have threatened increased rents or, more often, the peasants' access to the land they farmed. In light of this, the reforms before 1848 can be viewed as a means to ease a crisis of transition, and emancipation as a necessary part of overcoming the last obstacles placed on nascent capitalist agriculture by 'feudal' laws and the old rural order. But, because of the particular form of Hungarian seigneurialism, the expectations of peasants had to be acknowledged as a part of the process of reform. The peasants possessed rights, as they perceived them, defined by customary practice and/or statute law, and they had a means, which they understood all too well, to express and defend these rights through petitions to their lords, the county courts and the Crown, or at extreme times, through rural rebellion. These rights and processes, established in law or through generations of practice, informed the peasants' sense of what was 'reasonable' or 'just' and, therefore, what they expected from reform, and the means by which any reform had to be carried out.

Having thus far provided a broad overview of how lord-peasant relations worked, and the problems that could derive as part of these relations, we shall now turn to the deconstruction of these relations in more detail through case studies of lord-peasant relations on four estates. These case studies will furthermore return to the nature of the peasants' rents, offering an insight into the other aspect of the reforms that preceded emancipation of 1848: the redemption of the peasants' urbarial obligations.



## 5: Four case studies in lord-peasant relations

### I

Long experience of negotiating the terms of their relations to their lords and of seeking to establish their rights to the land gave to the peasants an established means in which to work when it came to the dismantling of urbarial relations in the years before 1848. We have seen in previous chapters how the peasants used petitions to their lords and the county courts to maintain their access to extra-urbarial lands, before taking the opportunities provided by the reforms of the 1830s and 1840s to establish their rights once and for all. Similarly, in Chapter Three, we saw how the peasants were able to use negotiation to limit the impact of the Urbarium should its terms prove to have a negative effect on the terms of their relations to their lord. This was particularly the case if urbarial agreements might result in any ‘unreasonable’ increase in their obligations or rents, especially in the form of *robot* labour. Following on from Chapters Three and Four, we will in this chapter look at four case studies of lord-peasant relations in two regions of Hungary: on the Great Plain (at the market towns of Szentes and Hódmezővásárhely in Csongrád county, and Szarvas in Békés county); and in Western Transdanubia (on the Körmend estate of the Batthyány family in Vas county). Through these case studies, we will follow the negotiations between lords and peasants in the eighteenth and nineteenth centuries as the negotiations were used to establish the peasants’ obligations and define their rights to the land. We will also see how the peasants’ rights to the land and their obligations were established from the time of the Urbarium and then changed during the decades of agrarian boom in the early nineteenth century. Finally, we will see how the peasants’ attempts to define the terms of their relations to their lords culminated in negotiations aimed at the dismantling of urbarial relations in the years before 1848. In so doing, we will retrace some of the central issues picked out in the previous two chapters: how the village *határs* were formed from the division between urbarial, dominical and extra-urbarial lands; how the form and level of rents were established and changed; and how disputes concerning the peasants’ rights to the land were settled. Through this re-examination, we will see how negotiations shaped the terms of lord-peasant relations, and how these were used by the peasants to assert their own interests and defend their rights if they felt

these had been abused or ignored. In short, we will seek to portray the peasants as actors and agents.

These case studies, particularly those of the market towns on the Great Plain, are even more telling as the peasants attempted to conclude agreements aimed at the permanent redemption of the urbarial obligations with their lords, conducted both before and after the reforms of the 1830s and 1840s. The possibility of voluntary redemption agreements, discussed and rejected at the diet of 1832/36, then passed into statute law in 1840, is often seen as the most significant reform enacted before 1848. According to the law of 1840, which followed principles established in 1832/36, the terms of redemption were to be established through negotiations between peasants and their lords, overseen by the county administration, and then ratified by the central courts in Pest. The 1840 law had established guidelines to be followed: the redemption fee was to be equal to twenty years' dues, running at five percent yearly interest, but was not to include the value of the land (Deák having established during the debates of 1836 that the lords' possessed no right to the land, merely the rents that were owed on it).<sup>1</sup> It was the responsibility of the county to ensure any agreement was in the interests of all parties concerned, and of improving the agriculture of an estate or village. In particular, the county had to be assured that no agreement should be to the detriment of the peasants, nor should any agreement result in any significant loss of land for the peasants. But the law also permitted that the exact terms of redemption, particularly the cash value of the peasants' obligations, would be open to negotiation so as to reflect varying local conditions and custom. Essentially, the redemption agreements were little different to the clause permitting conversion of *robot* to cash payments contained in the Urbarium, except that the redemption agreements would also include the ninth and other rents in kind, as well as the lords' seigneurial monopolies over brewing, milling, butchering and so on. In practice, as we have seen, many peasant communities had already commuted many of their rents, not only the *robot*, into cash payments. Thus the redemption agreements would merely convert these temporary agreements into permanent settlements, supported after 1840 by the written law that had permitted peasants to voluntarily redeem their urbarial obligations in perpetuity. More significantly, once non-nobles had been granted

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<sup>1</sup> See Chapter 1, pp. 45-51

the full rights to possess landed property (the *dominium proprietatis*) in 1844, the peasants' former urbarial plots were to be confirmed as their permanent private property once the redemption fee had been paid in full.

Yet only two percent of peasant communities concluded agreements between 1836 and 1848. This is a remarkably small number if one considers that the terms of agreements, implemented through negotiation, followed the lines of normal lord-peasant relations. In this chapter we will examine why voluntary redemption agreements had only limited impact prior to 1848. One reason for the limited success of redemption agreements was that many peasants lacked the financial means to pay off their obligations permanently.<sup>2</sup> As we shall see, financial difficulties hampered negotiations at Szentés, where the peasants had to mortgage a part of their urbarial lands to their lords to secure the necessary funds and, to a lesser degree, delayed an agreement at Szarvas. In addition, many communities on the Batthyánys' Körmend estate struggled to keep up with their redemption payments in the years before 1848. Whilst financial considerations formed a part of why redemption failed, other factors cannot be ignored. First, most noticeably at Hódmezővásárhely, but also at Szentés and Szarvas, and on the Körmend estate, redemption formed only a part of the process of dismantling urbarial relations. Of greater concern for the peasantry was the issue of their rights pertaining to any extra-urbarial land they used. As we saw in Chapter Four, these issues were a common concern for many peasants throughout Hungary in the early nineteenth century, and resolving disputes stemming from rights to extra-urbarial land formed a central part of the reforms in the 1830s and 1840s. At Hódmezővásárhely, the peasants' reluctance to compromise on these issues struck a serious blow against attempts to conclude a redemption agreement. Secondly, it is possible that the benefits of permanent redemption were not immediately obvious to the peasantry. In many instances, agreements merely confirmed the existing practice of converting the greater part of dues to cash, but at a higher cost, and without the degree of flexibility that offered the peasants security against harder times. Add to this any suspicion the

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<sup>2</sup> I. Barta, 'Korai örökváltás szerződése', *Agrártörténeti Szemle*, 1, 1961, pp. 94-101, Peasant Emancipation and After-effects', in Gunst, Peter, ed., *Hungarian Agrarian Society from the Emancipation of Serfs (1848) to the Reprivatization of Land (1998)*, New York, 1998, pp. 54-59, and G. Pajkossy, 'Kossuth and the Emancipation of the Serfs', in Péter, Laszlo, Rady, Martyn C., and Sherwood, Peter, eds., *Lajos Kossuth Sent Word ... : Papers Delivered on the Occasion of the Bicentenary of Kossuth's Birth*, London, 2003, p. 74-75

peasantry may have harboured against ‘reform from above’, and the strong support from the peasants necessary for any agreement to be reached could well have been lacking.

This chapter will begin with an examination of conditions on the Great Plain from the period of resettlement in the early eighteenth century to the Urbarium, establishing from this what if anything marked the market towns of the Great Plain as distinct from other peasant communities. Then we will look at the impact of the Urbarium, investigating the process by which the urbarial land of the *batárs* was established and how the peasants’ rights to the land and their obligations changed after the Urbarium and during the agrarian boom of the early nineteenth century. Following this, we will begin the investigation into how urbarial relations were dismantled in the period before 1848, leading into an account of the attempts at concluding redemption agreements at Hódmezővásárhely, Szentes, and Szarvas. Finally, we will look at the Körmend estate in Transdanubia as a way of comparing conditions on the Great Plain to a very different region of Hungary. Through this, we will see if the nature of lord-peasant relations in the market towns reflected conditions in a very different part of Hungary, and can thus be taken as representative for Hungary as a whole.

The purpose of all this will be to provide further support for the argument laid out in the previous chapters: that the peasants had means to assert and define their rights through reference to written law and customary practice, supported by regular negotiations with their lords. By following the process of negotiation in four micro-studies of lord-peasant relations we will be able to confirm the impression that regular negotiations formed a part of normal lord-peasant as discussed in Chapters Three and Four. Finally, by examining the negotiations in greater detail, we will see how negotiation served as means for both peasants and lords to react to changing economic or social circumstances, and to adapt to changes imposed upon the customary rural order through reform ‘from above’.

## II

Before beginning our investigation into lord-peasant relations, it is worthwhile to provide a brief introduction to conditions on the Great Plain during the period of resettlement in the first half of the eighteenth century. As we have seen in

Chapter Three, the terms of lord-peasant relations as established in this period influenced lord-peasant relations in the years following the Urbarium. It was in these years that the peasants on the Great Plain were able to lay claim to a large area of land that, after 1767, extended beyond the borders of the *batárs* and what had been recorded as the peasants' urbarial property in the land registers. In addition, it was the agreements established between lords and peasants during resettlement that dictated the form and level of the peasants' obligations for much of the period before 1848. Looking at conditions in the first half of the eighteenth century will thus introduce what was to become the customary rural order that the peasants would refer back to in subsequent negotiations with their lords.

Hódmezővásárhely had passed into the hands of the Károlyi family as part of the Csongrád-Vásárhely estate purchased from the crown in 1722, in part as reward for services rendered during the Rákóczi wars. Similarly, both Szentes and Szarvas fell under new landlords in the early eighteenth century, having been purchased by János György Harruckern from the crown as part of the Gyula estate in 1718, in return for his services in the Turkish Wars, the War of Spanish Succession, campaigns in Italy, and during the Rákóczi wars. As one of a number of abandoned estates acquired by the Harruckerns after the expulsion of the Turks, János György paid a total of 37,000 forints, in part to the crown and in part as compensation to settle claims of ownership from the Keglevich and Zay families. Combined with other estates held across the Habsburg lands, the Harruckerns could claim a fortune worth an estimated 4.25-4.5 million forints by the 1730s.<sup>3</sup>

Like many proprietors of newly acquired estates in the lands that had been under Ottoman occupation, the first task for landlords was to encourage resettlement as a means to increase the income from their estate. Low population density and the few scattered settlements, as we shall see, also encouraged the development of vast areas of pasture, with peasants practising a largely pastoral economy until the last decades of the eighteenth century. Furthermore, without easy access to developed or export markets for grain and suffering from underdeveloped communications, rural conditions on the Great Plain favoured peasant autonomy. Most landlords tended not to develop

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<sup>3</sup> G. Éble, *A Harruckern és a Károlyi család*, Budapest, 1895, pp. 62-63

agriculture on their private demesnes, rather leaving much of the land to be farmed by their peasant tenants. As we have seen in Chapter Three, these factors combined to keep rents and obligations low, particularly any *robot* labour, for much of the first half of the eighteenth century. For example, János György Harruckern and his son, Ferenc, chose to claim little in way of services from their peasant tenants beyond a small, although gradually increasing, rental fee.<sup>4</sup> At Szentes, the peasants' rent amounted to 800 forints in 1721 and covered the tithe, the *regalia* (defined as the right to keep a single tavern, mill and butcher's shop in the town), and the smoke tax. No *robot* was demanded, although the lord did make occasional demands for the 'long journey'. The terms of rent covered rights to the individual plots for the peasants, as well as access to communally-used pasture land from the *puszta*s of Veresegyháza, Bökény, Fábianfalva and Écser. The rent increased to 1,400 forints in 1724, to 1,600 forints in 1728, and from then on tended to grow by 100 forints year-on-year until the 1740s. Then an agreement of 1747 set the rent for the whole town at 4,000 forints a year for the next twelve years, covering all obligations of the peasants, although these were not listed in any detail. The contract was then renewed in 1759, with the peasants' rent fixed at 4,595 forints.<sup>5</sup> Thus the terms of rent at Szentes are similar to conditions we encountered across much of Hungary in the early eighteenth century in Chapter Three. Since both Hódmezővásárhely was but a short distance from Szentes and as Szarvas formed part of the same Harruckern estate as Szentes, it is likely that similar conditions also existed there.

In negotiating their rents, and keeping the burden of these low, the peasant communities were aided by their residency in market towns (*oppida* or *mezőváros*) that distinguished them from other peasant villagers. From the mid-fourteenth century onwards the market towns, particularly those on the Great Plain, had developed as centres for cattle-breeding and as local markets: in other regions the market towns had become the focus of viticulture, as was the case around Tokaj.<sup>6</sup> By 1500, the market towns numbered about eight hundred and accounted for around twenty percent of the peasant population across Hungary.

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<sup>4</sup> Éble, *Harruckern*, pp. 62-75

<sup>5</sup> SVL, v.102/d., Urbéres és váltásági iratok, 15/1747. Reference to the 1759 agreement is made when discussing contract according to the terms of the Urbarium. *ibid.*, 29/1768. The Szentes agreement is similar to agreements established between landlords and inhabitants of other market towns on the Great Plain in the mid eighteenth century. See for example J. Majlát, *Egy alföldi civisváros kialakulása: Nagykovács*, Budapest, 1943

<sup>6</sup> L. Makkai, *Paraszti és majorsági mezőgazdasági termelés a XVIII században*, Budapest, 1957, pp. 13-16

Thereafter the market towns grew in size, attracting peasants from the surrounding areas to shelter from the devastation in the countryside wrought by the wars with the Ottomans, but decreased in number, falling to around three hundred by the seventeenth century. By the turn of the eighteenth century most market towns had a population of between six hundred and 1,000 households, compared to the average peasant village of often no more than a few dozen households.<sup>7</sup> Following the *reconquista* almost every settlement of any significance on the Great Plain, aside from the royal free town of Szeged, had the status of a market town. Through the institution of the town councils the market towns, whilst still subject to ‘rusticity’ and owing rents and obligations to their landlords in return for their rights to farm the land, had more experience in their own administration. The market towns through the councils were able to maintain greater power over local affairs than the villages, and benefited from privileges that included rights to freely elect their own magistrates and priests, along with the right to host a market, normally on a set day each month.<sup>8</sup> Moreover, through the councils many market towns were in a strong position to negotiate with their landlords, paying their dues collectively in one lump sum, and often without any labour obligation. Although this did not necessarily distinguish the market towns from other villages in the period prior to the Urbarium, for many peasants were able to negotiate rights and rents in accordance with local custom, the town councils were to play an important role in negotiations with their lords in the years between the Urbarium and emancipation in 1848.

The relative autonomy enjoyed by the market towns and the low level of interference from their lords allowed the peasants to acquire a level of wealth and well-being remarkable enough to draw comment from contemporaries. Samuel Tessedik, the Lutheran minister of Szarvas and an agrarian reformer of some renown by the end of the eighteenth century, wrote that the peasants of the Harruckern family estates of Békés county, including Szarvas, ‘do not know what vassalage is, and are unacquainted with penury’.<sup>9</sup> Earlier, in 1748, the previous minister of Szarvas, Mátyás Markovicz, recorded his surprise at the wealth of the

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<sup>7</sup> DRMH, Vol. II, pp. xxxiv, L. Makkai, *Agrarian Landscapes of Historical Hungary in Fendal Times*, Budapest, 1980, pp. 12-14, I. Szabó, *A falurendszer kialakulása Magyarországon*, Budapest, 1971, pp. 198-203

<sup>8</sup> D. Kosáry, *Újjáépítés és polgárosodás, 1711-1867*, Budapest, 1990, pp. 90-91, I. Szabó, *Falurendszer*, pp. 139-43

<sup>9</sup> cited in Marczali, *Hungary*, p. 213

peasants in the surrounding countryside. Commenting on the size of their flocks and the possibilities for commerce open to the peasants, Markovicz observed:

‘this region abounds in all sorts of cattle. If one wanders on the extensive *puszta* one can see countless herds of cattle, oxen and horses, and flocks of sheep and pigs. It is not rare to find a peasant with sixty to seventy or even eighty cows and twenty to thirty horses, with his own sheep pens and swine-herd. Those who pasture their cattle on the plains around the Maros and Körös [rivers] are able to trade with Armenian and Transylvanian merchants who, once the cattle have been fattened, drive them as far as Vienna.’<sup>10</sup>

The conditions Markovicz described at Szarvas were also to be found at Szentés and Hódmezővásárhely. In 1766, a Szentés peasant named János Soós was able to sell sixty-four oxen to a Greek merchant for 2,418 forints: an amount that could meet half the rent owed by the whole town.<sup>11</sup> Two years later, the Szentés town council was urging the inhabitants to drive their cattle to the neighbouring towns of Szeged, Temesvár and Makó, where they believed it was certain that money could be made.<sup>12</sup> By the end of the eighteenth century, Hódmezővásárhely’s livestock production was able to reach markets across the country, with the wealthier peasants sending between fifty and seventy cattle to market each year.<sup>13</sup>

The comfortable conditions of the inhabitants of these market towns, the ‘peasant cities’ of the Great Plain, would suggest that they are not, perhaps, representative of Hungary as a whole. That they were certainly amongst the better-off within the peasantry should not, however, prevent comparisons being drawn between these and other peasants across Hungary. The nature of their obligations, owing rents predominantly in cash, and the contracts through which these were set, are similar to the many other examples from across Hungary looked at in previous chapters. Moreover, despite benefiting from the status of a market town, the peasants of Szentés, Szarvas and Hódmezővásárhely were still subject to rusticity, enjoying the rights but also the subject to the obligations that this entailed. As such, the peasants of these market towns shared similar experiences to other peasants throughout Hungary following the introduction of

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<sup>10</sup> cited in L. Haán, *Békés megye hajdانا*, Pest, 1870, Vol. II, p. 290

<sup>11</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyvek, 1766, p. 162

<sup>12</sup> SVL, v.102/d., Urbéres és váltásági iratok, 29/1768

<sup>13</sup> I. Rákos, ‘Határhasználat és tulajdonviszonyok Szegeden és Hódmezővásárhelyen a feudalizmus utolsó évszázadában (1750-1848)’, *Agrártörténeti Szemle*, 46-47, 1997-98, p. 131



the Urbarium, including the division of urbarial, dominical, and extra-urbarial lands, and a gradual increase in their obligations. But, like many peasant communities across Hungary, the new urbarial agreements did not preclude negotiation with their lords or through the county courts. Thus the peasants found means to articulate their rights and to ensure that the terms of their relations to their lords remained within the bounds of custom.

In the following sections, we will examine the impact of the Urbarium as the urbarial *batárs* were established and recorded in the 1760s and 1770s, and how the Urbarium led to changes in the forms of rent and obligations owed by the peasants in the late eighteenth and early nineteenth centuries. That the peasants' obligations increased and their rights to the land they farmed were curtailed in these years may suggest that the impact of 'neo-serfdom', although much delayed, was felt by the peasants on the Great Plain. But, as we have seen in the preceding chapters, the peasants had means to assert their rights, as defined by customary practice, to limit any too great a negative impact that this may have had on the terms of their relations to their lords. In this respect, the peasants of the Great Plain were no different to those elsewhere in Hungary.

### III

Like elsewhere in Hungary, the customary system of land tenure and, to a lesser degree, the form of agriculture on the Great Plain were to be challenged in the years following the Urbarium. The introduction of urbarial agreements and land registers was followed by the establishment of a set *batár* of urbarial land allocated to the peasants. As a consequence much of the land used by the peasants, which had largely been held communally and given over to pasture, was divided into demarcated *sessios* held by individual peasant families. As elsewhere in Hungary, the land registers that followed the Urbarium also saw an area of internal pasture and meadow shared by the community form part of the *batár* and separated from the lords' demesne. Some of these developments had begun under the auspices of the town councils prior to the Urbarium as more peasants had turned to fixed agriculture and grain cultivation instead of the transhumance pasturing and the scattered *tanya* system common in first decades of the century. As a consequence of the Urbarium, however, the division between urbarial and dominical land was confirmed in the land registers completed from the 1760s

onwards.<sup>14</sup> But there also remained a large extent of external pasture on the surrounding *puszta* not included within the *határ*, which then became extra-urbarial land. Although the peasants were not denied the use of land excluded from the land registers in this way the peasants' rights to the extra-urbarial land, defined by customary use and not in written law, did not receive the same protection granted to their urbarial holdings. As we saw in Chapter Four, the distinction between urbarial, dominical and extra-urbarial land and the disputes that stemmed therefrom were to become a prominent feature of lord-peasant relations, and a problem that had to be addressed prior to emancipation. In this, the market towns of Szentes, Szarvas and Hódmezővásárhely are no different.

The example of Hódmezővásárhely provides an indication of how the division between the urbarial, dominical, and extra-urbarial lands occurred. Like many settlements on the Great Plain, the inhabitants of Hódmezővásárhely benefited from extensive use of outlying *puszta*. The *puszta*s were formed from the land of villages deserted in the years following the Ottoman conquest, some of which had been incorporated into open pasture whilst other parts were resettled by scattered peasant farmsteads or *tanyas* (also referred to as *szállás*). Many of the *tanyas* had been established upon the *puszta*s under contractual agreements with the lord, with rent paid in cash and renewable every five to ten years. Where the *tanyas* were subsequently incorporated into the urbarial *határ*, as at Szarvas, Szentes and Hódmezővásárhely, it often led to a village or town supporting a population of well-to-do peasants enjoying large private plots, often many times larger than a whole *sessió*, and maintaining the use of extensive communal pastures through leasing large areas of the surrounding *puszta*.<sup>15</sup>

When registering the estate in the 1720s, the new landlord of Hódmezővásárhely, Sándor Károlyi, had cut out a small demesne from the *puszta* of 5,349 *holds* and used primarily as pasture land. This left the majority of the land around the town, extending over some 250,000 *holds*, farmed by the peasants.<sup>16</sup> The vast expanse of outlying land, much of it subject to seasonal flooding, encouraged an agricultural system largely based upon pasturing and an

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<sup>14</sup> Rákos, 'Határhasználat', pp. 139-141

<sup>15</sup> See I. Orosz, 'A "rideg" tanya', in F. Pölöskei and G. Szabad, eds., *A magyar tanyarendszer múltja: Tanulmányok*, Budapest, 1980, pp. 199-208, I. Balogh, *Tanyák és majárok Békés megyében a XVIII-XIX században* (Gyula, 1961), pp. 7, 11-12. For the size of holdings at Hódmezővásárhely, see Chapter 4, pp. 120-21

<sup>16</sup> G. Éble, *A Nagy-Károlyi gróf Károlyi család összes jószágainak birtoklási története*, Budapest, 1911, Vol. 2, pp. 27-28

extensive form of ‘slash and burn’ agriculture. There was little developed ploughland beyond the immediate environs of the towns or near the isolated *tanyas* to serve the subsistence needs of the peasants. A great part of the land could remain fallow for up to seven years and frequently reverted back to scrub. Over the course of many decades, as the population of the town increased and the council asserted tighter control on the system of field rotation, parts of the fallow land and scrub and more of the surrounding *puszta* became incorporated into individual peasant plots and subject to a more regular pattern of cultivation.<sup>17</sup>

The first attempts to account for the system of land use by the lords at Hódmezővásárhely predated the Urbarium by some fifteen years. This did not, as one may suspect, lead to the immediate development of manorial agriculture on any large scale, but rather represented an attempt by the Károlyis to assess and hopefully increase the revenue of their estates through more efficient management. Thus, on inheriting the Csongrád-Vásárhely estate from his father in 1748, Ferenc Károlyi wrote to the steward noting that, ‘there is a much greater income to be made from my estate of Hódmezővásárhely if only I could bring it under my direct administration.’<sup>18</sup> This was followed, in 1752, by Károlyi employing a surveyor, Imre Ruttkay, to measure out the plots used by the peasants, including their ploughland and private hay meadow. Ruttkay was also to allocate an area of communal land (covering a small area of pasture, woodland, meadow and reed bed) that would, together with the peasants’ plots, subsequently form the town’s *batár*. In addition to this land, Ruttkay was to allocate an area of the *puszta*s that was to be leased to the peasants to be used as communal pasture shared with the lord’s own livestock. The survey, completed in 1756, recorded that the land of the *batár* thus measured by Ruttkay amounted to 1192 ‘taxed-units’, although it is not clear how much land each unit incorporated. A new rental agreement was also concluded with the town whereby a peasant would pay twenty-four forints a year for each *szállás*; a house plot of unspecified size. As a consequence of the new agreement, the income

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<sup>17</sup> It was in this period leading up to the Urbarium that the peasants moved from a two-field rotation system to a three-or-four field rotation, overseen by the town council. Rákos, ‘Határhasználat’, p. 131-33

<sup>18</sup> MOL P.409 Károlyi család levéltára, Lad. 111, Fasc I, no. 73/1748

from the estate increase from 5,500 forints a year in 1741 to 22,147 forints by 1758.<sup>19</sup>

At that time, the lands of the *pusztas* at Derékegyház, the greater part of Újváros, Tompahát, Sámson, Batida, Rétkopáncs, and Szikáncs were recorded as forming part of the lords' demesne. A similar process was carried out on the Károlyi's lands at nearby Csongrád, with the areas of Fehér-tó, Ellés, Ujfálu, Gyója and Felgyő *pusztas* registered as dominical land.<sup>20</sup> The peasants were not immediately denied access to all of this land, with most of it leased to the peasants as pasture or individual *árendás* plots. However, the survey completed by Ruttkay had established the status of the land as dominical rather than urbarial. Prior to Ruttkay's survey, it had been nigh on impossible to demarcate the land of the peasants' *sessios* from that of the lord's demesne, for the peasants had practised a semi-transitory system of 'slash and burn', regularly changing which land they turned to the plough. By allowing the peasants to continue leasing much of the dominical land, the lords ensured it remained cultivated, and thus continued to provide an income, without forcing the peasants to change the method of cultivation. Nor would the system of land tenure deny the peasants access to the large areas of pasture required for their equally large herds of livestock. Nevertheless, the division between peasant 'owned' urbarial land to which they held strong, hereditary rights, and the land which the peasants 'rented' from the demesne enacted in the 1750s, and then confirmed in written law following the Urbarium, was to have long-term implications for the peasant tenants and their future access to the land.

At Szentes the division between the urbarial land of the peasants and the dominical land of the lords occurred after the Urbarium, a consequence of discussions over an urbarial agreement that had begun in 1768 and the necessary land register that accompanied any such agreement. Before the division of land occurred, the peasants of Szentes, clearly fearing that the Urbarium might see their obligations increase, submitted a petition to the county administration. In the petition, the peasants stated that, as it had been customary for them to pay

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<sup>19</sup> MOF X.4001 O. 81 Hódmezővásárhelyi tanácsülési iratok, 133-34, 154-57/1757, 134/1757, 154/1757. Later references to this contract offer an insight into the size of a *szállás*: the peasants were to pay 1 forint 30 *kerjvár* for a house, the same for each person, and a further 2 *dénár* for each *lanc* of land farmed by the household: a system developed, no doubt, to reflect the transitory agriculture of the time. MOL, P.409 Károlyi család levéltára, Lad. 112, Fasc I, no. 79/1775-1808 (A hódmezővásárhelyi úrbéri per iratai).<sup>20</sup> Éble, *Nagy-károlyi*, Vol. 2, pp. 28-41

their rent in cash they should be able to maintain a similar system under any new agreement. The county court agreed and began overseeing negotiations to set the level of rents and establish the area of land which should be included within the *batár*.<sup>21</sup> Even so the landlord, Ferenc Harruckern, was able to take advantage of the negotiations to increase the demands on the peasants, with the cash value of their obligations set at 6,409 forints (up from 4,595 forints in 1759). For the first time, the lord also demanded that *robot* was to be included as part of the peasants' rent. But these labour demands remained slight considering what could have been demanded by the lord according to the terms of the Urbarium, amounting for the whole town to just 682 days with animals and 732 days of hand *robot*, with the remainder converted to cash.<sup>22</sup> With *robot* forming only a small part of their rents the peasants raised no immediate objection. When the contract came up for renewal a decade later the amount of *robot* increased whilst the portion of rent paid in cash decreased, amounting to 5,486 forints, again without objections from the peasants.<sup>23</sup>

While the terms of the peasants' obligations had been easily settled, the issue of how much land should be included within the *batár* proved more contentious. The land survey that accompanied the agreement of 1771 set the size of a whole *sessio* at twenty-eight *holds* of ploughland and eight *kaszáló* of meadow. In the following year, the peasants challenged this ruling in the county courts. The peasants claimed that, since the land should be considered as the most fertile, 'first category' type, a whole *sessio* should amount to thirty-four *holds* of ploughland and twenty-two *kaszáló* of meadow. As with the terms of the peasants' obligations, the county ruled in the peasants' favour, confirming that a much greater part of the land farmed by the peasants was to be included within the *batár*.<sup>24</sup> Between 1775 and 1781 a second land survey was conducted that established the number of whole *sessios* of the *batár* as 558, amounting to 31,248 *holds* of land, seventeen *sessios* of which made up the communal buildings of the town and the peasants' house and garden plots, with the remainder given over to ploughland and meadow. Again the peasants found reason to protest, petitioning the county to incorporate an area of cleared land (*írtvány*) within the *batár*,

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<sup>21</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 26 and 29/1768

<sup>22</sup> *ibid.*, 27/1771

<sup>23</sup> *ibid.*, 41/1778

<sup>24</sup> *ibid.*, 768/1772

totalling 186 *sessios* (10,416 *holds*) drained from marshland near the river Tisza. The size of the *batár* was finally agreed in 1783, after the county officials had ruled that some of the *írtvány*, though only a few hundred *holds*, should be added to the *batár*. The total area of the peasants' urbarial holdings equalled 31,806 *holds*, incorporating 1,000 *holds* for the house plots and communal buildings of the town, 19,530 *holds* of ploughland and 12,276 *holds* of meadow.<sup>25</sup> However, since this agreement saw only a small portion of the *írtvány* claimed by the peasants included within the *batár*, the peasants' rights to it had not been confirmed in written law, and were henceforth supported by no more than customary use. It should come as no surprise that rights to this land would be a cause of future dispute between peasants and lords.

At Szarvas there was no record of the extent of urbarial land until 1788, when a survey of the whole Harruckern estates recorded a *batár* of 11,860 hold.<sup>26</sup> Earlier agreements show that the peasants had been using the surrounding *puszta* since the resettlement of the town in the early eighteenth century. In 1726 the peasant-farmed land extended over the Nagydécs *puszta*, and an agreement of 1756 recorded the peasants' making use of five *puszta*s (Bánrév, Kaka, Nagydécs, Kisdécs and Nagy Kondoros), renting the land for a single payment of 1,400 forints a year. In 1768 the rent had increased to 1,965 forints.<sup>27</sup> As at Szentes, the peasants of Szarvas were able to maintain the system of negotiated contracts with their lords after the Urbarium, serving to keep their obligations low. In 1772, the peasants concluded an urbarial agreement that confirmed they were to continue to meet the majority of their obligations through cash payments. A small amount of *robot*, set at three days with draught animals, and seven days without, a year was required from each peasant irrespective of the size of his plot. In addition to this the peasants paid only a quarter of the ninth in kind, perhaps to help support the estate staff, with the remainder converted into cash. The 1772 agreement also recorded the size of a *sessio* at thirty-four *holds* ploughland and twenty-two *holds* meadow, at which time there were 79 quarter *sessio* plots and 325 plots of five-eighths of a *sessio*. This made the *batár* approximately 12,500 *holds*, although the exact size was not entered into the records. In 1794 the

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<sup>25</sup> *ibid.*, 57/1783. At that time the towns' population included 535 landed peasants, of which ten claimed nobility, 841 housed cottars and 287 houseless cottars. In addition 371 peasants also had access to vineyards, totalling approximately 1000 hold.

<sup>26</sup> Éble, *Harruckern*, p. 76

<sup>27</sup> P. Maday, *Szarvas története*, Szarvas, 1962, p. 57

peasants were again able to commute their hand and draught *robot* obligations into payments of four and eight *krajcár* respectively.<sup>28</sup> A year after the urbarial agreement the peasants concluded a separate contract that enabled them to rent an area of the *puszta* for seven years at a rate of 4,500 forints a year. This agreement was renewed in 1781, the first time the area of *puszta* used by the peasants was recorded, with the peasants renting 14,644 hold of land for 8,433 forints.

At Hódmezővásárhely the separation of urbarial and dominical lands, begun with Ruttkay's survey of the 1750s, was confirmed in the years after the Urbarium by being recorded in the *telekkönyv* following a land survey completed in 1774. The survey established that the *batár* consisted of 982 whole *sessios* made up of land that had been previously attached to the peasants' *szállás*. Each whole *sessio* would consist of thirty-five *holds* of ploughland and twenty *holds* of meadow, which would see the *batár* include some 54,000 *holds* of land. In addition to this land, 23,344 *holds* of marsh that formed part of the surrounding *puszta*, used by the peasants as pasture and meadow, was to be leased to the peasants but not classified as part of the *batár*.<sup>29</sup> In a note from 1776 Ferenc Károlyi also confirmed that peasants should they so wish would be able to maintain their use of more of the *puszta* by concluding a separate contract and agreeing to pay either a rent in kind or cash. In this way, the peasants took the opportunity to rent a further 87,310 hold of *puszta* as pasture land, although access to this was shared with the landlords.<sup>30</sup> However, since the land had not been recorded as urbarial in the land register, the lords' right to the *puszta* as part of their demesne, even if the peasant chose to remain on the land, was more firmly established. Thus any claims to the *puszta*s that the peasants may make in future could only be supported by customary use. Despite being offered means to maintain their use of the *puszta* by Ferenc Károlyi, the peasants of Hódmezővásárhely protested against what they saw as attempts to limit their rights to the land and delayed agreeing to the size of the *batár* until the 1780s. Attempting to assert their

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<sup>28</sup> Similar agreements had been agreed between landlords and peasants on the same estate at the villages of Tarcsán, Berény and Csaba. Maday, *Szarmas*, p. 61

<sup>29</sup> This land, located near the town, was liable to flooding and could only support approximately 100-200 animals. MOF X.4001 O. 83 HMV t. ír., kötet 1, pp. 1-5, 16-33. The survey also recorded that the peasants used 1867 hold of vineyards and 25,469 hold of *remanencia* that included reed beds, marshland and lakes as yet unsuitable for cultivation, as well as a small tobacco plantation of unspecified size.

<sup>30</sup> MOL P.394 Károlyi család levéltára: Birtokkal kapcsolatos iratok, cs.29, Hódmezővásárhelyi uradalmi ..., Hf, *Tan ír*, Hirdetőkönyv 1776 augusztus 18

urbarial rights to an area of *remanencia* incorporating much of the marsh referred to above, and citing the pressures caused by the number of peasants moving to the town, the peasants claimed that the size of the *batár* should include 1244 whole *sessios* rather than the 982 recorded in the survey of 1774. Following a successful appeal to the county, the peasants were able to increase the amount of the urbarial land within *batár* to 66,177 *holds*. Furthermore, even after challenging the allocation of urbarial land, the peasants were still able to conclude an agreement with Károlyi to rent 87,310 *holds* of pasture from the surrounding *puszta* under terms similar to those prior to the Urbarium.<sup>31</sup>

Thus it can be seen that, in the years that followed the Urbarium, the terms of the peasants' rights to the land were regulated and recorded in written law. The area of land to which the peasants could claim strong, hereditary rights was confirmed as the size of the *batárs* was entered into the land registers. At the same time, the surveys and land registers that accompanied the Urbarium confirmed that much of the land outside the *batár*, irrespective of whether the peasants continued to use it or not, was part of the lords' demesne. In addition, at both Hódmezővásárhely and Szentes the peasants had successfully negotiated with their lords and the county courts to challenge what land was to be included as urbarial in the records. Likewise, the peasants of Szentes had been able to apply pressure to their lord, again through reference to the county court, when they established the forms of their obligations. In this way, the negotiations at Szentes and Hódmezővásárhely conform to the pattern found elsewhere in Hungary, whether in relation to the peasants' obligations discussed in Chapter Three or in relation to the peasants' access to land seen in Chapter Four.

Furthermore, and as we have seen in previous chapters, the division between the urbarial and dominical land did not significantly reduce the area of land used by the peasants. At Hódmezővásárhely, for example, the peasants were left with access to over 200,000 *holds* of land, with almost 90,000 *holds* clearly defined as the peasants' urbarial holdings. At Szentes a similar process had occurred in the second half of the eighteenth century. Although there is no record of the area of peasant-farmed land before the Urbarium, the peasants maintained use of over 100,000 *holds* of land in 1792. This included the urbarial land of the *batár*, the communal pasture, and rented land from the surrounding

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<sup>31</sup> X.4001, O.82 Hódmezővásárhelyi tanácsülési íratok, 26/11/1786, 21/1/1787, 14/11/1790, 7/11/1791, 18/12/1791, 16/12/1792



*puszta*. As at Hódmezővásárhely, less than half this land, amounting to around 32,000 *holds*, was recorded as the peasants' urbarial holdings during the 1770s and 1780s.<sup>32</sup> When distinctions were made in legal records between the urbarial, dominical, and extra-urbarial land, there was little sign of any immediate or significant loss of land for the peasants: certainly not significant enough to cause major protest. The only petitions against the division of land had occurred when the peasants believed that their rights, as established through customary use, had not been acknowledged in the urbarial registers. Thus the peasants at both Szentes and Hódmezővásárhely appealed to the county court to reassess the area of their respective *batárs* entered into the land registers. There is also little sign that the peasants lost access to the areas of the 'extra-urbarial' land in the following years. This would conform to what occurred elsewhere in Hungary, investigated in the previous chapters, which have shown that there was only limited enclosure of land within the lords' demesnes in the years after the Urbarium. At Szentes, for example, up to the early decades of the nineteenth century the peasants were denied access to no more than 5,000 *holds* of land mainly from the *puszta* they had rented in the years after the Urbarium. Similarly, the division of the land between dominical and urbarial land appears to have had little immediate impact at Hódmezővásárhely. Until the first decades of the nineteenth century the Károlyis appeared happy to rent most of the demesne land back to the peasants, reserving for their private use only sufficient pasture to support their growing flock of sheep, and the peasants lost access to no more than a fifth of the land from the *puszta*.<sup>33</sup>

But, as the extra-urbarial land used by the peasants had not been recorded as forming part of the towns' *batárs* in the land registers, and the peasants' rights had not been acknowledged in written law, there was no guarantee that the peasants would not be denied access to the land at a future date. As we shall see in a subsequent section, the peasants' right of use to this land proved to be a cause of dispute during the dismantling of urbarial relations from the late 1820s onwards. Before turning to the fate of the extra-urbarial land, however, we shall investigate how peasant-lord relations changed in the early nineteenth century at

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<sup>32</sup> Éble, *Harruckern*, p. 75

<sup>33</sup> Records from the later division of pasture suggest this may have been as little as 40 whole *sessió* before the turn of the nineteenth century. MOL P.409, Károlyi család levéltára, Lad 94, Fasc. I, no 144/1832

a time when manorial agriculture began to expand, in turn having a greater influence on the peasants' lives. Through this, we will see how negotiations were used by both peasants and lords to react to the changing economic circumstances caused by the agrarian boom of the early nineteenth century.

#### IV

As we have seen, the peasants' rights to the land had been changed through the categorization that had been applied in written law according to the terms of the *Urbarium*. But the *Urbarium* did not have an immediate impact on lord-peasant relations as the peasants in the market towns on the Great Plain did not witness any significant change in the nature of their use of the land or the terms of their obligations to their lords. With the agrarian boom of the early nineteenth century, however, bringing with it increased demand for and higher prices of agricultural goods, the customary nature of lord-peasant relations and the peasants' rights to the land were to be challenged. But the peasants were able to negotiate with their lords so as to limit the impact of the agrarian boom on their livelihoods. In the first instance, the peasants were able to limit any increase in their rents and obligations that the lords wished to extract as a means to increase the income from their estates. Secondly, the peasants were also able to appeal to their lords for relief when rampant inflation and poor harvests caused the peasants problems in meeting their rents in cash. Finally, in a similar vein to many of the cases looked at in Chapter Four, and as we shall later in this chapter, the peasants were able to assert claims to the extra-urbarial lands excluded from the urbarial land registers, limiting any enclosure of such land within the lords' demesnes.

First Joseph II's wars with the Ottomans in the 1780s, then the prolonged conflict of the Napoleonic Wars, saw the demand for agricultural goods, particularly grain and wool, grow consistently from the mid 1780s to the 1820s. Landlords sought to benefit from the changing economic climate by expanding the agriculture of their demesnes, be it by turning more dominical land to the plough or pasturing more livestock on the communal lands. The Károlyi estates in Csongrád county, which had absorbed Szentes after a marriage between the Károlyis and Harruckerns some years earlier, were in a position to benefit from the changing economic climate. To benefit from the growth in local

demand, the Károlyis, like many of the larger landholding aristocracy across Hungary, sought to assert tighter control over the management of their estates in order to maximise the returns from their lands.

The expansion of manorial agriculture, beginning in the late eighteenth century, was first characterized by increased demands for the peasants' *robot* labour and the conversion of other rent payments, including the ninth, from cash to kind. At Szarvas, a new agreement between the peasants and their lord had seen the amount of *robot* with draught animals performed by the peasants set at 18,585 days a year, a significant increase from the few days a year performed in the 1770s. But this still only amounted to thirty-five percent of what could be claimed by the lord according to the terms of the Urbarium. The peasants continued to meet a large portion of their obligations through cash payments, although the cost of this had also increased from earlier agreements, set at twelve *krajcár* for one days' *robot* with animals and eight *krajcár* for hand *robot*.<sup>34</sup> At Hódmezővásárhely the amount of *robot* that was performed by the peasants increased from 24,214 days for the community as whole (eighteen percent of what could be demanded according to the Urbarium) in 1774 to 36,276 days (thirty percent) by 1808. In roughly the same period, the fee for redeeming the remaining *robot* more than doubled, rising from 36 *krajcár* for one day's draught *robot* in 1787 to 1 forint 12 *krajcár* in 1810. On the other hand, the money saved by performing more *robot* rather than paying rents in cash enabled more peasants to rent additional land beyond the *határ*. The number of peasants renting additional land from the *puszta*, on top of that used as communal pasture leased by the community as a whole, had increased from thirty-five in 1797, to forty-one in 1798, eighty-seven in 1805 and ninety-five by 1810.<sup>35</sup>

At Szentes, payments of both the ninth and the tithe (which was also paid to the lord) were converted from cash to kind at the end of the eighteenth century. The amount claimed increased steadily from the original contract, established in 1790, until a fixed amount of the peasants' produce (wheat, oats and barley) was set in 1815. For every full sessio the peasants would pay 15 bushels of wheat, 24 bushels of barley and 12 bushels of oats.<sup>36</sup> By fixing the payment of the ninth and tithe at a set amount rather than a portion of the

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<sup>34</sup> Maday, *Szarvas*, p. 61, J. Neumann, *Szarvas nagyközség története*, Szarvas, 1922, pp. 47-49

<sup>35</sup> I. Nagy, *Hódmezővásárhely története*, Hódmezővásárhely, Vol. 1, 1984, pp. 529-30

<sup>36</sup> SVL, v.102/d., Urbéres és váltásági iratok, 111/1815

peasants' produce, the lords may well have hoped that the peasants would be more diligent in the cultivation of their plots, for any surplus from a good harvest was kept by the peasant. Of course, the landlords were also protecting themselves from any losses caused by a bad harvest. As at Szarvas and Hódmezővásárhely, the lords' demands for *robot* had also increased from the end of the eighteenth century, although remaining well below the maximum stipulated by the Urbarium. According to the 1815, agreement each full sessio now owed thirty-four days of hand *robot* a year, with the remaining eighteen days converted into cash.<sup>37</sup>

In the first decades of the nineteenth century, the peasants offered no protest against the new terms of rent, and they appeared to have found little objection to the growing demands for *robot*. Indeed, with rampant inflation making cash rents harder to meet the peasants petitioned their lords for relief, it is quite possible that the peasants were finding rents in cash a harsher obligation and so welcomed the change.<sup>38</sup> In the first decades of the nineteenth century, having challenged the introduction of the *robot* at the time of the Urbarium, the peasants now appealed to their landlords to convert their rents into labour and kind as they struggled to meet their obligations in cash. Thus, in 1806, the town council of Hódmezővásárhely appealed to the Károlyis to permit the peasants to perform more of their obligations as *robot* as more and more peasants were struggling to pay the redemption fee. The Károlyis, who were happy to utilize the peasants' labour whilst the price of grain remained high, ceded to the peasants' request.<sup>39</sup> There was only brief relief for the peasants, however, as six years later one of the estate bailiffs, László Schnee, reported to the council 'there is no one on any part of the estate with the funds to pay [their rent] in lieu of *robot*.'<sup>40</sup> Likewise, reports emerged from Szarvas concerning the growing difficulties faced by the peasant tenants. In 1811 one peasant, Sámuel Gál, wrote to his lord that now he had to pay nearly 400 forints for a horse, whereas just four years before he had paid sixty or seventy<sup>41</sup> A year later the peasants

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<sup>37</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 104/1815

<sup>38</sup> The value of paper money had fallen from 1 paper forint to 1 silver forint in 1790 to almost ten to one by 1811. A.C. Janos, *The Politics of Backwardness in Hungary, 1825-1945*, Princeton, 1982, pp. 35-42, J. Blum, *Noble Landowners and Agriculture in Austria, 1815-1848: A Study in the Origins of the Peasant Emancipation in 1848*, Baltimore, 1948, p. 247

<sup>39</sup> MOF X4002:8756, HMV t.jkv, kötet 1, 1806, p. 79

<sup>40</sup> MOF X.4002: 8757, HMV t.jkv, kötet 2, 1812 p. 56

<sup>41</sup> MOF X.8217:334 Szarvas nagyközségi iratok, 5/4/1811

submitted a petition to their lord stating they could not meet the demands of taxes and dues as they had no produce, no means to sell such produce as they did have, and so they had no cash with which to pay their dues.<sup>42</sup> The following year the peasants again appealed to their lord, this time stating that they could only receive a sixth of the price for their produce from the year before, and were thus unable to meet demands of rent.<sup>43</sup> The problems for the peasants were confirmed by the estate stewards, who reported that it was impossible to enforce the collection of dues from the peasantry, and it was not possible to overestimate the debts they owed.<sup>44</sup>

The increases in rent, particularly *robot*, may suggest that the landlords sought to exploit the opportunities provided by the years of agrarian boom by increasing the obligations of their tenant peasants. But, as we have seen, the changes in the form of rents were not always at the behest of the landlords, nor can the increase in *robot* and rents in kind always be linked to the development of farming. This can cast doubt on the assertion often made about the last years of Hungarian seigneurialism that the expansions of manorial farming resulted in greater exploitation of the peasantry by their lords. Meeting a greater part of their obligations in labour or kind provided relief during a series of difficult years. Thus, rather than being forced to submit to heavier obligations imposed from above, the opportunity to negotiate the terms of their rents worked to the peasants' advantage.

Conversely, when the peasants recovered from the difficult years of the first decades of the nineteenth century, they soon petitioned their lords to convert *robot* back into cash payments. At Hódmezővásárhely the peasants began to recover from the poor years of the early 1810s from 1815 and immediately they sought to reduce their *robot* obligations and return to paying rents in cash.<sup>45</sup> Between 1816 and 1819 the inhabitants of Hódmezővásárhely were joined by the peasants of Szentes, who together brought a series of complaints against their landlords, citing what they believed to be illegal increases in their obligations, including requests for *robot* and the vineyard tithe. The peasants also complained of unfair restrictions on the production of spirits and wine, and excessive

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<sup>42</sup> *ibid.*, (nd) 1812

<sup>43</sup> *ibid.*, 13/4/1813

<sup>44</sup> *ibid.*, 3/11/1814

<sup>45</sup> MOF X.4002:8757, HMF t.jkv, kötet 2, 1812 p. 60, 1813 p. 65

demands for the long journey. The situation was made worse, the peasants stated, as the years immediately preceding 1816 had seen a particularly poor vintage, with the peasants unable to sell much of their wine.<sup>46</sup> Despite sending representatives to Pest and Vienna, and drawing the attention of the Palatine József, the complaints of the peasants proved of little success. When the case reached the county courts at the end of 1819, the officials defended the rights of the landlords, believing they had acted within the terms of the Urbarium, and imprisoned the leading members of the town councils on charges of disturbing the peace. On hearing of this, József criticized the county's decision stating that, despite the good intentions of the Urbarium, it had proved to be in the interests of the landlords rather than the tax-paying population, and he ordered the prisoners be released.<sup>47</sup>

Even when the peasants had struggled to pay rents in cash, it appears that they only performed *robot* reluctantly. Complaints relating to peasants failing to perform their obligations came to the county courts as lords and their estate staff could find few effective means to enforce the peasants' obligations. Any punishment available to the lords or their estate staff was found to be unenforceable and peasants could appeal the decisions made at the manorial courts to the county. In some cases the county courts could even turn against those stewards who had used force to compel the peasants to fulfil their obligations. At Szarvas, in 1827 an estate bailiff was imprisoned for one month and received a hefty fine for physically assaulting a peasant having been reprimanded by the county court for his 'brutal and merciless' behaviour.<sup>48</sup> In a later example from 1836, the county court had summoned Mihály Petraj, another tenant from Szarvas, for failure to fulfil an obligation of fifty-two days' *robot*. In his defence, Petraj claimed the robot had been commuted into a cash payment, and if he had known it to be otherwise he would not have taken on the plot.<sup>49</sup> This reluctance to perform *robot*, even when it remained a relatively light burden,

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<sup>46</sup> MOF X.4002:8758 HMV t.jkv, kötet 3, 1816 p. 85. See also, L. Sima, *Szentes város története*, Szentes, 1914, Vol. 1, pp. 354-58. The years between 1814 and 1817 had seen a series of bad harvests, caused by a run of unusually wet summers. This had caused famine conditions in Transylvania by 1816 and, although the area around Szentes and Hódmezővásárhely were not hit by famine, the poor harvests were exacerbated by an influx of peasants onto the Great Plain, who had sought to escape the worst hit regions.

<sup>47</sup> MOL P.409 Károlyi család levéltára, Lad. 93 no 1/1816, MOF X.4001, O. 83 HMV t. ír., 3/a cs 93/1818, 3/a cs 104/1819

<sup>48</sup> Maday, *Szarvas*, p. 62

<sup>49</sup> MOF X.8217:334 Szarvas nagyközségi íratok, 25/5/1836

is indicative of its general unpopularity amongst the peasantry. So long as the peasants could afford to, they would do their utmost to limit *robot* as part of their rents, making the conditions in the first decades of nineteenth century all the more remarkable. Once the peasants began to recover from the difficult years at the beginning of the nineteenth century securing their *robot* labour became trickier. Clearly, therefore, performing a large amount of *robot* was only acceptable to the peasants in extreme circumstances.

In light of the problems with securing *robot* labour, the landlords may well have realized that more efficient, not to say more peaceful, means to increase the income of their estates could be found than increasing *robot* and rents. To get around the difficulties in securing the performance of *robot* and ensuring it was performed satisfactorily, where the landlords chose to develop the agriculture of their demesnes they turned to an alternative source of labour. Rather than forcing their reluctant peasant tenants to work their land, the landlords encouraged landless peasants to settle on their dominical land, granting these peasants larger plots than they would otherwise receive under the conditions they would work on the land (for cash or for kind) in return. From 1816, Lajos Károlyi turned to the cottars of Szentes and Hódmezővásárhely to settle on his demesnes at Gádoros-Bánfalva and Szentelernyai, offering small plots of three to four hold and access to pasture in return for fourteen days' *robot* a year and the promise of more work for cash wages.<sup>50</sup> Not only would the new settlements provide labour for the landlords, reducing the need to turn to the landed peasants for *robot*, it also relieved the towns from part of their growing landless population.

In the 1820s new lessee (*árendás*) plots were established on the Károlyis' dominical lands at Ujváros, providing labour for a recently cultivated area of between 3000 and 4000 *holds* of ploughland. For example at Gorsza, 267 cottars shared an area of 85 *holds* of garden, 4241 *holds* of ploughland and meadow, 4085 *holds* of pasture, 55 *holds* forest and 10,565 *holds* of reed-bed. However, the land at Gorsza was of poorer quality and more liable to flooding and inundation than elsewhere around Hódmezővásárhely, as shown by the extensive area of reeds and 8,081 *holds* of land that remained uncultivated. This may explain why the landlords chose to give the land over to cottar plots rather than farm it

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<sup>50</sup> L. Hanzó, *A déalföldi Károlyi-uradalom gazdálkodása a XIX század derekán*, Orosháza, 1960, p. 23. At the same time similar plans to settle cottars on dominical land were carried out on the Károlyi estates in Pest county at Ujpest and Albertfalva. See Chapter 4, above pp. 124-25

themselves.<sup>51</sup> In the 1820s the Károlyis also settled cottars on their estates to provide work in a number of other commercial enterprises on their estate, including brewing, spirit distilling, oil pressing, brick making and timber milling. Still, despite this expansion of manorial activity, the majority of the income continued to be derived from the cash rents of the lords' urbarial tenants and the lease of the *regalia* to the town.<sup>52</sup>

Thus, as we have seen, the changing economic conditions of the late eighteenth and early nineteenth centuries saw the peasants' rents and obligations increase as the lords sought to benefit from the opportunities provided by the agrarian boom. At first the peasants did not strongly object to the changing terms of their rents, and indeed instigated some of the changes themselves so as to avoid the worst effects of inflation. In this way, the flexibility provided by negotiable rents and contracts favoured both lords and peasants in the first decades of the nineteenth century. Once changes in the nature of rents, particularly the increased amount of *robot* performed by the peasants, had, however, reached levels the peasants believed to be unreasonable, the peasants objected and again petitioned their lords for relief, often with reference to previous customary practice. Through these petitions, the peasants prevented their obligations, in whatever form, from becoming too great a burden or having a prolonged negative impact upon their livelihoods.

Furthermore, the problems landlords and their bailiffs encountered in securing the peasants' *robot* had, by the end of the 1810s, convinced the Károlyis to seek means to improve the revenues derived from their estates without placing too great demands on their tenants. Thus the lords were willing to renegotiate the terms of the peasants' rents, although not to the degree the peasants may have wished, and turned to landless peasants to settle on and work their demesnes rather than utilizing the *robot* labour of their urbarial tenants. By the late 1820s and early 1830s, the problems in securing *robot* and the rural peace and greater income cash rents offered encouraged negotiations aimed at securing the permanent redemption of the peasants' obligations in the decades. In this way, redemption agreements would appear to have been in the interests of both lords and peasants. The peasants saw a return to rents paid in cash, as had been common for most of the eighteenth century and which, under normal

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<sup>51</sup> Palugyay, *Magyarország történeti, földirati s állami legújabb leírása*, Vol. 4, Pest, 1855, p. 518-19

<sup>52</sup> Nagy, *Hódmezővásárhely*, Vol. 1, pp. 507-08



circumstances, the peasants clearly found preferable. The lords, in turn, were not troubled with having to force reluctant peasants to work their land and received a guaranteed income from which to hire wage labourers. Securing redemption agreements, however, was to prove no easy matter. Before redemption agreements were to be considered, the issue of extra-urbarial land and pasture rights, frequently a cause of contention elsewhere in Hungary, had to be resolved and the peasants took the opportunity provided by a new round of negotiations with their lords to assert their rights to any area of land where these remained open to doubt. Beginning with negotiations at Hódmezővásárhely, we shall now look at the disputes that emerged in the course of the negotiations, and, following on from this, why redemption agreements proved successful in some cases and why agreements failed in others. In turn, these accounts can provide further indication as to the degree to which the reforms of the 1830s and 1840s were able to resolve the grey areas that emerged where written law and customary practice had failed to adequately reflect each other.

## V

The Urbarium had provided a means for lords to increase the income of their estates as it placed the terms of lord-peasant relations and their respective rights to the land in written law. The expansion of manorial agriculture in the first decades of the nineteenth century then created further potential for tensions to arise between landlords and their tenant peasants, appearing to threaten the peasants' position; either by changing the forms and level of their obligations, or by restricting the peasants' access to the extra-urbarial land. Should the development of manorial agriculture, however, challenge what the peasants' perceived to be the customary and 'reasonable' terms of their relations with their lords to any great degree, the peasants were able to raise objections. As we have seen, the peasants were able to restrict what they believed to be unreasonable increases in their rents through appeals and negotiations with their lords. In more extreme cases, the peasants could also persuade their lords to negotiate through non-compliance with estate officials or appeals to the county courts. In this way, the peasants found a means to assert their rights and defend their position vis-à-vis their lords.

But increases in the peasants' rent and obligations were not the only changes in lord-peasant relations in the early nineteenth century. As we have seen in Chapter Four, some landlords sought to expand the farming of their demesnes by laying claim to extra-urbarial land used by their peasant tenants. Similar to the peasants' reaction to 'unreasonable' demands for rent or *robot* from their lords, the peasants could find ways to protect their right of use to the extra-urbarial lands through reference to customary practice. This was to become more apparent on the Great Plain in the 1820s and 1830s. As we shall now see, disputes relating to access to the extra-urbarial lands eventually led to attempts aimed at the dismantling of urbarial relations altogether as both lords and peasants sought a means to better define the terms of their relationship to each other and their respective rights to the land.

The lessons learned by the lords in the 1810s and 1820s had led some to realize that should they seek to improve their estates in future, it would be best to find a way of circumventing customary rights and practice. Thus, in the following years, some landlords initiated negotiations aimed at dismantling the traditional form of lord-peasant relations. To win the peasants' support, however, the lords had to make significant concessions to the peasants' concept of their customary rights. As we shall see later in this chapter, this was to become apparent at Szentes in the 1830s, when Lajos Károlyi instigated negotiations for the permanent redemption of the peasants' obligations and, to do so, had to concede to the peasants' claims to areas of the extra-urbarial land. Similarly, at Hódmezővásárhely, a dispute arose between the peasants and the Károlyis relating to the peasants' access to an area of the *puszta*, in the late 1820s coincided with the first attempt to secure an agreement whereby the peasants could permanently redeem their obligations to their landlords. But, as we shall now see, any hopes of concluding a redemption agreement stumbled on the need to first resolve the peasants' rights to the extra-urbarial land.

As the complaints made by the peasants of Szentes and Hódmezővásárhely in 1816 had shown, the Károlyis could hold hope of increasing the returns from their estates merely by increasing the *robot* and rents demanded from their tenants. Thus, having recently assumed control of the Csongrád-Vásárhely estate through inheritance, the three Károlyi brothers, Ferenc, György and Lajos, commissioned a survey of all their estates. The

survey, completed between 1824 and 1827, sought to establish the value of their lands and the best means to improve the revenue derived from them.<sup>53</sup> In the course of this survey, the Károlyis sought to rationalize the management of their estate, enclosing parts of their demesne, leasing others, and concluding new rental agreements with their peasant tenants. At the same time, the growing demand for grain that had brought about the earlier agrarian boom had fallen off since the end of the Napoleonic Wars. As such, owners of large estates like the Károlyis abandoned the expansion of manorial grain cultivation to focus their efforts on livestock, particularly sheep, farming. The expansion of manorial livestock farming could prove a further cause of tension between lords and peasants as pasture land, previously used communally by lords and peasants or rented out to peasants as extra-urban land, became dominated by the ever-growing flocks of the landlords or enclosed within the lords' private demesnes.

The enclosure of land previously farmed by the peasants was not a new trend on the Csongrád-Vásárhely estates. In addition to the increased performance of *robot* labour that had accompanied the development of manorial agriculture in the first decades of the nineteenth century, portions of the *puszta* that was rented by the peasants had been attached to the demesne and reserved for the sole use of the Károlyis' livestock. But, similar to the move from paid in cash to rent paid in labour and/or kind, at least part of the enclosure of land was just as much due to the changing circumstances of the peasants as it was a deliberate policy of the landlords. For example, the cost of renting from the *pusztas* around Hódmezővásárhely had increased from thirty forints for a whole *sessio* (fifty-six *holds*) in 1793 to 126 forints in 1811. By the latter time many peasants, faced with the impact of rampant inflation, could no longer afford the rent. In 1812, having unsuccessfully appealed to the landlords to reduce the rent, many had little choice but to terminate the renting agreements, with 1973 *holds* of *puszta* added to the Károlyis' demesne.<sup>54</sup> Similarly, in 1815 a number of peasants chose not to renew a lease for renting 696 *holds* of land from the Szikáncs *puszta*.<sup>55</sup>

Increasing the cost of leasing the *puszta* could have been enclosure by stealth, for it did not challenge the customary use land or the essential nature of the agreements. The increased cost of renting the land left the peasants with no

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<sup>53</sup> Éble, *Nagy-károlyi*, Vol. 1, pp. v-vi, Vol. 2, pp. 28-32, 51-54

<sup>54</sup> MOF X.4001, O. 82, HMV t. ír, 3/b 1812, p. 61

<sup>55</sup> MOF X4002:8758, HMV t.jkv, kötet 3 pp. 158-59

option but to voluntarily, if reluctantly, cancel the lease agreements, thus allowing the lords to reserve use of the *puszta* for themselves. On the other hand, if the peasants had objected to the loss of land at that time, it is likely they could have registered their objection more strongly with the county court. As we have seen in Chapter Four, there were many cases when successfully peasants petitioned against the loss of *puszta*. Furthermore, as we will soon see, when the peasants at Hódmezővásárhely did protest against the enclosure of other *puszta*s they found support from the county authorities. Either way, the division of the Csongrád county estates between the three Károlyi brothers in the 1820s continued the pattern of enclosure begun in the previous decade. In 1824 parts of the Ujváros *puszta* were reserved for the sole use of the lords' private livestock, followed by 15,540 *holds* from the *puszta* at Sámson, south of Hódmezővásárhely, which was added to the lords' dominical pasture a year later, a part of which had been used by the peasants since 1773. As had occurred at Gorza a few years before, rather than turn to the *robot* labour of their urbarial tenants, the Károlyis established two new settlements of cottars at Derékegyház, one of 357 households and one of 262, to work the land no longer leased to the peasants, allocating 1067 and a half *holds* to the new tenants.<sup>56</sup>

Although the peasants had not objected to the enclosure of the *puszta*s at first, the loss of additional pasture land led to greater pressure on the urbarial pasture within the town's *batár*. Reacting to this, the council attempted to introduce stricter controls over pasturing rights to this land, with sheep restricted to pasturing only until they had been sheared, and draught oxen and horses excluded from the internal pasture, forcing peasants to pasture their animals on the private meadow that formed part of their *sessios*.<sup>57</sup> When it appeared that the lords intended to reserve more of the *puszta*s for their sole use in the 1820s, the peasants sought to assert their rights to that part of the extra-urbarial land they still used as pasture, believing they could challenge the lords' rights to the part of the *puszta* that was still used as communal pasture. Thus, when the contract for the lease of the *puszta* came up for renewal in 1827, the peasants pushed for a division of the remaining extra-urbarial land they used between themselves and their landlords.

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<sup>56</sup> Palugyay, *Magyarország*, Vol. 4, pp. 499-500, pp. 534-35, Éble, *Nagy-károlyi*, Vol. 2, pp. 45-46

<sup>57</sup> Nagy, *Hódmezővásárhely*, Vol. 1, p. 486

Discussions over the new contract began in March 1827, to which were added terms for the redemption of the peasants' urbarial obligations.<sup>58</sup> The redemption agreement would see all the peasants' obligations converted back to cash payments, as had been the norm until the turn of the nineteenth century, which the peasants believed would secure their 'perpetual freedom' (*örökös szabadság*). The peasants defined their 'freedom' as the conversion of all dues, including all *robot* that could be demanded by their lords, the ninth, and the rights to the *regalia* (milling, inn-keeping, butchering and so on) in the town into a one-off payment. More importantly for the peasants, the 'freedom' would confirm the peasants' exclusive rights of 'ownership' (*kizárólagos birtoklás*) to that part of the *puszta* used as communal pasture. Thus the *puszta* would be confirmed as forming part of the urbarial land of the *batár* (even though it had not been included as such in the earlier land registers), granting the peasants hereditary rights to it, and preventing the lord restricting the peasants' use of it in the future. For this the peasants were willing to pay 1.2 million forints, in part to 'purchase' rights to the land from the lord, and in part to cover the cost of their obligations. The fee was to be repayable over twenty years at five percent interest: the terms subsequently set for redemption agreements by the 1840 law.

The Károlyis were not adverse to coming to an agreement with the peasants but, having made clear that they wished to 'receive the full value of the Vásárhely Urbarium', responded by setting a price of 2 million forints. This would include the peasants' *robot*, the ninth and other dues in kind, and the lords' rights to the *regalia*. In addition, as part of any agreement, the peasants would also have to give up their claims to 10,000 *holds* of the *puszta* leased from the lords.<sup>59</sup> At a meeting of the town council in June, the peasants immediately rejected this proposal, stating that they were not willing to cede access to any part of the pasture they believed was theirs by customary right.<sup>60</sup> In the same month, the Károlyis, still willing to negotiate, reduced the cost of redemption to 1.3 million forints but again asserted that the peasants would have to rescind their claims to 10,000 *holds* of land.

In an attempt to secure the sympathy of the authorities, the peasants had submitted a petition to the county courts at the beginning of the negotiations

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<sup>58</sup> MOF X.4001 O. 83 HMV t. ír., 30/3/1827

<sup>59</sup> MOL P.409 Károlyi család levéltára, lad. 93 no. 111/1828

<sup>60</sup> MOF X.4001 O. 83 HMV t. ír., 8/6/1827

with their lords.<sup>61</sup> The peasants stated in their petition that the dominance of the pasture by the lords' sheep had reduced the peasants' own share of the land. This had forced the peasants to convert much of their urbarial ploughland to pasture, which in turn had had a detrimental affect on their livelihoods. On hearing the peasants' appeal, the county insisted an independent surveyor should be employed to set the terms of any future agreement. As a result of this survey, completed in July, the county ruled that 6,228 *bolds* of the land already enclosed from three *puszta*s at Derekegyháza, Sámson and Újváros be confirmed as part of the lords' demesne. The remaining extra-urbarial land, which included most of the communal pasture, an area of reed beds, a willow plantation, as well as some *árendás* ploughland and meadows still leased by the peasants, should be added to the urbarial land of the *batár* in addition to that already accounted for in the land registers. Rights to the use of this land would then be 'permanently granted to the town community'. The county also stated that any new agreement could see the lords' rights pertaining to the *batár* redeemed, including all the peasants' services and debts. In return for this, the county supported the Károlyis' valuation of 1.3 million forints.<sup>62</sup>

Realizing they were unlikely to secure any further concessions, the peasants agreed to the terms set, but even then the county's decision was not the end of the matter. Sixty peasants, led by those cottars who relied upon access to the extra-urbarial land for most of their income, presented a petition to the town council protesting against the new agreement. They argued that the redemption fee, which the cottars believed they would have to contribute a large part of, amounted to little more than the imposition of a new tax with little obvious benefit to them. They challenged the idea, put forward by the council, that the cottars would benefit from the redistribution of the extra-urbarial land that was to follow the redemption agreement, even if they agreed to bear the brunt of the fee. To their mind, the cottars would merely be passing one obligation for another, having to repay the council for the new land. Despite the council's attempts to refute the cottars' claims, suggesting that the redistribution of the land would be easier and fairer once the town was 'free from the landlords' yoke' the cottars refused to support the redemption agreement. Furthermore, for many of the peasants, whilst the landlords held firm on the price and if it would

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<sup>61</sup> MOF X.4001 O. 83 HMV t. ír., 30/3/1827

<sup>62</sup> MOF X4002:8759, HMV t.jkv, kötet 5, p. 90

have to permanently give up their claims to even part of the *puszta*, the cost of redemption was more than the peasants were willing to pay. Thus, although the county's ruling would have granted the peasants' permanent right to a large part of the *puszta*, the proposed redemption agreement was defeated by a vote at the town council in August 1827.<sup>63</sup> Instead of a permanent agreement for redemption and the division of the *puszta*, the peasants concluded a new contract for the lease of the *puszta* at the end of 1827. The new contract confirmed the peasants' access to the disputed pasture lands as established by the county's ruling in July. The agreement also permitted peasants to conclude separate contracts with their lords for the conversion of their obligations should they so wish. Any such agreement would allow a peasant to convert his urbarial obligations, including any *robot* and rents in kind, into cash payments for a period of up to five years, much as had been the case in the period before and immediately after the Urbarium.<sup>64</sup>

A few years later, the laws discussed at the 1832/36 diet, in particular those relating to the division of extra-urbarial land offered the peasants an opportunity to begin anew negotiations with their lords. As with the earlier negotiations, the peasants attempted to assert their rights to extra-urbarial land. Thus, in November 1833 and January 1834, the peasants appealed to the landlords, again claiming that the *puszta* given over to communal pasture was inadequate for the town's needs as each peasant had had to reduce the animals grazed on the meadow from ten to six calves.<sup>65</sup> This appeal was followed by a further complaint to the landlords by one of the town's jurymen, Sámuel Komlosi, restating the old grievance that the lords dominated the *puszta* with their own livestock, which had been spreading onto the communal land from the demesne land at Derékegyháza. But, in replying to Komlosi's complaint, the Károlyis stated that, since the land was customarily used as communal pasture, they had as much right to graze their livestock on the pasture as the peasants. Having failed in their appeals to the Károlyis, the council drafted another petition to the county court in September 1834. Again, the peasants were keen to confirm the status of much of the *puszta* currently shared with their lords as communal pasture as urbarial, thus ensuring that no more of it could be added to

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<sup>63</sup> MOF X.4001, O. 83 HMV t. ír., 27/8/1827

<sup>64</sup> MOF X4002:8759, HMV t.jkv, kötet 5, pp. 153-57, pp. 162-63

<sup>65</sup> MOF X4002:8760, HMV t.jkv, kötet 6, pp. 192-93

the lords' demesne. This would, the peasants claimed, secure the 'greater peace and happiness of the community', increase the land available to the cottars, and ensure more convivial relations between tenants and lords. The council also sought to show that the division of the *puszta* would prove of further benefit the lords as tenants more secure in their rights to the land would be more inclined to pay higher rents. Finally, by rationalizing the landholding of both lords and peasants, the division of the *puszta* would also be in the interests of 'capitalist' (*árutermelés*) farming, benefiting the peasants and the landlords alike.<sup>66</sup>

As discussions over the division of the *puszta* dragged on, in March 1837 a group of the cottars residing in the town filed a petition to secure rights to an area of *remanencia* leased from their lords. Taking advantage of the reforms passed by the diet in 1836, which had promised to secure new *sessios* for landless peasants from any areas of disputed lands, the cottars requested that the land be divided into new quarter *sessio* plots.<sup>67</sup> At the same time, these peasants appealed for an area of *árendás* land rented from the lords' demesne at Újváros to be confirmed as their urbarial property. Following the guidelines set out by the reforms, the county decisively ruled in the cottars' favour, confirming that the *remanencia* and *árendás* land be incorporated in the *batár* and divided amongst the cottars. Thirty-one new *sessios* were created for the cottars from 8550 *holds* of *remanencia*. In addition a further 87 housed cottars were granted 113 3/8 *sessios*, with an additional 25 3/8 *sessios* divided between landed peasants. Another 47 1/2 *sessios* were reserved for the houseless cottars, and 12 *sessios* were granted to establish a new church. By way of compensation for the lords, another forty *sessios* of communally held meadow, which was subject to regular flooding, was attached to the demesne.<sup>68</sup>

The separation of the *puszta* was not, however, so easily settled. Unable to reach a compromise with their landlords, the case reached the county court in October 1838. According to the terms of the 1836 reforms, a maximum of twenty-two *holds* of any disputed land could be allocated to the peasants for every whole *sessio*. But, due to the vast extent of the *puszta* claimed by the peasants at Hódmezővásárhely, any division of the land was sure to exceed the prescripts of the law, and the peasants laid claim to what amounted to fifty *holds* of pasture for

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<sup>66</sup> MOF X4002:8760, H MV t.jkv, kötet 6, pp. 123-26, 132-33, pp. 160-62, pp. 168-69, p. 175.

<sup>67</sup> *ibid.*, pp. 231-32, 259-60

<sup>68</sup> MOF X4002:8760, H MV t.jkv, kötet 7, pp. 50-53



each full *sessio*.<sup>69</sup> The county consistently pushed for an amicable agreement, that would adhere to ‘ancient custom’ (*régi szokás*) as far as possible, to be reached between the two parties. But a final decision on the division of the *puszta* between the lords and the peasants was reached only in April 1847. In the end, the peasants settled for thirty-two *holds* for every whole *sessio* within the *batár*, rather than the fifty *holds* they had claimed earlier.<sup>70</sup>

Although the dispute over the *puszta* had dragged on for twenty years, the significance of the county’s rulings on the rights to the extra-urbarial land, both in the original dispute of 1827, and the final settlement in 1847, should not be understated. According to the court, since the land had been farmed by the peasants for a significant period of time the peasants’ right of usufruct could not be denied them. The county had not only sought to maintain the rural status quo. Rather the 1827 contract had set a precedent that, in any future division of the extra-urbarial land, some of the land should be considered urbarial. Thereafter the peasants’ rights, as established by their customary use, would have to be acknowledged in any future settlement and only the amount of land that would be confirmed as the peasants’ urbarial (and, after the 1844 reform, the peasants’ permanent) property remained to be settled. Even by forcing a compromise between peasants and landlords, the county established that the peasants’ habitual use to the extra-urbarial land, although not recorded within the Urbarium, amounted to strong enough rights to uphold the peasants’ claims, and therefore the land could not be enclosed within the lords’ demesne. This was then confirmed through the final decision on the division of the *puszta* in 1847, with a significant portion of the land used by the peasants added to the *batár* even though it had been excluded from the earlier urbarial surveys.

On the other hand, as the allocation of rights to the *puszta* had dragged on for so many years, no agreement was reached concerning the perpetual redemption of the peasants’ obligations. This had not, however, prevented the peasants from converting the vast majority of their obligations back into cash payments through the temporary agreements proposed in 1827. Indeed, in 1834 *robot* was only performed by a few of the cottars living in the town, who then appealed to the lords to convert their obligation into cash.<sup>71</sup> It may well have

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<sup>69</sup> *ibid.*, pp. 91-92, 130-36

<sup>70</sup> MOF X4002:8761, H MV t.jkv, kötet 7, pp. 424-46

<sup>71</sup> MOF X4002:8760, H MV t.jkv, kötet 6, pp. 77-78

been the case that, since almost all peasants had converted their obligations into cash payments, the benefits of any permanent redemption agreement were not immediately obvious. Thus it was the division of the *puszta* that took precedence as both lords and peasants sought to dismantle urbarial relations during the 1830s and 1840s. As we have seen, and similar to the cases looked at in Chapter Four, the lords had had to acknowledge the peasants' customary rights, in the form of their use of the *puszta*, as a part of the process of dismantling urbarial relations. When the peasants of Szentes began similar negotiations with their lord, Lajos Károlyi, in the 1830s, the lords would again have to concede to the peasants' claims to the extra-urbarial land, made through reference to their customary rights. But, in contrast to the negotiations at Hódmezővásárhely, Lajos Károlyi was more willing to reach a compromise with his peasant tenants. The peasants of Szentes were also more willing to (literally) give ground to their lord in return for the redemption of their obligations. In the end, the willingness to compromise from both parties enabled an agreement on the redemption of obligations and the division of extra-urbarial lands to be reached.

## VI

A few years after negotiations for a redemption agreement had begun at Hódmezővásárhely, the inhabitants of Szentes began negotiations for a similar agreement. In many ways, the negotiations at Szentes followed the pattern at Hódmezővásárhely, beginning with a dispute relating to the peasants' rights to extra-urbarial land that they believed to be threatened by the development of manorial farming on the estate. But, unlike their neighbours, the peasants at Szentes were to have more success, concluding a redemption agreement with their lord, Lajos Károlyi, in 1837. Szentes thus provides an example where compromises between the lords and the peasants on the terms of redemption and the allocation of rights to the extra-urbarial lands proved successful. Before following the course of the negotiations at Szentes, it is worthwhile drawing out the other key factors that proved central to the successful conclusion of negotiations there where the attempts to secure an agreement at Hódmezővásárhely fell down. First, it is more apparent at Szentes that the impetus for redemption came from the landlord, who was thus more willing to grant concessions to his peasants in terms of the land they would receive and the

level of the redemption fee. Secondly, the Szentes peasants were also more willing to rescind their rights to part of the extra-urbarial land than the inhabitants of Hódmezővásárhely, which would be used as a means to lower the cost of redemption. Thirdly, the council of Szentes was able to assure the cottars living in the town that they would benefit from any agreement secured with their landlords, thus avoiding the tensions that had arisen within the peasant community at Hódmezővásárhely in the 1820s. Finally, the negotiations between Lajos Károlyi and the peasants at Szentes coincided with debates on voluntary redemption at the diet. Thus the timing of the negotiations meant that the lords, the county court and the law, all proved more favourable to the successful conclusion of a redemption agreement than had been the case at Hódmezővásárhely in the 1820s.

As at Hódmezővásárhely, despite lord-peasant relations improving after the troubled years in the late 1810s attempts to conclude a redemption agreement at Szentes were preceded by another period of tension between landlords and peasants. Similar to the complaints made by the Hódmezővásárhely peasants at the end of the 1820s, in 1833 the council of Szentes submitted a petition to the county against the enclosure of extra-urbarial land within the lords' demesnes. The petition stated that, since the urbarial agreement of 1783, the landlords had denied the peasants access to approximately 2000 *holds* of *remanencia*. The peasants claimed they had made use of this land since the early eighteenth century and thus they demanded the land either be returned to them or they receive some other form of compensation from the lords. Moreover, the peasants cited what they claimed to be the illegal enclosure of the land as justification to begin negotiations for the separation of the remaining extra-urbarial land used by the peasants between themselves and the landlords. In respect of this, the peasants claimed that the urbarial land of the town, including their share of the *puszta* used as communal pasture, should cover almost 50,000 *holds*: a significant increase from the 31,000 *holds* allocated to the *határ* in the original agreement of 1783.<sup>72</sup>

The county court, when first hearing the peasants' case in 1834, found no reason for the landlords to return the full 2000 *holds* of *remanencia* claimed by the

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<sup>72</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 280/1833. For the 1783 agreement, see above, pp. 149-50

peasants.<sup>73</sup> However, as had been the case at Hódmezővásárhely a few years earlier, the court acknowledged that the peasants' customary use of the land amounted to customary rights that could not be disregarded by the lords. Thus the county ordered that 1,500 *holds* of land, three-quarters of that claimed by the peasants, should be added to the *batár* (whether this was the *remanencia* or land from elsewhere on the estate is unclear). At the same time, the county ordered a new land survey be conducted to establish the terms for the separation of the *puszta* between the lords' demesne and the *batár* of the town. This survey concluded that the *batár* of Szentes should include 489 whole *sessios* (26,406 *holds*), and that the peasants' right to the communal pasture amounted to 15,185 *holds* from the surrounding *puszta*s. At a total of 41,100 *holds*, this was more than had been recorded in the original land register in the eighteenth century, but not as much land as the peasants' had claimed rights to, leaving some 10,000 *holds* of land subject to dispute. The county attributed the difference to changes in the cultivation of the land, some of which had been attached the demesne and turned to the plough (the 1,500 *holds* of *remanencia* that the court had ordered be returned to the peasants), whilst the peasants had added 'a few *sessio*-sized' sections of ploughland to their own pasture. Adhering to the ruling of 1834, the county ordered the Károlyis to return the *remanencia* to the *batár*, permitting the peasants to demarcate the land from the lord's demesne and allocate it to individual plots, pasture or meadow as best they saw fit.

Unsatisfied with the county's ruling, the town council employed Samuel Boros, a lawyer and former notary of the town, to make an inventory of the land that the peasants believed should be considered part of the *batár*. The peasants hoped that, through a survey of their own, they could assert their claims to a greater share of the pasture through reference to customary use. Boros was also commissioned to establish the value of rents owed by the peasants for the use of the extra-urbarial land they claimed, suggesting that the peasants were willing to 'purchase' the rights to the extra-urbarial land much as had been proposed at Hódmezővásárhely.<sup>74</sup> It should be noted that, unlike at Hódmezővásárhely, at this stage the Szentes peasants had voiced no clear plans to redeem either their *robot* or dues owed in kind. According to Boros's survey, the peasants could

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<sup>73</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 303/1834, SVL, v.102/145a., Tanácsülési jegyzőkönyvek, 1834, pp. 27-28

<sup>74</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 331/1834,

claim rights to 3252 *holds* rented from the *puszta*s of Szentlászló and Bökény, and 1000 *holds* of another area of *remanencia*. This was in addition to the 15,185 *holds* allocated by the county as the peasants' share of the communal pasture, valued at 20,000 forints. Thus, according to Boros's survey the peasants could assert a claim to just over 19,000 *holds* of extra-urbarial land, for which the peasants paid a yearly rent of 31,400 forints (including the tolls for a ferry across the Tisza, leased from Károlyi and operated by the town, valued at 1,200 forints a year). At the same time, Boros estimated the income for the whole of the town at 85,077 forints a year.<sup>75</sup> In February 1835, the council set out their claims to the extra-urbarial land in a letter to Lajos Károlyi, in which the peasants reasserted a claim for two hundred *sessios* from the *puszta*s. Armed with the evidence provided by Boros' survey, the peasants believed that they could prove their long-term, customary use of the *puszta*s amounted to strong rights to the land, and therefore the land should be added to the *batár*.<sup>76</sup>

Perhaps realizing that the county's ruling of 1834 had been generous, and wishing to avoid any further disputes, Lajos Károlyi then proposed in April 1835 to compromise with their peasant tenants. According to the terms of Károlyi's offer all the urbarial land recorded in the 1783 register would be confirmed as part of the *batár*. Károlyi also offered the peasants an additional 189 *holds*, at the time farmed by manorial cottars, from the Kiskirályság *puszta* that would be added to the *batár*. In addition, Károlyi proposed an equal split of the *puszta* used as communal pasture, which would grant the peasants 12,199 *holds* for their own use, but he was only willing to cede a further 1,809 *holds* claimed by the peasants from the Szentlászló and Bökény *puszta*s. Károlyi's proposal would also see almost 13,000 *holds* of the *puszta*s confirmed as part of his demesne. Although this proposal left more than 5,000 *holds* of land claimed by the peasants under dispute, it was a significant improvement on the terms offered by the county court the year before.<sup>77</sup>

As the peasants delayed replying to his proposal, Lajos Károlyi then suggested that any such division of the land should be accompanied by an agreement on the redemption of the peasants' urbarial obligations.<sup>78</sup> Károlyi,

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<sup>75</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1834/35, p. 6

<sup>76</sup> SVL, v.102/d., Urbéres és váltásági iratok 351/1835

<sup>77</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1834/35, pp. 42-43

<sup>78</sup> *ibid.*, 1834/35, pp. 57-58

desirous to secure an instant source of revenue in order to modernize the farming on his part of the estate, was willing to cede more land to the peasants to ensure an agreement would be reached, giving up his claims to the 5,000 *holds* of *puszta* still under dispute. This proved to be a shrewd tactical step as, by ceding to the peasants demands in relation to the separation of the *puszta* and offering the peasants the chance to redeem their obligations, Károlyi appealed to all the peasants of the town, avoiding the conflicts between the cottars and landed peasants that had occurred at Hódmezővásárhely. What is more, Károlyi was willing to offer the peasants generous terms in order to secure an agreement. Until this point, the peasants had not included proposals for the permanent redemption of their obligations in the petitions for the division of the extra-urban land. Still, Károlyi would have been aware that redemption, offered on the right terms, would be popular with at least some of the population, for the peasants had often sought to convert more of their *robot* and rents in kind into cash payments: discussions to this end had been going on since 1832. Furthermore, by that time pressure was being applied to landlords throughout Hungary from the latest political development within the nobility itself. As the Károlyis' estate manager, József Brüneck, wrote to Lajos the year before, the 'spirit of the time' was encouraging landlords to seek peaceful agreements with their peasants to end disputes over rents or rights to the land. Brüneck continued that not only would any agreement benefit the lords as much as it would the peasants, but also Károlyi would receive much praise for taking it upon himself to instigate a redemption agreement with his peasants.<sup>79</sup>

A greater sense of urgency was added to the negotiations in the summer of 1835 when tensions flared up between the Szentes peasants and Károlyi's estate officials, which only served to confirm Károlyi's determination to reach an agreement with his tenants. In 1832, forty-five of the wealthier landed peasants had appealed to the town council to begin negotiations with Károlyi to convert the vineyard tithe and ninth on livestock (in this case, principally consisting of lambs) owed to their lord into cash payments. The council then submitted an appeal to convert the vineyard tithe into cash to Károlyi in 1834.<sup>80</sup> In reply, Károlyi suggested a fee of 3,300 forints a year, but the council successfully negotiated this down, citing a number of years of poor vintage, to 1,320 forints

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<sup>79</sup> MOL, P 409, No. 64 Károlyi család levéltára. Lad T. Brüneck levele a főispánhoz, 1834

<sup>80</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1831-32, p. 101

for ten years.<sup>81</sup> An agreement on the ninth of livestock proved to be more problematic. Sheep-breeding was a significant part of the agriculture at Szentes, with the peasants pasturing 33,120 sheep in 1835: any cash fee paid instead of the ninth in kind would thus have been considerable.<sup>82</sup> With negotiations between the peasants and lords seemingly at an impasse in the summer of that year, the peasants refused to leave the ninth of crops to be collected by the lord's bailiffs, and failed to perform any *robot* or other services requested from them before Károlyi agreed to make concessions.<sup>83</sup> At the end of the summer, the estate officials attempted to collect the tithe by force, seizing 600 lambs the peasants had been pasturing on the *puszta*. Unsurprisingly the peasants objected to the arbitrary actions of the bailiffs and appealed to the county court. Having not protested against the ninth of livestock before, the peasants now claimed that there was no custom any such payment at Szentes, and therefore any time when it could be added to the peasants' obligations had passed. According to the petition, the actions of the officials amounted to an abuse of the lord's power that the peasants equated to 'imposing a powerful despotism on the poor taxed community of our town, which is opposed to centuries of customary practice, and will push [the town's population] into destitution.'<sup>84</sup>

Considering that the peasants' protests coincided with the dispute relating to the extra-urbarial land, the peasants may have deliberately stirred up trouble in the hope that the lord or, failing that, the county court would grant further concessions. This would then be similar to attempts by the peasants to apply pressure on their lords through non-compliance with officials as occurred at Szarvas around a similar time.<sup>85</sup> It is also possible, given that the impetus for a redemption agreement came from the lord, that Károlyi may have instigated the trouble himself to force further negotiations. Either way, the appeal to the county administration forced the issue, and a fee of 4,000 forints for the ninth of livestock was finally set at the end of 1835.<sup>86</sup> And the dispute over the lamb tithe, which had threatened to descend into unrest quite uncharacteristic of the rest of the negotiations, prompted further discussions for the redemption of the

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<sup>81</sup> *ibid.*, 1831/32, p. 51, 1833-34, p. 156, 165, SVL, v.102/d., Úrbéres és váltságí íratok, 313/1834

<sup>82</sup> *ibid.*, 322/1835

<sup>83</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1834/35, p. 100, p. 110

<sup>84</sup> SVL, v.102/d., Úrbéres és váltságí íratok, 340/1835

<sup>85</sup> See above, pp. 158-59

<sup>86</sup> SVL, v.102/d., Úrbéres és váltságí íratok, 389/1836

peasants' other obligations. Following the summer of unrest, both peasants and lords appeared more willing to seek a rapid agreement for the redemption of all other dues before tensions could arise once again.

By the autumn of 1835, Lajos Károlyi may have been confident that he would be able to persuade the peasants to conclude a redemption agreement. The peasants' forcefulness on the issue of the ninth of livestock revealed that many now wished to pay rents in cash. The contract for the permanent redemption of the peasants' urbarial obligations was drafted in towards the end of 1835, including provisions for the separation of the *puszta* between Károlyi and the peasants. This would see the commutation of all dues and services into a cash payment the following year. The rent was valued at 53,677 forints a year, including 19,180 forints for rights to the *regalia*, 25,633 forints for *robot* and 8,864 forints for ninth and smoke tax: a fee that the peasants had shown they could afford through Boros's survey the year before.<sup>87</sup> Furthermore, Károlyi could feel assured that necessary support from the county authorities for the redemption agreement would be forthcoming. The county court had already expressed their conviction that an agreement could be in the interests of both parties when first ruling on the dispute between the lords and peasants over the extra-urbarial land in 1834, and the county officials confirmed their support for a redemption agreement when presented with the draft proposal in early 1836.<sup>88</sup> The redemption agreement also included the vineyard tithe at the value agreed in 1834, and the rent for an additional thirty-six *sessio* of land from the *puszta* for 3540 forints.<sup>89</sup> This fee would cover all of the estate buildings within the *batár*

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<sup>87</sup> See above, pp. 172-73. An earlier survey, completed at the request of Károlyi served as further evidence that the peasants had the means to meet the cost of redemption. The survey, completed in 1832, revealed that a third of all landed peasants possessed at least a whole *sessio* (fifty-four hold) of land. The wealthier peasants could own between two and three hundred sheep and afford to employ a number of labourers to work their lands. One peasant, József Jurenák, held two and a half *sessios*, employed fifteen labourers, and owned twenty-two horses, forty-eight cattle, ten pigs and more than two hundred sheep. Another, János Szűrszabó, held two *sessios*, grazing fourteen cattle, eleven horse and three hundred sheep on the communal pasture, and employed three labourers to farm his land. The survey also showed that the town's cottars had also been able to maintain access to additional land to supplement the incomes from their garden plots. Some two hundred cottars rented land from the wealthier landed peasants, while others rented vineyards or land from the *puszta*. SVL, v.102/d., Úrbéres és váltsági iratok, 965/1832. Those peasants who worked for the *gazdas* often lived in the same house and were able to acquire small savings in the hope that some land would become available to them. For example, in 1832 one such labourer, Mihály Pólya, bought the rights to almost a whole *sessio* from Sámuel Solti for 1700 forints. SVL, v.102/145a., Tanácsülési jegyzőkönyvek, 1831/32, p. 535

<sup>88</sup> SVL, v.102/d., Úrbéres és váltsági iratok, 341/1836

<sup>89</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyvek, 1835/36, pp. 272-73, SVL, v.102/d., Úrbéres és váltsági iratok, 747/1836, SVL, v.102/145a., Tanácsülési jegyzőkönyvek, 1835/36, p. 525



(including the church and the school) as well as the peasants' *robot* and dues in kind. The redemption fee was to be paid in two yearly instalments over a period of twenty years, making the full cost of redemption to be 1,357,072 forints (1,000 imperial gold crowns), with the first instalment due on the 1<sup>st</sup> January, 1837.

In light of the apparent wealth of the peasants at Szentes the cost of redemption appeared affordable. The redemption fee to be paid by a peasant with a whole *sessio* was set at 45 forints a year, roughly equal to the cost of an ox: on average, a peasant with a full *sessio* possessed 8 oxen. Nevertheless, even with the county assured that the cost of redemption could be met, the peasants had to send Boros to Pest and then Vienna in search of a loan to secure the cash needed to make the first payment. When Boros returned to Szentes without success and the peasants thus unable to meet the first instalment, Lajos Károlyi sent a new proposal to the council. According to the new proposal, each landed peasant cede four *holds* of land for every whole *sessio* (or portion thereof), and half a *hold* per cottar, to Károlyi, and would only cover the *robot* and the obligations in kind, and not the rights to the *regalia*.<sup>90</sup> The new agreement proposed by Lajos Károlyi appeared to win over the peasants, who agreed to the new terms in July 1836. But, although the peasants were willing to cede some land to Károlyi, they would not give up their claims to the *puszta* and the terms for the separation of the extra-urbarial land had to be renegotiated. The council wished that the 5,600 *holds*, rented from the *puszta* and which Károlyi had offered to the peasants in his proposal of 1835, would be reserved for the sole use of the peasants even if it permanently attached to the *batár*. The peasants also reiterated their claim to 11,200 *holds* of the *puszta*, which would be permanently attached to the *batár*. Despite these claims, the peasants had had to cede to Károlyi about 8,400 *holds* of the *puszta* originally contained in their petition to the county in 1834 in order to secure the redemption agreement.<sup>91</sup> The terms of pasture separation were finally agreed on 10<sup>th</sup> January 1837, thus permitting the peasants to meet the first instalment of the reduced redemption fee.<sup>92</sup>

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<sup>90</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 351/1836

<sup>91</sup> SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1835/36, pp. 103-04, p. 117, SVL, v.102/d., Úrbéres és váltásági iratok, 358/1836, *ibid.*, 362/1836

<sup>92</sup> SVL, v.102/d., Úrbéres és váltásági iratok, 367/1837, SVL, v.102/145a., Tanácsülési jegyzőkönyv, 1835/36, pp. 272-73. Neither the agreement of January 1837 nor the earlier proposal from Lajos Károlyi reveals exactly how much the cost of redemption was reduced by.

Thus as we have seen, the attempts to conclude a redemption agreement at Szentes had stemmed from the peasants asserting their rights to the extra-urbarial land that they perceived to be threatened by their lords. In this way, the case of Szentes is similar to that at Hódmezővásárhely, and bears resemblance to those cases we encountered in Chapter Four. Unlike the peasants at Hódmezővásárhely, however, as the Szentes peasants eventually proved willing to compromise on the amount of extra-urbarial land they laid claim to, it was possible for a redemption agreement to be reached. The final agreement proved a compromise between the claims of the peasants and their landlord, with the peasants receiving rights to 11,200 *holds* of *puszta* confirmed in written law, whilst Károlyi was able to add almost 10,000 *holds* to his demesne. The Szentes redemption agreement also ensured that, once non-nobles were granted full property rights after the diet of 1844, all of the land that had been recorded as part of the *batár* in the original register of 1783, as well as a significant part of the extra-urbarial land previously farmed by the peasants but not included in previous urbarial records, would become their permanent property. In this way, the peasants' customary rights to land not previously accounted for in written law had had to be taken into account during the process of dismantling urbarial relations. This was more than had been granted to peasants in many similar cases, when the courts had only acted to defend the rural status quo, protecting the peasants' use of disputed land without ruling on the permanent rights of either lords or peasants. And, even though the peasants had compromised on how much extra-urbarial land they received, it is clear that having to acknowledge some of the peasants' claims to the extra-urbarial land was a greater sacrifice than Lajos Károlyi had wished to make. Once the agreement had been signed, Károlyi complained to his estate manager that he had signed away much of his best pasture.<sup>93</sup>

The Szentes example also reveals much as to why the success of voluntary redemption agreements proved so limited before 1848. Even though the peasants of Szentes appeared to enjoy comfortable conditions, confirmed in the county's support of the redemption agreement and the surveys made by Károlyi in 1832 and Boros in 1834, the peasants had struggled to find a means to

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<sup>93</sup> OL P 394, Károlyi család levéltára, *Uradalmi tiszték tanácsközségi jkve*, 11-12<sup>th</sup> December, 1837. Károlyi's complaint was echoed by Széchenyi to John Paget when similar agreements concluded on Széchenyi's Nagycenk estate.

pay the first instalment. In order to secure the permanent conversion of their obligations into cash payments in addition to the permanent right to the extra-urbarial land, the peasants had had to agree to give up their claims to part of the land they had previously used. This had proved too high a price to pay for the peasants at Hódmezővásárhely, but that the Szentes peasants were willing to compromise proved crucial to the successful conclusion of a redemption agreement. As we shall now see, similar financial problems were faced by the peasants at Szarvas who, unlike those at Szentes, were less willing to compromise during negotiations with their lord.

## VII

The negotiations at Szentes had coincided with discussions on the possibility of government support for voluntary redemption of the peasants' urbarial obligations at the diet of 1832/36. But when the diet disbanded in the winter of 1836, little had been achieved to this end beyond establishing some principles for future laws.<sup>94</sup> This had not prevented the peasants of Szentes, no doubt aided by the growing support for reform within Hungary, from concluding an agreement with their lords without the legislative support that would follow in a few years. Like the cases at Hódmezővásárhely and Szentes, Szarvas provides another example of the reasons for pursuing the possibility of redemption and the problems that occurred in securing such an agreement. As in the case of the Károlyi estates in Csongrád county, the relations between lord and peasants before the 1830s had revealed the problems of enforcing dues and rents owed by the peasants, and the regular means the peasants used to avoid paying them. No doubt this would have made the landlords willing to negotiate a redemption agreement with their peasant tenants. On the other hand, as had been the case at Szentes, when attempts were made to establish a redemption contract at Szarvas, the peasants struggled to meet the full cost. Thus the peasants had to resort to fulfilling their obligations partly in cash and partly in kind, with those who could not afford the cash payments still providing free labour service to the lord. In short, the attempts at redemption in the 1840s amounted to nothing more than a return to the customary system of cash rents that had predominated until the agrarian boom of the early nineteenth century.

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<sup>94</sup> See Chapter 1, pp. 45-50

Negotiations for redemption began later at Szarvas than either Szentes or Hódmezővásárhely, commencing only after non-nobles had been granted full property following the diet of 1844. In September 1845, the peasants of Szarvas began negotiations with their landlord for the division of extra-urbarial land used as communal pasture and to establish the terms of redemption. Prior to the negotiations, a land survey had been conducted to confirm the extent of urbarial land. This found the urbarial land of the *batár* to consist of 475-and-a-half whole *sessios* for the landed peasants and a further 111-and-a-half whole *sessios* for the 868 cottars living in the town. Each *sessio* was a total of thirty-two *holds*, giving peasants a total of 15,216 *holds* (3,200 *holds* more than recorded in the original urbarial survey of 1788). The peasants were also to receive half of the extra-urbarial land used as communal pasture, amounting to 3,000 *holds*, with the remainder to be given over to the lord's demesne. As part of the redemption agreement the peasants were to receive a further 108-and-a-half *sessios* from the surrounding *puszta* previously used by the town, although they later complained this amounted to only 'the smallest and poorest section of hay-meadow and pasture'. According to the agreement, this land was to provide plots for the housed and houseless cottars. The peasants would also be able to 'purchase' the rights to an additional 744 *holds* of *árendás* land leased by the peasants, included as part of the redemption fee. But the terms of the redemption contract stated that this would not remove the legal rights of the lord over the land, and thus any agreement amounted to no more than an extended lease of the land based on the peasants' customary use of it.

Thus, while not denying the peasants continued access to the extra-urbarial land, the agreement did not establish the status of the land as urbarial. What is more, the lords only agreed for the peasants' dues, the *robot*, tithe and other payments in kind, to be redeemed; the *regalia* (milling, bridge tolls, and butchery rights) were to remain as the landlords' monopolies. The total value of redemption was to be 334,505 forints, payable in yearly instalments of 23,538 forints at five percent interest: an amount significantly less than that at Szentes and Hódmezővásárhely.<sup>95</sup> But, when the redemption contract was sent to the county for ratification, the court ruled that it was unable to sanction the agreement. Referring to the conditions attached to Article VIII of 1836 and

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<sup>95</sup> MOF X.8217:202, Szarvas tanácsülési közgyűlési jegyzőkönyvek, 09/1845

Article VII of 1840, the court believed it would be irresponsible to confirm the terms of an ‘unalterable redemption contract’. Although the agreement would provide a means to prevent any further increase in the peasants’ rents, and thus reduce the potential for future disputes, the court deemed that the contract did not offer sufficient guarantee that it would increase the prosperity of the peasants. Rather, the court felt it would be best to maintain the system of temporary agreements, which could, if the peasants so desired, be extended for longer periods.<sup>96</sup> In reaching this decision, the officials may have believed that the allocation of land was not to the peasants’ advantage, an opinion confirmed by the peasants’ complaint about the quality of the *puszta*. It is also likely that the county feared the peasants would struggle to meet the cost of redemption. This appears more viable in light of the events at Szentes, where the peasants had had to cede rights to some land to their lord even though the county had felt assured the peasants could afford the redemption fee.

At Hódmezővásárhely, although no final agreement on redemption was reached, the numerous petitions filed were phrased in such a way as to win the sympathy of the county officials. No doubt this would have aided winning the county’s backing for a redemption agreement, as had already been the case concerning the division of communal lands. It is telling that no such petitions preceded the negotiations at Szarvas; the peasants failing to build sufficient support for redemption. The lack of such petitions may have been due to relatively peaceful relations between lords and peasants at Szarvas through the 1830s and 1840s, whereas at Szentes and Hódmezővásárhely the negotiations had been preceded by other disputes relating to the peasants’ use of extra-urbarial land. Moreover, as the laws of 1840 and 1844 had established in written law more firmly the terms of redemption and for the division of extra-urbarial lands, any attempt by the peasants to argue their cause may well have proved redundant.

But the county’s refusal to ratify the redemption agreement sparked a new wave of disputes between the Szarvas peasants and their lords over what would be included as urbarial land and exactly what was to be included in the redemption agreement. The peasants appeared to be unaware that, in the second draft of the contract, the terms were to include the *regalia*. The value of communal buildings within the town was also to be included, making the total

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<sup>96</sup> *ibid.*, 11/1845.

redemption fee 646,225 forints, double the original estimation. The bridge toll over the river Körös alone was valued at 150,000 forints. A third assessment of the fee was reached in January 1846. But rather than leading to the redemption of the peasants' obligation, the new agreement followed the county's previous ruling and only covered the terms of the peasants' long-term lease of the land. This assessment reduced the fee the peasants would have to pay only slightly, and would also see the peasants forfeit their rights to some of the extra-urbarial land.<sup>97</sup>

As had occurred at Hódmezővásárhely, the peasants could not agree with the new valuation of the contract, particularly as it would reduce the area of land available to them, and sought to delay any decision for one year. And, with parallels to the earlier events at Szentes, it became increasingly apparent to the council that it was impossible for the peasants to raise the money (100,000 forints) needed as a deposit against the redemption contract. With a new round of negotiations underway in April 1846, the council engaged a lawyer, György Endreffy, in a futile attempt to secure a loan for the first payment. Justifying the county's reluctance to ratify the redemption agreement, Endreffy's enquiry into the conditions of the peasants made it clear that only a few of the wealthiest *gazdas* possessed the cash to meet the rent demanded by the lord.<sup>98</sup> Other peasants were in a position to supplement their contribution by continuing to perform *robot* for the lords, but even this would not reduce the cost of redemption significantly, nor would it be sufficient to even cover the interest payments on any loan.<sup>99</sup> On hearing of the peasants' problems securing the deposit, the landlords offered to loan them the 100,000 forints themselves at a rate of six percent interest, one percent higher than would have been attached to

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<sup>97</sup> MOF X.8217:202, Szarvas tanácsülési közgyűlési jegyzőkönyvek, 01/1846. The break-down of the valuation was as follows:

335 ½ urbarial <i>sessiás</i> (at 600 forints a <i>sessió</i> ) forints	213,300
868 housed cottars (108 ½ <i>sessiás</i> )	65,100 forints
Tithe for 820 4/8 hold vineyard	32,000 forint
600 houseless cottars	1,500 forints
Income from 94 'furnaces' ( <i>kazán</i> )	3,130 forints
Communal town land (including 112 hold meadow, 350 hold hayfield, and a small willow plantation)	8,000 forint
Total forints	323,030

<sup>98</sup> No specific names are mentioned within the records but, taking into consideration other examples of redemption, it is likely that these were the more influential members of the community – those with the largest holdings, and those who dominated the town council.

<sup>99</sup> MOF X.8217:202, Szarvas tanácsülési közgyűlési jegyzőkönyvek, 04/1846

any redemption fee. This would also have seen the peasants effectively mortgaging a section of their urbarial property (as had been proposed at Szentes) as part of the redemption. But again, faced with the possibility of losing access to even a small portion of land, the council rejected the proposal. A separate proposal for selling some of the urbarial land to the lord and allowing him to maintain rights over some of the regalia, put forward by a few of the wealthier landed peasants, was also swiftly defeated.<sup>100</sup>

By November 1846, the peasants had decided it was best to abandon attempts at securing a full redemption contract, stating that the price to redeem all manorial rights, services and dues was too much to bear. Instead an agreement was concluded that would secure the peasants' rights to the land for twenty-five years at a set level of rent paid in a mixture of cash, kind and labour. This agreement also confirmed the division of the extra-urbarial land according to the terms set in 1845. Although no agreement had been reached for the redemption of the peasants' obligations the town council felt confident in proclaiming victory. Even if the negotiations had failed to secure a permanent redemption agreement, the peasants equated the new lease agreements, whereby most of their obligations had been converted into cash payments, to 'enjoying our customary freedoms'.<sup>101</sup> The peasants and lords had also concluded an agreement for the separation of the extra-urbarial land, a part of which had been added to the peasants' urbarial holdings and divided between the peasants as best they saw fit. The peasants had been able to maintain their use of the *puszta*, some of which had been incorporated into the urbarial *batár* to be used by the peasants as their own pasture. The peasants saw this agreement as tacit acknowledgement that they would, in the near future, receive legally acknowledged ownership of the land within the *batár*, including the *puszta* and the separated pasture, just as had been the case at Hódmezővásárhely. And, finally, the peasants were also able to conclude new rental agreements for the lease of the rest of the *puszta*, although it not been confirmed as part of the town's urbarial land.

As we have seen in all three cases, the negotiation of redemption agreements was intimately linked to attempts by the peasants to secure their rights to the land they farmed, acknowledging both what was recorded in written law but also in accordance with local practice and customary use. In particular,

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<sup>100</sup> *ibid.*, 22/10/1846

<sup>101</sup> *ibid.*, 20/11/1846

the peasants wished to have their rights to any extra-urbarial land confirmed as part of any agreement with their lords. The peasants' rights to such land had been in many cases rooted in no more than customary agreements or through habitual use, and thus their rights lay outside written law. These rights were thus vulnerable to changing economic conditions, as during the years of agrarian boom in the early nineteenth century. At that time, the lords had been able to take advantage of the grey areas within customary practice to increase the peasants' rents and obligations, or to deny the peasants use of part of the extra-urbarial land.

Yet, once the peasants recovered from the difficult years of the early nineteenth century, they could assert their rights, referencing customary practice to convert their obligations into cash payments or, more often, secure their claims to the extra-urbarial land. From the late 1820s, the peasants sought to confirm and, after the reforms of the 1830s and 1840s, record in written law their rights through appeals to their lords and the county courts. Although it was not possible to conclude permanent redemption agreements before 1848 at Hódmezővásárhely and Szarvas, the peasants' customary rights to the extra-urbarial land were confirmed, even if this entailed no more than the maintenance of the rural status quo. Furthermore, at both Szarvas and Hódmezővásárhely, the peasants had been able to convert most of their obligations into cash payments even if this did not lead to a permanent redemption agreement. In this way the peasants had been able to secure a return to the earlier, customary practice which the peasants identified with 'small freedoms'.

By the 1830s the lords, having witnessed the difficulties caused by challenging the customary nature of lord-peasant relations, were willing to compromise with their peasant tenants. The lords hoped that resolving areas of doubt in relation to the terms of lord-peasant relations and confirming the bounds of the peasants' customary rights would grant them greater freedom in managing their estates. Thus redemption agreements could provide the lords with a means to increase the income derived from their lands, as well as an immediate windfall which could be invested in improving their estates. In addition, land reform had been gathering momentum within the nobility and it appeared that the tide was turning in favour of the peasantry, thus it would be better to compromise now than be forced into concessions by subsequent laws.



The separation of communal and extra urbarial lands, and the redemption of the peasants' obligations was thus in the interests of both lords and peasants.

Finally, we can see that the redemption agreements were the last stages in a process that had been going on since the Urbarium, merely reaching a conclusion from the 1830s onwards as the reforms of 1836 and after strove to resolve such disputes once and for all. Through the nature of lord-peasant relations on the Great Plain, the experiences of these peasants, and the problems and disputes that emerged in relation to land tenure one can see that the reforms of the 1830s and 1840s, often dismissed as insignificant, went some way to address the issues at hand. The reforms were a means to support the process of negotiation already underway, be it through furthering the redemption agreements already in place or through settling matters relating to uncertain rights to the land, particularly of communal holdings and extra-urbarial land. In the case of the latter, this did not necessarily relate to allodialization or the dispossession of the peasantry – often cited as the principle problem in the early nineteenth century – but rather served to cement the peasants' rights to their holdings. This fits with the stated aims of the laws of 1836 and 1844, where a renewed Urbarium and the confirmation of non-noble property rights were seen as means to rectify 'mistakes and omissions' from earlier laws and existing custom. The laws and redemption agreements aimed to free both peasants and lords from a mutual reliance, at times a mutual distrust, and the uncertainty of variable contracts. Just as importantly, they freed both peasants and lords from the unreliable rulings of the county courts when it came to resolving disputes over these matters. Therefore, beginning reforms with a renewed urbarial patent that better accounted for customary practice, as was the case in 1836, directly addressed the more pressing concerns of the peasants.

## VIII

As we have seen, in the first decades of the nineteenth century, the peasants of the Great Plain, like many peasants across Hungary, experienced an increase in the lords' demands and a decline in the amount of land at their disposal. But the peasants had recovered by the end of the 1820s, and had been able to reassert their position in relation to their lords. Thus, between the late 1820s and 1848, the peasants had defended their customary use of the land, converting much of their obligations into cash payments, either through redemption agreements or temporary contracts. But were the problems encountered by the peasants of the Great Plain and the nature of lord-peasant relations in that region similar to those elsewhere in Hungary? By investigating conditions on an estate in a very different part of Hungary one will gain an impression of how universal the conditions on the Great Plain were. Furthermore, evidence from the Körmend estate offers more information as to the nature and forms of estate incomes, from rents in cash, kind or labour, and the nature of manorial agriculture. And through this, we can find a further means to explain the success or failure of redemption agreements before 1848.

The Batthyány family estates at Körmend, on the western edge of Vas county, and the experiences of their peasant tenants, provide a contrasting example to those of the market towns on the Great Plain. Unlike the lands of the Great Plain, the Körmend estate was not dominated by the large *batárs* of the more-or-less independent market towns. Each village, often consisting of less than a hundred households, had to pursue separate agreements with their lords, without the benefit of strong administration through a town council.<sup>102</sup> Rather, the estate was dominated by a scattering of small peasant villages, with access to much less land than the peasants benefited from at Szentes, Szarvas or Hódmezővásárhely. Although also able to rent additional land beyond the *batár*,

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<sup>102</sup> There had been market towns on the estates in Transdanubia prior to the Urbarium. These towns had fought hard to maintain their earlier freedoms and the contractual agreements with their landlords, doing so more successfully than the market towns of the Great Plain. In the late 1760s, for example, five market towns across Vas County, led by the peasants of Körmend, filed a petition against the Batthyány family to prevent the imposition of the Urbarium. With the help of a noble inhabitant of Körmend, István Bejczy, the case was brought to the attention of Maria Teresa in March, 1769. As a result of the Empress's intervention, the town was to be guaranteed their rights and use of land according to the terms of a 1700 agreement with the Batthyány. This maintained Körmend's status as a free market town, and thus avoiding the introduction of urbarial agreements that befell Szentes and Hódmezővásárhely. Similarly, Némétújvár, Sárvár, Szombathely and Szentgotthárd were able to preserve their special status. See I. Felhő, *Az úrbéres birtokviszonyok Magyarországon Mária Terézia korában*, Budapest, 1970, Vol. 1, p. 269

such land was much scarcer at Körmend than it was on the under-populated Great Plain. Any communal land available to the peasants likewise was scattered around the estates. But, despite these differences, the nature of lord-peasant relations and the most persistent problems relating to peasant land tenure remained the same.

On the Körmend estate and in the market towns of the Great Plain it had been common for lords and peasants to negotiate forms of rent, with payments in cash and kind more common than *robot*. By the mid 1820s, the majority of peasants on the estate were able to commute much of their *robot* obligation into cash payments through individual contracts established with their lords. The rate set uniformly across the estate varied between 11 forints 150 *kerajcár* to 12 forints 50 *kerajcár*, depending on the quality of the soil for a full *sessio*. Across the whole estate, comprising nineteen villages, only twenty-nine days of draught *robot* and 558 and a half days hand *robot* was requested by the lords, the remainder being commuted into cash.<sup>103</sup> Other contracts stipulated that an unspecified amount of *robot* could be requested from ‘time to time’ as the need occurred, though there is no evidence to suggest that this was exploited by the lord or his bailiffs.<sup>104</sup> Some peasants were able to commute the ninth into a cash payment, either through individual contracts or for a whole village. For example, in 1825 one peasant, János Szályer, commuted the ninth into a payment of 60 forints 7 *kerajcár* a year for a whole *sessio* while another, József Németh, paid 26 forints 48 *kerajcár* in lieu of a part of his crops for half a *sessio*. A year earlier the inhabitants of Radafalva commuted the ninth into a payment of 1091 forints a year for the whole community, rising to 1524 forints when the agreement was renewed three years later.<sup>105</sup> Such agreements had been concluded despite the accessible market for agrarian produce provided by the proximity of Vienna that is normally supposed to have encouraged manorial agriculture. Furthermore, it has been argued that seigneurialism was more entrenched in Transdanubia than on the Great Plain, having developed unrestricted by Turkish occupation and depopulation by the end of the seventeenth century. Thus, it has been supposed that conditions of the peasants were worse than on the Great Plain, with less land

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<sup>103</sup> MOL P1322 Batthyány család levéltára: Körmendi központi szerződések/igazgatóság, 1832-45, cs 69: no. 45, no. 99

<sup>104</sup> *ibid.*, cs 69, no. 324

<sup>105</sup> *ibid.*, cs. 69, no. 42, no. 64, no. 80

made available to them and harsher burdens imposed by their lords.<sup>106</sup> However, as the nature of lord-peasant relations on the Körmend estate will show, this was not necessarily the case. On this estate at least the forms of rent, access to extra-urbarial land, and the changes in lord-peasant relations surrounding the reforms of the 1830s and 1840s bear striking similarities to those in the market towns of Szentes, Szarvas and Hódmezővásárhely.

Up to the late 1840s a significant source of the manorial income on the Körmend estate came from leasing the *regalia* rights to individual peasants. In 1834/35, sixty-eight contracts for the lease of the *regalia* were concluded, providing the lord with a yearly income of 15,573 forints.<sup>107</sup> In one instance Pál Pinzéri, a tenant at Radafalva, leased the rights to produce and sell wine, beer and brandy in the village for 600 forints a year, including a plot of 18 hold of land.<sup>108</sup> These contracts remained in place until the first redemption agreements were concluded on the estate in 1847/48, often including the rights to the *regalia*, by which time the income from the leases had fallen to 12,107 forints.<sup>109</sup>

The peasants on the Körmend estate also benefited from access to extra-urbarial land. In 1833, forty-one peasants from Győrvár shared 173 *holds* of *árendás* ploughland and eighty-two *holds* of meadow between them, leased from the Batthyánys for 497 forints a year. In 1828, another village on the estate rented ninety-eight and a half *holds* of additional ploughland, and fifty-three and a half *holds* of meadow for 410 forints 32 *kracjár* a year.<sup>110</sup> Likewise, in 1834 the inhabitants of Holló concluded an agreement to lease 66 3/8 *holds* plough and just under 49 *holds* of meadow for a total of 466 forints a year.<sup>111</sup> At Doroszló twelve peasants supplemented their urbarial holdings by renting thirty six and a half *holds* of ploughland along with a small area of communal pasture for 124 forints.<sup>112</sup> The villages also established terms to maintain their use of 134 *holds* of ploughland and 27 *holds* meadow that had been registered as *remanencia* in the

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<sup>106</sup> I. Wellmann, *A Parasztság helyzete az 1767 évi úrbérrendezés előtt*, Budapest, 1955, pp. 5-6, p. 31-33

<sup>107</sup> MOL P1322 cs 70, no. 60-96

<sup>108</sup> MOL P1322 cs 70 no 40

<sup>109</sup> *ibid.*, cs 70 no 150-53

<sup>110</sup> *ibid.*, cs 69: no. 261, no. 265-270

<sup>111</sup> *ibid.*, cs 70 no 18/19

<sup>112</sup> *ibid.*, cs 71 no 330/332

urbarial surveys.<sup>113</sup> At the village of Radócz the peasants leased some 250 *holds* of land from the demesne for 1659 forints.<sup>114</sup>

One reason for this may have been that allowing peasants to cultivate parts of the dominical land, which in turn left the majority of tenants (urbarial or dominical) free from any overbearing *robot* obligation, ensured a better return from the estate and a larger income for the lord. It was expected that the peasants would work their lands diligently, and pay their rents on time: all these contracts included cancellation clauses should the peasants default on payment. Moreover, rent in kind was included in many of the contracts for the lease of dominical lands, often stipulating that a set amount of grain be sent to the lord's mills each year. For example, one tenant at Szóce, who rented ten *holds* of ploughland in addition to his urbarial plot, was required to send 160 'pozsony measures' of wheat each year, in addition to a rent of 20 forints 240 *kerajcár* for all of his land.<sup>115</sup> This ensured that the lord would receive an income from the land, and that the peasant would be diligent in his cultivation to produce the set amount.

In contrast to the extra-urbarial land leased by the peasants on the Great Plain, this land was primarily used to supplement the peasants' urbarial holdings, turned to ploughland or meadow, rather than left as communal pasture. The nature of peasant land-use also suggests that they were developing agricultural production for market, with the peasants responding to the opportunities provided by local conditions. On the Great Plain much of the extra-urbarial land was maintained as open pasture due to the lack of means to get grain to market, with the region suffering from a poor and underdeveloped communication network, while on the Transdanubian estates of the Batthyány family the peasants dedicated a larger amount of the extra-urbarial land to grain cultivation. It is also worth noting that much of the extra-urbarial land remained part of the Batthyánys' demesne after 1848/49 rather than becoming the property of the peasant tenants. But, after 1848, the peasants continued to lease this land much as they had before even though it had not been confirmed as their property. Peasants across the Körmend estates maintained their earlier contracts, renting land through six-year agreements on similar terms to those of the urbarial

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<sup>113</sup> *ibid.*, cs 71 no 346/347

<sup>114</sup> *ibid.*, cs 71 no. 356

<sup>115</sup> *ibid.*, cs 69 no. 288/89

peasants in the 1830s and 1840s. For example, at Szőkeföld a group of cottars rented 229 6/32 *holds* of ploughland and 40 13/32 *holds* of pasture for 3166 forints a year from 1849-1855, even though the land had been recorded as part of the lords demesne in 1848.<sup>116</sup>

Although *robot* could form a part of the peasants' rent this was a less significant part of the estate income than payments in cash or kind and leasing rights to the *regalia*. What limited labour that was requested by the lord was restricted to the occasions as and when it was needed: the absence of peasants' complaints against this suggesting it was not needed very often. It is possible that either the lord simply did not require all the *robot* he could claim from his peasant tenants, or he chose to supplement employing wage labourers with the free obligatory labour of his urbarial tenants only for certain tasks, as had been the case in the eighteenth century. This is supported by the view of agrarian development in Hungary put forward by Peter Gunst. The manorial agriculture that was developing on the large estates in the first half of the nineteenth century was often accompanied by agrarian innovation. This saw the introduction of more complex systems of rotation, new fodder crops and expensive new technologies, requiring more skilful, trustworthy and diligent labour. Quite simply, the obligatory labour of the peasants, which was often performed reluctantly and in a slovenly fashion, could not be trusted following the investment of the landlords, reducing the demand for *robot* and encouraging more lords to turn to wage labourers. In turn, the lords converted the peasants' obligations into cash to pay for the necessary investment in labour.<sup>117</sup>

The limited use of the peasants' *robot* on the Körmend estate, combined with the instances of peasants renting additional land and the *regalia*, indicates that manorial agriculture had not developed to any great degree on this estate. It is possible that what manorial agriculture existed on the estate relied upon the work of manorial cottars and wage labourers for cultivation, as was increasingly the case around the communities of the Great Plain. Even on an estate located so favourably to benefit from the growing markets of Vienna and the Hereditary Provinces, in great contrast to those of the Great Plain, the lord chose to pass the

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<sup>116</sup> MOL P1322 cs 71 no 326/27, A report from 1892 included within these records showed that the peasants continued to rent the land under similar conditions at least until that date.

<sup>117</sup> P. Gunst, 'Hungarian Agrarian Society from Emancipation (1850) to the End of World War I (1918)', in idem., ed., *Agrarian Development and Social Change in East-Central Europe*, 1996, pp. 170-76

cultivation of much of his land onto his peasant tenants. One reason for this may have been that forcing the tenants to perform a large part of their *robot* obligation may have been more trouble than it was worth, as had been the case at Szarvas. It is also possible that the means of collecting rent in cash or kind, especially when rent was set at a specified amount of grain rather than a proportion of the peasants' produce, was seen as a means to encourage more diligent cultivation of the peasants' private plots. Again this would bear similarities to developments on the estates of the Great Plain. With cash rents more common than *robot* or payment in kind it was no great step for Batthyány to conclude redemption agreements when encouraged to do so by his peasant tenants.

Furthermore, the system of rent and land use in the nineteenth century on the Transdanubian estate at Körmend in the nineteenth century show that little had changed from the early eighteenth century. Contractual agreements and access to extra-urbarial land, based on customary use rather than written law, was maintained up to the period of reforms of the 1830s and 1840s. At that time, many of the peasant communities sought to commute into cash payments all dues once and for all, and to confirm their rights to land they farmed outside of written law. But, as had been the case at Szentes and Szarvas, even when contracts could be concluded it would appear that only a few peasants could afford to redeem their obligations in perpetuity.

## IX

Both on the Great Plain and in Transdanubia the most difficult issue to resolve, and the most common cause of dispute between peasants and lords, was access to the extra-urbarial lands. On the Great Plain this had centred on rights to the great swathes of pasture and *pusztas* surrounding the *batárs*. At Körmend, in contrast, the extra-urbarial land primarily consisted of small areas of woodland, cleared land, or ploughland and meadow (either *remanencia* or *árendás* land) leased from the lord's demesne. But the nature of the complaints stemming from this issue was the same. The peasants wished for all land that they made use of, or could remember making use of, to be confirmed as part of their urbarial holdings. In resolving such disputes, it was a case of establishing how far the peasants' habitual or customary use could be construed as amounting to a right

of ownership, equitable to that attached to their urbarial holdings, to the land in question, and whether these rights could take precedence over the lords' anterior property rights.

As with the cases of lord-peasant relations on the Great Plain, these disputes tended to concern rights to areas of land used by the peasants that had not been sufficiently established in law but rather relied on customary use or separate contracts. With parallels to the experiences of the peasants on the Great Plain such disputes emerged from the late 1830s just as the diet was attempting to resolve these matters once and for all. Often these cases had their routes in contracts and land surveys that had begun in the 1760s to accompany the Urbarium. Following the renewed Urbarium of 1836, the peasants took the opportunity to assert their claims to any land they believed was theirs by right, or where the rights of their landlord could be challenged through reference to customary use.

In February 1841, the peasants of Miske filed a petition to the county court in an attempt to claim additional land for the *batár*. A land survey completed in 1835, which was to precede allocation of an area pasture to the peasants, had recorded the size of the *batár* as 1920 *holds*, but the peasants claimed this was barely half the land they farmed. The peasants then demanded that part of the extra-urbarial land they rented from the lord, including ninety-one *holds* of *írtvány* the peasants had cleared and a further 64 *holds* of *remanencia*, be classified as urbarial in new land register.<sup>118</sup> Unlike similar cases at Hódmezővásárhely and Szarvas, there is no mention of redistributing this land amongst the cottars of the village, the peasants simply suggesting the land should be attached to existing *sessios*. The peasants also claimed rights to an area of woodland to which they 'had enjoyed the free use of as pasture'. However the landlord, Phillip Batthyány, challenged the peasants' claims by noting that a small rental fee of 90 forints a year, paid by the peasants since 1815, clearly established that the forest was part of his demesne. In the end, the county sided with the landlord, only confirming the urbarial status of the small area of *írtvány* and *remanencia*.<sup>119</sup>

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<sup>118</sup> MOL P1313 Batthyány család levéltára: úrbéri iratok, cs 210 Vegyes úrbéri iratok, 1831-1856 no. 10-11

<sup>119</sup> MOL P1313 cs 210: no. 21-23



Also in February 1841, peasants from the village of Hálógy submitted a petition concerning their rights to 113 *holds* of land that had been excluded from the urbarial surveys of the 1770s. Like a part of the disputed land at Miske, the land at Hálógy was an area of woodland that had been cleared by the peasants and used as communal pasture. In this instance the courts forced a compromise between the lord and the peasants. Stating that ‘the spirit of the 1835/36 laws’ had been to firmly establish and ‘perfectly account for’ the peasants rights to the land, the courts granted the peasants full urbarial rights to ninety *holds* of the disputed land. Furthermore, in the ‘spirit of goodwill and friendship’ between peasants and landlords, the court decreed that any demands for a clearing fee, normally paid as acknowledgement of the lord’s right to the land, should be waived.<sup>120</sup> In a similar case, from April 1838, the peasants in the village of Lószató submitted a petition to the county court. The peasants had leased the land from the Batthyánys since a contract had been established between 1751 and 1753. In a land survey of 1807 the *sessio* land of the peasants, including individual portions of ploughland and meadow, had been registered as urbarial but this had excluded an area of ‘communally used noble [dominical] lands’ that the peasants claimed pasturing rights to. The peasants also wanted to establish the urbarial status of some land leased from the lord that had not been recorded as part the *batár*.<sup>121</sup> Like the inhabitants of Hálógy, and similar to disputes on the Great Plain surrounding rights to pasture and the division of extra-urbarial lands, the peasants of Lószató were using the 1836 reforms to assert their claims to land they believed was rightfully theirs. In the case of Lószató, however, there is no record of the outcome of the dispute.

Likewise, a petition from peasants of Ladi, this time on the Batthyány estates in Somogy county, dated 18<sup>th</sup> August 1838, appealed for a reassessment of pasture division. In this case the peasants had, for at least the past twenty-five years, made unlimited use of a portion of pasture and woodland leased from the lord, paying 500 forints a years. The peasants claimed that when an area of pasture had been divided between the lord’s demesne and the peasants’ urbarial *batár* a few years before this land had not been taken into account. The peasants also claimed that an earlier appeal directly to their lord had granted them no more than a few *holds* of the worst land; moreover, the land they had received was

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<sup>120</sup> *ibid.*, cs 210: no. 122-23

<sup>121</sup> *ibid.*, cs 210: no. 79-102

scattered across the estate and was too far from the village to be of use. At the same time, the peasants claimed the lord had enclosed much of the pasture and woodland that the peasants had cleared themselves. The peasants hoped that the county would intervene to reassess the division of land and grant to the peasants land that was more representative of their former customary use, including the cleared land and an area of the pasture that was much closer to the village.<sup>122</sup> As with the case at Lószató, unfortunately no record of the county's decision survived.

As had been the case at the market towns on the Great Plain, disputes relating to the division of land on Batthyánys' estates at Körmend did not preclude negotiations beginning for the perpetual redemption of the peasants' obligations from the mid 1830s onwards. Although the records for the Körmend estate do not provide great detail on the redemption agreements, there are similarities between the peasants of the Great Plain and those of Transdanubia. When it came to agreeing to terms for redemption, the peasants on the Körmend estate were just as reluctant to cede rights to any land they farmed as those at Hódmezővásárhely or Szarvas. Furthermore, just as the peasants of the Great Plain market towns had discovered, the tenants on the Batthyány estates found it hard to meet the cost of redemption

The first attempt at a redemption agreement on the Körmend estates occurred at Holló. Like many of the tenants on the Körmend estate, the peasants of Holló had fulfilled their obligations to the Batthyánys in a combination of cash and kind, performing only a small amount of *robot*. In 1835, the Holló peasants had agreed a fee of 14,500 forints to cover all of their obligations, including the vineyard tithe and the rights to the *regalia*, for a period of six years.<sup>123</sup> When the agreement came up for renewal in December 1840, the peasants pushed for the agreement to be extended to cover perpetual redemption of their obligations along the lines of the recent law. By this agreement the peasants would 'purchase' the rights to the urbarial land, amounting to thirty-nine *sessios* for 40,000 forints. This was payable in yearly instalments over twenty years at a rate of five percent interest and effectively severing all ties with their lords once payments were complete.<sup>124</sup>

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<sup>122</sup> MOF X.9582 Feudalis-kori összeírások Acta congreg 1839 augusztus 1 N. Gy VI 2826

<sup>123</sup> MOL P1322 cs 70 no 32

<sup>124</sup> *ibid.*, cs 70 no 18/19

Between 1842 and 1847 similar contracts were concluded between the Batthyánys and their tenants across the Körmend estate. Many of the villages on the estates, however, ran into difficulties in meeting the cost of redemption. At the village of Lipótfalva, the peasants began negotiations for the redemption of their urbarial obligations in 1846. Prior to this, the peasants of Lipótfalva had maintained contracts whereby the greater part of their rents was paid in mixture of cash and kind, as had been the case at Holló. As negotiations continued into 1847, the peasants realized they could not meet the cost of redemption asked by their lords. All attempts to reduce the redemption fee failed as the peasants would not agree to a contract that included redemption and loss of pasture rights which would have been ceded as part of the agreement. Finally, in place of perpetual redemption, the peasants agreed to a contract for the short-term redemption of their obligations, which, like the inhabitants of Szarvas, the peasants referred to as securing ‘small freedoms’. Taken as a the first step towards perpetual redemption, these ‘small freedoms’ included converting all dues in labour and kind into a cash payment and guaranteed the peasants’ usufructary rights (*haszonbér*) to the pasture for another seven years.<sup>125</sup> Similar short-term agreements had been reached elsewhere on the Körmend estates in the course of negotiations, but even so most communities were unable to keep up with the payments. Of nineteen villages that had concluded short-term agreements in the years since 1842 all but one were behind in their payments by 1848.<sup>126</sup> Clearly, meeting the cost of redemption was a problem for many peasant communities.

## X

As we have seen, the nature of lord-peasant relations found on the Batthyány estates in Transdanubia and at the market towns of the Great Plain was strikingly similar. In both instances, it was common for peasants to meet their obligations to their lords in a mixture of cash, kind and, only occasionally, in labour, according to terms set by negotiated contracts. On the Great Plain, this had been the case, with only a brief interruption in the first decades of the nineteenth century, since the period of resettlement in the early eighteenth century. Although the records do not reveal the nature of lord-peasant relations on the

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<sup>125</sup> P1313 cs 210:149/150

<sup>126</sup> *ibid.*, cs 210:197

Batthyány estate at that time, evidence from elsewhere in Hungary suggests that is more than likely that their tenant peasants had been able to pay a significant portion of their rents in cash throughout this period.

On both the Great Plain and Transdanubia the peasants could claim access to land beyond their urbarial allocation. But the rights to the extra-urbarial land had not been accounted for in written law, and were thus not as secure as the peasants' rights to their urbarial land. As we have seen, rights to the extra-urbarial land were established insufficiently in the aftermath of the Urbarium, and thus the peasants sought to defend and finally clarify in years leading up to 1848. By that time the peasants recognized that the dismantling of the old rural order, and supplanting custom with statute through the codification of property rights, posed a threat to their customary use of that part of the land they farmed not covered by the terms of the Urbarium. Thus, when statute law appeared to be catching up with customary practice in the 1830s and 1840s, the peasants took the opportunity to confirm their rights where before these had only been secured through customary agreement. In the majority of cases, the redemption of the peasants' obligations remained secondary to the separation of communally held land and the confirmation of peasant rights to any areas of extra-urbarial land. These rights were in the process of being defined more clearly by the laws passed after 1836 and the peasants readily seized the opportunity to secure them. Even when the provisions of the laws did not stretch to all the land that the peasants believed they had rights to, there was every chance that recourse to the county courts could secure such rights.

It can be argued that the reforms of the 1830s and 1840s did little to alter the terms of land-use or lord-peasant relations. This then begs the question: what was the purpose of the reforms? In part the reforms passed in the 1830s and 1840s, beginning with the renewed Urbarial law of 1836, were an attempt to resolve the grey areas inherent within the system of landholding in Hungary. This was particularly in reference to that land where the respective rights of lords and peasants remained unclear, be it communal holdings or the various forms of extra-urbarial lands. Many peasant communities took the opportunity provided by the new laws to assert their rights concerning such land. In this way, the petitions filed by the peasants were a continuation of the disputes with their landlords in the preceding decades. Indeed, the reforms appear to have aimed at

providing a more secure legal basis in which to resolve the disputes we have seen in Chapters Four and Five.

Only occasionally would the peasants include attempts at perpetual redemption, once the laws had made this available to them, in their petitions. Rather, the cases filed in the years immediately before 1848 revolved around what would or would not be included with the urbarial land that was to become the peasants' private property after 1848. Where redemption contracts were negotiated these tended to be instigated, or at least encouraged, by the landlords, as had been the case at Szentes and appears to have been the case on the Körmend estates. The peasants tended to pursue the possibility of redemption only where the advantages were obvious to them, as when it was associated with establishing full ownership rights to the land as had been the case at Hódmezővásárhely.

Why, then, were attempts at redemption so limited? For one thing, the issue of access to land was more pressing, and the courts encouraged that this should be resolved before dues and services were redeemed. It also appears reasonable that the peasants should wish to secure their rights to as much land as they felt was 'theirs' – in terms of their historic rights of usufruct – before they should seek to redeem the obligations associated with such rights. It is likely, too, that few peasants had the means to meet the full cost of redemption. This had caused lengthy negotiations at Hódmezővásárhely and Szarvas, despite the apparent wealth of the peasants in the two towns, and equally was a problem on the Körmend estates. At Körmend, the peasants had been able to establish short-term rental contracts, which converted most of their dues into a single cash payment whilst confirming their rights to the land, but even these presented problems for the peasants. Moreover the short-term agreements were seen as a small step from full redemption and set a useful precedent should any agreement be established in the future. In addition, where a large portion of their obligations were already paid in cash, the peasants would have seen little reason to burden themselves with a greater payment so that their obligations were redeemed in perpetuity. It is not surprising therefore that many communities found the cost of full redemption too high and deemed it more prudent to continue renting the land as they had before. More significant for the peasants was that these contracts should account for their rights to any area of disputed

land. The contracts then established a firmer legal foundation for rights which had previously been no more than customary or habitual. With the support of such contracts the peasantry were more likely to be successful in any appeals that might reach the county or royal courts in future. Finally, there was little incentive to pursue redemption if it did not change the rights the peasants had to the land. These were, as Deák had rightly pointed out, little short of full ownership to all intent and purpose but this was not acknowledged in law until 1844. It was more advantageous to maintain relations as they were, so long as it did not entail any loss of land. After all, the obligations of the peasants 'proved no hard contract', and in return the 'quantity of land appropriated by the peasant [was] enormous'.<sup>127</sup>

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<sup>127</sup> R. Townson, *Travels in Hungary, With a Short Account of Vienna, in the year 1793*, London, 1797, p. 132, R. Bright, *Travels from Vienna through Lower Hungary*, Edinburgh, 1818, p. 113

## Conclusion

### I

This thesis has shown how land reform impacted upon rural relations and rights to landed property in Hungary in the eighteenth and nineteenth centuries. Rather than focus on the arguments for reform and the opinion of reformers, I have instead provided an image of reform through the prism of lord-peasant relations and peasant petitions. This has enabled us to view land reform 'from below' as it answered the needs and expectations of those who worked upon the land.

Furthermore, I have demonstrated that Hungarian seigneurialism, as it had been defined in written law and as it was established through customary use from the sixteenth to the mid-nineteenth centuries, did not deny the Hungarian peasantry the status of a subject or possessor of right. Through centuries of practice, supported by negotiations with their lords and appeals to the county courts, the peasants had established customary rights to the land they farmed, and customary ways in which to assert these rights either through litigation or negotiation. The peasants' rights to the land and the terms of their relations to their lord had also been defined by and established in both written law and written record. But customary right and written law did not always reflect each other. Where written law did not account for customary right, there was plenty of scope for exploitation and opportunism on the part of both lords and peasants. Equally, there was ample opportunity for tension and disputes to arise between the two.

The reforms passed at the diet between 1836 and 1844 yielded a forum in which to resolve the differences between written law and customary practice. By permitting peasants to conclude redemption agreements with their lords, the existing common practice of converting rents in kind and labour into cash payments was supported by legislation. By providing for the separation of extra-urbarial and communal lands – those lands which had not been accounted for in the Urbarium – customary rights were to be resolved by written law and recorded in fully legal instruments. In this way, what had been the peasants' customary rights would, after 1848, become rights of private property. Through these measures, the reforms also addressed the more pressing concerns of the peasantry, and the most common causes of disputes between peasants and lords. To put it simply, the peasants had wished that their rights as established through

customary use, whether in relation to their obligations to their lords or access to the land they farmed, were protected. The reforms of the 1830s and 1840s did this by providing the peasants with a vehicle to have their customary rights recorded in and thus protected by written law. Thus the reforms passed in the 1830s and 1840s went a long way in allowing a smoother transition from 'feudal' rural relations to a rural society where rights of private property were rooted in statute law: the basis of the liberal, bourgeois society that the reformers had wished to create. On the other hand, if the peasants had not been able to assert their customary rights and to voice their displeasure when these rights were ignored, the reforms of the 1830s and 1840s would have been of little use to the peasants. But, as we have seen throughout this thesis, regular negotiation, appeal and petition had provided the peasants with a method to assert their rights whenever they believed their rights had been ignored or threatened, and when they believed they had a chance for redress.

The *Tripartitum* of 1517 had given the peasants, no matter how vaguely, rights to the land they farmed. In return, the peasants owed a set of obligations, in theory listed in written law but in practice set by prevailing local custom. In many cases, the peasants could will and sell their property freely to whomever they chose, and could move from place to place in search of better conditions. In this way, the peasants were in a strong position to defend or improve the terms of their relations with their lords, in a way that ensured that their status as *jobbágy*, as legally free but dependent tenants, did not impinge greatly on their livelihoods. From the mid-eighteenth century, as part of the rationalizing drive of Enlightened Absolutism in Vienna, the terms of lord-peasant relations and the peasants' rights to the land were defined, categorized and recorded in written law and local records. The *Urbarium* of 1767 sought to establish a universal standard for lord-peasant relations, listing the peasants' obligations and defining their rights to the land. But the terms used to define the peasants' rights to the land, as either their hereditary, inalienable property (urbarial land) or the hereditary, inalienable property of their lord (dominical land), were fundamentally flawed. Drafted by lawyers and officials in Vienna, the terms used did not adequately reflect customary use or practice. Thus, as an unintentional consequence of the *Urbarium*, an alternative form of land had emerged: the extra-urbarial land (the *puszta*, *remanencia*, *árendás* and *írtvány* land). Because of the flaws within the



Urbarium a great part of the land farmed by the peasants was used by the peasants under terms different to those defined in the Urbarium. This land was left in a legal limbo, with the peasants' rights to it established by no more than their customary use unprotected by written law. Thus, it was possible for lords to exploit the differences between customary use and written law to dispossess the peasantry of much of the land they had previously farmed. Equally, in many cases the peasants' obligations did not match those listed in the Urbarium, often being much fewer than written law now permitted. In this way, lords could within the framework of the written law increase the obligations of their peasant tenants or introduce entirely new forms of rents, most commonly in the form of obligatory labour.

But, as we have seen, any account of the last years of Hungarian seigneurialism that stresses such developments can only reflect part of the picture. These accounts ignore the importance of customary practice and the rights that derived therefrom. By reference to prevailing custom, many peasants had questioned the legitimacy of their lords' actions, limiting the loss of land they farmed or limiting any increase in the burden of their rents deemed to be unreasonable. Customary practice also ensured that negotiation between lords and peasants to establish the peasants' obligations and to define the peasants' right to the land, with occasional reference to the courts, formed a central part of normal lord-peasant relations. In this way lord-peasant relations and the peasants' rights to the land permitted the peasants to construct their own concept of what was just, reasonable or, at the very least, acceptable, which did not have to conform to written law.

## II

The grey areas of lord-peasant relations left unaccounted for by written law proved to be a regular cause of tension between lords and peasants in the late eighteenth and early nineteenth centuries. Some landlords sought to exploit the gaps in written law to better exploit their estates, often by increasing the demands on their peasants or seeking to expropriate part of the land cultivated by their tenants. Other landlords sought to take a more immediate role in the management of their estates, reserving a greater part of their demesnes under their direct management, which too could involve changing the traditional nature

of lord-peasant relations. In many cases, the expansion of manorial farming thus brought lords into conflict with their peasant tenants. Many peasants believed that their rights to the land and the traditional terms of their relations to their lords were under threat. But, through regular appeals and petitions to their lords and the county courts, the peasants had a well-established framework in which to protect the traditional order of rural relations, or to assert their rights as the peasants believed these had been established through customary practice. In turn, these appeals and petitions often proved sufficient to protect the peasants' rights, whether these had been recorded in written law or not, ensuring that custom could never be entirely dismissed by the lords. Many landlords towards the middle of the nineteenth century had become frustrated by the stalemate between custom and written law, realizing that the best way to improve their estates was to do away with the customary nature of lord-peasant relations. In the Reform Age of the 1830s and 1840s, the efforts of a few improving landlords combined with the growing number of liberal voices within the nobility. Land reform, furthered by perceptions of an imminent rural crisis, became part of a wider programme of liberal reform that aimed at nothing less than the complete overhaul of Hungarian society and economy. By 1848, the last remnants of Hungary's 'feudal' rural order had to be overturned: the regular practice of negotiation, and the reforms passed in the years before 1848, allowed this to be done with the swipe of a pen. Whereas before 1848, custom and law had operated as equal, complementary but also competing sources of authority, after 1848 statutory enactment by the legislature assumed increasingly priority over both custom and decree. In the pursuit of reform, statutory provision rather than appeals to custom became the favoured instrument of Hungarian liberal politicians.<sup>1</sup>

The nature of rural relations, property rights and lord-peasant relations as these had been understood from previous laws had been challenged and undermined as the liberal reform movement gathered momentum in the period before 1848. Liberal reformers and improving landlords wished to do away with the obstacles that the 'feudal' rural order, in particular the peasants' customary rights, placed on the modernizing, liberal society they wished to create. But, if

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<sup>1</sup> L. Péter, 'The Irrepressible Authority of the *Tripartitum*', DRMH, Vol. 5, p. xx, and idem., 'The Primacy of *Consuetudo* in Hungarian Law', in M. Rady ed., *Custom and Law in Central Europe*, Cambridge, 2003, pp. 101-11

the old rural order was to be overturned through reform without sparking rural unrest, the reformers had to find a way to account for the peasants' customary rights more accurately in written law. As we have seen, the laws passed between 1836 and 1844 went some way to achieve this. By permitting voluntary redemption agreements and enabling the division of extra-urbarial land in a way that accounted for customary practice, the laws provided a way to convert customary right to rights rooted in written law. The laws, by allowing this to be done through agreement and compromise between lords and their peasants overseen where necessary by the county courts, also ensured that the dismantling of the old rural order was accomplished within the framework of normal lord-peasant relations.

By focusing on petitions, disputes and negotiations between lords and peasants we have seen how the contradictions that existed between written law and customary practice were resolved. Through such disputes, most often stemming from the peasants' right to use land not accounted for in either the *Tripartitum* or the *Urbarium*, the peasants were able to take on the role of actors. The peasants were able to take advantage of the grey areas within written law or customary practice to construct their own interpretation of their rights, of what was acceptable, and, in the end, what was 'just'. Should the peasants believe that their rights, thus constructed, had been ignored, they were able to make their voices heard through appeals to their lords or the county courts. In many instances the lords conceded to the peasants' appeals, accepting a compromise between what had been prescribed in written law and what had been shaped by customary use. In this way, as we have seen in Chapters Four and Five, the peasants were able to defend use of land beyond that which had been guaranteed to them in written law. Then, in the last years of Hungarian seigneurialism immediately preceding 1848, the peasants were able to convert customary rights to rights of property rooted in written law, in many cases successfully asserting their claims to land beyond either the law or their lords were willing to grant them.

The dismantling of urbarial relations had entailed confirming much of what had been established through customary use in written law. But even before this process had begun, the peasants had been able to defend the customary rural order as it served their interests as best they could. In Chapters

Three and Four, we have seen how the peasants could apply pressure to this end, again through appeals directly to their lords or to the county courts, or, in the most extreme cases, through rural rebellion. It may well have been the case that, in standing up for the peasants' customary rights, the county courts fostered compromise between lords and peasants in the interests of the rural status quo, rural peace and the maintenance of convivial relations between lords and peasants. Similarly, as we have seen in Chapter Five, it was in the interests of lords to seek compromise with their peasant tenants, which often entailed paying heed to the customary order of things. The lords depended on their tenants for rents, labour, and, in some cases, effective local administration and government. In this way, lords often required the acquiescence of their peasant tenants in order to reap the greatest benefit from their estates. Put simply, it was not worth the trouble to challenge the customary rural order.

In light of this, it is perhaps unsurprising that many rulings on the disputes between lords and peasants we have examined ended up acknowledging the peasants' customary rights. Such rulings do not necessarily confirm that customary right and practice had a particular importance in Hungarian legal tradition, but rather the rulings were made on a more pragmatic basis: acknowledging the peasants' customary rights was an easy way to maintain rural peace. Likewise, that the reforms of the 1830s and 1840s provided a way to account for the customary rural order in written law can also be seen as a pragmatic measure; a way to avoid a repeat of the rural unrest of the cholera uprising in 1831, or the Galician *jacquerie* of 1846. It should be remembered that fears to this end had been expressed by the deputies at the 1832/36 diet, and the April Laws were issued against the background of a rumoured peasant army marching on Pressburg. But, whether the peasants' customary rights had a strong basis in Hungarian law, or whether acknowledging such rights were in truth no more than concessions made by lords and lawmakers out of necessity, lord-peasant disputes can be taken as indicative of a central aspect of lord-peasant relations. The peasants, through these disputes, had an established means to construct and assert their rights, irrespective of whether their rights had a basis in written law or not.

### III

This thesis has focused on one aspect of the workings of Hungarian seigneurialism: how lord-peasant relations and their respective rights were defined in the law, and how these rights worked in practice. Further research would have to be done to establish more completely how the peasants' status as *jobbágy* affected their everyday lives, in particular to patterns of inheritance, family relations, and the impact of seigneurial justice and administration. Nevertheless, through this thesis we have seen that the peasants' position was one of surprising strength, and certainly not one that saw the peasants become the passive victims of unbridled seigneurial authority. Rather, the peasants had well established means to assert their rights, as the peasants believed these had been defined through written law or, more commonly, customary use. Lords could ill-afford to ignore the peasants' customary use if they wished to have a working relationship with their tenants, for the relationship was one of mutual dependence. The peasants may have relied on their lords' goodwill for much of the land they farmed, but more so the lord relied on his peasant tenants as good cultivators and/or labourers if he was to receive an income from his estates.

Furthermore, should any lord wish to improve the income from his estate, through expanding farming of his private demesnes or introducing the more rationalized management of the estate, the lord often required the acquiescence of his peasant tenants. Any changes in the terms of the peasants' rents or their use of the land, should such changes go against prevailing custom, could be challenged by the peasants through appeals to their lords or petitions to the county courts. In many instances, particularly in cases where the peasants might have lost access to extra-urbarial land they had traditionally farmed, but where their rights had not been accounted for in written law, the county courts supported the peasants' claims and defended the customary nature of lord-peasant relations. In this way, the peasants benefited from a tried and tested framework to assert their rights and their concept of what was 'just' or 'acceptable'. More than this, in some cases at least, as we have seen at Hódmezővásárhely, Szentes, and Szarvas, some peasants were able to maintain conditions well above mere subsistence, approaching levels that amounted to not insignificant wealth and comfort. And, most importantly, the peasants had a means to maintain themselves in the manner to which they had become

accustomed, protecting themselves from the worst manifestations of seigneurial abuse: be it the overbearing burden of obligatory labour, or the mass appropriation of the land they farmed. Certainly, Hungary's peasants laboured under the vicissitudes of the economic cycle, the intrusion of royal edict in relations with their lords, and a social and legal framework that defined their status of 'perpetual rusticity'. Nevertheless, the requirements for good order in the countryside, traditional methods of negotiation and the benefits of custom lent Hungarian peasants rights and powers that enabled them to stand up to their lords, to make the best of the imprecisions of the *Urbarium* and to resist any attempt to diminish what they believed they were due. In this respect, the present thesis might also serve as the first chapter of a much larger work on Hungary, 'From Peasants to Citizens'.

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