

# Early Modern Székely Society from a Legal Historical Perspective\*

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**Abstract.** The paper discusses the changes in Székely society during the sixteenth and seventeenth centuries. The topic is presented from a legal historical perspective because the scholarly literature has either paid no substantial attention to the legal framework of the early modern era or failed to utilize the sources relevant for Székely society. By re-examining already known sources and analyzing new ones, i.e., judicial proceedings, testimonies, contract and personal letters, it appears that the main turning points of the history of Székely society have been misinterpreted in some aspects, and a series of new questions have emerged that are yet to be answered.

**Keywords:** *ius regium*, early modern estates, social stratification, social mobility, legal history, Székely nation, Principality of Transylvania

The society of the Székely nation (Lat. *natio*, Hung. *rendi nemzet*) as one of the three estates of Transylvania and its dynamic changes during the early modern period is undeniably unique even in a regional context. Although numerous studies have addressed Székely history—and society in particular—since the birth of academic historiography, the necessity for new research cannot be overemphasized. On the one hand, our overall picture of Székely society is mostly determined by narrative sources and those published in the Székely chartulary. The constant repetition of previously extracted data from already known sources and statements in the scholarly literature has led to the extremely damaging phenomenon that György Bónis identified as early as 1942 and which still partly has an impact today.<sup>1</sup> Although

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1 Bónis, *Hungarian Law – Székely Law*, 4.

the scholarly literature is constantly expanding, making it increasingly difficult to find one's way around it, the lack of substantial new findings only hinders historical reconstruction. In this light, the recent work of Teréz Oborni,<sup>2</sup> Kinga Tüdős S.,<sup>3</sup> Artur Coroi,<sup>4</sup> Zoltán Bicsok,<sup>5</sup> and Aranka Karda-Markaly<sup>6</sup> based on archival research is particularly valuable for early modern studies. In addition, the archaeological excavations in Székely Land in the last two or three decades are more than welcome, shedding new light on our knowledge of the medieval and early modern history of the Székelys.<sup>7</sup> At the same time, a number of other archival sources have also been utilized during the research, such as judicial proceedings, witness testimonies and contracts, helping us to modify and reconsider the picture developed so far. On the other hand, reading the scholarly literature, it is also seen that historians have paid little attention to the legal-historical processes that naturally accompanied the changes in Székely society, and have often interpreted them in a simplified and inaccurate way. In the present study, I will therefore attempt to present the most important changes in Székely society in the sixteenth and seventeenth centuries partly by reinterpreting previously known sources, partly by exploiting new ones from a specifically legal-historical perspective. I will point out the issues to which research has so far paid less attention than necessary.

## Székely society before 1562

Though for a long time the Székelys did not have a written document recording their privileges, such as the *Andreanum* issued to the Saxons in 1224, they managed to preserve their prerogatives for centuries.<sup>8</sup> From the fifteenth century onwards, the specific rights of the Székelys, or parts of them, were set in writing on several occasions, primarily in connection with the judiciary system and military service.<sup>9</sup> This

2 Oborni, "Iszló/Isla falutörvénye"; Oborni, "A székelyek II. János választott királyhoz írott folyamodványai."

3 Tüdős S., "A háromszéki hadköteles székelység"; Tüdős S., "A székely örökség háramlása"; Tüdős S., "Kiváltságlevelek nyomában."

4 Coroi, "Kísérlet."

5 Bicsok, *Koronák, hattyúk, liliumok*; Bicsok, "Hídvégi Mikó Ferenc."

6 K. Markaly, "16–17. századi nemesi oklevelek"; K. Markaly, "17. századi hadviselő székelyek."

7 Botár, "Csík Árpád-kori településtörténetének kérdései," 71–94; Botár, *Kövek, falak, templomok*; Sófalvi, "Egy disszertáció margójára"; Sófalvi, *Hadakozás és önvédelem*.

8 Oborni, *Erdélyi országgyűlések*, 180; Kálnoky, *The Szekler Nation*, 39.

9 Examples include the charter of privilege issued by Vladislaus II in 1499, and the Székely national constitution ratified by Voivodes István Dobó and Ferenc Kendi in 1555, but also the resolutions of the national assemblies of Agyagfalva (1505) and Udvarhely (1506) issued by the Székelys themselves. Kolosvári and Óvári, eds, *A magyarországi törvényhatóságok*, vol. I, 2–28.

is important for the study of Székely society, because in the Late Middle Ages and the first half of the sixteenth century, Székely society was essentially determined by its strong connection with the military organization,<sup>10</sup> although in its polarisation wealth naturally also played a significant role, not least because it provided the financial background for military service.<sup>11</sup> During this period, Székely society consisted of four strata. Three were obliged to perform military service: the *primores* (Hung. *főnépek*, i.e., eminent), the *primipili* (Hung. *lófők*, i.e., horsemen), and the commoners (Hung. *közszékelyek* or *székely köznép*, Lat. *pedites*). The *primores* and the *primipili* received a larger share of the common lands to bear the financial burden of horse-keeping and military service on horseback, while the commoners were obliged to serve as infantry.<sup>12</sup> According to the 1473 decree of King Matthias Corvinus, the passage between the commoners and the *primipili* was guaranteed under certain conditions: if someone had sufficient wealth, he could be promoted from commoners to the *primipili* with the consent of the Transylvanian voivode and the Székely *comes*.<sup>13</sup>

From the fifteenth century onwards, we see the so-called *inquilini* (Hung.  *földönlakók*, i.e., poor peasants in the service of wealthier landlords) emerging. They were exempt not only from military service but also from the Székelys' usual tax, the so-called 'ox-branding' (Hung. *ökörsütés*). The *inquilini* were an impoverished layer of society who placed themselves under the protection of a *primor* or a *primipilus*. Many of them certainly did so because their financial situation was insufficient to meet the expenses of military service, but some may have entered into the service of the upper classes, even if temporarily, to avoid or redeem their punishment or to repay a loan. At the time of the assembly at Zabola (Zăbala) in 1466, the *inquilini* were not yet serfs in the strict sense of the word, since they were not subject to ordinary taxes and were still free to serve whomever they wished and to change their place of residence.<sup>14</sup> On the part of the *primores* and the *primipili*, however, naturally, there was a tendency

10 Within the framework of the present study, I do not intend to give a more detailed description of the possible earlier organization of Székely society on the basis of kinship and the system of genera and branches (*nemek és ágak rendszere*) that determined the order of office-holding even in the sixteenth century. Although their interpretation is not a negligible problem from the point of view of the history of the Székely society, the understanding of the social changes that I intend to outline here would not be facilitated by their description, but would only complicate the already complex picture, not to mention that there are still many unanswered questions concerning these issues due to the lack of sources. See: Bodor, "Az 1562 előtti székely nemzetségi szervezetről"; Kálnoky, "The Szekler Nation and Medieval Hungary."

11 Jakó, "A székely társadalom útja," 21; Benkő and Székely, "Középkori udvarház," 25; Péterfi, "A főemberek, a lófők és a község," 197; Sófalvi, *Hadakozás és önvédelem*, 100.

12 Jakó, "A székely társadalom útja," 19–20; Egyed, *A székelyek rövid története*, 50–5.

13 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. I, 219–21.

14 Egyed, *A székelyek rövid története*, 52–3; Kálnoky, *The Szekler Nation*, 75.

to draw the *inquilini* into an actual serf-like dependence, against which the central administration tried to take measures already at that time, for instance at the 1535 Diet of Marosvásárhely (Târgu Mureş), in order to preserve the military potential of the Székely Land.<sup>15</sup> However, the dependent position of the *inquilini* was certainly tighter when they obliged their own remaining lands to a *primor* or *primipilus*. In this case, there was a conflict to be resolved between their status – which was, at least in theory, freer than that of the serfs in the counties – and the landlord's claim to the land which the *inquilini* had previously obliged for them. A 1519 lawsuit between András Lázár and Miklós Tóth sheds some light on the nature of such disputes. Presided over by John Szapolyai, the voivodal court once again declared the inhabitants of Benefalva in Maros Seat (Hung. *szék*, Lat. *sedes*, i.e., the special territorial unit in Székely Land), who had been arbitrarily liberated by András Lázár together with their land at the expense of the then rightful owner Miklós Tóth from being serfs. According to the justification of the sentence, the court did not see the infringement in the granting or restoration of personal freedom as such, but in the fact that the serfs were freed together with their former lands (apart from the fact that András Lázár was not the rightful owner of the village).<sup>16</sup> The discrepancy between the personal freedom of the Székelys and the commitment of their landed estates to various titles continued to be a determining factor in the legal disputes accompanying the changes in Székely society.

This slow internal transformation, together with external circumstances—the Ottoman conquest and the political-economic chain reaction that accompanied it—led to a transformation of the image of Székely society that essentially fitted into the process of organic development, but should be considered artificial because of its radical methods. After the fall of Buda in 1541, in the eastern part of the country a new state was formed. In the process, the central administration naturally sought to colligate the territories with their different administrative, legal, and social systems. This inevitably entailed the curtailment and transformation of the former prerogatives of territories and social groups with different privileges and particular legal systems. The procedure, particularly sensitive to the Székelys, began in practice with the extension of their tax obligations, but also affected their self-government and the autonomy of their judiciary system. In the Middle Ages, the only tax levied on the Székelys was the aforementioned ox-branding, which they were obliged to offer at the coronation of the monarch, at his marriage, and at the birth of his son. On these occasions, oxen were gifted to the king, with a brand imposed on them when they

15 Fraknói and Károlyi, eds, *Magyar országgyűlési emlékek*, vol. I, 614.

16 It is also worth noting that in the text of the sentence, the Latin phrase to describe the liberated peasants was no longer *inquilini*, but *jobagiones*, and that is why I also used the term 'serf.' Apparently, it also reflects the desire of the elite to treat the *inquilini* as serfs. Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. I, 344–45.

were delivered. In the 1540s and 1550s, however, in addition to the more frequent, sometimes even annual ox-branding, the authorities also tried to oblige commoners to provide monetary services.<sup>17</sup>

The growing tension between the Székelys and the central administration, together with the political events that accelerated during 1561–1562, led to the Székelys' uprising in April–May 1562. The Transylvanian armies eventually put down the uprising, and the Diet of Segesvár (Sighișoara), convened on 20 June, marking the culmination of the gradual legal and social metamorphosis of the Székelys.<sup>18</sup>

### The edicts of Segesvár and the *ius regium*

The 1562 edicts of Segesvár are among the most important caesuras in the history of Székely society and law, which in many respects rearranged the previously more or less organically developing conditions in Székely Land. Two of the prominent milestones for Székely society were the change in the status of certain social strata and the introduction of the *ius regium* (Hung. *királyi főtulajdonjog*, i.e., general royal title of properties) in Székely Land.

As far as the reorganization and rearrangement of social strata are concerned, the edicts of Segesvár permanently ensured the status of the Székely *primores* and *primipili* similar to that of the nobles, although it was rather the *primores* who were considered real nobles in the next decades. The *inquilini* or, as they were later called, the primordial serfs, who had already been living in a serf-like status, were then declared to be owned by the *primores* and *primipili* in the same way as the nobles possessed their serfs, and the primordial serfs were thus accorded the same status as the serfs living in the Transylvanian counties. However, the commoners, who had previously been a free class but in the 1540s and 1550s were frequently subject to taxation, were kept by the king in his 'autonomous realm' and protected from the abuses of the *primores* and the *primipili*.<sup>19</sup> This status, however, meant that commoners in fact became the monarch's serfs who, together with their land, were often donated to his loyal supporters at his

17 Jakó, "A székely társadalom útja," 24–6; Egyed, "A székely jog sajátosságai," 366–67; Oborni, *Erdély pénzügyei*, 104–6; Oborni, "Székelyföld a Keleti Magyar Királyságban," 507–13; Oborni, *Erdély aranykora*, 227–35.

18 For more information on the process leading to the Székely uprising, see: Connert, "A székelyek alkotmányának története," 110–21; Szádeczky-Kardoss, *A székely nemzet története*, 107–21; Barta, *Az Erdélyi Fejedelemség születése*, 249–57; Demény, "Az 1562. évi felkelés," 59–70; Egyed, *A székelyek rövid története*, 88–95; Oborni, "A székelyek országrendisége," 34–9; Oborni, *Erdélyi országgyűlések*, 134–35, 181–83; K. Markaly, "Csíkszék szerepe az országos politikában," 76–9.

19 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 162–3; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 203–4.

discretion, thus pushing many into the subjugation of private landlords.<sup>20</sup> The monarchs, however, could not completely disregard the military strength provided by the former infantrymen. Thus, the princes raised many of them from this ‘princely serf’ status and granted them the status of *pedes pixidarii* (Hung. *gyalogpuskások* or *drabantok/darabontok*, riflemen).<sup>21</sup> Also known as ‘red riflemen’ due to their clothing, they served the prince as infantrymen with swords and guns, in return for which they virtually regained their former status as free commoners: they were exempt from services and taxes, and their houses and lands became their own property.<sup>22</sup> In the lack of accurate censuses, it is still unsure however what proportion of the princely serfs obtained this privilege from the princes. According to Lajos Demény, who investigated the situation in Udvarhely Seat, at the end of the 1560s, there were fifteen–eighteen nobles, 300 *primipili*, almost 2,000 princely serfs, and 416 primordial serfs in this seat, and roughly ten percent of the approximately 2,000 princely serfs, i.e., 203 heads, regained their privileges through two collective donation charters (1575, 1576).<sup>23</sup> Due to the lack of adequate sources, Sigismund Báthory’s 1592 letter about the auxiliary troops to be sent to the Moldavian Voivode Aron is a particularly rare and valuable source. According to Aron’s letter, Báthory sent all the *pixidarii* of Sepsi, Kézdi, and Orbai Seats—i.e., 446 heads—and all the *pixidarii* of Csík, Gyergyó, and Kászón Seats—i.e., to 354 heads—to Moldavia, plus 800 of the nobles and the *primipili* of Sepsi, Kézdi, and Orbai Seats (whose total number was thus certainly more than 800).<sup>24</sup> For comparison, according to the 1614 census, 558 *pixidarii* were recorded in Udvarhely Seat, while 385 in Csík, Gyergyó, and Kászón Seats, and 1229 in Sepsi, Kézdi, and Orbai Seats.<sup>25</sup> On their own, these data are certainly not suitable for drawing any particular conclusions. My intention is only to show that the number of *pixidarii* conspicuously varied in each seat (and if the change in the total population was not similarly uneven, then so was their proportion to the total population). At the turn of the sixteenth and seventeenth centuries, their number in Csík and its adherent seats was technically constant, while in Udvarhely Seat it seems to have increased consistently, whereas in Sepsi, Kézdi, and Orbai Seats it increased drastically. However, the causes of this phenomenon and the deeper demographic, social, and possibly even the political processes generating them, should be the subject of further archival research.

20 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 208–10, 213–15, 265–68.

21 Demény, “Báthori István és a székely gyalogpuskás rend,” 159–62.

22 This is also clarified by the texts of the donation charters, of which we know several from the period, such as: ANR Covasna Fond 75. Fasc. 1. fol. 22; Fejér, Rácz, and Szász, eds, *Az erdélyi fejedelmek királyi könyvei*, vol. I, (VII/3), 1608, 1619, 1638–641, 1651, 1661, 1696; Demény, “Báthori István és a székely gyalogpuskás rend,” 178–82.

23 Demény, “Báthori István és a székely gyalogpuskás rend,” 160, 168.

24 EFK Ms. I. 310. 560–61.

25 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 197–562.

As far as the *ius regium* is concerned, it is in fact a legal declaration that the Székelys owned their lands by the grace of the monarch just like any other inhabitant of the country. This, in turn, provided a legal basis for the possible confiscation of properties, including the hereditary landed estates of the Székelys who had been convicted of *nota infidelitatis* (Hung. *hűtlenség*, i.e., crime of infidelity) and sentenced to capital punishment and forfeiture of their lands.<sup>26</sup> Although the edicts of Segesvár did not explicitly specify that the landed estates of the Székelys would be confiscated in the case of *defectus seminis* (Hung. *magszakadás*, i.e., escheat), it seems probable that this fact, just like the *nota infidelitatis*, provided the basis for the confiscation of properties. For example, in 1587, 1588, and 1590, Sigismund Báthory donated such estates in Kézdi and Maros Seats to his supporters, which had been escheated to the treasury after the death of their former owner without a legitimate heir.<sup>27</sup> Moreover, this seems to be confirmed by the 1596 decision of Udvarhely Seat, whereby the court ruled in the principle that the hereditary landed estates of *pixidarii* who died without an heir belonged to the prince.<sup>28</sup> Although the charters of privilege issued by Sigismund Báthory in 1590 separately for the *pixidarii* of Csík, Gyergyó, and Kászon Seats, Udvarhely Seat, Maros Seat, and Sepsi, Kézdi, and Orbai Seats, declared that the property of the *pixidarii* who died without descendants was inherited by his relatives,<sup>29</sup> this does not seem to necessarily contradict the 1596 verdict of Udvarhely Seat. Since the edicts of Segesvár downgraded all the commoners to princely serfs together with their lands, if the monarch later granted some of them the rank of *pixidarii*, they clearly held their lands by the monarch's donation, and as such they could naturally be confiscated. However, as long as the *pixidarii* had collateral relatives descended from the ancestor who had been granted the privilege, they were entitled to inherit.<sup>30</sup> Due to the *ius regium* and the donation system based on it, the claim to inheritance arising from the earlier,

26 In the scholarly literature there have been various views on whether the *ius regium* may have been in force in Székely Land earlier. For a summary of the theories on this issue and a possible resolution of the controversy, see: Rácz, "A *ius regium* székelyföldi megjelenése," 1–16.

27 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 96–7, 107–8, vol. V, 148–50.

28 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. II, 282–83.

29 Fejér, Rácz, and Szász, eds, *Az erdélyi fejedelmek királyi könyvei*, vol. I, (VII/3), 1242–44, 1312. The privilege reissued to the *pixidarii* of Maros in 1591 with similar content was confirmed in 1599 by Andreas Báthory and in 1607 by Sigismund Rákóczi. Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. VI, 19–24.

30 The text of the charters of privilege also clarify that the right of inheritance is expressly reserved to those relatives who themselves have the status of *pixidarii*: "in consanguineos suos fratres propinquos pedites scilicet nostros pixidarios, si qui existerent, devolvantur et condescendant." Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. VI, 23.

pre-donation kinship or neighborly relationship was thus expired, but the donated person's descendants were naturally considered each other's heirs in the case of the death of one of them.

Obviously, the monarch would later donate to his loyal followers the properties confiscated due to *nota infidelitatis* or *defectus seminis*. It is easy to see that the new situation was not particularly advantageous for any section of Székely society. Undoubtedly, it was in the interest of the elite (*primores* or nobles and the *primipili*) that they could then increase their wealth relatively easily and quickly by gaining donations, but they were forced to compete for the prince's favor and the opportunity to obtain donations and, what is more, for holding offices as well. It became unavoidable that even the nobles originating from the counties, who had not owned any land in Székely Land before, could obtain properties through donations and, as a result, could hold offices. In the 1560s and 1570s, the Székelys repeatedly demanded the remedy for their grievances in their petitions to the monarchs (John II and Stephen Báthory), but the Székelys never actually asked for the abolition of the donation system in Székely Land. The elite who drafted the petitions did request that the monarch should not be allowed to donate land in Székely Land at all, but that land should not be given to foreigners (i.e., to the nobles of the counties), but to them, the Székely nobles and *primipili*, and that they should actually have access to the donations received so far.<sup>31</sup> However, it was not only to the elite that the introduction of the *ius regium* in Székely Land caused certain grievances. Although scholars tend to present the donation system only from the point of view of the prince and the treasury or the elite, we cannot ignore the fact that it also had a decisive impact on the lives of the lower social strata. As the aforementioned decision of Udvarhely Seat clearly demonstrates, the *ius regium* was the basis for confiscation also in the case of *defectus seminis*. In this case, the escheated property was often only a single house and its accessories—i.e., property of rather modest value—but the fact that the right of inheritance of collateral relatives and neighbors to these assets was abolished unequivocally violated the traditional social and economic background of village communities and made it much easier for newcomers to acquire properties and settle in the village.

Although the scholarly literature does not emphasize it, I consider it crucial to point out that the partial restoration of the Székelys' liberties during the Long Turkish War (1591–1606) and the attempts directed at it did in no way affect the legitimacy of the *ius regium* in Székely Land. In fact, those charters of privilege

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31 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 326–27; Oborni, "A székelyek II. János választott királyhoz írott folyamodványai," 79, 88.



regularly confirmed the validity of princely donations.<sup>32</sup> Consequently, the transformation of the land ownership system in Székely Land seems to have become absolutely fixed by the end of the sixteenth century, and the perception that the nobles, *primipili*, and *pixidarii*, owned their estates by the grace of the monarch became axiomatic. The legitimacy of the *ius regium* in Székely Land was last questioned in a 1568 petition and at the 1571 Diet of Kolozsvár (Cluj-Napoca), but even then only in relation to the estates held successively since before 1562. However, the 1571 Diet placed the burden on the Székelys to prove that their lands had never been subject to the *ius regium*.<sup>33</sup> This, of course, could not be fulfilled, since the exemption of the Székely territories from the *ius regium* was—as already explained—not declared in the privilege charter, unlike that of the Saxons.

An important catalyst for the consolidation of the new system of land ownership was the fact that the Princely Table became the Székelys' forum of appeal rather than the court of Udvarhely Seat. At the Princely Table, judgments were made in accordance with the general law of the country instead of the local customary law, which had been used by the Székelys before but was now pushed into the background by the edicts of Segesvár.<sup>34</sup> Another such factor was the adaptation of the Székelys to the current circumstances. Although they had previously held their lands without a royal donation, since the *ius regium* had not been in force in Székely Land before 1562, they sought to confirm their existing rights through *novae donationes* (Hung. *új adományok*, i.e., new donations) following the decision of the 1571 Diet of Kolozsvár.<sup>35</sup> This meant that the monarch acknowledged by a newly issued charter of donation that the Székely noble or *primipilus* legitimately owned the property for which the *nova donatio* was requested. The beneficiary was then able to assert his rights much more effectively in any lawsuits, since he now had a document which

32 Baranyai Decsi, *Magyar história*, 259; Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. IV, 153–54, vol. V, 171; Demény, “Mihály vajda szabadságlevelei,” 124; Nagyajtai Kovács, ed., “Székelyekről közlemények,” 182–83.

33 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 502–3; Oborni, “A székelyek II. János választott királyhoz írott folyamodványai,” 78, 87.

34 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 163–64; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 204–5. It should be noted, however, that even after 1562, in the case of lawsuits started before 1562, it could be a basis of demur if the lawsuit was immediately transferred from the seat to the Princely Table, thus violating the order of appeal of the time, since this act had neglected the jurisdiction of Udvarhely Seat. ANR Covasna Fond 75. Fasc. 1. fol. 9.

35 ANR Covasna Fond 75. Fasc. 1. fol. 23; Fejér, Rácz, and Szász, eds, *Az erdélyi fejedelmek királyi könyvei*, vol. I, (VII/3), 104, 242, 275, 290, 336, 352, 398, 423, 432, 479, 486, 491, 527, 533–5, 603, 1649; Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. IV, 63–4, vol. V, 98–100, 136–37; Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. II, 115.

had probative value at the Princely Table. In fact, from the 1590s it was common practice to refer to the charters of donation at the courts of the Székely seats, at least according to the surviving proceedings of the court of Udvarhely Seat.<sup>36</sup> The only change in this respect happened in 1636, when, following the charter of privilege of George Rákóczi I, the properties of the Székelys who died without heirs were not escheated but inherited by the relatives of the deceased.<sup>37</sup> In essence, therefore, the fact of *defectus seminis* did not then procure confiscation, but the property of those convicted in *nota infidelitatis* was still vested in the treasury. Thus, the *ius regium* did not cease to exist in Székely Land at all, but the monarch merely renounced the possibility to enforce his rights in the case of *defectus seminis*.

In addition to the modification of the status of certain social strata and the introduction of the *ius regium* in Székely Land, the edicts of Segesvár, as a complex set of provisions, brought further changes in the rights and obligations of the Székelys. The taxation of Székely commoners and primordial serfs became permanent (at least in theory): from time to time they were to pay the tally tax, and extraordinary taxes were levied on them (for example, the amount to be spent on the construction of Várad), which they did not even object to in any substantial way.<sup>38</sup> Theoretically, tax exemption for the nobles and the *primipili* remained in force right after 1562, and they continued to perform military service: the nobles with a few horses and appropriate equipment, the *primipili* with one horse and a helmet, shield, and spear. The salt mines in Székely Land were confiscated, and the serfs were deprived of free access to salt.<sup>39</sup> The nobles continued to be granted salt for the necessities of their households, and although the edicts of Segesvár did not denominate the *primipili* as entitled to free salt, it seems likely that they were included in this privilege, since the subsequent laws confirmed their right to free salt for their households similarly to

36 Demény, Pataki, and Tüdös S., eds, *Székely oklevéltár. Új sorozat*, vol. II, 28–29, 254, 340. However, the Székely nobles and *primipili* did not stop vindicating some elements of their former customary law at the Princely Table when their cases were disputed, especially with regard to the possibility of redeeming themselves from *poena capitalis* (*főbenjáró ítélet*, either capital punishment or forfeiture of property) on twenty-four *marcae*, the institution of *praefectio naturalis* (*fiúleányság*, the right of female descendants to inherit the properties in absence of male successors), and the customs related to hiring lawyers. Oborni, “A székelyek II. János választott királyhoz írott folyamodványai,” 89.

37 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. V, 261–63. Some scholars mistakenly consider this privilege as a retrieval of the Székelys’ full immunity from the *ius regium*. See: Balogh, *A székely nemesség*, 3.

38 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 299–300, 362, 367, 371, 375, 377, vol. III, 139, 143, 147, 159, 163, 170, 179, 198, 203, 209, 213–14, 216, 226, 231, 234, 365, 367, 371, 374, 376, 392, 402, 417, 420, 423, 447, 449, 460–61, 469–71, 485, 494–95.

39 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 166; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 207.

the nobles.<sup>40</sup> There were also significant changes in the self-government and judicial system of the Székelys. The court of each seat had to sit in judgement every fifteen days, and a board of twelve nobles and *primipili*—who were experts in law—had to participate in the jurisdiction, plus the seats had to appoint a notary. In addition, the appeals had to be made directly to the Princely Table from the court of the seats, rather than to the court of Udvarhely.<sup>41</sup> The Székelys also considered strengthening the power of the so-called ‘royal judges’ (Lat. *iudices regii*, Hung. *királybírók*,) as a serious violation of their self-government and autonomous jurisdiction. The 1559 edict of the Diet of Gyulafehérvár (Alba Iulia) already referred to these officials as the prince’s officers (Lat. *officiales principum*), indicating that they were in fact the representatives of the monarch and enforcers of his will in the Székely seats. In addition to their participation in judicature, they were also entitled to half of the fines, and even the whole of the fines imposed for malpractice related to the production and transport of salt.<sup>42</sup> Also due to the uprising, two castles were built in Székely Land: Udvarhely/Székelytámadt (Odorheiu Secuiesc) castle in Udvarhely Seat, which was built from a former monastery building, and the newly erected Várhegy/Székelybánja (near Lécfalva, Leț) castle on the verge of Sepsi, Kézdi, and Orbai Seats. Their status was a constant source of conflict between the monarch and the Székelys, as the captains appointed to supervise them—and at the same time the seat itself—committed numerous abuses in the following decades to the detriment of the local population.<sup>43</sup>

### The struggle of the Székelys to regain their privileges

In the period following the edicts of Segesvár, the Székelys necessarily made several attempts to regain some of their former privileges, but with no significant success. The next time there was a systemic change in the privileges taken from the Székelys was only during the Long Turkish War, when several charters of privilege were issued. They include one issued on 15 September 1595, one on 3 November 1599, two on 28 November 1599, one on 7 March 1600, two on 31 December 1601, and one on 16 February 1605.<sup>44</sup>

40 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 344–45; vol. III, 204, 223, 227, 392, 487.

41 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 163–64; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 204–5.

42 Oborni, “A királybírók szerepe,” 106–7; Oborni, “Székelyföld a Keleti Magyar Királyságban,” 513–16.

43 Oborni, “A székelyek országrendisége,” 39–41.

44 Baranyai Decsi, *Magyar história*, 257–61; Szabó, ed., “Mihály vajda adomány-levele,” 789–91; Szádeczky, ed., *Erdély és Mihály vajda története*, 313–15; Szabó, Szádeczky, and Barabás, eds,

The first intense involvement of the Székelys in the war was connected to the campaign in autumn 1595. In addition to the Transylvanian and Wallachian armies and the mercenaries, which seemed insufficient to stop the army of Pasha Sinan, who was approaching Transylvania, it seemed obvious to involve the Székelys in the campaign—for the first time since the withdrawal of their prerogatives. The prince promised them the restoration of their lost privileges. This call naturally attracted huge numbers of Székelys, who had become princely serfs, and private serfs under the prince's banner. Although Prince Sigismund Báthory, under pressure from the counties and the Székely nobility, later preferred to back down from his promise, the gathered Székely army—which alone made-up half of the assembled armies of the anti-Ottoman alliance—could no longer be disbanded. On 15 September 1595, in a charter issued at Feketehalom (Codlea), Sigismund Báthory guaranteed the restoration of the former privileges of the Székelys under certain conditions. The Székelys who liberated the central part of Wallachia and who had valiantly fought in the battle of Gyurgyevó (Giurgiu) returned home and refused to fulfil their serf services to their landlords; in some locations the confrontation between the liberated Székelys and the nobles even ended in violence. The Diet finally annulled the Charter of Feketehalom granting the Székelys' privileges and restored their former serf status together with their landed estates. The Székely commoners withstood the decision with armed resistance, especially in Maros, Csík, and Gyergyó Seats. The prince's troops led by the captains of Udvarhely and Várhegy and the royal judges put down the opposition using severe measures: many Székelys were killed, mutilated, and tortured, several villages were burnt down, and the weapons and spoils of war were confiscated. This series of events in the first months of 1596 is remembered as the 'bloody carnival of the Székelys.'<sup>45</sup>

The 1599 and 1600 charters of privilege were issued by Voivode of Wallachia Michael the Brave and can be considered the outcome of the struggle for power over the possession of the Principality of Transylvania. After the resignation of Sigismund Báthory, his cousin Andreas Báthory, a cardinal who had been called home from Poland, became prince of Transylvania. Since his accession to power went against the interests of Emperor Rudolf—who considered Transylvania a part his realm since his agreement with Sigismund Báthory—Voivode Michael could take advantage of the opportunity to assert his own ambitions by invoking the interests of the emperor. After launching a campaign against the Principality, he immediately tried to persuade the Székelys to take sides with him by promising them the restoration of their privileges. The aforementioned 1599 and 1600 charters of privilege were

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*Székely oklevéltár*, vol. IV, 150–54, vol. V, 168–71; Demény, "Mihály vajda szabadságlevelei," 122–27; Nagyajtai Kovács, ed., "Székelyekről közlemények," 181–84.

45 Oborni, "A székelyek országrendisége," 54–63.

the results of this attempt.<sup>46</sup> Although Voivode Michael was removed from power with the help of the emperor to restore Sigismund Báthory's reign, the privileges concerning the Székelys were not withdrawn, and in 1601 Báthory issued new—considerably revised—charters of privilege for them.<sup>47</sup> They already permanently fixed the position of the Székelys, mainly because in 1605 Prince Stephen Bocskai also confirmed their provisions.<sup>48</sup>

Through these privileges, the rulers also actively sought to shape the image of Székely society using artificial means in accordance with their current political needs. The 1595 Charter of Feketehalom declared that Székely commoners who had become serfs after 1562 were free again, but at the same time made this concession subject to certain conditions (oath-taking, taxation, military service, etc.), including that the nobles and the *primipili* had the right to keep all their landed estates.<sup>49</sup> I would argue that it was precisely this clause that made it impossible to enforce the deed, since after 1562 the commoners became princely serfs together with their previously owned lands, and the monarch naturally donated them to private landlords together with these properties. According to the terms of the Charter of Feketehalom, although the commoners who had become private serfs were personally freed from their subjugated status and were thus no longer obliged to perform serf services, the lands on which they lived continued to be the property of the nobleman or *primipilus*. The Diet of December 1595, which annulled the privilege, justified the revocation of the privileges precisely on the basis of the violation of this condition, i.e., the commoners forcibly occupied those properties of the nobles and *primipili* that had been owned by commoners before 1562 and on which they had since lived as princely serfs and, subsequently, as serfs of private landlords—even though, according to the Charter of Feketehalom, these belonged to the nobles and *primipili*. In the dispute between the elite and the commoners, the above-mentioned *ius regium* was also used as a reference for the decision: “[...] as our Székely noble lords have possessed their properties unperturbed by legally justified donations of the previous pious princes and Your Majesty, and we see nothing that they have sinned for which they should be deprived of their properties, but have served faithfully and piously if required [...] which donations are prior to the new privilege of the Székelys; *per hoc* the first shall stand against the last, *nam qui prior est tempore, potior est iure.*”

The Diet therefore announced that the nobles and *primipili* could not lose their estates, since they had done nothing against the prince (meaning that they were

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46 Oborni, “A székelyek országrendisége,” 63–71.

47 Oborni, “A székelyek országrendisége,” 71–3.

48 Oborni, “A székelyek országrendisége,” 77–8.

49 Baranyai Decsi, *Magyar história*, 259.

not disloyal), but that the donation charters they had received were earlier than the present charter of privilege of the Székelys. Therefore, on the basis of the principle of temporal priority (*qui prior est tempore, potior est iure*), it is easy to conclude that the nobles and *primipili* could keep their lands despite the liberation of the commoners.<sup>50</sup> With regard to land ownership, the Charter of Feketehalom was also based on the legal framework established by the edicts of Segesvár, i.e., it did not renounce the *ius regium* in Székely Land; in fact, the monarch explicitly insisted on maintaining the donation system. The legal argumentation contained in the parliamentary decision is not a legal maneuver or a means of oppression—as previously claimed by several historians, such as Lajos Demény and Ákos Egyed<sup>51</sup>—but a very clear and understandable line of thought. On this basis, I argue that although the liberation of the serfs went against the interests of the nobles and the *primipili*; this decision of the government cannot be seen as an attempt to forcefully relegate the Székely commoners to serfs. However, the misunderstanding deriving from the status of the lands—i.e., who was entitled to own the land used by the serfs—resulted in a wave of violence and anarchy, during which the Diet had no choice but to revoke the ambiguous charter, the terms of which the serfs had indeed violated.

This is a problem that pervades the charters of donation of Voivode Michael and their interpretations. It is a recurring observation in the scholarly literature that the content of the privileges issued by Voivode Michael to Kézdi Seat on 3 November 1599, once to Udvarhely, once to Maros, Udvarhely, Csík, Gyergyó, Kászon, Sepsi, Kézdi, and Orbai Seats on 28 November 1599 contradicts the content of the charter issued on 7 March 1600 to Csík, Gyergyó, and Kászon. Their reasoning is based on the fact that the former privileges liberated the commoners, while the latter, in relation to the litigations about the nobles' and commoners' landed estates, disposed that the nobles and *primipili* remained in possession of all their properties (not only those acquired before 1562, but also those that they acquired ever since then).<sup>52</sup> In contrast, I see no discrepancy between these charters. Similarly to the 1595 Charter of Feketehalom, the charters of privilege of November 1599 also restored the personal freedom of the commoners.<sup>53</sup> The charter of March 1600 clarified that only the social status of the commoners had changed, while their former lands, which had been transferred to the nobles and the *primipili* by donation, purchase or pledge, remained in their possession, as the 1599 charters did not intend to radically

50 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. III, 487–88.

51 Demény, “Az 1562. évi felkelés,” 31–2; Egyed, *A székelyek rövid története*, 107–8; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 64; Balogh, *A székely nemesség*, 56–8.

52 Demény, “Mihály vajda szabadságlevelei,” 122–24; Balogh, *A székely nemesség*, 58–60; Oborni, “A székelyek országrendisége,” 68; K. Markaly, “Csíkszék szerepe az országos politikában,” 89.

53 Szabó, ed., “Mihály vajda adomány-levele,” 789; Szádeczky, ed., *Erdély és Mihály vajda története*, 314; Demény, “Mihály vajda szabadságlevelei,” 122–24.

reorganize the system land ownerships. The charter of March 1600 does not therefore contradict the 1599 charters but rather confirms them by stating that the liberated commoners were free to move from the estates of the nobles and the *primipili* (since they had regained their personal freedom). This is supported, for example, by the act of Imre Lőrincz's relict in 1599, in which she dismissed Mihály Incze and Pál Incze and freed them from all services, allowing them "to leave our land at any time they wish, they may leave, they are free with themselves."<sup>54</sup> However, the March 1600 charter set a deadline (24 April), which is an absolute limitation: those who did not leave the lands by then remained in serf status, and the landlords could settle new serfs to substitute those who had left.<sup>55</sup>

Sigismund Báthory confirmed the privileges of the Székelys on 31 December 1601, after they had presented one of their earlier donation charters (presumably the one of 1599). Since, as the charter stated, the Székelys were "born to bear arms rather than to work as peasants," it liberated all Székelys who had become serfs after 1562. These liberated serfs formed the large group of *libertini* (Hung. *szabad székelyek*, i.e., free Székelys). However, as far as the system of donations is concerned, the 1601 privilege charter did not bring any change in this respect. Only the sale or pledging of the donated lands was declared null and void, not the acquisition of the estate by means of donation.<sup>56</sup> In his charter issued on 16 February 1605, Stephen Bocskai also guaranteed the libertine status of commoners, which did not change during the existence of the Principality of Transylvania.<sup>57</sup>

It should also be noted that the scholarly literature considers certain articles of the Diets at Lécfalva in October 1600 and Medgyes (Mediaș) in August 1602 (12 and 14 October 1600, 26 August 1602) as revoking the privileges of Voivode Michael of 1599–1600 and Sigismund Báthory of 1601, which pushed the liberated commoners back to serf status.<sup>58</sup> In my opinion, however, these occasions did not actually restore former social relations, since article 12 October 1600 only disposed of the reconstruction of the destroyed castles in Székely Land (Várhegy and Udvarhely), while article 14 October 1600 provided for the procedure of compensation for the damage caused not only by former serfs but also by the *primipili* and nobles.<sup>59</sup> Article 26 August 1602 declares the subjection of those serfs to the landlords who had already

54 MNL OL P 2257 215. 1. fol. 2r.

55 Demény, "Mihály vajda szabadságleveli," 124.

56 Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. IV, 150–54, vol. V, 168–71.

57 Nagyajtai Kovács, ed., "Székelyekről közlemények," 182–83.

58 Jakab and Szádeczky, *Udvarhely vármegye*, 300; Connert, *A székelyek alkotmányának története*, 147; Szádeczky-Kardoss, *A székely nemzet története*, 146; Balogh, *A székely nemesség*, 61; Oborni, "A székelyek országrendisége," 72, 74; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 68.

59 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. IV, 556–57.

been quasi-serfs before 1562 (Hung. *ősjobbágyok*, i.e., primordial serfs) and those who had bound themselves as serfs since the privilege charters in force (Hung. *fejekötött jobbágyok*, i.e., ‘head-bounded’ serfs). Another source of misunderstanding in the scholarly literature may derive from the same article, according to which nobles and the *primipili* were perfectly legitimate owners of their donated estates as well as their properties acquired by sale and purchase, exchange, or pledge (except for those seized by force) and that no one shall perturb their possession.<sup>60</sup>

The previous analysis, however, has shown that the privileges issued during the Long Turkish War, without exception, granted only personal freedom to the commoners who had become serfs of private landlords, but none of these documents restored the ownership of their original lands, and all of them proclaimed the legitimacy of the prince’s donations. The latter provision of the Medgyes Diet is therefore logically linked to these observations and cannot be interpreted as a means of relegating the commoners to serf status. Finally, the assessment of article 26 August 1602 as a revocation of the liberation of commoners is contradicted by the fact that the same Diet, in its Articles 30 and 31, which disposed of the collection of contributions to the costs of envoys and gifts to be sent to the emperor, also specifies the amount to be paid by the *libertini*,<sup>61</sup> which would obviously make little sense if their liberation had been simultaneously revoked.

### Székely society after the Long Turkish War

By the beginning of the seventeenth century, a rather complex picture of Székely society had developed, but afterwards no drastic changes like those of the previous period occurred during the early modern period. The circle of those with a free status was made up of the nobles, *primipili*, *pixidarii*, and *libertini*, as well as the ‘bourgeoisie,’ a narrow stratum of Székely society that was in a special position and is, therefore, not described in detail in this study. With regard to the situation of the nobles and the *primipili*—apart from the fact that during the seventeenth century the princes sought to strengthen these classes through their donations<sup>62</sup>—I will briefly address the similarities and differences in their legal status.

The 1562 edicts of Segesvár declared that “the *primores* and the *primipili* shall own their properties and enjoy the same prerogatives in all seats, just like the nobility in their estates,”<sup>63</sup> and the scholarly literature also considers the *primipili* to have

60 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. V, 141–42.

61 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. V, 143–44.

62 Jakó, “A székely társadalom útja,” 33; Tüdős S., “Kiváltságlevelek nyomában,” 242–48.

63 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 203.



the same status as the nobles.<sup>64</sup> This point of view seems to be confirmed, for example, by the phrasing of a 1569 charter of John II<sup>65</sup> and a 1620 village statute from Csík Seat. The latter refers to the *primipili* as *primipili* noblemen (Hung. *lófő nemes személyek*, i.e., noble horsemen),<sup>66</sup> which expression can also be traced in other sources.<sup>67</sup> Yet the difference between the noblemen and the *primipili* appears to be not only of a financial nature: there are signs also in the areas of taxation,<sup>68</sup> military service,<sup>69</sup> bearing the office of the village judge,<sup>70</sup> the use of collective village assets (lakes and forests),<sup>71</sup> and the special ‘right of consent’ to the decisions of the village community,<sup>72</sup> especially in the seventeenth century.

It appears that future historical research should pay more attention to the differences and similarities between the legal status of these strata. After all, it is pointless to have a series of studies on the mobility between social classes and the wealth of the nobles and the *primipili*<sup>73</sup> if we cannot specify the actual effect of moving from one social class to another. Indeed, it would be worth reconsidering the actual meaning of the term ‘noble’ in seventeenth-century Székely Land. The meaning of this concept may seem obvious, but in practice it is not. In the late medieval period—as Benkő states—the main caesura can be drawn between those Székelys who owned lands in the counties and those who did not; members of the former group were considered noblemen across the country, while those of the latter group were not.<sup>74</sup> Furthermore, they tend to differentiate the substrata of the nobility corresponding to their honorary titles (*agilis, egregius*),<sup>75</sup> and as a result the *primipili*

64 Connert, *A székelyek alkotmányának története*, 137; Tüdős S., “A háromszéki hadköteles székelység,” 231; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 147.

65 Szabó, Szádeczky and Barabás, eds, *Székely oklevéltár*, vol. II, 246.

66 Imreh, *A törvényhozó székely falu*, 295.

67 ANR Harghita Fond 27. 1. Nr. 32.

68 ANR Covasna Fond 77. Fasc. 28. fol. 20; Szabó, Szádeczky, and Barabás, eds, *Székely oklevéltár*, vol. II, 212; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. XII, 445.

69 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. II, 203.

70 Rácz, ed., *Sepsiszéki cirkálási jegyzőkönyvek*, 276; Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. XI, 236.

71 MNL OL P 1868 IV. 51. fol. 10–4.

72 SZNM K Lsz. 65 886. fol. 96v. (Here I would like to thank the Székely National Museum, and especially Hunor Boér, the museum’s librarian, for making the original manuscript available to me in digital form.); Rácz, ed., *Sepsiszéki cirkálási jegyzőkönyvek*, 421–22.

73 See: Tüdős S., “A háromszéki hadköteles székelység”; Demény, “Gazdálkodás és társadalom”; Balogh, *A székely nemesség*; Balogh, “Székely primorok”; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 130–51.

74 Benkő and Székely, *Középkori udvarház*, 25; Benkő, “Nemesség és nemesi reprezentáció,” 227.

75 Benkő and Székely, *Középkori udvarház*, 25.

were not even considered nobles.<sup>76</sup> This perception, on the other hand, cannot be directly applied to examine the inner social stratification in Székely Land after 1562, because afterwards the system of land ownership changed fundamentally, and the usage of honorary titles in the late sixteenth and seventeenth centuries seems inconsistent. According to Kinga Tüdős S., after 1562 it was a heterogeneous group that included all strata from the *primores* and *primipili* along with the so-called *armalists* and the county noblemen who acquired landholding in Székely Land and those who later obtained the status of *primipilus* or *pixidarius* by a princely grant.<sup>77</sup> Briefly, this group thus would include all Székelys with free status except the *libertini*. In the early modern period, however, they operated with a clearly narrower notion of the term, in which even the *primipili* would not perfectly fit.

I would hypothesize that one of the bases of the differences between the two layers—between the *armalists* or curial noblemen and the *primipili*—was the possession of the parcel (Hung. *telek* or *házhely*, Lat. *fundus* or *curia*) which they held at the time of the princely donation of their title, and to which the various privileges and immunities were attached. The assumption may indeed seem obvious in the light of the legal system of the early modern age. Nevertheless, the scholarly literature has hardly ever sought to differentiate between the two classes on this basis, but solely on the basis of wealth, social prestige, and career opportunities, or formalities such as seating at the table or self-representation.<sup>78</sup> The significance of the parcel mentioned in the donation charter is highlighted, for example, by the petition of András Mihály of Árkos (Arcuş) in 1674. In his letter, the *primipilus* Mihály describes that he had previously exchanged his parcel in Árkos for a house in Szentgyörgy (Sepsiszentgyörgy, Sfântu Gheorghe) but on condition that he was still obliged to perform military service, while the contracting party had to continue paying taxes imposed on the house in Szentgyörgy. In other terms, it was agreed that the obligations deriving from the ownership of these parcels were still to be imposed on the original owner in the future. However, resenting this situation, the town of Szentgyörgy wished to take András Mihály as a permanent resident, who as a result would have lost his privileges as *primipilus*. In order to avoid this outcome, Mihály supplicated the prince to grant him nobility by means of a simple noble charter (Lat. *simplex armalis*) which did not include a donation of property. This case seems to imply that the possession of the property for which the *primipilus* status had been granted (or of another parcel to which a princely grant attached similar exemptions) was required for someone

76 Benkő and Székely, *Középkori udvarház*, 77.

77 Tüdős S., “Kiváltságlevelek nyomában,” 241.

78 Benkő and Székely, *Középkori udvarház*, 25; Benkő, “Nemesség és nemesi reprezentáció,” 237–41; Balogh, “Székely primorok”; K. Markaly, *Csikszék és a csikszéki nemesség*, 147–51; Tüdős S., “Kiváltságlevelek nyomában,” 241, 245–46.

to vindicate the previously donated *primipilus* status and the associated privileges. On the other hand, a person with a noble title did not necessarily have to own a parcel with privileges in order to belong to the nobility, since, according to this source, András Mihály could have avoided coming under the town's jurisdiction and civic status by merely holding a noble title, for which his *primipilus* rank and his military services would not have been sufficient.<sup>79</sup> However, a more in-depth examination of these issues should be the subject of further targeted research.

The scholarly literature has also paid scarce attention to the question of how the status of the *pixidarii*, who were liberated from serfdom by the princes after the 1562 edicts of Segesvár to perform military service, can be compared to that of the *libertini*, who regained their freedom at the end of the Long Turkish War also in exchange for military service as infantry. Zsigmond Jakó merely noted that the layer of the *libertini* basically corresponded to the *pixidarii*, since both groups served as infantry.<sup>80</sup> In my view, this simplification is not necessarily correct, because the *pixidarii* and the *libertini* are in some respects different. First of all, in the censuses and military connumerations, the so-called *lustra* registers, the two strata were listed as separate categories,<sup>81</sup> and presumably the military equipment required for service also distinguished them, as the *pixidarii* were obliged to go to war with a rifle, while the *libertini* were under no such obligation. The statutes of the seats and the villages also distinguished the two strata, which were often entitled to similar rights and subject to parallel obligations, but were also subject to certain different regulations, which clearly indicates their distinct status.<sup>82</sup> Moreover, we see that even within the same document a clear distinction is made between the *pixidarii* and *libertini* in various types of contracts when determining the status of the contracting parties or the arbiters (Hung. *fogott bírák*).<sup>83</sup> The same distinction can be seen in the testimonial records of the trials at the courts of the seats.<sup>84</sup> It is noteworthy that from the mid-seventeenth century onwards we meet the so-called mounted riflemen (Hung. *lovas puskások*): they were actually *pixidarii* who undertook military service with a horse and rifle and, in return, the prince granted them privileges similar to those of the *primipili*, for example, exemption from bearing the office of village

79 ANR Covasna Fond 77. Fasc. 17. fol. 86–7.

80 Jakó, "A székely társadalom útja," 32; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 122.

81 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 197–712.

82 The statutes of Maros Seat concerning the allocation of the common land and the village statutes of Menaság, Mindszent, Szentlélek, Várdotfalva, Csomortán, Pálfalva and Delne (1620) distinguished between the *pixidarii* and the *libertini* in accordance with scything. Kolosvári and Óvári, eds, *A magyarországi törvényhatóságok*, vol. I, 61; Imreh, *A törvényhozó székely falu*, 296.

83 ANR Harghita Fond 302. No. 2.

84 ANR Harghita Fond 26. 3. Nr. 6. fol. 1v.; ANR Harghita Fond 27. 5. Nr. 2. fol. 36r.; MNL OL R 363 1. fol. 19r., 2. fol. 3.

judge. However, since this prerogative led the *pixidarii* to list themselves among the mounted riflemen in order not to be elected judges of a village, a law was passed in 1656 requiring mounted riflemen and *primipili* to bear this office in addition to the *pixidarii*.<sup>85</sup> However, based on the documents of legal transactions and court proceedings, I believe that the mounted riflemen should be considered a separate social stratum, and should be distinguished from both the *pixidarii* and the *primipili*.<sup>86</sup>

There are also several different substrata among the dependent class; primarily, the serfs who already before 1562 lived as quasi-serfs, and the serfs who were liberated in the 1601 and 1605 charters but later bounded themselves as serfs again. The social downgrading process at the beginning of the seventeenth century, which posed a serious problem for the princes,<sup>87</sup> was actually a logical consequence of the fact that many commoners were liberated without a proper financial basis for self-support, namely by letting their parcels to their previous landlords. From the Székelys who permanently bounded themselves to serfdom, we can distinguish those who bounded themselves, their entire family or only a single family member to serfdom as a quasi-pledge for a certain debt until its reimbursement. This debt could simply be a loan of money or in kind as a means of subsistence,<sup>88</sup> money borrowed to redeem a property,<sup>89</sup> to pay a fine,<sup>90</sup> or to redeem someone from captivity.<sup>91</sup> The presence of *inquilini* (Hung. *zsellérek*) and temporary residents, often of Romanian ethnicity, in the settlements dates back to the sixteenth century, but we only have significant data on them from the seventeenth century, for example from the 1614 census or the 1690–1701 registers of *inquisitio malefactorum* of Sepsisvár. <sup>92</sup>

## Conclusion

In this short study, I have tried to outline the fundamental changes in the peculiarly organized Székely society along the turning points of their history in the sixteenth and seventeenth centuries (the 1562 edicts of Segesvár and the privileges issued

85 Szilágyi, ed., *Erdélyi országgyűlési emlékek*, vol. XI, 236.

86 ANR Covasna Fond 75. Fasc. 3. fol. 56; MNL OL R 363 6. fol. 3v–4r., 13v.

87 For more information, see: Demény, “Gazdálkodás és társadalom,” 911–12; K. Markaly, *Csíkszék és a csíkszéki nemesség*, 69–77.

88 MNL OL P 1610 63. fol. No. 45–6; Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 288, 291, 304–5, 344, 348, 352, 453, 455, 502, 768–70.

89 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 209, 525.

90 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 304, 344, 667.

91 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 296, 435, 439.

92 Demény, Pataki, and Tüdős S., eds, *Székely oklevéltár. Új sorozat*, vol. IV, 197–562; Rácz, ed., *Sepsiszéki cirkálási jegyzőkönyvek*, 51–492.

during the Long Turkish War). I have also attempted to give an overall picture of the structure of society, which was drastically transformed a few times from its medieval state, when it was composed of *primores*, *primipili*, commoners, and primordial serfs, partly by natural evolution and partly by artificial interventions. After 1562, the former *primores* and *primipili*, who gained a quasi-noble status, were joined by the *pixidarii*, who were granted this status by individual or collective donations. At the same time, former commoners became princely serfs, and from that time the monarch could donate them to private landlords. After the privileges granted at the end of the Long Turkish War (1599, 1600, 1601, and 1605), the former commoners became *libertini*, who, together with the nobles, the *primipili* and the *pixidarii*, formed the layer of Székelys with free status; despite a massive social downgrading process observed in the seventeenth century, through their donations the princes tried to preserve the military potential of the Székelys.

In my research, I have focused on the legal–historical processes accompanying the social transformation (first of all, the introduction of the *ius regium* in Székely Land and the development of land ownership). Examining these topics has enabled me to draw several conclusions that seem to radically contradict what we thought we knew about the early modern history of the Székelys. These include the fact that the *ius regium* remained an integral part of the Székely legal system throughout the period after 1562, and its consequences can be measured both in the law of succession and in the life of the village community. Furthermore, it appears that the revocation of the 1595 Charter of Feketehalom was a legally justified decision, and that the laws of 1600 and 1602 did not in fact relegate the Székelys to serf status. In addition, the legal-historical perspective has raised key social-historical questions not sufficiently addressed by previous research. For example, the similarities and differences between the legal status of the nobles and the *primipili*, and that of the *pixidarii* and *libertini*, as well as the relative proportions of the different social classes. Although this study has already tried to formulate hypotheses on the possible solutions to these questions, it is impossible to provide conclusive answers without further basic archival research.

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